



**USAID**  
FROM THE AMERICAN PEOPLE

USAID PROJECT FOR MEDIA LEGAL  
REFORM AND RESPONSIBLE MEDIA



**MEDIA  
DEVELOPMENT  
CENTER**

---

# MONITORING OF THE IMPLEMENTATION OF THE NEW MEDIA LEGISLATION, THE AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES AND THE MACEDONIAN RADIO AND TELEVISION

---

SKOPJE, MARCH 2014

---

USAID PROGRAM FOR STRENGTHENING INDEPENDENT MEDIA IN MACEDONIA,  
PROJECT FOR RESPONSIBLE MEDIA AND MEDIA LEGAL REFORM

---

---

This publication was produced for review by the United States Agency for International Development. It was prepared by Media Development Center. The authors views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

---

MONITORING  
OF THE IMPLEMENTATION OF  
THE NEW MEDIA LEGISLATION,  
THE AGENCY FOR AUDIO AND  
AUDIOVISUAL MEDIA SERVICES  
AND THE MACEDONIAN  
RADIO AND TELEVISION

---

**FIRST QUARTERLY REPORT IN 2014**

(JANUARY 3 – MARCH 15, 2014)

---

WRITTEN BY:

IVAN STEFANOVSKI LL.M.

MARJAN STEPANOVSKI M.A.

SKOPJE, MARCH 2014



# INTRODUCTION—CONTEXT AND METHODOLOGY

The Media Development Center (MDC), under the auspices of the USAID Programme for Strengthening Independent Media in the Republic of Macedonia and the USAID Project for Media Legal Reform and Responsible Media, implements a continuous monitoring of the implementation of the new media legislation in the Republic of Macedonia - the Law on Audio and Audiovisual Media Services (LAAMS) and the Law on Media (LM). MDC simultaneously, in the contest of the new laws, monitors the work of the Agency for Audio and Audiovisual Media Services (AVMS), the Macedonian Radio and Television (MRT) and the Assembly of the Republic of Macedonia. The implementation of the legislation is monitored from the viewpoint of their influence on the functioning and operations of the media and journalists, i.e. the freedom of media and freedom of expression.

The Assembly of the Republic of Macedonia adopted the new media legislation on December 25, 2013. The Ministry of Information Society and Administration (MISA) conducted the process of drafting and adoption of the two laws in a controversial and opaque manner. The draft-Law on Media was prepared under the veil of secrecy, in a process that excluded the media community. The first public debate on the draft was organized on April 8, 2013. The key media and journalist associations were not invited to take part and the public was not given an opportunity to see the proposed bill in advance. The greater part of the media community, together with the Media Development Center, the Association of Journalists of Macedonia (AJM), the Independent Trade Union of Journalists and Media Workers (SSNM) and the Macedonian Institute for the Media (MIM), didn't participate in the debate

and pointed out that the proposed law was a serious attempt of the government to establish full control over the media and the freedom of expression<sup>1</sup>. The media organisations conducted analyses of the proposed legislation, presented amendments, raised the alarm with the international community and international media organisations and stood firm on the position that the proposed law is bad and that Macedonia didn't need a media law, knowing that some open issues could be resolved with interventions in existing legislation, while some issues should be left to the media<sup>2</sup> to be resolved with self-regulatory instruments. The international community – OSCE, EU, Article 19, Reporters without Borders and other organisations – also voiced strong criticism of the proposed law.

In July 2013, MISA divided the initial draft into two separate pieces of legislation – the Draft-Law on Audio and Audiovisual Media Services and the Draft-Law on Media. The media community again criticised the proposed legislation because the two new laws offered no real changes or improvements compared to the initial proposal. The definition for journalist, the extensive competencies of the proposed Agency for audio and audiovisual media services and its director, the inappropriate legal provisions to ensure the independence of MRT, the danger of political influence over the agency and MRT through the composition of the Agency's Council and the Programming Council of MRT, respectively, the coverage of print and online me-

1 See the Media Mirror Report of December 2013, p.5, available at <http://www.nvoinfocentar.org.mk/event.asp?site=mm&menu=1.3&lang=mak&id=1587>

2 <http://mdc.org.mk/mk/crm-gi-podnese-amandmanite-na-predlozenoto-mediumsko-zakonodavstvo>



dia, were just some of the numerous objections and criticism addressed at the proposed laws.

