



## NEWSLETTER

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### OSCE/ODIHR Representatives Pay Working Visit to AVMU



A delegation of the OSCE/ODIHR Observation Mission, led by Ambassador Jillian Stirk, paid a working visit to the Agency for Audio and Audiovisual Media Services on 4 April 2024.

The key topic discussed at the meeting was the Agency's work during the 2024 Presidential and Parliamentary Elections, including the legal framework regulating the media coverage of the elections, as well as the manner in which the monitoring over broadcasters would be carried out during this period. Also, Ambassador Stirk informed the Agency about the objectives and the scope of the OSCE/ODIHR Mission during the elections.

### Panel Discussion Held on Political Advertising and Electoral Integrity



A panel discussion was held on 3 April 2024, dedicated to "Political Advertising and Integrity of Elections," organized by the Agency for Audio and Audiovisual Media Services and the International Foundation for Electoral Systems (IFES). The purpose of the event was to promote inter-institutional dialogue on the challenges of electoral integrity in relation to political advertising.

At the event's opening, the participants were addressed by AVMU Director Zoran Trajchevski and IFES Country Director Joana Kosma. Taking part in the event were also several stakeholders who discussed the various aspects of media environment during elections.

Representatives of the Agency for Audio and Audiovisual Media Services, the State Audit Office, the State Election Commission and the State Commission for Preventing Corruption discussed the challenges in the legal framework governing paid political advertising, the experiences from previous electoral processes and the factors undermining the transparency of political advertising.

At the panel dedicated to political advertising in the new EU legislative initiatives, representatives of the European media regulatory bodies from Italy and Slovakia shared information on the rules regulating political advertising, contained in the 2022 strengthened code of practice on disinformation and the transparency and targeting of political advertising.

### Presidential and Parliamentary Elections 2024

On April 16, the Agency for Audio and Audiovisual Media Services published the Second Report on Monitoring Media Coverage of the Presidential and Parliamentary Elections covering the period from March 8 to April 3, 2024. The monitoring covered nine national programming services – MRT1; MRT2; Alsat-M TV; Alfa TV; Kanal 5 TV; Sital TV; Telma TV; 24 Vesti TV and 21-M TV, focusing on the news items in their central news editions/TV journals, related to pre-election topics and the domestic current affairs and social and political developments, as well as other types of shows within this thematic scope.

As expected, topics related to the presidential candidates were present at the regular programme slots for debates and interviews, the main topic being the placing of presidential candidate Stevcho Jakimovski on the USA's "black list". In the news, apart from the parties' mutual accusations and partisan speculations, there were also critical journalist stories about the immediate, current problems that contained expert, legal and economic warnings as well as civil or trade union-organized notifications. In most of the cases, journalists' experience and professionalism came to the fore throughout the debates and interviews, while the journalistic items and the special current-affairs information shows, in which methodologically grounded and verifiable surveys by a civil society entity or of a foreign institution with a real (financial/consultative) stake in the domestic processes were the instigators and drivers of the objective analysis of the socio-political state of play in various departments, proved to be extremely important. This time as well, in the monitored period, the absence of the "second side" was observed in debates and interviews with some media.

During this period, there were no violations of the Electoral Code or the Law on Audio and Audiovisual Media Services on the broadcasters' part. As regards the hearing impaired, MRT 1 and TV 24 Vesti were the only ones to have provided sign language translation in one of their news editions daily. The Report on the Monitoring of Media Coverage for the period March 8 – April 3, 2024 is available at this [link](#).



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During the first round of the 2024 Presidential Election campaign, the monitoring of the electoral media coverage showed that in its programme aired in the period from 4 to 22 April, TV Klan Macedonia violated Article 75 Paragraph 1, in relation to Article 75, Paragraph 4, Indent 1 of the Electoral Code, i.e. the television did not provide information about the election process in a format accessible to persons with disabilities, i.e. by using sign language, subtitles, tonal description or other tools to ensure accessibility, not even in at least one news edition of daily level, nor in other programming content on a weekly level broadcast in the period from 16:00 to 24:00.

