

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: The Republic of North Macedonia

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Research Project Report

Issue -

June 2023



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Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-452-5

doi:10.2870/235115



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and Review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.

In The Republic of North Macedonia the CMPF partnered with Igor Micevski and Snezana Trpevska (Research Institute on Social Development RESIS), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Digital Dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.

The Calculation of Risk

The results for each thematic area and Indicator are presented on a scale from 0 to 100%.

Scores between 0% and 33%: low risk

Scores between 34% and 66%: medium risk

Scores between 67% and 100%: high risk

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

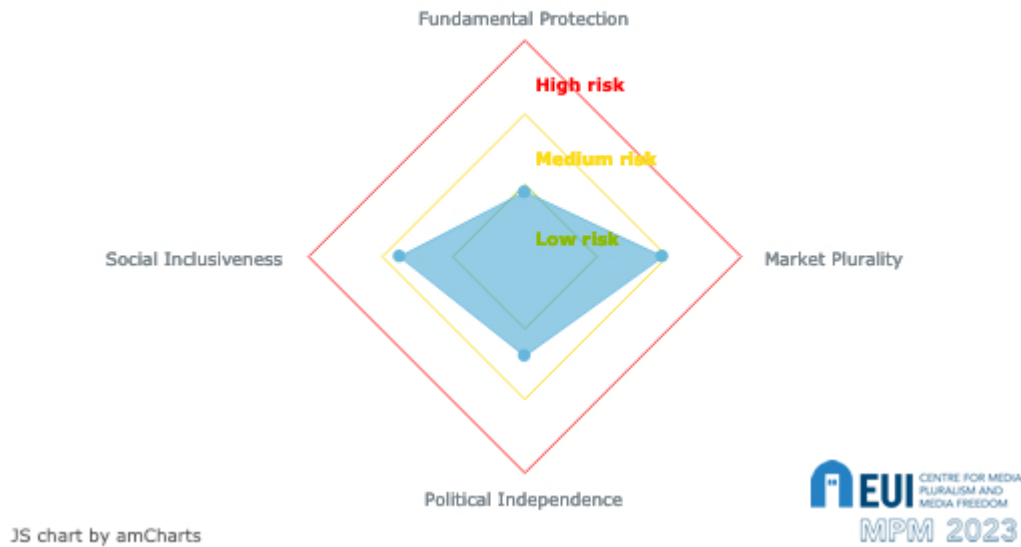
- **Country overview:** North Macedonia is a Constitutional Republic with a parliamentary democratic system of governance. The Macedonian constitutional arrangement recognises individual rights of all its citizens. It also recognises collective rights of specific ethno-cultural groups within its territory. The landlocked country covers a territory of 25,713 square kilometres in the centre of the Balkan peninsula.
- **Minorities & Languages:** North Macedonia is a multicultural society with a complex ethnic composition. According to the results of its 2021 Census, the resident population in the country is 1,836,713^[1]. 58.44% of this population have stated to be Macedonians by ethnicity, 24.30% have declared themselves as ethnic Albanians, 3.86% as Turks, 2.53% as Roma, 0.47% as Vlachs, 1.30% as Serbs, 0.87% as Bosniaks, and the remaining 0.26% are of other ethnic affiliation. Since the Census of 2021 was met with political controversies, with some ethnic-Macedonian party leaders calling for a boycott, a large number of the population refused to be subjected to a count, hence for 7.2% of the population the ethnicity is unknown^[2]. Macedonian is the official language of the entire territory, while Albanian is also the official language in the central level institutions and in 25 out of 80 municipalities and in the capital Skopje.
- **Economic Situation:** The war in Ukraine and the subsequent energy crisis had a significant negative impact on almost all sectors of the country's economy in 2022. North Macedonia had relatively good prospects for recovery from the 2020 recession, induced by the COVID 19 crisis, however after a 4% growth of GDP 2021, these prospects were weakened considerably. The estimation of the GDP growth for 2022 is 2,1%. The crisis was felt by a large part of the population, since it dramatically increased inflation. In its most recent Economic Report for the Western Balkans, the World Bank states that “[h]eadline inflation surpassed a decades-long peak with food, energy, and core inflation all contributing to the rise. Consumer price inflation reached a 25-year high at 16.8 percent in August 2022. The cost-of living crisis unravelled, disproportionately eroding real incomes of the poor”^[3]. Political divides additionally aggravate the economic situation.
- **Political Situation:** The circumstances under which North Macedonia was supposed to start the negotiation process for the accession in the European Union created monumental political cleavages and were a serious destabilizing factor in the country in 2022. The reaching of the Prespa agreement between Athens and Skopje in 2018, which brought about the change of the constitutional name of the republic, had already resulted in increased antagonisms within the population. The objections of Bulgaria to the start of the negotiation process, introduced even more disrupting uncertainty due to the fact that the claims of the neighbouring EU member state de-facto destabilised the symbolic markers on which North Macedonia had anchored its constitutional foundation – the continuity of the political struggle from the late 19th century onwards and the cultural distinctiveness epitomised in the separate Macedonian language with its clear developmental trajectory leading to the codification. Against this background, and in part because of its destabilising effects, at the beginning of 2022 the Parliament voted in a new Prime Minister in Skopje. The most recent published opinion polls, show that 65% of the population opposes constitutional changes to include the Bulgarian minority in the preamble as a precondition for the start of the EU accession negotiation process. Within the population of ethnic Macedonians there is 80% opposition^[4]. According to the last census around 3000 people declared that they belong to this community.
- **Media Market:** The media market is incredibly fragmented in terms of the number of players within

it. This fragmentation, especially in the broadcasting sector, creates financial disruptions due to the limited advertising sources and it creates media content deficiencies due to the dispersion of capable journalism professionals across the fragmented landscape. In the television market, the public service broadcasts programs on 5 TV services, while there are also 44 private TV stations at various levels: 5 terrestrial TV stations broadcasting nationwide; 4 cable TV stations at national level, 2 satellite TV stations at national level, 6 terrestrial TV stations at a regional level, 12 cable TV stations at regional level and 15 cable TV stations at local level. Fragmentation in the radio market is also evident: in addition to public service broadcaster with 3 radio services, radio programs are aired by 62 commercial and 4 non-profit radio stations. In the commercial radio sector, there are 4 stations at state level, 17 at regional and 42 at local level. In the print media sector, there are: 5 daily newspapers, 2 weeklies and at least 10 other periodicals. Precise data is lacking in 2022 for the online media sector, but the number of digital native news media is estimated between 150 and 200. According to the Agency for Electronic Communications, the total number of subscribers to various TV platforms in the third quarter of 2022 was 437.088, out of which: 48.49% are subscribed to a cable platform, 34.79% to the IPTV platform, 9.42% to a DVBT platform, and 7.30% to a satellite platform.

- **Regulatory Environment:** The media specific legislation has not undergone any changes in North Macedonia in 2022, despite the fact that the Government had priorly initiated amendments to the Law on Audio and Audiovisual Media Services in order to reintroduce state advertising. The Parliament has still not voted in new members of the Council of the Agency for Audio and Audiovisual Media Services (the media regulatory authority) and the Council of MRT (the program governing body of the Public Broadcasting Service), four years after the expiration of their mandate. In 2022 a media reform process started for the purpose of aligning the national legislation with the EU Audiovisual Media Services Directive, other EU acquis and Council of Europe standards in the media field. The results of this comprehensive project, supported by the European Commission, are expected in the course of 2023. The expected change in the Criminal Code aimed to increase the safety of journalists were not addressed in Parliament in 2022^[5], but the Parliament has adopted new amendments to the Law on Civil Liability for Defamation and Insult according to which penalties for non-pecuniary damage for journalists were reduced.

3. Results of the data collection: Assessment of the risks to media pluralism

The Republic of North Macedonia: Media Pluralism Risk Areas



The MPM2023 assessment of the key issues and developments concerning media pluralism in North Macedonia demonstrates that the country's overall performance remains constant at a medium risk. 15 indicators (75% of the total number) scored a medium risk, 3 indicators (15% of the total number) scored at low risk and, 2 indicators (10% of the total number) scored at high risk. Both high-risk indicators come from vulnerabilities in the Market Plurality area and are in connection with the under-regulation and poor practices within the digital domain. North Macedonia needs to focus attention to the pressing need to improve the systemic conditions that enable a real Plurality of digital markets and a Plurality of digital providers. The country has to focus more on the local audiences' and vulnerable communities' communication needs to ensure a better outlook for Social Inclusiveness in the media sphere and needs to focus more on disrupting the clientelistic practices which undermine Political Independence. Finally, despite the fact that the overall risk for Fundamental Protection of media pluralism is low, North Macedonia needs to work on improvement in this area by focusing especially on journalists' labour rights and autonomy. The results by area of this year's Media Pluralism Monitor's assessment are as follows:

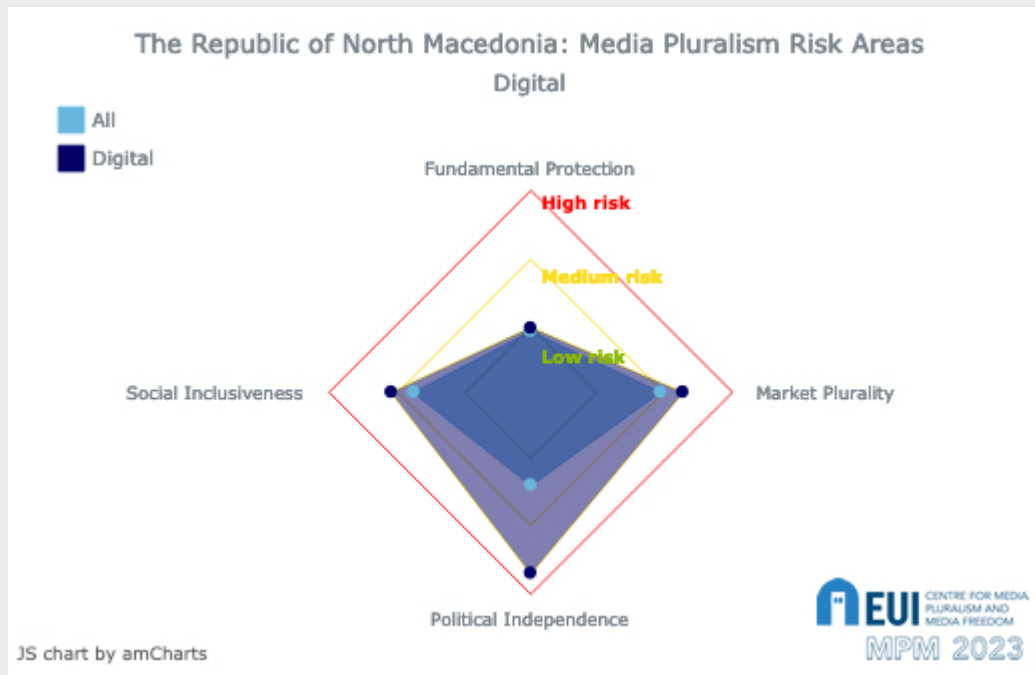
The overall risk for the **Fundamental Protection** area is estimated at 30% which indicates a low risk. In North Macedonia the legal *Protection of the freedom of expression* is continuously at a satisfactory level. The amendments to the Law on Civil Liability for Defamation and Insult bring in improvements in terms of journalists' freedom - most of the proposals and remarks of the relevant CSOs in the process of deliberation were incorporated in its present version. The *Protection of the rights of information* needs further increased effort on state and municipal institutions' active transparency, as deficiencies detected in this area are undermining anti-corruption processes. The work on the *Journalistic profession, standards, and protection* needs more immediate attention due to the fact that the inadequate socio-economic and professional status of journalists undermines their independence. In addition, though the number of SLAPP cases in North Macedonia is not a cause for concern, a lack of specific anti-SLAPP legislation poses potential risks. The *Independence and effectiveness of the media authority* is estimated at low risk, however the mandate of the present members of the regulator's Council is expired which is an obvious vulnerability. In addition, the regulator is denied sufficient funding from the state. The *Universal reach of traditional media and access to the Internet* is still at medium risk in North Macedonia, although in 2022 the assessment indicates some improvement.

