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# Analysis of Operations and Programmes of the Macedonian Radio and Television

## MRT — PUBLIC SERVICE FOR THE CITIZENS?

Skopje, February 2013

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## **1. Introduction**

The NGO Infocentre, in partnership with the Media Development Centre, in the period from September 2012 to January 2013, conducted an indepth analysis of the work and operations of the Macedonian Radio and Television (MRT) and its television programming services: MRT1, MRT2 and the Parliamentary Channel.

The main goal of this analysis, titled "MRT – Public Service for the Citizens?", is to determine whether and to what extent MRT meets the function of a public broadcasting service and, naturally, to promote a public social debate on the role and functioning of the public broadcasting service in the Republic of Macedonia.

The analysis consists of two components: an analysis of the legal and administrative set-up and internal procedures of MRT; and analysis of the programming on MRT1, MRT2 and the Parliamentary Channel. In addition to the detailed analysis of the operations of MRT and its television programming services, this document offers the key findings and recommendations for improved functioning of MRT as an independent and professional public broadcasting service. It also includes a brief overview of the history of MRT.

The analysis is financially supported by USAID and the Foundation Open Society Macedonia (FOSM), under the auspices of USAID's Civil Society Project.

## **2. Key Findings and Recommendations**

### **2.1 Legal and Administrative Set-up and Internal Procedures**

#### **- Transparency of Operations**

The level of transparency of operations of MRT is less than satisfactory. The number of publicly accessible documents on the website of MRT is neglectable. The Broadcasting Law stipulates that the Council of MRT works in public sessions, but the Book of Procedures of MRT, in spite of lacking any legal grounds, contains provisions to allow for the public to be excluded from its sessions. The MRT Statute and the internal regulations have no provisions to ensure transparency of operations. We should note here that the Broadcasting Law does not prescribe pro-active publication of the basic data on MRT's operations.

MRT respects the Law on Access to Information and, albeit with delays and after an intervention by the Commission for Protection of the Right to Free Access to Public Information, provided all requested documents, accompanied with an apology that noted technical problems as the reason for the delay.

#### **Recommendations:**

- The Statute and the books of procedures of MRT bodies should be amended with provisions introducing obligations related to transparency of operations, which will, at the minimum, make the publication of the agendas and the minutes from the sessions on MRT website mandatory.

- A special, corporate section should be established on the website of MRT which will carry the basic documents that regulate the operations of MRT - statutes, books of regulations, books of procedures, etc. For example, at this moment, only the internal systemic

organization of MRT is available on the website, and it is presented in a manner that is difficult to peruse.

- The Broadcasting Law should be changed and amended to introduce transparency obligations for MRT, including the publication of its annual earnings and expenditures, the changes of managerial and editorial teams and the composition of the Management Board, analogous to the obligation existing in the current Law on Broadcasting Activity.

### **- Legal Framework**

The Law on Broadcasting Activity defines the mission and the goals of the public broadcasting services and provides definition for the public interest. While the Law upholds the principle of institutional autonomy of the public service, the Law on Civil Servants effectively undermines that principle. The fact that the employees of MRT are given the status of civil servants by that Law, and the fact that their work and career advancements are tied to an external state agency, undermine the principle of independence of decision-making of the public broadcasting service in terms of movement of labour force and human resources. Significantly, that status means that the journalists working at MRT can't even formally be considered independent from the institutions of the state.

The legal definitions that determine the scope of the public service are not clear enough, especially in terms of the Parliamentary Channel which is left "hanging" as an incomplete concept, provided for by the Law, but without clear rules of functioning and clear division of competences between the Assembly of the Republic of Macedonia and MRT.

### **Recommendations**

- Change the Law on Civil Servants to exempt the employees of MRT from the system of civil servants and public administration.

- Redefine the Parliamentary Channel and clear division of competences over its operations and functioning between the Assembly and MRT.

### **- MRT Governing Bodies**

MRT has a three-tier model of governance that, on paper at least, guarantees the institutional autonomy of its decisions. However, neither the Council of MRT nor the Managing Board met their obligations fully. For example, the Council of MRT has not adopted a document on ethical and professional standards, and the Management Board of MRT has not adopted the Rulebook on Salaries and Compensations, in spite of those being their explicit legal obligations. It demonstrates that the members of both bodies are not fully aware of their position and obligations.

We noted the worrying practice of insufficient and belated preparation of the sessions of the Management Board; the practice to adopt decisions based on oral elaboration by the executive directors and direct interference and meddling by the Government in MRT's business policies. While legally obligated to protect MRT from external political and other influences, the two bodies, instead of defending the interests of MRT, have been transformed into bodies that confirm and formalize the decisions of the Government to transform them into internal decisions of MRT. Therefore, regardless of the fact that they are legally positioned as instruments to ensure the independence of MRT, in reality they act in a totally

opposite manner and have turned into an instrument to ensure the realisation of partial interests in the work and operations of MRT. The problem arises, in part, from the insufficient quality of procedures described in the respective books of procedures of the two bodies, but it mostly depends on the personal capacities of their members. There is an impression that the members of the two bodies are not quite clear what their role in the operations of MRT is? The minutes from the sessions of the Management Board indicate that the sessions are utterly formal by nature and there is no real debate and discussions which, furthermore, if taking place, are not recorded in the minutes.

### **Recommendations**

- Further elaborate the rules of procedures of Council of MRT and the Management Board that will describe the noted bad practices as unacceptable. For example, decisions can't be made solely on basis of an orally presented request by the management and without sufficient parameters for a decision to be made.
- Create a system of orientation training for the new members of the two bodies, so they will be introduced, in detail, with their obligations.
- The documents prescribed in the Law and the Statute of MRT should be adopted as soon as possible.
- The Minutes from the sessions of the Management Board should list the comments and discussions of its members, to allow the public to follow the work of the Board and to strengthen the individual responsibility of its members.

### **- Financing of MRT**

There is an evident improvement of the financial situation after the changes of the Broadcasting Law that transferred the obligation for collection of the Broadcasting fee on the Public Revenue Office. Immediately after the changes of the Law, the budgets of MRT grew from approximately €10 million to €20 million, which is the optimal budget for MRT's work and operations. From that point of view, we could say that MRT finally, six years after the adoption of the Broadcasting Law, generates stable income. The problem with the amount of the charge of the fee remains, having in mind that direct funding from the State Budget, at about one quarter of MRT's total income – is still significant and create a problematic financial ties between the state and MRT, undermining its independence and autonomy.

In an attempt to further consolidate MRT's income structure, the Law was changed to eliminate the ban on airing of prime-time advertising and to increase the available total advertising time from 7% to 13.3% of an hour of broadcast time. Additionally, the ban on organisation of games of chance and lottery was lifted. While those two decisions have no significant impact on the income structure, they do influence the types of programmes broadcast by MRT in the prime-time slots. A trend to favour broadcasts of commercial and entertainment programmes in the prime-time slots has been noted, which is incompatible with the mission of the public service.

For the year 2011, we noted a mysterious income line was noted in the balance sheet to the amount of €5 million, which doesn't come from the collection of the Broadcasting Fee, is not advertising revenue or Budget subsidy. It is not clear what is the origin of that money.

## **Recommendations**

- The system for collection of the broadcasting fee obviously yields good results and its implementation should continue.
- The Budget of the Republic of Macedonia should not be a source of additional financing, except for the programming services prescribed by Law. Therefore, the new provisions in the Law that allow for Budget subsidies to augment MRT's income should be deleted or, alternatively, to be fixed to an exact amount. If the first solution is implemented, the amount of the Broadcasting Fee should increase to compensate for the lost income. If the latter is adopted, the Law needs to be expanded with provisions that will not only fix the amount or the methodology of use of the funding from the Budget, but will also prohibit any negotiations with the Government, on annual base, on the level of Budget subsidies and contributions. The second solution, however, remains questionable at best, having in mind that it *de facto* constitutes an unacceptable state assistance according to European standards. Therefore, such an intervention in the Law would constitute only a temporary and partial solution.
- The changes of the Law referring to prime-time advertising should be deleted because they have no significant impact on the structure of generated income of MRT, while they have harmful effects and cause commercialisation of the broadcast programmes.

### **- Budgeting and Fiscal Procedures**

There is a notable absence of proper fiscal rules and procedures. There are rulebooks in place on the flow of financial documentation which are general by nature and not sufficient to create a predictable system of decision making and introduce internal fiscal procedures. That leaves a lot of space for manipulation in reporting of expenditures and allows for concentration of decision-making power in the hands of the managerial team.

The procurement procedures by public tenders are implemented well and are approached seriously. The only possible objection that could be made is that, in most cases, the price of the procured goods or services was the sole decisive criterion. In view of the fact that this is a system highly dependent on technology, the price should not be taken as the sole criterion, at least in the cases of procurement of technical equipment, and the quality and warranty coverage should also be taken into account and treated as additional criteria in awarding of procurement contracts.

The budgeting documentation is inadequately detailed, both in the financial and in the narrative segments, which makes it very difficult to monitor the execution of such budgets and possible abuses.

## **Recommendations**

- MRT should hire a financial consulting firm to prepare the fiscal procedures and rulebooks that will meet the corporate standards. Alternatively, a twinning with a similar entity from EU could be sought, through EU's technical assistance programmes.

### **- Business Practices and Acquisition of Programmes**

The acquisition of programmes is conducted by executive directors, without set rules and specific authorisations, although the logical, and in accordance with the Law, venue would be

that all acquisitions and procurements in MRT should pass through a public tender procedures. While it is true that MRT should be given some freedom to decide to acquire certain types of programmes outside the obligation to call for proper tender competition, but that, too, should be regulated with internal by-laws and regulations. The way it stands now, the management retains great influence on the programmes of MRT, while the pressure on the management to secure funds pushes for greater commercialisation of programmes.

The agreements concluded with domestic production companies are too generally worded and lack clauses and provisions on quality requirements and standards. This is understandable since there are no rules for production of programmes that could be used as guidelines in production. It is notable that there is no template agreement or contract that will be modified on individual bases, but new contracts are drafted for every acquisition.

The acquisition of programmes is not an integral part of a plan or programme adopted by Council of MRT.

### **Recommendations**

- Council of MRT has to prepare a rulebook that will set the standards for acquisition of external production and entering co-productions, in order to protect the public interest and ensure the transparency of decisions made by the management and the editorial teams.
- MRT should prepare a typical (template) and detailed production and co-production agreements. It could use the examples of foreign programme acquisition contracts and agreements.
- The Council should define the types of programmes that need to be acquired on annual basis, with definitions of important characteristics of those programmes and specify clearly which of the programmes will be acquired in direct negotiations with MRT, and which will be commissioned in advance, in accordance with the legal obligation to call for public tender competition.

### **- Professional Standards**

There is no document or documents that define the professional and ethical standards at MRT, in spite of the clear legal obligation to have such document or documents.

### **Recommendations**

- Council of MRT should draft and adopt such documents.

## **2. 2. MRT's Television Programmes**

### **- Instrument of Government Propaganda**

The indepth analysis of the programming contents shows that MRT not only fails to fully meet its function as a public broadcasting service for the citizens, but in certain situation positions itself fully as a direct actor and propaganda instrument for the current government in power. The central news programme aired by MRT1 (at 19:30 hours) instead of providing professional, quality, analytical, objective and impartial information to the citizens on the



extremely important political developments in the country (for example, the events of December 24, 2012, when members of the press and opposition MPs were forcefully removed from the Parliament, the opposition protests, the strike of specialist doctors, etc.), turned into a bare transmitter, but also an amplifier of the positions held by the Government and its pressure on the opposition.

Even in the reporting of less important social and political events and processes, and in the few debate shows it airs, MRT1 secures the dominant position for the views of the Government and its representatives. The same method of information is applied by the news department of MRT2 in Albanian language, i.e. the news programmes in Albanian are dominated by the representatives and the positions of the Democratic Union for Integration (DUI), a party of the ruling coalition.

Government's influence is visible in almost all programming segments on MRT. A significant portion of MRT1 programming (the situation is similar on the Parliamentary Channel) is dedicated to airing of advertisements for campaigns of the Government and its ministries, public announcements issued by public institutions and other contents that are part of activities of the institutions. That, in effect, instrumentalizes the public service as a TV announcement board for the activities of the Government, its ministries, the agencies and other public enterprises and institutions. The second television channel of MRT is an exception as it airs almost no ads.

The Parliamentary Channel remains a mixed programming service which, instead of providing quality reporting on the activities of the Assembly and the MPs, is some sort of combination of a service that airs live broadcasts and reruns from the sessions of the Assembly and parliamentary commissions, a back-up channel for the programmes of MRT1, and an "announcement board" for Governments advertisements and campaigns and campaigns of state institutions.

The documentary production of MRT mostly focuses on history, is ideological and promotes the ideology of the current government in power. Its strong focus on the period from the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, i.e. on the topics and subject matters related to the historical VMRO, is indicative of the effort to create a line of continuity between the ruling party and the historical VMRO.

### **- Biased Information Programme**

The MRT's information (news) department deviates seriously from its legally prescribed function to provide professional, objective and impartial information to the citizens about the current social and political processes and events. Instead of tending to the public interest, MRT mostly represents and imposes the views and positions of the Government. The opposition is either subject to criticism or is completely ignored, and the other interest groups in the society are well under-represented.

The editors and the reporters don't adhere to the standards for professional reporting and informing. The pure reporting, "record keeping" journalism dominates, while analytical and investigative approaches to the subject matters are almost completely missing. There are almost no debating shows and programmes, therefore, MRT fails to fulfil its role and function as promoter that channels public debate on key issues and processes in the society.

### **- Absence of Integration Function**

The different programming services of the public service broadcaster fail to meet their task to act as instruments of social integration, i.e. to reflect and promote, in the sense of providing coordinated programming, the social values and interests that could attract equally the diverse social groups and communities and could lead to development and cultivation of values and views that would be integrated in the society. That role is met, to some extent, by foreign-produced entertainment programmes, while information and education programmes function as almost parallel worlds with little, if any, point of contact with each other.

Different language programmes, although reflecting the cultural and linguistic diversity, remain left to their own devices and seemingly whimsical distribution of contents and programmes that lack programming and information coordination.

### **- Commercialisation of Programmes**

Although public broadcasting services can't and shouldn't compete with commercial media, having a totally different role and function, in the period covered by this analysis, MRT made a determined inroads in that exact direction. Instead of putting the emphasis of the investments in the public service on improved quality and quantity of information and education programmes, as well as in-house production, the major changes and investments were noted in the film and entertainment programmes. MRT has bought and continues to buy foreign-produced commercial feature series and entertainment programmes, in an attempt to improve its ratings.

Regarding the sports programming contents, the public service again entered into a direct competition with the commercial media in the free market. On the other hand, there is increasingly weaker presence of live broadcasts from games and matches played by national sports teams. Right there, MRT failed to meet the role of a public service because, following the logic of public interest, instead of competing for commercial sports programming, MRT should ensure coverage of national sports scene and national teams and promote Macedonian sports which is not commercially attractive.

### **- Domination of Entertainment and Foreign-Produced Programmes**

The programmes of MRT are dominated by entertainment programmes, moreover, foreign-produced entertainment programmes, mostly of American and European production. At this stage of functioning, the investments in the public service put emphasis on entertainment programmes and attempts to increase MRT's ratings, while the coverage of other necessary contents have been pushed to the side or, indeed, neglected. The entertainment programming is dominated by foreign feature films and series, while Macedonian-produced entertainment programmes mostly consist of music shows.

