



## 4.8. North Macedonia (MK)<sup>242</sup> (Country report A<sup>243</sup>)

### **Disclaimer**

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*In addition, the analyses presented in this report cannot in any way be considered as representing the point of view of the members of the European Audiovisual Observatory or of the Council of Europe.*

### **KEY FINDINGS**

- In North Macedonia, a Draft Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services intended to align with the 2018 AVMS Directive (2018/1808) was submitted to the Parliament of North Macedonia on 11 May 2023. The Draft law was adopted by Parliament in July 2023 and published in the Official Gazette on 17 July 2023.
- This law was elaborated in cooperation with the Ministry of Information Society and Administration, the national regulatory authority (NRA) and a range of stakeholders in the context of a project launched in September 2022 by the European Commission financed under the Instrument for Pre-accession Assistance (IPA) 2020 which aims to implement a range of necessary media reforms in 2023.
- All of the general principles and key values are covered in the national legislative framework.
- The new amendments introduced changes to the funding of the national regulatory authority (NRA) and hence dealt with some issues regarding financial stability and independence. However, Parliament has still not appointed the new Council of the Authority since amendments to the Law in 2018.

<sup>242</sup> The country report on North Macedonia incorporates the feedback received from Emilija Petreska-Kamenjarova, Assistant Head of the Programme Affairs Department at the Agency for Audio and Audiovisual Media Services of North Macedonia, during the checking round with the national regulatory authorities.

<sup>243</sup> Country report A outlines the findings of Questionnaire A in relation to Group I (Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, and the Republic of Serbia) and Group II (Georgia, Moldova, Ukraine, Tunisia) of the study.



- Separately, additional amendments to the Law on Audio and Audio-Visual Media Services that introduce a fund for state advertising among others have been submitted to Parliament in North Macedonia (November 2023). These changes are opposed by a broad range of stakeholders. The provisions also introduce automatic renewal of broadcast licences with very limited and problematic criteria. These undermine the independent role and competence of the NRA in adopting decisions in this area.
- Civil society, the NRA and international organisations are important drivers of change with regard to media reforms.
- The list<sup>244</sup> of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024.

### 4.8.1. Introduction

North Macedonia, in the context of this research, is part of the Group I countries. Countries in this Group that fully participated in the 2014-2020 Programme may fully participate in the Programme's MEDIA strand and CROSS strand on a provisional basis if they can show that they have taken tangible steps to align their national law to the Audiovisual Media Services Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 (hereinafter the AVMS Directive or AVMSD). In order to continue to participate in the Programme beyond 31 December 2022 they had to fulfil the conditions set out in the AVMS Directive.

The Stabilisation and Association Agreement (SAA)<sup>245</sup> with the European Union, the first in the region, was signed in 2004. Since 2009, the Commission has continuously recommended that the Council open accession negotiations with North Macedonia, a candidate country since 2005. In March 2020, the European Council endorsed the Council's decision to open accession negotiations with North Macedonia. On 19 July 2022, the first Intergovernmental Conference on accession negotiations took place with North Macedonia. The Commission immediately launched the analytical review of the EU *acquis* (screening) process, which is the first step in the negotiating process.

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<sup>244</sup> [https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation\\_crea\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf)

<sup>245</sup> Stabilisation and Association Agreement with North Macedonia: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4314937>.



#### 4.8.1.1. Relevant framework: current status and developments

The table below outlines the national legislative framework for the audiovisual media sector, including mainly those acts of most relevance to the issues addressed here. It is important to note that this country report does not outline the national rules related to the entire AVMS Directive, but focuses rather on a selection of issues: definitions, jurisdiction, freedom of reception and retransmission, and a range of general principles and key values including freedom of expression, the independence of the national regulatory authority (NRA), the protection of minors, the promotion of the rights of people with disabilities to access audiovisual content, the transparency of media ownership, and also provisions regarding European works, audiovisual commercial communications (ACCs) and video-sharing platforms (VSPs).

Regarding the main legislative framework – this is the Law on Audio and Audiovisual Media Services (hereinafter also referred to as LAAMS) – where only the version of the Law from 2013 has been translated into English, but not all the subsequent amendments. Only the most significant amendments that relate to the issues addressed in this country report are included in detail in the table below. A consolidated version of the Law is not publicly available in either Macedonian or English. Similarly, there is an extensive range of guidelines and rulebooks and, for the sake of clarity, only those that relate to the issues addressed in this country report are included in the table. All relevant links appear in this first table. Another key document of reference is the 2023 Law on Changes and Amendments to the LAAMS, adopted by the Parliament on 17 July 2023.

**Table 122. Legal framework**

Title	Status	Relevance	Link
Constitution of the Republic of North Macedonia Устав на Република Македонија (Macedonian)	In force	Fundamental rights	Macedonian: <a href="https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf">https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf</a>  English: <a href="https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix">https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix</a>
Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Закон за аудио и аудиовизуелни медиумски услуги (Macedonian)	In force	Audiovisual Media Law (amended in 2014, 2016, 2017, 2018, 2019, 2020 2021, and 2023)	Links not available  <a href="#">In the Official Gazette of the RNM</a> Paid content
Law Changing and Amending the LAAMS (20 September 2017)	In force	New funding model for the public service broadcaster (PSB), the NRA and the	Macedonian:



Title	Status	Relevance	Link
Закон за изменување и дополнување на Законот за аудио и аудиовизуелни медиумски услуги (Macedonian)		public broadcasting enterprise	<a href="https://avmu.mk/wp-content/uploads/2017/05/Zakon-za-audio-i-audiovizuelni-mediumski-uslugi-izmena-od-20.09.2017.pdf">https://avmu.mk/wp-content/uploads/2017/05/Zakon-za-audio-i-audiovizuelni-mediumski-uslugi-izmena-od-20.09.2017.pdf</a>
Law Changing and Amending the LAAMS (31 December 2018)  Закон за изменување и дополнување на Законот за аудио и аудиовизуелни медиумски услуги (Macedonian)	In force	Ban on state advertising  Changes to nomination and election of members of the NRA, and the council of the PSB  Incitement to hatred	Macedonian:  <a href="https://bit.ly/3KDUZIL">https://bit.ly/3KDUZIL</a>
Law on Media (26 December 2013)  Закон за медиуми (Macedonian)	In force	Media sector law:  Freedom of expression, protection of minors, protection of sources, public information on address, etc., right of correction and reply, transparency of media ownership	Macedonian:  <a href="https://avmu.mk/wp-content/uploads/2017/05/Zakon_za_mediumi_mk.pdf">https://avmu.mk/wp-content/uploads/2017/05/Zakon_za_mediumi_mk.pdf</a>  English:  <a href="https://avmu.mk/wp-content/uploads/2017/05/LAW_ON_MEDIA_as_published_in_the_Official_Journal.pdf">https://avmu.mk/wp-content/uploads/2017/05/LAW_ON_MEDIA_as_published_in_the_Official_Journal.pdf</a>
Law Amending the Law on Media (23 January 2014)  Закон за изменување на Законот за медиуми (Macedonian)	In force	Online media taken out of the scope of the Law	Macedonian:  <a href="https://avmu.mk/wp-content/uploads/2017/11/Zakon-za-izmenuvanje-i-dopolnuvanje-na-Zakonot-za-mediumi-13_14.pdf">https://avmu.mk/wp-content/uploads/2017/11/Zakon-za-izmenuvanje-i-dopolnuvanje-na-Zakonot-za-mediumi-13_14.pdf</a>  English:  <a href="https://avmu.mk/wp-content/uploads/2017/05/Prevod_Zakon_za_mediumi_final.pdf">https://avmu.mk/wp-content/uploads/2017/05/Prevod_Zakon_za_mediumi_final.pdf</a>
Law on Changing and Amending the Law on Audio and Audio-Visual Media Services – LAAMS (2023)  Предлог на Закон за изменување и дополнување на Законот за аудио и аудиовизуелните медиумски услуги (Macedonian)	Adopted July 2023	Amendments to the current LAAMS in order to align with the AVMS Directive.  Changes to the mechanism of funding PSB and NRA to improve financial sustainability.	Macedonian:  <a href="https://avmu.mk/wp-content/uploads/2023/08/Zakon-za-izmenuvanje-i-dopolnuvanje-na-ZAVMU-SVRSM-br.154-2023.pdf">https://avmu.mk/wp-content/uploads/2023/08/Zakon-za-izmenuvanje-i-dopolnuvanje-na-ZAVMU-SVRSM-br.154-2023.pdf</a>



Title	Status	Relevance	Link
<p>Proposal of a Law to amend and supplement the Law on Audio and Audiovisual Media Services, following a short procedure</p> <p>Предлог на Закон за изменување и дополнување на Законот за аудио и аудиовизуелни медиумски услуги, по скратена постапка</p>	<p>In Parliament 02/11/2023</p>	<p>(among others) it introduces obligation for Government to spend 0,1% of the realized tax revenues in the previous year on state campaigns and providing a division of this annual funding with 65% to go to the 5 national DTT channels.</p> <p>Introduces an automatic update of licences based on limited and problematic criteria and undermining the independent role of the NRA in deciding on these issues.</p>	
<p>Criminal Code of the Republic of North Macedonia</p> <p>Кривичен законик (Macedonian)</p>	<p>In force</p>		<p>Macedonian: <a href="https://dejure.mk/zakon/krivichen-zakonik">https://dejure.mk/zakon/krivichen-zakonik</a></p> <p>English: <a href="https://www.refworld.org/pdfid/6290cf954.pdf">https://www.refworld.org/pdfid/6290cf954.pdf</a></p>
<p><b>Relevant secondary legislation: by-laws, codes, etc. in force</b></p>			
<p>Rulebook on the Protection of Minors (21 November 2014)</p> <p>Правилник за заштита на малолетните лица (Macedonian)</p>	<p>In force</p>	<p>Protection of minors</p>	<p>Macedonian: <a href="https://avmu.mk/wp-content/uploads/2017/06/Pravilnik_za_zastita_na_malloleznite_lica.pdf">https://avmu.mk/wp-content/uploads/2017/06/Pravilnik_za_zastita_na_malloleznite_lica.pdf</a></p> <p>English: <a href="https://avmu.mk/wp-content/uploads/2017/06/Rulebook-on-protection-of-minors.pdf">https://avmu.mk/wp-content/uploads/2017/06/Rulebook-on-protection-of-minors.pdf</a></p>
<p>Guide for Monitoring “hate speech” (2014)</p> <p>Водич за мониторинг на „говорот на омраза (Macedonian)</p>	<p>In force</p>	<p>Monitoring hate speech</p>	<p>Macedonian: <a href="https://avmu.mk/wp-content/uploads/2017/05/Vodic-za-monitoring-za-govorot-na-omraza-Mak.pdf">https://avmu.mk/wp-content/uploads/2017/05/Vodic-za-monitoring-za-govorot-na-omraza-Mak.pdf</a></p> <p>English: <a href="https://avmu.mk/wp-content/uploads/2017/11/Guide-to-monitor-hate-speech-FINAL-9.pdf">https://avmu.mk/wp-content/uploads/2017/11/Guide-to-monitor-hate-speech-FINAL-9.pdf</a></p>



Title	Status	Relevance	Link
<p>Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers (04 December 2014)</p> <p>Правилник за емитување европски аудиовизуелни дела и дела од независни продуценти (Macedonian)</p>	In force	European works	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_emituvanje_audiovizuelni_dela.pdf">https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_emituvanje_audiovizuelni_dela.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Rulebook_on_EU_Works.pdf">https://avmu.mk/wp-content/uploads/2017/05/Rulebook_on_EU_Works.pdf</a></p>
<p>Guidelines for Fulfilling the Obligations for an Impressum and Information Available to Users (09 October 2018)</p> <p>Упатство за исполнување на обврските за импресум и информации достапни за корисниците (Macedonian)</p>	In force	Transparency of ownership	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2018/10/Upatstvo-za-impresum.pdf">https://avmu.mk/wp-content/uploads/2018/10/Upatstvo-za-impresum.pdf</a></p>
<p>Rulebook on the Manner of Publication of Data on the Operation of Broadcasters (27 February 2015)</p> <p>Правилник за начинот на објавување на податоците за работењето на радиодифузерите (Macedonian)</p>	In force	Transparency of ownership	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_nacinot_na_objavuvanje_na_podatoci_za_raboteneto_na_radiodifuzerite.pdf">https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_nacinot_na_objavuvanje_na_podatoci_za_raboteneto_na_radiodifuzerite.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/ANG_Rulebook_on_the_manner_of_publication_of_data_on_the_operation_of_broadcasters.pdf">https://avmu.mk/wp-content/uploads/2017/05/ANG_Rulebook_on_the_manner_of_publication_of_data_on_the_operation_of_broadcasters.pdf</a></p>
<p>Rulebook on the Form and Contents of the Notification for Change of Ownership Structure (19 November 2014)</p> <p>Правилник за формата и содржината на известувањето за промена на сопственичката структура (Macedonian)</p>	In force	Transparency of ownership	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_formata_i_sodrzhinata_na_izvestuvanje_to_za_promena_na_Sopstvenickata_struktura.pdf">https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_formata_i_sodrzhinata_na_izvestuvanje_to_za_promena_na_Sopstvenickata_struktura.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Rulebook_on_the_form_and_contents_of_the_notification_for_change_">https://avmu.mk/wp-content/uploads/2017/05/Rulebook_on_the_form_and_contents_of_the_notification_for_change_</a></p>



