

Broadcasting Activity Law

I.GENERAL PROVISIONS

Article 1

This Law regulates the conditions and manner of performing the broadcasting activity.

Under broadcasting activity in the sense of this Law is understood the production, transmitting, broadcasting and distribution of radio and television programs and other information contents intended for general reception in free space and through a radio and television cable network.

Article 2

The conditions and manner of performing the construction, maintenance and use of the broadcasting network and facilities, as well as the relations between the providers and users of broadcasting services, is performed according to the stipulations of the Telecommunications Law, unless otherwise determined by this or by some other law.

Article 3

Certain terms used in this Law have the following meaning:

1. A broadcasting network is a telecommunication network which enables transmission, broadcasting and distribution of radio and television programs and other information contents intended for general reception;
2. The public telecommunication network for performing telecommunication services for the transmission and broadcasting of radio and television signals on the territory of the Republic of Macedonia is a basic radio-television network;
3. A broadcasting station is a radio station intended for transmission of radio and television programs;
4. A radio and television cable network (cable television) is a telecommunication network for distribution of a radio and television program and other telecommunication signals;
5. Local level - is the level of broadcasting of a broadcasting program on the territory of a municipality or of the city of Skopje, or of their surroundings;
6. Own production of a radio, i.e. television program, is the creation of talk, music, education, entertainment and other works intended for radio, i.e. television broadcasting and distribution;
7. Re-transmission is simultaneous reception, transmission and broadcasting of a radio, i.e. television program taken over from other broadcasters without any changes;
8. An advertisement is a message aimed at informing and motivating the public to buy a specific product, i.e. to use a specific service.
9. Sponsoring is the participation of a legal or physical entity in the financing of broadcasting programs, for the purpose of promoting the name and trademark of the sponsor, and which entity is not engaged in the field of broadcasting activity.

Article 4

The performing of the broadcasting activity provides the freedom of public expression of opinion, freedom of speech, public appearance and public information.

The performing of the broadcasting activity, conform to this law and some other law, provides a free access to information, freedom and reception and transmission of information, the right to a response and the right to a correction through the broadcasting station, as well as protection of the source of information.

Article 5

The broadcasting activity may be performed by a legal or physical entity, by means of founding broadcasting organizations, under the conditions and in a manner determined by this and some other law.

A foreign legal and physical entity may be a cofounder of a broadcasting organization, under the conditions and in a manner determined by this and some other law. .

Article 6

The broadcasting activity is realized within the framework of a harmonized technical and technological system, conform to the international agreements which the Republic of Macedonia has concluded, respectively joined.

Article 7

The Republic of Macedonia takes care of creating general conditions for the development of the broadcasting activity, especially through the construction, maintenance and use of the basic broadcasting network; the protection of the broadcasting space of the Republic; the creation of radio and television programs of public interest, within the framework of realization of guaranteed basic freedoms and rights of the man and citizen.

Article 8

The broadcasting activity is based upon the principles:

- true and timely providing of information;
- openness for free competition and providing information on different political ideas, cultural and other tendencies and opinions;
- preservation and nurturing of the national identity, the language culture and the domestic creation;
- promotion of tolerance, and respect and nurturing of the cultural diversity;
- independence and autonomy of the broadcasting organizations, without the state agencies having the right to influence the concept and contents of the programs;
- preventing a monopoly in the influence of individuals and groups in the broadcasting organizations;
- an adequate and impartial treatment of the political entities within the programs of broadcasting organizations, which shall not serve one-sided any single political party, group or attained rights of individuals, especially during election campaigns;
- abiding by the market rules in the implementation of the broadcasting activity;
- a prohibition of censorship in the performing of the broadcasting activity;
- a prohibition on the use of broadcasting programs for calling out for violent destruction of the constitutional system of the Republic, as well as for calling out for a military aggression or inflaming national, racial or religious hatred or intolerance;
- protection of children and youth against violence, avoiding to show violence and pornography in the time periods when certain contents may be shown considering the composition of the audience;
- protection of privacy and dignity of the person;
- equality and equal rights for broadcasting organizations in the access for using the basic broadcasting network for transmission, broadcasting and distribution of radio and television programs.

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II. BROADCASTING ORGANIZATIONS

Article 9

Broadcasting organizations may be founded as public broadcasting enterprises and as broadcasting companies.

Broadcasting enterprises from Paragraph 1 of this Article may be founded on the territory of the Republic of Macedonia and at the local level.

The founding, activity and organization of a public broadcasting enterprise on the territory of the Republic of Macedonia is regulated by law.

Public broadcasting enterprises performing an activity at the local level may be founded by municipalities and the city of Skopje with a founding act, under the conditions determined by law, and after prior approval from the Broadcasting Council.

