

Serbia, Alignment with the European Media Freedom Act
Through Three Media Laws:
The Law on Public Information and Media, the Law on
Electronic Media, and the Law on Public Service Media



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UJEDINJENI GRANSKI SINDIKATI
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This document aims to determine the extent to which the three media laws in Serbia (the Law on Public Information and Media¹, the Law on Electronic Media² and the Law on Public Service Media³) are aligned with the European Media Freedom Act⁴ (hereinafter: EMFA). The areas subject to this analysis are those used to monitor the progress of EMFA implementation in the Member States of the European Union.⁵ EMFA is a Regulation directly applicable in the EU, and most of its provisions are implemented as of 8 August 2025. The Act lays down minimum obligations and standards, allowing Member States to adopt stricter rules in certain areas provided that they do not undermine the protection of media pluralism or editorial independence (Recital 8, EMFA).

The main conclusion of this analysis is that the three media laws partially contain provisions aligned with EMFA, while the core problem lies in their implementation, that is, their adequate application in practice. If implementation does not follow the letter of the law, the key question is what is achieved by new amendments to media legislation. It is also important to emphasize that, according to publicly available information, amendments to the Law on Public Service Media are not currently planned, although EMFA significantly deals with their independence. Finally, certain provisions of EMFA require the establishment of a comprehensive cross-sectoral working group for amending other regulations that go beyond the changes to media legislation, which the legislator does not appear to have taken into account. Valid expertise, as well as genuine political will to align media laws with EMFA and ensure their proper implementation, are crucial for this process to be truly successful. The following sections identify normative solutions that may be considered aligned with the objectives covered by EMFA (formal alignment), as well as the assessment of the implementation, that is, the practical application of the prescribed solutions (factual alignment).

	Protection of journalistic sources and communication	Independent functioning of public service media	Media service providers duties	National regulatory body or other institutions	Media service providers content on VLOPs	Media concentration assessment	Audience measurement	State advertising
Formal alignment	Mostly aligned	Partially aligned	Partially aligned	Partially aligned	Not aligned	Partially aligned	Not aligned	Partially aligned
Factual alignment	Not aligned	Not aligned	Partially aligned	Not aligned	Not aligned	Not aligned	No systematic data	Not aligned

1. Table of alignment of the three media laws with the EMFA

1.1 Protection of journalistic sources and communications (Article 4, EMFA)

Formal: Mostly aligned

¹ Law on Public Information and Media,

https://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html

² Law on Electronic Media, https://www.paragraf.rs/propisi/zakon_o_elektronskim_medijima.html

³ Law on Public Service Media, https://www.paragraf.rs/propisi/zakon_o_javnim_medijskim_servisima.html

⁴ European Media Freedom Act, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1083>

⁵ Committee on Culture and Education Ordinary meeting, European Parliament

https://multimedia.europarl.europa.eu/en/webstreaming/cult-committee-meeting_20251202-1430-COMMITTEE-CULT

Factual: Not aligned

Article 4 of EMFA establishes strong safeguards for the protection of journalistic sources, except in specific cases subject to stern oversight. The use of intrusive surveillance software (ISS)⁶ is prohibited, but it may be permitted under strict criteria. Although EMFA provides a solid foundation, exceptions to the prohibition may create challenges in implementation.⁷

The protection of journalistic sources is regulated in the Law on Public Information and Media (Art. 58), in the section on confidentiality of journalistic sources, which prohibits the disclosure of journalistic sources unless it concerns a criminal offence punishable by at least five years of imprisonment and if the required information cannot be obtained by other means.

The law does not contain measures to ensure the prohibition of the use of intrusive technologies under strictly defined conditions and with adequate oversight, as required by EMFA. The use of spyware falls within the scope of other laws that are not the subject of this analysis. For example, the Law on Electronic Communications prohibits the interception of communications, as well as access to the so-called retained data (communication data that do not reveal the content of the communication) without the user's consent, except for a limited period and on the basis of a court decision "if this is necessary for the conduct of criminal proceedings or for the protection of the security of the Republic of Serbia, in the manner prescribed by law" (Art. 126 and 128(2)). There is also a protection of journalistic sources in the Criminal Code (Art. 41). However, despite the existence of such legislation, there is evidence that spyware has already been used to monitor journalists in Serbia by state authorities.⁸ The implementation of this provision of EMFA requires cross-sectoral legislation amendments. The full application of already prescribed rules is a priority, followed by amendments to media and other relevant legislation.

Challenge:

According to the draft analysis of the Centre for Media Pluralism and Media Freedom, several aspects should be taken into account when implementing this Article. Firstly, there is a possibility of inconsistent application of Framework Decision 2002/584/JHA (which may indirectly place journalists in a situation of being subject to surveillance, thereby endangering their privacy), as well as the use of the term "serious crime," which is not sufficiently precise.⁹ This may potentially open the door for abuse of such software. Secondly, this Article should also apply to intermediaries engaged by the state to deploy this type of software. In the five countries observed, only Finland has a satisfactory legislative framework; Croatia is in the consultation process;

⁶ Intrusive surveillance software' means any product with digital elements specially designed to exploit vulnerabilities in other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, including in an indiscriminate manner" (Art. 2(20), EMFA)

⁷ Kermer J. E. (2025). How far does Article 4 of the European Media Freedom Act go in banning state surveillance of journalists? <https://cmpf.eui.eu/emfa-and-state-surveillance-of-journalists/>