The assessment of the **Market Plurality** area points to a medium risk 64%, only slightly below the high risk threshold. Most of the risk for this area is connected to the high risks concerning the *Plurality of digital markets* and the *Plurality of media providers* indicators. The under-regulation of the digital media sector is a major factor for these vulnerabilities. The vulnerabilities are revealed regarding competition enforcement, lack of media specific regulation of the horizontal, vertical, and cross-media concentration of ownership between media providers in broadcasting, print and digital sectors and in the lack of monitoring of possible instances of media concentration in the increasingly complex ecosystem of media providers, digital intermediaries, and digital advertising players. The risks also arise due to the lack of reliable data on the market share and audience concentration of the digital native media, and due to the fact that there is a high market concentration in the television domain with the leading four stations sharing over 76% of the revenues. *Transparency of media ownership*, *Media viability* and *Editorial independence from commercial and owners' influence* indicators, remain at medium risk.

The **Political Independence** area is at medium risk of 46%. The *Editorial autonomy* indicator measured within this area has the highest risk which is mostly due to the generally clientelistic nature of the media system which disables editorial autonomy and due to the fact that important provisions are lacking in the relevant media laws safeguarding the transparency and independence for appointment of editors-in-chief. Risks within the domain of digital native media remain concerning the *Political independence of the media* indicator because this sector continues to be vulnerable to control by various political power centres in government and in opposition. The *Independence of the Public Service Broadcaster* is still under some level of threat due to the lack of sufficient funding from the state budget and due to uncertainties arising from the Law on Audio and Audiovisual Media Services concerning the funding scheme. Since the state advertising which was a tool misused in the past is still prohibited, in 2022 the risk for *State regulation of resources and support to media sector* remains low but just below the medium risk threshold. Medium risks remain for the *Audiovisual media, online platforms, and elections* indicator due to digital native media under-regulation in connection to electoral party-political spending and the overall lack of transparency of political parties in electoral spending.

The overall estimated risk for the area of **Social Inclusiveness** is projected at 58% which is in the range of medium risk. In 2022 there is an increase of the risk concerning the *Representation of minorities in the media* because of the assessment that the state needs to focus more attention to access to media by audiences that live with disabilities and also the smallest communities in the country. More attention is also needed to the development of *community media* sector. The findings of MPM2023 suggest that this sector is a largely neglected aspect of the media policies. Sustainability challenges persist for *local and regional private media*. *Gender equality in media* poses a medium risk for North Macedonia, mostly due to the insufficient percentage of women executives in the private media. *Media literacy* is in terms of educational and media strategy still within the medium risk band in the absence of a comprehensive approach to the issue. A strategic approach is also lacking concerning *Protection from disinformation*. The lack of comprehensive approaches to Social Inclusiveness is in almost all indicators related to this area, a result of neglect and loss of strategic focus, rather than lack of political willingness.

Focus on the digital environment



Fundamental Protection is the only area where the difference between the overall area score and the score specifically for the digital domain is not particularly worrisome – the overall risk is 30%, and in the digital domain, it is two percentage points higher. The digital domain score in this area for 2022 is eight percentage points lower than in 2021, as in 2022, there were unambiguously no registered cases of arbitrary filtering, monitoring or blocking content by the platforms. This is not to suggest that there is no pressing need for important improvements – especially in connection to the labour rights in digital native media and the adoption of legislation against strategic lawsuits against public participation (SLAPPs) to protect digital media.

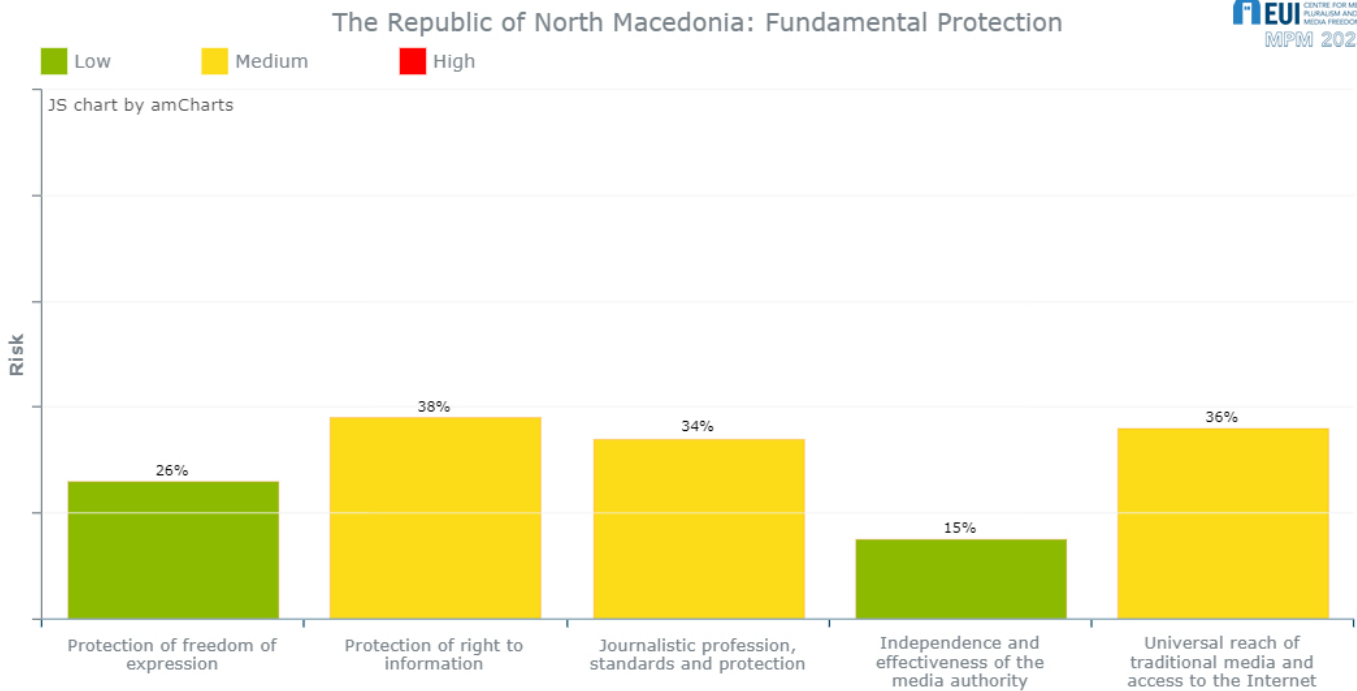
The score for the digital domain of the **Political Independence** area points to a high risk of 90%. This score is 44 percentage points higher than the overall assessment for that area. Vulnerabilities are numerous: the Electoral Code obliges digital media to provide fair access to paid political advertising, but this sector lacks proper monitoring; there is no obligation for political parties to report their campaign expenditures on social media; there is insufficient control over the use of personal data for election campaigning purposes; some online media are under control by political actors.

A cause for concern is also the digital domain of the **Market Plurality** area, where the estimated high risk of 75% is 11 percentage points higher than the overall assessment in 2022. Vulnerabilities here, too, are persistent - for 2021, the score suggested 72% risk. However, the situation, in reality, remains unchanged. Risks are the highest in relation to the Plurality of digital markets, where it is estimated at 94% and to the Plurality of digital media providers, where the risk is estimated at 64%. These scores are due to a variety of factors, all rooted in the problem of under-regulation of digital native media and poor practices concerning the supervision and control of their market and competition protection.

The digital domain of the **Social Inclusiveness** area points to medium risk of 69%, which is ten percentage points higher than the overall risk for the area - this is related to the lack of a strategic approach to combat disinformation and hate speech as well as a lack of direction and resolute action to enhance media literacy, issues for which vulnerabilities are especially visible in the digital domain.

3.1. Fundamental Protection (30% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The **Protection of freedom of expression** indicator, remains at low risk of 26%. In the MPM2022 report the estimated risk for this indicator in 2021 was set at 29%. The change does not in essence suggest an improvement in the overall outlook. It is rather due to the fact that more information is now available regarding the situation on the freedom of expression online. The MPM2023 data, which was not available for the previous report, suggests that in the course of 2022 there was no practice of arbitrary filtering, monitoring, blocking or removal of online content which improves the outlook regarding guarantees for the freedom of expression online. Legal safeguards for freedom of expression are generally in place - both the Constitution^[6] and the relevant laws^[7] in North Macedonia distinctly define these freedoms, as they specify clear rules for their restrictions in compliance with Article 10(2) of the European Convention of Human Rights. Legal remedies at citizens' disposal in case of infringement of this right are also in place and the safeguards were generally respected in practice by the state. It is noteworthy that North Macedonia adopted amendments to the Law on Civil Liability for Defamation and Insult which provided clear further improvements in legal safeguards on freedom of expression^[8] - most of the concerns of relevant CSOs were addressed in this new version of the Law^[9]. Also, some risks for freedom of expression persist arising from the practice of sporadic threats towards journalists^[10].

The estimated risk for the **Protection of right to information** indicator remains at the same level as in the MPM 2022 report – at 38%. The assessment of medium risk is tied mostly to the levels of efficiency in the implementation of laws concerning active institutional transparency and protection of whistle-blowers respectively. Though relevant CSO monitoring findings suggest a notable improvement in the

responsiveness of institutions to requests under the Law on Free Access to Information and advances in the overall institutional active transparency^[11] still, other reports point to lack of improvement in important areas - underperformance has been noted especially at municipal levels^[12]. There have not been registered cases of arbitrary sanctioning of whistle-blowers^[13]. However, the behaviour of institutions cannot be said to have been tested since there has not been a single registered case of whistleblowing throughout 2022. The lack of readiness by individuals to report cases and the absence of awareness raising campaigns to address that issue are indicative of some risk for this indicator^[14]. In terms of legal safeguards, however, parameters point to a low risk - the right to access to information is recognised both in the Constitution^[15] and in the Law on Free Access to Information of Public Character the restrictions are clearly defined in accordance with international standards and there exists a generally effective appeal mechanism.

The **Journalistic profession, standards, and protection indicator**, remains at a medium risk of 34%. Most of this risk stems from two main systemic issues. First, the poor working conditions in the newsrooms and the overall insecure labour status of journalists, are a persistent condition. A significant number of journalists still earn a salary below the national average, work overtime without fair compensation and have temporary working contracts or have not signed contracts with their employers at all^[16]. Secondly, North Macedonia lacks a specific legislation to address SLAPP lawsuits, which in turn exposes the overall freedom of expression to some vulnerabilities. This, despite the fact that the country's track-record concerning lawsuits that may be considered SLAPP is not a cause for concern at present^[17]. In addition, though, there were no cases of actual physical attacks and arbitrary treatment by the state in recent years, the practice of online harassment against journalists is still moderately present and legal remedies for this issue are not sufficiently efficient^[18]. The protection of journalistic sources is widely recognised^[19] and largely respected in practise. The data protection law^[20] incorporates the derogation regarding freedom of expression and journalistic activities^[21].

The estimated risk for the **Independence and effectiveness of the media authority** indicator remains at 15%. This assessment is drawn from the finding that clearly defined competences and powers of audiovisual media regulatory authority are in place in the legislation^[22] along with the clearly defined appeal mechanisms for its decisions^[23]. In addition, regulator's behavior throughout 2022 indicates demonstrated transparency and overall independence in practice^[24]. Its activities in the past several years appear open towards cooperation with extra-institutional stakeholders^[25], which is the most obvious difference to the situation that was witnessed prior to 2017 during the rule of a nationalist-populist government. However, despite some positive developments in favour for a low risk for this indicator, mainly two important challenges remain: First, due to a politico-procedural stalemate the National Assembly is unable to vote in new members of the Council of the audiovisual media regulatory body – the mandate of the present composition has expired in 2019^[26]. Second, the systemic problem of funding the operations of the regulatory body still pose risk to its independence, development, and management with human resources, since 6% of the operational funding of the regulator is based in the national budget but the government has not made an input to the regulator's budget since 2018^[27].

