



PREPORUKE ZA PONAŠANJE MEDIJA U IZBORNIM KAMPANJAMA

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RECOMMENDATIONS FOR MEDIA STANDARDS IN ELECTION CAMPAIGNS

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Ponašanje medija u kampanji je tema koja uvek izaziva mnogo pažnje, neretko deli javnost, predmet je različitih ocena i jedan od najvećih izazova za sve vreme od uvođenja višestranačja u Srbiji. Ujedno, to je oblast u kojoj su reforme išle sporo i uz velike probleme u primeni, što je posebno izraženo kod regulacije političke komunikacije koja je, gotovo po pravilu, ostajala na marginama svih zakonodavaca. Brojni zakonski i podzakonski akti regulišu ponašanje medija u izbornim kampanjama i to je neretko ogroman izazov u primeni zakona i kontroli sprovođenja. Tako je ponašanje medija regulisano izbornim zakonima (Zakon o izboru narodnih poslanika i Zakon o lokalnim izborima), medijskim zakonima (Zakon o javnom informisanju i medijima, Zakon o elektronskim medijima i Zakon o javnim medijskim servisima), komercijalnim zakonima (Zakon o oglašavanju) i podzakonskim aktima, poput Pravilnika o obavezama pružalaca medijskih usluga tokom predizborne kampanje koji je usvojio Savet Regulatornog tela za elektronske medije (u daljem tekstu: REM) 16. juna 2015. godine.

Iako je ključni problem sa medijskim zakonima njihova primena ili još češće selektivna primena, a manje pravni okvir (on je 2014. godine uvažio brojne dobre principe iz uporedne prakse), postoji nekoliko problema koje je moguće i potrebno adresirati a posebno u pogledu političke komunikacije koja se godinama nalazi na margini interesovanja svih medijskih zakonodavaca i stručne javnosti.

Media coverage of election campaigns is a frequently divisive issue that never fails to attract public attention and polarise opinion. Regulation of this field has posed a challenge ever since the introduction of multi-party democracy in Serbia, with reforms proceeding slowly and accompanied by substantial problems in implementation. Political advertising has proven especially difficult to scrutinise and has eluded legislators' attention with worrying regularity. The role of the media in election campaigns is regulated by numerous laws and byelaws, which presents significant obstacles in terms of implementation and oversight. These rules are laid down by electoral legislation (Law on the Election of Members of Parliament and Local Elections Law), media laws (Law on Public Information and the Media Law on Electronic Media, and Law on Public Service Broadcasting); business laws (Advertising Law); and secondary legislation such as the Election Campaign Rules for the Media, enacted by the Council of the Regulatory Authority for Electronic Media (REM) on 16 June 2015.

The legal framework for the media was adopted in 2014 and reflects many best international practices. Although these laws are fundamentally sound, their inconsistent (or selective) application in practice is a much more serious challenge. There are also a number of other problems that can and should be addressed, in particular with political advertising, an area that has for years been only marginally interesting to policymakers and the expert community.

IZOSTANAK REGULACIJE PONAŠANJA ŠTAMPANIH I ONLAJN MEDIJA TOKOM IZBORNE KAMPANJE

Televizija, uporedno gledano i ne samo u Srbiji, podleže čvršćoj regulaciji zbog svog dometa i uticaja jer se i dalje radi o mediju koji je najuticajni u političkoj komunikaciji. Dok je zadržavanje labavije i fleksibilnije regulacije štampe i Interneta van kampanje donekle opravdano, dosadašnja praksa izbornih kampanja i uočeni problemi sugerišu da je neophodno regulisati ponašanje štampanih i onlajn medija na koherentniji i čvršći način. Njihov uticaj je veliki, a najviše se ogleda kroz pokretanje tema koje su važne i za definisanje šire političke agende. Ujedno, ne postoji regulatorno telo za ove medije koje bi moglo da definiše pravila i vrši nadzor nad njihovom primenom. Savet za štampu je samoregulatorno telo i zavređuje poverenje šire javnosti ali na neuređenom tržištu štampe sa prisutnim političkim uticajem ne može da bude dovoljna brana neprofesionalnim standardima pojedinih medija.