⁸ Amnesty International (2024). Serbia: Authorities using spyware and Cellebrite forensic extraction tools to hack journalists and activists. <https://www.amnesty.org/en/latest/news/2024/12/serbia-authorities-using-spyware-and-cellebrite-forensic-extraction-tools-to-hack-journalists-and-activists/>,

⁹ Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act, p. 16

Hungary and Italy have not taken any steps so far; and in the Netherlands, the current legislation is not at a satisfactory level.¹⁰ According to some analyses, there are concerns that this Article grants too much discretion to states to deploy such software.¹¹

1.2 Safeguards for the independent functioning of public service media providers (Article 5, EMFA)

Formal: Partially aligned

Factual: Not aligned

Article 5 of EMFA focuses on two aspects of ensuring the independent functioning of public service media providers. One relates to the procedures for the appointment and dismissal of management structures, and the other deals with the stable funding, with the ultimate aim of safeguarding editorial policy. The Law on Public Service Media regulates both aspects.

With regard to the appointment of management (the Management Board and the Director General), the conditions to ensure their independence are formally fulfilled. Under this Law, the Director General and the Management Board are appointed through a public call (Art. 17 and 24, Law on Public Service Media). The Management Boards of Radio Television of Serbia (RTS) and Radio Television of Vojvodina (RTV), each composed of nine members, are appointed by the Council of the Regulatory Body for Electronic Media (REM). Candidates for management bodies must meet defined requirements in terms of qualifications and competences, and conflict-of-interest rules also apply. The 2025 amendments introduced more specific criteria intended to ensure the appointment of qualified professionals to the positions of Director General and members of the Management Board (Art. 17 and 25, Law on Public Service Media).

However, a system in which the Management Board is ultimately appointed by the Regulator which, according to relevant reports, has not achieved organizational, functional, and financial independence, may indirectly lead to undue influence over the appointed Management Board and, consequently, over the Director General. The Director General was also granted broader powers through the 2025 amendments, namely the authority to directly appoint and dismiss editors-in-chief and responsible editors, media directors, and programme directors (Art. 24), indicating a greater concentration of power. This may be regarded as a departure from the principles and standards of EMFA. The previous solution for such decisions was more closely aligned with the general principles of EMFA, as it provided for a division of powers between the Management Board and the Director General in decision-making regarding managerial positions within the programming sector.

¹⁰ Network of Centers. (2025). Implementation of the Media Freedom Act: Elda Brogi presents preliminary findings of study.

<https://networkofcenters.net/news/implementation-media-freedom-act-elda-brogi-presents-preliminary-findings-study>

¹¹ Kermer J. E. (2024). Article 4 of the European Media Freedom Act: A Missed Opportunity? Assessing Its Shortcomings in Protecting Journalistic Sources, <https://cadmus.eui.eu/server/api/core/bitstreams/88a04e9e-60cc-5d21-97b2-f7283429d28b/content>

Public service media providers are financed through a combination of subscription fees, allocations from the state budget, net revenue from the commercial exploitation of produced content, and advertising income (Art 36, Law on Public Service Media). According to the draft analysis of the implementation of the European Media Freedom Act prepared by the Centre for Media Pluralism and Media Freedom, it is recommended that budgets for public service media be approved for a multiannual period.¹² It is also emphasized that budgetary financing often has a negative impact on the independence of public service media, as funding may be delayed or reduced if the authorities are dissatisfied with their reporting.

Since 2015, both public service media have been financed through a combination of subscription fees and state budget allocations under the Law on Temporary Regulation of the Method of Collection of the Public Service Media Fee¹³ which was renewed on an annual basis until 2024. This Law effectively undermined the system originally established in the core Law on Public Service Media and contributed to a greater dependence of public service media on state structures.¹⁴ Another issue concerns the amount of the licence fee (subscription), which is considered extremely low for the proper functioning of public service media, as well as the lack of political will on the part of the state to fulfil the obligations set out in the Media Strategy.¹⁵ The Media Strategy recognized the risks of budgetary financing and gave preference to the licence fee/subscription as a proven stable source of revenue, free from direct state influence. Therefore, reducing the licence fee effectively marginalizes the source of funding that should be primary. The 2025 amendments did not bring about a qualitative improvement, as the fee was fixed at 349 dinars (approx. 3 euros), with the possibility (but not the obligation) of annual adjustment in line with the inflation rate, provided that its amount is not lower than 0.6% of the minimum wage (the amount currently set by law does not meet this criterion).¹⁶ Furthermore, Article 43(3) of the Law on Public Service Media is unclear, as it leaves room for arbitrary allocation of budgetary funds, as does Article 62d, which extends budget financing for RTV until December 2026. This runs counter to EMFA, which requires funding to be “adequate, sustainable and predictable,” as well as based on transparent and objective criteria, as prescribed by this Act.

What could constitute a solution, and what has not been fulfilled in line with EMFA, is Article 5(4), which provides that Member States are required to establish either mechanisms or independent bodies to monitor the governance and financing of public service media providers, and that the results of such monitoring must be made public. Such an independent mechanism or body is not envisaged in the current Law on Public Service Media, and the Regulatory Body for Electronic

¹² Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act, p. 25

¹³ Law on the Temporary Regulation of the Method of Collection of the Public Service Media Fee, https://www.paragraf.rs/propisi_download/zakon-o-privremenom-uredjivanju-nacina-naplate-takse-za-javni-medijiski-servis.pdf

¹⁴ Djurić R. (2025). Serbia Indicators on the Level of Media Freedom and Journalists' Safety Index 2024, <https://safejournalists.net/wp-content/uploads/2025/08/index-SRB-ENG-2025-1.pdf>

¹⁵ Strategy for the Development of the Public Information System in the Republic of Serbia for the Period 2020–2025, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>

¹⁶ Asmedi (2025). The new law does not ensure the independence of public service media: Media representatives dissatisfied with the actions of the state. <https://nuns.rs/novi-zakon-ne-omogucava-nezavisnost-javnih-servisa-predstavnici-medija-nezadovoljni-postupcima-drzave/>;

Filipović Stevanović T. & Djurić R., (2025). Shadow report, https://en.nuns.rs/media/2025/04/IZVESTAJ_ENG_02.pdf

Media cannot assume this role, as it already participates in the process of appointing members of the governing boards of both public service media. Moreover, this authority has not been fully constituted, since the Council of the Regulator has not been appointed even a year and a half after the deadline prescribed by the Law on Electronic Media.

