

DRAFT-LAW ON MEDIA

Subject

Article 1

This Law shall regulate the basic principles and conditions that need to be met by media publishers, as defined by this law, in the performance of their activities.

Definitions

Article 2

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

1. The Media are means of public information, i.e. any type of communication like newspapers, magazines, radio and television programmes, electronic publications, teletext and other means for daily or periodical publication of editorially processed contents in written form, as sounds or pictures, aimed to inform and satisfy cultural, educational and other needs of the general public.

The following shall not be considered to be Media for the purposes of this Law: bulletins, catalogues, other publications, regardless of the medium on which they are published, intended for advertising, in the education system or for business correspondence, in the work of commercial companies, institutions, associations, political parties, state administration and judicial bodies, public enterprises, legal entities with public competences and religious organisations. The Media shall also exclude the publications and bulletins of the educational institutions, the Official Journal of the Republic of Macedonia, the publications of the units of local self-government, posters, leaflets, brochures and banners.

2. Media Contents (hereinafter the contents) shall mean all types of information (news, opinions, reports, announcements and other information) and original works that are published, i.e. broadcast in the media.
3. Electronic Publications shall mean the electronic versions of newspapers/magazines that are made available to the general public over internet websites, regardless of their scope or coverage.
4. Media Publisher shall mean a natural or legal person that performs the activity of publication of print media, electronic publication or broadcasts of radio and television programmes (broadcasters).
5. Journalist shall mean a person that performs activities of collection, analysis, processing, shaping and/or classification of information published by a media and is employed by or has signed service contract with a media publisher, or is a person that performs the journalistic profession as an independent vocation (freelance journalist).
6. The Agency of Audio and Audiovisual Media Services shall be the competent regulatory body.

Freedom of Expression and Freedom of the Media

Article 3

(1) The freedom of expression and the freedom of the media is guaranteed.

(2) The freedom of media shall include especially: The freedom of expression of opinions; the independence of the media; the freedom to collect, investigate, publish, select and transmit information for the purpose of informing the public; pluralism and diversity of the media; the free flow of information and openness of the media for different

opinions, convictions and diverse contents; access to public information; respect for human individuality, privacy and dignity; freedom to establish legal entities for the purpose of performance of public information activity, printing and distribution of print medium and other media in the country and abroad; production and broadcasting of audio/audiovisual programmes as well as other electronic media; the independent of editors, journalists, authors and creators of contents or programming collaborators and other persons, in accordance with the professional rules of journalism.

(3) The freedom of media may be limited only in accordance with the Constitution of the Republic of Macedonia.

(4) A media publisher shall be independent in the editorial policy, i.e. the implementation of the programming concept of the media outlet and shall be responsible for its work and operations in accordance with this and other laws.

Special Prohibitions

Article 4

It shall be prohibited to publish, i.e. broadcast media contents that threaten or undermine national security, incite to violent overthrow of constitutional order of the Republic of Macedonia, call for military aggression or armed conflict, incite to or spread discrimination, intolerance and hatred on grounds of race, sex, religious beliefs of national background.

Basic Conditions for Publication of Media

Article 5

(1) A legal or natural person may perform the activity of publication of print media or electronic publication in the Republic of Macedonia if it enters its activity in the Commercial Registry or in the Registry of Other Legal Entities, kept by the Office of the Central Registrar of the Republic of Macedonia, and has a seat and editorial office in the Republic of Macedonia.

(2) A legal or natural person may perform the activity of broadcasting of radio or television programmes in the Republic of Macedonia if it enters its activity in the Commercial Registry or in the Registry of Other Legal Entities, kept by the Office of the Central Registrar of the Republic of Macedonia, and has a seat and editorial office in the Republic of Macedonia.

(3) The activity of broadcasting of radio or television programmes from paragraph (2) of this Article, and the procedure for allocation of licenses for radio or television broadcasting shall be regulated, in more detail, in the Law on Audio and Audiovisual Media Services.

(4) The competent regulatory body shall keep the registries of media publishers and publish them on its website, in accordance with this Law and the Law on Audio and Audiovisual Media Services.

