

The EU Audiovisual Media Services Directive and its transposition into national law – a comparative study of the 27 Member States

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Member State: Croatia

Synopsis of national legislation with AVMS Directive

Important Notice

This text is an unofficial translation conducted at the University of Luxembourg in the framework of a research project on the transposition of the “**Audiovisual Media Services Directive**” in the Member States of the European Union.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, several national legal acts have been shortened to include only those provisions of relevance for the study. Subsequently, the modified acts were translated by a translation agency external to the university.

This document contains a **synopsis** in the form of a table displaying the national legislation aside the Directive. It merely serves to illustrate differences and similarities in wording. Therefore, it cannot be guaranteed that the comparisons are absolutely correct and in accordance with the intentions of the Member States.

The translations only serve the purpose of being an information source; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at: www.medialaw.lu, where additional information on the comparative study may be found.

Member State: Croatia

Electronic Media Act (EMA)

Official Journal: NN 153/09 i 84/11

[...]

Art. 1 (1) AVMSD	Art. 2 EMA
<p>1. For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) 'audiovisual media service' means:</p> <p>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;</p> <p>(ii) audiovisual commercial communication;</p> <p>(b) 'programme' means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider and the form and content of which are comparable to the form and content of television broadcasting. Examples of programmes include feature-length films, sports events, situation comedies, documentaries, children's programmes and original drama;</p>	<p>(1) For the purposes of this Act particular terms have the following meaning:</p> <p>3. <i>Audiovisual media service</i>: a service as defined by Articles 56 and 57 of the Stabilisation and Association Agreement between the Republic of Croatia and European Communities and their Member States, which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of the provisions of Electronic Communications Act. Such an audiovisual media service is either a television broadcast or an on-demand audiovisual media service and/or audiovisual commercial communication as defined in this Act.</p> <p>4. <i>Audiovisual programme</i>: set of moving images with or without sound constituting an individual item within a schedule or a catalogue of programmes established by a media service provider and whose form and content is comparable to the form and content of television broadcasting. Examples of programmes include feature-length films, sports events, situation comedies, documentaries, children's programmes and</p>

<p>(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;</p> <p>(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;</p> <p>(e) 'television broadcasting' or 'television broadcast' (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;</p> <p>(f) 'broadcaster' means a media service</p>	<p>original drama.</p> <p>5. <i>General television or radio programme channel</i>: channel of varied contents which has the programme basis containing mainly information, education, cultural and entertainment programmes pursuant to Article 23 paragraph 1 and 2 of this Act.</p> <p>6. <i>Specialised television or radio programme channel</i>: channel which has the programme basis containing a programme scheme more than 70% of which are the programmes of the same kind pursuant to Article 23 paragraph 3 of this Act.</p> <p>7. <i>Editorial responsibility</i>: the exercise of effective control both over the sélection of programmes and over their organisation either in a chronological programme schedule, in case of television or radio broadcasts, or in a catalogue of programmes, in case of on-demand audio and audiovisual media services. Editorial responsibility does not necessarily imply any legal liability for the content or the services provided, unless defined otherwise under this Act or a separate act.</p> <p>8. <i>Media service provider</i>: the natural or legal person who has editorial responsibility for the choice of the audio and audiovisual content of the audio and audiovisual media service and determines the manner in which they are organised.</p> <p>11. <i>Television media service or television broadcast (i.e. a linear audiovisual media service)</i>: an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule.</p> <p>9. <i>Television broadcaster</i>: media service</p>
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<p>provider of television broadcasts;</p> <p>(g) 'on-demand audiovisual media service' (i.e. a non-linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;</p> <p>(h) 'audiovisual commercial communication' means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;</p> <p>(i) 'television advertising' means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations,</p>	<p>provider of television broadcasts.</p> <p>10. <i>Radio broadcaster</i>: a media service provider of radio broadcasts.</p> <p>12. <i>On-demand audiovisual media service (i.e. a non-linear audiovisual media service)</i>: an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.</p> <p>13. <i>Near video on demand audiovisual media service</i>: an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a programme schedule.</p> <p>14. <i>Audiovisual commercial communication</i>: images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement.</p> <p>15. <i>Advertising</i>: any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertakings or natural persons in connection with craft, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment.</p>
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<p>in return for payment;</p> <p>(j) ‘surreptitious audiovisual commercial communication’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;</p> <p>(k) ‘sponsorship’ means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of audiovisual media services or programmes with a view to promoting their name, trade mark, image, activities or products;</p> <p>(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;</p> <p>(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;</p>	<p>16. <i>Surreptitious audiovisual commercial communication</i>: the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a service provider in programmes, when such representation is intended by the media service provider to use such representation as advertising that might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration.</p> <p>19. <i>Sponsorship</i>: any contribution made by a public or private undertaking or natural person not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of audiovisual media services or programmes with a view to promoting its name, its trade mark, its image, its activities or its products.</p> <p>20. <i>Teleshopping</i>: direct offer broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.</p> <p>21. <i>Product placement</i>: any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration.</p>
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Art. 1 (n) AVMSD	Art. 41 EMA
‘European works’ means the following:	(1) Within the meaning of this Act, European

