

**LAW ON AUDIO AND AUDIOVISUAL MEDIA SERVICES**  
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# **LAW ON AUDIO AND AUDIOVISUAL MEDIA SERVICES**

## **I GENERAL PRINCIPLES**

### **Article 1**

#### **Subject of the Law**

This Law shall regulate the rights, obligations and responsibilities of broadcasters, providers of audiovisual media services on demand and the operators of the public electronic communication networks, which transmit or retransmit programme services of broadcasters.

### **Article 2**

#### **Purpose of the Law**

The purpose of this Law is to provide in Republic of Macedonia, in particularly, the following:

1. Development of the audio and the audiovisual media services;
2. Development of the independent production;
3. Encouragement, improvement and protection of the cultural identity, the language and the tradition of the communities in Republic Macedonia, respect of the cultural and religious differences and promotion of the culture of public dialogue among the citizens in order to strengthen the mutual understanding and tolerance for promoting the relations between the different communities
4. Encouragement of the creativity, the educational and scientific development;
5. Protection of user interests, especially the interests of minors;
6. Development of media literacy;
7. Transparent, independent, efficient and accountable Public service broadcaster;
8. Transparent, independent, efficient and accountable regulatory body in the area of audio and audiovisual media services;
9. Technological development of the audio and audiovisual media, convergence of electronic communications and services within the information society;
10. Encouragement and development of the competition among the media and the audiovisual media services and retransmitting of programme services through public electronic communication networks; and
11. Development of the economy of the Republic of Macedonia.

### **Article 3**

#### **Definitions**

Certain terms used in this Law shall have the following meanings:

#### **1. Audio or audiovisual media service shall mean:**

- i. Service provided by a provider of audio or audiovisual media service and shall include any form of economic activity with primary objective to provide audio or audiovisual programmes for the purpose of informing, entertaining and/or educating the general public via electronic communications networks;

ii. Audio or audiovisual commercial communication.

Audio or audiovisual media services shall exclude the following services:

- services which are, above all, non-commercial and are not competing with radio or television broadcasting, such as private web-sites and services comprised of provision or distribution of audiovisual content created by private users for the purpose of sharing and exchanging within the communities of interest;
- transmission services, that is, distribution of programmes for which the editorial responsibility is borne by third parties;
- any form of private communication, such as electronic mail send to limited number of recipients;
- services the primary objective of which is not provision of programmes, i.e., where any audiovisual content is random to the service and is not its primary objective, including:
  - web-sites containing auxiliary audiovisual elements, such as animated graphic elements, short commercials or information related to a certain product or non-audiovisual service, which is not audiovisual;
  - games of chance which entail a monetary bet, including lotteries, betting services and other forms of gambling;
  - online games;
  - search engines;
  - electronic versions of newspapers and magazines;
  - individual text-based services.

**2. Audiovisual programme** shall mean a complete unit of moving pictures with or without a sound, which represents a separate element within the chronological order of the programmes (programme scheme) or of the catalogue of programmes set by the provider of audiovisual media services on demand. The audiovisual programmes shall be complete units with entertaining, educational or informative function. Examples of audiovisual programmes are feature movies, sporting events, comedy series, documentaries, children programmes, TV drama, etc.;

**3. Audio or radio programme** shall mean music and/or spoken content which represents a separate element within the chronological order of the programmes (programme scheme). The audio programmes shall be complete units with entertaining, educational or informing function.

**4. Audiovisual media service on demand** shall mean a non-linear media service provided by a provider of audiovisual media services on demand which provides viewing of programmes at a time chosen by the user and at his/her individual request on the basis of a catalogue of programmes selected by the media service provider of the audiovisual media services on demand;

**5. Audio or audiovisual commercial communication** shall mean content or images with or without sound which are created:

- to promote, directly or indirectly, the goods, services or image of a natural or legal persons pursuing an economic activity, or
- to promote an idea or activity or to achieve a different effect.

Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes of the contracting authority. Forms of audio or audiovisual commercial communication include, inter alia, television advertising, teleshopping, sponsorship, and product placement.

**6. Provider of audio or audiovisual media service** shall mean any natural or legal person, providing audio or audiovisual media services and who has editorial responsibility for selecting the audio or audiovisual content and determines the manner in which they are organised. The person who only

transmits, that is, distributes audio/audiovisual programmes for which the editorial responsibility is borne by third parties, shall not be deemed provider of audio/audiovisual media service.

7. **Additional services** shall mean audiovisual media services for content provision which follows, that is, complements the audiovisual programmes broadcasted over electronic communications networks. Examples of such services are subtitles, electronic programming guides (EPG) or similar.

8. **Broadcasting** shall mean source transmission of analogue or digital programmes, intended for the public and distributed via terrestrial transmitter, public electronic communications network or satellite.

**9. European audiovisual works**

1) European audiovisual works within the meaning of this Law shall be as follows:

- works originating in Member States in the European Union;
- works originating in third European States party to the European Convention on Trans-frontier Television of the Council of Europe and fulfilling the conditions in point 3 of this Article;
- works co-produced within the framework of agreements related to the audiovisual sector concluded between the European Union and third countries and fulfilling the conditions defined in each of those agreements;

2) The application of the provisions in point 1), indents 2 and 3, of this Article shall apply conditionally on the works originating in EU Member States, which are not subject of discriminatory measures in the third countries concerned;

3) The works referred to in point 1, indents 1 and 2, of this Article shall be works mainly made by authors and workers residing in one or more of the States referred to in point 1, indents 1 and 2, provided that they comply with one of the following three conditions:

- they are made by one or more producers established in one or more of those States;
- the production of the works is supervised and actually controlled by one or more producers established in one or more of those States; or
- the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States;

4) Works that are not European works within the meaning of point 1 of this Article, but that are produced within the framework of bilateral co-production agreements concluded between EU Member States and third countries shall be deemed to be European works, provided the co-producers from the European Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the EU Member States;

10. Macedonian audio or audiovisual works shall mean works originally created by the citizens of Republic of Macedonia in Macedonian language, as well as audio or audiovisual works shall mean works originally created by the citizens of Republic of Macedonia in the languages of the ethnic communities which do not represent a majority in the Republic of Macedonia, as well as the works of the Macedonian cultural heritage;

11. **Independent producer** shall be natural or legal person who offers production of audio/audiovisual works, provided that:

- its share in the capital of a broadcaster shall not exceed 25%; and
- the broadcaster does not hold a share in the capital of the producer;

12. **Programme service or programme channel** shall mean a complete unit of programmes and other elements of a single audio or audiovisual media service provided by a specific broadcaster and intended for the public.

**13. In-house production** shall mean radio or television programme created at the initiative and in the organization of the broadcaster itself. The programmes created by third parties on previous order by the broadcaster (ordered production), as well as the programmes created as an effort of co production, shall also be deemed in-house production. Advertising, teleshopping and other paid advertisements shall not be deemed in-house production.

**14. Surreptitious audio or audiovisual commercial communication** shall mean the representation in words, sounds or pictures of goods, services, name, trademark or activities of a producer of goods or a provider of services in programmes when such representation is intended by the provider of the audio/audiovisual media service to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;

**15. Product placement** shall mean any form of audio or audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or trademark thereof, so that it is featured within a programme, in return for payment or for similar consideration;

**16. Radio broadcasting** shall mean linear audio media service provided by a broadcaster for the purpose of simultaneous listening of audio programmes on the basis of a previously determined programme schedule (programme scheme);

**17. Broadcaster** shall mean provider of audio or audiovisual media services for radio or television broadcasting.

**18. Retransmission of programme services** shall mean public electronic communication service provided by an operator of public electronic communication network, and represents reception and simultaneous transmission of radio or television programme services in their entirety, with no modification in the programme content, that the broadcasters broadcast for public reception.

**19. Advertising** shall include any form of broadcasted advertising, that is, broadcasting in return for payment or for another appropriate compensation or for self-promotional purposes of natural or legal persons in relation to:

- trade, business, craftsmanship or profession for the purpose of promoting the portfolio of products and services, including immovable property, rights and obligations in return for payment, or
- promotion of an idea or activity or in order to achieve a different effect;

**20. Sponsorship** shall mean any contribution made by legal or natural person who is not involved in providing audio or audiovisual media services or in the production of audio or audiovisual works for financing of audio or audiovisual media service or programmes with a view to promoting its name, trademark, image, activities or products;

**21. Television broadcasting** shall mean linear audiovisual media service provided by a broadcaster for the purpose of simultaneous viewing of audiovisual programmes on the basis of a previously determined programme schedule (programme scheme). Television broadcasting shall particularly include digital video broadcasting, live streaming, webcasting and provision of near video on demand media services.

**22. Television or radio programme service of general format** shall mean programme service comprised mainly of informative, educational, cultural and entertaining programmes.

**23. Television or radio programme service with specialised format** shall mean a programme service comprised of at least 70% programmes of same type (sportive, musical, cultural, educational, informative or other).

**24. Teleshopping** shall mean broadcasting of direct offers to the public for goods or services, including immovable property, rights and obligations, in return for payment. Any offer that, in addition to information on the supplier, on the characteristics and/or on the price of the good or the service, contains one or more of the following elements: postal or electronic address, web-site and/or the telephone

number that could be used to make the purchase during the broadcast, shall be considered a direct offer. Teleshopping forms are teleshopping spots and teleshopping windows.

**25. Teleshopping windows** shall mean any uninterrupted teleshopping broadcasting with duration of at least 15 minutes.

**26. Editorial responsibility for audio/audiovisual media service** shall mean decision making power for selecting and scheduling programmes (programme scheme), in case of television or radio broadcasting (linear services), or the catalogue of programmes, in case of audiovisual media services on demand (non-linear services);

**27. Family members** shall mean spouses and wedlock partners, parents, children, siblings, foster parents and adopted children as well as people living in the same household.

## **II. COMPETENT AUTHORITY**

### **Article 4**

#### **Agency for Audio and Audiovisual Media Services**

- (1) Competent authority on matters subject of this Law shall be the Agency for Audio and Audiovisual Media Services (hereinafter: Agency).
- (2) The Agency shall be an independent, non-profit regulatory body and shall act as legal person with public competences.
- (3) The Agency shall be established by the Republic of Macedonia. The property and operational assets of the Agency shall be used and managed by the Agency.
- (4) The seat of the Agency shall be in Skopje.
- (5) The Agency shall have a stamp.
- (6) The stamp of the Agency shall have a round form. The Coat of Arms of the Republic of Macedonia shall be place in the middle of the stamp and it shall be surrounded by the inscription: "Republic of Macedonia - Agency for Audio and Audiovisual Media Services".
- (7) The operations of the Agency shall be financed with funds obtained as revenues from fees envisaged in this Law, financial means from the collected broadcasting fee according to this Law, as well as loans and other technical assistance.

### **Article 5**

#### **Operational principles of the Agency**

- (1) In the course of performing its activities, the Agency shall be responsible for achieving the objectives set in Article 2 of this Law.
- (2) The Agency shall be independent of any state body or other legal person in its operations, and it shall be unbiased towards them.
- (3) The Agency shall perform its activities in accordance with this Law and the regulations adopted thereof, the Law on Media, the Law on General Administrative Procedure, unless stipulated otherwise in this Law, other laws and strategic documents of the Republic of Macedonia, as well as international agreement in the area of media and audiovisual media services signed or accessed by the Republic of Macedonia.

### **Article 6**

#### **Agency competencies**

Pursuant to this Law, the Agency shall:

- be responsible for ensuring public access to the operations of the broadcasters;
- be responsible for the protection and development of pluralism in the audio and audiovisual media services, encourage and support the existence of diverse and independent audio and audiovisual media services;
- undertake measures in accordance with this Law in cases of violation of the provisions of this Law or the regulations adopted thereof, and the conditions and obligations arising from licenses;
- be responsible for ensuring protection of minors;
- adopt acts arising from this Law;
- be responsible for protecting the interests of the citizens in the audio and audiovisual media services;

- determine the existence of illegal media concentration;
- decide on awarding, revoking or extending licenses for television or radio broadcasting;
- undertake measures for timely termination of transmission and reception of audio and audiovisual media services from third countries on the territory of the Republic of Macedonia according to article 45 of this Law;
- adopt a list of events of high significance for the public in the Republic of Macedonia;
- encourage media literacy;
- perform supervision according to articles 28, 29 and 30 of this Law;
- maintain the registries referred to in this Law;
- conduct research and analysis related to issues concerning the audio and audiovisual media services; and
- conduct measuring of the viewership and number of listeners of the programmes, i.e. the programme services of the broadcasters in Republic of Macedonia and
- perform other activities referred to in this Law.

(2) The Agency shall define the way of measuring the viewership or the number of listeners of the programmes, i.e. the programme services of the broadcasters in Republic of Macedonia.

## **Article 7**

### **Agency Rules of Procedure**

- (1) The operations of the Agency shall be regulated in more details in the Agency Rules of Procedure.
- (2) The Agency Rules of Procedure shall contain provisions concerning:
  - the trademark and creation and use of Agency stamps;
  - the manner and procedure for moderating the sessions of the Agency Council;
  - the procedure for appointment and dismissal of the President and the Deputy President of the Agency Council;
  - the procedure for appointment and dismissal of the Agency director;
  - the procedure for adopting the bylaws and other acts arising from this Law;
  - the procedure for granting, revoking or extending the television or radio broadcasting license;
  - the manner and procedure for maintaining the registries referred to in this Law;
  - other provisions relevant to the operations of the Agency.
- (3) The Agency Rules of Procedure shall be publicly available and shall be published on the web-site of the Agency within seven days from its adoption.

## **Article 8**

### **Accountability for the operations of the Agency**

- (1) The Agency shall be accountable for its operation to the Assembly of the Republic of Macedonia by submitting a Report on its work.
- (2) The Agency shall publish the Report referred to in paragraph (1) of this article on its web site and will submit the latter to the Assembly of the Republic of Macedonia for its consideration not later than 31<sup>st</sup> of March in the current year.
- (3) The Report referred to in paragraph 1 shall contain:



- a) Annual report on Agency's work for the previous year and
- b) Annual programme for the Agency's work for the following year.

(4) Annual report for the Agency's work for the previous year referred to in paragraph (3) point (a) of this article shall particularly contain:

- Report on the realised activities defined in the Annual Programme for operations of the Agency for the previous year, which should show the realisation of the Annual Plan for Programme monitoring;
- Financial Report on the realisation of the Financial Plan for the previous year and the Annual Account, including data on realised revenues, expenses, receivables and liabilities for the previous year grouped by structure and organisational units within the Agency;
- Audit Report from independent international authorised auditor and audit report from the State Audit Office, if the audit was provided by the latter as well as the position of the Agency regarding the audit results.

(5) The Annual Programme for the operations of the Agency for the following year of paragraph (3) point (b) of this article shall define the tasks and objectives which should be realised by the Agency during the following year in accordance with this Law, and it shall particularly contain the following:

- Programme of planned activities; and
- Financial Plan for the following year, including data on the realisation of planned activities, planned revenues and expenses of the Agency in the following year grouped by structure and organisational units within the Agency, as well as the envisaged capital investments of the Agency for the following year.

(6) The outstanding funds from the Financial Plan of the Agency from the previous year shall be transferred in the Financial Plan of the Agency for the following year.

## **Article 9**

### **Transparency in the Operations of the Agency**

- (1) The Agency shall be obliged to conduct public research and analysis in regards to the developments and the situation on the audio and audiovisual media services market.
- (2) The Agency shall be obliged to organise public meeting at least once in three months within the year in order to allow all interested parties to express their positions and opinions regarding the development of the audio and audiovisual media services in the Republic of Macedonia, and especially regarding:
  - the status of the market for the audio and audiovisual services in Republic of Macedonia;
  - realisation of the activities aimed at achieving the objectives from the Annual Programme for the operations of the Agency.
- (3) The positions and opinions mentioned in paragraph (2) of this Article received by the Agency and its position thereof shall be published on the web-site of the Agency within seven days from the date of the public meeting.
- (4) The Agency shall more closely regulate the following with a bylaw:
  - the manner and procedure for receiving proposals from interested parties;
  - manner and place for publishing public competitions, and other information related to the procedure for awarding licenses;

- data and information published by the Agency, as well as the access thereof in accordance with the Law.

## **Article 10**

### **Public influence**

- (1) Before adopting or amending a bylaw within its scope of competence, and before adopting the Annual Operation Programme for the following year, the Agency shall publish on its web-site the proposed bylaw, that is, the Annual Operation Programme, in order to allow a public debate, that is, to allow all interested parties to express their opinions, views and positions regarding the proposed bylaw and the proposed Annual Operation Program for the following year.
- (2) The deadline for public debate referred to in paragraph (1) of this Article must not be shorter than 30 days from the moment of publication of the acts referred to in paragraph (1) of this Article.
- (3) After the deadline referred to in paragraph (2) of this Article expires, and before the adoption of the bylaw, the Agency shall be obliged to publish on its web-site the received opinions and comments, as well as the Agency position thereof.

## **Article 11**

### **Agency bodies**

Agency bodies shall be: the Council and the director.

## **Article 12**

### **Council**

- (1) The Council shall be comprised of seven members.
- (2) The Council members should represent the diversity of the Macedonian society with equitable representation of both genders.
- (3) If Council members adopt a decision within their competencies, which violates interest of the Agency, they shall be jointly liable without limitation for any damages occurred due to said decision. A member of the Council shall not be considered accountable if s/he indicates that the proposed decision is contrary to this law and opposed to its adoption by dissenting his/her opinion in the session's minutes and voted against that decision.
- (4) The Council members shall be entitled to:
  - monthly consideration equal to four average monthly salaries in the Republic of Macedonia, as per the data published in the State Statistical Office, that is, in accordance with the Agency Rules of Procedure;
  - reimbursement of travel expenses for those Council members who live outside Skopje, when they attend the Council sessions; and
  - reimbursement of travel and accommodation expenses and per diems for business travels in accordance with Law on salaries and other considerations for elected and appointed officials in the Republic of Macedonia.
- (5) The funds for monthly considerations and other expenses of the Council members shall be provided from the assets of the Agency established in the Financial Plan.
- (6) The Council operations shall be regulated more accurately in the Agency Rules of Procedure in accordance with this Law.

- (7) The Council shall require a five-member quorum in order to act, and shall adopt decisions and other acts with a majority votes of the total number of Council members.
- (8) The Council shall appoint and dismiss President and Deputy President from the line of its members in accordance to the manner and procedure defined in the Agency Rules of Procedure.

### **Article 13**

#### **Council sessions**

- (1) The Council sessions shall be convened by the Council President on his/her own initiative, and in case of being absent or prevented, on the initiative of the Council Deputy President. The Council President shall be obliged to convene a Council session upon a written proposal from three Council members or upon a written proposal from the Agency director, within three days from the moment of proposal receipt.
- (2) The Council President shall chair the Council sessions and shall represent the Council. In case of being absent or prevented, the obligations shall be performed by the Council Deputy President.
- (3) The decisions and other acts of the Council shall be signed by the Council President, or in case of being absent or prevented, by the Council Deputy President, within three days from the moment of their adoption.
- (4) The Agency director shall attend the Council session, without a right to vote. Other persons, employed in the Agency expert service, or external persons, may also attend the sessions in accordance with the Council Rules of Procedure.
- (5) If a Council member considers that he/she has a direct or indirect private interest related to the adoption of decisions within the Council's scope of competence, the Council member shall be obliged to inform the Council thereof. In this case, the Council shall act in accordance with the law on prevention of conflict of interest.
- (6) The Agency shall publish on its web site the following: daily agenda of the Council's sessions the latest one day before they take place; adopted minutes of the Council with statements and voting of the Council's members, chronicles of the sessions as well as adopted decisions and other acts within seven days from the date the session took place.
- (7) The materials for the Council session shall be prepared by the Agency expert service and said materials shall be submitted to all Council members in the manner and within the deadline defined in the Agency Rules of Procedure.
- (8) The Council is obliged to hold at least one session monthly.

### **Article 14**

#### **Appointment of Council members**

- (1) The Assembly of the Republic of Macedonia shall appoint the Council members upon proposals from authorised nominators.
- (2) Authorised nominators of Council members shall be:
  - the Majority Journalists' Association of Macedonia shall nominate one Council member;
  - the Interuniversity Conference shall nominate one Council member;
  - The Bar Association of Republic of Macedonia shall nominate one Council member;
  - The Trade Unions Association shall nominate one Council member;
  - the Committee for Elections and Appointments of the Assembly of the Republic of Macedonia shall nominate two Council members; and

- the Association of the Local Self-government Units in the Republic of Macedonia shall nominate two Council members.
- (3) The Assembly of the Republic of Macedonia shall send a public invitation to the authorised nominators to submit their proposals for Council members within six months before the expiry of the Council member's term of office.
  - (4) The authorised nominator referred to in paragraph (2), indent 1, 2 3 and 4 shall determine its proposal following an open call.
  - (5) The authorised nominators from the paragraph (2) of this Article shall submit the determined proposals for Council members to the Assembly of the Republic of Macedonia within two months from the date of the public invitation sent by the Assembly of the Republic of Macedonia and shall be obliged to publish them in at least two daily newspapers, of which one daily newspaper is in the language spoken by the community which is not in majority and it is spoken by at least 20% of the citizens in the Republic of Macedonia. On the basis of the proposals submitted by the authorised nominators, the Committee for Elections and Appointments of the Assembly of the Republic of Macedonia shall compile a draft-proposal with candidates for Council members within 15 days.
  - (6) The Assembly of the Republic of Macedonia must appoint a new Council member not later than one month prior to the expiry of the term of office of the Council member.
  - (7) The Council President shall be obliged to inform the Assembly of the Republic of Macedonia of the Council member's expiry of term of office, not later than six months prior to the expiry.
  - (8) The nominated candidate for Council member shall present its views on the realisation of the goals of this Law in front of the Working Body of the Assembly of the Republic of Macedonia, responsible for audio and audiovisual media services.
  - (9) When determining the proposals with candidates for Council members, the Committee for Elections and Appointments of the Assembly of the Republic of Macedonia shall take into account the adequate and rightful representation of the citizens from all the communities living in the Republic of Macedonia.
  - (10) When determining the proposals, the authorised nominators referred to in paragraph (2) of this Articles should take into consideration provision of article 12 paragraph (2) of this Law and should take into account the appointment requirements in accordance with Article 16, paragraph (2) of this Law.
  - (11) The competent Ministry of Information Society and Administration determines which one is the majority Journalists' Association of the paragraph (2) indent 1 of this article, taking into account the number of members of the journalistic associations based on the signed membership documents confirmed by the paid membership fee for each member of the relevant association. The registry of the registered members and the confirmation for the paid membership fee for the current year, are submitted by the journalists' associations to the competent Ministry of Information Society and Administration. The competent Ministry of Information Society and Administration, will particularly pay attention on the cases of dual membership. In such cases valid members of a certain journalists' association will be considered the one with the paid membership of a more recent date.

