

[MK] New Regulation for political advertising during elections

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In light of the heaviest political crisis since the independence of the country, the four biggest political parties agreed on regulation of political advertising. According to many experts, political advertising severely influences the editorial policy of the media outlets, especially during elections. Based on the political agreement, which has been achieved with mediation by the European Union, the National Parliament amended the Electoral Code (Изборен законик) in order to ensure that the political parties will have equal access to the media during the early elections, scheduled for April 2016. Besides the classic media, the regulation now also encompasses the internet publishers, meaning news websites. The text of the law operates with the term “electronic media (internet portals)”.

The greatest chilling effect on the freedom of media so far came from the possibility for the media outlets to be donors of ruling political parties and their pre-election campaigns. In return, after the elections, these media outlets were receiving state funds in order to broadcast advertisements of the Government and other state and public institutions, which raised a suspicion of misuse of public funds for political advertising and corruption (see IRIS 2015-1/28). Moreover, the ruling parties used to buy the entirety of the advertising time, so the opposition did not have a media platform to address their potential voters. The European Commission, in the Country Progress Report for 2015, noted a big shortcoming in regard to the Government’s advertising activities: “Government advertising provides the largest single source of funding and has a major influence on the media market at both national and local level. There is no systematic or detailed reporting on government advertising. Moreover, the content of the intercepted communications revealed close links between government and media owners with the highest viewership and circulation, who also receive most of the funding allocated to government advertising campaigns.” The newest amendments to the Electoral Code allow the broadcast media 18 minutes per hour additional time for political advertising, whereas the ruling political parties and the opposition would have 8 minutes each. The smaller political parties, including those who are represented in the Parliament and those who are not, will have one minute each. The media outlets now are obliged to sell their advertising time to all political parties under the same conditions. The broadcasting media is not allowed to broadcast political advertising free-of-charge from the day when the elections are announced until the end of the elections.

According to the Electoral Code (Article 76-a), the Public Broadcasting Service (PBS) has the obligation to inform the public in a balanced manner, meaning 30 percent of its informative programming should be dedicated to the activities of the ruling parties, 30 percent to the activities of the opposition and ten percent to the non-parliamentarian political parties. Moreover, the PBS now has an obligation to produce talk shows, where representatives from the opposition have to be invited, in addition to the ruling parties.

On the other hand, the media regulation authority must develop a methodology for monitoring the broadcast and online media during the elections by the end of January 2016, which should serve as a tool for a non-partisan regulatory response to possible violations (Article 76-c).

Предлог закон за изменување и дополнување на Изборниот законик, по скратена постапка

<http://sobranie.mk/materialdetails.nspx?materialId=0dee4b70-8070-446f-980d-dcc76ee0a34d>

The Law on Amending the Electoral Code

EU Country's Progress Report

http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