That approach, when entertainment dominates over information and education programmes, deviates from the main tasks of the public service as defined by the legal framework and a serious deviation from the declared programming goals of a public service in the European area.

## **- Limited Domestic Production**

The presence of contents of domestic or in-house production is very limited, and the broadcast contents are mostly studio shows of low production quality that look, from production levels point of view, anachronous, monotonous and unattractive.

We noted insufficient numbers of domestic education programmes, especially those intended for school-age audiences. The presence of domestic documentary programming is insignificant, and what is there is ideologically coloured and focuses on history. That approach needs to change and expand to cover diverse areas of society.

Domestic production needs to be enriched also with quality feature film and series programmes.

The 14-hours per day broadcasts in Albanian brings to the table the need for increased independent production in Albanian language, but also in the languages of other non-majority communities in Macedonia.

## **3. Analysis of the Legal and Administrative Set-up and Internal Procedures of MRT**

### **3.1 Methodology**

This part of the analysis aims to determine the factual situation regarding the administration of MRT, in the sense of it meeting its obligations prescribed by law and the general principles of good administration and management.

To be able to achieve that goal, we were interested in the following questions: the quality of internal acts and regulations; to what extent and how the defined and adopted procedures are being followed; what is the decision-making process; the delegation and implementation of those decisions; to what extent are legal obligations reflected in the internal acts and if care was paid only to meet the bare legal minimum; what is the procedure for adopting decisions related to programming issues; the manner of execution of budgets. In the financial segment, special interest was dedicated to planning and execution of budgets, tender procedures, income generation from advertising, etc.

We used the methodology of desk-analysis of documents received from MRT on request of the authors of the analysis, made under the Law on Free Access to Public Information.

For the purposes of this analysis, we demanded, under the Law on Free Access to Public Information, the following documents:

1. The Statute of MRT
2. The Minutes from the 16<sup>th</sup> Session of the Management Board, held on March 1, 2012, in which the Board decided on managerial appointments.
3. The Minutes from the 10th Session of the Management Board.
4. The Minutes from a session of the Council of MRT.
5. The Financial Plan of MRT for the year 2011
6. The public calls for acquisition of programmes from independent production companies and coproduction, announced in accordance with Article 125 of the Broadcasting Law, for years 2007, 2008, 2009, 2010 and 2011

7. The minutes from the sessions of the body that decided on the selection of programmes, submitted in the calls mentioned above, for the years 2007, 2008, 2009, 2010 and 2011

8. The basic information on the selected programmes, as follows – monetary compensation, time of broadcasting and MRT's resources that may have been engaged in their production

9. The Book of Procedures of the Management Board

10. The Book of Procedures of the Council of MRT

11. Procedures for preparation of concept of programming scheme, a written document if such document exists, or an explanation

12. List of contracts and agreements concluded with third parties that produce financial obligations towards those third parties, lasting longer than six months

13. The complete tender documentation referring to the Public Procurement Tender No. 01-14/2011

14. The decision to open the Public Procurement Tender No. 01-14/2011

15. The decision for selection of supplier for Public Procurement No. 01-14/2011

16. The minutes from the session of the Commission for Selection of Supplier for Public Procurement No. 01-14/2011

17. The same documents listed in points 14, 15 and 15, for the Public Procurement Tender 01-01/2011

18. The agreement for acquisition of TV series – Dharma and Greg

19. Annual advertising agreements – all agreements

20. Advertising time rates

21. The set of conditions and criteria for free-of-charge airing of an advertisement

22. The List of TV documentaries produced by MRT in the period 2008-2011, as in-house production, co-production or commissioned from independent producers.

23. The conditions (rules) that need to be met to enter co-production projects.

24. The Pay Policy Statement

25. Code of Ethics

26. The Rulebook on Financial Operations

27. Procurement policy statement and rules

28. Production plans and budgets

29. List of vehicles in the corporate car-pool

30. Professional Standards for MRT programmes

We compared the received documents against the provisions of the Broadcasting Law, the Recommendation P96 (10) of the Council of Europe and, in cases of related procedures, we cross-referenced them.

All documents were received after the expiration of the legal deadlines prescribed by the Law on Free Access to Information, and only after we filed an appeal and two interventions were made at our behest to the Commission for Protection of the Right to Free Access to Public Information. MRT apologized, in a letter, for the delays and the inefficiency of its response. It should be noted, however, that the scope and amount of requested documents was indeed substantial and MRT made an effort to provide the requested information.

The delays proved that MRT needs a lot of time and intervention from the competent Commission to present a greater number of documents upon request for access to public information.

To be able to get an additional confirmation of our conclusions, we conducted anonymous, indepth interviews with five employees of MRT, which focused on their personal views and perceptions regarding the internal functioning of the public service. We made an attempt to secure interviews with the Chairperson of the Management Board, the Executive Director and the Deputy Executive Director of MRT, but they did not respond to our official requests for interviews by the end of the period of preparation of this analysis.

### **3.2 Legal Framework**

MRT has a special position and function in the broadcasting system of the Republic of Macedonia, defined in Article 8 of the Broadcasting Law.<sup>1</sup> The Broadcasting Law regulates the conditions and obligations for the work and operations of MRT in chapters: IX “Public Broadcasting Service”, X “Public Operator for Transmission of Radio and Television Signals”, and XI “Financing”. The provisions from Chapter VII “Advertising, Sponsorship and Teleshopping” also apply to MRT.

The broadcasting system in the Republic of Macedonia, just as the systems in all European countries, has two components - a public service and private broadcasters, whereby the latter include the commercial broadcasting companies and non-profit broadcasters as carriers of particular and specific private, non-profit interests.

MRT is defined by the Law as the "performer of functions of public broadcasting service"<sup>2</sup>, and the definition is further elaborated in articles: 120<sup>3</sup> (defines the scope of public interest), 121 (provides precise definitions of public interest and MRT's obligations in terms of protection and pursuit of public interest) and Article 122 (lists the ethical and professional standards that MRT needs to adhere to so that it would be deemed to meet its function of public broadcasting service). Because of their importance, we quote articles 121 and 122 fully:

#### **Article 121**

*For the purpose of fulfilling the public interest, MRT shall be obliged to:*

- ensure protection of the programmes that are produced and broadcasted, from any kind of influence from government, political organisations, or centres of economic power;*
- develop and plan the programme scheme in the interest of the entire public and to produce and broadcast programmes for all segments of society without discrimination, taking consideration for the specific groups in society;*
- ensure that the programmes reflect diverse ideas, nurture their cultural identity of the communities, respect the cultural and religious differences and promote the culture of public*

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<sup>1</sup> "A public broadcasting enterprise shall be established for the whole territory of the Republic of Macedonia and it shall perform the function of a public broadcasting service. The public broadcasting enterprise from Paragraph 1 of this Article shall work in a manner and under the conditions defined by this Law." – Official Gazette of the Republic of Macedonia No. 100/95

<sup>2</sup> Article 115, Ibid

<sup>3</sup> "MRT shall be obligated to produce and broadcast programmes of public interest that reflect the social and cultural plurality in the state, which consist of informative, cultural, educational, scientific and entertainment contents.", Article 120, Ibid

*dialogue, with the aim to strengthen the mutual understanding and tolerance aimed at promotion of the relations between the communities in a multi-ethnic and multi-cultural environment;*

*- nurture and develop the speech and language standards of all communities in the Republic of Macedonia;*

*- nurture, promote and develop all forms of national audiovisual works that contribute to the development of the Macedonian culture, as well as contribute to international affirmation of Macedonian cultural identity;*

*- promote the respect of the fundamental human rights and freedoms, democratic values and institutions, to respect the privacy, dignity, reputation and honour of the person;*

*- develop, plan and broadcast programmes, informative shows and news intended for deaf persons that shall be translated in a sign language;*

*- provide free of charge and balanced time, in the course of the election campaign, for broadcasting of programmes of the political parties, coalitions, and candidates that have submitted lists of candidates for general, local, and presidential elections, in accordance with the rules for media presentation of the political parties, coalitions, independent candidates and their programmes;*

*- provide informing on the regional and local characteristics and events in the Republic of Macedonia;*

*- enable conditions for use and development of modern technical and technological standards in the production and broadcasting of the programme, and to prepare a plan for transition, within a specified period of time, to digital technology, in compliance with the determined strategy for development of broadcasting in the Republic of Macedonia, and*

*- ensure safekeeping and archiving of its own radio and television recordings and other material and documents for the work of MRT, as part of the audiovisual treasure of the Republic of Macedonia.*

## **Article 122**

*MRT shall be obligated, in the course of production and broadcasting of the programmes, to adhere to the professional principles and to provide equal access of the different interests in society, to commit for the freedom and pluralism of expressing the public opinion, as well as to prevent any kind of racial, religious, national, ethnic and other kind of intolerance.*

The two articles above impose an obligation to keep professional distance and eliminate bias from the reporting; fulfil the needs of several target groups, i.e. maintain universality of approach; define MRT's cultural mission and goals and emphasize its function as an agent of social cohesion. In principle, the legal framework that defines the public interest is well within the acceptable definition of public interest.

In view of the fact that the pursuit of the function of public service requires institutional autonomy and decision-making independence, not only in terms of programming scheme or production ventures, but also in the sense of independence of decisions on issues related to financing of public interests and independent personnel policies - the Law prescribes a three-tier model of governance and division of competences between the Council of MRT, the Management Board and the Executive Director(s). The Law prescribes the self-financing

through the broadcasting fee as the main source of financing and basic income, while it defines the sale of advertising time and sponsorships as auxiliary income.

In general, the governing bodies, in accordance with the Law, perform the following functions: The Council of MRT represents the public interest and its composition should reflect the diverse interests in society through nomination of members that come from the civil society; the Management Board is the collective managing body of the enterprise and holds the decision-making powers; the Executive Director(s) is directly responsible for the implementation of the decisions of the Management Board and is responsible for daily business operations of the enterprise.

The Law makes an additional attempt to guarantee the independence of MRT's editorial policies in Article 117, paragraph 10<sup>4</sup>, which provides for the independence of managers/editors of programming services in decisions on programming matters and issues. The same provision also aims to ensure the independent editorial policies of the programming channel dedicated to the non-majority communities.

The Law also defines the scope of MRT, in the sense of its TV and radio programming services and lists precisely which service will air programmes in which languages and the precise purpose of individual services - i.e. which segments of MRT's operations shall be financed from the broadcasting fee, and which will be financed directly by the state because they are state and not public service channels.

In principle, it is the German model for public broadcasting service that applies for MRT, with direct representation of public interest in its governance, through the Council of MRT. That model, however, has been adapted to correspond to the Macedonian context, in terms of assurances for the independence of programming channels, the accumulation of functions by executive directors and their deputies, and mixing of the public and state interests in a single enterprise.

The Parliamentary Channel is an additional burden, as it requires special and detailed regulation and presents MRT, as its legally designated operator, with additional obligations. Essentially, the Parliamentary Channel is yet another unnecessary tie with the state that indirectly inhibits the independence of the public service.

Another big problem is the Law on Civil Servants which lists the employees of MRT in the category of civil servants (Article 3 of the Law). MRT is exempt from the system of public enterprises and is created by a special law. That standard was established back in 1997 in order to implement the recommendation 96(10) of the Council of Europe. The new laws disregard the specific character of MRT and position it in the system of public enterprises. That contributes to MRT losing, in a sense, the independence of managing its own labour-force, because the Law transfers a major share of its competences to the Agency of Civil Servants.

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<sup>4</sup> The programme services referred to in paragraphs 1 and 2 of this Article which are financed from the broadcasting fee, shall decide on the programme scheme and its realisation independently, in accordance with the annual financial plan of MRT, within the frames of the defined programme policy of MRT and in compliance with this Law., Article 117, Paragraph 10, Ibid

### **3.3 Statutory Provisions**

The Statute of MRT is the basic by-law that ought to elaborate further the legal provisions and regulate the work and operations of the public service. The existing Statute was adopted in 2006 and changed in 2007 with Statutory decision.

The Statute has the usual structure and its elaboration of the legal provisions on the governance of the enterprise is quite solid, with the exception that it misses a proper procedure for calling to responsibility and termination of contracts of the executive directors.

In view of the fact that the statutory provisions are noted and reflected in almost all chapters of this analyses, they are analyzed in the context of the matter to which they refer.

### **3.4 Governing bodies and Books of procedures**

MRT has three-tier model of governance which consists of the Council of MRT, the Management Board and the Executive Director. The changes of the Law on Broadcasting Activity of 2007<sup>5</sup> introduced an executive body of four persons - two executive directors and two deputy executive directors.

#### **Council of MRT**

According to Article 125 of the Law, Council of MRT “shall represent and takes care of the realisation of the public interests in terms of radio and television programmes and the operation of MRT”. It has 23 members elected by the Assembly of MRT, 18 of whom are nominated by authorized nominators from the civil sphere and the remaining five members are nominated by the Committee on Election and Appointment Issues of the Assembly of the Republic of Macedonia. In addition, the Assembly has a special obligation to ensure equitable and fair representation of non-majority communities, in accordance with the Constitution of the Republic of Macedonia. In practical terms it means that, should all authorized nominators fail to nominate members that represent the non-majority communities, the Assembly of RM will act as a corrective. Its primary role, therefore, is to ensure the constitutionality of the composition of the Council, and only then to represent the political interests in Council of MRT.

Council of MRT is competent to take care of the overall adherence to standards and meeting of obligations in the performance of functions of the public service, to adopt the Statute of MRT and to influence the economic operations of the broadcaster through the adoption of annual financial plans. In addition, the Council is charged with the election and appointment of the members of the Management Board of MRT. That framework transfers on the Council the competences and functions formerly belonging to the Assembly of RM, with the aim to ensure the institutional autonomy of the public service and to separate it from daily political calculations and influence. So, Council of MRT performs three important functions – managerial, supervisory and programming.

Its work is regulated with the Book of Procedures, in accordance with Article 130 of the Broadcasting Law. The current Book of Procedures was adopted in June 2006 and has not been changed since, according to the documents presented by MRT.

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<sup>5</sup> The Law on Changes and Amendments to the Law on the Broadcasting Activity, “Official Gazette of RM” No 12, 2007.



The Book of Procedures of Council of MRT regulates the constitution of the Council, the election of the President of the Council, defines the manner of operations and decision-making procedures and regulates the conduct of Council sessions.

The Book of Procedures first violates the Broadcasting Law in Article 3. The article states: "The sessions of the Council are open to the public, but the Council may decide individual sessions to be closed to the public". The Broadcasting Law, in Article 130, paragraph 1, states: "The work of Council of MRT shall be public". The Law doesn't provide a possibility for the Council to hold sessions behind closed doors. The public responsibility of the governing bodies in public services is an important instrument for protection of public interest, a position that the Law clearly upholds, leaving no ground for any attempt to exclude the public from the sessions. The way the provision of the Law is formulated, it does allow for the presence of the public in the sessions of Council of MRT to be regulated in detail in the Book of Procedures, which has not been done. There is a single provision in the Book of Procedures that allows the President to remove a member of the Council or "other persons" from the session for disorderly and disruptive conduct at the session.<sup>6</sup> Nevertheless, apart from the legal provisions listing the persons that are legally obligated to be present at the sessions of the Council (the Executive Directors and the members of the Management Board of MRT), there are no provisions that would regulate the manner and the conditions that a common citizen should meet to sit in a session of Council of MRT. After all, the obligation to ensure the transparency of operations, in the sense of publication of the decisions of the Council, the agendas and the minutes taken at its sessions, are not treated by the Book of Procedures, and it seems that it has never been practiced. The only way to get those documents is to use the Law on Free Access to Public Information, which also instructs the holders of information to be proactive in publication of that type of information.

