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A handwritten signature in black ink, appearing to read "S. Guzy".

Implementation of the EMFA through Amendments to Media Laws



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UJEDINJENI GRANSKI SINDIKATI
NEZAVISNOST

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Slavko Ćuruvija Foundation, February 2026

I Context

In November 2025, the Ministry of Information and Telecommunications (MIT) sent a letter to several journalists' associations regarding harmonisation with European legislation in the field of media freedom, inviting them to nominate their members to participate in a working group tasked with drafting amendments to two media laws – the Law on Public Information and Media (LPIM) and the Law on Electronic Media (LEM), both of which were last amended in June 2025. According to the same letter, the objective of the working group is to align these laws with the European Media Freedom Act¹ (hereinafter: EMFA), which, in the view of the Ministry, represents *“an important step towards further improving the media framework and achieving alignment with the legislation and standards of the European Union”*. Immediately following the initial letter, an invitation followed concerning the nomination of members to a working group responsible for drafting a new Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2026–2030.

The letters were of a circular nature and were addressed to a large number of public entities (ministries, regulatory bodies and other state authorities and organisations), as well as to a certain number of journalists' and media associations (excluding a number of relevant independent associations with substantial expertise in the field of media legislation, which had played a key role in previous regulatory review processes). On the other hand, the Ministry included in the process a larger number of organisations without prior references or demonstrable results in the field of media freedom, which justifiably calls into question their independence, actual level of activity and credibility,² as well as the inclusiveness of the process from the start. In response to the invitation, the majority of independent media and journalists' associations requested that the competent Ministry suspend the process of amending the media laws *“until conditions are ensured for transparent, inclusive and expert work”*.³ The manipulation, abuse and relativisation of regulatory processes through the inclusion of simulated associations constitute an acute problem which has recently manifested itself publicly in the media sphere of the Republic of Serbia during the procedure for the selection of members of the Regulatory Authority for Electronic Media (REM), and represents a significant obstacle to genuine improvement of the media environment in the country, as recognised by independent observers.

¹ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

² These organisations are publicly recognised as GONGO (Government-Organised Non-Governmental) entities, established by representatives of tabloid publications known as the most frequent violators of media regulations and ethical standards.

³ IJAS: **Journalists' and media associations, as well as trade unions, are calling for the immediate suspension of the process of amending the media laws**, published on 28 November 2025, available at: <https://nuns.rs/koalicija-za-slobodu-medija-trazi-hitnu-obustavu-procesa-izmena-medijskih-zakona/>.

With regard to the request concerning the amendment of media laws for the purpose of aligning them with the EMFA, this document aims to present to the competent Ministry the reasons why the proposed approach to revising media legislation is not adequate under the current circumstances.

II The state of media freedom in Serbia is a cause for concern

Numerous credible domestic and international reports note continued backsliding in Serbia in the field of media freedom.

In its 2025 retrospective, IJAS (the Independent Journalists' Association of Serbia) assesses that the pressure on journalists in Serbia has ceased to be an exception and has become a systemic pattern. A total of 371 cases of journalists' safety endangerment were recorded (compared to 168 in 2024), including 113 physical attacks and 165 threats. A key driver of the climate of fear is identified as the public targeting of journalists by high-ranking state officials, accompanied by ongoing campaigns of delegitimisation and aggressive messaging. IJAS observes that the police increasingly fail to provide protection to journalists and media workers, with instances of passive observation of attacks or even the use of force against journalists, while the number of cases in which the police fail to act on prosecutorial orders is rising. According to IJAS, pressures are not limited to attacks and threats but also include existential and legal mechanisms (firing, disciplinary measures, precarious employment contracts), contraction of the media market, SLAPP lawsuits, and the emergence of spyware risks. Legislative changes have not brought stability and have further reinforced the perception that reforms are being implemented formally, without substantive guarantees, indicating that the amendments to three key media laws (Law on Public Information and Media – LPIM, Law on Electronic Media – LEM and the Law on Public Broadcasting Services – LPBS) were rushed to completion in 2025, with tight deadlines and a lack of transparency. IJAS further notes that, at the end of November, the Ministry reopened a new round of legal amendments and the drafting of a new Media Strategy for 2026–2030, including numerous GONGO actors and marginalising key independent associations and trade unions. A particular institutional problem is the ongoing crisis and obstruction of the Regulatory Authority for Electronic Media (REM), while project co-financing continues to be used to fund media outlets that frequently violate the Serbian Journalists' Code of Ethics.⁴

Since August 2025, the Slavko Ćuruvija Foundation (SCF) has been conducting the monitoring⁵ of verbal attacks, targeting, and intimidation of independent journalists and

⁴ IJAS 2025 Retrospective: The Year in Which Pressure Became Systemic, published on 31 December 2025, available at: <https://nuns.rs/nuns-retrospektiva-2025-godina-u-kojoj-je-pritisak-postao-sistem/>.

