

Pursuant to Article 33 paragraph 1 of the Broadcasting Law (“Official Journal of the Republic of Serbia”, nos. 42/2002 and 97/2004), the Council of the Republic Broadcasting Agency, at its meeting held on 25 June 2005, adopted the following

**STATUTE
of the
REPUBLIC BROADCASTING AGENCY**

BASIC PROVISIONS

Article 1

The present Statute defines the name, competences, representation, bodies, manner and organization of work of the Republic Broadcasting Agency (hereinafter: the Agency), as well as the composition and manner of work of the Agency’s Council.

Article 2

The Agency is an autonomous legal entity and is functionally independent of any government body, as well as any organisations and individuals involved in the production and broadcasting of radio and television programmes and/or related activities.

The Agency is established as an autonomous, i.e. independent organisation exercising public competencies pursuant to the Broadcasting Law and regulations passed on the basis of that Law, with a view to securing the conditions for the efficient implementation and improvement of the broadcasting policy established in the Republic of Serbia in a manner befitting a democratic society.

The Agency has the status of a legal person.

NAME, SEAT AND SEAL OF THE AGENCY

Article 3

The full name of the Agency is: “***Republic Broadcasting Agency***”.

The Agency has its seat in Belgrade, Cika Ljubina 8.

The decision on the change of the Agency's seat is taken by the Agency’s Council.

The short name of the Agency is RBA.

Article 4

The Agency has a round seal, with the inscription: Republic of Serbia, “Republic Broadcasting Agency” in Cyrillic engraved around the rim and “Belgrade”, followed by the number of the seal, in the centre.

The Agency may also have a seal in which the text from paragraph 1 of this Article is written in the English language.

The Agency has its logo.

COMPETENCES OF THE AGENCY

Article 5

The Agency’s competences are to:

- 1) adopt the Broadcasting Development Strategy, in agreement with the Government of the Republic of Serbia;
- 2) supervise the implementation of the Broadcasting Law provisions;
- 3) issue broadcasting licences and prescribe the forms thereof;
- 4) set the technical, organisational and programme requirements for the production and broadcasting of programmes pursuant to the provisions of the Broadcasting Law;
- 5) prescribe the rules and instructions binding on the broadcasters to ensure the implementation of the broadcasting policy of the Republic of Serbia;
- 6) supervise the operations of broadcasters in the Republic of Serbia;
- 7) decide on the submissions of natural and legal persons and on the broadcasters’ complaints concerning the operations of other broadcasters;
- 8) international co-operation with the relevant organisations of other states and the relevant international organisations;
- 9) give its opinion to the competent state bodies concerning accession to international conventions in the sphere of broadcasting;
- 10) give its opinion to the competent government bodies in the process of preparation of the broadcasting regulation;
- 11) undertake appropriate measures against broadcasters, pursuant to the Broadcasting Law and the procedure prescribed by this Statute and other bylaws of the Agency;
- 12) perform other duties related to measures in the broadcasting sphere aimed at protecting the minors, enforcing the regulations on copyright and related rights, preventing the broadcasting of programmes which contain information inciting discrimination, hatred or violence against an individual or a group of individuals on grounds of race, religion, nationality, ethnicity or gender;
- 13) perform other duties in accordance with the Law and this Statute.

THE AGENCY'S COUNCIL

Article 6

The body of the Agency is the Agency's Council (hereinafter: the Council).

Article 7

The Council has nine members.

The Council's members are elected and dismissed by the Assembly of Serbia in a procedure prescribed by the Broadcasting Law.

The ninth member of the Council is nominated by the previously elected members of the Council, providing that he/she fulfils the criteria for the membership in the Council set by the Broadcasting Law, as well as lives and works in the territory of the Autonomous Province of Kosovo and Metohija. The nomination is deemed confirmed if at least 5 Council members voted for it.

Article 8

A Council member is appointed for a period of six years.

The terms of office of the initial Council members start on the day of the Council's constitution, by their confirmation of the nomination for the ninth Council member.

