

Project Fiche – IPA National programmes / Component I

1 IDENTIFICATION

Project Title	Freedom of Expression – Support to Media Reforms
CRIS Decision number	2011/022-988
Project no.	4
MIPD Sector Code	2. Justice and Home Affairs
ELARG Statistical code	01.10
DAC Sector code	15153
Total cost (VAT excluded)¹	1.600.000 EUR
EU contribution	1.460.000 EUR
Management mode	Decentralised
Responsible Unit or National Authority/Implementing Agency	<p>The Central Financing and Contracting Department (CFCD) will be the contracting authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management including payment of project activities. The Head of CFCD will act as the Programme Authorising Officer (PAO) of the project.</p> <p>Ms. Radica Koceva (PAO) Central Financing and Contracting Department Ministry of Finance Tel: +389 2 3106 455 Fax: +389 2 3231 219 e-mail: radica.koceva@finance.gov.mk</p>
Implementation management	<p>The Broadcasting Council</p> <p><u>Contacts</u> Mr. Borce Manevski, Head of the Sector for European and International Affairs and Public Relations Bul."VMRO" No.3, 1000 Skopje Tel:+389 2 3103 406 Fax: +389 2 3103 401 E-mail: b.manevski@srd.org.mk</p> <p>Ms.Simona Temelkova, Assistant in the Sector for European and</p>

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

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Implementing modality	Stand alone project ...
Project implementation type	One twinning and one supply contracts
Zone benefiting from the action(s)	Skopje and nationwide project activities

2. Overall Objective and Project Purpose

2.1 Overall Objective:

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MRT is the name of the national public broadcast by statute and by which it was accepted in the EBU.

To encourage and accelerate media reform, consolidate European standards focusing on media protection, professionalism and independence, improve the implementation of the media legislation by creating an environment for freedom of media, as well as to promote effective competition on the media market.

2.2 Project purpose:

To increase the efficiency of existing regulatory mechanisms in the media sector, ensure respect for the code of ethics, improve the profile of the media community and industry, and increase public awareness about the issues related to media freedom protection and the importance of competition rules for proper functioning of the media markets, as well as to improve the delineation of the competences among the different regulatory bodies.

2.3 Link with AP/NPAA / SAA / EP

The medium-term priorities in the **2010 NPAA** include the enhancement of the human resources of the Sector for research and long-term development of the Broadcasting Council with the aim for more effective implementation of the legal provisions in the sphere of market research and preventing forbidden media concentration. In addition, the NPAA foresees the enhancement of the capacities of the Sector for international and European cooperation and public relations with the aim of more efficient implementation of the European legislation in the area of electronic media. The NPAA also calls for enhancement of the central technical capacities for monitoring of the radiobroadcasters and operators of the public communication networks.

NPAA includes planned priorities regarding the building of Broadcasting Council's institutional capacities and other specific issues, as follows: Enhancing the cooperation between the national regulators and other institutions, as well as with international regulators to foster the implementation of the legislation and to improve the procedures and increasing the number of specialized professional staff and organizing additional training for the employees in their respective fields of expertise and technical capacity building.

The project is closely linked to the Information society and media priorities entailed in the **AP** which call for reinforcing the independence and administrative capacity of the regulatory authorities for media.

Articles 94 and 95 of the **Stabilization and association agreement** foresee cooperation between the former Yugoslav Republic of Macedonia and the EU member states in the area of electronic communications and audiovisual policy. Article 94 - Cooperation in the audio-visual field specifies that "The Parties shall cooperate to promote the audio-visual industry in Europe and encourage co-production in the fields of cinema and television. The Parties will coordinate, and where appropriate, harmonize their policies on the regulation of content aspects of cross-border broadcasting, paying particular attention to matters relating to the acquisition of intellectual property rights for programmes and broadcast by satellite or cable."

The above mentioned co-operation focuses on the following priority areas:

- Policy development;
- Legal and Regulatory aspects;
- Institution Building required for a liberalized environment;

The **2010 Progress Report** states that freedom of expression remains generally well protected. The report states that with regard to freedom of expression, including freedom and

pluralism of the media, the legal media policy framework is satisfactory, but its implementation and enforcement has been uneven. It acknowledges that there has been some progress in ensuring a transparent, independent and diverse media environment and that the amendments introduced to the Broadcasting Law repealed the possibility for the public service broadcaster to be declared bankrupt or liquidated, and reduced the amount of the monthly broadcasting fee in an attempt to improve broadcasting fee collection. Moreover the rate of collection of the viewing license fee has increased significantly. The report notes that it is important to consolidate these efforts to ensure sustainable funding of the public service broadcaster and the Broadcasting Council. The report likewise states that the broadcast licensing process is strongly influenced by economic and political interests. The media remain divided along ethnic and political lines and self-censorship is widespread. Ownership of the printed media is still not transparent and highly concentrated. There is no self regulation mechanism for monitoring professional standards which should be upheld. Libel charges which target individual journalists with heavy fines remain a concern. Intimidation of journalists, who face political pressure and threats, is a serious concern.

In the area of audiovisual policy, the capacity of the Broadcasting Council has been strengthened, but it is still not adequate to monitor the market effectively. The sustainability of the public service broadcaster is yet to be ensured. Media legislation is not yet aligned with the Audiovisual Media Services Directive and the Broadcasting Council introduced new legislation on subtitling of foreign programmes which may interfere with the principle of freedom of reception and retransmission. Preparations in the area of electronic communications and information society services are advanced, but preparations in the area of audiovisual policy are lagging behind.

2.3 Link with MIPD

The draft new MIPD 2011-2013 clearly states that freedom of expression in the media is crucial in a modern European democracy. This project will provide a substantial contribution to the national effort for strengthening the freedom of the media by joint implementation by the media regulation authority (Broadcasting Council and Commission for Protection of Competition), self-regulatory mechanisms (through the *Association of Journalists of Macedonia*) and the public broadcasting service (*Macedonian Radio and Television*).

2.4. Link with National Development Plan

N/A

2.5. Link with national/ sector investment plans

- Law on Broadcasting Activity;
- Law on Electronic Communications;
- Law on *Macedonian Broadcasting Enterprise*;
- National Strategy for Development of the Broadcasting Sector 2007 – 2012;
- National Strategy for Development of Information and Communication Technologies;
- National Broadband Strategy.

3. Description of project

3.1 Background and justification:

Given that media independence and pluralism as prerequisites and major factors of democratization, the freedom of the media has been identified in the enlargement strategies as one of the main priorities to be addressed by IPA.

Even though the country has made significant efforts in developing an effective legal framework for media, additional efforts are required to cement a culture of independence and sustainability in the media sector. The World Economic Forum's press freedom index (2009-2010) ranked the country 102nd on a scale of 138 states.

Further effort is also required to consolidate professional structures and to raise professional and ethical standards in this area. In this respect it is expected that this project will further support the development of strengthened, free, independent media in the country, thereby contributing to heightened pluralistic democracy.

The enforcement of the media legislation and the adoption of pending media related laws remains the most important step toward full reform of the media sector in line with European standards. This project will hence focus on the adoption, review, implementation and enforcement of media-related laws and regulations in line with European standards, media freedom, transparent media ownership, higher media independence, proper implementation of the competition rules, as well as on further capacity building of the relevant bodies/institutions, including the Broadcasting Council, the Commission for Protection of Competition, the *Association of Journalists of Macedonia* and the *Macedonian Radio Television*.

In terms of relevant institutional structure, **the Broadcasting Council (BC)** is an independent non-profit regulatory body, with public competences and authority in the field of broadcasting activity defined by the Law on Broadcasting Activity (Official Gazette of RM" No. 100/2005). BC, in the course of performance of its competences, ensures the freedom and pluralism of expression, existence of diverse, independent and autonomous media, economic and technological development of broadcasting activities, and protection of the interests of citizens in the broadcasting. BC was established in 1997 according to the first Broadcasting Law and began its work in the same year. With the new Law on Broadcasting Activity, it is financed from the broadcasting fee and from the license fees paid by broadcasters. BC consists of nine full-time employed members of the Council and 34 staff members. In the organisational structure of BC there are seven sectors: Programme Sector, Sector for Legal Issues, Sector for Technologies and Informatics, Sector for Research and Strategic Development, Sector for European and International Affairs and Public Relations, Sector for Protection of Author's and Related Rights and Fight against Piracy, Sector for Financing and Accounting and the Secretariat.

