

De jure - rules	Yes / No / Partially	Details	Trends (e.g. relaxation, reinforcement)	De facto - situation (Comments)
<p>Transparency rules for all media (media register, published reports etc.)</p>	<p><b>Yes</b></p>	<p>The Media Act (Article 14) – Annual report by all media outlets, including ownership structure, financial results, data on average listenership/readership/viewership shall be published in the media.</p> <p>The Media Act (Article 32) – Ownership data shall be published in the Official Gazette by 28 February every year.</p> <p>The Media Act (Art. 34) – Data on business results including: total income, average circulation, average readership/listenership/viewership in the past year – shall be published in own media by 30 April every year.</p> <p>The Media Act (Art. 12) – Obligation of press outlets and distributors to register and provide data to the Croatian Chamber of Economy (CCE). The data collected include: annual reports on ownership structure (Article 32) and financial results (Article 34); obligation of distributors to submit financial reports (Article 38).</p> <p>Electronic Media Act (Article 52) – Media outlets obliged to provide to the Council for Electronic Media a data on media ownership shares until 31 January every year. The same data</p>	<p>Reinforcement.</p> <p>In 2011, the Media Act was amended stipulating that any type of concealment of ownership structure is prohibited.</p>	<p>Not implemented properly.</p> <p>Not easily available/searchable.</p> <p>If some of the data required exists on the web sites – it is unstandardized, incomplete and not easily found.</p> <p>In addition, data that exists on specific media outlets look more like advertising than reliable data. The regulators should define a standardized form that would be easily accessible via the web sites of the media.</p> <p>Not properly defined categories of data collection.</p> <p>It is unclear to what extent the regulator control this.</p> <p>It is also unclear why the</p>

		has to be published in the Official Gazette.		Croatian Chamber of Economy collects the data on press media.
Specific transparency rules for PSB	<b>Yes</b>	<p>The Croatian Radio-Television Act (Article 13) –The Contract (consisting of program obligations and financial plan), between the PSB HRT and the Croatian Government, and annual working plan and financial plan have to be published on the internet site of the PSB.</p> <p>The Croatian Radio-Television Act (Article 26) – Annual reports of the Council of HRT has to be published on the internet site of the PSB HRT.</p> <p>The PSB HRT is obliged to report to external institutions such as the Croatian Parliament and the Council for Electronic Media.</p> <p>The Croatian Radio-Television Act (Article 41) – Statute of Croatian Radio-Television has to be published on the internet site and in the Official Gazette.</p> <p>The Croatian Radio-Television Act (Art.11) – General Terms and Conditions has to be published on the internet site.</p> <p>The Right to Access Information Act obliges all public institutions to make their activities and data available to the public via their internet sites and upon individual request.</p>	Reinforcement.	<p>The first five year contract was signed this year (2013–2017).</p> <p>The process of restructuring has not been set in motion properly.</p>
Transparency rules for media regulator(s)	<b>Yes</b>	<p>The Electronic Media Act (Article 19) – Council for Electronic Media is obliged to publish the list of electronic media with concession on their web site.</p> <p>The Electronic Media Act (Article 23) – Council for Electronic Media is obliged to publish the program principles on which the concession is based on their internet site.</p> <p>The Electronic Media Act (Art. 64) – Council for Electronic Media is obliged to publish the list of the media outlets</p>	No change.	<p>The work of the Council for Electronic Media – that holds considerable power and manages a substantial budget – has been non-transparent for long period. It has not ensured that legislative stipulations are implemented in practice.</p> <p>The Croatian Chamber of</p>

