

Pursuant to Article 18, paragraph 1, indent 8, Article 20, paragraph 1, indent 11 and Article 89 of the Law on Audio and Audiovisual Media Services ("Official Gazette of the Republic of Macedonia" No. 184/13, 13/14, 44/14, 101/14 and 132/14), in connection with Article 15, paragraph 1, indent 7 and Article 39, paragraph 1, indent 11 of the Rules of Procedure of the Agency for Audio and Audiovisual Media Services No. 01-4351/1 dated 29 August 2014, and in accordance with the Statement of the Council of the Agency No. 02-1783/2 dated 12 March 2015, the Council of the Agency for Audio and Audiovisual Media Services, at its 10th session held on 12 March 2015, adopted

GUIDELINES ON THE RIGHT TO SHORT INFORMATION ON EVENTS FOR WHICH EXCLUSIVE BROADCASTING RIGHTS WERE ACQUIRED

I. GENERAL PROVISIONS

Scope

1. These Guidelines shall regulate the right to short information on events for which there is a high public interest, and for which exclusive broadcasting rights were acquired by (a) broadcaster/s from the Republic of Macedonia, and shall determine the methods of access to the signal of that/those broadcaster/s, i.e. providing records from the event.

Goals

2. The purpose of these Guidelines is to ensure the application of the provisions of the Law on Audio and Audiovisual Media Services regarding the realisation of the right to short information, so that the right of the public to be informed of events for which there is high interest would not be violated, due to the fact that the broadcaster has exclusive rights for broadcasting or retransmission of such event.

Glossary of terms

The terms used in these Guidelines shall have the following meaning:

3. *Short information* is short audio and/or video sequences of events important to the public to allow the audience of a secondary broadcaster in a country to have sufficient information of the essential aspects of the event for which a certain broadcaster has exclusive rights.

The purpose of the short notice shall be included in the news with regular term of secondary broadcasters, but this does not prevent the primary broadcaster to use short notices in their programs or to use another way of their choice.

4. *Event for which there is a high public interest* means any event, whether organized or not, on which a primary broadcaster has acquired exclusive rights for television broadcasting and which, in the opinion of one or more broadcasters in the country of the primary broadcaster or other countries, is of particular interest for their audience.
5. *Primary broadcaster* is a broadcaster that has exclusive rights to broadcast an event for which there is high public interest.

There may be more than one primary broadcaster (for example, when several broadcasters act as an association to gain exclusive rights to sports events).

6. *Secondary broadcaster* is any broadcaster (from the country of the primary broadcaster or another country) that wants to provide information through short notice for an event for which there is high interest among the public, and for which another broadcaster has exclusive rights.
7. *Exclusive rights* are rights that a broadcaster contractually acquired by the organizer of the event, the owner of the premises where the event is taking place, the authors and/or other rights holders, in order to exclusively broadcast the event on a certain geographical area.
8. *Organized event for which there is a high public interest* is any sporting, cultural, social, political, etc. event which is a result of the decision of the organizer and which is organized by legal or natural persons. In cases when the public access to the facility where the event is held is prohibited or restricted (for example, for certain major cultural or social events), their broadcasting through television may be even more significant. In such cases, the exercise of exclusive rights can have major consequences on the public's right of access to information.
9. *Unorganized event for which there is a high public interest* is a current event, such as those usually reported in the news and in daily-information programmes (for example, accident, natural disaster, armed conflict). In a large number of cases, any broadcaster can inform on such an event, since the access is free (for example, oil leakage in the sea). In some cases, the access to unorganized events for which there is high public interest is limited, since the owner of the facility made such a decision (for example, the management of the mine may decide to prohibit access to more than one broadcaster to the place of a mining accident). Such limitation may also come as a result of a decision taken by the authorities for security reasons (for example, only one broadcaster is allowed to accompany a rescue team), or the party causing the event (for example, airplane hijackers allow only one broadcaster to enter the airplane during landing due to technical reasons).

Conditions for exercising the right to information of the public

10. In order to allow the public to exercise their right to information, the ownership right of the primary broadcaster should be subject to limitations in accordance with the conditions laid down below.

II. GENERAL PRINCIPLES

Methods to access the transmission signal

11. The secondary broadcaster has the right to access to events for which there is high public interest under fair, reasonable and non-discriminatory conditions.
12. The secondary broadcaster can access the event for which there is a high public interest in two ways:
 - By recording the signal of the primary broadcaster in order to prepare a short information and/or;
 - Through access to the venue of the event in order to prepare a short information.

Preparation of a short information

13. Each broadcaster has the right, under equal conditions, to provide information about events for which there is a high public interest through short information, in accordance with an agreement with the primary broadcaster.
14. The secondary broadcaster has the right to free choice of short sections of the transmission signal of the primary broadcaster, whereby it should at least mark their source.
15. When an organised event for which there is a high public interest is organised in sections, each specific part is considered a separate event.
16. If an organized event lasts several days, the secondary broadcaster has the right to broadcast every day at least one short information.
17. The short information may be maximum 90 seconds.

Using short information

18. The short information prepared by the secondary broadcaster may be used only by that broadcaster and broadcasted only within their information programmes with regular term (news and sports news).
19. The secondary broadcaster may not make an entire programme or a large part of such a programme through short information on a related series of events and thus produce current-information programmes.
20. The secondary broadcaster may not broadcast the short information on an organised event for which there is high public interest before the primary broadcaster has broadcasted the main recording of the event, for which it owns the rights.

This main broadcasting should be implemented at the latest, in the first main term after each separate unit of the event important to the public.
21. The short information should clearly indicate the name and/or insert the logo of the primary broadcaster, as the source of the material, in cases when the short information was prepared by the signal of the primary broadcaster.
22. The short information which had been broadcast should not be re-used, unless there is a direct link between its content and another current event.
23. The overall original programme material (recording of the signal or from the venue) which is owned by the secondary broadcaster, and was used by them to prepare a short information, should be destroyed after the preparation of the information, whereof the primary broadcaster must be notified.

Financial terms

24. The primary broadcaster should not charge the secondary broadcaster for the short information, unless they mutually agree otherwise.
25. The secondary broadcaster should not be required to pay a financial compensation for the cost of rights for television broadcasting.

26. If the secondary broadcaster is allowed access to the venue, the event organizer or the owner of the facility should be able to charge them for all necessary expenses that occurred additionally.

III. FINAL PROVISIONS

27. By the entry into force of these Guideline the Guidelines on the right to short information on events for which exclusive broadcasting rights were acquired (“Official Gazette of the Republic of Macedonia” No. 133/06) shall cease to be valid.
28. These Guidelines shall enter into force on the day following their publication in the “Official Gazette of the Republic of Macedonia”.

**Agency for Audio and
Audiovisual Media Services**

President of the Council

Lazo PETRUSHEVSKI, handwritten signature

No. 01-1873/1
12 March 2015
Skopje