LACK OF ELECTION CAMPAIGN STANDARDS FOR PRINT AND ONLINE MEDIA

Both in Serbia and elsewhere, television is subjected to closer regulation due to its broad reach and significant influence on political communication. Whilst there may be some merit to retaining looser and more flexible rules for print and online media outside of political campaigning, practice to date has shown that these media outlets also ought to be regulated more consistently and firmly. Their influence is substantial, as is their ability to raise important issues and drive the broader political agenda. There is no entity charged specifically with these outlets to set the rules and oversee their implementation. The Press Council is a self-regulating body that has earned public trust, but, in an unregulated market subject to political influence, it cannot mount an effective defence against unprofessionalism shown by some outlets.

IZOSTANAK KONTROLNIH MEHANIZAMA KOJI GARANTUJU ISPUNJENOST ZAKONSKIH ODREDBI

U regulaciji ponašanja medija tokom kampa-
nja postoje odredbe koje treba da obezbede
fer i nediskriminatorne uslove za sve političke
subjekte, ali ne postoje mehanizmi koji bi
trebalo da garantuju ispunjenost tih odredbi.
Tipična su dva primera koje bi bilo neophodno
adresirati u budućim promenama, a gde se
ovaj problem najbolje vidi. Prvi, u članu 5, stav
2 Zakona o izboru narodnih poslanika kaže se
da su „sredstva javnog obaveštavanja dužna
da obezbede ravnopravnost u obaveštavanju o
svim podnosiocima izbornih lista i kandidata
sa tih lista.“ Drugi primer je član 5, stav 3 istog
zakona koji kaže da su „izborna propaganda
preko sredstava javnog obaveštavanja i javnih
skupova i objavljivanje procene rezultata izbo-
ra zabranjeni 48 časova pre dana održavanja
izbora do zatvaranja biračkih mesta.“ Budući
da REM ne radi sistematski monitoring (ili ga
radi, a ne objavljuje), u oba slučaja nema ga-
rancija da li su zakonske odredbe ispoštovane
jer ne postoji kontrolni mehanizam. Tumačeći
propise na svoj način, REM ne prati samoinici-
jativno i sistematski medije, već reaguje samo
na osnovu pojedinačnih prijava što u praksi
dovodi do toga da ne postoji nikakav uvid u to

LACK OF COMPLIANCE CONTROLS

There are regulations that should ensure me-
dia outlets provide a level playing field for all
political groups, but mechanisms to guarantee
compliance with those rules are lacking. Any
future reforms should address two cases in
point. Firstly, Article 5(2) of the Law on the
Election of Members of Parliament (which
applies, as may be appropriate, to local elec-
tions) stipulates that ‘means of public infor-
mation shall be required to ensure equality in
providing information about all proponents
of electoral lists and candidates appearing on
such lists’. Secondly, Article 5(3) of the same
law states that ‘there may be no electoral
advertising in means of public information
or at public gatherings, nor of publication of
projected election results, from 48 hours be-
fore the day of the election to the closing of
polling stations’. As the REM does not engage
in systematic monitoring (or does not publish
any findings even when it does do so), there
are no guarantees of either of these two pro-
visions being complied with as no controls
are in place. The media regulator REM has
been interpreting regulations as it has seen
fit, and has not been monitoring the media
either at its own initiative or systematically.

kako su mediji izveštavali u kampanji, kakvim tonalitetom i kakva je bila raspodela vremena, usled čega građani nemaju nikakav uvid da li je ugrožena ravnopravnost i nediskriminatorni pristup prema različitim političkim subjektima. U takvoj situaciji javnost može samo da pretpostavlja da li je ravnopravnost svih izbornih lista i ostvarena kao i da li je došlo do kršenja izborne tišine.