The Broadcasting Council shall issue the above approval to the municipalities, i.e. the city of Skopje, if the conditions from Article 13, Paragraph 5, Items 1 to 6, of this Law have been met.

Broadcasting trade companies may be founded by legal and physical entities on the territory of the Republic of Macedonia and at the local level under the conditions determined with this and with some other law.

Article 10

A legal and a physical entity may be the founder of only one broadcasting trade company, and cofounder of just one more broadcasting trade company, with a maximum of 25% of the founding capital of that company.

A foreign physical and legal entity may be cofounder of a broadcasting trade company, and then to a maximum of 25% of the total capital of the company. The assets of several foreign legal and physical entities, as cofounders in a single broadcasting trade company, may amount to a maximum of 49% of the total capital of the company.

Article 11

A legal and physical entity whose activity is in the field of the press may not found an organization and perform a broadcasting activity, and a broadcasting organization may not found an organization and perform an activity in the field of the press.

A political party, a religious community and a religious group, as well as a holder of a public function (official in public service) or of a function in a political party, may not be founder, respectively cofounder, of a broadcasting organization.

A holder of a public function or of a function in a political party may not be appointed as director or as chief and responsible editor (editor-in-chief) of a broadcasting organization.

Article 12

The public broadcasting organizations that perform an activity at the local level, i.e. the broadcasting trade companies, are registered at the competent court based on a received approval from the Broadcasting Council, respectively concession, for performing the broadcasting activity.

Broadcasting organizations from Paragraph 1 of this Article may not start operation without receiving a radio station work permit in conformity with the Telecommunications Law.

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III. AWARDING A CONCESSION FOR THE PERFORMING OF THE BROADCASTING ACTIVITY

Article 13

The broadcasting organizations perform the broadcasting activity based on a concession that is issued conform to the stipulations of this Law, the Concession Law and the Telecommunications Law.

The public broadcasting enterprise that is founded on the territory of the Republic of Macedonia receives the concession for performing the broadcasting activity with the law with which it is founded.

The public broadcasting enterprises that perform the activity at the local level receive the concession for performing the broadcasting activity with the founding act from Article 9, Paragraph 4, of this Law.

Broadcasting trade companies receive the concession for performing the broadcasting activity from the Government of the Republic of Macedonia, upon the proposal from the Broadcasting Council, based upon an open competition (call for bids).

The concession from Paragraph 4 of this Article is issued to the broadcasting trade company which offers better conditions for performing the broadcasting activity for the citizens of the respective area through:

- a program for performing the activity;
- production of its own program;
- production of its own program to meet the needs of a specific nationality in the respective area;
- technical and exploitation conditions for broadcasting the program, conform to the determined standards;
- space conditions for performing the activity;
- professional and technical staff;
- financial means for realization of the planned program and other.

Article 14

The competition (call for bids) for performing the broadcasting activity from Paragraph 4 of Article 13 of this Law is announced by the Government of the Republic of Macedonia, upon the proposal from the Broadcasting Council.

The competition from Paragraph 1 of this Article is announced when necessary.

The competition for issuing a concession should contain:

- the type of broadcasting service (radio, television and other) and the area where it shall be performed;
- technical parameters for the broadcasting of the program (frequencies, power, location, etc.);
- start of the performing of the activity and duration of the concession;
- the amount and manner of payment of the compensation for the issuing of the concession;
- duration of the broadcasting of the program (daily, weekly, etc.);
- the time frame and address for submitting the application for participation in the competition; and other conditions which need to be met by the concessionaire.

Article 15

Enclosed with the application for participation in the competition, the legal or physical entity (the submitter) should submit the following information: name and family name; citizenship; type of organization; management system; professional staff and ownership status; data regarding the capital or the participation by the submitter in some other broadcasting organization; types and contents of the program, including the time and duration of the daily news; technical study regarding the studio, studio equipment, existing or planned equipment for broadcasting and for performing the activity; a detailed work plan; documents that guarantee the financial capability for performing the work plan, and other data and documents which the submitter may consider to be useful as a basis for receiving the concession. Article 16 The Broadcasting Council shall propose the allotting of a concession for performing the broadcasting activity to a legal or physical entity if all formal and essential conditions from the competition have been met.

Article 17

A broadcasting trade company may be allotted only one concession for radio and for television, for performing the broadcasting activity on the territory of the Republic of Macedonia and for performing the activity at the local level, at various non-neighboring areas, at the most two concessions may be allotted, one for radio and one for television.

Article 18

A concession for the performing of the broadcasting activity on the territory of the Republic of Macedonia may be allotted to a broadcasting trade company if it secures a listener, i.e. viewer scope of at least 70% of the population of the Republic of Macedonia.

