

Based on Article 18 paragraph 1 line 8 and Article 20 paragraph 1 line 11, in reference with Article 141 paragraph 3 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), and Article 15 paragraph 1 line 7 of the Rules of Procedure of the Agency for Audio and Audiovisual Media Services No 01-4351/1 dated 29.08.2014, and in accordance with the Conclusion of the Agency's Council No 02-5747/3 dated 21.11.2014, the Council of the Agency for Audio and Audiovisual Media Services, on its 19th session held on 21.11.2014, adopted the following:

RULEBOOK
ON THE CONTENTS AND FORM OF THE APPLICATION FOR RECORDING IN THE REGISTRY OF
OPERATORS THAT TRANSMIT PROGRAMME PACKAGES AND OF THE CONFIRMATION OF
REGISTRATION OF PROGRAMME PACKAGES/SERVICES

1. GENERAL PROVISIONS

Article 1

This Rulebook shall regulate the conditions and the procedure for recording of the operators of public electronic communication networks (hereinafter referred to as: operators) which re-transmit programme packages in the registry of the Agency for Audio and Audiovisual Media Services (hereinafter referred to as: the Agency), the contents and form of the application for registration of the operators of the public electronic communication network, as well as the contents and form of the registration of programme services in the Agency being re-transmitted in entirety by the operators as a programme package.

Article 2

The operators are obliged to re-transmit programme services of national and foreign broadcasters, in accordance with duly regulated copyright and related rights.

Article 3

The programme services being re-transmitted shall be registered with the Agency in its entirety in the form of a package.

Article 4

The Agency shall be obliged to publish the following on its website:

1. The form for the application for recording in the registry of operators re-transmitting programme packages and registration of the programme services to be re-transmitted in entirety in the form of programme packages;
2. Data of the registry of operators re-transmitting programme services;
3. Confirmation for registration of the package of programme services;
4. Decision for notice and for disconnection of the programme services re-transmission, within a period of 3 (three) days as of the date of its adoption;

2. RECORDING OF OPERATORS IN THE REGISTRY OF OPERATORS WHICH RETRANSMIT PROGRAMME PACKAGES

Article 5

Prior to commencing the re-transmission of programme services, the operator shall submit to the Agency an application (Attachment No 1 to this Rulebook) for its recording in the registry of operators which retransmit programme packages and registration of the programme services to be retransmitted in entirety in the form of a programme package.

The operator shall be obliged to accompany the application referred to in paragraph 1 of this Article with a statement (Attachment No 2 to this Rulebook) in which the one shall declare under full criminal and material liability that the data and other information contained in the application and all attachments thereof are true, accurate and complete.

Article 6

The operator shall be obliged to inform the Agency of each change in the data contained in the application for its recording in the registry of operators that retransmit programme packages within a period of 30 (thirty) days as of the occurred changes.

The Agency shall be obliged, within a period of 7 (seven) days as of the date of receipt of the notification for change of data on the operator and its programme package, to record the change in its registry of operators that retransmit programme packages.

Article 7

The Agency shall delete the operator that is retransmitting programme services from the registry of operators retransmitting programme packages, if the operator:

- shall inform the Agency in writing that it has stopped performing the activity,
- shall not commence performing the activity as of the date indicated in the application, and shall fail to inform the Agency of its respective change,
- was prohibited the performing of the activity with a final court decision, and
- has ceased to exist.

3. DOCUMENTS REQUIRED FOR RECORDING IN THE REGISTRY AND ISSUING OF A CONFIRMATION FOR PERFORMED REGISTRATION OF PROGRAMME PACKAGES/SERVICES

Article 8

The operator shall be obliged to submit the following documents in the procedure for recording in the registry and registration of package of programming services in the Agency:

1. Application (Attachment No 1 to this Rulebook) for recording in the registry of operators that retransmit programme packages and registration of programme services;
2. Current state of the Central Register in the name of the operator (not older than six months, if in the meanwhile, no change of data that the operator is obliged to record has occurred). The current state is submitted when the operator is submitting the application for the purposes of its recording in the registry of operators retransmitting programme services and in case of potential change of data contained in the current state.

3. Confirmation for performed registration (notification) issued by the Agency for Electronic Communications;
4. License for television or radio broadcasting of the foreign broadcaster from which the programme service to be re-transmitted originates, duly issued by the competent regulator of the country of origin (if the Agency has not at disposal the documentation for such license);

The Agency shall publish on its website a list of foreign broadcasters whose programme services are retransmitted in the Republic of Macedonia for which it has documentation for issued licences for television or radio broadcasting;

5. Logo for identification of the programme services whose retransmission is requested;
6. Statement (Attachment No 2 to this Rulebook) declaring under full criminal and material liability that the data and other information contained in the application and all attachments thereof are true, accurate and complete.
7. Contracts for retransmission of programme services.