In spite of the strong discontent among the majority of the media community, the Assembly adopted the two laws. The vote was preceded by a joint press-conference of MISA and AJM, in which they announced that an agreement was reached for the two laws to be adopted, and that in January 2014 changes and amendments were to follow to exempt the print and new media from the scope of the Law; AJM would get a representative in the Council of the Agency for Media; and any restrictions of contents should be in line with the case law of the European Court of Human Rights. It was also announced in the press-conference that, within the next six months (the first half of 2014), changes to the new legislation will be prepared and proposed to guarantee the independence of the public service broadcaster. The changes and amendments to the two laws were adopted in January 2014. In addition, the Law on Audio and Audiovisual Media Services went through one more round of changes and amendments in February 2014. The February 2014 changes were exclusively technical by nature, which indicates that the earlier changes were rushed and of insufficient quality.

This report covers the period from the entry into force of the two laws, i.e. from January 3 to March 15, 2014.

The monitoring relied on the following tools: documents published on the web-sites of the competent institutions; the requests for access to information under; presence in the sessions of the Assembly and the Agency; and direct communication with the representatives of the stakeholders. Unlike 2013, when MDC's representatives regularly sat in the sessions of the Broadcasting Council (which was transformed into the Agency for Audio and Audiovisual Media Services under the new legislation), in January and February 2014, members of MDC's team were prevented from the possibility to sit in and monitor the sessions of the Agency's Council directly. The Media Development Center de-

manded official explanation of the reasons for which it was banned from the sessions of the Council, but received no official response from the Agency. Then, on March 10, again without any sort of explanation, our monitoring team was allowed to be present at the session of the Agency's Council. We hope that the practice to deny MDC's observers, and the public in general, the opportunity to be present in the sessions of the Council will not repeat and that the Agency will maintain transparent operations and will be open for cooperation.

# KEY FINDINGS OF THE MONITORING

## AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

With the entry into force of the Law on Audio and Audiovisual Media Services, the Broadcasting Council was transformed into the Agency for Audio and Audiovisual Media Services (AVMS). The Agency, according to the Law, is an independent, non-profit regulatory body charged with the task to take care of the development of the audio and audiovisual media services, the development of independent production, promotion and development of competition in audio and audiovisual media services, etc.<sup>3</sup>

AVMS has two bodies - the Council and the Director. The council is composed of seven members, elected by the Assembly of the Republic of Macedonia, for a seven year term, without a possibility for re-election to another term<sup>4</sup>. Several institutions are listed as official nominators of Council members. The two journalist associations with largest membership base, the Inter-University Conference, the Macedonian Bar Association and the Association of Units of Local Self-Government (ZELS) nominate one member of the Council each, while the Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia nominates two members of the Council<sup>5</sup>. That composition of the Council doesn't guarantee the independence of the Agency, since the Council is not free of danger of serious political influence

<sup>3</sup> See Article 2 and Article 4 of the Law on Audio and Audiovisual Media Services, Official Gazette of the Republic of Macedonia No. 184/2013

<sup>4</sup> Article 15, Ibid

<sup>5</sup> Article 3, paragraph 1 of the Law on Changes and Amendments to the Law on Audio and Audiovisual Media Services, Official Gazette of RM, No. 13/2014

on its work (the Assembly nominates two members and ZELS one).

MDC presented several amendments to the provisions that regulate the composition of the Council. For instance, we proposed that the Parliamentary Committee on Election and Appointment Issues should nominate one, not two members of the Council, and that the National Council of Organisations of Disabled Persons of Macedonia or another civic association should nominate one member of the Council. It would have reduced the danger of direct political influence on the Agency, and would also integrate some of the recommendations made by international organisations – the majority of the nominators would come from the civil society, it would ensure the presence of vulnerable groups of citizens (people with impaired vision or hearing) who need special approach to ensure that they would be able to use the audio and audiovisual media services<sup>6</sup>. MDC also proposed that the members of the Council of AVMS should be elected with a two-thirds vote in the Parliament, which would have secured a greater legitimacy of the elected Council members. Bernhard Moses, the expert of the Council of Europe and Article 19 proposed similar solutions in their recommendations.

