

[HR] New Law on Electronic Media (proposal no. 62) sent to Parliament

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The new Law on Electronic Media was officially presented before the Croatian Parliament in November 2020 and is scheduled to be discussed in a first reading before the end of this year. This will be the seventh change in the law; it was first adopted in 2003 and amended in 2007, 2008, 2009 (twice), 2011, and 2013. Prior to 2003, the audiovisual sector was included in the Law on Telecommunications (first adopted in 1994, amended twice in 1999 and twice in 2001, with subsequent changes ceasing to encompass the content-producing media industry). The 2003 law created the Agency for Electronic Media as a financially independent arms-length regulator in the audiovisual sector. The 2009 amendment to the law introduced a non-linear audiovisual service in the law, ahead of the adoption of the 2010/13 EU Audiovisual Media Services Directive (AVMS).

The Ministry of Culture of Croatia first put forward the present legislative proposal for public consultation with the interested public via its online platform on 4 February 2020 (REF 2). While the proposal first appeared just before the start of the COVID-19 pandemic, with public attention being focussed soon afterwards on pandemic-related issues, some controversial issues regarding the proposal were publicly challenged and debated at that time. As the proposal was unveiled amid the discussions in Europe and globally about how to tackle fake news, it was presented by the Ministry of Culture as the solution to the problem of fake news on social media and online platforms. Especially troublesome was the idea in this original proposal that the (theoretically) arms-length regulatory body in the audiovisual and electronic media sector (the Agency for Electronic Media) would decide on which news and information and current affairs content did not represent reality accurately or in a way which would enable the free formation of opinion (Article 16), leading to fines of up to HRK 1 million (EUR 133 000). Many critics insisted that the only institution that should have the power to decide if media content is contrary to law are the courts, and even then, not in relation to issues of this kind, which are, and should remain, part of professional journalistic standards and ethical journalistic conduct in reporting news and current affairs. The proposal of February 2020 has since been amended, and the law before parliament no longer includes fines for news misrepresentation.

Proposal No. 62 aims to include the adopted changes in the new Audiovisual Media Services Directive (2018/1808), especially those concerning video-sharing platforms and social media; the flexibility of regulatory constraints regarding

television; the increased promotion of European content and the protection of children; more effective prevention of hate speech; and the strengthening of the independence of national regulatory bodies (paragraph 2). The debates surrounding the proposal and the final solutions adopted will be presented in the next article.

Zakon o elektroničkim medijima (pze 62)

https://www.sabor.hr/sites/default/files/uploads/sabor/2020-11-12/164712/PZE_62.pdf

Law on Electronic Media (PZE 62)