The Broadcasting Council in 2007 adopted the National Strategy for the Development of the Broadcasting Activity in the Republic of Macedonia for the period 2007 – 2012. The strategic objectives of future regulatory policy are based on legal provisions defining the objectives of public interest in broadcasting, the attitude and interests of the public as well as the role of independent regulatory authority in this area, i.e. the Broadcasting Council, and definition of objectives and instruments of future regulatory policy;

Regarding media concentration and media ownership structure, the Broadcasting Council 's Sector for Research and Strategic Development has two main tasks: to conduct analyses of the relevant markets, to monitor broadcasters' ownership structure, to analyze their advertising practices and to propose measures related to illegal media concentration. In addition, BC has signed a Memorandum for Cooperation with the Competition Protection Commission and has already started mutual activities to investigate the practices of certain groups of broadcasters. The legal framework on ownership in general is adequate; however, it will have to be

additionally amended, so it will allow horizontal growth of the media companies in the new media sector. At the moment there are shortcomings in the implementation of the legislation by the relevant institutions. The MoU signed between BC and CPC is more than sufficient, because these two institutions have legal obligations to cooperate in this area. However, BC will need further expert support in strengthening its capacities for tracking the ownership structure and analyzing illegal media concentration issues in the new converged markets, after BC has strengthened the HR-capacities of this sector, which now works with only one assistant. Beside the employed staff in this sector, the expert assistance will also strengthen the know-how capacities of the members of BC, who are the decision makers and are officially elected by the Parliament, to properly and effectively implement the anti-concentration provisions from the media legislation. Moreover, it will also contribute to the improvement of the licensing process and prevent any interference from centres of economic and political power, by conducting professional research activities of the market, thus granting broadcasting licenses, strictly based on previously conducted assessments on the market and the needs of the audience.

The Central Processing Centre of BC collects all monitored data, which afterwards are analyzed by the Programme Sector of BC, which determines whether breaches of the Broadcasting Law and its by-law acts have been done. Subsequently, the members of the Council decide on the sanctions. In order for this process to be performed effectively, regional monitoring spots are needed which will ensure proper implementation of the media legislation throughout the country. This will ensure effective and equal implementation of the media legislation and will help the BC to better monitor the developments on the regional media markets and will ensure a healthy environment for self-sustainable media companies, which will not rely on donations from centres of political and economic power. The equipment will increase the technical capacities of the Broadcasting Council to monitor the broadcast market effectively. This shortcoming was also noted in the country's progress report for 2010, in the section on Information society and media. The Broadcasting Council itself detected some gaps in the monitoring of the broadcast market outside of the capital city of Skopje, due to the lack of technical capacities to receive the signals of the local and regional broadcasters. This equipment will set the minimum technical standards, needed for monitoring of the programming of the local and regional broadcasters thus will increase the effectiveness of the monitoring and will improve the implementation of the broadcast legislation.

The Commission for Protection of Competition (though not a regulator regulating neither the broadcasting, or the electronic communications market, but a body which ex-post protects effective competition in all sectors, including sectors which are ex-ante regulated (only as regards issues which are not ex-ante regulated) is an independent state body with the status of a legal entity, independent in its work and decision-making process. It consists of a President and four members appointed for a five-year period by Parliament, with the right to reappointment. The President and two members are professionally engaged in the Commission's operations. The President and the two members of the CPC which are professionally engaged in the CPC's operations are members of the Commission for misdemeanour matters, which is a part of the CPC. The investigative and other expert activities are performed by supporting staff, which is organised in five departments with two units in each department -all managed by a secretary general, appointed by the President of the Commission. At the moment, the CPC has a supporting staff of 24.

The Commission for Protection of Competition controls the application of the provisions of Law on protection of competition, the Law on State Aid control and the by-laws adopted based on these Laws, monitors and analyzes the conditions on the market to the extent necessary for the development of free and efficient competition, conducts administrative procedures and adopts decisions in administrative procedures in accordance with the provisions of Law on protection of competition and the Law on State Aid control. The CPC is also the competent misdemeanour body for the misdemeanours determined with the provisions of the Law on protection of competition.

The CPC protects the effective competition on all sectors of the economy including the media sector by properly and effectively enforcing the competition rules on the media market.

The *Association of Journalists of Macedonia* is an independent association promoting professional standards and freedom of expression. Its mission is the protection of information and freedom of the journalistic profession. Established back in 1946, it represents a citizens' association, of the professional journalists in the country, with the aim of fulfilling their professional interests in the protection of freedom of the public information, the freedom of the journalist profession and strengthening of the professional independence and ethics.

The policy for the development of the media freedom aims at enhancing the self-regulatory mechanisms, thereby increasing the possibility to provide media work of higher quality. This will also strengthen the independence of the media professionals from the direct influence of the business and political interests of the media owners. The Press Council will establish and promote the mechanism of handling complaints from the public by a selected body by journalists, media owners and representatives from the civil society. The creation of the Press Council is championed by AJM and supported by media outlets, editors and other stakeholders.

Macedonian Radio and Television (MRT) has the status of a public service broadcasting company, with the Parliament as its founder. MRT became an active member of the European Broadcasting Union (EBU) in 1993.

Being a public service, MRT produces news and current affairs programmes, debates, educational, cultural, documentary, sports, feature and entertainment programmes and is committed to enhancing the freedom of the media. Within the framework of its responsibilities as a public service, it also produces programmes for the disabled and people with special needs.

MRT programmes place an emphasis on two major components: affirmation and cherishing of tradition, of spiritual and cultural heritage and values of all ethnic, linguistic and religious communities (minorities), as well as preserving of their cultural and ethnic identity and moving towards European standards and values, this being one of the major responsibilities of MRT.

MRT is probably a unique broadcasting service in Europe, as a result of the fact that it broadcasts programmes in nine different languages.

Under the Broadcasting Law, enacted in November 2005, the national public broadcasting service Macedonian Television (MTV) broadcasts on the whole territory -- in the majority language on Channel 1 and in the languages of other communities on Channel 2; while *Macedonian Radio* (MRA) maintains two channels in the majority language and one in the languages of other non-majority communities.

The regulatory/self-regulatory authorities, which regulate the broadcasting and the electronic-communications market, the Broadcasting Council, the Commission for Protection of Competition and *Association of Journalists of Macedonia* through the Council of Honor³, as well as the public broadcaster need additional capacity building in order to improve the implementation of the relevant broadcasting and electronic-communications legislation, improve the media professionalism and properly and effectively enforce the competition rules on the market.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

As developing free and democratic media cannot take place in isolation, the project will form part of the wider objective of democratisation, enabling all regulators to take a comprehensive approach to the market and to create an environment in which there would be no barriers to innovation and competition. The new regulatory policy will be focused on new dynamic approaches to competitive processes in the media market, towards increasing competition and furthering media freedom.

The independence and capacity of the regulatory authorities will be strengthened in the work of implementing national legislation aligned with the new EU regulatory framework for audiovisual media services. The regulators will become more responsive to increasing need for consumer protection and will actively encourage the involvement of the citizens and consumers in regulatory policy.

3.3 Results and measurable indicators

Expected results:

- Improved implementation of the media legislation, both primary and secondary on the whole territory of the country;
- Assessment of the infrastructure needs for establishing regional monitoring spots for electronic media and operators of public communication networks;
- Increased BC's capacity to monitor local and regional media (through local monitoring stations), to effectively monitor programme services, media market and media ownership structure and data analysis (through Skopje-based resources), to communicate to the public on media freedom issues ;
- Upgraded capacities of Commission for Protection of Competition for effective monitoring and ruling on competition-related issues in media markets;
- Upgraded capacities of the *Association of Journalists of Macedonia* for becoming a watchdog for media freedom and media professionalism in the country;
- Enhanced self-regulation of the journalists through granted support for establishing of a strong⁴ and independent Press Council⁵ (a joint body initiated by AJM⁶ and

³ The Council of Honor is a structure within AJM consisted out of a group of acknowledged journalists. The main role of this body is promoting and protecting the Code of Journalist through handling complaints. The Council of Honor handles ethical behaviour of the members of AJM and the Press Council includes a wider range of players: the public, journalists, media outlets, editors, owners on media and representatives from the civil society.

