**REPUBLIC OF NORTH MACEDONIA**

**AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES**

**No.: 01-918/1**

**06.03.2025**

**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 conjunction with Article 60, Paragraph 4, and Article 91, Paragraph 4, 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) Ref. No. 01-3732/1 dated 29.07.2019; and in accordance with the Conclusion of the Agency Council, Ref. No. 023712/2 dated 12.09.2024, adopted at the 35th Session held on 12.09.2024, a Consolidated Text of the Rulebook on European Audiovisual Works and Works by Independent Producers was established.

The consolidated text of the Rulebook on European Audiovisual Works and Works by Independent Producers incorporates the Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers No. 01-5977/1 dated 04.12.2014, and the Rulebook Amending and Supplementing the Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers No. 01-З750/1, dated 13.09.2024.

**RULEBOOK ON EUROPEAN AUDIOVISUAL WORKS AND WORKS BY INDEPENDENT PRODUCERS**

**(Consolidated text)**

**Article 1**

**Subject Matter of the Rulebook**

This Rulebook prescribes the manner in which broadcasters operating at the state level shall ensure presentation of European audiovisual works and works by independent producers by their television programming services, as well as the manner in which the providers of on-demand audiovisual media services shall ensure the share and prominence of European works in their respective programme catalogues, the derogations from this obligation and the documents to be submitted to the Agency.

This Rulebook does not refer to the obligation of the providers of on-demand audiovisual media services to promote the production of and access to European audiovisual works, under Article 60 of the Law on Audio and Audiovisual Media Services.

**Article 2**

**Definitions**

Certain terms used in this Rulebook shall have the following meanings:

1. European audiovisual works are the works as defined in Article 3, Paragraph 1, Item 9 of the Law on Audio and Audiovisual Media Services, which originate from the member states of the European Union, from third European countries that are signatories to the European Convention on Transfrontier Television of the Council of Europe, or have been produced as part of agreements relating to the audiovisual sector, concluded between the EU and third countries;
2. Macedonian audiovisual works are works originally produced by citizens of the Republic of North Macedonia in the Macedonian language, as well as the works originally produced by citizens of the Republic of North Macedonia in the languages ​​of the ethnic communities that do not constitute the majority in the Republic of North Macedonia, as well as the works that are part of the cultural heritage in the Republic of North Macedonia;
3. Audiovisual cultural heritage works in the RNM are the audiovisual goods and phonographic goods that represent the cultural heritage of the RNM and are intended for public display;
4. Оwn-use production аudiovisual works are the works created on the initiative and under the organization of the broadcaster itself; works commissioned by the broadcaster (commissioned production) or produced as co-production.
5. An independent producer is a natural or legal person that offers production of audio or audiovisual works, provided that:

* they do not own a share in the broadcaster’s capital larger than 25%, and
* the broadcaster does not have a share in the producer’s capital.

1. A catalogue is a schedule of audiovisual media contents within a certain database, arranged in a way that makes it accessible to its users.

**Article 3**

**Services that are not subject to this obligation**

The obligation to ensure representation of European audiovisual works and works by independent producers does not apply to:

* television programming services exclusively dedicated to news, sports events, games, advertising, teleshopping and teletext services, and
* all television programming services of the Public Broadcasting Company of MAKEDONSKA RADIOTELEVIZIJA Skopje, with the EXCEPTION of the First Programming Service of Makedonska Televizija, to which this obligation applies.

**Article 3-a**

1. The obligation under Article 60, Paragraph 1, of the Law shall not apply to the providers of on-demand audiovisual media services with a small turnover, i.e. whose total income generated from the provision of on-demand audiovisual media services in the previous calendar year was less than EUR 5,000 in denar equivalent, or with low viewership, as follows:

* whose average number of active users in the previous calendar year was less than 1,000, in the case of an on-demand service used on a pay-per-view basis for each media content (TVOD);
* whose average number of active subscribers in the previous calendar year was less than 1,000, in the case of an on-demand service used on a monthly subscription basis (SVOD).

