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De-Europeanization in the Balkans. Media freedom in post-Milošević Serbia

Antonino Castaldo^a and Alessandra Pinna^b

^aInstituto de Ciências Sociais da Universidade de Lisboa, Lisboa, Portugal; ^bFreedom House, Washington, USA

ABSTRACT

While the Europeanization literature has focused extensively on analysing progress towards the adoption of the European model, scant attention has been devoted to cases of resistance and contestation, which may lead to the emergence of a new phenomenon identified as de-Europeanization. In order to inquire on this phenomenon, a case study analysis will be applied to Serbian media freedom. Is this sector undergoing a process of de-Europeanization while the country is progressing toward full EU membership? The analysis demonstrates the recent consolidation of a de-Europeanizing trend, coinciding with the return to power of former Milošević ruling parties.

KEYWORDS

Europeanization; De-Europeanization; media freedom; enlargement countries; Western Balkans; Serbia

Introduction

Europeanization has become one of the most widely used theoretical approaches for studying the EU and its impact on domestic policies, institutions, and political processes of both member states and candidate countries, particularly with regard to its Eastern enlargement (Börzel & Risse, 2007; Featherstone & Radaelli, 2003; Graziano & Vink, 2006). The role played by the EU conditionality in Central and Eastern Europe represented during the 2000s a success story in the EU's foreign policy history since EU rules, values and norms had been successfully exported (Schimmelfennig & Sedelmeier, 2005). A new wave of enlargement in the Western Balkans and Turkey was initially expected to replicate this successful outcome. However, an overview of these cases shows that the EU conditionality has delivered mixed results. While Croatia joined the EU in 2013, Bosnia-Herzegovina and Kosovo were unable to start the accession process; Albania, Macedonia, Serbia, Montenegro and Turkey are all formal candidate countries with various compliance problems, which in some cases led to a stalled accession process (i.e. Turkey) (Gordon, 2010). Moreover, even in Central and Eastern European cases like Hungary and Poland growing concerns have recently emerged with regard to processes that represent a departure from European rules, values and norms. Hence, Europeanization may not be a linear process where EU pressures, through mechanisms of coercion, socialization or persuasion, will eventually lead recalcitrant states to comply with EU demands. In fact, the above cases confirm that Europeanization may progress, stall or even regress across time and issue

CONTACT Antonino Castaldo  antonino.castaldo@gmail.com  Instituto de Ciências Sociais da Universidade de Lisboa, Av. Professor Aníbal de Bettencourt 9, 1600-189 Lisboa, Portugal

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areas, both among member states and candidate countries. The Europeanization literature has focused extensively on analysing progresses toward the adoption of the European model; however, scant attention has been devoted to cases where EU inputs have met resistance and contestation on the ground (Börzel & Risse, 2009, p. 11), which eventually may lead to the emergence of a new phenomenon identified as de-Europeanization (Aydın-Düzgit & Kaliber, 2016).

In order to analyse the phenomenon of de-Europeanization, we focus our attention on Serbia and, in particular, on the sectors connected with media freedom. The reasons are manifold. First, being under the pre-accession conditionality—which has proved to be more effective respect to the post-accession conditionality oriented to EU member states—Serbia should be less affected by the phenomenon of de-Europeanization. Second, historically Serbia has always played a strategic role for the stability of the Balkans and this resulted in receiving high levels of attention and resources by relevant international actors, with the EU being the most active. Hence, and thirdly, Serbia has been constantly and intensely targeted by the EU conditionality since the downfall of Slobodan Milošević in 2000, making Europeanization the most likely outcome to be expected. Forth, freedom of expression and information represents one of the fundamental values that form the basis of the EU; it is an intrinsic part of the Copenhagen accession criteria and represents a precondition for implementation of other rights and freedoms. Moreover, freedom of expression and information is crucial to establish a functioning democracy: independent media create indispensable checks and balances on democratic governments putting pressures on political actors, fostering public debates and enhancing public awareness on political phenomena. Fifth, and perhaps the most important justification for selecting sectors connected with media freedom for this analysis, the publication of the ‘Guidelines for EU support to media freedom and media integrity in Enlargement countries, 2014–2020’ (European Commission, EC, 2014a) identifies an explicit European model formally elaborated by the EU and directed precisely to new enlargement countries like Serbia: this document represents a crucial tool for the analysis of (de)-Europeanization trends in post-2000 Serbia, unavailable in such a structured form for other sectors. Sixth, domestic and international actors have expressed growing concerns with regard to the consistent resistances emerged in this sector (EC, 2014b, 2015, 2016): a recent report of the Serbian Anti-Corruption Council states that in Serbia ‘the Government controls media instead of media controlling Government’ (2011, 2015). Finally, there is hardly any recent analysis focusing on these phenomena, neither with regard to Serbia as a whole nor in relation with its media freedom.

The aforementioned worrying developments are quite puzzling in a candidate country intensely targeted by the EU conditionality, and could represent evident signs of de-Europeanization. Hence, is Serbian media freedom undergoing a process of de-Europeanization despite the country is still slowly progressing in its formal accession process? In order to answer to this research question, in the next sections we provide a brief overview of the literature on Europeanization, de-Europeanization and the Serbian case. Then, the empirical analysis starts with the identification of the EU standards on media freedom, followed by a brief discussion of the historical evolution of this sector in Serbia, with specific reference to the Milošević’s regime. The last fifteen years are divided into three phases, which delineates the major changes in government: 2000–2008 (Democratic Opposition of Serbia, DOS); 2008–2012 (pro-EU parties are dominant within the government);

2012-present (former Milošević regime's successor parties control the government). In each of these periods, an analysis of media laws, their implementation processes, and the praxes related to this sector, will be conducted in order to assess the presence of Europeanization and de-Europeanization trends. Finally, a brief speculation about the possible causes accounting for these processes will be proposed in the concluding remarks.

