

Pursuant to Article 18, paragraph 1, indent 8 and Article 20, paragraph 1, indent 11, in connection with Article 50, paragraph 4 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, item 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 Council of the Agency No. 02-5747/5 dated 21 November 2014, the Council of the Agency for Audio and Audiovisual Media Services, at its 19th session, held on 21 November 2014, adopted a

RULEBOOK ON PROTECTION OF MINORS

I. GENERAL PROVISIONS

Article 1

Scope of the Rulebook

This Rulebook defines the method of categorization and periods of broadcast audiovisual programmes that may adversely affect the physical, mental and moral development of minors, the forms of acoustic and visual warning, visual signs, technical measures for the protection of minors, as and the handling of the providers of audiovisual media services (television broadcasters and providers of audiovisual media services on demand) to which the obligation to protect minors refers.

Article 2

Definitions

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

- **Minors** are persons below the age of 18 years;
- **Programmes that can adversely affect minors** are audiovisual units or their components that include descriptions, scenes or presentations of violence, eroticism, sexual conduct prohibited by law, indecent (vulgar) language, suggestible social forms of behaviour which are easy to imitate and are dangerous to health and safety, behaviour offensive to human dignity, etc.;
- **Violence** within the meaning of this Rulebook is any obvious display of any form of real viable threat of physical force or imminent use of force, with or without weapons, force that is intended to harm or endanger one or a group of living beings. Thereby, it can be both display of already committed violence or intention to commit violence, whether or not that violence may or may not cause injury. This definition of violence includes any display of consequences of physical harm to any living being (or a group of beings), although the act of violence is not shown;
- **Time periods** are specific terms of the programme in the duration of 24 hours within which it is allowed to broadcast programmes in a specific category. For each category of programmes there is a specific time period of broadcasting;
- **Programme context** in which content which is harmful to minors is broadcasted, shall refer (but shall not be limited) to: the genre of the programme; the format of the audiovisual programme service on which the programme is broadcasted; the time period of the programme and the order of programmes in the programme schedule (before and after the time of broadcast of the particular programme) for the television programme services; schedule of programmes in the catalogue under the category of providers of audiovisual media services on demand; the extent of damage that can

be caused by a certain programme content; the expected number and composition of the potential audience and the likely expectations of the audience; extent to which detail is given on the content of which the potential audience is informed; additional effects that the content may cause among the audience.

II. CONTENT THAT MAY ADVERSELY AFFECT MINORS

Article 3

Violence

Providers of audiovisual media services are obliged to ensure that a frequent and continuous disclosure of violence can have a cumulative negative effect on minors, which can be expressed by reducing the level of sensitivity to violence and developing a view that violence can be an acceptable way to solve problems.

Fear caused by descriptions, of scenes and/or sights of violence can greatly disturb minors. Providers of audiovisual media services must always responsibly outline the balance between- the right of the public to be timely and accurately informed and – the need for protection of minors.

Scenes with verbal or physical violence or other dangerous behaviour that can be easily imitated by minors and which may be harmful or dangerous for them, may not be broadcasted in programmes that are primarily intended for minors.

Article 4

Use of drugs, psychotropic substances, cigarettes and alcohol

The use of drugs and psychotropic substances, cigarettes and alcohol should not be displayed in the audiovisual programmes that are primarily intended for minors.

Audiovisual programmes that are not intended for minors must not support, encourage, instigate or exalt the use of drugs and psychotropic substances, tobacco and alcohol, unless it is justified by the context of the genre or by the motives of the dramatic action in the feature film programme.

Article 5

Erotica

Providers of audiovisual media services are obliged to take into account that, although it is allowed to a certain limit to display erotic scenes in the programmes, these contents can still cause harm to minors. Therefore, the categorization of programmes containing erotic scenes must be made in accordance with the descriptions of the categories of programmes defined in the Rulebook.

When articles in the news and information programmes include descriptions, scenes and/or sights containing erotica, the assessment on the appropriateness of the period in which they are presented on the television programme services, should be based on the degree of explicitness of the details shown.

Article 6

Sexual behaviour prohibited by law

Media treatment of topics about paedophilia, sexual abuse of minors and other forms of legally prohibited sexual behaviour can be justified only because of the public's right to be informed and for their wider social problematisation.

Media treatment of topics related to paedophilia and other forms of legally prohibited sexual conduct in the news, information, documentary or other programmes must not include any suggestion or encourage a socially undesirable position.

