A GUIDE
FOR INFLUENCERS, VLOGGERS, CONTENT CREATORS

25 december 2025

AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

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Introduction

The purpose of this Guide is to ensure compliance with the provisions of the Law on Audio and Audiovisual Media Services (LAAVMS) and the relevant by-laws by influencers, vloggers, and content creators.[1] This includes all individuals who create and/or select and publish videos on the Internet. In this context, it is irrelevant in which format the videos are produced (vlogs, reels, shorts, streaming, etc.), i.e. what type of videos (their own or third-party content) are selected for publication, or whether they are published via a website, a platform, or a social media network. Likewise, it makes no difference whether the individuals appear personally in the videos they publish, do not appear at all, use an avatar, a character generated using artificial intelligence, an animal, or other means, nor whether they are adults or minors.

`This Guide consolidates all provisions of the Law and the relevant by-laws that influencers are required to comply with, as well as the measures they must take to ensure their consistent application.

These provisions apply to influencers who are providers of on-demand audiovisual media services, namely those who meet the criteria set out in the ***Rulebook on Natural Persons as Providers of On-demand Audiovisual Media Services (Influencers/Vloggers/Content Creators)*** →

The person:

- **Decides which videos to publish on their channel or on any of their channels available via the Internet, which means that they make editorial decisions and therefore bear editorial responsibility;**
- **Decides on the schedule for publishing videos, thereby creating a catalogue from which anyone may choose to watch the videos at a time that suits them;**
- **Actively publishes videos, i.e. publishes at least 24 videos per year;**
- **Generates income from the publication of videos (is paid to include certain goods, services, ideas, or activities in the videos; receives goods or services; receives monetary compensation from the platform; etc.);**
- **Through these videos, viewers may be informed, entertained, or educated;**
- **The published videos are intended for the general public or for a**

Being a content creator is not merely a matter of photographing, recording, and publishing content that provides information, entertainment, or education to others; it also

[1] To facilitate readability of this Guide, **hereinafter in the text all such persons shall be referred to as "influencers."**

represents a position of influence and power, which makes it essential to understand and respect the responsibility that accompanies such influence.

Accordingly, all other influencers are also encouraged to adhere to these guidelines in order to ensure responsible conduct in their activities.

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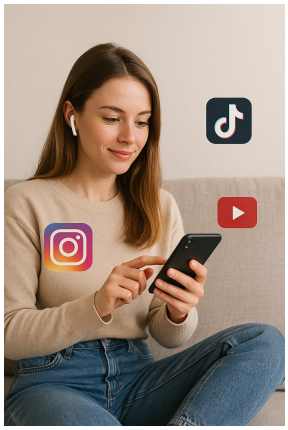
1. PROTECTION OF MINORS FROM HARMFUL CONTENT

Influencers must ensure the consistent fulfillment of their obligations to protect minors from content that may seriously harm their physical, mental, or moral development, whether in the short or long term (Article 50).



Protection is ensured at two levels. The first level applies at the moment when influencers create or select a video for publication on the Internet. At this stage, if they intend the content to be accessible to everyone, including minors, they must carefully consider the topic addressed, the manner of its presentation, the language used, as well as the footage and any other visual or audio elements included. **The second level applies at the moment of publication, when influencers must check which technical measures for the protection of minors are offered by each of the platforms they use and must use them without exception**. For example, when publishing videos on YouTube, the platform asks influencers to indicate whether the video is intended for children, which represents a form of filtering provided by the platform itself.

In addition, influencers should also use age-rating labels to indicate the age group for which a particular video is intended (shown below).

The level of protection depends on the type of content. Content that is considered to be able **to seriously harm minors** includes **child pornography, pornography**, and **excessive violence**.

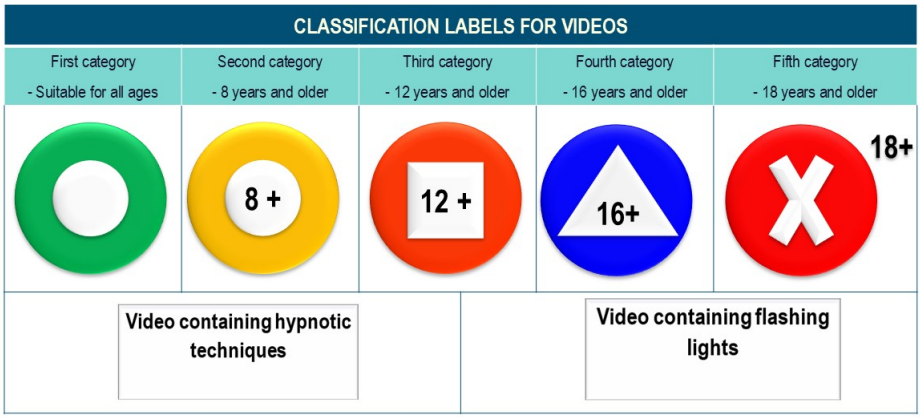
Pornography is understood to include entire videos or parts thereof, photographs, or texts that are presented with the primary intent and function of satisfying sexual desire, through descriptions, scenes, and/or depictions of sexualized nudity, sexual intercourse, masturbation, and/or sexual stimulation**,** which do not constitute an indispensable aesthetic, humanistic, or informative element of their context**.**

The strictest protection applies to **child pornography**, the depiction of which is **completely prohibited** and constitutes a **criminal offense**, whereas **pornography** and **excessive violence must not be presented in an uncoded form**.

