



AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES OF THE REPUBLIC OF MACEDONIA

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GUIDELINES FOR MONITORING

Implementation of the Programming Concept

In May, the Agency for Audio and Audiovisual Media Services adopted the “Guidelines for Monitoring Implementation of the Programming Concept”. The need for guidelines was identified in the course of the ad hoc supervision over the observance of the requirement that broadcasters deliver at least 80% of the Programming Concept specified in the licenses granted to them, within one week’s time. The supervision showed the necessity to specify clear criteria for implementing the aforementioned law provision. The Guidelines were adopted following a public debate.

Media coverage of the Referendum

On July 30st, the Macedonian Parliament announced a decision to conduct a referendum concerning the possible change of the State’s constitutional name and admission to NATO and EU. The Referendum will be held on 30 September 2018.

Since the Law on Referenda and Other Forms of Direct Expression of Citizens’ Will was outdated, did not contain precise rules that would regulate the work of the media, and was not harmonized with the Electoral Code, the Agency drafted recommendations and opened a public debate. Once the debate was closed, the Agency adopted the Guidelines on Media Coverage of the Referendum.

The Guidelines contain rules that apply to the commercial broadcasters and the public broadcasting service and concern the manner of reporting and their coverage aired in the daily information shows, special information and other programmes, rules on announcing the results of public opinion polls, reporting on the days of pre-referendum silence, creating conditions for equal access to the media for all stakeholders of the referendum, etc.

The segment about paid public propaganda specifies that broadcasters should create conditions for equal access for the stakeholders of the referendum and that their prices should be the same for all stakeholders. Radio and television stations may dedicate a total of 9 minutes per real hour for public propaganda for the referendum, broadcasted as additional time. The allotted 12 minutes for advertising, pursuant to the Law on Audio and Audiovisual Media Services, must not be used for broadcasting public propaganda for the referendum. The total of 9 minutes for paid public propaganda should be divided into two equal halves (4 minutes and 30 seconds each), one

for the entities agitating in favour of the referendum question, and the other – for entities agitating against the referendum question or advocating boycott of the referendum. Paid public propaganda should be clearly separated from the broadcasters' programmes and from other advertising messages, and should be visibly marked as paid public propaganda, while the entity that has ordered the same must be clearly indicated throughout the entire duration of the paid public propaganda.

Monitoring of the Public Broadcasting Service and the commercial broadcasters shall be conducted on the basis of these recommendations.

Impressums and Information that Should be Made Available to the Users

Currently, there is an ongoing process concerning the adoption of the Guidelines on Meeting the Requirements to Publish Impressums and Information that Should be Made Available to the Users. The Guidelines define how broadcasters shall meet the obligation related to publishing Impressums and information that they should make available to the users. The obligation applies to all broadcasters. Impressum data must be published at an appropriate spot (during the announcement or the ending) in all programmes that are broadcasted, regardless of whether it is a matter of a broadcaster's own production (the broadcaster has produced the programme itself, or in co-production, or has ordered the same) or is a foreign (purchased) programme.

Media Coverage of the Elections

The Agency also called on all interested parties to take part in the public debate on the text of the Draft Methodology for Monitoring Media Coverage of the Elections by the Radio and Television Programming Services during Electoral Processes. The need for this document resulted from the amendments to the Electoral Code related to media coverage of the elections and the Agency's competences in this regard. It contains all relevant provisions regarding media coverage during elections and defines the way in which the Agency will be performing the monitoring.

SURVEYS

In order to obtain information regarding the direction in which the legal frameworks should move, the Agency has sought expert assistance from the Council of Europe in the preparation of a study, titled "**Regulatory Framework for Media and Online Media – Macedonian Case Study**" (published in the Macedonian, English and Albanian languages on the Agency's website). The study makes a comparative analysis of the EU member states' legislations concerning online media, their definition and regulation, and offers recommendations for possible amending and supplementing of the existing legal framework.

The analysis indicates that the material scope of the regulatory framework for media in the EU member states is limited to audiovisual media services, as defined in the AVMS Directive. Consequently, it does not cover online media, which are generally not audiovisual. The recommendations contained in the Study state that, despite the existence of some regulatory instruments in a few EU Member States - which may be considered as creating a pre-condition for regulating online media – the only purpose of such laws would be to find the most appropriate way to guarantee freedom to receive and impart information while safeguarding basic public policy objectives, such as the

prohibition of hate speech, uncontrolled dissemination of pornography or the management of specific threats to national security. In any case, such legal provisions do not tend to impose on online services obligations similar to those which traditionally apply to audiovisual media services.

The Study is available at the following link: <http://avmu.mk/wp-content/uploads/2018/08/Study-on-the-media-regulatory-framework-and-the-online-media-the-Maced....pdf>

The Agency prepared an **Analysis of the Market of Audio and Audiovisual Media Services in 2017**. The analysis covers the economic operations of the broadcasters in 2017, i.e. data about the broadcasters' total revenues, their share in the total revenues, their income structure and total expenditures; their share in the total expenditures and the expenditures' structure, the performance results, and the average number of regular employees. It also contains data about the television and radio stations' audience measurement in 2017.

As part of its legal obligations, the Agency conducted one more survey about **the radio stations' reach and television stations' share in the total viewership in the Republic of Macedonia**. This is a second survey this year and it presents data regarding the second quarter of 2018.