

## **Third Public Meeting of the Agency for Audio and Audiovisual Media Services in 2015**

### **Standpoints and Opinions Received, and the Agency's Stance**

**18.09.2015**

The Third Public Meeting of the Agency for Audio and Audiovisual Media Services (AAAVMS) was held in the new premises of the Agency, Panko Brashnarov Palace, on 18 September 2015, starting at 11:00 hrs.

The meeting was opened by the Director of AAAVMS, Mr. Zoran Trajchevski, Ph.D., who pointed out that a number of presentations had been prepared for the third public meeting – the first one summarizing the achievements in the past quarter in line with the annual programme of the Agency, another one dedicated to the development of media literacy in the Republic of Macedonia, including the Programme for Promoting Media Literacy in the Republic of Macedonia and the launch of the TV spot on on-line safety, and the last presentation dedicated to the manner of conducting originally created programme.

Following the introduction, the AAAVMS Director, Mr. Zoran Trajchevski, held the first presentation about the activities carried out in line with the Agency's Annual Work Programme, specifically in the period 16.06.2015-14.09.2015.

Ms. Emilija Janevska, Head of the Programme Affairs Department in the AAAVMS, spoke about the importance of media literacy, the context for its development, the goals set by the Media Literacy Programme and the Agency's role in raising the awareness of, facilitating the participation in and coordinating the activities for media literacy development. This was followed by the launch of the TV spot on Internet safety, titled "Where is Goran?". The SITEL TV representative, Ms. Aneta Veterova-Soskic, spoke about the motive to get involved in the entire process of the spot's adaptation and join the campaign.

The spot drew attention again to the "Surf Safely" project by the Ministry of Information Society and Administration (MISA), within the frameworks of which software had been prepared for parental control over the Internet contents accessed by children. As the representative of the Agency for Electronic Communications (AEC), Mr. Sinisa Apostoloski, underlined, this project was focused on understanding the lurking on-line risks and dangers to children and youth, as well as the recommendations for their timely recognition.

Following the presentation of the "Surf Safely" project, a question was posed if this platform existed in languages other than Macedonian. The reply was that parts of this campaign had been translated in the Albanian language. Adding to this reply, Ms. Liljana Pecova of the Directorate for Personal Data Protection stressed that, in the interest of

protecting the child population from accessing indecent contents and communications, as well as from personal data abuse on the social networks, the Directorate for Personal Data Protection (DPDP) and the *Metamorphosis* Foundation for Internet and Society had prepared a Parents' Guide to Protecting Children's Privacy and Personal Data Online. Its aim is to advise the parents, whose children have experienced some kind of personal data abuse on the Internet, on whom to address and how to act. She asked if this Guide could be uploaded on the "Surf Safely" web platform, so as to inform as many parents as possible. Mr. Sinisa Apostoloski of AEC instructed the DPDP representative Pecova to first address the MISA as the key initiator and coordinator of the "Surf Safely" Project, as he himself was attending this meeting on behalf of his counterpart from MISA.

The last presentation, about the obligation to broadcast originally created programme and the manner of performing supervision, was held by Mr. Rubin Taleski, Senior Associate in the Cultural Identity Department. The presentation was followed by a discussion about the problems the broadcasters most frequently face when meeting this legal obligation.

**Panel Discussion: Attendees' questions and opinions, and the Agency's stance concerning the same:**

Mevaip Avdiu of Koha TV, Tetovo indicated that the obligation to broadcast originally created programme was legal but too extensive, and sought to check if there was a possibility for amending the relevant article of the law, i.e. for reducing the percentage stated in this obligation. He stressed that "we are all witnesses to the fact that certain televisions broadcast morning shows at 2 a.m. after midnight, and nearly all televisions broadcast, or rebroadcast from other national televisions, morning programmes in the afternoon, only to meet this obligation, because the fines are too high".

Emrula Chegrani of Chegrani TV expressed gratitude for the invitation and congratulated the Agency on its new premises. He stressed that he had noticed that many media broadcasted their own programme on a day or date when it no longer had any effect, using the example of a show rerun at midnight that began with 'good afternoon' or 'good morning', or the like. He pointed out that the goal was not only to reach the required percentage under this obligation, but to carefully consider the effect of these shows, i.e. if they were still of any relevance, etc.