Excessive violence occurs when videos convey textual, verbal, and/or visual messages that glorify physical, verbal, or psychological forms of sadism or similar types of violence, where the violence is an end in itself and cannot be justified in any way, neither by the genre's context nor by the motives of the dramatic action in the video.

For other types of content that may harm the development of minors, the rule is that influencers must categorize the content, label it with the appropriate classification rating, and use the tools provided by platforms or other software.

The labels used to indicate the category of content that may harm minors appear as follows:



Influencers do not need to label content that is suitable for all ages, meaning they **should not use the green label**. **All other labels shall be applied as needed, whenever any of their content is not appropriate for a specific audience category**.

Videos that fall into the fifth category, in accordance with the Rulebook on the Protection of Minors, may only be published as part of a paid service, regardless of whether the service is subscription-based or pay-per-view.

The method of applying the label depends on the technical capabilities of the platform being used. If multiple platforms are used, the labelling may differ across platforms. Whenever possible, it is best to visually include the label in the video itself during editing, and to state at the beginning of the video the recommended age group. If this is not feasible, the label can, for example, be added as a sticker alongside the video. Where the video is accompanied by text (such as a post), the age recommendation must appear at the beginning of the text, in a font size and colour that is clearly visible.

In the case of live streaming, where a label cannot be applied, influencers should clearly state at the start of the stream that the video is not intended for a particular age group, and they may repeat this statement during the stream, especially at points where the content is not appropriate for certain age groups. If, during a live stream initially intended for a general audience, a situation arises (e.g., an event, statement by a guest, etc.) that renders the initial

classification inaccurate, this must be announced immediately. If the influencer later decides to make the stream available in their catalogue for on-demand viewing, it must be labeled in the same way as all other pre-recorded videos. For pre-recorded videos, changes in classification during the video are not possible, since influencers know the full content in advance, and classification is made under conditions where all factors are known.

When **determining the appropriate category for a video**, influencers must **consider whether and how** the video **depicts violence, use of psychoactive substances and drugs, cigarettes and alcohol, sexual behaviour, offensive language or gestures, suggestive or dangerous behaviour affecting health or safety, occult practices or hypnotic actions, content or commercial communications related to specific games of chance, etc**. This consideration is particularly important for videos classified in the third, fourth, and fifth categories. Detailed criteria for classification are provided in the ***Rulebook for the Protection of Minors →***

2. PROTECTION OF MINORS' PERSONAL DATA

During the implementation of procedures to protect minors, influencers may, through various means, collect certain personal data from them**.** However, such data must not be used for direct marketing, profiling and analysis, behavioural advertising, or any other commercial purposes **(**Article 50-a of the Law on Audio and Audiovisual Media Services – LAAVMS**).**

3. ACCESSIBILITY OF VIDEOS FOR PERSONS WITH DISABILITIES

Persons with disabilities have the same rights of access to influencers' videos as all other citizens. It should be noted that persons with disabilities represent a significant portion of users, as this group includes not only those born with or acquiring a disability early in life, but also increases with age to include individuals who, over the course of life, may begin to require glasses, experience hearing difficulties, or become forgetful. Disability is not always physical; it can also be contextual or situational. For example, parents of an infant may wish to watch a video while the baby sleeps. In such cases, instead of listening, they may activate closed captions or watch a video with open captions (burned-in subtitles). In this way, influencers expand their reach to users with disabilities, and socially responsible behaviour positively affects their popularity in the long term.

The obligation of accessibility means that influencers must continuously (throughout the year) and progressively (year by year) increase the number of videos in their catalogues that are accessible to persons with disabilities. The fulfillment of this obligation must be proportionate to their size and resources (Article 26 of the Law on Audio and Audiovisual Media Services – LAAVMS).

Influencers shall fulfill this obligation in two ways:

- They shall **give greater visibility and voice to persons with disabilities**, while **avoiding stereotypes**—both negative (e.g., pity) and inappropriately positive (e.g., portraying them as heroes for achievements that persons with disabilities themselves consider normal);

- They shall select **the most-watched videos and make them accessible by using accessibility tools that make the video understandable**. The types of tools are constantly expanding, ranging from traditional open or closed captions (commonly indicated as **CC**, which some platforms provide for free and which already offer good automatic generation, including in Macedonian) or **sign language** interpretation; through text/description/post options, such as **increasing or changing the colour of the font** or contrast between letters and background (freely available online) and **text-to-speech applications** (available in Macedonian and Albanian); to advanced **AI-based tools** that can generate **summaries** and **simplify video content** (some of these tools are also available for free, provide good results, and, given their AI nature, learn faster and improve in accuracy the more they are used**)**.

Accessible videos must be clearly marked in the catalogue, for example (but not limited to) in the following ways**:**

Textual descriptions/captions	Audio description	Text-to-speech	Sign language

It is also important to note that when publishing **information regarding an emergency situation or a natural disaster,** they must make it **accessible**.

Every year, by 31 December, audiovisual media service providers must submit to the AVMU an annual accessibility action plan for the following year, specifying which content they plan to make accessible and which tools they will use. By 31 March, they must submit an annual report on the implementation of the previous year's action plan. These documents are published by the AVMU on its website at: https://avmu.mk/licasosetilnapoprecenost/, and during the year, the AVMU carries out supervisions to verify whether the planned measures are being implemented.

