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# **A Comparative Analysis of Media Pluralism and Content Diversity Policy in Slovenia, Hungary, Croatia and Serbia**

Subject: Cultural Policy and Cultural Rights

## Introduction

**The purpose of this paper** is to explain and present the existing policies and practices on media pluralism and content diversity in four different states in Europe, through comparing and analyzing two member states of the European Union, Hungary and Slovenia, and two non-EU countries, Serbia and Croatia. The main goal of this paper is to recommend solutions for better practices in media pluralism and content diversity in one of the analyzed countries, Serbia. The countries previously mentioned have been chosen for the analyses and comparison due to their close proximity to each other, and the similar composition of their minority populations.

**Media pluralism and content diversity** are considered essential for the functioning of a democratic society and are the corollaries of the fundamental right to freedom of expression and information as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Pluralism of media with diverse ownership and viewpoints, independence and transparency -- is generally believed to contribute to a press that honors the ideals of democracy and reflects diversity within society. Diversity of content examines the environment for inclusion of political, sexual, gender, ethnic, racial, religious and other minority viewpoints, representations and issues. Therefore, in order to achieve greater unity between its citizens for the purpose of safeguarding and promoting the ideals and principles which are their common heritage and fostering economic and social development, it is crucial to have a well developed media landscape.

**The methodology** used for this paper consists in gathering and analyzing the information regarding the current cultural policy objectives of the selected countries concerning the topic of media pluralism and content diversity, an analysis of the infrastructure of their media landscape, and the actions taken by the government. The main sources of information for writing this research paper include: an information database used for monitoring the existing and new instruments for cultural policies in the European countries, a project of ERICarts – Compendium of Cultural policies and Trends in Europe, websites such as Council of Europe, Europa – Gateway to the European Union, ACT – Association of Commercial Television in Europe, European alternatives and EBU – European Broadcasting Union, as well as additional research reports, official government websites, journal articles, and selected literature from the fields of cultural policy and cultural management.

## Presentation of the Issue

Since Hungary and Slovenia are member states of the EU and Croatia has already passed negotiations for joining the EU, whilst Serbia is in the process of setting a date for the negotiations and is a candidate state, all of the analyzed countries are bound to follow the EU policy recommendations and objectives.

There are three major long-term EU objectives concerning media pluralism and content diversity<sup>211</sup>:

- Establishing a pan-European coalition of civil society organizations with an interest in media pluralism going beyond exclusively professional or sectorial associations. Working title: European Media Council. Nothing of this kind currently exists, and the creation of such a Council would be a significant advance in promoting media freedom at a pan-European level and providing ongoing support to advances in and advocacy for the protection of media pluralism at the level of European institutions.
- Bringing about a substantial improvement in legislation regarding media pluralism and freedom at a pan-European level, through a campaign within the European Parliament and the possible launch of a European Citizens' Initiative to directly target the European Commission. Legislation within the current EU competences to be improved includes: a) The implementation of the European Commission's own Media Pluralism Monitor, employing clear indicators for threats to media pluralism in the Member States, and/or b) The definition of clearer and more effective anti-trust legislation at the EU level governing concentration in media and publicity.
- Campaigning for media pluralism and freedom at the European level, raising awareness of the European dimension of the defense of media freedom, and developing a common transnational platform going beyond the already-existing EU competences.
- In accordance with the statute of the Council of Europe and the Convention for the Protection of Human Rights and Fundamental Freedoms, UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and different recommendations written by the EU Committee of Ministers, specific policy issues concerning media pluralism and content diversity, the Committee of Ministers has recommended specific measures. The recommendation entitles measures for:
- **Promoting structural pluralism of the media** – the general principle member states should follow, how the ownership regulations, access regulation and interoperability should be applied, and what the public service media, as well as other media, should ensure to contribute to pluralism and diversity.

