

Pursuant to Article 18, paragraph 1, indent 8 and Article 20, paragraph 1, indent 11, in connection with Article 92 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, indent 7 and Article 39, paragraph 1, indent 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 Statement of the Agency Council No.02-5903/3 dated 4 December 2014, the Council of the Agency for Audio and Audiovisual Media Services, at its 20th session, held on 4 December 2014, adopted a:

RULEBOOK
on the obligations to broadcast originally created programme, music
documentary and feature programme

I. GENERAL PROVISIONS

Article 1

Scope of the Rulebook

This Rulebook prescribes the manner of applying the provisions of Article 92 of the Law on Audio and Audiovisual Media Services, in terms of the obligations of broadcasters to broadcast programme that is originally created in the Republic of Macedonia, in Macedonian language or the languages of the minorities living in the Republic of Macedonia, for broadcasting instrumental, vocal and/or vocal-instrumental music, and production and broadcasting of national documentary and feature programme.

Article 2

Definitions

Certain terms used in this a Rulebook shall have the following meaning:

- **Originally created programme** in the Republic of Macedonia in Macedonian language or languages of the minorities living in the Republic of Macedonia (hereinafter referred to as: originally created programme) is a programme created by the providers of audio and audiovisual media services and independent producers established in the Republic of Macedonia in which speech is originally broadcasted in Macedonian language or the languages of the minorities living in the Republic of Macedonia, as well as programmes that are part of the audiovisual heritage in the Republic of Macedonia;
- **Works of the audiovisual cultural heritage of RM** are audio-visual goods and phonetic works that represent the cultural heritage of the Republic of Macedonia and are intended for public display;
- **Programme of own production** is a radio or television programme created on the initiative and in organization of the broadcaster, programme commissioned by the broadcaster (ordered production) or produced in coproduction;

II. ORIGINALLY CREATED PROGRAMME

Article 3

What is not considered as originally created programme

According to the production, the originally created programme can be own production of the broadcaster or created by other broadcasters or by independent producers established in the Republic of Macedonia.

The originally created programme includes all types of programmes broadcasted by the broadcaster, except for the news or radio and television central news; broadcasts or recordings of the meetings of the authorities; broadcasts or recordings of socio-political events; programmes with horoscope, tarot, fortune tellers or interpreting of dreams; music videos and content that is not subject to classification as laid down in paragraph 17 of the Guidelines on the Manner of Classification of the Types of Audiovisual and Audiovisual Programmes¹ (audiovisual and audio commercial communications, announcements of the broadcaster in connection with its own programmes, announcements of public interest, calls for charities; intermezzo, religious programmes, services and sermons, programmes for physical education and recreation, and opening and closing curtains, jingles and avizzo).

Article 4

Language in which the obligation should be fulfilled

The Public broadcasting service realizes the obligation to broadcast originally created programme in Macedonian language or the languages of the minorities living in the Republic of Macedonia, depending on which language or languages the programme service is broadcasted.

The commercial broadcasting companies and non-profit broadcasting institutions are obliged to meet the obligation to broadcast originally created programme in the language in which they broadcast the speech segment of the programme service, in accordance with the license for radio or television broadcasting.

The commercial broadcasting companies and non-profit broadcasting institutions which by the broadcasting licence are obliged to broadcast the speech segment of the programme service in several languages, can meet the obligation for originally created programme in all the languages specified in the license.

Article 5

Premier broadcast

In the percentage of originally created programme only premiere broadcast of the types of programmes in the period of 24 hours, for every single broadcaster shall be considered.

¹ The Guidelines on the Manner of Classification of the Types of Audiovisual and Audiovisual Programmes, referred to in Articles 3 and 6 of this Rulebook, was published in the "Official Gazette of the Republic of Macedonia" No.171/14.

Article 6

Method of calculation of the percentage

For the television programme services, the mandatory percentage of originally created programme is calculated from the total time of broadcasts in the period of 24 hours, with the exception of the time covered by the content that is not subject to classification as set out in paragraph 17 of the Guidelines on the Manner of Classification of the Types of Audiovisual and Audiovisual Programmes.

For the radio programme services, the mandatory percentage of originally created programme is calculated from the total time of types of programmes broadcasted in the spoken part of the programme in the period of 24 hours.

Article 7

Announcing of the works of the audiovisual cultural heritage of RM

The broadcasting of programmes which are works of audiovisual cultural heritage in the Republic of Macedonia, should be preceded by an appropriate voice or visual notice stating the author's name, the title of the work, the year of creation and other information on the work.