This paper aims to contribute to the literatures on Europeanization and EU integration, highlighting the emergence of the new phenomenon of de-Europeanization in the Balkan region. Moreover, recent developments in countries like Hungary and Poland may suggest that other examples of this phenomenon could be found even in EU member states, perhaps leading to the emergence of a brand-new field of research in European studies.

Europeanization, De-Europeanization and the Serbian case

Although there has been a lively debate over the definition of Europeanization (Börzel & Risse, 2003; Cowles, Caporaso, & Risse, 2001; Featherstone & Radaelli, 2003), with specific regard to perspective and candidate countries, the term has generally identified 'the domestic impact of the EU' (Sedelmeier, 2006, p. 4), or a linear process of domestic adaptation to the EU model. This perspective is dominated by neo-institutionalist historical and rationalist approaches, which aim to explain domestic changes induced by the EU through the institutional 'goodness of fit' of domestic and European arrangements (Cowles et al., 2001; Knill & Lehmkuhl, 1999). According to these approaches, national institutions are considered homogeneous entities subjected to similar laws of change and adaptation under the impact of Europeanization (Delanty & Rumford, 2005; Kaliber, 2014). This kind of bias may lead to ignoring historical backgrounds and specificities of distinct cases, and underestimating deviancies and discontinuities in absorbing Europeanization (Aydın-Düzgit & Kaliber, 2016). Moreover, considering the EU conditionality as an objective and unilinear input coming from Brussels and systematically applicable to and experienced by all societies engaged in Europeanization in similar modalities (Kaliber, 2014) may lead to relevant underestimations of domestic actors, which are mostly seen as filters of EU rules and regulations. Instead, Europeanization should be seen as 'an interactive, iterative process between actors, domestic and European' (Featherstone & Kazamias, 2001, p. 12).

Aydın-Düzgit and Kaliber (2016) adopt a more sociologically sensitive approach to Europeanization, which is gaining ground in literature (Haughton, 2007; Jacquot & Woll, 2003; Ketola, 2013). According to Kaliber (2012, 2013, 2014), we need to distinguish between EU-ization and Europeanization: while the former refers to a formal and technical process of alignment with EU institutions, policies and legal structures, the latter has to be understood more as a socio-political and normative context. Hence, Europeanization is 'a context or situation where European norms, policies and institutions are (re-)negotiated and constructed by different European societies and institutions and have an impact on them' (Aydın-Düzgit & Kaliber, 2016, p. 4; see also Kaliber, 2014). Moving from this definition, the Authors consider de-Europeanization as 'the loss or weakening of the EU/Europe as a normative/political context and as a reference point in domestic settings and national public debates' (2016, p. 5). In this respect, de-Europeanization does not imply the non-existence of Europeanization; instead, it denotes the distancing of domestic contexts from the European system of norms, values and policy expectations (ibid, p. 6).

Hence, in this paper we consider de-Europeanization as a departure from the European model at the formal, institutional and policy levels and, to a certain extent, even more at the informal level where attitudes, values, praxes and ways of doing things may represent the first and most evident signs of de-Europeanization.

Recent developments in Serbia seem to show increasing resistance to Europeanization, despite the candidate status acquired in 2012 and the opening of negotiations on eight out of thirty-five chapters. The Serbian integration process qualifies at best as a slow and problematic journey. After Milošević's downfall, international actors considered Serbian democratization as the key to stabilize the Balkan region, and devoted a great deal of attention and resources to reach this goal. Just a month after the transition, Serbia entered into the Stabilization and Association Process with other West Balkan states. However, it took five years for Serbia to open negotiations with the EU for the Stabilization and Association Agreement (SAA), which were called off in 2006 due to the lack of Serbian cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Negotiations were resumed one year later, after the Serbian government showed just a formal commitment to achieve full cooperation with the ICTY. With the aim to support pro-EU parties in upcoming elections, the SAA was signed in 2008, as well as an Interim Agreement on trade and trade-related issues (Stahl, 2011). In 2009, the Visa liberalization for Serbian citizens travelling to the Schengen area entered into force, and the Serbian government officially submitted its application for the EU membership. The European Council granted the candidate status only in 2012, thanks to the complete Serbian cooperation with the ICTY and some improvements in the relations with Kosovo; however, the negotiation did not initialize before 2014.

This problematic journey has been clearly identified and analysed by the literature. With specific regard to the role played by the EU conditionality in sovereignty-related issues in West Balkans, Noutcheva (2009) states that the perceived lack of legitimacy of this policy led Serbia to react with 'fake compliance' in the case of its relations with Montenegro and non-compliance with Kosovo. According to Börzel (2011), which argues that the impact of the EU conditionality in the Balkans was affected by the issue of 'limited statehood,' Serbia represents a special case where stateness problems led to the unwillingness rather than incapacity to comply with the EU conditionality. Stahl (2011) argues that Serbia's poor compliance with EU demands depended on both EU and Serbian identity problems. On one hand, due to identity issues the EU pursued too many different goals which led to a 'perverted conditionality'; on the other hand, Serbia seemed unable to deal with its past in a way that was acceptable to the EU, and kept showing an identity dominated by nationalism and ethnic unresolved issues. According to Subotić (2010) neither the 'external incentive model' nor the 'social learning model' (Schimmelfennig & Sedelmeier, 2005) can account for a complete explanation of the difficult Serbian Europeanization process: despite consistent EU incentives and pressures as well as socialization and persuasion processes applied on Serbia, the Balkan country has been stuck in a 'stalled Europeanization.' Instead, the unreformed nationalist ideology, the presence of strong veto players, and mutually hostile strategies of domestic political elites are the main factors explaining this outcome.