The remainder of the Book of Procedures is synchronized with the Law and with the similar bylaws in our legal system.

In accordance with the Law and the Statute of MRT, the Council is charged with the selection of members of the Management Board that are elected in a public competition. The Law makes allowances for that procedure to be regulated in greater detail in the internal acts of MRT. That is, in fact the case and there are provisions in the Statute that prescribe for establishment of a technical commission that will implement the competition for members of the Management Board. That commission has been created and, according to the Minutes of the 8<sup>th</sup> Session of Council of MRT, it makes the first formal selection of candidates for seats on the Management Board, after a proper test to determine whether they meet the technical requirements and criteria of the competition.

The Minutes indicate the existence of a worrying tendency of the members of Council of MRT to cut the procedures short and to transfer their competences on the commissions they established. The selection of the Management Board of MRT is one of the most serious tasks of Council of MRT. Article 134 of the Law instructs that the procedure should be further elaborated in the Statute of MRT, while the Statute, in Article 40<sup>7</sup>, reduces the commission to

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<sup>6</sup> Book of Procedures of the Council of PE Macedonian Radio and Television, Article 33, 2006.

<sup>7</sup> "The Commission shall determined whether the applicants meet the terms and conditions of the Competition and shall present to the Council a list of all applicants, with comments who met and who failed to meet the said terms and conditions".

a mere body that will prepare the technical aspects of the selection of members of the Management Board, not a body that will act as actual selector of candidates. Further more, the Article 41 of the Statute is adamant that a vote shall be made for each individual candidate.

According to the Minutes, the Council did not follow the proper procedure prescribed in the Statute and the Book of Procedures in the following aspects:

- In the session, the Commission was given an additional task by the President of the Council Slobodan Čašule, to narrow down the selection of candidates after interviewing them all individually<sup>8</sup>. The Commission acted on those orders and presented a shortlist of seven candidates for seven seats on the Management Board. Therefore, both the President of the Council and the Commission went well out of the boundaries of their statutory competences. According to the Statute, Council of MRT should have voted on each of the candidates individually immediately after the Commission made its proposal and talked to the candidates, without any additional activity by a working body to narrow down the pool of candidates.

- Two members of the Council that didn't stay for the whole duration of the debate on the candidates have "deposited" their votes before they left. The Book of Procedures doesn't mention an opportunity to "deposit" votes in that manner, and yet, they were taken into account in the tallying of votes.

The minutes list several other points that indicate that it may have been a case of candidates determined in advance, for example:

- there were seven candidates for seven seats on the Board.

- All seven candidates were elected unanimously – they got the maximum of 19 votes "For", two of which were "deposited" before the debate even concluded.

- When three members of the Council demanded to expand the list of candidates with three more names, one member of the Council responded that "the Commission's proposal should be accepted because the Commission reviewed the programmes of the candidates and we should trust it for the work it has done..."<sup>9</sup>

- The statement quoted above also leads to the logical conclusion that it was only the Commission that reviewed all submitted programmes, while the other members of the Council could choose not to do that and to rely fully on the Commission's opinion.

All of the above brings about suspicions that the Council is just a formal body that passes decisions in order to meet the legally prescribed form and procedure, and not a body that has built up its own authority, policies and opinions.

## **The Management Board of MRT**

According to the Broadcasting Law, the Management Board manages the operations of MRT and possesses the following competences:

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<sup>8</sup> "The President of the Council of MRT, Slobodan Čašule, agrees with the proposal (to hear the opinion of the Commission, our note) and proposed that in the future, to ensure smoother operations, the Commission should present the Council of MRT with a short-list of candidates" – MRT, No. 02-5920/2, Minutes from the 8<sup>th</sup> Session of the Council of MRT, page 2, paragraph 4, September 6, 2011

<sup>9</sup> Ibid, Page 3, paragraph 4

- monitors the success of the work and operations of MRT;
- manages its property and assets;
- approves the Operational Plan of MRT;
- monitor the implementation of the annual financial plan and the separate annual financial plan;
- elects the Executive Director of MRT and the Deputy Executive Director of MRT;
- proposes the Statute of MRT;
- proposes the annual balance sheet of MRT;
- submits the annual report on the operation of MRT and the special annual report to Council of MRT;
- adopts the Rulebook on organisation and systematisation, the Rulebook on salaries and other compensation, and other acts laid down by the Statute of MRT;
- adopts the Rules of Procedure othat regulate the operations of MRT, and
- performs other activities laid down by the Law and the Statute of MRT<sup>10</sup>.

The Management Board works in accordance with the rules defined in the Statute of MRT and its Book of Procedures. Both documents are synchronized with the Broadcasting Law and its changes and amendments. The Book of Procedures offers a provision on convening the constitutional session of the Board, which is somewhat illogical. Namely, although the Management Board is appointed and elected by the Council, the session is convened by the executive body. It would be logical for the President of the Council to convene the session.

The Management Board of MRT is responsible and accountable for its work and operations to Council of MRT. The Law provides a set off conditions for termination of terms of individual members of the Board, but it doesn't provide opportunity for complete dissolution of the Board.

The Statute of MRT, on the other hand, prescribes that, should the Council decide not to accept the annual report of the Board, it opens the opportunity for a procedure to seek collective responsibility and collective dissolution of the Management Board<sup>11</sup>. That statutory provision, although it may not be in direct collision with the Law which, while not providing an opportunity for collective dissolution of the Board, doesn't prohibit it either, should be reviewed and the Law needs to be changed to prescribe either of the two variants. There are arguments both in favour of the proposal above (strengthening responsibility, real control of the Council over the work of the Mangement Board) and against it (the stability of the institution, protection from political manipulation and shenanigans).

The Management Board adopts decisions in sessions, and proper minutes are kept for each of its sessions. The two minutes that were reviewed for the purposes of this analysis indicate that the minutes of the Management Board are much more formal in nature and content than the minutes from the sessions of Council of MRT. Unlike the minutes from the sessions of the Council, the minutes from the sessions of the bord don't contain the discussions by individual Board members, i.e. one can't follow the whole discussion on a given point on the agenda. They only note the facts and documents and then list the decisions and conclusions, with explanations, which are also scarce and brief. Therefore, one can't conclude really

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<sup>10</sup> The Law on Broadcasting Activity, Official Gazette of RM No.100/2005

<sup>11</sup> Article 35 of the Statute of PE Macedonia Radio and Television, 2006

whether the Board actually discusses individual issues and points on the agenda, or just votes on them without prior debate. One of the minutes offers, in its conclusions and in accordance with the Statute, the opinion given by one member of the Management Board on a point of discussion in the agenda: The opinions of Board member Gabriela Joveva Gjurovska is the only indicator we have of certain practices of the Board which are cause for concern:

*"... On the fifth point, we were not presented with the information on the need to raise a loan in advance, while the Agenda noted explicitly that the need will be ORALLY presented by the executive body of MRT (underlined by R.B.)... I find such approach unprofessional and irresponsible, especially in view of the fact that the Executive body proposes for MRT to raise a loan of 150,000,000 Denars (€2,439,024), without presenting a plan how the loan will be used. On top of that, the Executive body of the MRT has not, to this day, proposed the Financial Plan for 2012... ... Therefore, we don't have a line that notes that loans, too, shall be used as sources of finances..."<sup>12</sup>;*

*"I demand again that an end is put on the practice not to distribute materials on the points of discussion listed in the Agenda, except in emergencies, and I insist that we fully adhere to the provisions of Article 13 of the Book of Procedures of the Management Board of MRT, which prescribe that the invitation is sent to all members of the Board at least five days before the day on which the session will be held"<sup>13</sup>.*

The first quote shows that the Executive body uses oral explanations (as noted, they are not recorded in the minutes), to confirm the *de facto* his decisions by the Management Board and to, thus, transfer the responsibility for the decision on the Board. So, that practice is used to relieve the executive body from the responsibility for the decision which is transferred on the managing body. The oral explanations don't leave space to follow the responsibility and the procedure for decision-making in MRT's bodies. The rest of that first quote indicates that, on one occasion at least, an attempt was made to use a Board's decision to by-pass the obligation to adhere to proper financial and fiscal procedures, i.e. the monitoring of financial plans (budgets).

The second quote shows that the sessions are underprepared and the members of the Board are not given sufficient time to study the materials and documents on basis of which they are expected to make a decision. Furthermore, the quote indicates that it is *the* regular practice. Article 11 of the Book of Procedures places the responsibility for that problem with the President of the Board, who is directed to cooperate in the preparation of the sessions with Council of MRT and the Executive body of MRT.

However, we have to note here that the right to an individual opinion is effective, since it has to be recorded in the minutes and can produce actual effects – in essence, the quoted individual opinion influenced the decision of the Board and the issue of raising a loan was moved to another session.

It proves that the introduction of additional formal requests and procedures in the Book of Procedures of the Management Board of MRT makes the decision-making of the Board much

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<sup>12</sup> MRT, No. 02-41/2, Minutes from the 10<sup>th</sup> Session of the Management Board of PE Macedonian Radio and Television of January 10-13, 2012, Skopje. Page 3, paragraph 1

<sup>13</sup> Ibid, paragraph 2

easier and present an obstacle for any possible manipulation with the members of the Board by the executive directors or other bodies of MRT.

The second segment that illustrates the real position of the Management Board is far more worrying. The minutes of that same session, on the point of discussion "Conclusions of the Government of RM adopted in the closed 19<sup>th</sup> Session of December 21, 2011", state: *"The Managing Board of MRT concludes that the Executive body of MRT should implement all the necessary measures and activities to ensure the implementation of the Conclusions of the Government of RM. Regarding the Point 7 of the Conclusions of the Government of RM, the Management Board of MRT adopted the following decision:*

*1. The Management Board of MRT charges the Executive body of the MRT with the task to adhere to the conclusion of the Government regarding the contracting activities, i.e. the practice of in-kind compensation for sold advertising time, and compensation for co-production projects with advertising time shall stop.*

*2. The Executive Body of MRT is charged with the task to prepare a new List of Tariffs of Marketing Services, which will implement the cost per point methodology in the payment for advertising services, and shall present the List of Tariffs to the Management Board of MRT for adoption<sup>14</sup>."*

The Broadcasting Law states, in Article 121, that: *"For the purpose of fulfilling the public interest, MRT shall be obligated to ensure protection of the programmes that are produced and broadcasted, from any kind of influence from government, political organisations, or centres of economic power";* Article 134 states: *"MRT shall be managed by the Management Board"*.

The Recommendation No. R (96)10 of the Committee of Ministers of the Council of Europe "On the Guarantee of the Independence of Public Service Broadcasting" states: *"The legal framework governing public service broadcasting organisations should clearly stipulate their editorial independence and institutional autonomy, especially in areas such as: the definition of programme schedule... the purchase, hire, sale and use of goods and services; the preparation and execution of the budget..."<sup>15</sup>*

The same document also states: *„The legal framework governing public service broadcasting organisations should stipulate that their boards of management are solely responsible for the day-to-day operation of their organisation"<sup>16</sup>; „The rules governing the status of the boards of management of public service broadcasting organisations, ... should be defined in a manner which avoids placing the boards at risk of any political or other interference."<sup>17</sup>*

Also: *„Members of bodies of management may not receive any mandate or take instructions from any person or body whatsoever other than the bodies or individuals responsible for the supervision of the public service broadcasting organisation in question, subject to exceptional cases provided for by law."<sup>18</sup>*

All of the above clearly illustrates Government's interference in operational policies of MRT which, according to the documents quoted above, indicates that the autonomy of the

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<sup>14</sup> Ibid, Page 2, line 4, paragraphs 2,3 and 4

<sup>15</sup> RECOMMENDATION No. R (96) 10 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE GUARANTEE OF THE INDEPENDENCE OF PUBLIC SERVICE BROADCASTING, COUNCIL OF EUROPE COMMITTEE OF MINISTERS, Page 1

<sup>16</sup> Ibid, Page 2

<sup>17</sup> Ibid

<sup>18</sup> Ibid

public broadcasting service is undermined. MRT is established and functions on basis of the Law and the decisions of the Government of RM have no legal effect on it. For Government's decision to produce any legal effect, they need to be confirmed by the Management Board in the form of a decision of the Board, which did happen in this particular case. While the proper legal procedure was followed, it does demonstrate that the Management Board, without any additional analysis or consultation with other presented documents, changes the operational policies of MRT which is reflected on the planning of programme schedule because of the explicit changes of conditions under which MRT shall enter co-production projects, based solely on a conclusion adopted by the Government. It indicates an unacceptable level of influence on the autonomy MRT enjoys in the financing of its programming offer, from domestic sources. The decision is harmful not only because of the fact that the Management Board failed to protect the operational independence of MRT from Government's inroads, but also because it insists on payment in money for co-production projects which are commonly commission from domestic sources, which don't include the acquisition of foreign programmes. It further undermines the domestic production which already faces great difficulties in the efforts to secure funding for production of programmes. The intervention of the Government, accepted by the Management Board, doesn't end here but moves forward and culminates with changes of methodology for calculation of prices of advertising time. While it constitutes additional interference in the autonomy of MRT, it also has effects on the overall advertising market in the Republic of Macedonia. While it is true that the proposed methodology is successfully implemented in many countries and constitutes a fair method of pricing of advertising time, this manner of its implementation, on basis of Government's conclusion and without proper internal analysis, constitutes direct interference and demonstration of Government's influence on the operations of MRT.

The conclusion imposes itself – the Management Board lacks the personal capacity to oppose the decisions imposed by the Government. The two decisions have indirect influence on the conception of the programme schedule of MRT through its financing. Therefore, the Management Board failed to meet its legal obligation to protect the programme schedule from external interference, as stipulated by the Law.

### **Executive body**

The Management Board appoints an executive body of four members - two executive directors and two deputy executive directors. With the changes of the Broadcasting Law in 2007 replaced the position of Executive director with a collective body, but its competences remain the same. The changes in the Law provide no instruction regarding the manner in which the collective body will adopt its decisions. There are no provisions on that matter in the Statute of MRT, neither. With the exception of the introduction of joint signatures on its decisions, the other decision-making procedures remain unregulated. Therefore, the conclusion is that each individual member of the body has full decision-making rights, but his or her decision ought to be confirmed and endorsed by the other executive director who should co-sign the decision.

The members of the Executive Body are engaged on a managerial agreement which is signed for a 3-year term (in the initial version of the Law the term was extended to four

years) with a possibility to renew it for one more term. This provision of the Law doesn't provide sufficient guarantees, not in the initial version and especially not after the change, that the member of the Executive body won't be subjected to political influence, having in mind that the regular election cycle is four years long. In order to ensure a certain momentum that would allow for gradual emancipation of the decision making bodies from the political structures that form governments in Macedonia, the term has to be extended to last longer than the term in office of the government, to ensure that the executive directors won't be removed and replaced with every change of government, as well as their freedom from the threat that their contract won't be renewed for another term if he or she falls from Government's grace. Although the Government has no formal competences in terms of appointment of directors in MRT, we could see above how its decisions and conclusions are formalized through MRT bodies and how it influences the internal processes of the broadcaster.