⁵ <https://www.slavkocuruvijafondacija.rs/na-meti-mocnika/>

entire editorial teams by highest ranking state officials, which has indicated that critical journalists have been systematically subjected to criminalisation, dehumanisation, and professional discreditation. In the last five months of 2025, SCF recorded at least 673 verbal attacks directed at investigative and independent journalists by the President of the Republic, the Speaker of Parliament, Members of Parliament, and government ministers, including the Minister of Information.

In its report⁶ on the compliance of national television programmes with the terms from their national broadcasting licences, the Slavko Ćuruvija Foundation highlights numerous systematic deviations. Continuous deviations from programme plans, which form an integral part of the broadcasting licences, were identified, as well as systemic misuse of television airtime for political mobilisation and propaganda purposes. Public discourse on the programmes of four national television channels is structured to delegitimise any critical thought, dehumanize, on an *ad hominem* level, anyone who does not propagate the government narrative, and normalise repressive practices. The language used actively produces moral panic and justifies both institutional and extra-institutional violence. Yet, no response was forthcoming from the Regulatory Authority for Electronic Media (REM). By maintaining the privileged position of these four national television channels on the airwaves without clear sanctions, REM not only undermines media pluralism but also contributes to the normalisation of authoritarian discursive patterns within society.

In the 2025 World Press Freedom Index by Reporters Without Borders (RSF), Serbia was ranked 96th out of 180 countries (98th last year), with particularly poor results on the political indicators. RSF gives assessments similar to those of IJAS, noting that despite the presence of high-quality investigative journalism, the media environment in Serbia remains heavily burdened by propaganda and disinformation. Journalists are exposed to political pressures, attacks against them often go without adequate epilogue, and cases of hacking and illegal surveillance of journalists' phones have been recorded. RSF highlights that, politically, in an atmosphere of polarisation and protest, journalists are frequent targets of attacks and discreditation campaigns, while institutions – including REM – do not demonstrate sufficient willingness to address these issues. The dependence of media on advertising and non-transparent state funding is also evident. In terms of safety, despite certain initiatives to protect journalists, they still do not feel secure, and a major concern remains the continued impunity for serious crimes against journalists.⁷

6

<https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2025/11/Medijski-pejzaz-Srbije-Analiza-sadrzaja-nacionalnih-televizija-1.pdf>

⁷ RSF: World Press Freedom Index, <https://rsf.org/en/country/serbia>.

Freedom House provides similar assessments to those outlined in the reports mentioned above. In its report on internet freedom, Serbia was classified for the first time as a partially free country, indicating a continuation of the trend of media freedom deterioration.⁸

Finally, the European Commission in its reports provides the most negative assessments regarding the state of media freedom in Serbia, noting backsliding in this area. The Commission observes that serious challenges persist in relation to media pluralism and media freedom. Although new media laws have been adopted to align with EU standards, the amendment process has been assessed as insufficiently transparent and inclusive, while concerns regarding the genuine independence of the regulator (REM) remain pronounced. The report highlights risks arising from political and economic pressures on the media, non-transparent funding, and concentration of market influence, as well as issues affecting editorial autonomy and pluralism, particularly in public service media. It particularly emphasises the deteriorating safety of journalists through pressures, threats, and physical attacks, alongside concerns over surveillance (including the use of spyware) and other forms of intimidation.⁹

In a highly challenging national environment for media freedom, it can be observed that the priority should not be on amending existing legislation solely to align with the EMFA, but rather on the consistent and comprehensive implementation of the framework in order to improve the distinctly negative situation.

III What is the EMFA and what does it regulate?

The EMFA is a regulation directly applicable in the EU Member States. It was adopted in March 2024, with most provisions coming into force on 8 August 2025,¹⁰ while certain measures, particularly those concerning users' rights, will be implemented at a later stage.¹¹

The primary reasons for adopting the EMFA lies in the inconsistencies of legal and institutional frameworks governing the provision of media services across EU Member States, as well as in the need to establish common safeguards to prevent undue political and

⁸ Freedom House, <https://freedomhouse.org/country/serbia>.

⁹ European Commission, Commission Staff Working Document — 2025 Rule of Law Report: Country Chapter on the Rule of Law Situation in Serbia, pages 11–16.

¹⁰ Note: Certain provisions have been applicable from earlier dates, including: including Article 4(1) and (2) concerning the rights of media service providers, Article 6(3) concerning their obligations, Article 7 concerning national regulatory authorities, Articles 8–13 governing the establishment of the European Board for Media Services, and Article 28 concerning amendments to the EU AVMS Directive (Directive 2010/13/EU), which have applied since 8 February 2025, while Articles 14–17, regulating rules on regulator cooperation and convergence, have applied since 8 May 2025.