Article 9

The Council:

- 1) passes the Agency's Statute;
- 2) passes the Council's Rules of Procedure;
- 3) passes the Regulation on Internal Organization and Job Classification of the Agency and Employment Regulation;
- 4) passes the Code of Conduct of the Council members and Agency employees, as well as other bylaws of the Agency
- 5) adopts the Agency's Financial Plan;
- 6) performs other duties established by the Broadcasting Law and this Statute.

REPRESENTATION OF THE AGENCY

Article 10

The Agency is represented by the president of the Council or, in his/her absence, the vice-president of the Council.

The president of the Council, i.e. the vice-president, while exercising the function of the president, may, in writing and subject to the Council's agreement, delegate specific presidential powers to individual Council members for a certain period of time.

The decision referred to in the previous paragraph is taken by the majority vote of the total number of Council members.

PRESIDENT OF THE COUNCIL

Article 11

The president is elected and relieved of his duties by the Council in a procedure prescribed by the Broadcasting Law and this Statute.

The Council elects the president from among its members by a two-third majority vote of the total number of Council members.

The term of office of the president lasts until the expiry of the term he/she was elected to serve as a Council member.

The provisions defining the election and term of the president's office, equally apply to the vice-president of the Council.

Article 12

The president of the Council:

- 1) acts for and on behalf of the Council and the Agency;
- 2) convenes and chairs the Council's sessions;
- 3) articulates proposals of the views and decisions of the Council;
- 4) signs the Council's decisions and attends to their implementation;
- 5) exercises the powers of the Agency's director in the implementation of the Agency's financial plan, as well as labour-related rights and obligations;
- 6) is responsible for the legality of the Agency and Council's operations;
- 7) has other duties established by the Broadcasting Law and the Statute.

Article 13

The rights, duties and obligations of the president of the Council under the Broadcasting Law, this Statute, the Council's Rules of Procedure and decisions, are, in his/her absence, assumed by the vice-president of the Council.

RIGHTS AND OBLIGATIONS OF COUNCIL MEMBERS

Article 14

A Council member is independent and autonomous in his/her work and decision-making.

During decision-making, a Council member may not advocate the views and interests of any government or political body or any organization, interest group, broadcaster or other legal or natural person, or the views of the authorized proponent who nominates him/her for the Council.

Article 15

The work and decisions of a Council member shall observe the Broadcasting Law, the Rules of Procedure of the Council, this Statute, the Code of Conduct of the Council members and Agency employees and the decisions of the Council.

A Council member is obliged to familiarize him/herself with the material and proposals to be decided upon by the Council.

A Council member is obliged to attend the sessions of the Council and his/her absence from the session shall be justified only in cases anticipated by the Council's Rules of Procedure.

Article 16

A Council member is obliged to disclose to the Council any circumstances which may bring him/her in a conflict of interest or a situation incompatible with the membership in the Council pursuant to the provisions of the Broadcasting Law, and solicit the Council's opinion.

Article 17

Council members and Agency employees are entitled to carry personal identification cards (hereafter: the card).

The card shall display the Agency's logo and the inscription: "*Republic of Serbia, Republic Broadcasting Agency, Identification Card*", at the top and the seal and sign of the Council president on the bottom.

The card shall state the name and surname, personal data and function or position of the cardholder.

A cardholder is obliged to return the card following the expiry of his/her terms of office in the Council, or termination of employment with the Agency.

The decision to revoke a card is taken by the Council.

MANNER OF OPERATION AND DECISION-MAKING OF THE COUNCIL

Article 18

The Council takes its decisions at its sessions.

The Council may not take a decision if less than five members are present.

The Council's decisions are taken:

- 1) by a two-third majority vote, i.e. the vote of at least six members;
- 2) by a qualified majority, i.e. the vote of at least five members;
- 3) by a simple majority, i.e. the majority vote of the attending members.

Article 19

A two-third majority vote is required for the Council's decisions to:

- 1) adopt the text of the Agency's Statute;
- 2) adopt the Council's Rules of Procedure;
- 3) adopt the Regulation on the Agency's Internal Organization and Job Classification;
- 4) adopt the Broadcasting Development Strategy;
- 5) pass the general instructions binding on the broadcasters;
- 6) permanently revoke a broadcaster's licence;
- 7) elect the Council's president and vice-president;
- 8) suspend a Council member.