(5) The registry of publishers of print media and the registry of publishers of electronic publications shall contain the following information:

- The name and the seat, i.e. the address of the publisher of a print medium or the publisher of electronic publication;
- The name and the last name of the responsible person in the publisher of print media, i.e. the publisher of electronic publications;
- The name of the newspaper, the magazine, i.e. the name of the electronic publication, and
- The web-site of the electronic publication;

(6) The information listed in Paragraph (5) of this Article, the competent regulatory body shall receive from the Central Registrar of the Republic of Macedonia, which shall be charged to present that information, free of charge, within five days from the day of the registration.

Obligation to Protect Minors and Underage Persons

Article 6

(1) A print medium with pornographic contents has to have visible warning that it contains pornography, as well as a warning that its distribution and sales to minors is prohibited, and shall be packed in a transparent plastic foil.

(2) A publisher of an electronic publication shall be obligated to prevent, by technical means or with proper protective restrictions, minors from accessing electronic publications with pornographic contents.

(3) The protection for minors and underage persons during broadcasts of radio and television programmes shall be implemented in a manner defined by the Law on Audio and Audiovisual Media Services.

Obligation to Publish Certain Information

Article 7

(1) Media publishers shall be obligated, on request presented by a competent state institution or body, without compensation, to publish official communications and releases, as well as official statements by the competent state institutions or bodies, in cases of state of war or immediate threat against the independence and sovereignty of the Republic of Macedonia, in cases of natural disasters, technical-technological and environmental emergencies and epidemics that present imminent threat and danger for the life and wellbeing of people, security of the country and the public order and peace.

(2) The request mentioned in paragraph (1) of this Article is submitted in writing and shall contain information and data that prove its authenticity and legal validity.

Editor-in-Chief

Article 8

(1) Every media publisher shall have an editor-in-chief who is appointed and dismissed, from the ranks of its journalists, by the media publisher.

(2) The editor-in-chief manages the realisation of published or broadcast contents and shall be responsible for all information published by the media outlet, in accordance with the Law.

(3) If a media publisher has several editors-in-charge, each of them shall be responsible for the contents of the programming segment put in his or her charge.

(4) The Macedonian Radio and Television shall appoint an editor-in-chief for each and every programming service it broadcasts.

(5) A person that holds an office which grants him or her an immunity from criminal responsibility can't be appointed editor-in-chief.

Editorial Office

Article 9

The Editorial Office of a media publisher shall be comprised of an editor-in-chief and editors, and can also include other programming associates if specified in the act mentioned in Article 10, paragraph (1) of this article. If the media publisher has not appointed editors, than the editor-in-chief shall perform the function of an editorial office individually.

The Act of a Media Publisher

Article 10

(1) When the media publisher is a legal entity, it shall be obligated to adopt, within 90 days from the day of commencement of operations, a general act which will regulate in particular:

- The composition of the editorial office;
- The rights, obligations and responsibilities of the editor-in-chief, the editors and the journalists;
- The mutual rights and obligations that exist between the media publisher, the editor-in-chief, the editors and the journalists;
- The manner and procedure for appointment and dismissal of the editor-in-chief; and
- Other issues related to the work and operations of the medium.

(2) The media publisher shall be obligated to make the act mentioned in paragraph (1) of this article accessible to the public.

(3) The media publisher shall respect the professional rules of journalistic profession, in accordance with the Law on Civil Liability for Defamation.

Right of a journalist to express opinion and position and to refuse and order or a task

Article 11

(1) The employment contract of the journalist may not be terminated, his/her salary may not be decreased or his/her position in the Editorial Board or Desk changed, that is, the payment of the agreed compensation, in full or partially, may not be reduced or terminated, nor may be some other rights defined by the Law on Employment Relations may be restricted or terminated for expression of his/her opinion and position, if they are in compliance with the professional rules of the journalistic profession, in accordance with article 10, paragraph (3) of this Law.

(2) The journalist shall have the right to refuse to prepare, write or take part in compiling an article the contents of which is in collision with the professional ethics of the journalistic profession and shall inform the editor-in-chief about that decision with a written statement.