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- **Promoting content diversity** – since pluralism of information and diversity of media content will not be automatically guaranteed by the multiplication of the means of communication offered to the public, member states should define and implement an active policy in this field, including monitoring procedures, and adopt any necessary measures in order to ensure that a sufficient variety of information, opinions and programs is disseminated by the media and is available to the public. Therefore, a promotion of wider democratic participation and internal diversity, allocation of broadcasting licenses and must carry/must offer rules, raising awareness of the role of media and support measures, are what member states should encourage.
- **Media transparency** – ensuring that the public has access to various types of information on existing media outlets, concerning the structural influences or support and the person and bodies participating.
- **Scientific research** – support scientific research and study in the field of media concentration and pluralism and promote public debate on these matters.

## Presentation of the Situation

### Hungary

Hungary is a parliamentary republic which joined the EU on the 1<sup>st</sup> of May 2004.

### Media Legislation

The Constitution of Hungary legally guarantees freedom of speech, expression and press, alongside the Press Law of 1986 and the Media Law of 1996. The Media Law regulates content and ownership in electronic media. Freedom of press prohibits censorship and restricts dissemination of harmful content, hate speech is also regulated by the Media Law and the sanctioning body, the National Radio and Television Board (ORTT).

Following the technological evolution and the EU policies in 2005, the parliament passed a law on electronic freedom of information, which obliges government bodies and organizations to make relevant information about their work, including the outcomes of legislative and judicial procedures, publicly accessible on the Internet.

The newest change in legislature concerning media pluralism in Hungary was in 2010, where the mission and structure of public television were stipulated in the *Act on Media Services and Mass Media (CLXXXV/2010)*.

## **Regulatory Authority**

The main supervisory body is the ORTT, the National Radio and Television Committee, in charge of the allocation of frequencies and supervising the observation of the Media Law, including the amount of time allocated for advertising and appropriateness of the content of programs. Included in the ORTT is a commission dedicated to dealing with complaints from viewers. The supervisory body has the authority to fine broadcasters or suspend broadcasting. ORTT is formed by the nominees of the parliamentary parties, whereas the president is appointed by the president and the prime minister of Hungary, therefore the board reports to the parliament on a regular basis.

## **Media Landscape<sup>212</sup>, Pluralism and Content Diversity**

Public media in Hungary functions on four channels: national radio, national television, Duna TV and the Hungarian Press Agency. They are all governed by the Public Service Foundation (Közszolgálati Közalapítvány).

Concerning the fight against the monopoly of and the competition in the media landscape, the National Competition Authority has been effectively applying anti-trust measures, preventing a few buyouts. However, when it comes to commercial media, the majority is owned by international capital, for example, the two nationwide commercial channels are well ahead of the number one public channel in terms of the number of viewers: their combined share of viewers was 45% in spring 2011, as opposed to MTV's (Magyar Televízió) 10%. When applying for a long-term license, these nationwide commercial channels had to include certain promises of a cultural character in their programming scheme, however due to the relative decrease in advertising budgets, the cultural content of these media has fallen considerably. However, the new Media Law increased the share of Hungarian (minimum 33.3%) and European (minimum 50%) films; they are 50% and 60% in public media.

According to the Media Law, the third category of media includes the community television and radio channels on the local and regional levels.

Approximately 75% of households had access to 57 channels in Hungarian, including the Hungarian versions of multinational chains, in addition to international ones in their original languages, via cable television. The situation on the radio is similar, since there are three national public service channels and several dozen national and local stations. Printed media is audited by the Hungarian Audit Bureau of Circulations (MATESZ, <http://www.matesz.hu>), with a combined print run of 8.96 million copies, about half of which are national, and the other half local and regional papers. The largest print belongs to the free weekly *Budapesti Piac*, with 690,000 copies, while tabloids run around 200,000 daily and the largest political dailies sell 40,000 to 60,000 copies. Each of these papers has an internet version and a number of widely read internet-only newspapers exist.

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## **Slovenia**

Slovenia is a parliamentary republic which joined the EU on the 1<sup>st</sup> of May 2004.