Another weakness of the Law, emerging immediately after it entered into force, are the provisions that prescribe the manner of determination which are the majority journalist associations which will be allowed to nominate

<sup>6</sup> Proposed amendments to the Law on Audio and Audiovisual Media Services, MDC, Skopje, August 2013, p.3, available at <http://mdc.org.mk/wp-content/uploads/2013/08/Predlog-amandmani-na-Zakonot-za-audiovizuelni-uslugi-12-avgust.pdf>



candidates for members of the Agency's Council. On February 3, 2014, MISA informed the journalist associations that they are obligated, by February 10, 2014, at the latest, to submit registries of members with proof that they have paid the membership fees for the ongoing year<sup>7</sup>. According to the information presented by AJM, the association submitted only documents with total number of members and registry with the number of membership cards issued to MISA, without the names of the journalists. AJM explained that some of the journalists didn't want to disclose their membership in AJM to the state authorities, fearing eventual negative consequences, and that AJM was obligated to honour their will and protect them from any form of pressure. AJM invited the state bodies to visit its offices if they needed direct insight into the documentation kept by the association. In addition, AJM considers the provisions of the Law that prescribe the creation of registries of journalists to be unconstitutional, i.e. that they restrict the constitutional right to freedom of association of the journalists. AJM announced its intention to file an initiative to the Constitutional Court<sup>8</sup> on that matter.

On March 11, 2014, MDC's team visited the competent ministry and, in accordance with the Law on Free Access to Public Information, filed an oral request for information to MISA on the process of registration of members of journalist associations, the number of associations that submitted the registries and the form in which they submitted that information. The official charged with responding to requests for free access to information informed us that, within the prescribed deadline, only the Macedonian Association of Journalists (MAN) submitted the registry of its members. Since we didn't get the full information on the process of registration or whether AJM's documents were received by MISA, and if it was considered incomplete or invalid, MDC filed a request for free access to pub-

<sup>7</sup> <http://www.mioa.gov.mk/?q=node/3632>

<sup>8</sup> <http://www.znm.org.mk/drupal-7.7/mk/node/728>

lic information to MISA, on March 12, asking for precise and complete information, in writing, on the whole process. By the day of completion of this Report, we didn't get any response from the Ministry.

The Law and the request presented by MISA to the journalist associations to submit the registries of their members and lists of members that paid their membership fees directly infringe on the journalist right to freedom of choice and freedom of association. Another weakness of the Law, emerging immediately after it entered into force, are the provisions that prescribe the manner of determination which are the majority journalist associations which will be allowed to nominate candidates for members of the Agency's Council. Of special concern is the fact that the submission of registries with complete information on the members of the associations to the competent ministry opens the space for additional pressure on the journalists<sup>9</sup>. In view of all of that, we believe that the article in the law that prescribes creation of registers of journalists to be kept by MISA should be deleted. The state institutions have to honour the constitutionally guaranteed freedom of association and to rely on the data already kept at the Central Registry of the Republic of Macedonia.

Regarding the constitution of the Council of AVMS, MDC closely followed the procedure for selection of its members. The Assembly of the Republic of Macedonia was obligated to initiate the procedure for selection of Council members within 30 days from the day of entry into force of the LAAMS, i.e. by February 3, at the latest, with a public call to the official nominators to nominate their candidates. The Parliament met its obligation on time, albeit on the last day before the expiration of the legally prescribed deadline.