Article 20

A qualified majority of five votes is required for the Council's decisions to:

- 1) adopt the regulations on the programme, technical, organizational-personnel and financial requirements and criteria related to the licensing of broadcasters;
- 2) adopt the rules and criteria for the reduction of broadcasting fees;
- 3) decide to grant the licence for the broadcasting of radio and TV programmes, following the completion of a tender;
- 4) temporarily revoke a licence for a period of up to 30 days;
- 5) adopt the Financial Plan proposal;
- 6) set the amount of deposit before launching a tender for broadcasting licences;
- 7) endorse the contracts transferring specific duties within the competence of the Agency to other legal persons;
- 8) agree to individual requests of licensed broadcasters;
- 9) agree to the broadcasting of programmes via cable distribution systems or satellite;
- 10) endorse the statutes of broadcasting institutions of Serbia and the AP of Vojvodina;
- 11) set the amount of fees for the broadcasting of radio and TV programmes;

- 12) appoint the members of managing boards of the broadcasting institutions of Serbia and Vojvodina, in individual election procedure;
- 13) appoint two-thirds of members of the Programme Board of the Broadcasting Institution of Serbia, in individual election procedure;
- 14) elect the ninth Council member nominated by the previously elected Council members;
- 15) institute proceedings to remove a Council member.

Article 21

Council's decisions requiring a simple majority vote of at least five attending members, relate to:

- 1) deciding on submissions of legal and natural persons;
- 2) issuing internal warnings issued to broadcasters;
- 3) issuing instructions to broadcasters, interpretation of the Law and regulations;
- 4) endorsing statutes of civil sector broadcasters;
- 5) establishing the list of events for RTV transmissions of general interest;
- 6) filing misdemeanour and criminal charges based on authentic documentation;
- 7) issuing of licences for temporary networking of over three hours a day;
- 8) issuing of licences for temporary broadcasting at a time of important cultural and sports events;
- 9) taking decisions and measures to protect copyright and related rights, and minors and to combat discrimination, hate speech, etc.;
- 10) approving additional coverage by broadcasters' signals in the approved service zone;
- 11) deciding on the transfer of individual powers of the Council's president to its members.

Article 22

A Council's decision may be taken by an open or secret ballot.

Council's decisions are taken at its sessions.

The vote is taken after the discussion on a specific topic has been completed and the chairperson has formulated the proposed decision in a way which unambiguously allows for a vote or non-vote.

The result of the vote is established on the basis of the number of votes cast "in favour" of the proposal.

The voting procedure does not distinguish, as a rule, between votes cast "against" and the "abstained".

The chairperson does not ask who is against and who abstains.

Upon a specific request of a Council member who did not vote on a presented proposal, his/her position related to the vote (“against”. “abstained”) is entered into the minutes of the session.

Each member of the Council is entitled to individually inform the public of his/her position and decision.

Article 23

Secret ballot must be taken in the case of:

- 1) election of the president and vice-president of the Council;
- 2) election of members of managing boards of broadcasting institutions and confirmation of the lists of candidates for programme boards of these institutions;
- 3) procedure for the suspension or initiative for dismissal of a Council member.

The Council may decide to take a secret vote on other issues as well, subject to the simple majority vote to that effect taken in an open ballot.

Article 24

A secret ballot is repeated if half the attending Council members vote in favour of the proposed decision.

In a vote on candidates referred to in Article 24, para 2 of this Statute, the method of elimination shall apply, if the number of candidates exceeds the number of members to be elected.

The second round of the vote is taken only for those candidates who failed to obtain a sufficient number of votes to be elected in the first round.

The voting procedure on candidates referred to in paragraph 3 of this Article can be repeated three times at the most.

In the case that no candidate referred to in paragraph 4 of this Article manages to obtain a sufficient majority of votes of the Council members, the voting is discontinued and the procedure for nomination and election for the outstanding number of candidates is repeated.

ELECTION OF THE COUNCIL’S PRESIDENT AND VICE-PRESIDENT

Article 25

The president and vice-president of the Council are elected in a secret ballot by a two-third majority vote of Council members.

The president and vice-president of the Council are elected in separate procedures, so that the nomination for the vice-president cannot be made before the president of the Council is elected.