Picturing the Europeanization of Serbia as difficult, slow, fake or even stalled may no longer be sufficient in discussing the current role and impact of the EU on this candidate country. In fact, respect to the 2000s very little attention has been devoted by the recent

literature to developments in the overall Europeanization of Serbia, and even less attention has been paid to the evolution of Europeanization in Serbian media freedom, which seems to point to a new direction that may be better explained by the concept of de-Europeanization.

EU standards on media freedom

Until the launch of the ‘Guidelines for EU support to media freedom and media integrity in Enlargement countries, 2014–2020’ (EC, 2014a), no clear EU standards on media freedom were available. Despite being included among the prerequisites of the EU accession process, only vague and limited indications were provided in Chapters 10 and 23. With the ‘Guidelines,’ the EU finally provided clear standards for media freedom to the candidate states. Since there is no widely accepted definition of this concept, this document is also relevant for understanding what media freedom is from an EU point of view.

To improve media freedom, the ‘Guidelines’ identify three main areas to work on:

- the legal, regulatory and policy environment related to the media sector;
- the quality of media outlets’ internal governance and outputs;
- the activities of journalist professional organizations (EC, 2014a).

Since the first area represents the basis for the others, it will be at the centre of our empirical analysis, although relevant aspects of the other two components will also be reported. Moreover, this area encompasses both formal and informal dimensions, evaluating norms and institutions as well as praxes and ways of doing things.

The ‘Guidelines’ break down each of the main areas in ‘goals,’ ‘results,’ ‘indicators’ and ‘means of evaluation.’ With regard to the first area, the goal is to identify ‘an enabling legal, regulatory and policy environment for exercising the rights of freedom of expression and media integrity’ (EC, 2014a, p. 6). The following are among the most relevant factors identified by the document. The Parliament has to play an important role vis-à-vis the Government in adopting norms in line with EU laws and principles. Public officials have to refrain from using defamation and other similar laws against critical media, which may have self-censorship effects. There should not be impression of ‘selective justice’ in the implementation of laws that have an impact on media outlets. Harassment and physical attacks of journalists decrease, and police and judiciary investigate and prosecute these cases in a timely manner. Rules on access to information are in place and fairly applied. Media sector’s regulatory authorities are established and function independently from political interference. Media ownership is transparent. Anti-monopoly regulations are in place and fines are proportionate. State advertising is managed in order to guarantee fairness and equal treatment. Investigative journalism counts on legal checks against informal economic pressures of advertising agencies or media owners/managers. Privatizations of public media outlets are carried out in a transparent and fair way. Internet remains free. Public service media are independent and pluralistic.

Regulations and practices that apply these standards highlight a trend of Europeanization in media freedom. Developments going in the opposite direction denote, instead, a process of de-Europeanization. The analysis will focus on both formal policies adopted

and, even more so, on their implementation as well as on dominant attitudes, praxes, and values in each given period.

Historical background of the Serbian media landscape

With the installation of the communist regime in 1945, Serbian media outlets became the mouthpieces of the government within the Socialist Federal Republic of Yugoslavia. The newspaper landscape was dominated by the Communist Party daily *Borba*, which published only official positions of the ruling party, and the daily *Politika*, which expressed the opinions of a wider group of anti-fascist and socialist forces. During this phase, the regime encouraged the diffusion of local print and electronic media financed and controlled by local authorities. Established in 1943, the *Telegraph Agency of the New Yugoslavia* played an important role in the development of Tito's communist regime. The launch of *Television Belgrade* in 1958 established a state monopoly on TV outlets (Matic & Rankovic, 2010). The communist control of the media system was gradually reduced in the 1970s and 1980s. In 1970, for example, a new radio station was established, *Studio B*, which was informative and educative such as *Radio Beograd* but also offered entertaining programmes. Moreover, it established the rule that no guest, even communist leaders, could talk for more than three minutes at a time; this represented a new and positive development in terms of fairness and impartiality (ibid.).

During the Milošević's regime, the media sector went through relevant changes. The system was de-monopolized, opening up to both national and local private independent media. At the end of 1990s, there were more than 1,000 media outlets in Serbia, with the vast majority being privately owned (NIT, 1998–2017). Considering the rapid, exponential growth of private media outlets, they soon faced problems of financial sustainability due to the limited development of the advertising market. Important media outlets, like *Radio B92*, survived thanks to funding provided by international donors (Matic & Rankovic, 2010). While private independent media were flourishing, authorities exerted increasing control over traditional public outlets, such as *Radio-Televizija Srbije (RTS)*, the newspapers *Politika*, or the media agency *Tanjug* (Goati, 2001). Hence, state owned media prevented any serious political debate, denying access and fair treatment to oppositions (NIT, 1998–2017), as their main function was to mobilize support for the government.¹ During the 1990s, the establishment controlled public media and limited the independence of private outlets through a deliberate manipulation of the chaotic legal framework on this matter; additionally, the government maintained its predominant position in the regulation of the media system, distribution of frequencies, ownership of terrestrial transmitters, production and import of newsprint, printing facilities and distribution networks. The leadership also purposefully made the transformation of media ownership more difficult and created a negative image of independent media, intimidated journalists, harassed media advertisers, and forcefully shut down media outlets (Kearns, 1999). Moreover, Milošević could count on close allies as owners of relevant private media outlets; for example, Željko Mitrović, a member of the JUL (Jugoslovenska Levica) party led by Milošević's wife, owned *TV Pink* and his close friend Bogoljub Karić owned *BK TV* (NIT, 1998–2017). Milošević's control over independent media was by far stronger during the Yugoslav wars and in particular crucial moments, such as the post-1996 local elections and the 1997 electoral campaign (NIT, 1998–2017). In 1998–1999 Kosovo crisis, a new

media law allowing the regime to shut down and impose punitive measures against dissident media was adopted by the then Minister of Information and current President Aleksandar Vučić; as a result, several newspapers, radio and TV stations were shuttered (Gallagher, 2000; Goati, 2001).