Article 19

The Government of the Republic of Macedonia, upon proposal from the Broadcasting Council, may revoke the allotted concession if:

the concessionaire does not start performing the concessionaire activity within the time frame determined by the contract;
the concession is allotted based on incorrect data;
if the concessionaire or the holder of the work permit dies;
the legal entity is under bankruptcy;
the concessionaire does not abide by the conditions for performing the activity which are determined with this Law; and
the concessionaire does not respond to the request from the competent organ to remove defects within the specified deadline.

Article 20

Before the expiration of the concession contract, the concessionaire may again submit a request to the Council for renewal of the allotted concession. The Council shall propose to the Government of the Republic of Macedonia a renewal of the concession if: - during the validity of the contract, the concessionaire has not made a violation in performing the activity; - the concessionaire abides by the conditions for performing the activity which are determined with the contract.

Article 21

The received concession may not be transferred to a third person.

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IV. BROADCASTING COUNCIL

Article 22

A Broadcasting Council (in the further text: Council) is founded for the purpose of reviewing issues regarding the broadcasting activity; for the preparation of proposals for allotting and revoking concessions; for proposing a distribution of funds from the broadcasting tax from Article 77, Items 4 and 5, of this Law; for monitoring the implementation of concession contracts; for giving an opinion and proposals for promotion and development of the broadcasting activity; and for performing other activities in the domain of the broadcasting activity.

Article 23

The Council is an independent body which represents the interests of the citizens of the Republic of Macedonia in the performing of the broadcasting activity.

The Council consists of nine members who upon the proposal from the Committee for issues of election and appointment of the Parliament of the Republic of Macedonia, are chosen and revoked by the Parliament of the Republic of Macedonia, from among competent and expert persons from the domain of public information providing, economy, education, culture and other areas.

An appropriate representation of the members of the nationalities in the Republic of Macedonia is provided in the composition of the Council.

Article 24

A member of Parliament, member of the Government (Cabinet) or a person employed in a broadcasting organization or in state agencies, members of the leadership of political parties, as well as persons who have a stake, shares or some other economic interest in broadcasting organizations may not be elected as member of the Council.

Article 25

The Council elects a President and Vice-President from among its members. The President of the Council and the Vice-President receive a monthly salary for their work, while the other members receive an appropriate indemnification.

Article 26

Members of the Council are elected for a term of six years, with the right to re-election, whereby the Council members from the first composition are elected so that three members are elected for two years, three members for four years and the remaining three members for six years.

Article 27

The Council enacts decisions with a majority of votes from the total number of its members.

Article 28

The work of the Council is public. The Council submits a report on its work to the Parliament of the Republic of Macedonia once a year. The expenditures for the operation of the Council are provided from the funds collected with the broadcasting fee (tax).

Article 29

The President, Vice-President and members of the Council cannot be recalled during their term. The President, Vice-President and members of the Council may submit their resignation. The term of the members of the Council may end during the time for which they were elected if they are sentenced for a crime for which a penalty of at least six months is prescribed, or if they are sentenced for a crime or some other act which makes them unworthy for performing the function, as well as for unjustified absence from the work of the Council for more than six months.

Article 30

The Council enacts Operating Regulations which stipulate in detail the manner of operation of the Council. For performing professional and administrative matters, the Council establishes a professional service.

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V. BROADCASTING PROGRAMS

1. Contents of the Programs

Article 31

Broadcasting organizations perform their activity based on a program. The program from Paragraph 1 of this Article contains informative, science and educational, cultural, sport, business and other contents of interest to the life and work of the citizens, and through these, especially the following is provided:

respect for the freedom and rights of man and citizen, his dignity and honor;
free affirmation of opinions and beliefs, a comprehensive and objective providing of information to listeners and viewers, as well as enrichment of their general education and entertainment;
nurturing and affirmation of the Macedonian cultural tradition and that of the nationalities that live in the Republic of Macedonia, as well as participation in the cultural life;

promotion of the spirit of tolerance, mutual respect and understanding between the individuals from various ethnic and cultural background;
promotion of international understanding and cooperation, the feeling of the public about justice, defense and democratic freedoms, and publication of the truth;
equality of freedoms and rights, regardless of the gender, race, color of skin, national and social background, political and religious belief, and the wealth and social position of the man and citizen, and protection of the child and motherhood; and
protection and improvement of the environment and nature. Television programs may also contain teletext messages.

Article 32

The total offer of the program may not serve one-sided a specific political party or specific interests.

Article 33

The program of the broadcasting organization must meet the following conditions:

a truthful presentation of events, with equal treatment of different approaches and opinions;
a truthful, unbiased and professional presentation of news and events;
promotion of the free forming of opinion concerning various events and issues; and
opinions and comments should easily be recognizable as opinions or comments, with a clear indication whose opinions and comments they are.

