

[MK] The New Strategy for Development of the Broadcasting Sector Defines the Reform of the Media Legislation

IRIS 2012-9:1/30

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Over 80 participants from the NGO-sector, state institutions, national agencies and other local stakeholders have been participating in public meetings, organised by the Macedonian Broadcasting Council (BC), whose aim is to draft the new five-year National Strategy for Development of the Broadcasting Sector for the period 2013-2017.

One of the main tasks of the new strategy is to identify the regulatory directions of the new Law on Audiovisual Services as well as to identify the shortcomings and gaps in the existing legislative acts that indirectly regulate the media sector, like protection of consumers' rights, copyright and minors' protection, media literacy, fostering of competition etc. In total the new strategy focuses on nine crucial areas:

- Pluralism and diversity of the programme content;
- Media literacy;
- Transition to digital broadcasting;
- Broadcasting in a digital environment;
- Economic potentials of the broadcasting industry;
- Illegal media concentration and transparency of ownership;
- Reform of media regulation;
- Copyright protection;
- Protection of the users of media services and easing access to the media services.

During the past several years, the Public Service Broadcaster (PSB), the Macedonian Radio and Television, has been conducting serious reforms in order to transform itself into a real public service broadcaster. However, one of the main challenges for the future regulation will be the introduction of new media services

and their positioning in the national media landscape. The draft strategy reads “...the future media regulation should more precisely define the minimum number of PSB-channels and it should allow the PSB to establish and operate additional specialised media services...”. However, the new media legislation should also define mechanisms for public and regulatory assessment of the need for these kinds of services.

When speaking of the PSB, the “legal position” of the Parliamentary Channel should also be revised. The current Law on Broadcasting is unclear about the competences of the Parliament and the PSB in the functioning of this channel. While the Parliamentary Commission is in charge of overall programming content and technical realisation, editorial responsibility falls on the PSB. The experts suggest: “The Parliamentary Channel should be re-organised in such a way that it will be a niche channel of the PSB, independent from the Parliament and other state institutions, with editorial responsibility with the PSB, and should work using the tools of professional journalism.” The new law on media should decide if this PSB service will cover only the Parliament’s activities or whether it will also cover the whole political process of the country, including the activities of the Government and the President.

Regarding the commercial sector, the analysis of the BC shows that there are too many media outlets, offering the same programming format “Television broadcaster with generally dominant entertainment function”. That is why one of the obligations for the regulatory authority is to re-define its license-granting policy in a direction to stimulate niche channels.

In order to keep the media as much distinct as possible from the political centers, the draft Strategy suggests more precise regulation on political advertising: “It must be determined in a precise manner, what should be considered as a public interest and what kind of advertising should be defined as such...” .

Another challenge for the new legislation is to ensure transparency of the media ownership structure and prevention of abuse of a dominant position in the media market, which could endanger media pluralism. In this vein, the Strategy recommends that “.... [t]he editorial decisions should be strictly separated from the managerial decisions...”.

Besides measures for easier access to the media market for non-linear media content providers and full transposition of the EU Audiovisual Media Services Directive, the Strategy envisages clear measures that will ensure fostering of a culture of tolerance and non-discrimination in the media: “... Education of the editorial staff is needed in order to increase the professional standards, so that the journalists can identify hate speech, discrimination based on gender, sex, sexual orientation, religion, ethnicity etc.... A secondary legislation [measure] and co-regulatory act is needed, in which hate speech and discrimination will be

explained, as well as the ways to avoid them.”

The Strategy further defines the completion of the process of digitisation and sets the strategic goals for the period after the analogue switch off, scheduled for June 2013. Macedonia being a country where the cable TV networks are dominant, the Strategy also includes measures that will stimulate cable operators to fully digitise their networks as well as to further spread the fiber-to-the-home-access (FTTH-access). The regulatory authority will also encourage investments in the introduction of IPTV2, DVB-T2, mobile television through 4G etc.

The adoption of the Strategy for Development of the Broadcasting Sector for the period 2013-2017 has been planned for December 2012 and its implementation is expected to start at the beginning of 2013.

