

LAW ON MEDIA
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LAW ON MEDIA

Subject

Article 1

This Law shall regulate the basic principles and conditions to be fulfilled by media publishers in the performance of their activities, laid down with this law.

Definitions

Article 2

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

1. **The media** are means of providing public information i.e. any type of communication, such as: newspapers, magazines, radio and television programmes, electronic publications, teletext, and other forms of daily and periodical publication of edited programme content in a written form, as sound or picture in order to inform and satisfy cultural, educational and other needs of the general public.

Media shall exclude bulletins, catalogues or other types of publications regardless of the form of publication intended solely for the publication of advertising, the education system or business correspondence, the work of companies, institutions, associations, political parties, state and judicial bodies, public enterprises, legal entities with public competencies and religious organisations. Media are not considered newspapers and bulletins of educational institutions, the "Official Gazette of the Republic of Macedonia", publications of the local self-government units, posters, leaflets, brochures and placards.

2. **Media content (hereinafter: content)** shall mean all types of information (news, opinions, announcements, reports and other information), as well as copyright works which are published, and transmitted through media.
3. **Electronic publications** are electronic versions of newspapers/magazines, which notwithstanding their size, are available for the general public through Internet web-sites.
4. **Media publisher** shall mean natural or legal person who publishes print media, electronic publications or transmits radio and television programmes (broadcasters).
5. **Journalist** shall mean a person who collects, analyses, processes, edits and/or classifies information published in a media and is employed by the media publisher or has an employment contract with the latter, or is a person who provides journalist activities as independent profession (freelance journalist) and
6. **Competent regulatory body** shall be the Agency for Audio and Audiovisual Media Services.

Freedom of expression and freedom of the media

Article 3

- (1) The freedom of expression and the freedom of the media shall be guaranteed.
- (2) The freedom of the media shall particularly include: freedom to express opinions, independence of the media, freedom to collect, research, publish, select and transmit information for the purpose of informing the public, pluralism and media diversity, freedom of flow of information and openness of the media towards various opinions, beliefs and content, access to public information, respect of human individuality, privacy and dignity, freedom to establish legal persons for providing public information, publishing and distributing printed media and other domestic and foreign media, production and broadcasting of audio/audiovisual programmes, as well as other electronic media, independence of the editor, the journalist, the authors or creators of contents or programme associates and other persons in accordance with rules of the profession.
- (3) The freedom of the media may be limited only in accordance with the Constitution of Republic of Macedonia.
- (4) The media publisher shall be independent in the editorial policy, i.e. in the implementation of the programme concept of the medium and is responsible for his/her work in accordance with this law and other law.

Special prohibitions

Article 4

The publishing, i.e. transmission of media content must not 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.

Basic requirements for publishing media

Article 5

- (1) Legal or a natural person can perform the activity of publication of print media or publication of electronic publications, if the activity is entered in the Trade Registry or the Registry of Other Legal Entities run by the Central Registry of the Republic of Macedonia, and its Head Office and Editorial Board are located in the Republic of Macedonia.
- (2) Legal or a natural person can perform the activity of broadcasting radio or television programme if the activity is entered in the Central Registry of the Republic of Macedonia, and its Head Office and Editorial Board are located in the Republic of Macedonia, on possession of license for television or radio broadcast.

- (3) The activity of broadcasting radio or television programmes referred to in paragraph (2) of this Article, as well as the publishing of the license for radio or television broadcasting, shall be regulated in more detail with the Law on Audio and Audiovisual Media Services.
- (4) The competent regulatory body shall run registries of media publishers which it shall publish on its website, in accordance with this Law and the Law on Audio and Audiovisual Media Services.
- (5) The Registry of print media publishers and the Registry of publishers of electronic publications shall contain data on:
 - the company and head office, i.e. name and address of the print media publisher i.e. the publisher of electronic publications,
 - name and surname of the authorized person of the print media publisher, that is, the publisher of electronic publications;
 - the name of the newspaper, magazine, i.e. the name of the electronic publication; and
 - the website of the electronic publication
- (6) The competent regulatory body shall obtain the data referred to in paragraph (5) of this Article by the Central Registry of the Republic of Macedonia, which is bound to submit them free of charge within five days as of the day of registration.

