



Broadcasting council of the Republic of Macedonia

## **MANUAL FOR MEDIA PLURALISM ASSESSEMENT (INTERNAL PLURALISM)**

Skopje, December 2012

## 1. Why Manual?

The mission of the Broadcasting Council, as defined in Article 21, paragraph 3 of the Law on Broadcasting is to "takes care of providing the freedom and pluralism of expressing for the existence of independent and autonomous media, economic and technological development of activities and to protect the interests of citizens in broadcasting. "From here arises that it is a recognized fact that media pluralism as one of the key factors in ensuring democratic environment in the society, is one of the basic objectives of public interest that should be achieved with consistent and transparent implementation of media regulation.

In this endeavour, the Broadcasting Law, in several of its provisions, treat issues that actually represent or refer to different aspects of media pluralism, of course, in the linear radio and television services, because the scope of this Law limits the jurisdiction of the Council in the field of broadcasting.

In Article 7, the Law provides that in broadcasting there are public broadcaster, broadcasting companies and non-profit institutions. It is about three sectors comprise from specific types of entities that exist to fulfil different tasks, have different sources of funding and each in their own way contributes to ensuring media pluralism.

The role of public broadcasting service is to realize the public interest as determined by Articles 120 and 121 of the Broadcasting Law that is to "create and broadcast programs of public interest that reflects the social and cultural pluralism in the country." In this context, it should be a program schedule which will be in the interest of the public; produce and broadcast programs for all segments of society, taking into account various specific social groups, including persons with sensory disabilities (hearing); not to discriminate but to respect human rights and freedoms, democratic values and institutions, privacy, dignity, reputation and honour of the man; through its programs - on which government, political organizations and centres of economic power will have no effect - to reflect different ideas; to cover the elections equally providing free airtime to political options; to foster the cultural identity of the communities through programs, to respect the cultural and religious differences, to encourage a culture of public dialogue, to nurture the languages, to contribute to strengthening mutual understanding and tolerance in Macedonia as a multiethnic and multicultural environment; nurture and develop the speech and language standards of all communities; to develop domestic audiovisual works and to promote internationally the Macedonian cultural identity; inform regional and local particularities and events.

Pluralism is an important issue in determining the number of licenses for broadcasting companies and non-profit broadcasters. The Council, in accordance with Article 46 of the Law on Broadcasting Activity, must comply with the following criteria: to provide a variety and quality of programs, to meet the needs of the audience, to develop pluralism, to take account of the economic potential of the market and for the promotion of fair competition, as well as technical resources and capacities.

Taking into account the connection between providing diversity of the program services and the protection of pluralism of media ownership, in Chapter III of the Law on Broadcasting are incorporated provisions for determining illegal media concentration and to ensure transparency of ownership of broadcasters, which are also known as external pluralism. These issues are discussed separately in the Manual for creating market conditions for sustainable economic growth of the media industry and fair competition.

Taking account for the aspects of pluralism that are achieved through the contents of the programs, in Article 68 of the Law on Broadcasting is stipulated that radio and television programs in general, should be open to "the expression of different cultures that are part of the society" "different political opinions and points of view", and, as already said above, the programs of the public broadcaster, in accordance with Article 121, should be "protected against any impact on government, political organizations or centres of economic power."

Maintenance and promotion of media pluralism is important because it contributes to the good functioning of a democratic society through: "informed citizens - able to access and use a wide range of viewpoints from different platforms and different media owners and to prevent excessive impact on the political process - by any owner of the media ", as outlined in the paper "Measuring the media pluralism: Tips from OFCOM for the Secretary of State for Culture, Olympic games, Media and Sport" from 2012 (Measuring Media Plurality: Ofcom's advice to the Secretary of State for Culture, Olympics, Media and Sport)<sup>1</sup>.

According to the explanatory memorandum of Recommendation R (99) 1 of the Council of Europe on measures to promote media pluralism notion of media pluralism is defined as "a variety of media offer which is reflected, for example, the existence of a multitude of independent and autonomous media (generally known as structural pluralism) as well as a variety of media types and content (views and opinions) which are available to the public."

The media pluralism), as stated in "Independent Study on Indicators for media Pluralism in the member States – Towards a Risk - Based Approach"<sup>2</sup> to European Commission from July 2009, can "be harmed by political and legal, economic, and market or social restrictions on the content or the means by which that content is transmitted."

