



**The Republic of Macedonia**  
**Government of the Republic of Macedonia**

**LAW ON BROADCASTING ACTIVITY**

**I. GENERAL PROVISIONS**

Article 1

This Law regulates the conditions for and manner of pursuing broadcasting activity and matters of public interest in the field of broadcasting.

Article 2

This Law aims to provide for:

- The freedom of expression in the broadcasting activity, in accordance with the Constitution of the Republic of Macedonia and the international treaties ratified and acceded to by the Republic of Macedonia;

- the protection of interests of users;

- the encouragement, improvement and protection of the cultural identity, educational and scientific development. Encouraging the development of creativity, the language and traditions in broadcasting activity;

- the improvement and stimulation of competition in broadcasting activity and the development thereof;

- transparency, independence and non-discrimination in regulatory processes; and

- an independent and efficient public broadcasting service.

Article 3

Broadcasting activity is the transmission of radio and/or television programme services, regardless of the transmission technology used, in coded or un-coded form, intended for public reception.

The technical conditions for the establishment and operation of radio stations, i.e. the terms of construction, maintenance and use of networks and other means for broadcasting programmes and for

their transmission through the public communications networks, shall be regulated in the legislation that regulates the field of electronic communications.

#### Article 4

The terms used in this Law shall have the following meanings:

1. **Broadcaster** shall mean a legal or natural person with editorial responsibility for the composition of schedules for radio, i.e. television programme services intended for reception by the public, transmitted by the said legal or natural person, or transmitted on its behalf by third parties, completely and unchanged;

2. **Public communications network operator** shall mean a legal person authorized to construct, own, rent and operate a public communications network and associated means and can provide public communication services;

3. **Transmission** shall mean the original emission of radio and/or television programme services intended for public reception, which are distributed through a terrestrial transmitter, electronic communications network or satellite. This definition does not cover the communication services provided on individual request;

4. **Retransmission** shall mean reception and simultaneous transmission through any technical means, of complete and unchanged radio or television programme services, or of important parts of said services, which other broadcasters broadcast for public reception;

5. **Broadcasting activity on national level** is broadcasting activity pursued by a broadcaster that provides coverage, in terms of listeners and viewers, of at least 80% of the total population of the Republic of Macedonia;

6. **Broadcasting activity on regional level** is broadcasting activity pursued by a broadcaster that provides coverage, in terms of listeners and viewers, for a territory of several municipalities that form a natural geographic or demographic entity, with a population from 150,000 to 400,000 citizens. The City of Skopje and its surroundings shall be considered as separate region;

7. **Broadcasting activity on local level** is broadcasting activity pursued by a broadcaster that provides coverage, in terms of listeners and viewers, for the area of a single settlement and its immediate surroundings, with population that shall not exceed 150,000 citizens;

8. **Programme service** is a unit comprising programmes and other elements of a unified service provided by a given broadcaster and intended for public reception;

9. **In-house production** is radio or television programme created on the initiative and in the organization of the broadcaster. The programmes created by third parties on previous order by the broadcaster (ordered production), as well as the programmes created as an effort of coproduction, shall also be considered in-house production.

Advertising, tele-shopping and other paid advertisements and classifieds shall not be considered as part of in-house production;

10. **Advertising** is every public announcement included in the programmes of a given broadcaster, which aims to stimulate the sale, purchase or rent of products or services, promote some action or idea, or achieve other effects desired by the client or the broadcaster, which is conducted in return for payment or for another appropriate compensation or for self-promotional purposes ;

11. **Surreptitious advertising** refers to the presentation, in words or pictures, of goods or services, the name, the trade-mark or the activities of a producer of goods or a provider of services, in such cases when this presentation is intended for advertising purposes and could mislead the public as to its nature and character;

12. **Sponsorship** shall refer to the participation of a legal or natural person, that is not involved in the pursuit of broadcasting activity or in the production of audio-visual works, in direct or indirect financing of broadcasters' programmes, with the aim to promote his or her name-firm, trade-mark or image;

13. **Teleshopping** is the broadcast of direct offers to the public regardless of the technical means of transmission, aimed at purchase, sale or rent of goods and services, including immovable property,

rights and obligations, in return for payment. Any offer that, in addition to information on the supplier and on the characteristics of the good or service, contains one or more of the following elements: price, postal or electronic address and/or the telephone number that could be used to make the purchase, shall be considered a direct offer;

#### 14. **European audio-visual works** are:

a) the works originating from member-states of the European Union or third European countries, signatories to the European Convention on Transfrontier Television of the Council of Europe (provided that those works are not subject to discriminatory measures in the third countries concerned) and that are mainly created by authors and workers in those countries, if they fulfil one of the following requirements: are created by one or more producers established in one or more of those States; or their production is supervised and actually controlled by one or more producers established in one or more of those States; or the contributions of co-producers of those States to the total production costs is preponderant and the co-production is not controlled by one or more producers established outside those States;

b) the works originating from third European countries, created exclusively or in co-production with producers established in third European countries, with which the European Union has concluded agreements related to the audio-visual sector, provided that the works are mainly created by authors and workers residing in one or more of these European countries and provided that the said works are not subject to discriminatory measures in those States;

c) works that are not European, within the meaning of points a) and b), but are produced within the framework of bilateral co-production treaties concluded between EU member-states and third countries, shall be deemed to be European works provided that the EU co-producers supply a majority share of the total cost of the production and that the production is not controlled by one or more producers established outside the territory of European Union member states;

d) works that are not European, within the meaning of points a) and b), but are mainly created by authors and workers residing in one or more EU member-states, shall be deemed to be European works, proportionally to the financial contribution of EU producers in the total production costs;

15. **Independent producer** is a natural or legal person registered for production of audio-visual works, with a head office in the Republic of Macedonia or another country, provided that:

- it is not included in the organizational structure of a given broadcaster;
- its share in the capital of a broadcaster shall not exceed 25%; and
- the broadcaster does not hold a share in the capital of the producer.

#### Article 5

The provisions of this Law shall apply to all broadcasters under jurisdiction of the Republic of Macedonia.

Under the jurisdiction of the Republic of Macedonia are the broadcasters established in the Republic of Macedonia, i.e. broadcasters that have a head office in the Republic of Macedonia and the editorial decisions of which are made in the Republic of Macedonia.

The following broadcasters also fall under the jurisdiction of the Republic of Macedonia:

- The head office of the broadcaster is in the Republic of Macedonia but the editorial decisions on the programmes are made in an EU member-state or in a state-party to the European Convention on Trans-Frontier Television, or in a third country, where a significant portion of the workforce involved in the pursuit of the broadcasting activity is in the Republic of Macedonia;
- The head office of the broadcaster is in the Republic of Macedonia, while a significant portion of the involved workforce works both in the Republic of Macedonia and in an EU member-state or a state-party to the European Convention on Transfrontier Television or in a third party;
- The head office of the broadcaster is in an EU member-state or in a state-party to the European Convention on Trans-Frontier Television, but a significant portion of the workforce involved in the pursuit of the broadcasting activity is in the Republic of Macedonia; and

- The broadcaster has initially started the broadcasting programmes in the Republic of Macedonia, in accordance with its legislation and maintains a stable and effective relationship with the economy of the Republic of Macedonia, in cases when a significant number of the involved workforce does not work either in the Republic of Macedonia or in an EU member-state or state-party to the European Convention on Trans-Frontier Television.

Broadcasters that are not covered by the terms and conditions from Paragraph 3 of this Article, shall be considered to be under jurisdiction of the Republic of Macedonia if they use:

- A frequency granted by the Republic of Macedonia;
- Satellite capacity appertaining to the Republic of Macedonia, although it does not use a frequency granted by the Republic of Macedonia; and
- Satellite up-link situated in the territory of the Republic of Macedonia, although it uses neither a frequency granted by the Republic of Macedonia nor a satellite capacity appertaining to the Republic of Macedonia.

## **II. BROADCASTERS**

### Article 6

Broadcasting activity can be pursued by a broadcaster, under the terms and conditions and in a manner defined by this and other Laws.

### Article 7

The broadcaster may be a public broadcasting enterprise, a commercial broadcasting company or non-profit broadcasting institution.

### Article 8

A public broadcasting enterprise shall be established for the whole territory of the Republic of Macedonia and it shall perform the function of a public broadcasting service.

The public broadcasting enterprise from Paragraph 1 of this Article shall work in a manner and under the conditions defined by this Law.

### Article 9

A commercial broadcasting company may be founded by legal and natural persons, under conditions defined by this and other Laws.

### Article 10

Educational, cultural and other institutions and citizens' associations and foundations may establish a non-profit broadcasting institution with the aim to provide for the needs and interests of specific target groups.

Several entities referred to in paragraph 1 of this Article may be issued a licence to broadcast programmes on a single frequency, on the principle of time-sharing.

### Article 11

Political parties, state bodies, bodies of the state administration, public enterprises, local self-government units, public office holders and members of their families, may not pursue broadcasting activity or appear as founders or co-founders of broadcasters, or acquire ownership of broadcasters.

### Article 12

A broadcaster shall start the pursuit of broadcasting activity after it was issued a licence to pursue broadcasting activity.

The public broadcasting enterprise shall acquire a licence to pursue broadcasting activity with this Law.

### **III. PROTECTION OF PLURALISM, DIVERSITY AND TRANSPARENCY OF THE WORK OF BROADCASTERS**

#### Article 13

In order to provide for the diversity of programme services offered, and to protect the pluralism of media ownership, the existence of illegal media concentration is determined.

The existence of illegal media concentration, in the sense of this Law, shall be determined if a broadcaster:

- Owns a share in the founding capital of another broadcaster, in violation of provisions of Article 14 of this Law;
- Owns a share in the founding capital of a publishing company involved in the publication of a daily newspaper or in a news agency;
- Owns a share in the founding capital of an advertising and propaganda company, market and public opinion research company, audiovisual works distribution company, film production company or telecommunication services company;
- Is simultaneously involved in broadcasting radio and television programmes, with the exception of the public broadcasting service;
- Is simultaneously involved in broadcasting radio and/or television programmes and in the publication of a daily newspaper distributed on the territory covered by the broadcast radio and/or television programmes;
- Is simultaneously involved in broadcasting radio and/or television programmes and conducts the activities of a news agency, investigation and security company, advertising and propaganda company, market and public opinion research company, audiovisual works distribution company, film production company, or a telecommunication services company.

The existence of illegal media concentration, in the sense of this Law, shall also be determined if the broadcasters are established by natural or legal persons that simultaneously appear as:

- Founders of other broadcasters, in violation of provisions of Article 14 of this Law;
- Founders of a publishing company that publishes a daily newspaper distributed to the territory covered by broadcast radio and/or television programmes;
- Founders of a news agency;
- Founders of advertising and propaganda company, market and public opinion research company, investigation and security company, audiovisual works distribution company, film production company, or telecommunication services company;
- Related persons in the sense of the provisions of this Law.

#### Article 14

A natural or legal person that appears as a majority co-owner, share-holder, or related person in a broadcaster with licence to pursue broadcasting activity on national level, can appear as co-owner, i.e. participate in the ownership of only one other broadcaster that holds a licence to pursue broadcasting activity on national level, but not exceeding 50% of the capital of that legal person or 50% of the decision-making rights.

A natural or legal person that appears as a majority co-owner, share-holder, or related person, in a broadcaster that holds a licence to pursue broadcasting activity on national level, can appear as majority co-owner of at most one other broadcaster that holds a licence to pursue broadcasting activity on regional level, and at most two broadcasters that hold licences to pursue broadcasting activity on local level, provided that the two regions don't share a common border.

A natural or legal person that appears as a majority co-owner, share-holder, or related person, in a broadcaster that holds a licence to pursue broadcasting activity on regional level, can appear as majority co-owner in at most one other broadcaster that holds a licence to broadcast on regional level, and at most two broadcasters that hold licences to pursue broadcasting activity on local level, provided that the two regions do not share a common border.

A natural or legal person that appears as a majority co-owner, share-holder, or related person in a broadcaster that holds a licence to pursue broadcasting activity on local level, can appear as majority co-owner in at most two other broadcasters with licences to pursue broadcasting activity on local level, provided that the two areas don't share a common border.

A natural or legal person that appears as a majority co-owner, share-holder, or related person, in a broadcaster cannot found or appear as a co-founder, or be a share-holder in a publishing company

involved in publication of daily newspaper, news agency, investigation and security company, advertising and propaganda company, market and public opinion research company, film distribution company, film production company, or telecommunication services company.

#### Article 15

The existence of illegal media concentration is determined by the Broadcasting Council, with exception of cases that fall under the competence of the Commission for Protection of Competition, in accordance with the provisions of the Law on Protection of Competition.

If the Broadcasting Council has determined the existence of illegal media concentration, it shall order the broadcaster to bring into accord its operations with the provisions of this Law, within a deadline not longer than three (3) months from the day the existence of the illegal media concentration was determined.

Should the broadcaster fail to act in accordance with Paragraph 2 of this Article, the Broadcasting Council shall implement the procedure for revocation of the licence to pursue broadcasting activity.

#### Article 16

The Broadcaster can not have a secret co-owner, i.e. secret co-owner can not participate with monetary or non-monetary share in a broadcaster.

#### Article 17

A broadcaster is obligated to inform the Broadcasting Council about all changes in the ownership structure.

If the change of the ownership structure brings the broadcaster, or a person related to it, a share in the capital assets of another broadcaster of more than 10% of the capital assets, the broadcaster shall be obligated, starting from the day on which the 10% limit was exceeded, to submit a request for approval to the Broadcasting Council for change in the ownership structure.

The Broadcasting Council shall be obligated to present its position on the request for change in the ownership structure within 60 days from the day it received the complete request as referred to in paragraph 2 of this Article.

