

Position Paper

EVALUATING NORTH MACEDONIA'S MEDIA LAW REFORMS— A PARTIAL STEP TOWARD EUROPEAN STANDARDS

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Metamorphosis, Foundation for Internet and Society

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Executive Summary

North Macedonia is undergoing reforms to its media legislation, aiming to align with European Union (EU) standards. The Metamorphosis Foundation welcomes the initiative of the Government of Republic of North Macedonia to align national media legislation with European standards, particularly in the context of Chapter 23 of the EU acquis and the European Media Freedom Act (EMFA). While the proposed amendments to the Media Law can represent a step in the right direction by extending the regulatory framework to online media, they raise concerns that they only partially address the systemic issues in the media environment and do not sufficiently comply with EMFA provisions. We therefore call for a comprehensive, inclusive reform process aimed at the adoption of a new Media Law that fully reflects European norms and ensures the protection of media freedom, editorial independence, and journalists' rights.

Moreover, while a whole new Media Law had already been already drafted with the help of experts from the EU during the previous years, for unknown reasons and without providing public explanation, the Government choose to only amend the existing old law addressing only part of the burning issues, instead of proposing the comprehensive new law.

This position paper evaluates the proposed changes, highlighting both advancements and persistent challenges, and offers recommendations to ensure comprehensive media freedom and alignment with EU directives.

Context and Analysis

The current amendments aim to incorporate online media into the regulatory scope of the Media Law and introduce a Register of Online Media under the oversight of the Agency for Audio and Audiovisual Media Services (AVMU). These changes are framed as part of the Government's obligations under the Rule of Law Roadmap and are intended to improve transparency in media ownership, financing, and advertising.

Despite some improvements introduced through the amendment process, including adjustments to the employment criteria for inclusion in the register, the proposed legal framework remains insufficiently harmonized with the EMFA. In particular, it fails to address

critical areas such as editorial independence, safeguards against surveillance, and ownership concentration in the digital media sector. In addition, the official rationale for the amendments submitted by the government included the goal of countering disinformation, while the actual proposal offers no such mechanisms.

Key Findings

1. Partial Harmonization with EMFA

Although the proposed amendments to the Law on Media in North Macedonia are presented as steps toward alignment with European standards, the harmonization with the EMFA remains limited and insufficient. Notably, the definition of online media in the draft legislation diverges from EMFA terminology. EMFA consistently uses the term “media service providers,” which ensures clarity and consistency across legislative frameworks, including the Audio and Audiovisual Media Services Directive. The Macedonian proposal retains outdated references to “media publishers,” which may lead to interpretative ambiguities and hinder effective implementation. Furthermore, critical provisions of the EMFA are absent, including:

- **Article 22 (Media Pluralism):** The current amendments do not address the issue of media ownership concentration, especially in the online sector, where regulatory gaps persist. This omission could exacerbate the risk of monopolization and reduce the diversity of viewpoints accessible to the public.
- **Article 6.3 (Journalists’ Rights and Editorial Independence):** The draft law lacks explicit mechanisms to protect journalists from arbitrary interference by media owners or managers, nor does it provide legal guarantees for job security and professional independence.
- **Article 4 (Protection from Surveillance):** There are no provisions safeguarding journalists and media actors from unlawful digital surveillance or spyware—a growing concern in contemporary digital media environments.

These omissions represent a missed opportunity to establish a robust, rights-based legal framework for media freedom in line with EU norms.

2. Insufficient Protections Against Strategic Lawsuits Against Public Participation (SLAPPs)

SLAPPs continue to be a major challenge to media freedom in North Macedonia. These lawsuits are typically initiated by powerful individuals, corporations, or political actors with the intent of burdening journalists, activists, or media outlets with costly and prolonged legal battles in order to discourage them from engaging in investigative reporting or public interest journalism. While the European Union has introduced recommendations and draft

legislation aimed at curbing the abuse of the judiciary for silencing dissent, the proposed amendments to the Macedonian Law on Media fail to incorporate similar safeguards.

Specifically, the reforms do not provide for:

- **Early dismissal mechanisms** that would allow judges to recognize and reject SLAPPs at a preliminary stage;
- **Procedural safeguards** to prevent plaintiffs from forum shopping or using procedural tactics to delay proceedings;
- **Sanctions for abusive litigation** or compensation mechanisms for targeted journalists and media organizations;
- **Legal aid or support frameworks** to help defendants with the financial burden of such lawsuits.