The purpose of this handbook is to note all relevant indicators for assessing media pluralism in the Republic of Macedonia. For its preparation are used OFCOM document for "Measuring media pluralism" and "Study on indicators" of the European Commission. The manual should give guidance to Broadcasting Council for which aspects must be taken into consideration when assessing media pluralism in the country.

## 2. Basic terms

In assessing media pluralism, the following terms shall be understood as defined in the Study of indicators:

- i. **Media pluralism:** Diversity of media supply, use and transfer about 1) ownership and control, 2) types of media and genres, 3) political views, 4) expression of cultural groups and local and regional interests.
- ii. **Cultural pluralism in the media:** refers to the fair and diverse representation and expression (eg, passive and active access) cultural and social groups (national, linguistic, religious and ethnic groups, people with disabilities, women, children, the elderly and sex minorities) in the media. It includes a multitude and diversity of topics and voices in the media, socialization through multiple forms of media access and participation, choice between different forms of interaction and representation of different values, attitudes and roles in which citizens belonging to different cultural and social groups can recognize them selves.
- iii. **Cultural and social groups (communities):** the broad understanding of the term implies social groups with specific characteristics that differ from the majority. These features can be related to national, racial or ethnic origin, language, religion or belief, disability, sexual orientation, gender identity and age.
- iv. **Geographic / local pluralism in the media:** refers to the fair and diverse representation and expression (eg, passive and active access) local and regional communities and interests in the media. It includes a multitude and diversity of topics and voices in the media, socialization through multiple forms of media access and participation, choice between different forms of interaction and representation of different values, attitudes and roles, in which local and regional

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<sup>1</sup> Hereinafter "Measuring media pluralism".

<sup>2</sup> Hereinafter "Study on indicators."

communities can be recognized. Such pluralism can be understood through spatial dimension (media content produced and distributed in the local and regional community) or through the dimension of social / content (media content and services related to the distinctive needs and interests of local and regional communities).

- v. **Media Literacy:** generally defined as the ability to access the media, to understand and critically assessing the various aspects of media and media contents and to create communications in a variety of contexts.
- vi. **Pluralism of media ownership and / or control:** refers to the existence of media outlets and platforms that are owned or controlled by a multitude of independent and autonomous actors. It involves a variety of actors at the level of media production, media supply and distribution media (eg, a variety of media sources, publications, suppliers and distribution platforms).
- vii. **Pluralism of media types:** refers to the coexistence of different tasks and funding sources (commercial media, alternative or community media, public service) in and across media sectors (newspapers, television, radio, internet).
- viii. **Pluralism of media genres:** refers to the diversity in the media in relation with media functions (including information, education and entertainment).
- ix. **Political pluralism in the media:** refers to the fair and diverse representation and expression (eg, passive and active access) different political and ideological groups in the media, including minority views and interests. Hence, the definition is twofold: on one hand it implies the capacity and ability of all social segments that have different political / ideological forms or interest to turn to/ to reach the public through the media (owned by them or close to them or held by third part), and on the other side of the spectrum to (political and ideological) views, attitudes and interests covered and represented in the media.
- x. **Qualitative indicators:** are narrative descriptions of situations, problems, phenomena. While quantitative indicators are measured by numbers, qualitative indicators are measured by expert opinions and insights or non-quantitative facts.
- xi. **Quantitative indicators:** statistical measures based on the numerical or statistical facts that can be used to understand monitor or evaluate situations, problems or phenomena: number or percentage.

Due to the fact that the document "Measuring media pluralism" OFKOM refers precisely to assessing media pluralism, the following terms shall be understood as defined in this document:

**External pluralism:** the scope and the number of persons with control of media enterprises in the context of their ability to influence opinions and to control the agenda.

**Internal pluralism:** the range of views expressed in media companies can provide sufficient diversity, including the effects of the rules on impartiality to the news broadcasters, the culture of information redactions and the expectation of the audience.

### 3. Evaluation of pluralism: aspects and indicators

Selected benchmark for understanding the notion of media pluralism, shows that his assessment should be carried out by several aspects and the assessment will be drawn based on more quantitative and / or qualitative indicators. These indicators are extensively defined in the "Study on indicators" and are divided into six areas:

- Basic prerequisites,
- Pluralism of media types and genres,

- Political pluralism,
- Cultural pluralism,
- Pluralism of ownership and control,
- Geographical pluralism.