Article 26

The secret ballot is conducted by a commission consisting of three members – one Council member and two staff members of the Agency’s professional services, or vice versa.

A Council member on the list of candidates cannot be a member of the election commission.

Article 27

Candidates for the president of the Council are proposed by Council members, with appropriate explanation.

Before the vote, the candidates are entitled to present their programmes of Council and Agency work to the Council.

The Council’s professional services prepare the ballots for the vote on the president with the surnames and names of the candidates listed in alphabetical order and preceded by ordinal numbers.

Council members take the vote by circling the ordinal number in front of the name of their chosen candidate.

If the president is not elected in the first round, the vote is, in the next round, taken on the two candidates with the highest number of votes, or more than two candidates if there are several candidates with the same number of votes.

The Council repeats the vote if one of the two remaining candidates is given five votes.

In the case referred to in paragraph 6 of this Article, the repeated vote is taken only on the candidate who previously won five votes.

Article 28

If the president of the Council is not elected in accordance with the procedure described in Article 27 of this Statute, the entire nomination and election procedure is repeated.

In the case referred to in paragraph 1 of this Article, the Council’s sessions shall be convened and chaired by the oldest Council member.

Article 29

Vice-president shall be elected in a manner and according to the procedure established by this Statute for the election of the president of the Council.

The candidate who has not been elected for the president of the Council may be nominated for the vice-president of the Council.

PUBLICITY OF COUNCIL AND AGENCY'S OPERATIONS

Article 30

The work of the Council and the Agency, as well as the decisions of the Council, are open to the public pursuant to the provisions of the Law on the Free Access to Information of Public Importance, this Statute and the Council's decisions.

The public is informed through the public media and the Agency's website.

Article 31

The Agency shall perform the informing of the public from Article 30, paragraph 2 by means of:

- 1) submitting the minutes of the Council's sessions, except for the parts thereof designated as official secret by a Council's decision (parts of the minutes addressing the business secrets of the broadcasters or information on Council members which should not be available to the public);
- 2) holding regular and extraordinary press conferences;
- 3) access of media representatives to Council's open sessions;
- 4) giving statements and data on the work of the Agency by the Agency's staff in charge of public information;
- 5) issuing press releases;
- 6) publishing of annual report on the operations of the Council and Agency.

Article 32

The Agency and Council also ensure the publicity of their operations by means of:

- 1) up-dating the website offering information and data of the Council and the Agency;
- 2) keeping a registry on the issued broadcasting licences;
- 3) public interviews with candidates before deciding on licensing RTV networks for national and regional coverage of their RTV programmes.

Article 33

The Council's sessions are open to accredited media representatives when the Council decides on:

- 1) broadcasters to be licensed on the basis of the invited tender;
- 2) permanent revocation of the license;
- 3) cases involving the basic rights of broadcasters;
- 4) other cases, if the president of the Council, having previously consulted other Council members, proclaims the session, or part of it, open.

Article 34

The Agency shall inform the accredited media about the open sessions of the Council and scheduled press conferences, at least two days in advance.

BUSINESS SECRET

Article 35

Business secret is a document or data whose conveying to an unauthorised person would harm the reputation and interests of the Agency and users of Agency's services.

Documents and data considered as a business secret are defined by bylaws adopted by the Council.

TERMINATION OF A COUNCIL MEMBER'S TERMS OF OFFICE

Article 36

A Council member's terms of office is terminated in the following cases:

- 1) if the term the Council member has been elected to serve has expired;
- 2) if he/she is dismissed for reasons stipulated in Article 29 of the Broadcasting Law;
- 3) if he/she submits to the Assembly his/her resignation in writing, in which case his/her term of office is terminated on the date of submission of the resignation, while a resignations offered in advance has no legal effect;
- 4) if a Council member dies.

Article 37

The Council may propose to suspend or relieve a Council member of his/her duties before the expiry of his/her term of office for the reasons prescribed by the Broadcasting Law.

Pending the decision by the National Assembly on the dismissal of a Council member, the Council may suspend a Council member by a two-third majority vote (Article 30 of the Broadcasting Law).

The procedure for the suspension and dismissal of a Council member may be instituted by any other member of the Council.