Obligation to provide protection of minors

Article 6

- (1) Print Media with pornographic content must have visible warning that it contains pornography material, as well as warning that its distribution or sale is forbidden for minors and should be packed in transparent nylon foil.
- (2) Publisher of electronic publications is obliged by using technical means or appropriate protection to disable minors' access to electronic publications with pornographic content.
- (3) The protection of minors when broadcasting radio or television programme shall be provided in a manner laid down in the Law on Audio and Audiovisual media services.

Obligation to publish certain information

Article 7

- (1) Upon request from the competent state authority or body, the media publishers are obliged to publish, free of charge, announcements and official statements of the competent authorities or bodies in the event of war or immediate danger to the independence and sovereignty of the Republic of Macedonia, in the event of large natural disasters, technological and environmental

catastrophes and outbreaks, and when there is threat to the life and health of the people and to the safety of the country.

- (2) The request mentioned in paragraph (1) of this Article shall be submitted in writing and must contain data proving its authenticity and legality.

Editor-in-Chief

Article 8

- (1) Each media publisher must have a Editor-in-Chief, who is a journalist and who has been appointed and dismissed by the media publisher.
- (2) Before the appointment or dismissal of the Editor-in-Chief the media publisher is obliged to ask the Editorial Board for opinion unless it is differently specified by the act referred to in Article 10 paragraph (1) of this law. The Editorial board is obliged to submit an opinion within five days of the receipt of the request.
- (3) The Editor-in-Chief shall be responsible for the realization of the content which is published, i.e. broadcasted and shall be responsible for all published information in the media in accordance with the law.
- (4) If a media publisher has more editors-in-chief, each of them shall be held responsible for the content of the media programme part which s/he in charge of.
- (5) The Macedonian Radio Television shall have editor-in-chief for each of its transmitted programme services.
- (6) A person with immunity for criminal offence due to the nature of the office he/she holds may not be appointed an editor-in-chief.

Editorial Board

Article 9

The Editorial Board of a Medium shall be comprised of Editor-in-Chief, and the editors, and may also include other programme associates, if specified in the Act referred to in Article 10, paragraph (1), of this Law. If the media publisher does not have editors, then the Editor-in-Chief shall conduct the function of the Editorial Board individually.

Act of a Medium publisher

Article 10

- (1) The media publisher which is a legal person shall be obliged to adopt a general act within 90 days of commencement of work, which will specifically regulate the following:
 - the composition of the Editorial Board;
 - rights and obligations of the Editor-in-Chief, the editors and the journalists;
 - the mutual rights and obligations between the media publisher, the Editor-in-Chief, the editors and the journalists;
 - the manner and procedure for appointing and dismissing the Editor-in-Chief, and
 - other issues related to the operations of the medium.
- (2) The media publisher shall be obliged to make public the Act referred to in paragraph (1) of this Article.
- (3) The media publisher should respect the professional rules of journalism determined by the professional journalists' associations.

Right of a journalist to express its position and refuse an order, that is, task

Article 11

- (1) The employment contract of the journalist may not be terminated, his/her salary may not be decreased or his/her position in the Editorial Board or Desk may not be changed, that is, the payment of the agreed compensation, in full or partially, as well as to reduce or terminate some of other rights determined in the Labour law, due to the expression of his/her position in case it is accordance with the professional rules of journalism referred to in Article 10, paragraph (3) of the this Law.
- (2) The journalist shall have the right to refuse to prepare, write or participate in compiling an article, the content of which is contrary to the professional rules of journalism, and he/she shall submit a written statement to the responsible Editor-in-Chief thereof.
- (3) The provisions of this Article shall not preclude the responsibility of journalists in the cases stipulated in the Law on Labour Relations.