(3) The provisions of this Law shall not preclude the responsibility of journalists in the cases stipulated in the Law on Labour Relations.

Protection of Sources of Information

Article 12

(1) The journalist shall have the right to not disclose the source of information or other information that may reveal the source, in accordance with international law and the Constitution of the Republic of Macedonia.

(2) The right listed in Paragraph (1) of this Article shall also apply to other persons who, due to their professional ties and connections with the journalist, are privy to the data that may reveal the source, by way of collection, editing and dissemination of said information.

(3) Prior to publishing information for which the source is not disclosed, the journalist shall be obliged to inform the Editor-in-Chief, in compliance with the act stipulated in Article 10, paragraph (1) of this Law.

Changes of contents in editorial processing

Article 13

(1) The contents the meaning of which was changed significantly in editorial processing shall not be published under the author's name without his/her consent.

(2) The editor-in-chief shall be responsible for the contents published contrary to the

provision of Paragraph (1) of this Article.

(3) If the author deems that the publication of the contents published contrary to the provisions of paragraph (1) of this Article caused damages to his reputation, he/she may claim indemnity, in accordance with the Law.

Impressum

Article 14

(1) A media publisher shall be obligate to publish the following data on each individual content carrier (for example, a copy of print media, website, TV programme):

- Name and address of the head office and the editorial board of the media publisher;
- Name of the authorized person of the media publisher;
- name and surname of the Editor-in-Chief, that is, editors, in accordance with the internal organisation of the Editorial Board;
- name and address of the printing house and the date of print or reprint, as well as the number of printed copies, in case of printed media; and

(2) The obligation mentioned in paragraph (1) of this Article shall be applied to broadcasters by publishing the data at the beginning or at the end of the radio or audiovisual programmes.

(3) The publishers of electronic publications shall implement the obligation mentioned in paragraph (1) of this Article in a manner adequate to the electronic publication.

(4) The media publisher shall be obliged to publish, in an adequate place and manner, the following data for each programme content:

- name and surname of the author of the published article;
- name and surname of the person, that is, the company owning the copyrights for the published programme content, excluding the printed media and the radio programmes;
- the date of production (the month and the year) for audio/audiovisual works;
- the origin of the audio/audiovisual work, and if the work is created by an independent producer, information in that regard;
- the name of the legal person, that is, the name and surname of the person charged with safekeeping of the utilised cultural good or archival work, that is, the referent reproduction; and
- the name of the media publisher from which the programme content or an excerpt thereof was received in cases of reprint or rebroadcast, unless agreed otherwise with a valid contract.

Openness of Media Operations to the Public

Article 15

(1) Media publishers shall be obligated to present the competent regulatory body, in a special form prepared by the regulatory body and no later than March 31 of the ongoing year, the following information:

- ownership structure, that is information on the name and the seat of legal persons or the name and the address of natural persons that own shares or share or ownership in the media publisher, with precise data on their the percentage of stock or share of ownership they acquired, with the date of the acquisition;
- information on the editor-in-chief/editors;
- information on the sources of financing of the media publisher for the previous year (advertising, sponsorships, sale of contents, services give to third parties, etc.);
- information on the total income and expenditures of the media publisher for the previous year, generated from performance of main activity; and

- data on the average sales of the printed media, that is, data on the average ratings, in terms of listeners or viewers, achieved by the media publisher in the previous year.

(2) The media publishers shall be obliged to publish the data referred to in paragraph (1), indents 1, 2 and 3 of this Article, in at least one daily newspaper, once a year, not later than the 31st of March in the current year and submit an abstract of the announcement to the competent regulatory body within 15 days from the date of publication.

(3) The broadcasters shall be obliged to broadcast the data referred to in paragraph (1), indents 1, 2 and 3, of this Article, on their own programmes, at least three times a year, in prime-time slots, and submit a recording of the announcement to the competent regulatory body within 15 days from the date of broadcasting in a manner prescribed by the Agency.

(4) The forms of Paragraph (1) of this Article shall be published on the website of the competent regulatory body.