## **Article 15**

### **Council members' term of office**

- (1) The Council members shall be appointed for a seven-year term.
- (2) The Council members may not be re-appointed.
- (3) In case a Council member resigns or his/her term of office is terminated prior to the expiry period, the Assembly of the Republic of Macedonia shall appoint a new Council member for the remainder of the term of office upon proposal from the authorised nominator, as stipulated in Article 14 of this Law.

- (4) The Council may operate if at least five Council members have been appointed.

## **Article 16**

### **Appointment requirements**

- (1) The Council members may be persons who are citizens of the Republic of Macedonia, have a University degree, have at least five-year work experience in the relevant field, and have become publicly prominent in the field of communications, journalism, electronic communications, information technologies, culture, economy, law or similar fields relevant to the realisation of the Council competences.
- (2) The following persons may not be appointed as Council members:
- member of Parliament, member of the Government of the Republic of Macedonia, person appointed by the Parliament, or Government of the Republic Macedonia, person who manages a local self-government unit, director or a member of the management or supervisory board of a public enterprise;
  - persons executing duties within the bodies of a political party or a religious community;
  - person who is co-owner or shareholder, member of a management body or person who has direct or indirect interest in a legal person involved in audio or audiovisual media services or in a company conducting similar activities (advertising, electronic communications, production and sales of audio and audiovisual technical goods and similar) related to audio/audiovisual media services and operators and/or providers of public electronic communications networks and services;
  - person, whose family members are co-owners or shareholders or members of management bodies of broadcasters and
  - person lawfully sentenced to a term in prison longer than six months, or person that has been sentenced to a prohibition of performance of profession, activity or duty for a period longer than six months until the sentence or measure would not be deleted from the register in accordance with the law.
- (3) Employees of other legal persons may be appointed as Council members, except in cases when it is a conflict of interests pursuant to this Law.
- (4) The Council members must not receive any gifts and accept any services from, nor get involved in relations that may result in conflict of interest with broadcasters, audiovisual media service providers on demand and from operators of public electronic communication networks which transmitting and retransmitting programme contents.

## **Article 17**

### **Termination of a Council member's term of office**

- (1) The Council member's term of office shall be legally terminated prior to the expiry of the term in the following cases:
- upon his/her request;
  - if he/she accepts a position or a job which are incompatible with his/her position as a Council member in accordance with this Law;
  - if he/she was finally sentenced for a criminal offence facing imprisonment of more than six months or if he/she was sentenced to a prohibition to perform a duty in duration more than six months;
  - if he/she is prevented execute his/her duty for a continuous period longer than six months;

- if any of the impediments to his/her Council memberships has occurred, as envisaged in Article 16 of this Law;
  - if he/she is absent from three consecutive sessions of the Council or from five sessions over a period of one year pursuant to the Agency Rules of Procedure; or
  - if it has been determined during the appointment procedure that the Council member provided inaccurate data or failed to provide information relevant for his/her appointment.
- (2) The President or the Deputy President shall inform the Assembly of the Republic of Macedonia on the fulfilment of the conditions for termination of a Council member's term of office, prior to the expiration of the term for which it has been appointed, as envisaged in paragraph (1) of this Article within five days from the date when the conditions from paragraph (1) of this Article have become valid. In this case, the procedure referred to in Article 14 of this Law shall apply.

## **Article 18**

### **Council competencies**

- (1) The Council shall have the following competencies:
- adopt decision to announce a public competition for awarding license for television or radio broadcasting;
  - adopt decision for awarding, revoking or extending licenses for television or radio broadcasting;
  - adopt decision permitting or prohibiting the changes in the ownership structure of a broadcaster;
  - adopt a decision for annulment of the decision permitting the changes in the ownership structure of the broadcaster;
  - adopt a decision for Initiating an ex officio procedure for determining illegal media concentration;
  - adopt a decision for determining the existence of illegal media concentration;
  - inform the competent copyright authority upon suspicion that infringement to copyrights and related rights occurred;
  - adopt the bylaws arising from this Law;
  - adopts the general operations acts of the Agency
  - adopt the Agency Rules of Procedure;
  - adopt the Annual Balance Sheet of the Agency;
  - approve the Agency Annual Operations Report for the previous year and the Annual Operations Programme for the following year which are part of the Agency Operations Report prescribed in article 8 of this Law;
  - adopt the Annual Plan for Programme monitoring and the Methodology for Programme monitoring;
  - decide on undertaking measures for timely termination of transmission and reception of audio and audiovisual media services from third countries on the territory of the Republic of Macedonia;
  - adopt a decision for defining a list of events of high significance for the public in the Republic of Macedonia;
  - adopt Code of Conduct for the Council members and the employees of the Agency expert service;
  - elects and dismiss the Agency director in accordance with this Law following the procedure defined in the Agency Rules of Procedure;

- Approves the decisions of the Director of the Agency about the management with the Agency's property, as well as the employments and dismissals of the employees at the expert service of the Agency
- monitor the implementation of the Annual Programme for the operations of the Agency through quarterly reports submitted by the Agency director; and
- Perform other duties in accordance with this Law.

## **Article 19**

### **Agency director**

- (1) The Council shall elect the Agency director via public competition. The candidate must have a University degree and over five years work experience in the field of communications, journalism, electronic communications, information technologies, culture, economy or law.
- (2) The Council shall be obliged to elect the Agency director within 30 days prior to the expiry of the term of office of its predecessor.
- (3) The director, his/her spouse or unmarried partner, as well as close first and second degree relatives, may not possess shares, directly or indirectly, in organisations conducting activities directly within the Agency's scope of competence.
- (4) The director shall be employed full-time in the Agency as a professional.
- (5) The Council elects a deputy director of the Agency via public competition for equal mandate to the mandate of the Director.

## **Article 20**

### **Director competencies**

- (1) The director shall organise and manage the operations of the Agency, shall be responsible for the lawful operations of the Agency and shall have the following competencies:
  - represent and act on behalf of the Agency;
  - sign contracts on behalf of the Agency;
  - propose general operations acts of the Agency
  - propose the Agency Rules of Procedure, the Annual Operations Report and the Annual Programme for the operations of the Agency, which are part of the Agency Operations Report prescribed in article 8 of this Law;
  - propose the Annual Plan for Programme monitoring and the Methodology for Programme monitoring;
  - adopts resolution on issues under the competence of the Agency;
  - Issues Confirmations for registration stipulated with this Law
  - undertake measures in accordance with this Law in cases of violation of the provisions of this Law or the regulations adopted thereof, and the conditions and obligations arising from licenses;
  - propose measures for timely termination of transmission and reception of audio and audiovisual media services from third countries on the territory of the Republic of Macedonia;
  - propose decisions within the Council competencies;
  - propose bylaws within the Council competencies;
  - propose a list of events of high significance for the public in the Republic of Macedonia;
  - grant authorisations to other persons within the scope of his/her competencies;

- decide on employments and assignments within the Agency expert service; and
- perform other activities referred to in this Law and the Agency Rules of Procedure.

(2) The director shall be obliged to submit to the Council quarterly reports on the implementation of the Annual Programme for the operations of the Agency as well as quarterly reports on undertaken measures in accordance with this Law in cases of breach of provisions of this law or regulations adopted in line with this law and conditions and responsibilities arising from licenses.

(3) The director's term of office shall be seven years.

(4) Should the director's term of office expire and the procedure for selection of a director has not been completed, the director shall continue to perform its function until a new director is selected, however, for a period not longer than six months.

## **Article 21**

### **Dismissal of the director**

(1) The director may be dismissed by the Council only in the following cases:

- a) upon his/her request;
- b) if he/she is prevented by illness to perform his/her duties for a period longer than six months;
- c) if he/she accepts a position or a job which are incompatible with his/her appointment as director;
- d) if he/she was sentenced for a criminal offence for which a term in prison longer than six months is prescribed, or if he/she was sentenced to a prohibition to perform a duty for a period longer than six months;
- e) if he/she acts in violation of this Law or the provisions thereof which may be determined from the Annual Report on the operations of the Agency; or
- f) if he/she abuses the position as determined in the Audit Report referred to in Article 8 of this Law.

(2) The director, against whom there is an on-going procedure for dismissal, shall be granted the right to defend himself/herself in front of the Council.

(3) The decision for dismissal of the director shall, inter alia, contain the reasons for his/her dismissal, explained in details, and shall be published on the Agency web-site within seven days from its adoption.

(4) If the director has been dismissed, and the procedure for selecting a director has not been completed, the function director shall be performed by a person employed in the Agency expert service, who will be authorised accordingly by the Council for a period not longer than three months.

(5) The provisions in paragraphs (1), (2) and (3) of this Article shall equally apply for the deputy director of the Agency.

## **Article 22**

### **Organisation and employment in the Agency**

(1) The expert, normative-legal, administrative, supervisory, material-financial, accounting, IT and other affairs of the Agency shall be managed by an expert service the internal organization of which, as well as scope of work and employment conditions shall be regulated in the acts on internal organisation and systematisation of posts and assignments, in accordance with Labour Relations Law.

(2) The provisions in the Law on Civil Servants shall not apply to the employees of the Agency.

(3) Within the Agency expert service there must be an organisation unit which will conduct programme supervision (monitoring) of the programme transmitted by broadcasters, on-demand audio and audiovisual media service providers on demand and the programme packages of the operators of



electronic communication networks which retransmit programme services in regards to the compliance with the provisions of this Law, the bylaws and other acts adopted by the Agency, the licenses and issued registration certificates, in accordance with the Annual Plan for programme monitoring and the Methodology for programme monitoring defined in the Agency bylaw.

(4) The expert service shall be independent and unbiased while performing the activities within its scope of competence, and shall abide to the procedures defined in this Law and the regulations adopted thereof.

(5) An employee in the expert service shall be obliged to refuse an order to act contrary to the provisions of this Law, the regulations adopted thereof and other acts of the Agency, even in cases when such order is issued from a superior and shall inform the director, the Council President, and other Council members thereof.

(6) The conduct of the employees in the Agency expert service, during the execution of their duties, as defined in this Law, the regulations adopted thereof and other acts of the Agency, shall be regulated in more details in the Code of Conduct for the employees of the expert service, which would be adopted by the Agency and would be published on its web-site.

## **Article 23**

### **Measures in case of violation of regulations**

(1) If the Agency establishes violation of the provisions of this Law and the bylaws adopted thereof, as well as the conditions and obligations laid down in the license and other Agency acts, the Agency Director may undertake measures against the media publisher, the audio and audio-visual service provider on demand or the operators of electronic communication networks which retransmit programme services as follows:

- Adopt a decision with written warning;
- file a complaint for initiating a misdemeanour procedure in cases where despite the adopted warning decision, continues with the same violation that incurred with the written warning during the year;
- will submit proposal to the Council for revoking a license, or
- will adopt a decision for deletion from the registry in accordance with this Law.

(2) The undertaken measures referred to in paragraph (1) of this Article shall be published by the Agency on its web-site, including a detailed rationale, within three days from their execution.

## **Article 24**

### **Right to Court Protection**

(1) The decisions adopted in cases of violation of the provisions of this Law, licences, registration certificate, by-laws and other Agency acts shall be final.

(2) The decisions referred to in the paragraph (1) of this Article may be subject to administrative dispute before a competent court.

(3) The administrative dispute complaint shall be submitted within a period of 30 days from the reception of the decision.

## **Article 25**

### **Cooperation**

(1) The Agency shall consider in its operations the directives of the European Union, the acts of the Council of Europe, the international conventions ratified by the Republic of Macedonia, as well as the experience of EU Member States.

- (2) The Agency is obliged to cooperate, provide opinions, proposals and exchange data with the Ministry competent for matters related to the audio and audiovisual media services, the Agency for Electronic Communications, the Consumer Protection Commission, the State Commission for Preventing Corruption, the Directorate for Personal Data Protection, the State Election Commission, Central Registry of the Republic of Macedonia, the body responsible for protection of copyrights and related rights and other state bodies, administrative bodies, public enterprises, local self-government units, public institutions and organisation in the Republic of Macedonia. While exchanging data, the Agency is obliged to ensure their confidentiality according to the law.
- (3) The Agency shall be obliged to cooperate and exchange information with the State Market Inspectorate, the body responsible for protecting copyrights and related rights and other competent authorities and bodies in order to provide legal protection of services based on or including conditional access, as well as to prevent the possible use of prohibited devices allowing access to services with conditional access in accordance with the Law.
- (4) In accordance with its competencies and in line with the implementation of the provisions in this Law, the Agency shall cooperate with regulatory bodies from other countries and international institutions and bodies.

## **Article 26**

### **Social inclusion and media literacy**

- (1) The Agency shall undertake activities to encourage the audio or audiovisual media service providers make their services accessible to hearing and visually impaired persons.
- (2) The Agency shall undertake activities to encourage media literacy in the Republic of Macedonia.
- (3) While undertaking the activities referred to in paragraph (1) and (2) of this Law, the Agency shall cooperate with non-governmental organisations, citizens' associations, education institutions and other interested parties and shall published them on its web-site.
- (4) The undertaken activities referred to in paragraph (1) and (2) of this Law shall be a comprising part of the Annual Report on the operation of the Agency for the previous year.

## **III. SUPERVISION**

### **Article 27**

#### **Types of supervision**

- (1) The Agency shall perform programme, administrative and expert supervision.
- (2) The Programme and the administrative supervision may be:
  - Systematic supervision;
  - Ad- hoc supervision; or
  - Control supervision.
- (3) The Systematic supervision is done on the basis of an Annual program on performing the programme, i.e. administrative supervision, while when it comes to programme supervision it is also done in accordance with the Methodology on performing programme supervision adopted by the Agency.
- (4) Ad hoc supervision is based on initiative filed by the state authorities, legal or natural persons, and ex officio in case of persisting doubt by the Agency.

- (5) Control supervision is conducted after the expiry of the deadline determined in the individual act adopted by the Agency for the purpose of determining whether the supervised subject:
- Complied with the act in its entirety;
  - Complied with the act partially or
  - Did not comply with the act.

## **Article 28**

### **Programme supervision**

- (1) Programme supervision shall be performed on the programmes of broadcasters as well as providers of on-demand audio-visual media services and the programme packages retransmitted by operators of electronic communication networks from point of view of compliance with the provisions of this law, licenses, issued registration certificates, by-laws and other acts adopted by the Agency.
- (2) Programme supervision referred to in paragraph (1) of this Article shall be carried out by employees of the organizational unit established for this purpose within the Agency's expert service. A written report shall be composed for each conducted Programme supervision and submitted to the Agency Director within three days of the date of implementation of the Programme supervision.
- (3) Provided the Programme supervision verifies violations and breaches, the written report shall contain proposed measures in accordance to this and other Laws.

## **Article 29**

### **Administrative supervision**

- (1) Administrative supervision shall be performed on the operation of media publishers from the aspect of the harmonization of their work with the conditions laid down with the Law on Media, this law and the regulations on its basis. The administrative supervision over the work of the publishers of print media and electronic publications refers only to the compliance of their work with the obligations determined with articles 6,7,8,10,14 and 15 of the Law on media.
- (2) The Administrative supervision from paragraph (1) of this Article shall be performed by employees in the Agency's expert service in accordance with the act on systematization of work and tasks in the Agency's professional service.
- (3) A written report shall be composed for each conducted Administrative supervision which will be submitted to the Agency Director within three days of the date of implementation of the administrative supervision.
- (4) Provided the Administrative supervision verifies violations and breaches, the written report shall contain proposed measures in accordance to this and other Law.

## **Article 30**

### **Competences for performing expert supervision**

- (1) Expert supervision of broadcasters shall be performed by the employees in the expert service of the Agency authorized by the Agency Director (hereinafter: authorized person), for the sole purpose of verification of realization of the technical, spatial and personnel requirements as per the Request for granting a permit for television or radio broadcasting.
- (2) Expert supervision referred to in the paragraph (1) of this Article shall be performed only within 30 days, after thirty days have expired following the date of business initiation set out in the television and radio broadcasting license, as well as after a change of the premises location where the programme is being produced (studios) or by expanding with new studio premises.

## **Article 31**

### **Authorized person for execution of expert supervision**

- (1) For the purposes of this Authorized person may be an employee in the Expert service within the Agency who shall have graduated higher education and a professional experience of minimum three years.
- (2) The agency shall grant the authorized person with an official identification card used for verification of his/her official capacity and which shall be presented during the execution of the supervision.
- (3) The form and content of the official identification card referred to in the paragraph (2) of this Article and the manner of its issuing and revoking shall be determined in the by-law.

## **Article 32**

### **Expert supervision procedure**

- (1) The Agency shall inform in writing the broadcaster for the initiation of the expert supervision which shall be performed after seven days from the date of submission of the written information. In its written information, the Agency shall provide justification for execution of the expert supervision.
- (2) The authorized person shall compose a report on the performed expert supervision and forward it to the broadcaster for his/her verification signature. In cases when the broadcaster refuses to sign the report, the authorized person shall list in the report the reasons for such refusal.
- (3) Due to the scope and complexity of the expert supervision, its nature or circumstances it is impossible for the report to be composed during the supervision process, it shall be composed in the Agency official premises within three days of the date of the expert supervision providing the justification for such action.
- (4) The report shall provide an insight in the factual situation during the supervision along with the determined remarks, statement and other relevant facts and circumstances.
- (5) The Agency shall, in and Act, determine the form on fashion and the compulsory elements of the Report on executed supervision.
- (6) The authorized person shall immediately after the execution of the expert supervision, or after three days the latest, submit the Report referred to in the paragraph (2) of this Article to the Agency Director.
- (7) The authorized person is bound to propose measure as per this Law, provided the Report verifies detected injury or breach.

## **Article 33**

### **Right and obligation of the broadcaster as a subject in the expert supervision**

- (1) The broadcaster shall provide the authorized person with uninterrupted execution of the expert supervision.
- (2) Uninterrupted execution of the expert supervision shall be the responsibility of the subject that performs expert supervision and the responsible person within the broadcaster.
- (3) For the purposes of expert supervision, the broadcaster shall provide the authorized person with:
  - Free access to the premises where the means and objects for provision of media services are located in a determined period, and
  - Allow free inspection and, upon a request from the authorized person, any information, data and documents or any other means required for expert supervision.

- (4) The broadcaster shall, upon written request from the authorized person, in a strictly defined period, and no later than 15 days, submit to the authorized person or prepare accurate and full data, reports, materials and other documents necessary for execution of expert supervision.
- (5) Provided the authorized person execution expert supervision is not allowed entrance in the residential facility, the authorized person may enter with an order form a competent court.
- (6) The broadcaster is entitled to give his/her statement on the Report and remarks related to the expert supervision justifying the reasons thereof.

#### **IV. PROTECTION OF PLURALISM AND DIVERSITY OF AUDIO AND AUDIOVISUAL MEDIA SERVICES**

##### **Article 34**

###### **Prohibition of secret co-owner**

The broadcaster may not have a secret co-owner, i.e., the secret co-owner may not participate with monetary or non-monetary share in the broadcaster.

##### **Article 35**

###### **Participation of a foreign natural or legal person**

- (1) A foreign natural or legal person may found or participate in the ownership of a domestic broadcaster under the same terms defined by this Law applicable to domestic natural persons or legal entities.
- (2) A domestic legal person whose founders are foreign persons registered in countries, where in accordance with their legislation it is not permitted or it is not possible to establish the origin of the initial capital, may not conduct broadcasting activities in accordance with this Law and may not acquire shares in a broadcaster.
- (3) If it is additionally determined that one of the founders of the broadcaster is a legal person, as stipulated in paragraph (2) of this Article, the provisions in Article 43 of this Law shall apply respectively.

##### **Article 36**

###### **Related persons**

- (1) Related persons, in terms of this Law, shall denote persons mutually connected through the management structure, capital assets or in another manner, when such persons, due to their connections, are jointly involved in the creation of business policies, i.e. act in a coordinated way to achieve common goals, or when one person has the ability to direct or exert significant influence on the other person in its decisions on the financing, business operations or the programming concept of the broadcaster.
- (2) The following persons shall be considered related persons, as defined in paragraph (1) of this Article:
  - family members;
  - members of the spouse's immediate family or the unmarried partner;

- share-holders or holders of other rights in a person, on basis of which they participate in the management of said person, with at least 25% of the voting rights;
- persons that hold a total share of ownership or other rights in the a person, on basis of which they participate in the management of each of those persons with at least 25% of the voting rights;
- related persons in terms of the Law on Trade Companies;
- persons who, on the basis of a marketing or another business cooperation contract, generate in excess of 30% of the advertising, teleshopping or sponsorship income in a quarter or a longer period in a year; and
- members of the managing or supervisory board of a given broadcaster, as well as persons related to the members of the managing or supervisory board in a manner defined by this Article.

### **Article 37**

#### **Limitations on ownership acquisition**

- (1) A natural or legal person that appears as a majority co-owner or share-holder in a broadcaster with a license for television broadcasting on national level, as well as person related to a co-owner or a shareholder in a broadcaster with a license for television broadcasting on national level may appear as co-owner or shareholder, that is, participate in the ownership of only one other broadcaster that holds a license for television broadcasting on national level, but not exceeding 50% of the capital of that broadcaster or 50% of the decision-making rights.
- (2) A natural or legal person that appears as a majority co-owner or share-holder in a broadcaster with a license for television broadcasting on national level, as well as person related to a co-owner or a shareholder in a broadcaster with a license for television broadcasting on national level may appear as majority co-owner or shareholder, that is, participate in the ownership of only one more broadcaster that holds a license to pursue broadcasting activity for television broadcasting on a regional level provided that areas are in a non-neighbouring region, and in the ownership of no more than two broadcasters with a license for television broadcasting on local level, provided that the regions of local level do not share a common border.
- (3) A natural or legal person that appears as a majority co-owner or share-holder in a broadcaster with a license for television broadcasting on regional level, as well as person related to a co-owner or a shareholder in a broadcaster with a license for television broadcasting on regional level may appear as majority co-owner or shareholder, that is, participate in the ownership of only one more broadcaster that holds a license to pursue broadcasting activity for television broadcasting on a regional level, provided that areas are in a non-neighbouring region, and in utmost two more broadcasters with a license for television broadcasting on local level, provided that the two local areas do not share a common border.
- (4) A natural or legal person that appears as a majority co-owner or share-holder in a broadcaster with a license for television broadcasting on local level, as well as person related to a co-owner or a shareholder in a broadcaster with a license for television broadcasting on local level may appear as majority co-owner or shareholder in the ownership of no more than two broadcasters with a license for television broadcasting on local level, provided that the local regions do not share a common border.
- (5) A natural or legal person that appears as a majority co-owner, share-holder, or related person, in a broadcaster may not found or appear as a co-owner or share-holder in a publisher of print media involved in publication of daily newspaper, news agency, advertising and propaganda company, market and public opinion research company, audiovisual distribution company, film

production company or electronic communications network operator that provides re-transmission or broadcasting of radio/television programmes.