4. REGISTRATION OF PROGRAMME PACKAGES/SERVICES AND ISSUANCE OF A CONFIRMATION FOR PERFORMED REGISTRATION

Article 9

Prior to commencement with the retransmission of programme services, the operator shall submit to the Agency an application (Attachment 1 to this Rulebook) for registration of programme services to be retransmitted in entirety in the form of a programme package.

The operator shall be obliged to accompany the application referred to in paragraph 1 of this Article with the Statement (Attachment No 2 to this Rulebook), declaring under full criminal and material liability that the data and other information contained in the application and all attachments thereof are true, accurate and complete, that is, confirming that for the purposes of retransmission of the programme services indicated in the application, it has regulated the copyright and related rights pursuant to the Law on Copyright and Related Rights.

Article 10

If the submitted application is incomplete and partial, the Agency shall within 3 (three) days as of the date of receipt of the application inform the operator thereof and oblige it, within a period of 5 (five) days as of the receipt of the notification, to complete the application.

Article 11

If the operator shall fail to act in accordance with the written notification referred to in Article 10 of this Rulebook, the application shall not be considered as submitted, and the Director shall accordingly make a conclusion thereof in accordance with the provisions of the Law on General Administrative Procedure and the Law on Audio and Audiovisual Media Services.

Article 12

The Agency shall within a period of 7 (seven) days as of the date of receipt of the overall documentation issue a confirmation for registration of the programme package of the operator.

The Agency shall be obliged within 5 (five) working days as of the date of issuance of the confirmation, to submit it to the Agency for Electronic Communications.

Article 13

The Agency shall be obliged within 3 (three) working days as of the receipt of the notification for changes of the programme package to inform the Agency for Electronic Communications thereof.

Article 14

If the Agency shall, on the basis of performed programme control pursuant to the Law on Audio and Audiovisual Media Services, conclude that the operator is retransmitting a programme service which is not registered in accordance with Article 141 of the Law, it shall within 7 (seven) days as of the performed programme control adopt a decision with a notice and shall instruct the operator to immediately disconnect the retransmission of the unregistered programme service. The Agency shall inform the Agency for Electronic Communications and the holder of copyrights and related rights of its decision.

If the holder of copyrights and related rights has its own individual representative or is represented by a relevant organisation for collective management in the Republic of Macedonia, the notification shall be submitted to the representative.

5. FORM AND OTHER FEATURES OF THE CONTRACT FOR RETRANSMISSION AND THE OTHER ACCOMPANYING DOCUMENTATION

Article 15

The Contract for Retransmission and the other accompanying documentation shall include the following features:

1. The contract for retransmission of programme services shall be concluded between the contracting parties, in writing, with their signatures and seals, as well as archive numbers, and shall be submitted in original or notary verified copy;
2. If the contract shall bear no official seal, the current state document shall be submitted or another document so as to determine that the responsible person whose signature is affixed on the contract, is duly authorised to conclude such a contract or the same shall be notary verified, pursuant to the valid legislation of that country.
3. The license or another legal act which allows for television or radio broadcasting of the broadcaster from which the programme service whose retransmission is requested originates, shall be issued by the competent foreign regulator and verified in accordance with the law of the relevant state, translated in Macedonian language by a certified court translator and notary verified.
4. The obligation for verification of the license or another legal act allowing for television or radio broadcasting pursuant to the law of the relevant state referred to in point 3 of this Article shall not apply if there is a legal or actual reciprocity between the relevant country and the Republic of Macedonia as regards such documents, confirmed by the Ministry of Foreign Affairs of the Republic of Macedonia.

5. If the retransmission contract, on behalf and for the account of the holder of rights, is concluded by a collective association for management with copyright and related rights registered in the Republic of Macedonia, the contract shall be accompanied by an authorisation of the holder of rights on the scope, duration and contents of the transferred rights, in original or notary verified copy in Macedonian language, or translated into Macedonian language by a certified court translator and notary verified and original or verified copy of the decision of the Ministry of Culture of the Republic of Macedonia for registration of the collective association;
6. If the retransmission contract is concluded by another legal entity, which has no capacity of a collective association for management with the copyright and related rights, or an individual representative – agent, the contract for retransmission shall be accompanied by the authorisation of the holder of rights on the scope, duration and contents of the transferred rights, in original or notary verified copy in Macedonian language, or translated into Macedonian language by a certified court translator and notary verified.

6. CHANGE OF REGISTERED PACKAGE OF PROGRAMME SERVICES

Article 16

The operator shall be obliged to notify the Agency for each change of the registered package of programme services.

Article 17

The change of the programme package is performed in a manner in which the operator submits a new application to the Agency, as well as other documents indicated in Article 8 and Article 15 of this Rulebook.