If the Broadcasting Council determines that the planned change in the ownership structure shall lead to a situation of an illegal media concentration, it will recommend that the broadcaster should bring into accord the changes in a manner that would secure that the creation of illegal media concentration is avoided.

If the broadcaster fails to act in compliance with the recommendations of the Broadcasting Council and implements the change of ownership structure that may result in appearance of one of the cases listed in Paragraph 6 of this Article, the provision of this Law regarding the termination of the licence to pursue broadcasting activity before its legal expiration date shall apply.

The Broadcasting Council shall not approve the change in the ownership structure if it determines that it may lead to illegal media concentration, especially if:

- The broadcasters involved in a merger as a result of the change in shares owned by the natural and legal persons in the ownership structure of the organizations, gain a dominant position in the advertising market, to the effect that their share in the total sales of advertising time in radio and television exceeds 30%;
- The broadcasters involved in a merger as a result of the change in the shares owned by natural and legal persons in the ownership structure of the organizations, gain dominant position in the creation of public opinion, to the effect that their share in the total audience ratings exceeds 40%; and
- Regional and local broadcasters, merging as a result of a change in the shares owned by natural and legal persons in their ownership structure, succeed in covering, in terms of broadcasts, a maximum of 50% of the total population of the Republic of Macedonia.

The advertising market mentioned in Paragraph 6, indent 1 of this Article, shall be calculated on the basis of indicators on revenue generated from advertisements of all broadcasters during the year preceding the merger.

The total audience mentioned in Paragraph 6, indent 2 of this Article shall be calculated on the basis of indicators of audience ratings measurements, for all 12 months in the calendar year preceding the merger.

The percentage of coverage mentioned in Paragraph 6, indent 3 of this Article shall be calculated on the basis of indicators of the last population census in the Republic of Macedonia.

#### Article 18

Related persons, in terms of this Law, shall denote persons mutually connected through the management structure, capital assets or in another manner, when such persons, due to their connections, are jointly involved in the creation of business policies, i.e. act in a coordinated way to achieve common goals, or when one person has the ability to direct or exert significant influence on the other person in its decision on the business operation or the programming concept of the broadcaster.

Following persons shall be considered related persons, in terms of this Law:

- Family members (parents, children, siblings, adoptive parents and adoptees);
- Persons in marriage and out-of-wedlock communities (cohabitation);
- Members of the spouse's immediate family;
- Share-holders or holders of other rights on basis of which they participate in the management of the broadcaster, with at least 25% of the voting rights;
- Persons that hold a total share of ownership in two broadcasters, or other rights on basis of which they participate in the management of each of the broadcasters with at least 25% of the voting rights;
- Persons who, on the basis of a marketing or another business cooperation contract, generate in excess of 30% of the advertising, teleshopping or sponsorship income of a given broadcaster in a year;
- Members of the managing or supervisory board of a given broadcaster, as well as the persons related to the members of the managing and supervisory board of the organization in a manner defined by this Article.

#### Article 19

A foreign natural or legal person can found or participate in the ownership of a domestic broadcaster under the same terms defined by this Law applicable to domestic natural persons and legal entities.

#### Article 20

Broadcasters shall be obligated, once per year, and by March 31 at the latest, to publish a report on their operations for the previous year, including:

- Changes in ownership structure;
- Statutory changes of the broadcaster;
- Changes in the managing and governing bodies; and
- Sources of financing.

Broadcasters shall be obligated to publish the data of Paragraph 1 of this Article in at least one daily newspaper, and on its own programme, at least three times per year, at prime time.

Broadcasters shall be obligated to submit their financial reports for the previous year to the Broadcasting Council, by March 31 at the latest.

Upon a request by the Broadcasting Council, the broadcasters shall be obligated to submit information on the revenue generated through advertising, teleshopping and sponsorship.

### **IV. BROADCASTING COUNCIL**

#### Article 21

The Broadcasting Council is an independent non-profit regulatory body, with public competences and authority in the field of broadcasting activity defined by this Law.

The Council shall act as a legal person.

The Broadcasting Council, in the course of performance of its competences laid down in this Law, shall ensure the freedom and pluralism of expression, existence of diverse, independent and autonomous media, economic and technological development of broadcasting activity, and protection of the interests of citizens in broadcasting.

The seat of the Broadcasting Council is located in Skopje.

#### Article 22

The Broadcasting Council shall prepare the strategy for development of broadcasting activity in the Republic of Macedonia.

In the course of preparation of the Strategy of paragraph 1 of this Article, the participation of other institutions competent for performing activities in the field of broadcasting, electronic communications and information society, shall be ensured. In the course of preparation of the Strategy, the views and positions of non-governmental organizations in the field of media, as well as other legal entities that perform activities related to broadcasting, shall be taken into consideration.

#### Article 23

The Broadcasting Council shall consist of nine (9) members.

The Members of the Broadcasting Council shall be appointed and dismissed by the Assembly of the Republic of Macedonia.

#### Article 24

The Assembly of the Republic of Macedonia shall elect the Members of the Broadcasting Council upon nominations submitted by authorized nominators as determined in Article 26 of this Law.

Persons with expertise and prominence in the fields of communication sciences, journalism, telecommunications, information sciences, culture, economy, law and other fields of importance to the effectuation of competences of the Broadcasting Council may be nominated for Members of the Broadcasting Council.

The Broadcasting Council shall ensure that its ranks provide for fair representation of all communities living in the Republic of Macedonia.

#### Article 25

The following persons may not be elected members of the Broadcasting Council:

- Members of Assembly, Members of Government of the Republic of Macedonia, senior officials in the state administration or local self-government units, persons in executive positions and members of managing or supervisory boards of public enterprises;
- Persons performing duties in the bodies of a political party or a religious community;
- A person who, as owner or shareholder, as a member of the managing board, or who directly or indirectly is interested in a legal entity involved in broadcasting activity, or in a company involved in related activity (advertising, electronic communications, production and sale of broadcasting equipment, etc.);
- A person whose family members (parents, sibling, spouse, offspring) own shares of ownership or sit in the managing bodies of broadcasters;
- A person lawfully sentenced to a term in prison longer than six months, or person that has been sentenced to a prohibition of performance of profession, activity or duty for a period longer than six months.

The nominee for member of the Broadcasting Council shall submit to the authorized nominator a statement verified by a Notary Public, to the effect that no impediments listed in paragraph 1 of this Article exist to hinder his/her membership in the Broadcasting Council.

#### Article 26

The authorized nominators of members of the Broadcasting Council are:

- The Macedonian Academy of Arts and Sciences;
- The Inter-University Conference;
- The Majority Journalists' Association of Macedonia;
- The Committee of Elections and Appointments of the Assembly of the Republic of Macedonia.

#### Article 27

The Macedonian Academy of Arts and Sciences shall nominate candidates for one seat in the Broadcasting Council.

The Inter-University Conference shall nominate candidates for three seats in the Broadcasting Council.

The Majority Journalists' Association of Macedonia shall nominate candidates for two seats in the Broadcasting Council.



The Committee on Elections and Appointments of the Assembly of the Republic of Macedonia shall nominate candidates for three seats in the Broadcasting Council.

#### Article 28

The Members of the Broadcasting Council are elected for a six-year term, whereby the members of the first composition of the Council, elected in accordance to the provisions of this Law, shall be elected in a manner by which three members shall be elected to a two-year term in office, three members shall be elected to a four-year term in office, and three members shall be elected to a six-year terms in office.

The members of the Broadcasting Council nominated by the Macedonian Academy of Arts and Sciences and the Majority Journalists' Association of Macedonia shall be elected to two-year terms in office; the members nominated by the Committee on Elections and Appointments of the Assembly of the Republic of Macedonia shall be elected to four-year terms in office; and, the members nominated by the Inter-University Conference shall be elected to six-year terms in office.

The Members of the Broadcasting Council shall not have the right to be re-elected.

In cases of resignation by a member of the Broadcasting Council, or termination of the term in office prior to the legal expiration date, the Assembly of the Republic of Macedonia shall elect a new member of the Broadcasting Council for the remaining part of the term in office, on nomination submitted by the authorized nominator of Article 26 of this Law.

If the Assembly of the Republic of Macedonia should fail to elect a member of the Broadcasting Council, the authorized nominator shall propose a new nominee within 15 days of the receipt of the information presented by the Assembly of the Republic of Macedonia, and the Assembly shall be obligated to make the election within 30 days from the day the nomination was submitted.

The Broadcasting Council can perform its work if at least six members of the Council have been elected.

#### Article 29

The Assembly of the Republic of Macedonia shall issue a public announcement to the authorized nominators to submit their nominations for members of the Broadcasting Council, at least six months prior to the expiration of the terms in office of the members of the Broadcasting Council.

The authorized nominators shall be obligated to submit their nominations to the Assembly of the Republic of Macedonia within a deadline of two months from the day of the publication of the public announcement, and to publish their nominations, in the same deadline, in at least two daily newspapers.

The Assembly of the Republic of Macedonia shall elect the new members at least one month prior to the expiration of the terms in office of the members of the Broadcasting Council, with individual votes on each nominated candidate.

#### Article 30

The Broadcasting Council shall elect its President and Deputy President from its own ranks.

The President and the Deputy President of the Council shall be elected for the period of their term in office as Members of the Broadcasting Council.

The function Member of the Broadcasting Council shall be performed professionally.

With the day of the appointment as Member of the Broadcasting Council, the employment of the appointed person shall be in rest.

#### Article 31

The Broadcasting Council shall be obligated to hold at least one meeting per month.

The President of the Council chairs the sessions of the Broadcasting Council and represents the Broadcasting Council. In cases of his/her absence or inability, the duties of the President are performed by the Deputy President of the Broadcasting Council.

The Decisions of the Broadcasting Council are signed by the President of the Broadcasting Council, and in cases of his/her inability, the Deputy President of the Broadcasting Council.

#### Article 32

A Member of the Broadcasting Council can resign from office.

A Member of the Broadcasting Council cannot be dismissed prior to the expiration of his/her term in office, with the exception of the following cases:

- If he/she is prevented, by illness, from participation in the work of the Broadcasting Council for a period longer than six months;
- In cases of the appearance of one of the impediments to his/her membership in the Broadcasting Council laid down in Article 25 of this Law;
- If he/she acts in violation of the provisions of this Law;
- If he/she was sentenced for a criminal offence for which a term in prison longer than six months is prescribed, or if he/she was sentenced to a prohibition to perform a duty for a period longer of six months;
- If he/she is absent from three (3) consecutive meetings of the Council or from five (5) meetings over a period of six months, and has failed to provide a justifiable reason for the absence.

The fulfillment of conditions for the dismissal of a member of the Broadcasting Council prior to the expiration of his/her term in office from paragraph 2 of this Article shall be determined by the Council with a majority of votes of the total number of members, upon which the Council shall submit a dismissal request to the Assembly of the Republic of Macedonia. In this case the procedure determined in Article 28 paragraph 4 of this Law shall be applied.

#### Article 33

The work of the Broadcasting Council is public.

The Broadcasting Council works and decides in meetings open to the public, with the exception of cases when it discusses matters or information of confidential nature. The Broadcasting Council shall work with a quorum of at least five members, and it shall adopt its decisions with a majority vote of the total number of members.

The Broadcasting Council shall be obligated to publish the public competitions, the number of applicants, the decisions and minutes of its meetings, and the proposed agendas of its meetings in the media and on the web-site of the Broadcasting Council, as well as to inform the public about its work, through the media, at least once every three months.

The Broadcasting Council shall organize public meetings with all the stakeholders, at least once every three months to enable them to be informed about the work of the Council and to provide the stakeholders with an opportunity to present their views and opinion on the situation in the field of broadcasting.

#### Article 34

The work of the Broadcasting Council shall be more closely regulated by the Rules of Procedures of the Broadcasting Council.

The Broadcasting Council shall establish a professional service to perform the expert and administrative operations of the Council. The internal organization and manner of operations of the professional service shall be regulated by the Acts on the organization and systematization of the work and tasks of the professional service of the Broadcasting Council. The work of the professional service is managed by the Head of professional service.

#### Article 35

The Broadcasting Council adopts an Annual Report on its operations for the previous year, and an Annual Financial Plan for the upcoming year, both of which shall be published and submitted to the Assembly of the Republic of Macedonia for review, by March 31 at the latest.

The Annual Report on its operations for the previous year shall list the explanation on the financial and material operations and the Audit Report for the previous year.

The Annual Financial Plan shall list the information on income and costs, and the planned capital and operational costs for the upcoming year.

The Audit of paragraph 2 of this Article shall be conducted by the National Bureau of Audits and an external, independent auditor, commissioned by the Broadcasting Council.

If upon review of the Annual Financial Plan, the Assembly of the Republic of Macedonia determines irregularities, it shall obligate the Broadcasting Council to submit a new Annual Financial Plan withing 60 days from the day of the review at the latest.

#### Article 36

The funds for financing of the work of the Broadcasting Council shall be secured from the funds collected from the Broadcasting Fee and from the Licence Fees.

If the funds from paragraph 1 of this Article exceed the costs of operation of the Council, the remaining funds shall be transferred to the next fiscal year and will be listed in the Annual Financial Plan of the Council for that year.

