Pursuant to Article 18, Paragraph 1, Indent 8, and Article 20, Paragraph 1, Indent 11 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" no. 42/20, 77/21, 154/23, 55/24 and 193/24), in conjunction with Article 56, Paragraph 7, 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. 01-3005/6 dated 21.07.2025, the Council of the Agency for Audio and Audiovisual Media Services adopted, at its 5th Session held on 21.07.2025, the following:

**RULEBOOК**

**on Natural Persons Providing On-Demand Audiovisual Media Services
(Influencers/Vloggers/Creators)**

**Article 1
Subject Matter of the Rulebook**

This Rulebook regulates the format and the content of the application form for entering the Register of On-Demand Audiovisual Media Service Providers ("Application"); and the manner in which a decision will be made on whether a natural person shall be considered a provider of on-demand audiovisual media services within the meaning of the Law on Audio and Audiovisual Media Services.

**Article 2**

**Definitions**

**(1)** Certain terms used in this Rulebook have the following meanings:

**1.** An **on-demand audio or audiovisual media service provider** is a natural or legal person performing the activity of providing on-demand audio or audiovisual media services and holds **editorial responsibility** for the selection of the audio or audiovisual content, and determines the manner in which that content is organized in the catalogue. A person who only transmits or distributes audio and/or audiovisual programmes for which the editorial responsibility lies with third parties, shall not be considered a provider of audio or audiovisual media services.

2. An audio or audiovisual media service is: 1. A service under the editorial responsibility of a media service provider, where the primary objective of the service, or a distinct part thereof, is dedicated to providing programmes intended for the general public, with the purpose of informing, entertaining, or educating through electronic communication networks, as defined by the law regulating electronic communications. In this, such a service may be either a linear audio or audiovisual media service (radio or television programme) or an on-demand audiovisual media service; or 2. Audio or audiovisual commercial communication.

The following are not considered audio or audiovisual media services: a) Services that are primarily non-commercial and not in competition with radio or television broadcasting, such as private websites; b) Transmission or distribution services of programmes where the editorial responsibility lies with third parties; c) Any form of private communication, such as electronic mail sent to a limited number of recipients, and d) Services the primary purpose of which is not the provision of programmes, i.e., where any audiovisual content is merely incidental to the service and not its main objective. These include: websites that contain audiovisual elements only in an auxiliary manner, such as animated graphics, short promotional clips, or information related to a non-audiovisual product or service; games of chance involving monetary stakes, including lotteries, betting, and other forms of gambling services; online games; search engines;
electronic versions of newspapers and magazines; and standalone text-based services.

3. An on-demand audiovisual media service is a non-linear media service provided by an on-demand audiovisual media service provider, which provides viewing of programmes at a time chosen by the user and at his/her individual request, based on a catalogue of programmes determined by the on-demand audiovisual media service provider.

4. Editorial responsibility means having decisive control over the selection of programmes and their organization within the programme catalogue.

5. An editorial decision is any decision made on a regular basis with the aim of exercising editorial responsibility, related to the daily operation of the audio or audiovisual media service.

6. A catalogue is the arrangement of audiovisual media content within a database in a manner that makes it accessible to users.

**7.** A **video-sharing platform service** is an **information society service** intended for the general public and provided via an electronic communications network, the primary purpose and/or main functionality of which – in whole or in part — is to provide the public with access to programmes and/or **user-generated videos** that have an informational, educational, or entertainment function. The **service provider does not have editorial responsibility** for the content, but merely determines the manner in which the service is organized, including through automated tools or algorithms, especially by displaying, tagging, or sequencing the content.

1. **FORMAT AND CONTENT OF THE APPLICATION FORM FOR INCLUSION IN THE REGISTER OF PROVIDERS OF ON-DEMAND AUDIOVISUAL MEDIA SERVICES**

**Article 3**

**Obligation to register**

(1) A provider of on-demand audiovisual media services is required, prior to commencing the provision of a specific type of on-demand audiovisual media service, to file an application for inclusion in the Register of Providers of On-Demand Audiovisual Media Services, which is maintained by the Agency. Upon submission, the Agency shall issue a certificate of registration to the provider.