		<p>financed through the Fund for Pluralism and Diversity (name of media, program and content and their reports) on its internet site.</p> <p>The Electronic Media Act (Article 67) – Council for Electronic Media is obliged to publish its annual report and to submit it to the Croatian Parliament.</p> <p>The Electronic Communication Act (Article 14) – Registers and data bases, documents, public tenders, statistics, annual program of work, annual financial plan, annual report of activities – all have to be publicly available and frequently updated on the internet site of the Croatian Post and Electronic Communications Agency. The annual report of activities and decisions that have a large influence on specific markets also have to be published in the Official Gazette</p> <p>The Audiovisual Activity Act (Article 9) – Supervisory Board is obliged to submit annual reports to the Ministry of Culture.</p> <p>The Access to Information Act obliges all public institutions to make their activities and data available to the public via their internet sites and upon individual request.</p>		<p>Economy with its non transparent mode of conduct is closed to the public.</p> <p>It is not stipulated where they should publish the annual report (Article 67).</p> <p>The area of electronic communications is in the purview of the Ministry of Maritime Affairs, Transport and Infrastructure (in charge of technical aspects of electronic communication networks and services, and the maintenance and development of electronic communication infrastructure such as the radiofrequency spectrum, digitalization process).</p> <p>There are no specific stipulations that would ensure transparency of activities of the Croatian Chamber of Economy and The Agency for Audiovisual Activities – however, this can be accessed (de jure) through the Right to Access Information Act.</p>
Anti-concentration rules	<b>Yes</b>	<p>The Market Competition Protection Act applies to all market players including media organizations.</p> <p>The Media Act (Article 35) stipulates the protection of market competition that applies to all media.</p> <p>The Media Act (Article 36) stipulates that the media are</p>	No change.	The Croatian media market is highly concentrated.

		<p>obliged to declare their intention to merge to the Market Competition Agency.</p> <p>The Media Act (Article 37) restricts media concentration for press media outlets if the market share exceeds more than 40 % of total sold copies in Croatia.</p> <p>The Electronic Communication Act (Article 68) stipulates that electronic communication operators must notify the Market Competition Protection Agency on intention to merge.</p> <p>The Electronic Media Act (Article 53) defines the meaning of 'connected parties' – individuals connected through family, marriage, relatives, shareholders; individuals connected through marketing contracts, members of various supervisory boards. According to the Article 55 these 'connected parties' are taken into consideration in the estimation of media concentration.</p>		
Cross ownership rules	<b>Yes</b>	<p>The Electronic Media Act restricts cross-media ownership on different levels.</p> <p>Article 54 establishes restrictions for cross-media ownership for television and radio outlets operating on national level if:</p> <ul style="list-style-type: none"> <li>- They hold more than 25% of shares in a media outlet on any other regional, county and municipal level;</li> <li>- They hold more than 10% shares in a media outlet publishing daily newspaper in more than 3,000 copies;</li> <li>- Hold more than 10% share of a press agency media outlet;</li> <li>- They simultaneously publish a daily newspaper in more than 3,000 copies.</li> </ul> <p>It also restricts cross-media ownership for television and</p>	No change.	

		<p>radio outlets operating on a local or regional level if:</p> <ul style="list-style-type: none"> <li>- They hold more than 30% shares in media outlets operating in the same local and regional market;</li> <li>- If it simultaneously publishes a daily newspaper in the same of neighboring area of local importance;</li> <li>- Satellite, internet and cable operators that simultaneously publishes a daily newspaper with more than 3,000 copies;</li> <li>- Satellite, internet and cable operators that holds more than 10% of shares in a media outlet that publishes a daily newspaper in more than 3,000 copies.</li> </ul> <p>The Electronic Media Act (Article 60) prevents legal entities holding more than 10% of shares of advertising agencies to hold shares in television or radio outlets</p> <p>The Electronic Media Act (Article 57) stipulates that all changes in the ownership structure need to be reported to the Council for Electronic Media.</p>		
Ban/restrictions of media ownership for politicians	<b>Partially</b>	<p>It is regulated indirectly through the Prevention of Conflict of Interests Act: any engagement of public officials creating conflict of interest is banned.</p> <p>The Prevention of Conflict of Interests Act (Article 16) stipulates that a public official holding more than 0,5% shares in a company shall transfer his/her rights in the company to another person or a special body, while on duty.</p>	No change.	
Barriers/thresholds for foreign ownership in the media	<b>No</b>		<p>Relaxation.</p> <p>The Media Act was amended in 2013. It introduced</p>	The same treatment as Croatian citizens.