Influencers are not required to submit annual accessibility action plans or annual reports on the implementation of service accessibility plans. However, once a year, upon request by the Agency, they must provide information on whether they have ensured accessibility for any of their videos and indicate the methods used.

More details on the **accessibility tools** and, in general, on fulfilling the **obligation to make videos accessible** can be found in the:

Rulebook on Accessibility of the Media Services →

4. RULES ON AUDIOVISUAL COMMERCIAL COMMUNICATIONS

(ADVERTISING, SPONSORSHIP, PRODUCT PLACEMENT)

The term **audiovisual commercial communications** is used to refer to **images, with or without sound, from which the various forms are created** through which influencers (as well as all other media services) can generate revenue or obtain other benefits (goods or services) by including, recommending or promoting products, services, or ideas in the videos they create and publish. The main forms of audiovisual commercial communications are: **advertising, sponsorship, and product placement**.

General rules for commercial communications

It is of fundamental importance that, when publishing or using any of the forms of commercial communication for profit, **the public be always clearly informed that it constitutes advertising, sponsorship, or product placement**. Failure to do so constitutes covert commercial communications (Article 3, Paragraph 1, Item 4), which are prohibited under the Law on Audio and Audiovisual Media Services (LAAVMS, Article 53, Paragraph 2), along with the use of subliminal advertising techniques (Article 53, Paragraph 2). In addition to not being covert, advertising, sponsorship, and product placement also must not be misleading regarding the nature, characteristics, quality, or geographical origin of the products/services/ commercial activities to which they relate (Article 53, Paragraph 5). They must comply with legally prescribed rules on fair competition, be truthful and honest, not mislead the public, and not act against the interests of consumers (Article 53, Paragraph 17). Although the party commissioning the commercial

communications is responsible for their accuracy, influencers are responsible for ensuring that advertising, sponsorship, and product placement comply with the law (Article 53, Paragraph 6). The responsibility of influencers is even greater, as they create most of the commercial communications they publish themselves.

All commercial communications—advertising, product placement, and sponsorship—may take the form of videos, photographs, or text, with or without sound.

Why is it important to clearly label the commercial element? Because viewers must not be misled as to the true nature of a video, or any part thereof. They have the right to be aware that, at a certain point, influencers are in fact persuading them to purchase a product or use a service. Influencers, in turn, should be aware that the influence they exert carries significant responsibility. For this reason, they must act honestly towards the public they address and clearly and transparently disclose when they are promoting a product, a service, or an idea in exchange for remuneration, so that viewers can clearly distinguish commercial content from other content. In this way, trust in influencers increases in the long term.

With regard to **what may be promoted through advertising, sponsorship, and product placement, several rules apply (Article 53):**

- The promotion of drugs, cigarettes, tobacco products, electronic cigarettes and refill containers, weapons, firearms and pyrotechnic devices, as well as companies that sell such products, **is strictly prohibited**, as is the promotion of medicinal products and medical treatments that are available only upon prescription;

- The promotion of medicinal products and medical treatments that are available without a prescription **is permitted**, **provided that such promotion does not encourage unreasonable use**, that the products are presented objectively and without exaggeration of their properties, and that they are promoted in accordance with the instructions for use;

- **Commercial communications for alcohol and alcoholic beverages are also prohibited**. **An exception** applies to commercial communications for **wine and beer**; however, when publishing such communications, several **rules** must be observed. The consumption of wine and beer must not be associated with:
  - Improved physical performance;
  - Driving;
  - Achieving social or sexual success;
  - Claims that they have therapeutic properties or that they act as stimulants, sedatives, or means of resolving personal conflicts;
  - Excessive consumption must not be encouraged;
  - Abstinence or moderation must not be portrayed in a negative light, and
  - A high alcohol content must not be presented as a positive quality.

- In addition, particular care must be taken with the placement of such commercial communications in videos that are also intended for minors, as there is an obligation to effectively reduce children's exposure to advertising, sponsorship, or product placement for alcoholic beverages.

According to the basic ethical principles governing advertising, sponsorship, and product placement, their content **must respect human dignity, must not contain discrimination, and must not encourage behaviour that is harmful to health or safety or that significantly endangers the environment** (Article 53, Paragraph 4). **Furthermore, where commercial communications are directed at minors or involve their participation, they must not exploit minors' lack of experience or credulity in order to persuade them to purchase or rent products or services themselves,** or **to encourage them to ask their parents or other persons to buy them the products or services advertised. They must not exploit the special trust that children place in parents, teachers, or other persons, nor depict minors in dangerous situations** (Article 53, Paragraph 14).

With regard to **commercial communications aimed at minors**, particular attention is given to advertising, sponsorship, or product placement **featuring foods and beverages that contain nutrients and ingredients with a nutritional or physiological effect, especially fats, trans fatty acids, salt, sodium, and sugars, the excessive intake of which is not recommended in children's diets**. Additional rules apply to such commercial communications: **they must not contain inaccurate or misleading information regarding nutritional value, must not suggest that such products are a substitute for fruit and/or vegetables, and must not encourage excessive, immoderate, or uncontrolled consumption of such foods and beverages** (Article 53, Paragraph 15).