Article 34

The state agencies and agencies of the local self-government, as well as their representatives, may not influence the creation of radio and television programs, nor their operation.

Article 35

In the program of the broadcasting organizations, broadcasts are not allowed which are directed towards a violent destruction of the constitutional system of the Republic, or which urge or call out to a military aggression or to a stirring up of national, racial or religious hate and intolerance.

Indecent contents, especially with pornography or violence, may not be shown in the program.

Shows may not be broadcast in the program that could have a damaging influence upon the physical, spiritual or moral development of children and youth.

Films and other shows which could have a damaging influence upon the psycho-physical development of children and youth may be shown only between 24:00 and 06:00 hours (midnight to 6 AM).

Article 36

The broadcasting organizations are obligated to give in the program, free of charge, notices, announcements and warnings from state agencies, concerning events in connection with the appearance of natural disasters or epidemics.

Article 37

The broadcasting organization that performs the activity on the territory of the Republic of Macedonia must provide the realization of the program of radio with at least 18 hours a day, and of television of 8 hours a day, while on a local territory, the realization of the program for radio of at least 10 hours a day, and for television of 3 hours a day.

As an exception to Paragraph 1 of this Article, for local areas with less than 3,000 inhabitants, the broadcasting of the program may be less than 8 hours a day, but not less than 3 hours a day for radio

and 2 hours for television. Article 38 For the program from Article 37 of this Law, the broadcasts that are repeated cyclically or which consist of still pictures, i.e. signals, do not count.

Article 39

In the radio and television programs, the name and family name of the responsible editor and of the program editor must be announced, as well as the name of the broadcasting organization which broadcasts it, i.e. on television the identification sign must be permanently present, and on radio it must be broadcast every hour.

Article 40

The broadcasting organization must keep a journal of the shows and it must keep their recordings for at least thirty days after the broadcasting.

In the case of a right to a response or to a correction, as well as in the case when a litigation has been initiated, the recorded materials are kept until the broadcasting of the response and of the correction, i.e. until the litigation is ended.

Upon the request from the Council, for the purpose of review of various broadcast shows, the recorded materials are kept for the time frame determined by the Council.

Article 41

The participation of own programs in the program of the broadcasting organization may not be less than 40% of the total broadcast program during the week, whereby during the first year of operation it must provide 20%, in the second year 30%, and the third year 40% of the total broadcast program during a week.

Broadcasting organizations that realize a program at the local level must provide a participation in their program of at least 30% with events and cases from the relevant area.

Broadcasting organizations which realize a program on the territory of the Republic of Macedonia must broadcast an informative program every day.

Article 42

Broadcasting organizations may broadcast programs also from other domestic broadcasting organizations, based upon an agreement, but hereby they may not link together into a single system for broadcasting a common program, outside of the territory for which they were founded.

As an exception to Paragraph 1 from this Article, in case of bad quality reception of the radio-television signal of the Public Broadcasting Enterprise that is founded for the territory of the Republic of Macedonia, the public broadcasting organization at the local level may take over its informative program without an agreement, under the condition that it does not broadcast its own advertisement program 15 minutes before and 15 minutes after taking over the informative program, and to confirm on the screen the taking over of the program.

Article 43

Broadcasting organization may re-broadcast foreign programs, from time to time only if they have an agreement with the foreign producer of the respective program, and after prior consent from the Broadcasting Council.

Article 44

During an election campaign, the broadcasting organizations are obliged to give the possibility in their programs to political parties to promote their political programs under equal conditions, conform to the election regulations.

The stipulations from Paragraph 1 of this Article also apply respectively to the candidates for President of the Republic.

Article 45

The broadcasting program is broadcast by the broadcasting organizations in the Macedonian language.

The Public Broadcasting Enterprise, which broadcasts programs on the territory of the Republic of Macedonia, besides in Macedonian language, broadcasts programming contents also in the languages of the nationalities.

For areas where members of the nationalities live as a majority, respectively in a significant number, the public broadcasting enterprises that perform the activity at the local level broadcast programs also in the languages of the respective nationality.

The broadcasting trade companies, besides broadcasting of programs in the Macedonian language, may broadcast programs also in the languages of the nationalities.

Article 46

Foreign programs or parts of foreign programs must be translated into the Macedonian language, as well as into the language of the nationalities in the programs that are broadcast for them.

The stipulations from Paragraph 1 of this Article do not refer to the transmission of musical, theatrical and religious events, as well as to educational programs for learning foreign languages, as well as to programs intended for foreigners.

Programs that are not translated are also announced in the Macedonian language, i.e. the languages of the nationalities, for the programs that are broadcast for them.