⁴ It is essential for the independence and strength that the operating budget in the first few years is financed from sources independent of the influence of the government or political parties. Subsequently system of membership fees will be phasing in gradually.

comprised of the representatives of the journalists, editors, media owners and the civil sector), which will aim at protecting the readers/viewers from the potential journalists' violation of ethics, as well as providing an essential venue for daily exchange of information on European media standards and the country media space;

- Upgraded six regional⁷ centers of the AJM leading to enhanced contacts with the journalists and increased membership levels;
- Widely promoted journalists' professional standards which need to ensure that the standards and the Code of Journalists work are shared by as many journalists as feasible;
- Upgraded capacity of MRT for effective public communication at central, regional and local levels, in applying the code, standards and ethics of the journalist profession, in promoting the freedom of the media;
- Assessed Law on free access to information of public character and the Criminal code (aspects of the libel and defamation) and produced Recommendation papers;
- Judges trained and further sensitized in aspects of freedom of media related legal framework.

Measurable indicators:

- Improved track record of implementation of the Broadcasting Law and its by-laws;
- Quality and quantity of the data collected by the central, regional and local monitoring equipment supplied by the project to the Broadcasting Council to process;
- Number of professionals trained in BC for effective monitoring of the programme services, media ownership structure and data analysis;
- Attendance to the regional workshop for the Broadcasting Council for more effective implementation of the Broadcasting Law on regional level;
- Improved track record for the monitoring and ruling on competition-related issues in media markets of the Commission for Protection of Competition and enhanced capacity building;
- Number and quality of relevant decision making processes and complaint files addressed by the upgraded capacities of the AJM Press Council as a self-regulating body;
- Established Press Council by the end of the project;
- Increased number of enrolled membership and of capacity of the Regional Centres of AJM;
- Number of promotional events and training for journalist professional standards for AJM and MRT, and presence levels;
- Intensified track record of work of the Council of Honor of the Association of Journalists as a tool of media for furthering freedom of media (sessions, meetings, conclusions, statements);
- Increased staff and related enhanced skills in MRT for effective public communication at central, regional and local levels and established body providing a framework of responsibilities and ethics in the journalists' practice;

⁵ The decision issues by the Press Council will be obligatory by all its members and will review all complaints raised by the readers/viewers to minimize the possibilities for court resolutions.

⁶ So far the establishment of the Press Council has been supported by the key media actor in the former Yugoslav Republic of Macedonia; currently a joint working group comprised with representatives from these stakeholders is developing the initiative. The model is being developed based by research and education on existing models of functioning of Press Councils in Europe and the region.

⁷ As the majority of the members of the AJM come from the local media, the additional support aimed at enhancing the regional centres will enable direct contacts with the journalists, easier recognition of the shared problems, as well as their swifter and more efficient resolution

- Quality of recommendations put forward by papers produced by the project on the Law on free access to information of public character and on the Criminal code (aspects of the libel and defamation);
- Number of trainings for judges undertaken and presence levels.

3.4 Activities:

Activity 1: *Capacity Assessment of regulators of media freedom*

A comprehensive assessment of the current capacities of the regulators to perform a role of protector and promoter of media freedom. Based on the capacity assessment and the gaps identified, a training plan will be drafted and specific trainings will be delivered.

Activity 2: *Capacity Assessment of the Broadcasting Council in the regions*

A comprehensive assessment of the current capacities of the Broadcasting Council to perform monitoring of the regional and local broadcasters outside of Skopje and proper implementation of the Broadcasting Law and its by-laws. Based on the capacity assessment and the gaps identified, a training plan will be drafted and specific trainings will be delivered.

Activity 3: *Equipping of regional monitoring spots of the Broadcasting Council*

This activity aims to define the basic infrastructure needs for the newly established regional and local monitoring spots of electronic media and operators of public communication networks, which will consist of at least three regional monitoring spots: one in the east, one in the central and one in the west part of the country. This activity should also increase the capacities of BC to conduct mobile monitoring. To specify the equipment needed and to assist the Broadcasting Council in the public procurement process i.e. by drafting the tender documents.

Activity 4: *Training of the staff and the members of BC* for effective monitoring, data analysis, proper and effective implementation of the legal provisions. The current and the newly employed staff and members of BC will have to be trained in proper monitoring, analysis of data and proper implementation of the legal sanctioning mechanisms. This activity correlates closely with the training plan envisaged under Activity 2.

Activity 5: *Upgrade and extension of the equipment at the central office of the Broadcasting Council*, which will increase BC's capacities to process the data collected from the regional monitoring spots. In order to process all data from the local and regional monitoring exercise, the processing centre in Skopje (servers, IT equipment, software etc.) will have to be extended. The project should specify the equipment and assist in the public tender procedure i.e. by drafting the tender documents.

Activity 6: *Upgrade of Broadcasting Council's capacities* (central office and regional monitoring spots) for effective public communication on central, regional and local level by organizing regional workshops aimed to increase the effectiveness of implementation of the Broadcasting Law on regional level and on the job support.

Activity 7: *Upgrade of Commission for Protection of Competition's capacities* for effective monitoring and ruling on competition-related issues in media markets through capacity-building trainings and on the job support.

Activity 8: *Upgrade of the Association of Journalists capacities* for becoming a watchdog for media freedom in the country through the establishment of the self-regulatory mechanism via the Press Council.

Activity 9: *Support for the AJM through strengthening of existing 6 Regional Centres.*

Activity 10: *Media promotion of journalists' professional standards and codes and trainings* of journalists for the media professional standards, as well as for awareness and application of the rights and obligations resulting from the journalist profession, targeted at both AJM and MRT, thus promoting the freedom of the media. These trainings will help to protect and strengthen AJM, MRT and the press in general as a pillar of democracy.

Activity 11: Develop and strengthen the work of the *Council of Honor of the AJM* as a tool of media for furthering freedom of media, through know-how and best practices exchange.

Activity 12: *Upgrade of capacity of MRT* for effective public communication at central, regional and local levels.

Activity 13: *Establishment of a body*, operating within the framework of MRT, which will *raise the journalists' awareness of the freedom of the media* and promote the code of the journalists' profession. This body will help in establishing a framework of responsibility and ethics in the journalists' practice.

Activity 14: *Analysis and recommendations for improving and/or amending the Law on free access to information of public character and the Criminal Code* (aspects of the libel and defamation). The *Association of Journalists of Macedonia* as the keeper of the rights and freedom of expression of the journalists will be leader in the implementation of this process.

Activity 15: *Training of judges* for media related legal framework.

The management and contracting arrangements are as follows:

The BC and CPC will be directly responsible for co-ordination and management of the project from the beneficiary side and will support the Twinning project team in organisational and technical matters.

Contact persons and contact details

Beneficiary Country (BC) Project Leader

To be defined prior to launching the Twinning Fiche.

Resident Twinning Advisor (RTA) counterpart

To be defined prior to launching the Twinning Fiche.

The expected contracting arrangements are:

- 1 Twining arrangement with the total value of 1.300.000 EUR. IPA contribution will amount to 1.235.000 EUR, while national contribution will amount 65.000 EUR. It is expected that the services under this arrangement will be delivered within 20 - 24 months. Contract signature is expected in Q2 2013;
- 1 supply contract with the total value of EUR 300.000. IPA contribution will amount to 225.000 EUR, while national contribution will amount to 75.000 EUR. It is expected that the services under this arrangement will be delivered within 18 months, including the warranty period. Contract signature is expected in Q3 2013. The supply contract will primarily be aimed at equipping the regional monitoring spots of the Broadcasting Council, as well as at upgrade and extension of the equipment at the central office of the Broadcasting Council to process the data collected from the regional monitoring

spots. The project should specify the equipment (servers, IT equipment, software etc.) and assist in the public tender procedure i.e. by drafting the tender documents.

Means/Input from MS Partner Administration

The project will be implemented in the form of a Twinning arrangement between the beneficiary country and an EU Member State. The implementation of the project requires one PL with responsibility for the overall coordination of project activities, one RTA to manage project activities and number of short-term experts - STE (number to be proposed by the Member State). It is essential that the team have sufficiently broad expertise to cover all the areas included in the project description. The interested Member State institution shall include in its proposal the CVs of the designated PL, RTA and the proposed STE and the specific tasks to which they will be assigned.