### **Media Legislation**

The Mass Media Act was introduced in Slovenia in 1994; it has been revised a few times, but the last revision was made in 2006, when it was adopted by the parliament. The revised act abolished the former restrictions on ownership to 33% for any person, including foreigners, and assigned the task of restricting ownership concentration to the state. Another crucial change introduced was the “right of correction”, by which anybody who was upset or offended by what had been written or said or implied about him/her, including comments, and wanted to present different, “opposite” facts, could demand a “correction”, and this correction would have to be published in the same place (including the front page) and occupying the same space or even larger, since this correction could be longer than the original article. This possibility allowed a number of controversial “corrections” resulting in the limitation and oppression of editorial independence and journalistic freedom to criticize. Due to this, in 2008, the new government planned to reconsider the Mass Media Act and media legislature in general.

Public broadcasting is regulated by the 1994 Law on RTV Slovenia, which was amended in 2005, after a special referendum for this law was held and after the law passed with a 50.2% majority. The main change was that the parties forming the Government now had a majority in the newly created Programming Council – which would replace the existing Council of RTV Slovenia – and in the Supervisory Board. Since this practice had a lot of flaws in 2008, the newly formed left-wing government announced that new changes would be adopted in 2010.

### **Regulatory Authority**

The Ministry of Culture represents the main regulatory body, alongside the Media Inspector and the Directorate for Media who act under the framework of the Ministry of Culture. The Ministry of Culture supervises the implementation of the Mass Media Act – the fundamental legal document regarding press and mass media in general. The Media Inspector, based within the Ministry of Culture, deals with breaches of the Mass Media Act on his own initiative or after complaints from members of the public (the complaints cannot be anonymous), he cannot commit monitoring on his own.

Furthermore, the Agency for Post and Electronic Communications of the Republic of Slovenia (APEK) and the Broadcasting Council (SRDF) are regulatory bodies responsible for broadcasting and telecommunications, issuing broadcast licenses, and supervising the adherence of broadcasters to the determined obligations.

## Media Landscape, Pluralism and Content Diversity

In the past few years media pluralism has been one of the most political issues of all government activities in Slovenia.

Local, regional and student channels that are considered of special importance for their communities must provide local and regional content (news, current affairs and culture), or content dedicated to students. Television and radio channels that are considered to be of special importance receive benefits such as: preferential treatment when applying for broadcasting frequencies, lower prices for copyright and, where possible, free distribution by cable operators; it is also possible for them to receive funds from the state budget for specific projects. A number of quotas have been imposed on television and radio channels of special importance:

- “Local television and radio channels of special importance” must cover 10% of the population of Slovenia and broadcast at least 30% of local in-house content production daily;
- “Regional television and radio channels of special importance” must cover between 10% and 50% of the population of Slovenia and broadcast at least 30% of regional in-house content production daily; and
- “Non-profit television and radio channels” must broadcast at least 30% of in-house production (news and current affairs, arts, educational, cultural and entertainment content) daily.

As a means of defence against monopoly, different anti-trust measures have been undertaken:

- Ownership - potential investors have to receive permission from the Ministry of Culture, which consults with the Agency for Post and Electronic Communication, the Securities Market Agency, the Competition Protection Office and the Broadcasting Council, if they intend to acquire 20% or more of the proprietary shares or the voting rights in newspaper, television or radio companies. Also, the report has to be open to the public each year concerning ownership data and possible fluctuations.
- Cross-media ownership - owners can be involved in either radio or television broadcasting, but not in both. The owner of a radio or television channel can control up to 20% of the shares or voting rights at a daily newspaper and vice versa. There are no limits regarding cross-media ownership of magazines, radio or television channels. Advertising agencies cannot own or control more than 20% of the shares or voting rights of a radio or television channel. Telecommunications companies cannot own a radio or television channel.

The share of domestic vs. imported media programs:

Public TV - The public broadcaster, RTV Slovenia, includes Television Slovenia (Televizija Slovenija) and Radio Slovenia (Radio Slovenija). There are five public service television channels: SLO1, SLO2 and TV 3 (parliamentarian program) are national channels, and Television Koper/Capodistria and Television Maribor (Tele M) are regional channels. The EU "Television without Frontiers" directive is, to a certain extent, mirrored in Article 92 of the Mass Media Act, which lists the following requirements for RTV Slovenia:

- European audiovisual production must account for the majority of airtime of annual public service broadcasting;
- Both channels of public service television transmission, SLO1 and SLO2, have to reserve at least 25% of their annual airtime for programs produced in Slovenia; and
- The public service broadcasters must reserve 10% of their schedule for programs by independent producers.