The authorized nominators of Council members, on the other hand, are obligated to present their nominations to the Assembly no later than two months after the opening of the public call

<sup>9</sup> <http://mdc.org.mk/mk/registri-za-dopolnitelni-priti-soci-vrz-novinarite>



– in this particular case, that deadline expires on April 3, 2014. The dissolution of the Assembly and the early Parliamentary Elections will cause a de facto violation of legal deadlines and prolongation of the procedure for election of members of AVMS Council for an indefinite period of time. MDC will continue to monitor the procedure. The findings of the monitoring so far, however, lead us to recommend that, in the future, the Assembly and the authorized nominators should pay better attention to the deadlines and be more agile in the realisation of their legal obligations. To ensure greater efficiency and effectiveness of the procedure, they shouldn't wait for the last days of the prescribed deadlines to meet their obligations.

The second body of the Agency is the Director. The appointment of the Director is directly tied to the constitution of the Council which, according to the Law, appoints the Director in a public competition<sup>10</sup>. The deadline for appointment of Director will also be prolonged indefinitely because of the dissolution of the Assembly and the Early Parliamentary Elections. According to the Law, the Council initiates the procedure for selection of a Director no later than 15 days from the day of its constitution. The absence of a precise deadline for the selection and appointment of a Director of AVMS is a serious anomaly of the Law. The latest developments will lead to the unavoidable conclusion that the Agency will have to work in its interim composition, inherited from the Broadcasting Council, for much longer than the prescribed legal deadlines.

According to the Law, the Council members are entitled to a monthly compensation for their engagement to the amount of up to four average salaries paid the Republic of Macedonia, and they won't perform their office in a professional capacity. That is a step back from the Broadcasting Law, which prescribed that the members of the Broadcasting Council performed their offices professionally, and for a lower monthly salary.

On this matter, MDC proposes full professionalization of the office of Council Member, as it is the only insurance that the members of the AVMS Council will be able to perform their wide and important legal competencies with dedication and efficiency.

Unlike the previous Law on Broadcasting Activity, which contained clear provisions that prescribed that the Broadcasting Council works in public sessions, the new Law doesn't prescribe that the sessions of the Council will be open to the public. It prescribes only that the Agency will hold public meetings with the interested stakeholders at least once per quarter. In view of the above, and the closed door of the Agency for the monitoring team of the Media Development Center in the first two months of the year, we believe that the sessions of AVMS Council should be open to the public. If that is not ensured with amendments to the Law, it should be regulated in the Book of Rules and Procedures that will be drafted and adopted after the appointment of the members of Agency's Council.

The lack of transparency and accountability is evident in the financial operations of the Agency. For example, by the time this report was concluded, the Annual Financial Plan for 2014, adopted in its first session of the year in January 2014, was not yet available on AVMS's web-site.

During the monitoring period, the Agency held a total of 14 sessions. On average, the Agency holds a session every five days and reviews slightly over 10 points on the agenda per session. The Financial Plan for 2014 adopted by AVMS in its first session of the year, was already subject to changes and amendments in the second session. The planned expenditures of AVMS for 2014 are set at 198,994,898.00 MKD (slightly over €3 million). Compared to the 2013 Budget of the Broadcasting Council, at 143,913,132.00 MKD, we will note that the Agency's budget has increase by 55,081,166.00 MKD (almost 1 million Euro).

<sup>10</sup> Article 19, Ibid



As far as measures issued against broadcasters for violations of the Law, in the monitored period, the Agency issued eight warnings, adopted one order for temporary shut-down of broadcasts of programming services, one decision to file misdemeanour charges for violation of Article 75d of the Electoral Code, one decision on a violation of Article 77, paragraph 2 of the Electoral Code, and one decision to terminate a broadcasting license.

## MACEDONIAN RADIO AND TELEVISION

The Law on Audio and Audiovisual Media Services also regulates the total functioning and operations of Macedonian Radio and Television. MRT performs the basic functions of a public broadcasting service in Macedonia. The Law prescribes that it should have the status of a public enterprise, independent of any state body or institutions, performing a primary activity of public interest.<sup>11</sup> The international and domestic media communities raised the alarm and pointed out, at the time of drafting of media laws, that the proposed legislation not only fails to secure, it actually undermines the independence, autonomy and professional standards of the public broadcasting service. The competent ministry announced, just before the adoption of the laws, that it will implement changes in the legislation, within a period of six months, to guarantee the independence of MRT, especially in terms of its financial operations.