In conclusion, despite the opening of this sector to private independent media, during his regime Milošević created or exacerbated many structural problems of Serbian media freedom: a consistent role of local and national state institutions in the media sector, lack of independence of public media, control and harassment of private media, issues related to the ownership structures in the private sector, economic viability of independent media, etc.

A De-Europeanising trend. Media freedom in the Post-Milošević Era

Despite receiving the candidate status only in 2012, Serbia was under the EU conditionality since Milošević's downfall. In fact, in November 2000 Serbia (then Federal Republic of Yugoslavia, FRY) became a full participant in the Stabilization and Association Process (SAP). In July 2001, the European Council approved the establishment of a *Consultative Task Force—Enhancement Permanent Dialogue* after the crucial 2003 EU Council meeting in Thessaloniki—which was made up of EU and FRY delegations of experts. The Consultative Task Force met periodically to assess FRY's advance in the road toward the EU, identifying the most problematic issues and finding possible solutions (Stahl, 2011). Hence, the decision to start the analysis from the democratic transition appears fully justified.

We divided the period 2000–2016 in three phases, which delineate the major changes in government and their approach toward the EU integration process. The DOS governments (2000–2008) were characterized by a formal pro-EU orientation that was undermined by the conflicting positions of the main actors involved. The less enthusiastic pro-EU orientation of Vojislav Koštunica's governments (2004–2008) contributed to the stagnation of the reform process during the second part of this period. The second phase (2008–2012) was characterized by a government dominated by pro-EU parties (i.e. Democratic Party, DS) which raised the expectations for a new impetus in the EU accession process. Finally, starting from 2012 the governments of the Socialist Party of Serbia (SPS) and the Serbian Progressive Party (SNS) raised contrasting expectations: on one hand, they were the Milošević regime's successor parties, hostile to the EU for most of the 2000s; on the other hand, they have embraced a pro-EU orientation and pledged to speed up the EU integration process.

2000–2008: Slow and bumpy Europeanization

If compared with the Milošević regime standards, this first period of analysis was characterized by initial improvements in media freedom, which then stagnated (see [Figure 1](#)) especially because of the intense conflicting relations within the leadership, at first between President Koštunica and Prime Minister Zoran Đinđić (2000–2003), then between President Boris Tadić and Prime Minister Koštunica (2004–2008). Despite the adoption of many reforms, stimulated and guided by constant criticisms and advices present in the EU progress reports, which moved the Serbian media sector toward the

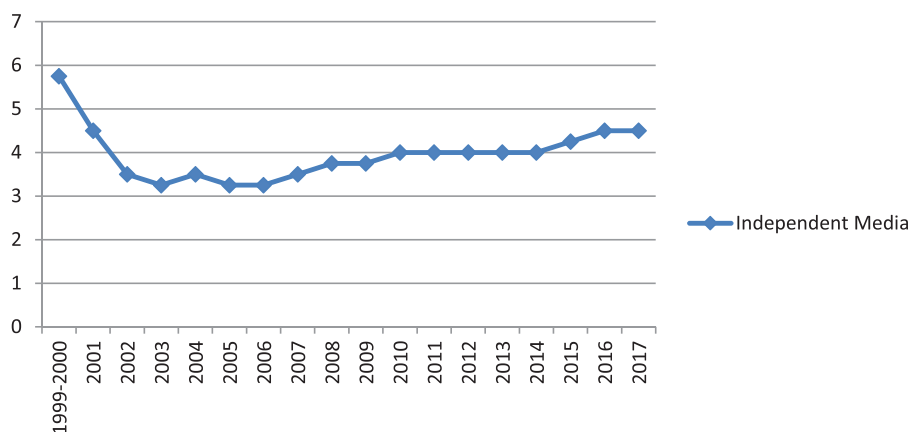


Figure 1. Serbia, Nation in Transit (NIT) Independent media Index 1999–2017. Source: Freedom House, Nation in Transit reports 1999–2017.

Note: The NIT index runs from 1 (most democratic) to 7 (least democratic). The ratings most relevant in our case are those in the middle: Semi-Consolidated Democracies (3.00–3.99) and Transitional or Hybrid Regimes (4.00–4.99).

European model, the implementation process has often been slow and incomplete, leaving some important features of the media system under Milošević almost intact.

One of the first decisions of the Đinđić government was to rescind the infamous 1998 Law on Public Information, which was used to thwart media freedom in the last years of the Milošević regime. Moreover, in June 2001 the government reimbursed several independent media outlets for the huge fines inflicted by the former regime. In 2001–2002, in order to align with EU requests, three important laws were drafted: the Telecommunication Act, the Public Information Act and the Broadcast Act. Only the latter was adopted by the end of 2002 (NIT, 1998–2017, 1998–2017). The main goal of the Broadcast Act was to create an agency that could fairly distribute radio and TV frequencies, and privatize public media outlets. This law was amended numerous times, which highlights the complex and slow process of implementation. The Broadcast Council was created in March 2003 but, as denounced by the EC (EC, 2004, 2006), problems related to the political influence of the Parliament in the selection process of the board members delayed the distribution of frequencies until April 2006 (Freedom of the Press, FoP, 2003–2016; NIT, 1998–2017).² Moreover, as noted by the EC in its Progress Reports (EC, 2005, 2006), amendments adopted between August 2004 and October 2006 further enhanced government influence over the *Republic Broadcasting Agency* (RBA) while strengthening its discretionary powers in distributing licences (FoP, 2003–2016; Freedom in the World, FiW, 2006, 2015).³ As critically stressed by the EU (EC, 2005), in the reform package adopted in August 2005 the government also postponed the privatization of public media until the end of 2007 (NIT, 1998–2017).⁴

The Telecommunication act was adopted in 2003 with the aim of introducing more competition in this sector, but the board of the Telecommunication Agency (RATEL) was not appointed until 2005 and became operational only in 2006, though the EC claimed it was in a chronic lack of resources (EC, 2005, 2006). However, a positive amendment adopted in April 2006 ensured the legal separation of entities providing different telecommunication services (internet, fixed telephony or mobile telephony) (EC, 2006).