			relaxation of barriers for foreign owners based in EU – in terms of the possibility to register the media outlet in Croatia without having their headquarter or permanent address in Croatia (this is result of EU membership).	
Separate anti-monopoly body for media industry	<b>No</b>			
General anti-monopoly body in charge of media concentration	<b>Yes</b>	It is the Market Competition Protection Agency. This area is regulated by the Market Competition Protection Act.	No change.	
Conflict of interest rules for members in regulatory bodies	<b>Yes</b>	<p>The Electronic Media Act (Article 68) stipulates that the following persons shall not be appointed for members of the Council for Electronic Media: official of political parties, state officials, officials in the executive or judicial authorities, persons involved in ownership, management or supervision of the media outlets that are regulated by the Electronic Media Act, persons performing tasks which could lead to a conflict of interests.</p> <p>The Electronic Communication Act (Article 8) stipulates that that the following persons shall not be appointed for members of the Croatian Postal and Electronic Communication Agency; state officials, officials of political</p>	Reinforcement.	<p>Non-transparent.</p> <p>Conflict of interest is recently regulated by the Prevention of Conflict of Interest Act (2013), but the implementation is still lacking.</p>

		<p>parties, persons involved in ownership, management or supervision, or connected to legal entities regulated by the Electronic Communication Act, or persons performing tasks which could lead to a conflict of interests.</p> <p>The Prevention of Conflict of Interest Act (2013) also should be applied.</p>		
Conflict of interest rules for governing bodies of PSB	<b>Yes</b>	<p>The Croatian Radio-Television Act (Article 25) stipulates that members of the Council may not be state officials, officials of political parties, and of local or regional authorities, persons connected to other competitive legal entities or persons performing tasks which could lead to a conflict of interests.</p> <p>The Prevention of Conflict of Interest Act (2013) also should be applied.</p>	Reinforcement.	
Conflict of interest rules for management of PSB	<b>Yes</b>	<p>The Croatian Radio-Television Act (Article 20) stipulates that director and editors in chief may not be at the same time members of the state authority bodies, bodies of local or regional authorities and bodies of political parties.</p> <p>The Prevention of Conflict of Interest Act (2013) also should be applied.</p>		<p>The current director of HRT was accused of conflict of interest due to the fact that he did not declare all his assets. In his defense he claimed that the position of the director of PSB was not a position of public official. These arguments were refused by the Committee for Conflict of Interests. However, the director did not offer his resignation, nor was he dismissed from his position.</p>
Conflict of interest rules for top management position in regulator	<b>No</b>	<p>Not specific provisions for top management position in regulator. The same provisions are applied as for members of the regulatory bodies.</p> <p>The Prevention of Conflict of Interest Act (2013) also should</p>	No change.	

		be applied.		
Conflict of interest rules for members of decision making body on media subsidies	<b>Yes</b>	<p>The conflict of interest rules for the Council for Electronic Media are applied also here.</p> <p>If specific expert committees are established to deal with media subsidies they are regulated by subsidiary legislation.</p> <p>The Prevention of Conflict of Interest Act (2013) also should be applied.</p>	<p>Reinforcement.</p> <p>The amendments of the Electronic Media Act in 2013 have enabled nonprofit electronic media to compete for the funds allocated from the Fund for Promotion of Pluralism and Diversity of Electronic Media, including online publications for the first time (web portals).</p>	
Merit system for nomination and appointment for members of regulatory body	<b>Yes</b>	<p>The Electronic Media Act (Article 68) – Members of Council for Electronic Media are appointed by the Parliament. It is specified that the members have to be professionals with knowledge and experience in the radio, television, publishing, cultural or similar field. The member shall be public persons who have distinguished themselves in public life by advocating the respect for democratic principles and the rule of law, building and promotion of the highest values of the constitutional system of the Republic of Croatia, development of civil society, defence of human rights and freedoms, as well as protection of the freedom of expression.</p> <p>The Electronic Communication Act (Article 8) – In the case of the regulatory body of the Croatian Postal and Electronic Communication Agency a member of the Agency’s Council</p>	No change.	The nominations and appointments are often influenced by political affiliations or base on loyalty to patrons.



