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Pursuant to Articles 8 and 12 of the Broadcasting Law (Official Gazette of the RS, nos. 42/02, 97/04, 76/05, 79/05-other law, 62/06, 85/06 and 41/09) and item 5 of Article 5 and item 5 of Article 19 of the Statute of the Republic Broadcasting Agency (Official Gazette of the RS, no. 102/05)

the Council of the Republic Broadcasting Agency, at its meeting held on 7 March 2012, adopted the following

## **GENERAL BINDING INSTRUCTION**

### **for radio and television stations (broadcasters) for Election Campaign for Local, Provincial and Republic Parliamentary Elections, Elections for the President of the Republic and Elections for the National Councils of National Minorities**

#### **I. INSTRUCTIONS TO ALL RADIO AND TELEVISION STATIONS (BROADCASTERS)**

1. This General Binding Instruction regulates the conduct of broadcasters when the competent body in the Republic of Serbia schedules elections for deputies of the National Assembly of the Republic of Serbia, elections for the President of the Republic of Serbia, elections for deputies of the assembly of autonomous province, elections for councillors of assemblies of local self-government units and elections for the national councils of national minorities.
2. All broadcasts, reports, promotion blocks, polls and similar, in which election participants or members and representatives of the political parties, coalitions and associations of citizens participating in the elections and presidential candidates appear, must be specially designated with a clear sign "election programme", while in the radio programme they must be clearly indicated at the beginning and at the end of the broadcast, as well as after each 5 minutes of broadcast duration. Television broadcasts with election contents in which representatives of the lists of candidates and candidates appear must be designated with a continuous sign "election programme", regardless of whether the broadcasts are special or regular.
3. If the elections are only scheduled for a specific area of the Republic of Serbia (e.g. town or municipality), the election programme may only be broadcast by a broadcaster of local or regional coverage level whose proposed service area covers the area for which the elections are scheduled. This provision shall not apply to municipalities that have a large number of internally displaced persons (IDPs) having residence in other municipalities in the territory of the Republic of Serbia.
4. The reports on election activities of candidates from lists in daily news and special broadcasts should be based on the principles of objectivity, equality and protection of public interest and equally accessible to all ethnic communities in the area covered by the broadcaster's programme.

Only the competent electoral commissions are authorised to announce official information about the election process and results. All other information must be designated as unofficial.

5. A broadcaster is not obliged to broadcast paid election programme. If the broadcaster decides to broadcast paid election programme, it shall enable all interested lists of candidates and candidates to broadcast their broadcasts within the paid election programme under equal programme, technical and financial conditions.

A broadcaster shall set in advance the periods intended for broadcasting paid election programme in its programme schedule and may not change them arbitrarily during the election campaign.

A broadcaster may not make any material changes in its programme concept with an intention of providing additional time for broadcasting paid election programme and, in particular, it shall not be allowed to broadcast paid election programme instead of any broadcast that has an established daily or weekly broadcast time and is, by its nature, intended for informing the public about the developments in a particular sphere of social life (e.g. politics, economy, education, culture and similar).

Any paid election programme must be separated from the rest of the programme by sound and picture (start and end announcements). In the television programme, it must be clearly indicated as a “paid election programme” for its entire duration, while in the radio programme it must be indicated as such every five minutes of its duration.

A paid election programme shall be broadcast without interruption and may not be longer than 30 minutes and maximum 90 minutes may be broadcast per day.

In the event of broadcasting paid election programme, the broadcaster shall provide time to all lists of candidates and/or presidential candidates and/or lists of candidates for the national councils under equal conditions with the duration of up to 5 minutes once per day per list of candidates or presidential candidate. If a list of candidates or a presidential candidate is not interested in using the time provided to them under equal conditions by this Instruction, the broadcaster shall not be entitled to assign that time to any other list of candidates or presidential candidate.

Notwithstanding the above, a special broadcast may be broadcast within the paid election programme, with the duration of up to 30 minutes (a thirty-minute broadcast), dedicated to a single list of candidates or candidate (e.g. live or recorded coverage of an election rally or convention). A specific list of candidates or candidate shall only be entitled to one thirty-minute broadcast during the election campaign without being entitled to a five-minute broadcast on the day of broadcasting such thirty-minute broadcast.

