

Chapter 10: Information society and media

I. ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGIES

The Stabilisation and Association Agreement already lays down specific obligations in this area. When answering the questions below, please make reference to the state of implementation of such obligations.

A. Basic data

- 1. Please provide basic data on the current state of the telecommunications services market in your country. The indicators should be chosen so as to enable the Serbian market to be presented in a similar way as appears for enlargement countries in the regular reports on the implementation of the EU regulatory framework. The reference date is either 30 June 2009 (for regulatory data) or calendar year 2009 (for statistical data).**

In terms of the number of users, telecommunications market in the Republic of Serbia is growing for all telecommunications services. Comparative review of the number of subscribers in the last 3 years is given in the table below.

Comparative review of the number of telecommunications services subscribers in the last 3 years.

	2007		2008		2009	
	Number of subscribers (thousand)	Penetration (%)	Number of subscribers (thousand)	Penetration (%)	Number of subscribers (thousand)	Penetration (%)
Fixed - lines	2.854,5	38,0	3.084,9	41,14	3.105,7	41,42
Mobile	8.452,6	112,7	9.618,8	128,27	9.912,3	132,20
Internet	1.268,5	16,9	1.619,7	21,6	1.705,7	22,75
CDS	694,6	9,3	922,3	12	1.080,9	14,42

Source: Republic Agency for Electronic Communications (RATEL)

- 2. Please describe the current Information and Communication Technologies (ICT) market (basic data).**

In the telecommunications market of the Republic of Serbia there is an offer of fixed and mobile telephony, Internet access, media content distribution, VoIP services and data communication services. Estimated revenues from telecommunications services in 2009 amounted to EUR 1.51 billion and participate in the gross domestic product with about 4.76%. Since the average annual growth rate of the telecommunications sector revenues in the period 2005-2009 was 13%, this sector is considered to be among the fastest

growing sectors in the economy. The total investments in the telecommunications sector in 2009 amounted to about EUR 288 million.

Details on the telecommunications market in the Republic of Serbia are provided in annexed document “RATEL-Aneks-1.pdf” in PDF format: *Review of telecommunications market in the Republic of Serbia in 2009*.

B. Legislative and institutional framework

Please describe the legislative framework of the sector, with reference to current and planned primary and secondary legislation.

Legislative framework of the electronic communications

Primary legislation in the sector of electronic communications in the Republic of Serbia is the Law on Electronic Communications (*Official Gazette of RS* No. 44/ 10) adopted by the National Assembly on 29 June 2010. The Law on Telecommunications (*Official Gazette of RS* No. 44/03, 36/06 and 50/09- CC decision) is repealed as from the date of the entry into force of the Law on Electronic Communications, except for Article 6(1)(4), Articles 36, 37 and 39 of the Law on Telecommunications, which shall be repealed on 31 December 2011.

Strategic acts:

1. Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programs in the Republic of Serbia (*Official Gazette of RS* No. 52/09) of 15 July 2010;
2. Strategy for the Development of Broadband Access in the Republic of Serbia until 2012 (*Official Gazette of RS* No. 84/09) of 1 October 2009;
3. Strategy for the Increase of Participation of National Industry to the Development of Telecommunications in the Republic of Serbia (*Official Gazette of RS* No. 3/10) of 22 January 2010;
4. Strategy for the Development of Electronic Communications in the Republic of Serbia from 2010 until 2020 (*Official Gazette of RS* No. 68/10) of 21 September 2010;
5. Action Plan for an Efficient Use of Telecommunication Infrastructure for Public Telecommunications Operators and Government Bodies (entered into force on 18 February 2010)

Current by-laws:

1. Frequency Allocation Plan (*Official Gazette of RS* No. 112/04 and 86/08) of 13 October 2004;
2. Frequency Allotment Plan for Fixed Wireless Access Systems (FWA) in the 3410- 3600MHz and 3600-3800MHZ Frequency Bands (*Official Gazette of RS* No. 17/08) of 13 February 2008;
3. Radio Frequency Allotment Plan for GSM/DCS 1800 Radio System (*Official Gazette of RS* No. 17/08) of 13 February 2008;
4. Radio Frequency Allotment Plan for UMTS/IMT-2000 Radio System (*Official Gazette of RS* No. 17/08) of 13 February 2008;
5. Frequency Allotment Plan for Radio Systems in Frequency Band 410-420/420-430MHz (*Official Gazette of RS* No. 8/09) of 3 February 2009;
6. Frequency/location Allotment Plan for Terrestrial Analogue FM and TV Broadcasting. Stations for the Territory of the Republic of Serbia (*Official Gazette of RS* No. 74/07, 27/08 and 2/10) of 9 August 2007;
7. Rulebook on the Number of Licences for Public Mobile Telecommunications Networks and Services and the Period for which the Licence is issued, Minimum Conditions for Licence Issuance and Minimum Amount of the one-off licence issuance fee (*Official Gazette of RS* No. 29/06 and 77/06) of 7 April 2006;
8. Rulebook on the Number of Licences for Public Fixed Telecommunications Networks and Services and the Period for which the Licence is issued, Minimum Conditions for Licence Issuance and Minimum Amount of the one-off licence issuance fee (*Official Gazette of RS* No. 87/09) of 23 October 2009;
9. Rulebook on Defining the Initial Set of Services for Universal Service (*Official Gazette of RS* No. 55/09) of 21 July 2009;
10. Rulebook on Technical and other Requirements regarding the Protection of Telecommunication Plants from the Impact of Electric Power Plants (*Official Gazette of RS* No. 91/09) of 6 November 2009;
11. Rulebook on Technical and other Requirements for Cable Distribution Systems (*Official Gazette of RS* No. 91/09) of 6 November 2009;
12. Rulebook on Technical and other Requirements for Radio Communication Devices used in mobile services (*Official Gazette of RS* No. 91/09) of 6 November 2009;
13. Rulebook on Technical and other Requirements for Data Processing Systems (*Official Gazette of RS* No. 91/09) of 6 November 2009;
14. Rulebook on Technical and other Requirements regarding the Methods of Measurement for Equipment used in terrestrial radio-relay systems (*Official Gazette of RS* No. 91/09) of 6 November 2009;
15. Rulebook on Technical and other Requirements for Radio Emissions, Characteristics of Radio Communication Transmitters, Methods of Measurement, as well as for Characteristics of TV systems and Broadcasting Receivers (*Official Gazette of RS* No. 91/09) of 6 November 2009;
16. Rulebook on the Number of Licences, the Period for which the Licence is issued, Minimum Conditions for Licence Issuance and Minimum Amount of the one-off licence issuance fee for Public Telecommunications Network in 411.875-

- 418.125/421.875-42 MHz Frequency Band (*Official Gazette of RS* No. 15/09) of 27 February 2009;
17. Numbering Plan for Telecommunications Networks (*Official Gazette of RS* No. 57/08, 77/08, 105/08, 107/08-corrigendum and 85/09) of 3 June 2008;
 18. Decision on Annual Fees for the Use of Allocated Numbers and Addresses from the Numbering Plan (*Official Gazette of RS* No. 16/09 and 23/09) of 6 March 2009;
 19. Rulebook on General Terms and Conditions for Interconnection of Public Telecommunications Networks (*Official Gazette of RS* No. 53/08) of 13 May 2008;
 20. Rulebook on Administering the Numbering Plan for Telecommunications Networks (*Official Gazette of RS* No. 87/07) of 18 September 2007;
 21. Rulebook on Compliance Control of Telecommunications Networks, Systems and Facilities with Prescribed Standards (*Official Gazette of RS* No. 29/06) of 7 April 2007;
 22. Rulebook on Issuing Technical Licenses - Certificates. (*Official Gazette of RS* No. 34/06) of 18 April 2006;
 23. Rulebook on Costs of Technical Permits – Certificate Issuance and of Technical Inspection of radio stations, telecommunications networks, systems and facilities (*Official Gazette of RS* No. 41/06) of 16 May 2006;
 24. Rulebook on Procedure for Radio-station Licence Issuance and on Data and Documentation to be submitted together with Radio-station Licence Request (*Official Gazette of RS* No. 100/05) of 21 November 2005;
 25. Rulebook on Forms for Radio-station Licences (*Official Gazette of RS* No. 111/08) of 5 December 2008;
 26. Rulebook on Form of the Identity Cards of Telecommunications Inspectors and Radio Emissions Controllers (*Official Gazette of RS* No. 111/05) of 16 December 2005;
 27. Rulebook on Costs of Licence Issuance for Radio-stations (*Official Gazette of RS* No. 4/10) of 1 February 2010;
 28. Rulebook on Fees for the Use of Radio-frequencies (*Official Gazette of RS* No. 4/10) of 1 February 2010;
 29. Rulebook on determining the Types of Public Telecommunications Services for which the Licence is required (*Official Gazette of RS* No. 29/06) of 7 April 2006;
 30. Rulebook on Technical Inspection Procedure in the field of Telecommunications (*Official Gazette of RS* No. 34/06) of 18 April 2006;
 31. Rulebook on Form and Contents of the Form for the Report on Radio-station Technical Inspection and on Form for the Report on Technical Inspection of Telecommunications Networks, Systems and Facilities (*Official Gazette of RS* No. 34/06) of 18 April 2006;
 32. Rulebook on Conditions for the Operation of Amateur Radio-stations (*Official Gazette of RS* No. 06/07 and 20/09) of 5 March 2007;
 33. Rulebook on Classes of Radio-stations for which Radio-station Licence is not required (*Official Gazette of RS* No. 26/07) of 21 March 2007;

34. Rulebook on International Interconnection (*Official Gazette of RS* No. 94/08) of 22 October 2008;
35. Rulebook on Number Portability in Public Mobile Telecommunications Networks. (*Official Gazette of RS* No. 5/10) of 12 February 2010;
36. Rulebook on the Application of the Cost-accounting Principle (*Official Gazette of RS* No. 103/08) of 7 November 2008;
37. Rulebook on the Application of the Cost-accounting Principle, Separate Accounts and Reporting of a Telecommunications Operator with Significant Market Power (*Official Gazette of RS* No. 103/08) of 7 November 2008;
38. Rulebook on Terms and Conditions and the Procedure for the Issuance of Authorisation to a Public Telecommunications Operator for Interconnection of a National Telecommunications Network with a Telecommunications Network of Another Country (*Official Gazette of RS* No. 94/08) of 17 October 2008;
39. Rulebook on Terms and Conditions for Internet Service and other Data Transmission Service Provision (*Official Gazette of RS* No. 100/08) of 4 November 2008;
40. Rulebook on Terms and Conditions for the Issuance of Authorisation for Public Telecommunications Networks and Contents of Authorisation (*Official Gazette of RS* No. 94/08) of 22 October 2008;
41. Rulebook on Terms and Conditions for Provision of Voice Transmission Services over the Internet (*Official Gazette of RS* No. 94/08) of 22 October 2008;
42. Rulebook on Determining Types of Public Telecommunication Services for which licence is required (*Official Gazette of RS* No. 29/06) of 7 April 2006;
43. Rulebook on Procedures for the Issuance of Licences for Public Telecommunication Networks and Public Telecommunications Services and on Register keeping (*Official Gazette of RS* No. 29/06) of 7 April 2006;
44. Rulebook on Fees and Costs for Licence and Approval Issuance (*Official Gazette of RS* No. 58/06) of 7 July 2006;
45. Rulebook on Public Telecommunication Networks and Public Telecommunication Services for which approval is required (*Official Gazette of RS* No. 60/06) of 14 July 2006;
46. Rulebook on Terms and Conditions for Provision of Services of Radio and Television Programs Distribution (*Official Gazette of RS* No. 26/09) of 23 April 2009;

Based on Articles 142 and 143 of the Law on Electronic Communications, the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry) and the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) has an obligation to adopt relevant by-laws within one year of its entry into force, until July 2011.

Ministry must adopt following by-laws:

1. Rulebook on Switchover from Analogue to Digital Broadcasting of Television Programs;

2. Act on Conditions for Issuance of Authorisation to Perform Measurement and Testing of Electronic Communications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
3. Rulebook on Requirements for Installation of Electronic Communications Networks, Associated Facilities and Electronic Communications Equipment in the Construction of Commercial or Residential Buildings;
4. Rulebook on Determination of Protective Zones of Electronic Communications Infrastructure and Associated Equipment, Free Routes for Entry and Exit of Radio- relay Links and Protective Zone;
5. Rulebook on Provision of Universal Service;
6. Rulebooks on Technical Regulations governing Technical Requirements for certain types of Electronic Telecommunications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
7. Rulebook on Provision of Electromagnetic Compatibility of Electronic Communications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
8. Rulebook on Requirements for Devices and Programme Support for the Implementation of the Lawful Interception of Electronic Communications;
9. Rulebook on Requirements relating to Data Retention.

RATEL must adopt following by-laws:

1. Acts on the General Conditions for Pursuit of Certain Activities of Electronic Communications;
2. Act on Determining Operators that provide Universal Services and the Manner of Provision of those Services;
3. Act on the Manner in which the Excessive Costs of Universal Service Provision shall be substantiated and the Criteria for exercising the Right to Remuneration of Excessive Costs;
4. Act on the Identification of Markets susceptible to *Ex Ante* Regulation;
5. Act on the Minimum Content, the Level of Detail and the Manner of Publication of Reference Offers for Interconnection, Access and Unbundled Access to Local Loop;
6. Numbering Plan;
7. Act on the Number Portability;
8. Act on the Use of Radio-frequencies under the General Authorisation Regime;
9. Act on the Radio-frequency Spectrum Monitoring, Technical Inspections and Protection from Harmful Interferences;
10. Act on the Access and Use of Data from Public Telephone Directories.

3. **Please describe the current and planned institutional framework of the sector, with reference to government bodies, the role of the parliament and possible**

parliamentary committees and the role of representative organisations of public and private sector players and of consumers.

Law on Electronic Communications defines the division of competencies in the field of electronic communications between the Government, the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry) and the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) in the Articles laying down the activities within the competence of the said institutions (Articles 5-7).

At the proposal of the Ministry, the Government defines the policy in the field of electronic communications, information society and postal traffic, adopts strategic acts and action plans for their implementation laying down the principles, goals and priorities of electronic communications development in the Republic of Serbia and decides on other issues where provided by the Law on Electronic Communications.

The scope of work of the Ministry is stipulated in Article 18 of the Law on Ministries (*Official Gazette of RS* No. 65/08) so that the Ministry performs public administrative activities in the field of telecommunications and information society relating to: postal and telecommunications traffic, international telecommunications and postal traffic; regulation and safety of the technical and technological system for telecommunications and postal traffic; inspection and supervision; the telecommunications and postal traffic development strategy; issuing usable licences for telecommunications facilities and infrastructure; organising financial and technical control; international businesses in the field of postal traffic and telecommunications; measures for encouraging research and progress in the fields of postal traffic and telecommunications; laying down proposal for Frequency Allocation Plan and adoption of Radio Frequency Allotment Plan; decisions on the number of licences and deadlines and/or period for which the licences for public telecommunication networks are issued, and/or for services where a limited number of licences can be issued, as well as on the minimum criteria for issuing these licences; laying down the list of basic services (universal service) that the operators of fixed public telecommunications networks should provide; measures for preventing cross-ownership or other forms of merger between telecommunication operators in order to prohibit and prevent the creation of a dominant position and to ensure free competition; laying down an information society development policy and strategy; preparing laws and other regulations, standards and measures in the field of e-business; IT and Internet application; providing information services; development and promotion of academic computer network; coordination on drafting of the strategic development documents at the Republic of Serbia level; the development and operation of IT infrastructure, as well as other activities designated by law.

Based on the Law on Electronic Communications, the Ministry shall: Supervise the implementation of the Law on Electronic Communications and the regulations adopted pursuant to this Law; represent the Republic of Serbia in international organisations and

institutions in the electronic communications sector and be responsible for the implementation of international agreements in the field of electronic communications; contribute to the approximation of the national legislation in the field of electronic communications to the relevant regulations of the European Union; take measures to promote investments in the electronic communications sector and use of information and communications technologies; take measures to promote research and development in the electronic communications sector, in cooperation with the ministry responsible for the development and promotion of scientific and research activities and decide on other issues where prescribed by the Law on Electronic Communications.

RATEL is an independent organisation with the status of a legal entity, which exercises public authorities for the purpose of efficient implementation of the policy set within the field of electronic communications, promoting the competition of electronic communications networks and services, improvement of their capacity and quality of services, securing the development of electronic communications market, and the protection of the interests of the electronic communications consumers.

Pursuant to the Law on Electronic Communications RATEL shall: adopt by-laws; decide on the rights and obligations of operators and users; cooperate with agencies and organisations in charge of broadcasting, competition protection, consumer protection, personal data protection and other agencies and organisations on issues relevant for the electronic communications sector; cooperate with the relevant regulatory and expert bodies of the European Union Member States and other states for the purpose of harmonizing the practice of implementing the electronic communications sector regulations and promoting the development of cross-border electronic communications networks and services; participate in the work of international organisations and institutions within the electronic communications sector in the capacity of the national regulatory authority within the electronic communications sector and perform other activities in accordance with the Law on Electronic Communications.

Article 99 of the Constitution of the Republic of Serbia (*Official Gazette RS* No. 98/2006) lays down the competencies of the National Assembly of the Republic of Serbia which shall, *inter alia*, adopt laws and other general acts within the competence of the Republic of Serbia, and based on Article 44 of the Rules of Procedure of the National Assembly of the Republic of Serbia (*Official Gazette of RS* No. 52/2010) the Committee responsible for issues in the field of electronic communications (Committee on Transportation and Communications) shall perform activities within its competence which, *inter alia*, include consideration of the proposals for laws and other acts, monitoring of implementation of the Government policy, consideration of the work plan and reports of competent ministry or other state authority, organisation or body, giving consent to acts of state authorities, organisations and bodies which submit these acts, in accordance with law, to the National Assembly for approval. The relationship between the National Assembly and the Government is also governed by Articles 267-280 of the Rules of Procedure of The

National Assembly where is stated that National Assembly, *inter alia*, shall elect the Government as well as pass a vote of confidence i.e. no confidence therein.

Pursuant to Article 10 of the Law on Electronic Communications at the proposal of the Government, the National Assembly of the Republic of Serbia on the basis of open application procedure appoints and relieves from office the Chairman, Deputy Chairman and the members of the Management Board of RATEL. Pursuant to Article 28 of the Law on Electronic Communications the Management Board of RATEL submits an annual report on the activities of RATEL to the National Assembly.

Pursuant to Article 13 of the Law on Ministries, Ministry of Trade and Services performs public administrative functions concerning the prevention of monopolistic behaviour and unfair competition and consumer protection. The field of consumer protection is governed by the Law on Consumer Protection of 12 October 2010 (*Official Gazette of RS* No. 73/10).

National Consumer Protection Council is established by the Government for the purpose of improvement of consumer protection and cooperation of competent authorities, organisations and other holders of consumer protection. The National Council consists of representatives of the Ministry of Trade and Services, other State authorities and holders of public authorities, associations and unions for the protection of consumers, business and professional chambers and other market players, as well as independent experts in the field of consumer protection, and the National Council is chaired by the Minister of Trade and Services. In compliance with Article 113 of the Law on Electronic Communications, RATEL may mediate in dispute resolution between operators and consumers, whilst pursuant to Article 109 of the Law on Electronic Communications it is empowered to prescribe the parameters of quality of publicly available services in order to protect the interests of consumers.

4. What are the legislative and regulatory provisions to ensure fair trading and consumer protection in the sector?

Pursuant to Article 55 of the Law on Electronic Communications (hereinafter referred to as: the Law), the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry), on a proposal from the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) which also includes the analysis of universal service provision and the quality and prices thereof in the Republic of Serbia, the Ministry designates the scope, geographic area coverage and quality of universal service provision, as well as the requests related to the equal possibilities of access to universal services by persons with disabilities, taking into account the level of development of public communications networks and the availability of public electronic communications services in the Republic of Serbia. Article 56 of the Law prescribes that RATEL is authorised to impose on the operator that has a duty to provide universal service, the obligation to modify the prices or conditions for the use of services within

universal service in transparent and non-discriminatory manner, in case it estimates it to be in the interest of ensuring equal opportunities for the use of services by persons with disabilities, and/or providing availability of these services for socially vulnerable users.

Article 63 of the Law prescribes that RATEL in accordance with the decision on designating operators with significant market power may stipulate the obligation of price control and cost-based accounting and offering retail services under certain conditions in order to ensure competitiveness of electronic communications market and protection of consumers.

Protection of rights of users and subscribers of electronic communications is governed by the Articles 105- 124 of the Law. Pursuant to Article 105 of the Law mutual rights and obligations of operators and users shall be regulated by a contract concluded in writing, which in addition to the elements prescribed by law which regulates contractual obligations, shall include specification of services (package contents), including in particular the data on the possibility of originating calls to emergency services, conditions for access and use of services (including limitations), minimum quality of service provision and measures taken for the prevention of excessive network load, time needed for the commencement of service provision, maintenance and support service provision, and the limitations in the use of terminal equipment; provisions on the treatment of personal data (in particular concerning public telephone directories) and traffic and location data, during and after the expiry of the validity period of the contract, information on prices and tariffs and the manner in which an up-to-date information on the applied tariffs and maintenance costs may be obtained, as well as manners of payment and additional expenses related to the offered manners of payment; validity period of the contract, terms and conditions of renewal, and/or contract cancellation, including special conditions for the use of services related to the offered promotional advantages, number portability service fees, temporary suspension or permanent termination of service provision and termination of contractual agreements with and without the payment of expenses associated with termination (in particular concerning terminal equipment); fees and terms and conditions of recovery of funds applied in cases when the agreed levels of service provision quality have not been met; the manner of submitting and resolving complaints; the measures an operator may apply for the purpose of maintaining the security and integrity of networks and services, and the control of unlawful content transfer.

Based on Article 106 of the Law, the operator shall provide services in a manner which will clearly and unambiguously inform users about the terms and conditions of the contract i.e. specify them in contractual provisions for service provision quality. The pricelist of services, depending on the offered types of services, shall include: the amount of the one-off connection fee, the amount of the monthly fee for access to electronic communications network or service, the accounting unit and tariff interval, description of special conditions for access to confidential content or value added services, information

on maintenance costs and available service packages, information on discounts, and other provisions of relevance to a certain service.

Pursuant to Article 107 of the Law, an operator shall notify the subscriber in appropriate manner of its intention to unilaterally amend the contract and about the right of subscriber to cancel the contract at least one month before the expiry of the contract term. Having received the notification, the subscriber shall be entitled to cancel the contract without paying any expenses associated with the cancellation, if the announced unilateral amendments essentially change the terms and conditions under which the contract was concluded, in a manner which is not in favour of the subscriber, in particular concerning the specification of services (package content) and the conditions for the use of services associated with the offered promotional advantages.

The operator providing value added services shall publish in advance a detailed description of the service and the total price of the overall service or the price of service components separately, and RATEL shall specify in greater detail the obligations of the operator providing value added services regarding the announcement of services, the manner of service price calculation and payment, the personal data processing manner, the traffic and location data, the control of unlawful content transfer and resolution of complaints, taking into consideration the protection of user interests (Article 108 of the Law).

For the purpose of ensuring quality in the provision of publicly available electronic communications services and the protection of users, RATEL shall be authorised to: specify in detail the quality parameters of certain publicly available services, and the manner of notification of consumers about the offered service quality and determine the minimum quality for the provision of certain services by the public communications network operator (Article 109 of the Law).

Based on Article 110 of the Law, the operator shall, to the extent deemed technically feasible, ensure equal availability of its services to persons with disabilities, where RATEL may impose special obligations on the operator in order to increase availability of electronic communications services to the persons with disabilities.

With the aim of ensuring simple verification and cost control of the provided services, the operator shall, upon user's request, issue a bill containing a detailed specification of provided services with the calculation of charges for each individual service (Article 112).

Article 113 of the Law prescribes that a subscriber may file a complaint to the operator in writing, referring to the amount charged for the provided service or referring to the quality of the provided service and may claim compensation in line with the contractual provisions related to the quality of the provided service lower than agreed. The subscriber whose complaint has been rejected may address RATEL or other authority to mediate in

out-of-court dispute resolution or initiate court proceedings at a court of law within 15 days from the day of the receipt of the operator's reply to the complaint, or 15 days from the expiry of the deadline within which the operator was under the obligation to declare his stand concerning the complaint.

The operator providing calling-line identification services shall ensure that calling users are provided with the possibility to prevent the display of outgoing calling-line identification, on a per-call basis and that subscribers have this possibility on a per-line basis, free of charge and in a simple manner and that the subscriber is provided with the possibility to block the display of calling-line identification of incoming calls, free of charge for reasonable use of this function (Article 115 of the Law).

Based on the Article 116 of the Law the operator of publicly available telephone services to which the subscriber reports and describes in writing the manner and/or the content, tentative date and time of the malicious or nuisance call, shall record and store data on incoming call identification, date and time of the call or the attempt to establish such calls.

The operator shall ensure that its subscribers are provided, in a simple way and free of charge, with the possibility of barring of automatic call forwarding towards their terminal devices which was made by a third party (Article 117 of the Law).

The use of automated calling systems, without human intervention, facsimile machines, electronic mail or other types of electronic messages for the purpose of direct advertising of sale of products or services may only be allowed with the prior consent of the subscriber (receiver). The operator shall offer to the user the possibility of filtering unsolicited and harmful electronic mail messages, and the opportunity to turn on and off and/or configure these filters in a simple manner (Article 118 of the Law).

The operator providing telephone directory enquiry services shall notify a subscriber, free of charge, about the intention to include his/her personal data in a publicly available telephone directory in printed or electronic form, about its purpose, the availability of personal data through information services, and possibilities of browsing through personal data by third parties by means of a search engine of the electronic version of the directory (Article 120).

Pursuant to Article 121 of the Law the operator providing publicly available telephone services shall: compile and keep an up-to-date public telephone directory with data on its subscribers; provide its users with access to telephone operator services and public telephone directories.

The operator of public communications networks or the operator of publicly available electronic communications services which processes and keeps traffic data of subscribers and users is under the obligation to erase these data or render the person the data refer to

unrecognizable when traffic data cease to be necessary for communications transmission, with exceptions in certain cases designated by the Law (Article 122 of the Law).

Based on Article 123 the operator of public communications networks and publicly available electronic communications services may process user location data which are not traffic data, only in cases where the persons who these data refer to are made anonymous or with their consent, in the manner and for the duration necessary for the provision of value added services, to the extent and for the time necessary for these purposes.

5. What are the mechanisms for market surveillance?

Law on Electronic Communications (*Official Gazette of RS* No. 44/10, hereinafter referred to as: the Law) in Chapter XI governs markets susceptible to *ex ante* regulation, as well as obligations of operators with significant market power. Provision of Article 59 prescribes identification of markets susceptible to *ex ante* regulation (relevant markets) and provides that the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) shall identify relevant markets by applying relevant European Union recommendations (hereinafter referred to as: EU) referring to markets susceptible to *ex ante* regulation. Pursuant to Article 60 of the Law, at least once in 3 years, RATEL shall conduct the analysis of relevant markets and, if necessary, additional markets as well, taking into account the relevant EU recommendations referring to the analysis of markets and identification of significant market power. Provision of Article 61 of the Law establishes criteria for designation of operators with significant market power. In compliance with Article 62 of the Law RATEL, based on the previous market analysis, shall adopt a decision on designating the operator with significant market power. Obligations of operators with significant market powers are as established by the provision of Articles 63-71 of the Law. RATEL specifies the minimum content, the level of detail and the manner of publication of reference offer, and if it establishes that the reference offer has not been drawn up in concordance with the provision, makes and publishes a reference offer for interconnection and access, and/or unbundled access to local loop. RATEL may also prescribe technical and organisational requirements to be met by the operator with significant market power as well as operators requesting access and use of network elements and associated facilities when this is considered to be a prerequisite for securing the smooth functioning of the network. Furthermore, for the purpose of price control, RATEL shall determine and ensure that a description of the cost-based accounting system is made publicly available, comprising at least the main sets of costs and the rules governing the allocation of such costs, and shall employ the service of an independent auditor for an annual verification of the compliance of cost-based accounting of operator with significant market power with the prescribed method of cost-based accounting. RATEL shall provide a detailed account of the scope and the contents of the minimum set of leased lines.