In the absence of these protections, media actors remain vulnerable to legal harassment, which can foster self-censorship and weaken investigative journalism—particularly on issues involving corruption, organized crime, or public sector accountability.

3. **Lack of Transparency in Media Ownership**

Ensuring transparency in media ownership is essential for maintaining editorial independence, safeguarding against conflicts of interest, and promoting media pluralism. However, the proposed legislative changes fall short of introducing robust mechanisms to address persistent opacity in ownership structures, especially in the online media landscape.

Current gaps include:

- **No comprehensive public registry** detailing the full chain of media ownership, including beneficial owners, financing sources, and cross-ownership ties;
- **Inadequate disclosure obligations** for online media outlets, which are often subject to less stringent scrutiny than traditional broadcasters;
- **No enforcement framework** to investigate or penalize non-compliance with ownership transparency rules.

This lack of transparency allows for hidden affiliations between media owners and political or economic elites, which can compromise editorial integrity and mislead the public about the independence and credibility of the information they consume. The situation is particularly concerning in a highly polarized media environment where ownership influence is often correlated with partisan reporting and biased coverage.

4. **Continued Political Influence and Soft Censorship**

Despite formal constitutional guarantees and the existence of a nominally independent regulatory framework, political influence over the media landscape in North Macedonia

remains deeply entrenched. This influence is exercised not only through direct ownership or partisan editorial control, but also through more subtle forms of “soft censorship.”

Key manifestations of this problem include:

- **Discriminatory allocation of state advertising** and government communication funds, which are often directed toward politically aligned outlets or used to reward favorable coverage and punish dissenting voices;
- **Informal pressures on editorial decisions**, including through personal or political networks, intimidation, or the threat of funding withdrawal;
- **Regulatory inaction or selective enforcement**, where authorities fail to address violations by politically affiliated media while applying stricter scrutiny to independent outlets.

Such practices distort the media market and undermine the core principles of press freedom and democratic accountability. They also contribute to a chilling effect, where journalists may avoid controversial or politically sensitive topics in order to protect their livelihoods or personal safety. The proposed amendments do not establish new safeguards against these practices, nor do they include mechanisms for greater transparency and accountability in state-media financial relations.

5. **Vague Commitments to Future Reforms**

The Government’s Roadmap for the Rule of Law, which serves as the foundation for the current legislative effort, outlines an ambition to resolve outstanding regulatory issues by 2028. However, this commitment is aspirational rather than binding. There is no specific timeline, sequencing of reform steps, or clear public accountability mechanism. Moreover, key documents, such as the anticipated Draft Law on Digital Services (intended to align with the EU’s Digital Services Act - DSA), are either not publicly available or have not yet been submitted to Parliament. Under Chapter 31 of the acquis for candidate countries (Foreign, security and defense policy) North Macedonia is also obliged to develop mechanisms to build resilience to disinformation, which has not been reflected in the amendments of the Media Law.

This lack of transparency and legal certainty undermines public confidence and may delay the realization of comprehensive reforms necessary for EU integration.

6. **Threats to Local and Specialized Media:**

The initial version of the proposed amendments required online media outlets to have at least three full-time employees in order to be eligible for inclusion in the official media registry. This provision posed an existential threat to many small-scale, local, and non-profit media organizations, which often operate with limited human and financial resources. Following constructive engagement from media associations and civil society, this requirement was revised to allow for two full-time staff members, with additional

exemptions for local and specialized media to include part-time or freelance contributors. While this is a positive step, further clarification and flexibility are needed to ensure that media outlets serving vulnerable, minority, or geographically isolated populations are not inadvertently excluded or burdened by disproportionate regulatory demands.

7. Need for Legal Coherence

The piecemeal nature of the current reform approach fails to ensure coherence across related areas of legislation. There is a pressing need to integrate the media law reform process with other ongoing and forthcoming legislative efforts, particularly those related to digital regulation, such as the adaptation of the Digital Services Act (DSA). Without this cross-sectoral alignment, inconsistencies and overlaps may arise, potentially undermining the implementation and enforcement of media and digital rights. A holistic legislative framework that aligns EMFA, DSA, and other relevant instruments is essential for creating a resilient and future-proof media ecosystem in North Macedonia.

Policy Recommendations

Partial Harmonization with the European Media Freedom Act (EMFA)

1. Adopt EMFA-Compliant Terminology and Definitions:

Revise the legal definition of media actors in the Law on Media to align with the EMFA terminology—specifically adopting “media service providers” instead of “media publishers.” This alignment ensures consistency with EU legal texts such as the Audio and Audiovisual Media Services Directive (AVMSD) and facilitates effective cross-border cooperation and enforcement.