¹¹ Article 3 of the EMFA, applicable from 8 November 2024, and, more specifically, the right to media content adaptation, which will apply from 8 May 2027.

economic influence over the editorial independence of both private media and public service media. This includes addressing the following key issues critical for media pluralism within the European Union's internal market.

The rights of users of media services to access pluralistic and editorially independent media content, and the corresponding obligation of the Member State to respect this right and to ensure a framework that is aligned with the EMFA.

The protection of media freedoms and editorial independence, which entails the obligation of the Member State to respect the genuine editorial independence of media service providers (MSPs), and, above all, **the duty of non-interference by the Member State** (including national regulators and authorities), regarding any influence on the editorial policies and decisions of MSPs.

Protection of journalistic sources and the confidentiality of communications, including, in particular:

- An active obligation of the Member State to ensure the effective protection of journalistic sources and the confidentiality of communications, and
- A passive obligation of the Member State **to refrain from any activity that could compromise the right to protect journalistic sources and communications**, which encompasses various prohibitions, including: i) a prohibition on compelling journalists, editors, MSPs, or persons professionally associated with them to disclose sources, ii) a prohibition on surveillance or intercepting the communications of MSPs, editors/journalists, or associated persons, as well as on detention, sanctions, searches of premises, and similar actions, and iii) a prohibition on installing intrusive software, subject to clearly defined exceptions, which must meet strict conditions regarding the limitation of human rights and fundamental freedoms.¹²

Ensuring the independent functioning of public service media providers (PSMP), which entails measures to guarantee the functional and organisational independence of PSMP, particularly in the procedures for appointing governing bodies, ensuring the editorial independence of PSMP, and securing a stable funding model, so that PSMP can fulfil their societal role as impartial sources of information for all citizens.

¹² The EMFA requires that any limitation or interference with media rights must: a) be provided by law; b) respect the essence of the recognized right; c) be proportionate to the restriction and justified in relation to the objective pursued; d) be necessary to meet a legitimate public interest recognized by the EU or to protect the rights of others; e) be assessed on a case-by-case basis; f) require prior authorisation by an independent judicial authority; and g) be subject to periodic review of surveillance or other intrusive measures, etc.

Ensuring transparency of media ownership, which involves the publication of relevant information on the final owners of media service providers (MSPs) and entrusting the national regulatory authorities with the responsibility to maintain registers containing this information.

Existence of independent regulatory authorities for media services and the establishment of the European Board for Media Services, which requires the functional, financial, and organisational independence of national media regulators, as well as the creation of a media regulatory body at the European level, accompanied by strengthened cooperation and coordination among national regulators.

Establishing safeguards against unjustified removal of online media content, which is produced in accordance with professional standards but is not adequately operationalised in practice by major online platforms.

The right of media service users to adapted media services, which entails the ability of users to modify predefined settings of a media service according to their preferences.

The obligation of Member States to ensure rules for assessing the impact of media concentration on editorial independence, which requires specific sectoral analyses of circumstances arising from media concentration.

Obligations of media measurement service providers, which entail the duty to ensure transparency of methodology in media measurements.

Transparency in the allocation of (public) advertising and other benefits, which requires the publication of information on privileges granted by public entities to media service providers.

Strengthening cooperation and coordination among national regulators, which includes inter-regulatory collaboration and coordination, as well as alignment of measures regarding media services originating outside the EU.

Facilitating structured dialogue, which refers to dialogue among major online platforms, media service providers, and civil society organisations.

IV Implementation of the EMFA in the national context

As a Regulation, the European Media Freedom Act (EMFA) does not require transposition into national law. Instead, Member States are under an obligation to ensure that their institutional, procedural and regulatory frameworks are aligned so as to guarantee its effective application in practice, where such mechanisms do not already exist in domestic legislation. In other words, amendments to existing legislation are not, in themselves, the priority in the implementation of the EMFA. Rather, the focus is on the general state's capacity to fulfil the provided obligations, in particular non-interference with the media independence. In the following sections, we will address appropriate implementation methods of each obligation, taking into account the specific national context relevant to Serbia and its media reform process.

The independence of the media regulator is a key precondition for the effective implementation of the EMFA

The EMFA practically positions the national media regulator as a central body for the protection of media pluralism, including coordination at international level. Under the EMFA, the independent regulator performs multiple functions: it appoints a representative to the European Board for Media Services; maintains a national register of media ownership; monitors obligations related to the protection of editorial independence; monitors the conduct of very large online platforms in the context of content removal; oversees transparency obligations related to state advertising; monitors compliance with obligations concerning public service media; supervises transparency requirements relating to media measurement methodologies; cooperates with regulators from other Member States; and engages in structured dialogue, among other tasks. Pursuant to the Audiovisual Media Services Directive (AVMSD),¹³ regulatory authorities are already required, *inter alia*, to be legally distinct and functionally independent from government, public bodies and private entities, to be empowered to carry out their tasks impartially and transparently in line with the objectives of the Directive, and not to seek or take instructions from any other body. The EMFA further emphasises that national regulators entrusted with significant new powers must comply with the prescribed independence requirements.

