

**Republic of North Macedonia**

**Agency for Audio and Audiovisual Media Services**

**No. 01-4897/1**

**22.11.2024**

**Skopje**

Pursuant to Article 18, Paragraph 1, Indent 8, and Article 20, Paragraph 1, Indent 11[[1]](#footnote-1) of the Law on Audio and Audiovisual Media Services ("Official Gazette of the Republic of Macedonia" Nos 184/13, 13/14, 44/14, 101/14, 132/14, 142/16, 132/17, 168/18, 248/18 and 27/19, and "Official Gazette of the Republic of North Macedonia" Nos 42/20, 77/21, 154/23, 55/24 and 193/24), in relation to Article 54 of the same Law, in accordance with Article 15, Paragraph 1, Indent 7 and Article 39, Paragraph 1, Indent 11 of the Rules of Procedure of the Agency for Audio and Audiovisual Media Services (Consolidated Text) No. 01-3732/1 dated 29.07.2019, and the Conclusion of the Agency Council Ref. No. 02-4253/7, dated 18 October 2024, a consolidated text has been prepared of the Rulebook on Sponsorship.

The consolidated text of the Rulebook on Sponsorship includes: the Rulebook on Sponsorship Ref. No. 01-1876/1 dated 12.03.2015 and the Rulebook Amending and Supplementing the Rulebook on Sponsorship, Ref. No. 01-4325/1 dated 21.10.2024.

 **RULEBOOK ON SPONSORSHIP**

 **(Consolidated Text)**

1. **GENERAL PROVISIONS**

 **Article 1**

 **Subject matter of the Rulebook**

This Rulebook prescribes the manner of implementing the provisions concerning sponsorship on the part of the providers of audio and audiovisual media services (broadcasters and providers of on-demand audiovisual media services).

**Article 2**

**Definitions**

For the purposes of this Rulebook, certain expressions shall have the following meaning:

* *Audiovisual commercial communications* shall mean images, with or with no sound, which are created to:
* promote, directly or indirectly, the goods, services or the image of natural and legal persons pursuing an economic activity, or
* popularize an idea or activity or to achieve some other effect.

Audiovisual commercial communications accompany or are included in a programme or a user-generated video in exchange for monetary or other type of consideration or for the contracting party’s self-promotional purposes. The forms of audiovisual commercial communications include *inter alia* television advertising, teleshopping, sponsorship and product placement;

* *Audiocommercial communication* shall refer to content created to:
* promote, directly or indirectly, the goods, services or the image of natural and legal persons pursuing an economic activity, or
* popularize an idea or activity or to achieve some other effect.

Audiocommercial communications accompany or are included in a programme in exchange for monetary or other type of consideration or for the contracting party’s self-promotional purposes. The forms of audiocommercial communications include *inter alia* radio advertisements, sponsorship and product placement;

* *Advertising* shall mean any form of communication broadcasted or published in exchange for monetary or other type of consideration or for the self-promotional purposes of a natural or legal person relating to:
* trade, business, craftsmanship or a profession, so as to promote an assortment of products and services, including immovable property, rights and obligations, in exchange for payment, or
* popularization of an idea or an activity, or in order to achieve other effects;
* *Product placement* shall mean any form of audio or audiovisual commercial communication consisting of inclusion of or referencing a product, a service or a trademark, in a programme or a user-generated video, in the way that they are incorporated into its action, in exchange for payment or a similar consideration;
* *Sponsorship* shall mean any contribution on the part of a legal or natural person not involved in the provision of audio or audiovisual media services or services by video-sharing platforms, or in the production of audio or audiovisual works, for the purpose of financing audio or audiovisual media services, services by video-sharing platforms, user-generated videos or programmes, with the aim of promoting their name, trademark, image, activities or products;
* *User-generated video* is a set of moving images, with or without sound, regardless of its duration, constituting a separate element, created by a user and uploaded to a video sharing platform by that user or by another user.

 **Article 3**

**Editorial independence and integrity**

Sponsorship must not affect the editorial independence or the integrity of audio and audiovisual media services, programmes and user-generated videos.

Sponsors must not influence the specifics of the script, content, structure, production, broadcasting time, or schedule in the programme catalogue of the specific programme/user-generated video.

