[HR] Proposal for the Draft Law Amending the Electronic Media Law

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Nives Zvonarić
Ministry of Culture, Zagreb, Croatia

In the course of its 25th session, the Croatian Parliament discussed the proposed Draft Law Amending the Electronic Media Law. On 20 April 2007, the Parliament reached the decision to adopt the proposal, while any comments, proposals and opinions on the draft should be addressed to the Government, who had prepared the proposal for a final version. The draft regulates the following fundamental issues:

- It stipulates that a natural person may also be an electronic media broadcaster;

- It deletes the provision explicitly binding electronic publications to the activities of producing and transmitting programme contents and services;

- It regulates the issue of the “right of reply” in radio and television programmes;

- It stipulates that freedom of expression and full programming freedom of electronic media shall be guaranteed, without explicitly providing for the possibility of derogation of freedom of expression and full programming freedom of electronic media by the Electronic Media Law and a special law;

- It defines the use of the Croatian language, in particular the possibility to promote creativity in the dialects of the Croatian language;

- It deletes the provision requiring broadcasters of television programmes to ensure that they broadcast at least 55% of programme contents in the Croatian language (Art. 27);

- It prescribes for electronic media broadcasters to participate in the required registers (court register, register of associations, register of companies, etc.);

- Pursuant to Art. 2 of the Television Without Frontiers Directive (TWFD), it defines when a broadcaster is assumed to be under the jurisdiction of the Republic of Croatia;

- It establishes prohibitions and measures related to the protection of minors, in accordance with the TWFD and the Convention on Transfrontier Television;

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- It stipulates that any person regularly presenting news or current affairs programmes shall not be presented, visually or verbally, in advertising and teleshopping, in accordance with Art. 13, para. 4, of the Convention on Transfrontier Television;

- It establishes the prohibition of advertising and teleshopping of medications, medical products and medical treatments, provided for in the TWFD, as well as the prohibition of certain advertising of alcohol and alcoholic beverages;

- It determines the conditions for sponsorship by legal persons who produce or sell medicines and medical treatments, in accordance with the TWFD;

- It sets the duration of broadcasts dedicated to teleshopping spots, advertising spots and other forms of advertising according to the regulations in the TWFD;

- It sets the obligation for the radio and television broadcasters, on the local level, to dedicate at least ten per cent of the entire weekly programme to the presentation of local news and announcements;

- It defines the proportion of broadcasting time of the television programmes representing own production;

- It stipulates that broadcasters must endeavour to ensure that a major share of their programme consists of European audiovisual works, and that the share of such works produced by independent producers is at least ten per cent of the transmission time in their annual programme. The broadcasters with local concessions who are not a part of a national network are exempt from these obligations;

- It defines the exercise of the right of the public to follow major events;

- It determines the criteria for awarding grants from the Fund for Promotion of Pluralism and Diversity of Electronic Media;

- It regulates the establishment and operation of the Agency for Electronic Media, as an autonomous and independent legal person with two departments: the Director of the Agency and the Council for Electronic Media. The President of the Council shall be the Director of the Agency. The method of funding of the Agency and the Council, as well as the operational professionalism and other relevant conditions shall remain unaltered in relation to the current Electronic Media Law. It is stated that the Council shall promote self-regulation and co-regulation and that it shall pass secondary legislation in accordance with the Electronic Media Act;

- It prescribes the public tender procedure for the granting of concessions for digital radio and television, i.e. for the free transmitting capacity of the separate

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radio or television channel within a multiplex, and it determines the criteria for the granting of concessions for performing radio and television broadcasting activities;

- It stipulates that administrative and professional tasks for the Council shall be performed by the Agency for Electronic Media, which shall have a professional service for monitoring;

- It stipulates that the Council's decisions are not subject to an appellate review, but nevertheless administrative proceedings can be initiated by filing a claim with the Administrative Court of the Republic of Croatia;

- It defines the conditions under which the Republic of Croatia may temporarily suspend the obligation of ensuring the free reception and retransmission of programme contents on its territory in accordance with the TWFD;

- It deletes the provision concerning the supervision of the legality of the performance of broadcasters by the competent Ministry, since such supervision must be conducted by the Council for Electronic Media as the relevant regulatory authority.

Prijedlog zakona o izmjenama i dopunama Zakona o elektroničkim medijima

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