[HR] HRT Sued by RTL

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Nives Zvonarić
Ministry of Culture, Zagreb, Croatia

The private broadcaster RTL Croatia has filed a claim against HRT public television (HTV) due to a breach of the Law on Croatian Radio Television.

RTL claims that Croatian Radio Television had breached regulations by exceeding the permitted time for advertising 593 times in the period from 1 January 2005 until 31 June 2005. They also state that HTV had broadcast from April until June 2005 12.968 seconds of commercials and made a profit of HRK 13,3 million. RTL has filed a claim at the Commercial court in Zagreb in which they demand compensation.

The Law on Croatian Radio Television stipulates in Article 12 that the duration of commercial messages in each program on HR and HTV may not exceed 9 minutes in one hour of programming. It provides also that two or more commercial messages (advertising block) may be broadcast only between shows. Furthermore, informative, documentary and religious shows, as well as shows for children and shows with a duration of less than 30 minutes should not be interrupted by advertising spots at all and commercial messages must not be broadcast during any broadcast of religious services. HR and HTV have the right to refuse broadcasting of commercial messages due to their content, if it is contrary to program obligations set by law, other regulations and rules regarding advertising and promotion. HR and HTV must not broadcast commercial messages by political parties, religious groups or trade unions. The ban of broadcasting of commercial messages of political parties does not apply during electoral campaigns.

Article 60 of the Act on Electronic Media stipulates that the Council for Electronic Media conducts a monitoring of the application of provisions on program principles and obligations. The same Act provides in article 70 that a legal person that breaches the advertising rules shall be fined HRK 1.000.000.

The Council for Electronic Media has passed, following a public tender, a decision by which it has chosen commercial companies that shall perform the task of program and advertising monitoring in cooperation with the Council. However, one of the companies that was not chosen filed a complaint against the decision of the Council. Therefore, the Council is at the moment unable to perform the monitoring and analysis of the program content of all broadcasters. Since the Association of commercial televisions provided the Council with information on a

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breach of the legal provisions by HRT, the Council has asked for the records of program content and for a reply from HRT.

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