The indicator **Universal reach of traditional media and access to the Internet** is at a medium risk of 36%. This score points to an improvement in comparison to the MPM2022 since the estimated risk for this indicator in that report was 46%. This outlook is mostly due to the sub-indicators concerning internet access in the country: in 2022 there has been an increase in the average internet connection speed. With an average speed of 21.59 Mbps North Macedonia climbed on the 102nd position on the Worldwide Broadband Speed League ranking^[28]. The other sub-indicators either remained constant or there were only

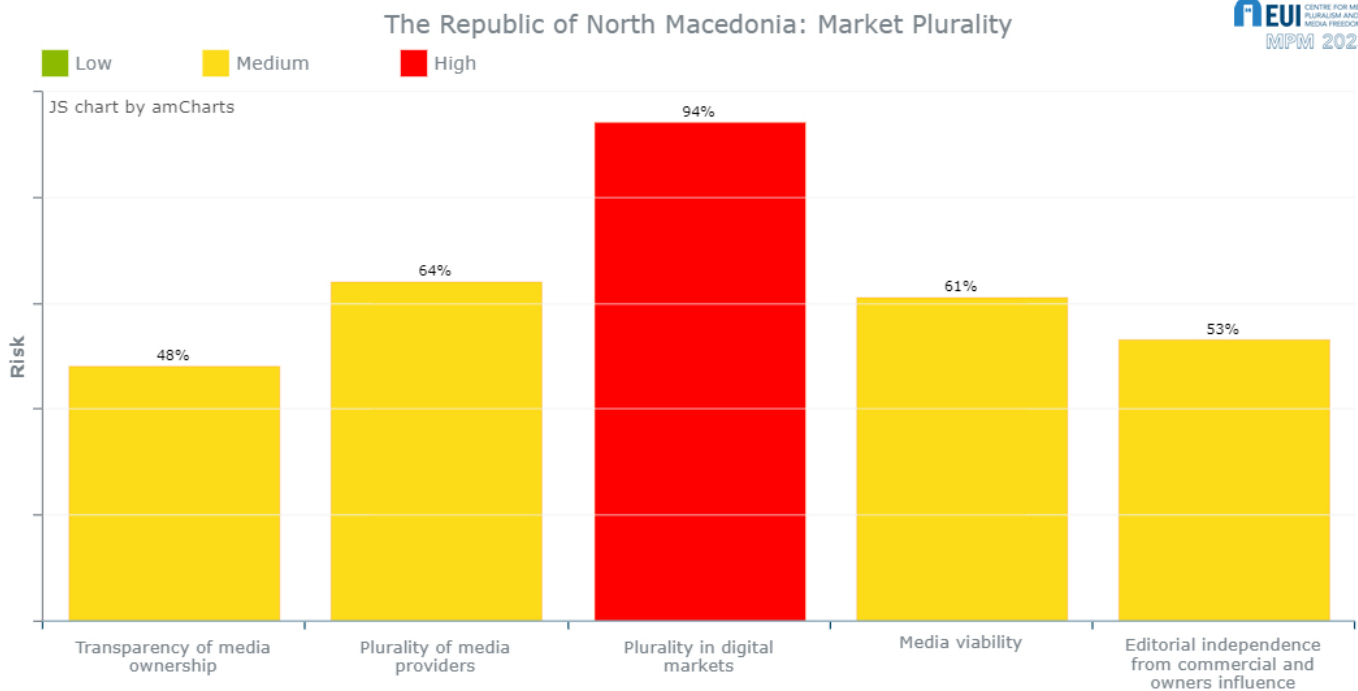
minor improvements: the universal coverage of the PSM services remained legally guaranteed and their transmission continued to be secured through DTT transmitters, cable networks and IPTV platforms. As in the past two decades, the TV and radio program services of the public broadcaster cover 99% of the population. There was a slight increase in the percentage of households with broadband access in the first quarter of 2022 from 83.7% in 2021 to 86,6%^[29]. Also, sub-indicators concerning net-neutrality in terms of regulatory safeguards and ISPs traffic management point to a low risk^[30].

Risks in the digital domain of the Fundamental protection area

The digital domain of the **Fundamental Protection** area scores a low risk of 32%. This level of risk is approximately identical to the estimation of the overall risk for this area. Most of the stand-out risks in this area are tied to the vulnerabilities within the Universal reach of traditional media and the Internet indicator. There is an estimated medium risk concerning the broadband coverage of the population. Although risk in this sub-indicator has decreased in comparison to 2021, some vulnerabilities are persistent since the coverage in 2022 is 86,6%. The average download speed in North Macedonia is 21.59Mbps which points to a medium risk. In addition, there is a high risk attached to the issue of the ownership concentration in Internet Service Providers. The country has legislation in place to secure net neutrality and According to the Agency for Electronic Communications, so far the ISPs have managed the network traffic in accordance with the Law on Electronic Communications. The guaranties for the freedom of expression online are in place in the constitutional and legal arrangements of North Macedonia and they can only be limited to protect legitimate public interest objectives. In 2022, there were no registered cases of authorities or online platforms arbitrarily blocking or filtering access to the Internet. A medium risk is noted in the context of digital safety: although in 2022 there were no officially registered threats to journalists addressed through digital platforms, the relevant journalists' associations claim that this is a result of a lack of encouragement to report on the part of journalists, and that in reality according to their information, threats online have been present throughout 2022. The Association of Journalists stated that they registered 5 threats and attacks on journalists, three of which were threats against woman journalists, all addressed online. North Macedonia has legislation that establishes data retention obligations for Electronic Telecommunications Operators and Internet Service Providers which comply with articles 8 and 10 of the European Convention on Human Rights.

3.2. Market Plurality (64% - medium risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



The indicator **Transparency of media ownership** points to a medium risk of 48%^[31]. This risk is however, not equally distributed across media sectors. The under-regulation of the online media, leaves that sector more vulnerable. Obligations to disclose ownership details and the financial reporting obligations pertaining to digital native media, are lacking in the media legislation^[32]. This exposes a high level of vulnerability in relation to this indicator for the digital media sector. The situation is somewhat different in the traditional media sector, where the risks are significantly lower than for the digital native media. The broadcast media have legal obligations to disclose details on their ownership and to issue annual financial reports to the audiovisual media regulatory body^[33]. The print media also have obligations to publicly disclose the information on their ownership structure. For both the traditional and digital native media, the media law does not contain transparency obligations regarding their ultimate owners^[34]. Also, in practice, the Central Registry had already established a so called “Register of True Owners” as obligation stipulated in the previous version of this Law, where viable information on ownership of all organizations, including the media, are collected and publicly available.

The risk for the **Plurality of media providers**^[35] indicator remains at a medium risk of 64%. The obvious cause for concern for this indicator, continues to be the lack of data for many of the variables related to the measurement of the horizontal and cross-media concentration. Reliable data is lacking especially on the market share and audience concentration of the digital native and print media, as well as on the audience share of the radio stations. In stark contrast to this, policy makers and other stakeholders in North Macedonia can obtain reliable data on horizontal concentration for the audiovisual media sector. However,

since in 2022 the market share of the four leading TV stations in the TV market was 76% and their audience concentration was 47%, significant risks for horizontal concentration sub-indicator remain. The Agency for Audio and Audiovisual Media Services has a mandate to collect data on media providers only for the audiovisual media. However, media sectors outside the broadcasting domain, especially the digital native media remain at risk from under-regulation.

The estimation concerning the **Plurality in digital markets**^[36] indicator remains at a high risk of 94%. This is an increase of the assessed risk by 4 percentage points in comparison to the estimation in the MPM 2022. This change is due to the assessment that the lack of capacity of the relevant regulatory body to monitor possible instances of media concentration in the increasingly complex ecosystem of media providers, digital intermediaries and digital advertising players is persistent, despite the fact that the Competition Law regulates the conduct of all legal entities in the digital media market^[37]. Effectively all the aspects comprising this indicator are risk hotspots for North Macedonia. The under-regulation of the digital media sector is a major factor for the vulnerabilities. Since the concentration of ownership - horizontal, vertical and cross-media - between media providers in audiovisual, print and digital native media sectors, is not regulated with the existing media specific laws and since the concentration between media providers and digital intermediaries is not regulated - there is a high risk involved. In addition, the Copyright in the Digital Single Market EU Directive^[38] has not been transposed in the national legislative corpus which further exposes vulnerabilities for publishers concerning copyrights and neighbouring rights related to the digital platforms.

The **Media viability** indicator remains at medium risk of 61%. The last available data to inform the media viability variables is from 2021^[39]. This means that the data predates the war in Ukraine and the global energy and economic crisis. It is also at least a partial effect of the 2021 local elections – electoral processes inevitably distort the market due to the wide-spread practice of selective paid political advertising. This is why, the data for 2021 in comparison to 2020, suggests an increase of the revenues for the audiovisual media sector – both television^[40] and radio^[41], and an increase in revenue of local media^[42] - no data is yet available for 2022^[43]. Unlike the broadcast media, the revenue trends for digital media are a great unknown^[44]. The newspaper sector is unsustainable which is why the risk for political influence in this sector is in decline along with the declining revenues. The increasing complexity of the new media environment brings limited incentive for media in general to think of innovative revenue sources. Some exceptions may expectedly be found in the digital native media sector^[45]. Innovation in terms of content and programming is also limited^[46], although some examples indicate that in the not-for-profit online sector there are some developments. Several not-for-profit media outlets are in operation and initiatives for innovative journalistic content have been noted here, especially in investigative reporting where the not-for profit sector is making some important advances^[47] and some developments in the domain of online community media^[48]. Risks remain concerning the employment and salary trends within media organisations since in 2022 there is still a lack of reliable data on the number and status of active journalists and the journalists' organisations are basing their policies on approximations^[49].

The indicator **Editorial independence from commercial and owners' influence**^[50] is estimated within the medium risk range of 53%. This estimation raises the risk assessment by three percentage points in comparison to 2021. However, this is not to suggest that there are changes in reality – it is rather due to the fact that two new variables were added for MPM2023. One of the new variables pertains to the issue of the existence of specific regulation or self-regulatory schemes asking for disclosure of any actual or potential conflict of interests of media owners that might affect the editorial content. This constitutes a high risk for North Macedonia since its media related laws do not contain concrete provisions that prohibit conflicts of

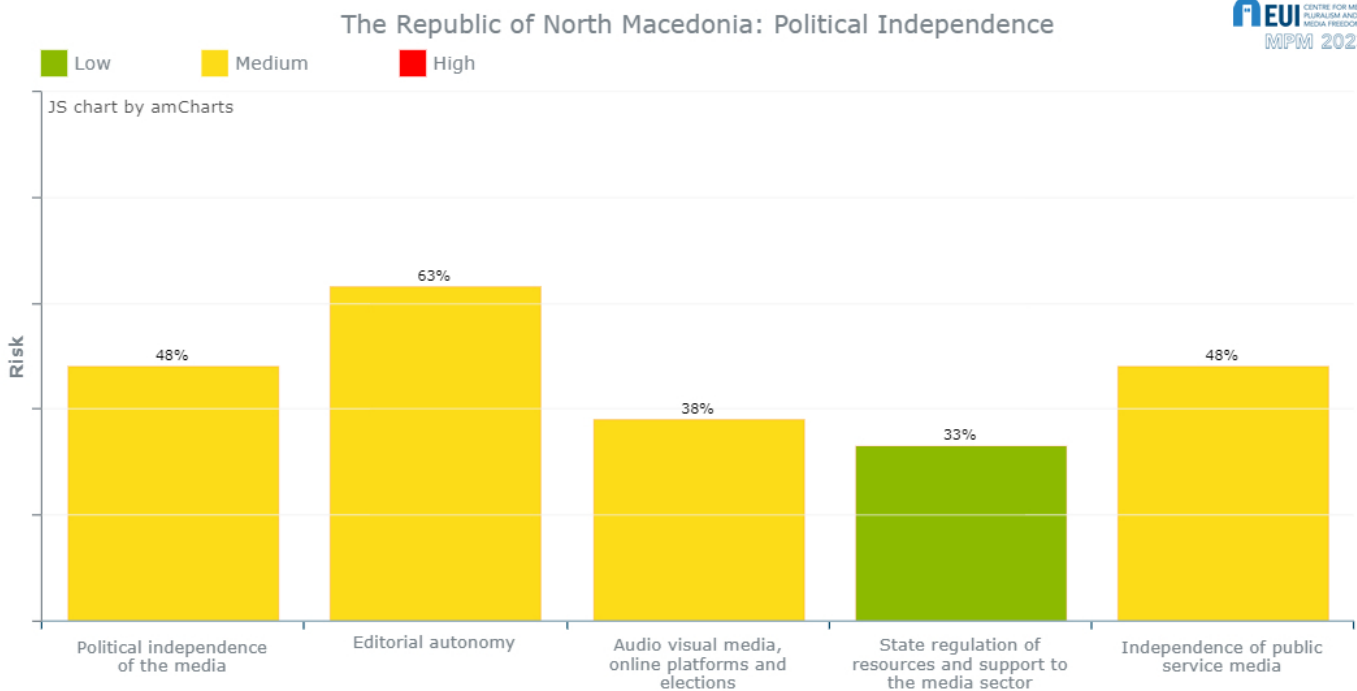
interest^[51]. A medium risk is attached to all other variables for this indicator. Since most owners of influential broadcast media have other businesses in addition to the media business, there are persistent vulnerabilities in relation to their possible influence over news content in 2022^[52]. None of the media in the country have internal self-regulatory schemes guaranteeing a clear separation between editorial and commercial activities, although, majority of them are in practice structured in a way that the commercial and financial departments are separated from the newsroom^[53]. Advertorials are explicitly prohibited in the legislation with the exception of the unregulated digital native media^[54], which are only covered by self-regulatory instruments^[55]. The general self-regulatory documents also underline the incompatibility of the journalists' profession with activities in the field of advertising. Mechanisms granting protection to journalists in case of changes of ownership or editorial line are in place, however their effectiveness is insufficient^[56]. Certain safeguards exist concerning commercial influences over appointments and dismissals of editors-in-chief; however, the provisions are ambiguous, and implementation is unsatisfactory^[57].