The executive body has an obligation to execute the decisions adopted by the Management Board and take care of the day-to-day operations of the public broadcasting service. The specific competences and authority are listed in the Broadcasting Law and the Statute of MRT, and are further specified in the managerial agreement. The terms and conditions of the managerial agreement were not included in this analysis.

Nonetheless, the quotes from the minutes above show clearly that the Executive directors have a strong position in the whole process of decision-making in MRT.

### **3.5 Financial-Administrative Procedures and Effects**

In this chapter, we aim to determine the financial procedures in place in MRT, in terms of salaries, budgeting, execution of financial plans, the terms and conditions of procurement and acquisition procedures, the existence of material records, implementation of tender procedures and the share of different types of income and expenditures in annual financial plans.

#### **Budgeting and Structure of Income and Expenditures**

For the purposes of this analysis, we reviewed the financial plan for 2011 (adopted in December 2010) and for 2012 (adopted in March 2012).

The following table lists the structure of income, by year:<sup>19</sup>

According to the Broadcasting Law, MRT generates income from the collected broadcasting fee (the main source of income) and from sale of advertising time and services it provides to third parties. In addition, in accordance with the Law, it finances the specialized programme services and the satellite broadcast service from the Budget of RM, which covers the real production and broadcast costs. Any other income outside the said legal boundaries is considered an illegal income, in accordance to the Broadcasting Law. The system was set up in that manner intentionally, to prevent the abuse of financial income with other transfer that would have effect on the programming and decision-making processes of the public broadcasting service. The table shows that MRT regularly and for years receives subsidies

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<sup>19</sup> The data were extracted from the "Financial Plan for Regular Operations fo PE MRT for 2011", December 2010, and the "Annual Financial Plan of PE MRT for 2012" of March 2012.

from the Budget, which constitute a significant part of its income: In 2010 it received €6,790,975.61 which amounts to 63.44% of the total Budget; in 2011 - €4,964,227.64 or 24.01%; and in 2012, the projected subsidies from the Budget were set at €6,464,764.23 or 30.89% of the total budget.

The subsidies are likely secured on bases of the Law on Budgets of the Republic of Macedonia, which consists a systemic invasion of the defined system of financing of MRT. To avoid a conflict with the Broadcasting Law, changes in the Law were adopted in August 2008, which prescribe that MRT can use funds from the Budget to *"achieve and maintain greater level of programming (sic!) and technological development"*<sup>20</sup>. Aside from the fact that, in accordance to the criteria set by the European Union, that type of financing constitutes illegal state assistance, it directly undermines the independence of the public service and likely represents a control mechanism used by the Government to ensure a pro-government editorial policies. This provision is in direct collision with the provisions of the Law that obligate MRT to protect itself from external influences and interference in its editorial policy, allowing the state to make direct intervention, even in the production budgets. This change of the Broadcasting Law is a violation of the principles of institutional autonomy, which provide the foundation for the rest of the Law and which are prescribed in the Recommendation 96(10) of the Council of Europe.

We should note here that MRT, until the changes in the Broadcasting Law of November 5, 2010<sup>21</sup>, which transferred the collection of the broadcasting fee on the Public Revenue Office, failed to set up an effective system for collection of the broadcasting fee of its own. Furthermore, the projections on collection of broadcasting fee indicated that had already given up the possibility to organize the collection of the fee on its own. That situation lasted for five years and no valid argument was offered to explain why the executive directors and managerial boards never tried to build up a system for collection of broadcasting fee during that time. Under the excuse that it will ensure financial stability, it allow for changes in the manner of financing of MRT, permanently tying it to subsidies from the Budget. Another blow on financial independence of MRT were the legal changes that lowered the amount of the broadcasting fee to 130<sup>22</sup> MKD, to raise it later to 190<sup>23</sup> MKD, leaving MRT in a state of chronic lack of funds which it was instructed to seek from the Budget of RM, creating a permanent financial link with the Government of Macedonia. Over the last three years, the share of State Budget subsidies never dropped below 24% of the total budget of MRT. It means that one quarter of its income depends directly on the will of the Government.

In 2011, we noted a strange discrepancy between the projected income in the line "other sources of income" and the realized income. The annual budget projects other income of €325,203, which falls within the average projected amounts for the previous years. However, the actual realized income from other sources was €5,117,944. It constitutes almost one quarter of the total annual income generated by MRTV, coming from sources that can't be identified. Let's leave to the side the fact that the manner in which MRT prepares is not sufficiently analytical to provide for exact definition of income and expenditure lines in detail

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<sup>20</sup> Official Gazette of RM, No. 103/2008, August 19, 2008

<sup>21</sup> Official Gazette of RM, No. 145/2010, November 5, 2010

<sup>22</sup> Official Gazette of RM, No. 103/2008, August 19, 2008

<sup>23</sup> Official Gazette of RM, No. 13/2012, January 27, 2012



and by month; the total amount leads to suspicions that, in 2011, MRT generated income from sources that can't be identified. That is an unacceptable situation for a public service, unless it is related to sale of real-estate or other property or asset.

The table illustrates the influence that the changes of the legislation have on MRT budgets. The changes in the manner of collection of broadcasting fee almost doubled the Budget of MRT over a period of three years, and has decreased the percentage of income that comes from the Budget of RM. The growing budget of MRT and its financial consolidation produce visible effects on the programmes of MRT, primarily from point of view of technical competence, but also in terms of increased production activities. That is a positive technical trend. The content analysis of MRT's production and the adherence to the programming standards applicable to a public service will be subject to the second part of this analysis.

On the side of expenditures, the MRT Budget has the following structure:

- Personnel Expenditures:

3. 2011 - € 5,310,605.53, i.e. 25.69% of the total budget.

4. 2012 - € 5,436,097.56, i.e. 25.98% of the total budget.

- Other fixed expenses (utilities, maintenance, registration, phone bills, amortisation, insurance, legal costs and expenses, etc):

5. 2011 - € 3,544,617.79, i.e. 16.94% of the total budget.

6. 2012 - € 7,840,081.30, i.e. 37.92% of the total budget.

- Satellite Broadcasts:

7. 2011 - € 476,381.09, i.e. 2.27% of the total budget.

8. 2012 - € 772,357.72, i.e. 3.73% of the total budget.

The total fixed expenses of MRT amount to 44.9% of the total Budget for 2011 and to 67.63% of the total Budget for 2012.<sup>24</sup> In this segment, the level of approximately 25% of the Budget spend on salaries and other personnel costs is acceptable, although there may be room for its further reduction of additional 5% with changes in the programming policies and increased acquisition of programmes through coproduction and commission of external projects. The growth of fixed expenses in the plan is due to the increased legal expenses and the reevaluation of outstanding claims in terms of uncollected broadcasting fee.

- Programming costs:

Direct programming costs (production, coproduction, scenography and other direct production costs):

2011 - € 1,760,715.93, i.e. 8.41% of the total budget.

2012 - € 1,656,097.56, i.e. 8.01% of the total budget.

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<sup>24</sup> The data were extracted from the Annual Financial Plan of PE MRT for 2012

Acquisition of programmes (films, series, sports events)

2011 - € 1,015,725.97, i.e. 4.85% of the total budget.

2012 - € 2,308,943.09, i.e. 11.17% of the total budget.

The total programming costs of MRT amount to 13.26% of the total Budget for 2011 and to 19.18% of the total Budget for 2012.<sup>25</sup>

The manner of presentation of budgets in budgeting documents doesn't allow for additional analysis what percentage of fixed direct costs falls on the programming personnel and what share falls on servicing of internal production expenditure. For that reason, the presented percentage figures should be taken with caution. The only sure conclusion that can be made is that the legal changes that restored MRT's right to air advertisements in the prime-time slots<sup>26</sup> coincide with the growing expenditures on acquisition of films, series and sports broadcast rights. It indicates that the inadequate legislative intervention in the area of financing of MRT causes the effect of commercialisation of the public service. Namely, instead of growth of costs of co-production and commissioned programmes that would revive domestic production (they have both retained the same levels), in reality we have a growth of costs of acquisition of completed commercial programmes.

In view of the fact that the primary obligation of the public services is to take care of the public interest and not of the commercial effects of the programmes, the state's interventions in the legislation and the conclusions adopted by the Government mentioned above, prohibiting in-kind compensation as a manner of financing of co-production, has a direct effect on the overall audiovisual production activities in Macedonia. Without additional commissions from the public service, the private producers continue to develop projects of low production value, mostly of commercial nature. In the long run, that situation will surely have a negative effect on the development of capacities in the audiovisual industry (screenplay writers, cameramen/women, directors) and will undermine and have destructive effects on its competitiveness on European and global levels.

From the technical viewpoint, the financial plans of MRT contain both income and expenditure segments, with comparison with the previous year that presents both the planned and realized operations. The expenditures have been divided and analyzed by analytical expenses. It doesn't, however, offer enough detailed data because of the fact that its analytical entries again contain cumulative elements. What is missing in the analytical segment is the details – for example, the Gross Salaries entry is cumulative - it has to be broken down by position. Such an approach to the budgeting will ensure greater clarity of expenses and, once it is adopted, will prevent internal manipulations with the budget.

The budgets also have a narrative section. The narrative section, also, is insufficient to provide full overview of justification of expenditures. Rather, it presents a summary description of all entries. For example, the description of the line – programming costs – lists, cumulatively, the coproduction and production projects of a certain type (humour series, drama series), but doesn't name the actual series, how many episodes it has, the actual costs per episode, etc. The general budget of MRT should reflect the same level of details.

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<sup>25</sup> Ibid

<sup>26</sup> Official Gazette of RM, No. 13/2012, January 27, 2012

However, in view of the fact that MRT lacks a structured planning of the programme schedule on annual level, i.e. there is the practice but not a written procedure (see the next chapter), this manner of narrative explanation of costs is understandable.

### **Procurements and Acquisitions**

The procurements of MRT are regulated with the Rulebook on Procurements, adopted by the Executive body of MRT on March 23, 2009.

The Rulebook regulates the matter in detail - the initiation of procurement procedure, its budgeting, the procurement procedure, selection of supplier and conflicts of interest.

From the formal point of view, however, such a Rulebook should fall within the scope of competences of the Management Board, not the Executive body. The fact that it was adopted by the Executive Body indicates that division of competences between the governing bodies of MRT is not clear, an issue that should be addressed and regulated in detail in the Statute of MRT.

The Rulebook, in general, meets the principles of equality, procedurality, neutrality, predictability, transparency and efficiency. Still, the provisions on possible conflict of interest, listed in the transitional provisions, need to be elaborated further to cover as many possible situations of conflict of interests for the members of procurement commissions and bodies of MRT.

This Rulebook indicates that procurements and acquisitions are conducted in accordance with an annual plan of public procurement, defined in advance and based on the financial plan of MRT. In principle, that approach is logical and good. However, in view of our earlier objection on the level of detailed breakdown of the Budget of MRT, it seems that enough room is left for interpretation of the budget on day-to-day basis. Therefore, we reiterate the need to ensure that financial plans of MRT to offer detailed breakdown of budget lines on the side of expenses.

The procurement plan doesn't cover the acquisition of programming contents, which is a fine solution, having in mind the fact that copyrights can't be subject to tender competition procedures. The Rulebook, however, should tie the acquisition of programmes to the process of definition of programme schedules and additional procedures that define the editorial policy of MRT. We shall see later in the text that such a set of written procedures does not exist.

To test the implementation of procedures described in the Rulebook, we reviewed and analysed two tender competitions for procurement of cameras and studio equipment. Both tenders fully adhered to the legal obligations and the provisions of the Rulebook.

In both cases, the tenders published clear and detailed terms of reference and specifications for the object of procurement procedure. In both cases, independent commissions were established to implement the tender competition. For both tenders, expert commissions of MRT were consulted to give their opinion whether the equipment offered in the bids corresponds to the technical needs of MRT. In both cases, the decision of the respective commission for public procurements followed the legally prescribed procedures and the procedures defined in the Rulebook. The only objection may note refers to the fact that the lowest offered price was the sole criteria used to assess the bids. Therefore, in one of the two tenders, the selected supplier offered the lowest price, but the warranty covers

a period of just 60 days. That is highly suspicious, indicating that the equipment doesn't meet quality standards, its origin is unclear (illegal), or the equipment has been restored or refurbished. From that point of view, the practice to make the lowest price offered the sole criterion for selection of supplier should be abandoned and the procurement procedures should introduce the other criteria prescribed in the Law on Public Procurement.

### **Salaries and Remunerations**

MRT has no Rulebook on Salaries and Other Remunerations, and salaries and allowances are paid in accordance with the Law and the Collective bargain agreement. On the other hand, the adoption of a Rulebook on Salaries and Other Remuneration is a legal (Article 123 of the Law on Broadcasting Activity) and statutory obligation of the Management Board of MRT. Therefore, the inexistence of such a rulebook (or equivalent salary policy statement) means that MRT fails to meet a legal obligation. The need for such a rulebook is evident in the fact that MRT has to have a set of rules of engagement of additional part-time employees, needs a detailed breakdown of remunerations for membership in its governing and working bodies, regulate the additional benefits (use of office cars, phones, other benefits), etc.

### **Rulebook on Financial Operations**

The basic document on the rules of financial operations at MRT is the Rulebook on Movement and Management of Financial Documentation, adopted by the Management Board of MRT on October 27, 2010.

The Rulebook regulates the management of incoming and outgoing invoices, liquidation of travel costs, liquidation of honoraria remunerations, liquidation of advance payments paid from petty cash, the deadlines for preparation of salary plans and the procedure for preparation of financial plans.

The Rulebook has 15 articles with generally worded provisions that don't cover the matter in its entirety or in a satisfactory manner. That could, however, serve as a good foundation for the preparation of a Rulebook that will cover the total financial operations of MRT. The section covering the preparation of financial plans is of key importance. The Rulebook lists the deadlines and outlines the procedure in a single article, and doesn't go into details which costs and incomes shall be acceptable or unacceptable in budgeting, doesn't treat the execution of budgets from those points of view, doesn't venture into the procedures to raise loans, the monitoring of use of dedicated funds, reporting on the justification for the use of dedicated funds, etc. From that point of view, the sole conclusion that arises is that MRT lacks the financial procedures that would meet the principles of accountability, efficiency and legality. Also, there are no rules of budgeting that would describe the procedures for planning and execution of budgets. It leads to the conclusion that the financial operations of MRT fall within the general legal framework, but imply huge levels of improvisation, without precise provisions for determination of fiscal responsibility and accountability.

As lean and modest as it is, the Rulebook on Financial Operations was violated by the bodies of MRT in the adoption of financial plans for 2012. Although the Rulebook prescribes that the financial plan will be adopted by Council of MRT no later than January 31 of the year it covers, the plan for 2012 was adopted in March of that year.