All advertising, sponsorship, and product placement must be clearly labelled, meaning that the label must be visible and the wording legible, both in terms of font size and colour (for example, labelling will not be considered clear if the relevant wording—such as *advertising*, *sponsorship*, or *product placement*—is written in cream-coloured text on a white background, or if a label with black text is placed on a dark background), and in terms of the text-editing effects applied to the text, sticker, image, etc., which could make it difficult to read.

The label must not obscure the essential elements, such as persons appearing in the video or subtitles (where present), the influencer's logo or identifier, the programme classification label, split-screen advertising, or other labels that should provide the users with information about the nature and/or characteristics

The reason for this labelling lies in the findings of research conducted across Europe, which show that, although people believe they can easily distinguish commercial from non-commercial content in influencers' videos, as many as one third of viewers fail to recognise it, while the remaining two thirds exhibit varying levels of critical recognition.[2] Of particular concern is the fact that children and young people are the least able to identify commercial communications in influencers' videos.[3]

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[2] Boerman, S. C., Van Reijmersdal, E. A., & Rozendaal, E. (2023). A closer investigation of dispositional persuasion knowledge of sponsored content: Exploring determinants and clusters. Journal of Marketing Communications, 30(6), 660-680. Advance online publication. https://doi.org/10.1080/13527266.2023.2175893

[3] Van Reijmersdal, E.A., van Dam, S. How Age and Disclosures of Sponsored Influencer Videos Affect Adolescents' Knowledge of Persuasion and Persuasion. J Youth Adolescence 49, 1531–1544 (2020). https://doi.org/10.1007/s10964-019-01191-z

Furthermore, research indicates that, in order to achieve clarity in labelling, influencers need to make it unmistakably clear when a communication is commercial. The labels should consist of standardised symbols/pictograms and expressions/sentences, be sufficiently large and visible, appear in the video in the viewers' native language at the start of the video (and it is recommended that they remain visible for at least six seconds), while

How this is applied in Macedonian practice is explained below in the sections on advertising, sponsorship, and product placement. In any case, influencers shall use two forms simultaneously:

- **Technical tools provided by each of the platforms – for example, "#ad", "#sponsored", or the text "paid partnership" on Instagram; "paid promotion" on TikTok; "contains paid promotion" on YouTube, etc., and**
- **Signs and expressions already familiar to the Macedonian public, as they are used by television broadcasters and on video-on-demand services.**

expressions/sentences should be placed at the start of any accompanying text.

A single video may contain both advertising and sponsorship, and product placement, and in such cases, the specific rules for labelling each type of commercial communication must be applied within the same video.

One further important note: **advertising, sponsorship, and product placement must not affect influencers' editorial independence** (Article 53, Paragraph 18). This means that **influencers must not allow the commissioning party to influence how the video looks, what it contains, or where it is placed within their catalogue**.

The first thing influencers must do when publishing a commercial communication is to determine exactly what it involves: advertising, sponsorship, or product placement (definitions of each form are provided below in the sections dedicated to the rules for their labelling). Only after this should they proceed with labelling.

Advertising

Advertising is defined as the publication of promotional content, for monetary or other consideration—such as goods and/or services (including real estate, rights, and obligations in exchange for payment)—or for (self-)promotional purposes, which relates to products, services, natural or legal persons, and is connected with trade, business, craft, profession, services, ideas, activities, or

Advertising is in fact the only form of commercial communication in which **it is permitted to praise or to promote and recommend** a product/service/idea. **However**, even in this case, the rule applies that **the advertisement must be truthful and honest**, and it must be **clearly labeled/ distinguished** from the rest of the video content.

Influencers may carry out advertising in various ways. The most obvious example

is the publication of advertising spots, which influencers often produce themselves, although they may also receive ready-made materials. In addition, during video editing they may insert a logo or an image/name of a well-known product or company, a slogan, or include advertising text in the post accompanying a video (where this is possible). They may also use some of the newer advertising techniques, such as interactive advertising (for example, posting a link or tagging the entity being advertised), virtual advertising (for example, inserting advertising content during a live stream or during the editing of recorded video, even though such content was not actually present at the time of recording), etc.

The **labelling/clear separation** of advertisements may be done by means of **a visual sign (a pictogram or a word/phrase), sound, split screen,** etc.

In this context, influencers should **label advertising in two stages**. **First, they should use the technical tools** made available by the **platforms** (such as "ad," "paid partnership," "paid promotion," "contains paid promotion," etc.), which implies that labelling practices will differ from platform to platform. On platforms where such labels are available in Macedonian or in one of the languages of the communities living in the Republic of North Macedonia, those languages should be used instead of English. To ensure greater transparency, platforms recommend tagging (@tagging) the advertiser as part of this process, as this allows the advertiser to have insight into the data related to the published advertisements and enables users to clearly understand that the content is an advertisement.

Subsequently, they should **place a label/sticker or similar indicator** clearly displaying the term **"реклама"** ("advertisement") in Macedonian or in the language they normally use to address their audience on the channel/profile. Each influencer individually chooses which sign/word from the following options they will use to label their videos:

- **#реклама**; or
- the word **реклама** or ***реклама***; or
- a sticker containing the word **реклама**, **#реклама**, or ***реклама***.