Title	Status	Relevance	Link
			<a href="#">of_ownership_structure.pdf</a>
<p>Guidelines on Implementing Product Placement Rules (30 December 2014)</p> <p>Упатство за примена на одредбите за пласирање производи (Macedonian)</p>	In force	Product placement	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Upatstvo_za_plasiranj_e_proizvodi.pdf">https://avmu.mk/wp-content/uploads/2017/05/Upatstvo_za_plasiranj_e_proizvodi.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Guidelines_on_implementing_product_placement_rules.pdf">https://avmu.mk/wp-content/uploads/2017/05/Guidelines_on_implementing_product_placement_rules.pdf</a></p>
<p>Rulebook on Sponsorship (12 March 2015)</p> <p>Правилник за спонзорство (Macedonian)</p>	In force	Sponsorship	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_sponsorstvo.pdf">https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_sponsorstvo.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/ANG_Rulebook_on_sponsorship.pdf">https://avmu.mk/wp-content/uploads/2017/05/ANG_Rulebook_on_sponsorship.pdf</a></p>
<p>Rulebook on the New Advertising Techniques (06.04.2015)</p> <p>Правилник за нови рекламни техники (Macedonian)</p>	In force	ACCs	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_novi_reklamni_tehniki.pdf">https://avmu.mk/wp-content/uploads/2017/05/Pravilnik_za_novi_reklamni_tehniki.pdf</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/05/RULEBOOK_on_advertising_techniques_final_checked.pdf">https://avmu.mk/wp-content/uploads/2017/05/RULEBOOK_on_advertising_techniques_final_checked.pdf</a></p>
<p>Media Literacy Policy (29 March 2019)</p> <p>Политика за медиумска писменост (Macedonian)</p>	In force	Media literacy	<p>Macedonian:</p> <p><a href="https://bit.ly/3JU5V3P">https://bit.ly/3JU5V3P</a></p> <p>English:</p> <p><a href="https://avmu.mk/wp-content/uploads/2017/06/Media-Literacy-policy-online-version.pdf">https://avmu.mk/wp-content/uploads/2017/06/Media-Literacy-policy-online-version.pdf</a></p>
<p>Policy on Providing Access to Audiovisual Media Services for</p>	In force	Accessibility of Audiovisual Media Services	<p>Macedonian:</p> <p><a href="https://avmu.mk/wp-content/uploads/2020/1">https://avmu.mk/wp-content/uploads/2020/1</a></p>



Title	Status	Relevance	Link
Persons with Sensory Impairments (18 December 2020) Политика за обезбедување пристапност до аудиовизуелните медиумски услуги за лицата со сетилна попреченост (Macedonian)			<a href="https://avmu.mk/wp-content/uploads/2022/02/POLICY-ON-SENSORY-IMPAIRMENTS.docx">2/%D0%9F%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D0%BA%D0%B0-%D0%B7%D0%B0-%D1%81%D0%B5%D1%82%D0%B8%D0%BB%D0%BD%D0%B0-%D0%BF%D0%BE%D0%BF%D1%80%D0%B5%D1%87%D0%B5%D0%BD%D0%BE%D1%81%D1%82-%D0%A3%D0%A1%D0%92%D0%9E%D0%95%D0%9D%D0%90.docx</a> English: <a href="https://avmu.mk/wp-content/uploads/2022/02/POLICY-ON-SENSORY-IMPAIRMENTS.docx">https://avmu.mk/wp-content/uploads/2022/02/POLICY-ON-SENSORY-IMPAIRMENTS.docx</a>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The Law on Audio and Audiovisual Media Services (LAAMS) aligned with the 2018 AVMS Directive, following the adoption of amendments on 17 July 2023. Since the adoption of the Law on Media and the LAAMS in 2013, there were several initiatives for systemic reforms and comprehensive changes in legislation, which came initially from the civil society sector<sup>246</sup> and later from the national regulatory authority (NRA).<sup>247</sup> The changes recommended by the latter included: banning state and party-political advertising to prevent reliance of the media on the ruling party/ies; strengthening the independence of the NRA and the oversight body of the public service broadcaster (PSB); providing stable and independent funding of the PSB; updating provisions regarding media concentration; developing the participatory model of the PSB by enhancing its link to the citizens; harmonising laws with regard to technological changes and the new provisions of the 2018 AVMS Directive.

Between 2013 and 2021 only partial changes were made to individual legal provisions, in order to resolve certain urgent issues on which there was a political consensus in Parliament. For example, a new model of funding the PSB, the NRA and the public broadcasting enterprise (with a fixed percentage of the state budget) was introduced

<sup>246</sup> The NGO sector document entitled “Blueprint for Urgent Democratic Reforms” was a joint effort by a group of civil society organizations, academia and independent experts, published in 2016 and it covered the reforms in the media sphere. Available at:

[https://www.balkancsd.net/novo/wp-content/uploads/2016/07/BP\\_ENG\\_FINAL\\_08.07.2016.pdf](https://www.balkancsd.net/novo/wp-content/uploads/2016/07/BP_ENG_FINAL_08.07.2016.pdf)

<sup>247</sup> Council of Europe (2020). Pluralism of Media Ownership in the New Media Environment: a Study for the Agency for Audio and Audiovisual Media Services, conducted by Jean-Francois Furnémont and Snezana Trpevska. Available at: <https://rm.coe.int/hf37-study-media-ownership-eng/16809f0272>.





with the amendments to the LAAMS from 2017. However, additional provisions were added to the law in 2018 allowing the Government the discretion to reduce the fixed percentage to be allocated to these organisations dependent upon other budget priorities. In relation to this, the 2022 Report stated that: *the allocation of state funds for the broadcasting sector, securing the budget for the public service broadcaster, media regulator and broadcasting public enterprise, has been further reduced in 2021, reaching 0.59 % of the total revenues realised in the year preceding the fiscal year for which the amount is prescribed.*<sup>248</sup> This has implications for the financial stability of these institutions and particularly impacts on the work of the public service broadcaster and the national regulatory authority.<sup>249</sup>

Following strong calls from civil society and international organisations, the ban on state advertising was first enacted by a Government Decision of 2017, and then with amendments to the LAAMS of 2018. Following requests from the private media sector, the government has repeatedly tried to reintroduce this. In April 2022, the government announced a proposal to lift the ban on government advertising by amending Article 102 of the LAAMS.<sup>250</sup> However, this has not happened. Amendments in 2018 also changed the procedures for nomination and election of members of the NRA and of the Council of MRT (the PSB). However, the election of these bodies was still blocked (status September 2023) in Parliament due to political disagreements.<sup>251</sup>

In 2021 the government announced the establishment of a Media Reform Council,<sup>252</sup> but due to upcoming local elections, the election of this body did not take place. The civil society sector has repeatedly stressed the need to prepare a strategic document that will identify areas in the media legislation where it is necessary to make changes, and to start drafting new legal provisions.<sup>253</sup>

In September 2022 a major project intended to implement the necessary media reforms (in 2023) was launched with the support of the European Commission.<sup>254</sup> The main beneficiary of the project is the Ministry for Information Society and Administration, while key stakeholders include the Agency for Audio and Audiovisual Media Services. The project aims to move forward the process of media reforms, namely to: revise the media legislation

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<sup>248</sup> European Commission (2022): COMMISSION STAFF WORKING DOCUMENT North Macedonia 2022 Report. Available at:

<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>

<sup>249</sup> See also: Funding of Public Service Media in the Western Balkans - Second assessment report on the implementation of Common Funding Principles. North Macedonia. 28 February 2021.

<sup>250</sup> Kalinski, V. (2022) *Government advertisements were once media corruption – now they are a public interest campaign*, Radio Free Europe, 15 April 2022.

<sup>251</sup> Kolovska, V. (2021) *Media reforms are by no means on the agenda of politicians*, Truthmeter, 16 December 2021. Available at: <https://vistinomer.mk/mediumskite-reformi-nikako-da-stasaat-na-dneven-red-kaj-politicharite/>.

<sup>252</sup> Maglešov, V. (2021) *The government established a Council for Media Reforms*, Prizma, 16 August 2021.

<sup>253</sup> Trpevska, S. and Micevski, I. (2021) 'Media Sector Hotspots in North Macedonia: Decisive Reforms Long Overdue', in Esch, V. and Palm, V. (eds.) *Media Freedom in Western Balkans*. ASPEN Institute Germany. Available at: [https://www.aspeninstitute.de/wp-content/uploads/2021\\_Aspen-Germany\\_Media-Freedom-in-the-Western-Balkans.pdf](https://www.aspeninstitute.de/wp-content/uploads/2021_Aspen-Germany_Media-Freedom-in-the-Western-Balkans.pdf).

<sup>254</sup> European Union for Freedom of Expression: Alignment of National Media Legislation with the EU Acquis and Media Standards: <https://pmcg-i.com/european-union-for-freedom-of-expression-alignment-of-national-media-legislation-with-the-eu-acquis-and-media-standards/>.



to harmonise with the AVMS Directive and European standards, including recommendations to ensure the capacity of the NRA, and its functioning and independence; analyse and make recommendations regarding the legal framework for new media and alignment with relevant EU *acquis* and European standards; analyse the media market and make recommendations regarding the legal framework to enhance competitiveness and pluralism; revise the legal framework and strategic documents of the public service broadcaster; analyse and make recommendations regarding the legal framework for protecting journalists' social and labour rights in line with European standards. A key deliverable of the project was supporting the Ministry in developing the 2023 Draft Law on Changes and Amendments to the LAAMS, which was adopted by Parliament on 17 July 2023.

On 7 June 2023, separate additional amendments to the Law on Audio and Audiovisual Media Services were elaborated by the Government. Several meetings with stakeholders were organised by the Ministry in June 2023 to discuss the above proposals and requested written feedback from the experts.

The proponents of these amendments<sup>255</sup> produced an updated version in July 2023 and a further iteration in August 2023<sup>256</sup>. A new version was eventually introduced in Parliament in November 2023 with no public consultation on the final provisions.

The main issue opposed by a broad number of stakeholders is an amendment that proposes the mandatory introduction of “campaigns of public interest” (in the newest version this term is changed to “state advertising”) whereby the Government would be obliged to spend 0,1% of the realized tax revenues (determined in the last adopted final account of the budget) on such campaigns. For national campaigns, the provision states that 7% is for production of the state campaigns and 93% for broadcasting. Of this, 65% of the funds should be distributed to the national terrestrial channels and 25% to national channels distributed via cable and satellite and state level radios, and 10% for regional and local television and radio.

The estimate of this figure (0,1% of the realized tax revenues budget) based on the projected budget revenues for 2023 would be 2,3 million Euros.

This proposal has raised concerns in civil society and journalism associations as they view it as aiming to reintroduce a practice from the past. According to the European Commission report of 2018:

*The extent to which government advertising had been a tool to exercise influence over broadcasters and to which the previous system had been distorting the market was reflected in the market's reaction to the loss of this revenue source, which has already had a financial impact in the broadcasting sector and has led private media to seek to measure viewership due to the need to compete for listeners and advertising.*

While there is no EU *acquis* or European standards that prohibit state advertising or awareness campaigns, the aim of the proposed European Media Freedom Act is to regulate

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<sup>255</sup> The Macedonian Media Association (5 DTT channels) and the relevant Ministry, see: <https://ipi.media/policy-paper-support-for-public-interest-journalism-in-north-macedonia/>

<sup>256</sup> An updated opinion on these amendments was provided by the Expert team of the project on August 8 2023.



state advertising. The proposed EMFA Regulation states that advertising and paid campaigns exist in many countries that are already “distorted by unfair and opaque allocation of funds.” Article 24 of the proposed EMFA also states that

*public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures.*<sup>257</sup>

A Parliamentary Commission will decide on campaigns of public interest at the central level. There is no independent body to decide on funding, or an independent body to audit the spending (in line with EU standards).<sup>258</sup>

The opinion of the NRA – the Agency for Audio and Audiovisual Media Services – with regard to these amendments also stated that the Law on Audio and Audiovisual Media Services is not the appropriate framework regarding state advertising. These issues should be subject to another or separate law, and the details in the form of regulations/instructions should be arranged by the Government, state and public institutions and local self-government.<sup>259</sup>

A second amendment aims to deal with certain problems in the market as concerns copyright. The proposal is to make the NRA responsible for copyright violations by the operators of cable networks. One paragraph states that:

*If the Agency on the basis of program supervision carried out in accordance with this law, determines that an operator is rebroadcasting a program service that is not registered in accordance with this article, the Agency, within seven days of the program supervision carried out, will issue a decision ordering the operator immediately turn off the rebroadcast of the program service. The Agency notifies the Electronic Communications Agency and the holder of the copyright and related rights about the adopted decision. The decision to disconnect the program service with a detailed explanation is published on the website of the Agency within three days from the day of its adoption.*

International experts have stated that North Macedonia needs to establish a system of collective management of rights and a copyright enforcement agency. Including copyright provisions in the audiovisual media law and assigning responsibility to the audiovisual media regulator were not considered as adequate solutions.<sup>260</sup>

Earlier versions of these provisions were already rejected by the Constitutional Court as being out of line with the Copyright law. In addition, the proposal for a ban on

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<sup>257</sup> <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-05/20180417-the-former-yugoslav-republic-of-macedonia-report.pdf>.

