

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Former Yugoslav  
Republic of  
Macedonia

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Former Yugoslav Republic of Macedonia</b>	19 (national) 10 (regional) 47( local)	Macedonian Telecom offers non-linear commercial service as part of its IPTV platform (movies, documentaries, currant-affairs, children). However, the existing Law on Broadcasting Activity does not regulate on-demand (non-linear) services, so the existing non-linear services are beyond the scope of the legal regulations.	3 (Macedonian Radio and Television) <a href="http://www.mkrtv.com.mk">www.mkrtv.com.mk</a>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Former Yugoslav Republic of Macedonia</b>	Information requirements (art. 5 AVMS Directive)	Law on Broadcasting Activity <a href="http://www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf">www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf</a>	Broadcasting Council	No regulation is foreseen in the Broadcasting Law. A special protocol for regulation of non linear services has been signed between the Broadcasting Council and the telecom operators, but it	Broadcasting Council
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
				is not a legal binding regulation.	
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Former Yugoslav Republic of Macedonia	Broadcasting Council	<a href="http://www.srd.org.mk">www.srd.org.mk</a>	September 1997	Skopje, Republic of Macedonia

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Former Yugoslav Republic of Macedonia	Broadcasting Council	Yes (on-demand services are not covered with the existing Law)	No	Yes In charge only for the must carry obligations that are defined for the PBS channels (there are no provisions about EPG and API in the current Broadcasting Law)	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Former Yugoslav Republic of Macedonia	Broadcasting Council	The Law on Broadcasting foresees 9 members of the Council	43 (9 members + 34 in the Administration)	Not foreseen	€1,49m	2010

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Former Yugoslav Republic of Macedonia	Broadcasting Council	Law on Broadcasting Activity adopted in May 1997 (not in force)	Law on Broadcasting Activity adopted in December 2005. <a href="http://www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf">www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Independent legal entity established with the Law (with specific public	Yes			Law on Broadcasting Activity

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
		competencies stipulated in the Law, funded by independent financial sources and independent from the legislative and executive power).				

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Former Yugoslav Republic of Macedonia	Broadcasting Council		✓ It is explicitly emphasized that the Broadcasting Council is an independent non-profit regulatory body, with public competences and authority in the field of broadcasting activity (Art.21). It has all competencies in the Law as defined in the CE Rec. 2000(23) The manner of nomination and appointment of the members of the regulatory authority is meant to provide its full independence: there are authorized institutions that nominate candidates and the Parliament appoints the members.	Law on Broadcasting Activity

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Former Yugoslav Republic of Macedonia	Broadcasting Council	Tick boxes	√	√	√
		Areas	Adopts Strategy for Broadcasting activity (Art. 32) Ensures economic and technological development of broadcasting activity (Art.21) Adopts opinions and participates in the drafting of legislation, regulations and other acts regarding the broadcasting activity, as well as in the conclusion and accession of the Republic of Macedonia to international treaties in the field of broadcasting and provides for their full implementation (Art. 37)	Adopts decisions, rules, conclusions, recommendations, instructions and other acts, adopts views and proposals for implementation of the Law on Broadcasting Activity (Art.37) Adopts Rulebook on equal access to media representation during election campaigns (Art.75 of the Electoral Code) Supervises the work and operations of the entities involved in the pursuit of broadcasting activity in terms of their compliance with the provisions of the Law on Broadcasting Activity, the licence to pursue broadcasting activity, and the by-laws adopted by the Broadcasting Council regarding the programing content (Art.37) Reviews the requests submitted by citizens regarding the radio and TV programmes and programme services retransmitted through the public communication networks, as well as the work of the broadcasters, and informs the public about the measures it has taken (Art.37)	Undertakes legal measures against the broadcasters that fail to fulfill their duties laid out by the Law, the licence to pursue broadcasting activity and the acts of the Broadcasting Council
		Source	General act Law on Broadcasting Activity	Law on Broadcasting Activity Electoral Code	General act Law on Broadcasting Activity

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.



Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Former Yugoslav Republic of Macedonia	Broadcasting Council	Quotas	√	√	√	√		Law on Broadcasting Activity
		Advertising	√	√	√	√		Law on Broadcasting Activity
		Protection of minors	√	√	√	√		Law on Broadcasting Activity

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Former Yugoslav Republic of Macedonia	Broadcasting Council	Quotas	√	No	√	The licence cannot be revoked on the basis of non-compliance with the program requirements (Art.63 of the Law)	√ Only in the Court procedure	Temporary ban for advertising and teleshopping (see second column). The law does not specify if the sanctions are automatic or discretionary. In practice the council decides each case separately. This comment is valid for all the areas.
		Advertising	√	No	√	The licence cannot be revoked on the basis of non-compliance with the program requirements (Art. 63 of the Law)	√ Only in the Court procedure	Temporary ban for advertising and teleshopping (see second column)
		Protection of minors	√	No	√	The licence cannot be revoked on the basis of non-compliance with the program requirements (Art. 63 of the Law)	√ Only in the Court procedure	Temporary ban for advertising and teleshopping (see second column)

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
	There are four measures: (1) First written warning (2) Second written warning with obligation for publishing (3) Temporary ban for advertising (4) Initiation of a Misdemeanour procedure The Law does not specify any possibility for discretion in deciding about the measures. However, in reality, the BC applies discretionary practices.							

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Former Yugoslav Republic of Macedonia	Broadcasting Council	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Former Yugoslav Republic of Macedonia	Broadcasting Council	√	N/A The BC cannot impose fines	√	√ Only for non-payment of the fee for the broadcasting licence	√ Imposed by the Court

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Former Yugoslav Republic of Macedonia	Broadcasting Council	<p>Yes</p> <p>Article 37 of the Law on Broadcasting Activity states that the Broadcasting Council reviews the requests and petitions submitted by citizens regarding the radio and television programmes and programme services retransmitted through the public communication networks, as well as the work of the broadcasters, and informs the public about the measures it has taken, on regular basis.</p> <p>The Broadcasting Council established internal procedure for handling with complaints. The citizens can send a written complaint or a question by post, e-mail or fax and the Broadcasting Council is obliged to reply to their complaint.</p>	<a href="http://www.srd.org.mk/index.php?option=com_content&amp;view=article&amp;id=87&amp;Itemid=72&amp;lang=en">www.srd.org.mk/index.php?option=com_content&amp;view=article&amp;id=87&amp;Itemid=72&amp;lang=en</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Former Yugoslav Republic of Macedonia	Broadcasting Council	Board	9	No	No	No	No	Yes 9	No	No information available	Law on Broadcasting Activity

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Former Yugoslav Republic of Macedonia	Broadcasting Council	<p>Main competences include:</p> <ul style="list-style-type: none"> <li>• Adopting and implementing the Strategy for Development of Broadcasting Activity</li> <li>• Deciding on allocation, revokation and renewal of licences</li> <li>• Supervising the compliance of broadcasting entities with laws and licences</li> <li>• Adopting decisions, rules, recommendations, instructions and adopting opinions and proposals for implementation of the Law on Broadcasting Activity</li> <li>• Reviewing the requests and petitions submitted by citizens regarding the radio and television programmes</li> <li>• Taking measures against broadcasters that fail to fullfil their duties</li> <li>• Adopting opinions and participating in the drafting of laws, regulations and other acts as well as in the conclusion of international treaties</li> <li>• Approving the List of Major Events for the</li> </ul>	<p>The BC can work with a quorum of 5 members. All the decisions are taken by majority vote (5 votes). Art.33 of the Law on Broadcasting activity (the Law is not available online)</p>	<p>Transparency is foreseen in the law. In practice, there are many flaws. The Law states that the BC works and decides in meetings open to the public and publishes all the decisions and minutes of its meetings. (Art.33)</p> <p>However, since February 2008 the BC makes key decisions at "internal coordination meetings" that are closed to the public. The decisions are then formally adopted during the public meetings. Further, the published minutes, reports and other documents do not contain the motivations and details of the adopted decisions. Since September 2009 the BC has a new website, where only reduced information is available.</p>	<p>Yes, it publishes all the agendas and minutes, but the content of the minutes is very poor and does not provide duly reasoned explanations for adopted decisions and necessary details and information for the public to be fully informed on the internal procedures of making decisions.</p>