Protection of sources of information

Article 12

- (1) The journalist has right not to disclose the source of information or information which might disclose the source in accordance with the international law and the Constitution of the Republic of Macedonia.
- (2) The right referred to in paragraph (1) of this Article shall also apply to other persons who due to their relations with the journalist have been informed about the data that may reveal the source, by way of collection, editing and dissemination of said information.

- (3) Prior to publishing information for which the source is not disclosed, the journalist shall be obliged to inform the Editor-in-Chief in a manner stipulated in Article 10 paragraph (1) of this Law.

Change of content in the procedure of editorial processing

Article 13

- (1) The content the meaning of which has been considerably changed during the editorial processing may not be published under the author's name without his/her consent.
- (2) The Editor-in-Chief shall be responsible for the content published contrary to paragraph (1) of this Article.
- (3) If the author deems that the content published contrary to paragraph (1) of this Article is damaging to his/her reputation, he/she may claim indemnity in accordance with the Law.

Impressum

Article 14

- (1) The media publisher is obliged to enable publishing on a visible spot of the following data on each content provider (e.g. printed media, websites, television program):
- name and head office address, address of Editorial Board of the media publisher;
 - name of the media publisher's authorised person;
 - name and surname of the Editor-in-Chief, that is, editors, in accordance with the internal organisation of the Editorial Board;
 - name and address of the printing house and the date of print or reprint, as well as the number of printed copies, in case of printed media;
- (2) The obligation mentioned in paragraph (1) of this Article shall be applied to broadcasters by publishing the data at the beginning or at the end of the audio/audiovisual programmes.
- (3) The publishers of electronic publications shall implement the obligation mentioned in paragraph (1) of this Article in a manner adequate to the electronic publication.
- (4) The media publisher shall be obliged to publish in a visible place the following data for all content:
- name and surname of the author of the published article;
 - name and surname of the person, that is, the company owning the copyrights for the published contents, excluding the printed media and the radio programmes;
 - the date of production (month and year) in case of an audio/audiovisual work;
 - the date of the audio/audiovisual work, and in case the work has been created by an independent production, information on the work as well;

- the name of the legal person, that is, the name and surname of the person who looks after the utilised cultural good or archival work, that is, the adequate reproduction; and
- the name of the media publisher from which the programme article or an abstract thereof was taken, unless it is otherwise agreed in a contract

Publicity of media publishers

Article 15

- (1) The broadcasters shall be obliged to submit data in a special form prescribed by the competent regulatory body not later than the 31st of March in the current year, as follows:
 - the ownership structure, that is, data on the name and head office address of the legal persons or the name and place of residence of natural persons who possess shares or holding of the media publisher, including the percentage of acquired shares or holdings and the date of acquisition thereof;
 - data of the editor-in-chief/ editors;
 - data on sources of financing for the broadcaster in the previous year (advertisement, sponsorships, sales of content, services provided to third parties and similar);
 - data on the total revenues and expenditures realized by the broadcaster in the previous year from the provision of its activities and
 - data on the average viewership or number of listeners of the broadcaster in the previous year.
- (2) The publishers of a print medium and publishers of an electronic publication shall be obliged to publish the data referred to in paragraph (1), items 1 of this Article, in at least one daily newspaper, once a year, not later than the 31st of March in the current year and submit an excerpt of the announcement to the competent regulatory body within 15 days from the date of publication.
- (3) The broadcasters shall be obliged to broadcast the data referred to in paragraph (1), indents 1, 2, and 3 of this Article, on their own programme, at least three times a year, during prime-time slots, and submit a recording of the announcement to competent regulatory body within 15 days from the date of broadcasting in a manner prescribed by the regulatory body.
- (4) The submission forms referred to in paragraph (1) of this Article shall be published on the web-site of the competent regulatory body.
- (5) The broadcasters shall be obliged to submit to the competent regulatory body a written report on the implementation of the obligations defined in the radio or television broadcasting license, and particularly on the implementation of the programme concept not later than the 31st of March in the current year. Enclosed to the Report, they shall also submit information of the technical means used for transmission or retransmission of their

programme service in the Republic of Macedonia or abroad. The written report shall be submitted on the form prescribed by the competent regulatory body.