Risks in the digital domain of the Market Plurality indicator

The risk for the digital domain of the **Market Plurality** area is estimated at 75%, which is 11 percentage points higher than the assessment in the overall risk for this area. The higher risk is due to several challenges present in the digital media system – and they are, as in other areas in the digital domain, related to the issue of under-regulation of digital native media. Vulnerabilities are visible because the media specific laws do not contain provisions requiring a disclosure of ownership details, information on the ultimate owners or financial reporting obligations for the digital native media sector. This is vulnerability despite the fact that some of these issues are regulated within laws other than media specific laws such as the 2022 Law to Prevent Money Laundering and Financing of Terrorism which contains obligations to disclose ultimate owners for all legal entities. Furthermore, some risks for the digital domain persist for the Plurality of media providers indicator. Since regulatory safeguards to prevent a high degree of concentration do not apply to the digital native media there is a high risk of both horizontal and cross-media concentration. High risks stand out, also in relation to the Plurality of media markets indicator, especially concerning competition enforcement issues. This is because the lack of regulation disables the prevention of high degree of ownership concentration and a high degree of concentration in the digital advertising market. Public support schemes do not cover online media. It is noteworthy that for many of the parameters important for the assessment of the Market Plurality there is a lack of data, which constitutes a risk in itself. For example, there is a lack of data on digital native media revenues, their market share, audience share etc. Despite these challenges, the digital native media sector is the one domain in which innovations in funding, organisation and content may be expected.

3.3. Political Independence (46% - medium risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The indicator **Political independence of the media** indicator improved to 48%, due to a lower risk assessment concerning the political influence over the print media. The decline of their readership, accordingly, decreases the political actors' interest to influence them. The estimations for all other variables for this indicator remain constant. Vulnerabilities persist concerning the regulation and effective prevention of conflicts of interest between owners of media on the one hand and the ruling parties, partisan groups, or individual politicians on the other. The regulation of conflict of interest encompasses only the broadcast media, as print and online media lack legal obligations in this respect^[58]. In practice, the traditionally clientelistic political outlook in North Macedonia, makes conflicts of interests obvious in all types of media, and especially those in the broadcast domain^[59]. In the past five years, the level of political control over the broadcast media has noticeably fallen. Still high risks remain concerning the digital native media, which, in the vacuum of under-regulation, continue to be vulnerable to control by various political power centres in government and in opposition. Also, the position of the news agencies in the media system presents a high risk – for example the state news agency is not regulated by any law, and the national Government has ownership over it^[60].

The estimation for the **Editorial autonomy** indicator points to a medium risk of 63%. Vulnerabilities concerning this indicator are persistent which is to be expected in a clientelistic political system where historically, editors-in-chiefs of most influential media have tended to maintain close relationships with media owners and to be drawn into triadic mutually beneficial relationships involving also political actors^[61]. This despite the fact that in North Macedonia, in 2022 observers cannot find unequivocal hard evidence of editors-in-chief actually being inaugurated at the will of political actors^[62]. For the audio-visual

media, the independence of editorial policy is one of the basic principles stipulated in the relevant law^[63]. However, ever since provisions important for safeguarding the transparency and independence for appointment of editors-in-chief have been amended^[64] or completely deleted^[65] from the Law on Media in 2014, it may be said that the vulnerabilities are at present of a systemic nature. The evident improvement of the overall media environment in North Macedonia after 2017, did not contribute to re-instating the relevant amendments in the law. In addition, self-regulatory mechanisms vital for ensuring editorial autonomy are weak. Private media do not have sufficient motivations to adopt internal self-regulatory documents. There exists a general Code of Journalists signed by variety of professional stakeholders that contains rules according to which the distance from political actors is an imperative for journalists, but this provision is often violated, especially by online media outlets.

The **Audiovisual media, online platforms, and elections indicator** scores 38%. Most of the high-risk variables for this indicator are related to the issue of lack of regulation of the online environment and to the ineffectiveness of some provisions in the Electoral Code to mitigate some of the issues arising from that under-regulation. Although the Electoral Code contains rules on the distribution of advertising space to political actors for online media^[66] as well as obligations for them to allow fair access to political advertising^[67], still the spendings on political advertising on the online media is a grey zone within the media legal system in North Macedonia^[68]. In addition, there is no obligation on the part of the political parties to specify differentially by types of media and platforms, on their election advertising expenditures^[69]. This is why the electoral spendings specifically for online media are an unknown^[70]. The Electoral Code does not contain provisions on political advertising on social networks, nor is there other regulation that contains relevant rules. The risks concerning this indicator are lower in the context of traditional media: the relevant audiovisual media law imposes rules aiming at impartiality in news and current affair programs for both public service and private media^[71] and the law guarantees access to airtime on PSM channels^[72]. Internal documents of the PSM underline impartiality on electoral coverage^[73] and the PSM in practice secures relatively fair representation of political actors though there have not been new electoral cycles in 2022. Problems remain, however concerning the fair representation of smaller political parties^[74].

The indicator on the **State regulation of resources and support to media sector** scores low risk, at 33%. The legislation provides fair and transparent rules on spectrum allocation^[75] and the provisions of the Law are effectively implemented^[76]. There are fair and transparent rules for the distribution of direct subsidies to media outlets: the Government continued the subsidies for the print media in 2022^[77]. In 2022 the audiovisual media regulator also indirectly supported the broadcasters on both national and local levels with the aim to aid them in overcoming the consequences of the COVID 19 crisis.^[78] State advertising in the broadcast media was still prohibited in 2022 by the relevant law, though pressures from private media, especially in the broadcast sector to remove the ban continued to mount^[79]. Relevant professional journalists' organisations in North Macedonia are firmly defending the prohibition, since prior to 2017 the state advertising was misused by authorities and large media owners. There was one case in 2022 that suggested similar behaviour of the current Government in order to promote its political activities^[80].

The **Independence of the public service media** indicator improved to 48%, reflecting methodological changes. In 2022 the most vulnerable issue concerning this indicator is the problem the Public Service Media in North Macedonia have with stable and sufficient funding. According to the Law on Audio and Audiovisual Media Services the public service is financed with funds from the state budget, according to a fixed percentage which in 2022 should have reached 1% of the total income in the state budget^[81]. However,

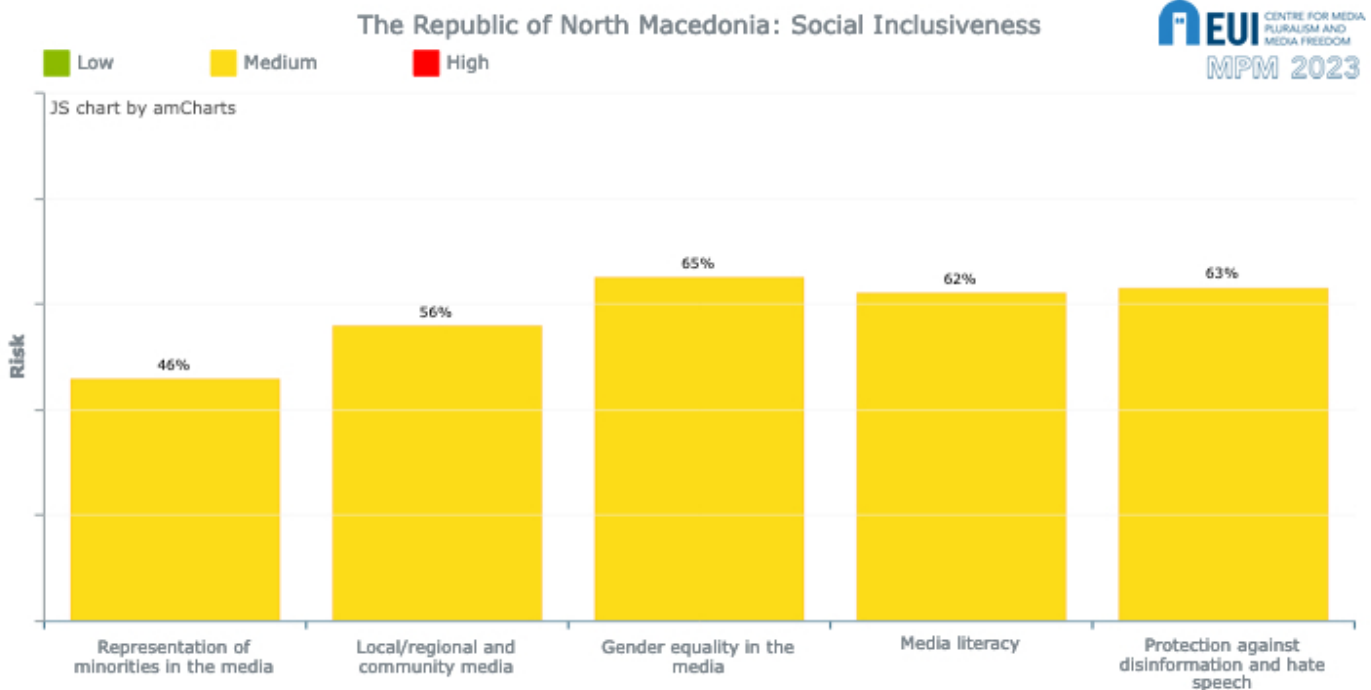
this provision for the gradual increase of the funds aimed for the public service is conditioned with the sentence "if there are enough funds in the budget for such increase". This is a major vulnerability in this specification of the law, and the practice makes this vulnerability obvious every year - the Government does not allocate the adequate funds precisely because it is not explicitly obliged to. The continuous decrease in funding is hindering implementation of the public service broadcaster's development strategy, creating uncertainty in planning processes and affecting the overall quality of performance. Solutions for the public service broadcaster's old debts towards state institutions were not found in 2022.

Risks in the digital domain of the Political Independence indicator

The risk for the digital domain of the **Political Independence** area is estimated at 90%, which is 44 percentage points higher than the assessment in the overall risk for this area. This considerable difference is unequivocally a result of the under-regulation of the online media sector. In 2013 when the nationalist populist, semi-authoritarian government attempted to regulate the online media, various stakeholders were mobilised to halt the changes since there was a justifiable fear that the legal regulation of this sector would further hinder media freedoms. However, this has brought about complications of a different sort. Political independence of digital native media is in 2022 under increasing risk, because as the audiences migrate on digital platforms the party-political grip on them is increasing in North Macedonia. Risks are present for the Audiovisual media, online platforms, and elections indicator, again in connection to the under-regulation of the digital media sector. Although Article 75 of the Electoral Code obliges online media to provide all participants in the election process fair access to paid political advertising, this domain lacks a proper monitoring since there is no competent public body obliged to perform this task. The spendings for political advertising on the online platforms is marked with inexactness since political parties are not obliged to provide a breakdown of their electoral spending for different types of media and social platforms. In addition, the Electoral Code states an obligation by various types of media to issue a financial report on the spending of the political parties on their advertising space. However, there is no obligation on the part of the political parties to report their spendings on campaigns on social media. As a result of these gaps, the political parties are not transparent on their spending online. Additional risks are present concerning the implementation of the Law on Personal Data Protection, according to which political parties are defined as data controllers of personal data and the Agency for Personal Data Protection is responsible for the implementation of the Law. However, the Agency's Annual Report does not contain information on supervisions conducted on political parties during the campaign which suggests an insufficient control over the use of personal data on individuals by political parties for electoral campaigning purposes .

