EUROPEAN ENDOWMENT FOR DEMOCRACY

MEDIA DEVELOPMENT CENTER



POST-ELECTIONS LULL

3RD QUARTERLY REPORT OF THE MONITORING OF THE WORK OF DECISION AND POLICY MAKERS, AVMS AND THE PROGRAMMING COUNCIL OF MRT, COVERING THE PERIOD FROM JULY 1 TO SEPTEMBER 30, 2024

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INTRODUCTION

The Media Development Centre continuously monitors the situation in the media system and on the media scene in the Republic of North Macedonia. The monitoring focuses primarily on the work and activities of the two bodies with direct competencies for implementation of the media legislation - the regulatory authority, the Agency for Audio and Audiovisual Media Services (AVMS) and the Programming Council of MRT, the public broadcasting service. MDC also follows the activities of the competent Ministry of Information Society and Administration (MISA), especially in light of its role in the reforms (or lack thereof) of the media sector.

The reforms of the media sector in the country, while their necessity has been recognised for many years, are yet to start. The last failed attempt included an EU-led project, focused on the alignment of national legislation with EU's acquis communautaire, but also, in a later stage, on a comprehensive review and reform of the media legislation in the country.

This report, prepared with support of an institutional grant by the European Endowment for Democracy (EED), covers the third quarter of the year, i.e. the period from July 1 to September 30, 2024. During this period, the decision making bodies were preoccupied with the consolidation of the new ruling majority in the parliament, while the competent Ministry of Digital Transformation was focused on the process of separation from the former Ministry of Information Society and Administration.

For that reason, there were no movements or new developments in terms of media legislation or the process of media reforms. We should note certain reservations towards the new government, having in mind the manner in which VMRO-DPMNE (the leading party in the new government coalition) approach the media and spared no effort to establish as strong control as possible during its last term in power.

1. DECISION AND POLICY MAKING BODIES

After the 2024 Parliamentary Elections and the constitution of the new Government cabinet, in the third quarter of the year, the Ministry of Digital Transformation (MDT) was focused on the process of separation from the former Ministry of Information Society and Administration. At that, judging from the public appearances and statements by Minister Stefan Andonovski, the ministry will focus primarily on the issues related to the process of digitalisation of public services and the fight against cyber-threats.

The media, especially the question of continued reforms of the media legislation remain in the background. In an interview for the „360 Stepeni“ programme[1] („360 Degrees“, MRT, July 8, 2024), minister Andonovski noted that he hoped a lasting solution would be found for the appointment of the new compositions of the Council of AVMS and the Programming Council of MRT. In communication with representatives of MDT, members of the press and representatives of different stakeholders were reassured that the Ministry had no intention to regulate, but to work on a dialogue that would identify solutions that will come straight out of the media scene, providing “minimal standards that electronic media will have to meet“.

It was evident that not everything will go smoothly, often because of issues unrelated to the media themselves, as demonstrated by the changes to the Law on Audio and Audiovisual Media Services and the Law on the Media of September 2024. While the proposed changes were purely technical - replace the former Ministry of Information Society and Administration by MDT in the provisions that mention competences to implement–the legislation – it was only the changes to the LAAVMS that were adopted, while the changes to the Law on the Media didn’t pass the vote in the Parliament due to certain frictions within the ruling coalition[2].

MDT also maintained constant communication with the associations of the online news media regarding their demand for entry of “online newspapers” in the regulatory framework provided by the Law on the Media. While it is understood that there is a real need for soft regulation of online media (including obligation to entry an official registry, issues related to transparency of ownership and editorial office, etc.), the procedure to amend the Law didn‘t start.

1. The interview is available on YouTube, on the link
2. Minister Andonovski was asked directly about the issues with the changes to the Law in the “ClickPlus” programme, aired by TV 21 on September 15, 2025. The interview is available for viewing on YouTube, on the link

The appointment of the new compositions of the Council of AVMS and the Programming Council of MRT has not been completed yet. A fine illustration of the extent to which the process is late (considering the deadlines listed in the Law on changes and amendments to LAAVMS of December 31, 2018, the whole process of appointing the new bodies should have been completed by the end of March or beginning of April 2019[3]), is the fact that at this time, we should have been discussing the process of appointment of the second composition of the two bodies under that Law. In fact, more than five years, the length of the mandate for the members of the two bodies, have passed, and the current compositions, appointed way back in 2014 are still holding office as acting members of the Council of AVMS and the Programming Council of MRT.

RECOMMENDATIONS

The recommendation remains to approach the process of media reforms, primarily through review of media legislation, seriously. Thanks to the EU project implemented in 2023, there are ready to use, complete drafts of the relevant legislation. MDT should start the process of public consultations and adoption of a completely new legislation, instead of making small interventions in the legislation, primarily as a result of the pressure and lobbying of special interest groups within the media community.