If **pre-recorded video content** is published, **during the advertising segment** the chosen label (one of the options listed above) should be placed **in the upper right corner of the**

video, with a recommended minimum duration of at least 6 seconds. If the content is **a live stream and it is not possible to insert any of the above visual labels, the influencer must verbally state that the content is an advertisement**. If the entire video constitutes an advertisement, the label must be displayed throughout the entire video. On platforms where the video can be accompanied by text, in addition to labelling the video itself, the selected label **must also be written at the beginning of the accompanying text/post/description, in a clearly visible position**, together with a link, tag, or similar reference to the entity being advertised (for example, #реклама @name of the company, product, or service being advertised). Such disclosure in the text must appear at the very beginning, so that users can see it immediately, without having to click the "More" option in the case of longer texts. If the hashtag **#реклама** is used, it must be **separated** from other hashtags (if any).

The use of interactive, virtual, or other new forms of advertising is regulated by the:

Rulebook on New Advertising Techniques →

In advertising, all general rules applicable to commercial communications, as described at the beginning of the section titled "Rules on Audiovisual Commercial Communications", apply.

Sponsorship

Sponsorship must be clearly identified, which may be done verbally and visually (through the insertion of sponsor identifiers). For the purpose of identifying the sponsor, the sponsor's name, logo, or another recognisable/distinctive sign of that entity may be used, and the sponsor's products or services may also be mentioned.

Sponsorship is understood to occur when a legal or natural person, who is not involved in providing any audiovisual media service, video-sharing platform, or video/programme production, finances or otherwise contributes to the creation of an influencer's videos with the purpose of promoting their name, trademark, image, activities, services, or

The **labelling of sponsorship** may be carried out by means of a **visual sign, sound, split screen**, etc.

The sponsorship of a video is also identified in two stages. First, it must be indicated using **the technical tools** applied by each **platform** individually (such as "sponsored", "paid partnership", "paid promotion", "contains paid promotion", etc.). On platforms where such labels are available in Macedonian or in one of the languages of the communities living in the Republic of North Macedonia, those languages should be used instead of English. Subsequently, the influencer should choose **one of the labels listed below** (in Macedonian or in the language they normally use to address the public) and insert it into the video:

- **спонзор** ("sponsor"); or
- **спонзорирано** ("sponsored"); or
- **поддржано од** ("supported by"); or
- **во соработка со** ("in cooperation with"); or
- **овозможено од** ("enabled by"); or
- **во партнерство со** ("in partnership with"); or
- **#спонзорирано** ("sponsored"); or
- **#СпонзорираноСодржина** ("#SponsoredContent"), etc.

If the hashtags **#спонзорирано** or **#СпонзорираноСодржина** are used, they must be separated from other hashtags (if any).

If the content is a **live stream**, the sponsorship must be disclosed **verbally at both the beginning and the end** of the stream. For **pre-recorded videos**, in addition to verbally stating that the video is sponsored, the influencer must also use the chosen sponsorship label either as a **sticker** or **displayed in writing at the beginning and end of the video in the upper right corner**. Where there is **accompanying text/description/post for the video**, **the label must appear at the start of the text**, **in a clearly visible position**, so that users do not need to click the "More" option to see it.

Both verbal and visual disclosure of the sponsor must last at least 5 seconds and no more than 30 seconds. During visual disclosure, **essential elements of the video must not be obscured** (what constitutes an essential element is described above, in the section on the general rules for commercial communications).

It is of **paramount importance** that **influencers ensure any mention of the sponsor is brief and unobtrusive**, **does not contain promotional statements about the sponsor, and does not encourage the purchase or rental of their products or services**. **Otherwise, it constitutes a form of specific promotional endorsement**, **which is prohibited** (further

details on what constitutes specific promotional endorsement are provided below, in the section on product placement).

In cases where a video has multiple sponsors, all sponsors may be listed at the end of the recorded video or during the closing of the live stream, and on platforms where text/description/posts can accompany the video, the list may also be included there.

Sponsors cannot be legal or natural persons whose main activity relates to products or services that are prohibited from promotion. Entities that manufacture or sell medical products or treatments may act as sponsors only if their name or image is promoted, but not the products or treatments that are available solely by prescription. All other general rules for commercial communications also apply to sponsorship.

Further details regarding the methods of disclosure, the use of trademarks or sponsor names in video titles, and other specific aspects of sponsorship can be found in:

Rulebook on Sponsorship →

Product placement

Product placement occurs when, **in a user-generated video**, a **product, service, or trademark** is **used, included, or referenced in exchange for monetary or other consideration** in such a way that it is **integrated into the action of the video**. **If specific products are used as props in the video, this constitutes prop placement. The disclosure of product placement and prop placement is**

Incorporating a product or service into an influencer's video may prove to be a highly effective way of persuading users to purchase the product or use the promoted service, because the persuasive intent **is** not immediately obvious from its presence in the video. For this reason, influencers **must be transparent and clearly disclose when this is done in exchange for consideration**, whether monetary or otherwise. Meaning, product placement must be immediately recognisable, as **otherwise it constitutes concealed product placement**.

Product placement must not be used in videos that resemble news content or have the character of a current affairs programme (for example, podcasts analysing global, regional, and/or domestic events of political, economic, or social interest and significance, or current or recurring issues and topics); nor in videos offering advice to consumers or including evaluations related to the purchase of products and services; nor in videos with religious content or videos aimed at children.