In April 2003, the Parliament adopted the Public information act related to the rights and responsibilities of the media, but, as denounced by the EC in its Stabilization and Association Reports, a too vague definition of 'hate speech' increased the ability of courts to close media outlets and weakened the protection of journalistic sources (EC, 2003, 2004; FoP, 2003–2016). After repeated criticisms expressed by the EU (EC, 2003, 2004), a law on public accessibility to information was adopted in November 2004 but its formulation lacked clarity and its implementation was very slow (EC, 2005; FoP, 2003–2016; NIT, 1998–2017).

In September 2005, libel was finally decriminalized, in line with the position repeatedly expressed by the EC in its Stabilization and Association reports (EC, 2003, 2004). However, defamation was still punishable by high fines or up to six months in jail if the individual could not pay the fine (EC, 2005; FoP, 2003–2016; NIT, 1998–2017). Although the government refrained to use libel against journalists, which represented an improvement respect to the previous regime, individual ministers and exponents of the former Milošević regime did so frequently (FoP, 2003–2016; NIT, 1998–2017). Two important positive developments took place in mid-2000s: the end in June 2005 of the monopoly of fixed lines (EC, 2005) and the transformation of the Radio Television of Serbia (RTS) in a public service starting from the beginning of 2006. For the latter, the EU played extensive pressures and provided also official support (EC, 2003, 2006).

Despite the adoption of new laws, which very often were the result of EU pressures and criticisms, serious structural problems could still be identified during this phase. For example, during the state of emergency declared after Đinđić's assassination in March 2003, media freedom was heavily constrained (FoP, 2003–2016); tabloidization started to become a serious problem (NIT, 1998–2017); information on media ownership was ambiguous (FoP, 2003–2016); license fees were too high (FoP, 2003–2016); harassment and intimidation of journalists, even by important political actors, were not uncommon, especially during electoral periods (EC, 2005; FoP, 2003–2016, 2003–2016; NIT, 1998–2017, 1998–2017, 1998–2017); and self-censorship continued affecting Serbian journalism (FoP, 2003–2016). Finally, political interference over media was still heavy (EC, 2003, 2006). For example, in 2004, the government substituted the RTS Director with a loyalist and nominated a new board (FoP, 2003–2016). The situation at the local level was even worse. After the October 2004 local elections, public media were purged and packed with loyalists of local governments (FoP, 2003–2016; NIT, 1998–2017).

Despite the shortcomings described above, the first period post-Milošević represented a process of slow and bumpy Europeanization of media freedom. The improvements were evident, as testified by the NIT Independent Media Index (Figure 1). Moreover, the adoption of many new laws, influenced by EU pressures and criticisms, shows, on one hand, an EU-ization process, which is by itself an indicator of Europeanization, and, on the other hand, the at least partial and gradual acceptance of the EU model as the main reference point for the direction of reform and the praxes to adopt in this sector.

2008–2012: Unexpected signs of De-Europeanization

After the February 2008 unilateral Kosovo declaration of independence, the Koštunica government split and new elections were held in May. Thanks also to the EU support, which officially recommended to vote for 'pro-European' parties and strategically agreed to sign

the SAA just few weeks before the elections, Tadić's coalition 'Serbia for Europe' won with 39 per cent of the vote (Stahl, 2011). Despite the inclusion of Milošević's SPS as a junior partner, the Cvetković government (2008–2012) was numerically dominated by pro-EU parties and was clearly EU-oriented. However, as Figure 1 shows, not only media freedom in Serbia did not improve during these years, it worsened to a level identified by the NIT scale as corresponding to that of hybrid regimes and started to show the first signs of de-Europeanization.⁵

A new law adopted in August 2009, which specifically made endangering the safety of a journalist a crime (NIT, 1998–2017), is among the few positive steps undertaken during this period. Thanks to this new legislation, in 2010 three of the six suspects accused of threatening B92 journalist Brankica Stanković in late 2009 were sentenced to prison terms of 3 to 16 months (FoP, 2003–2016; NIT, 1998–2017).⁶ Although attacks and threats against journalists still constituted a serious problem (FoP, 2003–2016), the number of incidents declined during this period: just 13 cases reported in 2011 against 143 in 2008 (NIT, 1998–2017). After numerous criticisms from the EU (EC, 2005, 2006, 2009), a new law prohibiting unauthorized media concentration was adopted in 2009 (EC, 2011). However, its implementation was poor and results unsatisfactory. Finally, in September 2011 a new Media Strategy, strongly requested by the EU, was adopted, and it mainly focused on transparent media ownership and privatization (EC, 2010, 2011). With regard to the latter, the government committed itself to selling its stakes in media organizations, but by setting the deadline to March 2015 it ended up delaying a process that should have been already completed by 2005 under the 2002 Broadcast Law (FoP, 2003–2016).

Despite these small improvements, a number of laws adopted in this period show an initial path toward de-Europeanization. In this regard, the amendments to the Law on Public Information adopted in 2009 were among the most significant. They were highly criticized by leading national media companies, journalist associations, the International Press Institute, the OSCE, and the South East Europe Media Organization (NIT, 1998–2017). While increasing accountability and responsibility of media outlets, as requested and acknowledged by the EU (EC, 2010), the excessive severity of the penalties for the violation of professional standards and the non-registration of media outlets, and the provisions restricting the right of domestic legal persons to establish a media outlet infringed a decline on media freedom, leading to increased self-censorship and even the closure of some media organizations (EC, 2009, 2010; FoP, 2003–2016; NIT, 1998–2017). The RBA kept implementing and enforcing these new norms even though, in July 2010 the Constitutional Court ruled many of them as unconstitutional (EC, 2010; NIT, 2011).