3.4. Social Inclusiveness (58% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



The estimated risk for the **Representation of minorities in the media**^[82] indicator is 46%, which is an increase in the risk level by 8 percentage points in comparison to the situation in 2021. The change comes from the assessment that in North Macedonia, broadcast media's inattention to providing actual access to content for people with disabilities is persistent^[83]. The problems concerning communication rights of these vulnerable communities are continual, despite the existence of a generally appropriate legal framework^[84], and despite the fact that the broadcast media regulator has had a constructive role in recent years^[85]. The situation is more satisfactory regarding the access to media by cultural minorities since the State's Constitutional arrangement is conducive of the development of cultural and political rights to cultural communities^[87]. However, in the context of cultural minorities some problems remain: concerning the Public Service Media, the relevant law guarantees access to airtime to recognised cultural minorities^[86] but the unstable funding of the public broadcaster constitutes a challenge for this obligation. For the smaller cultural communities the^[88] funding issue results in, among other things, insufficient content production and quality problems in their program output. In the private broadcasting industry, there are also vulnerabilities concerning languages of the smallest minority groups. Local private broadcasters exist for some of the smaller cultural groups in the country. However, they too are struggling financially because advertisers are generally not interested in these small audiences^[89].

The indicator **Local/regional and community media** remains at a medium risk of 56%. Both community not-for-profit media as well as local and regional private media are exposed to systemic risks. The community media sector in North Macedonia continues to be greatly neglected^[90]. This despite the fact that its likely distance from political and corporate interests may contribute, in a substantial way, to the development of pluralist democracy and local demands for a wider societal change. The vulnerabilities in

this domain arise from the fact that North Macedonia lacks a strategic approach to the development of the overall not-for-profit media online and offline sectors, from the fact that none of the laws pertaining to media contain provisions that explicitly guarantee access of community media to various media platforms, and from the fact that any emerging community media would have a complicated sustainability problem to solve, as the state does not grant subsidies in any form, even to the few existing community media in the country^[91]. The community focus of this indicator exposes in addition a medium risk regarding the sustainability of the network of correspondents of the PSM from locations other than the capital city. In 2020, the PSB started to renew its local branches, however by 2022 it has managed to maintain correspondents in only 10 towns throughout the country, with limited resources at their disposal^[92]. For the local and regional private media, the risks stem from the fact that there is a lack of systemic support intended for this media sector (e.g. pluralism funds, direct or indirect subsidies) for the production of locally relevant media content.

The **Gender equality in the media**^[93] indicator points to a medium risk of 65%. There are different causes for vulnerability across sectors within the media system concerning this indicator. The main problem for the Public Service Media is the lack of comprehensive and strategic commitment to sustained gender equality: for instance, the Strategy for Development of the Macedonian Radio-Television (2021-2026) does not refer to gender equality. In addition, documents internal to the PSB, in relation to nurturing of gender equality, have not been adopted. In practice however, the situation points to rather low risk: 6 out of 13 members of the MRT Program Council are women and one of the two executives with the PSM is a woman. The situation in private media is in practice less favourable: less than 18% of the executives in the private media are women^[94]. As concerning the gender balance in editorial positions within the media newsrooms it is noteworthy that in the audio-visual sector nearly 39% are female editors and in the radio sector nearly 48% are female^[95].

The **Media literacy** indicator points to a medium risk of 62%. The estimation is 5 percentage points lower than in the assessment for 2021. This however does not constitute an actual improvement – rather it is a result of the absence of new data on the percentage of population that has basic or above basic overall digital skills, a variable that was marked with a high risk for 2021. North Macedonia lacks a comprehensive approach to media literacy. This despite the fact that this variety of stakeholders are vocal in the public discourse. Specifically, the lack of media literacy activities that target vulnerable people is a cause of concern - since there is no real consolidation of efforts for media literacy strategic thinking in general, the vulnerable communities are especially at risk^[96]. Levels of Media literacy is overall a problem for North Macedonia – apart from some activities of the media regulator such as the organisation of the Media literacy network and some activities by CSOs^[97], a consolidated approach is lacking. At national level, there is still no comprehensive media literacy strategy, i.e. media literacy is not mentioned at all in the Education Reform Strategy. Though some efforts have been made with the support of the CSO sector for the introduction of media literacy education in primary schools this hardly constitutes an improvement in 2022^[98]. There is one major project concerning specifically Media Literacy in education, attempting to raise awareness and knowledge on this subject among the teachers^[99].

The indicator **Protection against disinformation and hate speech** points to a medium risk of 63%^[100]. The justification for this overall assessment lies in the fact that while in North Macedonia the spread of disinformation increases the challenges to security and the overall democratic processes^[101], the effectiveness of the existing counter-disinformation measures is limited^[102] and the approach to the problem is insufficiently comprehensive. The State has not adopted a national strategy to combat disinformation

although it had started a consultation process which was not concluded in 2022^[103]. The CSO sector in 2022 has organised some activities in support to counteracting disinformation^[104] including building a body of anti-disinformation resources^[105], fact checking services^[106] and monitoring undertaking. Although these operations are transparent in terms of their funding^[107], their effectiveness is limited having in mind the lack of strategic approach to the issue. In addition, partly due to the inactiveness of the academia in this type of research, its methodological grounding and its comprehensiveness are also insufficient. All this in the context of mounting pressure from disinformation and as expected increased vulnerability of the online sphere, especially the social media. Concerning combating hate speech MPM22023 maintains the assessment that there is a range of holistic measures in the country to address the issue of hate speech both offline and online, however, the implementation of these is lagging behind^[108]. It is noteworthy, however, that at present the situation is distinctly better than what the country witnessed before 2017, when in power was a nationalist populist government.

Risks in the digital domain of the Social Inclusiveness area

The estimated risk for digital domain of the **Social Inclusiveness** area is 69%. This is 11 percentage points higher than the estimated overall risk for this area. Most of the risks for this area are related to the lack of strategic approach to combat disinformation and hate speech as well as a lack of direction and resolute to enhance media literacy, issues for which vulnerabilities are especially visible in the digital domain. The limited research conducted suggests that digital native media and especially social networks are far more conducive to disinformation and hate speech and that the state has not established efficient mechanisms to combat it. CSO initiatives remain important in 2022 in mitigating some of the negative effects, but these have a very limited impact on the overall ambient. With respect to media literacy in the digital domain, no recent data regarding the percentage of individuals who had basic or above basic digital skills in North Macedonia was available, despite the conducted population census in 2021. Having in mind that the lack of data is a risk in itself because it disables the following of trends and designing policies, and having in mind the worrisome statistics of 2019, it may be concluded that the level of digital skills within the Macedonian population still poses vulnerability in this area.

4. Conclusions

The Media Pluralism Monitor data for 2022 unequivocally demonstrates that North Macedonia's media system needs a new strategic media policy framework. This is due to the crystallisation of important systemic dislocations that started two decades ago and were nevertheless not matched with an adequate policy response. First, as expected, the digital native media sector expanded considerably and rapidly. The expansion created a discrete sector within the media ecosystem, which disrupted prior media configurations but was left unregulated or under-regulated. Some significant self-regulatory initiatives within this sector mitigated the laissez-faire effect. Since, however, this was far from sufficient to bring an orderly introduction of the new media possibilities, we now see high risks for the digital domain in many of the MPM sub-indicators, especially concerning the Market Plurality and Political Independence indicators. Secondly, the excessive media fragmentation in the broadcasting sector in North Macedonia distorts the market since plentiful media organizations compete over scarce advertising resources, pressure institutions for state funding, which in turn diminishes effective pluralism in terms of diversity and quality of content. Finally, strategic rethinking is needed concerning the development of local media initiatives – the fragmentation of the media landscape has created only an illusion of plurality, it has in practice singularised meanings in the media content offer. The new strategic thinking needs to stimulate the flourishing of local pluralism outside the control of party political and commercial interests. For these reasons we propose the following recommendations addressing vulnerabilities for each of the indicators:

► A general recommendation

rec1. A new comprehensive, EU aligned, Media Policy Strategy must be adopted on a national level to guide (i) the preparation of necessary reform amendments in the existing Law on Media (LM) and the Law on Audio and Audiovisual Media Services Media (LAVMS), or if necessary to guide the adoption of new versions of these Laws, (ii) the proper regulation of the digital media domain which has hitherto been unregulated; and (iii) the demarcation between the regulatory intervention and the terrain of self-regulation in all domains of the media system.

► Recommendations to address vulnerabilities of the **Fundamental Protection** indicator (30%)

rec2. A deliberation process and a coordinated action should be undertaken by state and non-state actors to improve journalists' working status and professional position in the newsrooms, by first introducing strengthened labour rights provisions in the LM to secure a higher level of legal protection and by secondly, giving weight to the efforts of the relevant Trade Union within the process of securing these rights in practice.

rec3. A deliberation process and a coordinated action should be undertaken by state and non-state actors to introduce relevant anti-SLAPP legislation in alignment with the 2022 European Union's proposed Anti-SLAPP Directive regardless of its non-binding character. ^[109]

► Recommendations to address vulnerabilities of the **Market Plurality** indicator (65%)

rec4. The revised and the new legislation guided by the Strategy/rec1, should be aligned with the Media Freedom act, the Digital Services Act, and the Digital Markets Act while simultaneously considering the specifics of the media and political culture in North Macedonia. More specifically:

- State institutions should revise the rules on ownership concentration in order to address the detected Market Plurality risks in MPM2023. An assessment of the impact of the concentration of ownership on media pluralism and editorial independence should be conducted, and safeguards against excessive influence of individual and group media owners, should be incorporated in the legislation.

- The Media Freedom Act demands an un-discriminatory and transparent allocation of funds should the state decide to allow state advertising. Having in mind the history of practice of clientelistic behaviour and consequential distortion of the media market MPM2023 for North Macedonia claims that the ban on state advertising should become a permanent feature in the revised media legislation.
- Viable Audience and Market measurement systems must be introduced for all domains of the media system including the digital native domain to produce credible data on audience and revenue trends. Companies implementing audience measurement systems should have stricter Codes of Conduct and obligations to provide media and advertisers with precise, detailed, comprehensive data based on transparent methodologies. This should enable the audiovisual media regulator to examine more thoroughly the impact of various factors on the sustainability of audiovisual media sectors and to adjusting policy accordingly.
- New competition and media policies should be developed to address the competition issues in the online media sector.

rec5. The audiovisual media regulator should work on devising a model for a de-fragmentation of the broadcast sector especially in the audiovisual domain. This should lower demand for state money in television and should increase the advertising revenues of the fewer but viable broadcast media in the system.

► Recommendations to address vulnerabilities of the **Political Independence** indicator (46%)

rec6. Legislative steps should be undertaken to strengthen guarantees of effective editorial independence of media across sectors, including the online media sector – e.g. the LM should re-introduce the guarantees for an independent selection of the editorial teams of respective media (in an older version of this Law such guarantees were put in Articles 8 and 10).

rec7. Party-political advertising during election campaigns should be banned in audio-visual media sector. The absence of transparency of party-political advertising in the media in general, especially on the online platforms should be addressed in the Law.

rec8. Anticorruption related, state and non-state actors should investigate clientelistic ties between political power centres and media owners. The Public Prosecutors Office should demonstrate responsiveness to the State Audit Office's reports on media and on political parties and to the inquiries of the State Commission for Prevention of Corruption in relation to this issue.

rec.9. Steps should be undertaken to secure a sufficient and stable funding of the Public Service Media and of the Agency for Audio and Audiovisual media Services.

► Recommendations to address vulnerabilities of the **Social Inclusiveness** indicator (58%)

rec10. State and non-state actors should engage in devising a comprehensive media literacy policy at state level that would incorporate developing critical thinking skills within the formal and non-formal education process.

rec11. Engaging research organisations with sound methodological knowledge to conduct relevant research on misinformation and devising media policies on the basis of that knowledge.

rec12. Devising a plan to reorganise the PSB in order to increase its public service function in enabling social inclusiveness effectively developing a participatory model of the public service.

rec13. State and non-state actors should make decisive steps for the development of the not-for profit media sector and especially of the community media in the digital domain. A particular emphasis should be put on motivating local media initiatives that would strengthen diversity and pluralist democracy.