In accordance with the Law on Telecommunications (*Official Gazette of RS* No. 44/03, 36/06 and 50/09- CC decision) the following operators are designated as operators with significant market power on the telecommunications market of the Republic of Serbia: Telecommunications Company Telekom Srbija a.d. for fixed public telephone network in 2006; and Serbia Broadband - Srpske kablovske mreže d.o.o for the service of the **distribution of radio and television programmes by means of the cable distribution network** in 2007.

Under Article 145 of the Law on Electronic Communications, until the adoption of acts determining relevant markets, it shall be deemed that the following markets are susceptible to *ex ante* regulation:

- 1) retail access to the public telephone network;
- 2) wholesale call origination on public telephone network;
- 3) wholesale call termination on public telephone networks;
- 4) wholesale (physical) access to network elements and associated facilities (including shared and fully unbundled local loop access);
- 5) wholesale broadband access;
- 6) wholesale leased lines;
- 7) wholesale call termination on mobile telephone networks.

In accordance with the Law on Electronic Communications, RATEL has initiated the analysis of relevant markets, and the first results are expected within the time limit prescribed by the Law (one year from the date of entry into force of the Law). Within six months of the conclusion of this analysis, in accordance with the Law, RATEL shall review decisions on the designation of operators with significant market power adopted in accordance with the previously valid Law on Telecommunications, and decide on the designation of operators with significant market power in accordance with the provisions of the applicable Law.

6. What are the procedures for dispute resolution regarding consumer-operator disputes, operator-operator disputes and operator-regulator disputes? Please also provide information on the number of different disputes and their resolution.

Based on Article 22 of the Law on Electronic Communications (hereinafter referred to as: the Law) at the request of interested parties or in the line of duty, RATEL shall decide, by written decision, on the rights and duties of operators and users. The decision shall be passed by the Director of RATEL, it is final and administrative dispute may be initiated in action against it before the Administrative Court. The action shall not postpone the execution of the decision.

Under provision of Article 50 of the Law an operator shall be entitled to request shared use (including physical co-location) of network elements and associated facilities of another operator or a third party, and property for the use of which another operator or a

third party has established the right to easement or property acquired by expropriation, in cases where it is necessary for the purpose of competitive, effective and efficient performance of electronic communications activities and/or where it is impossible to construct or install a new electronic communications network and associated facilities without causing detrimental effects on the environment, public security, realization of spatial plans or preservation of cultural heritage. Where the operator fails to sign the agreement with another operator or a third party within 60 days from the day of the receipt of the request for the signing of the agreement, and if the said requirements are met RATEL shall be authorised to adopt a written decision, at the request of an interested party or in the line of duty, which shall stipulate the conditions of the shared use, including the allocation of expenses, taking into account previous investments, encouragement of further investments and the possibility of a reasonable rate of return on investment, bearing in mind the risk involved in making the investment.

Provision of Article 53 prescribes, *inter alia*, that the operator shall be entitled to interconnect with other operators and access network elements and associated facilities of another operator in order to provide electronic communications services to end-users. Should any of the electronic communications operators fail to reach an agreement on interconnection and/or access within 60 days from the commencement of negotiations, and should it be necessary for protection of interests of end-users or securing interoperability of electronic communications networks and services, RATEL shall be authorised to adopt a decision, at the request of an operator or in the line of duty, ensuring interconnection and/or access, including technical and commercial conditions.

Provision of Article 113 of the Law governs the filing of subscribers' complaints to the operator. Paragraph 6 of Article 113 of the Law prescribes that the subscriber whose complaint has been rejected by the operator may address RATEL or another authority to mediate in out-of-court dispute resolution or initiate court proceedings at a court of law within 15 days from the day of the receipt of the operator's reply to the complaint, or 15 days from the expiry of the deadline within which the operator was under the obligation to declare his stand concerning the complaint.

In 2009 there were 385 complaints filed by subscribers whereas the total of 110 complaints were resolved until 31 December 2009.

During the 2010 RATEL has issued decisions governing mutual relations between the operators Telecommunications Company Telekom Srbija a.d. and Telecommunications Undertaking Orion telekom d.o.o. as well as between Telekom Srbija a.d. and Telenor d.o.o.. After expiry of time limit laid down by law in which the operators Orion telekom d.o.o. and Telenor d.o.o failed to agree on terms of interconnection of their networks with Telekom Srbija a.d. i.e. on terms of access to telecommunications infrastructure of Telekom Srbija a.d., RATEL issued a decision setting out the elements governing interconnection of public telecommunications networks, interconnection services and tariffs for interconnection services between Orion telekom d.o.o. and Telekom Srbija a.d.

as well as decisions governing mutual relations of Telenor d.o.o. and Telekom Srbija a.d. regarding the conditions and tariffs of interconnection services, unbundled access to the local loop (full and shared), collocation, using the transport capacity and the lease of telecommunications duct.

7. Of which relevant international organisations does your country hold membership?

In 2007 Republic Agency for Electronic Communications was admitted as a Member of the European Telecommunications Standards Institute (ETSI).

The Republic of Serbia holds membership of following international organisations:

1. ITU (International Telecommunication Union);
2. CEPT (European Conference of Postal and Telecommunications Administrations);
3. ITSO (International Telecommunication Satellite Organisation);
4. IMSO (International Mobile Satellite Organisation);
5. EUTELSAT (European Telecommunications Satellite Organisation);

Accession to ECO (European Communications Office) is planned.

8. Please provide full details on the administrative capacity of your National Regulatory Authority and its organisation. Also provide information on the administrative capacity of the relevant Ministry in charge of electronic communications.

On 30 November 2010, there were 102 employees in RATEL.

Rulebook on Internal Organisation and Systematisation of Job Positions within the Republic Agency for Electronic Communications is currently in the process of being adopted, in compliance with the Law on Electronic Communications and within the time limit prescribed by the Law.

Number of full-time employees of the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry) on 31 December 2010 was 37, out of which 5 correspond to public officers employed in the Department for Telecommunications, 6 public officers in the Department for Information Society, 4 in the Department for European Integration, 8 in the Department for Postal Traffic, 10 in the Secretariat and 5 in the Cabinet of the Minister.

In compliance with the Law on Electronic Communications, the Ministry shall form the inspection of electronic communications within the time limit allowed for adoption of

acts for the implementation of the Law (one year from the date of entry into force of the Law).

Pursuant to the Rulebook on Internal Organisation and Systematisation of Job Positions within the Ministry of Telecommunications and Information Society from December 2009 in the Department for Telecommunications are formed following narrower internal units:

1. Section for analysis and planning in the field of telecommunications;
2. Section for development in the field of telecommunications;
3. Section for legal regulation and supervision in the field of telecommunications;
4. Group for legal regulation in the field of telecommunications;
5. Group for supervision in the field of telecommunications.

The Section for analysis and planning in the field of telecommunications carries out tasks related to:

- Collection of data for the purposes of analysis of applied technologies and markets;
- Definition of the set of indicators and their evaluation;
- Analysis of ownership structure and comparative analysis with other countries;
- Analysis of telecommunications technologies and the present differences in other countries;
- Determining the cause, consequences and dependence of economic performance in relation to the available technologies;
- Analysis of necessary investments and possible modalities of investments in the field of telecommunications;
- Monitoring of construction works within which can be economically integrated development of telecommunication capacity;
- Participation in planning of the use of radio-frequencies;
- Assessment of the impact of technologies and regulations on development;
- Updating of the action plans;
- Analysis of development potentials in the field of telecommunications, assessment of the necessary appropriations of development and preparing the comparative analysis for the purpose of planning, and other tasks within the purview of the Section.

The Section for development in the field of telecommunications carries out tasks related to:

- Studying the possibilities of encouragement of foreign and domestic investments;
- Participation in preparation of professional bases for drafting of laws and by-law for the purpose of encouraging domestic and foreign investment in the field of telecommunications;
- Analysis of domestic development potentials in the field of telecommunications and the means of their exploitation;
- Organisation of competition for development projects in the field of telecommunications;

- Informing the investors and companies on relevant legal regulation in the field of telecommunications, as well as other tasks within the purview of the Section.

The Group for legal regulation and supervision in the field of telecommunications carries out tasks related to:

- Participation in the preparation of expert basis for drafting of laws and by-laws;
- Supervision of the implementation of laws and other regulations;
- Preparation of comparative analysis and assessment of impact of the regulation on development of telecommunications;
- Administrative procedure;
- Verification of the coordination of laws, by-laws, regulations and contracts of the public undertakings in the field of telecommunications and delivering opinions to other state authorities on the documents regarding telecommunications, as well as other tasks within the purview of the Group.

The Group for legal regulation in the field of telecommunications carries out tasks related to:

- Participation in the preparation of expert basis for drafting of laws other regulations;
- Preparation of comparative analysis and assessment of impact of the regulation on development in the field of telecommunications;
- Administrative procedure, delivering opinion to other state authorities on the documents regarding telecommunications;
- Provision of information to potential investors on regulation in the field of telecommunications;
- Preparation for issuance of permits and approvals, as well as other tasks within the purview of the Group.

The Group for supervision in the field of telecommunications carries out tasks related to:

- Supervision of the implementation of laws, by-laws and regulations;
- Verification of compliance of rulebooks and other acts of the Republic Agency for Telecommunications with law;
- Supervision of the operation of public undertakings in the field of telecommunications;
- Verification of reports which are within the competence of the Ministry, and the activities of which are telecommunications;
- Supervision of the projects in the field of telecommunications governed by the Ministry, as well as other tasks within the purview of the Group.

9. Explain how the regulatory and institutional set-up secures sufficient transparency and legal predictability for market players and potential investors.

Activity of electronic communications is carried out under the regime of general authorisation, i.e. in accordance with general conditions which may be prescribed for all or certain types of electronic communications networks and services. In this regard, general conditions are provided for in Article 37 of the Law on Electronic Communications (hereinafter referred to as: the Law) and RATEL is entitled to specify further the conditions prescribed by the Law, as well as to determine conditions applicable to pursuing all or certain activities of electronic communications under the regime of general authorisation, depending on electronic communications network or service to which they apply, ensuring that they are justified, sufficiently specified, proportionate and non-discriminatory.

The Law also prescribes that the right to exploitation of radio-frequencies is obtained on the basis of individual licence for the exploitation of radio-frequencies issued on request, individual licence issued following the completion of the public bidding procedure, as well as under the regime of general authorisation.

The Management Board of RATEL adopts rulebooks, decisions and other acts laying down the issues within the competencies in a general manner.

In compliance with the provisions of Articles 34, 35 and 36 of the Law, the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry), and/or RATEL carry out public consultations in the procedure of adoption of the acts within their competencies, for the purpose of obtaining opinion from the professional and general public on the impact of the suggested measures on electronic communications market.

Public consultations shall not be shorter than 30 days when the subject of consultations are acts referring to determining general conditions for carrying out the activities of electronic communications, the identification and the analyses of markets susceptible to *ex ante* regulation, the process of designation of operators with significant market power (SMP) and the determination of their obligations, as well as issues relating to common use, interconnection and access.

Public consultations shall not be shorter than ten working days in cases where the subject of public consultations is not covered by the public consultations in the duration of 30 days referred to above.

The Ministry and/or RATEL shall specify the agenda of public consultations which shall include data on the subject, the duration and the manner of providing comments during the consultation procedure.

The agenda of public consultations shall be made publicly available on the Ministry's and/or the RATEL's website, together with contact details of persons in charge of providing information on the subject and the course of public consultations.

Comments on the subject of public consultations shall be submitted in writing and shall include the name and/or name of company and contact details of the person providing comments.

All confidential data referring to the comments during the public consultation procedure shall be abstracted into a special document (Annex).

Comments provided during the course of the public consultation procedure shall be made publicly available in a special section of the websites of the Ministry¹, and/or RATEL², and on the e-Government Portal of the Republic of Serbia³, with the exception of the Annex which shall compromise confidential data.

Prior to the publication of general by-laws (rulebooks, decisions and other acts governing the issues within the competence of RATEL in general manner), Agency shall obtain from the Ministry opinion on their constitutionality and lawfulness, and the Ministry shall provide RATEL with the reasoned proposal regarding the ways of conforming the general by-laws with the Constitution, law, other regulation or general by-laws of the National Assembly and the Government, in accordance with the law governing public administration.

Activities of RATEL are public. In addition to the obligation of publishing the adopted acts, RATEL shall make the adopted acts publicly available on its website, as well as other complete and up-to-date particulars and information within its scope, free of charge.

C. Policy and regulatory frameworks

10. Please describe the policy for the telecommunications sector. If a strategy document covering the sector exists, provide a copy in an EU language.

The policy for the development of telecommunications in the Republic of Serbia is governed by the Strategy for the Development of Electronic Communications in the Republic of Serbia from 2010 until 2020. Primary objectives on which the Strategy is based are:

1. enhancement of competitiveness in the market of electronic communications;
2. formation of National network based on IP technology, on principles of open network and open services, connecting entire available network infrastructure owned by the State;
3. provision of the network access for special-purpose connections, and/or functional systems on the level of passive optical network. Users should access the resources of that network on the principle of wavelength division multiplex;

¹ http://www.mtid.gov.rs/aktivnosti/javne_konsultacije/nacin_sprovozenja_javnih_konsultacija.477.html

² http://www.ratel.rs/информације/јавне_консултације.80.html

³ http://www.euprava.gov.rs/eParticipacija/javne_rasprave

4. provision of distribution of digital television programmes using National network and by its expanding using the microwave connections;
5. increase of network availability to all users;
6. provision of broadband access on the principles of FTTH/B/C to all users;
7. throughput of electronic communications services of at least 100Mbps;
8. allocation of 120MHz bands made available on the basis of digital dividend, for mobile broadband access;
9. performing measurement of the spectrum in the Republic of Serbia;
10. ensuring compliance of the Allocation Plan with the harmonized international regulations, and in accordance with the principle of technological neutrality;
11. improvement of tariff policy using the cost-based model at determining the prices of services of the operator with significant market power, coordination of tariffs of the operator with significant market power with application of cost-based model, analysis and definition of relevant retail and wholesale markets;
12. defining the framework for sustainable development and exploitation of broadband networks and services;
13. providing e-Government services to all citizens of the Republic of Serbia;
14. ensuring the environment for the development of distance education services at all levels of education;
15. provision of e-health services.

Following strategic documents also define the electronic communications policy, concentrating on specific fields:

1. Strategy for the Switchover from Analogue to Digital Broadcasting of Radio and Television Programs in the Republic of Serbia;
2. Strategy for the Development of Broadband Access in the Republic of Serbia till 2012;
3. Strategy for the Increase of Participation of National Industry to the Development of Telecommunications in the Republic of Serbia;
4. Action Plan for an Efficient Use of Telecommunication Infrastructure for Public Telecommunications Operators and Government Bodies.

11. What is the timetable for legislative approximation to the *acquis*? What is the policy and timetable for the implementation of full liberalisation in the sector?

Law on Electronic Communications (hereinafter referred to as: the Law) adopted by National Assembly on 29 July 2010 is fully aligned with EU 2002 Regulatory Framework and partially with amendments to EU Regulatory Framework of November

2009, in particular with respect to instruments necessary to ensure competitive market and protection of consumers. Pursuant to this Law all activities in the field of electronic communications are placed under the general authorisation regime in accordance with EU framework of 2002, with the exception of provision of voice services by means of the fixed network which shall remain under the regime of licence until 31 December 2011. After that date, entire electronic communications market shall be fully liberalised.

Following regulations for the implementation of the Law are planned to be adopted during 2011 that will be aligned with *acquis communautaire*:

Ministry shall adopt following regulations:

1. Rulebook on Switchover from Analogue to Digital Broadcasting of Television Programs;
2. Act on Conditions for Issuance of Authorisation to Perform Measurement and Testing of Electronic Communications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
3. Rulebook on Requirements for Installation of Electronic Communications Networks, Associated Facilities and Electronic Communications Equipment in the Construction of Commercial or Residential Buildings;
4. Rulebook on Determination of Protective Zones of Electronic Communications Infrastructure and Associated Equipment, Free Routes for Entry and Exit of Radio- relay Links and Protective Zone;
5. Rulebook on Provision of Universal Service;
6. Rulebooks on Technical Regulations governing Technical Requirements for certain types of Electronic Telecommunications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
7. Rulebook on Provision of Electromagnetic Compatibility of Electronic Communications Networks, Associated Facilities, Electronic Communications Equipment and Terminal Equipment;
8. Rulebook on Requirements for Devices and Programme Support for the Implementation of the Lawful Interception of Electronic Communications;
9. Rulebook on Requirements Relating to Data Retention

RATEL shall adopt following regulations:

1. Acts on the General Conditions for Pursuit of Certain Activities of Electronic Communications;
2. Act on Determining Operators that Provide Universal Services and the Manner of Provision of those Services;
3. Act on the Manner in which the Excessive Costs of Universal Service Provision shall be substantiated and the Criteria for Exercising the Right to Remuneration of Excessive Costs;
4. Act on the Identification of Markets Susceptible to *Ex Ante* Regulation;

5. Act on the Minimum Content, the Level of Detail and the Manner of Publication of Reference Offers for Interconnection, Access and Unbundled Access to Local Loop;
6. Numbering Plan;
7. Act on the Number Portability;
8. Act on the Use of Radio-frequencies under the General Authorisation Regime;
9. Act on the Radio-frequency Spectrum Monitoring, Technical Inspections and Protection from Harmful Interferences;
10. Act on the Access and Use of Data from Public Telephone Directories.

In order to ensure further liberalisation in the field of electronic communications in the Republic of Serbia, the Management Board of the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) issued on 22 January 2010 the decision to grant the licence for fixed public telecommunications networks and services for the territory of the Republic of Serbia to Telenor d.o.o.. The decision was taken following the completion of the public bidding procedure which RATEL initiated on 20 November 2009 in accordance with the Law on Telecommunications and the Rulebook on the Number of Licences for Public Fixed Telecommunications Networks and Services and the Period for which the Licence is issued, Minimum Conditions for Licence Issuance and Minimum Amount of the one-off licence issuance fee (*Official Gazette of RS* No. 87/09). Licence is issued for a period of ten years, with the possibility of extension for another ten years. Telenor d.o.o is obliged to start with the commercial provision of services within one year from the date when the licence was granted. Issuance of the licence for the second operator of the fixed public telecommunications networks and services enables expansion of the set of services which shall be available to users and the development of alternative telecommunications infrastructure, i.e. development of broadband access.

12. What is the situation and policy as regards universal service obligations?

The Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry) in July 2009 adopted the Rulebook on Defining the Initial Set of Services for Universal Service (*Official Gazette of RS*, No. 55/09). Initial set of services shall include following:

- access to a public fixed telephone service, including the service of data transmission which enables quality access to the Internet;
- special measures to ensure equivalent access to the public voice service for the persons with disabilities and socially vulnerable users;
- free access to emergency services;
- public pay telephone service;
- access to telephone operator and directory services.

In addition to the minimum set of services for the universal service, the said document also prescribes special measures for socially vulnerable categories.

Pursuant to the aforementioned Rulebook, on 12 March 2010, the Management Board of the Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) issued Decision on determining public telecommunications operators with universal service obligation, determining Telekom Srbija, Telenor d.o.o., VIP Mobile d.o.o. and Orion telekom d.o.o. as operators with the obligation of universal service provision .

Pursuant to Article 55 of the Law on Electronic Communications, basic set of universal services shall include:

- access to public telephone network and to publicly available telephone services at a fixed location, including the service of data transmission which enables functional Internet access;
- access to directory enquiry service and access to public telephone directories;
- use of public pay telephones;
- free calls to emergency services;
- special measures aimed at giving persons with disabilities and socially vulnerable users equal possibilities of access to publicly available telephone services, including calls to emergency services, directory enquiry service and access to public telephone directories;

Universal services are provided on the principle of technological neutrality with the prescribed level of quality and at affordable prices, and at even more affordable prices to persons with disabilities and socially vulnerable users. At the proposal of RATEL, accompanied by the analysis of universal service provision and the quality and prices thereof in the Republic of Serbia, the Ministry shall designate the scope, geographic area coverage and quality of universal service provision, as well as the requests related to the equal possibilities of access to universal services by persons with disabilities, taking into account the level of development of public communications networks and the availability of public electronic communications services in the Republic of Serbia.

RATEL may designate one or more operators to have the obligation to provide all or individual services which fall within the set of universal services on the entire or a portion of the territory of the Republic of Serbia in order to ensure universal service coverage of the entire territory of the Republic of Serbia. The operators are designated in an objective, transparent and non-discriminatory manner so that effective and efficient universal service provision is ensured, i.e. in such a way as to ensure that the scope of determined obligations does not represent an excessive burden for the operator. Universal service operators shall make publicly available the up-to-date data on their universal service provision, including particularly the data on geographical availability, prices, conditions of access and use (including limitations) and quality. RATEL shall be authorised to impose on the operator the obligation to modify the prices or conditions for the use of services within universal service in a manner which shall be transparent and

non-discriminatory, in case it estimates it to be in the interest of ensuring equal opportunities for the use of services by persons with disabilities, and/or providing availability of these services for socially vulnerable users.

RATEL shall periodically assess the actions of the universal service operators in respect to certain obligations and analyse the provision of universal service in the Republic of Serbia, including the quality and the price of such service provision.

The operators with universal service obligation shall submit a report on universal service provision to RATEL not later than the end of the first quarter of the current year for the previous year. The report shall include a request for the remuneration of excessive costs of universal service provision, substantiated by a list of costs which are deemed excessive burden. Within three months from the day of receipt of the request from the operator and the excessive cost particulars, RATEL shall adopt a decision stipulating the amount of excessive costs.

The financial resources for the purpose of the remuneration of excessive costs shall be secured through contributions paid by operators into a special universal service account opened with RATEL. The decision adopted by the RATEL shall specify the amount of the contributions the operators shall pay for financing the universal service provision in the previous accounting period, in the manner which shall disrupt market relations to the slightest possible extent and shall be in proportion to the respective operator's share in the market, and the total amount of contributions paid by all operators must correspond to the total amount of excessive costs stipulated in the decision on the amount of excessive costs.

Based on Article 55 (3) of the Law on Electronic Communications, at the proposal of RATEL the Ministry shall adopt the Rulebook on Provision of Universal Service within one year from the date of entry into force of the Law (in July 2011).

- 13. Please describe the competence, structure and degree of independence of the regulatory body for telecommunications (operational independence, possibility for political interference, financial independence). Also provide information on its establishment, nomination procedures, budgetary and human resources and administrative powers. To what extent is there a separation of regulatory and operational competencies? In your response to these questions, please describe not only the legal provisions but also how the legal provisions are implemented in practice (and provide information going back up to five years on the implementation of such provisions).**

Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) was established pursuant to the Law on Electronic Communications (hereinafter referred to as: the Law) as an autonomous organisation with the status of a legal entity which exercises public authorities in order to effectively implement the established electronic

communications policy, promote competition in the field of electronic communications networks and services, enhance their capacity and/or quality, contribute to the development of electronic communications market and protect the interests of users of electronic communications services, in accordance with the provisions of this Law and regulations adopted under this Law.

RATEL is functionally and financially independent of government authorities, as well as organisations and entities engaged in the electronic communications sector.

RATEL shall operate pursuant to the regulations referring to public agencies and the Ministry of Telecommunications and Information Society (hereinafter referred to as: the Ministry) shall supervise the lawfulness and expediency of RATEL in performing the entrusted duties.

All the decisions within the competencies of RATEL are made by the Management Board and the Director. The Management Board shall consist of five members, including the Chairman and the Deputy Chairman, appointed and relieved by the National Assembly of the Republic of Serbia, at the proposal of the Government and on the basis of open competition carried out. The Management Board members shall be appointed to the term of office of 5 years. Pursuant to the Law, the Management Board shall adopt the annual Framework Business Plan, other acts prescribed by the Law and perform other activities which are not included within the scope of responsibilities of the Director.

The Director shall be responsible for the lawfulness of the work of RATEL, he/she shall represent and act on behalf of the Agency, manage the activities and business operations of the Agency, decide on the rights, obligations and responsibilities of the Agency's employees, prepare and implement decisions of the Management Board and perform other tasks specified in the Law and in the Statute of the RATEL. Pursuant to the Law, the Director shall be appointed and relieved from office by the Management Board on the basis of open competition carried out, in accordance with the Law. The Director shall be appointed to a term of five years and may be reappointed and during his/her term of office shall be permanently employed in RATEL. The Director shall be held responsible for his/her work by the Management Board, and shall submit annual and periodical reports to the Management Board.

Article 25 of the Law governs the means of funding of RATEL. Financing shall be conducted in accordance with the financial plan which shall specify the total revenues and total expenditures of the Agency, including contingency reserves, and the elements of relevance for determining staff costs. The financial plan shall be adopted not later than 15 November of the current year for the following year. Total expenditures of the Agency envisaged in the financial plan may not exceed expenses necessary for the successful performance of Agency's responsibilities, and unforeseen expenditures may not exceed 2% of the planned expenditures. The financial plan shall be subject to Government approval. The financial plan shall be made publicly available on the website of RATEL.

The revenues of RATEL shall be the funds generated from the fees payable for the use of numbering resources, the use of radio-frequencies, the carrying out of activities within the electronic communications sector, and the income generated by RATEL in providing services from its scope of activities.

The annual financial report of RATEL, adopted by the Management Board, is subject to auditing by an independent authorised auditor. Annual financial report of RATEL and the authorised auditor's report shall be submitted to the Government. The financial reports shall be published according to the law which regulates the accounting and auditing sector and shall be made publicly available on the website of RATEL. In accordance with the law, the financial operations of RATEL shall be subject to control by the State Audit Institution.

Should the annual accounts of revenues and expenditures of RATEL show a surplus of total revenues over the expenditures, such surplus shall be paid into the budget of the Government of the Republic of Serbia and shall be used through the Ministry for the further development of the sector of electronic communications and information society. A portion of such surplus, in proportion with the revenues made by the operators of electronic communications network and service within the territory of the Autonomous Province of Vojvodina, shall be paid into the budget of the Autonomous Province of Vojvodina and shall be primarily used for the development of the electronic communications sector and information society within the autonomous province in question.

Not later than the end of second quarter of the current year, Management Board of RATEL shall submit to the National Assembly the annual report on the activities of RATEL for the previous calendar year, which shall in particular contain information on the status of the electronic communications market in the Republic of Serbia, information on the fulfilment of objectives and tasks stipulated in the annual Business Plan of RATEL, and in particular on the implementation of goals set under the Strategy for the Development of Electronic Communications, the adopted financial plan, financial reports and authorised auditor's reports, as well as other information relevant to the implementation of the Law. The above report shall be made publicly available on the website of RATEL.

14. Can decisions of the regulatory body be appealed? If yes, describe the procedure and its results over the past 2 years.

Based on Article 22 of the Law on Electronic Communications (hereinafter referred to as: the Law) at the request of interested parties or in the line of duty, RATEL shall decide, by written decision, on the rights and duties of operators and users. The decision shall be passed by the Director of RATEL, it shall be final and administrative litigation may be

initiated against it. The litigation shall not postpone the execution of the decision. Provisions of the law which regulates the general administrative procedure shall be applied in the decision-making procedure on the rights and obligations of the operator and users.

In past two years, i.e. from 31 December 2009, there were 37 claims for instigation of administrative dispute against the decisions adopted by RATEL submitted to the Supreme Court of Serbia and one compensation claim before the Commercial Court in Belgrade.