Dragan Sekulovski of ZNM (Association of Journalists of Macedonia) congratulated the Agency on its new premises, approved of the commentaries of his counterparts who had spoken before him and reminded that, even as early as 2013, when the first version of this law had been in effect, the ZNM had deemed the domestic production, documentary and feature programme percentages as too high. Mr. Sekulovski greeted the initiative to reduce

the percentage of domestic production in the future, in line with the stance of the other factors, and then asked several questions.

- The first question was related to the presentation dedicated to the activities conducted in tune with the AAVMS's Annual Programme, specifically the realized settlement procedures. He requested a more detailed explanation about which were the 8 settlement procedures that were still under way, which two had been successfully completed, and which two had been were concluded without success.

Reply from the AAVMS Director, Mr. Zoran Trajcevski, Ph.D.:

Mr. Trajcevski indicated that details on all procedures may be found on the Agency's website, which contained detailed information and written reports on all procedures stated in the presentation. He mentioned that there was a fine against *MTV 1* again, and that there had been a fine against *Koha TV*, but, since it was found that the monitoring over this TV had been conducted on days of mourning – 3 and 4 August – additional monitoring was under way, on *Koha TV's* request, on days other than the days of mourning. The monitoring was not over yet, but he said he hoped the findings would be in order. He also mentioned *Ultra TV* from Tetovo, the monitoring of which showed it did not meet the quotas, however, on their request, another monitoring had been conducted on a different date, since the first one had been conducted during the floods, and this second monitoring showed that they did meet the terms. *ALSAT TV* was also found in violation, and a related settlement procedure was underway. In the end, he stressed again that there was a free access to the Agency's website, where one could find details about all televisions in particular, along with the full written reports stating the articles of the law that had been violated. In tune with the Law, the Agency is obligated to air all reports on its website. The website can be followed on a daily basis, i.e. the reports are uploaded on the Agency's website immediately after being registered with the Agency's Archive.

- The second question referred to MTV and its violation of Article 92 due to insufficient domestic production, which had resulted in initiating a misdemeanor procedure on the Agency's part. An answer was sought about the status of this case.

Reply from the AAVMS Director, Mr. Zoran Trajcevski, Ph.D.:

Mr. Trajcevski stated that the MTV had been found in violation of Article 92, in terms of its obligation to broadcast a certain number of hours of feature and documentary programme annually. A written report had been prepared about the detected offense, MTV had been notified and had signed a settlement document, undertaking to pay 50 % of the fine and not go to court. However, MTV did not pay the fine within the legally specified deadline and the Agency initiated a misdemeanor procedure against it. The hearing was not held yet, most likely because the courts did not work in the months of July and August. The court procedure was expected to commence in a short time.

Dragan Sekulovski of ZNM had an additional question: Is there a problem with the MTV 2 and what is the percentage of domestic production?

Reply from the AAVMS Director, Mr. Zoran Trajceviski, Ph.D.:

Mr. Trajceviski replied to the question stating that monitoring had been conducted over MTV 2 in the month of August, which had found that MTV2 had met the obligation.

Muhamer Bekiri of Shena TV wished the Agency success in its work in the new premises and asked three questions.

- The first question referred to Mr. Rubin Taleski's presentation, i.e. the TV basis on the condition that televisions broadcasted programme for 24 hours, and requested an explanation once more about what was being deducted from those 24 hours and what was the basis from which those 40 % of originally created programme were calculated.

Reply from Mr. Rubin Taleski, Senior Associate in the Cultural Identity Department:

The presentation explains a supposed situation, which applies to all media, since, in most of the cases, there are 24 hours of broadcasted programme on a daily basis. The amount of 40 % is not calculated taking all these 24 hours into account – one should first deduct all programme contents that do not enter this estimation, i.e. the programme contents not subject to classification, such as: audiovisual commercial communications including advertisements, TV shopping, sponsorship, the broadcaster's announcements about its own programme, announcements of public interest, charity appeals, music intermezzos, religious programme, liturgies and sermons, programmes about physical culture and recreation, i.e. sports activities, opening and closing credits, jingles used as transition from one programme content to another. These contents are not subject to classification and are immediately exempt from the calculation, while the rest of the programme is included in the calculation of originally created programme. All that is left must perform one of the three functions, i.e. be programmes of informative, educational or entertainment nature. In the given example, there are 20 hours, after one deducts the four hours of ads, credits, religious programmes, etc., and the calculation of 40 % of originally created programme is made on the basis of these 20 hours. It should be noted that this is an average value as, according to the results of the media monitoring, the length of the programmes that enter the calculation for originally created programme ranges between 18 and 22 hours, and, so, the 20-hour basis has been taken as the average value. Forty per cent of these 20 hours makes 8 hours. Also, the obligation remains that 50 % of these 8 hours should be broadcasted in the period from 7:00 hrs until 19:00 hrs. There can be more than 8 hours of originally created programme, but 8 hours is the minimum.