1.3 Duties of media service providers (Article 6, EMFA)

Formal: Partially aligned

Factual: Partially aligned

This Article lays down obligations for all media service providers (print, audiovisual, online) relating to the transparency of media ownership (in order to show who owns and controls the media outlet), as well as obligations concerning editorial independence.

Transparency of ownership

With regard to the transparency of media ownership under EMFA, media service providers are required to publish in electronic format: their legal name and contact details; the names of direct or indirect owners holding ownership stakes that enable them to exercise influence over operations and strategic decision-making (including state/public ownership); the names of beneficial owners; the annual amounts of public funds received for state advertising; and the total annual amounts of advertising revenue from public authorities/entities of third countries (Art. 6(1), EMFA).

In Serbia, data on media outlets are public (Art. 7, the Law on Public Information and Media), and pursuant to Art. 42 of this Law, media outlets are obliged to publish basic information about the outlet, while Art. 43 and 44 specify exactly which information must be published and in what manner. Penalties are also prescribed for non-compliance with Art. 42-44, ranging from 100,000 to one million dinars (approx. 850-8500 euros) for a legal entity, as well as fines for the responsible person of the publisher and for an entrepreneur–publisher. Art. 62 of the Law on Electronic Media provides for the application of the provisions of the Law on Public Information and Media regarding media identification. However, the Law on Public Information and Media does not contain all the data required under EMFA (Art. 6(1)) that media service providers are obliged to make publicly available. Article 6(2) of EMFA requires Member States to designate a body/authority that will develop national databases on media ownership. A single, consolidated database containing all the information necessary to comply with this provision of EMFA currently does not exist in Serbia.

There are three databases maintained by state authorities: the [Media Register](#) and the [Record of the Media Content Producers](#), maintained by the Serbian Business Registers Agency (Art. 45-52, Law on Public Information and Media), and the [Register of Media Services](#), maintained by the Regulatory Body for Electronic Media (Art. 7(8), Law on Electronic Media). With regard to the first two registers, the provisions require media outlets to submit “a document containing data on legal and natural persons who directly or indirectly hold more than 5% of the share in the founding capital of the publisher, data on their affiliated persons within the meaning of the law governing the legal status of companies, and data on other publishers in which those persons hold more than 5% of the share in the founding capital.” This threshold is lower than the one prescribed by

EMFA (25%). The Register also contains data on various types of funding, including: donations, gifts, sponsorships, market research and economic research services, public opinion polling services, campaigns, advertising and marketing services, promotional services, services provided by media on the basis of public procurement regulations, as well as other services provided by the media; the dinar equivalent of free lease services provided by a public authority to a media publisher, calculated in accordance with tax regulations; public advertising and public information campaigns, as well as all other transfers of funds to media publishers by these entities.” (Art. 47(10), Law on Public Information and Media). Fines ranging from 100,000 to one million dinars (approx. 850-8500 euros) are prescribed for a publisher who fails to report changes to the data recorded in the Register and the Record within 15 days (Art. 148(2), Law on Public Information and Media). Documentation for the third register maintained by the Regulatory Body for Electronic Media also includes data on ownership (Art 93(10), Law on Electronic Media). The REM register contains data on the director (responsible person) (Art.97(5), Law on Electronic Media) but, for example, this is not provided in the Media Register.

However, systematized data on beneficial owners are lacking¹⁷ in accordance with the definition set out in the Directive (EU) 2015/849,¹⁸ systematized data on allocations for state advertising, as well as the total amounts of revenue received by media outlets from public entities of third countries, as required by EMFA. The Serbian Business Registers Agency provides systematized data on beneficial ownership as a paid service, covering all companies, not only media publishers, pursuant to the Law on the Central Register of Beneficial Owners.¹⁹ Another issue is the irregular updating of data in the media registers. For example, data on financial allocations on other grounds (Art. 47(10), Law on Public Information and Media) are not submitted by public authorities, and the Registrar does not record them.²⁰ Finally, there is also the problem of poor searchability of the data already contained in the registers and the lack of interoperability between them. For example, the Media Register maintained by the Serbian Business Registers Agency allows searches only by the name of the media outlet or a registration number, but not, for instance, by the media owner. Searching by the owner is also not an option in the Register of Media Services maintained by the Regulatory Body for Electronic Media. In addition, the Media Register does not provide the possibility to review all data or to download them in an open format. Criticism that data should be transparent, comprehensive and easily searchable has already been raised in the European Commission’s report.²¹ Unsystematized data, irregular updating, and poor searchability are not in line with the Article 6 of EMFA, which requires that information be up to date and easily and directly accessible to users.

