**Agency’s Stance regarding the Obligation to Conduct Monitoring of**

**Election Media Coverage by Internet Portals**

The Agency for Audio and Audiovisual Media Services will not be conducting monitoring of the election media coverage by the Internet portals because there are no preconditions for performing this task. Under the November 2015 amendments to the Electoral Code, the Agency is obligated to monitor media election coverage by both the broadcasters and the electronic media (Internet portals). However, at the same time, the Electoral Code does not define the term “Internet portal” or its scope. As is known, a definition of this term is not available in the other domestic laws, either.

In the Republic of Macedonia, there is no register of internet portals as there are, for instance, registers for the print media publishers, radios or televisions.

In its efforts to determine what can be considered as an “Internet portal”, the Agency has consulted several sources. According to the Classification of Business Activities that is being used by the Central Register, the “Internet portals” activity code covers “operation of web (Internet) portals that use a search engine to maintain extensive databases of Internet addresses and content in an easily searchable format, as well as the operation of other websites that act as portals on the Internet, such as media sites (pages) providing periodically updated content”. The Classification and the definitions of the term given in academic literature indicate that this is a term of a much broader scope than the laic assumptions about it. Moreover, based on its own research via the Internet Distribution System of the Central Register of the Republic of Macedonia, the Agency has concluded that some of the legal entities that should be placed in the category of Internet portals are registered under other industries, whereas some web portals are published by citizen associations or news agencies.

All this means that, due to formal reasons, it will not be possible for some entities to be covered by the Agency’s monitoring, although they have the same essential characteristics as the entities that would be included in the sample. In this way, it will not be possible to ensure a just and fair approach at the base of the monitoring.

Also, we have not managed to find any examples in the European regulatory practice where the contents of Internet media have been monitored on the part of regulatory authorities similar to the Agency.

In all OSCE/ODIHR reports on monitoring elections so far, the Agency’s monitoring has never been criticized in terms of its expertise – either with regard to its methodological setup, its scope or its realization, or with regard to the findings obtained or the violations established.

The Agency for Audio and Audiovisual Media Services does not have any intention of sacrificing these key aspects of its work, due to which it has decided not to conduct monitoring of election media coverage by Internet portals until proper legal conditions are set.

**Agency for Audio and Audiovisual Media Services**

**of the Republic of Macedonia**