

AGENCY FOR AUDIO AND
AUDIOVISUAL MEDIA SERVICES



NEWSLETTER

July, 2018

No. 07/2018

Agency Presents Draft Recommendations on Broadcasters' Media Coverage of the Referendum

On 31 July 2018, the Agency held a press-conference, at which it presented the Draft Recommendations on Broadcasters' Media Coverage of the Forthcoming Referendum, on the basis of which it would conduct the monitoring of the Public Broadcasting Service and the commercial broadcasters.

The need for these Recommendations resulted from the lack of precise rules in the Law on Referenda and Other Forms of Direct Expression of Citizens' Will, considering the way that media should perform the coverage, air public propaganda and respect the referendum blackout.

The Draft Recommendations are available at web-site www.avmu.mk and are open for public consultations until 17 August 2018. The Agency expects to receive constructive remarks and relevant proposals from all interested parties. the media in particular.

Agency's Press Releases

In July, the Agency published press releases on several occasions. It condemned and assessed as scandalous the amendments to the Electoral Code that the Parliament of the Republic of Macedonia had adopted through a shortened procedure. The amendments at issue refer to paid political advertising during electoral processes and the obligation to monitor media coverage by the internet portals, which, instead of being erased, was imposed on the State Election Commission to perform.

The political party of SDSM reacted to this press release, accusing the Agency of not having expressed any objections at the working meetings with OSCE, at which the amendments to the Law on Financing the Political Parties had been discussed and of not having taken up any action against the fact that fake news and hate speech were most present on the Internet portals.

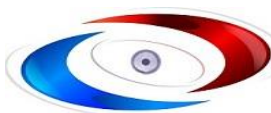
By means of a Press Release, the Agency refuted these untruths and pointed out, among other things, that the working meetings with OSCE, at which it had taken part, had not been dedicated to the Law on Financing the Political Parties but to the Electoral Code, on which the Agency had sent concrete amendments and remarks to the Work Group on Electoral Reforms. As regards fake news and hate speech on the Internet portals, it was stressed that the Agency could not take up any measures as the latter did not fall within the scope of entities it regulated.

Following the reactions of some of the photo-reporters, who had been prevented from freely performing their professional tasks during the meeting of the political party leaders at the Parliamentarians' Club on 18 July, the Agency appealed to find an appropriate way in which media workers would be allowed free access to all events of public interest, even in conditions when special security measures were introduced. It reminded that preserving the dignity of the journalistic profession was particularly important and, due to this, any arrogant and unbecoming behavior towards the media representatives was unacceptable.

In accordance with the efforts for open and transparent operation and the Macedonian Government's initiative for accountability of the public office holders with regard to their expenditures, the Agency informed the public about the expenditures incurred by Agency Director Zoran Trajchevski during the period 1 January – 30 June 2018.

Agency Council Opened a Procedure to Donate Funds

Considering that human tragedy knows no borders and sympathizing with the families of the victims who had lost their lives in the fires that had struck the Republic of Greece, the Agency Council adopted, at its session held on 26 July, a decision to open a procedure for donating funds to the victims in the amount of 1,000,000 MKD.



AGENCY FOR AUDIO AND
AUDIOVISUAL MEDIA SERVICES



NEWSLETTER

CPD Decides against Initiating Proceedings against Alfa TV on Discrimination Grounds

The Commission on Protection against Discrimination submitted its correspondence to the Agency informing it that it would not initiate proceedings against Alfa TV for ethnic-based discrimination committed in the Milenko Nedelkovski Show, aired on 27.01.2018, because the show is an independent external project and the television station had dissociated itself from the standpoints presented in the show before its beginning.

The Agency pointed out that these claims were not correct, as the Law clearly and unambiguously locates the responsibility with the broadcasters for all contents that they air in their programmes, the more so because the show had not been aired live but had been recorded prior to its broadcasting and Alfa TV could have intervened editorially. The Agency expressed hope that the Commission would reconsider its stance not to initiate a procedure against Alfa TV.

Analysis of the Market of Audio and Audiovisual Media Services in 2017

In July, the Agency published an Analysis of the Market of Audio and Audiovisual Media Services in 2017, which covers the economic operations of the broadcasters in 2017, i.e. data about the total revenues, the broadcasters' shares in the total revenues, their income structure, total expenditures, share in the total expenditures and the expenditures' structure, the performance results, and the average number of regular employees. It also contains data about the television and radio stations' audience measurement in 2017. The Analysis is available on the website www.avmu.mk.

Data on Radio Stations' Reach and Television Stations' Share in Total Viewership – Q 2, 2018

In July, the Agency published data on radio stations' reach and television stations' share in the total viewership in the second quarter of 2018. The same may be seen on the website www.avmu.mk.

Public Debate Opened on the Draft Guidelines on Meeting the Requirements to Publish Impressums and Information that Should be Made Available to the Users

On 27 July 2018, the Agency opened a public debate about the text of the Draft Guidelines on Meeting the Requirements to Publish Impressums and Information that Should be Made Available to the Users, and called on all interested parties to submit their proposals electronically, in writing, to the following e-address: contact@avmu.mk. The public debate will be open until 27 August 2018 (Monday).