¹⁷ Milutinović I. (2025). Media Pluralism Monitor, Report for Serbia, p. 21

<https://cadmus.eui.eu/entities/publication/e176c784-969b-4b57-bbad-829df1e44cbe>

¹⁸ Directive (EU) 2015/849, (Art. 3(6), <https://eur-lex.europa.eu/eli/dir/2015/849/oj/eng>)

¹⁹ Law on the Central Register of Beneficial Owners. <https://www.paragraf.rs/propisi/zakon-o-centralnoj-evidenciji-stvarnih-vlasnika.html>

²⁰ Danas. (2026). Coalition for Media Freedom: Why has the APR media database still not been aligned with the law? <https://www.danas.rs/vesti/drustvo/koalicija-za-slobodu-medija-zasto-baza-medija-apr-a-jos-uvek-nije-uskladjena-sa-zakonom/>

²¹ EU Commission. (2025). Rule of Law Report 2025, Serbia, p 12.

https://commission.europa.eu/document/download/298f86d5-723b-4d3e-90b4-98ea24d9c885_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Serbia_0.pdf

Editorial independence

Media service providers (Art. 6 (3), EMFA) are required to adopt internal safeguards to guarantee the independence of editorial decisions, in accordance with their size, structure and needs. They must also ensure that any actual or potential conflicts of interest that could affect the provision of news and current affairs content are disclosed (made publicly available). Examples of internal safeguards include: internal rules, codes, and editorial guidelines regulating the prevention and disclosure of conflicts of interest; correction and complaints policies; rules on the separation of commercial and editorial activities; and mechanisms for reporting undue pressure.²²

Certain measures regulating the protection of editorial autonomy exist in Serbia's media legislation. Art. 4 of the Law on Public Information and Media provides that editorial autonomy must not be undermined through pressure, threats, or blackmail against editors, journalists, or sources of information. Furthermore, pursuant to Art. 56, a journalist must not be placed in a less favorable position because they have "published a truthful claim or expressed an opinion, nor because they expressed their opinion outside the media as a personal view," nor may their employment be terminated, their salary reduced, or their position in the newsroom worsened for refusing to comply with an order that would violate legal and ethical rules of the journalistic profession. More specifically, Art. 16, which addresses the fulfillment of the public interest, emphasizes that media must operate freely and without pressure, and paragraph 10 of the same Article obliges public service media providers, institutions, and commercial companies of national minorities to ensure full editorial independence and autonomy of the media in their founding acts. Additionally, a company performing electronic communications activities (for example, Telekom) is also required "to draft and publish a document setting out measures and procedures for the protection of editorial policy, as well as to publish a report on the implementation of its internal code of ethics on its website" (Art. 39a, Law on Public Information and Media).

Internal ethical codes are also among the documents required for media registration in the Media Register maintained by the Serbian Business Registers Agency (Article 47(11–14), Law on Public Information and Media), namely: a document setting out internal measures and procedures for achieving gender equality; a document setting out measures and procedures for the protection of editorial policy; a document setting out measures and procedures for the employment of persons with disabilities; and a document setting out measures and procedures for ensuring a safe working environment for journalists and media workers. However, the Coalition for Media Freedom has observed, upon reviewing the Business Registers database, that a very small number of media outlets have fulfilled this legal obligation.²³ One of the reasons is the fact that no sanctions are prescribed for failure to comply with this obligation.²⁴

Challenge:

²²Commission Recommendation (EU) 2022/1634, <https://eur-lex.europa.eu/eli/reco/2022/1634/oj/eng>

²³Danas. (2026). Coalition for Media Freedom: Why has the APR media database still not been aligned with the law? <https://www.danas.rs/vesti/drustvo/koalicija-za-slobodu-medija-zasto-baza-medija-apr-a-jos-uvek-nije-uskladjena-sa-zakonom/>

²⁴ Milutinović I. (2025). Media Pluralism Monitor, Report for Serbia, 2025, p. 21 <https://cadmus.eui.eu/entities/publication/e176c784-969b-4b57-bbad-829df1e44cbe>

The recommendation of the draft study on the implementation of EMFA is that national databases on ownership transparency should contain standardized and harmonized data that can be easily searched across Member States. It would also be advisable to enable search functions by type of media, as well as by national/regional or local coverage. To achieve this, it is recommended that the European Commission and the European Board for Media Services issue guidelines defining the procedural and technical measures for the development of such databases.²⁵ Such guidelines have not yet been issued. Croatia has established its own database, [Ownership and Types of Media Financing](#), maintained by their Agency for Electronic Media.

1.4 National regulatory authorities or bodies (Article 7 EMFA)

Formal: Partially aligned

Factual: Not aligned

Pursuant to Article 7 of EMFA, EU Member States are required to designate national regulatory authorities or other bodies responsible for carrying out the obligations assigned to them under this Act. That body must:

- develop a national database on media ownership;
- monitor compliance with obligations relating to public service media providers;
- be consulted in cases where very large online platforms require confirmation for the self-declaration of media service providers;
- be responsible for carrying out the assessment of media concentration or be substantially involved in that assessment procedure;
- encourage providers of audience measurement services to develop or adhere to codes of conduct related to media audience measurement systems;
- monitor and report annually on the allocation of expenditure for state advertising, and ensure that such reports are public and easily accessible;
- participate in the work of the European Board for Media Services (a representative of Serbia, as a candidate country for EU membership, would participate only as an observer (Recital 38, EMFA).