- (6) The competent regulatory body will warn in writing the media publisher who will not comply with the obligations referred to in this Article and will allow an additional timeframe, which may not be shorter than 45 days, during which the media publisher shall be obliged to comply with the obligations referred to in this Article. If the media publisher does not comply with the obligations referred to in this Article within the additional deadline, the competent regulatory body will revoke its license for television or radio broadcasting.
- (7) The media publisher shall be obliged to submit a copy of all its printed media to the National and University Library of the Republic of Macedonia at no cost.
- (8) The provisions set in this Article shall not apply to the Public Broadcasting Service.

Protection of the competition among publishers of media

Article 16

The regulations for protection of the competition in the Republic of Macedonia shall adequately apply to media publishers.

The right to correction to published information

Article 17

(1) Everyone has the right to ask from the media publisher, or from the Editor-in-Chief of the media publisher, free of charge, to publish a correction of the published information, which notes incorrect facts, published in the information, violating his/her rights or interests. Legal entities and other organizations and bodies also have the right to correction, if their rights and interests were violated with the information.

(2) The request for publication of a correction shall be submitted to the Editor-in-Chief of the media publisher in a written form within 30 days from the day of publication of the information the correction is referring to. The request must be elaborated and signed by the one who submits the correction and should include his/her necessary data, as well as his/her address.

(3) The correction of the published information apart from the correction of the wrong claims or not true statements published in the information can also include the facts and circumstances used by the submitter to deny or significantly complement the statements published in the information.

(4) When it comes to science or art critique the right to correction is not given, unless it is done only for a correction of incorrect facts.

(5) One cannot require correction if the media publisher, before the request for correction, already published the correction of the same information himself/herself. If the submitter of the correction request believes that the media publisher did not publish the correction in an adequate manner, in that case he/she might require the exercise of his right in accordance with the Article 23 of this Law.

(6) If the person to whom the information refers is deceased, his/her children, adopted children, spouses, parents, brothers and sisters have the right to publish a correction, as well as the legal entity in case the information refers to the activities performed by the deceased person in that legal entity.

(7) The submitter of the request for publishing a correction must clearly point out to which information or the part of the information his/her request refers to as well as the date of its publication.

Publication of correction

Article 18

(1) The correction shall be published without modifications and amendments, at the same or adequate position in the content of the medium and in the same or an adequate way in which the information was published. Correction should not be disproportionately longer than the information or the part of the information to which it is related. The correction can be published in modified form only if the submitter of the correction agrees on it. The correction must be published in a way in which the title itself will show that it is correction. The correction, without the consent of the submitter, may not be published in the section with the reactions and letters of the readers, viewers or listeners.

(2) In the broadcasters' programme the correction is read in the same program and term in which the information was reported or in the same type of program with the same level of viewership or number of listeners.

(3) In the electronic publications the link through which one can access the published correction is being published.

Method and conditions for publishing corrections

Article 19

(1) The correction must be published within two days from submission of the request, in the next issue, if it comes to periodicals or in the other media, if the publication is non-periodical. During the election process the correction must be published in the first next issue or first following program of the same kind immediately after receiving the correction.

(2) A comment or response to the correction cannot be published in the same issue, or in the program of the same type, together with the correction. The provisions of this law referring to the procedure for exercising the right of correction apply for publishing comment or reply to the correction.

(3) The Editor-in-Chief is obliged to publish the correction, unless:

- The correction does not refer to the information to which the person refers to;
- The correction contains no information about the allegations in the information;
- The correction is in contradiction with the interest of third parties protected by law;

- The request for correction is not signed by the submitter or by an authorized person of a state body or legal entity;
- The correction is disproportionately longer than the information to which it refers, or the part of the information to which it refers, unless the correction refers to defamation or insulting information;
- The correction is written in a language different than the language in which the disputed information is published;
- In cases when it comes to science or art critique, unless it is done for correction of incorrect data, insulting and tendentious statements;
- The correction of the same content of the information is been already requested, or if there is on-going court trial for not publishing the correction;
- The media publisher alone has already published a correction to the published information;
- The request is submitted after the deadline stipulated in Article 17 paragraph (2) and
- The correction contains an insult or defamation.