Private TV – there are 35 commercial television channels. The Mass Media Act imposes that 20% of the commercial stations' daily broadcast time must be produced in-house or on the behalf of the broadcaster, and that two per cent of the stations' annual broadcast time must consist of films of Slovenian origin or other works from the field of literature, science and art.

Slovenian music quotas - the prescribed share of Slovenian music to be broadcast daily by radio or television programs is 20%. This percentage is 40% in the case of national radio and television programs and 25% for radio and television channels of special importance.

Arts and culture programs - the share of these programs, in total broadcasting, is approximately 5%, and there are regular program series with cultural or artistic content.

Specific training programs - many specific training programs for journalists concerning intercultural dialogue and diversity of views are mostly organized by the Peace Institute and the Slovene Association of Journalists; some of the recent topics were: multicultural societies and the media, the position of Roma people in the media, and the media and social/ethnic minorities.



## **Croatia**

Croatia is a parliamentary republic which is in the process of accession to the EU.

### **Media Legislation**

The Croatian constitution guarantees freedom of expression and freedom of the press, therefore banning censorship, and entitling journalists to report and access information, also granting them the right of correction if legal rights are violated by published news.

Croatian media are governed by the Law on Media, the Law on Electronic Media, the Law on Croatian Radio-Television and the Law on the Right to Access Information, which have been harmonized with European standards.

Criminal code and civil code are used through the provision on defamation and libel in media. Even so, ethical violations are limited only to moral condemnation; even though a regulatory body exists, called the Code of Ethics of the Croatian Journalists' Association, its judgment is limited to making the judgment public.

### **Regulatory Authority**

There are three regulating bodies for the media market in Croatia: the Council for Electronic Media, the Committee for information, ICT and media, and Agency for Telecommunications.

The Council for Electronic Media has the power to monitor electronic media, issue warnings, file charges, make recommendations and support self-regulation.

The Committee for Information, ICT and Media is the parliamentary body authorized to discuss media issues decided on in parliament; it participates in drafting laws on print and electronic media, discusses laws on the right to information, instigates the rights to information and communications through new technologies (the Internet), and promotes the use of computers and the Internet.

The Agency for Telecommunications is a mediation body in out-of-court disputes between users and the providers of telecommunications services, and a protector of consumer rights.

### **Media Landscape, Pluralism and Content Diversity**

Diversity and plurality of media are particularly promoted by the Fund for the Promotion of Pluralism and Diversity of Electronic Media, established by the Electronic Media Act provisions that have included the Audiovisual Media Services Directive (AVMS Directive) solutions. The fund is administered by the Council for Electronic Media (VEM), and financed by 3% of Croatian Radio Television license fees. It supports broadcasters at local and regional levels who serve local communities and sometimes introduce the usage of local dialects in broadcasting (e.g., in the Istria region). A substantial interest in promoting and supporting diversity and plurality in the media

also comes from the market, which has already influenced growth and diversification of the media and media programs.

In 2010, there were 168 radio stations, five of which were national, while others were regional or local, 870 print media, 30 TV channels (nine with national concessions) and 66 Internet service providers.

Croatia has successfully undergone a process of digital switchover, therefore creating space for the Council for Electronic Media to publish tenders for new licenses, and from 2010 several national licenses have been given to music channels, sports channels, financial news channels and two specialised entertainment channels owned by Nova TV and RTL.

Media production in the arts, humanities, cultural history and identity is mostly broadcast on Croatian Television's First Channel and Croatian Radio's Third Programme that later became completely devoted to culture. Culture has a constant share of 4% of total radio broadcasting. Since local television and radio station broadcasts are directly dependent to the market they have a larger amount of commercial programmes than the national stations. The daily press covers cultural life and social/political events, a number of specialised bi-monthly magazines (e.g. Zarez, Vijenac) write extensively about art and culture. The best known specialist journals in the cultural field are Kontura (visual arts), Frakcija (performing arts), ČiP, Oris (architecture), Most (The Bridge - literature), Europski glasnik (European Herald - culture and sciences), Hrvatski filmski ljetopis (Croatian Film Chronicles - film), etc. In June 2011, the Ministry of Culture supported the publication of 92 programs of local, regional or national (printed and online) cultural journals. In the process of privatization, the law stipulates that broadcasters must have a certain amount of cultural and art programs.