<sup>258</sup> Summary of opinions of stakeholders and experts during discussions on the proposals in June

<sup>259</sup> Agency for Audio and Audiovisual Media Services: Comments on the proposal of the Law to amend and supplement the Law on Audio and Audiovisual Media Services – August 7th 2023.

<sup>260</sup> Via discussions with experts in the field of copyright, the project team discovered that proposals for draft amendments to the copyright framework have been elaborated for the Ministry of Culture but have not yet been developed as draft legislation for consultation.



such channels is not in line with derogations from freedom of reception and retransmission under the Audiovisual Media Services Directive.<sup>261</sup>

A further amendment introduces an automatic extension of licences for nine years with some criteria included for the right to extension. The proposal deletes the following provisions in the law (Article 79 (2 and 3)):

*(2) The license for television or radio broadcasting may be extended for another nine years upon request from the holder. The request shall be submitted to the Agency within six months prior to the license expiration date and it shall be extended with the decision of the Council within 30 days from the date of request receipt.*

*(3) When reviewing the request from the paragraph (2) of this article, the Agency should have into consideration the contribution of the broadcaster for bigger variety and pluralism on the market.*

This removes the competence of the Agency in extending licenses with reference to pluralism, and interferes with the Agency's responsibility for the protection and development of pluralism in the audio and audiovisual media services, encourage and support the existence of diverse and independent audio and audiovisual media services (Article 6) and the competences of the Council of the Agency (Article 18). This is a fundamental principle of the role of national media regulatory authorities under Article 30 of the AVMS.

#### 4.8.1.2. Definitions and alignment with the AVMS Directive

Below is an overview of the alignment of the relevant current definitions with the AVMS Directive.

**Table 123. Definitions**

Definitions (Article 1 AVMSD)	In line with AVMSD	References
Audiovisual media service	Yes aligned with the 2018 AVMSD	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 3 (1)

<sup>261</sup> As above



Definitions (Article 1 AVMSD)	In line with AVMSD	References
Video-sharing platform service (VSP)	Yes aligned with the 2018 AVMSD	As above, Article 3 (28)
Programme	Yes aligned with the 2018 AVMSD	As above Article 3(2)
User-generated video	Yes aligned with the 2018 AVMSD	As above, Article 3 (29)
Editorial decision	Yes aligned with the 2018 AVMSD	As above Article 3 (26a)
Editorial responsibility	Yes aligned with the 2018 AVMSD	LAAMS as amended July 2023, Article 3 (26)
Media service provider	Yes - Aligned with the definition in the 2018 AVMSD. It emphasises that distribution companies (without editorial responsibility) are not captured by the definition.	As above, Article 3 (6)
VSP provider	Yes aligned with the 2018 AVMSD	As above, Article 3 (30)
Television broadcasting or television broadcast	Yes - Aligned with the definition in the 2018 AVMSD. It also includes digital video broadcasting, live streaming, webcasting, and near video-on-demand audiovisual media services.	As above, Article 3 (21)
Broadcaster	Yes – aligned with the 2018 AVMSD.	As above, Article 3 (17)
On-demand audiovisual media service	Yes – aligned with the 2018 AVMSD.	As above, Article 3 (4)
Audiovisual commercial communication (ACC)	Yes aligned with the 2018 AVMSD	As above, Article 3 (5)
Television advertising	Yes - Aligned with the definition in the 2018 AVMSD. It also includes the notion of advertising as the promotion of an idea or activity or in order to achieve a specific effect (relating to political or “issue advertising”).	As above, Article 3 (19)
Surreptitious ACC	Yes – aligned with the definition in the 2018 AVMSD.	As above, Article 3 (14)
Sponsorship	Yes aligned with the 2018 AVMSD	As above, Article 3 (20)
Teleshopping	Yes - Aligned with the 2018 AVMSD. It further distinguishes between teleshopping spots and teleshopping windows.	As above, Article 3 (24) and (25)
Product placement	Yes aligned with the 2018 AVMSD	As above, Article 3 (15)
European works	Yes – aligned with the 2018 AVMSD.	As above, Article 3 (9)



Definitions (Article 1 AVMSD)	In line with AVMSD	References
Independent producer	Aligns with the standard definitions of an “independent producer”: 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.	As above, Article 3 (11),
Definition of harmful content (or equivalent such as violation of integrity, or violation of dignity)	<p>Yes - Aligned with the 2018 AVMSD in that the provisions address the most harmful content, such as gratuitous violence and pornography.</p> <p>Definitions of harmful content vis-à-vis the protection of minors, including a definition of gratuitous violence.</p> <p>***</p> <p>Article 2 (of the Rulebook on the Protection of Minors) defines “harmful content” as any programme that can adversely affect minors including descriptions, scenes or presentations of violence, eroticism, sexual conduct prohibited by law, indecent (vulgar) language, suggestible social forms of behaviour which are easy to imitate and are dangerous to health and safety, behaviour offensive to human dignity, etc.</p> <p>It includes an elaborated definition of “violence”.</p>	<p>As above, Article 50 (1 and 2)</p> <p>***</p> <p>Rulebook on the Protection of Minors (21 November 2014)</p> <p>Article 2 (1), lines 2 and 3</p>
Definition of incitement to hatred (or equivalent)	<p>Article 20 if the Constitution prohibits encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance</p> <p>***</p> <p>Article 417 (3) of the Criminal Code criminalises the spread of ideas that advocate or instigate racial hatred or racial discrimination.</p> <p>***</p> <p>The LAAMS contains provisions on incitement to hatred, and these align with the 2018 AVMS Directive in prohibiting incitement to violence or hatred directed against a group of persons or a member of a group (Article 48 (Special prohibitions)).</p> <p>In addition, the provision prohibits programmes that threaten national security, call for the violent destruction of the constitutional order of the Republic of North Macedonia, or call for military aggression or armed conflict.</p> <p>Paragraph 1 now includes a prohibition of “racism and xenophobia”. Paragraph 2 prohibits incitement to hatred or violence. Paragraph (3) emphasises that the special prohibitions from Paragraphs (1 and 2) of this Article shall be in accordance with the practice of the European Court of Human Rights (ECtHR).</p> <p>***</p> <p>The Guide for Monitoring Hate Speech includes, verbatim, the definition of hate speech from the Council of Europe’s Recommendation No. R (97) 20 on hate speech:</p> <p><i>[...] covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by</i></p>	<p>Article 20 – Constitution of the Republic of North Macedonia</p> <p>***</p> <p>Article 417 (3) - Criminal Code of the Republic of North Macedonia</p> <p>***</p> <p>Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023, Article 48 (1) and (2)</p>



Definitions (Article 1 AVMSD)	In line with AVMSD	References
	<i>aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.</i> <sup>262</sup>	***  Guide for Monitoring “Hate speech” (2014) – pages 5 and 10

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The necessary changes regarding the updating of certain definitions (related to ACCs) and the inclusion of definitions relevant to VSPs were addressed in the Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) adopted by Parliament in July 2023. Definitions and provisions that deal with incitement to hatred are included and are also compatible with the 2018 AVMS Directive, and with other Council of Europe standards. The Agency for Audio and Audiovisual Media Services has also developed a Guide for Monitoring Hate Speech.

#### 4.8.1.3. Jurisdiction, and the principle of freedom of reception and retransmission

The national legislative framework, as can be seen below, closely aligns with the AVMS Directive in relation to the establishment of jurisdiction for linear audiovisual media services.

<sup>262</sup> Available here: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680505d5b](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680505d5b).

The same guide includes, verbatim, the definition of “racist and xenophobic material” from the Additional Protocol to the Convention on Cybercrime: [racist and xenophobic material] means any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors. Available here: <https://rm.coe.int/168008160f>.

**Table 124. Jurisdiction**

Provisions related to jurisdiction	In line with AVMSD	References
Article 2 of the AVMSD regarding jurisdiction of AVMS providers.	Yes – aligned with the 2018 AVMSD	LAAMS as amended July 2023, Article 46
Article 2 (5a). Requirement that AVMS providers inform the competent NRAs or bodies about any changes that may affect the determination of jurisdiction.	Yes – aligned with the 2018 AVMSD	As above, New Article 46 (5)
Article 2 (5b). Requirement to maintain up to date list of the AVMS providers under national jurisdiction	Yes – aligned with the 2018 AVMSD.  The NRA has an obligation to establish and maintain registries of all the broadcasters (Article 66) and of the on-demand AVMS (Article 57).  A specific obligation related to the provisions on jurisdiction is included in the LAAMS under Article 46 (6)	As above, Article 46 (6)
Article 28a (paragraphs 1-5) regarding the establishment of the jurisdiction of VSPs.	Yes – aligned with the 2018 AVMSD	LAAMS as amended July 2023, new Article 144a
Article 28a (paragraph 6). Requirement that an up-to-date list of the VSP platform providers established or deemed to be established on their territory be maintained.	Yes – aligned with the 2018 AVMSD	LAAMS as amended July 2023, new Article 144a (4)
Article 28a (7) regarding the role of the European Regulators Group for Audiovisual Media Services (ERGA) in providing an opinion on jurisdiction.	Not mentioned in the current law	

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) adopted by Parliament in July 2023 aligns with the Directive and also with the new Article 2 (5a and 5b) of the Directive. In addition, the Law now includes VSPs in its scope, with Article 28a aligned in a new Article 144a. The table below examines the principle of freedom of reception and retransmission for audiovisual media services.

**Table 125. Freedom of reception and retransmission – and derogations**

AVMSD and the freedom of reception and retransmission	In line with AVMSD and European standards	References
Article 3 (1) – ensuring freedom of reception and retransmission.	Yes – aligned with the 2018 AVMSD  Article 44 of the current LAAMS is aligned with the provisions of Article 3 (1) of both the 2010 AVMSD and	LAAMS (2013) as amended July 2023, Article 44





	the 2018 AVMSD with regard to the principle of freedom of reception and retransmission.	
Article 3 (2) – derogations from the principle of freedom of reception and transmission.	Yes – aligned with the 2018 AVMSD Article 45 amended to align with Article 3(2) of the AVMSD, and also to provide procedures in relation to services from countries party to the ECTT	As above, Article 45

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The key amendments introduced by the 2018 AVMS Directive include updates to the circumstances wherein a country (member state) can derogate from the principle of freedom of reception and retransmission. The 2018 AVMS Directive also updates the procedure for notifying the European Commission regarding derogations, and the procedure for resolving issues arising under Article 3. This also includes the new role of the ERGA (European Regulators Group for Audiovisual Media Services) in providing opinions on issues of derogation. The Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) adopted by Parliament in July 2023 aligns with the legislative framework regarding derogations.

#### 4.8.2. General principles and key values promoted by the AVMS Directive

This section looks at a range of general principles relevant to the media sector, and key values promoted by the AVMS Directive. The table below provides an overview of some of the general principles that are not dealt with in more detail in later sections.



