

Table 4: Facts about media legislation relevant for media integrity

De jure - rules	Yes / No / Partially	Details	Trends (e.g. relaxation, reinforcement)	De facto - situation (Comments)
Transparency rules for all media (media register, published reports etc.)	Partially	Transparency is regulated as an obligation for the broadcast and print media. Article 15 of the new Media Law adopted in December 2013 stipulates that: <u>broadcasters</u> are obliged, at least three times per year, to publish the following data on their program service (within the prime time): data on their ownership structure; names of the editor in chief and editors of other program departments; data on their sources of finances in the previous year; data on their total income and expenditure in the previous year; data on their average viewing and listening figures in the previous year. In addition, broadcasters are obligated to submit the same data to the Agency for Audio and Audiovisual Media Services, by 31 March at the latest. If the broadcaster does not fulfil these obligations, the Agency will issue written warning and will oblige the broadcaster to provide the data within 45 days. In case the broadcaster does not provide the data within the additional deadline, the Agency may withdraw its broadcasting license. The <u>print media</u> are obliged to publish the same data at least in one daily newspaper, once per year, by 31 March at the latest and to provide the Agency with the prove (extract from the printed data in the daily newspaper) within 15 days since their publication.	Transparency rules were introduced for the first time with the 2005 Broadcasting Law. The new Media Law incorporates almost the same obligations for the broadcasters. The new Media Law extended these rules also to the print media.	Until December 2013, these obligations were monitored by the Broadcasting Council. Most of the broadcasters complied with the legal provisions related to transparency. According to the new Media Law, the obligations of the broadcasters and print media related to media transparency will be monitored by the new Agency for Audio and Audiovisual Media Services.

		In the Article 30 of the Media Law, <u>fin</u> es are envisaged for all media outlets (from 4.000 to 5.000 euro) if they don't submit the data to the Agency within the specified deadline and in the required format (for broadcasters) or if they don't publish the data as specified in the Law (both for broadcasters and for the print media). The print media may be also fined (1.500 to 3.000 euro) if they don't submit a copy of all their printed editions to the National University Library (Art. 30).		
Specific transparency rules for PSB	Yes	<p>MRTV is obliged to submit its annual Working program and Financial Plan for the next year to the Parliament by 30 October at the latest (Law on Audio and Audiovisual Media Services, Article 106). In addition, MRTV is obliged to submit its annual operational and financial report (for the previous year) to the Parliament, by 31 March at the latest. The annual report and the Working plan have to be published on MRTV website.</p> <p>According to Article 122 of the Law on Audio and Audiovisual Media Services the sessions of the Council of MRT (supervisory body) are public and MRTV is obliged to publish (on its website) the Rules of Procedure of the Council, the agendas and minutes from its sessions, approved decisions, etc.</p>	The transparency rules for the public broadcaster were more clearly stipulated in the 2005 Broadcasting Law. These transparency obligations are reinforced with the Law on Audio and Audiovisual Media Services, but the transparency rules are not clearly defined for all managing bodies.	Not all obligations have been implemented so far. Most of the documents could not be found on MRT website; especially the reports and decisions of the MRT Council are not published regularly. Neither the regulator nor any other body monitors the implementation of these specific transparency rules for the PBS.
Transparency rules for media regulator(s)	Yes	<p>Article 8 of the new Law on Audio and Audiovisual Media Services relates to the <u>accountability</u> of the regulator: the Agency submits annual working report, Financial Report, Working plan and Financial Plan to the Parliament.</p> <p>Article 9 stipulates the <u>transparency rules</u> for the Agency. It is obliged: to publish research and analyses related to the market development and</p>	These rules were reinforced with the 2005 Broadcasting Law, but with new Law on Audio and Audiovisual Media Services they are further elaborated into three separate groups of provisions for the Agency	Most of the regulator's obligations according the Broadcasting Law were formally implemented. The listed documents were published on its website, but the minutes and decisions made during the sessions were not always duly reasoned and detailed. This practice has been evidenced since the beginning of

