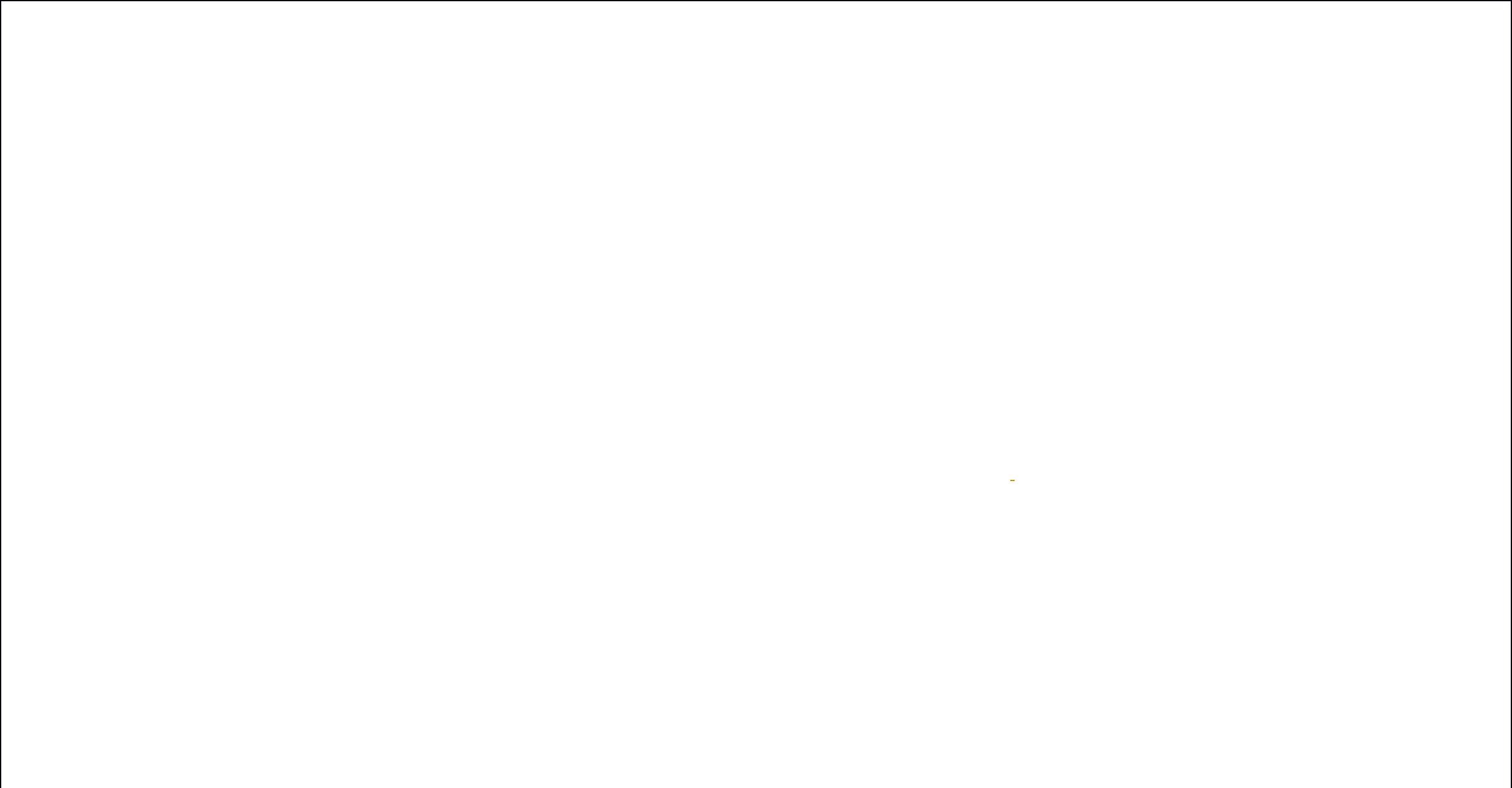
**TRANSPARENCY OF MEDIA OWNERSHIP – THE LEGAL FRAMEWORK**

**MACEDONIA**



**1. Media-Specific Disclosure Requirements I : *Disclosure to a Media Authority or other Public Body***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **QUESTIONS** |  |  | **YES/** |  | **COMMENTS** |  |
|  |  |  | **NO** |  |  |  |
| 1.1 Who is required | a) | Are media organisations which disseminate information |  |  |  |  |
| to disclose |  | or those who have interests in such media organisations |  |  |  |  |
| information, when |  | specifically required to report ownership information to a | Y |  |  |  |
| and to whom? |  | media authority or other public body or bodies? |  |  |  |
|  |  |  |  |  | |  |
|  | b) | If YES, what is the legal basis of this requirement? |  | The legal basis is the Law on Broadcasting Activity1, which entered into force on 29 | |  |
|  |  |  |  | November 2005. | |  |
|  | c) | Who exactly is covered by this requirement, |  | **Broadcast media** | |  |
|  |  |  |  | A “media organisation” is defined at Article 4, paragraph 1, item 1, as “a legal entity | |  |
|  |  |  |  | or natural person with editorial responsibility for the composition of schedules for | |  |
|  |  |  |  | radio and television services intended for reception by the public, transmitted by the | |  |
|  |  |  |  | said legal entity or natural person, or transmitted on its behalf by third parties, | |  |
|  |  |  |  | completely and unaltered”. | |  |
|  | d) To whom must the information be reported? | |  | Broadcasters must report to the Broadcasting Council which is an independent | |  |
|  |  |  |  | regulatory body that represents the interests of the citizens in the broadcasting area. | |  |
|  |  |  |  | It was established by the Law on Broadcasting and commenced operations in 1997. | |  |
|  |  |  |  | The Broadcasting Council comprises 9 members with different professional | |  |
|  |  |  |  | backgrounds. | |  |
|  |  |  |  | The general remits of this body are stated in Article 37 from the Law on Broadcasting | |  |
|  |  |  |  | Activity and include: | |  |
|  |  |  |  |  | Issuing broadcasting licences; |  |
|  |  |  |  |  Taking legal sanctions against broadcasters who fail to fulfil their duties under the | |  |
|  |  |  |  |  | law, under terms of their broadcasting licence and according to the laws of the |  |
|  |  |  |  |  | Broadcasting Council; |  |
|  |  |  |  |  | 1 |  |
| **Name of Country:** Macedonia | |  |  |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | | |  |  |  |  |

