

REM Reform at an Impasse



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RESPECT FOR THE LAW AS A BARGAINING CHIP

Significant delays and inconsistency in implementing the reforms necessary for Serbia's European integration have unfortunately become the norm rather than the exception. When it comes to reforms that are "more sensitive" for the government because they touch on the core interests of the political leadership, delays occur at every step – from adopting planning documents and laws that are supposed to operationalize those "commitments," all the way to the implementation of those laws. If pressure from the domestic public, the EU, and other international actors is not strong enough, lawlessness can last for years. This is, for example, the case with appointing professional directors of public enterprises and civil servants to positions in public administration. While European integration suffers as a result, and even more so do the interests that should be satisfied by implementing the law, the holders of power in Serbia also gain an additional benefit. Compliance with already assumed obligations, instead of serving as a prerequisite for opening any dialogue on a new issue, becomes their bargaining chip in relations with the EU. Since the number of issues that the highest representatives of the EU can bring to the forefront in such negotiations is naturally limited, the consideration by the Serbian authorities to finally act on some old obligation prevents the possibility that "new demands from Brussels" may be placed on the negotiating table.

Media scene control is one of the crucial elements for maintaining any government's popularity, and Serbia is no exception. Despite the noticeable trend in recent years of increased information dissemination via social networks or media that operate solely on the internet or are available only via cable operators, the significance of traditional TV and radio stations has been only marginally reduced, but remains enormous. Oversight of this segment of the media landscape, in line with European standards, has been moved out of the classical state administration's jurisdiction in Serbia for over two decades and entrusted to an *"independent regulator."*

In reality, the regulator has never acted truly independently, and the political authorities have found ways to ensure a desired composition of decision-makers in this body (formerly the Republican Broadcasting Agency, now the Regulatory Authority for Electronic Media), who were ready to make decisions on key issues that appeared to suit the authorities, or to refrain from acting in situations that could endanger the vital interests of the parties in power and media outlets aligned with them. The Government of Serbia agreed in the 2020 Media Strategy, adopted with strong engagement from international actors, to improve the state of affairs in this area, but the new laws were only adopted three years later. Again, with strong involvement of international actors, a compromise was reached between the authorities and prominent representatives of the media community that REM would be "reset" by the end of 2024. This was to be achieved by shortening the terms of the Council members for which a non-extendable deadline was set, with the obligation that by then a new composition of the Council be elected in accordance with the new rules.

The importance attached to this obligation is clearly demonstrated by its inclusion in the 2024 Reform Agenda, as well as in numerous other documents (e.g., ODIHR recommendations following several electoral cycles). None of this was enough for the reform to actually be implemented. It was stalled in the worst possible way – initially by openly violating it, and then by attempting to circumvent the law.

REM AND ITS TASKS

The Regulatory Authority for Electronic Media (REM) is, by law, an autonomous and independent regulatory organization exercising public authority for the purpose of: effective implementation of the established policy in the provision of media services in the Republic of Serbia; improving the quality and diversity of electronic media services; contributing to the preservation, protection and development of freedom of thought and expression and the free flow of information; protecting the interests of the public in the field of electronic media, ensuring pluralism and prohibiting discrimination and protecting users of electronic media services, in a manner appropriate to a democratic society, in accordance with the Electronic Media Law.¹

REM's bodies are the Council and the director, but all acts within REM's scope of work are adopted by the Council. The Council has nine members who are selected from among reputable experts in fields relevant to the tasks of the Regulator.² The members of the Council are elected by the National Assembly, on the proposal of authorized proposers.³

WHAT HAPPENED?

The Regulatory Authority for Electronic Media in Serbia faced significant challenges during 2024, which culminated in a work paralysis in the first quarter of 2025. The process of selecting new members of the REM Council, the actions of the current Council composition, as well as the attitude towards the public and legal obligations, have sparked numerous debates.

During 2024, REM was subject to criticism for its inadequate sanctioning of disinformation and hate speech on pro-government television networks. On multiple occasions, independent media and civil society organizations pointed out the failure to enforce legal provisions and the selective punishment of media outlets critical of the government.⁴

Also, the allocation of national frequencies at the end of 2022 and regional frequencies at the end of 2024 provoked controversy, as the largest television networks connected to the government again received frequencies, while independent and regional media were left without significant broadcast space. Systematic non-transparency, passivity towards violations of journalistic and ethical standards, and political pressure on REM culminated in 2025, when the issue of its reform became one of the key topics in the media sphere.

The mandate of the members of the REM Council expired on November 4, 2024, leaving the regulatory body formally without leadership. This vacuum in decision-making led to a situation in which there was no authority responsible for media oversight and the enforcement of the Electronic Media Law. Despite the legal obligation that the process of selecting new Council members be launched no later than August 4, 2024, the Culture and Information Committee of the National Assembly of Serbia issued a public call on November 27, 2024, nearly four months after the deadline. Nevena Đurić, the chair of the Culture and Information Committee, from the parliamentary group "Aleksandar Vučić – Serbia Must Not Stop," was expected to propose a session at which a decision would be made to publish the public call.