In accordance with the decisions of the competent court, 14 administrative disputes were finalized, 8 of which were in the favour of RATEL, and within 6 disputes the claim was accepted, and other disputes are in still in progress.

As of 1 January 2010 the Administrative Court shall have jurisdiction in administrative disputes in accordance with the Law on Organisation of Courts (*Official Gazette of RS* No. 116/08 and 104/09).

15. How does the allocation of frequencies and numbers/codes take place? Please indicate where relevant the involvement by "Conférence Européenne des Administrations des Postes et Télécommunications" (CEPT) and International Telecommunications Union (ITU).

The management of the radio-frequency spectrum

The Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) manages radio-frequency spectrum and cooperates with the international organisations and foreign administrations in charge of radio-frequency spectrum management.

Frequency Allocation Plan (*Official Gazette of RS* No. 112/04 and 86/08) lays down the allocation of radio-frequency bands for certain radio-communication services and activities, in accordance with relevant international agreements and recommendations, interest of the citizens, economy, national security and defence. Allocation Plan is adopted by the Government, on the basis of the proposal laid down by the Ministry, with participation of competent authority of Autonomous Province of Vojvodina, and drafted by RATEL.

Regulations relevant for the adoption of the Allocation Plan are national and international (ITU-R Recommendation и CEPT Recommendations, Decisions, Reports) and are presented in the last column of the Table of Allocations, and in the relevant notes accompanying the Table of Allocations.

Pursuant to Article 84 of the Law on Electronic Communications (hereinafter referred to as: the Law) Radio-frequency Allotment Plans (hereinafter referred to as: Allotment Plans) shall include the terms and conditions for the assignment of radio-frequencies from the allocated radio-frequency bands, the assignment of radio-frequencies for different locations or regions for one or more radio-communications services or activities, as well as any other technical conditions required for the use of radio-frequencies. Allotment Plans shall be based on the Allocation Plan and other relevant international agreements and recommendations, taking into consideration the needs and requirements of users. They are adopted by the Ministry upon the proposal from RATEL.

Based on Article 85 of the Law, the use of radio-frequencies shall be granted:

- 1) on the basis of an individual licence issuance procedure, upon request or following the completion of the public bidding procedure;
- 2) on the basis of general authorisation issuance procedure;
- 3) for special purposes.

RATEL shall prescribe the terms and conditions pertinent to the use of radio-frequency spectrum for the purposes of amateur radio-stations and radio-stations used on board by national and foreign aircrafts, trains, ships and other vessels, in accordance with the relevant international agreements and recommendations.

The management of the Numbering

RATEL on the basis of the Law, international regulations, international contracts and agreements binding upon the Republic of Serbia, effectively manages numbers and addresses as naturally restricted resource, plans them and allocates for the purpose of ensuring their rational, even and effective use in accordance with the Numbering Plan of the Republic of Serbia. The request for primary assignment of the addresses and numbers set out by the Numbering Plan of the Republic of Serbia is filed to RATEL.

RATEL has adopted the Rulebook on Administering the Numbering Plan for Telecommunications Networks (*Official Gazette of RS* No. 87/07) which specifies procedures of allocation of numbers and addresses as well as the form and content of relevant forms necessary for submitting requests.

In the process of preparation of the aforementioned regulations, recommendations of ITU-Study Group for numbering- SG2, relevant ITU-T recommendations as well as relevant decisions of NaN (Numbering and Networks) Working Group of CEPT are taken into consideration.

16. Please provide details on the implementation and enforcement of competitive safeguard measures, in particular:

- **CS (carrier selection)/CPS (carrier pre-selection) incl. calls to non geographical numbers;**
 - **implementation of number portability;**
 - **SMP (significant market power) regulations (market analysis procedure and imposition of remedies on SMP operators, including price control, and accounting separation), please also provide information on which markets will be analysed (and include planning);**
 - **access and interconnection, cost orientation, RIO (reference interconnection offer) (*including* the approval procedure by the regulatory authority) and the number of interconnection agreements;**
 - **RUO (reference unbundling offer) (full unbundling, shares access and also including bitstream access) and number of unbundled & shared loops;**
 - **national roaming and MVNO (mobile virtual network operator) access.**
- **- CS (carrier selection)/CPS (carrier pre-selection) incl. calls to non geographical numbers;**

In accordance with Article 70 of the Law on Electronic Communications (hereinafter referred to as: the Law) the obligation pertinent to the provision of carrier selection and carrier pre-selection services refers to the duty of an operator with significant market power within the relevant market of access to public telephone network at a fixed location to enable its subscribers to access the services of any interconnected operator of publicly available telephone services, in the following manner:

1. by providing the service of carrier selection on a call-by-call basis by dialling an operator selection code;
2. by providing the service of carrier pre-selection, with a possibility of overriding any pre-selected choice on a call-by-call basis by dialling an operator selection code.

In imposing the obligation the operator with significant market power may be ordered to:

- 1) ensure that pricing for access and interconnection within carrier selection and carrier pre-selection services is cost based;
- 2) adjust direct charges to subscribers for the services of carrier selection and carrier pre-selection ensuring that they do not act as a disincentive for the use of these services.

The regulation of CS (carrier selection)/ CPS (carrier pre-selection) is expected within the time limit allowed for the adoption of by-laws which shall be in line with the Law..

- **implementation of number portability;**

Article 79 of the Law on Electronic Communications (hereinafter referred to as: the Law) governs the number portability service so that an operator of publicly available telephone

services (donor operator) shall enable subscribers of its services, upon their own request, to switch to the services of other operator (receiving operator) and retain their assigned numbers from the Numbering Plan at a specific location, in the case of geographic codes, or at any location in the case of non-geographic codes. A request for the service of number porting shall be submitted by the subscriber to the receiving operator and this request shall also be considered a request for the annulment of the existing subscription contract between the subscriber and the donor operator related to the use of services the subject of which is the number requested for porting, and the subscription contract shall be considered annulled at the moment of disconnection of the donor operator from the network. In requesting the number porting service, the subscriber is under the obligation to provide data on his/her identity, the number for which the service of number porting is requested and a statement certifying that all outstanding debts made until the moment of the annulment of the contract have been acquitted, or otherwise the subscriber will be subject to temporary or permanent suspension of services provided by the receiving operator. The receiving operator is under the obligation to remunerate the costs of the donor operator for the provision of number porting services. RATEL shall manage the information system for number porting and keep the database of ported numbers, taking into account the protection of personal data, and shall prescribe the conditions for and the manner of the number porting procedure, as well as the fees for the number portability service stipulated in the Article.

RATEL has adopted the Rulebook on Number Portability in Public Mobile Telecommunications Networks (*Official Gazette of RS* No. 5/10) the application of which shall begin in 2011, the time by which telecommunications operators are obliged to ensure conditions for the provision of this service.

Rulebook on Number Portability in Public Fixed Telecommunications Networks as well as the Rulebook on Carrier Selection and Carrier Pre-selection are currently under way, the application of which was supposed to begin on 1 January 2011. However, due to delay as the result of cancellation of the procedure of public procurement of the central database system of ported numbers, the service of number portability shall be available by the end of the first quarter of 2011.

- **- SMP (significant market power) regulations (market analysis procedure and imposition of remedies on SMP operators, including price control, and accounting separation), please also provide information on which markets will be analysed (and include planning);**

RATEL conducts market analysis for the purpose of determining existence of conditions for designating the operator with significant market power, in order to ensure the effective competition in the relevant market.

Analysis is carried out in following phases:

- Defining the relevant markets both in terms of production and geography;

- Examination of the demand-side substitution and supply-side substitution and determining the end-user's reaction to the increase in prices, thereby discovering whether potential competition exists in the observed market;
- Application of the criteria for assessment of individual and common significant market power of the operators, examining the distribution of power among the existing operators in the market.

Article 61 of the Law on Electronic Communications (hereinafter referred to as: the Law) lays down criteria taken into consideration when deciding upon individual and joint significant market power:

1. size of the operator and its competitors, in particular as regards the number of users and total revenues,
2. control over the infrastructure not easily duplicated
3. technological advantage,
4. absence of or low bargaining strength of buyer,
5. easy or privileged access to financial resources,
6. level of diversification of products or services,
7. economies of scale,
8. economies of scope,
9. level of vertical integration,
10. highly developed distribution and sales network,
11. absence of potential competition,
12. existence of barriers to expansion.

When deciding upon joint significant market position, the following criteria are particularly taken into consideration:

1. market saturation;
2. stagnant or moderate growth on the demand side;
3. low elasticity of demand;
4. homogeneity of products;
5. similar cost structures;
6. similar market shares;
7. lack of technical innovation and/or mature technology;
8. absence of excess capacity;
9. high barriers to entry into the market;
10. lack of bargaining strength of buyers;
11. absence of potential competition;
12. existence of various informal and other links between the operators;
13. possibility of applying retaliatory mechanisms;
14. lack of or reduced opportunity for price competition.

The procedure of designation of operators with significant market power is described in Article 62 of the Law where is stated that RATEL based on the previous market analysis designates the operator who, individually or jointly with other operators, has significant market power on certain market. The decision on designating operators with significant market power shall also stipulate the following obligations in accordance with Article 63 of the Law:

1. publication of relevant data;
 2. non-discriminatory actions;
 3. accounting separation;
 4. provision of access and use of parts of the network infrastructure and associated facilities;
 5. price control and cost-based accounting;
 6. provision of minimum set of leased lines;
 7. provision of operator selection and operator pre-selection services;
 8. offering retail services under certain conditions.
- **- access and interconnection, cost orientation, RIO (reference interconnection offer) (including the approval procedure by the regulatory authority) and the number of interconnection agreements;**

In accordance with the Rulebook on General Terms and Conditions for Interconnection of Public Telecommunications Networks (*Official Gazette of RS* No. 53/08) adopted on the basis of the Law on Telecommunications (*Official Gazette of RS* No. 44/03, 36/06 and 50/09- CC decision) and in accordance with the obligation of the operator with significant market power to define a standard set of technical and commercial terms and conditions under which the operator offers interconnection services to other public telecommunications operators, Telekom Srbija a.d and SBB d.o.o. published i.e. made publicly available the reference interconnection offer, Telekom Srbija a.d. on 26 August 2008 and SBB d.o.o. on 31 December 2008. There are eight interconnection agreements with relevant Annexes currently registered with RATEL. RATEL has adopted the Rulebook on the Application of the Cost-accounting Principle, Separate Accounts and Reporting of a Telecommunications Operator with Significant Market Power (*Official Gazette of RS* No. 103/08) which governs basic principles, models and methodology of cost accounting and performance, calculation of cost price and sales price for services of the operator with SMP.

- **- RUO (reference unbundling offer) (full unbundling, shares access and also including bitstream access) and number of unbundled & shared loops;**

Regulation of the minimum content of RUO (reference unbundling offer) is expected in the time limit prescribed for full liberalisation of fixed telephony by the Law on Electronic Communications.

- **- national roaming and MVNO (mobile virtual network operator) access.**

Law on Electronic Communications created the bases for the introduction of MVNO by way of obligation of operator with significant market power to enable access and use of parts of network elements and associated facilities (Article 67 of the Law).

At the moment there are no virtual mobile operators on the current market.

17. Describe your 'rights of way' procedures.

Pursuant to Article 50 of the Law on Electronic Communications (hereinafter referred to as: the Law), operators shall be entitled to request the right of way through other person's property or the right to use other person's property (easement), should it be necessary for the construction or installation of electronic communications networks and associated facilities. The operator and the owner and/or holder of the right to use the property shall sign a contract to regulate in detail the manner of executing easement and the existence and amount of fee payable for the establishment of the right to easement.

Should the above parties fail to reach an easement agreement, the easement shall be executed in accordance with the law. When easement is based on publicly owned property, and in cases where the law which regulates public property does not prescribe otherwise, relevant public authority which decides on the conclusion of agreement shall define the conditions for acquiring the rights to easement in a non-discriminatory manner and make it publicly available, and reach the decision on signing the agreement without delay, at the latest within 30 days from the day of the receipt of the request for the signing of the agreement.

As regards shared use, pursuant to Article 51 of the Law, an operator shall be entitled to request shared use (including physical co-location) of network elements and associated facilities of another operator or a third party, and property for the use of which another operator or a third party has established the right to easement or property acquired by expropriation, in cases where it is necessary for the purpose of competitive, effective and efficient performance of electronic communications activities and/or where it is impossible to construct or install a new electronic communications network and associated facilities without causing detrimental effects on the environment, public security, realization of spatial plans or preservation of cultural heritage.

The operator shall make an agreement with another operator or a third party, holder of the right for the use of network elements, associated facilities and other property, which shall regulate in detail the mutual rights and obligations concerning shared use, including the allocation of expenses, taking into account previous investments, encouragement of

further investments and the possibility of a reasonable rate of return on investment, bearing in mind the risk involved in making the investment.

If the agreement is not signed within 60 days from the day of the receipt of the request for the signing of the agreement, and if the requirements referred to in Article 51 of the Law are met, the Republic Agency for Electronic Communications shall be authorised to adopt a written decision, at the request of an interested party or in the line of duty, which shall stipulate the conditions of the shared use, including the allocation of expenses, taking into account previous investments, encouragement of further investments and the possibility of a reasonable rate of return on investment, bearing in mind the risk involved in making the investment.

Implementation of the European Emergency number 112

European Emergency number 112 and associated services are defined in the Law on Crisis Situations (*Official Gazette of RS* No. 111/09) which entered into force on 7 July 2010.

Provision of Article 80 of the Law on Electronic Communications prescribes that operator of publicly available telephone services shall enable all users to originate calls towards the single emergency call number 112 and other emergency numbers in the Republic of Serbia, in accordance with the Numbering Plan, free of charge, from any telephone set including public pay phones. The operator is under the obligation to, free of charge and to the extent allowed by technical capabilities, provide all available data on calls originated towards the single emergency number 112 or other emergency service numbers, in particular data on caller identification, calling number, time, duration and location of the call, to the emergency service call centre.

Implementation of this Article of the Law is possible when all technical requirements specified by the ministry responsible for the internal affairs are met.

The Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) issued Decision on Amendments to the Numbering Plan of the Republic of Serbia for Telecommunications Networks (*Official Gazette of RS* No. 47/10) defining the emergency call number 112 and implementing it in the current Numbering Plan.

The Ministry of Interior is responsible for implementation and exploitation of the service of the single emergency number 112. Services competent to react in cases of emergency that are within the Ministry of Interior are police, fire and rescue units and the service of monitoring, reporting and alerting. In the realization of the service 112 will be involved the Ministry of Health (emergency medical assistance) and in regulatory terms Ministry of Telecommunications and Information Society and RATEL.

The establishment of 4 regional and one national operation centre of the service 112 on the territory of the Republic of Serbia is planned. Regional centres receive all calls and other types of information on the events in the field of emergency situations and organise intervention of the locally organised competent services. National operation centre 112 coordinates the work of regional centres, gathers and analyses information, monitors events and informs competent authorities and institutions on all types of information in the field of emergency situations. National centre also performs the activities of the international coordination and informing in the field of emergency situations. Operation centres 112 are mutually connected and operate as a single communications and information centre.

Operators of publicly available telephone services shall enable all users to originate calls towards the single emergency call number 112 and other emergency numbers in the Republic of Serbia, in accordance with the Numbering Plan, free of charge, from any telephone set including public pay phones. The operators are under the obligation to, free of charge and to the extent allowed by technical capabilities, provide all available data on calls originated towards the single emergency number 112 or other emergency service numbers, in particular data on caller identification, calling number, time, duration and location of the call, to the emergency service call centre.

18. Describe the cooperation provisions between all the relevant authorities in the sector (i.e. the cooperation between the competition authority and the regulatory authority in charge of electronic communications).

The legal aspect of the protection of competition is regulated on the basis of the Law on Protection of Competition (*Official Gazette of RS* No. 51/09) governing the protection of competition in the market of the Republic of Serbia, which is applicable as of 1 November 2009.

Pursuant to the Law on Protection of Competition, abuse of dominant position is prohibited, and such abuse particularly consists in directly or indirectly imposing unfair trading conditions, limiting production, markets or technical development.

Commission for Protection of Competition (hereinafter referred to as: the Commission) is an independent and autonomous organisation performing public competencies. Commission, *inter alia*, is competent to decide on rights and obligations of market players, impose administrative measures, be included in defining the rules to be passed in the field of protection of competition, propose to Government the regulation for implementation of the Law.

The Republic Agency for Electronic Communications (hereinafter referred to as: RATEL) has special responsibilities in the field of prevention of monopolies and monopolistic behaviour. To that effect, RATEL shall, *inter alia*, set tariffs for certain

regulated telecommunications services and monitor implementation of tariff policy, irrespective of the market openness and free competition.

In the Law on Electronic Communications particular attention is paid to public telecommunications operators with significant market power, i.e. to operators which have dominant role in the telecommunications market of the Republic of Serbia, and therefore may significantly affect the relations in this market. Given the possibility that they have negative effect on other market players as well as on users of services, RATEL has special regulatory competencies as far as these operators are concerned.

In conducting the analyses of the relevant markets susceptible to *ex ante* regulation and relevant electronic communications markets, RATEL conducts *ex ante* market regulation, cooperating with the authority responsible for protection of competition and/or seeking its opinion. When analysing market, RATEL is entitled to determine that certain operator has significant market power, and may impose on the operator at least one regulatory obligation.

Commission delivers opinions to the competent authorities on proposals for rules as well as on applicable rules that effect the competition on the market, delivers opinions in view of implementation of rules in the field of protection of competition and cooperates with the state authorities and local self-government bodies for providing the conditions for implementation of this law and other rules that regulate the issues of importance for protection of competition (Article 21 (1) (7), (8) and (10) of the Law on Protection of Competition (*Official Gazette of RS* No. 51/09)).

In compliance with Article 60 of the Law on Electronic Communications, RATEL cooperates with the Commission for Protection of Competition in conducting the analysis of electronic communications market.

Commission and RATEL plan to conclude the Cooperation Agreement during 2011, which shall specify further the cooperation of the two institutions.

D. Description of sector

19. What is the current stage of sector liberalisation? Please provide information for all market segments (fixed telephony, mobile telephony, internet) on:

- a) infrastructure, including all “alternative” infrastructures;**
- b) liberalised services.**

a) infrastructure, including all “alternative” infrastructures;

Telecommunications Company Telekom Srbija a.d. was the sole fixed telephony operator until the end of 2009. Following the completion of the public bidding procedure, RATEL

issued a Licence for public fixed telecommunications networks and services for the territory of the Republic of Serbia to Telenor d.o.o. .

Moreover, in June 2009, RATEL issued Licence for public fixed wireless telecommunications network (FWA) in the 411.875-418.125/421.875-428.125 MHz frequency band and voice services, data package transmission and simultaneous voice and data transmission to Telecommunications Company Telekom Srbija a.d. and Orion telekom d.o.o.

RATEL issued three Licences for public mobile telecommunications networks and public mobile telecommunications network services in accordance with GSM/GSM 1800 and UMTS/IMT-2000 standards to Telecommunications Company Telekom Srbija a.d. and companies Telenor d.o.o. and Vip mobile d.o.o. during the period from July to December 2006.

In order to ensure the liberalisation of telecommunications market, RATEL adopted the Rulebook on Terms and Conditions for the Issuance of Authorisation for Public Telecommunications Networks and Contents of Authorisation (*Official Gazette of RS* No. 94/08) and the Rulebook on Terms and Conditions and the Procedure for the Issuance of Authorisation to a Public Telecommunications Operator for Interconnection of a National Telecommunications Network with a Telecommunications Network of Another Country (*Official Gazette of RS* No. 94/08). RATEL issued 68 authorisations for public telecommunications networks.

On 31 December 2009, there were 199 registered Internet providers.

b) liberalised services.

On 31 December 2009, there were 39 registered VoIP operators.

20. What are the number of operators and the types of authorisation? Please provide information for the following sub-sectors:

a) public voice telephony (Public Switched Telephone Network (PSTN), alternative infrastructures, e.g. utilities);

b) public land mobile communications (analogue and digital non-GSM (Global System for Mobile Communications), GSM, DCS 1800 (GSM operating at higher frequency), UMTS (Third Generation Digital Mobile System), WiMAX (Worldwide Interoperability for Microwave Access), paging etc);

c) private land mobile telecommunications (e.g. taxis, transport, emergency services);

d) satellite communication;

e) data communication;

f) cable television;.

g) others (not covered by the above).

a) public voice telephony (Public Switched Telephone Network (PSTN), alternative infrastructures, e.g. utilities);

Holders of the Licence for public fixed telecommunications networks are Telecommunications Company Telekom Srbija a.d. and Telenor d.o.o.

Holders of the Licence for public fixed wireless telecommunications network (FWA) in the 411.875-418.125/421.875-428.125 MHz frequency band and voice services, data package transmission and simultaneous voice and data transmission are Telecommunications Company Telekom Srbija a.d. and Orion telekom d.o.o.

b) public land mobile communications (analogue and digital non-GSM (Global System for Mobile Communications), GSM, DCS 1800 (GSM operating at higher frequency), UMTS (Third Generation Digital Mobile System), WiMAX (Worldwide Interoperability for Microwave Access), paging etc);

Holders of Licences for public mobile telecommunications networks and public mobile telecommunications network services in accordance with GSM/GSM 1800 and UMTS/IMT-2000 standards are Telecommunications Company Telekom Srbija a.d. and Telenor d.o.o. and Vip mobile d.o.o. Licences are issued for the territory of the Republic of Serbia in 2006 for a period of 10 years, and after that period validity of the licence may be extended for a period of additional 10 years.

c) private land mobile telecommunications (e.g. taxis, transport, emergency services);

The right to exploit the radio-frequencies for private mobile telecommunication is obtained on the basis of individual licence for exploitation of radio-frequencies, issued by the decision of RATEL at the request of users. Users of these bands are: Communal services, ambulance, fire brigade, taxi, security services, transport, production and distribution of electricity, gas, mining, etc. There are 28,178 licences issued to 589 users as at 30 November 2010.

d) satellite communication;

The right to exploit radio-frequencies for satellite telecommunications is obtained on the basis of individual licence for the exploitation of radio-frequencies issued by decision of

RATEL at the request of users. In fixed and mobile satellite service there are 101 issued licences for 17 users as at 30 November 2010.

e) data communication;

There are 200 authorisations for the provision of Internet services and authorisations for the provision of data transmission services issued by RATEL.

f) cable television;.

On 31 December 2009 there were 75 registered operators providing services of distribution of radio and television programmes by means of cable distribution network and IPTV and 3 operators providing services of distribution of radio and television programmes by means of satellite (DTH).

g) others (not covered by the above).

Following licences are issued as at 30 November 2010:

- 333 licences for ship radio stations to 166 users;
- 249 licences for aircraft radio stations to 64 users;
- 848 licences for the use of amateur radio-frequencies by radio amateurs.

For broadcasting and distribution of radio and television signals intended for direct public reception by an unlimited number of users in an open area are issued radio station licences for broadcasters to which, in accordance with the decisions of the Republic Broadcasting Agency, are issued licences for broadcasting on national, regional and local level, as well as broadcasters to which the right to broadcast is given directly pursuant to the Law on Broadcasting (public service). There are 902 licences for broadcasting stations issued to 407 users.

In addition, there are 3693 technical licences - certificates issued by RATEL in 2009.

21. What are the manufacturers and manufacturing activities for network equipment and terminals in your country?

National industry of telecommunications network and terminal equipment is under-represented in the Republic of Serbia. Manufacturers present in the market of the Republic of Serbia have modest assortments, and their equipment often cannot compete in price and/or quality with appropriate equipment made by foreign manufacturers.

The most significant manufacturers of telecommunications equipment in the Republic of Serbia are IMTEL, IRITEL and Pupin Telecom.

In order to promote domestic production of telecommunications equipment, government adopted the Strategy for the Increase of Participation of National Industry to the

Development of Telecommunications in the Republic of Serbia, in December 2009. This strategy includes analysis of the current state of industry of telecommunications equipment in the Republic of Serbia and provides for a number of activities which shall be carried out periodically.

The first envisaged activity is the establishment of special commission which shall monitor the state of industry of telecommunications equipment and submit report on it every six months. The aforementioned reports should include an analysis of current situation in this field, changes incurred compared to the previous report, as well as a number of measures which would be implemented in the following period and which would enable further development in this field.

In addition, the Ministry of Telecommunications and Information Society shall organize discussions and roundtables with appropriately selected topics where shall be gathered all players on the market of telecommunications equipment in the Republic of Serbia, manufacturers, telecommunications operators and regulators.

22. Which are the main public telecommunications operator(s)? Please refer to:

- a) ownership and control of the operators;**
- b) type of authorisation;**
- c) principal subsidiaries;**
- d) revenue/net income;**
- e) number of employees;**
- f) number of main lines;**
- g) number of subscribers for the main operators (in case of mobile telephony, distinguish between pre-paid and post-paid customers).**

- a) ownership and control of the operators;**

Data on 30 November 2010

Operators	Ownership structure
Telekom Srbija a.d.	-Hellenic telecommunications organisation a.e., Greece, 20% - Republic of Serbia – the Government of the Republic of Serbia 80%
Telenor d.o.o.	Telenor A/S, Denmark, 100%
VIP Mobile d.o.o.	Mobilkom cee Beteiligungsverwaltung GMBH, Austria, 100%
SBB d.o.o.	Adria cable B.V., Netherlands, 100%

b) type of authorisation;

Data on 30 November 2010

Operators	Type of authorisation
Telekom Srbija a.d.	Licence for fixed telephony
	Licence for mobile telephony
	CDMA licence(fixed wireless access in the 411.875-418.125/421.875-428.125 MHz frequency band)
	Approval for radio and television programme distribution
	Approval for provision of Internet service
Telenor d.o.o.	Licence for fixed telephony
	Licence for mobile telephony
VIP Mobile d.o.o.	Licence for mobile telephony
SBB d.o.o.	Approval for radio and television programme distribution
	Approval for provision of Internet service
	Approval for provision of data transmission service
	Approval for provision of voice transmission service over Internet protocol–VoIP

c) principal subsidiaries;

Data on 31 December 2009

The subsidiaries of the operator Telekom Srbija a.d. are:

- Telus a.d. Belgrade, Serbia (100%)
- Mtel d.o.o. Podgorica, Montenegro (51%)
- Telekomunikacije Republike Srpske a.d. Banja Luka, Republika Srpska (65%)
- FiberNet d.o.o. Podgorica, Montenegro (100%)

The subsidiaries of the operator SBB d.o.o. are:

- Total TV Ljubljana, Ljubljana, Slovenia
- Total TV Montenegro, Podgorica, Montenegro
- Total TV BIH, East Sarajevo, Bosnia and Herzegovina
- Adria DTH B.V., Amsterdam, Netherlands

d) revenue/net income;

Data on 31 December 2009

Operators	Revenues/ net income
Telekom Srbija a.d.	86,037.5 million RSD (EUR 905,657.9) / 15,548.7 million RSD (EUR 163,670.5)
Telenor d.o.o.	31,545.5 million RSD (EUR 332,057.8) / 2,663.3 million RSD (EUR 28,034.8)

VIP Mobile d.o.o.	8,035.7 million RSD (EUR 84,586.3) / 11,881.9 million RSD (loss) (EUR 125,072.6)
SBB d.o.o.	6,879.9 million RSD (EUR 72420.0) / 1,730.5 million RSD (loss) (EUR 18,215.7)

e) number of employees;

Data on 31 December 2009

Operators	Number of employees
Telekom Srbija a.d.	9.594
Telenor d.o.o.	1.225
VIP Mobile d.o.o.	321
SBB d.o.o.	731

f) number of main lines;

Company Telekom Srbija a.d. reported 3,105,728 main lines in operation in 2009.

g) number of subscribers for the main operators (in case of mobile telephony, distinguish between pre-paid and post-paid customers).