#### Article 37

The Broadcasting Council performs the following activities:

1. Implements the Strategy for Development of Broadcasting Activity in the Republic of Macedonia;
2. Decides on the allocation, revocation and renewal of licences to pursue broadcasting activities;
3. Coordinates the activities with the Agency for Electronic Communications when adopting the Plan for Allocation and Use of Radio Frequences, in the part relating to broadcasting;
4. Supervises the work and operations of the entities involved in the pursuit of broadcasting activity in terms of their compliance with the provisions of this Law, the licence to pursue broadcasting activity, and the by-laws adopted by the Broadcasting Council regarding the programme contents;
5. Adopts decisions, rules, conclusions, recommendations, instructions and other acts, adopts views and proposals for implementation of the Law on Broadcasting Activity;
6. Informs the competent body on matters of protection of copyrights and related rights about any suspected violations of copyrights and related rights which it can back up with evidence;
7. Reviews the requests and petitions submitted by citizens regarding the radio and television programmes and programme services retransmitted through the public communication networks, as well as the work of the broadcasters, and informs the public about the measures it has taken, on regular basis;
8. Undertakes legal measures against the broadcasters that fail to fulfil their duties laid out by the Law, the licence to pursue broadcasting activity and the acts of the Broadcasting Council;
9. Adopts opinions and participates in the drafting of legislation, regulations and other acts regarding the broadcasting activity, as well as in the conclusion and accession of the Republic of Macedonia to international treaties in the field of broadcasting and provides for their full implementation;
10. Approves the List of Major Events for the public in the Republic of Macedonia and undertakes measures for the protection of the right of the public to access such events, to prevent that a broadcaster, by virtue of securing the exclusive rights to broadcast the event, should deny a significant portion of the population the possibility to follow the event;
11. Adopts acts on the organization and systematization of work and tasks of the professional service;
- ~~12.~~ Issues certificates of registration of radio and television programme services retransmitted via a public communication network;
13. Adopts and implements measures defined by this Law, initiates misdemeanor and criminal procedures and performs other activities as defined by this and other Law;
14. Performs other activities as defined by this Law.

For the performance of the duties of Paragraph 1 of this Article, the bodies of the state administration, the bodies of the local self-government units, the institutions established by Law, and the broadcasters shall be obligated to provide and submit to the Broadcasting Council the necessary documents, data and information, upon its request.

#### Article 38

If, in the course of the performance of its activities, the Broadcasting Council detects violations of the provisions of this Law and the by-laws adopted on the basis of this Law, as well as the terms and conditions defined in the licence to pursue broadcasting activities by a broadcaster, it may pronounce one of the following measures:

- written warning;
- written warning with a request for the warning to be aired;
- temporary prohibition to broadcast advertising and teleshopping for a period from 1 to 7 days;
- temporary prohibition to broadcast the programme service for a period of up to three months.

The Written Warning shall be pronounced in cases of any violation of Paragraph 1 of this Article.

The Written Warning with request for the warning to be aired shall be pronounced in the cases when the broadcaster, in spite of the Written Warning, continues with the violation for which the warning was pronounced.

The Temporary Prohibition to broadcast advertising and teleshopping for a period of 1 to 7 days shall be pronounced in cases of violation of provisions in Chapter VI and VII of this Law.

The Temporary Prohibition to broadcast the programme services for a period of up to three months shall be pronounced if the broadcaster continues with the violation for which the measure Temporary Prohibition to Broadcast Advertising and Teleshopping was pronounced.

The Temporary Prohibition to Broadcast the Programme Services for a period of up to three months may be pronounced as the initial sanction for violations of provisions of Article 20, paragraphs 1 and 2, Article 69 and Article 70, of this Law.

The decision that pronounces the measures referred to in paragraph 1 of this Article shall establish the deadline that may not be shorter than seven (7) and longer than ten (10) days, and during which the violations performed by the infringement of this Law, as well as by the infringements to the adopted regulations based on this Law and the terms laid down with the licence to pursue broadcasting activity, shall be removed.

A lawsuit to the competent court may be filed against the decision in paragraph 7 of this Article within 15 days from the day of receiving the decision. The procedure in front the competent court shall be urgent. The Lawsuit shall not defer the implementation of the Decision.

The measures from paragraph 1, indents 1 and 2 of this Article shall exclude initiating a misdemeanour procedure in the case of removal of the infringements, for which the said measures are pronounced.

#### Article 39

In the performance of its functions, the Broadcasting Council cooperates with other state bodies, on matters regarding broadcasting activity.

The Broadcasting Council, the Agency for Electronic Communications and the Commission for Protection of Competition shall be obligated to exchange data and information necessary for successful performance of their competences. The scope of the exchange shall be restricted to the information and data that correspond to the goals for which they were exchanged.

#### Article 40

The Broadcasting Council may exchange the information in its possession with other regulatory bodies, upon request, under the condition that the exchanged information falls within the scope and the competences of the respective regulatory bodies and that they are exchanged in the manner and under the conditions defined in Article 39, paragraph 2 of this Law.

### **V. LICENSE TO PURSUE BROADCASTING ACTIVITY**

#### Article 41

The License to Pursue Broadcasting Activity (hereinafter referred to as “the License”) shall be issued for the transmission of a given radio or television programme service, regardless of the technical means of transmission, under conditions and in a manner and procedure defined by this Law.

It is prohibited to pursue broadcasting activity without a licence.

#### Article 42

The License is an authorization that provides the holder with the right to transmit and distribute a given radio or television programme service intended for public reception.

The License shall regulate the nature of the programme service.

To broadcast a new programme service, a new Licence is needed.

#### Article 43

The Broadcasting Council shall announce a public competition for allocation of Licenses.

The procedure for issuance of the License is transparent and shall be carried out in a manner that ensures fair, equal, and non-discriminatory treatment for all participants in the procedure.

#### Article 44

The competition procedure shall start with the adoption of a decision to open a public competition for allocation of licenses to pursue broadcasting activity by the Broadcasting Council.

The Decision to Announce a Public Competition for allocation of licenses to pursue broadcasting activity shall be published in the “Official Gazette of the Republic of Macedonia”, on the website of the Broadcasting Council and in at least two daily newspapers.

The period for submission of applications on the public competition shall start on the first day after the day of the publication of the Decision to Open a Public Competition in the “Official Gazette of the Republic of Macedonia”.

#### Article 45

Prior to the adoption of the Decision to Open a Public Competition, the Broadcasting Council shall conduct a public survey and analysis in terms of the type of programme services that need to be covered by the competition from the aspect of the needs of the audience, and may consult the interested stakeholders.

The Decision of paragraph 1 of this Article should comply to the Plan for Allocation and Use of Radio Frequencies, if the Competition refers to allocation of License to pursue broadcasting activity via radio frequencies.

#### Article 46

The Council shall determine the the number of licenses, i.e. radio and television programme services for which the public competition is being announced, taking into consideration the following criteria:

- Ensuring diversity and quality of programmes;
- Meeting the needs of the audience;
- Developing the pluralism;
- Economic potentials of the market and promotion of fair competition; and
- Technical resources and facilities.

#### Article 47

The Decision to announce an open competition for allocation of licenses to pursue broadcasting activity shall contain the following:

- The type of activity (radio/television) for which the competition is announced;
- The level of coverage (national/regional/local);
- The technical facilities used to transmit/distribute the programme (terrestrial transmitter/frequency, public communication network, satellite, digital terrestrial network, etc.);
- The geographic area to be covered by the activity;
- The nature of the programme service;
- The number of licences for specific radio and television services;
- The license duration;
- The terms and requirements to be met by the applicants in order to be able to pursue the activity concerned;
- The basic technical requirements, standards and parameters on transmitting, determined in compliance with the Law on Electronic Communications;
- The amount and manner of payment of the fee for the license to pursue broadcasting activity;
- The amount of the fee for use of radio frequencies and the manner of its payment;
- The time and the place at which the tender documentation shall be available, including the amount and the manner of payment for the documentation concerned;
- The deadline for submission of applications; and
- The documentation that needs to be submitted together with the application.

#### Article 48

The competition shall list the general, technical, production, programme and other requirements that shall be met by the applicants, in particular:

- Programme-related conditions and requirements to be met by the applicants bids;
- The requirements on the financial capacities necessary to pursue the activity;
- The amount and the manner of payment of the fee for the license to pursue broadcasting activity;
- The basic technical requirements, standards and parameters for the studio segment;
- The basic technical conditions, standards and parameters on the transmission segment, defined in compliance with the Law on Electronic Communications;
- The criteria for comparison and evaluation of applications, and the weighing of criteria in the evaluation process;
- The instructions for filling out the application forms;

- The manner and form of submission of applications.

#### Article 49

The applicants shall submit their applications on a special form, the form and contents of which are prescribed by the Broadcasting Council.

The applicants shall enclose the following documents and data to their applications:

- The name and surname, address, fax number, e-mail address and Certificate of Citizenship for the applicant;
- The name and the head office of the legal entity, if the applicant is a legal entity;
- Proof of registration of the legal entity;
- Data on the ownership structure;
- Information, i.e. proof of the fulfilment of the legal requirements to pursue the activity, i.e. proof that there is no obstacle to pursue the activity;
- A precise business plan (programme project, technical project including a description of the existing and planned studio equipment, especially in terms of the production part, as well as information on the existing and planned personnel structure);
- Documents guaranteeing the financing of the business plan, i.e. the activity;
- A document issued by competent authorities certifying that the applicant has paid its tax obligations, and certificate of its solvency;
- Data on shares of ownership in other broadcasting organizations;
- A statement by the applicant, certified by a Notary Public, that it shall comply to the basic technical conditions, standards and parameters as prescribed by the Law on Electronic Communications;
- A statement, certified by a Notary Public, that the applicant does not violate the provisions of Chapter III of this Law;
- Other information and documents that the applicants deems relevant for the decision-making processes on allocation of licenses.

#### Article 50

The applications shall be submitted within the deadline set in the Decision to open a public competition.

The deadline for submission of application must allow the applicant enough time to prepare a high quality bid and shall not be shorter than 1 month or longer than 3 months.

#### Article 51

The Broadcasting Council shall evaluate the received applications on the basis of the following criteria:

- The nature of the offered radio or television programme service;
- The genre and thematic diversity of the programme service contents, the percentage of programmes originally produced in Macedonian language or in the languages of the ethnic communities that are not a majority in the Republic of Macedonia in the total planned daily programming, the presence of programmes treating events and cases of relevance for the area covered by the broadcast programmes, as well as the participation of European audiovisual works;
- The presence of programmes that promote the development and preservation of the national culture, etc;
- Technical requirements for the production and transmission of programmes, in compliance with the prescribed standards;
- Requirements to pursue the activity in terms of available space and facilities;
- The number and structure of human resources required to pursue the activity;
- The financial capacity to pursue the activity over the duration of the license, as well as offered guarantees;
- Other conditions that contribute to the promotion of pluralism in broadcasting activity, promotion of fair competition and improved exercise of the right to information, i.e. meeting the demands of the audience in a given area.

#### Article 52

On the basis of the received applications and the criteria listed in Article 46 of this Law, the Broadcasting Council shall, within 60 days, decide with majority of votes of the total number of its members, to grant licenses to pursue broadcasting activity.

#### Article 53

The Decision for allocation of license shall be published in the “Official Gazette of the Republic of Macedonia”.

The Broadcasting Council shall be obligated to inform all participants in the Competition, in writing, on the Decision of paragraph 1 of this Article, within seven days from the day the Decision was adopted.

#### Article 54

Participants in the Competition that are not satisfied with the Decision may file a lawsuit at the competent court within 15 days of receiving the notification.

The procedure in front of the court is urgent.

#### Article 55

The Agency for Electronic Communications, on the basis of the Decision to grant a license to pursue broadcasting activity, shall issue a license for use of radio frequency. The Broadcasting Council shall grant the license to pursue broadcasting activity on the basis of a certificate of registration submitted to the appropriate court registry as a commercial broadcaster or as a non-profit broadcasting institution, as well as on the basis of certificates issued by the Agency for Electronic Communications.

#### Article 56

The License to pursue broadcasting activity shall contain the following data:

- Data on the holder of the license;
- Technical means for transmission;
- Service zone and location of the technical means;
- Identification mark;
- Programme conditions;
- The deadline to start pursuing the activity;
- Duration of validity of the license; and
- Amount of fees and manner of their payment.

#### Article 57

The license to pursue broadcasting activity, based on the the scope of audience coverage, can be awarded on national, regional and local level.

Pursuant to the granted license to pursue broadcasting activity, the broadcaster may transmit the same programme service over the satellite, upon a previously submitted notification to the Broadcasting Council.

#### Article 58

The License to pursue broadcasting activity issued to the commercial broadcasting companies and non-profit broadcasting institutions shall be granted for a period of nine (9) years, and cannot be transferred to a third party.

#### Article 59

An annual fee shall be paid for the use of License, to the account of the Broadcasting Council.

#### Article 60

The commercial broadcasting companies and the non-profit broadcasting institutions shall pay an annual fee for the License to the account of the Broadcasting Council.

The amount of the licence fee shall be calculated on the basis of the following formula:

$$((N \times BNP / 200.000) \times Rt \times Kp) + A, \text{ where:}$$

N – stands for the total number of population in the service zone regulated with the License, expressed in points, as in accordance with the latest data available from the National Statistics Office.

- For transmission via a public communications network, the service zone is defined on the basis of number of subscribers;

- For satellite transmissions, the whole territory of the Republic of Macedonia shall be considered a service zone covered by the License.

**BNP** – stands for the Gross Domestic Product (GDP) per capita, expressed in Euro, presented as point score, in accordance with the latest data available from the National Statistics Office;

**Rt** – is a coefficient, the value of which was calculated at  $R_t=1$  for television programmes, and  $R_t=1/4$  for radio programmes;

**Kp** – is a coefficient depending on the format of broadcasting service:

- For programmes of commercial broadcasting companies that broadcast information, feature, documentary, educational, cultural programmes, programmes on the arts and humanitarian sciences, sports, music and entertainment programmes, it shall be set in the range from 0.75-1;
- For specialized programmes of commercial broadcasting companies dedicated exclusively to a single type of programming (sports, music, cultural, educational, etc.), the coefficient will be calculated in the range from 1.15 to 1.5;
- For programmes of commercial broadcasting companies dedicated exclusively to broadcasts of teleshopping, the coefficient is set at 2.5;
- For the programmes of non-profit broadcasting institution, the quotient is set at 0.25.

**A** – is a constant value, and shall be calculated for the amount of 100 points for radio and 200 points for television programmes.