Pursuant to paragraph 2 of this Article of EMFA and the AVMSD Directive,²⁶ the regulatory authority must be independent, impartial and transparent, Under the Law on Electronic Media (Chapter II), the procedure for appointing the Council (nomination by authorized proposers) envisages high eligibility criteria for candidates, as well as conflict-of-interest rules, and dismissal is possible only in exhaustively listed cases. There are also rules on the transparency of the Regulator's work; its competences are enumerated; the mandates of Council members are staggered; restrictions applicable to civil servants do not apply to employees of the professional service; and there is a certain "separation of powers" between the Council and the Director. A potential issue in the Law is the performance of tasks as delegated state administration tasks (Art. 7(24), Law on Electronic Media), which is also noted in the Media Strategy.

²⁵ Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act. p. 29

²⁶ Directive 2010/13/EU, <https://eur-lex.europa.eu/eli/dir/2010/13/oj/eng>

Based on the practice of Member States that have begun the alignment process, the regulator already existing in the field of media would assume additional obligations (for example: Finland – Traficom; Croatia – Agency for Electronic Media; Slovakia – Council for Media Services RpMS).

This would most likely mean that the Regulatory Body for Electronic Media (REM) should be granted new competences under the Law on Electronic Media, as well as that the Serbian Business Registers Agency would need additional responsibilities regarding the ownership transparency database and the collection of data related to state advertising funds (Chapter VI, Law on Public Information and Media). It has already been noted that the databases currently maintained by state authorities do not meet the requirements set out in EMFA, while other sections of this document explain the situation concerning the remaining obligations that the regulator in Serbia should assume. When it comes to the independence, impartiality and transparency of REM's work, criticisms have already been outlined in the European Commission's Rule of Law Report, indicating precisely the opposite situation in practice.²⁷

Under Article 7(3) of EMFA, the state must also ensure additional human, financial and technical resources for the performance of additional tasks, in order to enable the proper implementation of the provisions of this Act. The financing of the Regulatory Authority for Electronic Media is regulated by the Law on Electronic Media (Art. 46-50). However, it has been observed that the regulator faces difficulties with financing even in the fulfilment of its current obligations.²⁸ Furthermore, financing exclusively from a single source (fees paid by media service providers) may render the Regulator susceptible to influence by the media service providers themselves (Art. 37, Law on Electronic Media).

Challenge:

In the European Union, although the aforementioned countries have already expanded the obligations of their regulators in line with EMFA, challenges remain; for example, in Finland, additional resources have not been provided to Traficom to cover the new responsibilities,²⁹ while in Croatia³⁰ and Slovakia³¹ questions have been raised regarding the capacity and independence of their regulators.

1.5 Content of media service providers on very large online platforms (Article 18 EMFA)

Formal: Not aligned

²⁷ EU Commission. (2025). Rule of Law Report 2025, Serbia, p. 10-11
https://commission.europa.eu/document/download/298f86d5-723b-4d3e-90b4-98ea24d9c885_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Serbia_0.pdf

²⁸ IJAS & OBCT. (2024). The Rule of Law and Media Freedom in Serbia. p. 7,
https://en.nuns.rs/media/2024/07/Shadow-Report_-Rule-of-Law-and-Media-Freedom-in-Serbia-1.pdf

²⁹ Ylikoski. M. & Ala-Fossi M. (2025). Media Pluralism Monitor, Report for Finland. p. 20,
<https://cadmus.eui.eu/entities/publication/757013a7-8532-40d5-8313-7258f5a3f35a>

³⁰ Bilić P. (2025). Media Pluralism Monitor, Report for Croatia, p. 16,
<https://cadmus.eui.eu/entities/publication/3765ae01-b7e5-48a1-9d4d-8cefe2c9abd4>

³¹ IPI. (2025). Media Capture Monitoring Report Slovakia. p. 10. <https://ipi.media/wp-content/uploads/2025/12/SLOVAKIA-Media-Capture-Monitoring-Report-2025-Final.pdf>

Factual: Not aligned

Under Art. 18 of EMFA, very large online platforms (VLOPs) are required to grant media service providers a special status in recognition of their role in serving the public interest.³² The implementation of this Article takes place largely at the level of the European Union.

This provision regulates the relationship between media service providers and VLOPs, whereby providers complete and submit a self-declaration form (declaring that they are media service providers). The main objective of this Article is to establish improved communication between very large online platforms and media outlets regarding the removal of content produced by the media and to introduce greater transparency in the moderation of such content on online platforms.

This Article should be considered in conjunction with the implementation of the Digital Services Act (DSA)³³ with which Serbian legislation is also not aligned. However, there are certain concerns regarding the implementation of both of these acts in Serbia. Namely, if, for example, the role of the Digital Services Coordinator (Digital Services Act) were to be assumed by the Regulatory Body for Electronic Media (REM), this could potentially lead to serious problems for freedom of expression and media pluralism.³⁴ In a situation where this body is subject to pressure, it is possible that the mechanism under EMFA could be used in a manner entirely contrary to its purpose (instead of protecting the public from illegal content, it could become yet another tool for establishing censorship).³⁵

Chapter VI of the Law on Electronic Media regulates video-sharing platforms under the jurisdiction of the Republic of Serbia, which were introduced in order to align the legislation with the 2018 amendments to the Audiovisual Media Services Directive (AVMSD).³⁶ This Law defines that a video-sharing platform does not bear editorial responsibility, but organizes such content, in particular by displaying, tagging and determining the sequence of content, using, inter alia, automated means or algorithms (Art. 4(32), Law on Electronic Media). Additional measures that these platforms are required to implement are further regulated through a Rulebook.³⁷ The key point is that, under Serbian legislation, platforms are still not obliged to report how they moderate content, nor to produce transparency reports. Finally, the definition of very large online platforms³⁸

³² Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act. p. 30

³³ Regulation (EU) 2022/2065, <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

³⁴ Vujić M. (2024). Implementing the Digital Services Act in the Western Balkans, p. 14, <https://www.partners-serbia.org/public/news/implementing-dsa-wb.pdf>

³⁵ Toskić Cvetinović A., Tošić M. & Wright E. (2025). How Serbia could use EU Digital Services Act for state censorship.