2. Address Media Ownership Concentration (Article 22):

Introduce specific provisions to monitor, assess, and regulate media ownership concentration, particularly in the online sector. These should include mandatory disclosure of ownership structures, cross-ownership limits, and merger review procedures by an independent media regulator.

3. Protect Journalists’ Rights and Editorial Independence (Article 6.3):

Enshrine in law the right of journalists to work free from interference by media owners or external actors. This includes legal safeguards for editorial independence, mechanisms to protect against arbitrary dismissal, and whistleblower protections for journalists who report undue pressure or censorship.

4. Ensure Protection from Unlawful Surveillance (Article 4):

Incorporate provisions that explicitly prohibit the use of digital surveillance tools—such as spyware—against journalists and media actors, except under narrowly

defined circumstances with strong judicial oversight. Require transparency and reporting mechanisms for any authorized surveillance.

5. Include EMFA Implementation Monitoring:

Establish an independent monitoring mechanism (e.g., through the Agency for Audio and Audiovisual Media Services or an inter-agency task force) to oversee and report on the implementation of EMFA-aligned provisions, ensuring compliance and continuous improvement.

Vague Commitments to Future Reforms

1. Set a Binding Reform Timeline with Milestones:

Transform the aspirational Roadmap into a concrete implementation plan with clear milestones, deadlines, and responsible institutions. Each legislative or policy step should be accompanied by an expected completion date and a measurable outcome.

2. Publicly Release Key Drafts and Legislative Plans:

Ensure that all draft laws relevant to media and digital governance—including the forthcoming Law on Digital Services—are published in draft form for public consultation well in advance of parliamentary review. Include explanatory notes detailing how each draft aligns with EU directives.

3. Institutionalize Multi-Stakeholder Consultations:

Formalize the role of civil society, journalist associations, academia, and independent regulators in all stages of the reform process through advisory boards or public hearings. Their feedback should be documented and publicly responded to.

4. Create an Online Public Reform Tracker:

Develop a transparent, government-hosted online platform that tracks progress on media-related reforms, documents all consultations, and provides regular updates on the status of legislation and implementation plans.

5. Embed Reform Accountability in EU Accession Reporting:

Integrate the media reform agenda as a dedicated chapter in the Government's EU integration reporting process. This would allow the European Commission and domestic stakeholders to monitor reform progress more rigorously.

Threats to Local and Specialized Media

1. Implement Tiered Registry Criteria Based on Media Size and Scope:

Develop differentiated criteria for registry inclusion that reflect the realities of small, community, non-profit, and minority-language media. For example, allow for flexible combinations of part-time, freelance, or volunteer staff for small outlets.

2. Ensure Exemptions for Media Serving Vulnerable Communities:

Codify exemptions or special provisions for media organizations that serve minority

populations, remote areas, or niche public interests, ensuring that regulatory compliance does not pose a barrier to their sustainability.

3. Provide Targeted Financial and Capacity Support:

Establish grant schemes, subsidies, or technical assistance programs to help local and specialized media outlets meet basic operational and compliance requirements. This could include support for legal registration, digital transition, or content development.

4. Recognize Non-Traditional and Innovative Media Models:

Expand the legal definition of eligible media entities to include grassroots journalism, civic media platforms, and hybrid content creators, recognizing their contribution to pluralism and public interest journalism.

5. Monitor Registry Impact on Media Diversity:

Assign a media regulator or independent body to assess the impact of registry criteria on media diversity annually and recommend adjustments to protect small and local voices.

Need for Legal Coherence and Integration

1. Develop a Unified Media and Digital Governance Strategy:

Create a cross-sectoral strategy that brings together media regulation, digital services, data protection, online safety, and platform accountability under a single legislative vision. This strategy should align EMFA and DSA principles and be coordinated by a high-level inter-ministerial working group.

2. Harmonize Definitions and Legal Standards Across Laws:

Ensure that key terms (e.g., media service provider, online platform, harmful content) are consistently defined and used across the Law on Media, Law on Digital Services, and any other relevant legislation to avoid confusion and legal conflict.

3. Coordinate Reform Timelines and Stakeholder Engagement:

Synchronize the legislative timelines for media and digital laws to allow for coordinated public consultations and policy coherence. Include joint stakeholder dialogues that address cross-cutting issues like content moderation and transparency obligations.