Table 126. General principles and key values

General principle/key value	Relevant provision/provisions	References
Principle of non-discrimination	<p>Article 54 of the Constitution addresses the principle of non-discrimination</p> <p>***</p> <p>Article 417 (1) of the Criminal Code criminalises discrimination, while paragraph 3 criminalises the spread of ideas that advocate or instigate racial hatred or racial discrimination.</p> <p>***</p> <p>Article 47a covers principles of audiovisual media services: protection of the privacy and dignity of people and equality of freedoms.</p> <p>Article 48 (1) clearly prohibits the airing of content that incites or spreads discrimination.</p> <p>Article 53 (4): audiovisual commercial communications must not include or promote any kind of discrimination on the grounds of gender, race, ethnicity, nationality, religion or conviction, disability, age or sexual orientation.</p> <p>Article 110 (1): the PSB is required to provide programming for all segments of society without any discrimination, taking into account the special groups within the society; the PSB should also contribute to the respect and promotion of people's fundamental human rights and freedoms, their privacy, dignity, reputation and honour, as well as promoting tolerance, understanding and respect for differences, the sense of peace, justice, democratic values and institutions, the protection of minors, gender equality, non-discrimination and contributing to the benefits of civic society.</p> <p>The new amendments transformed the "Principles of Broadcasting" to "Principles of audiovisual media services" in a new article 47a to ensure inclusion of video-on-demand services. A new Article 144c obliges video-sharing platforms to adhere to Article 48.</p>	<p>Article 54 - Constitution of the Republic of North Macedonia</p> <p>***</p> <p>Article 417 - Criminal Code of the Republic of North Macedonia</p> <p>***</p> <p>LAAMS (2013) as amended July 2023,</p> <p>Articles 47a, 48 (1), 48 (2), 53 (4), 61 (1) and 110 (1), 144c</p>



General principle/key value	Relevant provision/provisions	References
<p>Prohibition of incitement to hatred and incitement to violence</p>	<p>Article 20 of the Constitution prohibits encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance</p> <p>***</p> <p>Article 417 (3) of the Criminal Code criminalises the spread of ideas that advocate or instigate racial hatred or racial discrimination.</p> <p>***</p> <p>Article 48</p> <p>Paragraph 1 was amended to include the prohibition of content, “the dissemination of which, constitutes an illegal activity, including public provocation to commit a terrorist offence, offences concerning child pornography and offences concerning racism and xenophobia.” Paragraph 2 prohibits incitement to hatred or violence. Paragraph (3) emphasises that the special prohibitions from Paragraphs 1 and 2 of this Article shall be in accordance with the practice of the European Court of Human Rights (ECtHR).</p> <p>Article 144c obliges video-sharing platforms to adhere to Article 48.</p> <p>***</p> <p>The NRA’s Guide for Monitoring Hate speech (2014) reflects the practice and jurisprudence of the ECtHR. To rule that a broadcaster is responsible for hate speech on its programming, the NRA must prove that the restriction of the freedom of expression is prescribed by law, its aim is legitimate, and it is necessary in a democratic society (tripartite test of the Court).</p>	<p>Article 20 – Constitution of the Republic of North Macedonia</p> <p>***</p> <p>Article 417 (3) - Criminal Code of the Republic of North Macedonia</p> <p>***</p> <p>LAAMS (2013), as amended 2023,</p> <p>Articles 48 (1, 2), 144c.</p> <p>***</p> <p>Guide for Monitoring Hate speech (2014)</p>



General principle/key value	Relevant provision/provisions	References
Prohibition of criminal content: provocation to commit a terrorist offence; child pornography; racism and xenophobia, incitement to terrorism	<p>Article 349-b (3) of the Criminal Code criminalises any public calls for the perpetration of terrorist offences.</p> <p>Article 193-a deals with the production and distribution of child pornography</p> <p>Article 394-d covers the spreading of racist and xenophobic material by means of a computer system.</p> <p>***</p> <p>Yes – aligned with the 2018 AVMSD. Article 48 (1) was amended to include the prohibition of content, “the dissemination of which, constitutes an illegal activity, including public provocation to commit a terrorist offence, offences concerning child pornography and offences concerning racism and xenophobia.” The Draft Law under a new Article 144c obliges video-sharing platforms to adhere to Article 48.</p> <p>Also, airing programmes (Article 48 (1)), ACCs (Article 53 (4)) and retransmitting foreign programmes (Article 45 (2 and 3)) that contain incitement to hatred based on race is prohibited. Incitement to hatred based on origin and nationality is also prohibited in Article 48 (1). Airing or retransmitting child pornography is prohibited in Article 50 (5).</p>	<p>Criminal Code of the Republic of North Macedonia</p> <p>Article 349-b (3), Article 193-a, Article 394-d</p> <p>***</p> <p>The LAAMS (2013) as amended in 2023</p> <p>Articles 45 (1, 2 and 3), 48 (1), 53 (4), 50 (5), 144c</p>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

Each of these first three principles: non-discrimination, the prohibition of incitement to hatred and violence, and the prohibition of criminal content are covered in the legislative framework. The LAAMS was updated in 2018 to widen the list of grounds on which hate speech is prohibited, as well as to introduce punitive measures for hate speech in Article 147. In addition, the NRA has guidelines regarding the monitoring of hate speech. The Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) introduced the prohibition of content “the dissemination of which, constitutes an illegal activity, including public provocation to commit a terrorist offence, offences concerning child pornography and offences concerning racism and xenophobia”. The LAAMS now also extends all of these prohibitions to video-sharing platforms (new Article 144c).

#### 4.8.2.1. Freedom of expression, freedom of the media and prohibition of censorship

The table below indicates the framework for the protection of freedom of expression. It includes provisions from: the Constitution, which also guarantees the right of access to information, the right of reply, and the protection of journalistic sources; the Law on Media and the LAAMS. The table also highlights the self-regulatory regime of the Association of Journalists in relation to their commitment to promote and protect freedom of expression.



Table 127. Freedom of expression

General principle/ key value	Relevant provision/provisions	References
Freedom of expression/freedom of speech/access to information/protection of journalistic sources	The Constitution, under Article 16, protects freedom of expression, freedom of speech, access to information, the right of reply and correction, and the protection of journalistic sources. It also prohibits censorship.	Constitution of the Republic of North Macedonia (1991 with eight amendments) Article 16
Freedom of expression/freedom of the media	Article 3 (1) guarantees freedom of expression and freedom of the media, while 3 (2) determines in more detail what freedom of expression includes. Article 3 (3) provides that freedom of the media may be restricted only in accordance with the Constitution of the Republic of North Macedonia.	Law on Media (26 December 2013; 23 January 2014) Article 3
Freedom of expression	Article 6 (1) emphasises the role of the NRA in protecting and developing pluralism and in encouraging the existence of diverse and independent audio and audiovisual media services.  Under a new Article 47a – Principles of audiovisual media services – services are obliged to respect programme principles, including: the objective and unbiased equal treatment of diverse views and opinions, enabling the free creation of a public opinion on individual events and issues; the autonomy, independence and accountability of editors, journalists and other authors involved in the creation of programmes and editorial policy.	LAAMS (2013), as amended 2023, Articles 6 (1) and 47a
Media self-regulation/freedom of the media/ prevention of censorship	The Code of Journalists is implemented by the Council of Media Ethics, which is a self-regulatory body and it also covers online media. The general principles of the Code of Journalists include, <i>inter alia</i> , the following points: that freedom of the media is an inalienable right; that journalists have a role in imparting information, ideas and opinions and the right to comment; it is the right and duty of journalists to strive to prevent censorship and the distortion of the news; and that journalists will defend human rights, dignity and freedom, respect the pluralism of ideas and attitudes, contribute to strengthening the rule of law and to controlling the government and other public institutions.	Code of Journalists of North Macedonia <sup>263</sup>  Guidelines for Ethical Reporting for Online Media <sup>264</sup>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The principle of freedom of expression is enshrined in the legislative framework in North Macedonia. According to the information provided in the European Audiovisual Observatory's survey, a current concern regarding media freedom is Article 76-e of the

<sup>263</sup> Кодекс на новинарите на Македонија.

<sup>264</sup> Насоки за етичко известување на онлајн медиумите.



Electoral Code<sup>265</sup> adopted in 2018, which provides that paid political advertising in the media, during the election campaign, is paid from the state budget. Several organisations have expressed concern regarding this and the potential for abuse of the media for political purposes, whereby this provision creates a clientelist relationship between the media, the state, and political parties. Concern regarding this practice was expressed by the association of journalists (AJM),<sup>266</sup> the State Commission for the Prevention of Corruption,<sup>267</sup> various civil society organisations<sup>268</sup> and the Agency for Audio and Audiovisual Media Services.<sup>269</sup>

According to the European Commission's 2022 Report on North Macedonia:

*In September 2021, Parliament adopted amendments to the Electoral Code related to the media and to paid political advertising. The OSCE/ODIHR report on the local elections recommended that regulations on paid political advertisement in the media should be reconsidered, in order to allow unimpeded access to the media based on reasonable and objective criteria.*<sup>270</sup>

There were initiatives to regulate content on the Internet, on online news portals or online publications in 2013. The then ruling coalition passed a general Law on Media that would regulate the audiovisual, print and online media and would expand the powers of the NRA over all types of media. However, following concerns expressed by the civil society sector and international organisations, the Law was amended in 2014 and the online media were taken out of its scope. There is a Council of Media Ethics which also includes the online news media sector in its membership and maintains a Registry of the professional online media – Promedia.<sup>271</sup>

The EU funded project launched in 2022 also aims to provide recommendations for legal, regulatory and self-regulatory mechanisms that will address the challenges posed by

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<sup>265</sup> Election Code (Unofficial Consolidated Text), available in Macedonian at:

[https://drive.google.com/file/d/1Sa9L6emhxl2VaV\\_8d7oK3hJ6r1usnuY/view](https://drive.google.com/file/d/1Sa9L6emhxl2VaV_8d7oK3hJ6r1usnuY/view).

<sup>266</sup> The Association of Journalists of Macedonia and Konrad Adenauer Stiftung (2018) *Comparative Analysis of Political Advertising in the Media*, p. 39. Available in Macedonian at: <http://star.znm.org.mk/wp-content/uploads/2019/01/Belegexemplar-2018-Comparative-Analysis-of-the-political-advertising-MK.pdf>.

<sup>267</sup> State Commission for the Prevention of Corruption (2021) National Strategy for the Prevention of Corruption and Conflict of Interest 2021-2025, p. 6.

Available in Macedonian at: <https://dksk.mk/wp-content/uploads/2021/01/Nacionalna-strategija-DKSK-KONECNA.pdf>.

<sup>268</sup> Truthmeter (2021) *Paid Advertising – The Danger of Media Corruption*: Civil society emphasised that via parliamentary, local and presidential elections, the media receive about EUR 3.5 million for each election cycle. For the local elections in October 2021, the total amount was just under EUR 5 million. Available at: <https://vistinomer.mk/platenoto-reklamiranje-opasnost-od-korupcija-na-mediumite/>.

<sup>269</sup> Discussed by the Agency at a recent conference organised by the International Foundation for Electoral Systems (IFES), the Agency and USAID. Press release: “Electoral Integrity in the New Information Environment” held on 7 April 2022. Available at: <https://avmu.mk/en/2022/04/07/conference-held-on-electoral-integrity-in-the-new-information-environment/>.

<sup>270</sup> European Commission (2022): COMMISSION STAFF WORKING DOCUMENT North Macedonia 2022 Report. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>.

<sup>271</sup> Available at: <https://promedia.mk/index.php?lang=en>.



new and online media.<sup>272</sup> Broad consultations on these issues were launched with a range of key stakeholders in February 2023.

Defamation was decriminalised in 2012 with the adoption of the “Law on Civil Liability for Insult and Defamation”. According to data gathered by the Association of Journalists (AJM), defamation and insult are less used as an instrument of pressure on journalists and the media when comparing 2021 data with previous years – due to this decriminalisation. The AJM stresses that care should be taken with the implementation of the provisions of the Law on Civil Liability for Insult and Defamation not to restrict the right to freedom of expression on the Internet.<sup>273</sup>

The Code of Journalists is important because online media are not subject to media legislation and the prevailing position among the associations of journalists and experts is that the online media should be solely subject to self-regulation. The Council of Media Ethics and the Association of Journalists worked hard to strengthen self-regulation: a Register of Professional Online Media has been established with over 150 members and detailed guidelines were developed for ethical reporting of journalists in the online world.

#### 4.8.2.2. The independence of national regulatory authorities in the media sector

The Agency for Audio and Audiovisual Media Services is the NRA for the audiovisual media sector in North Macedonia (the “Agency”). Its remit covers broadcasters (licensing, regulation and supervision) and the NRA also monitors public service media with regard to programming requirements stipulated in the LAAMS. The Agency is engaged with the development of proposals for implementation of the laws, and the preparation of strategies for the development of the broadcasting sector in North Macedonia.

**Table 128. Independence of the National Regulatory Authority (NRA)**

AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
NRAs should be legally distinct from, and functionally independent of government.	Yes – aligned with the 2018 AVMSD this is guaranteed (under Article 4 (2)) which states that the NRA is an independent, non-profit regulatory body which acts as a legal person with public competences.  Institutional autonomy is guaranteed under Article 4 (2) with regard to property and assets. Article 5 (2) specifies that the	LAAMS (2013), as amended 2023,  Article 4 (2) and (3) and Article 5 (2)

<sup>272</sup> European Union for Freedom of Expression: Alignment of National Media Legislation with the EU Acquis and Media Standards: [https://pmcg-i.com/news\\_show/694/European-Union-for-Freedom-of-Expression:-Alignment-of-National-Media-Legislation-with-the-EU-Acquis-and-Media-Standards](https://pmcg-i.com/news_show/694/European-Union-for-Freedom-of-Expression:-Alignment-of-National-Media-Legislation-with-the-EU-Acquis-and-Media-Standards).

<sup>273</sup> Association of Journalists of Macedonia (2021) North Macedonia – Indicators on the Level of Media Freedom and Journalists’ Safety in 2020, p. 13. Available at: <https://znm.org.mk/wp-content/uploads/2021/06/MK-ENG-2020.pdf>.



AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
	Agency is independent from any state body or other legal person in its operations.	
NRAs should exercise their powers impartially and transparently.	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 8 provides that the Agency is accountable for its operation to the National Assembly: via submission of a financial report and audit reports as well as the annual programmes and Financial Plans.</p> <p>Article 9 obliges the Agency to be transparent in its operations: via public meetings every three months; publication of opinions; adoption of a by-law which regulates in detail its transparency and public consultation procedure. Article 10 obliges the Agency to conduct public consultations on by-laws and on its Annual Operation Programme.</p>	As above: Articles 8, 9 and 10
Clear definition of the competencies and powers of the NRAs outlined in the law.	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 6 outlines clearly the competencies and powers of the NRA.</p>	As above: Article 6
NRAs should have adequate financial and human resources and enforcement powers to carry out their functions, and have their own budgets.	<p>Yes – closely aligned with the 2018 AVMSD</p> <p>Article 4 (7) of the Law outlines the sources of funding of the NRA – involving funds from the budget, revenues from the licence fees as well as from loans and other financial and technical assistance.</p> <p>The 2023 amendments to the LAAMS introduced changes to Article 105 and the funding mechanism. In particular it removed the discretionary powers of the Government to reduce the percentage allocated to institutions under Article 105.</p>	As above: Article 4 (7) Article 105
Clear conditions and (transparent and non-discriminatory) procedures for the appointment and dismissal of the heads of NRAs/members of governing bodies are laid out in the law.	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 14 (1): members of the Council (decision making body of the Agency) are appointed by the Assembly of the Republic of North Macedonia on the basis of a previously conducted public competition and an organised public debate on the nominated candidates.</p> <p>Article 16 (1) focuses on the necessary qualifications of candidates. Article 16 also determines clear rules for the conflict of interests for election of Council.</p> <p>Article 14 (3) details the involvement of relevant civil society organisations in the nomination of candidates.</p> <p>Article 14 (5) stipulates that the Commission for Elections and Appointments of the Assembly is obliged to organise a public hearing within one month after the end of the public competition for the candidates to which it will invite the organisations that supported the candidates. Article 14 (9) stipulates that the Assembly appoints the members of the</p>	As above : Article 14 (1) Article 16 (1) Article 14 (3) Article 14 (5) Article 14 (9)





AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
	Council by a two-thirds majority of the votes from the total number of Assembly members.	
Existence of effective and independent appeal mechanisms.	Yes – aligned with the 2018 AVMSD Article 24 provides that the decisions adopted by the Agency may be subject to administrative dispute before a competent court. The administrative dispute complaint shall be submitted within a 30-day period from receipt of the decision.	As above: Article 24
Provisions in the law that support cooperation between NRAs.	Yes – aligned with the 2018 AVMSD Article 25 obliges the Agency to cooperate with different national and international bodies, including other NRAs. Paragraph 4 provides that:  <i>“in accordance with its competencies and in line with the implementation of the provisions in this Law, the Agency shall cooperate with regulatory bodies from other countries and international institutions and bodies.”</i>	As above: Article 25

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The legislative framework is aligned with the requirements of the 2018 AVMS Directive, following the adoption of amendments in July 2023. In 2018 changes were introduced in the law regarding the procedure of nomination and election of the members of the Council of the Agency.<sup>274</sup> Since the adoption of the first Broadcasting Law in 1997, there have been three subsequent cycles of legislative change in North Macedonia in terms of the status and appointment of the national regulatory authority: 2005, 2013 and 2018. In all cases, the provisions of the law regarding the independence of the regulatory body were constantly improved in order to avoid political influence on the election and independent work of the members of this body. Although changes were adopted at the end of 2018, by September 2023 the election of the new Council has not yet been completed due to disagreements between the major political parties. The members of the NRA need to be elected by a two-thirds majority – the consent of both major parties is required – so it is assumed that the process is blocked because political parties are unable to agree on the election of individuals who are independent experts.<sup>275</sup> As these new provisions have not yet been tested, there were no proposals to introduce further amendments in the Draft Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023).

<sup>274</sup> At the request of the civil society, and reflecting experiences from the election of other regulatory bodies, Council members are now appointed by the Assembly of the Republic of North Macedonia on the basis of a public competition and an organized public debate on the nominated candidates.

<sup>275</sup> Kolovska, V. (2021) *Media reforms are by no means on the politicians' agenda*, Truthmeter, 16 December 2021. Available at: <https://vistinomer.mk/mediumskite-reformi-nikako-da-stasaat-na-dneven-red-kaj-politicharite/>.



As noted above, additional provisions were added to the LAAMS in 2018 allowing the Government the discretion to reduce the fixed percentage to be allocated to the PSB (and also the regulator and the public transmission service).

The EU funded project entitled “Technical Assistance to Public Service Media in the Western Balkans” addressed the introduction of a new funding model for PSB (and by extension the NRA).

*The law stipulated that the level of financing for PSM and the regulatory agency, AVMU, should increase from 0.8 % of the state budget (totalling €4 billion in 2018) to 0.9% in 2019 and to 1% in 2020 – and then remain stable. According to the report, the funding level for MRT over the past few years has barely reached 0.74 % of the budget. In 2020, MRT should have received a subsidy amounting to €16.5 million (by budget provision rather than what is stipulated in the law) but, in reality, it received only €11 million. The prospects for 2021 are similar. MRT and the AVMU are entitled to about €40 million (1 %) but will receive just 0.39%.<sup>276</sup>*

This represents a significant obstacle to achieving effective independence of the NRA in that since 2018, the government has allocated less funding to the regulator than that envisaged in the Law.<sup>277</sup> In its 2022 Report, the European Commission stated that:

*The government continued to cut funding for the regulator, the public broadcaster and the public enterprise for broadcasting, using the provisions of the Law on audio and audiovisual media services.<sup>278</sup>*

The proposal of the Expert Team working with the Ministry had recommended that the percentage of the national budget be fixed (amending Article 105), and that the discretionary powers of the Government (transitional provisions introduced in 2018) to reduce this percentage be removed.<sup>279</sup>

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<sup>276</sup> See for example: Funding of Public Service Media in the Western Balkans - Second Assessment Report On The Implementation Of Common Funding Principles. North Macedonia. 28 February 2021. Report under the Empowering Society- Technical Assistance to Public Service Media in the Western Balkans.

<sup>277</sup> Trpevska, S. and Micevski, I. (2021) Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the Year 2020, Country report: The Republic of North Macedonia\_(Florence: RSC/Centre for Media Pluralism and Media Freedom, July 2021). Available at: [https://cadmus.eui.eu/bitstream/handle/1814/71968/the\\_republic\\_of\\_north\\_macedonia\\_results\\_mpm\\_2021\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/71968/the_republic_of_north_macedonia_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y).

<sup>278</sup> European Commission (2022): COMMISSION STAFF WORKING DOCUMENT North Macedonia 2022 Report. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>

See also: “Gap Analysis of the national legislative framework and proposed changes to the Law on Audio and Audiovisual Media Services (LAAMS) for compliance with the Audiovisual Media Services Directive (EU) 2018/1808 and relevant European standards”. December 2022. Elaborated under the project EU for Freedom of Expression in North Macedonia: Alignment of national media legislation with EU acquis and media standards. Prepared by Deirdre Kevin, Snezana Trpevska and Katrin Nyman-Metcalf.

<sup>279</sup> On the project EU for Freedom of Expression in North Macedonia: Alignment of national media legislation with EU acquis and media standards.



The Draft Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) removed the provisions (from 2018) allowing the Government the discretion to reduce annually the percentage of the allocation to each of the three institutions.<sup>280</sup> In the final Inter-Ministerial negotiations in Government, the 1% of the Budget revenues (of the previous fiscal year) to be divided between the three organisations was changed to 1% of tax revenues of the budget (of the previous fiscal year).

This implies less money than a 1% of the entire budget revenues. However, calculations show that all three institutions will receive slightly more funding than in the last five years under the new mechanism. It was understood by the Expert team that the need to adjust from a 1% of the Budget revenues allocation to 1% of tax revenues reflects the financial challenges of the Government in meeting all the budgetary needs of the state.

Regarding the new provisions and the new mechanism for funding the three institutions, the experts noted the following positive outcomes:

- All three institutions will receive more funding in the coming years than in the past 5 years;
- This is due to the positive action to remove from the law the discretionary provisions of the Government to reduce the funding every year for the core activities of the three institutions;
- The new provisions introduce an additional mechanism to provide for supplementary funding for each institution (105 ph8).<sup>281</sup>

As the three institutions are highly likely to seek additional funds in order to fulfil their remits, the Expert Team has also included some recommendations that would provide more clarity on how the system for allocation of additional funds would work. These issues will be further discussed in the ongoing process of reform of the media legislative framework. The amendments to the LAAMS adopted in July 2023 reflect the Inter-Ministerial negotiations in Government. Hence the system of funding for these institutions has been improved and made more stable and predictable. The final recommendations of the Expert team on the EU project are still open for discussion.

However, with regard to the independence of the NRA, the additional amendments introduced to Parliament in November 2023 which are outside of the legislative reform process in the EU project, threaten the independence of the NRA.

As noted above, the amendments introduce an automatic extension of licences for nine years with minimal criteria included for the right to extension. The new amendments delete the paragraphs whereby a decision to extend must be made by the Agency. It removes the competence of the Agency in extending licenses with reference to pluralism and interferes with the Agency's responsibility in protecting and developing pluralism in

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<sup>280</sup> According to discussions between the EUD and the Directors of the three institutions, they were relatively satisfied with the solution. The relevant Ministries had organised meetings with them to discuss the new mechanism (information based on Communication from the EUD to DG Near and the Project Team.

<sup>281</sup> Briefing Note on Funding of Public Service Broadcasting from Expert Team: EU Freedom Of Expression in North Macedonia April 7th 2023 (Updated May 12th). Prepared by Deirdre Kevin, Snezana Trpevska and Dragan Sekulovski in the context of the project - under the project EU for Freedom of Expression in North Macedonia.



the audio and audiovisual media services, encouraging and supporting the existence of diverse and independent audio and audiovisual media services (Article 6). It contradicts the competences of the Council of the Agency (Article 18 (1)) to adopt decisions for awarding, revoking or extending licenses for television or radio broadcasting. Hence, the regulator will be obliged to renew the licenses without taking into consideration the fulfilment of the content requirements stipulated in the licence and the contribution to pluralism and diversity of the broadcasters. The only grounds for not renewing the license are a few problematic criteria: for example, if the broadcaster has violated the special prohibitions from Article 48 of the Law (related to incitement to hatred, terrorism, discrimination etc.) “at least three times during the duration of the license, for which there are final court rulings”, or if the broadcasters “did not cover elections (at least one election cycle) in a fair, balanced and impartial manner, for which there are final court rulings.”

Hence, a broadcaster can twice violate any of the terms regarding prohibited content (under Article 48):

*endanger national security, incite violent overthrow of the constitutional order of the Republic of North Macedonia, call for military aggression or an armed conflict, or content, the dissemination of which, constitutes an illegal activity, including public provocation to commit a terrorist offence, offences concerning child pornography and offences concerning racism and xenophobia..... and “incite hatred or violence or spread discrimination, intolerance.*

#### 4.8.2.3. The protection of minors

In this section, the legislative framework for the protection of minors and the extent to which it aligns with the AVMS Directive are examined in relation to obligations on audiovisual media services to protect minors from harmful content; with regard to protecting minors from harm in the context of audiovisual commercial communications; regarding prohibited/restricted advertising.

**Table 129. Protection of minors**

AVMSD and the protection of minors	In line with AVMSD	References
Obligations to protect minors from harmful content, via watershed/scheduling, age verification tools or other technical measures	Yes – aligned with the 2018 AVMSD Harmful content (Article 50 Para 1) including reference to watershed/ scheduling, age verification tools or other technical measures.	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 50 (1)
Prohibition of commercial use of personal data of minors collected when implementing these measures	Yes – aligned with the 2018 AVMSD	As above, new Article 50a.
Informing viewers about potentially harmful content	Yes – aligned with the 2018 AVMSD	As above,



AVMSD and the protection of minors	In line with AVMSD	References
(content rating systems, visual or acoustic signals)	<p>***</p> <p>The Law emphasises the need for the strictest measures to protect minors from the most harmful content (Article 50 (1))</p> <p>Article 50 (3) deals with informing viewers, acoustic and visual warnings.</p> <p>Article 50 (4) deals with the need for distributors (cable, IPTV etc), to encrypt pornographic content.</p> <p>***</p> <p>Watersheds, means of categorisation, forms of acoustic and visual warning, visual signs, and technical measures for the protection of minors are stipulated in the Rulebook on the Protection of Minors. Rules apply to both linear and on-demand AVMS.</p>	<p>Article 50 (1,2,3 and 4)</p> <p>***</p> <p>Rulebook on the Protection of Minors (21 November 2014)</p>
Bans or prohibitions (or limitations) regarding certain products: cigarettes, tobacco products, and electronic cigarettes, alcoholic beverages, etc. and provisions to effectively reduce the exposure of minors to ACCs for alcoholic beverages	<p>Yes –aligned with the 2018 AVMSD</p> <p>The ACCs for cigarettes and other tobacco products including e-cigarettes, as well as alcohol and alcoholic beverages, except for wine and beer, are prohibited (Article 53 (7)).</p> <p>Article 53 (8): ACCs for wine and beer must not specifically target minors and must not show minors consuming these products.</p> <p>There are several other rules regarding how ACCs for wine and beer are presented (Article 53 (8)).</p> <p>There is also a prohibition on ACCs for several other items such as drugs (Article 53 (7)), weapons and pyrotechnics (Article 53 (11)).</p> <p>Article 53 (20) amended, whereby audiovisual media service providers and video-sharing platform providers can establish a code of conduct to reduce exposure of minors to ACCS for alcohol. Where this does not achieve the aim, the NRA will establish a regulation in the area.</p>	<p>As above,</p> <p>Article 53 (7)</p> <p>Article 53 (8)</p> <p>Article 53 (11)</p> <p>Amended Article 53 (20)</p>
Requirement that ACCs shall not cause physical, mental or moral detriment to minors	<p>Yes –aligned with the 2018 AVMSD</p> <p>Article 53 (13): ACCs shall not cause physical or moral harm to minors. Article 53 (14) covers the issues of undue pressure; exploiting lack of experience; pester power; taking advantage of the special trust that minors have in parents, teachers, etc.; and depicting minors in dangerous situations.</p>	<p>As above,</p> <p>Article 53 (13), Article 53 (14)</p>