## **Serbia**

Serbia is a parliamentary republic which is in the process of negotiations for the accession to the EU.

### **Media Legislation**

Due to its former repressive regime, the revision of a new legal framework was needed in Serbia after 2000. A group of independent experts prepared drafts of the new regulations in accordance to EU standards. First, Serbia got the Broadcasting Act (2002) that was designed to establish order in the field of broadcasting. In 2003, a new Public Information Law was introduced, which regulated the principles of public communication. The Law on Free Access to Information of Public Importance was adopted in 2004, and the Law on Advertising in 2005.

The Public Information Act introduced the principles of pluralism of ideas and opinions and outlawed censorship and information monopoly, introducing a dual broadcasting system, consisting of a public service (controlled by independent bodies) and commercial media.

The Broadcasting Act from 2002 made privatization of all radio and television stations mandatory (except for public service broadcasters RTS and RTV) by the end of 2006. However, in 2009, there were 58 radio and TV stations whose privatization was postponed.

### **Regulatory Authority**

There are three regulating bodies in Serbia: the Republic Broadcasting Agency (RRA) established in 2005, the Republic Telecommunication Agency (RATEL) also established in 2005, and the Press Council established in 2010; print and new media are not regulated.

The Republic Broadcasting Agency (RRA) has authority over the strategy for the development of the broadcasting sector, issuing available broadcasting licenses, on the basis of the standards it defines, setting rules and instructions for broadcasters, and monitoring their work. It is also given the power to appoint the managing board of RTS, which in turn chooses RTS (national broadcasting public service) directors.

The Telecommunications Agency (RATEL) is in charge of defining the conditions for radio frequency spectrum usage, drafting the Radio Frequency Allocation Plan, allocation of frequencies to radio and TV stations and monitoring the usage of the radio frequency spectrum.

The Press Council is a self-regulatory body for print media which aims to secure the implementation of ethical journalistic code in the press and its service to the public interest.

## Media Landscape, Pluralism and Content Diversity

In Serbia, the major producer of cultural programs, such as drama, TV films, educational programs, documentaries etc., is public broadcasting that sometimes undertakes the practice of outsourcing to film production companies. In order to prevent the direct commercialization of programs, broadcasters are stipulated by law to produce their own programs in order to protect national culture and to foster employment of local artists and media professionals.

From 2005, RTS national public broadcaster took the function of collecting license fees. The broadcasting agency announced a few competitions: one for national broadcast licenses and two for regional broadcast licenses (Belgrade and Vojvodina). 20 candidates applied for national licenses, out of which 5 were granted permission for broadcasting TV programs and 5 for broadcasting radio programs. As previously mentioned, the process of privatization was postponed until 2009 and thus far 24 local media (owned by local authorities) were sold and 38 other local media organizations underwent the process of privatization. The precedents were made for TV and radio station Studio B, as a media company of the city of Belgrade and the city of Subotica kept the local radio public because of its multilingualism and its importance for the Hungarian minority. The main anti-trust measures to prevent media concentration after privatization prohibit broadcasters that:

- Limit foreign media ownership up to a maximum of 49% in the overall founding capital of a media company. It also regulates cross-ownership and media concentration depending on broadcasting coverage;
- Have more than 5% of the ownership in another broadcasting company with a national license;
- Broadcast more than one television and more than one radio program in the same area;
- Have more than 5% of the ownership in a daily newspaper company which publishes newspapers with a circulation of more than 30,000 copies, and vice versa;
- Have more than 5% of the ownership in a news agency, and vice versa; and
- Simultaneously publish a daily newspaper with a circulation of more than 30,000 copies.

And for broadcasters with local and regional coverage which:

- Have more than 30% of the ownership in another local and regional broadcasting company in the same area; and
- Simultaneously publish a local daily newspaper in the same or a neighboring area.