The value of one point amounts to one EURO, converted in Denars according to the median exchange rate of the EURO at the National Bank of the Republic of Macedonia on the day of the payment.

The amount of the Licence fee shall be determined by the Broadcasting Council, using the formula from paragraph 2 of this Article. The Council shall announce the amount at the start of each calendar year, upon reception of the latest data from the National Statistics Office.

For programmes transmitted in encrypted form (with conditional access), the License fee shall include 5% of the amount charged by the operator per each end user of the programme service concerned.

The annual compensation shall be paid for each current year starting from the date of granting the licence.

#### Article 61

An annual fee shall be paid for utilization of radio frequencies, as pursuant to the Law on Electronic Communications.

#### Article 62

The license shall cease to be valid:

- After the expiry of the term for which it was originally granted;
- Upon submission of a written notice from the license-holder, informing the Broadcasting Council that it has ceased broadcasting radio or television programme;
- Upon revocation of the license by the Broadcasting Council.
- After bankruptcy and liquidation of a licence-holder.

#### Article 63

The Broadcasting Council may revoke the licence in the following cases:

- If the license holder failed to start pursuing the activity within the deadline set in the License;
- If the license holder provided incorrect data on the basis of which the license was granted;
- If, once the license is granted, circumstances arise representing legal obstacles to prevent the holder from pursuing the broadcasting activity;
- If the license holder failed to pay the license fee within the deadline set in the License;
- If the license holder is issued a security measure via a court sentence that prohibits him/her to pursue the broadcasting activity, i.e. prohibition to transmit programme services via public communication networks.



#### Article 64

The procedure for revocation of License to pursue broadcasting activity may be initiated by each member of the Broadcasting Council and by the Head of the professional service of the Broadcasting Council.

The Broadcasting Council shall be obligated to make a decision on the particular case within 15 days of the initiation of the procedure to revoke a license.

The Broadcasting Council shall decide on revoking a license with a majority vote, out of the total number of members of the Council.

The Decision for revocation of the license shall be published, together with an explanation, in the Official Gazette of the Republic of Macedonia.

#### Article 65

The License holder shall be entitled to file a lawsuit at the competent Court to dispute the Decision for revocation of license, with 15 days from the day of the receipt of the Decision.

The court procedure is urgent. The Lawsuit shall not defer the enforcement of the Decision.

#### Article 66

The license shall be renewed upon request submitted by the license-holder.

The license-holder shall submit the request for renewal not later than 6 months prior to the expiration date of the license.

#### Article 67

The Broadcasting Council shall decide on the license renewal, on the basis of its assessment of the success and quality of the broadcasting activity pursued during the period of license validity, i.e. the compliance with the terms and obligations stipulated in this Law, the Law on Electronic Communications, Law on Copyrights and Related Rights, the License and the acts of the Broadcasting Council.

The Broadcasting Council shall be obligated to decide upon the request for renewal of the License within 60 days prior to the expiration date of the License.

The Broadcasting Council shall decide with a majority vote out of the total number of members of the Council.

The License holder shall be entitled to file a lawsuit before the competent court on the decision rejecting its request for renewal of License within 15 days from the date of the receipt of the Decision. The procedure before the competent court is urgent. The lawsuit shall not defer the enforcement of the Decision.

## VI. PROGRAMME STANDARDS

#### Article 68

Broadcasters shall pursue their activity through transmission of radio or television programmes.

Radio and television programmes shall be based on the following principles:

- The right to free reception and transmission of information, and the right to freedom of expression;
- Fostering and development of humane and ethical values of human beings, and protection of the privacy and dignity of each person;
- Equality of freedoms and rights irrespective of the sex, race, national, ethnic or social background, political or religious conviction, wealth and social status of the individual and the citizen;
- Promotion of the spirit of tolerance, mutual respect and understanding of all individuals of diverse ethnic and cultural backgrounds;
- Promotion of international understanding and cooperation, and the public notion of fairness and the need to protect the democratic freedoms;
- Openness of programmes to expressions of diverse culture that are integral parts of the society;
- Preservation and fostering of national identity, linguistic culture and national cultural creation;
- Openness to diverse political views and positions;
- Objective and unbiased presentation of events, with equal treatment of diverse views and opinions, enabling the free creation of a public opinion on individual events and issues;

- Respect for copyrights and related rights;
- Respect of the confidentiality of sources of information;
- Guarantees for the right to reply and correction;
- Autonomy, independence and accountability of broadcasters, i.e. editors, journalists and other authors involved in the creation of programmes and editorial policy.

#### Article 69

Programme contents aimed at the violent overthrow of the constitutional order of the Republic of Macedonia, programmes which encourage or invite to military aggression or incite national, racial or religious hatred and intolerance shall be prohibited from the programmes of broadcasters and in programmes retransmitted via public commercial networks.

#### Article 70

The programmes of the broadcasters may not contain pornography, excessive violence, or other programmes that may cause serious damage to the physical, mental and moral development of children and youth.

Excessive violence shall mean distribution of textual, verbal and visual messages which, in time periods available to minors, glorify physical, verbal or psychological forms of violence that are an aim in and of themselves, and that can in no way be justified by the context of the genre, nor by the motives inherent to the fabula of the broadcast programme.

Programme services with pornographic contents may be retransmitted over the public communication networks only in encrypted form.

#### Article 71

Programme contents that could seriously impair the physical, mental and moral development of children and minors, and are not foreseen by Article 70 of this Law may be broadcast only in the watershed between 24:00 and 05:00 hours.

The programmes mentioned in paragraph 1 of this Article must be labelled before the start of their broadcasting, with an acoustic or visual warning, noting that they are not recommended for viewing by certain segments of the audience.

The manner of categorisation, the forms of acoustic and visual presentation, including the watersheds listed in paragraph 1 of this Article in which contents that may be harmful to the physical, mental and moral development of children and minors may be broadcast, shall be determined by the Broadcasting Council by mandatory rules, as stipulated by this Law and the international treaties ratified or acceded to by the Republic of Macedonia.

The Broadcasters shall be obligated to comply with the provisions of paragraph 3 of this Article.

#### Article 72

The Public Broadcasting Service and the commercial broadcasting companies pursuing broadcasting activity on national level shall be obligated to broadcast at least 18 hours of daily radio programme, and at least 12 hours of daily television programme.

By way of derogation to paragraph 1 of this Article, the additional programme services of the Public Broadcasting Service, as specified in Article 117, paragraph 5 of this Law, may broadcast a smaller number of programme hours daily.

The commercial broadcasting companies that pursue activity on regional level shall be obligated to broadcast at least 12 hours of radio programme, and at least 8 hours of television programmes daily.

The commercial broadcasting companies that pursue activity on local level shall be obligated to broadcast a minimum of 10 hours of daily radio programme and at least 6 hours of daily television programme.

The non-profit broadcasting institutions shall be obligated to broadcast at least four (4) hours of radio programme daily.

The daily programme, in terms of paragraphs 1, 3 and 4 of this Article, shall not include the broadcasts of static pictures or signals.

#### Article 73

The broadcasters that hold license to pursue broadcasting activity for television programme services on national level shall be obligated to provide for representation of European audiovisual works to the amount of at least 51% of the total annual broadcast programmes. The total annual

broadcast time does not include the air-time dedicated to broadcasts for news, sports events, game-shows, advertising, teletext and teleshopping services.

#### Article 74

Broadcasters shall be obligated to dedicate at least 30% of their daily broadcast time to programmes originally created in the Macedonian language or in the languages of the non-majority communities living in the Republic of Macedonia, whereby the daily time dedicated to broadcasts of news, sports events, game-shows, advertising, teletext and teleshopping services shall not be calculated into the total daily broadcasts.

The broadcasters shall be obligated to dedicate at least 30 % of their broadcast vocal-musical compositions in the Macedonian language or in the language of non-majority ethnic communities in Republic of Macedonia.

The provision in paragraph 1 of this Article shall not be relative to the broadcasters with thematic (typical) programme services or broadcasters that are conditioned with payments on behalf of the user.

#### Article 75

The use of telephone services with special tariffs shall not be allowed in the programmes of the Public Broadcasting Service and the programmes of the non-profit broadcasting institutions.

By way of derogation of Paragraph 1 of this Article, the Public Broadcasting Service may use telephone services with special charge-rates for the purpose of televoting when broadcasting events of great importance.

Telephone services with special charge-rates, including televoting, shall not be used by commercial broadcasting companies in the news, current affairs programmes, educational and children's programmes.

#### Article 76

The Public Broadcasting Service shall be prohibited from organizing and broadcasting of lottery games in its programmes (lotto, sports betting, lottery, instant tickets, bingo), nor will it be able to broadcast sports betting games.

A broadcaster may broadcast lottery games organized solely by an entity, which holds a license to organize lottery games, issued by a competent body.

#### Article 77

Broadcasters shall be obligated to produce and broadcast programme with regulated copyrights and related rights.

Upon a request of the Broadcasting Council or other competent authorities, the broadcasters shall be obligated to present the documents to prove the regulated copyrights and related rights.

#### Article 78

Broadcasters may broadcast, by live or deferred transmission, Major events, domestic or foreign, on the basis of acquired exclusive (exceptional) rights, provided that the live or deferred transmission of the event does not represent a restriction of the right of a greater portion of the population to follow that event.

The following events shall be considered Major events:

- Winter and Summer Olympic Games;
- Semi-final and final matches of World and European Championships, as well as all other matches involving the Macedonian national teams, including the qualification games;
- Other sports matches of Macedonian national teams playing in official tournaments and competitions.

Once per year, the Broadcasting Council will, by means of special Decision, define an amended list of Major events.

The Broadcasting Council shall provide that the broadcasters may not use their exclusive rights in a manner that could prevent the public in another EU member state or state-party to the European Convention on Transfrontier Television to follow an event designated by the respective state as a Major event.

If a Major event is organized in parts, each part of the event shall be considered a Major event in its own right.

The provisions of this Article shall also apply to deferred transmission , if the deferred transmission does not exceed 24 hours, and especially if:

- The time when the Major event takes place falls in the period between 24:00 and 06:00 hours, Macedonian Time;
- Major events or their parts overlap.

#### Article 79

Broadcasters pursuing activity on local level may connect into a single system for broadcasting of joint programmes, provided they informed the Broadcasting Council in a timely manner, and if the programmes don't exceed 4 hours of broadcasts over a period of 24 hours.

The broadcasters connected into a single system for purposes of broadcasting of joint programmes shall be obligate to inform the Broadcasting Council about the programme concept of the said programmes, and to appoint an editor-in chief of the programme service.

#### Article 80

The Public Broadcasting Service shall be obligated to cover the election campaigns.

The Public Broadcasting Service and the commercial broadcasting companies that decided to cover the elections shall do it in a fair, balanced and impartial manner in their total programme, in compliance with the Law.

In the course of an election campaign, the broadcasters shall be obligated to provide equal terms of access to all campaign organizers to all forms of media presentation, in accordance with their own internal rules and technical requirements and capacities.

The Public Broadcasting Service and the commercial broadcasting companies that decided to cover the elections, shall be obligated to adopt their own internal rules of coverage based on the principles of autonomy, independence, independent editorial policy, and accountability for the media coverage of the elections, and shall be obligated to broadcast the rules in their programmes.

The Assembly of the Republic of Macedonia, upon proposal submitted by the Broadcasting Council, shall adopt a Decision on the Rules for Media Presentation in Broadcasters' Programmes during the Election Campaign.

#### Article 81

Broadcasters shall have a name, trademark and abbreviated identification sign.

The name, trademark or abbreviated identification sign (aviso, logo, etc.) of the broadcaster shall be continuously displayed during the broadcasts of the television programme service, while broadcasted radio programmes shall send out these signs at least once per clock hour of programmes.

In cases concerning broadcasters broadcasting programmes through a single broadcasting system, the identification signs shall be displayed for the whole duration of the broadcast programmes.

Broadcasters shall not use names or trademarks that don't correspond to their registered names and trademarks.

The broadcasters shall submit a copy of the identification signs to the Broadcasting Council, upon issuance of the License to pursue broadcasting activity, and following all subsequent changes of the identification signs.

#### Article 82

The broadcasters shall broadcast programme in Macedonian languages, whereas in the cases of programme intended for a non-majority community, the language of that community shall be used.

If the programme services broadcast via the public communication networks are subtitled in a language other than the original language of the production, they must be subtitled in Macedonian language, except for teleshopping and advertisements.

#### Article 83

Foreign language programmes or their parts broadcast by the broadcasters shall be translated into Macedonian language, or into the language of the respective non-majority community.

The provisions of Paragraph 1 of this Article shall not apply to broadcasts of music or stage performance programmes, educational programmes designed for learning of foreign languages, as well as to programmes intended for foreigners.

Parts of programmes that are not translated shall be announced in Macedonian language, or in the language of the respective non-majority community.

#### Article 84

Every broadcaster shall appoint an Editor-in-Chief, who shall be in charge of the realization of the programme contents and shall be held responsible for the contents and the accuracy of all information broadcast in the programme.

If the broadcaster has several Editors-in-Chief, each of them shall be held responsible for the specific programme contents he/she is charged with.

The name and the surname of the Editor-in-Chief and the Programme Editor shall be displayed at least once per day on the programme of the broadcaster.

#### Article 85

The broadcasters shall be obligated to keep daily records of the broadcast programme and to record the output signals of their programmes, and shall keep the recordings of the total broadcast programmes for at least 30 days after the actual broadcasts.

Should a dispute arise, in terms of the right to reply and correction, the recorded materials shall be kept until the broadcast of the reply or correction, i.e. until the dispute is resolved.

### **VII. ADVERTISING, TEleshopping AND SPONSORSHIP**

#### Article 86

The broadcasters shall be entitled to produce and broadcast advertising, teleshopping and sponsored programmes, under the terms and conditions prescribed by this Law.