(4) The Editor-in-Chief for cases stipulated in paragraph (3) of this article, is obliged to notify the submitter for the reasons for not publishing the correction, within the deadline foreseen for publication of the correction in accordance with paragraph (1) of this Article.

Right to a copy of the publication **Article 20**

(1) The media publisher is responsible to provide a copy of the published information to the person concerned on its own expense within three days of receipt of the written request of the person concerned.

(2) The copy referred to in paragraph (1) of this article shall be delivered to the person concerned for his/her personal use only.

(3) Copying or publishing the copy referred to in of paragraph (1) of this article is not allowed without the consent of the media publisher except in a court procedure.

(4) In case the issuer of medium did not keep the information published under paragraph (1) of this Article it will be considered that the media publisher has published the information that requires correction.

Keeping the publication **Article 21**

If the person concerned informs in a written form within eight days from the publication of the information that will require a correction to be published, the Editor-in Chief at the media publisher is obliged to keep the publication of information which refers to the request for correction, until the correction is not published or until the judicial proceedings in relation with the disputed information is not over, or until the legally prescribed deadlines for exercising the rights of correction or judicial protection are not passed.

Application for correction of the publisher of the media ceased to exist **Article 22**

Publication of correction could be required also when the information was published by the media publisher which in the meantime ceased to exist. The submitter of the request for correction has the right to ask from the publisher of that media outlet or from its successor, on its own expense, to ensure publication of the correction in another medium with similar level of viewership / ratings or circulation.

Right of appeal

Article 23

(1) If the Editor-in-Chief at the media publisher does not to publish the correction, in the manner and within the deadlines specified in Article 17 - b of this law, the person concerned has the right to file a lawsuit against the Editor-in-Chief before the competent court within 30 days from the expiration of deadline for publication of the correction, or from the day when the correction was not published or was published in a way that is not in accordance with this law.

(2) Court proceedings related with correction of information are processed in an urgent procedure.

(3) While publishing the correction after the end of the court proceeding the Editor-in-Chief is obliged to note that the publication is due to a court judgment and thereby it is obliged to quote the verdict.

Change of Editor-in-Chief after submission of the lawsuit

Article 24

If the media publisher's Editor-in-Chief is changed after submission of the lawsuit for publication of the correction, the plaintiff may modify his/her claim until the main hearing and may lodge a complaint against the new Editor-in-Chief instead of previous defendant. There is no need for approval from the previous defendant, nor from new Editor-in-Chief for such lawsuit modification.

Right to publication of information related to court proceedings

Article 25

(1) Every legal and physical person mentioned in the context of media, that criminal charges, investigating or criminal proceeding has been initiated against him/her, is entitled within 3 months from the adoption of the decision for rejecting criminal charges, adoption of the final decision for termination of the investigation or criminal proceeding against him/her, or adoption of his/her final acquittal decision, to request from the Editor-In-Chief to publish that information.

(2) Provisions of this law regarding the proceeding for right to publication of correction, shall be applied in publication of the information under paragraph 1.

Right to reply of the published information

Article 26

(1) Physical or legal person has right to request from the media publisher, i.e Editor-in-Chief of the media publisher, to publish his/her reply of the published information free of charge, if the physical

or legal person is related to the impugned facts published in the information or if has legitimate interest.

(2) The reply under paragraph 1 of this Article contains text or message of the same nature and same length as the published information. With the reply the disputed allegations and data of the published information are denied in merits or essentially supplemented.

Way of publishing the response

Article 27

(1) The answer to the published information must be published without modification or amendment except for the spelling errors.