- (6) Provisions of paragraphs (1),(2),(3) and (4) of this article shall be accordingly applicable to natural persons and legal entities which are majority co-owners or majority shareholders in the broadcaster which has licence to provide radio broadcasting.

## **Article 38**

### **Special prohibitions on ownership acquisition**

Political parties, state bodies, bodies of the state administration, public enterprises, local self- government units, public office holders and members of their families, may not pursue broadcasting activity, nor appear as founders or co-founders or acquire ownership of broadcasters.

## **Article 39**

### **Illegal media concentration**

- (1) Illegal media concentration, in the sense of this Law, exists when natural persons and legal entities who are founders of the broadcaster, including natural persons holders of public functions in broadcaster management, simultaneously appear as:
- related persons within the meaning of the provisions in this Law;
  - founders of other broadcasters contrary to the provisions in Article 37, paragraph (1), (2), (3) and (4), of this Law;
  - founders of publisher of printed media that prints a daily newspaper distributed in the territory where the radio and/or television programme is broadcasted;
  - founders of news agency, and
  - founders of an advertising and propaganda company, market and public opinion research company, audiovisual distribution company, film production company or electronic communications network operator that provides transmission or broadcasting of radio/television programmes.
- (2) The existence of illegal media concentration, within the meaning of this Law, shall be determined if the broadcaster:
- participates in the foundation capital of another broadcaster contrary to the provisions of article 37 of this Law;
  - participates in the foundation capital of a publisher of print media that prints a daily newspaper or a news agency;
  - participates in the foundation capital of an advertising and propaganda company;
  - participates in the foundation capital of a market and public opinion research company;
  - participates in the ownership structure of an audiovisual distribution company or a film production company;
  - participates in the foundation capital of an electronic communications network operator that provides broadcasting and transmission of radio/television programmes;

- is simultaneously involved in broadcasting radio and television programme, with the exception of the Public Service Broadcaster;
- broadcasts radio or television programmes and publishes daily newspaper distributed on the territory where the radio or television programmes are broadcasted;
- broadcasts radio or television programmes and conducts the activities of a news agency, advertising and propaganda company, market and public opinion research company, audiovisual works distribution company, film production company, or an electronic communications network operator that provides retransmission or broadcasting of radio or television programmes.

## **Article 40**

### **Determining the existence of illegal media concentration**

- (1) Pursuant to this Law, the existence of illegal media concentration and violation of the prohibitions referred to in Articles 34, 35 paragraph (2) or article 38 of this Law shall be determined by the Agency.
- (2) While executing the procedure for determining the existence of illegal media concentration and violation of the prohibitions referred to in Article 34, 35 paragraph (2) or article 38 of this Law, the provisions in the Law on General Administrative Procedure shall apply, if not specified otherwise in this Law.

## **Article 41**

### **Prior notification on changes in the ownership structure**

- (1) Prior to implementing any changes in the ownership structure, the broadcaster shall be obliged to inform the Agency.
- (2) The broadcaster may not implement the changes in the ownership structure before receiving an approval from the Agency that is, before the completion of an administrative dispute, as mentioned in paragraph (9) of this Article.
- (3) The Agency shall be obliged to examine, within 30 days from the moment of receiving the notification referred to in paragraph (1) of this Article, whether the proposed changes in the ownership structure would create illegal media concentration within the meaning of this Law, that is, examine whether the proposed changes in the ownership structure are contrary to the prohibitions referred to in Articles 34, 35 paragraph (2) or article 38 of this Law. In so doing, the Agency shall be obliged to cooperate and exchange information with state bodies and authorities in accordance with this Law.
- (4) The Agency may extend the deadline set in paragraph (3) of this Article on reasonable grounds, however, it may do so only once, and extend it no more than 30 days, informing the broadcaster in writing thereof, at least three days prior to the expiration of the deadline set in paragraph (3) of this Article.
- (5) In order to examine the notification referred to in paragraph (1) of this Article, the broadcaster shall be obliged, upon written request from the Agency, to submit data relevant to the decision making process.
- (6) Provided that, within the deadlines set in accordance with paragraphs (3) and (4) of this Article, it has been determined that the proposed changes in the ownership structure would not create an illegal media concentration within the meaning of this Law, that is, said changes are not contrary to the prohibitions referred to in Articles 34, 35 paragraph (2) or article 38 of this Law, the



- Agency shall, within the deadlines set in paragraphs (3) and (4) of this Article, adopt a decision permitting the implementation of the changes in the ownership structure.
- (7) Provided that, within the deadlines set in accordance with paragraphs (3) and (4) of this Article, it has been determined that the proposed changes in the ownership structure would create an illegal media concentration within the meaning of this Law, that is, said changes are contrary to the prohibitions referred to in Articles 34, 35 paragraph (2) or article 38 of this Law, the Agency shall, within the deadlines set in paragraphs (3) and (4) of this Article, adopt a decision prohibiting the implementation of the changes in the ownership structure.
  - (8) The decision referred to in paragraph (7) of this Article must contain the grounds on which the Agency prohibits the implementation of the changes in the ownership structure.
  - (9) In case the Agency does not adopt a decision within the deadlines set in paragraphs (3) and (4) of this Article, it shall be considered that the implementation of the changes in the ownership structure has been approved.
  - (10) The deadlines set in accordance with paragraph (3) and (4) of this Article shall begin at the moment when the broadcaster has submitted to the Agency all data from the Act referred to in paragraph (12) of this Article.
  - (11) The Agency shall prescribe the form and content of the notification referred to in paragraph (1) of this Article, as well as the necessary documentation which is submitted along with the notification, in a separate Act.

## **Article 42**

### **Annulment of a decision permitting implementation of changes in the ownership structure**

- (1) The Agency will annul the decision permitting the implementation of the changes in the ownership structure with a new decision, if former decision has been adopted on the grounds of inaccurate and/or incomplete data for which the broadcaster is responsible, or fraudulent data which were decisive for the adoption of the decision.
- (2) With the decision referred to in paragraph (1) of this Article, the Agency shall:
  - annul the decision permitting the implementation of the changes in the ownership structure,
  - determine that the proposed changes in the ownership structure would create illegal media concentration, that is, said changes are contrary to the prohibitions referred to in Articles 34, 35 paragraph (2) or article 38 of this Law, and
  - impose on the broadcaster to align its ownership structure in accordance with the provisions of this Law within a deadline not shorter than 30 days and not longer than 90 days from the moment of receipt of the decision referred to in paragraph (1) of this Article.
- (3) The Agency may adopt a decision in accordance with paragraph (1) of this Article, without being limited by the deadlines set in Article 41 of this Law.
- (4) In case the broadcaster does not comply with the decision referred to in paragraph (1) of this Article, the Agency shall revoke its license for television or radio broadcasting in accordance with the manner and procedure defined in this Law.

## **Article 43**

### **Initiating an ex officio procedure for determining illegal media concentration**

- (1) If the Agency becomes aware of potential existence of illegal media concentration, that is, of violation of the prohibitions referred to in Article 34, 35 paragraph (2) or article 38 of this Law,

either on its own initiative or on the basis of information received from concerned persons, it shall immediately start an ex officio investigation thereof.

- (2) When investigating the information referred to in paragraph (1) of this Article, the Agency shall request from the broadcaster to submit all data relevant to the decision making process of the Agency, within a deadline not shorter than 15 days and not longer than 45 days.
- (3) If during the investigation of the information referred to in paragraph (1) of this Article, the Agency adopts a decision determining the existence of illegal media concentration, that is, violation of the prohibitions referred to in Article 34, 35 paragraph (2) or article 38 of this Law, it shall order the broadcaster to align its ownership structure with the provisions of this Law, within a deadline not shorter than 30 days and not longer than 90 days.
- (4) In case the broadcaster does not comply with the decision referred to in paragraph (3) of this Article, the Agency shall revoke its license for television or radio broadcasting in accordance with the manner and procedure defined in this Law.

## **V. ENABLING RADIO AND TELEVISION BROADCASTING AND AUDIOVISUAL MEDIA SERVICE ON-DEMAND**

### **V.1 General provisions**

#### **Article 44**

##### **Freedom of transmission and reception**

Guaranteed is the freedom of reception and re-transmission of audio or audiovisual media services from the EU member states and other European countries signatories of the European Convention of Trans-frontier Television of the Council of Europe on the territory of Republic of Macedonia.

#### **Article 45**

##### **Limitation of transmission of reception of audio and audiovisual media service from other countries**

- (1) As an exception to provision of the article 44 of this Law, The Agency can undertake adequate measures to provisionally limit the freedom of transmission and reception of audio or audiovisual media service from other countries in the territory of Republic of Macedonia pursuant to the conditions determined in paragraphs 2,3 and 4 of this Article.
- (2) The Measures of paragraph 1 of this article concerning program services of broadcasters, can be enforced in the following cases:
  - If the program services of the broadcasters from other countries, seriously or gravely violate the provisions of Article 48 and Article 50 of this Law and incite racial, gender, religious or ethnic hatred and intolerance;
  - If at least twice during the past 12 months the broadcaster has violated the provisions of paragraph (2), indent 1 of this Article;
  - If the Council has in writing notified the broadcaster and the European Commission on violation and measures to be undertaken in cases of reoccurrence of violation;
  - If the consultations with the state from which the broadcaster is transmitting and with the European Commission had not resulted in friendly settlement within a period of 15 days following the day of written notification, whereas the violation persisted.

(3) The Measure of paragraph (1) of this Article shall be enforced in relation to the on-demand audio and audiovisual media service, provided the following requirements have been met:

- The Measure is necessary in particular for protection, research, disclosure and prosecution of criminal acts, including the protection of minors and the fight against incitement of racial, gender, religious or ethnic hatred; also against violation of human individual dignity, safeguarding public health, public safety, including the safeguarding of national security and defence; also protection of consumers including the investors.
- The Measure is to be enforced against on-demand media service endangering the objectives of paragraph (3), item 1 of this Article and against those who represent a serious and grave threat to the afore-stated objectives.
- The Measure is proportional to the objectives of paragraph (3), item 1 of this Article;
- The Agency, prior to enforcement of the Measure, and not contesting the court proceedings, including the previous procedures and activities in the criminal investigation, has asked the member state under the jurisdiction of which the provider of media service is, to enforce measures not enforced or inadequately enforced by the relevant member state; and
- The Agency has informed the European Commission and the member state as well as country signatory of the European Convention of Trans-frontier Television under the jurisdiction of which the Provider of media service is, of the attempt to enforce measures.

(4) In some emergencies, the Agency can digress from the requirements stipulated in paragraph (3), items 4 and 5 of this Article, and in such occurrences it shall in the shortest time possible notify the European Commission and the member state under the jurisdiction of which the Provider of Media Service is, or the state signatories of the European Convention of Trans-frontier Television of the Council of Europe about the enforced measures, stating the reasons behind which the case has been considered an emergency.

(5) The Agency shall immediately terminate the enforcement of the Measure of paragraph (1) of this Article, if the European Commission claims lack of conformance to the regulations of the European Union.

## **Article 46**

### **Jurisdiction**

- (1) The provisions of this Law shall apply to all providers of audio or audiovisual media service under the jurisdiction of the Republic of Macedonia.
- (2) The jurisdiction of the Republic of Macedonia shall encompass all providers of audio or audiovisual media service founded in the Republic of Macedonia pursuant to paragraph (3) of this Article, and/or those applicable in paragraph (4) of this Article.
- (3) The provider of audio or audiovisual media service shall be considered as founded in the Republic of Macedonia provided the following:
  - The Head office of the provider of audio or audiovisual media service is located in the Republic of Macedonia and editorial decision-making relating to the audio and audiovisual media service is made in the Republic of Macedonia;
  - The Head Office of the provider of audio or audiovisual media service is located in the Republic of Macedonia, whereas the editorial decision-making on audio or audiovisual media service is made in a member state of the European Union and significant part of the workforce engaged in activities relating to audio or audiovisual media service is located in the Republic of Macedonia;
  - The editorial decision-making on audio or audiovisual media service is adopted in the Republic of Macedonia, whereas the Head Office of the provider of audio or audiovisual Media Service is located in a member state of the European Union, however significant part of

- the workforce engaged in activities relating to the audio or audiovisual media service is in the Republic of Macedonia;
- The Head office of the provider of audio or audiovisual media service is located in the Republic of Macedonia, whereas significant part of the workforce engaged in activities relating to provision of audio or audiovisual media service is located in Republic of Macedonia and in another member state of the European Union;
  - Significant part of the workforce engaged in activities relating to provision of audio or audiovisual media service is not located in any member state of the European Union, however the provider of audio or audiovisual media service has started activities in the Republic of Macedonia and maintains a stable and effective link with the economy of the Republic of Macedonia; and
  - The Head office of the provider of audio or audiovisual media service is located in the Republic of Macedonia, and the editorial decision-making takes place in a non-EU member state, or vice versa, whereas the significant part of the workforce engaged in activities relating to the provision of audio or audiovisual media service is located in the Republic of Macedonia.
- (4) Under the jurisdiction of the Republic of Macedonia are those providers of audio or audiovisual media service for which provisions of paragraph (3) of this Article shall not apply as follows:
- Providers use satellite link located in the Republic of Macedonia; and
  - Providers do not use satellite link located in the Republic of Macedonia, however utilize satellite capacities belonging to the Republic of Macedonia.

## **Article 47**

### **Record-keeping of broadcasted program**

- (1) The broadcasters shall maintain daily records of broadcasted program and record the output signal of their program, and shall also keep the recordings of the entire program the least of 60 days following the actual broadcast.
- (2) Providers of on-demand audio and audiovisual media service shall be obliged to retain the program from the Catalogue unaffected at least 30 days following the date of it becoming accessible to the users.
- (3) Following a Request by the Agency, the providers of audio or audiovisual media service of paragraphs (1) and (2) of this Article shall submit a authentic and integral recording of the programs the latest of three days following the receipt of the Request.
- (4) Should a dispute arise, the providers of audio or audiovisual media service of paragraphs (1) and (2) of this Article shall keep the recordings until the resolution of dispute.
- (5) The manner of record keeping of paragraph (1) of this Article as well as the quality of recordings of the entire program shall be prescribed by the Agency.
- (6) Broadcasters are obliged to keep special record about the cinematic and audio goods which represent a cultural heritage in line with the Law for Protection of Cultural Heritage.

## **Article 48**

### **Special prohibitions**

The audio and audiovisual media service must not contain programmes that threaten the national safety, call for violent destruction of the constitutional order of the Republic of Macedonia, call for military

aggression or armed conflict, incite or spread discrimination, intolerance or hatred based on race, sex, religion or nationality.

## **Article 49**

### **Obligations concerning cinematographic works**

Providers of audiovisual media service shall not broadcast or transmit cinematographic works outside the period determined in the contracts with the holders of rights.

## **Article 50**

### **Protection of minors**

- (1) Providers of audiovisual media service must not broadcast programmes which may seriously damage the physical, psychological or moral development of minors, especially programmes containing pornography or gratuitous violence.
- (2) Unnecessary violence shall represent spreading of textual, verbal and visual messages, during the time periods available to minors, which glorify physical, verbal or psychological forms of sadism or similar types of violence being an aim for itself, and which cannot be justified neither by the context of the genre nor by the motives of the dramatic action of the broadcasted program.
- (3) The prohibitions referred to in paragraph (1) of this Article shall also apply to other programmes which are likely to damage the physical, psychological and moral development of the minors, except in cases when it is provided that their broadcasting or reprises in certain times of the day and/or by applying a certain technical measure, that the minors will not be able to listen to or watch those programmes in their usual way. When such programmes are broadcasted or reprised in an unencrypted manner, the provider of audiovisual media service shall be obliged to provide an acoustic warning prior to their broadcast or enable recognition by means of visual signs during their broadcast.
- (4) The Agency shall prescribe the technical measures and the period of broadcasting, the acoustic warning, the visual symbols and the manner of conduct of the providers of audiovisual media service in the cases referred to in the paragraphs (1) and (2) of this Article.
- (5) The operators of public electronic communication networks may broadcast or re-transmit programme services containing pornography only in encrypted format. The broadcasting or re-transmitting of child pornography shall be prohibited.

## **Article 51**

### **Information accessible to users**

- (1) Providers of audio or audiovisual media service shall allow its users an easy, direct and continuous approach to at least the following data:
  - Name of provider of audio or audiovisual media service, i.e. the title, trademark or the abbreviated identification sign (aviso, logo etc.);
  - The address of the Head office of the provider of audio or audiovisual media service;
  - Contact information with the provider of audio or audiovisual media service (phone number, email or website, contact person for a prompt, direct and efficient communication);
  - If technically feasible, data on the competent regulatory body.

- (2) Identification signs shall be continuously featured in all programs, i.e. shall be broadcasted at least once per clock hour of radio program.
- (3) The providers of audio or audiovisual media service can use only their own identification signs.
- (4) Providers of audio or audiovisual media service shall notify the Agency and submit a sample of any change of sign.

## **Article 52**

### **Obligations concerning provision of games of chance or various forms of prize contest participation**

Provider of audio or audiovisual media services while transmitting games of chance or other forms of prize contest participation for the listeners or viewers of audio or audiovisual program, is obliged to provide an unambiguous announcement of rules pertaining to such content and to publicly declared prize in a manner stipulated by the Agency.

## **Article 53**

### **Audiovisual commercial communication**

- (1) Audiovisual commercial communication shall be immediately recognized as such.
- (2) No concealed audiovisual commercial communication shall be permitted.
- (3) Audiovisual commercial communication shall not utilize subconscious techniques.
- (4) Audiovisual commercial communication shall not:
  - Call into question the respect of human dignity;
  - Participate in or promote any discrimination on the grounds of gender, race, ethnicity, nationality, religion or conviction, disability, age or sexual orientation;
  - Incite behaviour detrimental to health or safety;
  - Incite behaviour which considerably would endanger the environment.
- (5) Any audiovisual commercial communication falsely representing nature, features, quality or geographic origin of products, services or commercial activities shall be forbidden.
- (6) The veracity and accuracy of claims and data of audiovisual commercial communication shall be the responsibility of the client, whereas the conformity thereof to the legislation the responsibility of the Editor-in chief at the Provider of Audiovisual Media Service.
- (7) Any form of audiovisual commercial communication promoting drugs, cigarettes or other tobacco products, as well as alcohol and alcoholic beverages, except for wine and beer, shall not be permitted.
- (8) Audiovisual commercial communications regarding wine and beer shall not:
  - Specifically target minors, and especially shall not show minors' consumption thereof;
  - Link the consumption thereof to improved physical properties or driving;
  - Create the impression that the consumption thereof shall contribute to social or sexual success;
  - Claim that wine and beer have therapeutic properties or act as stimulants, sedatives or means for overcoming personal conflicts;
  - Incite excessive consumption or picture abstinence or moderation in a negative way;

- Emphasize that the high percentage of alcohol is a positive feature of the alcoholic beverages.
- (9) No audiovisual commercial communication for promoting of prescription medical products and medical treatments shall be permitted.
- (10) Audiovisual commercial communication for over-the-counter medical products and medical treatments shall not incite unreasonable consumption thereof, and shall depict an objective presentation without amplifying their properties, in accordance with the instruction of use.
- (11) No audiovisual commercial communication shall be permitted of weapons, firing devices and pyrotechnics or about companies selling such items.
- (12) No audiovisual commercial communication of political parties, coalitions or representatives thereof, independent candidates or holders of political office shall be permitted to the Public service broadcaster.
- (13) Audiovisual commercial communication shall not cause for physical or moral harm to minors.
- (14) Audiovisual commercial communication targeting minors or involving minors shall not as follows:
- Directly urge minors to buy or rent a product or service by appealing to their lack of experience or gullibility;
  - Directly encourage minors to solicit parents or third parties to buy the advertised products or services;
  - To take advantage of the special trust that minors have in parents, teachers and other persons;
  - To depict minors in dangerous situations;
- (15) Audiovisual commercial communication which is an integral part of, or accompany the programs for children, mainly focused on food and beverages containing nutrients or substances of nutritious or physiological effect, more specifically fats, saturated fatty acids, salt/ sodium and sugars, whose excessive consumption in the overall diet is not recommended shall not as follows:
- Contain inaccurate or misleading information about the nutritious value of the product;
  - Suggest that a particular food or beverage is a replacement for fruit and/or vegetables;
  - Encourage unhealthy eating habits and drinking habits such as excessive, misbalanced or uncontrollable consumption.
- (16) Audiovisual commercial communication shall be mandatory transmitted in Macedonian language, with Macedonian language translation, or a broadcast in the language of the respective ethnic community.
- (17) Audiovisual commercial communication shall as follows:
- Be in accordance with the applicable legislation addressing the fair competition;
  - Be truthful and honourable, shall not mislead the public and act contrary to the interests of the consumers;
- (18) Audiovisual commercial communication shall not influence the editorial independence of the providers of audiovisual media service.
- (19) The provisions of this Article shall be adequately applied to the audio commercial communications.
- (20) Providers of audio and/or audiovisual media service can pursuant to Article 15 of this Law agree on a Code of Conduct in relation to the broadcasting of inappropriate audiovisual commercial announcements, adjoining or included in the program for children, mainly focused on food and beverages containing nutrients or substances of nutritious or physiological effect, more specifically fats, saturated fatty acids, salt/ sodium and sugars, the excessive consumption of which is not recommended in the regular diet.