The Law on Free Access to Information of Public Importance, which enables both journalists and citizens to have easy access to relevant information, was approved in November 2004. At the beginning, it was not welcomed by the government institutions and public institutions and organizations, however, during 2008, there were 55,850 requests for information from public bodies, which is six times more than in 2007.

Since Serbia represents a multi-ethnic society, some of the radio or TV stations and newspapers are broadcast and published in all the languages of the various ethnic communities in Serbia, which represents a solid base for further development and improvement of their activities. As a way of supporting these media and other media programs at the time of a global crisis, the Ministry of culture allocated around €800,000 to support media organizations, through an open call for applications.

### Comparative Analysis

**Table 1: Comparison between four analyzed countries in regards to cultural diversity and inclusion policies, and language policies in the media landscape**

Country	Official Language(s)	Legally Recognized Languages of Minority Cultural Groups	Legal Provisions to Promote the use of Languages of Minority Cultural Groups in Radio/TV Programming
<b>Hungary</b>	Hungarian	Croatian, German, Romanian, Romani, Ruthenian, Polish, Serbian, Slovakian, Bulgarian, Greek, Armenian, Ukrainian and Slovenian	YES
<b>Slovenia</b>	Slovenian	Hungarian, Italian and Romanian	NO
<b>Croatia</b>	Croatian	Czech, German, Hungarian, Italian, Serbian, Slovenian and Ukrainian.	YES
<b>Serbia</b>	Serbian	In those areas where significant numbers of ethnic minorities live, the minority languages are in official use concurrently with the Serbian language.	YES

As can be seen in the table, Slovenia, unlike the others, does not have legal provisions for promoting the use of minority languages; however, they have regulated the media landscape in a form where more than 75% of population has access to cable and satellite television where such programs exist.

**Table 2: Comparison between four analyzed countries regarding their regulatory bodies and major laws**

Country	Main Regulatory Bodies	Major Laws
<b>Hungary</b>	National Communications Authority (NHH) National Radio and Television Authority (ORTT)	Act on Media Services and Mass Media
<b>Slovenia</b>	Agency for Post and Electronic Communications (APEK) Broadcasting Council Ethics Commission of Journalists Listener and Viewer Ombudsman of RTV Slovenia Ministry of Culture	Law on RTV Slovenia Mass Media Act
<b>Croatia</b>	Croatian Chamber of Commerce Croatian Competition Agency Croatian Parliament Croatian Standards Institute Electronic Media Agency Ministry of Sea, Transport and Infrastructure	Law on Media, Law on Electronic Media, Law on Croatian Radio-Television, Law on the Right to Access Information
<b>Serbia</b>	Republic Broadcasting Agency (RRA) Republic Telecommunication Agency (RATEL) Ministry of Culture	Public Information Act Broadcasting Law Free Access to Information Law Ethical Code of Serbian Journalists

### Scope of the Problem

The country for which this paper will define the scope of the problem is Serbia.

In spite of a lot of effort invested in drafting new bills, laws and radically changing the media landscape, through harmonization with European laws, the legal framework is still incomplete and inconsistent, because it does not provide enough guarantees for media autonomy, diversity and fair competition. Most of the new legislation has been considerably delayed before being passed, and it has been met with controversies when adopted. However, the Law on Free Access to Information of Public Importance, which allows access to the documents of public authorities, has made the greatest progress.

In order to preserve political influences, the government introduced changes to the drafts of the Public Information Act and the Broadcasting Law. These changes gave the right to the state to launch and run media outlets except for news agencies, also to restrict the free distribution of information.

In the Broadcasting Law, the number of members of the Broadcasting Agency Council - a newly established independent regulatory body - was reduced from 15 to 9 and the procedures for their nominations were set up in such a way that the government could influence the nomination of at least half the members. This discredited the idea of introducing a new regulatory authority right

from the very beginning. This resulted in legal inconsistencies and a blockade of the privatization process, which led to there being no fully functional media market in Serbia, and no basis for economic stability and autonomous editorial policies of the commercial media. The consequence is that commercial media have to compete with the media which are financed both by the state budgets and advertising revenues. Also, a number of illegal broadcasters operate in the media scene, not paying for their licenses, VAT or any other tax, since they have found a loophole in determining the regulatory body that would punish them or stop them from working.