#### Article 87

The advertising and teleshopping shall comply fully with the legal provisions regulating the field of fair competition.

The advertising and teleshopping shall be accurate and honest, shall not mislead the public and shall not be directed against the interests of the consumers, i.e. users of services.

#### Article 88

Advertising and teleshopping addressing or involving children shall not contain messages that could harm their interests and be detrimental to the development of children due to their sensitivity. Teleshopping shall not incite minors to enter into contractual relationships for the sale or rent of goods and services.

Advertising and teleshopping shall not:

- Directly encourage children and minors to purchase goods or services through abuse of their inexperience and innocence;
- Directly encourage children and minors to demand from their parents or other persons to purchase the advertised goods and services;
- Abuse the special trust between the minors and their parents, teachers and other persons;
- Present children and minors in dangerous situations.

Children and minors shall not be involved in paid political advertisements in the course, or beyond the period of the election campaigns.

#### Article 89

Advertising and teleshopping shall not:

- Threaten human dignity;
- Be based on emphasis of national, ethnic, religious, gender, racial or other differences;
- Induce behaviour that presents a health or safety hazard;
- Induce behaviour detrimental to the environment; and
- Insult personal religious or political convictions.

#### Article 90

The client, i.e., the customers that ordered the broadcasts of advertisement or teleshopping, including the sponsors, shall not influence the contents of the programme in a manner that may restrict the independence or the responsibility of the broadcaster.

#### Article 91

The duration of advertising on the public broadcasting service shall not exceed 7% or 4 minutes and 12 seconds of each clock hour of broadcasted programme, and shall not be longer than 7% of broadcast programme per day.

The public broadcasting service shall not interrupt programmes for the purpose of advertising, except for film, sport and entertainment programmes.

The advertising on the public broadcasting service shall not be allowed in the period from 17:00 to 21:00 on the television programme services and from 09:00 to 14:00 on the radio programme services, with exception of live coverage or integral recording of a sport matches, cultural manifestations or Major events laid down in compliance with this Law.

#### Article 92

The public broadcasting service shall not run advertising for political parties and candidates.

The public broadcasting service and the non-profit broadcasters shall not broadcast teleshopping.

No advertising is allowed in the programmes of non-profit broadcasting institutions.

#### Article 93

The percentage of advertising spots, teleshopping spots and other forms of advertising, with the exception of teleshopping windows and paid political advertisement in the course of an election campaign, at trade broadcasting companies shall not exceed 20% of broadcasted time per day.

The duration of advertising spots shall not exceed 15% of broadcasted time per day.

The duration of advertising spots, teleshopping spots and other forms of advertising shall not exceed 20% or 12 minutes of broadcasting for one clock hour.

#### Article 94

Teleshopping windows may last, without interruptions, for a minimum of 15 minutes and maximum of 40 minutes.

The maximum number of windows shall be eight per day.

The total duration of teleshopping windows shall not be longer than three hours per day.

In the periods, i.e., in the clock hour in which teleshopping windows are broadcast, advertising spots, teleshopping spots, as well as other forms of advertising shall not be aired.

Teleshopping windows shall be clearly separated from the other part of the programme by optical and acoustic means.

Radio stations may broadcast teleshopping spots only.

#### Article 95

In the course of an election campaign, by means of a special Decision, the Broadcasting Council may license up to 20% additional time for paid political advertising daily, i.e., 20% or 12 minutes additional time for broadcasting paid political advertising for one clock hour.

#### Article 96

The scope of advertising, determined in Articles 91 and 93, shall exclude:

- Promotional announcements and spots of the broadcaster referring to its own programme;
- Announcements of cultural and sports events, campaigns of public interest and appeals for charitable purposes that the broadcaster broadcasts free-of-charge;

Free-of-charge advertising broadcasted shall be separately labelled.

#### Article 97

Advertisements and teleshopping shall be clearly distinctive and separated from the other parts of the programme.

Advertising and teleshopping spots, as a general rule, shall be broadcast in blocks, inserted among programmes. Advertising and teleshopping shall not use subliminal techniques.

#### Article 98

Surreptitious advertising and surreptitious teleshopping shall be prohibited.

Products, the name and trademark of which are visibly displayed, shall not be allowed in the programmes of the broadcaster.

#### Article 99

Advertising and teleshopping spots of television programmes shall be inserted into the programme of the broadcaster in a manner that will not jeopardise the integrity and value of the programme, including the copyrights and the other right-holders of the programme, and shall take into

consideration the natural breaks, the length and the character of the respective programmes, under the conditions that:

- In the programmes made of autonomous parts, i.e. broadcasts from events and performances which are made of several intervals and sports programmes, the advertising and the teleshopping spots shall be inserted exclusively between the parts and intervals;
- During the broadcasts of audiovisual works, such as feature and made-for-TV films, with the exception of series, entertainment and documentary programmes, that last for more than 45 minutes, the broadcasts may be interrupted with advertising or teleshopping spots once per every complete 45 minutes period;
- Additional interruptions shall be allowed only if the concerned audiovisual work is at least 20 minutes longer than two or more 45 minutes periods;
- All programmes, with the exception of programmes that consist of autonomous parts, when interrupted by advertising or teleshopping spots, a period of at least 20 minutes should elapse between each successive advertising or teleshopping blocks.

The advertisements in broadcasters' radio programmes, as a general rule, shall be broadcast as blocks separated from the rest of the programme with a recognizable acoustical signal, inserted in the programme in a manner that shall not jeopardize the integrity and the values of the programme.

#### Article 100

The transmission of advertising or teleshopping spots shall be prohibited in news and other daily informative programmes, as well as in live or deferred coverage of religious services.

The transmission of advertising and teleshopping spots in current affairs programmes, children's programmes, documentary and religious programmes with planned duration of less than 30 minutes shall be prohibited.

If the planned duration of the programmes referred to in paragraph 2 of this Article is 30 minutes or longer, the provisions referred to in Article 99 paragraph 1 indent 4 of this Law shall apply.

#### Article 101

The advertising and teleshopping of the following shall be prohibited:

- narcotics, tobacco and tobacco products, alcohol and alcoholic beverages other than wine and beer;
- medical treatments and drugs available on prescription only;
- weapons and companies trading in weapons;
- special tariff telephone services of erotic contents in the period between 06:00 and 24:00.

#### Article 102

Advertising medical treatments and drugs that may be purchased without a prescription must be clearly distinguishable, honest, true, subject to verification and abide by the requirement for protection of individuals from harm.

#### Article 103

The reliability and accuracy of the claims and data in the advertising or teleshopping spots shall be the responsibility of their orderer, whereas their compliance with the law shall be the responsibility of the editor-in-chief of the medium.

#### Article 104

The advertising and teleshopping spots shall be broadcast in Macedonian language, with Macedonian translation, or in the language of the respective ethnic community.

#### Article 105

Advertising and teleshopping shall not be presented, by picture or by sound, by persons that regularly present news or current affairs programmes,

#### Article 106

Sponsored programmes shall clearly identify the sponsor in an appropriate manner at the beginning or at the end of the programme, i.e. shall clearly emphasise that the programme is sponsored.

Sponsored programmes shall not encourage sales, purchases or rentals of goods or services supplied by the sponsor or a third party.

#### Article 107

Sponsorships of news and other informative programmes, as well as programmes of political or religious nature, shall be prohibited.

Sponsorships on behalf of natural persons or organisations the main activity of which is production or sales of products or providing services that cannot be advertised shall be prohibited, pursuant to Article 101 of this Law.

#### Article 108

Sponsorship of programmes on behalf of organisations whose activities involve manufacturing or sales of medical products and medical treatments may promote the name or image of the organisation, but shall not promote specific medical products or medical treatments available on a prescription only.

### **VIII. TRANSMISSION OF PROGRAMME SERVICES VIA PUBLIC COMMUNICATION NETWORKS**

#### Article 109

Programme services of national and international broadcasters shall be transmitted via a public communication network, on the basis of a previous agreement for having regulated copyrights and related rights.

The entities which retransmit programme services via a public communication network shall be obliged to register the programme services in the Broadcasting Council, as a whole consisting of packages, while they submit a confirmation for having regulated copyrights and related rights issued by the Ministry of Culture.

The Broadcasting Council shall be informed of any change regarding the registered package/packages of programme services.

The Broadcasting Council will impose disconnection of a certain programme service if it fails to fulfil the conditions referred to in Paragraphs 1, 2 and 3 of this Article.

#### Article 110

Packages of program services reretransmitted via a public communication network shall obligatorily and free of charge include the programme services of the public broadcasting service which are financed by the broadcasting fee, with the exception of the obligations derived from the collective protection of copyrights and related rights.

#### Article 111

Packages of the programme services retransmitted via a public communications network may comprise the programme services of broadcasters, but only on the territory for which they have obtained a license to pursue broadcasting activity, on the basis of having regulated copyrights and related rights.

#### Article 112

The operator of a public communication network shall not obstruct the free reception of radio and television programmes broadcast via a terrestrial transmitter.

#### Article 113

The operator of a public communication network shall be obligated to establish an internal television channel where he/she can transmit only information on the functioning and services provided through his/her own network.

The operator of the public communication network shall be obligated to record the output signal of the internal television channel referred to in paragraph 2 of this Article fully and without interruption, and to keep the recorded material at least 30 days after the broadcasting.

#### Article 114

The operator of a public communication network is obligated to ensure that the programme services originating from countries which have not ratified the Convention on Transfrontier Television are in accordance with Articles 69 and 70 and the provisions referred to in Chapter VII of this law.



## **IX. PUBLIC BROADCASTING SERVICE**

### **Article 115**

The functions of a public broadcasting service in the Republic of Macedonia shall be performed by the Macedonian Radio Television.

The Macedonian Radio Television acts as a legal person with a seat in Skopje.

Macedonian Radio Television establishes regional production centres.

The abbreviated name of the Macedonian Radio Television shall be MRT.

The assets and the operational means of MRT shall be managed and used by MRT, in a manner and under conditions determined by this Law.

### **Article 116**

MRT shall be funded from the broadcasting fee, the advertising, sponsorships, donations, sales of programme and services and from means secured in the budget of the Republic of Macedonia for the current year.

The donations referred to in paragraph 1 of this Article must not influence or jeopardize the editorial independence of MRT.

MRT adopts an annual financial plan, containing data on income and expenditures, auditing and financial reports for the previous year, and the foreseen capital and operational costs for the following year.

The audit referred to in paragraph 3 of this Article shall be performed by an external independent auditor at the cost of MRT.

If the Assembly of the Republic of Macedonia determines existence of certain irregularities during the review of the annual financial plan, it will oblige MRT to submit a new annual financial plan within 60 days from the day of the review at the latest.

MRT shall be obligated to maintain separate accounting, for the funds it uses from the Budget of the Republic of Macedonia, in compliance with provisions referred to in Article 119 paragraphs 3 and 4 of this Law, on the basis of which it shall submit a special annual report on the results of its work for the past year to the Assembly of the Republic of Macedonia, as well as a special financial plan that includes the funds collected through the broadcasting fee and the amount of the charged commission, for approval.

MRT shall be obliged to return at the end of the year all unused funds received from the Budget of the Republic of Macedonia to the Budget.

### **Article 117**

On the territory of the Republic of Macedonia, MRT shall broadcast one television programme service in Macedonian language, and one programme service in the language spoken by at least 20% of the citizens that is different from the Macedonian language, as well as in the languages of the other non-majority communities.

On the territory of the Republic of Macedonia, MRT shall broadcast at least two radio programme services in Macedonian language, and one programme service in the language spoken by at least 20% of the citizens that is different from the Macedonian language, as well as in the languages of the other non-majority communities.

MRT shall broadcast special radio programmes intended for the neighbouring countries and Europe in foreign languages.

MRT shall broadcast special radio programmes intended to inform emigrants and citizens of the Republic of Macedonia who live in the neighbouring countries, in Europe and on other continents, in Macedonian language and in the language spoken by at least 20% of the citizens that is different from the Macedonian language, as well as in the languages of the other non-majority communities.

MRT shall broadcast at least one radio and one television programme service via satellite intended for the emigrants and citizens of the Republic of Macedonia who live in Europe and other continents, in Macedonian language and in the language spoken by at least 20% of the citizens that is different from the Macedonian language, as well as in the languages of other non-majority communities.

MRT shall provide a programme service intended exclusively to broadcast the activities of the Assembly of the Republic of Macedonia.

The Assembly of the Republic of Macedonia has programme responsibility for the broadcasting of the programme service intended for broadcasting the activities of the Assembly of the Republic of Macedonia.

MRT broadcasts special radio and television programmes on the programme services referred to in paragraphs 1 and 2 of this Article where the regional and local characteristics in the Republic of Macedonia are observed.

The programme services referred to in paragraphs 3, 4, and 5 of this Article which are financed from the Budget of the Republic of Macedonia shall decide on the programme scheme and its realisation independently in accordance with the separate financial plan proposed by MRT and approved by the Assembly of the Republic of Macedonia.

The programme services referred to in paragraphs 1 and 2 of this Article which are financed from the broadcasting fee, shall decide on the programme scheme and its realisation independently, in accordance with the annual financial plan of MRT, within the frames of the defined programme policy of MRT and in compliance with this Law.

MRT shall be entitled to broadcast its programme services also through use of new technologies.

#### Article 118

The programme services of MRT referred to in Article 117 paragraph 1, 2, 3 and 4 of this Law shall be transmitted via the main networks of PE "Makedonska radiodifuzija".

The programme service referred to in Article 117, paragraph 5 of this Law, shall be transmitted by PE "Makedonska radiodifuzija" or by another public communication network operator, on the basis of an agreement previously concluded with MRT, and after the implemented procedure pursuant to the law.

The programme services of MRT referred to in Article 117 paragraph 6 of this Law shall be transmitted via the main networks of PE "Makedonska radiodifuzija".