In August 2009, the parliament passed the Law on National Minority Councils, which allowed government bodies to transfer control of public media outlets to minority councils. In this way, public outlets could continue avoiding privatization, moving in the opposite direction with respect to the current media legislation (EC, 2011; FoP, 2003–2016; NIT, 1998–2017). Thanks to the 2010 Electronic Communications Law, authorities were allowed to maintain a database on citizens' electronic communications, and security forces and police could have access to the information without prior permissions. This provision could negatively affect online communication as well as investigative journalism, particularly with regard to the protection of confidential sources (NIT, 1998–2017). During this

period, journalists were also prosecuted under the Data Security Act, which protects information of national security interests, public safety and foreign affairs (FoP, 2003–2016).

The financial sustainability of media outlets became a serious challenge in this period. The international economic crisis negatively affected the media system, which was already financially weak due to the highest license fees in the region and the excessive number of media outlets in the market. In 2011, there were more than 1,000 media organizations for just 7.1 million people (FoP, 2003–2016). This situation was aggravated by the 2009 amendments to the Personal Income Tax Law, which rising taxes on fees further impoverished journalists and other media staff (NIT, 1998–2017). Moreover, the Law on Cinematography adopted in 2011, which allowed the redistribution of funds collected from media outlets to the film industry, ensured broadcasting fees would be kept high (FoP, 2003–2016). Public initiatives to help the media sector had little or no impact; for example, in 2009 the reduction of the fees by the RBA was too small to be relevant (FoP, 2003–2016; NIT, 1998–2017). This economic weakness made political influence over most of the Serbian media outlets increasingly effective, since it enhanced their dependence on governmental subsidies and advertising purchases (EC, 2011; FoP, 2003–2016). According to a detailed report of the Serbian Anticorruption Council covering the period 2008–2010, the overall advertising market was around €160 million, and between €36 and €40 million (23–25 per cent) were coming from state institutions. These public funds were allocated via opaque and deeply politicized processes, under no supervision from any regulatory body monitoring public spending (2011, p. 4). An equally important aspect highlighted by this report is the lack of transparency in media ownership. Despite being explicitly forbidden by the broadcasting law, the presence of offshore companies in the media ownership structure made it impossible to determine who the real owner was in 18 out of the 30 most relevant media outlets analysed in the study (*ibid.*, pp. 4–5).

Overall, this phase highlights some relevant signs of de-EU-ization, which indicates the weakening of the EU model as a reference point for domestic reforms in the media sector. This represents an initiation of de-Europeanization, which comes unexpected because of the pro-EU orientation of the government.

2012–2016: Consolidating the De-Europeanization trend

In 2012, the successor parties of the former regime, the SPS and Tomislav Nikolić's Serbian Progressive Party (SNS), moderate and pro-European version of the Serbian Radical Party, won the parliamentary elections. Despite finishing third in the vote, SPS leader and former Milošević spokesperson, Ivica Dačić, became prime minister of a coalition government with the SNS. In the same month, Nikolić won the presidential elections. In the 2014 parliamentary elections, the SNS-led coalition 'A future we believe in' achieved an incredible victory gaining 158 seats out of 250. Aleksandar Vučić, SNS leader and former minister of information who drafted the infamous 1998 Law on Public Information, became prime minister of a coalition government with the SPS that had an 80 per cent parliamentary majority (NIT, 1998–2017). The same government was confirmed in the 2016 elections, although with a less significant parliamentary majority. Officially, these new governments were pro-European and had Serbian integration in the EU among their key priorities. However, as the NIT index in [Figure 1](#) demonstrates, media freedom deteriorated extensively in this period, with a clearer negative path after Vučić became prime minister in

2014.⁷ The signs of de-Europeanization that emerged during the previous period multiplied and consolidated in the following years, leading to a more evident departure from the European model of a free media environment.

On the Europeanization side, the Criminal Code was amended in 2012 to strengthen protection for journalists even though the maximum punishment was lowered from eight to five years in prison (FoP, 2003–2016). After numerous criticisms from the EU (EC, 2003, 2005, 2006, 2009, 2010), in 2013 the government established a commission to investigate the murders of three prominent journalists, Dada Vujasinović (1994), Slavko Ćuruvija (1999), and Milan Pantić (2001). So far, poor results have been achieved by this commission (EC, 2013, 2016; FoP 2003–2016). In June 2013, some important aspects of the Law on Electronic Communication were ruled out as unconstitutional (FoP, 2003–2016). However, the major improvements headed in the direction of Europeanization were three media laws adopted in August 2014 in order to implement the 2011 media strategy, which were repeatedly requested by the EU (EC, 2011, 2013): the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Service Broadcasting. Key aspects of these regulations were the definition of privatization steps for public media outlets, the establishment of a media register to ensure transparency of media ownership, the creation of a specific tax to finance RTS and RTV after 2016, and the institution of state grants to support coverages that serve the public interest for which media outlets have to compete (EC, 2014a; FoP 2003–2016).