Providers of audiovisual media services are required in the categorization of the programmes to bear in mind the fact that the descriptions, scenes and/or sights of rape and consequences of rape can have a particularly harmful effect on minors.

The planning of the terms by television broadcasters to broadcast programmes the script of which treats sexual abuse of minors, must be based on the fact that minors may be disturbed as a result of the expected identification with the presented victim of the violent act.

When articles in the news and information programmes include descriptions, images and/or sights that contain sexual conduct prohibited by law, the assessment of the adequacy of the period of their presentation should be based on the degree of explicitness of the details shown.

Article 7

Indecent expressions and gestures

The use of indecent expressions and gestures is acceptable in certain types of entertainment programmes, in the feature film programme as an aesthetic element or in educational and documentary programmes that deal with the artistic application of indecent (vulgar) language and its socially motivated aspects.

In programmes that are designed for the whole family, and are broadcasted on television programme services in the period until 20:00, excessive use of indecent expressions and gestures is not allowed.

Article 8

Suggestible forms of behaviour hazardous to health and safety

Due to the protection of minors, the presentation of programmes containing descriptions, images and/or sights with behaviour dangerous to health and safety, which can be easily imitated, must always be justified in the appropriate context.

Article 9

Programmes with clairvoyants

Contact interactive programmes with clairvoyants (tarot, astrology, fortune tellers and related methods) that immediately suggest changes in personal behaviour must be marked as programmes that are not recommended for persons under the age of 18 years, that is – they can be transmitted only between 00: 00 and 05:00 am.

The limitation period of broadcast does not apply to broadcasting of short, depersonalized articles with daily horoscopes, classified as part of the programme with entertainment function.

Article 10

Techniques of Hypnosis

By displaying audiovisual material containing techniques of hypnosis, providers of audiovisual media services must act with ultimate responsibility so as not to cause adverse effects for the minors, that is, the camera cannot present a person that hypnotizes and their entire verbal procedure.

The television programme services are required before and after advertising breaks in such programmes, on the screen, and providers of audiovisual media services on demand at the appropriate place in the catalogue, to publish a warning that the programme contains techniques of hypnosis.

Article 11

Photosensitive epilepsy

Providers of audiovisual media services are obliged to undertake all necessary measures to protect viewers who suffer from photosensitive epilepsy.

The television programme services are required before and after advertising breaks in such programmes, on the screen, and providers of audiovisual media services on demand at the appropriate place in the catalogue, to publish a warning that the programme has flashing light.

Article 12

Simulated news

Simulated news that are part of an entertaining, feature, documentary or other programme, or are announcing of the provider of audiovisual media services for its programmes, must not be presented in a way that they will lead viewers to think that what they see and actually listen is actually news or information about something that really happened.

III. CATEGORISATION OF PROGRAMMES AND TIME PERIODS

Article 13

Programmes subject to categorisation

Providers of audiovisual media services are required to categorize the overall programme broadcasted on television programme services, or offered in the catalogue of audiovisual media services on demand, with the exception of news and information programmes.

Article 14

Criteria for categorisation of programmes

The editor, based on their ethical awareness and editorial responsibility, should very carefully assess whether in a particular programme context it is necessary to broadcast content potentially harmful to minors.

In reviewing the content and categorization of programmes, providers of audiovisual media services should take into account the following criteria:

- Number (frequency) and the nature of the descriptions, scenes and/or images of violence, eroticism, sexual conduct prohibited by law, indecent (vulgar) language, suggestible social behaviour easy to imitate, and dangerous to health and safety, behaviour offensive to human dignity, etc.;
- Illustration and detailed depiction which create obvious brutality and/vulgarism of descriptions, scenes and/or sights;
- Assessing whether the descriptions, scenes and/or sights of violence, eroticism, sexual conduct prohibited by law, indecent (vulgar) language, suggestible social behaviour easy to imitate, and dangerous to health and safety, and behaviour offensive to human dignity, represent complementary elements in the dramatic plot, or in the context of educational, documentary and/or information programme;
- Whether violence is suggested as a means of resolving conflicts;
- The frequency and duration of major plans and/or detailed verbal, graphic and/or text descriptions, images and/or sights of brutality and vulgarity;
- Accompanying aesthetic effects: music, masks, makeup and other graphic, stage and/or costume elements that can cause anxiety or reinforce a sense of fear and humiliation of human dignity;
- The psychology behind the characters, and the difficulty of the controversial conclusions from the extroverted and introverted aspects of the characters and their motives for violent behaviour, which can affect minors suggestively;
- Descriptions, scenes and/or sights of minors brought into brutal and/or vulgar situations;
- Director's and screenplay treatment of violence and eroticism: glorification or neutralization, designed by descriptions and development of whole scenes and/or sights of brutality and vulgarity;
- Director's and screenplay approach to controversial topics: inciting racial, religious, ethnic, gender or intolerance on any other basis, drug addiction, suicide, incest, paedophilia, rape, blood offenses, and similar types of threats and/or the effects of psychophysical torture.