1 Art. 6, [Law on Electronic Media](#) ("Official Gazette RS", no. 92/2023)

2 Arts. 10–11, Ibid

3 Art. 12, Ibid, The authority and duty to nominate two members of the Council each is given to the following authorized proposers: 1) The Protector of Citizens (Ombudsman), the Commissioner for the Protection of Equality, the Commissioner for Information of Public Importance and Personal Data Protection; 2) Accredited universities in the Republic of Serbia; 3) Associations of electronic media publishers in the Republic of Serbia whose members hold at least 30 licenses for providing audio and audiovisual media services and have been registered at least three years prior to the announcement of the public call; 4) Journalist associations in the Republic of Serbia, each of which has at least 300 members with paid membership fees and has been registered at least three years prior to the announcement of the public call; 5) Associations of film, stage, and dramatic artists and associations of composers in the Republic of Serbia, provided they have been registered at least three years before the announcement of the public call; 6) Associations whose goals include the promotion of freedom of expression, provided they have been registered at least three years before the public call and have completed at least three projects in this field in the past three years; 7) Associations whose goals include the protection of children, provided they have been registered at least three years before the public call and have completed at least three projects in this field in the past three years; 8) National councils of national minorities; 9) Churches and religious communities.

Transparency Serbia, on that occasion, sent a letter on September 12 to the chair of the Committee, warning her about the neglect of this legal obligation.⁵ Four civil society organizations (including some media ones) filed a criminal complaint against the chair of the Culture and Information Committee for failing to apply the Electronic Media Law, which led to a situation where Serbia has no body to oversee the work of the media.⁶

The first quarter of 2025 was marked by a crisis of confidence in REM, caused by non-transparent and politically colored decisions, refusal to cooperate with the public, and attempts to obstruct reforms. Although the process of electing new REM members was formally carried out, many legal experts and media analysts believe that these processes have undermined the already weak foundations of media regulation in Serbia. In addition to the legal battle to preserve its positions, REM is becoming increasingly less transparent. Journalistic organizations and investigative portals report that REM withholds information and documents of public importance, ignoring requests from journalists and civil society organizations.

The candidacy process for the new members of the REM Council was marked by controversy. Associations such as ANEM submitted objections to the list of candidates, pointing out that some proposed candidates had already been members of the REM Council during a period when the work of this body was publicly criticized for inactivity.⁷

The proposed candidates for members of the REM Council were considered at a session of the Culture and Information Committee of the National Assembly of Serbia on December 20, 2024. NUNS and some candidates challenged the legitimacy of the process, pointing out that so-called GONGO organizations – that is, organizations close to the authorities that do not meet the formal conditions – had participated in the selection of candidates.

Opposition leaders and media experts further pointed out that the ruling party is trying to install loyal members into the REM Council through “phantom organizations.” Also, some candidates announced legal steps due to discrimination in the selection process, while others withdrew their candidacies in protest.⁸

A public hearing on the topic *“Public discussion with proposed candidates for members of the Council of the Regulatory Authority for Electronic Media”* was held on January 23, 2025, in the National Assembly, organized by the Culture and Information Committee.⁹ After the public hearing, some of the candidates requested annulment of the selection process in seven out of nine categories, which the authorities did not take into account.¹⁰

Just five days after this event, seven of the 18 candidates who had advanced to the short list for selecting members of the REM Council withdrew their candidacies. They cited as reasons the discrimination by representatives of the authorities faced by independent candidates, the fact that people close to the ruling party, some of whom had already held that post, entered the short list of candidates for Council members, and that some candidates were proposed by associations that do not have the legally required 300 members. They pointed out that the fact that seven of the 18 shortlisted candidates withdrew means that the National Assembly of Serbia cannot legally elect the REM Council.¹¹ Namely, the selection would not be valid unless there were two candidates for each category of proposer, which was precisely the case after this group of candidates withdrew.

During this process, the National Assembly met in plenary only once, on March 4, 2025, at the First Session of the First Regular Sitting of the National Assembly of the Republic of Serbia in 2025¹², with 70 agenda items, under which the election of members of the REM Council was not included. The Electronic Media Law stipulates that the election of a Council member must be placed on the agenda of the first subsequent session of the National Assembly after the public hearing with candidates¹³, which took place on January 23.