1. The average number of active users referred to in Paragraph 1, Indent 1, of this Article is calculated as the average number of unique users who actually rented video content during the calendar year.
2. On-demand audiovisual media service providers who consider that they meet the requirements of Paragraph 1 of this Article shall be obliged to submit to the Agency, no later than March 31, a request for exemption, to which they shall attach their final account and/or relevant evidence of the number of subscribers in the previous year.
3. The request for exemption must be accompanied by a notarized statement whereby the person responsible confirms under full criminal and material liability that the data stated in the request is correct.

**Article 4**

**Which works are not considered European audiovisual works**

European audiovisual works include all types of programmes aired by a broadcaster, except for the news or television news journals; sports events; games (with the exception of the quizzes); broadcasts or footages of sessions of government bodies; broadcasts or footages of socio-political events; info-services; programmes including horoscope, tarot readings, clairvoyants or dream interpretation; music videos, and content that is not subject to classification as set out in Point 17 of the Guidelines on the Method of Classifying the Types of Audiovisual and Audio Programmes[[2]](#footnote-2) (audiovisual commercial communications; announcements by the broadcaster regarding their own programmes; announcements of public interest; appeals for charitable purposes; intermezzos; religious programmes, services and sermons; physical culture and recreation programmes, and opening and closing credits, jingles and adverts).

**Article 5**

**Method of calculating the share of European audiovisual works**

The percentage of European audiovisual works is calculated based on the total airtime allocated throughout the year for broadcasting the types of programmes not excluded under Article 4 of this Rulebook.

The percentage of European audiovisual works shall include only two airings of each work (the premiere and the first rerun) throughout the year, regardless of the year of production.

The European audiovisual works also include audiovisual works produced by the broadcasters themselves and the Macedonian audiovisual works.

**Article 5-a**

**Method of ensuring the share and prominence of European audiovisual works in the programme catalogue**

1. The share of European works in the programme catalogues of on-demand audiovisual media service providers under the jurisdiction of the Republic of North Macedonia should be at least 30%.
2. When calculating the share of European works in the catalogue, audiovisual content referred to in Article 6, as well as pornographic content, shall not be taken into account.
3. The share referred to in Paragraph 1 shall be calculated on the basis of the number of titles of audiovisual works in the programme catalogue, with one title representing:

* each individual film;
* individual films from the same film franchise, and
* one season of a television series and other formats aired as a series.

1. Providers of on-demand audiovisual media services shall be obliged to realize the share referred to in Paragraph 1 in percentages in the course of one calendar year.
2. Providers of on-demand audiovisual media services shall be obliged to announce the European works on the front pages of their respective programme catalogues.
3. Adequate prominence of the European works in the programme catalogues may be ensured through any of the following ways:

* a special category in the programme catalogue designated as "European works";
* a possibility to search for European works by using the search tools offered by the service;
* a special marketing or promotional campaign for European works, or
* other innovative ways enabled by the on-demand service itself and the use and search tools it offers to its users.

**Article 6**

**Progressive fulfillment of the obligation concerning European audiovisual works**

Television programming services that will receive a television broadcasting license at the state level for the first time following this Rulebook’s entry into force shall be fulfilling the obligation to air European audiovisual works progressively, over a five-year long period, as follows:

* in the first year, the share of European audiovisual works should be at least 10%, and
* in the second, third and fourth years, the share of European audiovisual works should increase by at least 10% annually, while in the fifth year it should be at least 51%.

**Article 7**

**Obligation to broadcast works by independent producers**

Broadcasters that air television programming services at the state level are obliged to allocate at least 10% of their respective annual budgets allocated for programmes (both for the production and the purchase of television programmes) for European audiovisual works by independent producers, with at least half of these having been produced in the last five (5) years.

**Article 8**

**Obligation to keep records and provide data**

Broadcasters that air television programming services at the state level are obliged to keep daily records of the broadcasted European audiovisual works and works produced by independent producers throughout the year and to notify the Agency for Audio and Audiovisual Media Services, no later than 31 March of the current year, of their fulfillment of these obligations during the previous calendar year.