**Article 4**

**Format and content of the Application**

1. The application for inclusion in the Register of Providers of On-Demand Audiovisual Media Services shall be submitted to the Agency using the form attached to this Rulebook as Annex I.
2. The Application must include the following information:
* the full name of the person who is the provider of on-demand audiovisual media services;
* the method by which the service is provided;
* the geographical area in which the activity is carried out;
* the type of service and a brief description thereof; and
* the date on which the provision of the service will commence.
1. The application must be accompanied by a technical description, including detailed technical specifications regarding the method of service provision.
2. The Agency shall use the submitted data solely for the purpose for which they are collected, in accordance with the Law on Personal Data Protection.
	1. **DETERMINING WHETHER A NATURAL PERSON QUALIFIES AS A PROVIDER OF ON-DEMAND AUDIOVISUAL MEDIA SERVICES**

**Article 5**

**Criteria**

For a natural person to be considered a provider of on-demand audiovisual media services (influencer/vlogger/creator) within the meaning of the Law on Audio and Audiovisual Media Services, **all** of the following criteria must be met:

1. The media service is offered through an electronic communications network (Internet) and on a video-sharing platform such as, but not limited to, YouTube, Instagram, TikTok, or similar video-sharing platforms.
2. The media service is an economic service, meaning a service that constitutes any form of economic activity competing with other services on the market.
3. The primary purpose of the media service or any of its individual parts is to provide programmes with the aim to inform, entertain, or educate.
4. The media service is under the editorial responsibility of the provider.
5. The media service is dedicated to providing programmes intended for the general public. For the purposes of this Rulebook, a service is considered intended for the general public if it has at least **10,000 followers or subscribers**.
6. The media service allows viewing of programmes at a time chosen by the user and at their individual request, based on a catalogue of programmes determined by the media service provider, and has published **at least 24 pieces of audiovisual content** in the last 12 months.
7. When determining whether a certain natural person will be considered a provider of on-demand audiovisual media services (influencer/vlogger/creator), the Agency for Audio and Audiovisual Media Services shall take into account the exceptions listed in **Article 3, Paragraph 1, Point 1** of the Law on Audio and Audiovisual Media Services, regarding what is **not** considered an audio or audiovisual media service.
8. The criteria listed in this Article of the Rulebook are further elaborated in the **Guidelines** attached to this Rulebook (**Annex No. 2**) and constitute an integral part of it.
	1. **FINAL PROVISIONS**

**Article 6**

A provider of on-demand audiovisual media services (influencer/vlogger/creator) who, prior to the entry into force of this Rulebook, has already been providing a certain type of on-demand audiovisual media service and meets the criteria laid out in Article 5 of this Rulebook, is obliged to submit an application for inclusion into the Register of On-Demand Audiovisual Media Service providers maintained by the Agency, no later than 31 December 2025. Upon submission, the Agency shall issue a certificate of registration.

**Article 7**

This Rulebook shall enter into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of North Macedonia*, and will also 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,**

 **Sasho STEFANOVSKI, M.A.**

**ANNEX I**

|  |  |  |
| --- | --- | --- |
|  | **AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES****Palata "Panko Brashnarov"ul. “Makedonija,” br. 38, 1000 Skopje, Republic of North MacedoniaPhone: +389 23 103 400Fax: +389 23 103 401E-mail: contact@avmu.mk** |  |
|  |

 (AVMU’s date received stamp)

**APPLICATION
for inclusion in the Register
of Natural Persons Providing On-Demand Audiovisual Media Services
(influencers / vloggers / creators)**

**1. INFORMATION ABOUT THE NATURAL PERSON**

|  |  |
| --- | --- |
| Name and last name |  |
| Address |  |
| Unique Citizen’s PIN |  |
| e-mail address |  |
| Telephone contact no. |  |

**2. INFORMATION ABOUT THE SERVICE**

|  |  |
| --- | --- |
| **Name of the service**(name of the profile or channel) |  |
| **URL address** |  |
| **Territory where the service is provided** |  |
| **Platform(s) through which the service is provided**(list all platforms where you have more than 10,000 followers/subscribers/users) |  |
| **Type of service and brief description****Genre** – (general format or specialized format – e.g. cooking, travel, sports, etc.)**Target audience** (age category – up to 25 years, 25 to 44 years, and over 44 years of age) |  |
| **Method and technical description of how the service is provided** **Internet** – (open access or subscription-based) |  |
| **Date of starting the provision of the service** |  |
| Number of followers/subscribers/users on the day before submitting the Application |  |

**3. ATTACHMENT TO THE APPLICATION:**

* 1. A notarized statement in which the applicant confirms that the information provided in the application are accurate.

**DECLARATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_, from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,
holding an identity card number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and personal identification number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, issued by the Ministry of Internal Affairs,
with permanent residence at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,
on street \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, number \_\_\_\_\_\_\_\_\_\_\_\_,
hereby declare that the data and other information contained in this Application are true, accurate, and complete as of the date of its completion.

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(signature)**

**ANNEX II**

**GUIDELINES**

**regarding the criteria that natural persons must meet to be considered providers of on-demand audiovisual media services (influencers/vloggers/creators) within the meaning of the Law on Audio and Audiovisual Media Services**

The following Guidelines further elaborate on the criteria established in Chapter II of the Rulebook on Natural Persons Providing On-Demand Audiovisual Media Services **(influencers/vloggers/creators).**

Meeting the established criteria shall mean that the service qualifies as an “on-demand audiovisual media service,” and consequently, it is subject to the relevant legal obligations under the Law on Audio and Audiovisual Media Services (hereinafter referred to as the “LAAVMS”).

In determining the criteria, taken into account have been not only the legal definitions and provisions of the LAAVMS, but also the relevant legal framework of the European Union, specifically the provisions of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the provision of audiovisual media services (the Audiovisual Media Services Directive) (hereinafter referred to as the “Directive”), amended by Directive (EU) 2018/1808 of the European Parliament and of the Council, dated 14 November 2018.

The first recital of the Directive states that
“technological development has enabled the emergence of new types of services and user experiences. Viewing habits, particularly those of younger generations, have changed significantly. ... New types of content, such as video clips or user-generated content, have gained increasing importance, and new entities, including providers of video-on-demand services and video-sharing platforms, are now well established. This convergence of media calls for an updated legal framework in order to reflect market developments and to achieve a balance between access to internet content services, consumer protection, and competitiveness.”

According to the Directive, **an audiovisual media service** means *“a service, as defined by* ***Articles 56 and 57 of the Treaty on the Functioning of the European Union****, where the principal purpose of the service or of a separable part thereof is to provide* ***programmes to the general public****, under the* ***editorial responsibility*** *of a media service provider, in order to inform, entertain, or educate, via electronic communications networks as defined in point (a) of* ***Article 2 of Directive 2002/21/EC****; such an audiovisual media service is either* ***television broadcasting****, as defined in point (d) of this paragraph, or an* ***on-demand audiovisual media service****, as defined in point (e) of this paragraph.”*

The criteria established in Article 5 of the Rulebook apply only cumulatively. This means that only those on-demand audiovisual media services provided by a natural person that meet all the criteria set out in Article 5 of the Rulebook acquire the legal and financial obligations for on-demand audiovisual media services according to the LAAVMS. Such providers must submit a request for inclusion in the Register of On-Demand Audiovisual Media Services maintained by the Agency in accordance with Article 56 of the LAAVMS and pay an annual supervision fee pursuant to Article 59 of the LAAVMS.

It should also be noted that, over time, media services may undergo significant changes, for example, in terms of structure, reach, or influence. Therefore, media services may be periodically reviewed, and may, even after a previous decision to the contrary made by the Agency, fall within the scope of implementation of the LAAVMS due to changed circumstances (e.g., a significant increase in the number of followers or subscribers).

**CRITERION 1:** The media service is being offered on a video-sharing platform such as, but not limited to, YouTube, Instagram, TikTok, or similar video-sharing platforms.

The term “video-sharing platform” is interpreted in accordance with the Law on Audiovisual Media Services (LAAVMS). For clarity, Article 5, Paragraph 1, Item 1, of the Rulebook lists three video-sharing platforms as examples that are of particular practical significance. These three platforms are YouTube, Instagram, and TikTok. From a current perspective, media services provided on these three platforms can be considered the largest and most socially relevant players in the market. Consequently, the Agency, at least for the time being, focuses on service providers operating on YouTube, Instagram, and TikTok. Thus, any media service offered on one of these three platforms that also meets all other criteria set out in Article 5 of the Rulebook is considered an on-demand audiovisual media service within the meaning of the LAAVMS and is subject to supervision by the Agency. However, it must be emphasized that a media service provided on another video-sharing platform, other than YouTube, Instagram, or TikTok, may still fall under the regulatory scope of the Agency.