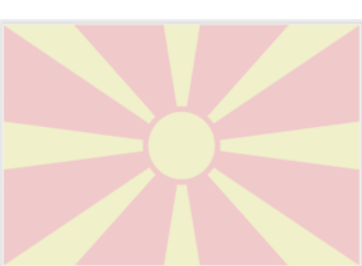
Supervisions over the Broadcasters, Print Media and OPECN

Broadcasters

A number of regular, control and ad hoc supervisions were conducted over the broadcasters in July.

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

The same television stations underwent regular administrative supervision regarding their obligation to publish Impressums, information that should be made available to the users, and broadcaster 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. The supervision over these television stations regarding the amount of programme aired daily, the per cent of originally created programme and the language in which the programme is aired, indicated violations of the obligation to air originally created programme, while Svet TV had also violated the language-related requirement. Warning measures were imposed against the committed violations.



NEWSLETTER

As regards the obligations regarding language use in the broadcasters' programmes, airing of 8 hours of programme daily on television and airing originally created programme, regular programme supervision was conducted over TV Studio Tera, KTV, TV Uskana, TV M and TV Topestrada. KTV, TV USKANA and TV M were found to have acted contrary to the law, failing to air 50 % of programme originally created in the RM, due to which they were issued warning measures.

Regarding the observance of the obligation to publish data about their ownership structure, editors and financing sources in 2017, regular supervision was conducted over the work of all 123 broadcasters. Disregard for this obligation was detected in the cases of Nova TV, TV Klan Makedonija, TV Gurra and Radio Bi-Ki-AL., due to which they were issued warning measures. After the control supervision, the BI-KI-AL Radio and TV Klan Makedonija submitted footage of their announcements of the required data within the additional deadline that was given to them. Showing that they had met this legal requirement in full. TV Nova and TV Gurra were found in violation of this requirement again.

Regular programme supervision was conducted over TV Art Channel regarding the obligation to provide European audiovisual works and works by independent producers. The Agency established that that the legal requirements had been observed.

Acting upon a complaint it had received, the Agency conducted an ad hoc programme supervision over the current affairs show titled "Only the Truth" ("Samo vistina"), aired by Kanal 5 TV on 16 July 2018, in order to check if the guest of the show had used inflammatory language, which is a form of incitement of violent destruction of the constitutional setup, i.e. if she had violated Article 48 of the LAAVMS. The supervision found no violation of the relevant Article.

An ad hoc [administrative supervision](#) was conducted over TV Kanal 5 Plus, TV Kaltrina, RTV DRINI, Skaj Radio Plus, and BI-KI-AL Radio, concerning their fulfilment of the obligations arising from the Rulebook on Minimum Technical, Spatial, Financial and Staffing Conditions Required for Obtaining a Radio or Television Broadcasting License. The supervision showed that these broadcasters did not meet the minimum staffing conditions stipulated by this Rulebook.

Control programme supervision was conducted over Shenja TV regarding the obligation to air originally created programme, and it was found that it had not acted upon the Decision to Impose a Warning Measure previously sent to this television.

Control [administrative supervision](#) was conducted over TV Alsot M, TV Art Channel, G-TV Televizija, TV Gurra, Kanal-21, TV Moris, Nasha TV, RTV ORBIS, TV Topestrada, TV Kaltrina, TV Kanal Vis, TV Kobra, Televizija Plus, TV Shutel, TV Sitel 2, Televizija Uskana Eden, TV Uskana Media, and the radios Mappedito-Radio MEFF, BI KI AL, Endjels FM, Hit, Akord, Radio Kochani, La Kosta, Uskana Plus, RTV Drini, Super Radio, Univerzitetsko Radio UGD FM, B-97, Buba Mara, Kapitol FM, Klub FM, Lajf, Radio 106, Antena 5, Balkan FM, Fortuna, Pro FM, RFM Siti Radio and Skaj Radio Plus. [to verify if they had acted upon the Decision to impose warning measures against them, due to failure to meet the requirement to submit, by 31 March of the current year at the latest, written reports on the fulfilment of their obligations specified in the radio broadcasting licenses – the implementation of their programming concepts, in particular. The conducted supervision found that](#) all 24 radio stations had acted in line with the warning and had submitted the required reports within the extended deadline.

The Agency conducted control administrative supervision over ART CHANNEL TV, SHENJA TV and ALSAT-M TV, concerning their obligation to publish Impressums, as well as over NOVA TV, regarding the requirement to publish information that should be made available to the users and the broadcaster's identification. The supervision over NOVA TV showed it had not acted in line with the law. Control supervision was also conducted over RTV ORBIS, establishing that it had met the obligation to publish data on its ownership structure, editors, sources of financing, revenues and expenditures in 2017.

Print Media

The regular administrative supervision conducted over the Jeni Balkan and Zaman print media outlets established disregard for the obligation to publish data about their circulation. The Agency imposed warning measures and gave the two print media outlets a 30-day deadline to harmonize their operations with the relevant provisions of the Media Law.

OPECN

Regular programme supervision was conducted over the Altra-Sat 2000, KDS-Kabel Net, Pet Net and Vinsat Kabel operators, regarding their obligations to provide subtitles and to register their programming services with the Agency. The supervision found that the legal provisions had been observed.