Number of subscribers of the main operators on 31 December 2009

Operator	Fixed	Mobile		Internet	CDS
		Pre-paid	Post-paid		
Telekom Srbija a.d.	2.948.402	4.569.373	1.346.245	247.302	23.369
Telenor d.o.o.	-	1.925.691	917.103	-	-
VIP Mobile d.o.o.	-	1.153.927		-	-
SBB	-	-	-	127.943	561.691

23. What strategic telecommunications alliances exist in your country? Please provide information on partners, shareholders, fields of activity and the approvals by the competition authorities.

Vip mobile d.o.o. - Vodafone, concluded Agreement on Exclusive Strategic Partnership.

Foreign Investors Council in the Republic of Serbia established Telecommunications Committee in January 2009, with the main aim of improving the dialogue between representatives of the association member companies, relating to regulatory issues as well as of suggesting ways of promoting the regulatory framework in the field of telecommunications.

Current objectives of the Telecommunications Committee are following:

- Monitoring of implementation of the Action Plan for the Implementation of the Strategy for the Development of Telecommunications in the Republic of Serbia
- Simplification of the procedure for setting up base stations,

- Strengthening relations with the Republic Agency for Electronic Communications and the Ministry of Telecommunications and Information Society.

In addition to the Foreign Investors Council which gathers telecommunications operators in the Republic of Serbia there is also Business Association of Cable Distributors of Serbia established on 18 July 2001. The establishment was attended by 19 firms engaged in construction and maintenance of cable systems, and in the course of work the Association was approached by 6 more members. Association is formed as professional organisation which gathers the firms involved in construction and maintenance of cable systems.

Internet Service Providers Association of Serbia (www.uisp.rs) was established on 15 January 2010.

24. What type of cost accounting system is used by the main public network operator(s) and/or the operators with significant market power? Is it mandatory to use the cost accounting system in justifying their prices? How are the retail prices regulated? How are the wholesale prices (i.e. for interconnection) regulated?

Article 68 of the Law on Electronic Communications (hereinafter referred to as: the Law) prescribes the mechanisms for cost recovery and price control of the operators under the obligation of price control and cost-based accounting.

The principles, models and basic methodologies of cost and performance accounting, with calculation of selling price of services are governed by the Rulebook on the Application of the Cost-accounting Principle, Separate Accounts and Reporting of a Telecommunications Operator with Significant Market Power (*Official Gazette of the Republic of Serbia* No. 103/08) In accordance with the Rulebook, the operators with significant market power have the obligation to apply the cost-accounting in price formation of telecommunications services. The Rulebook is applicable from 2008, it is adopted in accordance with the Law on Telecommunications (*Official Gazette of RS*, No. 44/03, 36/06 and 50/09- CC decision) and its compliance with the Law in force is expected in the following period.

Pursuant to the Rulebook, operators to which regulatory measure of special tariff regime applies are obliged to form controlled prices of telecommunications services by consistent application of cost-based model and by means of “costs plus” method, i.e. adding of an appropriate rate of return on the capital engaged in the product production or sales to the unit cost of services. The accounting is conducted on the basis of *Historical Cost Accounting* (HCA) model according to the Top-Down method, based on the functional principle of the *Fully Distributed Cost* (FDC) and/or or Activity Based Costing (ABC).

Retail prices of telecommunications services are formed freely, except for the services provided by operators with significant market power to which applies the special regime described above.

Wholesale prices are formed freely in conditions of undistorted competition in the market.

25. Please provide information on the number of internet users, based on the different (access) technologies. Please provide information on how the prices for internet use are determined.

Technology	2005	2006	2007	2008	2009
Dial – up	708.226	882.611	685.397	397.202	252.195
ADSL	9.530	26.126	132.359	267.876	351.252
Cable modem	23.956	54.598	87.731	138.850	187.923
Wireless access	1.049	21.968	36.059	47.753	45.864
Mobile (3G) broadband access	/	/	/	25.489	100.628
Total number of 3G network subscribers	/	9.687	257.379	738.401	762.307
Other (ISDN, direct access, Ethernet, LAN...)	13.914	10.210	2.276	1.135	5.547

Source: Republic Agency for Electronic Communications (RATEL)

Since the operator with significant market power has not been yet identified in the Internet market, the prices of this service are formed freely.

26. Describe the situation as regards infrastructure access to cables and ducts, as well as the current extent of facility sharing.

Provision of the Article 51 (2) of the Law on Electronic Communications (hereinafter referred to as: the Law) prescribes that the operator shall make an agreement with another operator or a third party, holder of the right for the use of network elements, associated facilities and other property, which shall regulate in detail the mutual rights and obligations concerning shared use, including the allocation of expenses, taking into account previous investments, encouragement of further investments and the possibility of a reasonable rate of return on investment, bearing in mind the risk involved in making the investment. If the agreement is not signed within 60 days from the day of the receipt of the request for the signing of the agreement, and if the requirements prescribed by the Law are met, RATEL shall be authorised to adopt a written decision which shall stipulate the conditions of the shared use.

In compliance with Article 53 of the Law the operator with SMP shall provide interconnection and access to other operators in accordance with the provisions of this Law and the decision of RATEL designating such operator as an operator with SMP.

RATEL keeps up-to-date database on type, availability and geographic location of the capacities which may be the subject of the request for joint use or access.

In 2006 RATEL adopted Principle on Terms and Conditions of Joint Use of Cable Ducts. Moreover, for reasons of efficient exploitation of telecommunications infrastructure, the Action Plan for the efficient usage of telecommunications infrastructure for the needs of the public telecom operators and government authorities is adopted.

In 2010 RATEL also issued decision governing mutual relations between the operators Telecommunications Company Telekom Srbija a.d. and Telenor d.o.o. After expiry of time limit laid down by law in which the operators Telekom Srbija a.d. and Telenor d.o.o. failed to agree on terms for interconnection of their networks i.e. on terms for access to telecommunications infrastructure of Telekom Srbija a.d., RATEL issued decision setting out the elements governing, *inter alia*, collocation, usage of transport capacities and lease of telecommunications ducts.

The first commercial point of exchange of domestic Internet traffic Serbian Open Exchange (www.sox.rs) is established in the middle of 2010.

II. INFORMATION SOCIETY SERVICES

A. Policy

- 27. Please describe the institutional framework of the sector, with reference to the relevant government bodies, the role of the parliament and possible other organisations or institutions. Also describe the policy for the development of the information society in your country. If a strategy document exists, please provide a copy in an EU language. Is there any national policy initiative similar to the eEurope or i2010 initiatives?**

Setting out the policy and strategy of the construction of information society is within the competence of the Ministry of Telecommunications and Information Society in accordance with Article 18 of the Law on Ministries (*Official Gazette of RS* No. 65/08).

The Republic Institute for Informatics and Internet as separate organisation in accordance with Article 37 of the Law on Ministries (*Official Gazette of RS* No. 65/08), the Administration for Joint Services of the Republic Bodies in accordance with the Decision on Administration for Joint Services of the Republic Bodies (*Official Gazette of RS* No. 67/91, 79/02 and 13/04) as well as the Ministry of Public Administration and Local Self-government, responsible for the system of public administration in accordance with Article 12 of the Law on Ministries also have competencies in the field of application of information and communications technologies in the public administration.

In addition to said authorities there are other state authorities and organisations responsible for the development and implementation of information systems for the purpose of the activities within their purview (information system of the Ministry of Interior, Tax Administration, Customs Administration, Geodetic information system etc.) i.e. for the application of information and communications technologies in the field for which they are responsible (Ministry of Health for the health care system, Ministry of Education for the school system, Ministry of Justice for courts and prosecutor services, etc.). To this end a number of state authorities have special organisational units for performance of these tasks (departments, divisions, sections, groups).

The field of information society in the Republic of Serbia is governed by:

1. Strategy for Development of Information Society until 2020 (*Official Gazette of RS* No. 51/10) of 27 July 2010;
2. eSEE Agenda+ for the Development of Information Society in SEE for the Period 2007–2012, signed by the Republic of Serbia in October 2007;
3. *Action Plan for the Implementation of Priorities of the “eSEE Agenda + for the Development of Information Society in SEE for the Period 2007-2012”* (*Official Gazette of RS* No. 29/09) of 28 April 2009;
4. Strategy for Development of e-Government for the Period 2009-2013 with Action Plan (*Official Gazette of RS* No. 83/09) of 12 October 2009;
5. Law on Electronic Signature (*Official Gazette of RS* No. 135/04) of 21 December 2004;
6. Law on Electronic Document (*Official Gazette of RS* No. 51/09) of 14 July 2009;
7. Law on Personal Data Protection (*Official Gazette of RS* No. 97/08 and 104/09) of 27 October 2008;
8. Law on Electronic Commerce (*Official Gazette of RS* No. 41/09) of 2 June 2009;
9. Law on Ratification of the Convention on Cyber Crime and the Law on Ratification of the Additional Protocol to the Convention on Cyber Crime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (*Official Gazette of RS*, No. 19/09) of 18 March 2009;

By-laws governing the field of information society are:

1. Rulebook on Detailed Conditions for Issuing Qualified Electronic Certificates (*Official Gazette of RS* No. 26/08) of 14 March 2008;
2. Rulebook on Technical-technological Procedures for the Formation of Qualified Electronic Signatures and the Criteria to be Fulfilled by Funds for the Formation of Qualified Electronic Signatures (*Official Gazette of RS* No. 26/08 and 13/10) of 14 March 2008;
3. Rulebook on the Register of Certification Bodies Issuing Qualified Electronic Certificates in the Republic of Serbia (*Official Gazette of RS* No. 26/08) of 14 March 2008;

4. Rulebook on Records Keeping of Certification Bodies (*Official Gazette of RS* No. 48/05, 82/05 and 116/05) of 7 June 2005;
5. Rulebook on Time-stamping (*Official Gazette of RS* No. 112/09) of 30 December 2009;

Law on cyber crime is not adopted, but the area is sanctioned by the special chapter of the Criminal Code (*Official Gazette of RS* No. 85/05, 88/05 and 107/05). Moreover, in 2005 is adopted the Law on Organisation and Competencies of State Authorities in Combating Cyber Crime (*Official Gazette RS* No. 61/05 and 104/09) of 17 May 2005 establishing special Departments of the Prosecutor services with jurisdiction throughout the entire territory of the Republic of Serbia, special police unit and special court councils to act in the cases of cyber crime.

28. What body is in charge of the information society policies, including its implementation? How is the coordination of activities, developments and policies performed and ensured in the sector?

Body responsible for information society policies, including its implementation is the Ministry of Telecommunications and Information Society, within which one of the fundamental internal units is the Department of Information Society. Department of Information Society, *inter alia*, performs duties relating to: the information society development strategy; preparing proposals for establishing and pursuing Government policy in the field of construction of information society; initiating measures for the promotion and encouragement of research and development of information and communication technologies (ICT); development and promotion of academic computer network AMRES; cooperation with other public administration authorities with the aim of implementing eGovernment projects; supervising the implementation of the Law on Electronic Signature and regulations stemming thereof; compliance with international standards and recommendations in the field of information society; as well as other duties in the Department's purview.

Coordination of these activities is carried out by the Ministry of Telecommunications and the Republic Institute for Informatics and Internet which performs the professional activities and the activities of public administration relating to: Promotion, development and operating of information system of state authorities, local self-government and public services; data protection; development and application of standards in introducing information technologies in state authorities.

Administration for Joint Services of the Republic Bodies is responsible, *inter alia*, for activities of automatic data processing including: Production and introduction of projects for automation of administrative and other operational activities performed in the Administration and national authorities; designing and organising documentation and other databases for the needs of the national authorities; other information technology activities related to ensuring operation and development of information systems.

In addition to these institutions, the Ministry of Telecommunications and Information Society has a direct cooperation with the Republic Agency for Electronic Communications through which normative-legal activity takes place efficiently, thereby creating the necessary conditions for liberalisation of the electronic communications market.

29. What is the budget allocated to the policy, what is the administrative capacity and what are the implementation mechanisms?

Based on the Law on Budget of the Republic of Serbia for 2010 (*Official Gazette of RS* No. 107/09) of 21 December 2009, to the Ministry of Telecommunications and Information Society from the budget are allocated 391,535,000 dinars (EUR 4,121,421.00) and overall 681,535,000.00 dinars (EUR 7,174,052.6).

Based on the Decision on Distribution and Use of Funds for the Realisation of Projects of the National Investment Plan, to the Ministry of Telecommunications and Information Society is allocated a sum of 209,070,629.00 dinars (EUR 2,200,743.4). From these funds will be financed infrastructure projects in the field of information society. End-user of these projects is public administration.

In accordance with current systematization in the Department for Information Society, there are eight job positions provided for, out of which 6 are filled, and in the National Information Technology and Internet Agency on the basis of systematization there are 11 job positions provided for, out of which at the moment are filled 10 job positions.

B. Basic data on Internet access

30. Please provide Internet access rates for:

- a) schools, both primary and secondary education;**
- b) households;**
- c) enterprises, per size (SMEs, medium, large) and sector if possible.**

a) schools, both primary and secondary education;

Data on the Internet connection speed in elementary and secondary schools are not available.

On the basis of the Conclusion of the Government 05 No. 401-4812/2010-2 of 8 July 2010, the Programme for Distribution and Use of Funds for Information Technology Equipment in Elementary Schools - "Digital School" is adopted. The Programme

provides for equipment for digital classrooms in elementary schools, including acquisition of computers, software, and other necessary equipment. Each digital study lab will have enough space for 5 to 30 students and in addition to computer units for students, there will also be one unit for teacher, and appropriate software, and computer connection in the classrooms. Equipping of school facilities of elementary schools will be conducted during the academic year 2010/2011 and Programme will be used by institutions which deal with primary education- elementary schools established by the Republic of Serbia, Autonomous Province of Vojvodina and Local Self-government Units.

Codebook of the Ministry of Education indicates that there are 1247 elementary schools in the Republic of Serbia. Out of that number 1190 elementary schools applied for participation in the Programme Digital School, out of which 908 elementary schools wrote in the application that they have Internet connection.

Ministry of Telecommunications and Information Society does not have information on secondary schools.

b) households;

39% of households have Internet connection, out of which 27.6% have broadband Internet connection.

Source: Survey of the Statistical Office of the Republic of Serbia “Usage of information and communications technologies in the Republic of Serbia, 2010”.

c) enterprises, per size (SMEs, medium, large) and sector if possible.

In Serbia 96.8% of enterprises have Internet access, per purview:

- Banks and insurance companies (100%)
- Motion picture, video, radio and TV activities (100%)
- Transport, storage and communications (98.6%)
- Processing industry (98.1%)
- Real estate, renting and business activities (97.7%)
- Wholesale and retail trade (95.7%)
- Construction (94.2%)
- Hotels, camping sites and other short stay accommodation (88.5%).

Source: Survey of the Statistical Office of the Republic of Serbia “Usage of information and communications technologies in the Republic of Serbia, 2010”

C. Research

31. What is the specific public policy for promoting and supporting research on Information Society Technologies (ISTs)? If a strategy document exists, please provide a copy in an EU language.

In the Republic of Serbia the field of ICT is governed by the following strategic documents:

1. Strategy for Development of Information Society in the Republic of Serbia until 2020, which defines following priority areas:
 - Electronic communications
 - E-Government, e-health and e-justice
 - ICT in education, science and culture
 - Electronic commerce (e-commerce)
 - Business sector ICT
 - Information security.
2. Scientific and Technological development Strategy of the Republic of Serbia for the period from 2010-2015 (*Official Gazette of RS* No. 13/10) of 12 March 2010, where are defined following priorities in the field of information and communications technologies:
 - Electronic communication networks and services;
 - Installed electronic systems;
 - Management and control of complex distribution systems;
 - Intelligent systems and
 - Security and reliability of networks, systems and data.

32. What are the main universities, research institutes or centres active in IST research? In which domains?

Following Faculties are engaged in information technologies:

1. University of Belgrade: Faculty of Organisational Sciences, Faculty of Electrical Engineering, Faculty of Mathematics, all in Belgrade, and Technical Faculty in Bor;
2. University of Novi Sad: Technical faculty, Faculty of Sciences;
3. University of Nis: Faculty of Electronic Engineering, Faculty of Science and Mathematics;
4. Singidunum University: Faculty of Informatics and Computing;
5. University of Kragujevac: Faculty of Natural Sciences and Mathematics in Kragujevac and Technical Faculty in Cacak;
6. Faculty of Information Technology (FIT) in Belgrade.

At the session of the Government of the Republic of Serbia of 22 April 2010, the decision on establishing of information and communications institution "Academic Network of the

Republic of Serbia" AMRES is taken, for the purpose of creating material and other conditions for exercising the rights of pupils and students to education and information.

AMRES is established for the purpose of construction, development and management of the education network of the Republic of Serbia, which is an informatics and Internet infrastructure, i.e. computer network ensuring access and use of Internet and informatics services in the country, as well as connection with national and international networks of the same type to education and scientific-research organisations and other users in the Republic of Serbia.

D. Public sector

33. What are the public services offered currently on-line to citizens and businesses?

National Information Technology and Internet Agency conducted in January and February of 2010 annual analysis of the state of electronic services in the Republic of Serbia named eGovernment Development Assessment Survey in the Republic of Serbia in 2009“.

Follows the analysis of the set of 20 basic services, conducted in accordance with methodology developed by the European Commission and Capgemini (*“European Commission eGov Benchmark 2009 – 8th eGovernment benchmark measurement“*, Capgemini, Rand Europe, IDC, Sogeti and DTi for European Commission, Directorate General for Information Society and Media, November 2009) whereby the sophistication levels of electronic services are: Level 1- Information, Level 2- One-way interaction: Information and download of the forms, Level 3- Two- way interaction: Online form submission, Level 4- Transaction: Complete file processing with online payment of service and Level 5- Personalization: Targetisation and automation, personalized provision of services.

Services for legal persons/undertakings – (G2B) Government-to-Business

1. Tax payment: registration, payment and analysis

Sophistication level: **3** (max 5)

Responsible: Tax Administration, Ministry of Finance -
www.poreskauprava.gov.rs

2. Environment and construction licence

Sophistication level: **1** (max 5)

Responsible: Ministry of Environment and Spatial Planning – www.ekoplan.gov.rs ,
 Authorities of LSU (Local Self-government Unit)

3. Electronic cadastre and related registers of ownership

Sophistication level: **2** (max 4)

Responsible: Republic Geodetic Institute – www.rgz.gov.rs

4. Health insurance and pensions: payment and examinations

Sophistication level: **2** (max 4)

Responsible: Republic Fund for Pension and Disability Insurance – www.pio.rs
 The Republic Institute for Health Insurance- www.rzzo.rs

5. Company registration

Sophistication level: **3** (max 4)

Responsible: Serbian Business Registers Agency – www.apr.gov.rs

6. Company income registration

Sophistication level: **3** (max 4)

Responsible: Tax Administration – www.poreskauprava.gov.rs

7. VAT

Sophistication level:	2 (max 4)	
Responsible:	Tax Administration	–
	www.poreskauprava.gov.rs	

8. Customs declarations

Sophistication level:	4 (max 4)	
Responsible:	Customs Administration	–
	www.upravacarina.rs	

9. Single Window for one-time filing all required information on a foreign trade transactions

Sophistication level:	1 (max 4)
Responsible:	N/A

10. Public procurement

Sophistication level:	3 (max 4)	
Responsible:	Public Procurement Directorate	–
	http://portal.ujn.gov.rs	

11. Registry of mortgages of legal persons

Sophistication level:	4(max 5)	
Responsible:	Republic Geodetic Institute	–
	www.rgz.gov.rs	

12. Submitting of statistical data to the State Statistical System

Sophistication level:	2(max 5)
Responsible:	Statistical Office of the Republic of Serbia
	– http://webrzs.stat.gov.rs/axd/index.php

Services for citizens – (G2C) Government-to-Citizen

13. Job search

Sophistication level: **4** (max 4)

Responsible: National Employment Agency–
www.nsz.gov.rs

14. Social benefits: unemployment, child supplement, health care payments, students supplement

Sophistication level: **2** (max 4)

Responsible: National Employment Agency–
www.nsz.gov.rs
The Republic Institute for Health Insurance - www.rzzo.rs
Ministry of Education – www.mp.gov.rs

15. Personal document. Identity Card, passport or driving licence

Sophistication level: **1**(max 5)

Responsible: Ministry of Interior – www.mup.gov.rs

16. Car registration: new, second hand or imported

Sophistication level: **1** (max 4)

Responsible: Ministry of Interior – www.mup.gov.rs

17. Public libraries: review of catalogue and ordering

Sophistication level: **4**(max 5)

Responsible: National Library of Serbia – www.nb.rs

18. Certificates: birth, death and marriage records

Sophistication level: 1 (max 4)
Responsible: Authorities of LSU

19. Admission to higher education institutions

Sophistication level: 1 (max 4)
Responsible: Ministry of Education – www.mp.gov.rs

20. Residence registration in case of change of address

Sophistication level: 1 (max 4)
Responsible: Ministry of Interior – www.mup.gov.rs

In addition to the above set of 20 basic services, through national eGovernment Portal (www.euprava.gov.rs), a centralized site for electronic services of public administration which is made publicly available in June 2010, there are currently 78 services available to citizens and firms, out of which per sophistication level:

- Level 1 – 27 services
- Level 2 – 3 services
- Level 3-4 – 48 services

Among the more developed electronic services (services of level 3-4) are services relating to records of unemployed persons (extracts and certificates), the peaceful settlement of individual and collective labour disputes, certification of private postal operators, filing of criminal charges for criminal acts with elements of corruption, issuance of certificates of citizenship, reports to various inspections (building, communal, environmental and traffic inspection) issuance of various certificates which legal persons need for participation in tenders etc.

34. What are the penetration/usage rates of these services?

Households and individuals

(Source: “Usage of information and communications technologies in the Republic of Serbia, 2010”, Statistical Office of the Republic of Serbia)

- There are more than 325,000 individual users of e-Government services. The number of service users increased by 40,000 compared with the previous year.
- Survey of the Statistical Office of the Republic of Serbia indicates that 13.2% of respondents belonging to the Internet population use Internet services instead of

- entering into personal contacts or going directly to public institutions or administration bodies, while 48.3 % of the respondents are interested in that possibility, but do not use it at the moment. Even 38.5% of respondents are not interested in using that possibility;
- Out of respondents using electronic services of public administration, 70.3% used Internet within last 3 months for obtaining information from the Websites of public institutions, 57.1% for downloading official forms and 38.6 for sending filled in forms.

Enterprises

(Source: “Usage of information and communications technologies in the Republic of Serbia, 2010”, Statistical Office of the Republic of Serbia)

- Of the total number of enterprises having a connection to the Internet, 70.6% of them use electronic services of public administration, which represents increases of 1.5% compared to last year.
- 97.2% of enterprises use electronic services of public administration for obtaining information, 79.8% for obtaining forms and 64.2% for returning filled in forms.

35. What is the institutional set up and what are the regulatory instruments and procedures for data security and the protection of privacy in the sector?

Protection of personal data is governed by the Law on Personal Data Protection (*Official Gazette of RS* No. 98/08 and 104/09 hereinafter referred to as: LPDP) which is applicable from 1 January 2009. Commissioner for information of public importance and personal data protection of the Republic of Serbia (hereinafter referred to as: Commissioner) is a second-instance authority which issues decisions on the right to personal data protection and supervises the implementation of LPDP.

In addition, Commissioner maintains Central Register, supervises and allows transfer of data out of the country, monitors the implementation of measures for data protection and suggests improvements, cooperates with authorities responsible for data protection supervision in other countries etc. (Article 44 of LPDP). Article 47 of LPDP stipulates the obligation of data controllers and processors to take all necessary technical, human resources and organisational measures to protect data in accordance with the established standards and procedures in order to protect data from loss, damage, unauthorized access, modification, disclosure and any other abuse, as well as obligation to keep confidentiality of data by all individuals who are employed in processing.

Commissioner supervises the implementation and enforcement of LPDP, on the basis of knowledge acquired *ex officio* or learned from appellants or third parties. In accordance with the supervisory powers, Commissioner shall: Warn data controller of any

irregularities in processing, order the rectification of such irregularities within a specified period of time, temporarily ban any processing carried out contrary to the provision of LPDP and order deletion of data collected without proper legal basis. Commissioner shall also file misdemeanour charges in cases of violation of the provisions of LPDP.

Commissioner as a second-instance authority shall decide on appeals (Article 39 of LPDP) in the procedure of protection of rights relating to data processing, i.e. right to be informed on processing, rights to access to data or obtain copy of data, as well as rights upon obtaining access to data (correction, modification, update, data deletion as well as termination or suspension of processing). The Commissioner's Decision on appeal is binding, final and enforceable, and when necessary, the Government of Serbia shall ensure that the Commissioner's decisions are enforced and may specify the manner in which such decisions are to be enforced (Article 41 of LPDP).

36. Please provide information on the (existence of) applicable rules regarding data retention, unsolicited communications (spam), itemised billing, comprehensive subscriber directories.

Issues of data retention are not regulated by the Law on Personal Data Protection. Pursuant to the Law on Electronic Communications (hereinafter referred to as: the Law) the obligation to retain data is laid down for all the operators in duration of one year, in accordance with the Directive 2006/24/EC on the retention of data. According to the Law, the competence of Commissioner for information of public importance and personal data protection is laid down, in terms of processing of data and the protection from unauthorized access to them, as well as in terms of other activities concerning the personal data.

The Constitution of the Republic of Serbia in Article 41 stipulates that the confidentiality of letters and other means of communication is inviolable and that derogation is allowed only for a specified period of time and based on decision of the court if necessary to conduct criminal proceedings or protect the safety of the Republic of Serbia, in a manner stipulated by the law.

Law on Electronic Communications in the objectives and principles of regulating the relations within the electronic communications sector (Article 3) provides that they are, *inter alia*, based on ensuring high level of protection of personal data and user privacy, in accordance with the LPDP and other laws. Hereby Commissioner, within his/her overall scope of work, shall be responsible for the personal data protection in the electronic communications (in particular for data retention and confidentiality of communications).

Based on Article 126 of the Law, interception of electronic communications that reveals the content of communications shall not be permitted without the prior consent of the

user, except for a definite time and based on the court decision, if necessary for criminal proceedings or the protection of security of the Republic of Serbia, but the provision of this article shall not prevent recording of communications and the related traffic data carried out for the purpose of providing evidence of commercial transactions or other business relations, in which both parties are aware, must be aware of or have been explicitly warned that the communications may be recorded. Use of electronic communications networks and services to store or gain access to user data stored in the terminal equipment of subscribers or users shall be allowed on condition that the subscriber or user concerned is provided with clear and comprehensive information about the purpose of data collection and processing, in accordance with the law governing personal data protection, and is also given an opportunity to refuse such processing, without preventing any technical storage or access to data for the purpose of transmission of communication over electronic communications networks or provision of services explicitly requested by the user or subscriber.

Pursuant to Article 127 of the Law the operator shall enable lawful interception of electronic communications and the relevant state authority which conducts lawful interception shall keep records on intercepted electronic communications which in particular include specification of the act stipulating legal foundation for interception, the date and time of interception, and keep these records as confidential, pursuant to the law governing the confidentiality of data. When the relevant state authority which conducts lawful interception of electronic communications is not capable of conducting lawful interception of electronic communications without access to the premises, electronic communications network, associated facilities or electronic communications equipment of the operator, the operator shall keep records of the received requests for interception of electronic communications, which shall in particular include identification of the authorised person in charge of interception, the date and time of the interception, and keep these records as confidential, in accordance with the law which regulates the confidentiality of data. For the purpose of meeting the obligation to enable lawful interception of electronic communications, the operator shall, at its own expense, provide necessary technical and organisational conditions (devices and program support), and forward evidence to the Republic Agency for Electronic Communications.