5 [Letter to the Chairwoman of the Committee on Culture and Information](#), Transparency Serbia, 12 September 2024

6 [Criminal complaint against the Chairwoman of the Culture Committee over REM](#), N1, 4 November 2024

7 [ANEM submitted objections to the list of candidates and proposers for the election of the REM Council](#), N1, 29 December 2024

8 [NUNS: Do we need a regime-loyal or constructive REM Council?](#), N1, 26 December 2024

9 [Public hearing with proposed candidates for members of the Council of the Regulatory Authority for Electronic Media, Committee on Culture and Information](#), National Assembly of the Republic of Serbia, 23 January 2025

10 [“Annul the election process for REM Council members in 7 out of 9 categories”: Request from candidates at public hearing](#), N1, 23 January 2025

11 [Independent candidates for REM Council membership withdrew their candidacies](#), N1, 28 January, 2025

12 [First session of the First Regular Sitting of the National Assembly of the Republic of Serbia in 2025](#), National Assembly of the Republic of Serbia, 4 March 2025

13 Art. 14 para. 9, [Law on Electronic Media](#), (“Official Gazette RS”, no. 92/2023)

CONTROVERSIAL DECISIONS AND FULFILLING OBLIGATIONS

REM made a number of controversial decisions before the end of the Council's mandate, including the granting of a broadcasting license to the *Informer* television.¹⁴ The decision provoked public criticism that REM favors pro-government media and that by improperly awarding licenses it affects media pluralism in the country. At the same time, the Journalists' Association of Serbia (UNS) demanded a response from REM and the prosecution for the abuse of artificial intelligence on Pink television, which REM ignored.¹⁵

Several months before the mandate expired, at an extraordinary session on June 3, 2024, the Council decided to seek a review of the constitutionality of the provision in the new Electronic Media Law¹⁶ that mandates the termination of its members' mandates by November 4, 2024.¹⁷ This move was interpreted in the public as an attempt to buy time and avoid changing the Council's composition. After all, the selection of a new Council is an obligation arising from the Media Strategy and the new Electronic Media Law¹⁸, aimed at harmonizing with EU directives and fulfilling pre-accession obligations, i.e., creating preconditions for achieving greater independence and professionalism of the Regulatory Authority for Electronic Media, and thus better regulation of the electronic media market.

After the unsuccessful attempt to elect the REM Council, four months after the previous Council's mandate had expired, the REM director, Rajka Galin Čertić, issued an "internal decision" to publish on the REM website all complaints against broadcasters submitted since November 5, 2024, i.e., since the expiration of the Council's mandate, as well as the Monitoring Service's reports on those complaints.¹⁹

Just one month earlier, the report titled "Monitoring and Analysis of Media Service Providers' programs during the 2023 Parliamentary, Provincial and Local Election Campaign – Final report" was finally published, more than a year after the elections were held and seven months after it had been adopted at a session of the REM Council. On December 26, 2023 – nine days after the elections – REM published a report on program monitoring during the election campaign for RTS 1 and 2, RTV 1 and 2, N1, Nova S, Al Jazeera, and K1, but not for commercial broadcasters with national frequencies. The final report concludes that there was a significant imbalance in media coverage in favor of the ruling coalition during the election campaign.²⁰

INTERNATIONAL OBLIGATIONS

In the context of European integration, the Republic of Serbia committed to improve the media sphere, which includes initiating the procedure for appointing a new REM Council and further aligning legislation with the EU acquis by the first quarter of 2025.²¹ The latest European Commission report on Serbia for 2024 states: "Freedom of expression: Serbia has achieved a certain level of preparation and no progress has been recorded regarding the recommendations from the previous year, which therefore still apply. In the coming year Serbia should in particular: implement new media laws, respecting their letter and spirit, including the independence of the Regulatory Authority for Electronic Media (REM), elect new members of the REM Council and amend the law to address remaining issues in alignment with European standards and the latest EU acquis."²²

Media reports mention that on January 27, 2025, the Speaker of the Assembly, Ana Brnabić, presented to the ambassadors of the Quint countries (USA, UK, France, Italy, and Germany) an analysis of the selection process of members of the REM Council, in which objections to the legality of this process are dismissed.

14 [REM's farewell gift at end of mandate: Informer TV became a Belgrade-based television station](#), Cenolovka, 4 November 2024

15 [UNS calls on REM to respond](#), Fonet, 18 October 2024

16 [Law on Electronic Media](#), ("Official Gazette RS", no. 92/2023)

17 [REM Council members request constitutional review of the provision of the law requiring their dismissal this year](#), Cenolovka, 3 June 2024

18 [New media laws adopted](#), Ministry of Information and Telecommunications, 26 October 2023

19 [UNS: REM has started publishing reports based on complaints against broadcasters filed after 5 November](#), Danas, 13 March 2025

20 [REM finally published the Final Report on media monitoring of the December 2023 elections; Zekić: "It was published now because I said so"](#), Cenolovka, 20 February 2025