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<p>public and adopting measures for the protection of the right of the public to access such events</p> <ul style="list-style-type: none"> <li>Issuing certificates of registration of radio and television programme services retransmitted via a public communication network</li> </ul>			

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	No	n/a	The Broadcasting Council	n/a	Law on Broadcasting Activity (Art.23-29)
		Board members	Yes	Authorised nominators: <ul style="list-style-type: none"> <li>The Macedonian Academy of Arts and Sciences</li> <li>The</li> </ul>	The Parliament	No	

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				Inter-University Conference <ul style="list-style-type: none"> <li>• The Majority Journalists' Association of Macedonia</li> <li>• The Committee of Elections and Appointments of the Assembly of the Republic of Macedonia</li> <li>• The decisive say goes to the Parliament as it approves the candidates that are</li> </ul>			

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				proposed by the nominators.			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman of the board	The law does not specify if the chairman should have a full term of office of 6 years (as a chairman)	Yes	No	Law on Broadcasting Activity (Art.28)
		Board members	6 years	Yes	No	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman of the board	Not specified in the Law	Persons with expertise and prominence in the fields of communication sciences, journalism, telecommunications, information sciences, culture, economy, law and other fields of importance for the achievement of the competences of the Broadcasting Council may be nominated for Members of the Broadcasting Council.  In practice, this provision of the Law on Broadcasting Activity has not been fully implemented.	Law on Broadcasting Activity (Art.24)
		Board members			

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	Yes		Yes Members of government and senior officials in the state administration or local self-government units may not be elected as members of the Council	Yes Persons performing duties in the bodies of a political party and members of Assembly may not be elected as members of the Council	Yes May not be a person who, as owner or shareholder, as member of the managing board, or who directly or indirectly has an interest in a legal entity involved in broadcasting activity, or in a company involved in related activity (advertising, electronic communications, production and sale of broadcasting equipment, etc.). A person whose family members own shares of ownership or sit in the managing bodies of broadcaster cannot be board members.	No	Yes Members of the Council are obliged to submit written declaration if there is conflict of interest. Cannot be board members persons in executive position and members of managing or supervisory boards of public enterprises, persons performing duties in a religious community, persons sentenced to imprisonment for more than 6 months, or persons that have been sentenced to a prohibition of performance of profession, activity or duty	Law on Broadcasting Activity (Art.25) Code of Ethics of the Broadcasting Council and permanent services (Not available online) Law on Prevention of Conflict of Interests

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
									for a period longer than six months	
		Board members	Yes		Yes Same as above	Yes Same as above	Yes Same as above	No Same as above	Yes Same as above.	
		Senior staff	Yes		Yes Not explicitly stated in the Broadcasting Law but same as above	Yes Not explicitly stated in the Broadcasting Law but same as above.	Yes Not explicitly stated in the Broadcasting Law but same as above.	No Not explicitly stated in the Broadcasting Law but same as above.	Yes Members of the staff are obliged to submit written declaration if there is conflict of interest.	Code of Ethics of the Broadcasting Council and permanent services (Not available online)

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	Yes		Yes	Yes	Yes	Law on Prevention of Conflict of Interests (Art.5) <a href="http://www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37">www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37</a>  Code of Ethics of the Broadcasting Council and permanent services (Not available online)
		Board members	Yes		Yes	Yes	Yes	
		Senior staff	Yes		Yes	Yes	Yes	

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	Yes		Yes, for 3 years	Law on Prevention of Conflict of Interests (Art.17) <a href="http://www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37">www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37</a>
		Board members	Yes		Yes, for 3 years	
		Senior Staff	Yes		Yes, for 3 years	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	Yes		The Law does not specify who can dismiss the Chairman	See Article 32 below	Only individual members	Law on Broadcasting Activity (Art.30 and 32)
		Individual board members	Yes		The Parliament			
Article 32 of the Law on Broadcasting Activity: A Member of the Broadcasting Council can resign from office.								