AVMSD and the protection of minors	In line with AVMSD	References
Effectively reduce the exposure of children to ACCs for such foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS)	<p>Yes - aligned with the 2018 AVMSD</p> <p>Under Article 53 (15), where such ACCs accompany children's programmes, they should not contain inaccurate or misleading information about the nutritious value of the product, etc. AVMS providers can agree on a Code of Conduct for ACCs for such products (Article 53 (20)) but this has not yet happened.</p> <p>A new Article 53 (21) stipulates that the audiovisual media service providers and video-sharing platform providers can establish a code of conduct to reduce exposure of minors to HFSS Foods. Where this does not achieve the aim, the NRA will establish a regulation in the area.</p>	<p>As above,</p> <p>Article 53 (15), Article 53 (20)</p> <p>New Article 53 (21).</p>
Prohibiting of product placement in children's programmes	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 55 Paragraphs (1) and (3) forbids product placement in children's programmes.</p> <p>***</p> <p>This is reaffirmed in point 30 of the Guidelines on Implementing Product Placement Rules.</p>	<p>As above,</p> <p>Article 55 (1) and (3)</p> <p>***</p> <p>Guidelines on Implementing Product Placement Rules (30 December 2014)</p>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

As can be seen from the above, the national legislation is now aligned with the 2018 AVMS Directive. The need to effectively reduce exposure to ACCs for High Fat, Sugar and Salt (HFSS) foods was strengthened in the Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023). Where the audiovisual media services do not develop a code to address this issue, the Agency will develop a regulation. Similar requirements were introduced to effectively reduce exposure to ACCs for alcohol. The LAAMS also includes the prohibition of the use of the data of minors for commercial purposes.

The Agency for Audio and Audiovisual Media Services implements the obligations regarding the protection of minors on the basis of the Rulebook on the Protection of Minors, a by-law adopted by the Agency's Council in 2014. The Agency also has, since 2019, a Media Literacy Policy<sup>282</sup> the overall objective of which is to promote media literacy in the society having citizens in mind and more specifically: to empower people of different classes, ages and segments of society, including children and young women, in their different capacities and contexts to benefit from the media environment they live in.

The Media Literacy Network in North Macedonia, which (in April 2022) consisted of 70 members (state institutions, citizens organisations, media, educational institutions,

<sup>282</sup> Available at: [https://avmu.mk/wp-content/uploads/2017/06/Media-Literacy-policy\\_online-version.pdf](https://avmu.mk/wp-content/uploads/2017/06/Media-Literacy-policy_online-version.pdf).



companies and private persons/experts) has conducted many activities dealing with the issue of the protection of minors. During the Media Literacy Days 2021 (MLD 2021) media literacy workshops were held in secondary schools, organised by the Macedonian Institute for Media. The aim was to empower teenagers by sharing with them knowledge and skills to critically assess media content in both traditional and online media and social networks.<sup>283</sup> The self-regulatory Council of Media Ethics of Macedonia (CMEM) presented the “Recommendations for Professional Reporting for Children and Youth” prepared in partnership with the First Children’s Embassy in the World “Megjashi”, and via consultations with the professional media and journalism associations. During the summer of 2021, as part of a wider campaign to raise awareness of the importance of media literacy, the Research Institute on Social Development (RESIS) prepared a Short Manual on Media Literacy providing parents with knowledge on how to help their children be protected online.

With the introduction of limited criteria under the amendments in Parliament in November 2023 to the LAAMS, repeated violations in the area of protection of minors will not be a criteria for refusing the extension of licences.

#### 4.8.2.4. The promotion of the rights of people with disabilities to access audiovisual content

The 2018 AVMS Directive strengthens the obligations for AVMS providers to provide accessible audiovisual media content. EU Member States are now expected to ensure “without undue delay” that services are made “continuously and progressively more accessible”. The table below outlines the framework in North Macedonia.

**Table 130. Accessibility**

AVMSD and accessibility of audiovisual media services	In line with AVMSD	References
Ensuring – without undue delay – that services provided by audiovisual media service providers are made continuously and progressively more accessible.	Yes – aligned with the 2018 AVMSD Under Article 26 (9), the Agency will develop a by-law in this area.  Article 110 (1) also obliges the PSB to provide programmes, informative shows and news intended for people with disabilities.	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023  Article 26 (1) and (9) Article 110 (1)
AVMS providers should report on this to the NRAs. AVMS providers are encouraged to develop action plans in this area and should communicate these to the NRAs.	Yes – aligned with the 2018 AVMSD	As above, Article 26 (2 and 3).

<sup>283</sup> More information on the workshops are available on: <https://mediumskapismenost.mk/dmp-2021-na-cas-po-mp-verifikacija-na-informaciji/?lang=en>.



States should provide a public online point of contact for providing information and receiving complaints.	Yes – aligned with the 2018 AVMSD  Based on the obligation under Article 26 the NRA had already developed a specific section on its website focused on access to the media for people with sensory impairment. <sup>284</sup> The NRA has also dedicated part of its website to citizens' complaints about programmes. <sup>285</sup>  The latest amendments confirmed that the contact point will be established by the Agency	As above,  Article 26 (4)  **
Emergency information should be in accessible formats.	Yes – aligned with the 2018 AVMSD	As above, Article 26 (5)

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The legal framework is now aligned with the stronger obligations of the 2018 AVMS Directive, following the adoption of the Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) in July 2023, which introduced the necessary provisions to align with the Directive.

The NRA has done considerable work in this area, including raising awareness among broadcasters about the importance of this issue, through workshops, public debates, manuals and other documents. They have been working towards the adoption of a self-regulatory act by audiovisual media service providers. The process has been slow as most broadcasters face financial challenges due to limited advertising revenues and the small and fragmented market.<sup>286</sup> Measures to support people who are hard of hearing have so far been implemented by the public broadcaster but only by some of the private television stations at the national level and one at the regional level. However, these measures are not implemented by most of the other private TV stations and not on a regular basis. For visually impaired people there is still no audio description available on broadcast programmes.

In June 2015, the Agency adopted a three-year Programme for Ensuring Media Accessibility for Persons with Sensory Impairments. In 2016 the Agency conducted a study entitled “Access to Broadcast Programmes for Persons with Vision and Hearing Loss – Offer and Needs”. Since 2015, several meetings have been held with the broadcasters in order to inform them about the needs of sensory impaired persons and the means by which

<sup>284</sup> Available at: <https://avmu.mk/en/access-to-the-media/>.

<sup>285</sup> Available at: <https://avmu.mk/en/citizens/>.

<sup>286</sup> Trpevska, S. and Micevski, I. (2021) *Monitoring Media Pluralism in the Digital Era, Country report: The Republic of North Macedonia*, p. 17. Centre for Media Pluralism and Media Freedom, European University Institute 2021. Available at: [https://cadmus.eui.eu/bitstream/handle/1814/71968/the\\_republic\\_of\\_north\\_macedonia\\_results\\_mpm\\_2021\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/71968/the_republic_of_north_macedonia_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y).





programmes can be made accessible for them. In 2020<sup>287</sup> a workshop was held for broadcasters and providers of on-demand audiovisual media services, outlining best practices in order to develop a self-regulatory document that would provide better access to the media for persons with sensory disabilities. The NRA returned to this topic again during its Media and Elections Conference in 2021.<sup>288</sup> The Agency has prepared a booklet entitled “How to Provide Information for Persons with Sensory Impairments – Approach, Services, Programmes, Materials and Alternative Formats”.<sup>289</sup> There is an obligation in the Electoral Code for national TV stations to provide election coverage in accessible formats for the hard of hearing. However, it is not being implemented by all national TV stations.

The Agency has initiated negotiations with broadcasters towards adopting a self-regulatory act, in accordance with the 2018 AVMS Directive. These actions can now be strengthened with the adoption of the stronger obligations in the Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) in July 2023.

#### 4.8.2.5. Transparency of media ownership and the promotion of media pluralism

The 2018 AVMS Directive emphasises (recital 15) that “Transparency of media ownership is directly linked to freedom of expression, a cornerstone of democratic systems”. The AVMSD requires a minimum of public information about services (Article 5), and national lists of audiovisual media services (Article 2). The table below outlines to what extent the legislative framework addresses these requirements.

**Table 131. Transparency of media ownership**

AVMSD and transparency of media ownership	In line with AVMSD	References
Requirement for AVMS provider to provide publicly accessible information on the following: its name, the address at which it is established, its email address or website, the state having jurisdiction over it and the competent NRA.	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The rules on transparency are stipulated in the Law on Media under Article 14. Broadcasters are obliged to publish such data at the beginning or at the end of the audiovisual programmes.</p> <p>Broadcasters are also obliged to publish data on: the ownership structure, the editor-in-chief/ editors; and sources of financing for the broadcaster in the previous year on their own</p>	<p>Law on Media (26 December 2013; 23 January 2014): Articles 14 and 15</p> <p>***</p> <p>Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 51 (1)</p>

<sup>287</sup> In the context of the JUFREX project: <https://avmu.mk/en/2020/01/30/workshop-held-on-providing-access-to-media-for-persons-with-disabilities/>.

<sup>288</sup> More information about the Conference are available at: <https://www.coe.int/en/web/skopje/-/-media-and-elections-online-conference-with-the-media-regulatory-body-of-north-macedonia>.

<sup>289</sup> Explains how media outlets can ensure easier communication, depending on the type of disability – hearing, vision, physical or mental disability – via subtitled videos, open or closed textual descriptions, sign language or audio descriptions.



	<p>programme, at least three times a year, during prime-time (Article 15).</p> <p>***</p> <p>A similar obligation is stipulated in the LAAMS (Article 51 (1)).</p> <p>More detail is provided in the “Guidelines for Fulfilling the Obligations for Impressum and Information Available to the Users” (09.10.2018).</p>	<p>***</p> <p>Rulebook on the Manner of Publishing Data about the Broadcasters’ Work (27 February 2015)</p> <p>***</p> <p>Guidelines for Fulfilling the Obligations for Impressum and Information Available to Users (09 October 2018)</p>
Possible to also require AVMS providers to make accessible information on their ownership structures.	<p>Yes – closely aligned with the 2018 AVMSD</p> <p>Broadcasters are obliged to submit a range of data to the NRA once a year, as stipulated in the Law on Media (Article 15 (1)), which include data on: name and head office address of the legal entity or the name and place of residence of the physical entity who owns shares in the media provider, including the percentage of acquired shares and the date of acquisition thereof; the editor-in-chief/editors; sources of financing in the previous year; total revenues and expenditures of the previous year.</p>	<p>Law on Media (26.12.2013; 23.01.2014):</p> <p>Article 15</p>
Requirement for states to establish and maintain up-to-date lists of the national AVMS providers.	<p>Yes – this is aligned with the 2018 AVMSD.</p> <p>According to the LAAMS, the NRA has an obligation to establish and maintain registries of all the broadcasters (Article 66) and of the on-demand AVMS (Article 57).</p>	<p>LAAMS (2013), as amended July 2023</p> <p>Articles 57 and 66</p>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

From the table above, it is apparent that there are extensive rules regarding the transparency of media ownership. A study conducted for the NRA in 2020 concluded that there are no obstacles to the implementation of the provisions related to the transparency of media ownership in the audiovisual media sector as the Agency regularly monitors the implementation of these provisions and in recent years almost all broadcasters have regularly submitted and published data on ownership, operations and financing.<sup>290</sup> The NRA also publishes and regularly updates on its website the data on the ownership structure, headquarters, governing bodies and a number of other information about broadcasters. The report concluded that the main policy and regulatory measures related to media transparency should continue to be enforced and supported, as they are in line with the standards of the European Union and the Council of Europe.<sup>291</sup> However, the authors of the

<sup>290</sup> Furnémont, J.F. and Trpevska, S. (2020) *Pluralism of Media Ownership in the New Media Environment: A Study for the Agency for Audio and Audiovisual Media Services*, p. 37. Council of Europe. Available at: <https://rm.coe.int/hf37-study-media-ownership-eng/16809f0272>.