## **Article 54**

### **Sponsorship**

- (1) Sponsored audio or audiovisual media service or programmes shall not directly incite purchase or rentals of goods or services, especially by the means of their special promotion recommendation.
- (2) In the sponsored audio or audiovisual media service or programmes shall be clearly identified as sponsored program. The Sponsor shall be clearly identified under the name, logo and/or any other sponsor sign such as reference to the Sponsor's services or products or the Sponsor's characteristic sign, on adequate manner, at the beginning, during or at the end of the programme.
- (3) The content of the sponsored audio or audiovisual media services or programmes while broadcasting and their schedule shall not in any case have impacting influence on the responsibility and editorial independency of the provider of audio/audiovisual services.
- (4) Rules of sponsorship shall be regulated with bylaws adopted by the Agency.
- (5) Sponsorship of news or up-to-date informative programs for daily events and religious programmes shall not be permitted.
- (6) Audio or audiovisual media service or programmes shall not be sponsored by legal entities or natural persons whose main activity is manufacture or sale of cigarettes or other tobacco products.
- (7) No sponsorship shall be permitted of audio or audiovisual media service or programmes on behalf of natural persons or legal entities whose main activity is manufacture or sale of products or provision of services, for which advertising is hereby prohibited in accordance with this Law.
- (8) As an exception to paragraph 7 of this Article, natural persons or legal entities whose activities include manufacture or sale of medical products and/or medical treatments can sponsor audio and audiovisual media service. In such cases, only their name or image can be promoted, however not specific prescription-only medical products or medical treatments.
- (9) The Sponsor shall not be identified during documentaries or children's programs.

## **Article 55**

### **Placement of products**

- (1) Placement of products shall be prohibited.
- (2) As an exception to paragraph 1 of this Article, placement of products shall be permitted in the following programs:
  - feature film program, movies and series by the audiovisual media services, sports programs and entertainment program, or;
  - in cases without charges or pro bono providing goods or services which are production props or prizes in order for them to be involved in the programme.
- (3) Exception from paragraph 2 item 1 does not apply to children programmes.
- (4) The content of the Programmes which contain promotion of products while broadcasting and their schedule shall not in any case have impacting influence on the responsibility and editorial independence of the provider of audiovisual services.
- (5) Programmes which contain placement of products placement shall be clearly marked as programmes featuring product placement. These programmes shall be adequately marked at the beginning and end of the programme and when continuing with the programme after each advertising block in order to avoid confusion among the viewers.



- (6) Programmes which contain of products' placement shall not directly incite purchase or rent of goods and services, particularly through their special promotion recommendation.
- (7) Programs in which products have been promoted shall not put exaggerated attention to the marketed products (emphasis or reference) of products therein.
- (8) Placement of cigarettes or other tobacco products shall not be permitted as well as placement of products of natural persons or legal entities whose main activity is manufacture or sale of cigarettes or other tobacco products.
- (9) Placement of medical products and medical treatments upon medical prescription shall not be permitted.
- (10) The provisions of this Law regulating the placement of products shall apply to programs produced after this Law has entered into force.

## **V.2. Provision of audiovisual media service on-demand (non-linear audio and audiovisual media service)**

### **Article 56**

#### **Provision of on-demand audio and audiovisual media service**

- (1) The Provider of On-demand Audiovisual Media Service shall, prior to commencement of a particular part of an on-demand audio/audiovisual media service, submit an Application for Registration at the Registry of Providers of On-demand Audio and Audiovisual Media Service managed by the Agency, for which a Registration Certificate shall be issued by the Agency.
- (2) The Application shall be submitted in a form prepared by the Agency and the latter shall be made public at the website of the Agency.
- (3) The Application shall particularly contain the following:
  - Name of service and its identification;
  - Company and Head Office and the tax payers number of the audiovisual media service provider as well as first and last name of responsible person of the Provider of On-demand Audiovisual Media Service;
  - Type of service and short description thereof and;
  - Date of start of provision of service.
- (4) Record from the Central Registry as well as technical description elaborating the technical characteristics of the manner of provision of service shall be enclosed along with the Application of paragraph (3) of this Article.
- (5) If the Application is not complete in accordance with paragraphs (3) and (4) of this Article, the Agency shall notify the Applicant in writing to complete and resubmit the Application within 10 days following the day of receipt of the notification.
- (6) The Agency shall not refuse registration of the Provider of On-demand Audiovisual Media Service in the Registry of Providers of On-demand Audiovisual Media Service, or issue Registration Certificate of paragraph (1) of this Article, if the application contains all data of paragraph (3) and (4) of this Article.
- (7) The Agency, shall be obliged to issue the Certificate of paragraph (1) of this Article within five business days following the day of receipt of Application, or following the day of expiry of extended deadline of paragraph (5) of this Article provided that the Application accounts for all data of paragraphs (3) and (4) of this Article.
- (8) If the Agency fails to act in accordance with paragraph (7) of this Article, the Registration Certificate shall be considered as issued.

(9) Provider of on-demand audiovisual media service shall notify the Agency about any modification of data submitted in the Application within 30 days following the occurrence of modification. The Agency is bound to enter the change of data into the registry of providers of on-demand audiovisual media service within three days as of the day of receipt of the notification.

## **Article 57**

### **Registry of On demand Audiovisual Media Service**

- (1) The Agency shall keep a Registry of On-demand Audiovisual Media particularly containing the following:
- company and Head Office as well as first and last name of authorized persons of the provider of on-demand audiovisual media service;
  - manner of provision of service;
  - area of service;
  - type of service and a short description of service
  - date of commencement of provision of the service, as well as each modification
- (2) The Agency shall publish the data of paragraph (1) from the Registry on its website bearing in mind the protection of personal data provision.
- (3) The form and content of the Registry of paragraph (1) of this Article shall be prescribed by the Agency.

## **Article 58**

### **Removal from the Registry of Providers of On-demand Audiovisual Media Service**

The Agency shall remove the Provider of On-demand Audiovisual Media Service from the Registry of Article 57 of this Law in the following cases:

- If the Provider of On-demand Audiovisual Media Service has notified in writing the Agency on termination of delivery of activity;
- If the provider of on-demand audiovisual media service stops performing the activity for a period longer than one year;
- If the Provider of On-demand Audiovisual Media Service no longer meets the technical requirements for broadcasting of audiovisual and audio programs;
- If the Provider of On-demand Audiovisual Media Service has not initiated activities within three months following the date of start of provision of service stated in the Application of Article 56, paragraph (3) of this Law;
- If an effective court decision has banned activities of the Provider of On-demand Audiovisual Media Service, and
- If the Provider of On-demand Audiovisual Media Service has ceased to exist.

## **Article 59**

### **Fee for provision of on-demand audio and audiovisual media service**

For provision of on-demand audio and audiovisual media service, an annual fee for supervision shall be paid to the Agency's account pursuant to Article 142 of this Law.

## **Article 60**

### **Promotion of production and access to European works**

- (1) Providers of on-demand audiovisual media service, if possible and with adequate funds, shall promote production and access to European works. Such promotion can among other things address to the following:
  - Financial contribution to production and obtaining rights to European works or
  - Representation and/or positioning of European works in the Program Catalogue.
- (2) Following a request by the Agency, the providers of on-demand audiovisual media service shall submit, within the deadline prescribed in the Agency's request, documentation relating to the implementation of the provision of paragraph (1) of this Article.

## **V.3 Provision of television or radio broadcast (linear media service)**

### **V.3.1 Basic principles**

## **Article 61**

### **Principles**

- (1) Broadcasters shall follow the following principles while conducting their business activities:
  - fostering and development of humane and moral values of human beings, and protection of the privacy and dignity of each person;
  - equality of freedoms and rights irrespective of the sex, race, national, ethnic or social background, political or religious convictions, wealth and social status of the individual and the citizen;
  - promotion of the spirit of tolerance, mutual respect and understanding of all individuals of diverse ethnic and cultural backgrounds;
  - protection of the identity of violence victims;
  - respect for the presumption of innocence;
  - promotion of international understanding and cooperation, the public notion of fairness and the need to protect the democratic freedoms;
  - openness of programmes to expressions of diverse cultures that are integral part of the society;
  - preservation and fostering of national identity, linguistic culture and domestic creativity;
  - 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;
  - respect for copyrights and related rights;
  - respect of the confidentiality of sources of information;
  - guarantees for the right to reply and correction; and
  - autonomy, independence and accountability of editors, journalists and other authors involved in the creation of programmes and editorial policy.

## **Article 62**

### **Requirements for provision of television or radio broadcast**

- (1) The activity of provision of television and radio broadcast shall be carried out by a Broadcaster registered in the Central Registry of the Republic of Macedonia, with a Head Office and Editorial Board in the Republic of Macedonia, on possession of license for television or radio broadcast.
- (2) Broadcaster can start provision of television or radio broadcast upon being granted a license for television or radio broadcasting.
- (3) The license referred to in paragraph 2 of this Article can be issued for the entire territory of Republic Macedonia, i.e. for national level, or for the territory of certain region, i.e. regional level, or for the territory of specific populated place together with the closes surrounding, i. e. for local level, according to bylaw adopted by the Agency. The holder of the licence would be entitled to transmit radio or television programme service on the territory having the license for.
- (4) As a regional level territory for which a broadcasting licence has been issue under paragraph 2 of this article, are considered zones of distribution defined in the Geneva Plan 06, which is part of a Regional Radio communication Conference for planning of digital radio-broadcasting service in parts of region 1 and 3, radio frequencies and 174-230MHz and 470-862 MHz (RRC-06) to which Republic of Macedonia has acceded, except for the distribution zone D1 Crn Vrv (Black Peak), which consist of two transmission regions, Skopje and Veles. i.e Skopje regional territory and Veles regional territory. Skopje regional territory is comprised of: City of Skopje, municipalities Cucer Sandevo, Aracinovo, Ilinden, Petrovec, Zelenikovo, Studenici, and Sopishte. Veles regional terrotiry is comprised of the following municipalities: Veles Cashka, Sveti Nikole, Lozovo, Gradsko, Rosoman, Negotino and part of the Kavadarci Municipality.
- (5) While providing television and radio transmitting through limited recourses such as radio-frequencies or transmission capacity of digital terrestrial multiplex at national or regional level, the broadcaster shall ensure signal coverage of at least 80% of the population in Republic of Maceodnia, i.e. population of the respective region.
- (6) In order to ensure television and radio transmitting through conditions and obligations prescribed in this Law, broadcaster shall fulfil special minimum technical, financial, spatial and human recourses conditions depending of the programme's format stipulated with Agency adopted bylaw.

## **Article 63**

### **Manner of transmitting**

- (6) Transmitting of television programme services can be done through transmission capacity of digital terrestrial multiplex, a public electronic communication network which does not use limited resource or through a satellite.
- (7) Transmitting of radio programme services can be done through radio-frequencies, transmission capacity of digital terrestrial multiplex, a public electronic communication network which does not use limited resource or via satellite.

## **Article 64**

### **Use of language**

- (1) Broadcasters shall be obliged to transmit the program in the Macedonian language and Cyrillic alphabet, and in cases when the program is intended for a non-majority community, the broadcasters shall transmit the program in the language and alphabet of the community thereof.

- (2) If the program service retransmitted via public electronic communication networks is subtitled in a language different than the language of the original production, then it shall be subtitled in the Macedonian language, or in the language of the non-majority community, spoken at least by 20% of the citizens of Republic of Macedonia except for teleshopping and advertisements.
- (3) Foreign language programs or parts thereof transmitted in the programs of broadcasters shall be translated in the Macedonian language, or in the language of the non-majority community.
- (4) The provisions of paragraph (3) of this Article shall not refer to the broadcast of music events and stage performances, educational programs for learning of foreign languages, or sections of programs targeting foreigners.
- (5) The parts of the programs not being translated, shall be announced in the Macedonian language, or in the language of the non-majority community.

## **Article 65**

### **Types of broadcasters**

- (1) A Broadcaster can be a commercial broadcasting company, a public broadcasting enterprise, or non-profit broadcasting institution.
- (2) A commercial broadcasting company may be founded by legal entities and natural persons, under conditions stipulated in this Law and other laws.
- (3) A public broadcasting enterprise shall be established for the entire territory of the Republic of Macedonia and shall act as a public service broadcaster.
- (4) A non-profit broadcasting institution may be established only for radio broadcasting by educational, cultural and other institutions and citizens' associations and foundations with the aim to provide for the needs and interests of specific target groups.
- (5) Several entities referred to in paragraph (4) of this Article may be granted a license to broadcast programs at a single frequency, following the principle of time-sharing.
- (6) With the exception to paragraph (4) of this Article, a University as a higher education institution can set up a radio station as a separate internal organizational unit (a student radio) without having the status of a legal entity.
- (7) For broadcasters who provide television broadcasting solely aimed at advertising and teleshopping, as well as self-promotion, the provisions of this law shall apply.

## **Article 66**

### **Registry of Broadcasters**

- (1) The Agency shall maintain a Registry of Broadcasters in the Republic of Macedonia, and it shall particularly contain the following:
  - broadcaster's company name and seat, as well as name and surname of authorised person;
  - name and surname of the Editor-in-Chief;
  - address of the Editorial Board and the address of the Editor-in-Chief;
  - broadcasting method of the programme service (radio-frequencies, digital terrestrial multiplex, satellite or public electronic communications network);
  - ratings, in terms of viewers/listeners (national, regional or local);
  - territory(ies) where the activity will be conducted;

- service zone and location of the technical means use for broadcasting, in case of analogue terrestrial radio broadcasting;
  - identification mark; and  
programme concept.
- (2) The Agency shall publish on its web-site the data from the Registry referred to in paragraph (1) of this Article, taking into account the regulations of personal data protection.
- (3) The form and content of the Registry referred to in paragraph (1) of this Article shall be prescribed by the Agency.

## **Article 67**

### **Broadcaster's Program Concept**

- (1) The format of the program service of the Broadcaster (general or specialized) and the essential guidelines for the operation of the Broadcaster shall be determined with the Program Concept.
- (2) The Broadcaster's Program Concept shall contain Program Structure separately defined as following:
- a. Classification of programs in separate groups according to type, and anticipated quantitative percentage ratio among groups;
  - b. Foreseen representation of in-house production and production of Macedonian audio/ audiovisual works;
- (3) The Program Concept for a television transmission shall contain an initial quantity of European works as well as of independent producers' works.
- (4) The provision of paragraph (3) of this Article shall not apply to television transmission of regional and local level or for non-profit broadcasting institutions.
- (5) The form of the Program Concept of paragraph (1) of this Article shall be prepared by the Agency and published on its website.
- (6) The Broadcaster shall deliver the least of **80%** of the Program Concept for which a license has been granted within one weeks' time.
- (7) For any amendment or modification to the Program Concept on the basis of which the Broadcaster has been granted the license for a television or radio broadcast exceeding **20 %** the Broadcaster shall obtain a prior Consent by the Agency. The request for obtaining the Consent shall be submitted by filling out a form prepared by the Agency and published on its website.
- (8) The Program Concept, on the basis of which the Broadcaster has been granted the license for a television or radio broadcast together with the amendments or modifications thereof, shall be published on the website of the Agency.
- (9) The Program Concept, on the basis of which the Broadcaster has been granted the license for a television or radio broadcast shall represent an integral part of the Work Agreement signed between the Broadcaster and the editors, or journalists.
- (10) The Editor-in-Chief shall be responsible for the implementation of the broadcaster's programme concept.
- (11) The Agency shall prescribe in details the formats of the program services for television or radio broadcasters.
- (12) The Program Concept referred to in paragraph (1) of this Article shall be submitted to the Agency in the procedure for granting of license for television or radio broadcasting.
- (13) The paragraphs from this Article shall not apply to the Public Service Broadcaster.

### **V.3.2. Manner and procedure for issuing License for television or radio broadcasting**

#### **Article 68**

##### **License for television or radio broadcasting**

The License for television or radio broadcasting shall be awarded by the Agency for specific ratings, in terms of viewers or listeners (national, regional or local), and the license holder shall gain the right to broadcast radio or television service in the territory for which the license was awarded.

#### **Article 69**

##### **License award procedure**

- (1) The Agency shall award the radio broadcasting license via public competition in case of terrestrial radio programme services broadcasted via limited resource, such as radiofrequencies or transmission capacity of a digital terrestrial multiplex.
- (2) The Agency shall award the television broadcasting license via public competition in case of terrestrial television programme services broadcasted via limited resource, such as transmission capacity of a digital terrestrial multiplex.
- (3) The Agency shall award the radio or television broadcasting license without public competition in case of radio or television programme services broadcasted via public electronic communications network which is not using a limited resource, or via satellite.
- (4) The procedure for awarding the television or radio broadcasting license shall be transparent and shall be conducted in a manner providing equal, fair and non-discriminatory treatment of all participants in the procedure.
- (5) The Agency in cooperation with the Agency for Electronic Communications, the competent Ministry, the Public Service Broadcaster and the Public Enterprise Macedonian Broadcasting, upon previous consent from the Government of the Republic of Macedonia, will adopt a Plan for Utilisation and Allocation of digital terrestrial multiplex capacities of public electronic communications network operator, who has an obligation to broadcast programme services of broadcasters. The utilisation and allocation of capacities shall be determined taking into account the compliance with the objectives set in Article 2 of this Law.
- (6) The Plan referred to in paragraph (5) of this Article shall contain, inter alia, the following:
  - number of television programme services (standard/high definition);
  - number of radio programme services;
  - capacities envisaged for additional services, other accompanying information and data;
  - envisaged capacities for transfer to broadcasting high-definition television and other new technologies.
- (7) The Plan referred to in paragraph (5) of this Article shall be published in the Official Gazette of the Republic of Macedonia and on the Agency web-site.
- (8) The amendments in the Plan referred to in paragraph (5) of this Article shall not decrease the quality parameters for broadcasting the programme services of broadcasters which are currently being broadcasted.

#### **Article 70**

##### **Awarding license for television or radio broadcasting via public competition**

- (1) The Agency shall adopt a decision for publishing a public competition for awarding License for television or radio broadcasting, either ex officio or upon receipt of written request from an interested party, in accordance with the Plan for allocation and utilisation of radio-frequencies, the Plan for utilisation and allocation of digital terrestrial multiplex capacities, as well as in accordance with the Study referred to in paragraph (3) of this Article.
- (2) If it is determined that, in accordance with the Plan for allocation and utilisation of radio-frequencies or the Plan for utilisation and allocation of digital terrestrial multiplex capacities, there are no free radio-frequencies or capacities, the Agency shall adopt a decision denying the request, within eight days from the date of receipt of the request referred to in paragraph (1) of this Article.
- (3) The decision referred to in paragraph (2) of this article is final, and could be challenged before the competent court within 30 days of its receipt.
- (4) If it is determined that, in accordance with the Plan for allocation and utilisation of radio-frequencies or the Plan for utilisation and allocation of digital terrestrial multiplex capacities, there are free radio-frequencies or capacities, the Agency shall draft a Study establishing the justification to announce a public competition, especially taking into account the realisation of the purpose of this Law and the needs of the audience. In order to establish the needs of the audience for television or radio broadcasting in the respective service zone, as well as the type, that is, the format of programme services subject of the competition, the Agency may conduct a public survey.
- (5) If the Study referred to in paragraph (4) of this Article is drafted for the purpose of announcing a public competition for awarding License for television or radio broadcasting, upon a written request from an interested party, the Agency shall be obliged to complete it within three months from the date of receipt of said request and publish it on its web-site.
- (6) If it is determined that, in accordance with the Plan for allocation and utilisation of radio-frequencies or the Plan for utilisation and allocation of digital terrestrial multiplex capacities, there are free radio-frequencies or capacities, and if the Study referred to in paragraph (4) of this Article determines that there is justification to announce a public competition, the Agency shall adopt a decision to announce the public competition for awarding License for television or radio broadcasting, within 15 days from the date of publication of the Study referred to in paragraph (3) of this Article.
- (7) If the Study referred to in paragraph (4) of this Article determines that there is no justification to announce a public competition, the Agency shall adopt a decision rejecting the request referred to in paragraph (1) of this Article, within eight days from the date of publication.
- (8) The decision referred to in paragraph (7) of this article is final, and could be challenged before the competent court within 30 days of its receipt.
- (9) The decision to announce the public competition for awarding License for television or radio broadcasting shall contain a rationale, especially regarding the reasons for announcing the public competition, and shall be published in the "Official Gazette of the Republic of Macedonia", on the Agency web-site, as well as in at least two daily newspapers, one of which is a daily newspaper in the language of a community which is not a majority, and is spoken by at least 20% of the citizens of the Republic of Macedonia.
- (10) Domestic and foreign legal and natural persons shall be entitled to participate in the public competition.
- (11) Domestic legal person, the founders of which are foreign persons registered in countries where, in accordance with the regulations of those countries, it is not permitted or possible to determine the origin of the initial capital, may not participate in the public competition.
- (12) The timeframe for submitting the applications for the competition shall commence on the day following the day of publication of the decision referred to in paragraph (9) of this article in the "Official Gazette of the Republic of Macedonia".

## **Article 71**



### **Content of the Decision for announcing the public competition**

The Decision to announce a public competition for awarding License for television or radio broadcasting shall contain the following:

- business activity (radio or television) for which the competition is announced;
- type of programme service, that is, the format, as determined in the Study referred to in article 70 of this Law;
- ratings, in terms of viewers/listeners (national, regional or local);
- territory(ies) where the activity will be conducted;
- radio-frequency(ies) or digital terrestrial multiplex capacity;
- number of licenses for television or radio broadcasting;
- conditions to be complied with in accordance with the Act on minimal technical, spatial, financial and personnel requirements referred to in Article 62, paragraph (3), of this Law, as well as the technical characteristics and parameters set by the Agency for Electronic Communications in accordance with Law on Electronic Communications, and the regulations adopted thereof;
- evaluation criteria and ranking in accordance with article 74 of this law;
- Duration of the licence in accordance with article 79 of this law;
- place and time for collecting the competition documentation and the amount and payment method for the documentation fee;
- amount and payment method for fees referred to in this Law;
- fee and payment method for utilisation of a radio-frequency or more radio-frequencies, if they are part of a single license, that is, fee and payment method for broadcasting over free multiplex channel;
- documentation that needs to be submitted with the application in accordance to Article 73, paragraph (3) of this Law,
- manner in which the applications are submitted and the deadline for submitting the application, which may not be shorter than 60 and longer than 90 days from the moment of the publication of the Decision for announcing the public competition in the Official Gazette of the Republic of Macedonia;
- address, place, date and time of public opening of applications;
- contact person from whom the candidates may receive additional information;
- deadline for adopting the Decision for awarding the license, which may not be longer than 30 days from the date of public opening of applications;
- deadline for informing the candidates of the adopted decision for awarding the license, which should contain detailed rationale, including the reasons for adopting the decision, and may not be longer than seven days.