<https://euobserver.com/34722/how-serbia-could-use-eu-digital-services-act-for-state-censorship/>

³⁶ Directive (EU) 2018/1808, <https://eur-lex.europa.eu/eli/dir/2018/1808/oj/eng>

³⁷ Rulebook on Mandatory Measures for Providers of Video-Sharing Platform Services.

<https://www.paragraf.rs/propisi/pravilnik-o-obaveznim-merama-pruzalaca-usluga-platforni-za-razmenu-video-sadrzaja.html>

³⁸ According to the guidelines published by the European Commission, this Article of EMFA applies to very large online platforms that provide “providing access to media content, namely those storing and disseminating to the public information which includes programmes or press publications produced by media service providers in line with editorial and professional standards” (para. 10, C/2026/594).

(for example, Facebook, Instagram, X), which derives from the Digital Services Act and the European Commission's guidelines for the implementation of Article 18 of EMFA, does not exist in the media legislation.

Challenge:

At the level of the European Union, the first challenge is that there are already significant delays in the implementation of this Article. The guidelines for Article 18³⁹ were delayed and were published only on 6th February 2026. They contain information on which platforms are part of this process, who may use the possibility of self-declaration, how the reporting tool should look like, the requirement for direct contact with very large online platforms etc. According to experts, a number of uncertainties remain regarding how this will be implemented, and time will show their effectiveness. The joint engagement of all actors in this process is essential: media outlets, civil society organizations, representatives of the academic community and others. One of the greatest challenges will be the reaction of the very large online platforms themselves (whether and how they will establish this system). Some platforms have withdrawn and decided, for example, not to allow political advertising, considering that EU rules are too complex to comply with.⁴⁰ The Digital Services Act itself also faces challenges at the level of the European Union, such as the assessment of systemic risks, which is the responsibility of the platforms (Art. 34, DSA)⁴¹ and their lack of transparency in this regard has already been observed.⁴²

1.6 Assessment of media concentration (Articles 21-23, EMFA)

Formal: Partially aligned

Factual: Not aligned

With regard to media concentration and EMFA, three Articles of EMFA are considered in synergy. Article 21 constitutes a general provision establishing comprehensive standards⁴³ and procedural requirements with which national measures that may affect media pluralism must comply (they must be reasonable, transparent, objective and non-discriminatory). If existing or planned national measures that potentially have a negative impact on media service providers are assessed as not complying with this proportionality test, Member States may be required to amend or repeal

³⁹ European Commission. (2026). Guidelines under Article 18 of the European Media Freedom Act (EMFA). <https://digital-strategy.ec.europa.eu/en/library/guidelines-under-article-18-european-media-freedom-act-emfa>

⁴⁰ Meta. (2025). Ending Political, Electoral and Social Issue Advertising in the EU in Response to Incoming European Regulation. <https://about.fb.com/news/2025/07/ending-political-electoral-and-social-issue-advertising-in-the-eu/>

⁴¹ Nenadić I. (2024). The Power remains with platforms? <https://cmpf.eui.eu/digital-services-act-and-european-media-freedom-act/>;

⁴² The Humboldt Institute for Internet and Society. (2025). Counting without accountability? An analysis of the DSA's transparency reports, <https://www.hiig.de/en/analysis-of-the-dsas-transparency-reports/>.

⁴³ Kermer, J.E. (2025). The delicate balancing between media pluralism and market freedom: Analysing the procedural safeguards for the media under Article 21 of the EMFA. <https://www.rivistaitalianadiinformaticaediritto.it/index.php/RIID/article/view/333/267>

the planned measures in order to ensure compliance with Article 21.⁴⁴ Article 23 provides for the role of the European Board for Media Services in issuing opinions on media concentrations. Therefore, for the purposes of this analysis, Article 22 of EMFA is of essential importance.

Under that Article, the protection of pluralism is not limited solely to the issue of ownership concentration of media publishers, but introduces the media pluralism test. The assessment also examines the impact on the diversity of media services and on the formation of public opinion, the interests of parties in other media and non-media sectors, the existence of safeguards for editorial independence, as well as the sustainability of the media outlets involved in the concentration assessment. It is necessary that the rules be transparent, objective, proportionate and non-discriminatory, and that the time limits for the assessment be known in advance. This assessment should cover all sectors (audiovisual, radio, print, digital), as well as online platforms.

The protection of media pluralism and the prohibition of monopoly are provided for in the Law on Public Information and Media, while provisions on prohibited concentration also exist in the Law on Electronic Media. The general principles ensuring media pluralism are set out in the Law on Public Information and Media (Art. 6). However, the provisions regulating concentration are limited to determining ownership shares in media publishers and the market share of such publishers (assessed through parameters of viewership, listenership and readership), through the corresponding application of competition rules. Therefore, the Law does not operationally address concentration from the perspective of protecting media pluralism (pluralism of media content) in the manner envisaged by EMFA.