Sponsored audio and audiovisual media services/programmes/user-generated videos must not become a means for promoting the sponsor or their interests.

The users of services must be clearly and unambiguously informed about the existence of a sponsorship agreement.

**Article 4**

**Restricting sponsorship in certain programmes**

Sponsorship shall be prohibited within the following types of programmes and other segments, as specified by the Guidelines on the Manner of Classifying the Types of Audiovisual and Audio Programmes [[2]](#footnote-2):

* Programmes with an informative function: news and TV or radio journals, current affairs programmes, current affairs programmes with documentary approach, current affairs talk shows and any type of programmes with an informative function covering religious/theological topics;
* Programmes with an educational function: documentaries covering religious topics;
* Other segments: religious programmes, services and sermons.

If a documentary programme (with the exception of those specified in Paragraph 1 of this Article) or a children's programme is sponsored, it is not allowed to indicate the sponsor for the duration of the said programme.

 **Article 5**

 **Sponsorship prohibitions**

Legal entities or individuals whose main activity is the production and/or sale of the following products or services cannot be sponsors of audio and audiovisual media services/programmes/user-generated videos:

- drugs,

- cigarettes and other tobacco products,

- electronic cigarettes and their refills,

- alcohol and alcoholic beverages, except wine and beer, and

- weapons, firearms and pyrotechnics.

Natural or legal persons whose activities include the production or sale of medical products and/or medical treatments may sponsor audio and audiovisual media services, programmes and/or user-generated videos, provided that the sponsorship promotes only their name or image, but not specific medical products or medical treatments available exclusively on prescription.

**Article 6**

**Sponsorship and advertising**

Sponsor identifications are not considered as advertising and shall, therefore, not be counted towards the permitted broadcasters’ advertising airtime.

In the blocks of advertising and teleshopping spots aired as part of the sponsored programmes, it is permitted to broadcast advertisements and teleshopping spots by the programme sponsors, however, these shall be counted towards the permitted advertising airtime.

As an exception, it is also permitted to broadcast isolated advertising and teleshopping spots by the sponsors within the programmes. These must be clearly and unambiguously separated from the rest of the programme by means of opening and closing credits/jingle, and these, too, shall be counted towards the broadcasters’ permitted advertising airtime.

**Article 7**

**Sponsorship and product placement**

 The trademark, the name, the products or services of a legal or natural person may also be published or mentioned in the course of s audio and audiovisual media services/programmes/ user-generated videos based on the existence of a specific commercial agreement with the providers of audio and audiovisual media services, which refers to product placement.

 Therefore, the sponsored audio and audiovisual media services/programmes/user-generated videos, which at the same time contain product placement, are subject to both the rules under the Guidelines on Implementing Product Placement Provisions and the rules of this Rulebook.

1. **SPONSORSHIP IDENTIFICATION RULES**

 **General rules**

**Article 8**

**Indication and content of the identification**

In the sponsored audio or audiovisual media services, programmes and user-generated videos, sponsorship should be clearly indicated, in an appropriate manner, at the beginning, during and/or at the end of the [broadcasted] content.

The sponsor should be clearly identified stating their name, logo and/or any other mark, such as mention of their products or services or their distinctive mark, by using the word ‘sponsor’ or other adequate expressions (e.g. “supported by,” “in collaboration with,” “brought to you by”, “in partnership with” and others).

When indicating the sponsor(s), their advertising or teleshopping messages must not be aired/announced.

Sponsor identifications should be neutral and independent of the sponsored content and should be easily distinguishable from the other forms of audio and audiovisual commercial communications, such as advertising and teleshopping.

The identifications must not contain promotional statements about the sponsors, nor encourage the purchase or rental of their products or services, in particular by making special promotional references to those products or services.

Considered as special promotional references shall be the following: direct calls to purchase or rental of the sponsors' products or services; stating the prices, advantages, quality and efficiency of the products or services; indicating the position of the sponsors in the market; stating information on where or how the products or services can be purchased or ordered; stating the sponsors' advertising slogans that refer to the purchase or rental of the products or services, etc.