Article 15

Programme categories

Programmes subject to categorisation shall be classified under the following five categories:

- First category - programmes intended for all types of audience;
- Second category - programmes that are not recommended for children under 8 years of age, for the viewing of which supervision of a parent or guardian is recommended;
- Third category - programmes that are not recommended for children under 12 years of age, for the viewing of which supervision of a parent or guardian is necessary;

- Fourth category - programmes that are not recommended for children under 16 years of age, for the viewing of which supervision of a parent or guardian is necessary;
- Fifth category - programmes that are not suitable for audiences under 18 years of age.

Article 16

Time periods for programme categories

Depending on the expected audience type, programme categories can be broadcasted in the following time periods:

- The first and second programme category are broadcasted throughout the day and night;
- The third category is broadcasted between 20:00 and 05:00 am;
- The fourth category is broadcasted between 22:00 and 05:00 am;
- The fifth category is broadcasted between 00:00 and 05:00 am.

Article 17

Description of programme categories

The categories of audiovisual programmes defined in Article 15 of this Rulebook shall be determined according to the following descriptions:

- (1) **First category - programmes designed for the entire audience.** Programmes that can be broadcasted throughout the day and night and can be viewed by the entire audience, including children of preschool age. The use of rude (vulgar) language should be reduced to the lowest possible level. Displaying the naked human body is permitted only in neutral natural appearance, beyond any erotic context. It is not recommended to display real weapons. It is recommended that descriptions and scenes and/or sights of violent acts are limited exclusively to unstressed threats without any expression of verbal and/or psychophysical cruelty in human relations. Displaying of drug addiction, alcoholism and similar deviant behaviour is prohibited. The scenes of fear should be designed in compliance with the age of the youngest viewers.
- (2) **Second category - programmes that are not recommended for children under 8 years of age, for the viewing of which supervision of a parent or guardian is recommended.** They can be broadcasted over the whole day and night, with a recommendation to be viewed under the supervision of a parent or guardian. They can have a range of more serious topics: deviant behaviour, family violence, racism and the like, but programmes in no case may encourage, or include any affirmation of deviant behaviour or behaviour offensive to human dignity. Overemphasized use of rude (vulgar) language is not allowed. Neutral, natural appearance of the naked human body is allowed, but without any vulgar sexual context. Descriptions, scenes and/or sights of erotica must be extremely rare and very unstressed, discrete and without vulgar allusions. Showing moderate violence, but without details of cruelty, justified in the plot of the script, without emphasizing the presence of real weapons or dangerous techniques for interpersonal fights, is allowed.
- (3) **Third category - programmes that are not recommended for children under 12 years of age, for the viewing of which supervision of a parent or guardian is necessary.** Programmes the scenario of which involves systematic and frequent descriptions, images and/or sights of psychophysical violence, which can cause distress to minors. Treatment of serious topics is acceptable, but should be adequate for the stipulated age of the audience. It is permissible to use obscene language, vulgarity and brutality, but must be kept at a reasonable level and be justified by the

necessary function in the dramatic or the information and documentary context of the programme. Descriptions, scenes and/or sights of violence and eroticism, and possible mutual relationship between these two factors in the development of the narrative, should not emphasize physical injuries and/or psychophysical consequences of the injuries, nor to focus on obscene physical details. No exaggerated importance should be given to weapons and techniques for interpersonal fights which are easy to imitate, with dangerous potential to have a suggestive influence on psychologically less stable and emotionally vulnerable segments of the audience. Displaying drug addiction is allowed, but without detailed elaboration of the phases of the act of characterization of characters, and complementarily in the whole of the various types of feature, educational, informative and/or documentary programme. Announcements of such programmes must not be composed of descriptions, scenes and/or sights that can disturb minors.

