

[MK] Reforms of the Media Regulation for more Effectiveness and Transparency

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The latest amendments to the Broadcasting Law increase the number of members of the Macedonian independent media regulatory authority 'Broadcasting Council' from nine to fifteen. The parliamentary majority, established after the early elections this year, decided on this expansion of membership.

According to the Broadcasting Act, the members of the Broadcasting Council are nominated by official proposers: the Parliamentary Commission for Appointments and Dismissals (3 nominations), the Inter-University Conference (3 nominations), the major association of journalists in the country (2 nominations) and the Macedonian Academy of Sciences and Arts (1 nomination). The latest changes add four more official proposers: the President of the country (2 nominations), the Anti-corruption Commission (1 nomination), the Association of Units of Local Self-government (2 nominations) and the Competition Protection Commission (1 nomination). The main reason for these addenda to the law - as it was pointed out by the parliamentary majority - was to increase the effectiveness and the transparency of the media regulatory authority.

The lack of visible effectiveness of the media regulation has been a widely-known issue in Macedonia. The 2010 Country's Progress Report of the EU noted that the media regulator "is not able to monitor the market effectively". Furthermore, illegal media concentration and the opaque media ownership situation have been burning issues in the media sector for years, which also has been pointed out as a serious problem in international reports.

The Competition Protection Authority and the Broadcasting Council indeed made several attempts to address the issue of high media concentration, however, with no results. For years this media ownership constellation has been giving a false image that the great number of broadcasters (at the moment 160) would improve media pluralism in the country. This thesis has proved to be wrong, due to the fact that the media outlets share a small advertising cake and face serious financial problems. This media regulation policy has put the media in the situation of needing to turn to centres of political and economic power in order to survive. Despite the weak local economy and the global economic crises, surprisingly no media outlet was closed due to underfunding. On the other hand market research showed that the share of political advertising kept its position among the five

biggest advertisers.

The intention to reform the media regulatory mechanisms has been overshadowed by criticism, inter alia concerning the way the amendments became part of the national legislation. Critics say that such major reforms of media legislation needed public debates and consultation with national and international experts, especially due to the fact that Macedonian media democracy was still fragile and even a small wrong move could inflict serious damage. A further question is whether the Broadcasting Council will be more effective and efficient by merely increasing the number of its members at a time when the general tendency is towards the reduction of State officials in independent regulatory authorities in order to make them compact and effective expert bodies.

Media legislation will have to undergo thorough reforms very soon to transpose the EU Audiovisual Media Services Directive. This could be an opportunity to - through public consultations - revise the Broadcasting Council's competencies and obligations in order to create a legal environment that would guarantee increased transparency, accountability and effectiveness of the media regulatory mechanisms.

Закон за изменување и дополнување на Законот за радиодифузната дејност од 2011. Законот за изменување и дополнување на Законот за радиодифузната дејност беше објавен во "Службен весник" на РМ, бр. 97 од 18.07.2011 година

http://www.srd.org.mk/index.php?option=com_content&view=article&id=323:izmeni-na-zakon-2011&catid=36:zakoni&Itemid=48&lang=en

Latest changes to the Broadcasting Law of 18 July 2011

2010 Country's Progress Report of the European Union

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mk_rapport_2010_en.pdf