Profile and Tasks of the Project Leader

The MS project leader will detail, coordinate and control the overall thrust of the project, lead project activities, and ensure attainment of the projected output. He/she is expected to ensure that all the support from the management and staff of the EU side is available for the project. The project leader is fully responsible for co-ordination of the work of the experts. He/she should be a *senior official* from the respective MS body and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. In addition, he/she should coordinate, from the Member State side, the Project Steering Committee (PSC), which will meet in Skopje every three months. The project leader will co-manage the implementation of the project with the Project Leader from the Beneficiary Country.

BC Project Leader

The BC Project Leader will act as the counterpart of the Member State PL and will ensure close cooperation in the overall steering and co-ordination of the project. The PL needs to be a high ranking official. The PL's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. He/she will also coordinate the Project Steering Committee (PSC) from the BC side.

RTA Counterpart

A RTA Counterpart will be assigned by the BCC and CPC. The RTA should be high rank official or with certain minimum seniority (e.g. Head of Department, Head of Unit). The RTA is expected to deliver the general coordination of the project and visibility requirements, advises on the manner of pre-and-post EU accession process, advises for cooperation and coordination with the competition organ of other countries, as well as on participation in international organisations in the competition field, organising study visit(s) for the selected employees, preparation of a report and plan for implementation of the activities.

Profile and tasks of the RTA:

Qualifications and skills

- University degree or equivalent, preferably in social sciences, law or other areas relevant to the assignment;
- Experience in implementing *acquis* requirements in the field of broadcasting and media freedom in EU Member States/Candidate Countries legislation and practice;
- Good knowledge of the EU twinning projects management rules and procedures will be an asset;

- Knowledge of the international standards and EU acquis in the area of information society and media and political criteria.

Professional experience (minimum 10 years of general experience)

- Preferably 10 years of professional experience in field of competition, telecommunications, broadcasting, new generation networks, regulatory authorities, and other related field;
- Previous experience in institutional building projects, trainings, organisational development and implementation of reform measures would be an asset;
- Proven executive capacity and multidisciplinary managerial skills;
- Fluency in written and spoken English.

Additional assets are:

- Experience in implementing of the EU Acquis and best practices in the area of competition, telecommunication and freedom of media;
- Previous experience as project coordinator/ project manager under EU procedures and regulation;
- Sound knowledge of the situation in recent accession countries and candidate countries would be an asset.

Profile and tasks of the short-term experts (STE)

- All STEs should have at least 3 years of experience preferably 3 to 5 years in the field they will cover;
- Extensive knowledge of EU legal framework in the areas relevant to the project;
- Fluency in written and spoken English and computer literate.

3.5 Conditionality and sequencing

In order to enable successful implementation of the project, following preconditions must be met before the start of the implementation:

- Timely allocation of working space and facilities by the beneficiary for the twinning project before the completion of the tender procedure;
- Participation in the selection process by the beneficiary as per EU Twinning regulations;
- Appointing counterpart personnel by beneficiary prior to launch of the project fiche;
- Provision of necessary authorisations for co-operation and sharing of information with all key stakeholders, co beneficiaries and related deployed advisory resources;
- Appointing relevant staff by the beneficiaries to participate in training activities;
- Organisation and appointment of members of working groups, steering and coordination committees, as per work plan of the project.

In the event that conditionality is not met, suspension or cancellation of projects will be considered.

3.6 Linked activities

Past projects

CARDS 2005 Twinning initiative on the Approximation of the legislation in the competition policy and strengthening of the administrative capacity of the body for competition protection, executed in the period February 2006 – September 2007. The project was implemented in cooperation with the relevant German authorities (Bundeskartellamt and Bundesnetzagentur).

The Broadcasting Council was supported through the **TAIEX programme** with the preparation of the Strategy for the Development of Broadcasting for the period 2007–2012. The first TAIEX mission was organised in co-operation with the Conseil Supérieur de l'Audiovisuel from France and its Head of Research and Strategic Development. The second mission through TAIEX involved co-operation with the Italian telecom regulator AGCOM.

The Broadcasting Council was the beneficiary of a donation provided by the **OSCE** for equipment and software intended for improving the capacity of the monitoring of the programmes. The donation was received for the monitoring of the 2008 elections.

Ongoing projects

IPA 2008 – PPF FwC: The specific objective of the Framework Assignment is to carry out an assessment of the current situation of the AEC and BCC and to produce an in-depth Study of their performance in regulating their respective markets and give recommendations where additional improvement is needed. This in-depth study will serve as a starting point for the implementation of all following IPA-projects, because it identifies the shortcomings in the media regulation authority.

Planned projects

IPA 2009 – "Assistance to the Commission for Protection of Competition (CPC) for State Aid Control" The overall objective is to promote and strengthen market competition through improvement of the state aid system thereby favouring continuing economic growth in the country.

IPA 2009 – "Enhancing the administrative capacities of telecom and media authorities for efficient regulation of new digital and multiple play services". The project aims at strengthening the administrative capacities of the Broadcasting Council to better implement the Audio-visual Media Services Directive, which is expected to be transposed in the new Law on Electronic Media in the course of 2011. The IPA 2011 as a logical follow up will focus on the proper implementation of all media legal acts.

IPA 2009 (component 2) - South-East European Digital Television. This project focuses on overcoming the digital divide, which will occur along the introduction of new media technologies, especially among the population with low income. During this media market restructuring and migration of the media content to different distribution platforms it is of utmost importance the freedom of media to be guaranteed by effective implementation of the media legal provisions.

Other donors

BERIS (Business Environment Reform and Institutional Strengthening Project) project, which is funded through the World Bank, contributed with supporting of training activities of the employees of the CPC on the relevant seminars and workshops, as well as with providing IT equipment.

3.7 Lessons learned

According to the lessons learned from the Projects implemented in the country, certain challenges remain:

- The media market needs effective and even implementation of the media legislation on the whole territory of the country. So far the experience has shown that the implementation of the media legislation has serious shortcomings in the part of local and regional electronic media outside of the capital Skopje. This should be taken into consideration during the project's implementation;
- Several highly relevant EC reports have pointed out the ineffective monitoring of the broadcast market, the unclear ownership structure of the media and the uneven implementation of the media legislation as key shortcomings. These observations need to be carefully addressed within the realm of this project;
- The media self-regulatory mechanism has not been strong enough to balance between the political and economic interests of the owners of the media outlets and their influence on the editorial policy. An effective and influential self-regulation of the media professionals which is among the key objectives of this project will enhance the media freedom;
- The 2009 Country interim evaluation report notes that the precise measurement of the IPA programme performance thus far is compromised by the lack of true measurable indicators at both the impact level of individual projects, as well as within the MIPD itself, however it can be seen that the contribution made by the assistance to the MIPD objectives is broadly positive;
- The report likewise observed that the presence of sufficient administrative capacity and organisational structures that are the pre-condition for the effective achievement of strategic objectives varies throughout the implementation of the CARDS assistance, but is stronger in the more recent projects under the IPA programme.;
- In addition, the evaluation includes the following key broad lessons learned that could improve the sustainability of future assistance;
- Greater emphasis needs to be placed on the identification and development of ownership of both the programme as a whole by the central authorities and the individual projects by line ministry stakeholders. Whilst there is an increasing effort to include end beneficiaries in the programming process through the devolution of the programming process to the national authorities further training on project design and programming is needed. Organisational and institutional capacity and needs assessments would further fine tune the scale and scope of assistance and identify areas where national co-financing could most readily and effectively be applied;
- Clear commitments are needed from potential beneficiaries on actions that they will take to sustain institutions created or supported with EU funds;
- Improving oversight by the national authorities at the programme level will contribute to the improvement of both impact and sustainability;
- Merit based recruitment and personnel management is an essential contribution to reducing staff turnover and recruitment of appropriately skilled individuals. Progress by the national authorities is being made on this issue but substantial further work remains;

- The inclusion of substantial beneficiary co-financing is important for sustainability;
- Beneficiary institutions frequently use external contractors to complete their tasks, rather than completing the work under the supervision of the experts. Hence, efforts should be made for all key staff to be regular civil servants.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	EU IPA CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Twining contract	X		1.300.000	1300.000	1.235.000	95	65.000	5	65.000				
Supply Contract		X	300.000	300.000	225.000	75	75.000	25	75.000				
TOTAL IB			1.300.000	1300.000	1.235.000	95	65.000	5	65.000				
TOTAL INV			300.000	300.000	225.000	75	75.000	25	75.000				
TOTAL PROJECT			1.600.000	1.600.000	1.460.000	91.25	140.000	8.75	140.000				

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Twinning Contract	Q2 2012	Q2 2013	Q2 2015
Supply Contract	Q2 2012	Q3 2013	Q1 2015

All projects should be in principle ready for tendering in the 1ST Quarter following the signature of the FA.