		<p>shall hold a Master degree in electronic communications, postal transportation, law or economy; have active knowledge of at least one foreign language (English, French or German).</p> <p>The members of the Agency’s Council shall have 5 years of working experience in the area of electronic communications or postal services.</p> <p>The Electronic Communication Act (Article10) – Director of the Croatian Postal and Electronic Communication Agency shall hold Master degree in electronic communications, postal services, law or economy; have at least three years of working experience in managerial positions in the area of electronic communications or postal services, and knowledge of at least one foreign language (English, French, German).</p>		
Merit system for nomination of members of governing bodies of PSB	<b>Yes</b>	<p>The Croatian Radio-Television Act (Article 20) – Director shall hold Master degree, have knowledge of at least one foreign language (English is obligatory), minimum 10 years on managerial positions in the media or other business systems, have knowledge in the field of media policy and legislation, as well as in new information technologies.</p> <p>The Croatian Radio-Television Act (Article 22) – Supervisory Board members shall hold Master degree, have knowledge of at least one foreign language and have 10 years of working experience. One member of the Board has to be a professional in the area of law, and one in finances/economy. Most of the members should have working experience in the field of media.</p> <p>The Croatian Radio-Television Act (Article25) – Members of the Council of HRT shall be media experts, well known intellectuals, artists, experts, public persons who have distinguished themselves in public life by commitment to democratic principles, rule of law, the values promoted in</p>	No change.	The nominations and appointments are often influenced by political affiliations or based on loyalty to patrons.

		the Constitution, development of civil society, protection of human rights and freedoms, enhancement of culture, science and art and protection of freedom of speech and media. In the appointment process, pluralism of worldviews and other types of pluralism shall be ensured.		
Ban of political propaganda outside election period	<b>Yes</b>	The Electronic Media Act – Political advertising (Article 30) and sponsorship (Article 35) are banned outside an election period.	No change.	There are common practices of indirect ‘promotion’ of political parties/personalities in the media all the time.
Obligation of fair and balanced reporting	<b>Yes</b>	Electronic Media Act (Article 25). Media Act (Article 3). Croatian Radio-Television Act (Article 7). Croatian News Agency Act (Article 5).	No change.	Not implemented. No one monitor this; occasional reflections provided by the Croatian Journalists Association.  Numerous research reports show the breach of this provision and the overall lowering of the quality and ethical standards of the media.
Editorial independence rules for private media	<b>Partially</b>	The Media Act (Article 26) – The relations between media owner, editor in chief and journalists should be regulated by the Statute of the media (self-regulation). The Statute needs to be approved by the majority of the total number of journalists in the media.  The Electronic Media Act (Article 23) stipulates that in order to change the media program orientation, owner has to get the opinion of the editorial board.	Reinforcement.  In July 2013, the Value Added Tax Act was introduced with Article 38 stipulating tax reduction for daily newspapers (with general news) containing minimum 25,000 words (the tax is reduced to 5%), and for other newspapers and magazines (the tax is	Many media do not have a statute. This area is not monitored by regulators. With the new regulation on tax reduction the print media are encouraged to adopt such internal regulation.

			reduced to 10%). However, this should only apply to the print media which have a statute.	
Editorial independence rules for PSB	<b>Yes</b>	Croatian Radio-Television Act (Article 17) guarantees autonomy through editorial independence.	No change.	There are indications of close connections between political power and managerial/editorial positions at the PSB in Croatia.  The 2010 Croatian Radio-Television Act has been criticized for strengthening of political control, especially through the appointment procedure for director.
Journalists autonomy - conscious clause	<b>Yes</b>	The Media Act (Article 26) stipulates that the relations between media owner, editor in chief and journalists should be regulated by the Statute of the media (self-regulation). It should regulate the appointments and dismissal of editors in chief, and the procedure and conditions in which editors and journalists have to exercise their rights in case of change of ownership or management that results in considerable changes in the program orientation of the media (conscious clause).  The Media Act (Article 27) stipulates that journalists have the right to express their opinion without consequences for their working contracts and conditions.  The Media Act (Article 28) stipulates that journalists have the right to right to refuse an assignment which is not in accordance with good journalistic practice without consequences for their working contracts and conditions.	No change.	Many media outlets do not have a statute and when they do, the provisions are often not implemented. This area is not monitored by regulators.  Large number of journalists work under unlawful contracts (so called RPO contracts). With such employments the employers in the media industry avoid taxes while creating an insecure, precarious position of journalists in the labour market).