The inexistence of detailed rules of financial operations creates obstacles for the decision-making of the managerial team, having in mind that the data the team gets from the offices lack structure and precision, preventing it effectively from adopting decisions based on facts. For example, for the purposes of this project, we asked for the list of agreements with third parties that don't produce obligations lasting more than six months. We received a list of obligations to pay installments to the suppliers of equipment selected in tender procedures, but the list misses the agreements with telecommunications operators, the provider of satellite broadcast services, the suppliers of programming contents. That response is utterly unacceptable because of the inexistence of any internal rule or regulation that would place that type of obligations in the ranks of long-term and permanent obligations.

On the other hand, we tested whether material records are kept with a request to be presented with a list of vehicles in MRT's car-pool, which proves that a real material book-keeping practices are in place.

In view of all of the above, the impression is that the financial operations of MRT suffer from the insufficiently defined procedures which leave room to suspicion and manipulation with MRT's finances on daily basis. If the financial operations of MRT are regulated properly in a rulebook that will provide thorough and complete normatives for internal financial procedure, it would greatly facilitate the decision-making of the management and editorial teams and will improve the efficiency of use of public funds.

At this time, with the existing documentation, MRT can't get a passing grade on the clarity and efficiency of its financial operations. It can be said that it merely meets the minimal legal requirements.

### **3.6 Programming Procedures, Advertising, Production, Coproduction, and Procurement of Equipment**

There are no written procedures for definition of programming schedule of MRT. There is only the accumulated experience and practice of the editors which is used to determine the general programming schedule that is submitted for adoption to Council of MRT.

Such a programming practice turns everything on its head, knowing that it is Council of MRT that holds the competences in the area of general editorial policy of MRT. It means, namely, that the main directions of the programming schedule should be provided by Council of MRT, and then they should be further elaborated by the editors of individual programming sections. In the course of that operation, the amount of funds necessary to realize the programming schedule would be determined, ultimately affecting the final budget of MRT.

MRT is legally obligated<sup>27</sup> to direct a part of its production budgets to independent producers, on basis of a public call. For the purposes of this analysis, we demanded to be presented with the public calls for the years 2007 through 2011. We received only the decision for 2011, which leads us to the conclusion that MRT, in spite of its legal obligation, has not implemented such a competition in the five years since the passing of the Law. For

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<sup>27</sup> Article 125, Law on Broadcasting Activity, Official Gazette of RM, No. 100/05

2011, the decision proposes five (5) feature series in Macedonian language, two (2) feature series in Albanian language, one (1) feature-documentary series, and two (2) TV films.<sup>28</sup>

In spite of the fact that there are no documents, or during this research we have not seen such a document, that regulates the manner and conditions for entry in joint production projects or the type of programmes that are acquired or commissioned from independent producers, apart from the example noted above, did conclude agreements and aired programmes produced by independent producers and entered coproduction projects. That is evident from:

- The “Agreement for coproduction and broadcasts of the game of chance "Bingo”, concluded with the “Državna lotarija” AD (State Lottery Ltd Company) on November 1, 2012, accompanied with a protocol for realisation and recorded in MRT Archives and Records under the entry No. 03-5973/1;

- the “Agreement for Transfer of Exclusive Rights for Broadcasts of TV Project”, concluded with Tomato Production Co. on November 30, 2011, covering the Trotoar News and Trotoar Late Night Show programmes, recorded under no. 03-7409/1;

- "Agreement for Cooperation” with Bovi-S Plus company for the realisation of the “Porta” TV project, concluded on May 5, 2011, record no. 03-4076/1;

- the “Agreement for Transfer of Exclusive Rights for Broadcasts of Talk Show”, concluded with Tomato Production Co. on November 21, 2011, covering the “ČOM” talk show, record no. 03-7290/1;

- "Agreement for Cooperation” with “Video sat” production company covering the “Without recipe” project, concluded on September 21, 2011, record no. 03-6313/1.

None of the agreements listed above was subject to conclusion of the Management Board, nor is there a rulebook on entering coproduction projects and commission of external production services that would regulate the decisions on the types of programmes that would be acquired, the terms of acquisition and the standards they have to meet.

All the agreements above were signed by the executive directors, which leads to the conclusion that the decisions were made by the managerial team.

All agreements differ in form from the other, which indicates that there is not a standardized form of agreement for acquisition of such programmes. None of them lists explicit standards that need to be met by the commissioned programme, with the exception of generally worded phrases such as: "Ensure a quality project – a talk show of global scope".<sup>29</sup> There are no provisions on objective measuring of the quality of production or the contents of the project in any of the agreements listed above. They are based on provisions of general character that define the acquisition, the manner of payment and the physical quantities (number of episodes, the length of time per episode, etc.).

Such agreements leave too much room for an external production to prepare the projects the way it sees fit, without any standards, while for MRT they produce obligations to air and financial liabilities.

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<sup>28</sup> Conclusions of the Management Board of PE MRT of August 29, 2011

<sup>29</sup> “Agreement for Transfer of Exclusive Rights for Broadcasts of Talk Show”, concluded with Tomato Production on November 21, 2011, referring to “ČOM” talk-show, entered into the books under No. 03-7290/1, article 6, line 2 of the Agreement

The agreements are predominantly based on the principle of allocation of advertising time as compensation for the delivered service.

The bans on prime-time advertising and airing of games of chance were deleted from the Broadcasting Law in the last round of changes and amendments to the Law. As a result, we have agreements for commercial projects, such as the ones listed above, for which it remains unclear what are the principles and standards for their selection. On the other hand, they contribute to the commercialisation of the public service and undermine its mission as a public service. We have already mentioned the State's meddling in advertising earlier, when we noted that the Management Board, acting on a conclusion of the Government, changed the methodology of sale of advertising time. At this time, a list of tariffs based on the Cost per point methodology is in place, with detailed list of discounts, rebates and benefits that fall within the customary practices applied by broadcasters.

MRT doesn't have a set of written rules for acceptance of advertisements for free-of-charge broadcasts, although the Broadcasting Law prescribes that it can air, free of charge, "announcements for cultural and sports events, campaigns of public interest and appeals for charitable purposes ...<sup>30</sup>". This provision refers exclusively to announcements, not to whole advertising spots. Having in mind the fact that MRT labels almost all advertisements that are part of Government's public campaigns as "free-of-charge broadcasts", the question remains how, and on basis of which act or decision, MRT provides this advertising time to the Government of RM without proper invoicing, and what are the criteria that apply to accept the Government's advertisements as free-of-charge.

### **3.7 Ethical and Professional Standards**

The Statute of MRT, in Article 32, prescribes that Council of MRT shall "adopt internal acts that regulate the ethical and professional standards for production of programmes aired by MRT". That provision is copied ad verbatim from Article 133 of the Broadcasting Law.

Council of MRT never completed that task and there are no internal act that regulate the ethical and professional standards for production of programmes.

## **4. Analysis of programmes of MRT1, MRT2 and the Parliamentary Channel**

### **4.1 Methodology**

For the purposes of this analysis, we monitored the programming contents on the three television channels - MRT1, MRT2 and the Parliamentary Channel. We randomly selected five days for each of the three channels in the period September-November 2012, recorded and reviewed the whole day (24 hours) programme broadcasts in the three television channels<sup>31</sup>. The programming contents were coded in code-books that record the programming units according to following specifications: Title of the programme, time of broadcast, type of programme, length of programme, information on producers of the

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<sup>30</sup> Article 96 of the Law on Broadcasting Activity, Official Gazette of RM No. 100/05

<sup>31</sup> The analysis covered the full 24-hour broadcasts of MRT, according to the following schedule: MRT1 – September 21 and 30, October 8, 11, and 23; MRT 2 – October 1 and 14, November 4 and 27; and Parliamentary Channel – September 20 and 24, October 12, 14 and 24.

programme and the language. Also, the monitoring paid special attention to aired advertisements, their distribution by periods of the day, the length of aired advertising and the type of advertized contents. The reviewed materials provided qualitative and quantitative data, as well as the specifics about the programmes broadcast by the public broadcaster during the period covered by the monitoring.

In view of the important social and political events that perspired during the course of this analysis (November 2012-January 2013), we conducted an additional monitoring of the coverage of the strike of specialist medical practitioners, the protest of the WWII veterans, the developments and the incident with the forcible expulsion of the opposition MPs and journalists from the Assembly during the adoption of the 2013 Budget and the protests of the opposition that followed, in the central news programme (News at 19:30) of MRT1. On the strike of the specialist medical practitioners, we used the footage aired between November 22 and December 9, 2012; on the protests of WWII veterans we used the footage aired on December 19, 2012; on the parliamentary debate on the Budget we analyzed the reports aired in the periods December 17-20, and December 24-26, 2012; and we recorded and reviewed the news aired in the period January 11-13, 2013, on the protest marches of the opposition. The analysis used the qualitative method with elements of quantitative analysis.

The aim of this monitoring was to determine if MRT, in the contents it aired, meets its obligations as a public broadcaster, and to what extent it met its legal obligations, especially in the area of information and education programmes, as well as in terms of protection of cultural identity of the communities. One particularly important aspect of the programming offer is the functioning of the information programme, the extent to which it satisfies its obligations as a professional public services for the citizens; the level to which it reflects and facilitates the functioning of political pluralism in the country; and, whether the public service adheres to the standards of plurality, inclusiveness and creation of a democratic ambience regarding the key social-political issues.

The analysis of the programmes aired by MRT, in addition to the legal provisions, we also took into consideration the recommendations of the Committee of Ministers of the Council of Europe on the role of the public media service in the information society. This document lists five main elements that need to be met by a public service broadcaster:

- The public service is a reference point for all members of the public, offering universal access;
- The public service is a factor for social cohesion and integration of all individuals, groups and communities;
- The public service is a source of impartial and independent information and comment, and of innovatory and varied content which complies with high ethical and quality standards;
- The public service is a forum of pluralist public discussion and a means of promoting broader democratic participation of individuals;



- The Public services is an active contributor to audiovisual creation and production and greater appreciation and dissemination of the diversity of national and European cultural heritage"<sup>32</sup>.

In that contest, the main principles of functioning of a public service, from the point of view of its programmes, are set:

**Universality** – the programmes of the public service should be accessible to all citizens in the country. The public service shall not be led by the ratings of its programmes, but to aim that all citizens will understand and follow its programmes.

**Diversity** – The programmes of the public broadcasting service *"should be varied in at least three ways: In terms of the genres it offers, of target audiences, and topics of discussion"*<sup>33</sup>. The public service should offer to all segments of the public and social groups diverse genres of programmes, as well as diverse topics and different treatment of those topics. The variety should take into account the sensibility about the non-homogenous nature of social and age groups, and to be inclusive of different approaches in programmes aimed at a certain population (for example, the programmes for children should cover a whole scope from entertainment to education programmes).

**Independence** – the public broadcasting service should be a centre of public discussion in which all social factors will be free to present their views and ideas. The public services should not commercialize its programmes to ensure higher ratings, or to be a state service that is under the influence of the government. This should position the public service in relation to commercial broadcasters, and to allow it to meet its obligations and responsibility related to the fact that it is financed by citizens.

**Distinction** – The public broadcasting service should take care of those segments of the audience and the public not covered or actively avoided by the commercial media.

The same document emphasizes the following key responsibilities of the public service: *"Enable the citizens to be informed on a variety of topics and to gain new knowledge, always in interesting and attractive programming contents"* and *"to strengthen the national identity and the sense of belonging of the citizens, but not to propagate an emphatically political concept of identity"*.

## 4.2 Analysis of the Programmes of MRT1

### 4.2.1 Programming contents on MRT1

The structure of programmes on the first channel of MRT adheres to the classic classification of programmes in three segments, in accordance with European tradition of public services, i.e. it covers the three main functions of television: Information, education and entertainment programmes. In the contemporary context, there are many contents that, in terms of their genre, can be listed as programmes of mixed basic functions. Throughout the

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<sup>32</sup> Recommendation Rec(2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society

<sup>33</sup> Page 12

analyses, we registered programmes that often extend their primary function from, say, educational to entertaining, and vice versa<sup>34</sup>.

The diversity of programmes of MRT1 is limited. There are attempts to extend the scope and diversity of programmes, to meet the needs and interests of different profiles of audience, but the achievements of the in-house production of education programmes are limited. The contemporary production standards demand investment of significant human and material resources, and MRT, although in a better situation than the commercial sector, didn't succeed in reviving its production, especially in education and children programming. The programming is dominated by programmes filmed in studio, with modest production standards, often repetitive and monotonous. In the centre of the information programme, we have the central news programme, the "News of the Day" ("Dnevnik"), and the regular news programmes. As far as the information and news department is concerned, we noted a modernisation and upgrading of the studios in which news programmes and the "News of the Day" are broadcast, and there were also personnel changes in the editorial office, both among the editorial and the reporting staff of MRT1.

The education programmes are mostly of foreign origin, and the domestic programmes of that type, like the documentary series "Macedonia – 20 years of independence"<sup>35</sup> are subject to frequent reruns and are used to artificially maintain the balance between aired documentary programmes of foreign and domestic production.

The music programmes are focused primarily on the domestic music performed in Macedonian language, and in that regard, it manages to meet the demands that a public service needs to meet, although the actual diversity and variety of the contents is rather limited.

MRT1 starts its broadcasts in the morning, at 06:00 hours, primarily with entertainment and music programmes. On weekdays, it broadcasts two-hours long morning show programme, followed by documentaries and the first morning news at 10:00 hours. After the first morning news, it usually broadcasts comedy series or programmes for children. The programmes of mixed genre format, like the "Macedonian folk stories" and the children programmes<sup>36</sup>, are broadcast in the morning time-slots reserved for education programmes. The time slot from noon to the evening prime-time slots is filled by a collage of documentary and entertainment programmes, with news aired in 13:00 and 15:00 hours. The first central news programme (the News of the Day 1) is aired at 17:00 hours. On weekdays, the contact and information programme "This is Macedonia" (Ova e Makedonija) is broadcast between the first and the second edition of the News of the Day. The central news programme is aired at 19:30 hours. The prime-time slots are dominated by entertainment programmes, mostly music shows and feature films or drama series. The "Chronicle of Skopje", presenting information on main events in the capital of Macedonia, is also aired in the afternoon slot.

The monitoring registered two prime-time debate programmes, the political debate programmes "If it were" (Ako e) (it stopped airing in November 2012) and "From our Point

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<sup>34</sup> For example, the "Macedonian Folk Tales", in-house production of the public service, are aired nominally as cultural programming, but they also perform the function of education and entertainment programme. Also, a significant number of programmes for children balance between education and entertainment functions.

<sup>35</sup> <http://www.youtube.com/watch?v=FVoY0QTz1eM>

<sup>36</sup> For instance, "My Cartoon Hero", or "Bon Ton – Hallo, it that you?"

of View” (Od naš agol)<sup>37</sup>. The first was commissioned independent production which aired its own advertisements. The “From Our Point of View” is produced by MRT, and it discusses and debates various current social issues. In those programmes, there is a notable dominant presence of Government representatives, while the involvement of other social structures is minimal, especially the involvement of representatives of the opposition. The contact programmes aired in the morning and afternoon slots are mostly aired from the studio and lack any significant production quality. The footage aired from the studio is combined with reports, stories and music, but there is a notable absence of serious investigative and analytical programmes. The minimal presence of debate programmes on MRT1, and the dominant position of the Government in those few programmes that exist, leads to the conclusion that, at this time, MRT1 fails to fulfil its obligation as a public, independent and professional service for the citizens.