**CRITERION 2:** The media service is an economic service, i.e. a service that constitutes any form of economic activity competing with other services on the market.

This criterion derives from Article 1(a) of the Directive, where the definition of the term “audiovisual media service” refers to a service as defined in Articles 56 and 57 of the Treaty on the Functioning of the European Union (hereinafter: “TFEU”). Specifically, Article 57 of the TFEU defines that only services normally provided for remuneration are included. For this reason, Article 5 of the Rulebook states that the relevant media service must, as a rule, be provided for remuneration, regardless of whether the payment comes from viewers or from third parties.

The term ‘economic service’ should generally be interpreted broadly. Specifically, there is no financial threshold such as a minimum turnover or general income. To determine whether a media service should be considered an economic service within the meaning mentioned above, the following aspects must be taken into account in particular:

Firstly, it is irrelevant whether the remuneration is paid by the persons viewing the content provided by the media service or by third parties. This means, for example, that service providers who generate revenue by inserting advertisements or sponsorships, product placements, or other commercial communications in or around their media content are providing an economic service just as much as providers whose media content is available for a fee.

The remuneration in question will often consist of monetary payments. Such payments may result from the monetization of the given content through, for example, advertisements, product placement, sponsorship deals, affiliate marketing, or platform revenue, such as commissions that the provider may receive as compensation for using the advertising features offered by the platform. However, the term ‘remuneration’ also includes other forms of material benefits that have trade value. This includes in-kind remuneration, such as free products or services received in exchange for a mention in a video.

**CRITERION 3:** The primary purpose of the media service, or of a separable part of it, is to provide programmes with the aim of informing, entertaining, or educating.

This criterion means that the provision of audiovisual media content must be the main objective or at least have a qualitatively clear and independent function and meaning. In general, the primary purpose of the respective media service must be assessed on a case-by-case basis. More specifically, the following aspects shall be taken into account in the necessary assessment:

Firstly, it is essential that the relevant media service be used to provide access to audiovisual media content. This means that media services consisting exclusively of non-audiovisual content, such as photographs, purely textual or audio content, do not meet the criterion of having a primary purpose.

In addition, the audiovisual media content of a(n) (provider of an) on-demand audiovisual media service must serve the primary purpose of informing, entertaining, or educating. This does not apply to media services that provide only advertising or other content intended to promote their own products or services. Even if such content may inform, entertain, or educate, in these cases the content is primarily provided for commercial purposes. The situation is different when service providers not only include advertisements or other video material related to their own activities, but also make available a variety of other media content. Nevertheless, it is important to emphasize that audiovisual commercial communications – such as advertising, sponsorship, or product placement – are still qualified as audiovisual media services. This means that service providers who are, for example, sponsored when creating videos or who include advertisements in their videos, are offering a relevant audiovisual media service, even if the commercial aspect may be the dominant element.

**CRITERION 4:** The media service is under the editorial responsibility of the provider.

**Editorial responsibility** means having decision-making control over the selection of programmes and their organization within the programme catalogue. The media service provider must exercise effective control over the selection of content and the organization of audiovisual media content.

It is important to note that a distinction must be made between editorial responsibility and, in particular, legal responsibility. If a third party, such as a video-sharing platform provider, has the ability to refuse or remove certain media content created by others because it violates, for instance, a certain criminal law or copyright and related rights law, this does not mean that such a third party thereby assumes editorial responsibility. Editorial responsibility specifically requires involvement in the selection of audiovisual media content and its organization in a catalogue through which it becomes available to the public.

The criterion of editorial responsibility excludes those service providers who merely transmit programmes for which editorial responsibility lies with third parties. In this context, it must be noted that video-sharing platform providers typically do not bear editorial responsibility for the audiovisual media content on their platforms, and therefore, neither for the videos generated by users of their platforms. As a result, video-sharing platform providers are generally not considered providers of on-demand audiovisual media services within the meaning of Article 5 of the Rulebook. However, the situation may change if, for example, a video-sharing platform provider enters into agreements with content providers for the delivery of specific content. In such a case, the video-sharing platform provider may take on an editorial role and may qualify as a provider of audiovisual media services.