#### Article 119

The costs for transmission of the programme services of MRT via the networks of PE "Makedonska radiodifuzija", with the exception of the transmission of the programme service referred to in Article 117 paragraphs 5 and 6 of this Law shall be provided by a broadcasting fee, in the amount laid down in Article 147 of this Law.

The costs for producing the programme services referred to in Article 117 paragraphs 1 and 2 of this Law shall be provided from the funds of broadcasting fee.

The costs for producing the programmes referred to in Article 117 paragraphs 3, 4 and 5 of this Law shall be provided from the Budget of the Republic of Macedonia in accordance with the special financial plan proposed by MRT and approved by the Assembly of the Republic of Macedonia. The costs for transmission of the programme services referred to in Article 117 paragraphs 5 and 6 of this Law shall be provided by the Budget of the Republic of Macedonia in accordance with the special financial plan proposed by MRT and approved by the Assembly of the Republic of Macedonia.

The costs for producing the programme service intended to broadcast the activities of the Assembly of the Republic of Macedonia shall be provided from the Assembly of the Republic of Macedonia.

The costs of the programme service intended to broadcast the activities of the Assembly of the Republic of Macedonia shall be provided from MRT with the funds provided by the broadcasting fee.

#### Article 120

MRT shall be obliged to produce and broadcast programmes of public interest that reflect the social and cultural plurality in the state, which consist of informative, cultural, educational, scientific and entertainment contents.

#### Article 121

For the purpose of fulfilling the public interest, MRT shall be obliged to:

- ensure protection of the programmes that are produced and broadcasted, from any kind of influence from government, political organisations, or centres of economic power ;
- develop and plan the programme scheme in the interest of the entire public and to produce and broadcast programmes for all segments of society without discrimination, taking consideration for the specific groups in society;
- ensure that the programmes reflect diverse ideas, nurture their cultural identity of the communities, respect the cultural and religious differences and promote the culture of public dialogue, with the aim to strengthen the mutual understanding and tolerance aimed at promotion of the relations between the communities in a multi-ethnic and multi-cultural environment;

- nurture and develop the speech and language standards of all communities in the Republic of Macedonia;
- nurture, promote and develop all forms of national audiovisual works that contribute to the development of the Macedonian culture, as well as contribute to international affirmation of Macedonian cultural identity;
- promote the respect of the fundamental human rights and freedoms, democratic values and institutions, to respect the privacy, dignity, reputation and honour of the person;
- develop, plan and broadcast programmes, informative shows and news intended for deaf persons that shall be translated in a sign language;
- provide free of charge and balanced time, in the course of the election campaign, for broadcasting of programmes of the political parties, coalitions, and candidates that have submitted lists of candidates for general, local, and presidential elections, in accordance with the rules for media presentation of the political parties, coalitions, independent candidates and their programmes;
- provide informing on the regional and local characteristics and events in the Republic of Macedonia;
- enable conditions for use and development of modern technical and technological standards in the production and broadcasting of the programme, and to prepare a plan for transition, within a specified period of time, to digital technology, in compliance with the determined strategy for development of broadcasting in the Republic of Macedonia and
- ensure safekeeping and archiving of its own radio and television recordings and other material and documents for the work of MRT, as part of the audiovisual treasure of the Republic of Macedonia.

#### Article 122

MRT shall be obliged in the course of production and broadcasting of the programmes to adhere to the professional principles and to provide equal access of the different interests in society, to commit for the freedom and pluralism of expressing the public opinion, as well as to prevent any kind of racial, religious, national, ethnic and other kind of intolerance.

#### Article 123

MRT shall be obliged to provide each television programme service with at least 60% participation of European audiovisual works of the total annual broadcasting time, whereby the time determined for news sports events, games, advertising and teletext shall be excluded from the total annual broadcasting time.

#### Article 124

MRT shall be obliged to provide each television programme services in the period between 18:00 and 22:00 with at least 40% of programme originally created in Macedonian language or in the languages of the non-majority communities that live in the Republic of Macedonia from the total annual time of broadcasting, where at least 30% of programme during the day originally produced in the Macedonian language or in the languages of the non-majority communities that live in the Republic of Macedonia.

MRT shall be obligated during the day to provide each radio programme service with at least 40% of programme originally produced in Macedonian language or in the languages of the non-majority communities that live in the Republic of Macedonia.

MRT shall be obliged to provide at least 45% of the broadcasted vocal-musical compositions to be in Macedonian language or in the language of the ethnic communities that are not a majority in the Republic of Macedonia.

#### Article 125

MRT shall be obliged to allocate at least 10% of the annual funds for production of television programme for commissioning of a programme from independent producers in the Republic of Macedonia.

The programmes referred to in the paragraph 1 of this Article shall be provided by means of a public announcement conducted in a manner and procedure laid down by the Statute of MRT.

MRT shall be obligated to reserve at least 30% of the total broadcast international television programme during the year for broadcasting European audiovisual works.

The time determined for news, sport events, games, advertising and teletext services shall not be considered in the total annual broadcasting time, within the meaning of paragraph 1 of this Article.

## Article 126

Bodies of MRT shall be:

- Council of MRT
- Management Board of MRT and
- Executive Director of MRT.

## Article 127

The Council of the Macedonian Radio Television shall represent and takes care of the realisation of the public interests in terms of radio and television programmes and the operation of MRT.

The Council of MRT shall consist of 23 members.

The members of the Council of MRT shall be appointed by the Assembly of the Republic of Macedonia upon proposal of the following authorised nominators:

- “St. Cyril and Methodius” University – Skopje, proposes candidates for two members;
- State University of Tetovo – “Tetovo” proposes candidates for two member ;
- “St. Clement of Ohrid” University – Bitola, proposes a candidate for one member;
- University of South Eastern Europe – Tetovo proposes a candidate for one member;
- National Institution – Albanian Theatre, proposes a candidate for one member;
- National Institution – Turkish Theatre, proposes a candidate for one member;
- Association of Units of Local Self-Government proposes a candidate for one member;
- Olympic Committee of the Republic of Macedonia proposes a candidate for one member;
- Majority Journalists’ Association proposes candidates for two members ;
- Chamber of Commerce of the Republic of Macedonia proposes a candidates for one member;
- Macedonian Association for Information Technology (MASIT) proposes a candidate for one member;
- Music Academy proposes a candidate for one member ;
- Majority Association of Authors of Musical Works and Composers proposes a candidate for one member;
- Faculty of Dramatic Arts proposes a candidate for one member;
- Community of Disabled Persons Associations in Macedonia proposes a candidate for one member and
- Committee on Elections and Appointments of the Assembly of the Republic of Macedonia proposes candidates for 5 members.

The candidates for members of the Council of MRT should be citizens of the Republic of Macedonia, which will represent the diverse groups in the society (youth, universities, citizens associations, etc.)

When determining the proposal of candidates for members of the Council of MRT, the Assembly of the Republic of Macedonia takes account of fair and equitable representation of the citizens of all communities, which live in the Republic of Macedonia.

The members of the Council of MRT are appointed for 5 years with the right of re-election.

The Assembly of the Republic of Macedonia, at least 60 days before the expiry of the term of office of the Council of MRT sends a public call to the authorised nominators referred to in paragraph 3 of this Article to submit a proposal for members of the Council of MRT.

The authorised nominators shall be obliged to submit the proposals to the Assembly of the Republic of Macedonia within 30 days from the day of sending a public call.

On the basis of the submitted proposals by the authorised nominators, the Commission for Election and Appointments of the Assembly of the Republic of Macedonia within 15 days draws up a proposal of candidates of the Council of MRT.

The Assembly of the Republic of Macedonia, 15 days before the expiry of term of office of the Council of MRT at the latest, shall appoint the new members of the Council of MRT.

If the Assembly of the Republic of Macedonia does not elect a member of the Council of MRT, the authorised nominator shall propose a new member within 15 days from the day of the notification submitted by the Assembly of the Republic of Macedonia, and the Assembly of the Republic of Macedonia shall be obligated to vote on the nomination within 30 days from the day of submitting the proposal.

The Council of MRT may work if at least 13 member are elected.

#### Article 128

Members of the Council of MRT shall not be:

- Members of Parliament, Members of Government of the Republic of Macedonia, appointed and elected officials, directors or members of Executive Boards of public enterprises;
- persons performing duties in a political party bodies;
- persons who as owners of share or stocks, as members of management bodies or as employees or engaged to work on any basis, have interest in other broadcasting organisations or enterprises that deal with the same activities as MRT.

#### Article 129

The term of office of a member of the Council of MRT may be terminated before the date of expiry for which he/she has been appointed in the following cases:

- occurrence of reasons preventing the election of a person as a member of the Council of MRT, provided for in this Law;
- his/her absence from the sessions of the Council of MRT for more than three months.
- submitting a resignation and
- conviction to a prison sentence longer than 6 months by an effective court decision, or a security measure for prohibition to perform a profession, activity or duty against that person.

The termination of the term of office is determined by the Assembly of the Republic of Macedonia, upon proposal by the Council of MRT.

In a case of termination of a term of office of a member of the Council of MRT before the expiry of the period for which she/he is appointed, the Assembly of the Republic of Macedonia will appoint a new member of the Council of MRT for the remaining portion of the term of office, upon proposal of the respective authorised nominator.

#### Article 130

The work of the Council of MRT shall be public.

The Council of MRT shall elect and dismiss the President and the Deputy of the Council of MRT by a majority of votes out of the total number of members.

The Council of MRT shall decide on matter laid down in Article 133 paragraph 1 indents 3, 4, 6, 7, 9 and 12 of this Law with a majority of votes of the total number of members of the Council of MRT, which has to include a majority of the votes of the total number of Members of the Council of MRT which belong to the communities which are not a majority in the Republic of Macedonia.

The Council of MRT shall work in sessions held at least twice a year.

The manner of working and decision making of the Council of MRT shall be regulated by the Rules of Procedure.

#### Article 131

The members of the Management Board of MRT, Executive Director of MRT, the Deputy Executive Director, as well as other authorised persons in MRT shall participate in the work of the Council of MRT, upon an invitation by the Council of MRT without the right to decision-making.

The persons referred to in paragraph 1 of this Article shall be obliged, upon request of the Council of MRT, to provide information, clarification and expert explanations concerning the issues on the agenda.

#### Article 132

The members of the Council of MRT shall receive remuneration for their work in the amount of one-third of the average salary paid in the Republic for each session.

Members of the Council of MRT who live outside of Skopje shall be entitled to remuneration for travel costs when they participate at the sessions of the Council of MRT, in accordance with the Rulebook on salaries and other remuneration.

#### Article 133

The council of MRT shall have the following competences:

- takes care of the realisation of the public interest in the programmes of MRT on the basis of the principles of editorial independence;
- determines the programme policy of MRT and supervises the implementation of programme principles, and in case of their violation it may warn the Executive Director and the

- Management Board of MRT in written form, i.e. to request from him/her to terminate the broadcasting of the programme violating the programme regulations;
- elects the members of the Management Board of the MRT;
  - adopts the Statute;
  - adopts a Rules of Procedure for its operation;
  - adopts the annual financial plan of MRT and submits it to the Assembly of the Republic of Macedonia for review, by 31 of March of the current year at the latest;
  - adopts the separate annual financial plan of MRT, and submits it to the Assembly of the Republic of Macedonia for approval, by 31 of March of the current year at the latest;
  - adopts the annual balance sheet;
  - adopts the annual report on the results of the operation of MRT for the previous year and submits it to the Assembly of the Republic of Macedonia for review, by 31 of March of the current year at the latest;
  - adopts the special annual report on the results of the operation of MRT for the previous year and submits it to the Assembly of the Republic of Macedonia for approval, by March 31 of the current year at the latest;
  - adopts acts regulating the ethical and professional standards in the creation of programmes of MRT;
  - adopts the programme for development of MRT and
  - also undertakes other activities laid down by the Law and the Statute of MRT.

For the purpose of securing editorial and journalistic independence, the Council of MRT shall not check the individual programme shows and other parts of programmes before they are broadcast, i.e. the Council shall not make decisions and take positions concerning their broadcasting.

#### Article 134

MRT shall be managed by the Management Board which consists of seven members.

The Members of the Management Board shall be elected by the Council of MRT on the basis of a previously implemented public announcement procedure.

The conditions and the procedure for election are laid down in the Statute of MRT.

The members of the Management Board shall be elected for a term of office of five years, with right to one re-election;

The Management Board shall elect and dismiss a President from within its members.

The Management Board shall operate and make decisions on sessions held at least once a month.

The Executive Director of MRT as well as other authorised persons in MRT shall participate in the work of the Management Board of MRT without the right to make decisions, when invited by the Management Board.

#### Article 135

The members of the Management Board shall receive a monthly remuneration for their work.

#### Article 136

Members of the Management Board of MRT cannot be the following persons:

- Members of Parliament, Members of Government, managerial persons in state bodies, state administration bodies or local self-government units, directors or members of Executive Boards of public enterprises;
- persons performing duties in the political party bodies;
- persons who as owners of shares or stocks, as members of management bodies, or as employees, have an interest in other broadcasting organisations, news agencies, commercial and advertising companies, market and public opinion research companies, investigation and security companies, film distribution companies, film production companies or companies for telecommunication services.
- members of the Council of MRT and
- employees of MRT.

#### Article 137

The term of office of a member of the Management Board of MRT may be terminated before the date of expiry in the following cases:

- occurrence of reasons preventing the election of a person as a member of the Council of MRT, provided for in Article 136 of this Law;
- his/her absence from the sessions of the Council of MRT for more than three months.
- submitting a resignation.
- conviction to a prison sentence longer than 6 months by an effective court decision, or a security measure for prohibition to perform a profession, activity or duty against that person.

The termination of the term of office is regulated by the Council of MRT, upon the proposal by the Management Board of MRT.