<p>(i) works originating in Member States;</p> <p>(ii) works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 3;</p> <p>(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.</p> <p>2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.</p> <p>3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:</p> <p>(i) they are made by one or more producers established in one or more of those States; EN L 95/12 Official Journal of the European Union 15.4.2010</p> <p>(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;</p> <p>(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.</p> <p>4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers</p>	<p>works means the following:</p> <ul style="list-style-type: none"> - works originating in Member States of the European Union, - works originating in European states party to the European Convention on Transfrontier Television and fulfilling the conditions of paragraph 3 of this Article, - works co-produced within the framework of agreements related to the audiovisual sector concluded between the European Union and third countries and fulfilling the conditions defined in each of those agreements. <p>(2) Application of the provisions of paragraph 1, subparagraphs 2 and 3 of this Article shall be conditional only on works originating in Member States of the European Union not being the subject of discriminatory measures in the countries concerned.</p> <p>(3) The works referred to in paragraph 1, subparagraphs 1 and 2 of this Article are works mainly made with authors and workers residing in states referred to in paragraph 1, subparagraphs 1 and 2 of this Article, provided that they comply with one of the following conditions:</p> <ul style="list-style-type: none"> - they are made by producers established in one or more of the mentioned states, or - production of an individual work is supervised and actually controlled by one or more producers established in one or more of the mentioned states, or - the contribution of co-producers of the mentioned states to the total co-production costs is preponderant and the coproduction is not controlled by one or more producers established outside the mentioned states. <p>(4) Works that are not considered European works within the meaning of paragraph 1 of this Article, but that are produced within the framework of bilateral co-production treaties concluded between Member States of the European Union and third countries shall be deemed to be European works, provided that the co-producers from the European Union supply a majority share of the total cost of the production and that the</p>
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established outside the territory of the Member States.	production is not controlled by one or more producers established outside the territory of the Member States of the European Union.
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Art. 2 AVMSD	Art. 6 EMA
<p>1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.</p> <p>2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:</p> <p>(a) those established in that Member State in accordance with paragraph 3;</p> <p>(b) those to whom paragraph 4 applies.</p> <p>3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:</p> <p>(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;</p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates.</p> <p>If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the</p>	<p>(1) Media service providers under the jurisdiction of the Republic of Croatia are those established in the Republic of Croatia or those deemed to be under the jurisdiction of the Republic of Croatia under paragraph 7 of this Article.</p> <p>(2) Media service provider shall be deemed to be established in the Republic of Croatia when its head office is located in the Republic of Croatia and the editorial decisions about the audiovisual media services are taken in the Republic of Croatia.</p> <p>(3) Media service provider shall be deemed to be established in the Republic of Croatia when its head office is located in the Republic of Croatia, but editorial decisions on the audiovisual media services are taken in another Member State of the European Union, provided that a significant part of the workforce involved in the pursuit of the activities concerning audiovisual media</p>

