

## NEWSLETTER

August, 2018

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### Forthcoming Referendum – Topic of the Meeting with OSCE/ODIHR Representatives



An OSCE/ODIHR delegation, led by Senior Advisor on New Voting Technologies Steven Martin, had a meeting at the Agency's premises with the President of the Agency Council Lazo Petrushevski and representatives of the Agency's professional service, on 8 August. The participants in the meeting discussed the media coverage and the Agency's activities related to the forthcoming Referendum.

The Agency representatives informed that, concerning the fact that the Law on Referenda and Other Forms of Direct Expression of the Citizens' Will does not contain precise rules on the manner of media reporting and the airing of public propaganda, draft-recommendations had been prepared concerning media outlets' conduct during this period.

As regards SEC's Explanation for the Media and the Media Coverage, the Agency reiterated its stance that all interested entities should be provided equal conditions for access to paid political propaganda, with equal prices for all.

### Press Release Regarding Public Propaganda on the Referendum

Responding to the dilemmas that appeared among the broadcasters regarding the rules for airing paid public propaganda related to the referendum, the Agency issued a Press Release on 8 August, reminding that there was an ongoing public debate until 17 August 2018, on the Agency's Guidelines on Media Coverage during the Referendum.

Considering that the public propaganda had already been started, The Agency indicated that, in the meantime, the broadcasters had to observe the provisions of the Law on Audio and Audiovisual Media Services, i.e. the paid public propaganda should be aired within the frameworks of the advertising limit of 12 minutes per each real hour, should be clearly separated from other contents and the entity that had commissioned it should be clearly stated. In this, all interested entities should be provided with equal conditions for access to the advertising time, with equal prices for all.

The Agency notified the State Election Commission (SEC) about this stance, both in writing and at a joint meeting, on the occasion of the Explanation that SEC had issued for the media on the media coverage on 3 August 2018. The Agency pointed out that the fact that the authorized proposer – in this case, the Parliament of the Republic of Macedonia – may run a public propaganda did not mean that it should have a "privileged access" to the media, either in terms of the airtime use, or in terms of the advertising prices.

### Guidelines on Media Coverage during the Referendum Adopted

Following the closure of the public debate, at its 34<sup>th</sup> session, held on 17 August 2018, the Agency Council adopted the Guidelines on Media Coverage during the Referendum.

The Guidelines contain the rules applying to the commercial broadcasters and the public broadcasting service regarding the manner of reporting and their media coverage aired in the daily information shows, special information and other programmes, the rules on announcing the results of public opinion polls, paid public propaganda, reporting on the days of pre-referendum silence, etc.



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### **Public Debate Opened on the Draft Methodology for Monitoring Electoral Media Coverage by the Radio and Television Programming Services during Electoral Processes**

On 24 August 2018, the Agency opened a public debate on the text of the *Draft Methodology for Monitoring Electoral Media Coverage by the Radio and Television Programming Services during Electoral Processes*.

The need for this document resulted from the amendments to the Electoral Code related to electoral media coverage and to the Agency's competences. The document incorporates all relevant provisions regarding media coverage during elections and defines the manner in which the Agency will be conducting the monitoring.

The Agency has called on all interested parties to take part in the public debate by submitting their opinions and proposals in writing, electronically, to [contact@avmu.mk](mailto:contact@avmu.mk), by 22 September 2018 at the latest.

### **Study Prepared on the Regulatory Framework for Media and Online Media**

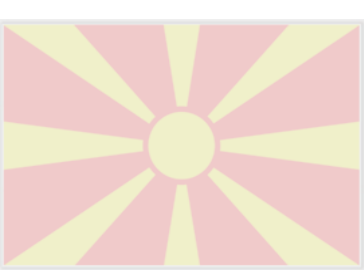
A study was prepared for the needs of the Agency for Audio and Audiovisual Media Services, with expert assistance from the Council of Europe, titled "Regulatory Framework for Media and Online Media – Macedonian Case Study". The study makes a comparative analysis of the EU member states' legislations concerning online media, their definition and regulation, and offers recommendations for possible amending and supplementing of the existing legal framework.

The analysis indicates that, in the EU member states, the material scope of the regulatory framework concerning the media is limited to audiovisual media services, as defined by the AVMS Directive, due to which it does not cover online media – as these are mainly not audiovisual. Nevertheless, in several countries, as stated in the study, one can find definitions about the online media (or electronic media or similar concepts), either in their laws on audiovisual media services or, more often, in concrete laws on the media. The study is available in Macedonian and in English on the Agency's website, [www.avmu.mk](http://www.avmu.mk), and will soon be translated into Albanian.

