



REPUBLIC OF MACEDONIA
AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

(courtesy translation)

To: Ministry of Justice
of the Republic of Macedonia

URGENT

Attn: Mr. Adnan JASHARI
Minister of Justice

Subject: Information on the Need to Amend and Supplement the Law on
Amending and Supplementing the Electoral Code (*Official
Gazette of the Republic of Macedonia*, No. 196/15)

I. The Law on Amending and Supplementing the Electoral Code was published in the edition of the *Official Gazette of the Republic of Macedonia*, No. 196/15, dated 10.11.2015, and, in accordance with Article 87 of the same, it entered into force on the day of its publication in the *Official Gazette of the Republic of Macedonia*, i.e. on 10.11.2015.

After going over the text of the Law on Amending and Supplementing the Electoral Code, for the purpose of its implementation, the Agency has concluded the following:

The Transitional and Final Provisions of the Law on Amending and Supplementing the Electoral Code state the following:

- in Article 82, Paragraph 1

Due to organizing early elections for MPs, which will be held on 24 April 2016, paid political advertising with the broadcasters, print media and electronic media (Internet portals) shall be banned in the period from 20 December 2015 until the day of commencement of the electoral campaign for the early parliamentary elections in 2016, and

- in Article 83

From the day this Code enters into force until the day of holding the early parliamentary elections, on 24 April 2016, the broadcasters, the print media and the electronic media (Internet portals) must not publish and/or broadcast advertisements financed from the Budget of the Republic of Macedonia, the budgets of the municipalities or the City of

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Skopje, or by any persons who have been entrusted by law to perform public competencies.

However, no penalties or infringement provisions have been envisaged concerning the legal provisions contained in Articles 82 and 83 of the Transitional and Final Provisions of the Law on Amending and Supplementing the Electoral Code (*Official Gazette of the Republic of Macedonia*, No. 196/15).

Namely, in case of disrespect for the prohibitions that are clearly defined in these Articles, there are no legal premises for conducting a misdemeanor procedure or imposing a misdemeanor sanction on the part of the competent court.

Concerning this matter, we are pointing out to the need for urgent supplementing of the Law on Amending and Supplementing the Electoral Code (*Official Gazette of the Republic of Macedonia*, No. 196/15), in terms of what has been stated above.

Also, a printing error has been detected in Article 182, Paragraph 1, Indent 3 of the Electoral Code, due to which it is necessary to correct this Article of the Electoral Code accordingly.

Namely, the words: “broadcast, i.e. publish announcements and advertisements contrary to Article 75-e, Paragraph (6) of this Code” should be replaced by the words: “broadcast, i.e. publish announcements and advertisements contrary to Article 75-e, Paragraph (4) of this Code”, due to the fact that Article 75-e of the Code does not contain Paragraph 6, and the infringement stated – announcing and/or publishing announcements and advertisements – has been covered by Article 75-e, Paragraph 4.

II. With regard to what has been stated above, and considering the importance of consistent implementation of the provisions of the Law on Amending and Supplementing the Electoral Code (*Official Gazette of the Republic of Macedonia*, No. 196/15), we are asking You, in accordance with Your competences, to undertake activities towards the Law’s urgent amending and supplementing.

In case of identifying other inconsistencies in the course of the Code’s further practical implementation, the Agency for Audio and Audiovisual Media Services will inform you accordingly.

Thank you for your cooperation.

Agency for Audio and Audiovisual Media Services

Director,

(original signed and stamped)

Zoran TRAJCEVSKI, Ph. D.



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