As highlighted above, some of the key aspects leading to the consolidation of the de-Europeanization trend were related to the implementation process of these new regulations. For example, with regard to the competition for state grants there was no clear identification of monitoring institutions and official rules in order to determine if the tasks performed corresponded to the given definition of public interest. Hence, ample room for political influence was guaranteed (FoP, 2003–2016). In fact, according to the *Balkan Investigative Reporting Network* (BIRN), the majority of state funding to media outlets was granted through non-competitive processes (i.e. subsidies and contracts) (EC, 2014a; FoP, 2003–2016).⁸ Since state funds represented between 25 and 40 per cent of an already insufficient advertising market, self-censorship of journalists and soft-censorship of editors and managers became widespread because critical articles targeting powerful political actors could lead to the loss of crucial advertising contracts (EC, 2014b; FoP, 2003–2016, 2003–2016, 2003–2016; NIT, 1998–2017, 1998–2017).⁹

The privatization process of public outlets was finally completed in December 2015, with a consistent delay frequently stigmatized by the EU in several progress reports. Just 34 out of 73 public media outlets were privatized, 22 were given to employees, 4 transitioned to other industries and 13 closed. Among the former there were minority-language outlets and the historic news agency *Tanjug*, which nevertheless continued to publish on a smaller scale keeping only staff close to the agency's management director (FoP, 2003–2016). There are abundant claims that many of the privatized public media went to entrepreneurs close to the SNS, which were able to recoup the costs through grants provided by local authorities (NIT, 1998–2017, 1998–2017). Hence, a reform that was meant to increase media independence ended up decreasing it; for example, it has been reported that the new management of the *Radio-Television Pančevo* informally told employees that in order to keep their jobs they had to join SNS (NIT, 1998–2017).

The decline in media freedom in Serbia seems to be clearly linked to Vučić's SNS rise to power. In fact, it should not be considered as a coincidence that since 2014 the EU progress reports started to emphasize more and more insistently the deteriorating conditions for the full exercise of freedom of expression in Serbia (EC 2014b, 2015, 2016). According to the Independent Journalist Association of Serbia (NUNS), the radio show *Mental Exercises* was taken off the air in December 2013 mainly for political reasons, representing a disturbing example of unofficial censorship: the host had discussed Vučić's private life just before being cancelled (NIT, 1998–2017). In 2014, Olja Bečković, the host of an historic *B92* political talk show, claimed that her programme was cancelled on orders from Vučić. Other popular shows were taken off the air during this period as well (NIT, 1998–2017; FoP, 2003–2016). In May 2014, the OCSE's representative on media freedom, Dunja Mijatović, expressed concerns about the blocking of the *Teleprompter.rs* and *Drugastrana.rs* websites, which published critical reports about the prime minister.¹⁰ Vučić's reaction was vehement. He called Mijatović and other OCSE officials liars and demanded that the organization formally apologized for this attempt to smear him and his government (EC, 2014b; FIW, 2006, 2015; FoP, 2003–2016; NIT, 1998–2017). In the same month, the government declared a state of emergency following a severe flooding that devastated Serbia. During this period, several journalists were questioned and detained for reporting on the event (FoP, 2003–2016; NIT, 1998–2017). In August 2014, BIRN came under pressure after publishing a critical report against the government, which, according to Vučić, was inaccurate and financed by a wealthy businessman facing corruption charges. The newspaper *Informer* and other pro-government media accused BIRN journalists of being 'spies' backed by the EU (FoP, 2003–2016). In January 2015, after BIRN published a report on a case of misconduct in a public tender, the prime minister accused the investigative group of spreading lies and, even worse, he claimed that the EU was behind this attack aiming to destabilize his government. Public officials and pro-SNS media continued attacking BIRN in the following weeks (FoP, 2003–2016; NIT, 1998–2017). In November 2015, the pro-SNS daily *Informer* published a series of articles claiming that BIRN was funded by the EU as part of a project to bring Vučić down. In the same month, *TV Pink*, another pro-government media outlet, aired a four-hour special, which had among its guests the interior minister Nebojša Stefanović claiming that the EU funded BIRN and other media groups in order to destabilize Serbia (FoP, 2003–2016). In the same year, the former director of the daily *Kurir* accused the prime minister and the owner of the *Informer* of asking him to make false allegation about the *Kurir's* owner (NIT, 1998–2017). Moreover, the owner of the *Adria* media group claimed he had to disseminate biased news in favour of the government due to the threats received by the Vučić administration (FoP, 2003–2016). In March 2016, the *Informer* accused the director of the *Crime and Corruption Reporting Network* (KRIK) of being a 'French spy', publishing details that could only be obtained through illegal surveillance by security services (NIT, 1998–2017).

Independence of public media outlets weakened during this period. In 2016, a politically inspired purge of editorial staff in *Radio-Television Vojvodina* took place after the SNS gained power in the province. At least 14 editors and journalists were removed or demoted from their positions, while a number of critical news shows were taken off the air (NIT, 1998–2017). Overall, RTS overrepresented governing parties with respect to the oppositions, critical commentators and independent journalists (EC, 2015). The

implementation of the reform on financing public TVs left them underfunded and vulnerable to political influence (EC, 2016).

Other problems have emerged or intensified during this period. For example, public institutions are increasingly obstructing media's efforts to obtain public information, often willing to pay fines instead of disclosing the requested information (EC, 2015; FoP, 2003–2016). Media ownership remains non-transparent despite the establishment in 2015 of the public register envisaged by the laws adopted in 2014 (EC, 2014b; FoP, 2003–2016). Media bias in favour of incumbent parties during election campaigns became more evident. For example, before the 2014 parliamentary elections, the Democratic Party reported that local media controlled by the SNS suspended the service when its chairman Dragan Đilas was scheduled to make TV appearances (NIT, 1998–2017). Attacks on journalists intensified, increasing from 13 incidents reported in 2011 to 20 in 2014, and 34 in 2015. According to NUNS just 10 out of 34 incidents reported in 2015 were prosecuted and only two were solved (FoP, 2003–2016; NIT, 1998–2017). While the license fees remain very high and numerous media are in debt with the regulatory agencies, it has been reported that some of the media close to the governing parties have seen their tax debts rescheduled (EC, 2015; FoP, 2003–2016). Many important media closed down or changed their business strategy. For example, *TV B92* announced in 2014 that it would focus only on entertainment while *Radio B92* was closed (FoP, 2003–2016, 2003–2016; South East European Media Observatory, 2016). Due to little job security and low salaries journalists are often prone to political and economic pressures (EC, 2016). Despite defamation being decriminalized in 2012 (NIT, 1998–2017), in 2017 journalist Stefan Cvetković was sentenced to two years and three months in prison for defamation against three local SNS officials (Reporter without Borders, 2017).