4. Conduct an Inter-Legislative Impact Assessment:

Prior to adoption, commission an independent legal assessment that maps the interaction of the draft media law with other relevant legal frameworks (e.g., DSA, GDPR, cybercrime laws) and identifies areas of overlap, conflict, or omission.

5. Establish a Permanent Digital Rights and Media Reform Forum:

Create a standing forum or council composed of media experts, digital policy

professionals, regulators, and civil society to advise the government on integrated approaches and ensure continuous alignment with EU developments.

Insufficient Protections Against Strategic Lawsuits Against Public Participation (SLAPPs)

1. Introduce an Anti-SLAPP Legislative Framework:

Enact specific legal provisions modeled on the EU Directive on SLAPPs to allow courts to recognize and dismiss meritless lawsuits intended to silence public interest reporting. This framework should include a clear definition of SLAPPs and the criteria for early dismissal.

2. Establish Early Dismissal Procedures:

Enable courts to conduct a prima facie assessment of SLAPP cases at an early stage. If the claim lacks merit and is evidently aimed at intimidating or punishing the defendant for their participation in public debate, it should be summarily dismissed.

3. Mandate Burden of Proof Reversal in Evident SLAPPs:

Require plaintiffs to prove the legitimacy of their case when a SLAPP is suspected. This discourages frivolous litigation and shifts the responsibility to justify legal action away from journalists.

4. Implement Sanctions for Abusive Litigants:

Courts should be empowered to impose financial or procedural penalties on plaintiffs found to be abusing the legal process through SLAPPs, including covering the legal costs of the defendant and punitive damages for harassment.

5. Create Legal Aid and Support Mechanisms for Journalists:

Establish a dedicated legal aid fund or support system—possibly through the public defender's office or in cooperation with civil society—to assist journalists and media outlets facing SLAPPs, ensuring access to competent legal defense regardless of financial means.

Lack of Transparency in Media Ownership

1. Create a Centralized, Publicly Accessible Media Ownership Register:

Require all media entities—broadcast, print, and online—to disclose comprehensive ownership information, including beneficial owners, sources of funding, and cross-ownership ties. The registry should be regularly updated and easily searchable by the public.

2. Mandate Disclosure of Beneficial Ownership:

Amend legislation to include a legal obligation for media companies to declare not only direct ownership but also the ultimate beneficial owners, as per EU anti-money laundering standards.

3. Ensure Independent Regulatory Oversight and Verification:

Assign oversight of ownership transparency to an independent media regulator with investigative powers. The regulator should be tasked with verifying disclosed information and penalizing non-compliance or misrepresentation.

4. Extend Transparency Requirements to Online and Digital Media:

Apply the same ownership disclosure requirements to online media platforms, including blogs and portals that engage in journalistic activities or attract substantial audiences.

5. Disclose Political and Financial Affiliations:

Media outlets should also be required to disclose any direct financial support, loans, or advertising contracts received from political entities, state institutions, or affiliated businesses.

Continued Political Influence and Soft Censorship

1. Regulate State Advertising Through Transparent and Non-Discriminatory Criteria:

Introduce a legal framework that regulates the distribution of public funds and state advertising across media outlets. Allocation criteria should be based on objective measures such as audience reach, editorial quality, and public interest content—not political alignment.

2. Publish Detailed Reports on State-Media Financial Relations:

Require all government bodies and state-owned enterprises to disclose advertising contracts and media-related expenditures in real-time or on a quarterly basis. These reports should include the recipient media, contract value, purpose, and selection process.

3. Strengthen the Independence of Regulatory Bodies:

Reform the appointment and oversight processes for media regulators to ensure their independence from political actors. Establish performance benchmarks and parliamentary accountability mechanisms.

4. Prohibit Informal Political Interference:

Include specific provisions in the media law that criminalize or sanction informal political interference in editorial decisions, including verbal threats, pressure from government officials, and misuse of public office for media influence.

5. Support Independent Journalism through Competitive Public Funding:

Develop public funding schemes (e.g., grants for investigative journalism, media innovation, and content diversity) that are administered through independent, expert-led panels. These schemes should encourage editorial independence and ensure pluralism without favoritism.

While the efforts to reform media legislation of North Macedonia are commendable, the current proposals are insufficient to guarantee media freedom and align fully with EU standards. Comprehensive reforms addressing the outlined concerns are essential to foster a free, independent, and pluralistic media environment, which is a cornerstone of democratic society and a prerequisite for EU integration.

Metamorphosis Foundation