5. Notes

- [1] Compared to the data from the previous Census of 2002, the total resident population decreased by 185,834 persons, or 9.2%. Source: State Statistical Office. Available at: <https://popis2021.stat.gov.mk/default.aspx>
- [2] In the total resident population, 132,260 persons who were not covered by the census, and for whom the data were taken from administrative sources, without the ethnic affiliation.
- [3] World Bank, Western Balkans Regional Economic Report, No. 21, Fall 2022: Beyond the Crises, p.89
- [4] Data published in February of 2023 by the Skopje based think-tank organization IDSCS: "Europe in crisis. The impact on the public opinion in North Macedonia". Available at: https://idscs.org.mk/wp-content/uploads/2023/02/1_B5_Analiza_ENG.pdf
- [5] However, in February 2023 the amendments were adopted, after the data collection for MPM has been finished.
- [6] Article 16 of the Constitution states: "The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed. The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed. Free access to information and the freedom of reception and transmission of information are guaranteed. The right of reply via the mass media is guaranteed. The right to a correction in the mass media is guaranteed. The right to protect a source of information in the mass media is guaranteed. Censorship is prohibited.
- [7] See Article 3 and 4 of the Law on Media. The former transposes the rights and freedoms formulation from The Constitution and the latter to the limits of the rights and freedoms.
- [8] The amendments have significantly decreased the fines for journalists in cases of violations of this law. Article 25 of the old version of the Law stipulated that "If the perpetrator of the offence is a journalist, the amount of non-peculiar damage cannot be higher than 2,000 euros". Article 18 of the amendments differentiates caps concerning three situations: (1) Journalists may not be fined higher than 400 euros, (2) private individuals may not be fined more than 2000 euros and (3) organizations may not be fined higher than 5000 euros. This constitutes a clear improvement, even though fines are still present in the text.
- [9] A key remark by stakeholders was an imprecision in the insult definition contained in Article 6 of this Law. The first paragraph of the article in the original proposal of the Government stated: "A person will be liable for insult when, at the expense of another person, whose identity may be established or it is evident, will express derogative, humiliating, or negative opinion, with an intent to damage that person's honour and reputation, through a statement, content, behaviour, publication or otherwise". The part of the definition containing the construction "negative opinion" was argued to pose a vulnerability for future loose prosecution and arbitrary court practice. After the deliberation process, this formulation was corrected.
- [10] In 2022 the Association of Journalists has registered a total of 7 incidents (threats or physical attacks on journalists), which is 2 more than in 2021. In addition, AJM reported that the number of defamation lawsuits against journalists has doubled in 2022 – there were 53 registered and the year before there were 20 cases.
- [11] The Active Transparency Index for 2022 of the Center for Civil Communications, notes a significant improvement of the active transparency of the institutional domain overall. The report concludes that "[o]n requests for free access to information of a public character sent to every institution on the same day and with the same question the municipalities responded on an average of 12 days (an improvement in comparison to 2021 when that average was 17 days). The government ministries

responded to requests within 16 days (16 days also in 2021). Most importantly - in 2022, 93% of institutions responded within the maximum legal deadline of 20 days, which is a significant improvement in comparison to 2021 when that percentage was 61%.

- [12] The Openness index for 2022 conducted by the CSO Metamorphosis implies that there have been insufficient improvements concerning active transparency. On Municipal level it states that "the low level of compliance with the principles of good governance by the Units of Local Self-Government continues without significant changes in comparison to 2021. [...] Municipalities should increase transparency in their work, especially the publication of data in relation to the decisions made by the mayor and the Council, strategic and planning documents, documents for monitoring and measuring the effectiveness of policies, data relating to financial operations, as well as data ensure greater integrity in the work.
- [13] The Law for Protection of Whistle-blowers instated in 2016, is aligned with relevant international standards. However according to 2021 Annual Report of the State Commission for Prevention of Corruption (SCPC), it was stated that "the implementation of the Law is still at an unsatisfactory level". The situation has not changed significantly though in 2022 SCPC has signed a Memorandum for the advancement of the protection of Whistle-blowers with the Ministry of Interior.
- [14] See the 2022 report of the CSO Transparency International Macedonia: "The first five years of the implementation of the Law on the protection of whistle-blowers."
- [15] See above: Article 16 of the Constitution.
- [16] Based on an estimate by the Independent Trade Union of Journalists and Media Workers (SSNM) obtained in an interview with Darko Duridanski a representative of the Independent Trade Union of Journalists and Media Workers, conducted January 13, 2023.
- [17] Based on an interview with Milan Spirovski, a representative of the Association of Journalists of Macedonia, conducted on January 13th, 2023.
- [18] Even though there are not documented threats against journalists on digital platforms the AJM maintains the position that that is due to the fact that they are not reported but still existent. Based on an interview with Milan Spirovski, a representative of the Association of Journalists of Macedonia, conducted on January 13th, 2023.
- [19] In addition to the safeguards stated in the Constitution, Article 12 of the Law on Media contains the following provisions related to the protection of sources of information: (1) The journalist has a right not to disclose the source of information, or any information which might disclose the identity of the source. (2) This right also applies to other persons who due to their relations with the journalist (by way of collection, editing and dissemination of said information) have been informed about the identity of the source.
- [20] In September 2021 authorities have drafted the Law on the protection of natural persons with regard to the processing of personal data for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. In the rationale of this draft Law, it is emphasized that the purpose of the law is the transposition of Directive (EU) 2016/680 of the European Parliament and of the Council of April 27, 2016 (the Police Directive), into the national legislation. It was expected that the Parliament will adopt this Law in the course of 2022. However, according to information that can be found on the website of the Assembly, this Law was withdrawn from procedure.
- [21] The new Law on Personal Data Protection (Article 81) - adopted in February 2020 - fully incorporates the derogation stipulated in the GDPR with regard to journalistic activities. Its implementation began in August 2021.
- [22] The competences of the Council of the Agency for Audio and Audio-Visual Media Services are clearly

defined in Article 18 of the Law on Audio and Audiovisual Media Services.

- [23] Article 24 of the Law on Audio and Audiovisual Media Services outlines clear appeal mechanisms against Council's decisions. The broadcasters rarely exercise their legally guaranteed right to appeal, because the few misdemeanour procedures filed by the regulator are detailed and well justified. For example, there was no appeal for any of the three misdemeanour proceedings initiated in 2021. The Agency's Report for 2022 has not published yet, but the general trend suggests this conclusion.
- [24] Throughout 2022 the Regulatory Authority has not made decisions that have been deemed by any stakeholder as politically influenced. In addition, anticorruption bodies have not initiated any procedure against the regulator. So there is no change in the assessment of the risk with regard to the manner of work of the regulatory body for 2022. The analysis of the minutes from the held sessions and the decisions made by this body over the year confirm that members of the Council indeed acted independently from various types of influence. However, it should be also noted that the mandate of the current members of the Council has expired almost two years ago, so it cannot be said that they had the legitimacy to take larger actions in the direction of the expected media reforms. In fact, the required media reforms were supposed to start with the election of a new composition of the Council, but the procedure was not carried out by the Assembly due to political disagreements between the main political parties.
- [25] The regulator maintained in 2022 the extensive cooperation with variety of stakeholders including those in the CSO domain through the Media Literacy Network and organized various events within the Media Literacy Days. It furthermore, maintained cooperation with research based CSOs in connection to its annual commissioning of media analyses.
- [26] This composition of the Council of the AVMU has been mostly unchanged since 2012 (with some members selected in 2014). This is why the transparency of the new appointment procedures could not be tested. It is considered that the main reason why new members have not been elected yet is that the Assembly should vote with a two-thirds majority, i.e. the election of independent experts who would become members of the independent regulatory body should be voted by MPs from both the ruling and opposition parties. This rule was introduced in the Law in order to prevent political influence, but it turned out that political parties still don't give up and hence blocked the election of independent experts. In order to overcome the problem, a group of MPs in January 2021 submitted a proposal to amend the Law by which the members of the regulator would be elected by a simple majority. NGOs opposed this proposal with the argument that "... party-political differences should not be used as an excuse to disrupt the 'merit system' for electing persons to these bodies." In its 2022 Report on North Macedonia, the European Commission stressed that "the Parliament further delayed the appointment of the members of the media regulator and the public broadcaster councils, in accordance with the Law on Audio and Audio-Visual Media Services (LAAVMS).
- [27] The European commission - in the context of allocation of funds to the public service broadcaster, media regulator and broadcasting public enterprise - notes the following in the 2022 report: „the government keeps a discretionary right in distribution of the funds by conditioning the allocations not to impair the fair allocation of budget funds and not to affect the funds planned for all budget expenditures “(p.79).
- [28] According to the Worldwide Broadband Speed League 2021, North Macedonia is ranked only slightly better than in 2020- at the 107th position, with a mean download speed of 15.38Mbps.
- [29] According to the data of the State Statistical Office, in the first quarter of 2022, the percentage of household with access to the Internet at home slightly increased (86,6%), comparing to 2021 (83.7%). In 2022 the State Statistical Office has not published the percentage of households with broadband connection in the total number of households. However, from the data published in 2021 (it was 87.1%) we know that this percentage falls within the range of medium risk. See communication

release: "Usage of information and communication technologies in households and by individuals, 2022". Available at: <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?rbtxt=77>

- [30] Based on an Interview with Igor Bojadziev, advisor to the director of the Agency of Electronic Communications (AEC), conducted on 13 Feb 2023. According to the Agency for Electronic Communications, so far, the ISPs have managed the network traffic in accordance with the Law on Electronic Communications and the by-laws adopted by the Agency for Electronic Communications.
- [31] Although the estimated risk is almost identical to the one projected in the MPM2022 (47%) - this assessment considers two new variables related to legal provisions requiring financial reporting obligations from media.
- [32] In 2013, the first draft of the Law on Media also contained obligations for disclosure of ownership for digital news media. Since this draft was made during the rule of the nationalist-populist semi-authoritarian government, journalists' organizations and other CSO stakeholders feared that the new regulation would pose a high risk for the freedom in the online sphere. The Government withdraw that proposal and consequently at present the Law on Media only contains provisions related to broadcast and print media. The attitude of non-regulation of the online media is changing within the professional community since the disinformation issue is moving to center stage.
- [33] Articles 14 and 15 of the Law on Media define in detail the rules on transparency of all "media publishers", in fact all broadcast and print, but not online media.
- [34] In July of 2022 a new Law to Prevent Money Laundering and Financing of Terrorism was instated which strengthened compliance with the EU Directive 2015/849 and Directive 2018/843. The new law puts more emphasis on cryptocurrency and the issue of true owners.
- [35] In the MPM2022 this indicator was known under the name News media concentration. The sub-indicators and the variables for their measurement are identical in both MPM2022 and MPM2023.
- [36] In the MPM2022 this indicator was known under the name Online platforms concentration and competition enforcement. The sub-indicators and the variables for their measurement are identical in both MPM2022 and MPM2023.
- [37] The Commission for Protection of Competition has signed Memoranda for understanding with both media and telecom operators, however in practice there has been no advancement of competition and regulation policy nor has there been introduction of concrete measures to address the issue of digital domination of intermediaries and social networks.
- [38] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.)
- [39] The regulator publishes the data from the previous years in August of the next year, so the absence of data for 2022 is due to the fact that publication of the Media Pluralism Monitor precedes the publications or even the preliminary analyses of the Macedonian regulator. Data on these parameters is otherwise available.
- [40] The August 2022 market analysis of the Agency for Audio and Audiovisual Media Services (the last available) shows that in 2021 the total revenues in the private TV stations rose by 22pps. (from MKD1.217.880.000 to MKD1.495.570.000) and the GDP in the same comparison years rose by 7.64pps. (from MKD669.280.000.000 to MKD 720.414.000.000). In 2021 North Macedonia had local elections and a Census, in 2020 it had general elections and in 2019 presidential elections were held. This to varying degrees distorts the media market, because the private TV stations receive significant amounts of money for the party-political or issue advertising during election or referendum campaigns that are paid – through the political parties - from the State Budget. This trend is not the same for the PSM: The total revenue of the PSB for 2020 is MKD1.012.190.000 and for 2021 this number is

MKD979.560.000 which constitutes a decrease 3.3pps.