<sup>291</sup> Ibid, p. 43.



study also emphasised that the current concentration rules in the LAAMS were designed almost 15 years ago and no longer strike a balance between the objective of safeguarding pluralism and diversity and the objective of having a thriving audiovisual marketplace. Therefore, they strongly advised that they should be reviewed in order to make them fit for a “new” media environment.<sup>292</sup>

The project launched in 2022 with the support of the European Commission had an additional component that aimed to update the legal and policy framework to encourage the economic development and sustainability of the media sector, and also policies to support media pluralism and diversity.<sup>293</sup> Hence the provisions on media ownership and pluralism were to undergo a further review in 2023, which had not yet taken place at the time of completion of this report.

In the general (regulatory) objectives of the LAAMS (Article 2), the notion of pluralism is not mentioned. In a previous study on the issue of structural pluralism in the audiovisual sector, it was argued that the regulatory objectives in the Law are more closely related to the general term “development”, followed by the terms “technical and technological development” and “stimulating and promoting competition” in the audio and audiovisual media services.

Regarding the protection of media pluralism, these provisions tend to focus mainly on creating conditions for economic and technical and technological development of the activity, and not on the existence of a multitude of different audio and audiovisual media services.<sup>294</sup> The NRA, however, has a role to promote and protect pluralism and to encourage and support the existence of various independent and autonomous audio and audiovisual media services (Article 6 (1) of the LAAMS). The NRA monitors the legal provisions on the concentration of media ownership, and publishes special reports (including market analyses)<sup>295</sup> with detailed information on the ownership structure of broadcast media, and the procedures initiated in response to unlawful media concentration.<sup>296</sup> The NRA also addresses this issue in its strategic planning for the development of audiovisual broadcasting activity.<sup>297</sup>

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<sup>292</sup> Ibid, pp. 41 and 42.

<sup>293</sup> European Union for Freedom of Expression: Alignment of National Media Legislation with the EU Acquis and Media Standards: [https://pmcg-i.com/news\\_show/694/European-Union-for-Freedom-of-Expression:-Alignment-of-National-Media-Legislation-with-the-EU-Acquis-and-Media-Standards](https://pmcg-i.com/news_show/694/European-Union-for-Freedom-of-Expression:-Alignment-of-National-Media-Legislation-with-the-EU-Acquis-and-Media-Standards).

<sup>294</sup> Trpevska, S. (2018) *The Role of Structural Pluralism in the Macedonian, Croatian and Montenegrin TV Sector*, p. 3. *Macedonian Institute for Media*. Available at: [https://mim.org.mk/attachments/article/1126/The%20role%20of%20structural%20pluralism\\_FIN.pdf](https://mim.org.mk/attachments/article/1126/The%20role%20of%20structural%20pluralism_FIN.pdf).

<sup>295</sup> Available at: <https://avmu.mk/en/economic-analyses/>.

<sup>296</sup> Agency for Audio and Audiovisual media Services (2021), *An Analysis of Media Ownership in 2021*. Available at: <https://avmu.mk/wp-content/uploads/2021/08/An-Analysis-of-Media-Ownership-in-2021-v.4-korica-1.pdf>

<sup>297</sup> So far, the Agency has adopted three strategic documents (2007-2012; 2018-2022; 2019-2023) based on a range of analyses of the economic operations of the broadcasters, on audience preferences, on the content analyses of the programme diversity and quality and other aspects of audiovisual activity. They are available in Macedonian at: <https://avmu.mk/en/strategy-for-development-of-the-broadcasting-activity-in-the-republic-of-macedonia/>.



### 4.8.3. Promotion of European works

One of the key aims of the AVMS Directive is the promotion of European works, achieved by placing quota requirements on broadcasters (Article 16) and requirements on broadcasters that support the independent production sector (Article 17). Relevant definitions were examined above (section 4.8.1.2). The tables below outline the extent to which the national framework aligns with the obligations as outlined in the 2018 AVMS Directive.

**Table 132. Promotion of European works on linear services**

AVMSD and the promotion of European works (linear services) (Articles 16 and 17)	In line with AVMSD	References
The use of majority quota obligations (for example more than 50% of content) to promote European works.	Yes – aligned with the 2018 AVMSD Broadcasters with national coverage should ensure that at least 51% of their broadcast programmes throughout the year is comprised of European audiovisual works. The usual types of content are excluded. The percentage for the PSB is higher, at 60% (Article 91 (5)). *** The rules on how to meet the obligation are outlined in a specific rulebook.	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 91 (1) Article 91 (5) *** Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers (04 December 2014)
Exceptions to this rule.	Yes – aligned with the 2018 AVMSD The obligation, as it is stipulated now, refers only to TV services with a licence for national coverage, and the PSB.	As above, Article 91 (2)
Rules where a minimum percentage of content (for example 10%) should be European works created by producers who are independent of broadcasters.	Yes – aligned with the 2018 AVMSD Article 91 (2) and (8) stipulate that national TV broadcasters, including the PSB, are obliged to allocate at least 10% of their programme budgets for European audiovisual works from independent producers, where at least half of these programmes should have been produced in the last five years.	LAAMS (2013) Article 91 (2) Article 91 (8)

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

As can be seen above, the current framework is aligned with the AVMS Directive as regards linear audiovisual media services. The 2018 AVMS Directive also increased the obligations



of non-linear on-demand audiovisual services regarding the promotion of European works (Article 13).

**Table 133. Promotion of European works on on-demand audiovisual services**

AVMSD and the promotion of European works (on-demand) (Article 13)	In line with AVMSD	References
Requirement that AVMS providers of on-demand AVMS secure at least a 30% share of European works in their catalogues and ensure prominence of those works.	Yes – aligned with the 2018 AVMSD Article 60 (1) introduces the 30% quota and the prominence rule.	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 60 (1)
Exemptions for AVMS providers with a low turnover or a low audience?	Yes – aligned with the 2018 AVMSD The obligation shall not apply to AVMS providers with a low turnover or a low audience, or to providers where those measures would be impracticable or unjustified by reason of the nature or theme of the AVMS content offered.	As above, Article 60 (2)
Reference to European Commission guidelines on a) the calculation of the share of European works, and b) definitions of low audience and low turnover of services?	Yes – aligned with the 2018 AVMSD Details regarding the implementation of the measures will be laid down in a by-law by the Agency with reference to Guidelines issued by the European Commission	As above, Article 60 (3)
Financial contribution obligations for services targeting the country?	There is no such provision in the Law.	

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The Draft Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) introduces amendments to Article 60 in order to align with the Directive regarding obligations for video-on-demand services.

The NRA prepared a “Rulebook on Broadcasting European Audiovisual Works and Works by Independent Producers” and has also prepared a unified template for the annual



report on the fulfilment of the obligation for European works.<sup>298</sup> The NRA promotes the implementation via regular workshops.

#### 4.8.4. Rules on audiovisual commercial communications

This section looks at the rules on audiovisual commercial communications (ACCs) and their alignment with the AVMS Directive in terms of identification, content, placement, volume, etc. It also addresses the rules regarding prohibited ACC in relation to certain goods and services.

**Table 134. Audiovisual commercial communications (ACCs)**

AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
ACC should be recognisable. Surreptitious ACC shall be prohibited and ACC shall not use subliminal techniques.	Yes – aligned with the 2018 AVMSD ACCs must be immediately recognisable; surreptitious ACC is prohibited; as is the use of subliminal techniques in ACCs.	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023 Article 53 (1-3)
ACC shall not prejudice respect for human dignity, promote discrimination, encourage behaviour prejudicial to health or safety, or encourage behaviour grossly prejudicial to the protection of the environment.	Yes – aligned with the 2018 AVMSD Article 53 (4).	As above: Article 53 (4)
ACC for the prescription of medicinal products and medical treatment shall be prohibited.	Yes – aligned with the 2018 AVMSD, regarding ACCs for prescription medical products and medical treatments (Article 53 (9)). Rules for the presentation of over-the-counter medical products/treatments in ACCs are also listed (Article 53 (10)).	As above: Article 53 (9) Article 53 (10)
Rules on sponsorship – types of programmes where prohibited – and types of goods and services that cannot sponsor.	Yes – aligned with the 2018 AVMSD The definition of sponsorship now refers to video-sharing platform services and user-generated content (Article 3 (20)). Article 54 (6) of the LAAMS has been adjusted to include reference to e-cigarettes or refills. Companies whose activities include the manufacture or sale of prescription	As above: Article 3 (20) Article 54 (5) Article 54 (9) Article 54 (6) Article 54 (8)

<sup>298</sup> Available in Macedonian at: [https://avmu.mk/wp-content/uploads/2017/05/Obrazec\\_za\\_Evropski\\_dela.doc](https://avmu.mk/wp-content/uploads/2017/05/Obrazec_za_Evropski_dela.doc).



AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
	<p>medicinal products and/or medical treatments may appear as sponsors but only their name or image may be promoted – not the specific medicinal products/treatments (Article 54 (8)).</p> <p>There is no prohibition of sponsorship of documentaries or children’s programmes, but the sponsor cannot be identified (Article 54 (9)).</p> <p>***</p> <p>The rules regarding sponsorship are detailed in the Rulebook on Sponsorship of the Agency for Audio and Audiovisual Media Services.</p>	<p>***</p> <p>Rulebook on Sponsorship (12 March 2015)</p>
<p>No product placement (PP) in news, current affairs, consumer affairs, religious programmes or children’s programmes.</p>	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 55 (1) has been revised to reflect the changes in the Directive as Product Placement is now permitted (except in the range of programmes listed in the AVMS).</p> <p>Reference to e-cigarettes or refills are now included in Article 55 (4). Product placement of medical products and treatments available only on prescription is prohibited under Article 55 (5).</p> <p>The definition of Product Placement now refers to user-generated content (Article 3 (15)).</p> <p>***</p> <p>The “Guidelines” specify that product and prop placement is prohibited in a broad range of programmes.</p>	<p>Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023</p> <p>Article 3(15)</p> <p>Article 55 (1)</p> <p>Article 55 (4),</p> <p>Article 55 (5)</p> <p>***</p> <p>Guidelines on Implementing Product Placement Rules (30 December 2014)</p>
<p>PP should not affect the responsibility or editorial independence of the AVMS provider; it should not directly encourage the purchase or rental of the product; nor should it give undue prominence to the product.</p>	<p>Yes – aligned with the 2018 AVMSD</p> <p>***</p> <p>Detailed rules are provided in the Guidelines on Implementing Product Placement Rules.</p>	<p>Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023</p> <p>Article 55 (2), (4), (6) and (7)</p> <p>***</p> <p>Guidelines on Implementing Product Placement Rules (2014)</p>
<p>Viewers shall be clearly informed of the existence of PP in a programme.</p>	<p>Yes – aligned with the 2018 AVMSD</p> <p>Further details outlined in the Guidelines on Implementing Product Placement Rules.</p>	<p>As above:</p> <p>Article 55 (2)</p>



AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
Limiting the proportion of television advertising spots / teleshopping spots throughout the day, or during particular time periods?	<p>Yes – aligned with the 2018 AVMSD</p> <p>The recent amendments adjusted Article 100 (1) to reflect the new rules on duration of advertising and teleshopping spots in the 2018 AVMSD.</p> <p>A new Article 100a outlines the provisions applicable to teleshopping and self-promotion TV channels.</p>	<p>As above:</p> <p>Article 100 (1), Article 100a</p>
Are there exceptions to these rules (on limits of volume), for example for self-promotion, sponsorship or PP?	<p>Yes – aligned with the 2018 AVMSD</p> <p>The advertising limit does not apply to self-promotion, sponsorship or PP; nor to announcements of public interest or charity fundraising. The law includes also “neutral frames between editorial content and television advertising or teleshopping spots, and between individual spots”</p>	<p>As above:</p> <p>Article 100 (3)</p>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

The legal framework in North Macedonia as regards ACCs is aligned with the 2018 AVMS Directive following the adoption of the Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) in July 2023.

#### 4.8.5. Provisions applicable to video-sharing platforms (VSPs)

An important novelty of the 2018 AVMS Directive was expanding the scope to include VSPs. The Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) adopted by Parliament in July 2023 introduced the necessary provisions on VSPs. Relevant definitions in this area were addressed in section 4.8.1.2 above. The amendments introduced a new Chapter VIIIa on Provisions relevant to video-sharing platform services. A new Article 144-a covers the establishment of the jurisdiction of VSPs, which was addressed under section 4.8.1.3. above. A new Article 144-b details obligations regarding the Registry of VSPs, and Article 144-c addresses obligations regarding protection of minors and the public from illegal and harmful content, while Article 144-d outlines measures to be taken to achieve this protection. Article 144-e focuses on measures to be taken regarding commercial communications.