The Law prescribes that MRT shall finance itself from the broadcasting fee, commercial services, sales of programmes, donations and funds from the Budget of the Republic of Macedonia. While the Law emphasizes that donations can't be used to influence the independence of the public service, it doesn't regulate, in any way or fashion, the danger from direct influence of the Government on the editorial policies and the independence through grants from

the State Budget<sup>12</sup>. MDC believes that the State Budget should not be a source of additional financing. With that in mind, the legal provision that allows for MRT to be finance from the state Budget should be deleted or, alternatively, fixed to an exact predetermined amount. If the first solution is accepted, the amount of the broadcasting fee should be corrected upwards to compensate for the lost funds. If the latter is accepted, the Law needs to be amended with provisions that will not only fix the amount or the methodology of awarding Budget money, but also eliminate any and all possibilities for some sort of negotiations with the Government on the annual Budget grants. The second solution, however, remains dubious from the point of view that it is a de facto state assistance which is illegal according to European standards. Therefore, such an intervention in the Law should be considered only a temporary and partial solution.

Today, almost three months after the adoption of the Law, there is no information in the public whether and how the Government intends to intervene to ensure the independence of MRT. There is no public debate on the best solutions for the public broadcasting service. Having in mind the exceptional importance of the independence of MRT, but also the past influence of the Government on the work and operations of MRT and the opaque procedure of adoption of media laws, MRD will continue to watch closely if the Government truly intends to adopt solutions that will ensure the independence of MRT and prevent any form of political influence and pressure on the public service.

The internal systemisation and operational procedures are adopted and implemented by MRT bodies, i.e. the Programming Council, the Supervisory Board, the Director and the Deputy Director of MRT. According to the Law, the Programming Council protects the public interest

<sup>12</sup> UNESCO defines the public broadcasting service as a "broadcaster made, funded and controlled by the public, for the public... free from political interference and pressure from commercial sources". [www.unesco.org](http://www.unesco.org)

<sup>11</sup> Article 104, LAAMS

in the area of programming contents, ensures editorial and journalistic independence and autonomy, and adopts the Statute and the Book of Rules and Procedures of MRT. With the entry into force of new media laws on January 3, 2014, the procedure for appointment of the Programming Council started with the legal obligation of the Assembly of the Republic of Macedonia to announce a public call for submission of nominations for Council members, within 30 days from the day of entry into force of the Law. The Assembly again fulfilled its obligation at the last possible moment and adopted the decision to issue a public call on its 84<sup>th</sup> session.

The next activity in the process of internal organisation of MRT was to be the presentation of nominations for members of MRT's Programming Council. The authorized nominators had 30 days from the day of the announcement of the public call to submit their nominations to the Assembly, a deadline that expired on March 5, 2014. It can be concluded that the dissolution of the Assembly on March 5 meant that the legal deadline for submission of nominations for members of the Programming Council wasn't met. It is a cause of concern that the prescribe deadlines are met only on the very last day before they expire, practice that indicates lack of will for efficient transformation and continuous improvement of governing practices and supervision of the public broadcasting service. The failure to honour the deadline for selection of the Programming Council will also delay the appointment of the Supervisory Board, the Director and the Deputy Director of MRT<sup>13</sup>.

13 The Programming Council adopts a decision to announce a public competition for selection of the members of the Supervisory Board, Director and Deputy Director of MRT, within 15 days from the day of adoption of the Statute of MRT. The supervision of the work and operations of MRT is performed by the Supervisory Board of seven members, appointed by the Programming Council after a proper public competition, for a five-year term. The Director represents and manages MRT and is selected on basis of the quality of the working programme he or she presented, among the candidates that met the requirements in terms of education, qualifications and proper experience (no less than five years) of working in the field of broadcasting.