### **Analysis of the Employee Structure in the Audio and Audiovisual Media Industry in 2017**

In August, the Agency for Audio and Audiovisual Media Services prepared an analysis of the employee structure in the audio and audiovisual media industry in 2017, which presented data about the total number and structure of employees in the audio and audiovisual media industry in 2017, as provided by the public broadcasting service and the commercial broadcasters themselves.

The analysis was conducted in terms of the jobs which the employees were engaged for by the broadcasters (journalists, editors, managers, technical staff, production staff, marketing and other personnel), in terms of their education, gender and status (regular or part-time employment), as well as ethnicity.



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### Supervisions over broadcasters, print media and OPECN

#### Broadcasters

The Agency conducted regular programme supervision over Kanal 8 TV, Kocani LD TV, Svet TV and Zdravkin TV, concerning their fulfillment of the legal obligations pertaining to minors' protection, the rules on airing commercial communications, quizzes and other forms of prize-giving programme, as well as the use of value-added telephone services, tele-voting and lottery games.

The supervision found that, on 4 July 2018, Zdravkin TV from Veles had aired several feature programmes without displaying the signal for minors' protection throughout the broadcast, while the cinematographic movie "Venus and Vegas" had been aired at an inappropriate time of the day.

The Agency also conducted regular administrative supervision over these two television stations regarding their obligations to publish an Impressum, information that should be made available to the users, and the broadcaster's identification. Disregard for the obligation to publish an Impressum was detected in the case of Kanal 8 TV, while Svet TV, Kocani LD TV and Zdravkin TV were found to have violated the requirement to publish information that should be made available to the users. For the violations committed, all these broadcasters were issued warning measures.

As regards the obligations arising from the Rulebook on Minimum Technical, Spatial, Financial and Staffing Conditions Required for Obtaining a Radio or Television Broadcasting License, an ad hoc administrative supervision was conducted over Nova TV, which is in a state of bankruptcy, and it was established that this television station did not meet the minimum staffing conditions stipulated by the relevant Rulebook. On 15 August 2018, the bankrupt Nova TV notified the Agency that all employees that had had a status of employed persons on the day of commencing the bankruptcy procedure, had been sacked on the part of the bankruptcy trustee, and Nova TV no longer had any employees. After the bankruptcy procedure was initiated, the bankruptcy trustee had hired two persons. Due to the failure to meet the minimum staffing conditions stipulated by the Rulebook on Minimum Technical, Spatial, Financial and Staffing Conditions Required for Obtaining a Radio or Television Broadcasting License, at its 37<sup>th</sup> session held on 30 August 2018, the Agency Council withdrew the television broadcasting license from the bankrupt Nova TV.

Control administrative supervision was conducted over the BI-KI-AL Radio from Bitola, and it was established that the latter had met the minimum staffing conditions arising from the Rulebook on Technical, Spatial, Financial and Staffing Conditions Required for Obtaining a Radio or Television Broadcasting License. The BI-KI-AL Radio had submitted to the Agency documentation proving that this radio station had a total of three employees, of whom two had university education and were engaged as journalists.

Control supervision was conducted over the BI-KI-AL Radio to also verify if it had acted upon the warning measure issued due to its failure to publish data about its ownership structure, the editor in chief and other editors, and the sources of financing during the previous year. The supervision showed that, on 29 August 2018, the BI-KI-AL Radio had submitted to the Agency footage of its announcement of the required data, showing that it had met this legal obligation in full.

#### Print media

The Agency conducted control administrative supervision over the ZAMAN DOOEL Skopje Company for Manufacturing, Services and Trade, as the publisher of the ZAMAN weekly, to check if the latter had acted upon the previously imposed warning measure due to failure to publish circulation data regarding the ZAMAN issue No. 1155, which covered the period 28 August - 3 September 2018. The supervision showed that the weekly had acted upon the warning in full, i.e. had removed the violation against Article 14, Paragraph 1, of the Media Law.

#### OPECN

As regards the requirements for registering the programming services with the Agency and providing subtitles for the programmes that cable operators retransmit, the Agency conducted regular programme supervision over the Kabel, Kabel-Net, Inel International, Multimedia-Net, Robi and Transped Trejd cable operators. The supervision over Kabel-Net from Strumica indicated that the *Fight Box*, *Film Box*, *Film Box Extra*, *Film Box Arthouse* and *Docu Box* programming services that this operator retransmits had not been included in the programme service registration certificates issued by the Agency, due to which the latter imposed a warning measure against Kabel-Net. No violations were found with the remaining cable operators.