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
								<p>A Member of the Broadcasting Council cannot be dismissed prior to the expiration of his/her term in office, with the exception of the following cases:</p> <ul style="list-style-type: none"> <li>• If he/she is prevented, by illness, from participation in the work of the Broadcasting Council for a period longer than six months</li> <li>• In cases of the appearance of one of the impediments to his/her membership in the Broadcasting Council laid down in Article 25 of the Law</li> <li>• If he/she acts in violation of the provisions of the Law</li> <li>• If he/she was sentenced for a criminal offence for which a term in prison longer than six months is prescribed, or if he/she was sentenced to a prohibition to perform a duty for a period longer of six months</li> <li>• If he/she is absent from three (3) consecutive meetings of the Council or from five (5) meetings over a period of six months, and has failed to provide a justifiable reason for the absence.</li> </ul> <p>The fulfillment of conditions for the dismissal of a member of the Broadcasting Council prior to the expiration of his/her term in office from paragraph 2 of this Article shall be determined by the Council with a majority of votes of the total number of members, upon which the Council shall submit a dismissal request to the Assembly of the Republic of Macedonia. In this case the procedure determined in Article 28 paragraph 4 of this Law shall be applied.</p>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Former Yugoslav Republic of Macedonia	Broadcasting Council	2008	Chairman	Yes		The President of the Council was dismissed with the majority vote of the members of the Council. However, he continued to be member of the Council until his	The Chairman was dismissed two months before the term without a clear legal ground. The Law does not specify the rules for the dismissal of the Chairmen. Also, this issue was not explicitly stipulated in the BC Rules on Procedures. The session held on February 8 <sup>th</sup> 2008 was closed for the public and for the members of the permanent services. The dismissal was not announced in the agenda and there was no official document prepared and published stating the

Country	Body	Year	Dismissal before term		Reasons	Comment
			Yes	No		
					<p>mandate ended.</p> <p>The reasons for the dismissal were not stated explicitly in the minutes of the meeting.</p> <p>The minutes have never been available on the BC's Web site.</p> <p>According to the official announcement of the BC made on February 8th 2008, the reason for the dismissal was that "<i>...it is necessary to make a qualitative change in the BC leading position in order to meet more successfully and more efficiently the upcoming challenges.</i>" In the 2008 Annual report of the BC nothing is mentioned about this dismissal.</p>	<p>reasons for the dismissal.</p> <p>The Chairman reacted in public stating that there was no legal ground for his dismissal and filed a civil lawsuit which is still in a court procedure.</p>

## V. FINANCIAL RESOURCES

### Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
<b>Former Yugoslav Republic of Macedonia</b>	Broadcasting Council	Percentage of the broadcasting licence fees €10,000	In 2008, for the first time, the government allocated €600,000 from the State Budget as “a financial support to the Broadcasting Council for monitoring the election activities in 2009”.	No	-√ €424,750 Licensee fees paid by broadcasters 4% of the broadcast fee, collected by the PBS	No	No	2008 Annual Report of the Broadcasting Council <a href="http://www.srd.org.mk/images/stories/doc/lzvestaj_od_SRD_za_2008.pdf">www.srd.org.mk/images/stories/doc/lzvestaj_od_SRD_za_2008.pdf</a>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	According to the Law, the funds for financing of the work of the Broadcasting Council shall be secured from the funds collected from the broadcasting fee and from the licence fees. The Broadcasting Council decides on its annual budget. The Law only states that the Parliament can review (but does not approve) the Annual Budget.	Yes. It is completely involved.	The Parliament can review the Annual Financial Plan and if detects irregularities it can obligate the Broadcasting Council to submit a new one within 60 days.	No but In 2008 the Government allocated €600,000 to the BC, for monitoring the media coverage of the election campaigns. This issue attracted media attention concerning possible influence over the work of the Broadcasting Council.	The Law on Broadcasting Activity (Art. 35 and 36)
	<p>Article 35</p> <p>The Broadcasting Council adopts an Annual Report on its operations for the previous year, and an Annual Financial Plan for the upcoming year, both of which shall be published and submitted to the Assembly of the Republic of Macedonia for review, by March 31 at the latest.</p> <p>The Annual Report on its operations for the previous year shall list the explanation on the financial and material operations and the Audit Report for the previous year.</p> <p>The Annual Financial Plan shall list the information on income and costs, and the planned capital and operational costs for the upcoming year.</p> <p>The Audit of paragraph 2 of this Article shall be conducted by the National Bureau of Audits and an external, independent auditor, commissioned by the Broadcasting Council.</p> <p>If upon review of the Annual Financial Plan, the Assembly of the Republic of Macedonia determines irregularities, it shall obligate the Broadcasting Council to submit a new Annual Financial Plan withing 60 days from the day of the review at the latest.</p>					