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| --- | --- | --- | --- | --- |
|  |  |  |  Adopting opinions and participating in the drafting of laws, regulations and other |  |
|  |  |  | acts regarding broadcasting activity, as well as in the conclusion and accession of |  |
|  |  |  | the Republic of Macedonia to international agreements in the field of |  |
|  |  |  | broadcasting and overseeing the full implementation of such international |  |
|  |  |  | agreements; |  |
|  |  |  |  Issuing certificates of registration for radio and television channels re-transmitted |  |
|  |  |  | via a public communications network; |  |
|  |  |  |  Adopting and implementing measures defined by this Law, filing misdemeanour |  |
|  |  |  | and criminal charges and performing other activities as defined by this and other |  |
|  |  |  | Laws; and |  |
|  |  |  |  Carrying out other activities as defined by this Law. |  |
|  | e) Who must report the information? |  | The “responsible person” is obliged by law to fulfil all necessary legal actions to report |  |
|  |  |  | the information to the Broadcasting Council. |  |
|  | f) Where notification is by those with an interest, is this |  |  |  |
|  | dependent on the size or scale of the interest, e.g. only |  |  |  |
|  | where a shareholding exceeds a certain size or | N |  |  |
|  | percentage? |  |  |
|  |  |  |  |
|  | If YES, what is the required threshold? |  |  |  |
|  | g) Are foreign as well as domestic media organisations | Y |  |  |
|  | covered by these requirements? |  |  |  |
|  | If YES, do these requirements apply to EU as well as non- | Y |  |  |
|  | EU foreign organisations? |  |  |  |
|  |  |  |  |  |
|  | h) When is information to be notified? |  | Such information must be disclosed: |  |
|  |  |  |  under Article 49, when applying for a broadcast licence; |  |
|  |  |  |  under Article 17, item 1, which requires a broadcaster to inform the Broadcasting |  |
|  |  |  | Council about all changes in the ownership structure. The law does not specify any |  |
|  |  |  | kind of timeframe for doing this. |  |
|  |  |  |  under Article 20 of the Law on Broadcasting Activity, which requires broadcasters |  |
|  |  | 2 | |  |
| **Name of Country:** Macedonia | |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | |  |  |  |

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|  |  |  |  | to publish an annual return (by March 31st at the latest) with information on their |  |
|  |  |  |  | operations for the previous year., including: |  |
|  |  |  |  | - changes in ownership structure; |  |
|  |  |  |  | - changes in the managing and governing bodies; and |  |
|  |  |  |  | - sources of financing. |  |
|  |  |  |  |  |  |
| 1.2 What | a) | Name and contact details of media organisation? |  |  |  |
| information is to be |  |  | Y |  |  |
| provided? |  |  |  |  |  |
|  | b) Name and contact details of owner? | | Y |  |  |
|  | c) | Country of domicile of company with an interest? | Y |  |  |
|  | d) | Citizenship/residence status of individual with an | Y |  |  |
|  |  | interest? |  |  |
|  |  |  |  |  |
|  | e) | Size of shareholding? |  | Article 49, paragraph 2, item 3, requires applicants for a broadcasting licence to |  |
|  |  |  | Y | submit proof of registration as a legal entity; the registration document contains |  |
|  |  | If YES, please provide details |  | information on ownership structure and the size of shareholdings. |  |
|  | f) | If shares are held on behalf of another, e.g. through |  | According to Article 16, a broadcaster cannot have a secret shareholder, i.e. a |  |
|  |  | brokerage, must the name of the beneficial owner be |  | shareholder cannot participate secretly or by proxy with monetary or non-monetary |  |
|  |  | disclosed? |  | shares in a broadcaster. A media company and the responsible person must provide |  |
|  |  |  |  | the correct information about the real owner in order to prevent media |  |
|  |  |  | Y | concentrations and for transparency of media ownership. |  |
|  |  |  |  |  |
|  |  |  |  | Of course such ownership by proxy can happen, but it is not permitted and is |  |
|  |  |  |  | punishable by law under Article 166, para 1, items 1, 2, 3 and 4 of the Law on |  |
|  |  |  |  | Broadcasting. In practice, it is unlikely it is happening because Macedonia is a small |  |
|  |  |  |  | country, media companies are large and their ownership is very well known. |  |
|  | g) | Details of companies or individuals with an indirect |  | As stated above, Article 16 prohibits secret shareholding ie a shareholder cannot |  |
|  |  | controlling or significant interest? | Y | participate secretly or by proxy with a monetary or non-monetary interest in a |  |
|  |  |  | broadcaster. A media company must provide the correct information about all those |  |
|  |  |  |  |  |
|  |  | If YES, please explain. |  | who control the broadcaster. |  |
|  | h) | Political, religious or other affiliations of shareholder / | N |  |  |
|  |  | owner? |  |  |
|  |  |  |  |  |
|  | i) | Interests by owners in other media organisations? | Y | Article 49 requires an applicant for a broadcasting licence to submit information on |  |
|  |  |  |  | “ownership of shares in other broadcasting organizations”. |  |
|  |  | If YES, please explain. |  |  |  |
|  |  |  |  | Article 17, paragraph 2 states that If, with the change of the ownership structure, the |  |
|  |  |  |  | 3 |  |
| **Name of Country:** Macedonia | |  |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | | |  |  |  |