The data shall be filled in using the Form for European Audiovisual Works and Works by Independent Producers prescribed by the Agency. The list of countries the audiovisual works of which qualify as European according to the geographical requirements is attached as an integral part of the Form.

Along with the notification, broadcasters may also submit to the Agency any other qualitative data on the efforts and challenges they face in the process of production, commissioning, purchasing and broadcasting of European audiovisual works and works by independent producers, as well as on any initiative they have taken up or plan to take up to meet the objectives of the Law.

**Article 8-а**

**Providing data and documents on the share of European works in the programme catalogue**

1. On-demand audiovisual media service providers shall be obliged to submit reports to the Agency for Audio and Audiovisual Media Services on the share of European works in their respective programme catalogues during the previous year, no later than 31 March of the current year. The report shall be submitted using the form that is an integral part of this Rulebook.
2. In cases where there is doubt about the correct determination of the origin of a certain audiovisual work, on-demand audiovisual media service providers shall be obliged, within 30 days from the date of receipt of the request by the Agency for Audio and Audiovisual Media Services, to submit evidence and an explanation of the reasons why the audiovisual work at issue is considered to be a European work. Agreements for the distribution of the relevant audiovisual work with its rightholders and reliable databases, such as the databases of the European Audiovisual Observatory, shall be considered as evidence.
3. By 31 January of the current year at the latest, audiovisual media service providers shall, upon request, notify the Agency for Audio and Audiovisual Media Services about the manner in which they shall ensure adequate prominence of the European works in their respective programme catalogues. Audiovisual media service providers shall be obliged to immediately notify the Agency for Audio and Audiovisual Media Services of any change in their method of ensuring adequate prominence of the European works.
4. The Agency for Audio and Audiovisual Media Services may request access to the programme catalogue every six months, while audiovisual media service providers should submit the requested data using the forms provided in this Rulebook and attach relevant evidence to support the data.

**Article 9**

(Article 9 of the Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers ("Official Gazette of the Republic of Macedonia" No. 180/14)

With the entry into force of this Rulebook, the Rulebook on European Audiovisual Works ("Official Gazette of the Republic of Macedonia" No. 133/2006) shall cease to be valid.

**Article 10**

(Article 10 of the Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers (“Official Gazette of the Republic of Macedonia” No. 180/14)

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

**Article 11**

(Article ?? of the Rulebook Amending and Supplementing the Rulebookn on Broadcasting European Audiovisual Works and Works by Independent Producers ("Official Gazette of the Republic of North Macedonia" No. 193/24)

This Rulebook Amending and Supplementing the Rulebook on Broadcasting Audiovisual Works and Works by Independent Producers ("Official Gazette of the Republic of Macedonia" No. 180/14) shall enter into force on the eighth day following the date of its publication in the "Official Gazette of the Republic of North Macedonia" and shall be published on the website of the Agency for Audio and Audiovisual Media Services.

**Agency for Audio and Audiovisual Media Services**

**President of the Council**

(original hand-signed)

**Lazo PETRUSHEVSKI**

(round stamp reading:

Republic of North Macedonia, Agency for Audio and

Audiovisual Media Services, Skopje

State’s coat-of-arms)

EUROPEAN AUDIOVISUAL WORKS FORM FOR THE YEAR

(**name of the provider of the on-demand audiovisual media service**)

1. Summary report

|  |  |
| --- | --- |
| 01.01 -31.12 | |
|  | Number of titles |
| European audiovisual works |  |
| Total number of titles in the catalogue |  |
| Share of European works in the catalogue (in %) |  |

1. Individual report

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Ref. No.  in the catalogue | Title  in the catalogue | Original title | Year of production | Category  (film or series;  In case of a series, state the season and the number of episodes) | Country of origin | Producer  (if there are more, state all production companies) | State where the HQs of the production company is located  (if there are more, state data about each of the production companies) |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

1. The content catalogue must be submitted along with this Report.

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.

   З [↑](#footnote-ref-2)