6. Cross cutting issues

6.1 Civil Society development and dialogue

A strong media sector plays a key part in the consolidation of an active Civil Society sector. Awareness of this sector and of the process of civil society dialogue in the country will be incorporated throughout the project's components where appropriate.

6.2 Environment

It is not envisaged that the project will have a direct component addressing environment. Nonetheless due consideration will be taken into consideration of environmental best practice where relevant and appropriate in the project.

6.3 Equal Opportunities and non-discrimination

The activities will include a specific component to train beneficiary's staff in the different aspects of mainstreaming gender in the programme. Specific attention will be paid to reach out to female to ensure their inclusion.

6.4 Minority and vulnerable groups

Where the main reference is the Ohrid Framework Agreement, in an EU context, the training activities will include a specific component to train beneficiary staff in the different aspects of mainstreaming minority and vulnerable groups in programme and project development as well as monitoring and evaluation.

In addition to that, most of the Project activities will contribute to enhance the capacity of the regulators for preserving pluralism and language diversity in the media sphere especially having in mind the possibilities for access of different minorities and vulnerable groups to new converged audiovisual services.

6.5 Good governance, with particular attention to fight against corruption

The beneficiaries will, along with the above mentioned sections, endeavour to include references to best practice activities in the fight against corruption within the activities. Naturally, the consolidation of a lively and active media sector plays a part in that process.

ANNEX I - Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR	Programme name and number: National programme for IPA Component I TAIB for 2011 CRIS no: 2011/		
	Contracting period expires two years from the final date of the conclusion of the Contract.	Disbursement period expires one year after the final date for execution of contracts.	
		Total budget: EUR 1.600.000	IPA budget: 1.460.000 EUR
Overall objective	Objectively verifiable indicators	Sources of Verification	
To encourage and accelerate media reform, consolidate European standards focusing on media protection, professionalism and independence, improve the implementation of the media legislation by creating an environment for freedom of media, as well as to promote effective competition on the media market.	Implementation of the European standards in the area of media reforms;	- EC Progress Reports; - Annual report of the European Commission.	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To increase the efficiency of existing regulatory mechanisms in the media sector, ensure respect for the code of ethics, improve the profile of the media community and industry, and increase public awareness about the issues related to media freedom protection and the importance of competition rules for proper functioning of the media markets, as well as to improve the delineation of the competences among the different regulatory bodies.	- Increased efficiency of the Broadcasting Council, the Commission for Protection of Competition; - Increased involvement of the JA in policymaking.	- EC Reports; - Statistics and other data; - Monitoring reports to CFCD.	- Political environment continuously improves and enables the process to develop;
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
- Performed assessment of the current capacities of the regulators to perform a role of protector and promoter of media freedom; - Performed assessment of the current capacities of BC to perform monitoring of the regional and local broadcasters and operators of public communication networks outside of Skopje;	- One assessment of the current capacities of the regulators to perform a role of protector and promoter of media freedom produced; - One assessment of the current capacities of the Broadcasting Council to perform monitoring of the regional and local broadcasters outside of Skopje produced;	- EC Reports; - Evaluation form from the trainings and study visit; - Freedom House reports; - SPO monitoring reports to CFCD; - Training register for number of trained persons;	- Commitment from national authorities in the process; - Availability of appropriate staff for trainings; - The stakeholders ready

⁸ It is essential for the independence and strength that the operating budget in the first few years is financed from sources independent of the influence of the government or political parties. Subsequently system of membership fees will be phasing in gradually.

<ul style="list-style-type: none"> - Improved implementation of the media legislation, both primary and secondary on the whole territory of the country; - Assessment of the infrastructure needs for establishing regional monitoring spots for electronic media and operators of public communication networks; - Equipped regional monitoring spots of BC to process the data collected in the regions and established capacities for mobile local and regional monitoring; - Enhanced human resources (members of BC and staff members) in the main office in Skopje for effective monitoring of the broadcast programme services, media market and media ownership structure and data analysis; - Upgraded equipment for monitoring at the central office of the BC in Skopje; - Upgraded capacities of Broadcasting Council for effective public communication on central, regional and local level; - Upgraded capacities of Commission for Protection of Competition for effective monitoring and ruling on competition-related issues in media markets; - Upgraded capacities of the <i>Association of Journalists of Macedonia</i> for becoming a watchdog for media freedom and media professionalism in the country; - Enhanced self-regulation of the journalists through granted support for establishing the Press Council (a joint body initiated by AJM and comprised of the representatives of the journalists, editors, media owners and the civil sector), which will aim at protecting the readers/viewers from the potential journalists' violation of ethics; - Upgraded six regional centers of the AJM leading to enhanced contacts with the journalists and increased membership levels; - Widely promoted journalists' professional standards which need to ensure that the standards and the Code of Journalists work are shared by as many journalists as feasible so as to achieve high level of professionalism; 	<ul style="list-style-type: none"> - Improved track record of implementation of the Broadcasting Law and its by-laws; - One Assessment of the infrastructure needs for the newly established regional and local monitoring of electronic media and operators of public communication networks produced; - One comprehensive training plan based on the assessments of the current capacities developed and delivered; - Supplied equipment for regional monitoring spots and mobile monitoring for the Broadcasting Council to process the data collected from the central, regional and local monitoring; - Delivered trainings for the staff and the members of BC for effective monitoring of the programme services, media ownership structure and data analysis; - Upgraded equipment installed at the central office of the Broadcasting Council; - Upgraded capacities of Broadcasting Council for effective public communication on central, regional and local level; - Organized regional workshop for the Broadcasting Council for more effective implementation of the Broadcasting Law on regional level; - Improved track record for the monitoring and ruling on competition-related issues in media markets of the Commission for Protection of Competition and enhanced capacity building; - Delivered training for the Commission for Protection of Competition related to competition-related issues in media markets; - Strengthened role of the <i>Association of Journalists of Macedonia</i> with regards to 	<ul style="list-style-type: none"> - Analysis and Recommendation paper. 	<ul style="list-style-type: none"> to cooperate; - Appropriate expertise is available; - Beneficiary institutions can make (qualified) staff available.
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<ul style="list-style-type: none"> - Trained journalists of AJM with regards to the enhancement of the professional standards, as well as with regards to the awareness and application of the rights and obligations resulting from the journalist profession; - Provided institutional support for the establishment of strong and independent Press Council⁸; - Upgraded support for the Press Council, as an essential venue for daily exchange of information with regards to the European media standards, as well as for gathering information with regards to the country media space; - Improved work of the Council of Honor of the Association of Journalists' as a tool of media for furthering freedom of media; - Professionally trained journalists from MRT who will implement the code, standards and ethics of the journalist profession and will promote the freedom of the media; - Upgraded capacity of MRT for effective public communication at central, regional and local levels and for becoming a symbol of media freedom; - Established body within MRT which will provide a framework of responsibilities and ethics in the journalists' practice; - Assessed Law on free access to information of public character and the Criminal code (aspects of the libel and defamation) and produced Recommendation papers; - Judges trained and further sensitized in aspects of freedom of media related legal framework. 	<p>media freedom and media professionalism in the country;</p> <ul style="list-style-type: none"> - Upgraded capacities of the AJM Press Council as a self-regulating body; - Established institutional capacities of the Press Council; - Strengthened the role membership and capacity of the Regional Centres of AJM; - Number of promotional events for journalist professional standards for AJM and MRT; - Number of trainings for journalists from for AJM and MRT undertaken and presence levels; - Intensified track record of work of the Council of Honor of the Association of Journalists as a tool of media for furthering freedom of media (sessions, meetings, conclusions, statements); - Improved capacity of MRT for effective public communication at central, regional and local levels and for becoming a symbol of media freedom; - Established body which will provide a framework of responsibilities and ethics in the journalists' practice; - One analysis and Recommendation paper produced on the Law on free access to information of public character; - One analysis and Recommendation paper produced on the Criminal code (aspects of the libel and defamation); - Number of trainings for judges undertaken and presence levels. 		
Activities	Means	Costs	Assumptions
<p>Activity 1: Capacity Assessment of regulators of media freedom A comprehensive assessment of the current capacities of the regulators to perform a role of protector and promoter of media freedom; Based on the capacity assessment and the gaps</p>	<p>1 Twinning arrangement</p>	<p>Total : 1.300.000 EUR IPA funds: 1.235.000 EUR Nat. Contribution: 65.000 EUR</p>	<ul style="list-style-type: none"> - Commitment on behalf of senior level officials and experts involved in project implementation;