REGULISANJE IZBORNE TIŠINE

Izveštaji domaćih i međunarodnih posmatrača ukazuju da nije obezbeđena ravnopravnost političkih subjekata u izornoj tišini niti da postoje adekvatne sankcije za one koji tu tišinu i prekrše. Praksa pokazuje da se 48 sati pre glasanja, izborna tišina neretko krši najčešće i to kroz onlajn medije, SMS poruke, oglašavanje u javnom prostoru, te da nije jasno koji je državni organ nadležan za pojedinačna kršenja ovih odredbi i da ne postoji jasan monitoring ponašanja medija u tih 48 sati pre dana za glasanje. Na sve to, član 108. Zakona o izboru narodnih poslanika kaže da će se „novčanom kaznom od 100.000 do 600.000 dinara kazniti za prekršaj organizacija koja objavi procenu rezultata izbora ili prethodne rezultate izbora, suprotno odredbi

Rather, it has been reacting only to individual complaints, which has meant there has been no opportunity for the public to learn of any threats to the equality or non-discrimination of political groups. As such, members of the public can only surmise whether all political groups have been treated impartially and whether this ban on campaigning, or ‘electoral silence’, has been respected.

REGULATION OF PRE-ELECTION BAN ON CAMPAIGNING

Both Serbian and foreign election observers have found that political groups have not been treated impartially during the statutory pre-election media blackout, as well as that there are no meaningful sanctions for breaching it. Practice has revealed the 48-hour blackout is regularly violated, including by online media outlets and through text messages and out-of-home advertising. It is not clear which government body is responsible for investigating breaches, and there is no consistent media monitoring in the course of the 48 hours ahead of polling day. Moreover, Article 108 of the Law on the Election of Members of Parliament envisages a misdemeanour fine of ‘between 100,000 and 600,000 dinars’ levied on ‘any organisation that publishes projected election results, or the results of a prior

člana 5. stav 3. ovog zakona“ što nas dovodi do paradoksa da postoji kazna za objavljivanje procene rezultata izbora, što se u praksi ne dešava, ali ne postoji kazna za kršenje izborne propagande.

KOHERENTNIJA REGULACIJA POLITIČKOG OGLAŠAVANJA I OGLAŠAVANJE VAN IZBORNE KAMPANJE

U Zakonu o oglašavanju postoji samo jedan član koji je posvećen političkom oglašavanju, bez ikakve razrade ili izdvajanja specifičnosti ovog tipa oglašavanja. To je premalo i kontraproduktivno imajući u vidu učestalost izbornih kampanja, kontroverze koje se u tom procesu javljaju i, najvažnije obim, značaj i veličinu (političkog) oglašivačkog tržišta. Taj član (član 3, stav 3) govori o primeni zakona na „izborne kampanje i druge promotivne aktivnosti političkih organizacija, koje se vrše u skladu sa propisima koji uređuju izbore, kao i propisima koji uređuju elektronske medije“. Budući da navedeni propis nije uvažio nijednu specifičnost političkog oglašavanja, ostavljen je veliki prostor za netransparentan proces u zakupu medijskog prostora, čime je javnost uskraćena za važne informacije o ravnopravnosti političkih subjekata. Ovde nije kraj s problemima političkog oglašavanja jer se u

election, in contravention of Article 5(3)'. Paradoxically, there is a fine for publishing election forecasts, which never happens, but no penalty is envisaged for political advertising, an almost regular occurrence.