#### Article 138

The Management Board shall have the following competences:

- monitors the success in the work of MRT;
- manages the property;
- approves the Operational Plan of MRT;
- monitor the implementation of the annual financial plan and the separate annual financial plan;
- elects the Executive Director of MRT and the Deputy Executive Director of MRT;
- proposes the Statute of MRT;
- proposes the annual balance sheet of MRT;
- submits the annual report on the operation of MRT and the special annual report to the Council of MRT;
- adopts the Rulebook on organisation and systematisation, the Rulebook on salaries and other compensation, and other acts laid down by the Statute of MRT;
- adopts a Rules of Procedure on its operating and
- performs other activities laid down by the Law and the Statute of MRT.

#### Article 139

The Statute of MRT shall be published in the Official Gazette of the Republic of Macedonia, and the Rules of Procedure of the Council of MRT and the Rules of Procedures of the Management Board of MRT shall be published on the web-site of MRT.

The Operational plan of MRT, the Financial Plan and the Report on Operation of MRT are published on the web-site of MRT.

The decisions of the Council of MRT are published on the web-site of MRT.

#### Article 140

The work of MRT shall be managed by an Executive Director. The Executive Director shall have a Deputy.

The Executive Director and the Deputy Executive Director shall be elected by the Management Board of MRT, on the basis of a previously conducted public announcement procedure, and a submitted programme.

A member of the Council of MRT and the Management Board of MRT may not be elected as Executive Director or Deputy Executive Director of MRT.

The Executive Director of MRT and the Deputy Executive Director shall be elected for a four year term with the right to be re-elected.

The conditions and the procedure for election of a Director and a Deputy Director shall be laid down by the Statute of MRT.

#### Article 141

The Executive Director shall:

- represent and present MRT in accordance with the Statute of MRT;
- manage the business policy of MRT;
- propose the Development Programme of MRT;
- propose and implement the annual financial plan and the special annual financial plan;
- implement the editorial and business policy of MRT;
- organise and manage the operation processes;
- ensure legality of operations;
- propose acts and decisions to the Council of MRT and the Management Board ;
- enforce the decisions adopted by the Council of MRT and the Management Board ;
- appoint and dismiss managerial staff, as defined with the Statute and
- perform other activities determined by the Statute and other acts of MRT, pursuant to the Law.

#### Article 142

The organisation, management and governance of MRT, acts and the procedure for their adoption, as well as other issues of importance for the operation of MRT shall be regulated by the Statute of MRT.

### **X. PUBLIC OPERATOR FOR TRANSMISSION OF RADIO AND TELEVISION SIGNALS**

#### Article 143

The functions of a public operator for transmission of radio and television programmes in the Republic of Macedonia shall be performed by the Public Enterprise "Makedonska radiodifuzija - Skopje".

#### Article 144

The Law on Establishing the Public Enterprise "Makedonska radiodifuzija - Skopje" shall determine the activity, manner of organisation and operation of the PE "Makedonska radiodifuzija".

### **XI. FINANCING**

#### Article 145

The funds necessary to cover the costs of production and broadcasting of programmes and technical and technological development of the public broadcasting service, for maintenance, utilisation and development of the public broadcasting network, regulation and development of broadcasting activity in the Republic of Macedonia, shall be provided from the broadcasting fee.

The broadcasting fee shall be a public fee.

The funds collected from the broadcasting fee shall be used to finance the following users:

- PE Macedonian Radio Television,
- PE Makedonska radiodifuzija (Macedonian Broadcasting) and
- Broadcasting Council.

#### Article 146

The broadcasting fee shall be paid by:

- every family household in the Republic of Macedonia,
- hotels and motels shall be charged one broadcasting fee for every five rooms,
- legal persons and office space owners shall pay one broadcasting fee to every 20 employees or other persons that use the office space,
- owners of catering and other public facilities possessing a radio receiver or TV set shall pay one broadcasting fee for each receiver/set.

The Government of the Republic of Macedonia, upon a proposal of the Broadcasting Council, shall determine which broadcasting fee payers from paragraph 1 of this Article in populated areas that are not covered by the broadcasting signal shall be exempt them from payment of the broadcasting fee.

The households with a blind person whose vision is impaired over 90%, or families with a person whose hearing is impaired with an intensity of over 60 decibels, as determined in compliance with the regulations on disability insurance, shall be exempt from the duty to pay the broadcasting fee for the household where the family of the person lives.

#### Article 147

All activities regarding the calculation, collection and allocation of funds collected through the broadcasting fee of the users referred to in Article 146 of this Law, as well as the keeping of the registry of broadcasting fee payers shall be performed by MRT.

MRT shall adopt a decision with the nature of a mandatory prescript on the basis of a register of broadcasting fee payers pursuant to the Law on Enforcement and Determination of the Annual Amount of the Broadcasting Fee which obliges the broadcaster fee payer to pay it in 12 equal monthly instalments. The the broadcasting fee payer is required to pay the broadcasting fee by 15<sup>th</sup> day in the month at the latest; otherwise interest shall be paid for each delay, laid down with a law. The payment shall be made to the account of MRT, which shall then allocate the collected funds to the users listed in Article 145 of this Law, in the amounts listed in Article 149 of this Law.



#### Article 148

The broadcasting fee shall be paid each month in the amount of 2,5% of the average net salary per worker in the Republic of Macedonia for the previous quarter, according to the data published by the State Statistical Office.

The users which own a radio receiver only, shall pay one-third of the amount determined as broadcasting fee in paragraph 1 of this Article.

#### Article 149

The funds collected from the broadcasting fee shall be allocated in the following manner:

- 72% for MRT for covering costs for creating and broadcasting programmes;
- 4.5% for MRT for technical and technological development;
- 16% for MRD for maintenance and use of the public broadcasting network;
- 3.5 % for MRD for public broadcasting network development and
- 4 % for the Broadcasting Council for regulating and development of the broadcasting activity in the Republic of Macedonia.

The MRT shall keep 0.5% of the collected funds from the broadcasting fee as commission fee.

#### Article 150

Regarding the enforcement of payment, the provisions of the Law on Execution shall apply.

#### Article 151

The beneficiaries of the funds referred to in Article 149 of this Law shall be obliged to use the funds on the basis of a publicly published financial plan.

### **XII. RIGHT TO REPLY AND CORRECTION**

#### Article 152

Every natural or legal person shall be entitled to request from the responsible person of the broadcaster to publish a free-of-charge correction, i.e. reply to the incorrect, i.e. incomplete broadcast information that infringes the legitimate right or interest of the person concerned, as well as his/her dignity, honour and reputation.

The request for publishing the correction, i.e. reply shall be submitted within 15 days from the day of publication of the information concerned.

The request shall state the information for which the correction, i.e. the reply is requested, including the date and the hour of its broadcasting.

The request for correction, i.e. reply shall be submitted in written form and it has to contain all necessary data on the person requesting it, including his/her address.

#### Article 153

The term "correction" shall mean correcting false claims or incorrect allegations in the published information, as well as disclosing facts and circumstances with which the person concerned is denying them or for the purpose of denying them s/he significantly supplements the allegations in the published information.

The term "reply" shall mean text or message of the same nature and the same length as the published information in which the name, i.e. title of the demander of the reply is mentioned or of someone who is in a different manner directly connected with him/her. The reply shall essentially deny or significantly supplement the contested allegations concerning the facts and the data in the published information.

#### Article 154

The correction, i.e. the reply shall be published without any amendments in the same or the appropriate place in the programme in the same or similar manner as the information was published.

The correction, i.e. the reply shall not be disproportionately longer than the information concerned, i.e. than the portion of the information concerned.

Broadcasting a commentary on the published correction or reply shall be prohibited.

#### Article 155

The responsible person of the broadcaster shall be obligated to broadcast the correction, i.e. the reply in the first upcoming radio or TV show of the same kind, three days from the day of receiving the request at the latest, unless:

- the correction, i.e. the reply does not refer to the information which the interested person is invoking;
- the correction, i.e. the reply does not contain the data concerning the allegations in the information;
- broadcasting the reply would be contrary to the Law;
- the correction, i.e. the reply is disproportionately larger than the information it refers to;
- the information concerned is a scientific or art review, with the exception of the correction of the false data or the offensive and biased quotes;
- a correction, i.e. a reply has already been requested in relation to the same content of the information, i.e. there is an ongoing procedure before the competent court for failure to broadcast the correction, i.e. the reply to the information concerned;
- the broadcasting organisation itself has already broadcasted a correction of the published information and
- the request was submitted after the expiration of the deadline.

#### Article 156

The broadcaster shall be obliged to provide the interested person, on his/her expense, a recorded copy of the published information within three days from the date of receiving the written request from the person concerned.

The copy referred to in paragraph 1 of this Article shall be delivered to the person concerned for personal purposes only.

The reproduction or publication of the copy without prior consent of the broadcaster shall be prohibited, except within the framework of a court procedure.

#### Article 157

If the responsible person of the broadcaster failed to broadcast the correction, i.e. the reply in the manner and within the deadlines determined by this Law, the interested party shall be entitled to initiate a procedure before the competent court on publishing the correction, i.e. the reply within 30 days from the date of expiry of the deadline determined in Article 152, paragraph 2 of this Law.

#### Article 158

If the court reaches a verdict to order the broadcaster to publish the correction, i.e. the reply in its publication of the correction, i.e. the reply shall state that the information is an announcement based on a court verdict, which shall be quoted.

### **XIII. ACCESS TO INFORMATION**

#### Article 159

The State bodies, bodies of the local self-government units, officials performing public functions, public enterprises, and other natural or legal persons with public empowerments shall be obligated to provide accurate, complete and timely information on issues from their scope of work for the purposes of media broadcasting pursuant to Law.

#### Article 160

Each broadcaster shall be entitled to obtain short reports on all events of importance to the public, under equal conditions.

A short report shall refer to a report that lasts up to 90 seconds the most and is broadcast in the informative programmes.

The right to a short report shall as well encompass the right to audio and/or video recording that could last up to 5 minutes.

The right to a short report may be excluded or restricted if its practicing hurts the feelings of the participants in the event or jeopardises the public security and order.

#### Article 161

The broadcaster shall be entitled to broadcast, in its informative programmes, clips from shows of other broadcaster referring to the event, whereby the name of the broadcaster whose clips are used should be clearly stated.

## **XIV. PROTECTION OF SOURCES OF INFORMATION**

### **Article 162**

This Law shall guarantee the secrecy of the sources of information used in the programmes of the broadcaster.

The journalist shall be entitled to refuse to disclose the source of the information, i.e. the data that may disclose the source.

The right referred to in paragraph 2 of this Article shall also apply to other persons who, due to their professional relationship with the journalist, are informed about the data that may reveal the source.

## **XV. SUPERVISION OF THE ENFORCEMENT OF THE LAW**

### **Article 163**

The supervision of the enforcement of the provisions of this Law, in terms of compliance with the programme principles, programme requirements and restrictions, as well as the compliance with the requirements listed in the license, shall be performed by the Broadcasting Council.

### **Article 164**

The supervision of meeting the requirements for operation stipulated in the approval for using the radio-frequencies, the construction, maintenance and use of networks and means of broadcasting and transmission of programmes shall be performed by the Agency for Electronic Communications and the Ministry of Transport and Communications.

### **Article 165**

The inspection supervision of the implementation of the provisions of this Law, in terms of respecting the copyrights and related rights, as well as the use of the Macedonian language, shall be performed by the Ministry of Culture.

## **XVI. PENALTY PROVISIONS**

### **Article 166**

The broadcaster or any other legal person shall be subject to a fine amounting from 200,000 to 300,000 denars if:

- 1) illegal media concentration has been established, contrary to the provisions referred to in Article 14 of this Law;
- 2) a secret co-owner participates in the ownership structure with monetary or non-monetary share (Article 16);
- 3) it fails to inform the Broadcasting Council on the changes in the ownership structure (Article 17, paragraph 1);
- 4) fails to demand an approval from the Broadcasting Council for changes in the ownership structure (Article 17, paragraph 2);
- 5) fails to disclose the data referring to its operations, in accordance with Article 20 paragraphs 1 and 2 of this Law;
- 6) fails to submit to the Broadcasting Council the annual balance sheet for the previous year, in accordance with Article 20 paragraph 3 of this Law;
- 7) fails to submit, upon a request from the Broadcasting Council, the data listed in Article 20, paragraph 4 of this Law;
- 8) broadcasts programme service without a licence for broadcasting activities;
- 9) pursues broadcasting activity outside the territory (service zone) for which the licence has been obtained (Article 57);
- 10) transmits and retransmits programmes that are directed towards the violent destruction of the constitutional order of the Republic of Macedonia or towards initiating and calling for war aggression or exciting national, racial, gender and racial hatred or animosity (Article 69);
- 11) broadcasts programmes that contain excessive violence or other programmes that can be harmful to the physical, mental and moral development of children and minors (Article 70, paragraph 1);
- 12) broadcasts programme services with pornographic contents, contrary to Article 70 paragraph 3 of this Law;