In the context of the Republic of Serbia, the independence of the existing regulatory authority for electronic media has long been the most significant and persistent issue in the implementation of media reform. The Media Strategy already clearly identified numerous problems related to organisational, functional and financial independence, while the

¹³ Directive 2010/13/EU 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 (Audiovisual Media Services Directive) (codified version) (Text with EEA relevance).

Regulatory Authority for Electronic Media (REM) is frequently perceived as one of the central problems of the media landscape in a wide range of relevant domestic and international reports. Recent European Commission reports underline that REM failed to fully exercise its mandate and that the concerns persisted regarding its independence. It is further noted that in 2024 REM issued a limited number of measures and failed to adequately sanction frequent violations of rules by media with national frequencies; that the transparency of REM's work has further declined; that the report on media monitoring during the December 2023 elections was published with significant delay; that the procedure for allocating the fifth frequency for national broadcasting has not yet been completed; and that REM approved the launch of programming by the Russian broadcaster RT in the Serbian language.¹⁴ In addition, the EU points out that delays and shortcomings in the procedure for the appointment of a new REM Council undermine public trust in that process.¹⁵ Reporters Without Borders ranks Serbia 96th out of 180 countries in its media freedom index and notes that, in a polarised political climate, journalists are frequently targets of attacks by members of the ruling elite, which are further amplified by certain national television channels, while neither political actors nor state authorities, including REM, have demonstrated readiness to resolve this issue.¹⁶ The UN Special Rapporteur on freedom of expression, Irene Khan, has on several occasions criticised the functioning of REM, expressing concern, *inter alia*, that REM is unable to carry out its responsibilities in an independent, effective and competent manner, which, together with other practices, represents a serious problem to freedom of expression in Serbia.¹⁷ Although the 2023 Law on Electronic Media introduced certain improvements with regard to REM's independence, it has not been implemented in practice, and the authority has been operating without a Council for more than one year.

If the national regulatory authority for electronic media is not properly constituted, lacks independence, or does not perform its core functions adequately, the conditions are not yet in place to entrust it with the new additional powers envisaged under the EMFA. Therefore, the prerequisite for EMFA implementation is to ensure the full independence and credible functioning of REM (starting with the election of REM Council members in accordance with the 2023 Law), in line with the standards set by European legislation.

Protection of media freedom and editorial independence

¹⁴ European Commission, Commission Staff Working Document: Serbia 2025 Report, page 46.

¹⁵ European Commission, Commission Staff Working Document — 2025 Rule of Law Report: Country Chapter on the Rule of Law Situation in Serbia, pages 12 and 13.

¹⁶ Reporter without Borders, Serbia: <https://rsf.org/en/country/serbia>.

¹⁷ A/HRC/56/53/Add.2: Visit to Serbia and Kosovo* - Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, available at <https://www.ohchr.org/>.

Protection of media freedom and editorial independence entails the obligation of the state to respect the genuine editorial independence of media service providers (MSPs), primarily **by refraining from any activity that could constitute undue influence over the editorial policies and decisions of MSPs**. In practice, however, this very obligation to refrain from interference represents the greatest challenge for public officeholders in the Republic of Serbia. In its reports, the European Commission reports also indicates that frequent statements by senior officials regarding the day-to-day investigative work of journalists have a chilling effect on freedom of expression, and that journalists face increasing pressure and attacks in the context of student and civil protests.¹⁸ The same reports underline that political and economic influence over the media continues to be a source of concern.¹⁹

In this regard, this EMFA obligation cannot be fulfilled merely by copying the provisions of the Regulation; it can only be implemented through the consistent practice of refraining from undue influence on editorial independence, and by establishing the necessary preconditions for the application of the EMFA's framework rules.

Protection of journalistic sources

Obligations relating to the protection of journalistic sources primarily concern the obligation to refrain from activities that could lead to the disclosure of a journalistic source of information by state authorities. However, the formulation and protection of this right go beyond the reform of media legislation; consequently, a selective amendment of two media laws would not result in the implementation of the EMFA in the manner envisaged by the Regulation. Credible domestic and international sources indicate that the State and its authorities do not act in accordance with this obligation to refrain; on the contrary, the extent of interference with the confidentiality of journalistic sources of information is manifestly disproportionate. In this regard, reports by the reputable international organisation Amnesty International identify the use of as many as three spyware tools (NoviSpy, Pegasus and Cellebrite) by domestic security services (primarily the police and security agencies), all without a clear legal basis. The same reports indicate that the aforementioned software was installed on the mobile devices of journalists and activists. The installation of such software enables access to a wide range of data stored on those devices.²⁰ In addition to endangering

¹⁸ *Ibid*, pages 13 and 14.

¹⁹ *Ibid*, page 14.