- [41] The revenue of the radio sector has increased by 11.25pps (from MKD152.540.000 in 2020 to MKD169.700.000 in 2021). Again, this does not take into account the inflation, and it does not control for the election money infused in private radio in consecutive years.
- [42] All local traditional media are radio and TV stations. There are no local newspapers, but there are online news media which target local audiences. Data is available only for the local broadcasters - radio and TV stations. The total advertising revenue of the local TV stations in 2021 has increased by 72.9 pps. (from MKD 20.220.000 in 2020 to MKD34.960.000 in 2021). However - and this concerns the structure of the revenue - in 2021, 73.26% of this money-pool comes from political advertising concerning the local elections of that year. When we analyze only commercial advertising it is evident that there is a 13.9 pps. decrease in the revenue. So, in the case of local TV stations the risk is evident.
- [43] All comments that follow for this indicator pertain to the situation in 2021.
- [44] There is no available data for 2021 nor for 2022 considering this variable. The last study concerning the sector dates from 2018 and it suggested that the online sector is the second sector in terms of advertising revenues. According to the same study, Macedonian digital native media in 2018 achieved an increase in revenues of about 32% comparing to 2017. See more in: "Determining the influence of new media on the formation of public opinion and on the operation of traditional media". Available in Macedonian at:
<https://resis.mk/attach/Vlijanieto-na-novite-mediumi-vrz-formiranjeto-na-javnoto-mislenje-2020.pdf>
- [45] Few profit-oriented online media, manage to diversify income – from advertising revenue and from donors. There are also several not-for-profit media founded by civil society organizations, which are funded exclusively by donations.
- [46] This is especially the case for print media, and to some extent for broadcast media where newsrooms have experimented with partnerships with research think tanks to bring about topics and analyses for which there is no expertise inhouse. For example, during electoral periods TV stations in partnership with think tanks using funding from international donors have produced program packages that concern topics such as voter's behaviour, political research analyses, analyses of social issues. In this fashion the broadcasters are receiving donor's funds and are increasing the quality of their program and the think tank organisations are gaining prominence in the public sphere.
- [47] Such an example is the Investigative Reporting Laboratory (IRL), that works on in-depth journalistic research on topics related to high-level corruption. Also, the BIRN based Prizma outlet focusing on current affair issues using an investigative approach.
- [48] In 2022 an initiative to develop the online community media sector led by the research organisation RESIS, has resulted in the creation of the www.lokalaktiv.mk where local journalist and local CSO activists are collaboratively producing media content of local significance neglected by mainstream media.
- [49] More accurate trends may be drawn for the broadcasting sector only. According to the 2022 report of the Agency for Audio and Audiovisual Media Services, in 2021 there were in total 1062 individuals engaged as journalists or editors in the broadcasting sector (both public service and private). This indicates a stationary status since in 2020 that number was 1067 and in 2019 it was 1061. However, it has to be noted that in 2019 there was 6.22 pps. decrease of the number of engaged journalists in comparison to 2018 - a year prior to the COVID crisis. In 2018 there were 1127 journalists and editors, and it is unclear due to insufficient data, how many of these laid off from the broadcasting sector were consumed by the online sector.
- [50] In the MPM2022 this indicator was known under the name Commercial & owner influence over

editorial content. There are two new variables in the sub-indicator concerning influence over editorial decision-making in this year's report.

- [51] Provisions in some connection to this issue are contained in the Law on Audio and Audiovisual Media Services only, covering broadcast media, and that is in the context of prohibiting media concentration. Most relevant in this Law are Articles 37 (Restrictions on acquiring ownership); Article 38 (Special ban on acquisition of ownership), Article 39 (Unauthorized media concentration), Article 41: (Previous notification when changing the ownership structure), and Article 61 (that stipulates the principles that the broadcasters should respect when carrying out the activity).
- [52] It should be noted that the most influential television stations in a coordinated way and regularly put pressure on the Government to initiate various actions that pursue the business interests of the biggest TV stations. For example, in November 2022, the Association of the biggest TV stations (Macedonian Media Association), pressured the authorities to submit new amendments to the Law on Audio and Audiovisual Media Services in order to re-introduce state advertising in the private media sector, i.e. to allocate 0.1% of the Budget for public campaigns of the state institutions at state and local level, while 80% of those funds to be distributed to TV stations at the state level and 20% to all other broadcasters at regional and local level. This draft has not been put to a vote in Parliament in 2022.
- [53] Exception from this rule may be some of the local media and the small online outlets - those that have just a few employees.
- [54] In terms of the legal rules: Article 53 paragraph 2 states explicitly that "Disguised audiovisual commercial communications are not allowed". Also, Articles 98-102 of the Law on Audio and Audiovisual Media Services outline the rules for advertising on the program schedules of the broadcasters. Article 98 states that "Advertising and teleshopping should be clearly recognizable and separate from other parts of the program". For online media there is no such regulation.
- [55] In terms of self-regulation, all media abide by the same rules: e.g. Article 6 of the Code of Journalists of Macedonia stipulates that the journalist must not use the media he/she works in for publication or concealing of information in order to gain personal benefit. Bribe, corruption and racketeering cannot be put in context with the journalistic profession. Influence from advertising and other commercial motives on the freedom of informing must not be allowed. The Guidelines for ethical reporting in the online media contain similar provisions. These are not fully respected by journalists.
- [56] Article 11 paragraph 1 of the Law on Media provides that "the employment contract of the journalist may not be terminated, his/her salary may not be decreased or his/her position in the Editorial Board or Desk may not be changed, that is, the payment of the agreed compensation, in full or partially, as well as to reduce or terminate some of other rights determined in the Labour law, due to the expression of his/her position in case it is accordance with the professional rules of journalism...".
- [57] For example, Article 8 of the Law on Media Law stipulates that before the appointment or dismissal of the Editor-in-Chief the media publisher "may ask" the Editorial Board for opinion. In the first draft of the Law, the formulation was "obliged to ask".
- [58] The Law on Audio and Audiovisual Media Services is largely in compliance with Recommendation CM/Rec (2018)11 of the Committee of Ministers to member States on media pluralism and transparency of media ownership: The most relevant to this variable is Article 38 of this Law because it puts special emphasis on media-politics conflict of interest stipulating explicitly that political parties, state bodies, bodies of the state administration, public enterprises, local self-government units, public office holders and members of their families, may not pursue broadcasting activity, nor appear as founders or co-founders or acquire ownership of broadcasters.
- [59] Connections between political parties and some of the largest private audiovisual media persist, even though in 2022 one cannot speak of a control as direct and as flagrant as in the time of the nationalist

- populist government until 2017 - when the risk for this indicator would have been assessed as "high". See the 2021 report: Media Sector Hotspots in North Macedonia: Decisive Reforms Long Overdue.
- [60] It has to be noted however that there has never been a comprehensive content analysis of the output of the news agencies – however some evidence point out a few cases of political influence in 2022. Based on an interview with Darko Duridanski, a representative of the Independent Trade Union of Journalists and Media Workers conducted on 7th December 2022.
- [61] Vulnerabilities concerning this indicator are constantly present which is reflected in previous MPM reports.
- [62] There are indications based on personal accounts of journalists and based on content output that editors-in-chief of the most influential private media ultimately pursue the political interests of the media owners of the media where they work. Based on an interview with Dragan Sekulovski, a representative of the association of Journalists of Macedonia conducted on 17th January 2023.
- [63] Article 61 of the Law on Audio and Audiovisual Media Services stipulates that 'autonomy, independence and accountability of editors, journalists and other authors involved in the creation of programmes and editorial policy' is one of the basic principles in conducting broadcasting activity.
- [64] Article 8 of the Law on Media stipulated that before the appointment or dismissal of the Editor-in-Chief the media publisher was obliged to ask an opinion from the Editorial Board. However, this article has been amended in 2014 and it now does not strictly oblige media publishers to do so.
- [65] Safeguards were incorporated in the previous versions of the Law on Media. Prior to 2014 Article 10 of the Law on Media stipulated that the media publisher was obliged to adopt a general act which will specifically regulate: the composition of the Editorial Board; the rights and obligations of the Editor-in-Chief, the editors and the journalists; the mutual rights and obligations between the media publisher, the Editor-in-Chief, the editors and the journalists; the manner and procedure for appointing and dismissing the Editor-in-Chief. However, with the changes adopted in January 2014, Article 10 was entirely deleted.
- [66] Article 75 of the Electoral Code outlines the criteria for the distribution of advertising space on the electronic media (internet outlets) intended for paid political advertising.
- [67] Paragraph 13 of Article 75 obliges internet outlets to provide all participants in the election process fair access to paid political advertising.
- [68] Although there is a general obligation of the political parties to provide data to the relevant institutions on their campaign spending outlined in the Electoral Code, still there is no specific provision obliging them to provide the breakdown of the spending in different media and on different platforms.
- [69] This information can be recovered from the online forms issued by the Ministry of Finance, so as to achieve transparency for political advertising spending on digital native media and on social network platforms. However, there is no such practice by relevant institutions.
- [70] There is a systemic loophole within and between the Electoral Code and the Law on Financing of Political Parties, warned about in almost every audit report of the State Audit's Office since 2018 - when an amendment to the Electoral Code was made. The loophole concerns the transfer of funds from the regular party accounts to the account for the election campaigns. Since parties are entitled to budget funding for their regular functioning the SAO warns of possible damages for the state budget as the parties may use those funds to finance the political campaign: Article 83 (2) of the Electoral Code. Also, the funds obtained by crediting without the obligation to state the deadlines and the modes for the credit closure pose a risk says the SAO: Article 71 (7) of the Electoral Code and Article 26 of the Law on Financing of political Parties. The State Auditor claims that: "Taking into account Article 71 paragraph 7 of the Electoral Code, the audit indicates that there is a need to supplement the Article 26 of the Law on Financing of Political Parties so as to regulate transfer of funds from the

party's regular operation account and from the special accounts for funds provided through a transaction credit, to the account open to an electoral process".

- [71] Article 110 of the Law on Audio and Audiovisual Media Services regulates the basic programming principles on which public service programs should be based. In addition, Under Article 75 of the Law on AVMU All broadcasters, are obliged "...during the election campaign to provide equal opportunities and conditions for access of political actors to all forms of media presentation - news, special current affair programs, free political representation and paid political advertising.
- [72] The provisions of the Electoral Code explicitly oblige the PSM to provide fair access to its program services for political actors during election campaigns. More specifically, Article 75 of the Electoral Code stipulates that "...the Public Broadcasting Service, ... is obliged to do so in a fair, balanced and impartial manner...". In addition, Article 111 of the Law on Audio and Audiovisual Media Services lays down the standards and principles to which the journalists and editors as well as the persons who are directly involved in the production of PSM news programs are obliged to adhere.
- [73] In 2014, Macedonian Radio and Television adopted the document "Ethical and professional principles of MRT for media coverage of election processes".
- [74] See Article 75-f paragraph 1 and 12, of the Electoral Code. The OSCE ODIHR report concerning the Local Elections in 2021 stated: "Paid advertising in media during the campaign period is funded directly and exclusively from the state budget. The law fails to provide objective and reasonable criteria for the distribution of public funds for paid advertisement, giving a substantial advantage to the largest parliamentary parties, while effectively denying opportunities for smaller parties and independent candidates to campaign in the media. In its current form, the law significantly distorts the playing field, especially in the context of mayoral run-offs, contrary to OSCE commitments and international good practice (p.22).
- [75] The Law on Audio and Audiovisual media Services provides fair and transparent rules on spectrum allocation (see Articles 6, 7, 18, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85).
- [76] The AVMU has a regular system of evaluation of allocated frequencies, and it effectively uses its power: in 2022 it has made a decision to grant one new TV license for a local TV station and to withdraw 2 radio licenses. Two additional TV stations have returned their licenses. There are appeal mechanisms incorporated in the Law on AVMU with regard to the decisions of the Agency (Article 24 states that the decisions of the Agency "...may be subject to administrative dispute before a competent court", and that "the administrative dispute complaint shall be submitted within a period of 30 days from the reception of the decision." The appeal mechanisms haven't been misused so far to delay the enforcement of remedies.
- [77] The legal basis for this is the Law on Budget and Government Decision for 2022, according to the Government's Program for Print Media which for 2022 stated that: "The Government will continue realizing the Program for support of print media, initiated with the purpose of stimulating diversity in the sources for information, and will provide sustainability of this traditional type of medium in conditions of fast-rising digitalization in pursuance with the practice which is present in many countries and is supported and recommended by the OSCE and international media organizations (p. 53).
- [78] In December 2021 the Agency for audio and audiovisual media services decided to reduce the fee for the license for radio and TV broadcasting by 50% of the amount determined according to the formula prescribed by the Law. The reduction was calculated for all private broadcasters who had a radio or television license at the time when the decision was made. The decision was made based on fair and transparent criteria.
- [79] Article 102 of the Law on Audio and Audiovisual Media Services prohibits state advertising.
- [80] Since North Macedonia was due to assume presidency of OSCE in 2023, at the end of 2022 the

Foreign Minister announced a public call for private media for the promotion of North Macedonia's OSCE presidency. This met with opposition by the AJM which claimed that this was contrary to the law. It is believed that the Government aims to spend around 100.000 euros for this campaign and the legal basis for it are not known, which implies that the criteria are also not clear. In 2022 the practice at local level where municipalities and public institutions allocate funds from their budgets to the local private media for services such as: production of current-affairs, PR services etc., continued. In May 2021 the Balkan Investigative Reporting Network (BIRN) conducted its own investigation and found that some municipalities in North Macedonia did not comply with the legal restriction and had signed various contracts with local broadcasters in order to allocate money in the media.