Similarly , the recommendation remains to resolve the situation regarding the (non) appointment of the new compositions of the Council of AVMS and the Programming Council of MRT, because of the role the two bodies should play in the further process of media reforms in the commercial and public broadcasting, respectively.

3. NOTE: At the time of writing of this report, the procedure for election and appointment of the members of the Council of AVMS (but not the Programming Council of MRT) seemed to be near its conclusion and the only process that remains to be completed is the confirmation vote in a plenary session of the Parliament.

2. AGENCY FOR AUDIO AND AUDIO-VISUAL MEDIA SERVICES

In the 3rd quarter of 2024, the Council of AVMS convened in 11 sessions. In addition, when deciding in procedures for abolition of permits to air programmes of several broadcasters, it held six public sessions, in which it invited representatives of those broadcasters to provide explanations of reasons for the violations of the relevant provisions of LAAMS or their inability to pay the annual fee for the permit to broadcast programmes.

Permissions to Broadcast Programmes

As is now customary, the Council of AVMS mostly deals with matters related to the permits to broadcast programmes. Specifically, those matters primarily concern procedures to revoke or abolish permits, mostly because of failure to pay annual compensation fees. However, in the 3rd quarter there were several cases in which the Agency launched initiatives to revoke permits, or impose other sanctions on broadcasters for other violations of their obligations under the LAAMS.

It should be noted that, in addition to flagrant violations of legal provisions, such as the obligation to present information on ownership structure, financial operations, income and expenditures (in the case of PRO FM Radio from Gostivar), or public reprimands for TV GURRA from Kicevo for violations of its obligations to implement the programming concept or air Macedonian audiovisual works, the Agency often acted on information it received as hear-say. Such were the proceedings against TV VIS of Strumica, after the Agency received information that the TV broadcaster fired all employees, prompting it to implement emergency extraordinary inspection of the broadcaster‘s operations.

As already noted, the Council of AVMS held six public sessions in which invited the broadcasters involved in different types of disciplinary or sanctioning proceedings, to explain what led to a situation in which they stopped broadcasting or face revocation of their permits. Usually, the owners or the managers of the broadcaster choose not to come to the public sessions. Still, in the 13th public session, held on September 30, 2024, the manager of TV Kanal 8 from Kocani turned up to inform the Council that the broadcaster will cease broadcasting programmes because of the difficult financial situation.

Requests for New Permits to Broadcast Programmes

In the 3rd Quarter, the Agency processed two requests for allocation of new permits to broadcast programmes.

The first of those is interesting because it involved a request for permission to broadcast non-profit radio. That sector of the audio and audiovisual media services is the least developed in the country and requests for new permits for non-profit radio are few and apart. Also, it is worth noting that, in this case, the request didn‘t concern a university/student radio, or radio that aims to provide local reporting and information. Indeed, the initiative was filed by an association of citizens coming from the very specific subculture of motorcycling lovers interested in promotion of motorcycling culture.

It’s a pity that, due to the lack of free frequencies, the request had to be denied. That raises the issue if AVMS should pay more attention for future similar initiatives by keeping a “reserve” of frequencies that it could allocate for such requests for non-profit radio.

The second initiative is similarly interesting, because it concerned the fifth in a row attempt of a broadcasters (already holding a permit to broadcast programmes over the satellite) to secure a permit for terrestrial broadcasting. The outcome was identical and the procedure concluded with a decision to deny the initiative to open a public competition, because it is difficult to contest the findings of the feasibility study to determine the justification for opening of a public competition[4] that there is no need for a new terrestrial television broadcaster of general/predominantly informative format, in a market already oversaturated with similar operators. What should be noted as a positive development, although it ultimately needed a court decision to do so, is that the feasibility study was prepared by the Agency, and not outsourced to external operators. The Media Development Centre has always stood on the position, reiterated over the years both in communication with representatives of the Agency and in public appearances, that AVMS is fully equipped, has access to all data and knows the situation in the ground well enough, so it has to be the actual author of such studies. It should be acceptable to outsource only to implement the relevant public opinion polls to gather data and information on the needs and preferences of the audience.

4. Available on the link

By-Laws

In the third quarter of 2024, AVMS continued to work on the drafting and adoption of new by-laws and on changes and amendments to the existing by-laws resulting from the changes of the LAAMS adopted in July 2023, to align it with the new Audiovisual Media Services Directive (AMSD). In its 29th Session, the Council adopted the draft-amendments to several by-laws: The Rulebook on Sponsorship, the Rulebook on Protection of minors and the Guidelines on monitoring of hate-speech (second amended edition). In the same session, the Council adopted the new Rulebook on Physical Persons that act as providers of audiovisual media services, resulting from the extension of AVMS's competences to cover the audiovisual media services on the internet, specifically the work of „podcasters", „influencers" and other individual producers of audiovisual contents. All drafts were duly published on Agency's website to allow for adequate period of public consultations of 45 days, to gather the proposals, comments and suggestions of the stakeholders.