²⁰ Amnesty International: Serbia: Civil society threatened by spyware, published on 28 November 2023, available at: <https://securitylab.amnesty.org/latest/2023/11/serbia-civil-society-threatened-by-spyware/>, Serbia: Authorities using spyware and Cellebrite forensic extraction tools to hack journalists and activists, published on 16 December 2024, available at: <https://www.amnesty.org/en/latest/news/2024/12/serbia-authorities-using-spyware-and-cellebrite-forensic-extraction-tools-to-hack-journalists-and-activists/>, Serbia: BIRN journalists targeted with Pegasus spyware, published on 27 March 2025, available at: <https://www.amnesty.org/en/latest/news/2025/03/serbia-birn-journalists-targeted-with-pegasus-spyware/>.

the right to privacy and the protection of personal data, as well as other constitutionally guaranteed rights of journalists, such practices potentially compromise journalistic sources of information. The Constitution, in Article 41, guarantees the confidentiality of communications, stipulating that the derogations from this right are permitted only for a specified period and on the basis of a court decision, where they are necessary for the conduct of criminal proceedings or the protection of the security of the Republic of Serbia, in the manner prescribed by law. The 2010 Law on Electronic Communications (2010 LEC)²¹, which remains applicable in this segment, provides that the interception of electronic communications revealing the content of communications, as well as access to retained data, is not permitted without the consent of the user, except for a limited period and on the basis of a court decision, where 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.²² The extent of interference with data through the use of spyware, which enables access both to the content of journalists' communications and to retained data, cannot satisfy even the basic requirements laid down by the Constitution and the regulations governing electronic communications.

Furthermore, the Media Strategy envisages the enhancement of mechanisms for the protection of the confidentiality of journalistic sources through amendments to media legislation, regulations governing electronic communications, as well as amendments to the Criminal Code and the Criminal Procedure Code.²³ This is all the more so given that the area of protection of the confidentiality of communications (which constitutes a key element of this right) is primarily regulated by legislation in the field of electronic communications, rather than by the media legislation currently under revision.

Accordingly, prior to the implementation of the EMFA, it is necessary for state authorities, without delay, on the one hand to refrain from any use of spyware and, on the other hand, to exercise their powers in accordance with the existing legal framework. Furthermore, the implementation of the EMFA with regard to the protection of journalistic sources, in the national context, entails multisectoral legislative amendments, which the competent ministry does not propose, but instead insists on partial amendments limited exclusively to media laws.

²¹ Official Gazette of RS, No. 44/10, 60/13 – CC decision, 62/14, 95/18 – other law and 35/23 – other law)

²² Law on Electronic Communications (2010), Articles 126 and 128.

²³ Media Strategy, page 50.

Public service media

Obligations concerning public service media in the context of regulatory amendments entail the establishment of an adequate framework aimed at safeguarding the societal role of public service media within the system of informing citizens. This relates to guarantees of functional and organisational independence, as well as the protection of editorial policy from the influence of (political) centres of power, including the procedures for the appointment of governing bodies and the provision of a stable financing system. It is apparent from the Ministry's letter that the Law on Public Broadcasting Services (LPBS) is not included within the scope of the proposed amendments. Furthermore, the system established by the Law on Public Broadcasting Services formally and legally constitutes the basis for ensuring the full independence of public service media.

Thus, the LPBS provides that both the Board of Directors and the Director are appointed following a public competition, with the Board ultimately selecting the regulatory authority for electronic media (which in Serbia has not been functional for over a year), while the Director is appointed by the Board itself by a qualified (two-thirds) majority. Candidates for both the Board and the Director must meet specific requirements regarding qualifications and expertise, and rules concerning conflicts of interest are also prescribed. The Programming Council, as a body of the public service media, represents service users and ensures the adequate fulfilment of the public service media programming function. Additionally, the most recent amendments to the law introduced the position of the Audience Ombudsman (also referred to as Commissioner for the Protection of the Rights of Viewers, Listeners, and Readers), who safeguards the interests of the public as a whole, as well as the rights and interests of citizens with regard to the fulfilment of the programming role, professional and ethical standards, and statutory obligations of the public service media. The grounds for the dismissal of individuals holding any of the aforementioned positions within the public service media bodies are prescribed by law and limited to a restricted number of situations.

Furthermore, the sources of funding for public service media have, in principle, been diversified since the 2014 Law on Public Broadcasting Services,²⁴ where, in line with best European practice, a central role in financing the core activities of public service media was assigned to the public broadcasting service fee. What has been problematic, however, is the lack of political will to implement the originally envisaged funding system. Accordingly, in the period 2015–2024, the National Assembly, upon proposals from the Government, frequently had been adopting the Law on the Temporary Regulation of the Collection of the Public

²⁴ Official Gazette of RS, No. 83/14.