The Law on Public Information and Media prescribes the following restrictions on concentration and vertical integration: i) a prohibition on acquiring ownership in publishers of print media if the combined actual circulation of those media exceeds 50% of the actual circulation on the relevant market; ii) a prohibition on acquiring ownership in more than one media service provider of the same type (radio or television) if their joint share of viewership/listenership exceeds 35% within the same coverage area; iii) a prohibition on a television or radio media service provider acquiring more than 50% of the share in a publisher of a daily print media whose average annual circulation exceeds 50,000 copies; iv) an obligation for media distributors to perform media activities through an affiliated entity (Art. 53 and 54).

Over more than 10 years of applying these restrictions, the adequacy of the established thresholds may be called into question, that is, whether they have been set too high. These are also exclusively quantitative limits,⁴⁵ while the aspects required under the media pluralism test are not provided for in these laws. In fact, the Media Strategy did prescribe the introduction of clear and measurable criteria for the assessment of media concentration (Measure 2.2), accompanied by a detailed analysis of the media and related markets; however, this has unfortunately not been implemented to date. Digital (online) media are not recognized under the aforementioned legal provisions. Specifically, the Law on Public Information and Media lays down

⁴⁴ Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act. p. 35

⁴⁵ It is necessary to add here that Article 22 of the EMFA does not prescribe quantitative thresholds, providing a more flexible definition.

rules for publishers of print media, television and radio, as well as parameters relating to circulation, viewership and listenership. Consequently, these media are not covered by the rules on media concentration.

The body responsible for monitoring threats to media pluralism and media concentration in the print sector is the Ministry of Information and Telecommunications, and when at least one electronic media outlet is involved, the Regulatory Body for Electronic Media (Art. 55, Law on Public Information and Media). Article 22 of EMFA also does not prescribe sanctions to be introduced at the national level. Under the Law on Electronic Media, the Regulator may revoke a licence if it determines that a concentration of ownership undermines media pluralism and the media service provider fails to comply with the warning issued by that body, that is, if it does not remedy the situation that endangers media pluralism (Art. 119). On the other hand, the only sanction for a print media is deletion from the Register if it fails to comply with a warning from the Ministry establishing that media pluralism has been undermined.

There is also a serious lack of data regarding the parameters used to determine whether concentration thresholds have been reached. Specifically, actual circulation is established on the basis of data provided by publishers themselves, without independent verification, while viewership/listenership is determined on the basis of data from private agencies – and in practice more often through statements by the media service providers themselves, again without independent verification. According to audience measurement data from 2023, the television and online markets are considered highly concentrated, while the radio and print markets are moderately concentrated.⁴⁶

The alignment of Serbian legislation with these Articles of EMFA should also be considered in conjunction with other laws, such as the Law on Advertising and competition protection legislation. Therefore, amendments require comprehensive cross-sectoral cooperation.

Challenge:

For this media concentration assessment to be properly implemented at the European level, it is necessary for the European Commission to issue guidelines; however, they have not yet been published, and the criteria set out for the media pluralism test are rather general, without indicating quantitative thresholds or specific methodologies. Member States are not obliged to apply Article 22 of EMFA to local or regional media concentrations, although serious threats to media pluralism arise within local communities.⁴⁷ This Article also applies to future cases, rather than to the current situation in the media sector.

1.7 Audience measurement (Article 24 EMFA)

⁴⁶ Birn (2023). Indicators of Risks to Media Pluralism.

<https://serbia.mom-gmr.org/en/findings/findings/#!9fed61067e34232006ff7dcd0ed479d0>

⁴⁷ Verza, S., Blagojev T., Da Costa Leite Borges, D., Kermer J.E., Trevisan M. & Reviglio U. (2025). Uncovering news deserts in Europe : risks and opportunities for local and community media in the EU, p. 206, <https://cadmus.eui.eu/entities/publication/35b0b836-0f98-5600-9ae9-a909a68acc0c>

Formal: Not aligned

Factual: No systematic data

This Article of EMFA aims to regulate audience measurement systems by laying down obligations for providers of audience measurement services and imposing an obligation on the regulator to assist in the development of, or to monitor compliance with, codes of conduct in this field. Data held by online platforms are also included. Data from audience measurement service providers are relevant for the implementation of Article 22 of EMFA concerning the assessment of media concentration. Providers of audience measurement services are required to ensure that their audience measurement systems and the methodology they use comply with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability and verifiability (Art. 24 (1), EMFA).

Under the Law on Electronic Media, the Regulator “conducts analyses of the relevant media market, in cooperation with the authority competent for the protection of competition, in accordance with the methodology prescribed by an act adopted by the Regulator” (Art. 7(14)). However, the Regulator does not publish audience data. None of the three laws prescribe methods for the verification of data on media audience preferences.⁴⁸ Finally, as stated in the Media Strategy: “Data on media consumers’ preferences in the procedure for determining media concentration are obtained through statements by media publishers, without further verification of the accuracy of such data.” The Media Strategy also pointed out that commercial audience measurements are used to determine the media potential of outlets, in which not all media participate, which negatively affects smaller local media. Therefore, this area is largely not aligned.

Challenge:

It is currently premature to speak about the degree of alignment of audience measurement service providers at the level of the European Union; rather, it is more appropriate to refer to examples of good practice that exist (for example, in Finland or the Netherlands) and to initiatives undertaken by national regulatory authorities and the European Board for Media Services in order to promote self-regulation and foster co-regulation in this sector.⁴⁹

1.8 Allocation of public funds for state advertising and public procurement contracts for goods or services (Article 25, EMFA)

Formal: Partially aligned

Factual: Not aligned

Article 25 of EMFA focuses on state advertising and the obligation of public authorities to publish, once a year, electronically and in a manner easily accessible to users, information on expenditure

⁴⁸ Milutinović I. (2025). Media Pluralism Monitor, Report for Serbia, p. 22, 2025, <https://cadmus.eui.eu/entities/publication/e176c784-969b-4b57-bbad-829df1e44cbe>,

⁴⁹ Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act. p. 41

for state advertising, including precisely to whom the funds were allocated (both media service providers and online platforms), the total annual amount of funds spent, and the annual amounts spent per individual provider or online platform. The national body has the role of monitoring and reporting annually on the allocation of this expenditure, and such reports must be public and easily accessible.