Article 47

The public broadcasting organization which broadcasts programs on the territory of the Republic of Macedonia is obligated to provide the creation and broadcasting of special programs for providing information, for preserving the cultural and historical traditions, and for maintaining and promoting the links with emigrants and other citizens of the Republic of Macedonia who live in the neighboring countries, in Europe and on other continents.

2. Advertisement

Article 48

The advertisements stimulate the selling, buying and renting (leasing) of products or services, or specific effects are underlined which should be achieved with the advertisement. The broadcasting time made available for the advertisement must be charged by the broadcaster.

Article 49

The advertisements must be truthful and honest, they should not lead the public to a wrong opinion, and they may not be against the interests of the buyers, i.e. the users of services.

Article 50

Advertisements aimed at children or in which they participate, may not contain messages which could harm their interests and damage the child sensitivity and age.

Article 51

The duration of advertisements of public broadcasting organizations may not amount to more than 7% of each hour of broadcast program.

The duration of the advertisements of broadcasting trade companies may not amount to more than 20% of each hour of broadcast program.

The duration of the advertisements of the broadcasting trade companies, as a direct offer to the public for buying, selling, selling out and renting (leasing) of products, or providing of services (Teleshop), may not exceed one hour of the daily program.

Public broadcasting enterprises may not perform services from Paragraph 3 of this Article.

Article 52

Advertisements must be clearly recognizable and distinct from the other part of the program, with easily recognizable sound signals, i.e. picture.

As a rule, advertisements are broadcast in blocks.

Article 53

Persons that regularly take part in news and other informative programs may not appear in picture in television advertisement messages.

Article 54

Through the advertisement message, no influence may be exerted upon the contents of the program in such a manner as to diminish the independence of the broadcasting organization and its responsibility in relation to the show.

Television advertisements may not be broadcast in programs in a manner that disturbs the integrity and value of the program, as well as the rights of the authors of that program.

Article 55

News and other informative programs as well as transmission of religious and other events whose duration is less than 30 minutes may not be interrupted with advertisement.

Article 56

The broadcasting of audio-visual works, such as feature films or films intended for television (not including serial films, entertainment programs and documentaries), whose duration exceeds 45 minutes, may be interrupted with the broadcasting of advertisements only once every 45 minutes of the block program.

Article 57

Advertisement messages are not permitted for the advertisement of drugs, tobacco, alcohol and medicaments which are issued only with a doctor's prescription.

3. Sponsorship

Article 58

When the program or a series of programs is sponsored, in full or in part, by a physical or legal entity (in the further text: sponsor), the sponsor should be clearly identified in an appropriate manner at the start or at the end of the program.

Article 59

The sponsor may not influence the contents and the sequence of the sponsored program in a manner which violates the responsibility and independence of the editorial policy of the broadcaster in regard to the program contents.

Article 60

Sponsored programs should not promote the selling, buying and renting (leasing) of products or services from the sponsor or from third persons, especially with advertisement contents in the sponsored programs.

Article 61

News and other informative programs may not be sponsored, as well as programs with a political or a religious character.

4. The Right to a Response and Correction

Article 62

A physical or a legal entity that has been offended by a factual situation or presentation in a radio or television program, has the right to a response.

The response must be short and limited only to facts, submitted within 30 days from the day of the broadcasting, presented in a written form and signed by the offended person or by his legal representative.

The broadcasting organization must broadcast the response within the shortest possible time, i.e. in the next edition of the same program, without financial reimbursement (free of charge), in order to inform the public about the disputed factual situation.

It is not permitted to announce at the same time a commentary to the response in regard to the announced information.

Article 63

Everyone has the right to demand that the broadcasting organization announce a correction to an information which violates the dignity and honor, as well as the rights and interests of the citizen, agency, respectively organization.

The one who submits the correction is obligated to specify the data, i.e. information, to which the correction is concerned, as well as the time of broadcasting of the program.

The correction should be based exclusively upon data with which the assertions presented in the announced data, i.e. information, are refuted. The broadcasting organization broadcasts the correction without reimbursement (free of charge).

It is not permitted to announce at the same time a commentary to the correction in regard to the announced information.

5. Access to Information and Protection of the Source of Information

Article 64

Broadcasting organizations should be provided access to information by:

following the work of state agencies, agencies of local self-government, and other institutions which execute public authorizations and activities of public interest;

following cultural, sports and other events without a special reimbursement, in order to prepare and transmit short reports in the informative programs.

Broadcasting organizations may broadcast extracts from the programs of other broadcasting organizations from Paragraph 1, Item 2, of this Article, without compensation, with a duration of not exceeding 90 seconds, with a clear designation of the source of information.