Broadcasting Service Fee,²⁵ which disrupted the system established by the LPBS. This is also noted by the Media Strategy,²⁶ which states that this *lex specialis* established temporary financing of the entire public service media activities from the state budget (rather than only financing certain projects as envisaged by the LPBS), and fixed the fee at an amount significantly lower than the statutory maximum (then 500 dinars). This statutory maximum was not reached even after amendments to the LPBS were adopted in 2024.²⁷ On the contrary, the fee was “carried over” from earlier arrangements, and it was noted that its amount was 349 dinars, which was collected at that rate throughout 2025. Even these amendments to the LPBS provide for the possibility of adjusting the fee once a year in line with the rate of inflation, provided that it is not lower than 0.6% of the minimum wage in the Republic of Serbia for the relevant year. This statutory provision allows for the fee to be increased above the legal minimum.²⁸ Any such increase, however, should be preceded by an appropriate analysis to determine the amount necessary for public service media to achieve financial stability, ensuring that the fee remains the primary and dominant source of revenue. Moreover, in the EU, a public consultation has been recently finished regarding the revision of state aid rules for public service media,²⁹ and the adoption of the amended framework based on public consultations is planned only for the fourth quarter of 2026.³⁰ In this context, any change to the national framework to align with the EMFA would, at the very least, be premature.

Thus, the framework insisted upon by the EMFA formally exists in the provisions of the LPBS. What remains challenging for public service media, however, is the actual implementation of that framework (which is particularly evident regarding the financing of public service media), namely the lack of (political) will to adequately implement the legal framework. In addition, a key problem in the media landscape continues to be the absence of an independent regulator in the field of electronic media, which inevitably affects the quality and independence of the public service media itself.

This view is also supported by the EU reports concerning Serbia, which identify the primary challenges in the functioning of media services not as the absence or the inadequacy of legislation, but rather as issues of editorial autonomy, limited pluralism, and biased reporting in favour of the Government,³¹ matters that are primarily questions of practice in the application of laws and standards.

²⁵ 2015, 2016, 2018, 2019, 2020, 2021, 2023 and 2024.

²⁶ Media Strategy, page 28.

²⁷ The amount was from 150 to 349 RSD.

²⁸ The current amount is below 0.6% if calculated against the minimum wage for January, which amounts to 64,554 dinars.

²⁹ Communication from the Commission on the application of State aid rules to public service broadcasting.

³⁰ Evaluation of State aid rules for public service broadcasting – Expert Consultation, available at: https://competition-policy.ec.europa.eu/public-consultations/2025-broadcasting_en.

³¹ European Commission, Commission Staff Working Document – 2025 Rule of Law Report: Country Chapter on the Rule of Law Situation in Serbia, page 14.

Bearing this in mind, while the legal framework could be further strengthened to enhance the formal component of the independence of public service media, in the national context the priority for achieving the objectives set out by the EMFA is the consistent application of the already established framework, rather than new amendments to laws that have, in any case, been amended numerous times since their adoption. This is all the more so given that the LPBS is not included in the amendments proposed by the Ministry, and in light of initiatives concerning the revision of the public service media framework at the EU level itself.

Transparency of media ownership

As previously noted, the obligation of transparency is limited to the creation of a publicly accessible record of media ownership. In the national context, such a record exists, as the Media Register, established under the 2014 Law on Public Information and Media (LPIM), provides for the registration of basic information on media publishers, as well as documents containing data on legal and natural persons who directly or indirectly hold more than 5% of the founding capital of a publisher, information on their related parties as defined by the law governing the legal status of companies, and data on other publishers in which those persons hold more than 5% of the founding capital. The Media Strategy further noted that no mechanism has been put in place to ensure that the collected data are kept up to date, linked to the data maintained in other registers, and made easily accessible and searchable for users.³² Among the measures, the same document envisages creating the conditions for the full functionality and up-to-date status of the Media Register, which is to be achieved, *inter alia*, through the establishment of a technically enhanced environment for searching the register and linking it with other public registers via automatic data retrieval.³³

As the amendments to the Law on Public Information and Media (LPIM) were already adopted at the end of 2023, and as these amendments also prescribe a comprehensive set of data to be entered into the Media Register (including ownership information), the primary implementation of the EMFA in this regard must focus on improving the **completeness, accuracy, up-to-date status and accessibility of such data. This is primarily a matter of practice in the application of the law, rather than of legislative amendment. Accordingly, even in relation to this obligation envisaged by the EMFA, there is no need to amend media legislation in the national context.**

³² Media Strategy, page 14.

³³ *Ibid*, page 52.