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Former Yugoslav Republic of Macedonia	Broadcasting Council	Yes	Annual	Yes	Yes	No	Law on Broadcasting Activity
	<p>Article 35                      The Broadcasting Council adopts an Annual Report on its operations for the previous year, and an Annual Financial Plan for the upcoming year, both of which shall be published and submitted to the Assembly of the Republic of Macedonia for review, by March 31 at the latest.                      The Annual Report on its operations for the previous year shall list the explanation on the financial and material operations and the Audit Report for the previous year.                      The Annual Financial Plan shall list the information on income and costs, and the planned capital and operational costs for the upcoming year.                      The Audit of paragraph 2 of this Article shall be conducted by the National Bureau of Audits and an external, independent auditor, commissioned by the Broadcasting Council.                      If upon review of the Annual Financial Plan, the Assembly of the Republic of Macedonia determines irregularities, it shall obligate the Broadcasting Council to submit a new Annual Financial Plan within 60 days from the day of the review at the latest.</p>						

VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Former Yugoslav Republic of Macedonia	Broadcasting Council	Parliament	Yes	Annual Report and Annual Financial Plan has to be submitted The Parliament can review the Annual Financial Plan and if detects irregularities it can obligate the Broadcasting Council to submit a new one within 60 days.	Law on Broadcasting Activity
		Government as a whole	No	N/A	N/A



Country	Body	Body accountable to		Accountability means	Legal basis
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	<p>Annual Report and Annual Financial Plan has to be published</p> <p>The BC works and decides in meetings open to the public.</p> <p>The BC is obliged to publish the public competitions, the number of applicants, the decisions and minutes of its meetings, and the proposed agendas of its meetings in the media and on the web-site of the Broadcasting Council, as well as to inform the public about its work, through the media, at least once every three months.</p> <p>The BC is obliged to organize public meetings with all the stakeholders, at least once every three months to enable them to be informed about the work of the Council and to provide the stakeholders with an opportunity to present their views and opinion on the situation in the field of broadcasting.</p>	Law on Broadcasting Activity (Art. 33 and 35)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Former Yugoslav Republic of Macedonia	Broadcasting Council	Parliament Public	Annual	All operations	Financial data Data on measures undertaken against broadcasters Market data	No The Parliament can only review the Annual Financial Plan and if detects irregularities it can obligate the Broadcasting Council to submit a new one within 60 days.	No	Law on Broadcasting Activity (Art.33 and 35)

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Former Yugoslav Republic of Macedonia	Broadcasting Council	Yes	Annual	Yes State Audit Office	Yes	No	Art. 35 of the Law on Broadcasting Activity

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Law on Broadcasting Activity
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	Law on Administrative Disputes
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Former Yugoslav Republic of Macedonia	Broadcasting Council	External	1	Administrative Court	No	Broadcasters Other operators	Law on Broadcasting Activity
			2	Supreme Court			
Art.38 para 8 of the Law on Broadcasting activity states that lawsuit to the competent court may be filed against the decisions of the Broadcasting Council within 15 days from the day of receiving the decision. The procedure in front the competent court shall be urgent. The Lawsuit shall not defer the implementation of the Decision.							

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Former Yugoslav Republic of Macedonia	Broadcasting Council		√		N/A
	Art. 38 para 8 of the Law on Broadcasting activity states that lawsuit to the competent court may be filed against the decisions of the Broadcasting Council within 15 days from the day of receiving the decision. The procedure in front the competent court shall be urgent. The Lawsuit shall not defer the implementation of the Decision.				