The remainder of the 24-hour programming cycle is filled almost exclusively with feature film and feature series programmes. The third edition of the News of the Day is aired at 23:00 hours. After midnight, the programming schedule is dominated by reruns of entertainment and documentary programmes.

During the weekend, we noted the information and education programmes dedicated to the farmers, "Agrar", and to the parents – “It’s Time for Baby” (“Vreme e za bebe”) which stay within the production standards for MRT1 described above and cover small part of the target groups that the public service has to provide with quality information and education contents. The in-studio music programme “Braid” (“Pletenka”) is an entertainment show which, in the period covered by this analysis, invited representatives of the local self-governments and presented the folklore of municipalities in Macedonia.

The programming format remains almost identical over the weekends, with little changes from the weekdays, the only difference being that the morning and afternoon call-in and information programmes are not aired. Sports programmes maintain moderate presence in the programmes of MRT1, and are mostly represented with live broadcasts of games of the football Champions League and League Europe, as well as live broadcasts of games from national competitions in several team sports.

The general assessment would be that entertainment programmes dominate over information and education contents. On any given weekday, MRT1 broadcasts close to 500 minutes of entertainment programmes, mostly feature films and series or music shows, while information contents amount to 350-400 minutes<sup>38</sup>. The education contents amount to approximately 200 minutes per day. The information programmes are dominated by news shows and the three editions of the central news programme the News of the Day, and the call-in morning and afternoon shows. Those are mostly programmes of relatively low production capacity and lag far behind entertainment programmes in terms of attractiveness.

We also registered domestic education programmes on historical subjects, and foreign-produced programmes, translated and adapted in Macedonian. The domestic education programmes offer rather solid production qualities, but they exhibit a notable politically engage approach in the attempt to redefine certain periods of the history of Macedonian

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<sup>37</sup> Some edition of this programme are aired with support for deaf and persons with impaired hearing.

<sup>38</sup> The total varies on the days when political debate programmes and their reruns are aired.

people. That approach indicates that MRT1 is using the education programmes as instrument for promotion of daily political aims of the government.

In terms of coverage of municipalities and regions in the country, the public service broadcasts the entertainment and education series "Wanderers" (Talkači). The contents aired in this programme are typically folklore and ethnology subjects and they serve the main purpose of tourist promotion and presentation of municipalities. In spite of presence of those programmes, there is a notable lack of quality information on current issues and problems of interest to the citizens of individual regions. To some extent, that is provided by the afternoon call-in information programme "This is Macedonia", but it is necessary to extend their scope and enrich them with higher quality contents, while the issues concerning the regions should be given a more prominent position in the daily news and information programmes. This analysis shows that municipalities usually get coverage in the central news programmes when they cover crime stories.

The documentary-information programme of domestic production "Good Idea" (Dobra ideja) promotes successful entrepreneurial experiences from Macedonia and, to some extent, has educational purpose and function.

The foreign educational and documentary programmes are of fine production and content quality. However, we noted numerous, so say outdated programmes of older vintages, which somewhat reduces their value. For example, the documentary series such as the "Fauna of Africa" (French production) and "Jungle", are quality programmes but fail in terms of how up-to-date they are. MRT1's programmes lack foreign and domestic education programmes that would cover more current subject matters and topics, closer to the current events in the country, the region and the world.

The education programming is dominated by foreign production, adapted (dubbed over or subtitled) in Macedonia. The presence domestic programmes for children is minimal, consisting mostly of music shows with children songs, while other types of programmes for children are weakly represented. MRT1 broadcasts the "Word on the Street – Learn English" programme, a coproduction of BBC and the British Council.

From the in-house production of MRT aired on its programmes, we should make special mention of the "Macedonian Folk Tales". The rest of the airtime is mostly given to foreign, predominantly European documentary programmes. During the period covered by this analysis, special attention was paid to the reruns of the documentary series filmed to mark the 20 years of independence of the Republic of Macedonia. Also, MRT1 airs the documentary series "Macedonian Struggle for Freedom". In principle, the documentary programmes aired by MRT is overtly ideological, promoting the ideology of the government in power and has strong focus on the period from the end of the 19th and the beginning of the 20th century. In fact, they mostly cover subject matters related to the historical VMRO, in the attempt to create a continuity between the party currently ruling Macedonia and the historical revolutionary organisation. That is quite evident from the list of documentaries produced in 2010 and 2011: "20 Years of Macedonian Independence", "Visual Document on Macedonian History, 1985-1994", "Visual Document on Macedonian History, 2000-2004", "Victims of Communism", "Macedonia in Late Antiquity", "Macedonia in Bisantium-Serbian Troubles", "A Series about Aegean Macedonians", "A Series about VMRO", "Macedonia under Ottoman Rule", "The Ecclesiastical Situation in Macedonia", "On Macedonia", "Hristo

Tatarčev", "Pavel Šatev".<sup>39</sup> The second big problem of MRT's documentary production is the great focus it puts on historical events, at the expense of other types of documentary contents.

Furthermore, there is a visible editorial policy aimed at promotion of MRT1's programmes and improved viewer-ratings. That process of promotion and fight for improved ratings resulted in neglect of the information programmes other than central news shows, which has negative effect on the fulfilment of systemic functions of a public service. We could say that such move towards commercialisation redesigns the overall image of MRT, but also distances the company from the profile of public service for the citizens. Although the entertainment programmes of MRT are designed to meet the tastes of certain profiles of viewers and target groups, they still deviate from the focus and miss the basic function of a public service<sup>40</sup>. The abundance of entertainment programmes is not a problem in itself, for as long as it doesn't push out other types of programmes or is used to cover for their absence.

During the period covered by this analysis, we registered the broadcasts of youth-oriented programme "Trotoar", which presents news from Macedonian and global show business, the world of celebrities, film and music industry, etc. In addition, there is the MRT's in-house produced entertainment series "Press Play" (Stisni plej). Similar programmes for the young population is aired by commercial TV broadcasters, therefore, it doesn't do much to enrich the overall programming offer for young viewers in the country.

In terms of sports programmes, the public services has entered a completely liberal free market competition with domestic and foreign commercial media, which has resulted in limited offer of sports programmes during the period covered by this analysis, consisting of one game weekly from the two competitions organized by UEFA, the Champions League and the Europe League. In the season 2012/13, MRT1 broadcasts the games of the first division of Macedonian Football League, but there is an obvious need for greater presence of domestic sports in the programmes of the public service broadcaster. On the other hand, the public service often fails to secure the broadcasting rights for the games played by national sports teams, which indicates defects in terms of use of resources of the national service. Right there, MRT failed to meet the role of a public service because, following the logic of public interest, instead of competing for commercial sports programming, MRT should ensure coverage of national sports scene and national teams and promote Macedonian sports which is not commercially attractive.

#### **4.2.2 Advertising and Government Campaign on MRT1**

A significant portion of MRT1 programming (the situation is similar on the Parliamentary Channel) is dedicated to airing of advertisements for campaigns of the Government and its ministries, public announcements issued by public institutions and other contents that are part of the public relations activities of the institutions. Various visual and textual tools – chyrons, telops, infobars, and tickers - are constantly aired parallel with other programmes. That, in effect, instrumentalizes the public service as a TV announcement board for the activities of the Government, its ministries, the agencies and other public enterprises and institutions.

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<sup>39</sup> List of documentary programmes filmed in the period 2010/2011, presented by MRT under the request for access to public information

<sup>40</sup> In the period covered by this analyses, the following drama and comedy series were regularly broadcast: Gossip Girl, The Big Bang Theory, CSI Miami, CSI Las Vegas, Fringe) and Mentalist.

Most of them are marked as free-of-charge broadcasts. There is significant presence of promotion of commercial activities which indicate that they were results of the Government's activities, which is a sort of paradox in the functioning of the public service. In the other types of contents, and to a much lesser extent and scope, commercial advertising and programmes that promote Macedonia as tourist destination were noted. Quite often, the airing of commercial and free of charge advertising and promotion programmes cause interruption of the programmes that can last up to ten minutes. In the first part of this analysis, we noted that MRT has no regulation or document that would define the rules and conditions under which some TV spot can be accepted for free-of-charge airing, while the Broadcasting Law defines the types of advertising spots that can be accepted for free-of-charge airing by the broadcasting service. That behaviour by MRT implies that the public broadcasting service has taken a submissive position towards the demands presented by the state.

The great presence of government advertisements and announcements in the programmes of MRT brings about the need for a precise and clear regulation of this area of public communication. There is an evident need for precise and detailed definition of the role the public service should play in the presentation of that type of contents – the campaigns, advertisements and other forms of public advertising in the media, regardless of whether they are aired free-of-charge or not. The clear definition of the scope, time-slots, and manner of airing of such contents is also missing, and in their current form they clearly function predominantly as political propaganda instruments.

#### **4.2.3 MRT1 News of the Day**

The first and the second edition of the News of the Day (“Dnevnik”), broadcast daily at 17:00 and 19:30 hours, are the backbone of MRT1's information programmes. The central news are presented with support for the deaf and people with impaired hearing. In September and October 2012, the main studio of MRT was thoroughly refurbished and upgraded, accompanied with the rebranding of the logo and a series of personnel changes in the information and news department. Although the personnel changes and the refurbished studios aimed to attract wider audience and create an image of a modern and professional broadcasting service, the manner in which the information contents and news are edited, prepared and presented remains in great discrepancy with that intent. Regardless of all efforts to make the news more dynamic with direct life feeds, reports from the scenes of events and interviews with stakeholders and competent individuals, the information programmes failed to introduce greater professionalism, impartiality, individual authenticity (of the journalists), analytical approach, creativity and freshness.

In the period September-October 2012, the monitoring demonstrates that MRT1 news, depending on the topics it covered, for example the reports on Parliamentary activities, made an attempt to create a so-called “formal balance”, i.e. to involve the leading political actors from different positions in the political spectrum in the coverage of important political and social issues. Even then, the activities of the government were given much more prominent place compared to the information coming from other political actors and the other social and political issues and topics. During this period, there was almost no attempt for a quality analytical approach to the stories, and there was total absence of the forms of investigative journalism. The work of the “refurbished” news team of MRT1 reproduced the old problems

of journalism as practiced by MRT, i.e. the phenomenon of the so-called "registry" journalism, which presents the viewer the raw information, statements and press releases issued by the political actors. Such a "reserved" approach directly exposes the viewers to the processes of political struggle dominated by party rhetorics which are prolix, repetitive and, instead of informing the public, play a propaganda role, especially in favour of the ruling political structures which gets the bulk of media coverage.

When presenting the news, we noted a common practice to reserve much more airtime for the representatives of the government, or to conclude the reports with direct quotes or statements by government representatives, without allowing the other stakeholders or involved parties an opportunity to respond. For example, in MRT1's coverage of the committee debate on the allocation of subsidies to the farmers, the lead to the story puts emphasis on the opinion that the minister of agriculture, forestry and water economy had of the views of the opposition. His statement dominates the report, which also offers the statement by a local association of farmers critical of the opposition's objections, while the opinions and the voice of the opposition are totally absent. Such an approach, regularly applied by MRT1, violates the fundamental principles of professional journalism and objective reporting.

In favour of that conclusion we have to offer the common practice to end the reports with the conclusion and opinion of the representatives of the government, which directly influences the interpretation of presented information, and the audience is led to take the side of the government and its positions on the current events.

Although the inclusion of representatives of diverse representatives of the political and civil scene in the reporting is a two-way relationship and needs cooperation from the other side (the political opposition, the civil sector, the academic and intellectual communities, etc.), we should emphasize that the responsibility for their inclusion lies solely on the public service. The analysis shows that MRT1, in its information programmes, doesn't include all social and political groups, and has been known to ignore them outright occasionally, like in the case of the protest of the veterans of the fight for liberation in WWII, held on December 19, 2012. In the News of the Day aired at 19:30 hours, MRT1 aired no report or information about the protests.

In the first period covered by the analysis (September-October 2012), the information department of MRT1 was involved in a sort of a scandal. On September 29, 2012, in the afternoon short news, MRT1 carried a report about the alleged murder of a Greek citizen of Macedonian ethnic background in Thessaloniki. The information, presented by several Macedonian media, was aired as the leading news and included a live interview, over the phone, with the president of the World Macedonian Congress Todor Petrov. In his statement, live in the News, he claimed that the tragic event was confirmed by close relatives of the alleged victim. The information was later proven to be utterly false, and the public still has no idea how that type of speculation managed to get into the leading news of the public services. After those speculations were denied and dismissed as false by responsible institutions in Greece, the editorial office, through the responsible editor, offered a wattered down apology to the viewers. In any case, the editorial office of MRT1 demonstrated lack of professional approach in the checking of the veracity of the information and its sources. By the end of the period covered by this analysis, no editor or journalists was held responsible for the scandal,

although the editor of the news department offered a formal apology and preparedness to bear the consequences for the mistake.

The monitoring also detected very weak coverage of current world affairs and events. In the news programmes aired by MRT1, they are reduced to a single report with brief information on two or three main news stories from the world, covered by the voice of the anchor and illustrated with footage taken from international TV exchange. The minimal treatment of global events demonstrates the MRT1's focus almost exclusively on events in Macedonia. That approach has negative effects on the viewers. On one hand, it doesn't allow the citizens an opportunity to interpret the events in a wider contexts, and on the other, creates an impression that domestic events and developments are presented internationally, promoting ethno-centric and parochial feelings. Again, in this aspect, the public service fails to fulfil its information function.

#### **4.2.3.1 Case Study**

The analysis of MRT1's coverage of the strike of specialist medical practitioners, the debate in the Parliament on the 2013 Budget, the expulsion of the opposition from the Parliament and the protests of the opposition, demonstrates that, as the social turmoil intensified, MRT1 increasingly turned into a *de facto* actor of the events and an instrument in the hands of the Government. The principle of professional and impartial reporting collapsed fully, i.e. was completely absent from the coverage of the situation related to the 2013 Budget and the events of December 24, 2012 in MRT1's central news programme, the News off the Day. The 1<sup>st</sup> Programming Service turned into a naked transmitter and a platform that facilitated the Government's pressure on the opposition, and after the events of December 24, 2012, turned into a propaganda instrument in the hands of the Government.

In the early stages of the events that were subject to this analysis, MRT1 was oriented towards inclusion and presentation of statements by all involved parties. Later, as the problems deepened, MRT1 dedicated increasingly greater space to the representatives of the Government and other actors supportive of Government's positions. That approach first completely distorted the reporting, turning the central news of MRT1 a "naked medium", a transmitter of the views of only one side, in this case the Government. We noted an almost complete absence of representatives of the opposition and the organizers of the strike in the news, in the form of interviews in the studio or live feed in the news. The airtime was reserved exclusively for appearances of Government representatives and other persons and entities that hold views similar to the Government, or share its views completely. Another cause of concern is the selective presentation of the views of members of the expert community critical of the opposition, contributing to the total onesidedness of the reporting on current events.

#### **- The Strike of the Specialist Medical Practitioners**

The analysis of the coverage of this topic initially noted inclusion of all stakeholders - the striking doctors, the representatives of the government and the comments of the concerned citizens, the patients. The reports covered the complaints of the strikers about the pressure they were subjected to. In addition, the journalistic narrative emphasized the divisions between trade unions and the fact that all doctors didn't join the strike.