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|  |  |  | broadcaster, or a person related thereto, acquires a share in the basic capital of |  |
|  |  |  | another broadcaster of more than 10% of its basic capital, the broadcaster shall be |  |
|  |  |  | obliged, 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. See 1.2(k) below for a definition of “related persons”. |  |
|  | j) Interests by owners in non-media businesses? |  |  |  |
|  |  | N |  |  |
|  | If YES, please explain. |  |  |  |
|  | k) Interests in the media organisation by individuals (e.g. |  | Article 18 defines this affiliation. It uses the term “related persons” who are, in terms |  |
|  | family members or organisations) affiliated to the |  | of this Law, persons mutually connected through the management structure, capital |  |
|  | owner? |  | 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 |  |
|  | If YES, how is ‘affiliation’ defined in the relevant |  | common goals, or when one person has the ability to direct or exert significant |  |
|  | instruments and what details are to be disclosed? |  | influence on the other person in its decision on the business operation or the |  |
|  |  |  | programming concept of the broadcaster. |  |
|  |  |  | The following persons shall be considered related persons, according to this Law: |  |
|  |  |  | - family members (parents, children, siblings, adoptive parents and adoptees); |  |
|  |  | Y | - persons in marriage and unwed partnership; |  |
|  |  | - members of the spouse’s immediate family; |  |
|  |  |  |  |
|  |  |  | - shareholders or holders of other rights on the 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; and |  |
|  |  |  | - persons who are 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. |  |
|  | l) Management details: for example, directors (if a | Y | Article 49 requires applicants for a broadcasting licence to submit a “detailed business |  |
|  | company), key executive officers, managing editor? |  | plan which includes information on the existing and planned personnel structure”. |  |
|  |  |  | This includes the names of the postholders (Article 49, paragraph 2, item 6). |  |
|  |  |  |  |  |
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| **Name of Country:** Macedonia | |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | |  |  |  |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  | Article 20, paragraph 1 requires broadcasters to submit annual updates by March 31st |  |
|  |  |  |  |  |  |  | at the latest which must include information referring to their operations for the |  |
|  |  |  |  |  |  |  | previous year, including changes in the managing and governing bodies. |  |
|  |  |  |  | m) Subsequent changes in ownership (resulting from a | | Y |  |  |
|  |  |  |  |  | merger or acquisition by other entities, etc.)? |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  | n) Sources of media revenue? | |  | When requested by the Broadcasting Council, broadcasters must submit information |  |
|  |  |  |  |  |  |  | on the revenue generated through advertising, teleshopping and sponsorship (under |  |
|  |  |  |  |  | If YES, please explain. |  | Article 20, paragraph 1, item 4 of the Law on Broadcasting Activity). |  |
|  |  |  |  |  |  |  | Under Article 20, broadcasters are also obliged to submit their balance sheet for the |  |
|  |  |  |  |  |  | Y | previous year to the Broadcasting Council, by March 31st at the latest. |  |
|  |  |  |  |  |  |  | Many media companies are financed directly by politicians/political parties or non- |  |
|  |  |  |  |  |  |  | media businesses. This creates a small media market with a quite large number of |  |
|  |  |  |  |  |  |  | media outlets. Media production does not rely so much on sales, but rather on other |  |
|  |  |  |  |  |  |  | financial sources from the political and business domain. |  |
|  |  |  |  | o) | Other. |  |  |  |
|  |  |  |  | p) | Are these obligations sufficient to establish who the legal |  | The legal obligations that exist require the disclosure of the basic information required |  |
|  |  |  |  |  | or natural persons are who effectively own and |  | to establish who the legal owners of the media. So in practice this means that where |  |
|  |  |  |  |  | ultimately control the media organisations? | Y | shares held by one person are held on behalf of a second person, the second person |  |
|  |  |  |  |  |  | must be disclosed and if a shell corporation is a major shareholder in a media |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | company, its major shareholders must be disclosed. The motivation for this disclosure |  |
|  |  |  |  |  |  |  | under Macedonian law is to prevent media concentrations (see Articles 13 and 14). |  |
|  |  | |  |  |  |  |  |  |
|  | 1.3 Effectiveness of | | | a) | Are there any sanctions for non-reporting? |  |  |  |
|  | the | disclosure | |  |  | Y |  |  |
|  | regime |  |  |  |  |  |  |  |
|  |  |  |  |  | i. If YES, have they have been applied in practice? |  | Under Article 166, the Broadcasting Council has the authority to fine a broadcaster or |  |
|  |  |  |  |  | ii. If NO, why not? |  | other legal entity the equivalent of c. €4,000 to €5,000 for: |  |
|  |  |  |  |  |  |  | - failing to inform the Broadcasting Council of changes in the ownership structure, |  |
|  |  |  |  |  |  |  | as required under Article 17, paragraph 1 (Article 166 para 1, Section 3); |  |
|  |  |  |  |  |  |  | - failing to demand an approval from the Broadcasting Council for changes in the |  |
|  |  |  |  |  |  |  | ownership structure as required by Article 17, paragraph 2 (Article 166, para 1, |  |
|  |  |  |  |  |  |  | Section 4); |  |
|  |  |  |  |  |  |  | - failing to disclose the data referring to its operations, in accordance with the |  |
|  |  |  |  |  |  |  | 5 |  |
|  | **Name of Country:** Macedonia | | | |  |  |  |  |
|  | **Source of information:** Filip Medarski, Media Law Expert | | | | |  |  |  |

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|  |  |  | requirements under Article 20 paragraphs 1 and 2 of the Law (Article 166, para 1, |
|  |  |  | Section 5); and |
|  |  |  | - failing to submit to the Broadcasting Council the balance sheet for the previous |
|  |  |  | year, in accordance with the requirements of Article 20 paragraph 3 of this Law |
|  |  |  | (Article 166, para 1, Section 6). |
|  |  |  | Under Article 166 para 2, a broadcaster or other legal entity can be fined c. €40.000 if |
|  |  |  | violations of para 1 of this Article are committed for personal gain. |
|  |  |  | Under Article 166 para 3, a fine of c. €500 to €2.000 can be imposed on the |
|  |  |  | responsible person in a broadcaster or another legal entity for violations of para. 1. |
|  |  |  | Under Article 166 para 4, a fine of c. €16.000 can be imposed on the responsible |
|  |  |  | person in a broadcaster or another legal entity if the violations of para. 1 are |
|  |  |  | committed for personal gain. |
|  |  |  | In addition to a fine, under Article 166 para 5, violations of paras 1, items 1, 3 and 4 |
|  |  |  | will also result in a temporary ban on broadcasting for a period of six months to two |
|  |  |  | years. |
|  |  |  | In addition to a fine, under Article 166 para 6, violations of para 1 items 1, 3 and 4, |
|  |  |  | the responsible person in the broadcaster or another legal entity shall receive a |
|  |  |  | temporary prohibition from performing their profession, activity or duty lasting from |
|  |  |  | one to two years. |
|  |  |  | No sanctions have been imposed thus far because broadcasters comply with the |
|  |  |  | provisions of the Law. |
|  | b) Can the public obtain access to this information? |  | Through the website of the Broadcasting Council (for broadcasters). |
|  |  | Y |  |
|  | If YES, how? |  |  |
|  | c) Is this information required to be made available to any |  |  |
|  | other body, for instance, parliament? |  |  |
|  | If YES, please specify. |  |  |
|  | d) Can certain information be withheld, for instance on | N |  |
|  | grounds of commercial sensitivity? |  |  |
|  |  | 6 | |
| **Name of Country:** Macedonia | |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | |  |  |