Based on Article 128 of the Law the operator shall retain data on electronic communications (hereinafter referred to as: retained data) for the purpose of conducting investigations, crime detection and criminal proceedings, in accordance with the law which regulates criminal proceedings, as well as for the purpose of protecting national and public security of the Republic of Serbia, in accordance with the laws governing the operation of security services of the Republic of Serbia and the operation of the authorities in charge of internal affairs. The operator shall retain the data in their authentic form or as data processed in the course of electronic communications activities and is not obliged to retain data not produced or processed by it. The operator shall keep the retained data for 12 months after the communication has taken place and in such a

manner that they can be accessed without delay, i.e. that they can be provided at request of the relevant state authority without delay.

The relevant state authority which accesses and/or which the retained data are provided for, shall keep records on the access and/or provided retained data that shall include in particular: Specification of the acts stipulating the legal foundation for access, and/or provision of retained data, date and time of access, and/or provision of retained data, and also keep these records as confidential, pursuant to the law which governs data confidentiality. When the relevant state authority is unable to access retained data without access to the premises, electronic communications network, associated facilities or electronic communications equipment of the operator, the operator shall keep records of the received requests for access and/or provision of retained data, which shall include in particular the identification of the authorised person who has accessed the retained data and/or who the retained data were provided to, specification of the act stipulating legal foundation for access and/or provision of retained data, as well as to keep these records as confidential, in accordance with the law which governs data confidentiality.

Based on the Article 129 of the Law the obligation of the operator to retain data shall refer to the data necessary for:

- 1) tracing and identifying the source of a communication;
- 2) identifying the destination of a communication;
- 3) determining the beginning, duration and end of a communication;
- 4) identifying the type of communication;
- 5) identifying users' terminal equipment;
- 6) identifying the location of the users' mobile terminal equipment.

The obligation to retain data shall also include the data on unanswered calls, but it shall not include the data on unsuccessful calls.

Data revealing the content of a communication may not be retained. The authority in charge of the personal data protection and in certain cases the authority in charge of implementing the law which regulates data confidentiality, shall supervise that the obligations of the operator are met.

Commissioner and Ombudsman on 30 September 2010 submitted to the Constitutional Court a joint proposal for assessment of constitutionality of the provision of Article 128 (1) and (5) of the Law, challenging the compliance with Article 41(2) of the Constitution of the Republic of Serbia.

On the basis of Article 142 of the Law, the Ministry shall adopt an act which shall regulate the way to provide conditions enabling authorized supervision and access to retained data, within a year from coming into force of the Law.

Article 9 of the Law on Advertising (adopted on 16 September 2005, *Official Gazette of RS*, No. 78/05) governs the Principle of banning individual advertising by way of personal address and means of automated communication. In accordance with EU regulatory framework of 2002 and 2009 relating to the field of electronic communications, the Law on Electronic Communications prescribes in details, protection from unsolicited electronic messages (Article 118. and 119 of the Law on Electronic Communications, a right of user to obtain a bill containing a detailed specification (Article 112 of the Law on Electronic Communications) and aspects of user data in electronic directories (Article 120. and 121 of the Law on Electronic Communications).

37. Provide information on the national domain name registry or registrars. Please provide also information on the number of registered domain names and sub domains, and also provide an overview of the annual price charged (excl. VAT).

Serbian National Register of Internet Domain Names (RNIDS) (<http://www.rnids.rs>) is a non-partisan, non-governmental and non-profit organisation established as a fund managing the register of the national Internet domains of the Republic of Serbia. The domain name policy is not governed by law; it is defined by general acts of RNIDS.

On a proposal of RNIDS and with the consent of the Ministry of Telecommunications and Information Society, ICANN (*Internet Corporation for Assigned Names and Numbers*) allocated to the Republic of Serbia .RS domain on 30 September 2007, and on 8 December 2010 another national Internet domain, .SRB in Cyrillic. The registration of the Cyrillic domain is expected to start by the end of 2011, after realization of all the necessary prerequisites.

Number of registered domains under the national TLD - **.RS** is 61379 (36673 - **.rs**, 17089 - **.co.rs**, 2931 - **.org.rs**, 3342 - **.in.rs**, 1124 - **.edu.rs**, 181 - **.gov.rs** and 39 - **.ac.rs**) as at 29 November 2010 (Source: **RNIDS** – <http://www.rnids.rs/>).

Registration of national Internet domains is conducted through 34 authorized registrars within the entire territory of the Republic of Serbia. Wholesale prices without VAT that RNIDS charges authorized registrars for performing .RS registration services for a period of one year are following: .RS domain – 1350 RSD (EUR 12,27), .co.rs, .org.rs, .edu.rs, - 450 RSD (EUR 4,1), .in.rs – 250 RSD (EUR 2,27).

Domain registration price is formed in the free market between authorized registrars.

E. Private sector

38. What is the rate of companies conducting e-business, per size and sector if possible? Which applications?

There are no data available.

39. Are there any incentives offered to companies using ICTs? What kind of incentives?

Pursuant to Article 23 (2)(7a) of the Law on Value Added Tax (*Official Gazette of RS* No. 84/04, 86/04, 61/05, 61/07) of 24 July 2004, a special VAT rate of 8% is prescribed for the purchase of personal computers.

F. e-Commerce

40. Please report on the alignment with the directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce), as well on the implementation of the provisions of the directive in Serbia.

The Law on Electronic Commerce (*Official Gazette of RS* No. 41/2009 of 2 June 2009) which is applicable since 10 June 2009 transposes rules of Directive 2000/12/EC, while the provisions of the Directive relating to consumer protection are transposed into the Law on Consumer Protection (*Official Gazette of RS* No. 73/2010 of 12 October 2010) which is applicable since 1 January 2011.

41. Is there legislation or other requirements specific to the provision of information society services (defined as any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services)? If so, please give details on the alignment to the relevant *acquis* and the implementation.

Subject of the Law on Electronic Commerce (*Official Gazette of RS* No. 41/2009 of 2 June 2009) are information society services, pursuant to Article 3 (1)(3) of the Law described as: “service provided , at distance, by means of electronic equipment for data processing and storage, at the personal request of the recipient, and, in particular, online sale of goods and services, online offering of data, online advertising, electronic browsers, and facilitating search of data and services transmitted by means of electronic network, providing the access to network or storing the recipients data.”

This law, for the first time, introduces into the legal system of Serbia the possibility of concluding and implementing a legal affair in trading of goods and the field of trade services, exclusively solely by electronic means, i.e. creates legal basis for the conclusion of a contract in electronic format. This provides for legal protection in online trading i.e.

the option that any contractual party, service provider or seller, and/or buyer may exercise the protection of their rights in front of the court of law. To this end, the most important element of the law is the concretization of a special form of contract, and that is the agreement in electronic format, which is concluded under the terms and conditions provided for in this law.

Concerning the compliance with the EU legislation, the Law on Electronic Commerce fully transposes relevant directives, namely Directive 2000/31/EC on electronic commerce, as well as Directive 98/48/EC amending Directive 98/34/EC.

G. Electronic pay-services (conditional access – Directive 98/84/EC)

42. Has your country ratified Convention 178 of the Council of Europe on the legal protection of services based on, or consisting of, conditional access?

The Republic of Serbia has not ratified this Convention.

Convention 178 of the Council of Europe on the legal protection of services based on, or consisting of, conditional access has not yet been validated by the Republic of Serbia. However, Article 103, of the Law on Electronic Communications, pursuant to the EU 2002 Regulatory Framework for Electronic Communications, lays down that the operator of electronic communications network for media content distribution and broadcasting that offers services of conditional access to media content (hereinafter referred to as: operator of conditional access services), shall provide technical possibilities for full control of offering media content via such a system. The operator of conditional access services shall offer all electronic media broadcasters, under fair, reasonable and non-discriminating terms, technical services which give their subscribers the access to media content by means of conditional access devices and may not hinder the reception of media content which are distributed and broadcast without conditional access. The operator of conditional access services shall keep separate accounting of business activities related to conditional access services. Holders of industrial property rights to conditional access devices and systems shall give the right for use of these devices and systems to manufacturers of consumer equipment under fair, reasonable and non-discriminating terms, which shall not prevent the manufacturers from including, in the same product, interfaces allowing connection with other access systems or devices specific for other access systems, unless this threatens the security of operation of the conditional access system.

43. Has your country ratified Convention 185 of the Council of Europe on cybercrime?

On 7 April 2005, The Republic of Serbia signed the Convention on cybercrime and Additional Protocol to the Convention on cybercrime concerning the criminalisation of

acts of a racist and xenophobic nature committed through computer systems. The instruments of ratification for the Convention and the Additional Protocol were submitted on 14 April 2009. In respect of the Republic of Serbia, the Convention and the Additional Protocol entered into force on 1 August 2009.

44. What kind of protection is currently provided to protect the remuneration of providers of services protected by conditional access?

Regulations in the sector of protection of intellectual property prohibit the use and sale of assets that can be used in infringement of copyright and related rights. For infringement of provisions on conditional access from the Law on Electronic Communications, penalty is imposed for failure to comply with the provision on conditional access (Article 103, of the Law on Electronic Communications).

In the case of the final sentence for infringement of provisions on conditional access of the Law on Electronic Communications, and of aforementioned regulations concerning protection of intellectual property, aggrieved party may institute proceedings for compensation before the competent court.

45. Do you consider that this protection conforms to Directive 98/84/EC?

The level of compliance with the Directive on conditional access services (1998/84/EC) will be assessed in the procedure of further harmonisation of regulations concerning protection of intellectual property and electronic communication.

H. Electronic signature

46. Please report on the alignment with the directive on a Community framework for electronic signatures 1999/93/EC.

The Law on Electronic Signature has been aligned to the Directive 1999/93/EC on electronic signature.

47. Have measures been taken to ensure the legal recognition of electronic signatures? Could you provide the national applicable law(s) and regulation(s)?

The Law on Electronic Signature (hereinafter referred to as: the Law) lays down the use of electronic signatures in legal affairs and other legal acts, and rights, obligations and accountability concerning electronic certificates, unless otherwise provided with specific laws. The provisions of the Law are applied to communication between the authorities,

communication between the authorities and parties, submission and drafting of the authorities' decision in electronic form in administrative, legal and other procedures before a state authority – if the law, which lays down this procedure, requires the use of an electronic signature.

The Law includes provisions on electronic and qualified electronic signature, electronic certificates and certification service providers, rights, obligations and accountability of users and certification service providers, provisions on monitoring implementation of provisions of the Law and penalty provisions.

According to the Law, qualified electronic signature, in respect of data in electronic form, has the same effect and evidence force equal to signature, or signature and stamp in respect of data in paper form. In order to be equivalent to a signature, qualified electronic signature has to satisfy the legal conditions that are laid down.

By-laws for implementation of the Law on Electronic Signature (*Official Gazette of RS*, No. 48/05, 82/05 and 116/05) are:

- 1) Rulebook on Records Keeping of Certification Bodies,
- 2) Rulebook on the Register of Certification Bodies Issuing Qualified Electronic Certificates in the Republic of Serbia,
- 3) Rulebook on Technical-technological Procedures for the Formation of Qualified Electronic Signatures and the Criteria to be Fulfilled by Funds for the Formation of Qualified Electronic Signatures,
- 4) Rulebook on Detailed Requirements for Issuing Qualified Electronic Signatures.

In addition to Law on Electronic Signature, in June 2009, the Assembly of the Republic of Serbia passed the Law on Electronic Document which complies with the Directive 1999/93/EC. This Law lays down conditions that electronic document must meet in order to be legally relevant in legal transactions, administrative, legal and other procedures, as well as rights, obligations and accountability concerning the use of electronic document. The Law on Electronic Document also lays down the procedure for issuing the time stamp.

48. Could you detail the institutional setting related to electronic signature; i.e. which are the bodies responsible for supervision of certification service providers (including information on accreditation schemes) and those designated for the conformity assessment of secure signature-creation-devices? Could you provide details regarding the supervision and/or accreditation schemes?

Certification service provider has to be registered in order to issue qualified electronic signatures.

The Ministry of Telecommunications and Information Society is competent for registration of certification service providers issuing qualified electronic signatures. On the basis of the request submitted by a certification service provider, The Ministry carries out verification of compliance with the conditions regarding the Law on Electronic Signature (hereinafter referred to as: the Law) and by-laws of the Law (mentioned in the previous response) and passes the decision on inscription in the register of certification service providers issuing qualified electronic certificates. The Law permits, with specific legislation, a public administration authority to get an opportunity to issue qualified electronic certificates.

The Ministry of Telecommunications and Information Society monitors the work of certification service providers with the powers of an inspection supervisor.

In the register of certification service providers, four registered providers are inscribed:

- Public Enterprise of PTT communications “Srbija”, Centre for PTT E-business – CePP;
- Serbian Chamber of Commerce – PKS CA;
- Ministry of Interior pursuant to the Regulation on designation of the Ministry of Interior for issuing qualified electronic signature (*Official Gazette of RS*, No. 111/09);
- HALCOM BG CA

I. Accountability and cooperation

49. How do you ensure accountability of the relevant authorities in this area?

Whereas the Ministry of Telecommunications and Information Society is competent for the information society sector, accountability for work is laid down in the Constitution of the Republic of Serbia, Law on Government, Law on Ministries and Rules of Procedure of the Government.

For their work and the conditions within the scope of the respective Ministry, the Ministers are accountable to the Prime Minister, the Government, and the National Assembly.

A Minister shall notify the Government of anything that is important for conducting policy and decisions, and is accountable for implementation of programmes and politics of the Government, for decisions and measures he/she has took or failed to take, and for implementation of mandatory instructions and special tasks given by the Prime Minister. Accountability is also established through mechanism of implementation and motion of non-confidence against the Government or against a member of the Government.

The report on work that every Minister shall submit to the Government describes finished tasks which were laid down in the annual work programme. Finished tasks that were not laid down in the annual work programme are specifically indicated.

Whereas National Information Technology and Internet Agency, as a separate organisation, also has competencies in the sector of Information Communication Technologies implementation, surveillance over its work is done by the Ministry of Telecommunication and Information Society.

50. Has a contact point been appointed (in Ministry, regulatory authority, and other authorities – if relevant-) to cooperate with authorities in other European countries?

Within the Ministry of Telecommunications and Information Society, the Department for European Integration is responsible for enhancing cooperation with the European Union and its Member States.

J. Administrative Capacity

51. Please provide information (per institution/authority) on the number of staff and the respective responsibilities of the staff and provide an indication on the (available and necessary) level of administrative capacity in the sector.

In the Department for Information Society, two narrower internal units were formed:

1) The Group for Development of Information Society which performs actions concerning: drafting of project prepositions in the information society development sector; monitoring projects implementation; giving expertise in drafting of tender documentation and preparation for announcement and implementation of tender; supervising work of registered and recorded certification service providers and supervising implementation of provisions which regulate the electronic document sector; supervising work of time stamp providers and determining compliance with conditions laid down in laws and by-laws, keeping register of time stamp providers; coordinating public procurements of information systems with other authorities; participation in drafting of strategies and action plans in the information society sector; organisation, standardisation and cooperation in development of the competent authorities' common information communication infrastructure and common electronic services; activities concerning development of academic computer network AMRES; proposing and participating in activities concerning implementation of measures leading to efficient work of public authorities in the sector of e-Government development and

implementation of Information Communication Technologies, and other activities within the scope of the Group.

2) The Group for Monitoring and Analysis in the Information Society Department which does work related to: monitoring of implementation of passed strategic and planned documents and proposing measures for improvement of conditions in the field of information society; monitoring and analysing conditions in the information society sector; participation in drafting of laws and other regulations; monitoring European legislation in the field of information society; preparing opinion proposals on law drafting and proposals for regulations that are proposed by other public administration authorities; preparing comparative overviews and analyses within the scope of the Department; monitoring specified indicators of information society and e-Government development; collecting, safekeeping, organising and analysis of data related to conditions in the field; activities related to preparation of work reports, and other activities within the scope of the Group.

There are six employees in the Department for Information Society, three of which are responsible for working on European integration.

In accordance with the existing systematisation, there are eight employees and two appointed persons in the National Information Technology and Internet Agency, two of which are managers (appointed persons), two are dealing with administrative and legal work, and the remaining six are experts in the Department for coordination of electronic services, e-Government and information systems development.

In the National Information Technology and Internet Agency, the following basic internal organisational units were formed:

the Department for Sustainable Development of e-Government - within which there are 2 groups:

1. The Group for Development of e-Government,
2. The Group for Support of Development and Functioning of eGovernment.

Administrative capacity is insufficient, and on the basis of the Law on Determining the Maximal Number of Employees in Public Administration (*Official Gazette of RS*, No. 104/2009) it is not possible to increase the number of employees.

III AUDIOVISUAL POLICY

These questions are related to the *acquis* in the field of audiovisual policy: the provisions of the Audiovisual Media Services Directive (Directive 2010/13/EU of the European Parliament and of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services); the Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities and the two Recommendations on the protection of minors: the Council Recommendation of 24 September 1998 on the development of the

competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity and the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry.

A. General framework

52. Is the media legislation aligned to European standards on media in accordance with fundamental democratic principles?

The media legislation of the Republic of Serbia is aligned to European standards on media in accordance with fundamental democratic principles. The Law on Broadcasting (*Official Gazette of the Republic of Serbia*, No. 42/02, 97/04, 76/05, 79/05-other laws, 62/06, 85/06, 86/06 and 41/09), the Law on Public Information (*Official Gazette of the Republic of Serbia*, No. 43/03, 61/05 and 71/09) and the Law on Confirmation of the European Convention on Transfrontier Television (*Official Gazette of RS – International Treaties*, No. 42/09) are main laws that regulate the media sector in the Republic of Serbia. The Laws are made in cooperation with the Council of Europe and OSCE Offices, pursuant to European legislation and standards in this sector. Amendments to the Laws were done because of continuous harmonising with European legislation, which also changed and adapted to new technical and technological changes.

The Laws have been passed with full implementation of the rules of the Council of Europe, in particular:

- Article 10, of the European Convention on Human Rights;
- European Convention on Transfrontier Television;
- Declaration on Freedom of Expression and Information (1982);
- Recommendation No. R (94) 13 on measures to promote media transparency;
- Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting;
- Recommendation No. R (97) 20 on “hate speech”;
- Recommendation No. R (2000) 7 on the right of journalists not to disclose their sources of information;
- Recommendation No. R (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector;
- Recommendation No. R (2001) 7 of the Committee of Ministers to Member States on measures to protect copyright and related rights and fight piracy, especially in the digital environment;
- Recommendation No. R (2004) 16 of the Committee of Ministers to Member States on the right of reply in the new media environment;

The Law on Public Information (*Official Gazette of the Republic of Serbia*, No. 43/03, 61/05 and 71/09), within basic principles, lays down that public information is free and in the interest of the public, and that it is not subjected to censorship. Nobody may limit the freedom of public information, especially by the abuse of public or private authority, the

abuse of the rights, influence or control over printing and distribution means of media outlets, or over broadcasting devices and radio frequencies, or in any other manner apt to limit the free flow of ideas, information and opinions. Moreover, nobody may exert any form of physical or other pressure on a media outlet or its staff, or any form of influence apt to hinder their work. Breaches of the freedom of public information shall be ruled on by courts, by urgent procedure.

The Law on Broadcasting in Article 3 lays down that relations in the broadcasting sector are based on the following principles: freedom, professionalism, and independence of public media outlets; prohibition of censorship of and influence on the work of public media outlets, whereby their independence, the independence of their newsrooms and journalists is guaranteed; full affirmation of civil rights and freedoms and especially the freedom of expression and plurality of opinion; implementation of internationally recognised norms and principles with respect to the broadcasting sector, especially the respect of human rights in this sector; and encouraging development of broadcasting and creativity in the radio and television sector in the Republic of Serbia.

53. What is the current legislative framework governing the audiovisual media services and television broadcasting (i.e. linear audiovisual media services including satellite and cable)? When was (were) the main piece(s) of legislation adopted? Please provide a translation in an EU language.

The Law on Public Information is the main law that regulates the system of public information in the Republic of Serbia. The Law on Public Information is applicable to all public media, and in this respect some of its provisions regulate electronic media (protection of minors, presumption of innocence, right to reply, etc.).

Laws that exclusively regulate the field of audiovisual media services and television broadcasting in the Republic of Serbia are the Law on Broadcasting (*Official Gazette of the Republic of Serbia*, No. 42/02, 97/04, 76/05, 79/05-other laws, 62/06, 85/06, 86/06 and 41/09) and the Law on Confirmation of the European Convention on Transfrontier Television (*Official Gazette of RS – International Treaties*, No. 42/09).

The Law on Broadcasting, in its original text, was passed in 2002. Since then, it has been amended several times: in 2004, 2005, 2006 and 2009. Furthermore, in 2005, provisions of the Law on Broadcasting which regulated the sector of “advertising and sponsorship” were removed from the Law on Broadcasting and became part of the Law on Advertising.

In June 2009, the National Assembly of the Republic of Serbia passed the Law on Confirmation of the European Convention on Transfrontier Television.

The Laws have been translated into English and will be annexed.

54. What is the timetable for legislative approximation to the *acquis*?

The Republic of Serbia complies with the provisions of the Stabilisation and Association Agreement concluded with the European Union, which regulate timetables

for approximation of regulations of the Republic of Serbia to the regulations of the European Union. Article 8, of the aforementioned Agreement, lays down that Serbia shall ensure progressive approximation of the existing and future legislation to the *acquis*, and that the approximation will be fully realised over a transitional period of a maximum of six years. Moreover, Article 72 lays down that the approximation is to be carried out on the basis of a programme agreed between the European Commission and the Republic of Serbia. Serbia also committed to define, in agreement with the European Commission, the arrangements for the monitoring of the implementation of legislation approximation and law enforcement actions to be taken with regard to their implementation.

The Republic of Serbia, in cooperation with the Delegation of the European Union, intensively works on the Strategy for the Development of Public Information System in the Republic of Serbia. The Strategy act is planned to be finished and adopted by the Government of the Republic of Serbia in the first half of 2011. Upon the passing of the Strategy for the Development of Public Information System, the Government of the Republic of Serbia, through the competent Ministry, will draft and propose legislations to the National Assembly, that will regulate this sector, on the basis laid down in the Strategy and with full application of the EU legislation.

55. What is the policy established or foreseen with regard to the switch-over to digital broadcasting and the use of digital dividend? Can Serbia please provide a copy in English of the policy, as well as the information on the implementation of the actions of a policy document, and the foreseen timeline for the transition from analogue to digital broadcasting?

1. The Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programmes in the Republic of Serbia, together with the Action Plan, was passed at the meeting of the Government of the Republic of Serbia, on 2 June 2009. The Strategy defines two technical standards which will be used in the Republic of Serbia: DVB-T2 standard for broadcasting digital terrestrial television signal and MPEG-4 version 10 (H.264/AVC) standard for compression of video signals. 4 April 2012 is set to be the date of analogue switch-off and switchover to digital broadcasting of television programmes in the Republic of Serbia. The broadcasters that have valid licenses for terrestrial broadcasting for the Republic of Serbia will be placed in the first two multiplexes. The other multiplexes will be considered after 4 April 2012.

Pursuant to the Strategy, emission system was extracted from the Radio Television of Serbia and, on 9 October 2009, Public Enterprise “Broadcasting Technology and Links” was formed. This enterprise manages emission infrastructure and establishes communication network for multiplexing, distribution and broadcasting digital television programme. The integral part of the Strategy is the Action Plan which defines specific activities necessary for successful switchover to digital broadcasting.

Implementation of the Action Plan:

- On 5 May 2010, the National Assembly of the Republic of Serbia passed the Law on Ratification of Final Acts of Regional Conference on Radio Communication for Planning Digital Terrestrial Broadcasting Service in Parts of the Regions 1 and 3, in Frequency Bands 174-230 MHz and 470-862 MHz (RRC-06) (*Official Gazette of RS* - International Treaties, No. 4/10);
- The Ministry for Telecommunications and Information Society, in cooperation with the Republic Agency for Electronic Communications, prepared Proposal for Rulebook on Switchover from Analogue to Digital Broadcasting of Television Programmes and Access to Multiplex in Digital Terrestrial Broadcasting;
- At present, the drafting of project for distribution networks (both primary and secondary) is underway;
- The Internet portal has been set up, but newer and more functional one, which contains more information, is being prepared;
- The Media Plan, which will be the basis for creation of promotional campaign, is prepared; Promotional campaign is necessary in order for citizens, as end-users, to acquire all necessary information about digital television and process of switchover from analogue to digital broadcasting of television programmes.

2. On 2 September 2010, the Government of the Republic of Serbia passed the Strategy for the Development of Electronic Communications in the Republic of Serbia from 2010 until 2020 (*Official Gazette of RS*, No. 68/10).

According to the Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programmes in the Republic of Serbia, the Strategy for the Development of Electronic Communications in the Republic of Serbia from 2010 until 2020 and pursuant to the Recommendation 2009/848/EC from 28 October 2009 (Facilitating the release of the digital dividend in the European Union), it is laid down that channels 61-69 in UHF range shall be separated, in order to harmonise the use of this range with EU countries.

The major part of the spectrum, freed by efficient use of frequency resources intended for television programme broadcasting, should be added to 61-69 channel range.

3. Pursuant to the Law on Electronic Communications, passed by the National Assembly of the RS on 29 June 2010, the Government of RS, on a proposal from the Ministry for Telecommunications and Information Society, and in cooperation with provincial authorities competent for electronic communications tasks, determines the use of digital dividend. In the Republic of Serbia, digital dividend will most likely be used for mobile broadband access.

B. Audiovisual Media Services Directive

56. What are the competent authorities in the field of audiovisual policy? How are the competencies shared between them? Are there any plans to modify the regulatory structures in place?

The competent authorities in the field of audiovisual media policy in the Republic of Serbia are the Ministry of Culture and the Republic Broadcasting Agency.

Competencies between these two authorities are divided and defined by the Law on Ministries (*Official Gazette of the Republic of Serbia*, No. 65/08) and the Law on Broadcasting (*Official Gazette of the Republic of Serbia*, No. 42/02, 97/04, 76/05, 79/05- other laws, 62/06, 85/06, 86/06 and 41/09).

Pursuant to the Law on Ministries, the Ministry of Culture carries out public administration work relevant to public information system and monitoring of implementation of laws in the field of public information. The Ministry of Culture monitors implementation of the Law on Broadcasting.

Pursuant to the Law on Broadcasting, the Ministry of Culture supervises the implementation of the assigned tasks. Article 8, of the Law on Broadcasting lays down that the Republic Broadcasting Agency carries out, as assigned, the following tasks: passing the broadcasting development strategy, supervising and ensuring the consistent application of the provisions of this Law, issuing broadcasting licences and prescribing the licence form, and supervising the work of broadcasters in the Republic of Serbia. The Ministry of Culture supervises the listed tasks and informs the Government of the Republic of Serbia on fulfilling of these tasks, on the Government's request.

Competency of the Republic Broadcasting Agency is laid down in the Law on Broadcasting. Article 8, of the Law on Broadcasting lays down that:
The Agency is competent for:

- 1) Passing the broadcasting development strategy in the Republic of Serbia with the consent of the Government of the Republic of Serbia;
- 2) Controlling and ensuring the consistent application of the provisions of this Law;
- 3) Issuing broadcasting licences and prescribing the licence form;
- 4) Setting technical, organisational and programming conditions for the production and broadcasting of programmes pursuant to the provisions of this Law;
- 5) Prescribing rules binding on broadcasters which ensure the implementation of the broadcasting policy in the Republic of Serbia;
- 6) Supervising the work of broadcasters in the Republic of Serbia;
- 7) Considering submissions filed by individual and legal entities and complaints of broadcasters concerning the operation of other broadcasters;
- 8) Delivering to the competent public authorities its opinion with regard to accession to international conventions concerning broadcasting;
- 9) Imposing adequate measures on broadcasters, pursuant to this Law;
- 10) Performing other duties pursuant to this Law.