7. TRANSITIONAL AND FINAL PROVISIONS

Article 18

The positive regulations of the Republic of Macedonia and the Rulebook on the manner of submission of the accompanying documentation to the documents and applications referred to the archives of the Agency for Audio and Audiovisual Media Services No 01-4993/1 dated 14.10.2014 shall apply to anything not regulated with this Rulebook.

Article 19

This Rulebook shall enter into force on the day following the date of its publishing in the Official Gazette of the Republic of Macedonia.

Article 20

The Rulebook on registration of the package of programme services of the operators of public communication networks of the Broadcasting Council of the Republic of Macedonia No 01-5198/1 dated 10.10.2012 shall cease to be valid as of the date of entry into force of this Rulebook.

**No.01-5775/1
21.11.2014
Skopje**

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

Lazo PETRUSHEVSKI, pers.sign.



REPUBLIC OF MACEDONIA
AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

AGENCY FOR AUDIO AND
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(receipt seal of AAAMS)

APPLICATION
for recording in the registry of operators of public
electronic communication networks and registration of
programme services¹

Full name of
Operator _____

Head office and address _____

EMBS (unique
number of business
entity) _____

Tax number _____

Responsible
person _____

¹ The Law on Audio and Audiovisual Media Services uses the term “operator of a public electronic communications network”, whereas the Law on Electronic Communications uses the term “operator of a public communications network”



REPUBLIC OF MACEDONIA
AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

1 INFORMATION ON OPERATOR

Abbreviated title	
Telephone	
E-mail	
Website	
Name and surname of responsible person manager/director	
Contact	Telephone:
	E-mail:
EMBG (personal identification number)	

Manner of provision of the programme package ²	<input type="checkbox"/> Analogue, through cable	<input type="checkbox"/> DVB-C
	<input type="checkbox"/> DVB-T	<input type="checkbox"/> DVB-S
		<input type="checkbox"/> IPTV
Service zone ³		
Internal channel	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Telecommunication and other services offered by the operator	<input type="checkbox"/> VoD	<input type="checkbox"/> NVoD
	<input type="checkbox"/> Catch-upTV	<input type="checkbox"/> Internet
		<input type="checkbox"/> PPV
		<input type="checkbox"/> Telephony
Date of commencement of provision of the programme package		
Number of subscribers		

²Indicate the technology used for distribution of the operator's signal to the subscribers

³Area on which the operator shall provide the programme package, that is, the territory of the Republic of Macedonia, the region or the municipality with the inhabited places in it where the operator has a network and subscribers



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2. SUBSIDIARIES

City/Place	Address

**3. ADDRESS (OF THE BUSINESS AREA) WHERE THE EQUIPMENT IS LOCATED
THROUGH WHICH THE RETRANSMISSION OF THE PROGRAMME PACKAGE IS
PERFORMED**

City/Place	Address



REPUBLIC OF MACEDONIA
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4 TELEVISION PROGRAMME SERVICES

4.1 Programme services of broadcasters from the Republic of Macedonia:

	1	2	3	4	5	6	8	9
Numb er	name	Broadcast ing language	Level of broadcastin ⁴	Regional service zone ⁵	Local service zone ⁶	Contract duration	Automatic extension ⁷	Coding ⁸
1			<input type="checkbox"/> state <input type="checkbox"/> regional <input type="checkbox"/> local	<input type="checkbox"/> D1-Skopje <input type="checkbox"/> D1- Veles <input type="checkbox"/> D2 <input type="checkbox"/> D3 <input type="checkbox"/> D4 <input type="checkbox"/> D5 <input type="checkbox"/> D6 <input type="checkbox"/> D7 <input type="checkbox"/> D8		from_____ to_____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> yes <input type="checkbox"/> no
2			<input type="checkbox"/> state <input type="checkbox"/> regional <input type="checkbox"/> local	<input type="checkbox"/> D1-Skopje <input type="checkbox"/> D1- Veles <input type="checkbox"/> D2 <input type="checkbox"/> D3 <input type="checkbox"/> D4 <input type="checkbox"/> D5 <input type="checkbox"/> D6 <input type="checkbox"/> D7 <input type="checkbox"/> D8		from_____ to_____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> yes <input type="checkbox"/> no
3			<input type="checkbox"/> state <input type="checkbox"/> regional <input type="checkbox"/> local	<input type="checkbox"/> D1-Skopje <input type="checkbox"/> D1- Veles <input type="checkbox"/> D2 <input type="checkbox"/> D3 <input type="checkbox"/> D4 <input type="checkbox"/> D5 <input type="checkbox"/> D6 <input type="checkbox"/> D7 <input type="checkbox"/> D8		from_____ to_____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> yes <input type="checkbox"/> no