<p>Member State where it has its head office.</p> <p>If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;</p> <p>(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.</p> <p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated in that Member State, they use satellite capacity appertaining to that Member State.</p> <p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the</p>	<p>services operates in the Republic of Croatia.</p> <p>(4) Where a significant part of the workforce involved in the pursuit of the activities concerning audiovisual media services operates in the Republic of Croatia and in another Member State of the European Union, the media service provider shall be deemed to be established in the Republic of Croatia if its head office is located there.</p> <p>(5) Where a significant part of the workforce involved in the pursuit of the activities concerning audiovisual media services operates in neither of the Member States referred to in the previous paragraphs of this Article, the media service provider shall be deemed to be established in the Republic of Croatia if this is where it first began activity in accordance with the Croatian legislation, provided that it maintains a stable and effective link with the Croatian economy.</p> <p>(6) Where a media service provider has its head office in the Republic of Croatia, but decisions on audiovisual media services are taken in a third country, or vice-versa, it shall be deemed to be established in the Republic of Croatia, provided that a significant part of the workforce involved in the pursuit of the activities concerning audiovisual media services operates in the Republic of Croatia.</p> <p>(7) Media service providers to whom the provisions of paragraphs 1 through 6 of this Article are not applicable shall be deemed to be under the jurisdiction of the Republic of Croatia in the following cases:</p> <ul style="list-style-type: none"> - they use a satellite up-link situated in the Republic of Croatia; - they do not use a satellite up-link situated in the Republic of Croatia but they use satellite capacity appertaining to the Republic of Croatia. <p>(8) If the question as to whether a media service provider falls under the jurisdiction of</p>
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<p>competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p> <p>6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.</p>	<p>the Republic of Croatia or another Member State of the European Union cannot be determined in accordance with paragraphs 2 to 7 of this Article, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 48 to 50 of the Stabilisation and Association Agreement between the Republic of Croatia and European Communities and its Member States.</p>
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<p>Art. 3 AVMSD</p>	<p>Art. 8 EMA</p>
<p>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</p>	<p>The Republic of Croatia shall ensure the freedom of transmission and reception of audio and audiovisual media services from the EU Member States and other European states parties to the European Convention on Transfrontier Television of the Council of Europe and it may, in particular cases, restrict the freedom of broadcasting of those services only in compliance with international agreements and this Act.</p> <p>Art. 77 EMA</p> <p>(1) By way of derogation from the provisions of Article 8 of this Act, the Electronic Media Council may undertake appropriate measures for the purpose of temporary limitation of the freedom to broadcast audiovisual media services from other states, in the case when the Republic of Croatia is authorised to temporarily deviate from the obligation of ensuring freedom of reception of audiovisual media services and retransmission in its territory, if the conditions prescribed by paragraph 2, 3 and 4 of this</p>