At TV Klan Macedonia, the Agency found a violation of Article 76-b paragraph 3, and in connection with Article 69-a paragraph 2 of the Electoral Code, of the program broadcast on April 23 and 24, i.e. during the reporting during the election silence for the first round of the election campaign for the Presidential elections, the television in several of its programs/contents broadcasted information and audiovisual materials related to or in which participants in the elections participate. For both violations, misdemeanor proceedings were initiated.

On two occasions through public announcements, the Agency reminded the broadcasters of the rules of the Electoral Code. On April 9, it was informed that with monitors during the election media presentation for the Presidential Election 2024, it was ascertained that, contrary to Article 76 paragraph 3 of the Election Code, minors are participating in paid political advertising of the presidential candidates Stevo Pendarovski and Bujar Osmani. In the announcement, it was pointed out that the commissioners are responsible for the content of paid political advertising, but the broadcasters are responsible for the legality of its broadcast. On April 22, the Agency reminded that the electoral silence for the first round of the 2024 Presidential Elections begins from midnight on April 24 at 7 p.m. It was pointed out that during the silence, the media coverage in the news and in special-information shows of the participants in the election campaigns

### Press Releases

On 18 April, the Agency reacted most strongly against Alfa TV's attempt at exerting pressure on the regulatory body by airing malicious information in its show "Zaspj ako mozes" ("Fall asleep if you can"), premiered on 16 April 2024, where journalist Goran Momirovski asserted, among other things, that the Agency interfered in the Alfa TV's editorial policy, and threatened Alfa TV informally, claiming that the latter could be closed unless it ensured "*some kind of balance, which is very subjective*". In its reaction, the Agency pointed out, inter alia, that, ever since the beginning of the Presidential Elections campaigning, certain employees of Alfa TV had turned to the Agency on several occasions, seeking clarification of the provisions of the Electoral Code, and had received timely replies to each of their inquiries. As regards the journalist's conclusion that the Agency had produced the criterion according to which any broadcaster would not have its broadcasting license renewed unless it reported on a balanced fashion throughout any electoral process, the Agency underlined that this criterion was laid down in the LAAVMS. The Agency sought from Alfa TV to publish its reply to the claims of journalist Goran Momirovski as soon as the next edition of the above-mentioned show.

As regards the information aired by TV Uskana Media that a journalist of this television station had been denied permission to make a report regarding the number of students and employees of the Naim Frashri Primary School in the village of Pirok, Municipality of Bogovinje, the Agency reminded on April 18 that the institutions should be open and transparent and should make every effort to provide media representatives with unhindered access to the requested information. In its press release, the Agency pointed out that media workers, while performing their work, which is of public interest, should be free from any threats and intimidation, while, on their part, they should manifest professional responsibility and respect ethical and journalistic principles and standards of reporting.

On 12 April, the Agency condemned the repeated labelling and discrediting of Kanal 5 TV in the announcement of the Levica (the Left) political party president Dimitar Apasiev on Facebook.

In the press release, the Agency pointed out that the leader of Levica had displayed an extremely inappropriate conduct, threatening the freedom of information and violating media workers' dignity. The use of vulgar phrases, as well as expressions that may incite hate speech on the part of his followers on the social networks, is totally unacceptable and may jeopardize the safety of media workers. Politicians and public office holders must be aware of the weight of the words they utter and the responsibility they have before the citizens and must demonstrate the highest level of respect for the journalistic profession and the media. This is part of the standards laid down in the Code of Conduct in the Online Sphere during Electoral Processes and Referenda, to which the Levica political party had voluntarily committed itself.

As regards the case related to the journalist Furkan Saliu, on 7 April 2024, the Agency called on the Ministry of Internal Affairs to immediately, i.e. at the soonest time possible, clear the case and inform the public about the reasons for his detention accordingly. At the same time, the Agency expressed its expectation that the Ministry of Interior should respect the legal procedures and journalist Saliu's rights consistently, and that the political parties would not use this case for petty partisan purposes, so as not to cause spread of speculations and disinformation until the case is completely cleared up.