- Mr. Bekiri's second question was about the legal mechanisms that media may use to initiate a procedure to reduce the percentage of originally created programme, if possible.

Reply from the AAVMS Director, Mr. Zoran Trajcevski, Ph.D.

As regards the law-amending procedure, the Ministry of Information Society and Administration (MIOA) or a group of MPs may be the proposers, however there should be an initiative for amending the law from one or more televisions, radios; also, any other entity may submit an initiative with the MIOA or the Parliament,.

- Mr. Bekiri's third question was: In case there are 4 hours of premiere broadcast of a programme in the period between 7:00 hrs and 19:00 hrs, and the same is rerun in the period between 19:00 hrs and 7:00 hrs in the morning, does this meet the requirement for 8 hours of originally created programme?

Reply from Mr. Rubin Taleski, Senior Associate in the Cultural Identity Department

Initially, the calculation is made for the period from 00:00 hrs until 24:00 hrs of the relevant day – no hours of the following day are taken into account. According to the Law, the calculation is made for the relevant day, which means from 00:00 hrs to 24:00 hrs, i.e. one day and night. The rerun does not enter the calculation for the same day – it can be calculated as a premiere broadcast for the following day, in case it is aired after midnight. For instance, if the morning programme is broadcasted at 8:00 hrs today, and if this same morning programme is rerun around 2:00 hrs after midnight, it means this will be the premiere broadcast on the following day. If the morning programme is rerun on the same day, it is a replay and does not enter the calculations for originally created programme, as only the premiere broadcasts are taken into account.

Dragan Sekulovski of ZNM (Association of Journalists of Macedonia) requested an opportunity to ask an additional question, regarding the 2011 EU Twinning Fiche titled "Freedom of Expression – Support to Media Reforms". He pointed out that the Agency was the leader of this project, with the Committee for the Protection of Competition (KZK), ZNM and MRT as partners, and expressed regret that, reportedly, this project would not be carried out. At the end, he asked why the Agency thought none of the actors had any interest in applying to implement this programme.

Reply from the AAVMS Director, Mr. Zoran Trajcevski, Ph.D.

Mr. Trajcevski replied that the reason for this might be the small amount of funds envisaged for the twinning, which was most probably insufficient. In this, he stressed that the Agency had requested the Ministry of Finance and the EU Delegation to announce the call once more, as 20 November was the deadline, however the chances were only theoretical and minimal. Asking that this should not be seen as criticism, he pointed out that all institutions

involved in the project in the past years had made it harder for the Agency, rather than helping it. In the end, he expressed regret that this project would not be realized and stressed that the ZNM, MRT and KZK would have had the greatest benefit from this project. He underlined that the Agency was at their service, however, it was a problem to find a partner within the EU countries that would like to carry out the twinning.

Mr. Trajcevski reminded in the continuation that, before the public meeting, a letter had been sent to all broadcasters and operators of public electronic communication networks to select a topic for discussion at the third public meeting, but no interest had been shown by anyone. He further reminded the present of the opportunity to propose a topic for the next public meeting, which would be of interest for a larger group of entities that are the subjects of the Agency's regulation.

- Mr. Milos Dejanovic of Rosa Radio congratulated the Agency on its new premises and greeted all present, after which he made a proposal about the percentage of originally created programme. He pointed out that this percentage should remain for the national television, since, from his personal experience as a television fan he remembered all programmes of cultural-informative and educational nature broadcasted by the MRTV that had helped educate many children. He underlined that his proposal was to halve the required 40 % in the case of local and regional broadcasters, i.e. TV stations, as some of them did not have such financial potential to engage so many editors, hosts, programme authors, etc. and create such a programme, keeping the programme quality. These legally required 40 % of originally created programme should be of high quality.

At the end of the meeting, Director Trajchevski pointed out that the Agency was open for cooperation and once again called on all broadcasters, print media and operators of public electronic communication networks, as well as other parties concerned, to submit opinions or proposals that would be presented at the next public meeting in December 2015.

Enclosed in the original text, in Macedonian: List of Attendees at the Third Public Meeting in 2015.