[HR] New Croatian Radio Television Law

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On 3 December 2010 the Croatian Parliament adopted a new Croatian Radio Television Law (HRT Law), which came into effect on 8 December 2010. Art. 13 of the HRT Law prescribes that programme obligations of the HRT (Hrvatska radiotelevizija) as well as the amount and source of their funding are to be determined by a Contract between the HRT and the Government of the Republic of Croatia. The Contract, which is to be concluded for a period of five years beginning on a 1st January, must contain details of the type, scope and content of all public services to be provided by the HRT in accordance with the Law.

The amount of the State subsidy for the provision of public services determined by the Contract must not exceed the net costs of performing the activity, taking into consideration any other direct or indirect revenue gained, i.e., the net revenue gained from all commercial activities related to the provision of public services.

The HRT has to draft a proposal of its programme obligations and to open a public consultation on it. The HRT is obliged to submit to the Government a draft of the aforementioned Contract not later than six months before the Contract in force is to expire. A Contract for each subsequent period must be signed by 1 October of the final year of the Contract in force. Should one or both parties fail to sign the Contract by this date, the provisions of the Draft Contract are to be applied as a self-regulatory act of the HRT until the Contract is signed, provided that they are not contrary to the Rules on State Aid and Public Service Broadcasting. The HRT has to draft and adopt an Annual Work Programme and an Annual Financial Plan, determining activities and programme obligations as well as the necessary financial resources for each subsequent year, not later than the end of December of each calendar year. The HRT is obliged to publish the Contract, Annual Work Programme and Annual Financial Plan on its website.

On the basis of the Contract or the Draft Contract, the Council for Electronic Media (CEM) issues a licence to the HRT to launch a new radio or television programme channel or to provide on-demand audio/audiovisual media services or a licence for satellite, internet, cable or other transmission of audiovisual and/or radio programme.

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The Contract contains qualitatively defined obligations on public services that must be provided by the HRT. In particular, it regulates the HRT radio and television programme channels with a view to their type, remit and programme basis, the number, type and content of the HRT webpages, as well as the conditions for providing other public services enabled by technological developments of electronic media. It defines online services that may be provided by the HRT and specifies those that may not. It also prescribes programme and additional obligations in relation to different content such as sport events, foreign programme content, content intended for national minorities and special-interest groups, protection and preservation of audio/audiovisual material and the obligation to alert and inform the public in emergency situations. It provides for the mechanism and procedure of a public value test for the services provided.

The Contract regulates the financing of strategic projects and other investments and of HRT public services per year and source. Likewise, it prescribes the powers and obligations of the HRT bodies in relation to the management of the resources earmarked for the implementation of the Contract and the reporting on it.

On the basis of a Contract the HRT may introduce significant new audiovisual services, i.e., services that are significantly different from services already being provided with a view to their content, way of consumption, access and group of intended users, provided that the costs incurred by their provision surpass more than 2 percent of the annual HRT budget earmarked for the provision of public services in accordance with the Law. Significant modifications to existing services shall be subject to the same assessment. If a Contract foresees launching such a significant new audiovisual service, it is necessary to also take into consideration the possible impact on market conditions and competition. Before launching a significant new audiovisual service or significantly modifying an existing one, a public consultation must be launched. When this consultation is concluded, the HRT management must submit the proposal for the new service, all comments received during the consultation and the opinion of the HRT Programme Council, to the public authority responsible for the protection of competition in order to evaluate the possible impact on market conditions and competition. After receiving the evaluation, the HRT must submit it, along with the proposal for the new service, the comments received and the opinion of the HRT Programme Council, to the CEM. The CEM then publishes the findings of the consultation and the relevant legal basis, and determines whether all conditions for the introduction of the significant new audiovisual service have been fulfilled.

Zakon o Hrvatskoj radioteleviziji

http://narodne-novine.nn.hr/clanci/sluzbeni/2010_12_137_3515.html

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