

[MK] Second Draft of the New Media Legislation Set for Public Discussion

IRIS 2013-8:1/28

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During the heated debate on the new media law (see IRIS 2013-7/19) the Government proposed two acts to the Parliament for adoption.

The first act, called Zakon za mediumi (Media Act), will regulate general issues of the media sector. The second one, called Zakon za audio-vizuelni mediumski uslugi (Act on Audio-visual Media Services), will focus more specifically on the audiovisual media services sector.

In spite of the submissions from civil society organisations, professional media associations and the international community, the proposed acts include a rather high level of media regulation including regulation of Internet content and print media. Both are currently the subject of basic regulation only (e.g. general and specific competition and copyright law).

In specific cases, the two proposed acts would regulate the sector originally devoted to self-regulation. They specify the obligations of the self-regulatory bodies and how they should react in case of breaches of Codes of Conduct. Critical voices see a loss of distinction between self-regulation and formal regulation.

Art. 2 of the Zakon za mediumi defines the professional field of a journalist in a rather narrow manner. The definition can be read in a way that does not encompass freelance journalists or representatives of civic journalism. This enables authorities to exclude those journalist from public events, just because they are not “journalists” in the sense of the law.

Art. 10 of the Zakon za mediumi stipulates rules on the organisation of journalists’ work within the media outlets on a micro-management level and even regulates communication between reporters and the editor in chief. The Media Law obliges journalists to inform the editor-in-chief in accordance with a legally-stipulated internal communication procedure if they want to publish any information from protected sources. Critics fear that this could result in self-censorship, which could have a chilling effect on media freedom in Macedonia and put emphasis on Art. 16 of the Macedonian Constitution guaranteeing the journalist’s right not to reveal their information source.

Art. 9 of the proposed text of the Zakon za audio-vizuelni mediumska usluga diminishes the transparency of the media regulation authority's work. The Agency for Audiovisual Media is obliged to hold "at least four sessions open to the public within one year". This is an option to seal off from the public: according to the current legislation all sessions of the Agency are open to the public. This reduction of transparency contrasts with the regulatory power being extended by the draft act.

The civil society and the media professionals associations urged the Government to withdraw the acts on media in a joint statement: "The separation of the law (in two acts) is only a technical separation of provisions and not a substantial separation of the (regulatory) approach towards the printed and the electronic (online) media from the broadcasters." - reads the joint statement of the Association of Journalists of Macedonia, the Media Development Centre and the Macedonian Media Institute. The media professionals (the Association of Journalists of Macedonia) are also concerned about the reform of the media regulation authority: "The majority of its members will be nominated by political institutions, the Parliament and the Association of Units of Local Self-governments." With regard to the media regulation agency, the OSCE's comments on the Draft Act require bigger involvement of the civil sector: "One of the main concerns related to the provisions on the regulatory agency was that there was insufficient involvement of civil society in the appointment process. This concern remains, as there are no substantial amendments to the relevant provisions." Both laws are expected to be adopted by the Parliament in autumn 2013.

OSCE's Comments on the Second Draft of the Draft Law on Media and Audio-visual Media Services

<https://www.osce.org/fom/103488>

Став на ЗНМ, ССНМ, МИМ и ЦРМ за законат за медиуми

<http://www.znm.org.mk/drupal-7.7/mk/node/648>

Joint statement of the Association of Journalists of Macedonia, the Media Development Centre and the Macedonian Media Institute

документи за прописот

https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=ria&itemid=oY7NDb1PHisLPRSVXBsmyw==

Second draft text of the laws as well as the reactions from other relevant participants in the public debate