**Article 9**

**Sponsors in the programming titles or names**

The trademarks or names of sponsors and their products or services may be used as titles, i.e. programming names, under the following conditions:

* compliance with the legally established general principles applying to audio and audiovisual commercial communications;
* compliance with the sponsorship provisions;
* when mentioning the name of the programme, no qualifications must be used about the sponsors that would constitute an encouragement to use their products or services, i.e. surreptitious advertising of the sponsors;
* the name must not be used in the programme’s scenography;
* the mention of the programming name must not be too frequent so as not to result in an overexposure of the sponsor, as a too frequent or intrusive highlighting of their name, trademark, image, activities, products or services would give them undue prominence and would undermine the integrity of the programme, the rights of its authors, as well as editorial independence.

Sponsors’ slogans used in their previous or current advertising campaigns must not be used as programming names.

**Article 10**

**Promotional announcements**

In the promotional announcements for sponsored audio or audiovisual media services, programmes and user-generated videos, sponsors may be identified verbally and/or visually by inserting the sponsor’s marks.

The sponsor’s mention must be brief and unintrusive, without any qualifiers.

**Article 11**

**Ways of identification**

The sponsors of audio and audiovisual media services/programmes/user-generated videos may be identified in a number of ways, depending on the type of media service, including by way of:

* announcements by the host/presenter/journalist;
* airing information in a moving chyron, using the split screen technique;
* inserting the sponsor's logo, their name, the name or image of their recognizable product or trademark, in an appropriate corner of the content, or at an appropriate place in the programme catalogue;
* airing information in the opening and/or closing credits of the programmes/user-generated videos;
* special jingles, etc.

**Article 12**

**Duration and frequency of the identifications**

Each individual identification of the sponsors of audio and audiovisual media services/programmes/ user-generated videos, depending on the type of the media service, may last for a minimum of 5 seconds and a maximum of 30 seconds.

Visual sponsor identifications must be easily noticeable, must not be too large, and must not cover essential parts of the action, such as, for instance, the characters or the subtitles, nor compromise the integrity of the programme or user-generated video in any other way, and must not cover the logo of the audiovisual media service provider, the programme category label, the split-screen advertising or any other labels intended to provide the viewer with information regarding the nature and/or characteristics of the programme/video.

The number of sponsor identifications in the sponsored audio and audiovisual media services/programmes/ user-generated videos shall be decided by the audio and audiovisual media service providers depending on the type and nature of the media service. In doing so, they should take into account that frequent identifications may result in an overexposure of or giving undue prominence to the sponsors, which may undermine editorial independence and the integrity of the audio and audiovisual media services/programmes/user-generated videos.

1. **Final provisions**

**Article 13**

(Article 17 of the Rulebook on Sponsorship,

"Official Gazette of the Republic of Macedonia" No. 40/15 dated 13.03.2015)

 With this Rulebook’s entry into force, the Rulebook on the Ways of Sponsor Identification in the Radio and TV Programmes ("Official Gazette of the Republic of Macedonia" No. 72/07) shall cease to be valid.

**Article 14**

(Article 18 of the Rulebook on Sponsorship,

"Official Gazette of the Republic of Macedonia" No. 40/15 dated 13.03.2015)

This Rulebook shall enter into force on the day following its publication in the "Official Gazette of the Republic of Macedonia".

**Article 15**

(Article 17 of the Rulebook Amending and Supplementing the Rulebook on Sponsorship,

"Official Gazette of the Republic of North Macedonia" No. 219/24 dated 29.10.2024.)

This Rulebook Amending and Supplementing the Rulebook on Sponsorship (Ref. No. 01-1876/1 of 12.03.2015) shall enter into force on the day following its publication in the "Official Gazette of the Republic of North Macedonia", and shall be published on the website and on the bulletin board of the Agency for Audio and Audiovisual Media Services.

**Agency for Audio and Audiovisual Media Services**

 **President of the Council,**

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 **Lazo PETRUSHEVSKI**

1. Indents 8 and 9 have been deleted, please see: Article 8 of the Law Amending and Supplementing the Law on Audio and Audiovisual Media Services ("Official Gazette of the Republic of Macedonia" No. 248/18). [↑](#footnote-ref-1)
2. The Guidelines on the Method of Classifying the Types of Audiovisual and Audio Programmes are published in the "Official Gazette of the Republic of Macedonia" No. 171/14. [↑](#footnote-ref-2)