Public advertising

As regards the obligations concerning this area, the EMFA primarily emphasises the duty of transparency regarding data on public advertising and other benefits that media receive from public entities. With regard to transparency, consistent application of the obligations under the Law on Public Information and Media (LPIM) would provide a comprehensive picture of public advertising in the media. Specifically, the LPIM already provides for the mandatory registration of data on the amounts of all funds received by media publishers and media content producers from public entities. The group of public entities obliged to submit this data for registration includes public authorities (state bodies, territorial autonomy bodies, local self-government bodies, organisations entrusted with the exercise of public powers, as well as legal entities established or fully financed by the state, autonomous province, or local self-government unit), as well as companies in which the state holds a significant share of the founding capital. The types of funds allocated are also comprehensive and include donations, gifts, sponsorships, market and economic research services, public opinion polling services, campaign, advertising, and marketing services, promotional services, services provided by the media pursuant to the application of public procurement regulations, as well as other services provided by the media; the valuation of the free-of-charge lease service provided by a public authority to a media publisher; public advertising and public information; and all other financial or other contributions granted to media publishers by these entities.

Thus, in the national context, a legal framework for transparency exists not only regarding public advertising but also for all other forms of financial transfers from public entities to the media. On the other hand, the creation of a framework for the equal and non-discriminatory allocation of public funds to the media is an issue that goes beyond amendments to media legislation. In this sense, for the fulfilment of this obligation prescribed by the EMFA, amendments to the law are also not necessary; rather, consistent application of the transparency obligation in practice is required. The creation of such a framework is therefore not possible exclusively through amendments to media legislation—on the contrary, it drives public resources and market participants towards additional legal uncertainty, instead of implementing existing rules, and in this regard the proposed format of the working group is also not adequate.

Media concentration, media measurement, and obligations of large online platforms

The assessment of the impact of media concentration on media pluralism, the transparency of media measurement, and regulatory supervision in this regard are areas that should be addressed through amendments to media legislation, primarily through amendments to the Law on Electronic Media (LEM), which defines the structure, status, and powers of the regulatory authority for electronic media. With regard to the obligations of large online platforms, more appropriate mechanisms for their implementation are self-regulation and, where necessary, co-regulation. What is common to all three topics is the necessity of having a truly independent and effective regulator.

In the context of implementing the new obligations relating to media concentration, at the EU level it is necessary to adopt guidelines concerning the elements of the expected impact of concentration on the media market, measures for safeguarding editorial independence, and economic sustainability in the absence of concentration. According to the EMFA, these guidelines are issued by the European Commission with the support of the European Board for Media Services.³⁴ On the other hand, the Media Strategy foresees the fulfilment of a measure concerning the establishment of measurable criteria for determining thresholds of permissible media concentration and the risk to media pluralism. Among other things, it states that this measure is achieved through: i) determining the functionality, conditions, and state of competition in the media and related markets (distribution of media content, advertising markets, etc.), particularly with regard to identifying the risks of impermissible media concentration, threats to media pluralism, and the presence of structural or economic pressures on media that may undermine their integrity and independence; ii) establishing criteria and monitoring dynamics of various elements of media content diversity; iii) preparing an analysis of the relevant media market at national, regional, and local levels.³⁵ Such analyses cannot be conducted without the full participation of sectoral regulators. Certainly, without these analyses, neither the scope of the problem nor the issues that would be addressed by potential amendments to the regulatory framework are clear.

With regard to the obligations relating to the transparency of media measurement, the Media Strategy also foresees the fulfilment of certain tasks. It states that it is necessary to ensure high-quality and verified data on media audience preferences through support for projects aimed at improving existing measurement systems. This task primarily involves dialogue with industry representatives in order to clarify the scope in which media measurements are

³⁴ EMFA, Article 22

³⁵ Media Strategy, pages 53 and 54.

conducted, which is a prerequisite for any potential changes to the regulatory framework in this area and for the introduction of new powers for the sectoral regulator.

Finally, neither the large platforms nor the relevant EU bodies (including the European Commission) currently perceive Serbia as part of a unified digital space, which indicates that the implementation of the EMFA with regard to the obligations of large platforms and structured dialogue in Serbia is, at the very least, premature.

In light of this, the priority should be the implementation of the aforementioned analyses in accordance with the Media Strategy, as well as dialogue with providers of media measurement services. To achieve this, it is also necessary to establish an independent regulator in full capacity — before amending the law to grant new powers to the regulator, the regulatory authority should be established according to the principles and rules set out in the 2023 Law on Electronic Media (LEM). Additionally, the proposed format of the working group is not adequate to address the complex issues of media concentration, media measurement, and the obligations of online platforms; the working group would need to be significantly more inclusive than the group proposed by the Ministry.

V The implementation of the EMFA in the EU is neither uniform nor complete

In addition to the evident lack of readiness for EMFA implementation in the national context of the Republic of Serbia, full and effective implementation has still not been achieved either at the EU level or in the majority of Member States.

The reason for this primarily lies in the very structure of the EMFA, which, in addition to direct application, also requires **significant institutional, procedural, and organisational capacities** at the national level, as well as the development of supporting practices and secondary instruments.