The source of the announced information and the materials researched by the journalists are protected, and as an exception, the source of information may be disclosed only with a court decision.

6. Cable Broadcasting Network

Article 65

In a certain area, the approval for a concession for a radio and television cable network may be held by only one concessionaire.

The owner of the radio and television cable network may not distribute his own program nor his own advertisements, and he may transmit to the users through his own cable system a trial (experimental) picture, with the exact time, data about the weather and an announcement in regard to the functioning and use of his cable system.

The owner of the radio and television cable network may transmit radio and television programs at the same time (simultaneously), wholly and without changes, conform to the received concession, as well as domestic programs produced for cable television, if the producers of these programs have received a concession.

The owner of a radio and television cable network may not be a concessionaire for a broadcasting organization, nor a shareholder in a broadcasting organization.

Article 66

The owner of a radio and television cable network transmits programs that are produced and broadcast in the Republic, under the conditions determined by law.

Article 67

The owner of the radio and television cable network may not make the connection to his system impossible, when technical possibilities for this exist, if the users request this and if they pay a compensation for it.

Article 68

The owners of housing and business premises are obliged to permit the installation of a radio and television cable network connection, if the tenant or the lessee of those premises request such a connection and they bear the costs for it.

The owner of the radio and television cable network or the owner of the housing or business premises may seal off the unused connections.

Article 69

The user of the connection to the radio and television cable network pays to the owner of the radio and television cable network a special subscription or compensation, depending upon the extent and type of use of this television, in a manner and under conditions determined by an agreement between them.

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VI. FINANCING THE BROADCASTING ACTIVITY

Article 70

Broadcasting organizations are financed from performing their activity, from donations and from other revenues.

Article 71

In order to create the general conditions from Article 7 of this Law, a broadcasting tax is introduced.

Article 72

The broadcasting tax is paid by each user of a radio and television receiver.

As an exception to Paragraph 1 of this Article, the Government of the Republic of Macedonia determines upon the proposal from the Council which users of radio and TV receivers, as well as which areas that are not covered with a quality broadcasting signal, shall not pay the broadcasting tax.

A family household as a user, regardless of the number of radio and TV receivers it owns, pays a single broadcasting tax. Enterprises and other legal entities, except state agencies and educational organizations and public health organizations, pay a broadcasting tax for each radio and TV receiver they own, as well as for the receivers that are built into their motor vehicles.

As an exception to Paragraph 4 of this Article, hotels and other catering facilities and social institutions pay one broadcasting tax for ten rooms that are equipped with a radio and TV receiver, and any other legal and physical entity, except for the broadcasting organizations, pays one broadcasting tax per 20 employee work places that are equipped with a radio and TV receiver.

Users from Paragraphs 4 and 5 of this Article, who own only radio receivers, pay 1/3 of the determined amount of the broadcasting tax.

Article 73

The broadcasting tax is paid every month, at a level of 2.5% of the average net monthly salary paid out in the Republic for the previous three months.

The level of the broadcasting tax from Paragraph 1 of this Article is adjusted by the Council with the published data by the Statistical Office regarding the amount of the average net monthly salary in the economy, paid out during the last three months, and informs the public about this.

Article 74

A register of users of radio and TV receivers is maintained by the Public Broadcasting Enterprise from Article 9, Paragraph 3, of this Law. The users are obligated to inform the enterprise from Paragraph 1 of this Article about any change in the use of a radio and TV receiver, within 15 days from the day of the change.

Article 75

The broadcasting tax is collected with the invoice for the collection for electrical energy, based upon the documentation (register of users of radio and TV receivers) that is maintained by the enterprise from Article 74, Paragraph 1, of this Law.

A user of electrical energy who does not possess a radio and TV receiver is not subject to the obligation of paying the broadcasting tax, if he proves to the enterprise from Article 74, Paragraph 1, of this Law that he does not possess, or for specific reasons does not use, a radio and TV receiver, for which it (the enterprise) issues an appropriate certificate to the user.

Broadcasting tax for the receivers built into motor vehicles from Article 74, Paragraph 4, of this Law is collected at registration of the motor vehicles by an organization that is authorized for this, in an annual amount.

In the invoice for electrical energy, the amount for the broadcasting tax and the month for which it concerns are specified.

Article 76

The funds from the broadcasting tax are deposited into a special summary account at an institution that performs payment operations, which directs them to respective users, in conformity with this Law. In regard to forced collection, interest and obsolescence of the obligation for payment of a broadcasting tax, the stipulations from the Law on Personal Income Tax are applied respectively, if not otherwise determined by some other law.