<p>2. In respect of television broadcasting, Member States may provisionally derogate from paragraph 1 if the following conditions are fulfilled:</p> <p>(a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 27(1) or (2) and/or Article 6;</p> <p>(b) during the previous 12 months, the broadcaster has infringed the provision(s) referred to in point (a) on at least two prior occasions;</p> <p>(c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged infringements and of the measures it intends to take should any such infringement occur again;</p> <p>(d) consultations with the transmitting Member State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in point (c), and the alleged infringement persists.</p> <p>The Commission shall, within 2 months following notification of the measures taken by the Member State, take a decision on whether the measures are compatible with Union law. If it decides that they are not, the Member State will be required to put an end to the measures in question as a matter of urgency.</p> <p>3. Paragraph 2 shall be without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.</p> <p>4. In respect of on-demand audiovisual media services, Member States may take measures to derogate from paragraph 1 in respect of a given service if the following conditions are fulfilled:</p> <p>(a) the measures are:</p> <p>(i) necessary for one of the following reasons:</p>	<p>Article are met.</p> <p>(2) Measures referred to in paragraph 1 this Article will be taken in relations to the audiovisual media services of television if:</p> <ul style="list-style-type: none"> - a television broadcast coming from another Member State of the European Union manifestly, seriously and gravely infringes the provisions of Article 26, paragraphs 2 or 3 of this Act and/or promotes hatred on grounds of race, sex, religion or nationality, - during the previous 12 months, the television broadcaster acted within the meaning of the previous sub-paragraph of this Article on at least two prior occasions, - the Republic of Croatia has notified the television broadcaster and the European Commission in writing of the determined infringements referred to in this Article and of the measures it intends to take should any such infringement occur again, - consultations with the transmitting Member State of the European Union and the European Commission have not produced an amicable settlement within 15 days of the notification referred to in the previous paragraph, and the stated infringement persists. <p>(3) In respect of on-demand audiovisual media services, the measures referred to in paragraph 1 of this Article may be taken in respect of a given service if the following conditions are fulfilled:</p> <ul style="list-style-type: none"> - the measures are necessary for one of the following reasons: <ul style="list-style-type: none"> public policy, in particular the prevention,
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<p>— public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons,</p> <p>— the protection of public health,</p> <p>— public security, including the safeguarding of national security and defence,</p> <p>— the protection of consumers, including investors;</p> <p>(ii) taken against an on-demand audiovisual media service which prejudices the objectives referred to in point (i) or which presents a serious and grave risk of prejudice to those objectives;</p> <p>(iii) proportionate to those objectives;</p> <p>(b) before taking the measures in question and without prejudice to court proceedings, including preliminary proceedings and acts carried out in the framework of a criminal investigation, the Member State has:</p> <p>(i) asked the Member State under whose jurisdiction the media service provider falls to take measures and the latter did not take such measures, or they were inadequate;</p> <p>(ii) notified the Commission and the Member State under whose jurisdiction the media service provider falls of its intention to take such measures.</p> <p>5. Member States may, in urgent cases, derogate from the conditions laid down in point (b) of paragraph 4. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State under whose jurisdiction the media service provider falls, indicating the reasons for which the Member State considers that there is urgency.</p>	<p>investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons, the protection of public health, public security, including the safeguarding of national security and defence, the protection of consumers, including investors,</p> <p>- measures are taken against an on-demand audiovisual media service which prejudices the objectives referred to in the previous subparagraph or which present a serious and grave risk of prejudice to those objectives,</p> <p>- measures are proportionate to the objectives referred to in subparagraph 1, paragraph 3 of this Article,</p> <p>- before taking the measures in question and without prejudice to court proceedings, including preliminary proceedings and acts carried out in the framework of a criminal investigation, the Republic of Croatia has asked the Member State under whose jurisdiction the media service provider falls to take measures and the latter did not take such measures, or they were inadequate,</p> <p>- the Republic of Croatia has notified the European Commission and the Member State under whose jurisdiction the media service provider falls of its intention to take such measures.</p> <p>(4) The Republic of Croatia may, in the case of urgency, derogate from the conditions stipulated in paragraph 3, subparagraphs 4 and 5 of this Article, and where this is the case, it is obliged to notify in the shortest possible time the European Commission and the Member State under whose jurisdiction the media service provider falls about the</p>
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<p>6. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraphs 4 and 5, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall ask the Member State in question to refrain from taking any proposed measures or urgently to put an end to the measures in question.</p>	<p>measures taken, indicating the reasons for which the Member State considers that there is urgency.</p> <p>(5) The Council shall immediately put an end to the measures referred to in paragraph 1 of this Article if the European Commission determines that the measures are not compatible with the regulations of the European Community.</p>
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<p>Art. 5 AVMSD</p>	<p>Art. 11 EMA</p>
<p>Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <p>(a) the name of the media service provider;</p> <p>(b) the geographical address at which the media service provider is established;</p> <p>(c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner;</p> <p>(d) where applicable, the competent regulatory or supervisory bodies.</p>	<p>Audiovisual media service providers shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <ul style="list-style-type: none"> - the name of the media service provider, -the geographical address at which the media service provider is established or where it has its head office, -the details of the media service provider, including its electronic mail address or website, which allow rapid, direct and efficient contact with the provider, and -the competent regulatory and/or supervisory bodies.