MRT1 secured much greater space for the Minister of Health, reporting his statements and live interviews in the news. His accusations against the leaders of the strike, who in his view were involved in: *“building political careers”*, *“expressed politically motivated dissatisfaction”*, *“political manipulations”*, were never disputed or, indeed, juxtaposed with the statements of the accused doctors. Simply said, MRT1 didn’t allow the other side to respond to the accusations expressed by the Minister.

MRT1 emphasized its bias in favour of the views of the Government with special emphasis on parts of Minister's statement – his *“appeal to the humanity”*, *“respect for the Hippocratic oath”*, *“protection of the health and interests of the patients”*, etc.

In the reporting on the strike, emphasis was put on the information about the sanctions against the striking doctors, for example, the making of lists of striking doctors who were paid minimal salaries to punish them for their participation in the strike. With that reporting, the public services increased the media pressure on the strikers to end the strike as soon as possible.

There was a notable presence of other reports on health-related issues, which aimed to remove the strike from the focus of the public attention. To minimize the importance of the strike, MRT1 intensively reported on the activities of the healthcare institutions, for example, the work of the pediatric cardiac surgery clinic, the financial abuses in the clinical hospital in Veles, the opening of the ophthalmology clinic for children<sup>41</sup>, etc.

The News on MRT1 regularly dedicated airtime for reports on the "Independent Healthcare Trade Union" which didn't support the strike and accepted the changes for salaries based on results, and the statements of its representatives. In the later stages of the strike, the media pressure on the striking doctors was increased through active involvement of patients, i.e. the citizens. MRT1 dedicated growing space to patients and their testimonies alleging failures to get examined by a specialist healthcare institution. The statements from the State Healthcare Inspectorate, which conducted inspections during the strike, were also reported in the news, offering abundant information about the sanctions and misdemeanour charges brought against the striking doctors.

### **- Parliamentary Debate on the State Budget**

In the initial stages of the reporting of this topic, as with the other topics covered by the news and information department of MRT1, we noted a formal representation of all involved parties and stakeholders. The reports presented the tense atmosphere in the sessions of Parliamentary committees. The quoted statements given by the representatives of the ruling majority put emphasis on *“attempts to create disorder”*, while the opposition stated that they *“won’t haggle about the Book of Procedures”* and insisted that the proper procedure is respected with debate on all submitted amendments. Occasionally, the news reports included live feeds from the sessions of the Committee.

Apart from the statements for the media given in the Parliament, the opposition was not given any additional space in the central news programmes on MRT1. On the other hand, the competent minister of finance appeared for a live interview in the studio, and the news commonly carried live feed interviews with the representatives of the Union of Chambers of

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<sup>41</sup> The subject of Ophthalmology received extended coverage, in a series of reports. The coverage includes reports on the cooperation with Ukrainian specialists, the training of Macedonian ophthalmologists and plans to open pediatric ophthalmology surgery clinic.

Commerce and other experts that criticized the opposition and emphasized the negative consequences of the failure to pass the 2013 Budget. The analysis detected a linear accumulation of reports that reserved media space for those who believe that the so-called "blockade of the Budget" was harmful for the citizens, the state and for the various projects of the government. The statement of the competent minister and other actors that shared the views of the Government were accompanied by a passive approach by the journalists who didn't ask a single critical or somewhat "racy" question. The interviews, in fact, resembled a monologue of the respective guests in the studio and failed to grow into any form of debate, discussion or presentation of counter-arguments. That impression only strengthened as the events progressed, to ultimately result in a completely onesided reporting by MRT1.

MRT1 consulted economic analysts, businesspeople and other members of the expert community that held positions critical of the opposition and their "blockade of the Budget": *"We are threatened by financial and economic destabilisation", "Risky move by the opposition", "Totally harmful and destructive move with huge negative consequences", "The opposition doesn't have the capacity for argued debate in a plenary session", "The businesspeople believe that the return of the VAT will be threatened if the Budget is not adopted"*. (the News of the Day of MRT1, December 17, 2012)

MRT1 dedicated exhaustive coverage to all gatherings and protests of different groups that expressed their dissatisfaction with the failure to adopt the Budget. Diverse groups were represented - the Chamber of Commerce, trade unions, farmers' associations, the Economic-Social Council and other (the lead of the News of the Day of December 18, 2012: *"Series of protests against the blockade of the state budget"*). With its reporting on these events, MTV1 served the function to increase the pressure on the opposition to give in and to influence the citizens to increase their dissatisfaction with the activities of the opposition: *"Pensioners, farmers, people on welfare, they all protest. They all fear for the money they need to receive, and their fear is caused by the blockade of the opposition that prevents the passing of the Budget"*<sup>42</sup>; *"No agreement on the Budget yet. The Government accuses Crvenovski of putting obstacles to the process"*<sup>43</sup>; *"Repeated protests demanding deblockade of the passing of the Budget. Students, pensioners, farmers, trade unions. They all demand from the state to pass the State Budget"*<sup>44</sup>; *"Several categories of citizens, including some top athletes, expressed their concerns about the Budget"*.

In the headlines, MRT1 constantly used the noun "scenario" to denote the activities of the opposition, which put them in negative context and indicated negative interpretation of the activities of the representatives of the opposition<sup>45</sup>.

We could say that the reporting on the events surrounding the 2013 Budget did not meet any of the professional standards or legal obligations on the manner of information of the citizens.

## **- Events of December 24, 2012 and the Protests of the Opposition**

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<sup>42</sup> News of the Day (Дневник), MRT1, December 18, 2012

<sup>43</sup> News of the Day (Дневник), MRT1, December 19, 2012

<sup>44</sup> News of the Day (Дневник), MRT1, December 19, 2012

<sup>45</sup> „The planned scenario for the commission debate on the Budget doesn't change“, MRT1, December 8, 2012

This section of the analysis refers to the coverage of the events of December 24, 2012 and the subsequent protests of the opposition. The main topics covered in the News of the Day of December 24, 2012, and related to the events in front of and inside the Parliament of Macedonia, were: "the public address of the President of the Government", the "adoption of the Budget" and the "attack on the President of the Parliament". The coverage was completely dominated by the representatives of the Government. The media space was completely left to the direct participants in the events, and only to those representing the Government, to assess and qualify the events. The reports carried only the assessments of the Government representatives who stated that it was "*an attempt for violent oust of the democratic government*", "*attempt to mislead the citizens*", etc.

On the events in the Parliament, MRT1 reported: "*At one moment, in the whole confusion, the Speaker Veljanovski was attacked, after which the security detail took him out of the Plenary Hall.*"; "*After the opposition MPs tried to create a living shield to block the work of the Parliament and attacked the speaker Veljanovski, the security removed them from the Hall*"<sup>46</sup>; "*After the intervention of the parliamentary security, the plenary session commenced*".

The cameras of MRT1 didn't record the intervention of the security and the forcible expelling of the opposition MPs and the members of the press from the Plenary Hall, but MRT1 did conclude that: "*On the complaints by the opposition that they were forcibly kicked out of the Plenary Hall, MVR (the Ministry of Interior) informs that the security acted on demand of the Speaker of the Parliament. It took the necessary measures to secure the conditions for the session to be held*"<sup>47</sup>.

The analysis registered absence of any sort of report by MRT1's reporter, who was on the scene, in the Parliament. There was also a total absence of any information about the removal of the journalists from the Plenary Hall.

In the News of the Day, the press release issued by VMRO-DPMNE and the messages of the representatives of the international community (the U.S. and EU) were reported.

MRT1 reserved the same biased reporting for the event that took place in front of the Parliament building: "*The situation is tense in front of the Parliament. Tens of thousands of citizens gathered to prevent Crvenkovski and his supporters from entering the Parliament and stop the passing of the Budget by force.*"; "*The representatives of the citizens who want to stop the actions of opposition activists outnumber them ten to one. On the other side stand the supporters of the opposition bloc (the camera focuses on a flag of SFRY)*".

The MRT1's coverage of the events of December 24, 2012 was completely onesided and took the side of the Government. The bias was evident to that extent that the journalists used the same phrases and qualifications about the opposition that were used in the press releases and statements of the ruling party. No statements or reactions from the other involved party were presented. Later in the news, the press release issued by the Ministry of Interior was read in its entirety, and the aired footage focused on the turmoil surrounding the pulpit, in which the opposition MPs took part before they were kicked out, as well as the footage from the breaking of the police cordon by the opposition protesters. The total coverage of the

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<sup>46</sup> News of the Day (Дневник), MRT1, December 24, 2012

<sup>47</sup> News of the Day (Дневник), MRT1, December 24, 2012

events of December 24 lasted 31 minutes and concluded with the reports on the incidents in the foreign media.

The central news of December 25 were dominated by statements by government representatives condemning the actions of the opposition. Statements by experts who criticized the opposition and called it *"to leave the streets and return to the Parliament"*<sup>48</sup> were also aired. A report on MRT1 of December 25, 2012 criticized the opposition for its *"use of force and attack on the speaker of the Parliament"*. It quoted excerpts from the press release issued by the Ministry of Interior. The same news also reported the statement of the president of SDSM on the future activities of the opposition and the possibility for boycott of the coming local elections. Later in the news, report was aired from the first protest of the opposition on December 25, 2012, on the incident in which a senior citizen was physically attacked by one protester. The news were again dominated by Prime Minister's points about *"Crvenkovski's pathological dependence on power"* and *"manipulations and violence used by the opposition"*, and other criticism of the leader of the opposition and the opposition coalition.

In the period after the New Year's Holidays, the protests of the opposition were not regularly on the list of topics reported by MRT1. The coverage was dominated by the coming visit by the UN Mediator in the name dispute, social issues related mostly to the activities of the public officials, and several calls by international representatives to revive the political dialogue.

MRT1 reported the protest march of the opposition of January 12, which started in front of the offices of Sitel TV and ended in front of the MRT building: *"The supporters of the opposition front gathered in front of Sitel TV and MRTV to expresse their dissatisfaction with, as they claim, selective presentation of information under the dictate of the current Government"*<sup>49</sup>. The report was followed with quotes from statements and newspaper articles of several Macedonian journalists who were critical of the opposition and its leader.

### **4.3 Analysis of the Programmes of MRT2**

The broadcasts of MRT2 are dominated by programmes in Albanian language. After the end of the TV broadcasts, MRT2 carries the broadcasts of the Radio Programme in Albania, which is a channel of the Macedonian Radio.

The broadcasts in Albanian start at 06:55 hours and ends between 01:00 and 02:00 hours after midnight, depending on the lengths of the broadcast programmes. The Albanian language broadcasts are interrupted by the programmes in other languages (Serbian, Vlach, Bosnian, Romani or Turkish) at 14:30, and the programmes in Albanian recommence at 18:00 hours. The programmes of editorial offices in different languages are not complementary and they practically function as separate channels that air on the principle of time sharing. For example, when announcing the programmes to be broadcast on a given day, each language office announces only its own programmes, regardless of whether they will be broadcast on that or the following day.

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<sup>48</sup> Statements by Židas Daskalovski and Gordana Siljanovska were aired.

<sup>49</sup> News of the Day (Дневник), MRT1, January 12, 2013

At the current programming schedule, the programmes in Albanian are broadcast between 14 and 15 and half hours per day, and there are 3 and half hours of programmes in the languages of the other non-majority communities in Macedonia. The remaining time of the 24-hour cycle is filled in with 5 to 6 hours of radio programmes in Albanian language.

After Albanian, the longest are the programmes in Turkish language that last for two and half hours per day. From the point of view of the quantity and scope of broadcast programmes, only the services in Albanian and in Turkish languages have the programming capacity to reflect adequate contents that will meet the functions and the tasks of the public service, while the programmes in the other languages have a very limited role in the protection of linguistic and cultural identity of their respective communities.

The MRT2, the service in the languages of the ethnic communities, is divided in several editorial offices – in Albanian, Turkish, Romani, Vlach, Serbian and Bosnian language. With the exception of the services in Albanian and Turkish languages, and due to the limited lengths of the programmes (30 to 60 minutes), the other language programmes formally meet the minimal needs of their respective communities in terms of preservation of their cultural and linguistic identity. These programmes mostly consist of defined genres of information programmes, interviews, music shows or programmes produced abroad, in the corresponding linguistic area (Turkish, Serbian, Bosnian, Vlach, Romani or Albanian).

As we noted earlier, the programmes in Albanian language make up the bulk of the broadcasts on MRT2 frequencies. The approximately 14 hours of daily broadcasts include information, entertainment and educational programmes. There is a notable gradual growth of independent inhouse production in Albanian language. It also broadcasts programming contents in English (popular films and TV series), of high production quality, with subtitles in Albanian. MRT2 airs several live programmes in Albanian, for example, a morning show programme. There are also a lot of documentaries, comedy series, children and education programmes (on healthcare, agriculture, etc.). The entertainment programmes follow a contemporary dynamic and a modern production approaches, but the quality of their contents offers a lot of space for improvement to be able to meet their intended function and purpose. Also, while there was a notable increase of production of programmes in Albanian language, some of them need to upgrade and update their production standards. Education and information programmes consist mostly of studio conversations, without illustration and augmentation with video footage and other production forms, making the aired contents much less attractive to the viewers. During the period covered by our monitoring, we noted increased numbers of live broadcasts from events organized by other organisations and institutions.

In the information programming segment, the news are broadcast from the newly redesigned studio of MRT. The editorial approach is to ensure balanced news, regularly presenting the views of the opposition, reports from events organised by the opposition and other actors. However, the governing structure and its activities are given a much greater amount of airtime. The news, in general, articulates the views primarily from the viewpoint of the Albanian community, with sporadic tendencies to create a platform for a somewhat wider and more general debate. There are no political debate programmes, whatsoever, in the programmes of MRT2 in Albanian language. In that regard, the programming service MRT2

fails to adhere to the principle that the public service should function as a factor of social cohesion.

The programmes in Albanian language dominate MTV's Second programming service. Evidently, it has more hours of airtime and ample space to realize a wider scope of functions useful to the public. The editorial offices in Turkish, Serbian, Bosnian and Vlach languages use their air-time slots to broadcast combination of information and entertainment contents, overview of important activities of the local ethnic communities, as well as news on current affairs in their respective native countries. Such programmes, mostly the entertainment programmes and rarely the education programmes, often include adapted contents produced by other television broadcasters.

The 14-hours per day broadcasts in Albanian brings to the table the need for increased independent production in Albanian language, or redistribution of air-time slots in favour of the other non-majority communities in Macedonia. That need is well illustrated by the fact that, after the end of the morning show programme, to almost 14:00 hours - with the exception of midday news, the broadcasts consists practically from reruns of programmes aired on the previous day.

It has to be noted that there are no advertisements aired in the programmes of MRT2, with the exception of one case of airing of a job announcement for positions in MRT. We registered only announcements of the daily programming schedule. In addition, it is worth noting that the Second programming service of MRT doesn't air the Government's advertising and public awareness campaigns. It is not clear why the advertisers avoid the Second channel of MRT, having in mind the recent changes of the Law that allow greater advertising space in the programmes of the public service.

