[HR] New Electronic Media Act

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The new Electronic Media Act entered into force on 21 October 2021, thus incorporating provisions of Directive (EU) 2018/1808 of the European Parliament and of the Council from 14 November 2018, into national legislation.

A new obligation has been introduced in respect of advertisements for games of chance, stipulating - for the first time - that they must contain a message about the risk of developing gambling addiction and be marked with a visual symbol. Criteria for the advertisement of energy drinks were also stipulated.

The Act stipulates ownership restrictions related to the protection of pluralism and diversity of electronic media, which apply to all media service providers established in the Republic of Croatia and affiliated persons determined in accordance with the Tax Act. A media service provider shall be considered to have a dominant role in the market if its market share is 40% of the share of the annual revenue of all media service providers and electronic publications in the Republic of Croatia. The calculation takes into account the revenue of Croatian Radio-television realised exclusively through the performance of commercial activities, as well as the revenue of affiliated persons. Where an individual provider is determined to have such a dominant role in the market, that provider may no longer acquire shares in other media service providers, nor may it obtain additional concessions or permits, or be a provider of electronic publications that constitute expansion of business activities.

The article prohibiting vertical integration has been deleted, and an obligation imposed on state-level concession broadcasters, requiring them to make a public offer to broadcast its free-to-air television channels to electronic communications operators providing pay-TV services to end-users, while total compensation is to be calculated by the Agency for Electronic Media (AEM) in cooperation with Croatian Agency for Network Activities (HAKOM). It should also be emphasised that the obligation on state-level concession broadcasters pursuant to this article covers only programmes for which they have a concession and cannot link other offers to such programmes. This provision does not include channels of the Croatian Radio-television, since their obligation and methods of determination of prices are stipulated by the Electronic Communications Act.

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In case that operators become providers of media broadcasting services via satellite, cable, internet and other permitted forms of transmission, they must ensure that the share of Croatian independent producers in the annual audiovisual program is at least 10% of total gross annual revenue realised in the previous year through performance of activities.

Providers of on-demand media services directed to the Republic of Croatia and established in the European Union are under an obligation to pay a financial contribution for the implementation of the National Program for the Promotion of Audiovisual Creativity for the Production of European Works in accordance with the law governing audiovisual activity, and to invest 2% of gross annual income into the production of Croatian audiovisual works by independent producers or to purchase Croatian audiovisual works produced by independent producers.

Finally, it should be emphasised that the Act stipulates the responsibility of electronic publication providers for all published content, including content generated by users, in the case they have failed to register such user and if they have not clearly and in an easily detectable manner warned the users about commenting rules and violations of stipulated provisions.

Zakon o elektroničkim medijima

https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1942.html

Electronic Media Act

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