In this Manual is made choice of those indicators that are relevant to the situation in the Republic of Macedonia. Some indicators are not considered as inapplicable, some because they do not apply to broadcasting, taking into account current frame of competence of the Council. Harmonization of media regulation by the Audiovisual Media Services Directive, the current scope of competence of the Council in the field of broadcasting will expand audio and audiovisual media services irrespective of the manner of their transmission. Also, the indicators for assessing media pluralism ownership and control are not included in this manual, but in the manual for creating market conditions for sustainable economic growth of the media industry and fair competition.

Legal framework, i.e. the data for these indicators are obtained from: The Constitution of the Republic of Macedonia, the Broadcasting Law, the Law on Electronic Communications, the Law on Protection of Competition, Law on Access to Public Information, Law on Civil Liability, insult and defamation, Electoral Code, Rules for the conduct of broadcasters in the period before the start of the election campaign, the Rules for equal media presentation during the election campaign, the Rules for the formats of radio and television program services, the decision to approve a list of events of major importance for Republic of Macedonia, Guidelines on the right to short reporting on events that are acquired exclusive rights to broadcast, Rules for the application of the provisions relating to the protection and nurturing of cultural identity, the Regulation of European audiovisual works, dates of the Agency for Electronic Communications, Ministry of Information Society and Administration, internal regulations and decisions of public service broadcasting, and other laws, and strategic documents, monitoring of broadcasters conducted by the Broadcasting Council, the analyzes conducted by the State Statistical Office, the measurements of the television audience conducted by Nielsen Audience Measurement and other relevant research, analysis and measurements.

#### **4. Indicators for assessing the basic preconditions**

- Regulatory guarantees for freedom of expression.
- Regulatory guarantees for information right.
- Recognition of media pluralism as an intrinsic part of media freedoms and / or policy objective of media legislation and / or regulation.
- Regulatory safeguards for practicing journalism.
- Regulatory guarantees for the protection of journalists sources.
- Regulatory guarantees for journalist's access to events in order to inform.
- Regulatory guarantees for the independence and efficiency of the regulatory body in the field of broadcasting.
- Regulatory guarantees for the independence and efficiency of the body to protect competition.
- Regulatory guarantees for the independence and efficiency of the regulatory body in the field of electronic communications.
- Policies and measures in support of media literacy among various sections of the population.

#### **5. Indicators for assessing pluralism of media types and genres**

- The size of the audience of commercial television programming services in relation to television program services of public service broadcasting.
- Regulatory guarantees for the distribution of public programming services through cable, DSL and / or satellite platforms.
- Ratio between news / news-informational, educational and entertainment programs on terrestrial television services and the total number of terrestrial TV programs.
- Ratio between news / news-informational, educational and entertainment programs on radio program services and the total number of radio programs.

- Ratio between cable / satellite TV channels dedicated to news / news-informational, educational and entertainment programs, and the total number of cable / satellite TV channels.
- Regulatory guarantees for the presence of different media genres private commercial audiovisual media.
- Regulatory guarantees for public access to events of major importance through a free TV.
- Regulatory guarantees for the right of short reporting on events that someone has exclusive rights to broadcast.
- Regulatory guarantees for different and pluralistic public service offer.
- Ratio between advertising expenditure per capita and GDP per capita.
- Regulatory guarantees for independent allocation of funds for the Public broadcaster.