<p>identified, a training plan will be drafted and specific trainings will be delivered.</p> <p>Activity 2: Capacity Assessment of the Broadcasting Council in the regions A comprehensive assessment of the current capacities of the Broadcasting Council to perform monitoring of the regional and local broadcasters outside of Skopje and proper implementation of the Broadcasting Law and its by-laws; Based on the capacity assessment and the gaps identified, a training plan will be drafted and specific trainings will be delivered.</p> <p>Activity 3: Equipping of regional monitoring spots of the Broadcasting Council This activity aims to define the basic infrastructure needs for the newly established regional and local monitoring spots of electronic media and operators of public communication networks, which will consist of at least three regional monitoring spots: one in the east, one in the central and one in the west part of the country. This activity should also increase the capacities of BC to conduct mobile monitoring. To specify the equipment needed and to assist the Broadcasting Council in the public procurement process i.e. by drafting the tender documents;</p> <p>Activity 4: Training of the staff and the members of BC for effective monitoring, data analysis, proper and effective implementation of the legal provisions; The current and the newly employed staff and members of BC will have to be trained in proper monitoring, analysis of data and proper implementation of the legal sanctioning mechanisms; This activity correlates closely with the training plan envisaged under Activity 2.</p> <p>Activity 5: Upgrade and extension of the equipment at the central office of the Broadcasting Council, which will increase BC's capacities to process the data collected from the regional monitoring spots; In order to process all data from the local and regional monitoring exercise, the processing centre in Skopje</p>	<p>1 Supply contract</p>	<p>Total : 300.000 EUR IPA funds: 225.000 EUR Nat. Contribution: 75.000 EUR</p>	<ul style="list-style-type: none"> - Commitment on behalf of Implementing Agency in tendering and contracting; - Adequate training of the staff; - The necessary time limits are respected pursuant to the EU legal regulative; - Quality training is provided by certified trainers in respective training centres.
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<p>(servers, IT equipment, software etc.) will have to be extended. The project should specify the equipment and assist in the public tender procedure i.e. by drafting the tender documents;</p> <p>Activity 6: Upgrade of Broadcasting Council’s capacities (central office and regional monitoring spots) for effective public communication on central, regional and local level by organizing regional workshops aimed to increase the effectiveness of implementation of the Broadcasting Law on regional level and on the job support;</p> <p>Activity 7: Upgrade of Commission for Protection of Competition’s capacities for effective monitoring and ruling on competition-related issues in media markets through capacity-building trainings and on the job support;</p> <p>Activity 8: Upgrade of the Association of Journalists capacities for becoming a watchdog for media freedom in the country through the establishment of the self-regulatory mechanism via the Press Council;</p> <p>Activity 9: Support for the AJM through strengthening of existing 6 Regional Centres within AJM;</p> <p>Activity 10: Media promotion of journalists’ professional standards and codes and trainings of journalists for the media professional standards, as well as for awareness and application of the rights and obligations resulting from the journalist profession, targeted at both AJM and MRT, thus promoting the freedom of the media. These trainings will help to protect and strengthen AJM, MRT and the press in general as a pillar of democracy;</p> <p>Activity 11: Develop and strengthen the work of the Council of Honor of the AJM as a tool of media for furthering freedom of media, trough know-how and best practices exchange;</p> <p>Activity 12: Upgrade of capacity of MRT for effective public communication at central, regional and local levels;</p>			
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<p>Activity 13: Establishment of a body, operating within the framework of MRT, which will raise the journalists' awareness of the freedom of the media and promote the code of the journalists' profession. This body will help in establishing a framework of responsibility and ethics in the journalists' practice;</p> <p>Activity 14: Analysis and recommendations for improving and/or amending the Law on free access to information of public character and the Criminal code (aspects of the libel and defamation); The <i>Association of Journalists of Macedonia</i> as da keeper of the rights and freedom of expression of the journalists will be leader in the implementation of this processes.</p> <p>Activity 15: Training of judges for media related legal framework.</p>			
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Preconditions:

- Timely allocation of working space and facilities by the beneficiary for the twinning project before the completion of the tender procedure;
- Participation in the selection process by the beneficiary as per EU Twinning regulations;
- Appointing counterpart personnel by beneficiary prior to launch of the project fiche;
- Provision of necessary authorisations for co-operation and sharing of information with all key stakeholders, co beneficiaries and related deployed advisory resources;
- Appointing relevant staff by the beneficiaries to participate in training activities;
- Organisation and appointment of members of working groups, steering and coordination committees, as per work plan of the project.

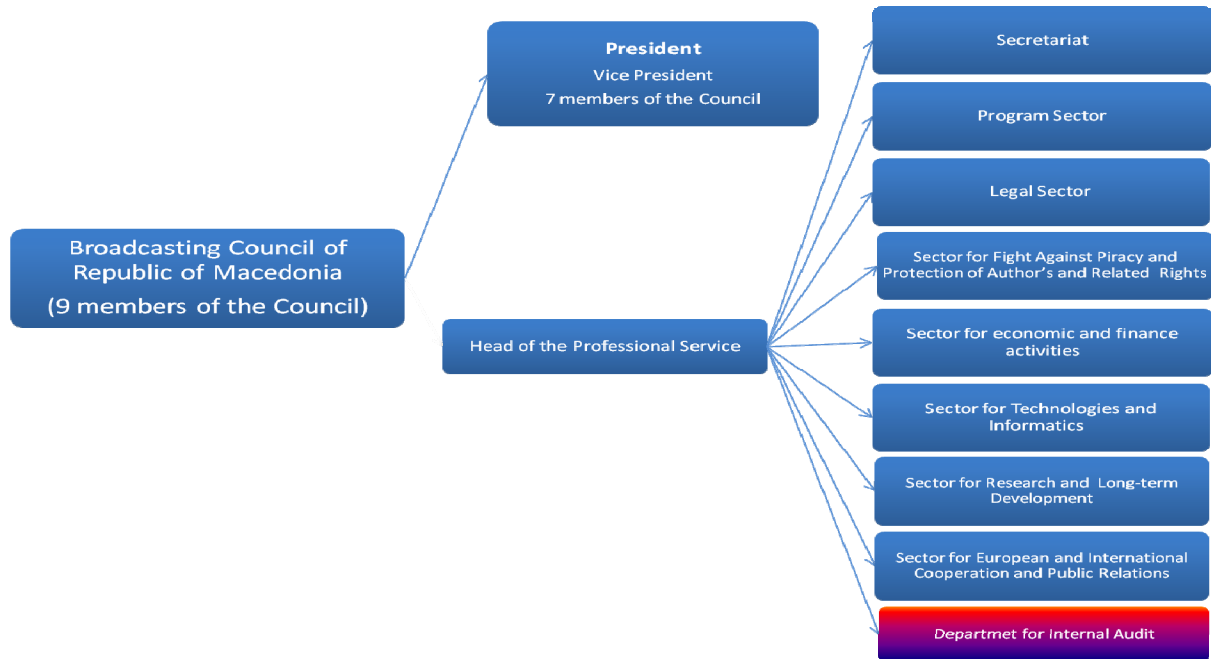
In the event that conditionality is not met, suspension or cancellation of projects will be considered.