The Assembly has one month from the reception of all nominations submitted by the authorized nominators to appoint the members of the new Programming Council of MRT. The following institutions are authorized to nominate members of the Programming Council: the Inter-university Conference (1 member), national institutions Albanian Theatre and Turkish Theatre (1 member each), the majority association of journalists (2 members), ZELS (3 members) and the Parliamentary Committee on Election and Appointment Issues (5 members). In view of the fact that the Programming Council has the primary role to protect the interests of the public, not the interests of the Government or the political parties, it is a matter of great concern that the composition of the Council doesn't reflect the diversity of Macedonian society and, instead of being dominated by civil society representatives, it is dominated by political influences, primarily through the Parliamentary Committee. Compared to the previous legal solution, when the Council was composed of 23 members, 18 of whom were nominated by the civil society and the rest by the Parliamentary Committee, now the Council is smaller with just 13 members. It is indicative that the participation of the civil society is significantly reduced, while the Parliamentary Committee will nominate the same number of Council members. Another cause of concern is the manner of determination which is the majority journalist association, an issue that already has a political dimension.

During the monitoring period, the Assembly of the Republic of Macedonia adopted the annual financial plans of the MRT. Although it has a legal obligation, by the time this report was concluded, MRT has not published the financial plans for 2014 nor the annual proposed programme. That is not only a violation of the Law, but MRT also prevented all interested citizens to express their views and positions on those documents. MRT has to adhere to the legal obligation (no less than five years) of working in the field of broadcasting.



tion to ensure the transparency and public overview of its operations. It means that it should promote public debate on the annual proposed programme, publish the comments, remarks and proposals collected in the public debate, and publish the responses of the Programming Council to the proposals made by the citizens on its web-site. The failure to implement that obligation means that MRT continues to build up on its reputation of a closed and opaque public broadcasting service.

The lack of transparency is evident from the fact that MRT doesn't publish the agenda, recorded minutes and the decisions adopted in the Council sessions on its web-site. While the sessions of the Council are open to the public<sup>14</sup>, the non-transparent practices of their schedul-

<sup>14</sup> Article 122, LAAMS

ing and holding restricts the transparency of its operations.

The level to which its operations are open to the public is one of the key criteria for evaluation of the functioning of the public broadcasting service. Having in mind the number of available documents published on the web-site of the Macedonian Radio and Television, the level of openness to the public of its operations is far from satisfactory, compared to the international standards for public broadcaster. The contemporary functioning, current trends in broadcasting imply, among others, a functional and regularly updated web-site, which is not the case with MRT. MRT needs a web-site that will cover the programming segment, but will also allow access to its statutory documents.

## CONCLUSIONS

- The dissolution of the Assembly of the Republic of Macedonia and the early parliamentary elections postponed the legal deadlines for selection of members of the Council of the Agency for Audio and Audiovisual Media Services (AVMS) and the Programming Council of the Macedonian Radio and Television. Before the dissolution vote, the Assembly of RM met the legal deadlines for announcement of public calls for nominations for members of the two bodies. However, there was an evident practice to meet the deadlines at the last possible moment before they expire.
- Due to the dissolution of the Assembly of RM and the inability to constitute the Council of the Agency within the legally prescribed deadlines, the appointment of the Director of the Agency shall also be prolonged indef-

initely. The absence of a precise deadline for the selection and appointment of a Director of AVMS is a serious anomaly of the Law. The latest developments will lead to the unavoidable conclusion that the Agency will have to work in its interim composition, inherited from the Broadcasting Council, for much longer than the prescribed legal deadlines.

- The composition of the Council of the Agency, as prescribed by the Law on Audio and Audiovisual Media Services, doesn't guarantee the independence of the Agency, since the Council is not free of danger of serious political influence on its work (the Assembly nominates two members and ZELS one). The Agency should be free of political influence, and the members of its Council should be appointed with a two-thirds majority of the total num-

ber of MPs. Only that would ensure the greatest possible legitimacy for the appointed Council members.