In 2009, the government introduced new controversial amendments to the Public Information Act, which increased fines for law offenses such as violations of the presumption of innocence, violations of the rights of minors, etc., thus making serious threats to media freedom.

The state of regulatory independent bodies in Serbia is more than troublesome. Until 2005, the Council of the Republic Regulatory Agency had troubles and was inoperable due to the government appointing council members without any elections or transparency, and so on.

The delays in privatization and establishing a regulatory body affected the future work of the Broadcasting Agency, since it has still not been able to manage as an autonomous institution. The Agency does not have the human or financial resources to perform at optimum. Its role in creating a development strategy for the broadcasting sector is marginal. It rarely monitors the work of broadcasters and does not make these results publicly available. It admits that a majority of broadcasters violate the Law on Advertising and had pressed charges against them for the first time in 2010. The work of the Agency itself is not transparent; the terms of the council members are breached and so on.

Therefore, a change in the media landscape in Serbia is necessary and inevitable in order to make the accession to the EU, but it is also necessary to operate transparently, with no political controversies and legally. A strategy of development has to be created, because if it is not, then Serbia's democracy will have to be questioned.

## Conclusion and Recommendations

Since Slovenia and Hungary, of the four analyzed countries, are already member states of the European Union, and Croatia has set a date for accession, whilst accession for Serbia represents a pre-set goal, media pluralism and content diversity are one of the goals emphasized in this paper.

Slovenia, as can be concluded from the information presented and the situation analyses, represents an example of good practice, and a good role model for Croatia and Serbia. Croatia has already implemented some of the actions similar to the Slovenian media market. In Slovenia, the changes that started taking place following the post-1990s parliamentary elections, first in the field of newspapers and later followed by radio and TV stations, stick out in this landscape with new private and commercial broadcasters with foreign capital participation. The media that were recognized as important to the community (local, regional or student based) received state subsidies and benefits so that they could compete on the commercial market. Croatia has recently done a lot concerning media pluralism and content diversity; however, a lot is still to be done. Since they will soon have access to European funds, they will be able to improve their media landscape, and implement and use the good practices of European countries as well as their know-how.

However, in Hungary the good practice situation changed recently, in 2011, when the government introduced 30 new laws, including a major constitutional revision, thus putting the fundamental rights of freedom of speech at risk. The European Commission raised serious questions, since the European Union Charter of Fundamental Rights clearly states that the “freedom and pluralism of the media shall be respected”. Vice-president Margot Wallström stated the following after reviewing the situation: “Communication – understood as a lively and civilized debate among citizens – is the lifeblood of democracy. The media are its veins and arteries. The information they provide should be comprehensive, diverse, critical, reliable, fair and trustworthy”. The people tried to fight it and took to the streets to protest. The situation still hasn’t been resolved.

So, this brings us to the question of whether the situation in Serbia will bring forth a scenario similar to that in Hungary. If Serbia doesn’t revise its laws and the implementation of those laws, continuing to work by the government, or, to be more precise, political rules, the situation will become even worse.

The issues of ownership transparency and ownership concentration were to be settled in a separate law in 2011. However, this law is still in the drafting process.

The following represents the recommended actions and policy instruments that could be used in order to create the grounds for better achievement. The regulatory bodies in Serbia which would at least benefit from the proposal are RATEL, RRA, The Press Council and the Ministry of Culture.



### ***Recommendations:***

**Reinforcing the implementation of existing media laws** - regulating mechanism represents an effective way of ensuring freedom of information, free flow of information, diversity of opinion and media pluralism, thus respect of the existing laws should be a solid ground before introducing new and improved regulations.

**Harmonization of the EU recommendations and regulations standard** – in order to establish a timely, modern, transparent and justified framework for further media development, Serbia has to take positive steps and adjust national regulations according to new European regulations.

**Recognition and development of new media** – even though new media and the Internet may have a low level of penetration to the population, it is crucial to recognise and follow the world trends that will also be present here in the near future, if they are not already present.

