**Central regional conference of the SEE Media Observatory:**

“Media and journalism in South East Europe –

Captured by particular interests or turning to serve the public?”

**Tirana, 12-13 June 2014**

**Session 1:**

**Media policy development and implementation: who rules and why legislation doesn’t work?**

**Presentation by speaker:**

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**Media policy development and its implementation in Macedonia – The role of the regulator**

On 3 January this year, the new media legislation, more precisely two new laws entered into force: the Law on Audio and Audiovisual Media Services which regulates the rights, duties and responsibilities of broadcasters, providers of audiovisual media services on demand and operators of public electronic communications networks and the Law on Media which impose the basic principles and terms to be fulfilled by the media publishers.

Their adoption was result of the need for harmonization of national legislation with the corpus of legal acts of the European Union, having in mind that the Republic of Macedonia is a candidate country for the EU. Hence, the new media legislation is aligned with the EU Audiovisual Media Services Directive, but also with the recommendations and standards of the Council of Europe and the European Commission recommendations, noted in the annual progress reports on Macedonia in the EU integration process.

The laws have also brought changes in regard to organization and operation of the regulatory body - the Agency for Audio and Audiovisual Media Services as well as the operation of radio and television stations, audiovisual media service providers and operators of public electronic communications networks - from establishing procedures of granting licenses i.e. applications for registration, provisions on advertising, cultural identity to imposing sanctions.

The functioning of the Agency is in accordance with the principles of transparency, independence and non-discrimination. Therefore, the Law on Audio and Audiovisual Media Services:

* specifically determinates the responsibilities of the regulatory body and the organs of the regulatory body (Council and director) and their responsibilities;
* Defines the mechanism for ensuring accountability of the work of the regulatory body before the Assembly of the Republic of Macedonia (Agency is submitting to the Assembly a report on its work, financial report of the implementation of the financial plan for the previous year, audit report and annual work program of the Agency for the coming year).
* Defines mechanism for ensuring transparency in the operation of the regulator (via publishing on the website of the Agency the agenda of session, session summaries and minutes of sessions, adopted decisions and acts, imposed measures, obligation for maintaining public meetings every 3 months, etc.)
* Ensures influence of the public (via public consultations)
* Provides financial independence of the regulatory body (alongside incomes from radio and television license fees as it was according to the previous Law, i.e. Broadcasting Law, the Agency will be also financed by the fee for surveillance paid by operators and providers of audiovisual media services on demand, loans and other financial and technical assistance, while the percentage of funds received from the broadcasting fee is increased - 6% instead 4% as in the past).

In order to ensure independence of the members of the Council of the Agency, the Law on Audio and Audiovisual Media Services takes into account several aspects:

* Expertise (both Council members and director need to be prominent persons in areas such as communicology, journalism, electronic communications, informatics, culture, economy, law or other related field that is relevant to the responsibilities of the Agency)
* Political independence: Council member may not be member of Parliament, a member of the Government of the Republic of Macedonia, person appointed by the Parliament or the Government of the Republic of Macedonia, person who manages local self-government unit, director or a member of the management or supervisory board of a public enterprise, persons executing duties within the bodies of a political party
* Independence from any influence of commercial interests – member of the Council (as well as members of his family) may not have directly or indirectly commercial interests in entities whose activities fall under the direct jurisdiction of the Agency or in entities that perform similar activities (eg advertising, electronic communications, etc.).
* Determines measures in case of violation of the regulations

Legal provisions, alongside independence of the regulator ensure independence of the media from political and economic influences.

In eliminating influence from political parties, state bodies, bodies of the state administration, public enterprises, local self - governments units, public office holders and members of their families may not pursue broadcasting activity nor appear as founders or co-founders or acquire ownership of broadcasters.

In order to ensure protection of pluralism and diversity of audio and audiovisual media services, the Law includes measures for control of the media ownership and for determining existence of illicit media concentration. The Law for Audio and Audiovisual Media Services allows integration of media, but also provides restrictions in regard to participation in the foundation capital, number of broadcasters that a individual or legal person may own and also in regard to type of entities where persons who are founders or holders of managerial functions in broadcasters may be founders or holders of managerial functions.

The Agency, former Broadcasting Council regularly monitors the implementation of these provisions and undertakes a range of activities for their consistent application. As a result, all cases of political interference in media ownership and illicit media concentration were resolved.

It's about respecting legal provisions. As for the creation of media policy, the regulator adopted the second Strategy for Development of Broadcasting, covering the period from 2013-2017. The Strategy is a document which on the basis of detailed and comprehensive analysis detects the conditions in the area of ​​broadcasting and determinates measurable and achievable solutions that will contribute to the advancement of broadcasting.

During the preparation of the Strategy, the Agency worked with all relevant institutions in this area whereas several meetings with representatives of different target groups were held in the framework of the public consultation - over sixty relevant institutions and organizations whose activities are related to broadcasting were invited to attend the meetings.

An integral part of the Strategy is an Action plan that includes specific measures, activities, indicators, holders of activities and deadlines. Agency actively monitors the implementation of the Action Plan while other holders of the activities at least once a year should report to the Agency for the implementation of activities in the scope of their competence. Then the Agency, will submit summary report that will also include the activities of the Agency to the Parliament and the Government of the Republic of Macedonia.