**Table 135. Obligations on video-sharing platforms regarding content**

The AVMSD and provisions on VSPs 28b	In line with the AVMSD	References
Protecting minors from harmful content in programmes, user-generated videos and ACCs; protecting the general public from programmes, user-generated videos and ACCs containing incitement to violence or hatred as well as from criminal content – provocation to commit a terrorist offence; child pornography; racism and xenophobia.	Yes – aligned with the 2018 AVMSD  Article 144-c outlines the obligations of VSPs regarding content. It references the rules on protection of minors (under Articles 50 and 53 of the law). It also references the rules regarding prohibited content (under Article 48 of the Law).	Law on Audio and Audiovisual Media Services (LAAMS) (26 December 2013) as amended July 2023,  Article 144-c
VSP providers need to comply with the obligations (Article 9(1)) for ACCs they control (market, sell or arrange), and those controlled and uploaded by others.	Yes – aligned with the 2018 AVMSD  Article 144-c provides the general obligation while Article 144-e (1) specifies the need for compliance of both ACCs controlled by the VSPs and those controlled and uploaded by others.	As above,  Article 144-c  Article 144-e (1)
VSPs should clearly inform users where programmes and user-generated videos contain ACC.	Yes – aligned with the 2018 AVMSD	As above,  Article 144-e (5)
VSP should reduce the exposure of children to ACCs for foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS).	Yes – aligned with the 2018 AVMSD  VSPs are required develop codes of conduct, related to HFFS foods, and to alcohol.	As above,  Article 144-e (6)

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

As is apparent above, the new amendments adopted in July 2023 aligned the national legislation with the AVMS Directive. The 2018 AVMS Directive also outlines a range of measures that can be used by VSPs in order to ensure that the protections outlined above, and the requirements regarding ACCs are properly implemented. In addition, the AVMS Directive outlines the role of the NRA in assessing the measures put in place.

**Table 136. Obligations on video-sharing platforms – measures and supervision (VSPs)**

The AVMSD and provisions on VSPs (Article 28b)	In line with the AVMSD	References
<b>Measures introduced by national rules?</b>		
Adapting Terms and Conditions for users of VSPs to include obligations relevant to content and/or ACCs	Yes – aligned with the 2018 AVMSD  Article 144-d outlines the measures to be taken by video-sharing platforms.	Law on Audio and Audiovisual Media Services



	<p>Article 144-d (1) makes reference to the rules on protection of minors (Articles 50 and 53) and Article 144-c (2) references the rules on illegal content (Article 48).</p> <p>Article 144-e (3) requires that the terms of use explain the requirement for compliance with rules on ACCs</p>	<p>(LAAMS) (26 December 2013) as amended July 2023,</p> <p>Article 144-d (1) and (2)</p> <p>Article 144-e (3)</p>
Possibility to declare the presence of ACCs in user-generated video	Yes – aligned with the 2018 AVMSD	As above, Article 144-e (4)
Reporting or flagging systems to report harmful content to the VSP provider	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
Age verification systems for users	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
Content rating systems for users	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
Parental control systems	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
Procedures for complaints to the VSP	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
Providing media literacy measures and tools and raising users' awareness of those measures and tools	Yes – aligned with the 2018 AVMSD	Article 144-d (5)
<b>Implementation and supervision</b>		
Protection of the personal data of minors	Yes – aligned with the 2018 AVMSD	Article 144-d (6)
NRA tasked with assessing the appropriateness of the measures taken by VSPs?	<p>Yes – aligned with the 2018 AVMSD</p> <p>Article 144-f outlines the mode of implementation of measures for video-sharing platforms.</p> <p>The measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Article 144-f (1)</p> <p>The Agency shall assess the measures taken by video-sharing platform providers. The Agency shall ensure that all video-sharing platform providers apply the measures set out in this Law or bylaws adopted under this Law. Article 144-f (2)</p>	<p>As above,</p> <p>Article 144-f (1 and 2)</p>
Are there out-of-court redress mechanisms available for the settlement of disputes between	Yes – aligned with the 2018 AVMSD	As above, 144-f (4)



users and VSPs, and can users assert their rights before a court in relation to VSPs?		
Encourage the exchange of best practice between VSPs regarding co-regulatory codes	Where appropriate, video-sharing platform providers are encouraged to engage in co-regulatory approaches, as outlined under Article 26a of this Law, in order to comply with their obligations.	As above, 144-f (3)

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

Regarding appropriate measures to be taken and the role of the Agency, the Draft amendments reflect the AVMS Directive with the inclusion of all obligations and potential measures to be taken. The LAAMS now includes additional provisions related to: the registry of video-sharing platforms (Article 144-b); the fee for provision of video-sharing platforms (Article 144-g); the requirements on submission of data and information to the Agency (Article 144-h).

#### 4.8.6. Concluding remarks and summary of findings

Previously in North Macedonia there was a lack of progress towards alignment of the national legislative framework with the 2018 AVMS Directive. As noted above, the project - EU for Freedom of Expression: Alignment of national media legislation with EU *acquis* and media standards – to address the issue of reform of the media legislative framework of North Macedonia was launched in September 2022. This is supported by the European Commission, under IPA 2020 and aims to ensure that the relevant media reforms are completed in 2023.<sup>299</sup> Draft amendments developed in the context of this project and following discussions with a broad range of stakeholders were prepared for the Ministry of Information Society and Administration. Following a consultation on 13 March 2023,<sup>300</sup> the draft amendments were published on the Government website for public consultation. Following this, the Draft Law on Changes and Amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) (2023) was submitted to Parliament on 11 May 2023. The amendments were adopted by Parliament in July 2023 and hence the legal framework is now aligned with the Audiovisual Media Services Directive.

The general principles and key values addressed in this country report are enshrined in the national legislative framework and experts from international organisations are positive about the development of freedom of expression. There are some issues of concern regarding political advertising during elections – which is paid for via the state budget.

<sup>299</sup> European Union for Freedom of Expression: Alignment of National Media Legislation with the EU Acquis and Media Standards, <https://pmcg-i.com/european-union-for-freedom-of-expression-alignment-of-national-media-legislation-with-the-eu-acquis-and-media-standards/>

<sup>300</sup> Website of the Ministry of Information Society and Administration: Open Call for a Public Debate regarding the Proposed Amendments. <https://mioa.gov.mk/?q=en/node/4595>

Press release regarding the consultation: <https://www.mioa.gov.mk/?q=mk/node/4596>



A key concern highlighted in a range of reports and recent research<sup>301</sup> was the way in which the national regulatory authority was funded. Although the regulator has several sources of funding (as outlined above), part of the funding from the State budget was combined with the mechanism for funding the Public Service Broadcaster and the Public Broadcast transmission Company. The mechanism under the previous version of the law allowed the Government discretionary powers to reduce the funding for all three institutions. This problem, also emphasised by the European Commission in their annual reports,<sup>302</sup> has been largely addressed in the amendments to the Law on Audio and Audio-Visual Media Services (LAAMS) adopted in July 2023 (see details under section 4.8.2.2 above).

However, an additional set of amendments – outside of the process to align the national legislative framework with EU *acquis* and European standards – have been elaborated in different forms since December 2022. A set of amendments was submitted to Parliament in November 2023 without final public consultation. These introduce a fund for state campaigns to be decided upon by parliamentary commissions and divided in a pre-prescribed fashion between various media outlets (see above). The amendments also impact on the independence and competence of the NRA with regard to the reviewing and revoking of licences on the basis of criteria related to repeated serious violations by broadcasters in relation to the content that is prohibited by the Law (see above). The list<sup>303</sup> of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024.

#### 4.8.7. List of relevant documents, reports, opinions, etc.

**Table 137. Relevant documents, reports and opinions**

Title	Main topics/ themes	Link
Briefing Note on Funding of Public Service Broadcasting from Expert Team: EU Freedom Of Expression in North Macedonia 7 April 2023 (Updated May 12th)	Analysis of the current and proposed future mechanism for funding the Public Service Broadcaster MRT, the Agency for	

<sup>301</sup> See for example: Funding of Public Service Media in the Western Balkans - Second Assessment Report On The Implementation Of Common Funding Principles. North Macedonia. 28 February 2021.

Report under the Empowering Society- Technical Assistance to Public Service Media in the Western Balkans.

See also: “Gap Analysis of the national legislative framework and proposed changes to the Law on Audio and Audiovisual Media Services (LAAMS) for compliance with the Audiovisual Media Services Directive (EU) 2018/1808 and relevant European standards”. December 2022.

Elaborated under the project EU for Freedom of Expression: Alignment of national media legislation with EU *acquis* and media standards. Prepared by Deirdre Kevin, Snezana Trpevska and Katrin Nyman-Metcalf.

<sup>302</sup> The mechanism had a negative impact on the financial sustainability of the public service broadcaster and the regulator. See for example European Commission (2022) North Macedonia Report : <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf>

<sup>303</sup> [https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/List-3rd-country-participation\\_crea\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/List-3rd-country-participation_crea_en.pdf)



<p>Prepared by Deirdre Kevin, Snezana Trpevska and Dragan Sekulovski.</p>	<p>Audio and Audiovisual Media Services and the Public Broadcast transmission Company.</p> <p>Elaborated under the project EU for Freedom of Expression in North Macedonia: Alignment of national media legislation with EU acquis and media standards.</p>	
<p>“Gap Analysis of the national legislative framework and proposed changes to the Law on Audio and Audiovisual Media Services (LAAMS) for compliance with the Audiovisual Media Services Directive (EU) 2018/1808 and relevant European standards”. December 2022.</p> <p>Prepared by Deirdre Kevin, Snezana Trpevska and Katrin Nyman-Metcalf.</p>	<p>Analysis of alignment of national legislation with the EU acquis based on legal comparative analysis and discussions with stakeholders.</p> <p>Elaborated under the project EU for Freedom of Expression in North Macedonia: Alignment of national media legislation with EU acquis and media standards.</p>	
<p>European Commission (2022), COMMISSION STAFF WORKING DOCUMENT North Macedonia 2021 Report.</p>	<p>European Commission report on North Macedonia</p>	<p>English:  <a href="https://neighbourhoodenlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf">https://neighbourhoodenlargement.ec.europa.eu/system/files/2022-10/North%20Macedonia%20Report%202022.pdf</a></p>
<p>Funding of Public Service Media in the Western Balkans - Second Assessment Report On The Implementation Of Common Funding Principles. North Macedonia. 28 February 2021.</p> <p>Prepared by Boris Bergant and Radka Betsheva</p>	<p>Analysis of the funding mechanisms for public service broadcasting.</p> <p>Report under the Empowering Society - Technical Assistance to Public Service Media in the Western Balkans.</p>	
<p>European Commission (2021), COMMISSION STAFF WORKING DOCUMENT North Macedonia 2021 Report.</p>	<p>European Commission report on North Macedonia</p>	<p>English:  <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0294">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0294</a></p>
<p>Council of Europe (2020). Pluralism of Media Ownership in the New Media Environment – A Study for the Agency for Audio and Audiovisual Media Services, conducted by Jean-François Furnémont and Snezana Trpevska.</p>	<p>Media pluralism and media ownership</p>	<p>English:  <a href="https://rmcoe.int/hf37-study-media-ownership-eng/16809f0272">https://rmcoe.int/hf37-study-media-ownership-eng/16809f0272</a></p>



State Commission for the Prevention of Corruption (2021). National Strategy for the Prevention of Corruption and Conflict of Interest 2021-2025.	Corruption	Macedonian: <a href="https://dksk.mk/wp-content/uploads/2021/01/Nacionalna-strategija-DKSK-KONECNA.pdf">https://dksk.mk/wp-content/uploads/2021/01/Nacionalna-strategija-DKSK-KONECNA.pdf</a>
Association of Journalists (AJM) and Konrad Adenauer Stiftung (2018) <i>Comparative Analysis of Political Advertising in the Media</i> .	Political Advertising	Macedonian: <a href="http://star.znm.org.mk/wp-content/uploads/2019/01/Belegexemplar-2018-Comparative-Analysis-of-the-political-advertising-MK.pdf">http://star.znm.org.mk/wp-content/uploads/2019/01/Belegexemplar-2018-Comparative-Analysis-of-the-political-advertising-MK.pdf</a>
AJM (2021) North Macedonia – Indicators on the Level of Media Freedom and Journalists’ Safety in 2020, p. 13.	Freedom of the media and safety of journalists	English: <a href="https://znm.org.mk/wp-content/uploads/2021/06/MK-ENG-2020.pdf">https://znm.org.mk/wp-content/uploads/2021/06/MK-ENG-2020.pdf</a>
Trpevska, S. and Micevski, I. (2021) <i>Monitoring Media Pluralism in the Digital Era</i> . Country report: The Republic of North Macedonia (Florence: RSC/Centre for Media Pluralism and Media Freedom, July 2021).	Media pluralism	English: <a href="https://cadmus.eu.eu/bits/tream/handle/1814/71968/the_republic_of_north_macedonia_results_mpm_2021_cmpf.pdf?sequence=1&amp;isAllowed=y">https://cadmus.eu.eu/bits/tream/handle/1814/71968/the_republic_of_north_macedonia_results_mpm_2021_cmpf.pdf?sequence=1&amp;isAllowed=y</a>

Source: Response of national expert of North Macedonia to European Audiovisual Observatory standardised survey

#### 4.8.8. Data compilation

This Country report is based on information and materials supplied by the national expert Snezana Trpevska, research expert at the Research Institute on Social Development (RESIS) North Macedonia.