In addition to the competencies set forth in paragraph 1 of this Article, the Agency is also competent to impose measures in the broadcasting sector with the aim of:

- 1) Protecting minors;
- 2) Implementing regulations on copyright and related rights;
- 3) Preventing the broadcasting of programmes which contain information inciting discrimination, hatred or violence against an individual or a group of individuals on the grounds of race, religion, nationality, ethnicity or gender.

Any amendments of the existing regulatory structure will be defined in the following period, after passing the Strategy for the Development of Public Information System in the Republic of Serbia. Amendments within this sector, and of existing regulatory structure, will be made pursuant to the EU regulations and the positive practice of the Member States.

57. With reference to the regulatory body for audiovisual media services, please refer to the following:

a) have recommendations of experts from the Council of Europe and OSCE been taken into consideration when drafting legislation establishing the regulatory body, in particular Recommendation Rec(2000)23 to Member States of the Council of Europe on the independence and functions of regulatory authorities for the broadcasting sector and its annex containing guidelines on independence and functions of regulatory authorities for the broadcasting sector?

Yes, the independent regulatory authority in the broadcasting sector, the Republic Broadcasting Agency, is established by the Law on Broadcasting.

During the drafting of the Law, the Council of Europe and OSCE Offices were regularly consulted in order to successfully embed European legislation and standards into this regulation.

The Law on Broadcasting is pursuant and subject to Article 10, of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and pursuant to the Recommendation No. R (2000) 23 of the Committee of Ministers to Member States on the independence and functions of regulatory authorities for the broadcasting sector, adopted on 20 December 2000, and pursuant to the Annex of the Recommendation.

During the drafting of the Law, the following regulations were also taken into account:

- European Convention on Transfrontier Television;
- Declaration on Freedom of Expression and Information (1982);
- Recommendation No. R (94) 13 on measures to promote media transparency;
- Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting;
- Recommendation No. R (97) 20 on “hate speech”;
- Recommendation No. R (2000) 7 on the right of journalists not to disclose their sources of information;
- Recommendation No. R (2001) 97 of the Committee of Ministers to Member States on measures to protect copyright and related rights and fight piracy, especially in the digital environment;

Building upon the Recommendation No. R (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector, the Law on Broadcasting empowered the Agency with competencies that enable it to fulfil its tasks in an

independent, effective, and transparent manner,. It is laid down that the Agency Council is the Agency authority reaching all decisions on issues within the Agency's competencies (Article 7). The issues of appointment, composition, functioning and financing of the Agency are precisely regulated.

The Agency passes the Statute and other by-laws pursuant to the Law.

The Agency's work is transparent. The Agency publishes an annual report on its work (Article 36).

b) legal safeguards for the bodies' independence, including rules or other mechanisms against interference from political sphere, and/or market players: nomination/appointment/dismissal of Board members and duration of their mandate, disqualification (incompatibilities) rules for members and rules on conflicts of interest, ethics and remuneration etc.;

According to the Law on Broadcasting, the Republic Broadcasting Agency is established as an autonomous i.e. independent organisation exercising public competencies pursuant to the Law. Legal safeguards for the regulatory body's independence are laid down in provisions which prescribe that the Republic Broadcasting Agency is an autonomous legal entity and is functionally independent of any state body, as well as of all organisations and individuals involved in the production and broadcasting of radio and television programmes (Article 6).

The Law on Broadcasting lays down the procedure for nominating and duration of Council members' mandate, to ensure their independence and autonomy in respect to political sphere. The Council of the Republic Broadcasting Agency has nine members, which are appointed for the period of 6 years, from the ranks of reputed experts in sectors relevant to conducting the affairs within the Agency's competencies (media experts, advertising experts, lawyers, economists, telecommunication engineers). No one has the right to influence the work of Council members in any way and the members nor they are obliged to take any instructions from anyone regarding their work.

The Agency funding is one of the relevant conditions of its independence. The Agency income comprises funds earned from the fees the broadcasters pay for the right to broadcast programmes. The Government of the Republic of Serbia gives its consent to the financial plan, adopted by the Agency on annual basis. If the Agency's overall revenues have exceeded the expenditures, the difference shall be paid to the account of the budget of the Republic of Serbia and shall be proportionately used to promote and develop culture, health, education and social care. If the Agency fails to accrue the planned income from the fees, the lacking funds shall be provided from the budget of the Republic of Serbia (Articles 34 and 35).

1. Nomination/appointment/dismissal of Council members and duration of mandate:

The Council members are appointed by the National Assembly of the Republic of Serbia at the proposal of authorised nominators (Article 23).

The Council members of the Republic Broadcasting Agency are appointed and dismissed by the National Assembly of the Republic of Serbia. According to Article 23, of the Law on Broadcasting, the power and duty to nominate Council members are vested in: National Assembly of the Republic of Serbia, Government of the Republic of Serbia, the Assembly of the Autonomous Province of Vojvodina, Rectors of the Universities, associations of broadcasting public media, domestic non-governmental organisations and civic associations, churches and religious communities. The ninth member of the Council is nominated by previously appointed members of the Council. The ninth nominated member must fulfil the criteria for the Council membership determined by this Law, and live and work on the territory of the Autonomous Province of Kosovo and Metohija.

The Council members of the Republic Broadcasting Agency cannot be Members of Parliament, elected or appointed officials in the Government (ministers, their deputies, assistants); officials of political parties, their deputies, members of party's executive and main boards and other party officials; individuals, who are owners of stocks, shareholders, members of management or supervisory authorities, employees, contracted parties involved in the production and/or broadcasting of radio and television programmes; individuals, who have been convicted by a final sentence of a crime of abuse of official power, corruption, fraud, theft or another criminal offence rendering him/her unfit for the post; individuals who are spouses, parents, children or collateral relatives to the second degree of kinship of abovementioned individuals (Article 25).

The mandate of a Council member may terminate only in the cases and in the procedures that are stipulated in this Law (Article 28).

The decision on dismissal may be reached only on the basis of a duly reasoned motion for dismissal following a procedure, wherein all the relevant circumstances have been determined and the Council member concerned has been given the opportunity to be heard on all the circumstances.

A Council member may not be dismissed because of his or her political or other opinions, i.e. because of his or her membership in a political organisation (Article 29).

Upon the filing of a motion to dismiss a Council member, the Council may, by a two-third majority vote of all its members, reach a decision to suspend the Council member against whom the dismissal motion has been filed until the Assembly passes its decision thereon, but in duration no longer than six months (Article 30).

If criminal proceedings have been instituted against a Council member for criminal offence that makes him/her unworthy of performing the member function, the Council may, by a two-third majority vote of all its members, reach a decision to temporarily suspend the Council member until the termination of the criminal proceedings (Article 30).

A Council member is appointed to mandate of six years.

The exception is provided for the first Council members. The mandate for the first Council members nominated by competent board of the Assembly lasts six years, the mandate for the first Council members nominated by the Assembly of the Autonomous Province of Vojvodina, Rectors of the Universities, churches and religious communities lasts five years, and the mandate for the remaining first Council members lasts four years.

2. Disqualification (incompatibilities) rules for members and rules on conflicts of interest, ethics:

According to the Article 25, of the Law on Broadcasting, the following are not eligible to be Council members:

1. Members of Parliament or members of the autonomous provincial parliaments;
2. Elected or appointed officials in the Government of the Republic of Serbia and the executive bodies of the autonomous provinces (ministers, their deputies, assistants, as well as heads of separate departments directly controlled by the Government or executive councils, and other officials);
3. Officials of political parties (party leaders, party presidency members and their deputies, members of party's executive and main boards and other party officials);
4. Individuals such, as owners of stocks or shareholders, members of management or supervisory bodies, employees, contracted parties etc. , who have interests in the legal entities involved in the production and/or broadcasting of radio and television programmes or related activities (advertising, telecommunications, et al) because the membership of such an individual in the Council may lead to a conflict of interests;
5. Individuals, who have been convicted by a final sentence of a crime of abuse of official power, corruption, fraud, theft or another criminal offence rendering him/her unfit for the post, notwithstanding the imposed sanction, or who have been convicted by a final sentence of another criminal offence to a prison sentence exceeding six months;
6. Individuals who are spouses, parents, children or collateral relatives to the second degree of kinship of individuals listed in paragraph 1, sub-paragraphs 1 to 4 of Article 25, of the Law.

The Council Members do not represent in the Council the bodies or organisations which nominated them, but they fulfil their duties independently, to the best of their knowledge and conscience. No one has the right to influence the work of Council members in any way and the members, nor are they obliged to take any instructions from anyone regarding their work with the exception of the decisions by the court of competent jurisdiction made in the procedure of judiciary control of the Council's work.

3. Remunerations:

The Council Chairperson and members have the right to financial remuneration for their work in an amount equal to the salaries of the Chairperson, i.e. judge of the Supreme Court of Serbia (Article 32).

c) bodies' organisational, technical, financial and human resources considering also the tasks related to on-demand audiovisual media services, particularly online services, according to the Audiovisual Media Services Directive (e.g. protection of minors): the analysis shall cover notably issues of personnel (number of employees, required level of expertise in comparison with their tasks and their status), issues of technical and financial resources, whether they are a separated entity or are converged with telecoms regulator;

The organisation of the Agency's work is based on the need for a functional and efficient completion of the Council and Agency's tasks (Article 45, of the Statute of the RBA - *OG of RS* No. 102/05).

Pursuant to the Rulebook on Internal Organisation and Systematisation of Job Positions of the Republic Broadcasting Agency, the Supervision and Analysis Department was formed. The Department organises and analyses broadcasters' work in order to control compliance with the requirements under which the licence was issued to a broadcaster, and especially regarding general programme standards prescribed by the Law on Broadcasting.

Supervision and Analysis Department:

- Controls compliance with the Code of Conduct of Broadcasters and recommendations;
- Controls compliance with the instructions and the general binding instructions;
- Prepares periodical reports which are submitted to the Council;
- Prepares an independent expounded report which states if a broadcaster has infringed provisions of the Law on Broadcasting and regulations passed by the Agency;
- Acts upon submissions and complaints according to the Rulebook on the Procedure and Conditions of Imposing Measures and Withdrawing Broadcasters Licences;
- Submits expounded reports to the Council.

In the Supervision and Analysis Department, 32 persons are employed, four of which are in Novi Sad - Division of the Supervision and Analysis Department.

Organisational units of the Agency:

1. General Department;
2. Legal Department;
3. Public Relations Department;
4. Supervision and Analysis Department;
5. Control and Enforcement Department;
6. Financial Department.

Qualification structure of employees in the organisational units of the Republic Broadcasting Agency is the following:

Structure of the employees according to the educational background							
Educational background	Number of employees						
	Supervision and Analysis Department	General Department	Financial Department	Legal Department	Control and Enforcement Department	Public Relations Department	TOTAL
PhD							
MA/MSc			1				1
Bachelor's degree	18	1	3	5	2	2	31
Post-secondary school qualifications	3	1			1		5
Secondary education	11	16			3	2	32

qualifications							
Total	32	19	4	5	6	4	69

The existing regulations do not define on-demand audiovisual services.

d) considering also the tasks related to on-demand audiovisual media services, particularly online services, according to the Audiovisual Media Services Directive (e.g. protection of minors): monitoring, regulatory and sanctioning powers conferred to the bodies, their ability to create their own structures and to decide on their long term goals, impact of their regulatory functions and decisions on the audiovisual sector and the appeals procedure;

The Law on Broadcasting does not regulate on-demand audiovisual media services according to the Audiovisual Media Services Directive, nor is, at the moment, this type of broadcasting developed in practise. After adoption of the Strategy for the Development of Public Information System in the Republic of Serbia, the Republic of Serbia will amend legislations which will then be in accordance to the *acquis*, in particular to the Audiovisual Media Services Directive.

e) Accountability and transparency mechanisms, (towards stakeholders, citizens);

The Agency's work is transparent. The Agency publishes an annual report on its work according to the Agency's statute (Article 36, of the Law on Broadcasting). Furthermore, the Law on Free Access to Information of Public Importance, bounds the Agency to make all information arising from its work accessible, at the request of the interested parties, the Agency informs the public of its work by the means of holding regular and inordinate press conferences, makes access for media representatives to attend Council's open sessions, gives statements and data on the work of the Agency by the Agency's staff in charge of public information, issues press releases, publishes annual report on the operations of the Council and Agency, and by other means laid down in Agency's by-laws.

The Agency and Council ensure the transparency of their operations by means of updating the website that offers information and data on the Council and the Agency, by keeping a registry on the issued broadcasting licences, and by conducting public interviews with candidates before deciding on licensing RTV networks for national and regional coverage of their RTV programmes.

Moreover, in order to ensure accessibility of Public Call for Proposals for Issuing Television or Radio Programme Broadcasting Licences to all interested parties under equal terms, the Agency publishes invitation for the public call for proposals in the Official Gazette of the Republic of Serbia and in at least one newspaper of general circulation. If the public call for proposals is called for issuing broadcasting licences to radio and/or television stations of local or regional communities, the invitation must also be published in at least one local i.e. regional newspaper published in the area for which the public call for proposal is being launched.

f) The level of cooperation with other regulatory bodies within Serbia and with other countries.

Pursuant to Article 5, of the Law on Broadcasting, The Republic Broadcasting Agency and the regulatory body for telecommunications, that was established by a separate telecommunications law, have the obligation to cooperate and coordinate their work in accordance with and in the manner envisaged by the provisions of this Law and of a separate telecommunications law with the aim of achieving the rational and effective use of the broadcast band and consistent application of this Law and a separate telecommunications law.

On 19 April 2006, the Republic Broadcasting Agency signed the Protocol of Cooperation with the Republic Agency for Electronic Communications. The aim of the Protocol is establishing and developing cooperation and coordinated work with the intention of the rational, economical and effective use of the broadcast band as a natural resource and consistent application of provisions of laws that regulate this sector. Up until now, cooperation has been achieved in numerous sectors: preparation and revision of the Radio Frequency Assignment Plan, the procedure for issuing broadcasting licences, laying down the amounts of fees, issuing licences for additional coverage, procedure for dealing with complaints submitted on public call for proposals, licences for joint use of radio station/radio network, cooperation in control of broadcasters' work, and suppression of radio and television stations that work without licence.

The Agency cooperates with relevant organisations of other states and relevant international organisations, with the aim of exchanging opinions, improving its work and harmonising with international experiences and standards (Article 16 paragraph 2 of the Law on Broadcasting).

Hitherto, the Agency has been an active member in the following international organisations:

1. Mediterranean Network of Regulatory Authorities;
2. European Platform of Regulatory Authorities;
3. International Institute of Communication;
4. Black Sea Broadcasting Regulatory Authorities Forum;
5. Central European Regulatory Forum.

The Republic Broadcasting Agency regularly communicates with the neighbouring regulatory agencies (Bosnia and Herzegovina, FYR Macedonia, Slovenia, Croatia, Montenegro, Hungary, Romania and Bulgaria). On 1 March 2010, the Republic Broadcasting Agency signed the Protocol of Cooperation with the National Audiovisual Council of Romania.

58. Please refer to the procedure for assignment of frequencies for television broadcasting in Serbia. Which authority is responsible for assigning the frequencies, selecting the television broadcaster and setting the conditions for broadcasting?

The Law on Broadcasting lays down the procedure for issuing broadcasting licences for terrestrial, cable, or satellite transmission.

The Republic Broadcasting Agency issues broadcasting licence. The broadcasting licence determines the programming and technical standards for the production and broadcasting of radio and television programmes. A composite part of the broadcasting licence is the broadcasting station licence, which is issued by the regulatory body for telecommunications at the Republic Broadcasting Agency's request, in accordance with a separate telecommunications law and pursuant to the Radio Frequency Assignment Plan adopted by the competent ministry for telecommunications. The issued broadcasting station licence is submitted to the Republic Broadcasting Agency for conducting the procedure for issuing a broadcasting licence. The regulatory body for telecommunications is obliged to issue a broadcasting station licence if the conditions set in separate telecommunications law have been met and if the Republic Broadcasting Agency request is pursuant to the Radio Frequency Assignment Plan.

59. What is the regime governing the granting of licences and the allocation of frequencies or satellite capacity? What are the conditions attached to the granting of licences and the assignment of frequencies or satellite capacity?

Conditions and procedure for issuing licences are laid down in Part III, of the Law on Broadcasting. A broadcasting licence is an authorisation the obtainment of which vests in the licence holder the right to broadcast a certain radio and/or television programme intended for an unspecified number of users via terrestrial broadcasting stations, cable distribution systems, satellite radio communications or in another appropriate manner.

Commercial stations and public service broadcasters acquire their broadcasting licences in different ways.

a) Commercial broadcasters acquire their broadcasting licences by participating in public tender.

The Republic Broadcasting Agency launches a call for proposals for national, regional and local area. Before launching a call for proposals, the Agency is obliged to set and publish non-discriminatory, impartial and measurable decision-making criteria, corresponding to the activities for the performance of which the licence is issued (Article 53).

After a call for proposals is closed, the Republic Broadcasting Agency sends a notification to the Agency for Electronic Communications with a request to issue individual licences for use of radio frequencies to selected broadcasters. On the basis of this request and acquired technical documentation from selected broadcasters, the Republic Agency for Electronic Communications issues individual licences for use of radio frequencies. Issued licences are pursuant to Assignment Plans for this type of radio stations and contain inter alia location of radio station with geographic information (coordinates, altitude), as well as all relevant technical information (frequency/channel, effectively expressed power, antenna diagram, type and width of emission, etc.). Individual licence for use of radio frequencies issued by the Republic Agency for Electronic Communications is a composite part of broadcasting licence issued by the Republic Broadcasting Agency.

b) Public service broadcasters acquire their broadcasting licences pursuant to the Law on Broadcasting.

Public service broadcasters confer the right for the production and broadcasting of programme pursuant to the Law on Broadcasting. Public service broadcasters can acquire only individual licence for use of radio frequencies. The licence is issued by the Republic Agency for Electronic Communications on the basis of a request and technical documentation. Form and content of these licences is the same as for licences issued to commercial stations. These licences are issued pursuant to Assignment Plans for this type of radio stations.

Pursuant to Article 40, paragraphs 1 and 4, of the Law on Broadcasting, the Agency issues a licence for cable or satellite broadcasting without launching call for proposals, at the request of the operator. The operator, via satellite broadcasting, may broadcast radio and television programme intended for satellite broadcasting, and is obliged to acquire broadcasting licence in all cases when, for satellite broadcasting, it has not acquired licence for terrestrial or cable broadcasting.

60. What are the distribution systems in place (terrestrial, cable, satellite)? What (if any) are the “must carry” regulations (obligations for the network to distribute certain channels)?

The Law on Broadcasting recognises and regulates three distribution systems – terrestrial, cable and satellite.

Article 40, of the Law on Broadcasting, which regulates cable and satellite broadcasting, lays down obligation of owners of cable distribution system (CDS) to distribute public broadcaster’s programmes free of charge, via their system.

With respect to satellite distribution, the Republic of Serbia does not own satellite distribution system; therefore TV centres rent necessary satellite channels.

Pursuant to Article 101, of the Law on Electronic Communications, the Republic Agency for Electronic Communications, at request of the broadcasting authority, designates an operator of electronic communications network for media content distribution and broadcasting, who is obliged to distribute one or more radio or television programmes at the national, provincial, regional or local level, when:

- 1) A significant number of end-users use the electronic communications network of that operator as the only or primary way of receiving media content, and
- 2) It is necessary in order to achieve the clearly set objectives of public interest, as established by the broadcasting authority, taking into account the principles of proportionality and transparency.

61. What are the arrangements as regards technical broadcast standards?

Broadcasting in the Republic of Serbia is still analogue. According to the Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programmes in the Republic of Serbia, 4 April 2012 is set to be the date of switchover from analogue to digital broadcasting. After switchover to digital broadcasting,

compression standard MPEG-4 and DVB-T2 standard for terrestrial television broadcasting will be applied.

62. What legal measures apply to encryption of broadcast signals?

Protected broadcasting is laid down in Article 103, of the Law on Electronic Communications, which regulates conditional access services via communication network and media content broadcasting. Details related to conditional access are in the answer to the question number 42.

63. Which public and private broadcasters are currently licensed or authorised and how are they financed?

Holders of public service broadcasting in the Republic of Serbia are republic and provincial broadcasting institution: Broadcasting Institution of Serbia and Broadcasting Institution of Vojvodina, to which, pursuant to the Law on Broadcasting, the Republic Broadcasting Agency does not issue licences for broadcasting. There are 420 private television and radio broadcasters in total.

A radio-television subscription fee finances the activities of the public service broadcasting institutions concerning the public interest as determined by the Law on Broadcasting (Article 80). The public service broadcasting institutions also acquire resources from production and broadcasting of advertisements, production and sales of audiovisual programmes (shows, films, serials, sound carriers, etc.), production of other programme services (teletext, etc.), organising concerts and other performances, conducting other activities laid down in the Statute and from other sources, pursuant to the law.

Private television and radio broadcasters are financed through advertising, pursuant to provisions of the Law on Broadcasting and the Law on Advertising.

64. What are the criteria used for determining national jurisdiction over audiovisual media services in Serbia?

Supervision of audiovisual media services, i.e. of broadcasters that offer audiovisual services is regulated by the Law on Broadcasting. Article 8, of the Law on Broadcasting lays down that the Republic Broadcasting Agency controls and ensures the consistent application of this Law by the broadcasters and monitor broadcasters' work with regard to compliance with requirements under which the licence was issued.

The main reason and criterion for determining this competency is the Recommendation No. R (2000) 23 to Member States of the Council of Europe on the independence and functions of regulatory authorities for the broadcasting sector and its Annex. The Recommendation stresses that, in order to guarantee the existence of a wide range of independent and autonomous media in the broadcasting sector, it is essential to provide adequate and proportionate regulation of broadcasting sector, in order to guarantee the freedom of the media whilst at the same time ensuring a balance between

that freedom and other legitimate rights and interests, as well as to found independent regulatory authorities for the broadcasting sector, with expert knowledge in the area, which would have an important role to play within the framework of the law.

Building upon these orientations, the Republic of Serbia has, by the Law on Broadcasting, established the Republic Broadcasting Agency, as the independent regulatory body in the broadcasting sector and regulated its competence.

65. Are there any restrictions on reception or retransmission of audiovisual media services from other European States? Please refer to both television broadcasting and on-demand audiovisual media services.

In 2009, the Republic of Serbia passed the Law on Confirmation of the European Convention on Transfrontier Television and became a permanent member of the Convention. When receiving and transmitting audiovisual media services from other European countries, the Republic of Serbia respects and applies provisions of the European Convention on Transfrontier Television. On the territory of the Republic of Serbia, all programme services pursuant to provisions of the Convention, i.e. which respect human dignity and fundamental rights of others, are freely broadcasted.

66. Do you have specific measures applying to the retransmission of audiovisual media services in Serbia?

When it comes to retransmission of audiovisual media contents, all broadcasters, within their programme concept, must respect general programme standards. The standards include the following: production and broadcasting of quality programme both in terms of technology and of programme content; free, comprehensive and timely informing of the public; broadcasting important urgent announcements regarding threat to human life, health, security or property; contribution to raising the overall culture and knowledge awareness of the citizens; broadcasting, only in specific time periods, programmes the content of which may impair the physical, mental or moral development of children and youth; prohibition to broadcast programmes containing pornography or the content of which gives undue prominence to violence or is likely to incite violence, drug abuse or other forms of criminal behaviour, as well as programmes abusing the naiveté of the audience; prohibition of advertising political organisations outside election campaigns; providing equal representation without discrimination to all registered political parties, coalitions and candidates during an election campaign; synchronizing foreign programmes intended for pre-school children in Serbian or the languages of the national and ethnic minorities. The Law lays down the time period in which audiovisual media records must be safeguarded and obligation for identification of broadcasters that broadcast audiovisual media contents (Articles 68 and 69, of the Law on Broadcasting).

Furthermore, in cases of retransmission, provider of audiovisual media contents must respect provisions of the Law on Copyright and Related Rights (*Official Gazette of RS*, No. 104/09).

According to Article 29, of the Law on Copyright and Related Rights, the author has the exclusive right to forbid or allow some other person to simultaneously, in unchanged shape and as a whole, communicate to the public the copyright work which is broadcast:

- 1) When the communication to the public is done by another broadcasting organisation, and not the one that has originally broadcasted the work;
- 2) When the communication to the public is done by the cable or microwave system or when the work is originally broadcasted from another country (cable retransmission).

In the case of cable retransmission of copyright works, the right of the author is realised only through the collective management organisation for copyright and related rights.

This provision is not applied in the case of cable retransmission the broadcasting organisations' own programme, regardless whether those are the original rights of the broadcasting organisations or the rights transferred to them by the other holders of rights.

67. Please provide details of any international commitment(s) which may affect audiovisual services, in particular, in the framework of Serbia's accession to the WTO.

Within the negotiations on accession of the Republic of Serbia to the WTO, one of the important sectors was sector of audiovisual services, which are of great strategic importance for the EU, and as such are specially protected by the EU. Serbia, as a country that has European integrations perspective, aligns all its steps related to audiovisual services with the EU regulations and standards. There were several requests for liberalisation in this sector, predominantly from the USA and Korea, which Serbia also agreed with the EU. The final version of Serbian offer (that satisfied Korea, with which negotiations are concluded), concerning audiovisual services, contains entertainment and culture services, including theatres, live concerts and circuses (part of the CPC RS 9619) and cinema services (part of the CPC 96199), with restrictions regarding the use of subsidies (the right for subsidies is restricted to domestic service providers) and this offer is aligned with the EU.

The integral part of the offer is the List of Exemptions from Application of the MFN⁴ Treatment. The List of Exemptions enables retention of certain benefits only for some countries, on the basis of regional integration or bilateral agreements. In the sector of audiovisual policy, the EU stance is that benefits are given exclusively on the level of the EU, and not to all members of the WTO, which would be the case in application of the MFN clause (the strongest preference). Serbia has fully aligned its List of Exemptions from the MFN Treatment with the EU; therefore there are no obligations that may have undesired effects on audiovisual sector.

68. What (if any) are the provisions in the national audiovisual legislation setting standards in the fields of audiovisual commercial communications, in particular the ban on incitement to hatred, accessibility of people with visual or hearing

⁴ Most favoured nation status

disabilities, respect of copyrights of cinematographic works, television advertising including teleshopping and sponsorship, product placement, surreptitious advertising, ban on tobacco advertising and limitation of alcohol advertising and medical products; protection of minors (please refer to the watershed and the protection of minor from detrimental advertising in both television broadcasting and on-demand audiovisual media services) and public order; and the right of reply? Has Serbia introduced specific regulations in the field of television advertising that can be considered to be a more detailed or stricter rule compared with the rules in the audiovisual media services directive (for instance: ban on political advertising, ban on alcohol advertising, restrictions concerning children's programmes etc)?

The Law on Advertising (*OG of RS*, No. 79/2005) regulates the sector of audiovisual commercial communication. This regulation lays down, in general manner, issues of prohibition of discrimination (Article 7), prohibition of violation of moral (Article 8), as well as general prohibitions of advertising products, services and other recommendations prohibited by positive regulations (Article 12).

The Law lays down in detail the TV advertising sector, including TV sale, with respect to duration, the manner of their broadcasting, the sale manner of TV advertising and TV sale services, self-promotion, and application of these rules in radio broadcasting (Articles 14-23).

The Law lays down sponsorship related to broadcasting (Articles 88-98). These provisions prohibit sponsorship of media, athletes, sports clubs, sports competitions, and individuals and participants in these manifestations; prohibition of sponsorship by producers of tobacco products, prohibition of sponsorship of minors, their activities, and activities where audience is predominantly comprised of minors by producers of tobacco products and alcoholic drinks, as well as prohibition of sponsorship of athletes, sports clubs and sports competitions by producers of alcoholic drinks (except beer) (Article 89).

Specific prohibitions and restrictions concerning tobacco products advertising (prohibition of advertising, Articles 64-67), alcoholic drinks (restrictions, Articles 68-70), and medicines, medical products and medical services (Article 61) are laid down.