ANNEX II - Amounts (in €) Contracted and disbursed by quarter for the project

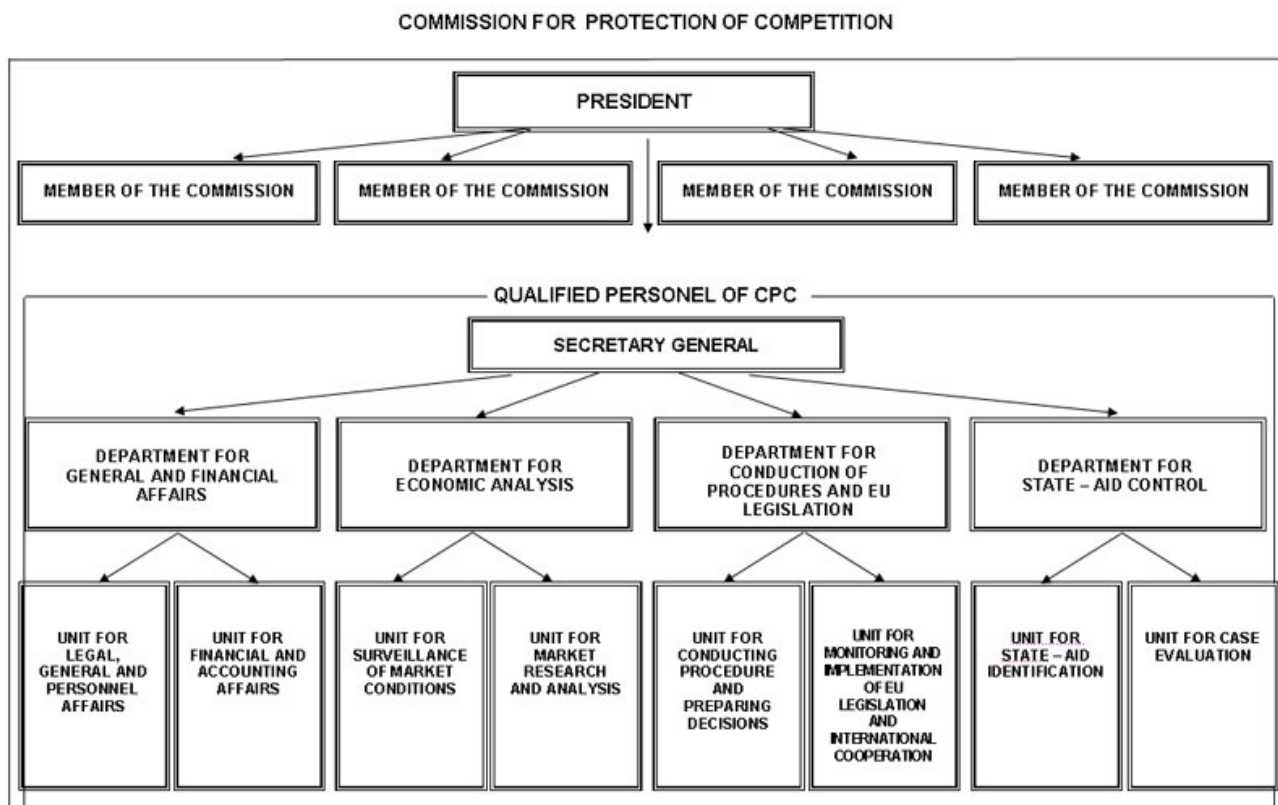
	2013				2014				2015			
Contracted	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Twinning contract		1.300.000										
Supply contract			300.000									
Cumulated		1.300.000	1.600.000									
Disbursed	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Twinning contract		650.000				520.000				130.000		
Supply contract			180.000						120.000			
Cumulated		650.000	830.000			1.350.000			1.470.000	1.600.000		

ANNEX III - Description of Institutional Framework

The **Broadcasting Council** is an independent non-profit regulatory body, with public competences and authority in the field of broadcasting activity defined by the Law on Broadcasting Activity (Official Gazette of RM" No. 100/2005). The Broadcasting Council, in the course of performance of its competences, ensures the freedom and pluralism of expression, existence of diverse, independent and autonomous media, economic and technological development of broadcasting activity, and protection of the interests of citizens in the broadcasting. The organisational structure of the Broadcasting Council is as follows



The **Commission for Protection of Competition** is responsible for enforcing the Law on Protection of Competition, adopted on 11 January 2005 (“*Official Gazette of the Republic of Macedonia*” No. 04/05). The organisational structure is as follows:



The **Journalist Association** has its Assembly as the higher body comprised of all AJM members, which decides upon any Statute changes and other important documents of the JA Assembly. The AJM Assembly elects the bodies of AJM – Steering Committee headed by a President, Overseeing Committee and Council of Consciousness. The Steering Committee decides upon the programme and strategic plans of the Association and together with the other bodies of AJM has the possibility of establishing working groups and other bodies which can be of temporary or of permanent existence.

The **Macedonian Radio and Television** consists of *Macedonian Radio* and *Macedonian Television*. *Macedonian Television* offers broadcasting services on Channel 1 in the majoritarian language and on Channel 2 in the languages of other communities living in the country: programmes in Albanian (since 1967), Turkish (since 1969), Serbian, Romany, Vlach and Bosnian. Channel 3 (Assembly Channel) transmits the plenary sessions of the Parliamentary Assembly and its various commissions live and on a delayed basis. The Satellite Channel broadcasts programmes throughout the globe using several satellites.

Macedonian Radio broadcasts programmes in the majoritarian language (Channel 1 and Channel 2) and in the languages of other communities living in the country (Channel 3, programmes in Albanian, Turkish, Vlach, Romany, Serbian and Bosnian). The Satellite Channel broadcasts a variety of programmes via several satellites throughout the world. Additionally, the *Foreign Service of Macedonian Radio (Radio Makedonija* on Medium Wave) also broadcasts programmes in Bulgarian and Greek.

The Statute of *Macedonian Radio and Television* defines in detail the responsibilities of MRT's bodies, as follows:

- The *Council of Macedonian Radio and Television* is responsible for protecting the interests of the public with regard to radio and television programmes and MRT's operation. It consists of 23 members elected by the Assembly of the Republic of Macedonia;
- The *Board of Directors* is the highest managing body of MRT. It is composed of seven members elected by the Council;
- The operation of the public broadcasting service is directed by two *Executive Directors*, elected by the Board of Directors;
- Each MRT's radio and television channel has its own *Editor-in-Chief*, responsible for its programming.

MRT also includes a Human Resources Sector for Production as well as a Joint Services Sector. With the new organizational structure, joint sectors and departments have been established not only for the rationalization of expenses, but mainly to create and integrated programme of public interest, including News Department and the Joint Archives

ANNEX IV - Reference to laws, regulations and strategic documents

Reference list of relevant laws and regulations

- Law on Broadcasting Activity;
- Law on Electronic Communications;
- Law on *Macedonian Broadcasting Enterprise*;
- National Strategy for Development of the Broadcasting Sector 2007 – 2012;
- National Strategy for Development of Information and Communication Technologies;
- National Broadband Strategy;
- Statute and Working Programme of JAM;
- Code of Journalists;
- Statute of *Macedonian Radio and Television* (MRT);
- The Law on Protection of Competition (Official Gazette No. 145/10);
- Guidelines on remedies acceptable to the Commission for Protection of the Competition under Chapter III Control of concentration –of the Law on Protection of Competition;
- Guidelines on the assessment of vertical and conglomerate concentrations for the purposes of the LPC;
- Guidelines on defining relevant market for the purposes of the LPC;
- Guidelines to the Law on Protection of Competition;
- Guidelines on the assessment of horizontal concentrations for the purposes of the LPC;
- Guidelines for setting fines according to article 47 of the LPC (Official Gazette No. 04/05, 70/06 and 22/07);
- Guidelines on the application of article 7 (3) of the LPC regarding article 11 of the LPC;
- Guidelines for setting fines according to the LPC (Official Gazette ; No. 145/10).

Reference AP/NPAA / SAA / EP

The **NPAA for 2010** lists as relevant medium-term priorities the enhancement of the human resources of the Sector for research and long-term development of the Broadcasting Council with the aim for more effective implementation of the legal provisions in the sphere of market research and preventing forbidden media concentration. In addition, the NPAA foresees the enhancement of the capacities of the Sector for international and European cooperation and public relations with the aim of more efficient implementation of the European legislation in the area of electronic media. The NPAA also calls for enhancement of the central technical capacities for monitoring of the radiobroadcasters and operators of the public communication networks.