### **Article 72**

#### **Competition documentation**

The Agency in the competition documentation shall be obliged to explain and describe in details all of the provisions in the Decision for announcing a public competition for issuing licence for TV or radio broadcasting.

## **Article 73**

### **Application to participate in a public competition**

- (1) The competition candidates shall submit their applications on a special form, which form and content shall be prescribed by the Agency and shall contain the following:
  - name and surname, address, fax number, e-mail address and Certificate of Citizenship for the applicant or name and seat of legal person in case the applicant is a legal person;
  - nature and scope of participation that the candidate will have in the ownership structure of the broadcaster, and its participation in the ownership structure of other broadcasters, if applicable;
  - name, ID or VAT number of other natural or legal persons participating in the ownership structure of the broadcaster, and their participation in other broadcasters, if applicable;
  - data on other legal or natural persons, who may exert significant influence over the editorial policy of the broadcaster, as related persons within the meaning of this Law;
  - seat of the broadcaster, as well as the seat where editorial decisions will be made; and
  - commencement date of business activity.
- (2) The form referred to in paragraph (1) of this Article shall be published on the Agency web-site.
- (3) The following documentation shall be enclosed with the application referred to in paragraph (1) of this Article:
  - offered programme concept;
  - proof of registration of the legal entity;
  - proof of the ownership structure of the legal person;
  - offered technical, spatial, financial and personnel requirements, in accordance with the Act referred to in Article 62, paragraph (6), of this Law and a Business Plan (technical project, including descriptions of existing and planned studio equipment, especially concerning production, and data on the existing and planned staff structure);
  - proof that the candidate is not in bankruptcy and/or liquidation procedure, issued by the competent authority of the domicile country, or a statement from the candidate that it is not in bankruptcy and/or liquidation procedure, certified by Notary public;
  - adequate document as proof that the candidate have not been sentenced to a prohibition to perform a duty, issued from a Registrar or Records Office, or statement from the candidate that it has not been sentenced to a prohibition to perform a duty, certified by Notary public;
  - Balance Sheet report and data from the Income Statement for the past two years, certified by the Central Registry, that is, for a foreign legal person, Audit Report issued by a renowned foreign institution registered to perform audits, which should contain data on the overall economic performance of the foreign provider in the last two years;
  - documents guaranteeing the financing of the Business Plan, that is, the business activity;
  - statement, certified by Notary public, that it will comply with the technical characteristics and parameters defined in the Decision for announcing a public competition, and set by the Agency for Electronic Communications in accordance with Law on Electronic Communications and the regulations adopted thereof;
  - statement, certified by Notary public, that it will comply with the offered technical, spatial, financial and personnel requirements, as well as the obligations in the offered Business Plan;
  - statement, certified by Notary public, that it is not in violation of the provisions referred to in Chapter IV of this Law;

- statement, certified by Notary public, that is accepts the conditions specified in the competition documentation;
- statement, certified by Notary public, that there is no conflict of interest in accordance with the Law on Prevention of Conflict of Interests;
- other data and documents, the candidate deems relevant for the decision on awarding the license.

## **Article 74**

### **Evaluation criteria**

- (1) The Agency shall evaluate the applications on the basis of the following criteria:
  - envisaged percentage of in-house production programme by the broadcaster and production of Macedonian audio or audiovisual works;
  - quality, genre and thematic diversity of programme content; which will contribute for bigger diversity and pluralism in the Macedonian market
  - percentage of programmes that promote the development and preservation of the national culture;
  - envisaged percentage of programme by independent producers and European audiovisual works;
  - technical requirements for programme production;
  - requirements for performing the business activity in terms of space and facilities;
  - number and structure of personnel required to perform the business activity;
  - financial capacity to perform the business activity for the duration of the license, including the offered guarantees;
  - offered commencement date of business activity and
  - offered duration of daily broadcasting.
- (2) In case the license refers to TV or radio broadcasting on regional or local level, aside from the criteria referred to in paragraph (1) of this Article, additional criterion shall be the offered percentage of programmes on events, information and other content relevant to the territory where the programme will be broadcasted.
- (3) In the Decision to announce a public competition for awarding a television or radio broadcasting license as stipulated in Article 71 of this Law, the Agency shall determine the ranking criteria referred to in paragraphs (1) and (2) of this Article, where the criteria from paragraph (1) items 1,2 and 3 should receive most of the total points

## **Article 75**

### **Decision for awarding a license**

- (1) The public competition for awarding License for television or radio broadcasting shall be deemed successful if at least one application, compliant with the competition terms, has been received.
- (2) Prior to adopting the decision for awarding the TV or radio license, the Agency may exchange information with candidates in order for them to clarify certain parts of their applications, as defined in the Rules of Procedure of the Agency.
- (3) The Decision for awarding License for television or radio broadcasting with detailed rationale shall be published in the "Official Gazette of the Republic of Macedonia" and on the Agency web-site.
- (4) The Decision referred to in paragraph (3) of this Article, shall particularly contain:

- rationale on the reasons for selecting the candidate;
  - data on the selected most favourable candidate;
  - business activity (radio/television);
  - ratings, in terms of viewers/listeners (national, regional or local);
  - territory(ies) where the activity will be conducted;
  - broadcasting method of the programme service (radio-frequency, digital terrestrial multiplex capacity);
  - license validity period;
  - The way of calculating and paying the license fee;
  - programme service format;
  - deadline for commencement of business activity;
  - consequences for breaching the deadline for commencement of business activity deadline; and
  - legal remedy instructions.
- (5) The Decision referred to in paragraph (3) of this Article may contain other data in accordance with the documentation for the public competition, the submitted bid, as well as the provisions in this Law and the acts adopted thereof.
- (6) The Agency shall be obliged to submit the Decision referred to in paragraph (3) of this Article to all competition participants, within seven days from the days of its adoption.
- (7) The decision referred to in paragraph (3) is final, while the competition participants who are not satisfied with the Decision are entitled to file a complaint at the competent court within 30 days from the receipt thereof. The procedure of the competent court shall be urgent.

## **Article 76**

### **Awarding license without announcing a public competition**

- (1) The License for television or radio broadcasting over public electronic communications network, which does not use a limited resources, or over satellite, shall not be require a public competition and the license shall be awarded upon request from an interested party according to the manner and procedure referred to in this Law.
- (2) The license referred to in paragraph (1) of this Article shall be awarded by the Agency.
- (3) The request referred to in paragraph (1) of this Article, should especially contain:
- name and surname, address, fax number, e-mail address and Certificate of Citizenship for the applicant or name and seat of legal person in case the applicant is a legal person;
  - nature and scope of participation that the applicant will have in the ownership structure of the broadcaster, and its participation in the ownership structure of other broadcasters, if applicable;
  - name, ID or VAT number of other natural or legal persons participating in the ownership structure of the broadcaster, and their participation in other broadcasters, if applicable;
  - data on other legal or natural persons, who may exert significant influence over the editorial policy of the broadcaster, as related persons within the meaning of this Law;
  - seat of the broadcaster, as well as the seat where editorial decisions will be made;
  - business activity (radio/television);

- coverage level, that is, territory, in terms of viewer or listeners, where business activity will be performed;
  - broadcasting technical means (public electronic communication network which is not using a limited resource, or satellite), and
  - the commencement date of its business activities.
- (4) Together with the request referred to in paragraph (1) a notary certified pre-contract should be submitted between the operator of the public electronic communication network which is not using a limited resource, or satellite, as well as documents determined in Article 73, paragraph (3) of this law.
  - (5) The request form referred to in paragraph (1) of this Article shall be drafted by the Agency and published on the Agency web-site.
  - (6) If the request is missing the data referred to in paragraphs (3) and (4) of this Article, the Agency shall notify the applicant thereof, within 30 days from receipt of said request, and shall instruct him to complete the application within 10 days from the receipt of notification.
  - (7) The Agency will adopt the decision for awarding the license referred to in paragraph (1) of this Article within three months from the date of receipt of the complete request, provided the Agency has determined that the applicant meets the conditions and obligations defined in this Law and regulations adopted thereof, and provided the applicant has not had its license for television or radio broadcasting revoked in the last five years.
  - (8) Before adopting the Decision referred to in paragraph (7) of this Article, the Agency may request from the applicant clarifications of certain parts of the request and the documentation referred to in paragraphs (3) and (4) of this Article in the manner determined with the Agency's Rules of Procedure.
  - (9) The Agency shall publish the decision for awarding the license on its web-site.

## **Article 77**

### **Awarding license for television or radio broadcasting**

- (1) After receiving the Decision for awarding license for television or radio broadcasting, as stipulated in Article 75 or 76 in this Law, the selected most favourable candidate, that is, applicant for awarding license without a public competition, should register in the competent Registry, as broadcasting company or non-profit broadcasting organisation.
- (2) The Agency will award the license for television or radio broadcasting within 15 days from the date of registration receipt referred to in paragraph (1) of this Article.
- (3) On the basis of the license for radio broadcasting with use of radio-frequencies, the Agency for Electronic Communications shall issue an approval for use of radio-frequencies in accordance with the Law on Electronic Communications.
- (4) For transmission over digital terrestrial multiplex capacity or over public electronic communication network, the Agency shall duly inform in writing the operator, which will be used for broadcasting of the programme service, within 5 days from the moment of awarding the license.
- (5) The operator of digital terrestrial multiplex shall sign a contract with the broadcaster that has obtained a license from the Agency for radio or television broadcasting, for broadcasting of its programme service, within 15 days from the moment of reception of the notification referred to in paragraph (4) of this Article, as stipulated in the provisions of the Law on Electronic Communications that refer to broadcasting over digital terrestrial system.
- (6) The operator of public electronic communications network, which is not using limited resources, shall sign a contract with the broadcaster that has obtained a license from the Agency for radio or television broadcasting, for broadcasting of its programme service, within 15 days from the moment of reception of the notification referred to in paragraph (4) of this Article, complying with the principles

of objectivity, transparency and non-discrimination. The broadcasters shall be obliged to submit the signed contracts to the Agency within 15 days from the date of their signing.

- (7) If the parties from paragraphs (5) and (6) of this Article do not come to an agreement within the determined deadline, the Agency for Electronic Communications shall, at request of one of the parties, instigate a procedure for dispute settlement pursuant to the provisions of the Law on Electronic Communications.

## **Article 78**

### **Content of the license for television or radio broadcasting**

- (1) The license for television or radio broadcasting referred to in Article 77, paragraph (2), of this Law shall contain:
  - data on the license holder;
  - broadcasting method of the programme service (radio-frequencies, digital terrestrial multiplex, satellite or public electronic communications network);
  - ratings, in terms of viewers/listeners (national, regional or local);
  - territory(ies) where the activity will be conducted;
  - detailed data on the ownership structure in accordance with this Law;
  - identification mark;
  - programme concept;
  - commencement data of business activity defined in the candidate application, that is, the request for obtaining a license;
  - license validity period; and
  - The calculation method and payment method of the fees.
- (2) The license for TV and Radio broadcasting referred to in article 77, paragraph (2) should include that the holder of the license is obliged to work in accordance with this law, its related regulations as well as in compliance with the conditions determined with the license.

## **Article 79**

### **Duration of the license for television or radio broadcasting**

- (1) The license for television or radio broadcasting for broadcasting companies and non-profit broadcasting organisations shall be awarded for a period of nine years with a possibility for extension.
- (2) The license for television or radio broadcasting may be extended for another nine years upon request from the holder. The request shall be submitted to the Agency within six months prior to the license expiration date and it shall be extended with the decision of the Council within 30 days from the date of request receipt.
- (3) When reviewing the request from the paragraph (2) of this article, the Agency should have into consideration the contribution of the broadcaster for bigger variety and pluralism on the Macedonian market
- (4) The license for performing broadcasting activity may not be transferred to another person.

- (5) The licence holder has right to appeal before the competent court against the decision of the Council refusing the request for extending the license within the 30 days deadline from the day of receiving the decision. The procedure of the competent court shall be urgent.

## **Article 80**

### **License fee for television or radio broadcasting**

- (1) Broadcasters, excluding the Public Service Broadcaster, shall pay annual fee for the license for television or radio broadcasting on the bank account of the Agency in accordance with this Law.
- (2) The amount of the licence fee shall be calculated on the basis of the following formula:  $((N \times GDP / 200.000) \times R_t \times K_p) + A$ , where:
- N is a coefficient which stands for the total population in the service zone regulated with the license, expressed in points, in accordance with the latest data from the State Statistical Office;
  - GDP stands for the Gross Domestic Product per capita, expressed in Euro, expressed in points, in accordance with the latest data from the State Statistical Office;
  - $R_t$  is a coefficient, and its value is  $R_t=1$  for television programmes, and  $R_t=1/4$  for radio programmes;
  - $K_p$  is a coefficient and depending from the format of the broadcasting service its value is:
    - between 0.75 and 1 for broadcaster with programme including informative, documentary and educational programmes, movies, programs from the sphere of culture, art and humanities, sport, music and entertainment.
    - between 1.15 and 1.5 for broadcaster with programme service of specialised format, where all content is for the same type (sport, music, culture, education etc.)
    - 2.5 for broadcaster with programme service for teleshopping;
    - 0,25 for programme service of non-profit broadcasting organisation;
  - A is constant value, that is, 100 points for radio and 200 points for television.
- (3) The value of one point shall be 1 EUR, in denar equivalent value, according to the middle exchange rate of the National Bank of the Republic of Macedonia on the day of the payment.
- (4) The calculation method, the way of paying and the payment for the licence fee for television or radio broadcasting shall be determined by the Agency on the basis of the formula stipulated above and with a by-law. The amount of the license shall be announced by the Agency at the beginning of each calendar year, upon reception of the latest data from the State Statistical Office.
- (5) The annual fee shall be paid for each current year starting from the date of awarding the license for television or radio broadcasting, within 30 days from the date of receipt of the invoice issued by the Agency.
- (6) The fee paid by the broadcasters for the year when their license for radio or TV broadcasting is being revoked will not be returned.

## **Article 81**

### **Fee for use of radio-frequencies**

Annual fee shall be paid to the Agency for Electronic Communications for use of radio-frequencies in accordance with the Law on Electronic Communications.

## **Article 82**

### **Revoking a license for television or radio broadcasting**

The Agency will revoke the license for television or radio broadcasting prior to its expiry date and shall delete the broadcaster from the Registry of Broadcasters, upon prior written notice, in the following cases:

- if the license holder does not commence performing the business activity within the deadline specified in the license;
- if the license holder ceased to broadcast the programme service for over 30 days due to technical, financial or other reasons;
- if the license holder did not meet the technical, spatial, financial and personnel requirements, offered in procedure for awarding the license, for more than 30 days since the commencement date of business activity, as defined in the license based upon an expert supervision performed in accordance with Article 82 of this Law;
- if the license holder have given incorrect data relevant to the decision process for awarding the license;
- if, once the license is granted, circumstances arise representing legal obstacles preventing the license holder from performing its business activity;
- if the license holder does not pay the fee within the prescribed deadline;
- if the illegal media concentration is not remedied in accordance with this Law; and
- if the broadcaster is sentenced with an effective court decision for prohibition to perform a duty.

## **Article 83**

### **Procedure for revoking a license**

- (1) The Council shall initiate a procedure for revoking the license for television or radio broadcasting upon proposal from the Agency director.
- (2) The proposal referred to in paragraph (1) of this Article shall be submitted to all Council members in writing, including a detailed rationale of the reasons for revoking the license, pursuant to the cases referred to in Article 82 of this Law.
- (3) The Council shall be obliged to adopt a decision with a majority votes from the total number of Council members, within 15 days from the date of receipt of the proposal referred to in paragraph (1) of this Article.
- (4) If the Council adopts a decision to revoke the license, it must be explained accordingly and published in the "Official Gazette of the Republic of Macedonia", on the Agency web-site, and in at least two daily newspapers, of which one shall be a daily newspaper in the language of a community which is not a majority, and is spoken by at least 20% of the citizens in the Republic of Macedonia.

## **Article 84**

### **Right to judicial protection against the decision for revoking a license**

- (1) The decision for revoking the license for television or radio broadcasting is final, while the license holder is entitled to submit complaint before the competent court within 30 days from the receipt
- (2) The procedure in the competent court shall be urgent.

## **Article 85**



### **License cessation under the law**

- (1) The license for television or radio broadcasting shall cease to be valid under the law in the following cases:
  - after the expiry of the term for which it was awarded;
  - upon submission of a written notice from the license-holder, informing the Agency that it has ceased broadcasting radio or television programme;
  - if the license holder ceased to exist;
  - upon revocation of the license by the Agency;
  - after bankruptcy of the license holder; or
  - after liquidation of the license holder.
- (2) The Council shall not adopt a decision for cessation of the license for television or radio broadcasting under the law. The Agency shall delete the broadcaster from the Registry of Broadcasters should its license cease to be valid in accordance with paragraph (1) of this Law.

### **Article 86**

#### **Bankruptcy or liquidation of a commercial broadcasting company**

- (1) The commercial broadcasting company can undergo a liquidation procedure or have a bankruptcy procedure initiated in accordance with law.
- (2) The provision of paragraph (1) of this Article shall not apply to the public service broadcaster.

### **V.3.3 Programme principles, rights and obligations**

### **Article 87**

#### **Events with exclusive broadcasting rights**

- (1) The broadcaster is obliged to broadcast events considered to be of major importance for society, on grounds of obtained exclusive rights, so as to give opportunity to at least 80% of the public in the Republic of Macedonia to follow such events by direct or postponed free-to-air television broadcasting, regulated with the decision from article 88 of this Law.
- (2) The broadcasters must not use their exclusive rights for broadcasting events of major importance for society so as to prevent the audiences in other countries to follow said events, which were reported as events of major importance great significance by said countries.

### **Article 88**

#### **Defining the list with events of major importance significance**

- (1) The Council will adopt decision to draft a list of events (national or international) it considers are of major importance for society and shall therein determine whether said events should be fully or partially available for direct broadcasting or, where necessary or adequate due to the public interest and objective reasons, fully or partially available via postponed broadcasting. The decision should contain additional info on broadcasters' obligations in order to respect the list of events of major importance drafted in other countries.

- (2) The Agency is obliged about the decision from paragraph (1) to notify the European Commission and the Committee on Trans-frontier Television of the Council of Europe.
- (3) The Council is obliged to promptly adopt the decision from paragraph (1) of this article and in a clear and transparent way, in line with the article 10 of this law.

## **Article 89**

### **Right to a short notification**

- (1) Each broadcaster, under fair, reasonable and non-discriminatory terms, shall be entitled to provide short notification from events of high interest to the public for which the exclusive rights are owned by a broadcaster from the Republic in Macedonia.
- (2) If the broadcaster from the Republic of Macedonia does not have the exclusive rights to an event of high interest to the public, the access to information on the event shall be provided by another broadcaster from Republic of Macedonia who has the exclusive rights. The terms should be announced in timely manner, prior to the event of high interest to the public in order to allow sufficient time for the other broadcasters to use that right.
- (3) The Agency shall guarantee the access to the events referred to in paragraph (1) and (2) of this Article by allowing the broadcaster free choice of short excerpts of the transmission signal of the other broadcaster with least indications of the source. The method for accessing the transmission signal shall be prescribed by the Agency, upon previously received opinion from the Agency for Electronic Communications.
- (4) The broadcaster may, instead of access to the transmission signal referred to in paragraph (3) of this Article, gain access to the events referred to in paragraphs (1) and (2) of this Article at the venue of said events for the purpose of recording short excerpts or using recorded material from the broadcaster who has the exclusive rights for broadcasting the event of high interest to the public.
- (5) The short notification, within the meaning of this Article, shall be a notification with duration of not more than one and a half minute. The short notification shall be used only in the news and sports magazines, which may not be comprised only of short notifications by the broadcaster, and may be used in the on-demand audio-visual media service only if the broadcaster is also on-demand media service provider and if it offers after certain time period.
- (6) The broadcaster who is broadcasting an event of high interest to the public may ask from the broadcaster requesting access, only reimbursement for the actual expenses incurred for providing said access. The envisaged fee may not be higher than the additional expenses directly incurred by providing the access.
- (7) The right to short notification must be provided in such a way, that it does not interrupt the events.
- (8) When the event of high interest to the public is comprised of several organised individual events, each individual event shall be deemed as an event of high interest to the public within the meaning of the rights to short notification.
- (9) When the event of high interest to the public lasts two or more days, the broadcaster shall have the right to provide one short notification per day from that event.
- (10) The broadcaster who has used the right to short notification must provide one-time use of the recording to another broadcaster who was not able to record it, and has the right to reimbursement thereof proportional to the actual expenses, as well as the right to be named in the announcement.

## **V.3.4 Programme standards**

## **Article 90**

### **Duration of daily broadcasts**

- (1) The broadcasters performing the business activity on national level shall be obliged to broadcast at least 18 hours of radio programme per day and at least 12 hours of television programme per day.
- (2) By derogation of paragraph (1) of this Article, the additional programme services of the Public Service Broadcaster, defined in Article 107, paragraph (5), of this Law, shall be permitted to broadcast less hours of programme per day.
- (3) The broadcasters performing the business activity on regional level shall be obliged to broadcast at least 12 hours of radio programme per day and at least 8 hours of television programme per day.
- (4) The broadcasters performing the business activity on local level shall be obliged to broadcast at least 10 hours of radio programme per day and at least 6 hours of television programme per day.
- (5) The non-profit broadcasting organisations shall be obliged to broadcast at least 4 hours of radio programme per day.
- (6) The daily programme shall exclude the broadcasting of still pictures, test signal and other types of audio and audiovisual material not covered in the definitions for audio and audiovisual programme in Article 3 of this Law.

## **Article 91**

### **Obligations for the broadcasters to broadcast European works and works of independent producers from Republic of Macedonia**

- (1) Television broadcasters broadcasting television programme service on national level should provide, when possible and using adequate means, that at least 51% of their broadcasted programme throughout the year is comprised of European audiovisual works, excluding the time used for broadcasting news, sporting events, games, advertising, teletext and teleshopping services.
- (2) The broadcasters broadcasting television programme services on national level shall be obliged to allocate, out of the budget planned for programmes, at least 10% for European audiovisual works from independent producers, where at least half of these programmes should be produced in the last five years.
- (3) The broadcasters shall progressively fulfil the obligation referred to in paragraphs (1), (2) and (5) of this Article, on the basis of adequate criteria, in accordance with the realisation of the media functions (information, education and entertainment).
- (4) The rules for meeting the obligations in this Article shall be regulated with a bylaw adopted by the Agency.
- (5) By derogation of paragraph (1) of this Article, the Public Service Broadcaster shall be obliged to ensure that at least 60% of the broadcasted programmes throughout the year, on one of the television programme service in Macedonian, are European audiovisual works.
- (6) The European works shall include audiovisual works of in-house production and Macedonian audiovisual works.
- (7) The fulfilment of the obligations referred to in paragraphs (2) and (5) of this Article by the Public Service Broadcaster shall be comprising part of the Annual Report on the operations of the Public Service Broadcaster for the previous year.
- (8) The Public Service Broadcaster shall provide the audio and audiovisual works from independent producers, in accordance with paragraph (2) of this Article, following the Annual Programme for operations of the Public Service Broadcaster for the next year.