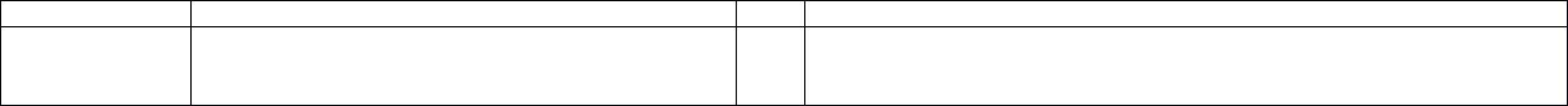
|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  | If YES, please specify | |  |  |  |  |  |
|  |  |  | e) Are there any bureaucratic or other constraints, for | |  |  | The information can be obtained by anybody on the website of the Broadcasting | |  |
|  |  |  | instance charges, on public access? | | Y |  | Council which is free of charge but only can be used only for private interest. | |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  | If YES, please specify | |  |  |  |  |  |
|  |  |  | f) Would a reasonable, nontechnical individual be able to | |  |  |  |  |  |
|  |  |  | ascertain who effectively owns and ultimately controls | |  |  |  |  |  |
|  |  |  | the media organisation concerned from the | | Y |  |  |  |  |
|  |  |  | information available? | |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  | If NO, please explain. | |  |  |  |  |  |
|  |  |  | g) Has the public made use of this facility in practice? | |  |  |  |  |  |
|  |  |  |  |  | Y |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  | i. If YES, is it common practice? Do the media pick up | |  |  | It`s a common practice to seek this information especially by journalists interested in | |  |
|  |  |  | the information? | |  |  | this area, who use this information in their research for articles criticising editorial | |  |
|  |  |  | ii. If NO, why not? | |  |  | policies of certain media. | |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  | |  | |  |  |  |  |
|  | **2A. Media-Specific Disclosure Requirements II: *Disclosure Directly to the Public*** | | | | |  |  |  |  |
| **QUESTIONS** | |  |  |  | **YES/** |  | **COMMENTS** |  |  |
|  |  |  |  |  | **NO** |  |  |  |  |
| 2A.1 Who has to | | a) Are media organisations and/or their owners specifically | |  |  |  |  |  |  |
| disclose | |  | required to disclose ownership details directly to the |  | Y |  |  |  |  |
| information and | |  | public? |  |  |  |  |  |
|  |  |  |  |  |  |  |
| when? | |  |  |  |  |  |  |  |  |
|  |  |  | b) If YES, please specify the legal basis for this requirement |  |  | The legal basis is Article 20, para 2 of the Law on Broadcasting Activity2 which entered | |  |  |
|  |  |  |  |  |  | into force on 29 November 2005. | |  |  |
|  |  |  | c) Who exactly is covered by this requirement? |  |  | **Broadcast media** | |  |  |
|  |  |  |  |  |  | A “media organisation” is defined at Article 4, para 1, item 1, as “a legal entity or | |  |  |
|  |  |  |  |  |  | natural person with editorial responsibility for the composition of schedules for radio | |  |  |
|  |  |  |  |  |  | and television program services intended for reception by the public, transmitted by | |  |  |
|  |  |  |  |  |  | the said legal entity or natural person, or transmitted on its behalf by third parties, | |  |  |
|  |  |  |  |  |  | 7 | |  |  |
|  | **Name of Country:** Macedonia | | | |  |  |  |  |  |
|  | **Source of information:** Filip Medarski, Media Law Expert | | | |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  | completely and unaltered”. |  |
|  | d) | Does the duty apply to foreign as well as domestic media | Y |  |  |
|  |  | organisations? |  |  |
|  |  |  |  |  |
|  | e) | Are there are any differences in the requirements that |  | There is no difference in the requirements regarding European or non-European |  |
|  |  | apply to European and non-European organisations. |  | organisations. In fact, Article 19 of the Law on Broadcasting Activity states that a |  |
|  |  |  | N | foreign natural person or legal entity can found or participate in the ownership of a |  |
|  |  |  |  | domestic broadcaster under the same terms and conditions defined by this Law |  |
|  |  |  |  | applicable to domestic natural persons and legal entities. |  |
|  | f) | Where exactly is the information to be disclosed? |  | The information must be published in a daily newspaper and broadcast at least three |  |
|  |  |  |  | times a year at prime time. |  |
|  | g) | When is information to be made available to the public? |  | The information is to be made available after the broadcaster begins broadcasting |  |
|  |  |  |  | (after acquiring a licence). As stated above, it must be published in a daily newspaper |  |
|  |  |  |  | and broadcast at least three times a year at prime time. |  |
|  |  |  |  | If there is a change in the ownership structure of a broadcaster, the relevant |  |
|  |  |  |  | information has to be published in at least one daily newspaper and on their own |  |
|  |  |  |  | channel at least three times a year, at prime time. |  |
|  |  | |  |  |  |
| 2A.2 What | a) Name of owner? | |  |  |  |
| information must |  |  | Y |  |  |
| be disclosed? |  |  |  |  |  |
|  | b) | Country of domicile if a company? / | Y |  |  |
|  |  | Citizenship/residence status if an individual? |  |  |
|  |  |  |  |  |
|  | c) | Size of shareholding? |  |  |  |
|  |  |  | N |  |  |
|  |  | If YES, please provide details |  |  |  |
|  | d) | If shares are held on behalf of another, e.g. through |  |  |  |
|  |  | brokerage, must the name of the beneficial owner be | N |  |  |
|  |  | disclosed? |  |  |  |
|  | e) | Details of companies or individuals with an indirect |  |  |  |
|  |  | controlling or significant interest? | N |  |  |
|  |  |  |  |  |
|  |  | If YES, explain. |  |  |  |
|  | f) | Political, religious or other affiliations of shareholder / | N |  |  |
|  |  | owner? |  |  |
|  |  |  |  |  |
|  | g) | Interests by owners in other media organisations? | N |  |  |
|  |  |  |  | 8 |  |