- Another weakness of the Law, emerging immediately after it entered into force, are the provisions that prescribe the manner of determination which are the two majority journalist associations which will be allowed to nominate candidates for members of the Agency's Council. The Law and the request presented by MISA to the journalist associations to submit the registries of their members and lists of members that paid their membership fees directly infringe on the journalist right to freedom of choice and freedom of association. Another weakness of the Law, emerging immediately after it entered into force, are the provisions that prescribe the manner of determination which are the majority journalist associations which will be allowed to nominate candidates for members of the Agency's Council. Of special concern is the fact that the submission of registries with complete information on the members of the associations to the competent ministry opens the space for additional pressure on the journalists.
- Unlike the previous Law on Broadcasting Activity, which contained clear provisions that prescribed that the Broadcasting Council works in public sessions, the new Law doesn't prescribe that the sessions of the Council will be open to the public. We believe that the sessions of AVMS Council should be open to the public. If that is not ensured with amendments to the Law, it should be regulated in the Book of Rules and Procedures that will be drafted and adopted after the appointment of the members of Agency's Council.
- According to the Law, the Council members are entitled to a monthly compensation for their engagement to the amount of up to four average salaries paid the Republic of Macedonia, and they won't perform their office in a professional capacity. That is a step back from the Broadcasting Law, which prescribed

that the members of the Broadcasting Council performed their offices professionally, and for a lower monthly compensation. On this matter, MDC proposes full professionalization of the office of Council Member, as it is the only insurance that the members of the AVMS Council will be able to perform their wide and important legal competencies with dedication and efficiency.

- The lack of transparency and accountability is evident in the financial operations of the Agency. For example, by the time this report was concluded, the Annual Financial Plan for 2014, adopted in its first session of the year in January 2014, was not yet available on AVMS's web-site.
- Today, almost three months after the adoption of the Law and the announcement that the Government will prepare, by the end of the first half of the year, changes and amendments to ensure the independence of MRT, there is no information whatsoever on the progress of that plan. There is no public debate on which would be the solutions that would guarantee the independence of the public broadcasting service.
- The Law prescribes that MRT shall finance itself from the broadcasting fee, commercial services, sales of programmes, donations and funds from the Budget of the Republic of Macedonia. While the Law emphasizes that donations can't be used to influence the independence of the public service, it doesn't regulate, in any way or fashion, the danger from direct influence of the Government on the editorial policies and the independence through grants from the State Budget. MDC believes that the State Budget should not be a source of additional financing. With that in mind, the legal provision that allows for MRT to be financed from the state Budget should be deleted or, alternatively, fixed to an exact predetermined amount. If the latter is accepted, the Law needs to be amended with provisions that will not only fix the amount or the methodology



of awarding Budget money, but also eliminate any and all possibilities for some sort of negotiations with the Government on the annual Budget grants. The second solution, however, remains dubious from the point of view that it is a de facto state assistance which is illegal according to European standards. Therefore, such an intervention in the Law should be considered only a temporary and partial solution.

- In view of the fact that the Programming Council has the primary role to protect the interests of the public, not the interests of the Government or the political parties, it is a matter of great concern that the composition of the Council doesn't reflect the diversity of Macedonian society and, instead of being dominated by civil society representatives, it is dominated by political influences, primarily through the Parliamentary Committee. Compared to the previous legal solution, when the Council was composed of 23 members, 18 of whom were nominated by the civil society and the rest by the Parliamentary Committee, now the Council is smaller with just 13 members. It is indicative that the participation of

the civil society is significantly reduced, while the Parliamentary Committee will nominate the same number of Council members. Another cause of concern is the manner of determination which is the majority journalist association, an issue that already has a political dimension.

- Although it has a legal obligation, by the time this report was concluded, MRT has not published the financial plans for 2014 nor the draft of its annual programme. That is not only a violation of the Law, but MRT also prevented all interested citizens to express their views and positions on those documents.
- The number of available documents published on the web-site of the Macedonian Radio and Television indicates that the level of openness to the public is far from satisfactory, compared to the international standards for public broadcaster. The contemporary functioning, current trends in broadcasting imply, among others, a functional and regularly updated web-site, which is not the case with MRT. MRT needs a web-site that will cover the programming segment, but will also allow access to its basic documents.