#### **4.3.1 The Information Function of the Programmes of MRT2**

The timely and true information of the citizens surely is one of the main functions of the public service. This function, in the programmes of MTV2 is performed for the best part by the news programme (Ditari/News of the Day). The leading Daily News programme (Ditari) is aired at 18:30 hours, with a second edition aired at 22:00 hours. Short, flash news, are aired five to six times a day. The flash news aired in the morning slots are reruns of the flash news aired the previous evening. The flash news are aired without a studio announcer or an anchor.

The latest news aired in the morning programmings slots consist of retransmission of the news of Radio Skopje in Albanian, with direct feed of the radio broadcast at 09:00 hours. A chyron in the bottom of the screen clearly states that radio news are being broadcast. The first daily news of the Editorial office in Albanian are aired at 12:00 hours.

The central news programme (Ditari/the News of the Day) airs at 19:30 hours. In terms of the contents of the news, in spite of the tendency to establish a balanced coverage of the reported information (the views of all political parties and critical views are being reported), the news remain dominated by the views and statements issued by the ruling party DUI. For example, in the central news of October 16 (News of the Day, 18:30 hours), in one of the leading news of the day, the start of the Parliamentary procedure for adoption of the Law on War Veterans to be adopted in an extraordinary procedure, the views of all political parties are reported, but only the statement by MP Ermira Mehmeti from DUI is recorded on tape and aired in the report.

In the same news, there is a report on the on the European Commission Progress Report, which was presented in the Parliament. The report presents the views of the ruling parties and the opposition - statements by Ermira Mehmeti (DUI), Aleksandar Spasenovski (VMRO-DPMNE), Jani Makraduli (SDSM) and Zijadin Sela (DPA) - as well as the view of EU ambassador Aivo Orav, which is more critical and call for increased reform effort by the Government. On the other hand, it is evident that the statements of government representatives are given more time than the views of the opposition.

Also, the news were dominated by reports of activities, events and personalities from the governing structures, or close to those structures. There is no debate programme within the information and news department that would discuss the views of all segments of society. It can be concluded that the the Albanian language information and news department of MRT2 performs its information function only with news programmes, and less with other programming contents, such as specialized topical programmes, documentary programmes or interviews. The information programme makes an effort to keep its neutrality, there style of reporting being to quote representatives of the institutions in the reports, demonstrating a tendency towards neutrality and professionalism. However, the selection of news that are considered important and will gain the top spots on the agenda of the editorial office do indicate a distortion of balance and neutrality.

The news predominantly carry the views of the Albanian side of the political scene, although there are occasional evident tendencies for the news to attempt to provide a platform for a wider debate. That is due to the fact that the programming service is treated as an instrument to meet the needs exclusively of the Albanian community, which is the main audience the editorial office addresses, with the aim to preserve its linguistic and cultural identity. This practice is gradually changing with the increased presence of foreign-produced programming contents which are aired with Albanian translation.

The citizens are included in the programmes through vox-pop polls in the news programmes. There, again, citizens from the Albanian ethnic community dominate, so we can say that the news of the Albanian language service cater primarily to the interests and positions of a single group, in this case, an ethnic community.

The news programme rarely goes beyond the political factors to present the other social groups and their problems. They may appear as a subject of interest for the news programmes only if some organisation organizes some event, or some institution initiates a public debate.

#### **4.3.2 The Education Function of the Programmes of MRT2**

The education function of the Second services of MRT2 in Albanian language is realized through a number of programming contents from in-house production, but there are also imported programmes. We noted a gradual increase of the amount and scope of education programmes. They may not always be of highest production standards, but it is encouraging to see that the editorial office consciously aims to achieve greater in-house production. Several programmes, such as the programme dedicated to health issues and the morning show, continually perform that function. The production quality levels leave much to be desired and offer a lot of room for improvement, both in terms of production standards and the contents they offer. The programmes are usually shot on studio sets, with a host and guests, without video footage or graphics that would enrich the programme to improve its

quality. The programmes are, therefore, reduced to a talk show filmed in studio, which makes them much less attractive compared to contemporary standards abroad.

It should be noted that the amount of foreign-produced documentary programmes is on the rise. They are mostly of educational character and are realized using more modern television language. Such programmes are aired almost daily, but the adaptation in Albanian language sometimes exhibits production defects. In most cases, the translation into Albanian is applied in the form of subtitles. During the period covered by this analysis, we noted that some of those programmes are rather old, which has impact on their ratings and influence, having in mind that they are slightly outdated. Also, the majority of the education programmes registered during the monitoring were of European production, predominantly German and French programmes.

We also registered education programmes for children which, clearly, need improvements both in terms of production standards and contents, as they should offer more useful contents that are synchronized with the actual education process and that correspond to this day and age.

#### **4.4.3 The Entertainment Function of the Programmes of MRT2**

The greatest progress in the production standards and the contents in the programmes in Albanian was noted in the area of entertainment programmes. The main reason lies in the growing imports of high-quality foreign programmes, primarily from American production. These are the same programmes broadcast on the First Programming Service of MRT, i.e. the same acquired programmes are aired in both services, with different subtitles. Comedy series, drama series and feature films make up the bulk of such programmes. The presence of those contents in the programmes of MRT2 make the programming offer more modern, but also very similar to the programming offer in Macedonian language. On the other hand, it allows the audiences to share a common film experience and values that go beyond the linguistic barriers.

On the other hand, we noted the presence of in-house production of entertainment programmes, mostly music shows, show-business magazines or talk shows with appearance of popular musicians and actors. The entertainment programmes are dominated by music programmes, most of them folk music shows. Pop music is slightly less represented in the entertainment programmes. This analysis found that, often and without any prior notice, music videos are aired to cover breaks in programming, making the entertainment programmes a sort of a filler between the regular time-slots, which indicates tendency for improvisation. Naturally, such practices make an impression of unprofessional approach to planning and airing of daily programmes.

In the area of entertainment programmes, we should mention here the music programmes for children which are dominated by songs performed in child song festivals and cartoons that are translated and dubbed over in Albanian language. In the course of this analysis, we noted a large number of live broadcasts from different events organized by a variety of institutions and organisations. Those live broadcasts, festive by nature or organized with another purpose - charity or religious events, make an impression of openness towards the citizens or certain target groups in society. They also perform the entertaining function of the programmes in a



manner that is dynamic, varied and attractive, which has positive effects on the viewer ratings of MRT2.

#### **4.4 Analysis of the Programmes of the Parliamentary Channel**

The Parliamentary Channel remains a mixed programming service which, instead of providing quality reporting on the activities of the Assembly and the MPs, is some sort of combination of a service that airs live broadcasts and reruns from the sessions of the Assembly and parliamentary commissions and a back-up channel for the programmes of MRT1.

The daily news programmes aired by the First Programming Service of MRT are carried simultaneously by the Parliamentary Channel. The broadcasts from the plenary sessions and the sessions of Parliamentary committees are produced without any intervention by the journalists and without elements of analytical or investigative journalism. The bulk of the programming consists of reruns that have reached truly absurd levels during the period covered by this analysis, with the Parliamentary Channel airing and reruning for hours on end the silence of MP Talat Xhaferi (DUI) during the Committee debate on the Law on War Veterans, submitted to the Parliament for adoption by the ruling party.

In addition to contents related to the work of the Parliament, the monitoring noted frequent live broadcasts of sports events and reruns of broadcasts from various events, speeches made by state officials, etc. In the remaining airtime, which lack a proper schedule that the viewers could see in advance, are filled with lots of music contents, mostly folk music programmes.

Significant airtime was dedicated to broadcasts of advertisements prepared under the auspices of various public campaigns of the Government, its ministries and other public institutions.

In general, the Parliamentary Channel is light-years removed from proper performance of its programming goals and those few of its functions it performs, it does only formally. A significant portion of the programmes aired by the Parliamentary Channel is dedicated to advertisements for campaigns of the Government and its ministries, public announcements issued by public institutions and other contents that are part of the public relations activities of the institutions. Here, too, we need to note the need for more detailed regulation of programmes related to public relations activities of the Government and other institutions and the manner of their presentation by the public service.

We registered broadcasts of religious programmes on the Parliamentary Channel. That practice is highly questionable from the aspect of secularity of the state and explanation is needed regarding the criteria that are applied for the mixing of programmes reporting the activities of the Parliament and the Government with religious programming.

#### **5. Brief History of MRT**

The beginnings of television broadcasting in Macedonia are tied to the development of radio and television broadcasting system of the former SFRY. On May 15, 1956, during the Zagreb Fair and Exhibition, the citizens of Zagreb had the opportunity to watch, for the first time, foreign TV programmes. In the autumn of that year, TV Zagreb aired the first programmes from its own studio, and it started with regular daily broadcasts, totaling 10

minutes per day, in 1957. The first television programmes available to the citizens of Belgrade started on August 28, 1958. In Ljubljana, the first TV broadcasts took place on October 11, 1958. On November 1958, the TV studios from Belgrade, Zagreb and Ljubljana started broadcasting jointly produced TV programmes, three days a week, three hours of broadcasts per day.

On November 20, 1958, the Council of Radio Skopje decided to create a television team that worked within Radio Skopje. In 1959, preparatory activities for installation of transmitter stations on Pelister, Solunska Glava and Vodno mountains were completed. On October 24, 1959, the first experimental reception of Italian TV broadcasts in Macedonia started. The citizens of Skopje, Kumanovo and Veles could watch television programmes since March 1960, when transmission stations on Solunska Glava and Vodno mountains official started operations. In September 1960, the first working group ("The Television Department" of Radio Skopje) was formed to work on the creation of television broadcaster in Macedonia. The first television programmes from Macedonia were transmitted through a studio in Belgrade, where journalists from Macedonia occasionally appeared directly in the central news programme aired by TV Belgrade, the News of the Day. The first direct broadcast was completed on May 13, 1961. A realisation team from Skopje were guests of TV Belgrade and aired the "Ballet Concert" with soloists from the Macedonia National Theatre, from the Belgrade studio. The 30-minutes long programme was realized live, but no video of film recording from that broadcast survived.

On October 11 that same year, a whole evening of programmes were broadcast from the Belgrade studio, including an interview with the President of the Assembly of Macedonia, followed by a programme titled "Prilep Yesterday, Today and Tomorrow", and the "Night of the Wolf" (Volčja nokj) feature film. Macedonian viewers couldn't watch these programmes, since only Italian broadcasts were available and only in a number of regions. They couldn't watch the experimental programmes of the Yugoslav TV centres, although there were 823 TV sets registered in Macedonia. On September 8, 1962, the Executive Council of Macedonia (the Government) changed the name of the radio broadcaster Radio Skopje to Radio-Television Skopje. By the decision of the workers' council and the Municipality of Idadija (Skopje), on June 1, 1962, the film production enterprise "Tehnofilm" merged with Radio-Television Skopje. The programming personnel was extended to include new technical and realisation profiles, and numbered a total of 120 employees. The catastrophic earthquake that hit Skopje in 1963 further emphasized the need for a television service that would broadcast information from Macedonia to the region and the rest of the world<sup>50</sup>. The life in the destroyed Skopje and the reconstruction of the city were registered on film. On April 8, 1964, the main 5 KW transmitter on Crn Vrv mountain was opened, creating conditions to start broadcasts from the Skopje studio. The first official broadcast was scheduled to take place on June 5, 1964, the Eurovision Day. During the summer of 1964, live broadcasts from sports matches, folk and pop music concerts organized under the auspices of the "Solidarity Meetings" were realized.

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<sup>50</sup> As a part of emergency assistance, two reporting trucks arrived, one from Italy with three cameras, one from England, with four cameras, as well as a portable laboratory for development of „umker“ film from France and two Czech portable editing desks.

The first TV news, the 20 minutes long "TV Vesnik" (Picture 2) were aired on December 14, 1964, at 18:15 hours. The broadcast was realized with one static camera, in an improvised studio, and the signal carrying the first TV news in the history of Macedonia was transmitted by link to the Crn Vrv transmitter, and then into the ether. The daily broadcasts of programmes from its own studio, on weekdays, followed this programming schedule: 20-minute long TV Vesnik (daily news) at 18:15 hours, followed by a cartoon and programme for children, education programme, programme in foreign languages, and cultural programme. At 20:00 hours, the signal from the common programming of JRT (Yugoslav Radio and Television) took over.

On October 16, 1965, the first live sports broadcast of a football match played on the Municipal Stadium in Skopje was realized. By the end of 1965, the television network covered 76% of the territory and 83% of the population of Macedonia. At the end of the year, the calculations showed that a total of 17,576 minutes of programmes (5 hours and 40 minutes per week) were broadcast in 1965. There were 33,849 registered TV sets in the country, and the number grew to 49,934 TV sets at the end of 1966. In 1967, there were 67,287 TV sets registered in Macedonia. At the end of 1968, a total of 60,637 minutes of various programmes were broadcast (77% increase over the previous year). Of that total, 27% were information and news programmes, 50% were culture and arts programmes, 9% were education programmes, 6.8% were economic propaganda (advertising) programmes, 11% were TV mail and 5.7% were other types of programmes.

TV Skopje opened its first correspondent's office outside of Macedonia on June 25, 1969, in Belgrade. In 1970, TV Skopje had 123,373 subscribers (citizens registered to pay the broadcasting fee) and aired 79,614 minutes of programme organized in a programming schedule. On May 18, 1970, a new programming schedule was introduced. Under the new schedule, every Tuesday, the central news programme was experimentally aired at 20:00 hours. The regular broadcasts of the central news programme at 20:00 hours started on January 1, 1971. On August 2, 1975, TV Skopje's opening telop appeared in colour for the first time in Macedonia, and the first live broadcast in colour was realized from the World Whitewater Kayaking Championship. In 1977, Macedonia had 224,427 TV subscribers. On March 6, 1978, TV Skopje launched the Second Programme channel, in colour. It broadcast four hours of programmes once a week, every Monday (later, Wednesday broadcasts were introduced). In 1982, the first teleprompter machine was procured, equipment of great importance for the information programmes. In 1988, the number of subscribers rose to 314,223. The continuing technical upgrades created the conditions for reception of satellite programmes. In the Spring of 1988, the retransmission was enabled, with the first direct feeds from satellite aired on the Second Channel<sup>51</sup>. On January 7, 1991, TV Skopje started airing on the Third Channel. Within the process of wider social change, on May 10, 1991, the Assembly of the Republic of Macedonia approved the decision of the "Workers' Council of RTS" to rename RTS into Macedonia Radio and Television, while TV Skopje was renamed

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<sup>51</sup> „During this period, TV Skopje, acting on the behalf of JRT, coordinates the delivery of programmes from Yugoslav TV centres for broadcasts on „One World Channel“ satellite programme. The first satellite broadcasts in Macedonian language, consisting of a number of programmes of all genres, produced by TV Skopje, were realized through this programme, dedicated primarily to promotion of TV programmes of the non-aligned countries. TV Skopje exchanged „Evenings“, a selection of of programmes, with TV Cardiff (Welles, UK), TV Kopar and RAI Trieste“.

Macedonian Television. In the period of development of pluralism in society, the first privately owned TV stations emerged. Today, MRT broadcasts on three channels - MRT1, MRT2 and the Parliamentary Channel. In addition, the public broadcasting service also airs programmes on its satellite channel.

According to the data available from the Broadcasting Council, in 2011 there were 77 commercial TV stations that held valid licenses to broadcast TV programmes. Of that total, five hold licences for national terrestrial broadcasting, 13 hold licenses to air over the satellite. There are also 10 regional and 49 local TV stations.

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