		<p>current situation on the media market; to conduct public consultations at least once every three months in order to enable all the stakeholders to express their concerns and opinions regarding the current situation on the market and the work of the Agency; to published the results from the public consultations on its website.</p> <p>Article 10 provides the manner of securing the <u>influence of the public</u> over the work of the Agency. Before the adoption of the by-laws and its annual Working program the Agency is obliged to publish the draft documents on its website and to open a public consultation process that lasts at least 30 days. The summarised opinions from the public and reasoned positions of the Agency should be published on its website.</p> <p>There are also other provisions in the Law that stipulate obligations for the Agency to publish its Rules of Procedures, by-laws, public competitions, the decisions and minutes of its meetings and other documents on its website.</p>	<p>on Audio and Audiovisual Media Services: accountability, transparency and the influence of the public onto the Agency's work.</p>	<p>2008. It is yet to be seen how the provision of the new Law on Audio and Audiovisual Services will be implemented.</p>
<p>Anti-concentration rules</p>	<p>Yes</p>	<p>The Article 37 of the Law on Audio and Audiovisual Media Services allows <i>horizontal integration</i> of capital (entities on a single market), but foresees certain restrictions with regards to the share in the founding capital, as well as with regards to the number of broadcasters that a natural person or a legal entity may own. For instance, a natural person or a legal entity may hold additional four licenses - one on national level (not exceeding 50% of the capital), one on regional and two on local level, provided that the two areas do not share a common border. Further, a person or entity that</p>	<p>The Broadcasting Law 2005 introduced more liberal provisions on media concentration compared to the previous law. The main explanation was that the previous restrictive regulations prevented circulation of capital and transfer of ownership. During the course of the</p>	<p>Over the past years, the Broadcasting Council regularly monitored the illegal media concentration and reacted in all cases when it noted it. Several stations were under scrutiny because their owners or managers owned companies for advertising and propaganda or film production. In the past, the public attention was mostly diverted towards the consequences that some larger</p>

		holds a license to pursue broadcasting activity on regional level may hold additional three licenses - one on regional and two on local level, provided that the two regions do not share a common border. A third form of allowed horizontal integration is when a legal entity or a natural person holding a license to pursue broadcasting activity on local level appears at the same time as an owner in at most two other broadcasters with licenses to pursue broadcasting activity on local level, provided that the two areas do not share a common border.	law's adoption, the media industry committed itself firmly to liberalization. Most of these rules remained the same in the new Law on Audio and Audiovisual Media Services.	cases of illegal media concentration had over the public opinion, market and competition (the case of A1 and its related daily newspapers <i>Vreme</i> , <i>Shpic</i> and <i>Koha</i>).
Cross-ownership rules	Yes	Regarding the ownership connections (<i>diagonal integration</i>) of broadcasters with media which belong to other markets, the restriction (Article 39 of the Law on Audio and Audiovisual Media Services) only refers to daily newspapers and news agencies. Neither the broadcaster, nor its founder may participate in the ownership of a press company that publishes a daily newspaper or runs a news agency. <i>Vertical integration</i> or integration of the capital of a broadcaster and companies of other related activities is regulated by the same Article: advertising and propaganda, film production, distribution of audiovisual works and telecommunication services. Neither the broadcaster, nor its founder may own a share in the founding capital of companies registered for these activities. The Law also determines that broadcasting activity is incompatible with pursuing market and public opinion research.	Most of these rules existed in the 1997 Law, but they were reinforced and stipulated in quite more detailed manner in the 2005 Broadcasting Law. Most of these rules remained the same in the new Law on Audio and Audiovisual Media Services.	The only case of illegal concentration in the past was the one between A1 television and daily newspapers <i>Vreme</i> , <i>Shpic</i> and <i>Koha</i> . Since their closure in 2011, there have been no other cases of diagonal concentration.
Ban/restrictions of media ownership for politicians	Yes	Article 38 of the Law on Audio and Audiovisual Media Services stipulates that political parties, state bodies, bodies of the state administration,	The provision was the same as the one in the 2005 Broadcasting Law.	Formally, this provision is implemented but in practice there are hidden relations between

		public enterprises, local self-government units, public office holders and members of their families, may not pursue broadcasting activity or appear as founders or co-founders of broadcasters, or acquire ownership of broadcasters.		owners and politicians, while in some cases the names of the real owners do not formally appear in the registry.
Barriers/thresholds for foreign ownership in the media	No	Article 35 of the Law on Audio and Audiovisual Media Services stipulates that a foreign natural or legal person can found or participate in the ownership of a domestic broadcaster under the same terms as domestic natural persons and legal entities.	The same provision like in the 2005 Broadcasting Law	Mainly implemented.
Separate anti-monopoly body for media industry	No			
General anti-monopoly body in charge of media concentration	Yes	It is the Commission for Protection of Competition.		Broadcasting Council and Commission for Protection of Competition have established cooperation and in 2008 and 2009 they had mutual activities related to cases of illegal media concentration.
Conflict of interest rules for membership in regulatory bodies	Yes	Article 16 of the Law on Audio and Audiovisual Media Services provides that the following persons may not be elected as members of the Council of the Agency: members of the Assembly and Government, persons appointed by the Assembly or the Government, senior officials in the local self-government units, director or member of managing or supervisory board of a public enterprise; persons performing duties in the bodies of a political party or a religious community; persons who are owners or shareholders, who are members of the managing boards, or who directly or indirectly have interests in a legal entity involved in audio or audiovisual activity, or in a company involved in related activity	Almost the same rules applied for the members of the regulator in the 2005 Broadcasting Law.	Formally implemented, but there are strong affiliations with political parties.

