[HR] The New Electronic Media Law

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The Electronic Media Law ("Law") of the Republic of Croatia has adopted the provisions of Directive 2007/65/EC on audiovisual media services, Directive 98/84/EC on the legal protection of services based on, or consisting of conditional access and in part the provisions of Directive 2006/114/EC concerning misleading and comparative advertising. Bearing in mind the need to adopt regulations that will be in line with the development of technology, the principle of media freedom and the need to promote public interests in the performance of the activity of providing audiovisual media services, the Law regulates:

- specific terms used in the Law, particularly those adopted from the AVMSD such as: audiovisual media services, audiovisual programme, editorial responsibility, media service provider, TV broadcaster, TV media service or TV broadcast, on-demand audiovisual media service, audiovisual commercial communication, product placement and other terms;

- general principles linked to the performance of the activity of providing audio- and audiovisual media services and the manner of promoting and protecting the interests of the Republic of Croatia;

- issues that relate to all audio/audiovisual media services so as to prescribe relevant data on audiovisual media service providers that must be accessible to users, ban hate speech, prescribe conditions in which a necessary public announcement must be broadcast and conditions for the broadcasting of audiovisual commercial communications, sponsored audiovisual media services and programmes and product placement;

- conditions in which on-demand audio/audiovisual services can be provided;

- conditions for performing the activity of providing TV and radio media services, namely technical, spatial, financial and personnel conditions;

- programme conditions for performing the activity of providing TV and radio media services prescribing in detail programmes and programme services and their categorisation as well as quantitative proportions between specific content categories, the maximum share of advertising (promotional) content and the minimum share of own production and Croatian music and other programme principles and obligations. Apart from the general programme channel a

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specialised programme channel is introduced which must have a programme scheme declaring the type of programmes whereby 70% of programmes must be of the same type. Special emphasis is placed on the share of European audiovisual works in the programme;

- non-profit radio and TV programmes introducing non-profit TV and/or radio as community TV and/or radio that can be established by educational institutions, student and school associations, citizen and non-governmental associations with the status of legal persons as broadcaster;

- encrypted services that represent TV and radio media services and other audiovisual media services as well as information society services provided for a fee and on the basis of conditional access, or the provision of conditional access to the herein mentioned media services as such;

- conditions under which legal and natural persons may publish electronic publications, editorially-formed internet pages and/or portals that contain electronic equivalents to printed press and/or information from the media in a manner that makes them accessible to the public regardless of their scope;

- the protection of pluralism and diversity of electronic media which includes issues of the publicity and transparency of ownership, limitation of ownership in order to prevent the creation of prohibited concentrations in the field of electronic media as well as the protection of concessionaire competitiveness. The Law regulates in detail the status of the fund for promoting pluralism and diversity of electronic media whose main task is to promote production and broadcasting of programmes of TV and/or radio broadcasters at local and regional levels that are of public interest as well as to promote programmes of non-profit TV and/or radio broadcasters;

- the status, composition, manner of selecting its members and the scope of the regulatory body, the Electronic Media Council, and the scope of the Electronic Media Agency as a professional service of the Council.

In addition to the above-mentioned basic issues the Law also stipulates fines for violations in cases of non-compliance with its provisions and prescribes in its transitional and final provisions a transitional period during which the concessionaires and other media service providers are obliged to align the performance of their activity and publishing of electronic publications with the conditions and standards stipulated in the Law.

Zakon o elektroničkim medijima

http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

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