The Law contains specific rules on advertising that is intended for minors, with respect to prohibition of abuse of their inexperience, lack of knowledge and naiveté; protection of health, development and integrity; prohibition of suggesting that by using certain products or services they gain physical, intellectual or other social advantages over other minors; protection of authority of family and school; prohibition of abuse of minors' trust, and advertising in children's institutions (Articles 72-85).

The same Law specifically lays down issue of advertising political organisations (Article 87). The Law does not lay down specific prohibitions and restrictions related to broadcasting time, in respect to content of certain advertisements. Furthermore, the Law in force does not contain more detailed or strict prohibitions in respect of Audiovisual Media Services Directive.

The Ministry of Trade and Services has drafted the new Law on Advertising, which is at the final stage of discussion and adoption in the Government, and which shall, in more detail, lay down aforementioned issues, especially in the light of transposition of relevant

provisions of the Audiovisual Media Services Directive. Furthermore, the draft Law lays down obligations of social accountability in advertising, protecting dignity of persons with special needs, and it lays down, in detail, issues of sponsorship, marketing of products, surreptitious advertising, and other rules of audiovisual commercial communication, which bring domestic legislation closer to aforementioned European Directive.

Protection of copyright over cinematographic works, and time for broadcasting adult contents are not covered by the Law on Advertising. This sector is regulated by the Law on Copyright and Related Rights and partially by the Law on Broadcasting.

Copyright is regulated by the Law on Copyright and Related Rights, and the Law on Broadcasting, Article 8, states that the Republic Broadcasting Agency shall take measures in broadcasting sector to ensure application of regulations on copyright and related rights. Activities of a broadcaster that are contrary to the regulations are basis for imposing measures by the Republic Broadcasting Agency, irrespective of other legal remedies that are at the disposal of aggrieved holder of copyright or related right.

According to the Law on Broadcasting, Article 68, all broadcasters, within their programme concept, shall respect the following standards concerning the programme content:

- Shall not broadcast programmes the content of which may impair the physical, mental or moral development of children and youth, as well as clearly mark such programmes and, if they are broadcasting them, do so only between 24:00 and 06:00 hours;
- Shall not broadcast programmes containing pornography or the content of which gives undue prominence to violence or is likely to incite violence, drug abuse or other forms of criminal behaviour, as well as programmes abusing the naiveté of the audience.

Supervision and Analysis Department of the Republic Broadcasting Agency regularly supervises work of broadcasters, with regard to compliance of the Law on Broadcasting, Law on Advertising, Law on Copyright and Related Rights, Code of Conduct of Broadcasters and other normative acts that are under Agency's competency.

69. Has a list of major events to be broadcast on free-to-air television been adopted in your country? If so, please provide us with the list of such events and the conditions of transmission.

Article 71, paragraph 1, of the Law on Broadcasting lays down that the Republic Broadcasting Agency determines the list of events which are of interest to all citizens in the Republic of Serbia and for which the exclusive right to broadcast may be granted only to a broadcaster whose service area encompasses the entire territory of the Republic of Serbia.

Pursuant to Article 71, of the Law on Broadcasting, paragraph 2, of the Law on Confirmation of the European Convention on Transfrontier Television, and Articles 9 and 21, of the Statute of the Republic Broadcasting Agency, on 21 May 2010, the Council of

the Republic Broadcasting Agency passed the list of events which are of national interest to citizens in the Republic of Serbia.

The list of events which are of national interest is annexed.

NB: On 8 December 2010, The Council of the Republic Broadcasting Agency passed the List of events which are of national interest to citizens in the Republic of Serbia for 2011 (annex – The list of events from 8 December 2010).

70. Has any measure been taken concerning access by other broadcasters to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster? Are there possibilities for other broadcasters to access such events and broadcast short reports?

The Council of Republic Broadcasting Agency passed the list of events which are of national interest to citizens in the Republic of Serbia.

Article 71, of the Law on Broadcasting lays down the duty of broadcaster, with the exclusive right to broadcast events included in the list, to allow and enable all interested broadcasters to record and broadcast short reports of the event lasting up to 90 seconds which shall contain the authentic picture and sound of the event.

Within the penal provisions of the Law on Broadcasting, it is laid down that a fine between 300 000 and 1 000 000 dinars (which on 31 December 2009, according to middle exchange rate of the National Bank of Serbia, was 3 129€ - 10 429€, given that on that day 1€ was 95.8888 dinars) shall be imposed on a legal entity for offence, if it does not allow other interested broadcasters to record and broadcast short reports of events for which the broadcaster had purchased the broadcasting right, and which are on the list of events which are of interest to all citizens of the Republic of Serbia (Article 113, paragraph 1, point 14).

The Republic Broadcasting Agency, to date, has not imposed measures concerning access of broadcasters to events of high interest to the public which are transmitted on an exclusive basis by a specific broadcaster.

71. Have audiovisual media services providers in your country developed codes of conduct on inappropriate commercial communications for foods and substances high in fat, sugar and salt directed to children?

Audiovisual media services providers have not drawn up a code of conduct on inappropriate commercial communications for foods and substances high in fat, sugar and salt directed to children.

72. What (if any) regulatory measures are used to encourage or require the audiovisual media services of, or the investment in, certain types of programmes (e.g. cultural, educational) or programmes of specific geographical, linguistic or

sectoral origin (independent productions, European works, national works, programmes made or broadcast in certain languages etc)? Please refer to television broadcasting and on-demand audiovisual media services. Are there such measures as regards other media (cinema, theatres, video etc.)?

The regulations of the Republic of Serbia contain provisions that regulate and encourage investment in certain types of programme according to content, or programmes of specific geographical, linguistic or sector-origin. State measures are reflected in laying down amounts of broadcasting fee and in various forms of co-financing of programmes and projects in the information sector.

1) The Law on Broadcasting, in part that regulates broadcasting fees, fixes the broadcasting fee based on the following criteria (Article 66):

1.1) Number of residents in the area in which the programme is broadcasted, on the basis of official data of the competent statistics authority, and

1.2) Programme concept of the broadcaster, i.e. the origin and type of programme being broadcasted, notably:

- a) Proportion of scientific, educational, cultural, art, children or self-produced news programmes in the entire broadcast programme;
- b) Proportion of self-produced programmes or programmes of independent producers with contents listed in point a) of this point, above the quota set by this Law;
- c) Proportion of the programme of other domestic broadcasters or translated foreign programmes.

The Council of the Republic Broadcasting Agency, pursuant to Article 8, paragraph 1, point 5, of the Law on Broadcasting, passed the Rulebook on Standards for Determining the Amount of Radio and/or Television Broadcasting Fee. By this Act, the Agency has, pursuant to the Law, laid down possibility of changing the amount of broadcasting fee. Pursuant to this, the Council of the RBA may, on the request of a broadcaster and pursuant to Article 66, of the Law on Broadcasting, decide to reduce the fee up to:

- 20% in case of the broadcaster broadcasting at least 50% of the programmes from the mandatory quota of its own production as cultural, children and educational programme;
- 10% in the case of the broadcaster broadcasting at least 50% of the programmes from the mandatory quota of its own production as news and current affairs programme (news, collage, magazine, investigative broadcasts)
- 10% in the case of the broadcaster broadcasting over 50% as programme produced in Serbian
- 10% in the case of the broadcaster broadcasting at least 40% of the total programme as self-produced programme and/or programme of independent producers
- 5% in the case of the broadcaster broadcasting at least 20% as programme of other domestic broadcasters or translated foreign programmes.

The total amount of authorised reduction of the fee, according to all aforementioned grounds, may not exceed 20% amount of fee.

The standards for changing fee amount concern, in particular, radio and/or television stations whereas on-demand services do not exist in Serbia.

2) The Republic of Serbia seeks to develop and enable realisation of public interest in the information sector, which includes encouraging audiovisual media services production in order to promote rights to information of national minorities, the blind and the deaf (with special techniques), and other marginalised groups, programme content of higher quality from the standpoint of the role of media in cultural and educational sense, culture of dialogue, etc. Resources for production and broadcasting of these programmes are acquired from public aid through tender.

Article 5, of the Law on Public Information lays down that the Republic, autonomous province or local government shall secure part of the funds or other working conditions for the work of media outlets in the languages of national minorities and ethnic communities to enable the national minorities and ethnic communities to exercise their right to information in their own languages and to nurture their own cultures and identities. Furthermore, in order to protect interests of the disabled, handicapped persons and other persons with special needs, the same subjects provide part of the funds or other conditions for such persons to freely exercise the right to public information, especially the freedom of reception of ideas, information and opinions.

To this end, the Ministry of Culture each year allocates the resources for production and broadcasting media contents in languages of national minorities, and for programmes/projects that encourage and promote realisation of public interest in media (cultural and educational programmes, programmes intended for young people and persons with special needs).

Article 76, of the Law on Culture (*Official Gazette of RS*, No. 72/09) lays down that the Ministry of Culture, authorities of autonomous province, or authorities of local self-government unit, at least once a year, shall announce calls for proposals for financing and co-financing of cultural projects as well as projects of artistic or professional and scientific researches in culture. Within this call for proposals, cinema, theatre, video art and other programmes and projects are also encouraged.

73. What definitions are used to distinguish television broadcasting from other audiovisual services?

Audiovisual services are not defined by the existing media laws.

The Law on Broadcasting regulates only television and radio broadcasting.

Article 1, of the Law on Cinematography (*Official Gazette*, No. 46/91, 53/93, 65/93, 67/93, 47/94, 48/94 and 101/2005) prescribes that cinematography, with regard to this Law, comprises of film production, renting and distribution, and public presentation of films.

74. What (if any) are the regulations covering other audiovisual services, in particular interactive, on-demand audiovisual media services, including Internet?

Provisions of the media laws, concerning audiovisual services, primarily include linear services. These are the services of radio and television broadcasting. The media laws do not mention the term audiovisual media services, however this term is used in the new Law on Electronic Communications.

The Law on Broadcasting defines the term broadcasting (Article 4) as general term for radio and television as electronic mass media. Broadcasting is done by analogue or digital transmission of text, speech, sound, still and moving images in the form of programme contents via radio waves or cable distribution systems to adequate reception devices and intended for the general public.

The Law on Public Information introduces the notion of Internet into media legislation. Article 11, paragraph 1, of the Law defines media outlets as outlets intended for public dissemination and an unspecified number of users, and those are: newspapers, radio programmes, television programmes, news agency services, Internet and other electronic editions of the aforementioned media outlets and other public information media that use words, images and sound to publish ideas, information and opinions.

The Law on Electronic Communications, and by-laws passed on the basis of this Law (Rulebook on Terms and Conditions for Internet Service and other Data Transmission Service Provision and on Contents of Authorisation, Rulebook on Terms and Conditions for Provision of Voice Transmission Services over the Internet and the Contents of Authorization, and Technical terms and conditions for subsystems of units, equipment and installation of Internet network) regulate audiovisual services, in particular the Internet. Article 4, paragraph 1, point 3, of the Law on Electronic Communications defines media contents in a way that they include radio and television programmes, i.e. audiovisual content and related interactive services distributed and broadcasted, i.e. offered to users via electronic communications networks, based on programme plan or at users' request. Furthermore, the Internet is defined as global electronic communications system consisting of a large number of interconnected computer networks and devices exchanging information by using a common set of communication protocols (Article 4, paragraph 1, point 15, of the Law on Electronic Communications).

75. What rules and regulations govern public and private television broadcasting? What rules ensure the editorial independence of the public broadcaster? Please refer to the source of financing of the public broadcaster.

The Law on Broadcasting does not recognise the term public and private television broadcasting. Article 43, of the Law lays down that a broadcaster may produce and broadcast radio and television programmes as a:

- Public broadcasting service institution;
- Commercial radio and/or television station;
- Civil sector radio and/or television station;
- Radio and/or television station of a local or regional community.

Individual or legal entity may not broadcast radio or television programme unless issued a licence from the Republic Broadcasting Agency. Any legal entity or individual, fulfilling the conditions prescribed by the Law on Broadcasting and regulations passed on the basis of this Law, may be granted a licence to broadcast a radio and television programme under equal terms. The broadcasting licence issuance procedure is public. The Republic Broadcasting Agency keeps records of all issued licences (Article 38).

Rules that ensure independence of editorial policy of all broadcasters are contained in Article 3, of the Law on Broadcasting, which lays down that broadcasting sector is based on the following principles: Freedom, professionalism, and independence of public media outlets; prohibition of any censorship of and/or influence on the work of public media outlets; application of internationally recognised norms and principles with respect to the broadcasting sector, especially with the respect of human rights in this sector.

Safeguards for independence of public broadcasters are also contained in provisions of the Law that provide for broadcasting service carriers to ensure that programmes which are produced and broadcast, and particularly programmes with news content, are protected from any influence of the authorities, political organisations or centres of economic power, with the aim of achieving public interest in the broadcasting sector (Article 78). Independence of public broadcasters' editorial policy is also guaranteed by provision of the Law on Broadcasting that regulate manner of electing members of Management Board and Director General. Members of the Management Board may not be members of the Assembly, members of the Government and individuals appointed to the Government, leaders of political parties, their deputies and officials of political parties. The members of the Management Board are independent in their work. The Management Board appoints and dismisses Director General with two-thirds of the votes, after conducted public call for proposals (Articles 87 and 90).

Financing of the activities of public broadcasting service institutions concerning the public interest as determined by this Law, is done through a radio-television subscription fee (Article 81).

For the fulfilment of other tasks within the scope of its activities, the public broadcasting service institutions acquire resources from: production and broadcasting of advertisements, production and sales of audiovisual programmes (shows, films, serials, sound carriers, etc.), production of other programme services (teletext, etc.), organising concerts and other performances (Article 80).

76. What are the legal provisions governing exclusive rights for the broadcast of major events (cultural, sporting, parliamentary sessions etc)?

Exclusive rights for the broadcast of major events, like sporting and cultural events, may be regulated in two ways:

1. If sporting and cultural events are in the List of events which are of national interest, the exclusive rights for the broadcast are, in that case, laid down in Article 71, of the Law on Broadcasting. The broadcaster granted the exclusive right to broadcast events included in the list shall allow and enable all interested

- broadcasters to record and broadcast short reports of the event lasting up to 90 seconds which shall contain the authentic picture and sound of the event.
2. If sporting and cultural events are not in the List of events which are of national interest, the exclusive rights for the broadcast are, in that case, laid down in Article 27, of the Law on Copyright and Related Rights. The author has the exclusive right to forbid or allow broadcast of the performance or presentation of his/her work. Broadcast of the performance or presentation is understood as simultaneous public communication of a work that is being performed or presented to the audience present outside the area in which the work is being performed or presented live, with the means of technical devices, such as a loudspeaker or a screen and a loudspeaker. In practice, this is generally regulated by copyright contracts individually signed by broadcasters.

Broadcast of parliamentary sessions has not been regulated by law. On 20 November 2007, the Council of the Republic Broadcasting Agency passed the recommendation on parliamentary sessions broadcast to the Broadcasting Institution of Serbia. It was recommended to the Radio Television of Serbia to broadcast all sessions of the National Assembly of the Republic of Serbia, in broadcasting slots defined in the Rules of procedure of the National Assembly, in order to realise specific obligations in activities of public interest in the sector of public broadcasting service.

The National Assembly resolved the issue of sessions broadcast through a contract with the Broadcasting Institution of Serbia.

C. Cinema

77. Please indicate the estimated overall amount of the audiovisual industry sector for 2009. What are (if any) the financial support systems in place for the audiovisual sector (including cinema)?

The Ministry of Culture of the Republic of Serbia does not have estimation of an overall amount of the audiovisual industry sector for 2009.

Pursuant to the Law on Ministries, Law on Budget and Information Law, the Media Department of the Ministry of Culture announces annual calls for proposals in the public information sector, where the part of resources is intended for audiovisual sector. Each year, this Department calls for participation in the following tenders:

- Call for proposals for co-financing projects/programmes in the sector of information of persons with disabilities;
- Call for proposals for co-financing projects/programmes in the public information sector;
- Call for proposals for co-financing projects/programmes in the sector of public information in languages of national minorities;
- Call for proposals for co-financing projects/programmes in the sector of information of Serbs in neighbouring countries;

- Call for proposals for co-financing printed public outlets in languages of national minorities in Central Serbia;
- Call for proposals for co-financing projects/programmes of electronic public outlets with head offices in Kosovo and Metohija.

General criterion for allocation of resources is the significance of the project for exercising of rights to public information, and contribution to media contents' diversity and pluralism of ideas and values. Apart from calls for proposals, the Media Department of the Ministry of Culture allocates resources to individual projects that are of great importance for enrichment of production in this sector.

In the AP Vojvodina, the Provincial Secretariat for Information financially supports technological equipping and encourages production of news contents which represent general and public interest. Therefore, the Secretariat calls annual tenders for allocation of funds, where it invites public and private enterprises that own printed and electronic media, radio and television.

Financial support for the production of domestic cinematographic works is provided in a systematic way based on allocation of resources from the budget of the Republic of Serbia (Film Centre Serbia through the budget of the Ministry of Culture of the Republic of Serbia and the Ministry of Culture), Autonomous Province of Vojvodina (Provincial Secretariat for Culture), local self-government of the City of Belgrade (the Secretariat for Culture of the City Administration of Belgrade), and from international funds (Eurimages) and other regional and national funds. Resources from the budget are allocated through a call for proposals.

1) The Film Centre Serbia announces calls for proposals for co-financing of film production, pursuant to provisions of Articles 6, 8, 10, 11 and 76, of the Law on Culture (adopted on 31 August 2009, *Official Gazette of RS*, No. 72/2009), provisions of Articles 19 and 20, of the Law on Cinematography (adopted on 24 July 1991, *Official Gazette of RS*, No. 46/91, 53/93, 56/93, 67/93, 47/94, 48/94 and 101/05), and provisions of Article 12, of the Statute of the Film Centre Serbia and the Rulebook on Process of Implementation of Call for proposals for Co-Financing Projects from Film Production Sector. Resources for implementation of the call for proposals are allocated annually from the budget of the Republic of Serbia, pursuant to the Law on Budget of the Republic of Serbia, for:

- Call for proposals for co-financing the production of domestic feature films, of which at least one is a low budget fiction film, having a budget of up to €100 000 expressed in dinars, and at least one is a debut film;
- Call for proposals for co-financing the production of medium length and short documentary, animated, short fiction and experimental films;
- Call for proposals for co-financing the enhancement and development of film script;
- Call for proposals for co-financing the production of minority co-productions.

Apart from the support to film production through aforementioned calls for proposals, the Ministry of Culture of the Republic of Serbia and the Film Centre Serbia encourage national cinematography through promotion, marketing and international cooperation within:

- The market of film festivals in Cannes, Berlin and Sarajevo;
- Special events – film weeks and shows, and promotion of finished films, projects in different stages of development, finding opportunities for cooperation, co-production and co-financing, starting from the development of project to joint promotion and marketing of films produced in the region.

2) Provincial Secretariat for Culture of the Autonomous Province of Vojvodina announces calls for proposals for co-financing the production of feature fiction films that contribute to development of cinematography of the Autonomous Province of Vojvodina and short films: documentary, documentary-fiction, animated and fiction films. The legal basis for this call for proposals is the Law on Culture (Articles 11 and 76), Law on Determining Competency of the Autonomous Province of Vojvodina (adopted on 30 November 2009, *Official Gazette of RS*, No. 99/09, Article 41), Law on Cinematography (Article 19), Decision on Provincial Administration passed by the Provincial Assembly (*Official Journal of the AP Vojvodina*, No. 4/2010), and Decision on implementation of process for allocation of resources from the budget of the AP Vojvodina to calls for proposals in the culture sector (*Official Journal of the AP Vojvodina*, No. 1/2010, Articles 3, 7 and 8), which is made by the Provincial Secretariat for Culture. Resources for implementation of calls for proposals are allocated annually from the budget of the AP Vojvodina, pursuant to the Decision on the budget of the Autonomous Province of Vojvodina passed by the Provincial Assembly.

3) Secretariat for Culture of the City of Belgrade announces call for proposals for stimulation of film production on the territory of the City of Belgrade, for production of documentary, short fiction, experimental, animated film and for feature fiction film – debut directorial achievement, and for postproduction. The call for proposals is announced upon the Conclusion of the Mayor on participation in financing projects, pursuant to provisions of Articles 11 and 76, of the Law on Culture, provisions of Article 24, of the Law on Capital City adopted on 29 December 2007, *Official Gazette of RS*, No. 129/07), provisions of Articles 52 and 63, of the Statute of the City of Belgrade (adopted on 17 October 2008, *Official Journal of the City of Belgrade*, No. 39/08, 6/10) and provisions of Article 64, of the Decision on the City Administration of the City of Belgrade (adopted on 17 December 2008, *Official Journal of the City of Belgrade*, No. 51/08).

78. What legal and/or financial arrangements are in place for international co-productions (cinema and/or TV)?

Serbia is a signatory of the European Convention on Cinematographic Co-Production and is a member of the Eurimages. Furthermore, it is a signatory of bilateral agreements on co-productions with Canada, Italy, Germany, France and Austria.

The Agreement on the avoidance of double taxation is concluded with the following countries: Albania, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, China, Cyprus, the Czech Republic, DPR of Korea, Denmark, Egypt, Finland, FYR of Macedonia, France, Germany, Hungary, India, Italy, Kuwait, Latvia, Lithuania, Malaysia, Moldova, the Netherlands, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Sri Lanka, Switzerland, Sweden, Turkey, Ukraine and the United Kingdom.

79. What legal regime applies to radio sound broadcasting?

The Law on Broadcasting regulates radio broadcasting sector, lays down conditions for and manner of conducting broadcasting activities and determines terms and procedures for the issuance of licences to broadcasting radio and TV programmes (Article 39).

80. What limitations (if any) are there on the ownership of television and/or radio stations? Are there any specific limitations to foreign investors?

Limitations in the field of ownership are envisaged in provisions related to prevention of prohibited concentration of media ownership (Articles 97-103). Prohibited concentration of media ownership, e.g. prevalent influence on the public opinion exists, in terms of this Law, when a broadcaster violates the principle of plurality of opinion in public information media by: owning a share in the founding capital of another broadcaster; owning a share in the founding capital of an enterprise publishing a daily newspaper; owning a share in the founding capital of an enterprise performing the activities of a news agency; by other means laid down in the provisions of this Law. Prohibited concentration of media ownership, in terms of this Law, also exists when a founder of an enterprise performing the activities of a news agency violates the principles of pluralism of opinions in mass media by taking part in the founding capital of a broadcaster. Prohibited concentration of media ownership, i.e. prevalent influence on the public opinion, is considered to exist always when a broadcaster that:

- Is licensed to broadcast programme at the national level of coverage, has a share exceeding 5% in the founding capital of another broadcaster with the same type of licence;
- Is broadcasting more than one television and more than one radio programme in the same area; is licensed to broadcast programme at the national level of coverage, has a share exceeding 5% in the founding capital of an enterprise publishing a daily newspaper with a circulation of more than 30 000 copies, and vice versa;
- Is licensed to broadcast programme at the national level of coverage, has a share exceeding 5% in the founding capital of an enterprise performing the activity of a news agency, and vice versa;
- Is licensed to broadcast programme at the national level of coverage, simultaneously publishes a daily newspaper with a circulation exceeding 30 000 copies;

- As a local or regional radio or television station, has a share exceeding 30% in the founding capital of another local or regional broadcaster in the same area;
- As a local or regional radio or television station, is simultaneously publishing a local daily newspaper in the same or neighbouring area.

Prohibited concentration of media ownership, i.e. prevalent influence on the public opinion, is also deemed existent when, in the events set forth in Article 99, of this Law, a individual, who is the founder of a broadcaster or an enterprise publishing a daily newspaper or performing the activities of a news agency, or his/her direct relatives regardless of the degree of kinship or his/her spouse, takes part in the founding capital of another broadcaster, of an enterprise publishing a daily newspaper or performing the activities of a news agency, up to the set level of the founding capital.

The Agency does not issue a broadcasting licence to an applicant at the public call for proposals if it establishes that issuing the licence would result in prohibited concentration of media ownership.

If the Agency establishes that the prohibited concentration of media ownership occurred after issuing the licence, it orders the broadcaster to bring its status into accordance with the provisions of this Law related to prohibited concentration of media ownership within six months. If the broadcaster does not act in accordance with the Agency's order without a justifiable reason within the set deadline, the Agency starts the procedure for revoking the broadcasting licence.

A broadcaster is obliged to notify in written form the Agency of any change in its ownership structure prior to the change.

In the case of foreign investors, limitations in the sector of ownership of radio or television stations are laid down in Article 41, of the Law on Broadcasting. A holder of a broadcasting licence may only be a domestic legal entity or individual, registered for the businesses of producing and broadcasting radio and television programmes and with a head office i.e. residence in the territory of the Republic of Serbia. A domestic legal entity, whose founders are foreign legal entities registered in countries, the internal regulations of which do not allow or where it is impossible to determine the origin of the founding capital, may not take part in the public call for proposals for broadcasting licence. A foreign legal entity or individual may have a share of a maximum 49% in the overall founding capital of the broadcasting licence holder unless otherwise envisaged by international agreements ratified by the Federal Republic of Yugoslavia. For the purpose of supervising the structure and origin of the licence holder's capital, the licence holder is obliged to obtain prior approval of the Agency for any change in the ownership structure. A foreign individual or legal entity may not own a share in the capital of public broadcasting service institutions.

81. What systems are in place as regards statistics pertaining to the audiovisual sector?

According to Article 55, of the Law on Broadcasting, the Republic Broadcasting Agency maintains a register of issued broadcasting licences, which is public. The Agency

establishes and updates a database on the register it maintains. The register of licences is available at the official Internet presentation of the Agency.

The Statistical Office of the Republic of Serbia does not have statistical data pertaining to the audiovisual sector.

82. Is there any certification system for tickets sold in officially recognised cinema theatres at the national level?

A certification system for sold tickets does not exist.

D. Film heritage

83. What legislative, administrative or other appropriate measures have you adopted to ensure that cinematographic works forming part of your audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights?

Protection of film records is defined in the Cultural Property Law (adopted on 16 December 1994, *Official Gazette of RS*, No. 71/94). The Law prescribes that the Yugoslav Film Archive in Belgrade shall carry out the activity of preserving film records (Articles 65, 74, 78, 79 and 84, of the Cultural Property Law), and that the film records kept in the Yugoslav Film Archive have the status of cultural property.

The Law regulates obligations of the Yugoslav Film Archive to collect, arrange and keep the film records, keep a register of the film records and the documentation thereon, provide expertise in keeping and maintaining to owners and users of these records; ensure that the film records are used for purposes laid down by this Law, implement measures of technical and physical protection of the film records, maintain it, ensure its use for cultural purposes through public performance in the premises of the Archive or in some other way, publish publications on the film records.

The Law regulates systematic collection of film material through obligation to deposit films intended for public viewing (Article 46, of the Cultural Property Law). Producers of films intended for public performance, regardless of the filming technique, shall, within 30 days from the beginning of film exploitation, inform the Yugoslav Film Archive of this (Article 11, of the Law on Cinematography) and shall submit, to the Yugoslav Film Archive, one unused copy of each produced film with the appropriate documentation, in the first viewing year (Article 46, of the Cultural Property Law). The same obligation has a producer who makes a film in cooperation with a producer whose seat, e.g. residence, is not on the territory of the Republic of Serbia. Furthermore, companies importing films shall, immediately after expiration of a film licence, submit to the Yugoslav Film Archive the best copy of each imported film for public performance.

The films that are submitted to the Yugoslav Film Archive may be used only in a way laid down by the law and on approval of the Yugoslav Film Archive (Article 94, of the Cultural Property Law).

The Yugoslav Film Archive, having the status of central or national institution (pursuant to Articles 61 and 79, of the Cultural Property Law), shall keep central register of the film heritage and documentation on this cultural property.