[81] Paragraph 1 of Article 105 of the Law on Audio and Audiovisual media Services stipulates that every year 1% of the total revenues in that year are allocated from the state Budget for financing the broadcasting activity, i.e. for the operation and development of three entities: MRT, the Macedonian Broadcasting (public enterprise that manages the transmission network) and the Agency for Audio and Audiovisual media services. In paragraph 2, it is established that 74.5% of those funds are intended for MRT, to cover the costs for creating and broadcasting the programs and for its technological development.

[82] In the MPM2022 this indicator was known under the name Access to media for minorities. The sub-indicators and the variables for their measurement are identical in both MPM2022 and MPM2023.

[83] In particular there is a neglect of the needs of audiences with hearing and sight impairments concerning their access specifically to audio-visual media. The assessment is based on the finding that only the Public Service Broadcaster and one of the private cable television stations - TV 24, have occasionally sign language translation or provide subtitles for their news and current-affair programs.

[84] This stands, although the legislation justifiably obliges the Public Service Media, more than the private media. As stated in article 110 of the Law on Audio and Audio-Visual Media Services, the PSB has an obligation to "plan, develop, adjust, create and broadcast programs, informative shows and news intended for hearing or visually impaired persons". For the private media there are no strict obligations and there is only an encouragement to do so: Article 26 covering regulatory policy on media literacy states that: "The Agency shall undertake activities to encourage the audio or audiovisual media service providers to make their services accessible to hearing and visually impaired persons". In the past years, the audiovisual media regulator has undertaken various activities in that direction, but in general there is a reluctance among private television stations (especially those at state level) to adopt a self-regulatory act aimed at providing better access to their programs for people with sensory impairment".

[85] The 2022 European Commission report on North Macedonia stated that „The regulator continued working with civil society organizations and media outlets to promote media literacy and human rights topics such as gender equality and the inclusion of persons with disabilities“. (p 29).

[86] In 2021, the Macedonian Radio and Television increased the number of its TV channels, and the smaller minority language newsrooms are aired on a separate channel, which gives them more airtime for news programs as well as for education and entertainment programs. However, their main problem is the lack of technical and human resources to ensure a decent quality programming.

[87] Apart from the majority Macedonian community, cultural rights of the Albanian, Roma, Vlach, Bosniak, Turkish and Serbian communities are mentioned in the Constitution along with the guarantees of individual rights. In addition, Article 107 of the Law on Audio and Audiovisual Media Services provides that the national public broadcaster shall broadcast at least one television program service in Macedonian language, and one television program service in the language spoken by at least 20% of the citizens that is different from Macedonian and also in languages of the other non-majority communities. The provisions on the radio public service are similar.

- [88] The Roma, Vlach, Serbian, Bosnian and Turkish languages.
- [89] See the 2022 Analysis of the Audio and Audiovisual Media Services Market for 2021, an annual publication by the Agency for Audio and Audiovisual Media Services.
- [90] The Law on Audio and Audiovisual Media Services recognises community media, as a third non-profit media sector and the media regulator has adopted a policy document for development of this sector in 2015. In practice, however, there are only few not-for-profit radio stations. On the other side, in the online sector, there are only few not-for-profit news media, but only one of them could be described as community media: this is Radio MOF which is an online radio station focused on the problems and interests of the young people in the country.
- [91] In 2022, as in the previous years, there were no subsidies for supporting community media. Since this sector is notoriously underdeveloped CSOs such as the Research Institute on Social Development (RESIS) have argued that there is a pressing need for the support of community media initiatives. The Institute has for this reason established the Network of Audience Councils to induce strategic initiative of the CSO sector concerning development and sustainability of funding for community media. These initiatives are still not widely recognized even-though they might evidently contribute to the development of local pluralist democracy and also to the fulfilment of communication rights of vulnerable communities at local levels.
- [92] Prior to this development the PSM did not have correspondents in 15 years. Most of the journalists working in these branches are engaged on a part time basis, which makes their work vulnerable.
- [93] In the MPM2022 this indicator was known under the name Access to media for women. The sub-indicators and the variables for their measurement are identical in both MPM2022 and MPM2023.
- [94] The June 2022 analysis of the Agency on Audio and Audio-Visual Media Services concerning the employee structure within the media sector refers to the situation in 2021. According to the new data there are in total of 40 executives in all private TV stations - 33 men and 7 women. So 17,5% are women.
- [95] The Agency for Audio and Audiovisual media Services collects data only for the audiovisual sector – radio and TV stations. According to the data published in 2022, in the commercial TV sector 72 people were employed on editorial positions, out of which 28 (38.9%) were female. In the commercial radio stations, there were 48 people from the editorial staff, out of which 23 (47.9%) were female. We have no data on the print or online media. An approximation based only on the audio-visual sector would not be entirely valid.
- [96] For example - activities such as the Focus-Pocus Inclusive Animation workshops for children with disabilities are sporadic, and the effects of these is limited - they are not a part of a systemic educational pattern that may be expected to improve levels of media literacy of these populations. There are initiatives such as the Network of Audience Councils, a network of 50 nationwide CSOs working with vulnerable communities, led by the Research Institute on Social Development (RESIS), that aim to improve communication rights of vulnerable communities and media literacy of local communities in general - the program is aiming to do so by developing the community media sector - however these initiatives are still not widely recognized by the CSO sector and the donor community.
- [97] For example, the program of the Media Literacy Network under the Agency for Audio and Audiovisual Media Services, encompasses large number of actors and groups in the activities on media literacy. The Media Literacy Network in 2022 is composed of more than 60 members from all around the country. In addition, foreign donors (including the European Commission and USAID) have been supporting a range of projects aimed at encouraging activities for media literacy at both national and local level. However, a systemic intervention has still not been made and the Network's public representation activities are often understood by various stakeholders as a review platform for the

promotion of their respective organizations rather than a platform for strategic thinking and planned execution. And as mentioned before, bids for interventions have been made within the educational system without a thorough sociological research on the specific needs and issues of the Macedonian educational context.

- [98] In 2021 the program for introduction of topics for media literacy in the 1st and 4th grade in primary education has started and the work has continued on a program to introduce media literacy in the 2nd and 5th grade of primary education in 2022. In November 2022 an argument has been made for introducing Media Literacy in secondary and higher education curricula. This however still lacks concreteness.
- [99] In 2021 and in 2022 several rounds of training have been conducted by the civil society organizations involved, for the teachers and students in the primary and secondary education. The trainings were organized by the Macedonian Institute for Media, in cooperation with the Bureau for Education Development under an IREX - USAID funded program. As for nonformal education Projects implemented by the civil society organizations have proceeded in 2022. They incorporate activities for increasing the level of media literacy among students and other groups within non-formal education programs. Most active in this field were Macedonian Institute for Media, Institute for Communication Studies, Metamorphosis Foundation etc. Most of the training, however, was conducted among the younger groups of the population. There is still a lack of training for ML among the elderly, vulnerable and other marginalized groups of the population.
- [100] This indicator may be considered a novelty in the MPM2023 – it has substituted the indicator Protection against illegal and harmful speech. Only 3 out of 10 variables are taken from the old data. The 7 remaining variables are new. The data for this indicator is therefore not entirely comparable to the one presented in MPM2022.
- [101] An analysis published by the Macedonian CSO Metamorfozis states that between “November 2021 and April 2022, it is obvious that disinformation related to anti-vaccination and conspiracy theories have a constant time representation, with little variation over the analyzed months” (p.10).
- [102] Disinformation recommendations published by the Macedonian CSO Metamorfozis imply systemic problems in the fight against disinformation: “A systemic approach is needed to build a culture of critical thinking and social dialogue at all levels, starting with the education system, the relationship of institutions and stakeholders in all sectors, as well as at the family and individual level“ (p.1).
- [103] The Government has, however, in 2019 adopted an 18 Point Proposed Plan for Resolute Action Against the Spreading of Disinformation, which has not been implemented three years after the fact. This may be considered a nascent strategy of a sort, however the content of that document is still far from a strategy. It has also been surrounded by controversy revolved around the risks that a legislative anti-disinformation corpus might pose to freedom of expression. The Association of Journalists of Macedonia for example reacted that some of the proposed measures in the Government's action plan, could be detrimental to the media sector and freedom of expression in general: i.e. planned paid campaigns in the private media, introduction of criteria for accreditation of media that will have the right to follow government's events etc.
- [104] Projects concerning disinformation by various CSOs in the country continued in 2022: for example, the Association MOST has been working on fake news in relation to the Ukraine war, the CSO Metamorfozis has been engaged on its fact checking service and on disinformation policies.
- [105] For example, the resource page <https://stopdezinformacii.mk> that has been organised under a joint project of the Macedonian Institute for Media, Institute for Communication Studies, the Trade Union of Journalists and Media Workers and the Media Diversity Institute from London. Also, an example of such initiatives is the <https://crithink.mk> implemented by the CSOs Metamorfozis and EuroThink, both funded by the European Union.

[106] e.g the fact checking CSO based service <http://proverkanafakti.mk>

[107] The organizations that deal with disinformation are funded either by US based structures such as the USAID or by the European structures such as the European Union or individual member states. Concerning the Fact Checking Service - these information are publicly available. There is no information, however, concerning well elaborated initiatives that have failed to receive funding.

[108] In terms of legal guarantees: Article 16 of the Constitution, Article 3 of the Law on Media, Articles 2, 6, 44 of the Law on Audio and Audiovisual media Services, all prohibit hate speech in any shape or form, and the provisions are valid for any public sphere manifestation or platform. There are also effective restrictions in the administrative, civil and criminal law: There is a separate Law against discrimination and a Criminal Code.

[109] See the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) 27.04.2022.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Igor</i>	<i>Micevski</i>	<i>Researcher</i>	<i>Research Institute on Social Development RESIS</i>	
<i>Snezana</i>	<i>Trpevska</i>	<i>Lead Researcher</i>	<i>Research Institute on Social Development RESIS</i>	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Vesna</i>	<i>Nikodinovska</i>	<i>NGO Researcher related to media</i>	<i>Macedonian Institute for Media</i>
<i>Emilija</i>	<i>Petreska Kamenjarova</i>	<i>Academic/NGO researchers on social/political/cultural issues related to the medi</i>	<i>Agency on Audio and Audiovisual Media Services</i>
<i>Dimitar</i>	<i>Micev</i>	<i>Representative of the broadcasters' association</i>	<i>Association of Regional and Local Media</i>
<i>Darko</i>	<i>Duridanski</i>	<i>Representative of the Independent Union of Journalists and Media Workers</i>	<i>Independent Union of Journalists and Media Workers</i>
<i>Blagoj</i>	<i>Hristov</i>	<i>Representative of an internet service provider</i>	<i>Macedonian Telecom</i>
<i>Milan</i>	<i>Spirovski</i>	<i>Media and Journalism Researcher</i>	<i>Association of Journalists of Macedonia</i>
<i>Teofil</i>	<i>Blazevski</i>	<i>Member of the Complaints commission in (CMEM)</i>	<i>Council of Media Ethics of Macedonia (CMEM)</i>

Research Project Report

Issue -

June 2023

doi:10.2870/235115

ISBN:978-92-9466-452-5

QM-03-23-257-EN-N



Publications Office
of the European Union