CONSISTENT REGULATION OF POLITICAL ADVERTISING DURING AND OUTSIDE ELECTION CAMPAIGNS

Only one article of the Advertising Law is devoted to political advertising, and it does not elaborate on or address any of the specific aspects of this type of promotional communication. This is insufficient and counterproductive in view of the frequency of election campaigns, their controversies, and, crucially, the importance and value of the (political) advertising market. The provision (Article 3(3)) extends application of the Advertising Law to 'election campaigns and other promotional activities by political groups performed in accordance with regulations governing elections and regulations governing electronic media.' This lack of attention to the nature of political advertising has allowed opaque media buying practices to proliferate, preventing the public from understanding whether political groups are treated fairly. This is not the only issue with political advertising: Article 57(5) of the

članu 47, stav 5. Zakona o elektronskim medijima kaže da je „pružalac medijske usluge, u odnosu na svoj programski sadržaj, u skladu sa svojom programskom koncepcijom, dužan da: poštuje zabranu političkog oglašavanja van predizborne kampanje, a u toku predizborne kampanje da registrovanim političkim strankama, koalicijama i kandidatima obezbedi zastupljenost bez diskriminacije.“ Ovako definisan član proizvodi dve vrste problema u praksi. Prvo, kršenje ove odredbe putem tzv. prikrivenog oglašavanja kada se promovišu pojedini politički subjekti van forme oglašavanja kroz emitovanje reportaža, dokumentarnih filmova, PR priloga, skupova i tome slično. Drugo, nije nemoguće govoriti o zastupljenosti bez diskriminacije ako se ne radi sistematski monitoring medija, o čemu smo već govorili. Ujedno, nepostojanje slične odredbe o političkom oglašavanju van predizborne kampanje za druge vrste medija ozbiljno dovodi u pitanje ravnopravnost političkih subjekata budući da su česti primeri da se politički subjekti promovišu u drugim medijima – kroz oglašavanje u javnom prostoru (OOH), na primer.

Law on Electronic Media stipulates that ‘taking into account its programming content, a media service provider shall be required to [...] respect the ban on political advertising outside of election campaigns, and, during such campaigns, permit registered political parties, coalitions and candidates to be represented without discrimination’. As currently worded, this provision has been causing two types of problems in practice. Firstly, some political organisations have benefited from surreptitious advertising, for example through day-to-day media reporting, documentary programmes, public relations features, events, and the like. Secondly, as noted above, non-discrimination can only be ensured by means of systematic media monitoring. Moreover, the lack of a similar provision governing political advertising in non-campaign contexts for other types of media seriously jeopardises the equality of political groups, as political organisations often promote their views outside election campaigns in other media, such as, for instance, out-of-home advertising.

OBEZBEĐIVANJE JEDNAKIH I NEDISKRIMINATORNIH USLOVA ZA POLITIČKO OGLAŠAVANJE

Javnost nema uvid da li je oglašavanje dostupno svim političkim subjektima pod jednakim i nediskriminatornim uslovima. Iako tu jednakost REM u načelu daje (član 10, stav 1 Pravilnika o obavezama pružalaca medijskih usluga tokom predizborne kampanje) i kaže da je „pružalac medijske usluge dužan da emituje političke oglasne poruke svih zainteresovanih podnosilaca izbornih lista i kandidata pod jednakim programskim, tehničkim i finansijskim uslovima“, u praksi je nemoguće utvrditi da li se to zaista i poštuje. Sam po sebi ovaj član ne sadrži ništa sporno, tim pre što postoji monitoring političkih oglasa od strane Regulatora (iako skroman i sa brojnim nedostacima), ali ako ne postoji uvid u uslove pod kojima se politički subjekti oglašavaju i (ili) cenovnik oglasa unapred poznat svim zainteresovanim subjektima sa jasnom kontrolom na kraju procesa, teško je govoriti da li su svi politički subjekti imali jednake programske, tehničke ili finansijske uslove. Uslovi u izbornim kampa-