## **Article 92**

### **Obligations of the broadcasters to broadcast music and programmes originally created in Macedonian or in the languages of the communities in Republic of Macedonia**

- (1) The broadcasters shall be obliged to broadcast each day programme originally created in Republic of Macedonia in Macedonian or in the languages of the non-majority communities living in the Republic of Macedonia for at least 30% of the time starting as of 2014. In 2015, the obligation shall increase from 30% to 40%. In 2016, the obligation shall increase from 40% to 50%.
- (2) By derogation from paragraph 1 of this Article, the Public Service Broadcaster shall be obliged to broadcast each day at least 40% programme originally created in Republic of Macedonia in Macedonian or in the languages of the non-majority communities living in the Republic of Macedonia. As of 2015 the obligation shall increase from 40% to 50%. As of 2016, the obligation shall increase from 50% to 60%. The programme service of the Parliamentary channel is exempted from these obligations.
- (3) The provisions referred to in paragraphs (1) and (2) of this Article shall not apply to programme services with specialised format.
- (4) The television broadcasters of general format shall be obliged to broadcast during the week for at least eight hours, and the Public Service Broadcaster at least 14 hours, vocal and/or vocal-instrumental music in Macedonian or in the languages of the ethnic communities which are not majority in Republic of Macedonia, while 50% should be POP/Rock vocal and/or vocal-instrumental music and 50% folk vocal and/or vocal-instrumental music.
- (5) The Public Service Broadcaster shall be obliged to broadcast each day, on one television and one radio programme service in Macedonian and on the television and radio programme service in the languages of the ethnic communities which are not majority in the Republic of Macedonia, vocal and/or vocal-instrumental music originally created in Republic of Macedonia in Macedonian or in the languages of the ethnic communities which are not majority, for at least 45% of the time. In 2014, the obligation shall increase from 45% to 50%.
- (6) The broadcasters shall be obliged to broadcast half of the music allotted time specified in paragraphs 4 and 5 of this Article during the period between 7 and 19 hours.
- (7) The rules for meeting the obligations in this Article shall be prescribed in more details by the Agency.
- (8) The national television broadcasters of general format shall be obliged to annually produce and broadcast at least 10 hours, while the Public Service Broadcaster at least 30 hours, of domestic documentary programme in the period between 7 and 19 hours.
- (9) National television broadcasters of general format shall be obliged to annually produce and broadcast at least 20 hours of domestic movie programme, while the Public Service Broadcaster at least 30 hours in the period between 7 and 19 hours.
- (10) In order to meet the obligations set out in paragraphs (8) and (9) of this Article, the national television broadcasters are entitled to compensation to cover the cost of up to 50%, paid from the budget of the Republic of Macedonia. The method of payment and the amount of funds to cover the costs will be determined with a bylaw adopted by the Government.
- (11) The domestic documentary programme from paragraph (8) of this Article and the domestic movie programme from paragraph (9) of this Article are deemed to be programmes of public interest in Republic of Macedonia.
- (12) The broadcasters shall be obliged to realise at least 50% of the obligations referred to in paragraphs (1) and (2) of this Article in the period between 7 and 19 hours.
- (13) The radio broadcasters shall be obliged to ensure daily at least 30% of the broadcasted vocal and/or vocal-instrumental music is in Macedonian or in the languages of the ethnic communities

which are not majority. As of 2014 the obligation shall increase from 30% to 40%. This paragraph shall not apply to the Public Service Broadcaster.

### **Article 93**

#### **Use of value added telephone services and televoting**

- (1) The broadcasters may use value added telephone services, including televoting, except during the news, during informative and educational programmes, during religious services and ceremonies and children programmes.
- (2) The programmes of the non-profit broadcasting organisations may not use value added telephone services.
- (3) The rules for using value added telephone services in other programme types shall be prescribed by the Agency.

### **Article 94**

#### **Broadcasting games of chance**

- (1) The broadcasters may broadcast games of chance organised only by entities licensed by the competent authority for organising games of chance.
- (2) The Public Service Broadcaster may not organise, nor broadcast games of chance with betting on football matches on its programmes.

### **Article 95**

#### **Connecting into a single system**

- (1) The broadcasters operating on local level may be connected into a single system for the purpose of broadcasting joint programme, only after previously submitted notification to the Agency, but not longer than 4 hours every 24 hours.
- (2) The broadcasters connected into a single system for the purpose of broadcasting joint programmes shall be obliged to notify the Agency on the joint programme concept and appoint Editor-in-Chief of said programme.

### **Article 96**

#### **Following an election campaign**

- (1) During election campaigns, the broadcasters shall be obliged to comply with the regulations governing the elections in the Republic of Macedonia.
- (2) The Agency shall conduct activities related to the elections of the Republic of Macedonia in accordance with the regulations governing the elections in the Republic of Macedonia.

### **Article 97**

#### **Broadcaster identification**

- (1) The broadcaster should have its own identification mark.
- (2) The identification mark of the broadcaster must be permanently visible during the television programme broadcasting, that is, announced at least once every hour during the radio programme.
- (3) In cases when the broadcaster is broadcasting programme in a single system, it shall be obliged to post the identification marks for the duration of said programme.

- (4) The broadcaster may not use identification marks, other than that defined in the broadcasting license.
- (5) If the broadcaster changes its identification mark, it shall be obliged to submit a sample thereof to the Agency.

### **V.3.5 Advertising and teleshopping**

#### **Article 98**

##### **Advertising and teleshopping conditions**

- (1) Advertising and teleshopping should be clearly recognisable and separated from the other parts of the programme. For the purpose of not preventing new advertising techniques, aside from optical and/or acoustic means, advertising and teleshopping may be separated from the other parts of the programme with spatial means. .
- (2) The rules for the new advertising techniques shall be prescribed by the Agency.

#### **Article 99**

##### **Method of advertising and teleshopping**

- (1) As a rule, the advertising and teleshopping spots shall be broadcasted in blocks inserted between programmes. Isolated advertising and teleshopping spots except during sporting events, should be an exception.
- (2) Teleshopping windows must be clearly identified with visual and acoustic means and shall have uninterrupted duration of at least 15 minutes.
- (3) Teleshopping of medicinal products, which are subject to marketing authorisation, as well as medical treatments, shall not be permitted.
- (4) Advertising and teleshopping may not be broadcasted during children programmes with duration equal or shorter than 30 minutes.
- (5) Advertising and/or teleshopping spots may be broadcasted during children programmes lasting more than 30 minutes (excluding the time allotted for advertising and teleshopping), not more than once for each 30-minute timeslot.
- (6) Advertising and teleshopping shall be prohibited during religious services or ceremonies.
- (7) Advertising in the programmes of the non-profit radios is not allowed.
- (8) Advertising and teleshopping should be inserted in the broadcasters' programmes in such way that they shall not jeopardise the integrity and value of the programme and the rights of title holders, taking into account the naturally expected breaks, the duration and the type of programme.
- (9) The television and cinematographic movies except the series and documentaries as well as the news, may be interrupted for broadcasts of advertising and/or teleshopping spots, not more than once for each 30-minute timeslot.

#### **Article 100**

##### **Duration of advertising and teleshopping spots**

- (1) The duration of advertising and teleshopping spots in the programmes of the broadcasters, excluding the Public Service Broadcaster, may not exceed 12 minutes per hour.
- (2) Paragraph (1) of this Article shall not apply to:

- announcements of the broadcaster related to its own programmes and additional products directly arising from said programmes, sponsorship and product placement announcements and
- announcements of public interest and charity fundraising broadcasted for free by the broadcasters and indicated as "free broadcasting".

#### **Article 101**

##### **Prohibition for certain persons to participate in advertising and teleshopping**

The advertising and teleshopping must not show, in visual or sound form, persons who regularly present the news and the current events shows.

#### **Article 102**

##### **Informative activities of the state bodies**

State bodies, administrative authorities, public enterprises, local self-government units, public institutions and organisations, as well as legal persons with public empowerments shall be obliged to spend their budget for informing and acquainting the public of their services or activities, if any, in a non-discriminatory, objective and transparent way in accordance with the procedure defined in the Public Procurement Law.

#### **Article 103**

##### **Duration of advertising by the Public Service Broadcaster**

- (1) The duration of advertising broadcasted by the Public Service Broadcaster may not be longer than 8 minutes of broadcasting time in one hour.
- (2) The provisions referred to in paragraph (1) of this Article shall not apply to:
  - announcements of the broadcaster related to its own programmes and additional products directly arising from said programmes, sponsorship and product placement announcements;
  - announcements of public interest and charity fundraising broadcasted for free by the broadcasters and indicated as "free broadcasting".
- (3) The Public Service Broadcaster may only interrupt the feature sport and entertainment programmes in order to broadcast advertising.
- (4) The Public Service Broadcaster shall be prohibited to broadcast advertisements on the television programme in the period between 17:00 and 21:00 hours and on the radio programme between 9:00 and 14:00 hours, except during live broadcasts and integral recordings of sporting events, in-house production programme, other programme produced in the Republic of Macedonia, cultural events and events of great significance, as defined in this Law.

## **VI. PUBLIC SERVICE BROADCASTER**

#### **Article 104**

##### **Macedonian Radio Television (Makedonska radiotelevizija)**

- (1) The functions of a public service broadcaster in the Republic of Macedonia shall be performed by the Macedonian Radio Television (hereinafter: MRT).
- (2) The Republic of Macedonia is the founder of MRT; it shall operate as public enterprise in accordance with the manner and conditions specified in this Law and the acts adopted thereof.
- (3) MRT, being a Public Service Broadcaster in Republic of Macedonia is independent from any state body, other public legal entity or enterprise and should be impartial towards them in its editorial and business policy.
- (4) MRT shall perform business activity of public interest in the field of broadcasting in the Republic of Macedonia, including production and provisioning of radio and television programmes and programme services in accordance with Article 107 of this Law, by realising the programme obligations, standards and principles in accordance with Article 91,92,110 and 111 of this Law.
- (5) The seat of MRT shall be in Skopje.
- (6) MRT shall establish regional production centres.
- (7) The abbreviated name of the Macedonian Radio Television shall be MRT.
- (8) The property and operational assets of MRT shall be managed and used by MRT, in a manner and under the conditions determined by this Law.
- (9) Journalists and editors of MRT, as well as the persons that are directly involved in the production of the MRT programmes do not have a status of public servants.

#### **Article 105**

##### **Funding of MRT**

- (1) MRT shall be funded from the broadcasting fee, by broadcasting audio and audiovisual commercial communication, donations, sale of programme and services and from funds allocated in the budget of the Republic of Macedonia for the current year, in accordance with the Law on State Aid Control.
- (2) The donations referred to in paragraph 1 of this Article must not influence or jeopardize the editorial independence of MRT.
- (3) For procurement of audio or audiovisual works, that is, programme content, MRT shall be obliged to sign individual contracts with the provider of audio or audiovisual works, that is, programme content.
- (4) The manner and procedure for conducting public competitions, the manner and procedure for procurement of audio and audiovisual works, that is, programme content, and the contract award shall be regulated in an act adopted by the Director of MRT, which should ensure transparency, cost-effectiveness, efficiency and effectiveness in the management of MRT's financial assets, in accordance with the Annual Programme for operations of MRT for the following year, this Law and the acts adopted thereof.
- (5) Financial means from the budget of the Republic of Macedonia could be allocated for the purpose of reaching and maintaining a higher level of programme and technical and technological development of the public service broadcaster.

#### **Article 106**

##### **Annual Report and Annual Programme for the operations of MRT**

- (1) MRT shall be obliged to adopt an Annual Report on its operation in the previous year and an Annual Programme for its operation in the following year.
- (2) MRT shall submit its Annual Operations Programme the following year to the Assembly of the Republic of Macedonia not later than the 30th of October in the current year, and it shall particularly contain the following:



- Operations Programme for the following year including planned activities particularly related to the realisation of the programme obligations of MRT in accordance with this Law;
  - Financial Plan for the following year which contains data on the planned revenues and expenses of MRT for the following year grouped by structure and by MRT's organizational structure as well as the foreseen capital investments of MRT for the following year.
- (3) The Annual Programme on the operations of MRT for the following year shall be accompanied with the adopted Annual Programme on the operations of MRT for the current year.
- (4) The Financial Plan referred to in paragraph (2), indent 3, of this Article, shall be adopted by the Assembly of the Republic of Macedonia not later than the 31<sup>st</sup> of December in the current year.
- (5) The Annual Report on the operation of MRT in the previous year shall be submitted to the Assembly of the Republic of Macedonia not later than the 31<sup>st</sup> of March in the current year and it shall particularly contain the following:
- Report on the realisation of the Operations Programme for the previous year;
  - Financial Report on the realization of Financial Plan from the previous year and the Annual Account, including data on realised revenues, expenses, receivables and liabilities for the previous year grouped by structure and MRT's organisational structure;
  - Audit Report from an international independent authorised auditor and audit report from the State Audit Office if an audit has been provided by this Office, as well as the position of MRT concerning the results of the performed audit.
- (6) The Annual Report on the operations of MRT for the previous year shall be accompanied with the adopted Annual Programme on the operations of MRT for the previous year.
- (7) The Annual Operations Report for the previous year the Annual Operations Programme for the following year shall be published on the MRT web-site.

## **Article 107**

### **Programmes and programme services of public interest provided by MRT**

- (1) In the Republic of Macedonia, MRT shall broadcast at least one television programme service in Macedonian, and one television programme service in the language spoken by at least 20% of the citizens that is different from Macedonian and the languages of the other non-majority communities.
- (2) In the Republic of Macedonia, MRT shall broadcast at least two radio programme services in Macedonian, and one radio programme service in the language spoken by at least 20% of the citizens that is different from Macedonian and the languages of the other non-majority communities.
- (3) MRT shall broadcast special radio programmes intended for the neighbouring countries and Europe in foreign languages.
- (4) MRT shall broadcast special radio programmes intended to inform emigrants and citizens of the Republic of Macedonia who live in the neighbouring countries, in Europe and on other continents, in Macedonian and in the language spoken by at least 20% of the citizens that is different from Macedonian and the languages of the other non-majority communities.
- (5) MRT shall broadcast at least one radio and one television programme service via satellite and/or internet intended for the emigrants and citizens of the Republic of Macedonia who live in Europe and other continents, in Macedonian and in the language spoken by at least 20% of the citizens that is different from Macedonian and the languages of other non-majority communities.
- (6) MRT shall provide the programme service for the Parliamentary Channel as regulated by the Law on the Assembly of the Republic of Macedonia.
- (7) The programme responsibility for the Assembly Channel referred to in paragraph (6) of this Article is in the hands of the Assembly of the Republic of Macedonia.

- (8) MRT shall provide special radio and television programmes on the programme services referred to in paragraphs (1) and (2) of this Article, where the regional and local characteristics in the Republic of Macedonia are observed.
- (9) The number of programme services referred to in paragraphs (1), (2) and (5) shall be decided upon by the MRT's Programme Council upon the proposal of the MRT's Director.

## **Article 108**

### **Broadcasting of programme services**

- (1) The programme services and programmes of MRT referred to in Article 107, paragraphs (1), (2), (3), (4) and (6) of this Law shall be transmitted by PE Macedonian Broadcasting (JP Makedonska radiodifuzija), as an operator of public communications network.
- (2) The programme services of MRT referred to in Article 107, paragraph (5), of this Law, shall be transmitted by PE Macedonian Broadcasting. If, due to technical or other reasons PE Macedonian Broadcasting is unable to transmit these programme services of MRT, they may be transmitted by another public communications network operator, on the basis of an agreement previously concluded with MRT, and after a public procurement procedure conducted in accordance with the Law.
- (3) In accordance with the available resources and the Development program of MRT, MRT shall have the right to use and apply new technologies in its programs and program services.

## **Article 109**

### **The costs for transmission, broadcasting and provisioning of the programme services**

- (1) The costs for transmission of the programme services and the programmes of MRT incurred by PE Macedonian Broadcasting, excluding the transmission of the programme services and programmes referred to in Article 107, paragraphs (4), (5) and (6), of this Law, shall be provided from the broadcasting fees, in accordance with this Law.
- (2) The costs incurred by PE Macedonian Broadcasting for transmission and broadcasting of the programme services and programmes referred to in Article 107 paragraphs (4), (5) and (6), of this Law, shall be provided from the Budget of the Republic of Macedonia.
- (3) The costs incurred by MRT for provisioning of the programme services referred to in Article 107, paragraphs (1) and (2), of this Law, shall be provided from the broadcasting fees, from broadcasting of audio and audiovisual commercial communications, donations, sale of programme content and services in accordance with this Law. If these financial means are insufficient for full coverage of the costs established in this paragraph the said costs may be additionally supplemented from the Budget of the Republic of Macedonia.
- (4) The costs incurred by MRT for provisioning of the radio programmes referred to in Article 107, paragraphs (3) and (4), of this Law, shall be provided from the Budget of the Republic of Macedonia.
- (5) The costs incurred by MRT for provisioning of the programme service referred to in Article 107, paragraph (5), of this Law, shall be provided from the Budget of the Republic of Macedonia.
- (6) The costs incurred by MRT for provisioning the programme service, that is, the Assembly Channel, referred to in Article 107, paragraph (6), of this Law, shall be provided from the Budget of Republic of Macedonia.

## **Article 110**

### **Obligations of MRT regarding its broadcasted programmes and programme services**

When producing and provisioning the radio and television programmes and programme services referred to in Article 107 of this Law, MRT shall:

- develop and broadcast programmes available to the overall public in the country in order to actively contribute to the creation and development of the free thought, inform the public, as well as be a driving force of the democratic processes in the country;
- develop and plan the programme scheme in the interest of the overall public, and the programmes shall be intended for all society segments without any discrimination, taking into account the special groups in the society;
- provide continuous, accurate, complete, unbiased, fair and timely information, by creating and broadcasting high-quality programmes on all political, economic, social, health related, cultural, entertaining, educational, scientific, religious, environmental, sporting and other events and happenings in the Republic of Macedonia, in the European countries and in the world;
- promote and improve the culture of public dialogue and shall provide an arena for wide public debate concerning issues of public interest;
- not represent, not protect positions or interests of a specific political party, political, religious and other groups, and the programmes it develops and broadcasts shall be protected from any kind of influence from the Government, political organisations or other centres of economic and political power;
- contribute to the respect and promotion of the fundamental human rights and freedoms, privacy, dignity, reputation and honour of the people, tolerance, understanding and respect for differences, the sense of peace, justice, democratic values and institutions, protection of the minors, gender equality, suppression of discrimination and the benefits of the civic society;
- develop programmes that nurture and improve the knowledge and understanding of the cultural identity of communities, respect the cultural and religious differences and promote the culture of public dialogue, with the aim to strengthen the mutual understanding and tolerance and promote the relations between the communities in a multi-ethnic and multi-cultural environment;
- provide information for the public on the regional and local characteristics and events in the Republic of Macedonia and enable open and free debate concerning all issues of public interest;
- inform, educate and broadcast programmes for protection of the cultural and natural heritage, protection of the environment and the health of people as well as for protection of consumers;
- inform and educate about other cultures, especially the European ones;
- inform of and broadcast events related to the functioning of international organisations and their institutions, especially those where the Republic of Macedonia is already a member or plans to become one;
- nurture and develop the speech and language standards of all communities in the Republic of Macedonia, as well as the dialects spoken therein;
- nurture, promote and develop all forms of national audiovisual works that contribute to the development of the Macedonian culture and the cultures of the communities living in the Republic of Macedonia, as well as contribute to the their international affirmation;
- provide production and broadcast Macedonian audio and audiovisual works by independent producers;
- develop and broadcast high-quality programme with entertaining content intended for all ages;
- promote science and create and broadcast high-quality educational shows where it will disseminate a wide range of religious, social, scientific and technological/IT topics;
- support the creation and development of cross-border radio and television project in accordance with the international agreements and the cooperation with radio and television broadcasters from neighbouring and other countries;

- broadcast theatrical productions;
- promote sporting and recreational activities and broadcast sporting events in the country and abroad where Macedonian national teams or athletes are participating, as well as less popular sports or sporting events;
- develop and broadcast programmes of national interest focused on preventing crime and socially unacceptable or risky behaviour and promote safety within the community;
- develop and broadcast programmes focused on encouraging entrepreneurship and the economy;
- develop and broadcast programmes focused on encouraging media literacy;
- broadcast cinematographic movies, documentaries and other movies
- plan, develop, adjust, create and broadcast programmes, informative shows and news intended for hearing or visually impaired persons;
- develop and broadcast programmes intended for informing the emigrants and expatriates of the Republic of Macedonia and
- enable conditions for use and development of contemporary technical and technological standards in the production and broadcasting of the programme, and prepare a plan for transition to digital technology, especially transition to high-definition television.

## **Article 111**

### **Standards and principles**

The journalists and editors in MRT, as well as the persons who are directly involved in the production of MRT programmes, during the production or presentation of the programmes shall be, inter alia, obliged:

- to abide to the principles of truthfulness, impartiality and completeness of information;
- to abide to the principle of political balance and pluralism of views;
- to provide unbiased, comprehensive and relevant information and present them in a clear and unambiguous manner so that the citizens are able to freely form their opinion;
- not to advocate or defend positions or interests of a specific political party, association, personal interest, religion or ideology and shall give respect the opinion and beliefs of others in the programmes;
- to respect the privacy, dignity, reputation and honour of the people;
- to abide to the principle of constitutionality and legality when shaping the information and programmes, including the prohibition to encourage cultural, ethnic, religious, gender, racial, national or any other form of intolerance;
- to abide to the principle of political independence and autonomy of journalists;
- to make clear distinction between information, that is, event and position and
- to respect the criteria for quality, expertise, cultural values and professional competence in regards to the accomplished national and recognised European highest professional standards and ethical principles for independent journalism and high-quality programme.