The Council member who proposes the institution of a procedure for the suspension or removal of another member is obliged to submit his/her initiative to Council members in writing and, in cases provided for by Article 29 items 2 and 3 of the Broadcasting Law, explain the reasons for requesting the removal of the Council member concerned.

Pending the election of a new member, the decisions of the incomplete Council are valid. The Council cannot take valid decisions if, due to the termination of some of its members terms of office, it has less than five (5) members (Article 31, para 5 of the Broadcasting Law).

PROCEDURE FOR DEALING WITH SUBMISSIONS AND COMPLAINTS

Article 38

Natural and legal persons may submit to the Agency submissions related to the contents of broadcasters' programmes and conduct, if they believe that they impair or endanger their personal or general interests.

The submission or complaint so received shall be immediately sent by the Agency's competent service to the broadcaster concerned to declare on it.

If the competent professional service of the Agency finds it impossible to positively identify the subject matter of the submission or complaint, it shall submit it to the Council for its preliminary opinion, while the Council may decide to return it to the petitioner for further clarification, which the petitioner must submit within 15 days.

A broadcaster is obliged to declare on the submission or complaint received within 15 days.

Unjustified failure of a broadcaster to declare on the submission or complaint is punishable by one of the sanctions under the Broadcasting Law.

If a broadcaster fails to respond or inform the Agency that the submission is unfounded, and the Council nevertheless considers it justified, the Council is obliged to undertake appropriate measures against the broadcaster and instruct the petitioner in the legal remedies for protecting his/her interest.

IMPOSITION OF SANCTIONS

Article 39

The sanctions of the Council and the conditions for their imposition are established by the Broadcasting Law.

The Agency may reprimand or warn a broadcaster, as well as temporarily or permanently revoke a broadcaster's licence in accordance with the Law.

The Agency may institute proceedings before the court or another government body against a broadcaster or its responsible person if their act or failure to act had the characteristics of an act punishable by law.

Article 40

The Council may impose on a broadcaster any of the legally prescribed sanctions, on the basis of a submission or complaint received, an independent report of its professional service noting the broadcaster's violation of the law, or an initiative of a Council member.

On the basis of the received submission or complaint, the professional service of the Agency collects data and the broadcaster's declaration and prepares a report which it submits to the Council.

The professional service may prepare a report noting that a broadcaster has violated the law of its own accord, or upon the initiative of a Council member.

The report of the professional service noting the broadcaster's violation of the law must be duly explained.

Article 41

The Council shall enable the broadcaster to declare on the violation of law noted by the report of the Agency's professional service.

A representative of the broadcaster is invited to the session of the Council, called to discuss the pronouncing of the legally prescribed sanction.

Article 42

The Council may reprimand or warn a broadcaster, and may temporarily or permanently revoke a broadcaster's licence.

Exceptionally, public broadcasters who are not obliged to obtain a broadcasting licence from the Agency, may only be reprimanded and warned.

A reprimand is issued to a broadcaster who for the first time breaches an obligation established by the Law or an Agency's bylaw.

A warning is issued to a broadcaster who:

- 1) despite the issued reprimand, continues to act in contravention of obligations established by the Law or an Agency's bylaw;
- 2) for the first time violates an obligation established by the Law, in a manner which seriously endangers the principles governing the relations in the broadcasting area;
- 3) violates any of the requirements referred to in the broadcasting licence.

The broadcaster who, despite the warning referred to in Article 18 of the Broadcasting Law, continues to violate the provisions of the Law or bylaws based on it, fails to meet the requirements set by the broadcasting licence, or fails to act on the measures established by the Council's warning in order to eliminate the violation of the Law, is penalised by the Council temporarily revoking its broadcasting licence for a period of up to 30 days.

The broadcaster who fails to fulfil its obligations and whose broadcasting licence has already been revoked three times, is penalised by the permanent revocation of the broadcasting licence.

Article 43

The Agency's decision is not subject to appeal, but may be subject to an administrative dispute.

AGENCY'S FINANCING

Article 44

The Agency generates revenues from the broadcasting fees paid by the broadcasters licensed pursuant to the Broadcasting Law.

