

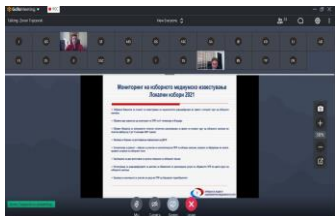


## NEWSLETTER

December 2021

No.12

### Agency Holds Last Public Meeting in 2021



On 24 December 2021, the Agency for Audio and Audiovisual Media Services held its last public meeting for this year. Considering the current situation related to the Covid-19 pandemic, the meeting was held using a video conference link. At the meeting, Agency Director Zoran Trajchevski presented a summary of the activities carried out as part of the Annual Work Programme during the past three months.

Those attending had an opportunity to hear about the activities related to the monitoring of broadcasters' coverage of the local elections, the supervisions conducted over broadcasters, operators of public electronic communications networks, providers of on-demand AVMS and print media publishers, the public warning measures pronounced and activities in the field of international cooperation.

Also presented at the meeting were the findings of the [Study of the Capacities for Introducing Digital Radio](#) in the country, which *Target Komunikacii*. had prepared for the Agency's needs. The purpose of the Study was to analyze the existing infrastructure (receiver base, transmitters) for introducing digital radio, and to explore the possibilities offered by the DAB/DAB+ technology. Taking into account the results of the analyses of technical and commercial nature, the study proposes to introduce DAB+ technology of dedicated multiplex, whereby the right to operate would be assigned to the "National Broadcasting" Public Enterprise. Additionally, in order to carry out a successful transition from FM to DAB radio broadcasting, it has been proposed to undertake activities that would help overcome the identified risks (a large number of FM radio receivers, economic return of the investment, appropriate promotion of new technology).

Discussed at the meeting were the results of the [Analysis of the Capacities and Needs for Introducing DVB-T2](#), also prepared by *Target Komunikacii*. The need for this Analysis had resulted from the Agency's obligations and practice to oversee and give recommendations for the introduction of new technologies in the media sphere, i.e. the area of media content transmission. The Analysis contains a description of the current state of play regarding digital television broadcasting. It explores the possibilities offered by the DVB-T2 technology and gives recommendations and proposals for its introduction. Based on analyses of technical and commercial nature, it is proposed that the DVB-T2 technology be introduced in 2026. In the meantime, it is recommended to take actions that would help overcome certain risks (free capacity of the existing multiplexes, the large number of DVB-T receivers, the inability to simultaneously broadcast free channels in DVB-T and DVB-T2 due to the lack of additional frequencies), and to prepare a plan for introducing DVB-T2 technology.

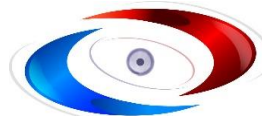
### Radio Stations May Voluntarily Declare Amounts of Domestic Music They Intend to Air by 5 January 2022

On 10 December 2021, the Agency informed, regarding the legally prescribed option for the radio stations to voluntarily declare the percentages of domestic music they intend to broadcast, that the radio stations that would decide to broadcast domestic music in 2022, should report the intended amounts to the Agency **no later than 5 January 2022**, in order to have their license fees deducted.

For the voluntarily registered percentage of domestic music, i.e. music in Macedonian and in the languages of the ethnic communities living in the country, the minimum deduction of the fee on these grounds may be 10%, and the maximum – 30%. The radio programme services may broadcast more than 30% of music in Macedonian and in the languages of the ethnic communities, however, their license fees shall be reduced up to 30%.

The registration is done in the way that the radio broadcaster submits a letter (signed and stamped) electronically, to the following e-mail address: [contact@avmu.mk](mailto:contact@avmu.mk).

The notification concerning the opportunity to voluntarily declare intended amounts of domestic music to be aired is available at the Agency's website, [www.avmu.mk](http://www.avmu.mk).



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### **Supervisions over Broadcasters, Operators of PECNs and Providers of On-Demand AVMS**

#### **Broadcasters**

Regular programme and administrative supervisions were conducted over the Marija-Blagovest Radio from Strumitsa, the UKLO FM University Radio from Bitola, Student FM 92.9 University Radio from Skopje and UGD FM University Radio from Shtip, regarding several legal obligations: the use of language in broadcasters' programmes, broadcasting of radio programme for at least 4 hours a day, broadcasting of the voluntarily registered percentage of Macedonian music, the rules for broadcasting commercial communications, providing quizzes or other forms of award-winning participation, use of value-added telephone services and telephone voting and broadcasting of games of chance, obligations related to the publication of Impressums, information required to be made available to the users and publishing of the identification sign of the broadcaster. During the supervisions, it was established that the Student FM 92.9 University Radio from Skopje had failed to provide the information that should be made available to the users in its programme broadcasted on 4 December 2021.