To clearly disclose product placement, influencers—just as with other forms of commercial communication—must first use the **technical tools** provided by the **platforms** (such as "paid partnership," "paid promotion," "contains paid promotion," etc.). On platforms where these labels are available in Macedonian, or in one of the languages of the communities living in the Republic of North Macedonia, they must be used in that language instead of English. **Subsequently, influencers must disclose product placement verbally and/or visually** in Macedonian or in the language they normally use to address their audience. The product placement **pictogram**, which must be an integral part of the videos, has been used

for several years by other audiovisual media services and is available in two versions:

In cases where influencers carry out **live streaming**, they must **verbally disclose product placement both at the beginning and at the end of the stream**, and, where possible, also display a sticker with the **product placement pictogram**. In **pre-recorded videos**, product placement may be disclosed verbally, and the product placement pictogram **must be displayed in the upper right corner at the beginning and at the end of the video**, **without obscuring other essential elements**. On platforms that allow a text/description/post to accompany the video, it must be clearly stated **at the beginning of the text**, **in a visible**

position, that the video contains product placement. As with other forms of commercial communication, the disclosure must be immediately visible, and users should not be required to click the “More” option to see it. **Both verbal and visual disclosure of product placement must last at least 10 seconds, except in the case of short videos, where the disclosure may be shorter**. If the entire video consists of product placement, the label must be displayed throughout the entire video.

The hashtag **#ПласирањеПроизводи** (meaning “Product Placement”, in Macedonian or in the language normally used to address the audience on the channel/profile) may also be used, but it must be **separated** from other hashtags (if any).

If multiple products/services/brands, etc. are placed within a video, influencers may list all of them only at the end of the pre-recorded video or during the closing of the live stream**.** They may also include the list in the text/description/post accompanying the video, on platforms that provide this option.

Videos containing product placement **must not** directly encourage consumers to purchase or rent products or services through **<u>specific promotional endorsement or promotion</u>**. This means that **undue prominence must not be given** to such products or services, **whereby influencers highlight them or draw attention to them, and although they may appear in the video, their display or mention must not be unnatural, excessive, or intrusive in a manner that clearly promotes the product, service, or brand**. **Furthermore, influencers should not speak praiseworthily of the quality, price, or availability of the products or services, nor provide any positive evaluations or recommendations that would lead consumers to purchase or rent the placed products or services.**

In the case of product placement, **all general rules applicable to commercial communications**, as described at the beginning of the section titled **“Rules on Audiovisual Commercial Communications”,** apply.

Further details on the **criteria** used to assess the existence of **specific promotional endorsement**, as well as on other matters related to product placement, can be found in:

Guidelines for Implementing the Provisions on Product Placement →

5. ORGANIZATION OF QUIZZES AND PRIZE GAMES

Videos involving prize-winning participation are those in which, throughout the entire video or in any part of it, some form of prize is offered or awarded (a product, service, monetary prize, trip, advice from the influencer, etc.), regardless of whether the prize is awarded to guests/participants appearing in

When influencers organise quizzes, prize games, giveaways, or otherwise award prizes in some of their content, they must clearly and unambiguously publish the rules governing the prize content and the publicly promised prize (Article 52 of the Law on Audio and Audiovisual Media Services).

Before organising any prize game, influencers must draw up clear rules, publish them in full on their profile (for example, in the Instagram bio) or on their channel, and submit them to the Agency for Audio and Audiovisual Media Services (AVMU). The most important rules must also be presented in the published content. The short version of the rules must be clearly written in the description of the post, while the influencer will choose which of them to state verbally in the video. If the prize game is presented through a photograph, the short rules must be published in the accompanying text, while the influencer will choose which of them to display on the photograph itself. The content of the full rules and the short list of rules is explained below.

Each **prize** offered may be **presented verbally or visually** by displaying the name or brand of the product or of the legal entity providing the prize. However, such presentation **must not be carried out in an unnatural, excessive, or intrusive manner that visibly highlights or promotes the product, brand, service, or legal entity. No laudatory comments may be made regarding the quality, price, or availability of the prize, nor may any other promotional expressions be used, and participants must not be encouraged or advised to purchase or rent the prize**, as this would constitute **specific promotional endorsement or promotion**, **which is prohibited**.

If the influencer nevertheless decides to praise the product in the video, the video must be labelled as an advertisement.

As stated above, for each prize game there must be two sets of rules: a full version (published on the profile/channel and submitted to AVMU) and a short version (included in the text of the post and selected rules presented in the video/on the photograph).

The full rules, published **on the profile/channel and submitted to AVMU**, must contain **the following information**:

- The target group of users for whom the game is intended;
- A detailed description of how to participate, whether there are any costs associated with participation, and how the prize is won;
- Any restrictions on participation (for example, exclusion of family members of the influencer(s), whether the game is intended for minors or, if minors may participate, the role of their parents/guardians, etc.);
- The duration of the competition or game and how users will be informed that it has ended;
- The maximum total number of participants throughout the game and the maximum number of participants per individual video (the number of participants may be unlimited);
- Whether, and for what period, a prize winner must wait before participating again, or whether no such restriction applies;
- The method for selecting and announcing the winners;
- How and after what period the prize will be awarded to the winner without additional costs, or how the winner may request delivery of the prize;
- The average value of the prizes;
- The manner in which the personal data of participants and prize winners will be processed.