- (4) **Fourth category - programmes that are not recommended for children under 16 years of age, for the viewing of which supervision of a parent or guardian is necessary.** Programmes the scenario of which involves systematic and frequent descriptions, images and/or sights of psychophysical violence, which can upset minors. There are no restrictions on the topics. Frequent use of rude speech is permitted, but the excessive use of extremely vulgar expressions is hardly acceptable. Displaying erotica and sexual intercourse is allowed, but without explicit, pornographic details. It is necessary to have a carefully conceived context of verbal and gestural expressions that have strong sexual allusion and may offend human dignity. Displaying drug addiction is allowed only without detailed elaboration of the phases of the act of (ab)use of drugs, in a balanced manner with indication of the consequences, and in the purpose of characterization of the characters, complementarily in the unit of the various types of feature, educational, informative and/or documentary programme. Descriptions, images and/or scenes of violence and consequences of violence are acceptable, but not images of sadism, or any other expression of inhumanity and molesting over people and animals. Announcements of such programmes must be composed of descriptions, images and/or sights that can upset minors.
- (5) **Fifth category - programmes that are not suitable for audiences under 18 years of age.** Descriptions, scenes and/or sights of violence and consequences of violence, as well as displays of erotic relations are tolerated. The autonomous right and self-awareness of the person who is of age to decide which type and category of programme they want to follow is respected. Broadcasting pornography and sadism is prohibited and in no case should be associated with this category of programmes. In this category of programmes there are no restrictions on the topics, and the only limitations are related to the manner of their treatment.

Article 18

Deployment of programmes that could harm minors in the programme schedule

In the planning of broadcasting of programmes that could adversely affect the development of minors, television broadcasters are obliged to take into account the following criteria:

- The nature of the content that can have a harmful effect on minors;
- Media function and genre of the specific programme;
- The number and age of minors who are likely to follow the programme, taking into account weekdays, weekends and holidays;
- The likely expectations of the audience in terms of the programme content in a specific time of day or a specific day.

IV. ACOUSTIC WARNING AND VISUAL SIGNS - WARNING SIGNALISATION

Article 19

Programmes that apply Warning signalisation

Warning signs must be applied before and during the broadcasting of programmes of television programme services and on a convenient place next to the programmes available in the catalogue of audiovisual media services on demand, as follows:

- In all types feature programme, and
- In those types of programmes with informative, educational and entertaining function, that either as a whole or by parts, can adversely affect minors.

Article 20

Method of application of the warning signs

Before the television programmes referred to in Article 19 of this Rulebook, warning signal corresponding to the programme category which is a combination of a visual sign, text, verbal and acoustic warning, lasting at least 10 seconds, and occupying at least 1/4 of the visible part of the screen shall be broadcasted.


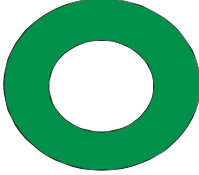
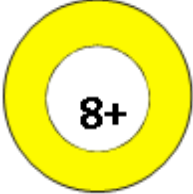
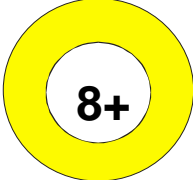
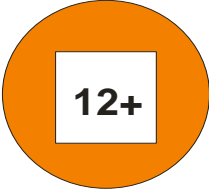
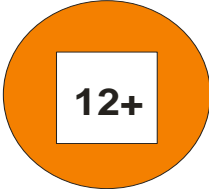
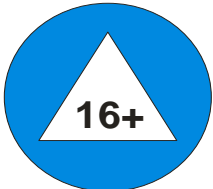
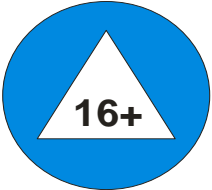
During the television programmes covered by Article 19 of this Rulebook, only the visual sign of the warning signal is constantly broadcasted, which is applied with dimensions of 1/32 in the corner of the visible part of the screen. Exceptions are visual signs for television programmes with hypnotic techniques and flashing light, which are applied on the screen after every advertising break.



At an appropriate place next to the programmes covered by Article 19 of the Rulebook, available in the catalogue of audiovisual media services on demand, only the visual sign shall be applied, which corresponds to the programme category.