Journalists opinion on appointments and dismissals of editors requested	<b>Yes</b>	The Croatian Radio-Television Act (Article 20) – Before the appointment of editors in chief the opinion of journalists and other employees participating in the creative process is required.  The Croatian Radio-Television Act (Article 21) – Before the appointment of editors in chief, the director of the PSB asks for the opinion of journalists and other employees included in the creative process.	No change.	
Legal obligation for employers to sign collective contracts on labor rights in the media	<b>No</b>			The Croatian Journalist Union has made some efforts over the years, and attempts to sign a collective contract on national level. However there are no legal obligations on labor rights in the media.

**Relevant acts:**

The Media Act (2004, amended in 2011 and 2013), available in Croatian at: <http://www.zakon.hr/z/38/Zakon-o-medijima>.

The Electronic Media Act (2009, amended in 2011, 2013), available in Croatian at: <http://www.zakon.hr/z/196/>.

The Croatian Radio-Television Act (2010), available in Croatian at: <http://www.zakon.hr/z/392/Zakon-o-Hrvatskoj-radioteleviziji>.

The Audiovisual Activities Act (2007, amended in 2011), available in Croatian at: <http://www.zakon.hr/z/489/Zakon-o-audiovizualnim-djelatnostima>.

The Croatian News Agency Act (2001), available in Croatian at: <http://www.propisi.hr/print.php?id=720>.

The Electronic Communication Act (2008, amended in 2011, 2012, 2013), available in Croatian at: <http://www.zakon.hr/z/182/Zakon-o-elektroni%C4%8Dkim-komunikacijama>.

The Value Added Tax Act (2013), available in Croatian at: <http://www.zakon.hr/z/186/>.

The State Subsidies Act (2013), available in Croatian at: <http://www.zakon.hr/z/464/zakon-o-dr%C5%BEavnim-potporama>.

The Political Activity and Election Campaign Funding Act (2013), available in Croatian at: <http://www.zakon.hr/z/443/zakon-o-financiranju-politi%C4%8Dkih-aktivnosti-i-izborne-promid%C5%BEbe>.

The Concession Act (2012), available in Croatian at: <http://www.zakon.hr/z/157/Zakon-o-koncesijama>.

The Prohibited Advertising Act (2009), available in Croatian at: <http://www.zakon.hr/z/229/Zakon-o-nedopu%C5%A1tenom-ogla%C5%A1avanju>.

The Right to Access Information Act (2013), available in Croatian at: <http://www.zakon.hr/z/126/>.

The Prevention of Conflict of Interests Act (2011, 2013), available in Croatian at: [http://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_04\\_48\\_914.html](http://narodne-novine.nn.hr/clanci/sluzbeni/2013_04_48_914.html).

The Market Competition Protection Act (2009, amended in 2013), available in Croatian at: <http://www.zakon.hr/z/114/Zakon-o-za%C5%A1titi-tr%C5%BEi%C5%A1nog-natjecanja>.

The Penal Act (2011, amended in 2012), available in Croatian at: <http://www.zakon.hr/z/98/>.

The Labor Act (2009, amended in 2011, 2012, 2013), available in Croatian at: <http://www.zakon.hr/z/307/>.

#### **Relevant institutions/bodies:**

Croatian Chamber of Economy, available in Croatian at: <http://www.hgk.hr/>.

Agency/Council for Electronic Media, available in Croatian at: <http://www.e-mediji.hr/>.

Center for Audiovisual Activities, available in Croatian at: [http://www.havc.hr/index\\_hr.php?menu\\_id=24](http://www.havc.hr/index_hr.php?menu_id=24).

Croatian Parliament (Parliamentary Committee on Information, Computerization and the Media), available in Croatian at: <http://www.sabor.hr/Default.aspx?sec=5223>.

Croatian Post and Electronic Communications Agency, available in Croatian at: <http://www.hakom.hr/>.

Ministry of Culture, available in Croatian at: <http://www.min-kulture.hr/>.

Market Competition Agency, available in Croatian at: <http://www.aztn.hr/>.

PSB HRT, available in Croatian at: <http://www.hrt.hr/>.