(5) The broadcasters shall be obliged to submit to the competent regulatory body a written report on the implementation of the obligations defined in the radio or television broadcasting license, and particularly on the implementation of the programme concept not later than the 31st of March in the current year. Enclosed in the Report, they shall also submit information on the technical means used for retransmission of their programme service in the Republic of Macedonia or abroad. The written report shall be submitted on the form prescribed by the competent regulatory body.

(6) The competent regulatory body shall remind in writing the media publisher who will not comply with the obligations referred to in this Article and will allow an additional timeframe, which may not be shorter than 45 days, during which the media publisher shall be obliged to comply with the obligations referred to in this Article. If the media publisher does not comply with the obligations referred to in this Article within the additional deadline, the competent regulatory body will revoke its license for television or radio broadcasting, in accordance with the Law on Audio and Audiovisual Media Services.

(7) The media publisher of a print media shall be obliged to submit a copy of all issues of its print media to the National and University Library of the Republic of Macedonia at no cost.

(8) The provisions of this Article shall not apply to the Public Broadcasting Service.

Protection of competition among media publishers

Article 16

The regulations for protection of the competition in the Republic of Macedonia shall adequately apply to media publishers.

Right to Correction of and Reply to Published Information

Article 17

Each and every media publisher shall be obligated to secure the exercise of the right to correction of and reply to published information, in accordance with the Law on Civil Liability for Defamation.

Supervision and oversight

Article 18

The competent regulatory body shall be charged with the supervision of the implementation of the obligations listed in articles 6, 7, 8, 10, 14 and 15 of this Law.

Penal Provisions

Article 19

(1) A fine amounting of up to 2% of total annual income of legal persons (expressed in absolute

amount) in the business year preceding the year in which the offense was committed, or the total income generated for a shorter period of the year preceding the offense if the legal entity or the sole proprietor commenced operations in that year, shall be imposed on the legal person if:

1. a print media with pornographic contents fails to implement measures to protect minors and underage persons in a manner specified in Article 6, paragraph (1) of this Law;
2. a media publisher of electronic publication fails to implement measure for protection of underage persons in a manner prescribed in Article 6, paragraph (2);
3. it fails to appoint an editor-in-chief (Article 8 paragraph (1));
4. it fails to publish the information prescribed in Article 14;
5. it fails to submit the required information in a manner and within the legal deadlines prescribed in Article 15 paragraph (1), or fails to publish the said information in accordance with Article 15, paragraphs (2) and (3);
6. fails to submit the written report in a manner and within the deadlines prescribed in Article 15, paragraph (5).

(2) For violations pursuant to Paragraph (1) of this Article, a fine of 1000 to 2000 Euro, in Denar counter-value, shall also be levied on the responsible person of the legal person or the sole proprietor.

Article 20

- (1) A fine of 2000 to 3000 Euro, in Denars, shall be levied against a legal person if:
1. it failed to publish announcements and/or official statements of the competent authorities or bodies, in accordance with Article 7, paragraph (1);
 2. it failed to adopt the general act or failed to make that general act accessible to the public (Article 10, paragraphs (1) and (2));
 3. it failed to submit a copy of each issue of print publication to the National and University Library of the Republic of Macedonia (Article 15, paragraph (7)).

(2) For violations pursuant to Paragraph (1) of this Article, a fine of 500 to 1000 Euro, in Denar counter-value, shall also be levied on the responsible person of the legal person or the sole proprietor.

Transitional Provisions

Article 21

The existing media publishers which are legal persons shall be obligated to adopt the general act of Article 10, paragraph (1) of this Law within nine months from the day of entry into force of this Law.

Article 22

The Central Registrar of the Republic of Macedonia shall submit the information on the existing publishers of print media and existing publishers of electronic publications listed in Article 6, paragraph (5) of this Law, to the competent regulatory body within two months from the day of the entry into force of this Law.

Article 23

The form stipulated in Article 15, paragraph (1) of this Law shall be adopted by the competent regulatory body within three months from the day of the entry into force of this Law.

Final Provisions

Article 24

This Law shall enter into force on the eight day from the day of its publication in the "Official Journal of the Republic of Macedonia".