		(advertising, electronic communications, production and sale of audio or audiovisual technical goods, etc.); persons whose family members (parents, sibling, spouse, offspring) own shares or sit in the managing bodies of broadcasters; persons lawfully sentenced to a term in prison longer than six months, etc.		
Conflict of interest rules for governing bodies of PSB	Yes	Article 119 of the Law on Audio and Audiovisual Media Services provides that members of the Programming Council of MRTV shall not be: members of the Assembly, members of the Government, appointed and elected officials, senior officials in the state administration, the local self-government units or regulatory bodies, directors or members of Executive Boards of public enterprises; persons that have been public officials or performing duties in political party bodies or religious community in the last five years; persons employed in MRTV or in external entities which have concluded working contracts with MRTV; persons who as owners of share or stocks, as members of management bodies or as employees or engaged to work on any basis, have interest in other broadcasting organisations or news agencies, advertising companies etc. The same rules apply for the MRTV Supervisory Board (Article 127).	Reinforced with the 2005 Broadcasting Law. They remained almost the same in the new Law on Audio and Audiovisual Media Services.	Mostly implemented, but there were cases of electing members who have affiliations with political parties.
Conflict of interest rules for management of PSB	Partially	Article 130 of the Law on Audio and Audiovisual Media Services: The Director and Deputy Director of MRTV shall not be members of the Programming Council and the Supervisory Board of MRTV.	According to the 2005 Broadcasting Law there was also Managing Board. The new Law on Audio and Audiovisual Media Services envisaged only Director and Deputy Director as	Not fully implemented in the past. There were members of the PBS Managing Board who were senior officials in public institutions.

			management of PSB.	
Conflict of interest rules for top management position in a regulator	Yes	Article 19 of the Law on Audio and Audiovisual Media Services. The Director, his spouse, as well as close relatives may not own shares, directly or indirectly in entities that are regulated by the Agency.		
Conflict of interest rules for members of decision making body on media subsidies	N/A	There are no such bodies.		
Merit system for nomination and appointment of members of a regulatory body	Yes	Article 16 of the Law on Audio and Audiovisual Media Services: Members of the Council of the Agency shall be individuals who are citizens of the Republic of Macedonia, who have higher education, at least five years experience in their field of activity and with public prominence in the fields of communication sciences, journalism, telecommunications, information sciences, culture, economy, law and other fields relevant to the competences of the Broadcasting Council.	Similar provision like in the 2005 Broadcasting Law.	In the past, there have been many examples of appointed members who did not have any expertise in the respective fields (without completed higher education) or had expertise in totally irrelevant fields for the work of the Broadcasting Council (machine engineering, chemistry, etc.)
Merit system for nomination of members of PSB governing bodies	Yes	Article 117 of the Law on Audio and Audiovisual Media Services: Candidates for the Members of the Programming Council of the MRTV shall be citizens of the Republic of Macedonia, who have higher education, and who are prominent persons known in the public for their commitment to the democratic values and principles, rule of law, development of highest values of the constitutional order of the Republic of Macedonia, development of the civil society, protection of human rights and freedoms,		

		as well as freedom of expression.		
Ban of political propaganda outside election period	No	Not explicitly stated in the Law.		Political propaganda is constantly being run outside election period.
Obligation of fair and balanced reporting	Yes	Article 68 of the Broadcasting Law: Radio and television programmes shall be based on the following principles: Openness to diverse political views and positions; objective and unbiased presentation of events, with equal treatment of diverse views and opinions, enabling the free creation of a public opinion on individual events and issues.		There are plenty violations, especially during the election campaigns.
Editorial independence rules for private media	Yes	Article 61 of the Law on Audio and Audiovisual Media Services: Broadcasters, while performing their activity, shall comply with the following principles: Autonomy, independence and accountability of editors, journalists and other authors involved in the creation of programmes and editorial policy.		The editorial policy of the biggest broadcasters (TV stations) has not been independent (from ruling parties, owners, and business) for many years now.
Editorial independence rules for PSB	Yes	Article 111 of the Law on Audio and Audiovisual Media Services: The journalists and editors of MRTV and other persons directly involved in the production of MRTV programs are obliged to respect the principle of political independence and autonomy of the journalists.		The editorial policy of the public broadcasters has been influenced by the ruling parties for many years now.
Journalists' autonomy - conscience clause	No	There is only the Code of ethics of the Association of Journalists.		
Journalists' opinion on appointments and dismissals of editors is requested	Yes	Article 8 of the Media Law from December 2013. Before the appointment or dismissal of the editor, the publisher is obliged to ask for opinion of the journalists.		

Legal obligation for employers to sign collective contracts on labour rights in the media	No	The provisions of the Labour Law equally apply to journalists, but there is no specific provision in the Media Law that obliges media employers to sign collective contracts.		
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Relevant laws, institutions/bodies:

- Law on Audio and Audiovisual Media Services from December 2013:
http://www.avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=mk.
- Law on Media from December 2013:
http://www.avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=mk.
- Agency for Audio and Audiovisual Media Services: <http://www.avmu.mk/>.
- Agency for Electronic Communications: <http://www.aek.mk/index.php?lang=en>.
- Commission for Protection of Competition: <http://www.kzk.gov.mk/eng/index.asp>.