This Article therefore does not refer to project co-financing and the related provisions of the Law on Public Information and Media (state aid), but rather to all other forms of expenditure which, according to the definition in EMFA, constitute the “placement, promotion, publication or dissemination, in any media service or online platform, of a promotional or self-promotional message or a public announcement or an information campaign, normally in return for payment or for any other consideration, by, for or on behalf of a public authority or entity” (Art. 2(19), EMFA).

The only provision relating to the publication of such data in media legislation is found in the Law on Public Information and Media (Art. 47(10)), which states that the Media Register should also contain data on all other public funds allocated to media. One shortcoming is that these public allocations are not clearly distinguished from other forms of funding that do not fall under the definition of state advertising under EMFA (for example, donations or gifts), and another is that the Serbian Business Registers Agency does not in practice enter these data into the Register, nor are such data duly reported by media outlets or public authorities.⁵⁰ Furthermore, according to the most recent research currently being conducted by Local Pres⁵¹ in eight local self-governments, the practice of local authorities and their public enterprises/institutions is highly non-transparent in a large number of cases. Criteria of transparency, objectivity, non-discrimination and diversity are largely absent, and the lowest bid is typically selected. Expenditure for state advertising is also very often exempted under Article 12 and Article 27 of the Law on Public Procurement⁵² which are contrary to EMFA standards in this area. These two exemptions allow public entities to avoid the full public procurement procedure where the amount is below one million dinars (approx. 8500 euros) (Article 27(1), Law on Public Procurement), and even “for the purchase of time for television or radio broadcasting, that is, time for the broadcasting of programme content, from media service providers” (Article 12(2), Law on Public Procurement). Through these exemptions, as well as through direct contracts, funds are allocated in non-transparent procedures, without a public call, with no publicly available documentation and no publicly available reports on implementation.⁵³ There are no available data on advertising on online platforms. Finally, in the process of allocating funds to specialized intermediaries (for example, marketing agencies), any trace of whether and to which media outlets the funds were ultimately directed is lost, which again represents non-alignment with EMFA (Recital 73), as it also includes these actors within the criteria of transparency, objectivity, diversity and non-discrimination. Lastly, REM monitors violations of regulations governing advertising in the field of

⁵⁰ Danas. (2026). Coalition for Media Freedom: Why has the APR media database still not been aligned with the law? <https://www.danas.rs/vesti/drustvo/koalicija-za-slobodu-medija-zasto-baza-medija-apr-a-jos-uvek-nije-uskladjena-sa-zakonom/>

⁵¹ Local pres, project “Local state advertising practices under the scrutiny of public interest.”

⁵² Law on Public Procurement, <https://www.paragraf.rs/propisi/zakon-o-javnim-nabavkama.html>

⁵³ Birn. (2021). One-on-one deals with the state, <https://birnsrbija.rs/wp-content/uploads/2021/10/Direktna-ugovaranja.pdf>

media service provision (Art. 40(14), Law on Electronic Media), but the Law on Advertising⁵⁴ does not cover state advertising, despite numerous initiatives and requests from professional associations to regulate state advertising.⁵⁵

What the working study of the Centre for Media Pluralism and Media Freedom⁵⁶ proposes in this area is that the criteria for allocation should also include the quality of editorial standards and the editorial independence of the media themselves (for example, whether they have internal ethical codes and whether they comply with the Code of Journalists of Serbia), that funds should not be granted to media outlets in which public authorities exercise direct or indirect influence, and that decisions should in no case be based solely on the lowest price.

Oversight of the expenditure of these funds is carried out only to a limited extent by the State Audit Institution (SAI), but in its reports, even when problems related to spending on promotion, marketing and advertising are mentioned, they form part of much broader analysis and are difficult for an average user to understand. The SAI does not monitor this on an annual basis for each public authority (as required by EMFA), nor does the SAI, as an institution, have the capacity to fully understand the specific link between the impact of state advertising and the functioning of the media.

Therefore, this area must be viewed more broadly than through media laws alone and should include, for example, the Law on Public Procurement, the Law on Advertising, and the Law on the State Audit Institution⁵⁷ which makes cross-sectoral cooperation essential.

⁵⁴ Law on Advertising, https://www.paragraf.rs/propisi/zakon_o_oglasavanju.html

⁵⁵ Marković R (2024). Media associations: The new Law on Advertising does not address the issue of state advertising, <https://www.cenzolovka.rs/drzava-i-mediji/medijska-udruzenja-novi-zakon-o-oglasavanju-ne-resava-pitanje-drzavnog-oglasavanja/>

⁵⁶ Brogi E., Borges D., Bleyer-Simon K., Carlini R., Kermer J., Nenadić I., Palmer M., Trevisan M. & Verza S. (Upcoming) Draft study, Implementation of the European Media Freedom Act. p. 41-42

⁵⁷ Law on the State Audit Institution, https://www.paragraf.rs/propisi/zakon_o_drzavnoj_revizorskoj_instituciji.html