Within the television programme, a broadcaster may not broadcast paid election programme in the period from 6:00 a.m. to 9:00 a.m. and in the period from 7:00 p.m. to 11:00 p.m. Within the radio programme, a broadcaster may not broadcast paid election programme in the period from 6:00 a.m. to 9:00 a.m. and in the period from 3:00 p.m. to 7:00 p.m.

The duration of the content broadcast in the form of paid election programme shall not be counted in the total duration of TV advertising or radio advertising.

A broadcaster may not participate in the production of contents intended for broadcasting in the form of paid election programme unless that participation is exclusively of technical nature.

6. The reports of agencies that conduct public opinion polls may be broadcast under the condition of stating the person that commissioned the poll, the sample covered by the poll, the poll manner and duration. The mentioned reports of public opinion polling agencies may not be broadcast in the prime time of news broadcasts (top stories, news of the day and similar).

7. Street polls, telephone and similar polls may not be deemed representative. In such cases, the broadcaster should warn the listeners or viewers, because favouring of certain lists and candidates is possible by such polls, thus violating the principle of reporting objectivity.

8. No rebroadcasting of election programmes, direct or indirect, from other broadcasters, shall be allowed except in cases of election paid broadcast time.

9. Government authorities and organisations, territorial autonomy and local self-government authorities may, in radio and TV broadcasts, advertise activities and measures of significance for the citizens, for the majority of citizens or for a minority social group and particularly the elections if the promotional message recommends participation in the elections. No name, face, voice or personal trait of any government official of a government authority or organisation, territorial autonomy and local self-government authority may be used in the promotional message.

10. During the election campaign, the broadcasters should exclude from their programme any documentary, feature, entertainment and similar broadcasts and films in which an official, a prominent representative of the nominator of the list of candidates, or a candidate appear, and avoid other forms of indirect political propaganda in the regular broadcasts. Announcements of election rallies, meetings (by voice or by scrolling text and similar) may only be broadcast at paid broadcast times or advertising messages.

11. Broadcasters shall be instructed to exclude the journalists and presenters that are candidates from appearing in their programmes as long as the election campaign lasts.

12. Broadcasters of specialised programmes must not deal with elections either directly or indirectly. The prohibition shall not refer to the advertising part of the programme, except in children's specialised programmes and religious broadcasts where any form of political propaganda and advertising is prohibited.

13. Television stations shall submit recordings of their entire programme broadcast in the period preceding the recording submission date in standard DVD formats to the Republic Broadcasting Agency each Friday starting from the date of scheduling the elections until their end. Radio stations shall record their programme and keep the recordings for at least 30 days from the broadcasting date.

14. All radio and television stations may broadcast election clips under equal commercial and technical conditions and without discrimination. A broadcaster shall broadcast election advertising messages in the manner stipulated by the law regulating advertising, and the duration of election advertising shall be counted in the total duration of TV advertising and TV sales or radio advertising.

15. Only the advertisements and clips of the Republic Electoral Commission and the Republic Broadcasting Agency may be broadcast free of charge, in accordance with broadcasters' programme capacity.

16. A broadcaster, in accordance with Article 38 of the Public Information Law and Article 21 of the Broadcasting Law, shall refuse to broadcast promotional messages or broadcasts if it assesses that they induce discrimination, hatred or violence or insult the honour, reputation and privacy of citizens or other participants in the campaign.

17. A broadcaster shall broadcast the response to or correction of information relating to the election campaign on the following day, but not later than before the end of the election campaign, in accordance with Articles 47-49 of the Public Information Law.

18. Election propaganda and publication of election result projections via radio and television stations shall be prohibited in the period of 48 hours before the election day and on the election day until the closing of polling stations.

## II. INSTRUCTIONS RELATING TO THE ORGANISATIONS HAVING THE STATUS OF PUBLIC BROADCASTING SERVICE: THE BROADCASTING INSTITUTION OF SERBIA, THE BROADCASTING INSTITUTION OF VOJVODINA, RADIO- TELEVISION STATIONS OF LOCAL AND REGIONAL COMMUNITIES (MUNICIPAL AND TOWN STATIONS) AND CIVIL SECTOR RADIO AND/OR TELEVISION STATIONS

1. The Broadcasting Institution of Serbia – RTS, the Broadcasting Institution of Vojvodina - RTV and radio and television stations of local and regional communities whose founders are towns and municipalities, as well as civil sector stations shall observe, during the election campaign, the provisions of Article 68 paragraph 1 item 6a, Article 78 paragraph 1 item 6, Article 95 and Article 96 paragraph 8 of the Broadcasting Law and provide free-of-charge and balanced, non-discriminatory broadcast of promotion of political parties, coalitions and candidates with accepted election lists.