In conclusion, media freedom in Serbia has clearly deteriorated in the past years. Respect to the previous phases, the analysis shows EU-ization and Europeanization going in partially different directions. In fact, the media laws adopted in 2014 represented a move toward EU-ization, since they implemented to a large extent the 2011 media strategy requested by the EU. However, the implementation process led most of the time to opposite results respect to the ones expected; for example, the privatization process of public media outlets, which was requested by the EU in order to improve pluralism, ended up in reducing media space since most of the privatized outlets were bought by businessmen close to the SNS. Major factors leading to the consolidation of a clear de-Europeanization trend of the Serbian media freedom are related to Vučić and his attitude respect to the media system. His direct attacks and harassments toward independent media outlets and his claims that some of them were funded by the EU in order to bring down his government and destabilize Serbia are among the most relevant indicators of 'the loss or weakening of the EU/Europe as a normative/political context and as a reference point in domestic settings and national public debates' (Aydın-Düzgüt & Kaliber, 2016, p. 5).

Conclusion

The goal of this paper was to explore the emerging phenomenon of de-Europeanization analysing the evolution of media freedom in Serbia since the 2000 democratic transition. Recent developments have challenged the idea that concepts like 'poor', 'fake' or 'stalled'

Europeanization can still be applied to this case. As the paper demonstrates, the tendencies emerged in the media and freedom of expression sectors can be better classified as part of a process of de-Europeanization, intended as a departure from the European model of media freedom, which is puzzling because Serbia has been constantly under the EU conditionality since 2000 and has progressed in its EU accession process.

Although it goes beyond the purpose of this paper, we can briefly speculate about the role played in this process by some of the most relevant factors. Starting from the international dimension, as Stahl (2011) clearly demonstrates, the EU conditionality toward Serbia has been 'perverted,' favouring goals aimed at reaching short-term stability rather than long-term 'civilization,' or the consolidation of a high-quality democracy to which media freedom belong. In fact, the key factors explaining Serbian progresses toward a full EU membership are its cooperation with the ICTY, the resolution of the Kosovo issue and the EU's willingness to support pro-EU political parties during elections (*ibid.*). In this sense, the EU has applied very weak direct incentives and pressures to induce Serbia to Europeanize its media sector, although many improvements in this area were the results of EU pressures and criticisms. This lack of a strong conditionality may have left a consistent freedom of manoeuvre to domestic actors in this sector. An important role has also been played by the international economic crisis, which, since 2009, aggravated the financial fragility of the Serbian media sector.

In order to explain the de-Europeanization processes in Serbian media freedom, attention and further researches should be focused also on domestic factors and actors (i.e. the role played by relevant veto players and the strategies of domestic political elites) to evaluate the modalities in which they handled the inputs coming from the EU. However, this does not mean that the de-Europeanization phenomenon should be explained only by agency-related approaches. In fact, with specific regard to media freedom in Serbia, the role played by legacies of the past, a typical structure-related factor, cannot be underestimated. The analysis in this article showed how legacies of the Milošević regime burdened the Serbian media sector since the 2000 transition, due also to the lack of a strong EU incentive structure in this sector. In particular, the mode of governance established during the 1990s, after the freer decades of the 1970s and 1980s, was not completely dismantled in the first part of the 2000s. On the contrary, even the former democratic opposition to Milošević resorted from time to time to instruments, praxes and ways of doing things similar to the 1990s, denoting the possible occurrence of political learning processes. Moreover, the worsening of the NIT Independent Media Index since 2008 shows a partial and growing temporal coincidence with the rise to power of the SPS, and in particular of the SNS and its leader Vučić. Both parties and their leaders, which represent a legacy of the Milošević regime, may have been effective 'carriers' of the ways the former regime used to manage the media sector, which constituted a radical departure from the European model, that is a process of de-Europeanization of media freedom in Serbia.

Notes

1. In the first half of the 1990s, the SPS and its smaller sister party JUL had 1.5–10 times more airtime than the oppositions (Dolenec, 2013, p. 168). During 2000 elections, several local newspapers were taken over by Milošević's allies and state-owned media obscured oppositions (Goati, 2001).

2. According to the Organization for Security and Cooperation in Europe (OSCE), this process was 'plagued by fundamental weaknesses, deliberate disregard of the law, and arbitrary decision making.' (Cited in NIT, 1998–2017).
3. According to the October 2006 amendment, the Government had to approve the RBA budget (FoP, 1998–2017).
4. At the end of 2005, there were still 150 public media outlets (NIT, 1998–2017).
5. The IREX's Media Sustainability Index (2008–2017) and Reporter Without Borders' World Press Freedom Index (2008–2017) confirm this negative trend in the period 2008–2012.
6. This sentence has been one of few exceptions since, normally, this kind of incidents were not properly investigated: in the period 2007–2011 authorities have resolved only 17 out of 212 reported attacks against journalists (EC, 2009; NIT, 1998–2017). Moreover, even public condemnation by the government remained weak (EC, 2011).
7. This is confirmed also by the IREX's Media Sustainability Index (2013–2017) and the Reporter Without Borders' World Press Freedom Index (2013–2017).
8. Only 20 percent of these funds were allocated via competitive processes (FoP, 2003–2016).
9. In 2015 the advertising market corresponded to €155 million (FoP, 2003–2016).
10. In June the news website Peščanik.net was attacked by anonymous hackers after publishing reports about allegedly plagiarized doctoral theses by prominent SNS party members (FoP, 2003–2016).

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