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На 5 април преку соопштение за јавност беше осуден вербалниот напад на новинарка и снимател од ТВ 24 Вести од страна на непознато лице, за време на партискиот митинг на ВМРО ДПМНЕ. Агенцијата неколкупати досега реагираше за ваквите случаи и повторно потсети дека напад врз новинарите од кој било вид е апсолутно неприфатлив и дека новинарските работници не смеат да бидат попречувани во вршењето на нивните професионални задачи.

### Надзори врз радиодифузери, ОЈЕКМ, даватели на АВМУ по барање и печатени медиуми

#### Радиодифузери

Агенцијата изврши редовен административен надзор врз сите 99 радиодифузери коишто емитуваат телевизиска или радио програма, за обврската до 31 март на посебен образец да и достават податоци за сопственичката структура, одговорниот уредник/уредници, изворите на финансирање во претходната година остварените вкупни приходи и расходи во претходната година од обезбедувањето на дејноста и за просечната гледаност или слушаност во претходната година. Надзорот покажа дека оваа обврска не ја исполнија радио Галакси-2002 од Кавадарци и радио Про-ФМ од Гостивар. Извршен е и редовен административен надзор врз 98 радиодифузери за обврската најдоцна до 31 март да објават податоци за сопственичка структура, уредништво и извори на финансирање во претходната година. Со надзорот беше констатирано дека обврската ја исполниле сите радиодифузери.

За да се констатира дали некој радиодифузер извршил промена во сопственичката структура без претходно да ја извести Агенцијата и пред истата да биде одобрена од страна на АВМУ, извршен е вонреден административен надзор врз 40 телевизии. Со надзорот беше констатирано дека нема прекршувања на ЗААВМУ. Вонреден административен надзор за исполнувањето на обврските од ЗААВМУ и Правилникот за минимални технички, просторни, финансиски и кадровски услови за добивање дозвола за радио и телевизиско емитување е извршен врз Г-ТВ Телевизија од Гостивар, каде беше констатирано дека одговорниот уредник на телевизијата е вработен кај радиодифузерот во редовен работен однос и со полно работно време.

#### Оператори на јавни електронски комуникациски мрежи

Агенцијата изврши редовен програмски надзор врз операторите Датаком ЈВ, Македонски Телеком, Неотел и Спајдер за обврската во програмскиот пакет којшто го реемитуваат задолжително и бесплатно да ги обезбедат програмските сервиси на јавниот радиодифузен сервис, како и за обврските за регистрација на програмски сервиси во Агенцијата и титлување на програмите коишто ги реемитуваат. При надзорите не се констатирани прекршувања.

#### Даватели на АВМУ по барање

За обврските коишто се однесуваат на пренесување на кинематографски дела и заштита на малолетните лица, извршен е редовен програмски надзор врз давателите на АВМУ по барање Македонски Телеком, А1 Македонија, Свод Мастер и Мтел. При извршениот програмски надзор не се констатирани прекршувања.

#### Печатени медиуми

Агенцијата спроведе редовен административен надзор врз 21 издавач на печатен медиум со цел да констатира дали истите ги објавиле податоците за сопственичката структура, податоците за називот и седиштето на правните лица или името и местото на престојување на физичките лица кои се сопственици на акции или на удел кај издавачот на медиумот со податоци за процентот на акциите или уделот кој го стекнале и датумот на стекнување, кои се должни да ги објават во најмалку еден дневен весник, еднаш годишно, најдоцна до 31 март во тековната година и исечок од објавата да му достават на надлежното регулаторно тело во рок од 15 дена од денот на објавувањето. Надзорот покажа дека печатените медиуми ги исполниле законските обврски.

#### Изречени мерки јавна опомена

Врз основа на констатации од надзор, Советот на Агенцијата на 14-та седница одржана на 8 април 2024 година, донесе две Решенија за изрекување на мерка јавна опомена. Едното за кабелскиот оператор СПАЈДЕР ДОО од Гевгелија за реемитување програмски сервис којшто не е регистриран во Агенцијата, и второто за печатениот медиум КОЛОП МЕДИА ПЛУС од Скопје издавач на "The Economist" затоа што во изданието бр.6 од декември 2023 година не ги објавил податоците за адресата на седиштето на издавачот на печатениот медиум и податоците за адресата на уредништвото.