2. During the election campaign, the Broadcasting Institution of Serbia – RTS and the Broadcasting Institution of Vojvodina – RTV shall comply with the provisions of Articles 49-51 of the Law on Election of Deputies ("Official Gazette of the RS" nos. 35/2000, 57/2003 – CCRS Decision, 72/2003 – other law, 75/2003 – corr. of oth. law, 18/2004, 101/2005 – other law, 85/2005 – other law and 104/2009 – other law).

3. The Broadcasting Institution of Vojvodina – RTV shall have special obligations relating to adequate representation of the candidates of national minorities.

4. The Broadcasting Institution of Serbia – RTS, the Broadcasting Institution of Vojvodina - RTV and radio and television stations of local and regional communities whose founders are towns and municipalities, as well as civil sector stations, may not broadcast paid pre-election programmes, but may broadcast propaganda clips. In accordance with their bylaws, these stations may refuse to broadcast programmes and promotional clips, if these are not part of the pre-election campaign.

5. If there is repeated voting because none of the candidates has won the majority of votes (second round), the Broadcasting Institution of Serbia shall provide a broadcast with the participation of the presidential candidates who entered the second round.

### III. INSTRUCTIONS TO COMMERCIAL RADIO AND TELEVISION STATIONS

1. If they decide to report in their programmes about the process of election campaign, commercial radio and television stations should report based on their editorial policy and programme interest of their listeners and viewers, as well as based on the interest of the general public. Commercial radio and television stations shall be entitled to determine the manner and volume of the programme they will dedicate to the election campaign.

2. If commercial radio and television stations decide to dedicate part of their programme free of charge to the election presentation, then such periods must be allotted in a balanced manner to all the lists or candidates equally, without discrimination.

3. During the election campaign, commercial radio and television stations may broadcast paid election advertising clips under equal programme, technical and financial conditions, without discrimination against any election list or candidates .

### IV. PRESENTATION OF LISTS OF CANDIDATES AND CANDIDATES IN CONNECTION WITH SCHEDULED ELECTIONS FOR THE NATIONAL COUNCILS OF NATIONAL MINORITIES

1. The Broadcasting Institution of Serbia shall present all lists of candidates in its programme equally, without discrimination and under equal programme and technical conditions.

2. The Broadcasting Institution of Vojvodina shall present in its programme, under the conditions referred to in Item 1 of this Chapter of the General Binding Instruction, all lists of candidates submitted for electing the members of the national councils of Bunyevan, Hungarian, German, Roma, Romanian, Ruthenian, Slovak, Ukrainian and Czech national minority.

3. A broadcaster of a local or regional community or a civil sector broadcaster, except for any broadcaster whose founder is a church or a religious community, shall present in its programme, under the conditions referred to in Item 1 of this Chapter of the General Binding Instruction, the lists of candidates submitted for electing the national councils of the national minorities that, according to the latest census, account for at least 0,5% of the total population of its desired service area.

4. If a commercial broadcaster presents in its programme lists of candidates or candidates in connection with the elections for the national councils of national minorities, Items 1, 2 or 3 of this Chapter of the General Binding Instruction shall apply accordingly, depending on its proposed service area.

## V. SPECIFIC PROVISIONS

1. The Republic Broadcasting Agency shall be competent to apply the provisions of the Broadcasting Law and to receive submissions of broadcasters, participants in the election campaign and citizens, as well as to organise programme monitoring directly, or via authorised agencies or representatives for specific places or regions, as well as to pronounce measures provided by the Law.

The Agency shall receive written and signed submissions of the parties submitting the election lists, broadcasters and citizens at the following address: Trg Nikole Pašića 5, 11000 Belgrade, or by fax. 011/20-28-745.

2. The Binding Instruction in connection with elections for the national councils of national minorities (Official Gazette of RS, no. 17/11) shall cease to apply as of the day this General Binding Instruction comes into force.

3. This General Binding Instruction shall come into force as of the day of its publication in the Official Gazette of the Republic of Serbia.

No. 274/12

In Belgrade, 7 March 2012

Republic Broadcasting Agency

President of the Council,

Porfirije (Perić), PhD, Bishop of Jegar, sgnd.