EQUAL AND NON-DISCRIMINATORY ACCESS TO POLITICAL ADVERTISING

Observers are unable to ascertain whether all political groups have access to advertising under equal and non-discriminatory conditions. Although the REM does make this guarantee in principle (in Article 10(1) of the Election Campaign Rules for the Media) by stating that ‘media outlets are required to broadcast political advertising of all interested proponents of electoral lists and candidates under the same programming, technical, and financial conditions’, in practice it is impossible to verify whether this requirement is actually complied with. In and of itself this provision is not controversial, all the more so as the REM monitors political advertising (albeit in a limited fashion and with many shortcomings). Nevertheless, unless conditions under which political stakeholders can advertise are disclosed, and/or unless advertising rates are available in advance to all potential advertisers, with clear controls in place at the end of the process, it is difficult to claim that all participants actually benefit from ‘the same programming, technical, and financial conditions’. Political advertising must be accessible to all under equal

njama moraju da budu jednaki za sve, za razliku od komercijalnog oglašavanja gde to ne mora bude slučaj, a u zavisnosti od budžeta koji su kompanijama na raspolaganju. Deo problema čine i plaćeni termini (ili iznajmljeni termini) koji predstavljaju institut koji se uvodi kroz podzakonska akta REM-a, a koji zahteva preciznija određenja kako se ne bi ponovile greške iz prošlosti kada je regulator dozvoljavao i do 120 minuta plaćenih termina.

PREPORUKE ZA PONAŠANJE MEDIJA U IZBORNIM KAMPANJAMA

Reforma regulative u izbornoj komunikaciji je vrlo kompleksan posao jer je disperzirana u više zakona i podzakonskih akata, nekoherentna je i neusaglašena i intervencije su potrebne na različitom nivou i u različitom obimu. Istovremeno, ovo je oblast u kojoj bi se i sa postojećom regulativom mogao da sprovede solidan izborni proces, ali je dosadašnje iskustvo sa REM-om (nekada RRA) pokazalo da se radi o slaboj, pasivnoj i na političke pritiske osetljivoj instituciji.

conditions, unlike commercial advertising, which need not be so (as businesses may differ in their advertising spending). The problem is compounded by the so-called 'paid advertising spots' (also referred to as 'leased airtime'), allowed under the REM's byelaws but not recognised in the Advertising Law. This format ought to be controlled more tightly to avoid a repeat of past errors where the regulator used to allow such slots lasting up to 120 minutes each.

RECOMMENDATIONS FOR MEDIA STANDARDS IN ELECTION CAMPAIGNS

Reforming electoral communication regulations is a complex exercise, as the rules are dispersed amongst numerous laws and byelaws and are inconsistent and contradictory; interventions of varying degrees are required at a number of levels. Even current regulations could guarantee a robust electoral process, but experience has shown that the REM (formerly the National Broadcasting Agency, or RRA) is weak and passive, and remains amenable to political pressure.



PREPORUKA 1: OBAVEZ- NOST FORMIRA- NJA NADZORNOG ODBORA ZA PRAĆENJE IZBORA ILI UVOĐENJE REGULATORNOG TELA ZA NADZOR ŠTAMPANIH I ONLAJN MEDIJA U IZBORNIM KAMPANJAMA

Predlažemo da se reguliše ponašanje štampanih i onlajn medija kroz jasne odredbe o (1) obaveznosti formiranja Nadzornog odbora Narodne skupštine za praćenje izbora i definisanjem obaveznosti formiranja ovog tela na lokalnom nivou (kroz Zakon o lokalnim izborima) koji bi, između ostalog, kontrolisao i „sredstva javnog obaveštavanja“ tokom kampanje i (ili) (2) kroz delegiranje ovih nadležnosti budućoj profesionalizovanoj izbornoj administraciji odnosno Centralnom izbornom telu. Istovremeno, predlažemo da ovo rešenje ili oba rešenja postanu i deo Pravilnika o obavezama pružalaca medijskih usluga tokom predizborne kampanje koji bi pretrpeo korenite izmene i sveobuhvatno inkorporirao sve važne zakonske odredbe u taj podzakonski akt.



RECOMMENDATION NO.1: REQUIRE THE CREATION OF A PARLIAMENTARY OVERSIGHT COMMITTEE FOR ELECTION MONITOR- ING OR A REGULATOR FOR PRINT AND ONLINE MEDIA IN ELECTION CAM- PAIGNS.