**Reinforcement of the mechanisms of co-regulation and self-regulation** - setting up the basic rules of conduct and content related regulations, harmful content should be sanctioned according to joint codex, whilst other types should be left to editorial assessment.

**Regulation of transparency of ownership and ownership concentration** – even though it has already been announced, and it is said the law is in the drafting phase, it needs to be introduced.

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**Recommendation Rec(2003)9 of the Committee of Ministers to Member States on Measures to Promote the Democratic and Social Contribution of Digital Broadcasting**  
*(Adopted by the Committee of Ministers on 28th May 2003 at the 840th meeting of the Ministers' Deputies)*

**Appendix:**

Appendix 1 – Media Market in Hungary

Appendix 2 – Media Market in Slovenia

Appendix 3 – Media Market in Croatia

Appendix 4 – Media Market in Serbia

## **Appendix 1 – Hungary**

### **The Press**

Nepszabadsag - daily

Magyar Hirlap - daily

Magyar Nemzet - daily

Nepszava - daily

Heti Vilaggazdasag - political and business weekly

The Budapest Sun - English-language

The Budapest Times - English-language

### **Television**

Magyar Televizio (MTV) public, operates two channels

Duna TV - public, satellite channel geared towards Hungarian minorities in neighboring countries

TV2 - private, terrestrial

RTL Klub - private, terrestrial

Hir TV (News TV) - private, news

### **Radio**

Hungarian Radio - public, operates the Kossuth, Petofi and Bartok networks

InfoRadio - private, news

Class FM - private

Neo FM - private

Juventus Radio - private

### **News Agencies/Internet**

MTI - state-owned, English-language pages

Hungary Around the Clock - English-language news site

Havaria Press - private

## **Appendix 2 – Slovenia**

### **The Press**

Dnevnik - Ljubljana-based daily

Delo - Ljubljana-based daily

Vecer - Maribor-based daily

Slovenske Novice - daily tabloid

Finance - business daily

Nedeljski dnevnik - weekly

Mladina - weekly

Primorske Novice - regional daily

The Slovenia Times - English-language weekly

### **Television**

RTV Slovenia - public broadcaster, operates two national TV channels and regional services

Pop TV - commercial

Kanal A - commercial

TV3 - commercial

### **Radio**

RTV Slovenia - public broadcaster, operates national radio stations A1, Val 202 and Ars, regional services and a tourist station with news in English and German

Radio Hit - commercial

Radio City - commercial

### **News Agency**

Slovene Press Agency

### **Appendix 3 – Croatia**

#### **The Press**

Večernji list - daily, mass-circulation daily

Jutarnji list - mass-circulation daily

Slobodna Dalmacija - Split-based daily

Novi list - Rijeka-based daily

Glas Istre - Pula-based daily

Poslovni dnevnik - business daily

Business.hr - business daily

Globus - Zagreb-based political weekly

Nacional - Zagreb-based political and cultural weekly

#### **Television**

Croatian TV - public, operates national networks

RTL Televizija - national, private

Nova TV - national, private

#### **Radio**

Croatian Radio - public, operates three national networks

Radio 101 - private, Zagreb area

Otvoreni Radio - private, national

Narodni Radio - private, national

#### **News Agencies/Internet**

Hina - English-language pages

Croatian Information Centre - English-language pages

Index.hr - news portal

## **Appendix 4 - Serbia**

### **The Press**

Politika - private daily

Blic - popular private daily, English-language pages

Danas - private daily

Glas javnosti - private daily

NIN - private weekly

Vreme - private weekly

Večernje novosti - daily

### **Television**

Radio-Television Serbia (RTS) - government-funded

B92 TV - private, English-language web pages

TV Pink - private

Prva srpska TV - private, formerly Fox TV

TV Avala - private

Happy TV - private

Studio B TV - run by Belgrade city council

### **Radio**

Radio-Television Serbia (RTS) - government-funded

B92 - private, English-language web pages

Association of Independent Electronic Media - representing private local radio and TV stations

### **News Agencies**

Tanjug - state-run, English-language pages

Beta - private

FoNet - private