## **Article 112**

### **Archiving of audio and audiovisual works of MRT**

- (1) MRT shall be obliged to provide long-term storage of the audio and audiovisual works created in the course of performing its business activity, as part of the audiovisual treasure of the Republic of Macedonia and to ensure their permanent utilisation with adequate quality.
- (2) The audio and audiovisual works referred to in paragraph (1) of this Article shall be available to the public for a specific fee charged for making and delivering a copy thereof under a price based on real costs.
- (3) The manner of archiving the audio and audiovisual works referred to in paragraph (1) of this Article, their availability for the public and the fee referred to in paragraph (2) of this Article shall be prescribed by MRT in accordance with the MRT's Development Programme.
- (4) The Footage of the Parliament's work, parliamentary committees and bodies, public hearings and other important events are considered to be permanent archive material. Copies are kept in the Parliament's Library and the State Archive of the Republic of Macedonia, in the language spoken by the member of the Parliament in original without translation. The Parliament's Library must provide every citizen upon written request and paid fee with a possibility to watch and use a copy of the footage.

### **Article 113**

#### **Ensuring public influence**

- (1) In accordance with this Law, before submitting the Draft Operations Programme for the following year, particularly including the activities for realising the programme obligations of MRT, and the Draft Development Programme of MRT, MRT shall be obliged to publish them on its web-site in order to allow a public debate, that is, allow the concerned parties to express their opinions, views and positions thereof.
- (2) The duration of the public debate referred to in paragraph (1) of this Article should not be less than 30 days from the day of publishing the draft-programmes referred to in paragraph (1) of this Article.
- (3) The comments, remarks and proposals of the audience for the work of MRT are published on MRT webpage together with the replies of the Program Council.

### **Article 114**

#### **Statute of MRT**

- (1) The operations, organisation, management and governance of MRT, the acts and the procedure for their adoption, as well as other issues relevant to the operations of MRT shall be regulated in more details in the Statute of MRT.
- (2) The Statute of MRT shall contain provision on:
  - the trademark and seat of MRT;
  - making and use of stamps;
  - advocacy of MRT
  - MRT bodies and their competencies;
  - MRT's organisational structure;
  - manner and conditions for ensuring programme responsibility;
  - manner and procedure for appointing and dismissing a member of the MRT Supervisory Board and the MRT Director and Deputy-Director;

- general and other acts of MRT and the procedure for their adoption;
- ensuring transparency in the operations of MRT; and
- procedure for conducting public competitions and awarding contracts, as stipulated in this Law; and
- other issues relevant to the activities and the operations of MRT.

(3) The Statute of MRT shall be published in the "Official Gazette of the Republic of Macedonia" and on the MRT web-site.

## **Article 115**

### **MRT bodies**

MRT shall be comprised of the following bodies:

- MRT Programme Council;
- MRT Supervisory Board; and
- Director and deputy director of MRT.

## **Article 116**

### **MRT Programme Council**

- (1) Programming Council of MRT shall protect the interests of the public regarding the broadcasted programme content and shall promote the interests, goals and competences of MRT.
- (2) In order to provide editorial and journalistic independence and autonomy, the Program Council of MRT shall not review individual shows or other parts of the programmes before they are aired, that is, cannot make decisions and opinions concerning their broadcasting.
- (3) The MRT Programme Council shall be comprised of 13 members.
- (4) Members of the MRT Programme Council should represent the diversity of the Macedonian society with equitable representation of both genders;
- (5) The MRT Programme Council shall adopt its Rules of Procedure in accordance with this Law and the Statute of MRT.

## **Article 117**

### **Authorised nominators of MRT Programme Council members**

- (1) The members of the MRT Programme Council shall be appointed and dismissed by the Assembly of the Republic of Macedonia upon proposals from the following authorised nominators:
  - the Inter-University Conference shall nominate one member-candidate;
  - the National Institution - Albanian Theatre shall nominate one member-candidate;
  - the National Institution - Turkish Theatre shall nominate one member-candidate;
  - the Majority Journalists' Associations shall nominate two member-candidates;
  - the Association of the Local Self-government Units shall nominate three member-candidates;
  - the Committee for Elections and Appointments of the Assembly of the Republic of Macedonia shall nominate five member-candidates.

- (2) The candidates for members of the MRT Programme Council should be citizens of the Republic of Macedonia, have a University degree and have become publicly prominent due to their efforts in support of the respect of democratic values and principles, the rule of law, building and raising the utmost values of the constitutional order in the Republic of Macedonia, the development of the civic society, and the protection of human rights and freedoms, and freedom of expression.
- (3) The authorised nominator referred to in paragraph (1), indents 1, 2, 3, 4, 5 and 6 of this Article, shall determine their proposals following the announcement of an internal competition.
- (4) While determining the proposals, the authorised nominators referred to in paragraph (1) of this article should take into consideration the provision of the article 116, paragraph (4) of this law and should take into account the conditions for appointment in accordance with the article 119 of this law.

## **Article 118**

### **Appointment of members for the MRT Programme Council**

- (1) When determining the proposals with member-candidates for the MRT Programme Council, the Committee of Elections and Appointments of the Assembly of the Republic of Macedonia shall take into account the adequate and rightful representation of the citizens from all the communities living in the Republic of Macedonia.
- (2) The term of office for the members of the MRT Programme Council shall be five years, including the possibility for one more consecutive term of office.
- (3) The Assembly of the Republic of Macedonia shall send a public call to the authorised nominators, referred to in Article 128 of this Law, to submit their proposals for members of the MRT Programme Council, at least 60 days prior to the expiry of the term of office of the MRT Programme Council.
- (4) The authorised nominators referred to in Article 117 of this Law shall be obliged to submit the proposals to the Assembly of the Republic of Macedonia within 30 days from the day of sending the public call. On the basis of the proposals submitted by the authorised nominators, the Committee on Elections and Appointments of the Assembly of the Republic of Macedonia shall compile a draft-proposal with candidates for the MRT Programme Council within 15 days.
- (5) The Assembly of the Republic of Macedonia will appoint the new members of the MRT Programme Council not later than 15 days prior to the expiry of the term of office of the MRT Programme Council.
- (6) The MRT Programme Council may operate only if at least 9 members have been appointed.

## **Article 119**

### **Incompatibility of functions**

- (1) The following persons may not be members of the MRT Programme Council:
  - members of Parliament, members of the Government, appointed or elected officials, , managers in state bodies, state administration bodies, local self-government units or regulatory bodies, directors or members of the management boards of public enterprises;
  - persons who in the last five years were exercising public competences or were head persons in bodies of political parties or religious communities;
  - persons employed by MRT and external persons with whom MRT has signed contracts for execution of certain tasks;
  - persons executing duties within the bodies of a political party; and
  - persons, who as owners of shares or stocks, as members of management bodies or as employees, have interest in other broadcasting organisations, news agencies, advertising companies, companies for public opinion and market research, companies for movie distribution,

companies for movie production or companies that provide network for public electronic communications and services.

(2) If during the mandate of the MRT Programme Council member one of the conditions referred to in paragraph (1) of this law are met, this member should inform the president, or the vice president of the MRT Programme Council.

## **Article 120**

### **Dismissal of a member of the MRT Programme Council**

- (1) The term of office of a member of the MRT Programme Council may be terminated before the date of expiry for which he/she has been appointed in the following cases:
  - occurrence of reasons preventing the appointment of a person as a member of the MRT Programme Council, envisaged in this Law;
  - member is unduly absent from three consecutive session of the MRT Programme Council;
  - member submits its own resignation; or
  - there is an effective court decisions for a prison sentence longer than six months, or a sentence on prohibition to perform a profession, activity or duty against that member.
- (2) The termination of the term of office shall be determined by the Assembly of the Republic of Macedonia, upon proposal from the MRT Programme Council.
- (3) The President or the Deputy President of MRT Programme Council shall be obliged to inform the Assembly of the Republic of Macedonia on the fulfilment of the conditions for termination of a Council member's term of office, prior to the expiration of the term for which it was appointed, as envisaged in paragraph (1) of this Article, within five days from the date when the conditions referred to in paragraph (1) of this Article have become valid. In this case, the procedure referred to in Articles 117 and 118 of this Law shall apply.
- (4) In case a member of the MRT Programme Council is dismissed prior to the expiry of his/her term of office, the Assembly of the Republic of Macedonia shall appoint a new member of the MRT Programme Council for the remainder of the term of office upon proposal for the respective authorised nominator.

## **Article 121**

### **Sessions of the MRT Programme Council**

- (1) The MRT Programme Council shall operate and adopt decisions on session which shall be held at least once every three months and if at least nine of its members are present.
- (2) The sessions of the MRT Programme Council shall be convened upon proposal from the president or deputy president of the MRT Programme Council, upon a written request from at least five members of the MRT Programme Council, upon request from the President of MRT Supervisory Board or upon request from the director of MRT.
- (3) The president or the deputy president of the MRT Programme Council shall convene the session of the MRT Programme Council within 10 days from the moment of receiving the request to convene said session.
- (4) The MRT Programme Council shall elect and dismiss the president and deputy president of the MRT Programme Council with a majority vote from the total number of members. The procedure for appointment and dismissal of the president and the deputy president shall be regulated in the Rules of Procedure of the MRT Programme Council.



- (5) The MRT Programme Council shall adopt its decisions with a majority vote from the total number of members attending the session.
- (6) On the matters specified in Article 124, paragraph (1), indents 4, 6, 7 and 8, of this Law, the MRT Programme Council shall decide with a majority vote from the total number of members of the MRT Programme Council, which must include a majority vote from the total number of members of the MRT Programme Council from the non-majority communities in the Republic of Macedonia.

## **Article 122**

### **Participation on the Sessions of the MRT Programme Council**

- (1) The Sessions of the MRT Programme Council shall be public.
- (2) The president or deputy president of the MRT Supervisory Board, and director or deputy director of MRT attend the sessions of the MRT Programme Council, without a right to vote, whereas, persons employed in MRT as well as outsiders may also attend the session if in accordance with the Program Council's Rules of Procedure.
- (3) The agenda, the minutes of the sessions of the MRT Programme Council, the adopted decisions, as well as the statements of the members of the MRT Programme Council made during the voting process on specific issues, shall be published on the MRT web-site within seven days from the date when the session took place.

## **Article 123**

### **Remuneration for the members of the MRT Programme Council**

- (1) For their work, the members of the MRT Programme Council shall receive a consideration in the amount of one third of the average monthly salary in the Republic of Macedonia, after completing the session, that is, after exhausting all issues on the agenda for that session.
- (2) The members of the MRT Programme Council, who live outside Skopje, shall be entitled to be reimbursed for their travel expenses when attending the sessions of the MRT Programme Council, in accordance with the Rulebook on salaries and other compensations.
- (3) The considerations referred to in paragraphs (1) and (2) of this Article shall be provided from the funds of MRT specified in the Annual Financial Plan.

## **Article 124**

### **Competencies of the MRT Programme Council**

- (1) The MRT Programme Council shall have the following competencies:
  - monitors the realisation of the programme obligations, principles and standards defined in this Law, and in case of non-compliance shall be obliged to send a written warning to the director of MRT, and request of him/her to terminate the programme broadcasting;
  - monitors the comments and suggestions of the audience regarding the broadcast program of MRT and considering them, may in writing request from the Director of MRT to adjust the scope, structure and overall quality of the program content
  - adopts its Rules of Procedure;
  - elects and dismisses the members of the MRT Supervisory Board;
  - elects and dismisses director and deputy director of MRT
  - adopts the Statute of MRT;

- adopts the MRT Annual Operations Report for the previous year and the Annual Operations Programme for the following year; and
- adopts the Development program of MRT
- adopts the General rules for program and professional standards in MRT
- adopts the general operation act of MRT according to the Statute of MRT.

(2) Programming Council of MRT gives consent to the appointments or dismissal of editors in chief in MRT. Before the decision on appointment or dismissal of the responsible editors of MRT, the Director of MRT is obliged to seek consent from the Programming Council of MRT. Along with the request for consent, the Director of MRT submits the editorial opinion. If the Programming Council of MRT did not give consent to the appointments or dismissals, the responsible editors of MRT it shall inform the director of MRT with a detailed explanation of the reasons thereof.

## **Article 125**

### **MRT Supervisory Board**

- (1) The supervision of the material and financial operations of MRT shall be conducted by the MRT Supervisory Board comprised of seven members.
- (2) The members of the Supervisory Board shall be elected by the MRT Programme Council upon a completed procedure for public competition.
- (3) The manner and procedure for election and dismissal of a member of the MRT Supervisory Board shall be determined in the Statute of MRT.
- (4) The term of office of the members of the MRT Supervisory Board shall be five years, with a possibility of one more consecutive term of office.
- (5) The members of the MRT Supervisory Board should be persons with a University degree, knowledge of and at least five-year experience in the field of finance or accounting.
- (6) The MRT Supervisory Board shall operate and adopt decisions on session which shall be held at least once a month and if at least five of its members are present.
- (7) The MRT Supervisory Board shall elect, from its own ranks, and dismiss the president and the deputy president of the Supervisory Board, in accordance with the manner and procedure specified in the Rules of Procedure of the MRT Supervisory Board.
- (8) The session shall be convened upon proposal from the president of the MRT Supervisory Board, upon written request from the least two members of the Supervisory Board or upon written request from the director of MRT. The president shall be obliged to convene the session within five days from the moment of submission of the request to convene said session.
- (9) The MRT Supervisory Board shall adopt its decisions with a majority vote from the present members. If the votes are equal, the vote of the president shall take precedence.
- (10) The president or deputy president of the Programming Council of MRT and the director or deputy director of MRT attend the meetings of the Supervisory Board of MRT, without a right to vote. Upon an invitation of the Supervisory Board, and in accordance with the Rules of Procedure of the Supervisory Board, other MRT employees may also attend the meetings of the Supervisory Board of MRT.

## **Article 126**

### **Remuneration for the members of the MRT Supervisory Board**

The members of the MRT Supervisory Board shall receive for their work a monthly consideration in the amount of up to one and half average monthly salary in the Republic of Macedonia, as per the data published by the State Statistical Office, and in accordance with the Statute of MRT.

## **Article 127**

### **Incompatibility of functions**

The following persons may not be members of the MRT Supervisory Board:

- members of Parliament, members of the Government, appointed and elected officials, managers in state bodies, administrative bodies, local self-government units or regulatory bodies, directors or members of management boards of public enterprises;
- persons executing duties within the bodies of a political party;
- persons, who as owners of share or stocks, as members of management bodies or as employees or contracted on any basis, have interest in other broadcasters, news agencies, advertising and propaganda companies, market and public opinion research companies, film production companies or companies securing public electronic communication networks ;
- members of the MRT Programme Council; or
- persons employed by MRT and external persons whom MRT have signed contracts for execution of certain tasks.

## **Article 128**

### **Termination of term of office of a member of the MRT Supervisory Board**

- (1) The term of office of a member of the MRT Supervisory Board may be terminated prior to its expiry in the following cases:
  - occurrence of reasons preventing the election of a person as a member of the MRT Supervisory Board, as envisaged in Article 127 of this Law;
  - the member is unduly absent on three consecutive sessions of the MRT Supervisory Board or five sessions within a period of six months;
  - the member submits its own resignation; or
  - there is an effective court decisions for a prison sentence longer than six months, or a sentence on prohibition to perform a profession, activity or duty against that member.
- (2) The president of the Supervisory Board shall be obliged to notify in writing the MRT Programme Council on the termination of the term of office of a member of the MRT Supervisory Board within 15 from the date of occurrence of the cases referred to in paragraph (1) of this Article.
- (3) The MRT Programme Council will elect a new member of the MRT Supervisory Board in accordance with Article 125 of this Law for the remainder of the term of office of the dismissed member of the MRT Supervisory Board.
- (4) The MRT Programme Council shall initiate the procedure for election of a new member of the MRT Supervisory Board within 15 days from the moment when the member of the MRT Supervisory Board was dismissed.

## **Article 129**

### **Competencies of the MRT Supervisory Board**

- (1) The MRT Supervisory Board shall have the following competencies:

- supervises the material and financial operations of MRT and in case of established irregularity shall order the director to correct it thereof;
- provide recommendations, proposals or opinions to the director of MRT related to financial matters;
- adopts the Annual Accounts of MRT;
- gives approval to the Statute-proposal of MRT
- give approval to the Draft Financial Plan of MRT for the following year based on the Draft Operations Programme for the following year;
- give approval for signing credit and bank loan agreements surpass the amount determined by the MRT Statute;
- give approval for sale and utilisation of MRT property surpass the amount determined by the MRT Statute; and
- adopt its Rules of Procedure.

(2) The MRT Supervisory Board shall be obliged to comment the requests for approval referred to in paragraph (1) of this Article within 15 days of receipt thereof. In case the MRT Supervisory Board does not approve the submitted request, it shall notify in writing the director of MRT including a detailed rationale on the reasons for said disapproval.

### **Article 130**

#### **Director and deputy director of MRT**

- (1) The director of MRT shall manage the operations of MRT and shall represent and act on behalf of MRT.
- (2) The director of MRT shall have a deputy.
- (3) The director and the deputy director of MRT may be a person who is citizen of the Republic of Macedonia and who will offer the best quality operations programme for MRT.
- (4) Aside from the conditions referred to in paragraph (3) of this Article, the director and deputy director of MRT should also have a University degree, and at least five-year experience in the field of communications, journalism, electronic communications, information technology, culture, economy or law.
- (5) A member of the MRT Programme Council or the MRT Supervisory Board may not be director or deputy director of MRT.
- (6) The director and deputy director of MRT shall be elected by the MRT Program Council, following a completed procedure for public competition, and submitted operations programme for MRT for a period of three years, with a possibility for consecutive re-election.
- (7) The procedure for electing and dismissing the director or the deputy director of MRT shall be defined in the Statute of MRT.

### **Article 131**

#### **Dismissal of the director or deputy director of MRT**

- (1) The director or deputy director of MRT may be dismissed prior to the expiry of his/her term of office in the following cases:
- upon his/her request;
  - if he/she is not capable to perform the duty for a continuous period longer than six months;

- if he/she does not comply with the programme obligations, principles and standards defined in this Law and in the Annual Programme for operations of MRT, after receiving a written warning from the MRT Program Council.

(2) The director or deputy director of MRT, against whom there is an on-going dismissal procedure, shall be previously informed on the possible suspicions, and shall be allowed to defend himself/herself in front of the MRT Programme Council.

(3) The decision to dismiss the director or deputy director of MRT, inter alia, should contain the reasons for the dismissal, a detailed explanation, and shall be published on the MRT web-site within seven days of its adoption.

## **Article 132**

### **Competencies of the director of MRT**

(1) The director of MRT shall have the following competencies:

- represents and act on behalf of MRT, is responsible for the lawful operations of MRT and for the realisation of the obligations of MRT envisaged in this Law;
- proposes the Statute of MRT;
- proposes the general operations acts of MRT, in accordance with the statute of MRT, and the general rules for programming and professional standards in MRT, having received previously the opinions of the MRT Editorial Boards;
- proposes the MRT Annual Operations Report for the previous year and the MRT Annual Operations Programme for the following year, and following their adoption submits them to the Assembly of the Republic of Macedonia;
- proposes the Annual Accounts of MRT
- proposes the Development program of MRT
- gives authorisation within his/her scope of competencies;
- appoints and dismisses the editors-in-chief of the programme services, having received previously the opinions of the MRT Editorial Boards;
- Decides about the employment and deployment of staff in MRT
- performs other activities defined in this Law and in the Statute of MRT.

(2) In case of absence or prevention to perform his/her duty, the activities of the director of MRT listed in paragraph (1) of this Article shall be performed by the deputy director of MRT.

## **Article 133**

### **Cooperation with MRT**

MRT may cooperate with public service broadcasters from other countries and with international institutions and bodies with the same scope of work.

## **Article 134**

### **EU harmonisation and other international cooperation**

In its operations MRT shall take into account the directives of the European Union, the acts of the Council of Europe, the international conventions ratified by the Republic of Macedonia, as well as the experience of the public service broadcasters in other countries, especially those of the EU Member States.

## **VII. BROADCASTING FEE**

### **Article 135**

#### **Broadcasting fee**

- (1) The funds necessary to cover the costs of production and broadcasting of programmes and technical and technological development of the public service broadcaster, for maintenance, utilisation and development of the public broadcasting network and for the operations of the Agency shall be provided from the broadcasting fee.
- (2) The broadcasting fee shall be a public fee.
- (3) The funds collected from the broadcasting fee referred to in paragraph (1) of this Article shall be used to finance the following users:
  - PE Macedonian Radio Television;
  - PE Macedonian Broadcasting (MRD); and
  - the Agency.

### **Article 136**

#### **Collection of the broadcasting fee**

- (1) The broadcasting fee shall be paid by:
  - every family household in the Republic of Macedonia;
  - hotels and motels shall be charged one broadcasting fee for every five rooms;
  - sole proprietorships registered in accordance with Law on Trade Companies, as well as performers of business activities registered in accordance with the Law, with up to 20 employees, one broadcasting fee;
  - legal persons and office space owners shall pay one broadcasting fee for every 20 employees or other persons that use the office space, one broadcasting fee; legal persons that are not registered in accordance with the Law on Trade Companies, that is, that have a status of a legal person in accordance with other laws, shall be exempted from the obligation to pay the broadcasting fee in accordance with this Law; and
  - owners of catering and other public facilities equipped with a radio receiver or TV set shall pay one broadcasting fee for each receiver/set.
- (2) The Government of the Republic of Macedonia, upon a proposal of the Agency, will determine which broadcasting fee payers referred to in paragraph (1) of this Article in populated areas, that are not covered by the broadcasting signals of PE MRD, shall be exempt them from payment of the broadcasting fee
- (3) The households with a blind person or person whose vision is impaired over 90%, or families with a person whose hearing is impaired to an intensity of over 60 decibels or persons with over 90% disability, as determined in compliance with the regulations on disability insurance, shall be exempt from the duty to pay the broadcasting fee for the residence of the family household.

### **Article 137**

#### **Registry of broadcasting fee payers**

- (1) MRT shall be obliged to maintain a Registry of broadcasting fee payers.

- (2) MRT shall be obliged to constantly, throughout the year, update the Registry referred to in paragraph (1) of this Article and inform the Assembly of the Republic of Macedonia on the updates in the Annual Report on the operations of MRT for the previous year.
- (3) In order to efficiently update the Registry referred to in paragraph (1) of this Article, MRT shall be obliged to cooperate and exchange information and data with state authorities and bodies in the Republic of Macedonia holders of information referred to in article 136 of this law.
- (4) The form and content of the Registry referred to in paragraph (1) of this Article shall be regulated with an act by MRT in accordance with the article 136 of this law.