The Agency's revenues and expenditure are established in a financial plan endorsed by the National Assembly of the Republic of Serbia.

The Financial Plan and Annual Accounts are subject to the provisions of Articles 34 and 35 of the Broadcasting Law.

ORGANIZATION OF AGENCY'S WORK – AGENCY'S PROFESSIONAL SERVICE

Article 45

The organization of the Agency's work is based on the need for a functional and efficient completion of the Council and Agency's tasks stemming from Article 5 of this Statute.

The Agency has a Professional Service, whose operations are regulated by a separate bylaw.

Article 46

In order to obtain better insight into specific ethical and legal matters whose content was not strictly defined by the Broadcasting Law (establishing of general programme rules and criteria, protection of children, protection of minorities, defining of hate speech etc.) the Council may, should a need arise, form an expert team (Ethical Committee) composed of persons of a relevant profession, who are not employed by the Agency.

In order to obtain better insight into technical problems concerning the fulfilment of technical standards by broadcasters, the Council may, should a need arise, form a team for the evaluation of technical standards (Expert Technical Commission) composed of engineers of relevant profiles, who are not employed by the Agency.

Article 47

The Regulation on Internal Organization and Job Classification, as well as staff employment contracts, regulate the duties, competences and conditions of work of Agency's employees in detail.

Rights of the Agency's employees are defined in accordance with the law and regulations governing labour relations.

ENVIRONMENTAL PROTECTION

Article 48

The Agency performs its activities in a manner which does not endanger the environment.

Measures and means necessary for environmental protection are established by a bylaw adopted by the Council.

PROCEDURE FOR THE APPOINTMENT OF MANAGING AND PROGRAMME BOARDS OF PUBLIC BROADCASTING SERVICE INSTITUTIONS

Article 49

Members of managing boards of the Broadcasting Institution of Serbia and the Broadcasting Institution of Vojvodina are appointed by the Council in accordance with criteria prescribed by the Broadcasting Law.

Article 50

Members of the Managing Board of the Broadcasting Institution of Vojvodina appointed by the Agency are persons who live and work in the territory of the Autonomous Province of Vojvodina.

Article 51

Candidates for managing boards of the broadcasting institutions of the republic and province are registered on the basis of an open call for proposals of the Broadcasting Agency.

Article 52

At least 15 days prior to initiating the election of the managing board members, the Council shall issue an open call to all interested organizations, institutions and citizens to propose their candidates for the managing boards of the broadcasting institutions, incorporating the legal conditions and other criteria for the candidates' eligibility.

Candidates for members of managing boards may be proposed by Council members.

The proponent is obliged to attach to the nomination the candidate's written acceptance of his/her candidacy.

Article 53

On the basis of the legally prescribed criteria, the proposals received and accompanied by the candidates' written acceptance of their candidacy, the professional service prepares the list of candidates for managing boards for the Council's session.

The Council considers and define the final list of candidates for managing board members.

The Council shall make the list of candidates referred to in paragraph 2 of this Article available to the public for possible objections, at least 15 days prior to taking the vote on the candidates concerned.

Article 54

The vote on the candidates for managing board members is taken by a secret ballot.

A member of a managing board is elected if at least five Council members voted for him/her.

The vote on board members may be taken five times in total.

If, even after the fifth vote, the legally prescribed number of candidates is not elected, the Council repeats the entire procedure for the outstanding number of members.

Article 55

Members of the Programme Board of the Broadcasting Institution of Serbia is elected by the Agency in a manner and according to the procedure established by this Statute for the appointment of members of managing boards of the public broadcasting institutions.

AGENCY'S BYLAWS

Article 56

Bylaws of the Agency are the Statute, Council's Rules of Procedure, regulations and other bylaws of the Agency adopted by the Council.

Amendments to this Statute are introduced in the manner and according to the procedure stipulated for its adoption.

All other Agency's bylaws must be in compliance with the Statute and the Law.

FINAL PROVISION

Article 57

Upon its endorsement by the National Assembly of Serbia, the Statute shall be published in the "Official Journal of the Republic of Serbia" and enter into force on the day following its publication.

No: 150/50
Belgrade,
25 June 2005

Republic Broadcasting Agency
Council President
Nenad Cekić, PhD