[HR] CEM Imposes Fines on Croatian Broadcasters

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Nives Zvonarić
Ministry of Culture, Zagreb, Croatia

The Electronic Media Act (EMA), in Article 69, Paragraph 1, Subparagraphs 12 and 16, prescribes that the Council for Electronic Media (CEM) ensures the supervision over the implementation of provisions on the programming principles and obligations determined by the EMA and a special regulation, save for electronic publications. The CEM also considers the complaints of citizens on the media services providers' behaviour with regard to the implementation of acts and takes measures in compliance with the EMA.

Pursuant to the aforementioned provisions of the EMA, by maintaining continuous supervision as well as on the basis of citizen complaints, the CEM has determined on 30 August 2012 and on 12 September 2012 that two broadcasters operating on the national level - the Croatian Radio Television (HRT - the national PSB) and RTL Croatia (a commercial broadcaster) - had violated the provisions of the Croatian Radio Television Act and the EMA.

Upon having conducted the prescribed procedure and receiving the respective broadcaster's statement on the matter, the CEM issued, on the basis of Article 69, Paragraph 1, Subparagraph 6 of the EMA and Article 229, Paragraph 1, Subparagraph 3 of the Misdemeanour Act, several misdemeanour warrants to the broadcasters and their responsible persons.

The HRT violated the following norms:

- Article 17, Paragraph 1 of the EMA, prescribing the requirements that are to be fulfilled by the sponsored audiovisual media services and programmes. The CEM held that the broadcaster acted contrary to the said provision when broadcasting several episodes of the feature Vježbajmo zajedno (Let's stay fit together), which is a regular part of the HRT programme Dobro jutro Hrvatska (Good Morning, Croatia), by not informing the viewers clearly of the existence of sponsorship agreements while presenting and highlighting food products of the Nestlé company as well as the "Fitness by Vem" logo. On the basis of Article 83, Paragraph 1, Subparagraph 2 and Paragraph 2 of the EMA, the broadcaster has been fined in the amount of HRK 10,000 (about EUR 1,346.17) and the responsible person (the Director General) in the amount of HRK 5,000 (about EUR 673.08);

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- Article 29, Paragraph 1 of the EMA, prescribing that advertising and teleshopping must be readily recognisable and distinguishable from editorial content and that, without prejudice to the use of new advertising techniques, advertising and teleshopping must be kept distinct from other parts of the programme by optical, acoustical and/or spatial means. The CEM held that the broadcaster acted contrary to the said provision when broadcasting a feature during the informative programme Dnevnik (Daily News), which presented an interview with the Croatian water-polo player Dubravko Šimenc, who was wearing a t-shirt with clearly prominent name “Karlovačko pivo” (Karlovac Beer) and declared in his statement that he was “grateful to the Karlovac Brewery”. On the basis of Article 82, Paragraph 1, Subparagraph 14 and Paragraph 2 of the EMA, the broadcaster was fined to the amount of HRK 100,000 (about EUR 13,461) and the responsible person (the Director General) with the amount of HRK 10,000 (about EUR 1.346);

- Article 37, Paragraph 2 of the Croatian Radio Television Act, prescribing that the duration of advertising spots in any HRT programme in the general programme channels must not exceed 9 minutes within any programme hour, whereas in the period from 18:00 to 22:00 the maximum duration is reduced to 4 minutes per hour. The CEM has determined, on the basis of an HRT programme analysis, that the broadcaster had exceeded the permitted duration of advertising spots within HRT1 and HRT2 programmes in June 2012. On the basis of Article 46, Paragraph 1, Subparagraph 4 and Paragraph 2 of the Croatian Radio Television Act, the broadcaster has been fined in the amount of HRK 100,000 (about EUR 13,461) and the responsible person (the Director General) with the amount of HRK 10,000 (about EUR 1,346).

RTL Croatia violated the following norms:

- Article 38, Paragraph 1 of the EMA, prescribing that the legally determined minimum of in-house productions must amount to at least 20 % of daily broadcast time of each audiovisual programme channel of a television broadcaster, out of which at least 50 % must be broadcast in the period from 16:00 to 22:00, unless otherwise stipulated by the Act. On the basis of an RTL TV programme’s analysis, the Council has determined that the broadcaster has provided an insufficient proportion of in-house productions during 9 days in June 2012. Pursuant to Article 82, Paragraph 1, Subparagraph 20 and Paragraph 2 of the EMA, the broadcaster has been fined to the amount of HRK 100,000 (about EUR 13,461) and the responsible persons (the President and the member of the Management Board) to the amount of HRK 10,000 (about EUR 1.346) each.

Zapisnik s 46-12 sjednice Vijeća za elektroničke medije, održane dana 30. kolovoza 2012.

http://www.e-mediji.hr/files/sjednice/Zapisnik_46-12_762.pdf

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46-12 Minutes of meetings of the Council for Electronic Media, held on 30 August 2012 (HRT)

Zapisnik s 48-12 sjednice Vijeća za elektroničke medije, održane dana 12. rujna 2012

http://www.e-mediji.hr/files/sjednice/Zapisnik_48-12_780.pdf

48-12 Minutes of meetings of the Council for Electronic Media, held on 12 September 2012 (RTL)

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