We recommend that print and online media be regulated through clear provisions (1) mandating the creation of an Parliamentary Oversight Committee for Election Monitoring and requiring a similar entity to be established at the local level (under the Local Elections Law), with responsibilities that would include overseeing media outlets in the course of election campaigns; and/or (2) delegating media oversight duties to a future professional electoral administration or a Central Electoral Body. We also recommend making either solution (or both) part of the REM's Election Campaign Rules for the Media that would be thoroughly overhauled so as to incorporate all relevant statutory provisions.



PREPORUKA 2: UVOĐENJE OBAVEZNOG I SISTEMATSKOG MONITORINGA MEDIJA I MONITORINGA SPOTOVA/PLAĆENIH TERMINA U POLITIČKOM OGLAŠAVANJU

Kako bi se obezbedili mehanizmi za adekvatno praćenje primene zakonskih rešenja, potrebno je jasno i nedvosmisleno definisati obavezu (kroz Zakon o elektronskim medijima i/ili Pravilnik REM-a) da regulator mora sistematski i samoinicijativno da radi monitoring izveštavanja medija i plaćenog oglašavanja i da o tome obavesti javnost, tokom kampanje periodično i sveobuhvatno kroz finalni izveštaj nakon završetka kampanje. Precizirati odredbu da REM tokom kampanje mora sistematski da monitoriše medije, sankcioniše eventualna kršenja propisa u veoma kratkim rokovima zbog prirode takvih sankcija u kampanjama (do 48 sati) i o tome obavesti javnost (periodično na 15 dana u kampanji i po završetku izbora, 30 dana od dana za glasanje). Samo uz sistematski medijski monitoring možemo da imamo uvid da li su mediji imali jednake i nediskriminatorne uslove za sve političke subjekte i da li je došlo do kršenja izborne propagande tokom izborne tišine.



RECOMMENDATION NO.2: INTRODUCE MANDATORY AND SYSTEMATIC MONITORING OF MEDIA CONTENT AND PAID POLITICAL ADVERTISING SLOTS.

To ensure meaningful compliance controls are in place, the regulator must be clearly and unambiguously required (in the Law on Electronic Media and/or the REM's Rules) to perform unprompted systematic monitoring of media reporting and paid advertising and publicly and comprehensively report the results once the campaign has ended. The REM must have the obligation to monitor the media systematically in the course of the campaign, sanction any non-compliance promptly (within 48 hours) given the time constraints of the election context, and release public reports (every 15 days during the campaign and 30 days after polling day). Only such thorough media monitoring will allow an assessment of whether the media have offered equal and non-discriminatory access to all political groups and whether campaigning has been allowed to continue during the pre-election blackout period.



PREPORUKA 3: UVOĐENJE SANKCIJA ZA KRŠENJE IZBORNE TIŠINE U MEDIJI- MA

U vezi sa izbornom tišinom, napominjemo da postoji kazna za procenu rezultata izbora što se u praksi ne dešava, ali ne postoji kazna za kršenje izborne propagande (putem medija), što se, neretko, dešava. Definisati novčanu kaznu za organizacije koje prekrše izbornu propagandu preko sredstava javnog obaveštavanja ili javnih skupova i shodno tome promeniti član 108. Zakona o izboru narodnih poslanika koji kaže da će se „novčanom kaznom od 100.000 do 600.000 dinara kazniti za prekršaj organizacija koja objavi procenu rezultata izbora ili prethodne rezultate izbora, suprotno odredbi člana 5. stav 3. ovog zakona.“ CeSID predlaže i korenite promene koncepta izborne tišine jer je ovaj institut, kako je sada definisan, prevaziđen i predug. Skraćenje instituta na 24 sata uoči glasanja, jasno definisano kontrolno telo i dobro odmerene sankcije su prvi koraci koje je na tom putu neophodno uraditi.



RECOMMENDATION NO.3: SANCTION NON-COMPLI- ANCE WITH THE PRE-ELEC- TION BLACKOUT PERIOD.