NPAA includes planned priorities regarding the building of Broadcasting Council's institutional capacities and other specific issues, as follows: Enhancing the cooperation between the national regulators and other institutions, as well as with international regulators to foster the implementation of the legislation and to improve the procedures. Increasing the number of specialized professional staff and organizing additional training for the employees in their respective fields of expertise and technical capacity building.

The project is closely linked to the Information society and media priorities entailed in the **AP** which call for reinforcing the independence and administrative capacity of the regulatory authorities for media.

Articles 94 and 95 of the **Stabilization and association agreement** foresee cooperation between the former Yugoslav Republic of Macedonia and the EU member states in the area of electronic communications and audiovisual policy. Article 94 - Cooperation in the audio-visual field “The Parties shall cooperate to promote the audio-visual industry in Europe and encourage co-production in the fields of cinema and television. The Parties will coordinate, and where appropriate, harmonize their policies on the regulation of content aspects of cross-border broadcasting, paying particular attention to matters relating to the acquisition of intellectual property rights for programmes and broadcast by satellite or cable.”

The above mentioned co-operation will focus on the following priority areas:

- Policy development;
- Legal and Regulatory aspects;
- Institution Building required for a liberalized environment;

The **2010 Progress Report** states that freedom of expression remains generally well protected. The report states that with regard to freedom of expression, including freedom and pluralism of the media, the legal media policy framework is satisfactory, but its implementation and enforcement has been uneven. It acknowledges that there has been some progress in ensuring a transparent, independent and diverse media environment and that the amendments introduced to the Broadcasting Law repealed the possibility for the public service broadcaster to be declared bankrupt or liquidated, and reduced the amount of the monthly broadcasting fee in an attempt to improve broadcasting fee collection. Moreover the rate of collection of the viewing license fee has increased significantly. The report notes that it is important to consolidate these efforts to ensure sustainable funding of the public service broadcaster and the Broadcasting Council. The report likewise states that the broadcast licensing process is strongly influenced by economic and political interests. The media remain divided along ethnic and political lines and self-censorship is widespread. Ownership of the printed media is still not transparent and highly concentrated. There is no self regulation Mechanism for monitoring professional standards which should be upheld. Libel charges which target individual journalists with heavy fines remain a concern. Intimidation of journalists, who face political pressure and threats, is a serious concern.

In the area of audiovisual policy, the capacity of the Broadcasting Council has been strengthened, but it is still not adequate to monitor the market effectively. The sustainability of the public service broadcaster is yet to be ensured. Media legislation is not yet aligned with the Audiovisual Media Services Directive and the Broadcasting Council introduced new legislation on subtitling of foreign programmes which may interfere with the principle of freedom of reception and retransmission. Preparations in the area of electronic communications and information society services are advanced, but preparations in the area of audiovisual policy are lagging behind.

Reference to MIPD

The draft new MIPD 2011-2013 clearly states that freedom of expression in the media is crucial in a modern European democracy. This project will provide a substantial contribution to the national effort for strengthening the freedom of the media by joint implementation by the media regulation authority (BC and CPC), self-regulatory mechanisms (MJA) and the public broadcasting service (MRT)

Reference to National Development Plan:

N/A

Link with national/ sectoral investment plans

- Law on Broadcasting Activity;
- Law on Electronic Communications;
- Law on *Macedonian Broadcasting Enterprise*;
- National Strategy for Development of the Broadcasting Sector 2007 – 2012;
- National Strategy for Development of Information and Communication Technologies;
- National Broadband Strategy.

ANNEX V - Details per EU funded contract:

The management and contracting arrangements are as follows:

The BC and CPC will be directly responsible for co-ordination and management of the project from the beneficiary side and will support the Twinning project team in organisational and technical matters. Project Steering Committee shall be established, responsible for reviewing the project progress and advising on the possible measures to be taken in order to ensure that results will be attained. The SC will meet once every three months and will include the Member State (MS) and Beneficiary Country (BC) Project Leaders, Resident Twinning Adviser (RTA), SEA and RTA counterpart.

Contact persons and contact details

Beneficiary Country (BC) Project Leader

To be defined prior to launching the Twinning Fiche.

Resident Twinning Adviser (RTA) counterpart

To be defined prior to launching the Twinning Fiche.

The expected contracting arrangements are:

- 1 Twinning arrangement with the total value of 1.300.000 EUR. IPA contribution will amount to 1.235.000 EUR, while national contribution will amount 65.000 EUR. It is expected that the services under this arrangement will be delivered within 20 - 24 months. Contract signature is expected in Q2 2013;
- 1 supply contracts with the total value of EUR 300.000. IPA contribution will amount to 225.000 EUR, while national contribution will amount to 75.000 EUR. It is expected that the services under this arrangement will be delivered within 18 months, including the warranty period. Contract signature is expected in Q3 2013. The supply contract will primarily be aimed at equipping the regional monitoring spots of the Broadcasting Council, as well as at upgrade and extension of the equipment at the central office of the Broadcasting Council to process the data collected from the regional monitoring spots. The project should specify the equipment (servers, IT equipment, software etc.) and assist in the public tender procedure i.e. by drafting the tender documents.

Means/Input from MS Partner Administration

The project will be implemented in the form of a Twinning arrangement between the beneficiary country and an EU Member State. The implementation of the project requires one PL with responsibility for the overall coordination of project activities, one RTA to manage project activities and number of short-term experts - STE (number to be proposed by the Member State). It is essential that the team have sufficiently broad expertise to cover all the areas included in the project description. The interested Member State institution shall include in its proposal the CVs of the designated PL, RTA and the proposed STE and the specific tasks to which they will be assigned.

Profile and Tasks of the Project Leader

The MS project leader will detail, coordinate and control the overall thrust of the project, lead project activities, and ensure attainment of the projected output. He/she is expected to ensure that all the support from the management and staff of the EU side is available for the project. The project leader is fully responsible for co-ordination of the work of the experts. He/she

should be a *senior official* from the respective MS body and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. In addition, he/she should coordinate, from the Member State side, the Project Steering Committee (PSC), which will meet in Skopje every three months. The project leader will co-manage the implementation of the project with the Project Leader from the Beneficiary Country.

BC Project Leader

The BC Project Leader will act as the counterpart of the Member State PL and will ensure close cooperation in the overall steering and co-ordination of the project. The PL needs to be a high ranking official. The PL's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. He/she will also coordinate the Project Steering Committee (PSC) from the BC side.

RTA Counterpart

A RTA Counterpart will be assigned by the BCC and CPC. The RTA should be high rank official or with certain minimum seniority (e.g. Head of Department, Head of Unit). The RTA is expected to deliver the general coordination of the project and visibility requirements, advises on the manner of pre-and-post EU accession process, advises for cooperation and coordination with the competition organ of other countries, as well as on participation in international organisations in the competition field, organising study visit(s) for the selected employees, preparation of a report and plan for implementation of the activities.

Profile and tasks of the RTA:

Qualifications and skills

- University degree or equivalent, preferably in social sciences, law or other areas relevant to the assignment;
- Experience in implementing *acquis* requirements to EU Member States/Candidate Countries legislation and practice;
- Good knowledge of the EU twinning projects management rules and procedures will be an asset;
- Knowledge of the international standards and EU *acquis* in the area of information society and media and political criteria and experience in approximation of the national legislation.

Professional experience (minimum 10 years of general experience)

- Preferably 10 years of professional experience in field of competition, telecommunications, broadcasting, new generation networks, regulatory authorities, and other related field;
- Previous experience in institutional building projects, trainings, organisational development and implementation of reform measures would be an asset;
- Proven executive capacity and multidisciplinary managerial skills;
- Fluency in written and spoken English.

Additional assets are:

- Experience in implementing of the EU *Acquis* and best practices in the area of competition, telecommunication and freedom of media;
- Previous experience as project coordinator/ project manager under EU procedures and regulation;

- Sound knowledge of the situation in recent accession countries and candidate countries would be an asset.

Profile and tasks of the short-term experts (STE)

- All STEs should have at least 3 years of experience and preferably 3 to 5 years in the field they will cover;
- Extensive knowledge of EU legal framework in the areas relevant to the project;
- Fluency in written and spoken English and computer literate.