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Former Yugoslav Republic of Macedonia	Broadcasting Council	√ It is determined by the Administrative Court	√ It is determined by the Administrative Court	√ It is determined by the Supreme Court (in extraordinary procedure)	Improper implementation of the Material Law

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Former Yugoslav Republic of Macedonia	Broadcasting Council	1 Administrative court 2 Supreme court	√	√	According to the Law on Administrative Disputes, with a Court's verdict, certain appeal can be either accepted or rejected. If the appeal is accepted the administrative act gets annulled. If the very nature of the circumstances allows and if the data give a solid base, the Court can solve the administrative procedure, only in those cases where it has been proved that the law had been improperly implemented. If the Court determines errors of fact, it will cancel the decision and remit it back to regulator for new decision. If the Court determines errors of law, it can remit back for new decision or it can replace the original decision with its own.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Former Yugoslav Republic of Macedonia	Broadcasting Council	No	N/A	Yes	There are no specific requirements stipulated in the Law.	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Former Yugoslav Republic of Macedonia	Broadcasting Council	Strategic issues, licensing procedure, adoption of sub-regulation. Prior to the open bid for granting broadcasting licenses the Broadcasting Council must conduct a public survey and consultations with interested parties	All relevant stakeholders, ministries, academics, non-governmental organizations	Not defined in the law	Not defined in the law	Not defined in the law	Law on Broadcasting Activity Articles 22, 33, 35, 46.

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Former Yugoslav Republic of Macedonia	Broadcasting Council	2009	1. Rulebook on equitable access to media representation during electoral campaigns
		2008	1. Guidelines on media representation during electoral campaigns 2. Rulebook on imposing and executing the measures undertaken against broadcasters

Country	Body	Year	Number of public consultations
		2007	<ol style="list-style-type: none"> <li>1. Draft Strategy for Broadcasting activity</li> <li>2. Rule Book on protection of minors from harmful contents</li> <li>3. Rule Book on identification of sponsors in radio and TV programs</li> <li>4. Rule Book on the manner of usage of the premium rate telephone services in the radio and TV programs</li> </ol>
		2006	<ol style="list-style-type: none"> <li>1. Decision on the list of major events</li> <li>2. Rule Book on the technical requirements for mandatory recording, safekeeping and submission of broadcast program</li> <li>3. Guidelines on the right to short reporting on events for which exclusive rights for reporting are acquired</li> <li>4. Rule Book on implementation of provisions related to protection and nurturing of cultural identity</li> <li>5. Rule Book on the formats of radio and television program services</li> <li>6. Rule Book on European audio-visual works</li> <li>7. Rule Book on the basic technical requirements, standards and parameters for the studio segment of broadcasters</li> <li>8. Decision on radio and TV programs classification</li> </ol>
		2005	The new Law on Broadcasting Activity was adopted in December 2005. There was a public consultation procedure in the course of the year.

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
<b>Former Yugoslav Republic of Macedonia</b>	Broadcasting Council	All decisions are to be published, e.g. open competitions, including the number of candidates, who have applied, decisions, minutes, draft sessions' agendas.	Not stipulated explicitly in the Law	Not specified in the law	Not specified in the law

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Former Yugoslav Republic of Macedonia	Broadcasting Council	The Broadcasting Council has signed Memoranda for Understanding and closely cooperates with the Agency for Electronic Communications, Commission for Competition Protection, Directorate for Protection of Private Data, Anti-Corruption Commission. Usually, memorandums of cooperation are signed and further, the cooperation is on ad hoc basis (if there are any cases of mutual competence).	Art. 39 and 40 of the Law on Broadcasting activity (see below)	No	Mostly, the BC cooperates with the Agency of Electronic communications and Commission for protection of competition.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Former Yugoslav Republic of Macedonia	Broadcasting Council	Yes. The Broadcasting Council is a member of EPRA and MNRA.	Art. 40 of the Law on Broadcasting Activity Memorandums of understanding Exchange of information and data EPRA (conferences, workshops)	The international cooperation of the BC is very developed.