III. INSTRUMENTAL, VOCAL AND/OR VOCAL-INSTRUMENTAL MUSIC

Article 8

Musical genres whereby the obligation of television programme services is fulfilled

The television programme services of general format and the television services of the Public Broadcasting Service fulfil the obligation to broadcast folk and pop instrumental, vocal and/or vocal-instrumental music through the following musical genres and styles defined in accordance with the National Classification of Cultural Heritage ("Official Gazette of RM " No.37/06) and the Universal Decimal Classification:

- Folk Music: traditional (original music-unauthorized), ethnic/world music and newly created folk music (newly created folk music in the folk spirit, turbo folk, disco folk, pop folk);
- Entertaining (popular) music: pop (disco, dance, hip-hop, pop -rock, rhythm and blues, soul, funk, rap, reggae, ska, dub, etc.), jazz (regtime, dixieland, swing, bi-bap, hard-bap, cool jazz, free jazz, fusion, jazz turmoil, asid jazz etc.), blues, rock / rock and roll (rockabilly, acid rock, hard rock, punk, folk-rock, psychedelic rock; progressive rock, heavy metal, new wave, alternative rock, grunge, Brit-pop, indie-rock, soft-rock, etc.), electronic music/techno (house, acid, goa, trance, jungle, drum, etc.).

Article 9

Deviation of 5% in the division between folk and pop music in television services

Deviation of 5% compared to the demand for equal representation of folk and pop music in the total broadcasted music during the week, for the television programme services of general format means 24 minutes more or less in the distribution of folk and pop music.

Deviation of 5% compared to the demand for equal representation of folk and pop music in the total broadcasted music between 7:00hrs and 19:00hrs, for the television programme services of general format means 12 minutes more or less in the distribution of the folk and pop music.

Deviation of 5% compared to the demand for equal representation of folk and pop music in the total broadcasted music during the week, for the television programme services of the Public Broadcasting Service, means 42 minutes more or less in the distribution of folk and pop music.

Deviation of 5% compared to the demand for equal representation of folk and pop music in the total broadcasted music between 7:00 hrs and 19:00 hrs in the television programme services of the Public Broadcasting Service, means 21 minutes more or less in the distribution of folk and pop music.

Article 10

Method of calculation of the obligation to broadcast music in the radio services

The mandatory percentage of instrumental, vocal and/or vocal-instrumental music in Macedonian language or languages of the minorities living in the Republic of Macedonia, for radio programme services, is calculated from the total broadcasted music from all genres and styles in a period of 24 hours.

Article 11

Language of fulfilling the obligation to broadcast music

The Public broadcasting service realizes its obligation to broadcast vocal and/or vocal-instrumental music in Macedonian language or languages of the minorities living in the Republic of Macedonia, depending on which language or languages the programme service is broadcasted.

The commercial broadcasting companies and non-profit broadcasting institutions are obliged to fulfil the obligation to broadcast vocal and/or vocal-instrumental music in the language in which they are required to broadcast the speech part of the programme service, in accordance with the broadcasting license.

The commercial broadcasting companies and non-profit broadcasting institutions, which by their broadcasting licence, are obliged to broadcast the speech part of their programme service in several languages, fulfil the obligation to broadcast vocal and/or vocal-instrumental music, in all the languages specified in the license.

IV. NATIONAL DOCUMENTARY AND FEATURE PROGRAMME

Article 12

Language in which the obligation for national documentary and feature program is fulfilled

The Public broadcasting service fulfils the obligation to produce and broadcast national documentary and feature programme in Macedonian language and/or the languages of the minority communities, in which their programme is broadcasted.

The commercial broadcasting companies at the state level, which have a licence for television service of general format, are required to fulfil the obligation to produce and broadcast national documentary and feature programme in the language in which they are required to broadcast the speech segment of the programme service, in accordance with their broadcasting license.

The commercial broadcasting companies at the state level, which have a licence for television service of general format and which by the license are obliged to broadcast the speech segment of the programme service in several languages, fulfil the obligation to produce and broadcast national documentary and feature programme in the languages in which they are obliged to broadcast the speech part of the programme service, in accordance with their broadcasting license.

The Public broadcasting service and the commercial broadcasting companies referred to in paragraph 3 of this Article, can produce the documentary and feature programme in two or more languages, in the assessment for the fulfilment of their obligation, the number of produced hours of programme is counted only once, if it is the same documentary or feature programme.

Article 13

Coproduction between broadcasting companies

In cases where two or more broadcasting companies produce in co-production national documentary or feature programme, in the evaluation of the fulfilment of the obligation, the number of jointly produced hours of programme is divided equally to all co-producers, or by the participation in the production costs of the programme if it significantly differs.

Article 14

Obligation to inform the Agency

The Public broadcasting service and the commercial broadcasting companies at the state level, having a license for television service of general format, are required five days before the broadcasting of the national documentary and feature programme, whereby they meet the obligations provided for in Article 92, paragraphs 8 and 9 of the Law on Audio and Audiovisual Media Services, to notify the Agency of the date and time of the broadcast.

The reporting obligation under paragraph 1 of this Article shall apply to all programmes broadcasted by the broadcaster in order to fulfil the obligations referring to national documentary and feature programme, regardless whether they intend to apply for reimbursement of costs in the amount of 50%, provided for in Article 92 paragraph 10 of the Law.

V. FINAL PROVISIONS

Article 15

By the entry into force of this Rulebook, the Rulebook on the Application of the Provisions Relating to the Protection and Nurturing of the Cultural Identity ("Official Gazette of the Republic of Macedonia" No. 113/06) shall cease to be valid.

Article 16

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 Council

**Lazo PETRUSHEVSKI,
handwritten signature**

NO. 01-5976/1
4 DECEMBER 2014
SKOPJE