In addition, platforms have their own legal obligations regarding the measures they must take to protect minors and the public in general from harmful content, which should be an integral part of their terms of service. Providers of on-demand audiovisual media services must familiarize themselves with these measures and implement them in their operations accordingly.

**CRITERION 5:** The media service is dedicated to providing programmes intended for the general public

This criterion means that the service is intended for reception by the general public and that it may have a clear impact on a significant portion of the general public.

In this sense, it should be noted that video-sharing platforms are generally freely accessible to the public. This means that on-demand audiovisual media services provided on such platforms are typically aimed at the wider public and, therefore, meet the above-mentioned provision. However, there may be circumstances in which a media service is available only to a limited group of people (e.g., due to the privacy settings of the respective account/profile on the video-sharing platform). In such cases, the media service may not be intended for reception by the broader public. However, in the necessary assessment, the number of followers or subscribers of the media service must be taken into account. Regardless of such settings, at least media services that have more followers or subscribers than the threshold defined below are considered to be intended for reception by the general public.

In order to assess whether a media service has a clear impact on a significant portion of the broader public, the number of followers or subscribers of the media service is considered the most significant indicator. Generally speaking, the number of followers or subscribers can provide a credible indication of the potential reach and impact of a media service and is usually provided by the platform itself. This makes it transparent and easily verifiable for both the Agency and the service providers—an advantage not shared by other possible criteria (e.g., average number of (unique) views or user engagement) due to the lack of reliable, unambiguous, and easily accessible data. Therefore, in accordance with Article 5 of the Rulebook, a media service is considered to be intended for providing programmes to the wider public if it has at least 10,000 followers or subscribers. This means that at a minimum, media services that exceed this threshold of followers or subscribers are subject to the legal obligations of the LAAVMS and fall under the supervision of the Agency.

For the time being, the above-mentioned threshold of followers or subscribers is considered sufficient to determine whether a media service is intended to provide programmes to the broader public. However, the Agency will be evaluating this threshold continuously.

**CRITERION 6:** The media service enables the viewing of programmes at a moment chosen by the user and at his/her individual request, based on a catalogue of programmes determined by the media service provider.

What is essential for this criterion is the means through which the service is delivered, not the methods of payment or selection of the service. This criterion stems from the definition of on-demand audiovisual media services set out in Article 1 of the Directive and implies the fulfillment of two sub-criteria, namely that the service can be used: 1. at a time chosen by the user, and 2. from a catalogue of programmes selected by the provider of audio and audiovisual media services. These two characteristics (who decides the time when the programme will be viewed and whether users select the programme from a pre-established catalogue of programmes) actually represent the fundamental (most visible) difference between on-demand audiovisual media services and linear television broadcasting. This criterion also relates to the frequency of providing media content – specifically, that more than 24 audiovisual content items have been published in the last 12 months.

**Do you need to submit a registration application to the Agency?"**

Do you publish audiovisual content on a video-sharing platform (such as YouTube, Instagram, TikTok, etc.)?

NO

The media service does not constitute an on-demand audiovisual media service within the meaning of the LAAVMS

Do you earn or plan to earn income from the content you publish (through ads, sponsorships, product placement, subscriptions, user donations, agreements with the video-sharing platform, or other forms of monetization)?

NO

NO

Is the content you publish educational, informational, or entertaining?

NO

Do you decide which content to record and publish? (i.e., do you have editorial control in the sense that you plan, create, organize, and publish the content yourself)

NO

Do you have more than 10,000 followers, users, or subscribers?

Can users decide for themselves when and what to watch from the audiovisual content you publish, meaning to watch individual items at a time of their own choosing, and have you published more than 24 pieces of video content in the last 12 months?

NO

SUBMIT AN APPLICATION TO BE INCLUDED IN THE REGISTER OF AUDIOVISUAL MEDIA SERVICE PROVIDERS AT THE AGENCY

***If you are still unsure whether your service meets the criteria of this Rulebook, you can consult AVMU at*** ***contact@avmu.mk*** ***.***