The short rules, which must be published in full in the textual part of the post (with the influencer choosing which of them to state in the video or display on the photograph), must clearly and unambiguously answer **the following questions**:

- How does one participate in the prize game/quiz, and are there any costs associated with participation?
- Are there any participation restrictions, and if so, what are they?
- What is the type of prize, how is it awarded, and how and within what time frame is it delivered to the winner?, and
- A reminder that the full participation rules are available on the influencer's profile/channel.

If participants are required to answer questions, **the following information** must also be provided clearly and unambiguously:

- The question to be answered, which must be clearly formulated and easy to understand;

- The type and number of prizes that may be awarded, and whether there are any additional costs for the winner (for example, hotel accommodation where only the overnight stay is covered, or use of an annual service where only the first three months are covered, etc.);

- Details on participation in the game, for example: whether the answer must be written as a comment in a specific place on the profile/channel; whether another person must be tagged; whether a message must be sent via another application; or whether the participants should make contact by telephone, and whether doing so automatically provides the opportunity to answer the question and win a prize or whether additional steps are required (such as waiting, submitting more than one comment/message/call); whether one person may participate multiple times in the same prize game; whether the winner is the user who responds first with the correct answer or whether the winner is selected by drawing from all participants who provided a correct answer (if an automated selection process is used, this must be stated as well), etc.;

- The duration of the game or competition, i.e. when participants may start making contact and when they must stop, after which their responses will no longer be taken into account;

- The exact location where the full participation rules can be found.

When a video from an already completed game or quiz remains available in the catalogue, it must be clearly indicated that the quiz/competition/prize game has already ended.

In all videos featuring games or quizzes, due regard must be given to **the protection of minors**.

All personal data collected during the game or quiz must be processed in accordance with the applicable legal regulations on personal data protection.

Further details on the obligations related to the organisation and implementation of prize games, quizzes, competitions, and similar activities are set out in the:

- **Rulebook on Programmes with Prize Participation and on the Use of Premium-Rate Telephone Services →**

6. FREEDOM OF EXPRESSION AND ITS MISUSE

What is the difference between freedom of thought and freedom of expression and information

Freedom of thought is an absolute right, without limitations, for the simple reason that no one can restrict an individual's thoughts. Freedom of expression, on the other hand, is a fundamental civil and political right that includes the right to impart, transmit, or express opinions and ideas of all kinds (political, artistic, commercial, etc.), as well as the right to seek and receive information in any form (oral, written, through artistic expression, and through the media, including new technologies). The right to freedom of expression implies that individuals are aware that the exercise of this right entails responsibility; that is, everyone must decide which of their thoughts they will express publicly and be aware that, in doing so, they must not infringe upon the rights of others.

Restrictions on freedom of expression differ from censorship because the imposed limitations serve to protect the public interest, and they are narrowly defined, prescribed by law, in accordance with the Constitution and international standards, and must be interpreted and applied in accordance with specific legally established objective aims. Such aims include determining whether a given restriction is legally prescribed, legitimate, and necessary in a democratic society. The fundamental documents that protect freedom of expression, such as the European Convention on Human Rights, also set the boundaries that must not be crossed in its exercise. These boundaries are especially important for media services, including influencers, who bear special responsibility for the dissemination of information and data because they have a large number of followers and an audience.

The rules that influencers must follow in order to exercise freedom of expression without exceeding legal limits are prescribed in the Law on AVMS and are the same as those applicable to all other providers of audiovisual media services.

7. BASIC PROFESSIONAL PRINCIPLES FOR THE PROVISION OF AN AUDIOVISUAL MEDIA SERVICE

Influencers who have reached a certain level of influence over the public that is considered significant are no longer merely individuals who create videos addressing topics of public interest, but acquire the status of providers of audiovisual media services on demand. Therefore, they must adhere to a series of professional standards prescribed as principles for the performance of the activity (Article 47-a of the LAAVMS).

In accordance with these principles, in their videos and the accompanying descriptions/texts/posts, they must ensure the cultivation and development of **human and moral values and protect the privacy and dignity of individuals**, by **respecting the equality of freedoms and rights regardless of any characteristic of persons**, promoting the spirit of **tolerance and mutual respect and understanding** among citizens, and **presenting events objectively and impartially, treating different viewpoints and opinions equally**, and enabling their **audience** to **freely form their own opinion** on particular events and issues, rather than persuading them to adopt the influencer's position.

If they address topics related to violence or misdemeanours/criminal offences, they are obliged to **protect the identity of victims of violence** and to **respect the presumption of innocence of possible perpetrators**. In cases where these events relate to **gender-based violence**, they must follow the guidelines provided in the:

Agency's Guide for Monitoring Gender-Based Violence →

In their videos, influencers must be **open to expression of different cultures, preserving and nurturing national identity, linguistic culture, and domestic creativity**, and they must promote **international understanding and cooperation**, as well as the **public's sense of justice and the defence of democratic freedoms**.

If they publish or use third-party content, they must respect **copyright and related rights**. Likewise, they should expect their own copyright and related rights to be respected, and in case these rights are violated, they may seek protection through the courts.