In its 35th session of September 12, 2024, the Council adopted the Rulebook on changes and amendments to the Rulebook on broadcasting of European audiovisual works of independent producers[5]. When presenting the draft to the Council, the representative of the Agency's Professional Services noted the absence of interest with the stakeholders for the process of public consultations, i.e. to give their comments and suggestions to improve the draft-documents. That is a persistent problem and we believe that AVMS should enhance the efforts to promote and animate the stakeholders to take part in the public consultations.

Public Meetings

The Agency for Audio and Audio-visual Media Services held its regular 3rd Public Meeting for the year on September 26, 2024. In the public meeting, in addition to the activities of the Agency implemented in the quarter in accordance with the Annual Working Programme, the AVMS presented the „2023 Analysis of the Market of Audio and Audiovisual Media Services in 2023"[6]. As usual, it is an excellent document that provides a fine overview of the financial situation in the broadcasting market, and this edition also offers an overview of the gender structure of the labour force in audiovisual media services. Such documents, reports and analysis are of great importance having in mind the fact that we, in the Republic of North Macedonia, have little systemized data on the functioning of the media sector, its economic capacities or labour force.

5. See the link
6. See the link

RECOMMENDATIONS

We repeat here the recommendation to AVMS to invest greater efforts to secure some participation of stakeholders in the preparation of the by-laws within the scope of competences of the Agency. A more intensive promotion and direct communication and invitation to submit their comments, opinions, suggestions and proposals should help overcome the existing situation in which commonly nobody turns up with comments to the draft by-laws.

AVMS, in general, produces excellent analysis and other documents on matters within its scope of competences. One example of such quality documents are the analyses of the audiovisual media services market. Such analysis and other documents are often translated into actual policies, especially in areas such as the promotion of media literacy, monitoring of hate-speech, etc. On the other hand, we have not noted a case in which the Council would discuss the existing policies in its core competence, that is, the regulation of access to broadcasting platforms and the allocation of permits to broadcast programmes. In a situation in which it has been widely accepted that the main problems of our broadcasting sector are closely related to the fact that the market is oversaturated and unsustainable, the Council of AVMS has to consider that issue and adopt some policies to overcome those issues.

It is true that legislatively imposed solutions (such as the latest decision to renew the term of expiration of the existing permits) practically tie the Agency's hands as a body that should design, adopt and implement policies in the area of audiovisual media services, we believe that the Agency and its Council largely neglect that role that they, as regulatory body, should certainly have.

3. THE PROGRAMMING COUNCIL OF MRT

In the third quarter of the year, the Programming Council of MRT held five sessions. In those five sessions, among other issues, it discussed matters related to the necessary amendments to the Annual Financial Plan. The Programming Council also adopted the Report on the Financial Operations of MRT for the previous quarter, and one session was dedicated to the Analysis of the Market of Audio and Audiovisual Media Services (prepared by AVMS) from the aspect of economic and market performance of the public broadcasting service.

It should also be noted that the Programming Council, in its sessions, regularly discusses the issue of MRT's claims against the state Budget, i.e. the unpaid funds for the period of 2018 to 2023, with demands to the management of MRT to make an effort and demand payment of the funds that are legally mandated to the MRT (257th session of the Programming Council of MRT[7]).

The same comments on the work of the Programming Council noted in the past monitoring reports remain valid. The main objections refer to the participation of the public in the work of the Programming Council. The practice of not announcing the session properly continues, so the parties interested in following its work have no way to know when the Council convenes to secure that they will be present. Therefore, in spite of the clear legal obligations and the fact that it represents the interests of the public (in all of its diversity) in the work of the public broadcasting service, the Council is far from meeting its obligations to provide publicity and public participation in its work.

RECOMMENDATIONS

The standard recommendations to improve the transparency and publicity of the work of the Programming Council remain:

Regular announcement of the sessions on all platforms available to MRT (website, its programming services);

Redesign of MRT website to create a special section dedicated to the Programming Council (also a general overhaul of the website to make it more easily accessible and navigable);

The documents and materials discussed in each of the sessions of the Programming Council should be attached to the published minutes (of course, with due observation of rules on confidentiality, when confidentiality is justified or warranted).

7. The Minutes of the 257th Session are available on link

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SEPTEMBER 30, 2024