**Name of Country:** Macedonia

**Source of information:** Filip Medarski, Media Law Expert

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| --- | --- | --- | --- | --- | --- |
|  |  | If YES, explain. |  |  |  |
|  |  |  |  |  |  |
|  | h) | Management details: for example, directors (if a |  | Article 20, para 1 requires broadcasters to publish the information contained in their |  |
|  |  | company), key executive officers, managing editor? | Y | annual updates in at least one daily newspaper and on their own channel(s) at least |  |
|  |  |  | three times a year. This information includes changes in the managing and governing |  |
|  |  |  |  |  |
|  |  |  |  | bodies. |  |
|  | i) | Sources of media revenue? |  | Under Article 20 of the Law on Broadcasting Activity, broadcasters are obliged to |  |
|  |  |  | Y | publish sources of financing as part of the annual update. This information must be |  |
|  |  |  | published in at least one daily newspaper and on their own channel(s) at least three |  |
|  |  |  |  |  |
|  |  |  |  | times a year at prime time. |  |
|  | j) | Other. |  |  |  |
|  | k) | Are these obligations sufficient to establish who the legal |  | Since the basic information required to identify ownership (indirect control, significant |  |
|  |  | or natural persons are who effectively own and | N | interests, beneficial ownership, & size of shareholding) is not disclosed, then it is not |  |
|  |  | ultimately control the media organisations? |  | possible to know who really owns and controls the media. |  |
|  |  |  |  |  |  |
| 2A.3 Effectiveness | a) | Are there any sanctions for non-reporting? |  | Under Article 166, the Broadcasting Council has the authority to fine a broadcaster or |  |
| of the disclosure |  |  | Y | other legal entity the equivalent of €4.000 to €5.000 for, amongst other things, failing |  |
| regime |  | If YES, what is the range of potential sanctions and who | to disclose the data referring to its operations, in accordance with the requirements |  |
|  |  |  |
|  |  | has power to impose them? |  | under Article 20 paragraphs 1 and 2 of the Law (Article 166, para 1, Section 5). |  |
|  | b) Are sanctions, if available, applied in practice? | |  | There have been no notable violations of these obligations so far. |  |
|  |  |  | N |  |  |
|  |  | If NO, why not? |  |  |  |
|  | c) | Can certain information be withheld, for instance on |  |  |  |
|  |  | grounds of commercial sensitivity? | N |  |  |
|  |  |  |  |  |
|  |  | If YES, please specify |  |  |  |
|  | d) | Are there any bureaucratic or other constraints, for |  |  |  |
|  |  | instance charges, on public access? | N |  |  |
|  |  |  |  |  |
|  |  | If YES, please specify |  |  |  |
|  | e) | Would a reasonable, nontechnical individual be able to | N | As stated above, since those with indirect interest, significant control are not |  |
|  |  | ascertain who effectively owns and ultimately controls |  | disclosed, nor is the size of the shareholding, it is not possible to know who owns and |  |
|  |  | the media organisation concerned from the information |  | really controls the media. |  |
|  |  | available? |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  | 9 |  |
| **Name of Country:** Macedonia | | |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | | |  |  |  |

If NO, please explain.

f) Has the public made use of this facility in practice? If NO, why not?



**2B. Media-Specific Disclosure Requirements II: *Disclosure Directly to the Public***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **QUESTIONS** |  |  | **YES/** | **COMMENTS** |  |
|  |  |  | **NO** |  |  |
| 2B.1 Who has to | a) | Are media organisations and/or their owners specifically |  |  |  |
| disclose |  | required to disclose ownership details directly to the | Y |  |  |
| information and |  | public? |  |  |
|  |  |  |  |
| when? |  |  |  |  |  |
|  | b) | If YES, please specify the legal basis for this requirement |  | Law on basis of Public Informing (Official Gazette SFRJ No.84/1990)3, Article 12(1). |  |
|  | c) | Who exactly is covered by this requirement? |  | **Print Media (in practice)** |  |
|  |  |  |  | According to the Law on the Basis of Public Informing, the mass media are defined as |  |
|  |  |  |  | the press, radio, and television broadcasters as well as press agencies. However, the |  |
|  |  |  |  | provisions of the Law on Broadcasting Activity (Section 1 above) have superseded this |  |
|  |  |  |  | law for the broadcast media which means that only the print media provisions are still |  |
|  |  |  |  | effective. |  |
|  | d) Does the duty apply to foreign as well as domestic media | | Y |  |  |
|  |  | organisations? |  |  |
|  |  |  |  |  |
|  | e) | Are there are any differences in the requirements that | N |  |  |
|  |  | apply to European and non-European organisations. |  |  |
|  |  |  |  |  |
|  | f) | Where exactly is the information to be disclosed? |  | The information must appear on each edition. The law does not state where precisely |  |
|  |  |  |  | it should appear. In practice, it is usually on the second page. |  |
|  | g) | When is information to be made available to the public? |  | The information must be provided on every edition. |  |
|  |  |  |  |  |  |
| 2B.2 What | a) | Name of owner? |  |  |  |
| information must |  |  | Y |  |  |
| be disclosed? |  |  |  |  |  |
|  | b) Country of domicile if a company? / | | Y |  |  |
|  |  | Citizenship/residence status if an individual? |  |  |
|  |  |  |  |  |
|  | c) | Size of shareholding? |  |  |  |
|  |  |  | N |  |  |
|  |  | If YES, please provide details |  |  |  |
|  |  |  |  | 10 |  |
| **Name of Country:** Macedonia | | |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | | |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | d) | If shares are held on behalf of another, e.g. through |  |  |  |
|  |  | brokerage, must the name of the beneficial owner be | N |  |  |
|  |  | disclosed? |  |  |  |
|  | e) | Details of companies or individuals with an indirect |  |  |  |
|  |  | controlling or significant interest? | N |  |  |
|  |  |  |  |  |
|  |  | If YES, explain. |  |  |  |
|  | f) | Political, religious or other affiliations of shareholder / | N |  |  |
|  |  | owner? |  |  |
|  |  |  |  |  |
|  | g) | Interests by owners in other media organisations? |  |  |  |
|  |  | If YES, explain. | N |  |  |
|  |  |  |  |  |
|  |  |  |  |  |  |
|  | h) | Management details: for example, directors (if a | Y | The editor-in-chief must be identified on every copy. |  |
|  |  | company), key executive officers, managing editor? |  |  |
|  |  |  |  |  |
|  | i) | Sources of media revenue? | N |  |  |
|  | j) | Other. |  |  |  |
|  | k) | Are these obligations sufficient to establish who the legal |  | Much of the basic information required to verify that the owner declared is the person |  |
|  |  | or natural persons are who effectively own and | N | in effective control of the newspaper is not disclosed. |  |
|  |  | ultimately control the media organisations? |  |  |  |
|  |  |  |  |  |  |
| 2B.3 Effectiveness | a) | Are there any sanctions for non-reporting? |  | According to Article 20, Para 1, item 2 of the Law on the Basis of Public Informing, a |  |
| of the disclosure |  |  | Y | natural person or legal entity who owns a media organisation or the publisher of a |  |
| regime |  | If YES, what is the range of potential sanctions and who | media organisation will be fined if on each copy (edition) the required information |  |
|  |  |  |
|  |  | has power to impose them? |  | (under Article 12) is not published. |  |
|  | b) | Are sanctions, if available, applied in practice? |  | At a legal level, this provision is obsolete because the fines are given in ex-Yugoslav |  |
|  |  |  |  | dinar and there is therefore in practice no sanction against media that fail to publish |  |
|  |  | If NO, why not? |  | the information required under Article 12. |  |
|  |  |  |  | At practical level, the print media publish the required information. |  |
|  | c) | Can certain information be withheld, for instance on |  |  |  |
|  |  | grounds of commercial sensitivity? | N |  |  |
|  |  |  |  |  |
|  |  | If YES, please specify |  |  |  |
|  | d) | Are there any bureaucratic or other constraints, for | n/a |  |  |
|  |  | instance charges, on public access? |  |  |  |
|  |  |  |  | 11 |  |
| **Name of Country:** Macedonia | | |  |  |  |
| **Source of information:** Filip Medarski, Media Law Expert | | |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | If YES, please specify |  |  |  |
|  | e) | Would a reasonable, nontechnical individual be able to |  | The basic information required to identify an owner is not required to be disclosed. |  |
|  |  | ascertain who effectively owns and ultimately controls |  |  |  |
|  |  | the media organisation concerned from the information | N |  |  |
|  |  | available? |  |  |
|  |  |  |  |  |
|  |  | If NO, please explain. |  |  |  |
|  | f) | Has the public made use of this facility in practice? |  |  |  |
|  |  |  | Y |  |  |
|  |  | If NO, why not? |  |  |  |