Article 77

The funds collected with the broadcasting tax which is established for the purposes from Article 7 of this Law, are allocated according to the following criteria:

- 61% of the collected funds to the public broadcasting enterprise which performs the broadcasting activity on the territory of the Republic of Macedonia, for the creation and broadcasting of programs of interest to the country;
- 6.5% of the collected funds are for the construction, maintenance and use of the basic broadcasting network;
- 7.5% of the collected funds - for the development and technical equipment of the Public Broadcasting Enterprise on the territory of the Republic of Macedonia;
- 5% of the collected funds - for the public broadcasting enterprises that perform the activity at the local level; and
- 10% of the collected funds - for the creation and broadcasting of programs of public interest for the broadcasting trade companies and for independent producers.

Article 78

The decision on the allocation of funds from Article 77, Paragraph 4, of this Law per individual user is made by the Government of the Republic of Macedonia, upon proposal from the Council.

The decision on the allocation of funds from Article 77, Paragraph 5, of this Law per individual user is made by the Government of the Republic of Macedonia, upon proposal from the Council, and it is based upon a conducted proceeding for public announcement, whereby care has been taken to meet the public multicultural interest of the citizens.

Article 79

The programs of the public broadcasting organizations at the local level are financed with funds from the budget of the units of local self-government, as well as from other sources determined by this Law or with an agreement.

Article 80

The broadcasting trade companies provide revenues for performing their activity based on the broadcasting of commercial programs, economic-propaganda messages (advertisement), funds acquired based on mutual agreement with the users of their services, as well as from other sources determined with this Law.

Article 81

Broadcasting organizations, besides revenues from programs determined by this Law, also acquire funds from their own video, audio and film production, as well as from organizing concerts, public musical and stage presentations, and other contents within the framework of their activity.

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VII. SUPERVISION

Article 82

Supervision over the implementation of this Law, in regard to the construction, maintenance and use of the broadcasting network and facilities is performed by the Ministry of Transport and Communications, according to the stipulations from this Law and the Telecommunications Law, through the Republic's Inspectorate of Transport and Communications.

Article 83

The Council takes care of the implementation of the stipulations from this Law in relation to the creation and broadcasting of broadcasting programs, as well as for following the implementation of concession contracts.

Article 84

Within the framework of their competence and in a manner and in a procedure which is prescribed by law, the competent inspectorates at the respective ministries undertake measures against those broadcasting organizations which perform an activity contrary to this Law, directly and upon proposal from the Council.

An appeal against the ruling from Paragraph 1 of this Article may be submitted to the appropriate commissions of the Government of the Republic of Macedonia, in order to decide in an administrative proceeding of the second level (appeal proceeding).

The appeal does not delay the execution of the ruling from Paragraph 2 of this Article.

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VIII. PENALTY PROVISIONS

Article 85

A broadcasting organization or some other legal entity shall be punished for a violation with a fee of 100,000 to 300,000 denars, if:

1. it performs the broadcasting activity without a registration at the competent court of registration (Article 12);
2. it performs the broadcasting activity without having received a concession and contrary to the conditions determined in Article 13 of this Law;
3. it performs the broadcasting activity outside of the territory for which a concession was received (Article 17);
4. it transfers the received concession upon a third person (Article 21);
5. it performs the activity without a program, or broadcasts and distributes a broadcasting program contrary to the conditions determined with the stipulations in Articles 31, 32, 33, 35 and 47;
6. if upon the request from the competent agency it refuses to broadcast announcements, statements and warnings in connection with events regarding natural disasters or epidemics (Article 36);
7. if it transmits or re-transmits programs of some other broadcasting organizations contrary to the determined conditions (Article 42, Paragraph 1, and Article 43);
8. if during the broadcasting of a broadcasting program they do not keep to the prescribed conditions for the use of languages (Articles 45 and 46);

9. if it transmits programs contrary to the received concession for a radio and television cable network, or if it appears as a concessionaire for radio or for television, i.e. a shareholder of a broadcasting organization (Article 65, Paragraphs 3 and 4).

The responsible person in the broadcasting organization, or in some other legal person, shall be punished for an economic violation with a fee of 30,000 to 50,000 denars.

For the perpetrated economic violation from Paragraph 1, Items 4, 5 and 9, of this Article, a protective measure can be pronounced - a ban on performing the broadcasting activity for a period of six months to one years.

For the perpetrated economic violation from Paragraph 1, Items 1, 2 and 3, of this Article, the measure of taking away the communications equipment is also pronounced.