The Yugoslav Film Archive shall ensure the use of the deposited film records (Articles 78 and 86, of the Cultural Property Law). Foreign citizens may use these film records only on the basis of a specific permit for use of these records (Article 95, of the Cultural Property Law). The Ministry of Culture issues the permit for use of the film records, under the previously obtained opinion of the Yugoslav Film Archive.

84. How do you define the notion of cinematographic works forming part of your audiovisual heritage?

Article 25, of the Cultural Property Law defines that “Film records are comprised of original film material (original picture negative and tone negative) and film copies, original and copy of video tape and other media recording of the motion picture irrespective of the filming technique, and time and place of their creation, as well as accompanying film material (script, storyboard, dialogue list, film poster, film photographs, sketches of décor and costumes, notations, film music, marketing publications and other documents created before, during and after filming)”.

85. Please list the Film Heritage Institutions in Serbia, including also those of regional or local character, as well as their websites (if any).

The Yugoslav Film Archive, founded in 1949⁵, is the national film archive and it has the status of cultural institution of a special national importance. All activities and expenditures of this institution are financed from the budget of the Republic of Serbia. The Cultural Property Law and the Statute of the Yugoslav Film Archive regulate the activities of the institution, among which keeping of archival records is defined as the core activity. The Yugoslav Film Archive is one of the founders and a permanent member of FIAF (International Federation of Film Archives), and it actively participates in FIAF’s membership since 1951. The Yugoslav Film Archive is a member of ACE (Association des Cinémathèques Européennes) since its founding in 1995.

The film fund of the Yugoslav Film Archive is one of the most important and most comprehensive film collections in Europe. It contains over 85 000 copies, of various formats, on flammable (nitrate) and non-flammable (acetate) strip, silent, sound, black and white, and colour films. The collection of foreign film, which comprises 80% of the fund of the Yugoslav Film Archive, contains all of the most important works in the history of world film. The most important archival film material and documentary films concerning former Yugoslavia are kept in the Yugoslav film fund. The collection of

⁵ Rulebook on Founding and Work of Central Yugoslav Film Archive (*Official Journal of FPRY*, No. 69, from 17 August 1949)

Yugoslav fiction films is also valuable. It comprises over 90% of production filmed after World War II.

www.kinoteka.org.rs

The Filmske Novosti was founded in 1944, as a public enterprise which produces documentary films and film reportages. By the Decision of the Government on Founding of the Republic Institution Filmske Novosti (27 November 2008, *Official Gazette of RS*, No. 110/08) in 2009, the status of this institution is solved, and it becomes a film archive, e.g. archive of documentary film.

The main activity of the Filmske Novosti is recording, archiving and distribution of film and television material pertaining to social, economic, sports and cultural life in the country. The Filmske Novosti archive possesses over fifteen million metres of the film material. The institution disposes of production equipment and offers various services in the sector of film and video production.

www.filmskenovosti.rs

Public institutions related to protection of film records on regional or local level do not exist in the Republic of Serbia.

86. Please describe the type of deposit in Serbia as: Legal Deposit, Compulsory Deposit of all funded films, Voluntary Deposit, Other (please specify).

Deposit of film copies is a legal obligation (Article 46, of the Cultural Property Law and Article 11, of the Law on Cinematography). Producers of films intended for public performance, regardless of the filming technique,, shall submit to the Yugoslav Film Archive, one unused copy of each produced film with the appropriate documentation, in the first viewing year. The same obligation has a producer who makes a film in cooperation with a producer whose seat, e.g. residence, is not on the territory of the Republic of Serbia. Furthermore, enterprises importing films shall, immediately after expiration of film licence, submit to the Yugoslav Film Archive the best copy of each imported film for public performance. Films that are submitted to the Yugoslav Film Archive may be used only in a way laid down by the law and after approval of the Yugoslav Film Archive.

87. Is there any provision/practice in Serbia concerning the collection of non-film material?

Pursuant to the Cultural Property Law (Article 25), the Yugoslav Film Archive shall collect, keep and preserve accompanying film material, which is: script, storyboard, dialogue list, film poster, film photographs, sketches of décor and costumes, notations, film music, marketing publications and other documents created before, during and after filming. Accompanying film material is considered as film records and has the same treatment as copies of the film.

Photo library of the Yugoslav Film Archive is a special department for accompanying film records. It processes all types of film marketing material of domestic and foreign production, documentation and written film records of national cinematography. The primary task of the photo library is to keep and preserve the material related to domestic film art. The archive collection of the photo library is divided into funds of: photographs, diapositives, negatives, posters, negatives of the posters, advertisements, documents, scene sketches, gramophone records and audio media of film music, etc. The archive collection of the photo library has over 250 000 identified (and equal number of unprocessed) photographs from films of domestic or foreign production, portraits of film workers and other participants in film.

The collection of documents and written film records contains all types of documents, letters, contracts, original scripts and all other material relevant to the history and research of national cinematography.

The Archive collection contains film posters of domestic and foreign production, and of festivals, programmes and cycles. The fund has approximately 15 000 processed posters and approximately 200 000 unidentified and unprocessed pieces of material. The priority is the preservation of posters related to domestic film.

88. Could you describe the databases that are used by your Film Heritage Institutions? Are they searchable via internet?

The Yugoslav Film Archive database, “**YuFilm**” is a server oriented computer programme that enables users to enter, search and save data concerning film fund of the Yugoslav Film Archive. “YuFilm” incorporates all the functions of the previous programmes “Depot and YuFilm” that were used under DOS-NOVELL operating system, whose development ended some ten years ago. In addition to existing, new functions were also introduced that could not be performed in the previous programmes. High quality printing of various reports, over one hundred of them, is possible on any printer that is visible in the operating system of the local computer that carries out the programme. Printing of barcode sticker is also improved, primarily by using laser printers that enable the printing of barcode stickers of quality that is significantly better than existing. The very technology of printing makes the imprint last longer and more readable for barcode reader, which enables (with appropriate equipment) making of the fund inventory faster and more efficient. The procedure of extern and intern manipulation of copies is also available, and at any time it is possible to see where certain rolls are and on which basis they are issued.

The programme “YuFilm” can be divided into several sections, although they are all connected via interrelated databases. *Nomenclatures* are basic databases in which the basic data concerning film, copies, technique, or film origin are entered, viewed and printed: country - place - enterprise - activity - news - users - depositors - technical data

(language, inscription, emulsion, sound, media, colour, technique) - procurement - types of film - genres - awards - authors/participants - entries and various other data.

Title processing is a part of the programme related to processing of film data, its authors, titles, genre, cast, content, entries, original works, notes, awards and other relevant data. Here, it is possible to enter data about film ratings and bibliography.

Part of the programme, entitled *copies*, hierarchically connected to “Title processing”, is the collection of data concerning copies of the selected film. It incorporates all necessary data about each individual copy owned by the Film Archive, such as: type of emulsion, width of film strip, number of rolls comprising the copy, data about tone, colour, languages, inscriptions and other technical data, and also data on procurement, depositor of the copy, grounds for deposit and medium. Data on medium is very important because it enables forming databases for other, newer picture and sound media, such as video tapes, CDs and DVDs,.

The database enables searching through filters, e.g. searching with a combination of multiple parameters, which provides fast finding of a specific movie.

Data servicing is a part of the programme intended for an administrator for maintaining the database and assigning privileges to users. The section “printing” enables printing of film records, barcode stickers and lists of titles. The remaining printings are from the respected programme parts.

The programme and the database in use are created in such a concept that, in future development, new programmes could be added, which would process library, newspaper library and photo library of the Film Archive with works concerning titles. This would create integrated information system which could, with one search, provide data from all the funds of the Yugoslav Film Archive.

The database is not searchable via Internet.

89. What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works?

Financial resources for restoration of films and their preservation are provided from the budget of the Republic of Serbia. Each year, within its programme activities, the Yugoslav Film Archive carries out measures for technical protection of the film records.

Film records storage problem at the Film Archive which has lasted for decades is partially solved by the capital national investment - construction of new Film Archive depots, funded from the government budget, through National Investment Plan, and from the donations of the French Government. In 2007, the Archive in Kosutnjak opened the most up to date film depot in this part of Europe. This made possible for the films to be stored according to the contemporary archiving standards.

The Archive’s main activity is to collect, preserve and, in recent times, digitize primarily the film material, and then remaining objects and documents concerning film and film industry. After establishing modern Studio for Digitization of Film Material, which was made possible by the donations of the European Agency for Reconstruction

and Development (EAR), the Yugoslav Film Archive can carry out contemporary form of preservation of film records, and promote film material and make it accessible to the public. The Studio was opened in 2009, and it is the most up to date centre for digitization in the region..

90. How have you encouraged projects for the restoration of cinematographic works with high cultural or historical value?

Since the laboratory for film strip restoration does not exist in Serbia, the Yugoslav Film Archive realises its needs through cooperation with laboratories in European countries that possess the adequate equipment - like Hungary, Austria and the Netherlands.

The Yugoslav Film Archive concluded the long-term agreement for making copies of old films stored in the Film Archive with Film Laboratory in Budapest, since it has a long-term cooperation with this institution. This is a capital national project, which will last for three years and will be realised through three phase contracts, and for realisation of which the Ministry of Culture provides funding from the budget. The cooperation programme is related to making copies of 60 of the oldest and most endangered films.

91. Have you adopted legislative or administrative measures to allow designated bodies to make deposited cinematographic works accessible for educational, cultural, research or other non-commercial uses of a similar nature, in compliance with copyright and related rights? Please give details of the measures taken.

The Yugoslav Film Archive shall ensure the use of the film records that it keeps (Articles 78 and 86, of the Cultural Property Law). Foreign citizen may use these film records only on the basis of a specific permit for use of these records (Article 95, of the Cultural Property Law). The Ministry of Culture issues the permit for use of the film records, under the previously obtained opinion of the Yugoslav Film Archive.

Protection of intellectual property and copyright is regulated by the Law on Copyright and Related Rights, and its provisions are also binding for the Yugoslav Film Archive.

92. What steps have been taken to promote professional training in all fields related to film heritage?

Pursuant to the Cultural Property Law (Article 79), the Yugoslav Film Archive, as the central institution for protection of film heritage in Serbia, has the obligation to ensure professional training of employees working on the protection of film heritage. However, the sector of film heritage protection, and especially restoration of film material, is a very specific field of narrow expertise, which is primarily dealt by film laboratories and specific institutes. The institution that has adequate human and modern

technical capacities, and which would provide appropriate professional training to the employees working in the Yugoslav Film Archive and the Filmske Novosti, does not exist in Serbia. In regard to this, it is necessary to enable professional training of employees abroad, for which up to date it was not possible to provide financial resources from the state budget.

93. Have you established a strategy for their national film heritage and annual plans for specific issues (digitisation, restoration, education etc.)?

Serbia does not have a strategic document regarding national film heritage, however, this fact does not imply lack of strategic approach in protection of this heritage. The Yugoslav Film Archive, as national film archive, has been in special focus of cultural policy over the last years. In this period, several capital investments were provided. They are related to expanding and equipping the facilities of the Film Archive, establishing the Digitization Studio and making film copies in the Film Laboratory in Budapest. The third large investment project related to the Yugoslav Film Archive is under way. It is the reconstruction of the Archive's building in Uzun Mirkova Street in Belgrade, which will play an important role in popularisation of film heritage. This building will contain rooms for film viewings, museum of the Yugoslav Film Archive, library with professional literature and additional facilities intended for popularisation of film. All the facilities will be available to the public. Completion of the reconstruction of the building is expected in 2011.

E. Protection of minors

94. Has an association of Internet Service Providers (ISPs) been established in your country? Please give details of the ISP association(s).

The Association of Internet Service Providers of Serbia (uisp) was established on 15 January 2010. The objective of this association is defending the interests of Internet providers as well as presenting services to the public, giving proposals to public authorities competent for development and introduction of Internet services in Serbia, and eliminating all obstacles in providing Internet services on the territory of Serbia.

Website: <http://www.uisp.rs>

95. Has a code of conduct been drawn up by the ISPs in your country? If possible, please provide a copy or the web address where it can be accessed.

The code of conduct has not been drawn up by the ISPs.

96. Are there any legal requirements in your country which apply specifically to ISPs and how they should deal with illegal or harmful content accessed over the Internet? If so, what are they?

Article 21, of the Rulebook on Terms and Conditions for the Internet Services and other Data Transmission Services Provision and on Contents of Authorisation lays down that Internet providers shall remove from their server the content found to be prohibited, offensive, harmful or violating copyright if imposed via final decision by the competent authority.

97. Are there any specific requirements for ISPs to inform the police of judicial authorities about illegal content offensive to human dignity, which is available over the Internet?

There are no specific requirements for ISPs to inform the police or judicial authorities about illegal content offensive to human dignity, which is available over the Internet.

98. Has a “hotline” for reporting harmful or illegal content been established in your country? If so, please give details (including web and e-mail address) of the hotline(s), including their method of financing.

A “hotline” for reporting harmful or illegal content has not yet been established. It is expected to be established during 2011, after signing the Memorandum of Understanding for the Joining the EU Safer Internet Programme by the Republic of Serbia.

99. Have any efforts been made, either by industry or public authorities, to develop a filtering and rating system for the Internet in your country? If so, what progress has been made and what are the difficulties encountered?

The Academic Network of Serbia (AMRES) is equipped with the system for web and e-mail traffic filtering, which protects all educational institutions connected to this network.

100. What measures have been taken at national, local or regional level to spread awareness of safer Internet issues? Have these been part of a larger plan for “media education”? Have they been supported by public funds or by private funding (e.g. from industry or from voluntary associations) or by a mixture of public and private funding?

On 10 February 2009, during the Safer Internet Day press conference, the Government of the Republic of Serbia and the Ministry of Telecommunications and Information Society launched the campaign “Child Online Protection in the Republic of Serbia”. The campaign has been designed to include all relevant stakeholders, including media, governmental, non-governmental and international organisations, representatives of private sector and civil society organisations, educational institutions, and youth related

institutions. Representatives of the Ministry of Telecommunications and Information Society have continuously visited schools, published brochures and made posters for various target groups of Internet users, and set a website (<http://www.kliknibezbedno.rs>) for children and their parents to ensure safer use of the Internet. The campaign continued during 2010.

The Ministry of Telecommunications and Information Society has launched the campaign “Click Safely” aiming to raise awareness and educate parents and children in child online protection, and to solve children’s concrete problems. The campaign was covered by media.

The campaign “Click Safely” has been conceived as two part campaign: fieldwork with children, parents, pedagogues, psychologists and teachers, as well as making advice for aforementioned target groups available through media (both printed and electronic). Printed and electronic media, in agreement with the Ministry of Telecommunications and Information Society, have continuously published articles and reports on children safety, which provided information not only on preventive measures and guidelines for safe use of the Internet, but also on ways to resolve the problem if something unpleasant has already happened. In addition to these regular media publications, printed and electronic media covered the fieldwork activities of the campaign holder.

In two years, the representatives of the Ministry of Telecommunications and Information Society have visited 42 towns in Serbia. Forums have been organised for children, parents, and teachers on separate occasions. Over 4500 children and circa 2000 representatives of the Parent Council and teachers participated in these forums.

“Click Safely” is financed from a mixed fund. The Ministry of Telecommunications and Information Society, as the initiator of the campaign, has participated to the greatest extent in financing expenses of the material, transportation and forum organisation, and media covering. In addition, telecommunication operators Telekom, Telenor and VIP mobile have took part in production of the promotional material and media covering.

Numerous non-governmental organisations, the most important of which is the Parents’ Association and most of the primary schools in Serbia have supported the campaign. The most important and concrete help was provided by the Ministry of Interior of the Republic of Serbia, Division for Cyber Crime, which has competency to solve problems related to protection of children online.

In cooperation with TAIEX department of the Directorate-General for Enlargement of the European Commission, the Ministry of Telecommunications and Information Society organised the seminar “Information Security” in Belgrade, between 4 and 5 October 2010.

The aim of the seminar was to inform the participants about regulatory framework, policy and technical regulations of the EU in the information security sector. The EU experts presented the following topics:

- The role of information security;
- Information security in Serbia;

Improvement of legal and institutional framework of information security;

- Examples of good practice in fighting illegal activities on the Internet;
- Protection of critical infrastructure;
- Relationship between public and private partnerships in the cyber security sector;
- Fighting cyber crime;
- CERT (Computer Emergency Response Team);
- Research and developing activities in the information security sector;
- European Commission Safer Internet Programme.

101. Please describe any initiatives which have been taken to control online chat-groups, in particular measures taken in order to avoid any abuse, which could be harmful to minors.

On 12 February 2010, the Ministry of Telecommunications and Information Society sent the open letter to Neelie Kroes, European Commissioner for Digital Agenda, with the official request for the Republic of Serbia to join the European Union's Safer Internet Programme. The aim of this Programme is protection of children and young people online by awareness raising initiatives and by fighting illegal and harmful online content and conduct. At present, the Ministry is concluding the negotiations with the European Commission on joining the Programme. Implementation of the project is expected at the beginning of 2011.

102. Please describe measures which have been taken in order to improve media-literacy (e.g. teaching children how to make a responsible use of new media).

In the media sector, the Ministry of Culture represents Serbia in the Steering Committee on the Media and New Communication Services of the Council of Europe. Furthermore, the Ministry has had its representative at meetings of the European Dialogue on Internet Governance (EuroDIG) of the Council of Europe.

In 2010, the Ministry of Culture had, in its budget, Media Literacy resources intended exclusively for projects which contribute to the development of media literacy, introduction of new information and communication technologies and contribute significantly to informing and education of children and youth in this sector.

Within the IPA2011 projects programming, the Ministry of Culture has submitted the Media Literacy project which inter alia envisages conducting media literacy levels analysis, awareness arising campaigns in the media literacy field, encouraging the

production of media literacy contents, encouraging ICT usage in order to create inclusive society, encouraging cooperation between institutions in the field of education and introduction of media education in school curriculum.

At present, the Ministry of Culture is drafting National Strategy for the Development of Public Information system by 2016, which will contain guidelines concerning new media and media literacy, and which will be complementary to the existing Strategy for the Development of Information Society by 2020, passed by the Ministry of Telecommunications and Information Society. The Strategy for the Development of Information Society by 2020 recognises, as an important priority, necessity to make ICT integral part of education programmes, to develop human resources in this sector, to protect intellectual property of software and digital contents, to provide free and simple access to cultural and scientific digital contents to as great an extent as possible, and to develop information security.

103. Is there any specific regulation or self-regulation concerning the specific question of the right of reply with respect to online-media?

The Law on Public Information and Law on Confirmation of the European Convention on Transfrontier Television guarantee the right of reply.

Provisions of the Law on Public Information are applicable to all public media, which means they are applicable to the Internet and other electronic editions of public media (Article 11).

The Law on Public Information regulates the right of reply and the right to a correction of information (Part VIII, Chapter 2, Articles 47-73). The Law lays down that a person, whom the information personally refers to and may breach his/her right or interest, may request of the editor in chief to publish a reply free of charge, in which that person claims the information is inaccurate, incomplete or incorrectly imparted. The Law regulates, in detail, deadlines, acts before a court and other issues related to enforcing of this right.

104. Have broadcasters in your country established a system of self-regulation relating to the protection of minors? Please give details of this, particularly with regard to membership. Does it include a code of conduct regarding the protection of minors and harmful content?

The Journalists Association of Serbia adopted the Code of Conduct of Journalists of Serbia, under which journalists are prohibited to use undue, disturbing, pornographic, or any other contents that may have harmful effects on children. Journalists must also respect and protect the rights and dignity of children, crime victims, people with disabilities and other vulnerable groups. All broadcasters must comply with provisions of the Law on Public Information (Article 41), Law on Broadcasting (Article 68) and Code of Conduct of Broadcasters passed by the Council of the Republic Broadcasting Agency, which refer to protection of minors and respect of human dignity in programmes that are broadcasted via radio and television. Broadcasters are obliged, in particular, to ensure

that programmes that may impair physical, mental or moral development of minors are not available via radio and television, except when broadcasting time or technical procedure ensures that minors will not, normally, be able to see or hear them. It is forbidden to broadcast programmes that seriously impair physical, mental or moral development of minors.

105. Are on-screen warning icons required, either by law or by codes of conduct, for potentially harmful television programmes? Are acoustic warnings before such programmes required, either by law or by codes of conduct? Where such measures are used, are they considered to be effective?

According to Article 68, paragraph 1, point 5, of the Law on Broadcasting, all broadcasters are obliged to meet the standards envisaged, in respect of programme content within their programme concept, and are obliged not to broadcast programmes containing content that may impair the physical, mental or moral development of children and youth, as well as they are obliged to clearly mark such programmes and, if they are broadcasting them, they can only do that between 24:00 and 06:00 am.

According to the Code of Conduct of Broadcasters, broadcasters are obliged to undertake all precautions in order to protect minors from programme contents that may impair their integrity as well as their health, moral, intellectual and social development. Point 3 of Instructions related to protection of children and youth lays down obligation to have a special announcement or mark for the programme with a potential negative influence on children and youth. Programmes that may jeopardise minors or are inadequate for them must be clearly marked, and their custodians must be warned. Any programme with content inadequate for persons under the age of eighteen and broadcast before midnight must be clearly marked with a visible number that warns viewers and parents that the content to follow is not adequate for minors. The number should indicate a minimal age of children that are allowed to follow the programme (e.g. 12, 14, 16 circled in red and in a visible place). The number (warning) must be shown before and at the beginning of the programme and every fifteen minutes during the programme in duration of one minute. At radio, this warning is communicated by the speaker or the host of the programme. Broadcasters are free to classify programmes according to their own judgement, but the Agency has the right to warn or punish a broadcaster that does not mark content inadequate for children at all or does not mark it in a manner pursuant to this guideline or continuously determines age limit in a wrong manner. If in doubt, broadcasters have the right to ask for the Agency's opinion on classification of a warning. The Agency is obliged to submit its opinion to a broadcaster within adequate time period. Broadcasters are obliged to pay attention to the usual children schedule and to avoid broadcasting sensitive material at time when minors are expected to watch or listen to TV or radio programmes.

106. Are there any specific legal provisions in your country concerning the sale of video games? (This question concerns the physical sale of video game software, not the provision of software over the Internet for downloading onto computers).

There are no specific legal provisions concerning the sale of video games.

107. Is there any self-regulatory system in place which covers questions relating to age-rating for video games? (e.g. such as the system of self-rating which has been announced by the Interactive Software Federation of Europe (ISFE)). If so, please give details.

At present, there are no data on any self-regulatory system in Serbia in activities concerning the sector of interactive software.

Annex I Chapter 10

- Addition to answer to question 2: An Overview of Telecom Market in the Republic of Serbia 2009, RATEL

Annex II Chapter 10

- Addition to answer to question 69:
 - List of Events 2010
 - List of Events 2011

Annex III Chapter 10

List of laws, by-laws and regulation relevant for Chapter 10

Full Name	Short name
Law on Electronic Communications («Official Gazette of the Republic of Serbia», no. 44/10)	Electronic Communications Law
Strategy for Switchover from Analogue to Digital Broadcasting of Radio and Television Programs in the Republic of Serbia («Official Gazette of the Republic of Serbia», no. 52/09)	Strategy 1
Strategy and Action Plan for the Development of Broadband Access in the Republic of Serbia till 2012 («Official Gazette of the Republic of Serbia», no. 89/09)	Strategy 2
Strategy for the Increase of Participation of National Industry to the Development of Telecommunications in the Republic of Serbia («Official Gazette of the Republic of Serbia», no. 3/10)	Strategy 3
Strategy for the Development of Electronic Communications in the Republic of Serbia from 2010. until 2020. («Official Gazette of the Republic of Serbia», no.68/10)	Strategy 4
Action Plan for an Efficient Use of Telecommunication Infrastructure for Public Telecommunications Operators and Government Bodies	Action Plan 1
Law on electronic signature («Official Gazette of the Republic of Serbia», no. 112/04 and 86.09)	Law on electronic signature
Law on electronic document («Official Gazette of the Republic of Serbia», no.51/09)	Law on electronic document
Strategy for development of information society in the Republic of Serbia until 2020 («Official Gazette of the Republic of Serbia», no.51/10)	Strategy 5
Action Plan for the implementation of the priorities of the eSEE Agenda+ for the development of information society in SEE	Action Plan eSEE Agenda

for the period 2007-2012 («Official Gazette of the Republic of Serbia», no.29/09)	
Strategy for development of eGovernment for the period 2009-2013 («Official Gazette of the Republic of Serbia», no. 83/09)	eGovernment Strategy
Rulebook on detailed conditions for issuing qualified electronic certificates («Official Gazette of the Republic of Serbia», no.26/08)	Rulebook 1 MTIS
Rulebook on technical-technological procedures for the formation of qualified electronic signatures and the criteria to be fulfilled by funds for the formation of qualified electronic signatures («Official Gazette of the Republic of Serbia», no. 26/08 and 13/10)	Rulebook 2 MTIS
Rulebook on the Register of certification bodies issuing qualified electronic certificates in Serbia («Official Gazette of the Republic of Serbia», no.26/08)	Rulebook 3 MTIS
Rulebook on records keeping of certification bodies («Official Gazette of the Republic of Serbia», no.48/05, 82/05 and 116/05)	Rulebook 4 MTIS
Rulebook on time-stamping («Official Gazette of the Republic of Serbia», no.112/09)	Rulebook 5 MTIS
General Binding Instructions on Conduct of Broadcasters (Official Gazette of the Republic of Serbia, no. 63/07)	Broadcaster Code of Conduct
Regulation on Standards for Determining the Amount of Radio and/or Television Programme Broadcasting Fee (Official Gazette of the Republic of Serbia, no.50/09)	Regulation on Broadcasting Fee
List of Events of National Interest for the Citizens in the Republic of Serbia 2010	List of events 2010
List of Events of National Interest for the Citizens in the Republic of Serbia 2011	List of events 2011
Law on Electronic Commerce (“Official Journal of RS” no. 41/2009)	Law on Electronic Commerce
Law on Advertising (“Official Journal of RS” no. 79/2005)	Law on Advertising
Law on Consumer Protection (“Official Journal of RS” no. 73/2010)	Law on Consumer Protection

The Public Information Law (Official Gazette of the Republic of Serbia, nos.43/03, 61/05 and 71/09)	Law on Public Information
The Broadcasting Law (Official Gazette of the Republic of Serbia, nos. 42/02, 97/04, 76/05, 79/05-o.l., 62/06, 85/06, 86/06 and 41/09)	Law on Broadcasting
The Law on Culture (Official Gazette of the Republic of Serbia, No. 72/2009)	Law on Culture
Cultural Property Law (Official Gazette of RS, No 71/94)	Cultural Property Law
Law on cinematography (Off. Gazette of RS, No. 46/91, 53/93 – state law, 56/93 - CC, 67/93 - state law, 47/94 - state law, 48/94 - state law, 101/05 - state law)	Law on Cinematography

Rulebook on administering the Numbering Plan of the Republic of Serbia for telecommunications networks	Rulebook 1 RATEL
Rulebook on general terms and conditions for interconnection of public telecommunications networks	Rulebook 2 RATEL
Rulebook on the application of the cost-accounting principle, separate accounts and reporting of a telecommunications operator with significant market power	Rulebook 3 RATEL
Rulebook on terms and conditions for the issuance of authorisations for public telecommunication networks and contents of authorisations	Rulebook 4 RATEL
Rulebook on terms conditions and procedure for the issuance of authorisation to a public telecommunications operator for	Rulebook 5 RATEL

interconnection of a national telecommunications network with another country	
Rulebook on terms and conditions for radio and television programme distribution and contents of the authorization	Rulebook 6 RATEL
Rulebook on number portability in public mobile telecommunications	Rulebook 7 RATEL
Law on Telecommunications	Law on Telecommunications
Radio Frequency Bands Allocation Plan	Radio Frequency Bands Allocation Plan
Law on free access to information	Law on free access to information
Law on personal data protection	Law on personal data protection