(2) The Editor-in-Chief has the right before the publishing to ask the submitter of the request for shortening the answer.

(3) The right to reply applies to the provisions from the Article 19 of this Law.

(4) The Editor-in-Chief may refuse to publish the response in case if the published information is part of a credible report from public sessions of state bodies and courts.

(5) The Editor-in-Chief may refuse to publish the answer also in case when the answer notes inaccurate data or statements which are obvious, as well as other statements which are not easy to prove.

(6) If the Editor-in-Chief believes that only some of the data or statements are incorrect or not easy to prove, he/she cannot refuse to publish the answer without previously calling the submitter of the request to take out those data and statements from the response.

Right to appeal

Article 28

The provisions of Article 23 of this Law concerning the right to appeal shall apply accordingly even in cases when the Editor-in-Chief of the media publisher did not publish the answer to the published information.

Supervision

Article 29

(1) The competent regulatory body shall performs solely administrative supervision over the obligations laid down in Articles 6, 7, 8, 10, 14 and 15 of this Law, in accordance with the Law on Audio and Audiovisual Media Services.

- (2) Measures that the competent regulatory body can take, and which are stipulated in the Law on Audio and Audiovisual Media Services shall apply in case of violation of the provisions of this Law.

Penalty provisions

Article 30

- (1) A fine amounting between 4000 and 5000 Euros in Denar equivalent will be imposed on a legal person if:
1. A print media with pornographic content does not provide protection of minors in the manner as defined in Article 6, paragraph (1);
 2. Publisher of electronic publication does not provide protection of minors in the manner as defined in Article 6, paragraph (2) of this Law;
 3. Fails to appoint an Editor-in Chief (Article 8, paragraph (1));
 4. Fails to publish the data in accordance with Article 14 of this Law;
 5. Fails to submit the data within a deadline and in a manner stipulated in Article 15, paragraph (1) or fails to published said data in accordance with Article 15, paragraphs (2) and (3) of this Law and
 6. Fails to submit a written report in a manner and within a deadline in accordance with Article 15, paragraph (5) of this Law.
- (2) In case of any of the violations referred to in paragraph (1) of this Article, a fine between 500 and 2000 Euros in Denar equivalent value will be imposed both to the authorised person of the legal person and the sole proprietor.

Article 31

- (1) Fine in the amount from 1500 to 3000 EUR in denar equivalent shall be imposed for an offence of a legal person in case:
1. Fails to publish announcements or official statements from competent state authorities and bodies in accordance with article 7, paragraph (1) of this Law ;
 2. Fails to adopt the general act or fails to make it publicly accessible (article 10, paragraphs (1), (2));
 3. fails to submit a copy of each published issue of printed media to the National and University Library of the Republic of Macedonia (Article 15, paragraph (7)).
 4. Fails to publish the correction in accordance with the Article 18 of this Law;
 5. Fails to publish the correction in a way and under the conditions stipulated in Article 19 of this Law
 6. Fails to deliver a copy of the published information to the person interested in accordance with the Article 20, paragraph (1) of this Law;

- 7. Fails to publish the requested information in accordance with the Article 25 of this Law and
- 8. Fails to publish a response in accordance with the Article 27 of this Law.

(2) Fine in an amount from 500 to 1000 Euros in Denar equivalent shall be imposed for an offence referred to in paragraph (1) of this Article to the authorised person in the legal person and the sole proprietor.

Transitional provisions

Article 32

The existing media publishers which are legal persons should adopt the general act referred to in Article 10, paragraph (1) of this Law within a nine-month period from the day this Law enters into force.

Article 33

The Central Registry of the Republic of Macedonia is bound to submit the data on the existing media publishers and existing publishers of electronic publications referred to in Article 5 of paragraph (5) of this Law, to the competent regulatory body within two months as of the day this Law enters into force.

Article 34

The form from Article 15 paragraph (1) of this law shall be adopted by the competent regulatory body within three months as of the day this Law enters into force.

Final provisions

Article 35

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".

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