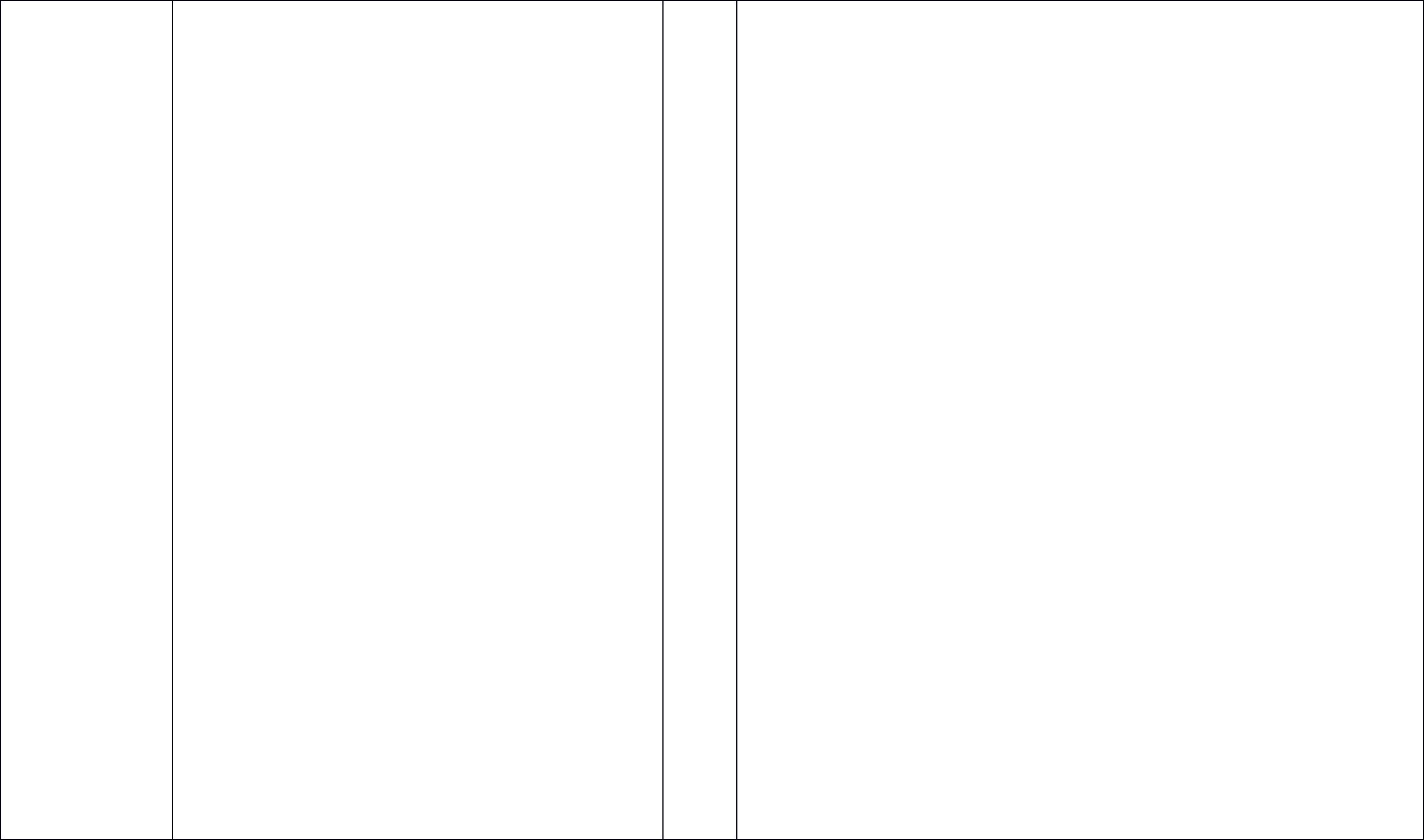
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**3. Non Media-Specific Transparency Requirements (ie laws applying to companies)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **QUESTIONS** |  |  | **YES/N** | **COMMENTS** |
|  |  |  | **O** |  |
| 3.1 Who is required | a) | Are there non media-specific transparency requirements |  |  |
| to disclose what, to |  | that require media organisations to disclose ownership | Y |  |
| whom and when? |  | information? |  |  |
|  | b) What is the relevant legal basis for disclosure? | |  | Articles 115, 153, 182, 298, 316, 464 from the Law on Trade Companies.4 |
|  | c) To whom do the disclosure requirements apply (e.g., | |  | Under the Law on Trade Companies, all companies are required to disclose |
|  |  | companies) and, In particular, where companies are |  | information regarding their ownership structure. |
|  |  | required to provide ownership details, which types of |  |  |
|  |  | companies are covered? |  |  |
|  | d) To whom is the information to be disclosed? | |  | To the Central Registry. The Law on Trade Companies operates a Trade Register which |
|  |  |  |  | is part of the Central Register, the central information database. |
|  | e) | When is the information to be notified? |  | In an application for registration with the Trade Register, within 15 days of meeting the |
|  |  |  |  | criteria for registration unless otherwise determined by the Law on Trade Companies |
|  |  |  |  | or any other law. The Central Register shall not register the data and shall reject the |
|  |  |  |  | application for registration if it is submitted more than three months after the criteria |
|  |  |  |  | for registration are met, unless otherwise determined by the Law on Trade |
|  |  |  |  | Companies. |
|  |  |  |  | There is no general requirement to submit updates for changes. Submitting updates |
|  |  |  |  | are only required when there are changes in the agreement for establishing a legal |
|  |  |  |  | entity (or the statement for establishing legal entity.) |
|  | f) What information must be disclosed? | |  | There are different rules on data that should be reported for each type of company. |
|  |  |  |  | According to Article 7 of the Law on Broadcasting Activity, a broadcaster can be a |
|  |  |  |  | public broadcasting enterprise, a private broadcasting company or non-profit |
|  |  |  |  | broadcasting institution. The following provisions are, therefore, all relevant. However |
|  |  |  |  | it is worth noting that media companies are most commonly *limited liability* |
|  |  |  |  | *companies (or limited liability companies established by single person).* |
|  |  |  |  | For **General Partnerships**, Article 115, para 1 of the Law on Trade Companies requires |
|  |  |  |  | the following information to be submitted to the Trade Register: |
|  |  |  |  | 1) the business name and head office of the general partnership; |
|  |  |  |  | 2) the name, Personal Identification Number (PIN) occupation, passport or ID |
|  |  |  |  | 13 |
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number or other document that confirms identity, citizenship and address;