⁴ Indicate the level of broadcasting of the broadcaster from the Republic of Macedonia

⁵ Indicate the regional service zone in which the broadcaster from the Republic of Macedonia broadcasts

⁶ Indicate the municipalities in which the broadcaster from the Republic of Macedonia broadcasts pursuant to the bylaws of AAAMS

⁷ Indicate the period of renewal pursuant to the contract

⁸ Indicate whether the operator has coded the signal



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4.2 Programme services of foreign broadcasters:

	1	2	3	4	5	6	7	8
Number	name	Land of origin ⁹	competent regulator ¹⁰	Language of broadcastin	Subtitling	Contract duration	Automatic extension	coding ¹¹
1						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
2						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
3						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
4						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
5						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
6						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
7						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no _____	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic

⁹ Indicate the country of registration of the retransmitted programme service

¹⁰ Indicate the foreign regulator which has issued the license for television or radio broadcasting

¹¹ If during the broadcasting, the programme service is coded for protection of the minor audience, it shall be marked in this column



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8						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no__	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
9						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
10						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
11						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
12						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
13						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
14						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
15						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
16						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic
17						from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> FTA <input type="checkbox"/> Enc. <input type="checkbox"/> pornographic



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5. RADIO PROGRAMME SERVICES

5.1 Programme services of radios in the Republic of Macedonia:

	1	2	3	4	5
Number	name	Broadcast ing language	Service zone ¹²	Contract duration	Automatic extension
1			<input type="checkbox"/> state <input type="checkbox"/> regional <input type="checkbox"/> local	from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no
2			<input type="checkbox"/> state <input type="checkbox"/> regional <input type="checkbox"/> local	from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no

5.2 Programme services of foreign radios:

	1	2	3	4	5
Number	name	Broadcast ing language	competent regulator ¹³	Contract duration	Automatic extension
1				from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no
2				from _____ to _____ <input type="checkbox"/> indefinite	<input type="checkbox"/> yes <input type="checkbox"/> no

¹² Indicate the service zone in which the operator has distributed the programmes service of the broadcaster from the Republic of Macedonia

¹³ Indicate the foreign regulator which has issued the license for television or radio broadcasting



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6. ATTACHMENTS TO THE APPLICATION:

1. Current status of the Central Register in name of the operator of the public electronic communication network (not older than six months, if in the meantime change of data has occurred, the operator shall be obliged to report them). The current status shall be submitted when the operator is registered for the purposes of its recording in the Register in case of potential change of data contained in the current status;
2. Confirmation for performed registration issued by the Agency for Electronic Communications, only during the registration of the operator for the purposes of its recording in the register.
3. License for television or radio broadcasting of the foreign broadcaster from which the programme service to be retransmitted originates, issued by the competent regulator of the country of origin (if the Agency for Audio and Audiovisual Media Services has no such documentation for such license);

The Agency shall publish on its website a list of the foreign broadcasters whose programme services are being retransmitted in the Republic of Macedonia for which it has documentation for issued licenses for television or radio broadcasting;

4. Logo for identification of the programme service whose retransmission is requested;
5. Statement for the accuracy of data contained in the request for registration of the package of the programme service which the entity shall retransmit through the public electronic communication network, duly notary verified;
6. Contracts for retransmission of programme services;
(indicate according to date of conclusion and number of pages)¹⁴

_____	,No pages	_____
_____	,No pages	_____
_____	,No pages	_____
_____	,No pages	_____
_____	,No pages	_____

¹⁴If the contracts are concluded in a foreign language, the same shall be submitted in Macedonian language, translated by a certified court translator, and the translation shall be notary verified. The contract shall indicate the archive number of the operator.



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,No pages _____
,No pages _____
,No pages _____
,No pages _____
_____,No pages _____
,No pages _____
,No pages _____
_____,No pages _____
,No pages _____
,No pages _____
,No pages _____
_____,No pages _____
,No pages _____
,No pages _____

STATEMENT OF RESPONSIBLE PERSON

I, from _____, with identity card number, and EMBG (unique identification citizen number) _____ issued by MOI, with address in _____, on Street, No _____, hereby declare under full criminal, moral and material liability that the data and the other information contained in this application and all attachments to the same are true, accurate and complete on and including the date of completing the application, and that they meet the conditions prescribed with Article 141 of the Law on Audio and Audiovisual Media Services (Official Gazette of the Republic of Macedonia No 184/2013, 13/2014, 44/2014, 101/14 and 132/14).

At the same under, under full criminal and material liability I hereby confirm that for the retransmission of the programme services, the operator has regulated the copyright and the related rights, in accordance with the Law on Copyrights and Related Rights.

In _____

20____

Manager/Director

(place for seal)