- 13) broadcasts programmes that could seriously damage the physical, mental and moral development of minors, contrary to Article 71 paragraphs 1 and 2 of this Law, and disobeys the rules listed in Article 71 paragraph 3 of this Law;
- 14) broadcasts radio or television programmes that doesn't meet the temporal requirements listed in Article 72 of this Law;
- 15) fails to provide representation of European audiovisual works in the programme services on national level (Articles 73 and 124 paragraph 1);
- 16) fails to broadcast programmes in compliance with the requirements on percentages and language use laid down in Article 74 and Article 124 paragraphs 2 and 3 of this Law;
- 17) uses special tariff telephone services, contrary to the provisions referred to in Article 75 of this Law;
- 18) organises and broadcasts lottery games and sports betting, contrary to the provisions referred to in Article 76 paragraph 1 of this Law;
- 19) broadcasts lottery games organised by entities without a proper license issued by the competent body for organising games of chance (Article 76 paragraph 2);
- 20) creates and broadcasts radio or television programme that have not regulated the copyrights and related rights (Article 77 paragraph 1);
- 21) is involved in live or deferred transmission of Major events contrary to the provisions referred to in Article 78 paragraph 1 of this Law;
- 22) connects to a single broadcasting system for transmission of jointly produced programmes with other broadcasting organisations, contrary to the provisions referred to in Article 79 of this Law;
- 23) fails to cover an election campaign that it was obligated to cover, in accordance with Article 80 paragraph 1 of this Law;
- 24) fails to cover the elections in a fair, balanced and impartial manner, or fails to publish the internal rules for election coverage, in accordance with Article 80, Paragraphs 2 and 4 of this Law;
- 25) during an election campaign, failed to provide equal access to all forms of media presentation to all organisers of election campaigns (Article 80 paragraph 3);
- 26) fails to comply to the requirements on the use of language laid down in Article 82 paragraph 1, Article 83 paragraphs 1 and 3, and Article 104 of this Law;
- 27) broadcast programme services that require subtitling contrary to the provisions referred to in Article 82 paragraph 2 of this Law;
- 28) broadcasts advertising and teleshopping contrary to the provisions referred to in Articles 87, 88 and 89 of this Law;
- 29) broadcasts advertising which exceed the time limits laid down in Article 91 paragraph 1 and Article 93 of this Law;
- 30) interrupts the broadcasting of programmes with advertising and teleshopping spots in a manner contrary to the requirements laid down in Article 91 paragraph 2 of this Law;
- 31) broadcasts advertisements or teleshopping contrary to the provisions referred to in Article 92 of this Law;
- 32) broadcasts teleshopping windows contrary to the provisions referred to in Article 94 of this Law;
- 33) in the course of an election campaign, broadcasts paid political advertising which exceeds the time-limits laid down in the decision adopted by the Broadcasting Council (Article 95);
- 34) broadcasts advertising and teleshopping which were not properly distinctive and clearly separated from the other programme, and uses subliminal techniques (Article 97);
- 35) is involved in surreptitious advertising and teleshopping (Article 98, paragraph 1);
- 36) displays products whose name or trade mark are visible (Article 98 paragraph 2);
- 37) broadcasts advertising and teleshopping spots in a manner that jeopardises the integrity and the value of the programme service and the rights of the holders of copyrights and other related rights for the programme, as well as contrary to the requirements laid down in Articles 99 and 100 of this Law;
- 38) broadcasts advertisements and teleshopping for products or services, whose advertising or teleshopping is prohibited (Article 101);
- 39) broadcasts advertisements for medical treatments and over the counter medicines, contrary to the conditions laid down in Article 102 of this Law;
- 40) broadcasts advertisements for alcoholic beverages in a manner contrary to the rules laid down in Article 103 of this Law;

- 41) fails to act upon the pronounced measure in accordance with Article 109 paragraph 4 of this Law;
- 42) fails to transmit the programme services packages for retransmitting of the programmes of the public broadcasting service, and fails to rebroadcast them solely on the territory for which the license to pursue broadcasting activity was obtained (Articles 110 and 111);
- 43) prevents the free reception of radio and television programme broadcasted through terrestrial transmitter (Article 112);
- 44) fails to provide programme services in accordance with Article 114 of this Law;
- 45) fails to commission at least 10% of the total annual television programmes from independent producers, i.e. fails to allocate at least 10% of the annual funds for television production for commission of programme from independent producers in the Republic of Macedonia (Article 125, paragraph 1);
- 46) fails to reserve at least 30% of the total international television programme per annum for broadcasting European audiovisual works (Article 125, paragraph 3);

A broadcaster or other legal person shall be fined with 6.000.000 denars if it commits the violation laid down in paragraph 1 of this Article for personal gains.

The responsible person of a broadcaster or other legal person shall also be fined with 30,000 to 50,000 denars for any violation laid down in paragraph 1 of this Article.

The responsible person in a broadcaster or other legal person shall be fined with 1.000.000 denars if it commits the violation laid down in paragraph 1 of this Article for personal gains.

A natural person shall be fined with 20,000 to 30,000 denars for a violation laid down in paragraph 1 of this Article.

In addition to the fine, the broadcaster or the other legal person shall be sanctioned with pronouncement of protective measure prohibition to pursue broadcasting activity, i.e. prohibition to broadcast programme services via public communication networks for a period of six months to two years, for violations of paragraph 1, items 1, 3, 4, 8, 9, 41, 42, and 43, of this Article.

In addition to the fine, the responsible persons at the broadcaster or the other legal person shall be sanctioned for a violation of paragraph 1, items 1, 3, 4, 8, 9, 41, 42, and 43 of this Article, with a pronouncement of preventive measure prohibition to pursue profession, activity or duty for a period of three months to one year.

#### Article 167

A broadcaster or other legal person shall be subject to fine of 100,000 to 200,000 denars if it:

- 1) fails to display the name, trade mark or the abbreviated identification sign (aviso, logo, etc.) in a manner laid down in Article 81 paragraph 2 of this Law;
- 2) uses names or identification signs that do not correspond to the registered name or identification signs (Article 81 paragraph 4);
- 3) fails to submit a copy of the identification sign to the Broadcasting Council (Article 81 paragraph 5);
- 4) fails to appoint an editor-in-chief and fails to announce the name and the surname of the editor-in-chief and the programme editor in the programmes in accordance with Article 84 paragraphs 1 and 3 of this Law;
- 5) fails to keep daily records of broadcasted programmes, record the output signal of its programme service and fails to safe-keep the recordings of the total programmes for the prescribed period of time (Article 85 paragraph 1);
- 6) fails to keep the recorded information until the publication of the reply or correction of the information concerned, i.e. until the conclusion of the court dispute (Article 85 paragraph 2);
- 7) fails to properly mark the advertisements broadcast free-of-charge, laid down in Article 96 of this Law;
- 8) allows participation of journalists or news presenters in advertising or teleshopping (Article 105);
- 9) the sponsor of a programme service is not properly and clearly identified at the beginning or the end of the programme, i.e. it fails to inform that the broadcasted programme was sponsored (Article 106);
- 10) sponsors news and other informative programmes, as well as political and religious programmes (Article 107 paragraph 1);
- 11) accepts sponsorship from organisations whose primary activity is production or sale of products that are prohibited from advertising (Article 107 paragraph 2);

- 12) promotes medical products or medical treatments available only with prescription (Article 108);
- 13) fails to establish an internal television channel on its communications network (Article 113 paragraph 1);
- 14) fails to record and to keep the recordings of the output signal of the internal television channel (Article 113, paragraph 1);
- 15) publishes a correction or reply in a manner contrary to the provisions referred to in Article 154 of this Law;
- 16) fails to broadcast the correction or reply in accordance with Article 155 of this Law.

The responsible person in a broadcaster or other legal person shall be fined with 20,000 to 30,000 denars for any violation laid down in paragraph 1 of this Article.

A natural person shall be fined with 10,000 to 20,000 denars for any violation laid down in paragraph 1 of this Article.

## **XVII. TRANSITIONAL AND FINAL PROVISIONS**

### Article 168

The new members of the Broadcasting Council shall be elected within a period of six months after this Law enters into force, in accordance with the provisions referred to in Article 29 of this Law.

The existing composition of the Broadcasting Council shall continue with its work and will perform the activities of the Broadcasting Council until the election of the new members of the Broadcasting Council, as referred to in paragraph 1 of this Article.

The members of the existing composition of the Broadcasting Council shall continue to receive the remuneration for their work they received till the day of election of the members of the Council as referred to in paragraph 1 of this Article.

The members of the existing composition of the Broadcasting Council shall be entitled to election for the new composition of the Council.

The assets, rights, obligations, the archives and the employees of the professional service of the existing Broadcasting Council shall be taken over by the new composition of the Broadcasting Council.

### Article 169

The public enterprise "Macedonian Radio Television", established with the Law on Establishing the Public Enterprise Macedonian Radio Television (Official Gazette of the Republic of Macedonia No.: 6/98, 98/2000 and 78/2004), shall continue to operate with the day of entering into force of this Law as a public broadcasting service "Macedonian Radio Television", in accordance with this Law.

### Article 170

The members of the Council of MRT shall be elected within a period of six months after the day this Law enters into force in accordance with the provisions of this Law.

The Council of MRT shall adopt the Statute of MRT and elect the Management Board within 90 days from the day it was established.

The Management Board shall announce a public competition for the selection of the Executive Director of MRT and Deputy Executive Director, within 30 days from the date it was elected.

### Article 171

The Management Board of MRT, the Board for Control of Material and Financial Operations of MRT, the General Director of MRT and the Deputy General Director of MRT shall continue to work until the new bodies of MRT have been elected in accordance with the provisions of this Law.

### Article 172

The Concession Agreements concluded pursuant to the Broadcasting Law (Official Gazette of the Republic of Macedonia, No. 20/97 and 70/2003) between the Government of the Republic of Macedonia and the commercial broadcasting companies, shall be harmonised to the provisions of this Law within 18 months from the date of entering into force of this Law, except for the Concession

Agreement concluded with the commercial broadcasting companies – cable operators, which are bound to regulate their status pursuant to the Law on Electronic Communications.

#### Article 173

The Broadcasting Council, in cooperation with the Agency for Information and MRT, shall examine, within 6 months from the day of entering into force of this Law, the situation and conduct an analysis of the existing public enterprises which pursue broadcasting activity - radio on a local level, on the basis of which it will make a decision establishing which among them will receive the status of regional centres of PE Macedonian Radio Television, and for the remaining ones it will propose solutions for their transformation, pursuant to the provisions of this law.

The decision referred to in paragraph 1 of this Article shall also contain:

- the technical means for transmission;
- the service zone and location of the technical means;
- identification mark;
- programme conditions;
- validity of the licence and
- amount of fees and manner for payment.

The public enterprises pursuing activity on the local level are obliged, within 6 months from the date of adoption of the decision referred to in paragraph 1 of this Article, to perform the proposed transformation.

The public enterprises pursuing activity on the local level, transformed into a commercial broadcasting companies or non-profitable broadcasting institution shall be registered in the respective register on the basis of the decision referred to in paragraph 1 of this Article, and upon the approvals received from the Agency for Electronic Communications. The Broadcasting Council shall grant them a licence to pursue broadcasting activity free of charge.

The public enterprises pursuing activity on the local level, which fail to act upon the decision of the Broadcasting Council referred to in paragraph 1 of this Article, shall be deleted from the register, and their assets and obligations are taken over by the Republic of Macedonia.

Until the finalisation of the transformation procedure, the existing public enterprises, which pursue the activity on the local level shall be financed from the broadcasting fee in the amount of 5% of the total amount of collected funds previously decreased for 0.5% as commission for collection.

#### Article 174

The Strategy for Development of the Broadcasting Activity in the Republic of Macedonia shall be adopted within 24 months from the day of entering into force of this Law.

The special form referred to in in Article 49 paragraph 1 or this Law, shall be adopted within six months from the day of entering into force of this Law at the latest.

#### Article 175

The provisions referred to in Articles 54, 65 and 67, paragraph 4 of this Law shall become effective one year after the entry into force of this Law.

Until the start of the implementation of provisions laid down in paragraph 1 of this Article, the complaints to the decisions of the Broadcasting Council shall be submitted to the Commission for Review of Submissions and Complaints in the Field of Broadcasting of the Assembly of the Republic of Macedonia.

The Commission referred to in paragraph 2 of this Article consists of five members and their deputies.

The members of the Commission and their Deputies are appointed by the Assembly of the Republic of Macedonia, upon the proposal of the Committee on Elections and Appointment Issues.

A person with a university diploma in the field of communication science, journalism, telecommunications, information science, culture, economy and law, may be appointed as a member of the Commission referred to in paragraph 3 of this Article.

The Commission adopts its decisions with a majority of votes from the total number of members, within 60 days from the receiving of the complaint.

A lawsuit to start administrative procedure before the competent court may be filed against the final decisions of the Commission.

#### Article 176

The Commission for Review of Submissions and Complaints in the Field of Broadcasting shall be appointed by the Assembly of the Republic of Macedonia within 30 days from the day of entering into force of this Law, in accordance with Article 175 of this Law.

#### Article 177

The unused funds of the Broadcasting Council intended for financing of projects of public interest till the entering into force of this Law shall be directed towards the account of the broadcasting fee beneficiaries, in proportion laid down in Article 149 of this Law.

#### Article 178

The implementation of the provisions referred to in Articles 146, 147, 148, 149 paragraphs 2, 150 and 151 of this Law shall start to be implemented six months after the day of entering into force of this Law.

Until the start of the implementation of the provisions referred to in paragraph 1 of this Article, the funds up to 80% of the total amount of the broadcasting fee that should be collected according to the records in the register of broadcasting fee payers, shall be provided from the Budget of the Republic of Macedonia. The funds shall be directed towards the broadcasting fee beneficiaries in proportion laid down in Article 149 paragraph 1 of this Law.

Until the start of the implementation of the provisions referred to in paragraph 1 of this Article, the financing, i.e. the collecting of the broadcasting fee shall continue to be performed in accordance with the provisions of the Broadcasting Law (Official Gazette of the Republic of Macedonia No.: 20/97) and the collected funds shall be paid to the Budget of the Republic of Macedonia.

#### Article 179

The day this Law enters into force, the Broadcasting Law (Official Gazette of the Republic of Macedonia No.: 20/97 and 70/2003), except for the provisions referring to financing, i.e. collection of the broadcasting fee and the Law on Establishing the Public Enterprise Macedonian Radio Television (Official Gazette of the Republic of Macedonia Nos.: 6/98, 98/2000 and 78/2004) shall cease to be valid.

#### Article 180

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Macedonia.