

Pursuant to Article 18, Paragraph 1, Line 8 and Article 20, Paragraph 1, Line 11, in relation to Article 91, Paragraph 4, of the Law on Audio and Audiovisual Media Services (*“Official Gazette of the Republic of Macedonia”*, Nos. 184/13, 13/14, 44/14, 101/14 and 132/14), and Article 15, Paragraph 1, Line 7, and Article 39, Paragraph 1, Line 3 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 Conclusion of the Agency’s Council No. 02-5903/4 dated 4 December 2014, on its 20th Session held on 4 December 2014, the Council of the Agency for Audio and Audiovisual Media Services of the Republic of Macedonia adopted the following

RULEBOOK

On Broadcasting European Audiovisual Works and Works by Independent Producers

Article 1

Subject of the Rulebook

This Rulebook prescribes the manner in which the broadcasters performing their activities at the state level shall ensure promotion of European audiovisual works and works by independent producers in their television programme services.

This Rulebook does not address the specific obligations of providers of on-demand audiovisual services to promote the production and access to European audiovisual works, from Article 60 of the Law on Audio and Audiovisual Media Services.

Article 2

Definitions

Specified terms used in this Rulebook shall have the following meanings:

European audiovisual works are the works defined in Article 3, Paragraph 1, Indent 9 of the Law on Audio and Audiovisual Media Services, as originating from the EU Member States or third European countries that are signatories to the Council of Europe’s Convention on Transfrontier Television, or as having been produced under agreements relevant to the audiovisual sector, concluded between the EU and third countries;

Macedonian audiovisual works are the works originally produced by citizens of the Republic of Macedonia in the Macedonian language or the languages of the ethnic communities not constituting the majority in the country, as well as the works that are part of the cultural heritage of the Republic of Macedonia;

Works of the audiovisual cultural heritage of the Republic of Macedonia are the audiovisual and phonetheque goods constituting the cultural heritage of the Republic of Macedonia, which are intended for public showing.

Audiovisual works of one's own production refer to works created on the initiative and organization of the broadcaster itself, as well as works commissioned by the broadcaster (purchased production) or co-produced works.

An **independent producer** is the physical or legal entity offering production of audio or audiovisual works, on the condition that:

- it does not have a share of more than 25 % of the broadcaster's capital;
- the broadcaster does not hold any share in the producer's capital.

Article 3

Programme services exempt from this obligation

The obligation to ensure promotion of the European audiovisual works and works by independent producers does not apply to the following:

- Television programme services dedicated exclusively to news, sports events, games, advertising, teleshopping and teletext services;
- The television programme service of the Macedonian Radio and Television (MRT) in the language spoken by at least 20% of the population other than the Macedonian language, as well as the languages of the other minority communities;
- The MRT service intended for broadcasting the activities of the Parliament of the Republic of Macedonia; and
- The television programme services of the MRT broadcasted via satellite and intended for the expatriates and the citizens of the Republic of Macedonia living in Europe and the other continents.

Article 4

Works not considered as European audiovisual works

Considered as European audiovisual works shall be all types of programmes transmitted by the broadcasters, not including the news and TV journals; sports events; games; live or recorded broadcasts of the sessions of the authorities; live or recorded broadcasts of social and political events; the informative service; programmes involving horoscope, tarot, clairvoyant or interpretation of dreams; music clips, and contents that are not subject to the classification prescribed by Indent 17 of the Guidelines on the Manner of Classifying the Types of Audiovisual and Audio Programmes¹ (audiovisual

¹ The Guidelines on the Manner of Classifying the Types of Audiovisual and Audio Programmes, referred to in Article 4 of this Rulebook is published in Services "*Official Gazette of the Republic of Macedonia*", No. 171/14

commercial communications, any broadcaster's announcements related to their own programmes; announcements of public interest; charity appeals; intermezzos; religious programmes, services and sermons; sports culture and recreation programmes, as well as introduction clips, end credits, jingles and avisos).

Article 5

Method of calculating the share of European audiovisual works

The share of European audiovisual works shall be calculated in percentages based on the total time dedicated to broadcasting the types of programmes that are not excluded in Article 4 of this Rulebook in the course of one year.

The share of European audiovisual works includes only two broadcasts of each work (the premiere and the first rerun) in the course of one year, regardless of the year of production.

The European audiovisual works also include the audiovisual works produced by the broadcasters themselves and the Macedonian audiovisual works.

Article 6

Progressive fulfillment of the requirement concerning the European audiovisual works

The television programme services that will be granted state-level broadcast licenses for the first time after this Rulebook enters into force, shall meet the requirement for promotion of European audiovisual works progressively, over a period of five (5) years, as follows:

- in the first year, the share of European audiovisual works should be at least 10%, while
- in the second, third and fourth years, the share of European audiovisual works shall increase by at least 10% annually each year, amounting to at least 51 % in the fifth year.

Article 7

Requirements related to works by independent producers

The broadcasters of television programme services at the state level are required to allocate at least 10% of their annual programme-related budgets (both for production and for purchasing television programmes), for European audiovisual works produced by independent producers, where at least half of these should be produced in the last five (5) years.

Article 8

Requirement to provide records and data

Broadcasters of television programme services at the state level are required to keep daily records of the broadcasted European audiovisual works and works by independent producers

throughout the year and report to the Agency for Audio and Audiovisual Media Services of their fulfillment of this requirement in the previous year, by 31 March of the following year at the latest.

They shall supply these data by filling in the Form for European Audiovisual Works and Works by Independent Producers prescribed by the Agency. The list of countries the audiovisual works of which qualify as European, based on the geographical requirements, is a component of the Form.

The broadcasters are encouraged to present the Agency, alongside the data, any qualitative information about the efforts and challenges to produce, commission, buy and broadcast European audiovisual works and works by independent producers, as well as any initiative they may have taken or plan to take to further the objectives of the Law.

Article 9

Upon the enforcement of this Rulebook, the Rulebook on European Audiovisual Works shall become null and void (*“Official Gazette of the Republic of Macedonia”*, No. 133/2006).

Article 10

This Rulebook shall enter into force on the day following its publication in the *“Official Gazette of the Republic of Macedonia”*.

**Agency for Audio and
Audiovisual Media Services
President of the Agency Council**

Lazo PETRUSHEVSKI

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Skopje