As already noted, most of the substantive provisions of the EMFA have been applied in the European Union only since 8 August 2025 (i.e., for no longer than four months), while certain provisions, such as the right of users to customise the media offering, have been further postponed until May 2027. It can therefore be rightly observed that EU Member States are only now preparing for the full implementation of the EMFA, raising a legitimate question regarding the speed of implementation in a country with structural challenges in enforcing

media legislation, constant amendments to such legislation, and weaknesses in institutional capacity, such as the Republic of Serbia.

Furthermore, although the establishment of the European Board for Media Services began earlier, its role to date has been predominantly preparatory and coordinative, while the key tasks relating to the issuance of opinions, the drafting of guidelines, and the coordination of cross-border cases are expected only in the forthcoming period. It is particularly significant that the European Commission has yet to adopt guidelines in areas such as the assessment of the impact of media concentration on pluralism and editorial independence, through which the standards for the application of certain key EMFA instruments will only then be defined.

At the national level, the practice of Member States demonstrates that the implementation of the EMFA is uneven and at an early stage. The majority of states are in the process of reviewing existing institutional arrangements, particularly with regard to the independence and capacity of regulatory bodies, transparency of media ownership, state advertising regimes, and relations with large online platforms. In this context, even in Member States with developed regulatory systems, the implementation of the EMFA is not limited to technical legislative amendments, but rather requires a redefinition of the roles of regulators, additional resources, and changes in practice. A recent comparative study conducted in 12 Member States shows that they have launched initiatives or identified draft rules for the implementation of the EMFA, but only two states (Denmark and Finland) have completed this process, and even in the case of Denmark, additional specific rules still need to be adopted.³⁶

It is particularly important to emphasise that the European Commission and the relevant expert community do not view the EMFA as an instrument that can be “implemented all at once”, but rather as a process that will develop through practice, judicial review, and supervisory procedures at the EU level. In this sense, it is to be expected that the full application of the EMFA will be subject to further normative and institutional development, as well as gradual alignment within the Member States.

In light of the above, it is clear that full implementation of the EMFA has not yet been achieved even within the European Union itself, and that most activities are currently at the stage of preparation and institutional adjustment. This further supports the view that insisting on the immediate and formal “implementation of the EMFA” in national contexts—particularly in states facing structural problems in the area of media freedoms and regulatory independence—does not correspond to the actual state of affairs at the EU level. Instead, the EMFA should be regarded as a medium-term regulatory project, whose real

³⁶ Source: Cullen International Benchmark.

effectiveness will depend on the quality of institutional reforms and the consistent application of standards, rather than on the speed of formal alignment.

VI Conclusion

The approach taken thus far by the competent ministry with the aim of “implementing” the EMFA is conceptually flawed, premature in timing, and institutionally inadequate in the national context of the Republic of Serbia. The EMFA, as a European Union regulation, does not require formal transposition into domestic legislation, but rather presupposes the existence of functional, independent, and credible institutions, as well as the consistent application of already existing regulations and standards, particularly with regard to the protection of media freedoms and editorial independence. It is precisely these preconditions that are currently not met in Serbia, nor do the necessary conditions exist for the implementation of EMFA provisions.

A detailed examination of the individual obligations set out by the EMFA shows that in most key areas—including the independence of the regulatory authority, the protection of editorial independence, the protection of journalistic sources, the functioning of public service media, transparency of media ownership, and transparency of public advertising—the problem does not lie in the absence of a normative framework, but rather in its inconsistent, selective, or politically instrumentalised application in practice. In particular, the absence of a truly independent and effective regulatory authority for electronic media represents a systemic obstacle, and potentially even a significant risk of abuse, to the conferral of new, complex, and coordinative powers envisaged by the EMFA, rendering any discussion of its full implementation legally and institutionally unsustainable.

Furthermore, full and uniform implementation of the EMFA has not yet been achieved even at the level of the European Union. The majority of substantive provisions began to apply only as of August 2025, with some entering into force even later, while key secondary instruments and guidelines of the European Commission have yet to be adopted. The practice of Member States demonstrates that the EMFA is being implemented gradually, through preparatory institutional reforms, alignment with international standards, strengthening of regulatory capacities, and the development of practice, rather than through hasty and partial legislative interventions.

In this context, insisting on urgent amendments to two media laws in Serbia, while simultaneously neglecting issues of institutional independence, the application of existing legislation, and the inclusiveness of the reform process, does not contribute to achieving the

objectives of the EMFA. On the contrary, it carries the risk of their formalisation without real effect, as well as the further erosion of trust in the media regulatory framework and practice. Therefore, a rational and sustainable approach would prioritise ensuring the full independence of the regulatory authority, the consistent application of existing laws and standards, and an inclusive, expert-led dialogue on future reforms, while normative interventions aimed at formal alignment with the EMFA may be considered justified only in the medium term, once these fundamental preconditions have been fulfilled.