It is of paramount importance that they remain independent, autonomous, but also responsible in their editorial policy, that they understand their right to protect the confidentiality of their information sources, and that they must provide the right of reply and correction, as guaranteed by the Constitution.

8. PROHIBITION OD DISCRIMINATION, HATE SPEECH, INCITEMENT TO VIOLENCE AND TERRORISM

The abuse of freedom of expression has clearly and unambiguously defined limits, which are prescribed in Article 48 of the LAAVMS, and refer to the fact that **in influencers' videos, posts/descriptions, or in their commercial communications**, **it is prohibited to**:

- **Endanger national security**, **incite the violent overthrow of the constitutional order** of the state, call for **military aggression or armed conflict**, incite **the commission of terrorist acts, offences related to child pornography, and offences related to racism and xenophobia**;

- **Incite or spread discrimination, intolerance, violence, or hatred based on race, skin colour, origin, national or ethnic affiliation, sex, gender, sexual orientation, gender identity, membership of a marginalized group, language, citizenship, social origin, religion or belief, political opinion, other beliefs, disability, age, family or marital status, property status, health status, personal traits and social status, or any other ground.**

These prohibitions do not mean that such topics may not be reported on or discussed. On the contrary, they mean **that when addressing them**, **influencers**, like all other media services, **must not be a source of discrimination or hate speech, nor may they incite or spread it**. **Instead, they must provide appropriate context that explains their wrongfulness and harmfulness to pluralism and to respect for diversity in contemporary Macedonian constitutional democracy**.

Moreover, according to the case-law of the European Court of Human Rights, influencers are also responsible for ensuring that comments under their posts do not violate these rules and therefore must moderate them.

The debate over what constitutes hate speech has become so diluted that many people today believe hate speech refers simply to anything they personally dislike. **In order to avoid such arbitrariness** and to provide media services with clarity on how to act without violating the Law, while also ensuring that decisions on when a media service is responsible for disseminating or inciting hate speech are grounded in the practice of the European Court of Human Rights, **AVMU has developed**:

Guide for Monitoring Hate Speech – Second Supplemented and Amended Edition →

9. ADMINISTRATIVE OBLIGATIONS

Registration and Payment of a Fee

All influencers, at the moment they meet the criteria prescribed in the Rulebook on Natural Persons as Providers of On-Demand Audiovisual Media Services (influencers/vloggers/creators), are required to first **register with the AVMU**, in accordance with Articles 56 and 57 of the Law on Audio and Audiovisual Media Services. To do so, they must download the **Application Form for Entry in the Register of Providers of On-Demand Audiovisual Media Services (for physical persons) →**.

In the Application, they must complete the basic information about themselves and about their service. Together with the Application, influencers must submit two additional documents: one is a description with details of the technical characteristics of the manner in which they provide the service, and the other is a notarized statement in which, as the responsible person for that particular service, they confirm that the information provided in the Application is accurate.

AVMU will verify whether all required documents have been submitted and whether the information contained therein is accurate. If anything is missing, AVMU will send a letter to the influencer(s) specifying what needs to be supplemented or corrected, and they will have to do that within 10 days from the date of receipt of the letter.

If everything is in order, or if the deficiencies are remedied within the 10-day period, AVMU will enter the influencer into the Register of Providers of On-Demand Audiovisual Media Services and will issue a certificate of registration. The Register will be permanently available on the Agency's website at: https://avmu.mk/influenseri/.

If any change occurs in the information provided in the Application, influencers are required to notify AVMU in writing within 30 days, and AVMU will record the change in the Register within three days of the notification.

After registration, AVMU will be conducting supervisory inspections. For this purpose, influencers are required to pay a supervision fee amounting to 0.5% of the total annual revenue generated in the previous calendar year, or for a shorter part of the year if the influencer was registered during the year. The report on the amount of total revenue must be

submitted to AVMU no later than 15 March of the current year. The supervision fee must be paid no later than 15 April, i.e. one month thereafter (Articles 59 and 142, Paragraphs 1, 2, 3, and 4, of the Law on Audio and Audiovisual Media Services).

Information that must be available to users at all times

In order to ensure professionalism and accountability in their operations, influencers must provide their users with easy, direct, and continuous access to basic information enabling the public to communicate with them or, where necessary, to submit a complaint to the AVMU or to the self-regulatory bodies—the Council of Media Ethics of Macedonia (CMEM) or the Council of Honour of the Association of Journalists of Macedonia (AJM)—as well as to exercise their constitutional right to a reply or correction. For this reason, **the name/title of the influencer's service, as well as their contact details, must be permanently displayed in a clearly visible place within the service** (Article 51 of the Law on Audio and Audiovisual Media Services).

Record-keeping of videos

Influencers are required to **retain** all videos (short or long) that they have published **in unaltered form for at least 30 days after the date on which the videos have ceased to be available** to the users. If the platform on which the content is published offers an archiving option, influencers may use that option. If AVMU requests that any of these videos be submitted, influencers must provide an authentic and complete copy of the video no later than three days after receipt of the request. If legal proceedings are initiated in relation to a video, influencers are required to retain the video until the conclusion of the proceedings on a data storage medium independent of the platform (Article 47, Paragraphs 2, 3 and 4, of the Law on Audio and Audiovisual Media Services).

For more detailed information, please visit https://avmu.mk/

All photographs and illustrations have been created by AVMU with the help of artificial intelligence software.