## **Article 138**

### **Calculation, setting and collection of the broadcasting fee**

- (1) The matters related to the calculation, setting and collecting the broadcasting fees from the payers referred to in Article 135 of this Law, on behalf and for the account of MRT, shall be conducted by the Public Revenue Office.
- (2) The provisions from the Law on Tax Procedure shall apply to the procedure for setting and collecting the broadcasting fees.
- (3) In accordance with the data from the Registry of broadcasting fee payers, the Public Revenue Office shall set the monthly broadcasting fee, and the payer shall be obliged to pay it until the 15<sup>th</sup> day of the following months, otherwise it will be obliged to pay a default interest, as specified in the Law.
- (4) The collection shall be made on the bank account of MRT, and it shall then forward them to the users mentioned in Article 135 of this Law, in accordance with the amounts set in Article 140 of this Law.

## **Article 139**

### **Broadcasting fee and payment**

The broadcasting fee in the amount of 190 shall be paid every month. The amount shall be amended once a year, depending on the cost of living for the previous year published by the State Statistical Office.

## **Article 140**

### **Distribution of the broadcasting fees**

- (1) The collected broadcasting fees shall be distributed as follows:
  - 74,5% for MRT for covering the costs for production and broadcasting of programmes and for technical and technological development;
  - 19,5% for PE MRD for maintenance, utilisation and development of the public broadcasting network; and
  - 6% for the Agency for regulating and developing the media and audiovisual media services.
- (2) Of the total collected broadcasting fees, the Public Revenue Office shall retain 3% to cover the costs for setting and collecting the broadcasting fees.
- (3) In case of enforced collection of the broadcasting fees, the provision in Law on Tax Procedure shall apply.
- (4) The users of the funds referred to paragraph (1) of this Article shall be obliged to use them in accordance with a previously published Financial Plan.

## **VIII. RETRANSMISSION OF PROGRAMME SERVICES THROUGH PUBLIC ELECTRONIC COMMUNICATION NETWORKS**

### **Article 141**

#### **Retransmission of programme service**

(1) The operator of a public electronic communication network, prior to the retransmission of program services, shall submit to the Agency an application for its registration in the registry of operators who are retransmitting programme packages and the registration of the programme services that will be retransmitted in entirety as a programme package.

(2) The application referred to in paragraph (1) of this Article shall particularly contain the following:

- company name and seat, that is, name and address of the operator;
- name and surname of the operator's authorised person;
- the programme package or list of programme services of broadcasters that the operator intends to retransmit;
- the manner in which the operator will provide programme package;
- territory where the operator shall provide the programme package (service zone); and
- commencement date of the programme package provisioning.

(3) The Agency shall prescribe with a bylaw the content and the form of the application, the required documentation and the registration certificate. The Application form is published on the website of the Agency.

(4) With the application, the operator's authorised person shall submit a notary certified statement, thus confirming under full criminal and material responsibility that for the retransmission of the programme services referred to in paragraph (2) of this Article, it has regulated the copyright and related rights, in accordance with the Law on copyright and related rights.

(5) If the Application is incomplete, that is, it does not contain the information specified in paragraphs (2) and (4) of this Article, the Agency shall, within three days of receipt of the application, inform the operator in writing and request thereof to complete the application within five days from the moment of the receipt of the written notification.

(6) If the operator does not follow the written notification from paragraph (5) of this article it will be considered that the application is not delivered.

(7) The Agency shall, within seven days from the moment of the receipt of the completed application, issue a certificate for registration of the programme package of the operator.

(8) The Agency is obliged, within five working days from the date of issuing of the certificate referred to in paragraph (7) of this Article, to submit it to the Agency for Electronic Communications.

(9) The Agency shall keep a Registry of operators that retransmit programme packages and it shall in particularly contain:

- name and address of the operator;
- name and surname of the operator's authorized person
- the programme package or the list of programme services for which the operator has regulated copyright and related rights for their retransmission;
- territory where the operator will retransmit program services (service zone).

(10) The Agency shall publish on its website the data from the Registry of paragraph (9) of this Article.



(11) Upon altering any data noted in paragraph (2) of this Article, the operator shall be obliged to notify the Agency within 30 days of the alteration. If the alteration is on the programme package, either self-initiated or based on an effective court decision, the operator shall be obliged to submit new statement pursuant to paragraph (4) of this Article. The Agency shall be obliged within three working days from the day of the receipt of the notification on the alteration in the programme package to inform the Agency for Electronic Communications thereof.

(12) The Agency shall be obliged to register the changes in the registry referred to in paragraph (9) of this law within seven days from receiving the notification under paragraph (11) of this article.

(13) In case the Agency based on conducted monitoring pursuant to this Law finds that an operator retransmits a programme package that has not been registered in accordance with this Article, within seven days from the moment the monitoring was conducted the Agency shall issue a decision obliging the operator to immediately disconnect the retransmission of the programme service. The Agency shall inform the Agency for Electronic Communications and the holder of the copyrights and related rights for the adopted decision. The decision for disconnection of the programme service with detailed elaboration shall be published on the website of the Agency within three days from the moment of its adoption.

(14) The Agency shall delete the operator that retransmits programme services from the Registry referred to in paragraph (9) of this Article if:

- it informs the Agency in writing that it has stopped performing the business activity;
- it has stopped performing the business activity for a period of more than one year;
- it does not commence performing the business activity on the date stated in the application, and does not notify the Agency of the changed date;
- it is sentenced with an effective court decision for prohibition to perform a duty; and
- it ceases to exist.

(15) The form and content of the Registry referred to in paragraph (9) of this Article shall be prescribed by the Agency.

(16) Application for registration in the registry of operators who are retransmitting programme packages and the registration of the programme services as a programme package can be proceeded electronically including any further action on these changes in a way that will be defined by the Agency.

## **Article 142**

### **Monitoring fee**

(1) Operator that retransmits programme services and the on-demand provider of audiovisual media services shall pay an annual fee for the monitoring carried out by the Agency.

(2) The annual fee referred to in paragraph (1) of this Article shall be 0.5% of the total annual income of the operator that retransmits programme services or of the on-demand provider of audiovisual media services generated by the retransmission of programme services or by the provision of audiovisual media services on demand during the previous calendar year, or a shorter part of the year when the operator which retransmits programming services or the on-demand provider of audiovisual media services started to provide the service.

(3) The operator that retransmits programme services and the provider of audiovisual media services on demand shall be obliged to submit a report on the amount of total income referred to in paragraph (2) of this Article to the Agency no later than the 15th of March in the current year.

(4) The operator that retransmits programme services and the provider of audiovisual media services on demand shall be obliged to pay the annual monitoring fee to the bank account of the Agency no later than the 15th of April, based on the previously submitted report on the amount of total income referred to in paragraph (2) of this Article, upon a decision previously submitted by the Agency.

(5) In case of reasonable suspicion concerning the total realised annual income, the Agency shall be entitled to make an assessment using an external independent auditor, at the expense of the operator which retransmits programme services or the provider of audiovisual media services on demand.

(6) If the assessed total income differs from the reported total income, the Agency shall order the operator that retransmits programme services and the provider of audiovisual media services on demand to add the calculated difference when paying the annual fee referred to in paragraph (2) of this Article.

### **Article 143**

#### **Obligations of an operator that retransmits programme services**

(1) An operator may only retransmit the programme services of domestic broadcasters only in the service zone for which the broadcasters have obtained television or radio broadcasting license, and on the basis of regulated copyrights and related rights, pursuant to the Law on copyright and related rights.

(2) An operator may retransmit programme services of broadcasters from other countries in accordance with Article 44 of this Law and based upon regulated copyrights and related rights pursuant to the Law on copyright and related rights.

(3) An operator that retransmits programme services should ensure that the programme package, as mandatory and free of charge requirement, includes the programme services of public service broadcaster funded from the broadcasting fee, except for the operator that retransmits programme services through digital terrestrial multiplex.

(4) The operator that retransmits programme services shall be obliged to state in the contracts signed with its subscribers, the programme package or list of programme services that it retransmits at the moment, for which the Agency has issued a registration certificate.

(5) The operator that retransmits programme services is obliged to keep separate accounting for the activities related to the retransmission of programme services.

### **Article 144**

#### **Additional obligations an operator that retransmits programme services**

(1) Operator that retransmits programme services may establish an internal television channel broadcasting only information concerning its operations and services. The programme package provider shall be obliged to continuously record the output signal of the internal television channel, and keep the recordings for at least 30 days afterwards.

(2) Operator that retransmits programme services must not hinder the free reception of radio and television programme services broadcasted over terrestrial transmitters.

(3) The operators retransmitting programme services or the providers of audiovisual media services on demand are obliged to continuously deliver the same exit signal delivered to their subscribers also to the location for accepting signals located in each area at a regional level in accordance with Article 62 paragraph (4) of this law, for further distribution to the system for program monitoring at the Agency in Skopje.

(4) The locations for accepting the signals referred to in paragraph (3) of this article will be determined by the Agency and published on its web site

### **Article 145**

- (1) A fine amounting of 100 000 Euros in Denar equivalent will be imposed on a legal person for not respecting the obligations from the article 92, paragraphs (8) and (9)
- (2) For a violation from the paragraph (1) of this article a fine amounting between 3000 and 5000 Euros in Denar equivalent will be imposed on a responsible person for the program at the legal entity.

#### **Article 146**

- (1) A fine amounting of 20 000 Euros in Denar equivalent will be imposed on a legal person for not respecting the obligations from the article 92, paragraphs (4), (5), (6) and (12)
- (2) For a violation from the paragraph (1) of this article a fine amounting between 1000 and 3000 Euros in Denar equivalent will be imposed on a responsible person for the program at the legal entity

### **IX. PENALTY PROVISIONS**

#### **Article 147**

- (1) A fine amounting between 10 000 and 20 000 Euros in Denar equivalent will be imposed on a legal person if it:
  1. fails to enable implementation of professional monitoring in accordance with Article 32;
  2. has a secret co-owner in accordance with Article 34;
  3. has been additionally established that one of the founders of the broadcaster is a legal person referred to in Article 35, paragraph (2);
  4. acquires property contrary to Articles 37 and 38;
  5. exercised illegal media concentration contrary to the provisions of Article 39;
  6. fails to notify the Agency about a change in the ownership structure (Article 41, paragraph (2));
  7. changes the ownership structure prior to an approval from the Agency (Article 41, paragraph (2));
  8. fails to provide data to the Agency upon its request that are of importance for making decisions (Article 41, paragraph (5));
  9. fails to provide data relevant to decision-making to the Agency in the procedure for determination of illegal media concentration, ex officio (Article 43, paragraph (2));
  10. fails to comply with the rules for protection of minors (Article 50);
  11. provides television or radio broadcasting without a license for television or radio broadcasting (Article 62, paragraph (2));
  12. provides a television or radio broadcasting in a region not specified in the license for television or radio broadcasting (Article 62, paragraph (3));
  13. provides use of language contrary to article 64;
  14. fails to implement at **least 80%** of the programming concept for which the permit is issued within one week (Article 67, paragraph (6));
  15. changes or supplements more than 10% of the programming concept based on which the broadcaster received a license for television or radio broadcasting without prior approval from the Agency (Article 67, paragraph (7));
  16. fails to comply with the provisions referred to in Article 77, paragraphs (5) or (6);
  17. transfers the television or radio broadcasting license to another person (Article 79, paragraph (4));
  18. fails to comply with the obligations to broadcast European works and works by independent producers, as specified in Article 91.

- (2) In case of any of the violations referred to in paragraph (1) of this Article, a fine between 1000 and 3000 Euros in Denar equivalent value shall be imposed on the authorised person for the program of the legal person and the sole proprietor.
- (3) In case of the violation referred to in paragraph (11) of this Article, a fine between 1000 and 3000 Euros in Denar equivalent value shall be imposed on the natural person as well.

#### **Article 148**

- (1) A fine amounting between 5 000 and 10 000 Euros in Denar equivalent shall be imposed on a legal person if it:

1. fails to keep daily records of broadcasts or records of the output signal of its program or footage of the overall program for at least 60 days after the broadcast (Article 47, paragraph (1));
2. fails to keep the programs that were part of the catalogue unchanged for at least 30 days after the date when they ceased to be available to the customers (Article 47, paragraph (2));
3. in case of litigation, fails to keep the recorded material till the end of the dispute (Article 47, paragraph (4));
4. fails to keep daily records or fails to provide quality recordings of the entire programme in a manner prescribed by the Agency (Article 47, paragraph (5));
5. fails to provide information available to the users in accordance with Article 51, paragraph (1);
6. in case of prize competitions and various forms of prize contest participation of listeners and viewers of the audio or audiovisual programme, fails to provide unambiguous announcement concerning the rules pertaining to the programme, and the publicly promised prize (Article 52);
7. the audiovisual commercial communication is not in accordance with Article 53;
8. the sponsorship is not in accordance with Article 54;
9. the product placement is not in accordance with Article 55;
10. the on-demand audiovisual media service shall be provided without registration confirmation (Article 56, paragraph (1));
11. fails to notify the Agency of any change of data in the prescribed period (Article 56, paragraph (9));
12. on the basis of obtained exclusive rights, broadcasts events of major importance for the society, contrary to Article 87;
13. fails to provide a right to short reporting on events of major interest to the public as per Article 89;
14. fails to comply with the obligations laid down in Article 92 paragraphs (1), (2) and (12);
15. uses value added telephone services, including televoting during news, in the course of informative and educational programmes, religious services and sermons, children programmes (Article 93, paragraph (1));
16. uses value added telephone services in contrary to the Article 93, paragraph (2);
17. broadcasts games of chance organized by entities not licensed by the competent authority for organizing games of chance (Article 94, paragraph (1));
18. organises and broadcasts games of chance with betting on sports competitions (Article 94, paragraph (2));

19. is linked into a single system for broadcasting of a joint program without prior notice submitted to the Agency (Article 95, paragraph (1));
  20. fails to notify the Agency on the programming concept for a joint programme or fails to appoint an editor of said programme (Article 95, paragraph (2));
  21. fails to provide authentication in accordance with Article 97;
  22. broadcasts advertising and teleshopping in a manner contrary to Article 99;
  23. fails to release the Annual Operations Report for the previous year and the Annual Operations Programme for next year on its web-site (Article 106, paragraph (7))
  24. fails to publish on its website the Operations Programme for next year before submitting it to the Assembly of the Republic of Macedonia (Article 113 paragraph (1));
  25. retransmits programme services contrary to Article 141;
  26. fails to submit a report on the amount of total income to the Agency by the 15<sup>th</sup> of March of the current year (Article 142, paragraph (3));
  27. fails to comply with the obligations referred to in Article 143;
  28. fails to comply with the obligations referred to in Article 144.
- (2) In case of any of the violations referred to in paragraph (1) of this Article, a fine between 500 and 1000 Euros in Denar equivalent value shall be imposed to the authorised person for the program of the legal person or the sole proprietor.

#### **Article 149**

- (1) A fine amounting between 3000 and 5000 Euros in Denar equivalent value shall be imposed for a violation on a legal person if it:
1. upon request of the Agency fails to submit records of the programmes within a deadline of 3 days (article 47, paragraph (3));
  2. transmits cinematographic works outside the period stipulated in the agreements with the right holders (Article 49)
  3. fails to permanently point out the identification marks in the course of all programmes, that is, fails to broadcast them at least once during a real hour of a radio program (Article 51, paragraph (2));
  4. uses the identification marks contrary to Article 51, paragraph (3)
  5. in case of any change of the identification marks, fails to provide a copy to the Agency (Article 51, paragraph (4));
  6. upon request from the Agency fails to submit the documents related to the promotion of production and access to European works (Article 60 paragraph (2));
  7. does not comply with the duration of daily broadcasting laid down in Article 90;
  8. advertising and teleshopping are not clearly identifiable and separated from the other parts of the programme (Article 98, paragraph (1));
  9. the duration of the advertising and teleshopping slots exceeds 12 minutes per real hour (Article 100, paragraph (1));
  10. during advertising and teleshopping, either visual or audible, displays people who regularly present news and current information programmes (Article 101);
  11. the duration of advertising of the public service broadcaster is contrary to Article 103;
  12. fails to sign a special contract for the procurement of audio or audiovisual works in accordance with Article 105, paragraph (3);
  13. the manner and procedure of conducting public calls, the manner and procedure of procurement of audio or audiovisual works, i.e. programme content and signing of contracts is performed contrary to the act referred to in Article 105, paragraph (4);

14. fails to publish the Statute of MRT at the website of MRT (Article 114, paragraph (3));
  15. fails to publish the agendas, minutes of meetings of the Programming Council of MRT, the adopted decisions and the statements of the members of the Programming Council of MRT in the process of voting on a particular decision-making issue, on the website of MRT within seven days of the date the meeting took place (Article 122, paragraph (3));
- (2) In case of any of the violations referred to in paragraph (1) of this Article, a fine between 1000 and 1500 Euros in Denar equivalent value shall be imposed to the authorised person for the program of the legal person or the sole proprietor.

## **Article 150**

### **Misdemeanor sanctions**

- (1) Apart from the fine, a misdemeanor sanction on prohibition of performance of profession, activity or duty for a period from six months to three years may be imposed on the legal person for committed violation as per Articles 145, 146, 147, 148 and 149 of this Law.
- (2) Apart from the fine, a misdemeanor sanction on prohibition of performance of profession, activity or duty from three months to a year may be imposed on the authorized person of the legal person for committed violation as per Articles 145, 146, 147, 148 and 149 of this Law.
- (3) Apart from the fine, a misdemeanor sanction on prohibition of performance of profession, activity or duty for a period from three months to a year may be imposed on the sole proprietor for committed violation as per Articles 145, 146, 147, 148 and 149 of this Law.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 151**

The provisions in Article 46, paragraph (3) and (4) of the Law will apply after the accession of the Republic of Macedonia in European Union.

### **Article 152**

- (1) The Assembly of the Republic of Macedonia will send an open call for submitting proposals for member-candidates for the Council of the Agency to the authorised nominators referred to in Article 14 of this Law within 30 days from the date this Law enters into force.
- (2) The authorised nominators referred to in paragraph (1) of this Article shall define and submit proposals for members of the Council of the Agency to the Assembly of the Republic of Macedonia following the procedure and deadline set in this Law.
- (3) The Assembly of the Republic of Macedonia should appoint the members of the Council of the Agency within one month from the receipt of the proposals referred to in paragraph (2) of this Article in the manner specified in this Law.
- (4) As soon as the members of the Council of the Agency referred to in paragraph (3) of this Article are appointed, the term of office of the existing members of the Broadcasting Council shall be terminated, excluding the existing president of the Broadcasting Council.
- (5) The existing president of the Broadcasting Council shall continue to perform the function director of the Agency until the selection of the Agency director in accordance with paragraph (8) of this Article,

without a right to vote when the Council adopts decisions. As soon as the director of the Agency, the term of office of the president of the Broadcasting Council shall be terminated.

(6) The current members of the Broadcasting Council have the right to be appointed for members of the Council of the Agency.

(7) The Council of the Agency appointed in accordance with the provisions of this Law will adopt the Agency Rules of Procedure within 60 from the date when the Decision for appointing at least five Council members have been adopted.

(8) The Council of the Agency referred to in paragraph (3) of this Article will adopt a decision to announce a public competition for a director of the Agency within 15 days from the day of adoption of the Agency Rules of Procedure. The director will be selected in accordance with the provisions of this Law and the Agency Rules of Procedure.

(9) Within six months from the date of adoption of the decision for selecting a director of the Agency, the Agency will adopt the acts arising from this Law.

(10) The assets, the rights, obligations and the archive of the Broadcasting Council, as well as the employees in the expert service of the Broadcasting Council are taken over by the Agency.

### **Article 153**

(1) The Assembly of the Republic of Macedonia will send an open call to the authorised nominators to submit proposals for candidates for the members of the Program council of MRT referred to in Article 117 of this law within 30 days from the date of entering into force of this Law.

(2) The authorised nominators referred to in paragraph (1) of this Article shall define and submit proposals for members of the Program Council of MRT to the Assembly of the Republic of Macedonia following the procedure and the deadline set in this Law.

(3) The Assembly of the Republic of Macedonia should appoint the members of the Program Council of MRT within one month from the receipt of the proposals referred to in paragraph (2) of this Article in the manner specified in this Law.

(4) As soon as the members of the Program Council of MRT referred to in paragraph (3) of this Article are appointed, the term of office of the existing members of the Council of MRT shall be terminated.

(5) Program Council of MRT appointed in accordance with the provisions of this Law will adopt the Statute of MRT within 60 days from the date of the decision for appointment of the members of the Program Council of MRT.

(6) The Program Council of MRT referred to in paragraph (3) of this Law will adopt a decision to announce a public competition for election of members of the Supervisory Board of MRT within 15 days from the date of adopting the Statute of MRT. Selection of the members of the Supervisory board of MRT will be conducted in accordance with the provisions of this Law and the Statute of MRT.

(7) As soon as the members of the Supervisory board of MRT are selected, the term of office of the existing members of the Board of MRT shall be terminated.

(8) Program council of MRT will adopt a decision to announce a public competition for selection of director and deputy director of MRT within 15 days from the date of adopting the Statute of MRT. The selection of the director and the deputy director will be conducted in accordance with the provisions of this Law and the Statute of MRT.

(9) Within six months from the date of adoption of the decision for selecting a director and deputy director of MRT, MRT will adopt the acts arising from this Law.

### **Article 154**

- (1) The existing operators, who are retransmitting programme services via public communication networks are obliged to submit registration application within nine months from the day of this Law enters into force.
- (2) Agency shall ex officio replace the existing licenses for the broadcasting with the new licenses for television or radio broadcasting in accordance with this law, within 30 days from the date of adoption of the decision for election of the director of the Agency, which will be valid nine years calculated from the date of issuance of the new license.
- (3) The obligations determined with Article 92 paragraphs (4), (8) and (9) of this Article shall apply as of 01.01.2014.

#### **Article 155**

The day this Law enters into force the Law on Broadcasting Activity cease to be valid (Official Gazette of Republic of Macedonia" No. 100/05, 19/07, 103/08, 152/08, 6/10, 145/10, 97/11,13/12 и 72/13) with exemption of the provision of the article 10 paragraph (11) from the Law of amending the Law on Broadcasting Activity ("Official Gazette of the Republic of Macedonia" no. 72/2013).

#### **Article 156**

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Macedonia".

-END-OF-TEXT