Having received a complaint from a natural person, the Agency conducted an ad hoc programme supervision over Alfa TV, regarding its observance of the obligations for protection of juvenile audience. The supervision found that the first four episodes of the feature series titled "The Magnificent," aired on 30 November and 1, 2 and 3 December 2021, had been categorized incorrectly and labeled as Category 2 programme (+8), and had been broadcasted at an inappropriate time period of the day, i.e. before 20:00 hrs.

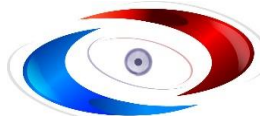
After the period determined for legal harmonization had expired, control and administrative supervisions were conducted over LAV Radio from Ohrid, regarding its obligations to publish data on its ownership structure, the responsible editor(s) and data on the funding sources throughout the previous year, as part of its own programme, and to submit footage of the announcement to the Agency within 15 days from the date of the announcement. The supervision found that the Decision on Imposing a Public Warning Measure had been fully acted upon.

#### **Operators of Public Electronic Communication Networks**

The Agency conducted regular programme supervision over the Mtel operator from Skopje regarding the operators' obligations to register their programme services with the Agency, provide subtitles for the programmes they retransmit and ensure that the programme packages they offer include the programme services of the public broadcaster free of charge. The supervision found that the cable operator at issue had been retransmitting to its users programme services that had not been covered by the programme service registration certificates issued by the Agency.

The Agency also conducted regular programme supervision over the Total TV operator regarding the obligation that the programme packages offered by the operators should, as a must and free of charge, contain the programme services of the public broadcasting service. During the supervision, it was concluded that this cable operator had not provided the programme services of "MRT 2", "MRT 3", "MRT 4" and "MRT 5" as part of its programme package.

Control programme supervision was performed over the Mtel operator, after the period allowed for legal harmonization with the pronounced measure issued for retransmitting unregistered programme services had expired. The supervision found that the Decision on Imposing a Public Warning Measure to discontinue the retransmission of the disputed TV channels had been fully acted upon.



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### Public Warning Measures Imposed Against Broadcasters and OPECNs

During December 2021, the Agency Council adopted several decisions to impose public warning measures.

At the 36<sup>th</sup> session held on 13 December 2021, the Agency Council adopted a decision to undertake a public warning measure against LAV Radio from Ohrid. The public warning was issued to the broadcaster because, even by the end of the second envisaged deadline, it had not published within its own programme data on the ownership structure, editor-in-chief /editors or the funding sources used in the previous year, and had not submitted footage of the announcement to the Agency within the 15 days following the date of publication.

At its 37<sup>th</sup> session held on 22 December 2021, based on supervision findings that had established non-compliance with the Law on Audio and Audiovisual Media Services and the Law on Media, the Agency Council adopted five decisions on imposing public warning measures – two public warning measures against Gurra TV from Kicevo for having failed to broadcast at least 30% of programme originally created as Macedonian audiovisual works and for having failed to provide information that should be made available to the users.

Three public warning measures were imposed on G-TV Television from Gostivar due to failure to broadcast at least 30% of programme originally created as Macedonian audiovisual works; non-compliance with the rules for protecting juvenile audience and failure to provide adequate translation into Albanian, Macedonian or Turkish, i.e. the languages in which this media outlet broadcasts programme in accordance with its license.

At its 38<sup>th</sup> session held on 24 December 2021, based on the findings of the programme supervision performed which had detected non-compliance with the obligation to register the programme services that the Mtel operator from Skopje had been retransmitting to its users, the Agency Council adopted a Decision to Impose A Public Warning Measure and Seek to Discontinue Retransmission of the Disputed TV Channels.

At the same session, based on the supervision findings of non-compliance with the Law on Audio and Audiovisual Media Services and the Law on Media, six Decisions were adopted to impose public warning measures against three broadcasters.

A public warning measure was issued against Alfa TV from Skopje for non-compliance with the rules for protection of juvenile audience, while SITI Television from Skopje received a public warning measure for failing to broadcast at least 30% of programme originally created as Macedonian audiovisual works.

TV Due from Gostivar was issued four public warning measures due to failure to broadcast at least 30% of programme originally created as Macedonian audiovisual works; non-compliance with the rules for product placement; failure to provide information that needs to be made available to the users; and for not having published Impressum data.