…

4) the type and amount of each partner’s contribution.

For **Limited Partnerships,** Article 153, para 1 requires the following information to be submitted to the trade register:

1) the name, PIN, occupation, passport or ID number or other document that confirms identity, citizenship and address, business name, the head office, Personal Identification Number of the Establishment (PINE), if the partner is a legal entity;

2) the business name and the head office of the limited partnership;

…

4) the person legally entitled to represent the limited partnership.

For **Limited Liability Companies,** Article 182 para 3 requires the following information to be submitted:

1) the business name and the head office of the company;

…

3) the name, PIN, occupation, passport or ID number or other document that confirms identity, citizenship and address, business name, the head office, PINE, if the partner is a legal entity;

4) the amount of the basic capital;

…

7) the name of the person responsible by law (administrator), the members of the supervisory board, including the Chair (provided that the company has a supervisory body), PIN, occupation, passport or ID number or other document that confirm identity, citizenship and address.

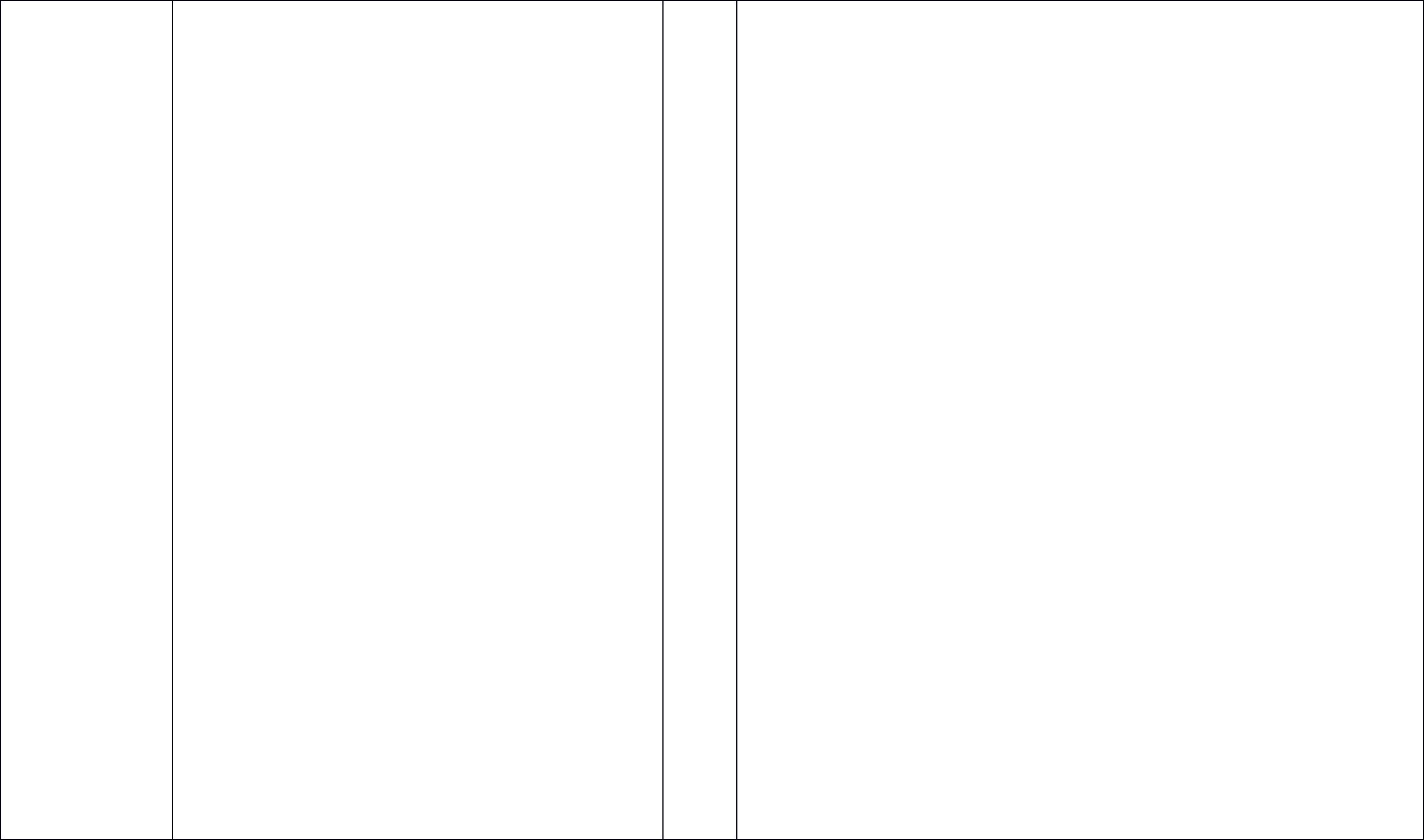
For **simultaneous incorporation of a joint-stock company,** Article 289 para 1 requires following information to be submitted to the Trade Register:

1) the business name and the head office of the company;

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…

3) the amount of the basic capital and the number of the issued stocks; 4) the total number of paid in stocks;

5) the name, PIN, passport or ID number or other document confirming identity, citizenship and address or business name, the head office, PINE, if the founder is a legal entity;

6) the name of all members of the management body, ie the supervisory body, the PIN, passport or ID number, of the founder or other document aimed at

determining the identity citizenship, and address, or business name, the head office, PINE, if the founder is a legal entity.

For **successive incorporation for joint-stock company**, Article 316, para 3 requires the following information to be submitted to the trade registry:

1) the statute;

2) a copy of the passport or ID document aimed at determining the identity or proof for registration, if the founder is a legal entity;

3) proof of the paid amount issued by the bank wherein the payment of the stocks is carried out;

4) the minutes of the incorporation meeting, and the list of participants;

5) the decision on election of the members of the management body, that is the supervisory board, provided that they are not appointed with the statute;

6) the incorporation report and the report on audit of the incorporation.

For **incorporation for limited partnership with stocks**, Article 464 requires that along with the procedure for registering a limited partnership with stocks into the trade register, the general partners shall be also named and the scope of their powers set out.

For all these companies, the names of shareholders and the size of their shareholding is disclosed in the agreement for establishing a legal entity; the information is then entered in the Trade Register (and submitted to the Central Register).

The Law on Trade Companies permits silent partnerships (ie participation by a shareholder secretly or by proxy with a monetary or non-monetary interest in a company) but this information is not entered in the Trade Register and is not disclosed

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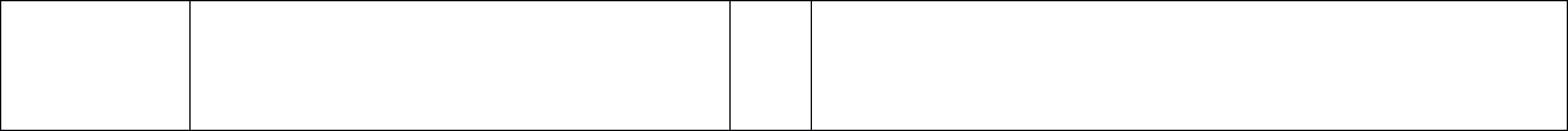
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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  | publicly (Articles 567-578). |  |
|  |  |  |  | g) | Do these obligations enable the public to obtain |  | Silent partners do not have to be entered onto the Trade Register and thus are not |  |
|  |  |  |  |  | sufficient information to establish which legal or natural |  | revealed to the public, and therefore it is not possible to know exactly who controls |  |
|  |  |  |  |  | persons effectively own or ultimately control media | N | Macedonian companies. |  |
|  |  |  |  |  | organisations? |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  | If NO, please explain. |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  | 3.2 Effectiveness | | a) | Where is the information recorded? |  | In the Central Registry which contains the Trade Registry.5 |  |
|  |  |  |  | b) | Are there any sanctions for non-reporting? |  | The sanctions are in the form of fine of the equivalent to €1500-3000 or a ban on |  |
|  |  |  |  |  |  | Y | trading for one to three years (Articles 599-605b of the Law on Trade Companies). The |  |
|  |  |  |  |  | If YES, what form do they take and who applies them? |  | sanctions are applied by the Court of Misdemeanours. |  |
|  |  |  |  | c) | Are any applicable sanctions for violations applied in |  | Media companies have thus far fulfilled these legal obligations. |  |
|  |  |  |  |  | practice? | N |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  | If NO, why not? |  |  |  |
|  |  |  |  | d) | Can the public obtain access to this information? |  | There are two ways to obtain the information: |  |
|  |  |  |  |  | If YES, how? |  | 1. By filing a written request to the Central Registry. Usually the information is |  |
|  |  |  |  |  |  |  | provided very quickly, within approximately one hour of filing the request. This costs about €5. |  |
|  |  |  |  |  |  | Y | 2. It is available on the on the website of the Central Registry. A special agreement |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | must be signed with the Central Registry for the use of this website and it is only |  |
|  |  |  |  |  |  |  | available to legal entities in Macedonia, not natural persons. A fee of 5.000,00 |  |
|  |  |  |  |  |  |  | MKD (€80) must be paid in advance and the charges for downloading information |  |
|  |  |  |  |  |  |  | (which are different for each type of information) are deducted from this fee. |  |
|  |  |  |  | e) | Are there any practical conditions or charges that could |  | There are different tariffs for different kinds of information. The most basic |  |
|  |  |  |  |  | serve to restrict public access? | Y | information cost 101 MKD (c. €1.6). The most used package of information is called |  |
|  |  |  |  |  |  | current situation of the legal entity which costs 256,00 MKD (or c. € 4). |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  | If YES, please specify, |  |  |  |
|  |  |  |  |  | f) Would a reasonable, nontechnical individual be able | Partially | As stated above, because silent partners do not have to be entered onto the Trade |  |
|  |  |  |  |  | to understand who effectively owns and ultimately |  | Register and thus are not revealed to the public, it is not possible to know exactly who |  |
|  |  |  |  |  | controls the media organisations using the |  | controls Macedonian companies. |  |
|  |  |  |  |  | information indicated in this section? |  |  |  |
|  |  |  |  |  |  |  | However, because the Law on Broadcasting prohibits media to have silent partners, |  |
|  |  |  |  |  | If NO, why not? |  | then for the media the Central Register will suffice to provide the identities of the final |  |
|  |  |  |  |  |  |  | 16 |  |



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owners of media companies.

|  |  |  |
| --- | --- | --- |
| g) Have the public made use of this facility to establish |  |  |
| media ownership information in practice? | Y |  |
|  |  |
| If NO, or limited, use has been made, why not? |  |  |

**ENDNOTES**

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