Article 86

A broadcasting organization or some other legal entity shall be punished for a violation with a fee of 30,000 to 100,000 denars, if:

1. it does not commence to perform the concessionary activity within the time determined by the contract, i.e. it offers incorrect data based on which it attained the concession (Article 19);
2. it broadcasts a program contrary to the determined time (Articles 37 and 41);
3. during the broadcasting of the programs, it does not display the prescribed data (Article 39);
4. it does not keep a journal of shows and if it does not keep the recordings until the determined time (Article 40);
5. it does not provide equal conditions for the promotion of political programs during an election campaign (Article 44);
6. it broadcasts advertisement messages or programs under sponsorship (patronage) contrary to the stipulated conditions in Articles 48 to 61;
7. it refuses to broadcast a response to an announced information (Article 62, Paragraph 3);
8. it refuses to broadcast a correction to an announced information (Article 63, Paragraph 1);
9. it broadcasts extracts from programs from other broadcasting organizations contrary to the conditions from Article 64, Paragraph 2;
10. if the owner of the radio and television cable network distributes his own program or his own advertisements (Article 65, Paragraph 2);
11. it does not permit connection to the radio and television cable network, even though technical conditions for this exist (Article 67); and
12. it does not act in accordance with the obligations from the rulings from Articles 82 and 83 of this Law.

A responsible person in the broadcasting organization or in some other legal entity shall be punished for a perpetrated violation with a fee of 5,000 to 30,000 denars.

For the perpetrated violation from Paragraph 1, Items 1, 5, 7 and 9, of this Article, a protective measure is also pronounced - a ban on performing broadcasting activity for a period of three months to one year.

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IX. TRANSITIONAL AND FINAL PROVISIONS

Article 87

The Parliament of the Republic of Macedonia shall elect the members of the Council within 45 days from the day this Law comes into effect.

Until the establishment of the Council from Paragraph 1 of this Article, the Ministry of Transport and Communications informs the public about the level of the broadcasting tax from Article 72, Paragraph 2, of this Law.

Article 88

Within two months from the day this Law comes into force, the Ministry of Transport and Communications and the Council shall submit the technical parameters from Article 14, Paragraph 3, Item 2, of this Law.

Within four months from the day this Law comes into force, the Council shall prepare a program for covering those areas, i.e. settlements, where there is no such signal, with a quality radio and television signal.

Article 89

Within four months from the day this Law comes into effect, the Council shall propose to the Government of the Republic of Macedonia to write out a competition (issue a call for bids) for allotting concessions to broadcasting trade companies for performing the broadcasting activity.

Within six months from the day this Law comes into effect, the Council shall prepare a proposal for allotting concessions, and within one month after it receives the proposal, the Government of the Republic of Macedonia shall make a decision on the allotting of concessions.

Article 90

Broadcasting trade companies that shall not receive a concession for performing the broadcasting activity, shall cease their operation with the termination of the procedure for allotting concessions from Article 89 of this Law.

Article 91

The matters and activities performed by Macedonian Radio and Television as the authorized broadcasting organization in relation to the construction, maintenance and development of the broadcasting network (transmitters and links) and the creation of programs, in its facility as the Public Broadcasting Enterprise for the territory of the Republic of Macedonia, it shall continue to perform until a special law is enacted.

Article 92

The existing local radio stations, founded according to the stipulations from the Law on Broadcasting (Official Gazette of SRM, No. 20/74), continue to operate as public broadcasting enterprises that perform the activity at the local level.

Municipalities, i.e. the city of Skopje, are obligated to harmonize the operation of the radio stations from Paragraph 1 of this Article with the stipulations from this Law, within nine months from the day it comes into effect.

Article 93

Payment of the broadcasting tax in the manner prescribed in Article 73, Paragraph 1, of this Law shall start the next month after the month when this Law comes into effect.

Article 94

On the day this Law comes into effect, the following cease to be in force:

1. The Law on Broadcasting (Official Gazette of SRM, No. 20/74 and 2/95);
2. The stipulations from the Law on Providing Public Information (Official Gazette of SRM, No. 20/74), which concern broadcasting;
3. The stipulations from the Law on the System for Communications, for Radio Traffic and Postal, Telegraph and Telephone Traffic (Official Gazette of SRM, No. 14/79), which concern broadcasting; and
4. The Law on Fundamentals of the System for Providing Public Information (Official Gazette of SFRY, No. 84/90); the Law on Systems of Links (Official Gazette of SFRY, No. 41/88); the Law on Introduction and Distribution of Foreign Means for Mass Communication and Foreign

- Informative Activity in Yugoslavia (Official Gazette of SFRY, No. 39/74 and 74/87); in the parts which concern the performing of the broadcasting activity;
5. The Decree on the manner of registration and withdrawal of registration of broadcasting receivers, for maintaining records and the manner of collection and payment of the compensation for using broadcasting receivers (Official Gazette of the Republic of Macedonia, No. 9/95).

Article 95

This Law comes into effect on the eighth day from the day it is published in the Official Gazette of the Republic of Macedonia