[HR] Media Law without Restrictions on Ownership Concentration?

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The Ministry of Culture has prepared a draft law to amend the Law on Media. The amendments concern inter alia the removal of a provision restricting media ownership concentration. Besides this provision, the draft law contains mostly the same regulations as the present Law on the Media. The latter was adopted by the Parliament in October 2003. In early 2004, the Constitutional Court abolished the Law because it was not passed by the required majority vote of all delegates. Despite that decision, the Media Law has nevertheless been applied as from 1 May 2004 on, as the Parliament had not passed superseding legislation in a parliamentary procedure being in compliance with Article 82 item 2 of the Republic of Croatia Constitution by that time.

Under Article 33 of this present law, a concentration is considered inadmissible in the area of the press if the publisher of one or more news dailies or general information weeklies achieves a dominant position in the market by selling in excess of 40 percent of all copies of dailies or weeklies sold in the relevant market.

As regards the draft law, the Ministry follows a more general approach taking into account other forms of media. Therefore the Law on Market Competition shall form the legal basis for the restriction of media ownership concentration. As regards the Ministry, this solution shall strengthen control in a more efficient way, as the ownership concentration will be measured not only by the numbers of readers, listeners or viewers but also by the share of the advertising market.

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Law on media, Official Gazette No. 163/03 of 16 October 2003

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Resolution of Constitutional court of Republic of Croatia No. U-I-3438/2003, Official Gazette No 15 of 4 February 2004

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