## **6. Indicators for the assessment of political pluralism**

- Proportional representation of different political and ideological viewpoints and interests represented in the media.
- Regulatory mechanisms to prevent political bias in the media (the right of reply and correction grievances / complaints etc.).
- Regulatory guarantees for fair, balanced and impartial political reporting public service.
- Regulatory guarantees for fair and accurate political reporting to the private radios and televisions.
- Level of successful complaints / petitions to the media and self-regulatory bodies of citizens and political groups in terms of abuse in political reporting during the election campaigns.
- Indication of the level of party political bias in the media during election campaigns.
- Regulatory guarantees for fair, balanced and unbiased coverage of election campaigns in radio and television programs.
- Regulatory guarantees for fair access to political actors to programs of public service broadcasting during the election campaign.
- Regulatory guarantees regarding political advertising during election campaigns.
- Existence of professional associations which are committed to editorial independence and observance of professional standards.
- Regulatory guarantees for editorial independence of the leading radio and television program services by political actors.
- The level of independence of the public broadcaster in terms of the procedures for the appointment and composition of its organs.
- Level of independence of public service broadcasting in terms of its financing mechanisms.
- The level of independence of the public broadcaster in terms of mechanisms for appointment and dismissal of key personnel / indicator of whether key editorial and management staff of public service broadcasting is changing with the change of government.
- Regulatory guarantees for editorial independence of the public broadcaster from government / political power centres.
- A fair, objective and transparent procedures for appointment of professional and managerial functions in public broadcaster service providing independence from government / certain political group.

## **7. Indicators for assessing the cultural pluralism**

- Scope of European audiovisual works on the television program services.
- Regulatory guarantees for the representation of European audiovisual works on the television program services.
- Scope of European audiovisual works which do not originate from the Republic of Macedonia on the television program services.
- Proportional representation of European audiovisual works which do not originate from the Republic of Macedonia among the most viewed TV programs on the television program services.
- Scope of audiovisual works originally created Macedonian language or languages of the ethnic communities on the television program services.

- Proportional representation audiovisual works originally created in English language or in the languages of ethnic minorities among the most viewed TV programs on the television program services.
- Regulatory guarantees for the representation of audiovisual works originally created in English language or languages of the ethnic communities on the television program services.
- Regulatory guarantees for the representation of vocal and instrumental music in the Macedonian language or languages of the ethnic communities living in the Republic of Macedonia to the radio program services.
- Policies and measures to support the promotion of audiovisual works originating from the Republic of Macedonia, regardless of the general funding of public service broadcasting.
- Scope of European audiovisual works by independent producers of television program services.
- Proportional representation of European audiovisual works by independent producers among the most viewed TV programs on the television program services.
- Regulatory safeguards for the representation of European audiovisual works by independent producers of television program services.
- Scope of programs of self-produced television program services.
- Proportional representation, self-produced programs among most-viewed 10 TV programs on the television program services.
- Policies and measures to support cultural diversity in the media (regardless of the general funding of public service broadcasting).
- Availability and scope of the programs provided for cultural and social groups of the public broadcaster.
- Availability of media content in the languages of the ethnic communities of the public broadcaster.
- Regulatory guarantees for different cultural and social groups access to the programs of the public broadcaster.
- Ratio between terrestrial television services dedicated to communities and the total number of terrestrial TVs.
- Ratio between radio program services dedicated to communities and the total number of radios.
- Ratio between cable / satellite TV services dedicated to communities and the total number of cable / satellite TV channels.
- The number, the estimate of the range and the existence of community media serving other communities and minority groups.
- Regulatory guarantees for minority and community media.
- Proportion of journalists and media executives from other cultural and social groups (including ethnic minorities, women, persons with disabilities) in the public service broadcaster.
- Regulatory guarantees for the representation of different cultural and social groups in media councils and / or advisory bodies in the media sector.
- Regulatory guarantees for the representation of different cultural and social groups in professional and management functions of public service broadcasting.
- Availability of content for people with disabilities.
- Policies and measures for improved access to media content for special needs groups in society, such as the elderly, persons with disabilities, etc.

## **8. Indicators for assessing the geographic pluralism**

- Number of regional centres in which there is a competitive regional and local radio and TV programs.
- Combined ownership of regional / local media and national media owned by the same company.
- Ratio of regional and local television and radio program services in terms of program services at the state level.
- Access to local and regional programming networks and services platforms.
- The existence of different types of media ownership among regional and local media.
- Regulatory guarantees for regional and local program services.
- Policies and measures to support regional and local media

- Ratio of locally produced and locally oriented content.
- Regulatory guarantees for locally produced and locally oriented content of public service broadcasting.
- Settings of the audience in terms of sources of information on local events.
- Number of people without access to public service broadcasting because of geographic barriers.
- Regulatory guarantees for universal coverage program services of public service broadcasting.
- Access to broadband networks in rural areas.
- Measures to promote the dissemination and access to broadband networks in remote and / or rural areas.

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