21 [Exclusive: What Serbia committed to in order to open Cluster 3](#), N1, 18 December 2024

22 [European Commission Report for 2024](#), 30 October 2024

Allegedly, the document explains how certain candidates, those supported by the authorities, fulfill all the requirements despite objections, and the objections raised by several organizations and independent candidates during the selection were presented as unfounded.²³

Improving REM's functioning is an international obligation in the context of ensuring equal conditions in the media sphere for all participants in the electoral process. The European Commission's report on Serbia for 2024 notes: "Despite new regulations aimed at strengthening REM's independence and efficiency, the regulatory body is not fully exercising its competences and serious concerns about its de facto independence still remain. Shorter deadlines have also been introduced for REM to respond to complaints, but ODIHR in its final report on the December 2023 parliamentary elections found that REM 'retained a passive approach.' REM did not publish a comprehensive report on the election campaign, including a report on the four channels with national frequencies. It also did not prepare a report on the local elections in June 2024, which, according to the final report of the ODIHR election observation mission, 'indicates ongoing problems in effectively monitoring media coverage and ensuring timely legal remedies for possible violations.'" ²⁴The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has included in its last four election-monitoring reports a recommendation to make REM's independence a priority.

- **2017:** "Monitoring activities of REM should be explicitly extended to all aspects of election coverage. REM could act on its own initiative, including by acting based on systematic monitoring of media reporting and assessing whether the media complied with existing regulations. Possible amendments to the Electronic Media Law should be considered to ensure more effective sanctions, including quick and timely decisions during the election campaign." – *Partially implemented (according to ODIHR).*
- **2020:** "The independence of the Regulatory Authority for Electronic Media (REM) should be strengthened, and its obligations during campaign periods should be explicitly defined by law and extended to all aspects of media coverage of elections. REM should act on its own initiative, including undertaking timely actions based on systematic monitoring of election coverage and enforcement in line with established regulations." – *Partially implemented (according to ODIHR).*
- **2022:** "The independence of the Regulatory Authority for Electronic Media (REM) should be strengthened. The responsibilities of this body during campaign periods should be explicitly defined by law and cover all aspects of media coverage of elections. REM should proactively use its legal authority to act on its own initiative in case of media regulation violations, based on systematic monitoring." – *Partially implemented (according to ODIHR).*
- **2023:** "The independence of the Regulatory Authority for Electronic Media (REM) must be effectively guaranteed in accordance with the latest legislative provisions. REM should proactively use its legal authority to act on its own initiative in cases of violations of media regulations, based on systematic monitoring." – *Partially implemented (according to ODIHR).*²⁵

²³ [Cenzolovka: Incompetent Ana Brnabić misled the Quint ambassadors about the election of the REM Council members](#), N1, 7 February 2025

²⁴ 24 p. 42, *ibid*

²⁵ [List of recommendations from the final ODIHR report following the December 2023 elections and unfulfilled recommendations from previous elections](#), Transparency Serbia, 26 April 2024

CONCLUSION AND RECOMMENDATIONS FOR IMPROVING REM'S WORK

If more transparent and inclusive mechanisms for the selection and work of REM are not established, there is a serious risk that this regulatory body will continue to function as an instrument of the authorities rather than as an independent guardian of media freedom and professional standards. The absence of public oversight and the disregard of criticism from domestic and international circles call into question REM's ability to fulfill its core function – the protection of pluralism, objectivity, and ethics in Serbia's electronic media.

- Increase the transparency and availability of information from REM's purview: In accordance with the Law on Free Access to Information of Public Importance, REM should enable public access to information and documents related to its work, including decisions, minutes, and the rationale for adopted resolutions, as well as proactively publish all information about its work. Strengthening mechanisms of public oversight would increase citizens' and experts' trust.
- Depoliticization of the process of selecting members of the REM Council: It is necessary to establish clear and objective criteria for selecting REM members, to ensure that they are experts in the field of media and communications, rather than politically affiliated individuals. Introducing independent oversight of the selection process could reduce the influence of political structures.
- Consistent enforcement of laws and media standards: REM should adhere to legal frameworks and principles of impartiality in decision-making, which means sanctioning all media outlets that violate professional and ethical standards without a selective approach. REM's decisions must be based on clear legal grounds, not on political pressure.
- Review of the decision on the allocation of national frequencies and broadcasting licenses: It is necessary to establish fair and competitive conditions for the allocation of frequencies so that all media have an equal chance of obtaining national coverage. REM's decisions regarding frequencies should be based on program quality and the public interest, not on political affinities.
- Strengthen cooperation with domestic and international civil society organizations and professional associations: REM should actively cooperate with professional and journalistic associations, civil society organizations, and international institutions to ensure better media regulation standards. Introducing regular consultations and public debates would contribute to a more inclusive and legitimate functioning of the regulatory body.



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