A fine is currently envisaged for publishing election forecasts during the 48-hour blackout ahead of an election, which never happens, but no penalty is envisaged for campaigning (in the media), an almost regular occurrence. A fine should be introduced for groups that continue electioneering during the blackout by an amendment of Article 108 of the Law on the Election of Members of Parliament, which, as it stands now, envisages a 'misdemeanour fine of between 100,000 and 600,000 dinars' levied on 'any organisation that publishes projected election results, or the results of a prior election, in contravention of Article 5(3)'. CeSID also proposes a thorough overhaul of the now obsolete and excessively long blackout period. Shortening the blackout to 24 hours ahead of polling day, introducing a clearly defined oversight body, and prescribing meaningful sanctions for non-compliance are the first steps that ought to be taken in this regard.



PREPORUKA 4: UVOĐENJE STRIKTNIJIH PRAVILA ZA POLITIČKO OGLAŠAVANJE I OGLAŠAVANJE VAN PREDIZBORNE KAMPANJE I JAVNO OBJAVLJIVANJE CENOVNIKA POLITIČKOG OGLAŠAVANJA NA POČETKU KAMPANJE

Potrebno je dodati (u Zakonu o oglašavanju), kroz jedan ili nekoliko članova, deo o političkom oglašavanju koji bi izdvojio i naglasio ključne specifičnosti političkog oglašavanja, jer se ono u velikoj meri razlikuje od komercijalnog oglašavanja, ponajviše u pogledu obezbeđivanja potpuno nediskriminatornog pristupa svim političkim subjektima. Potrebno je definisati jasnu odredbu da svi mediji imaju obavezu da, uoči izbora, javno objave cenovnike političkog oglašavanja, koji bi, bez diskriminacije, važili za sve političke subjekte, pod apsolutno identičnim uslovima, što bi kontrolisala Agencija za borbu protiv korupcije.



RECOMMENDATION NO.4: INTRODUCE STRICTER RULES FOR POLITICAL ADVERTISING AND ADVERTISING OUTSIDE POLITICAL CAMPAIGNS, AND PUBLICLY DISCLOSE RATES FOR POLITICAL ADVERTISING AT THE BEGINNING OF THE CAMPAIGN.

One or more new articles should be introduced into the Advertising Law to regulate political advertising. These provisions would acknowledge its substantial difference from commercial advertising, primarily in terms of the need to ensure a completely level playing field for all political groups. There ought to be a clear requirement for all media outlets to publicise political advertising rates before an election; these would then apply to all political groups, without discrimination, under absolutely identical conditions and subject to oversight by the Anti-Corruption Agency.



PREPORUKA 5: UNAPREDITI MONITORING I KONTROLU POLITIČKOG OGLAŠAVANJA

Potrebno je dodatno unaprediti monitoring političkog oglašavanja (taj posao na bazičnom nivou sada radi REM) imajući u vidu njegovu zastupljenost i značaj u kampanjama. Precizirati jasnu metodologiju i merljive indikatore i jasno urediti obavezu medija da objave uslove pod kojima su omogućili političko oglašavanje u izbornoj kampanji kao i realizovane medijske planove u pogledu političkog oglašavanja. Ova preporuka je i direktnoj korelaciji sa preporukom o tripartitnoj verifikaciji troškova od strane Agencije za borbu protiv korupcije (videti *Preporuke za finansiranje izbornih kampanja*).



RECOMMENDATION NO.5: IMPROVE MONITORING AND CONTROL OF POLITICAL ADVERTISING

Improve monitoring of political advertising (this is now performed at a basic level by the REM), given its broad reach and influence on campaigns. Introduce a clear methodology and measurable indicators and require the media to publicise the conditions under which they allowed political advertising in the course of a campaign, and how political advertising media plans were executed. This suggestion is also directly linked to the recommendation calling for tripartite cost verification by the Anti-Corruption Agency (see the Recommendations for Political Campaign Finance).