Article 21

Appearance and content of the warning signs

Warning signs that are applied before, next to or during the programmes by the providers of audiovisual media services, have the following appearance:

Visual signs	Warning signs
	 <p>цела публика</p> <p>Programmes of the first category intended for the entire audience.</p>
	 <p>родителски надзор</p> <p>Programmes of the second category which are not recommended for persons under the age of 8 years. Supervision of a parent or guardian is necessary.</p>
	 <p>Programmes of the second category which are not recommended for persons under the age of 12 years. Supervision of a parent or guardian is necessary.</p>
	 <p>Programmes of the second category which are not recommended for persons under the age of 16 years. Supervision of a parent or guardian is necessary.</p>

	 <p>Programs of the fifth category are not suitable for audiences under 18 years.</p>
<p>Programme with hypnotic techniques</p>	<p>Warning: The programme contains hypnotic techniques</p>
<p>Programme with flashing light</p>	<p>Warning : The programme contains flashing light which can harm the viewers who suffer from photosensitive epilepsy</p>

Article 22

Announcing of programmes

Announcements (promotional announcements) for programmes of broadcasters should not contain descriptions, images and/or sights that can cause damage to minors.

The announcements referred to in paragraph 1 of this Article shall be marked with the visual sign that signals the programme category that is announced.

The announcements of programmes of the fifth category must not be broadcasted before 22:00 pm.

V. CONTENT IN THE NEWS AND INFORMATIVE PROGRAMMES

Article 23

Editorial assessment of the necessity of the details

When the news and information programmes include descriptions, images and/or sights that may adversely affect minors, the justification of their display must be based on the responsible editorial assessment for the necessity of details in such material.

The presentation of articles on the television programme services that include descriptions, images and/or sights of violence, audiovisual material that may offend or humiliate human dignity, other articles the content of which can seriously endanger the physical, psychological and/or moral development of minors, must be broadcasted in time periods of the programme schedule, when it is expected that minors do not follow the programme.

Professional responsibility of a journalist means that victims of violence should also be treated with maximum respect and due to protection of the human dignity their bodies should not be displayed in the close-up shots, except in exceptional cases where it is unavoidable due to the completeness of the information material.

In presenting descriptions, images and/or sights that are used as court evidence, media responsibility obligates the editor of the programme to carefully assess whether it is

necessary the information capacity of such material to be included in the unit of the presented programme.

Article 24
Warning comment

If articles or components of the articles in the news and information programmes include content that might upset minors, television broadcasters are obliged to announce them in the warning comment of the host.

This approach, in any case, does not imply a restriction of the topics and events that should be reported, but the broadcast must be followed by the journalist's and/or expert commentary that will provide objectivity of the information perspective.

Article 25

Minors - perpetrators or victims of crime

If the news reports on minors who are perpetrators, witnesses or victims of sexual violence or other criminal acts, providers of audiovisual media services need to be especially careful not to publish descriptions, details, pictures or any information that can directly or indirectly indicate their identity.

**VI. SPECIAL RESPONSIBILITIES FOR AUDIOVISUAL
MEDIA SERVICES ON DEMAND**

Article 26

Technical measures for the protection of minors

Providers of audiovisual media services on demand are required to provide technical measures to disable minors to have access to content that may be harmful to them.

The technical measures referred to in paragraph 1 of this Article may include:

- Codes for personal identification (PIN codes) whereby the provider of audiovisual media service on demand can check the age of the user before enabling them access to coded content categorized and labelled in accordance with the provisions of this Rulebook;
- Filtering of the content categorized by the provider of audiovisual media services on demand and labelled according to the provisions of this Rulebook;
- Application of independent filtering systems that analyse the programme, recognize and turn off harmful content based on the categories defined by the parent/guardian;
- Use of other software that enables parents/guardians to block access of minors to content that could harm them.

Article 27

Presentation and labelling of programmes that can harm minors

Providers of audiovisual media services on demand are required to label content taken over from television programme services in the Republic of Macedonia and other content available in the catalogue on demand, which can adversely affect the development of minors, with warning signs in every listing in the programme catalogue, and the announcements of programmes.

Information on the fifth category of programmes can be presented only as part of a service that is available for payment, whether it is a subscription service or pay per view service.

VII. FINAL PROVISIONS

Article 28

By the entry into force of this Rulebook, the Rulebook on the protection of minors from programmes that may adversely affect their physical, mental and moral development ("Official Gazette of the Republic of Macedonia" No. 21/07).

Article 29

Providers of audiovisual media services on demand should harmonise their operations with the provisions of this Rulebook within two (2) months from the date of its entry into force.

Article 30

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

**No. 01-5777/1
21 November 2014
Skopje**

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

Lazo PETRUSHEVSKI, handwritten signature