<p>Art. 6 AVMSD</p>	<p>Art. 12 EMA</p>
<p>Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality.</p>	<p>(1) Audio and/or audiovisual services jeopardizing the constitutional order and national security shall not be allowed.</p> <p>(2) In audio and/or audiovisual services it shall be prohibited to promote, favour the promotion of and spreading of hatred or</p>

	<p>discrimination based on race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation, as well as anti-Semitism and xenophobia, ideas of the fascist, nationalist, communist and other totalitarian regimes.</p> <p>(3) It shall not be allowed to publish information revealing the identity of a child up to 18 years of age involved in cases of any type of violence, regardless of the child's status as witness, victim or perpetrator, or in cases of attempted suicide or committed suicide, as well as to introduce details of a child's family affairs and private life.</p>
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Art. 7 AVMSD	Art. 14 EMA
Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability.	The Electronic Media Council shall encourage audiovisual media service providers to ensure that their services are gradually made accessible to people with a visual or hearing disability.

Art. 8 AVMSD	Art. 13 EMA
Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.	<p>(1) Audiovisual media service providers shall not transmit cinematographic works outside periods agreed with the rights holders.</p> <p>(2) Media service provider is obliged to fairly conduct the prize competitions (quiz shows, riddles etc.) or various forms of rewarding participation of the viewers or listeners in the audiovisual or radio programmes, as well as to announce the unequivocal rules on these contents and the public promise of rewards.</p> <p>(3) Conditions for the providing of audio and audiovisual media services which include the</p>

	contents referred to in paragraph 2 of this Article shall be closely regulated by the Electronic Media Council's ordinance referred to in Article 26 paragraph 4 of this Act
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Art. 9 AVMSD	Art. 16
<p>1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:</p> <p>(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;</p> <p>(b) audiovisual commercial communications shall not use subliminal techniques;</p> <p>(c) audiovisual commercial communications shall not:</p> <p>(i) prejudice respect for human dignity;</p> <p>(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>(iii) encourage behaviour prejudicial to health or safety;</p> <p>(iv) encourage behaviour grossly prejudicial to the protection of the environment;</p> <p>(d) all forms of audiovisual commercial communications for cigarettes and other tobacco products shall be prohibited;</p> <p>(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;</p> <p>(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction</p>	<p>(1) Audiovisual commercial communications shall be readily recognisable as such.</p> <p>(2) Surreptitious audiovisual commercial communications shall be prohibited.</p> <p>(3) Audiovisual commercial communications shall not use subliminal techniques.</p> <p>(4) Audiovisual commercial communications shall not:</p> <ul style="list-style-type: none"> - prejudice respect for human dignity, - include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation, - encourage behaviour prejudicial to health or safety, - encourage behaviour grossly prejudicial to the protection of the environment. <p>(5) All forms of audiovisual commercial communications for cigarettes and other tobacco products shall be prohibited.</p> <p>(6) Audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages.</p>

<p>the media service provider falls shall be prohibited;</p> <p>(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.</p> <p>2. Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.</p>	<p>(7) Audiovisual commercial communication for medicinal products and medical treatment available only on prescription shall be prohibited.</p> <p>(8) Audiovisual commercial communications shall not:</p> <ul style="list-style-type: none"> - cause physical or moral detriment to minors, - directly encourage minors to buy or hire a product or service by exploiting their inexperience or credulity, - directly encourage minors to persuade their parents or others to purchase the goods or services being advertised, - exploit the special trust minors place in parents, teachers or other persons, or - unreasonably show minors in dangerous situations. <p>(9) Pursuant to Article 10 of this Act, media service providers may develop codes of conduct regarding inappropriate audiovisual commercial communication, included in or accompanying children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.</p> <p>(10) The Electronic Media Council shall publish on its website the codes of conduct which are accepted pursuant to paragraph 9 of this Article.</p>
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<p>Art. 10 AVMSD</p>	<p>Art. 17 EMA</p>
<p>1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no</p>	<p>(1) Audiovisual media services and programmes that are sponsored shall meet the following requirements:</p> <ul style="list-style-type: none"> - their content and, in the case of television broadcasting, their scheduling shall in no

<p>circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.</p> <p>2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.</p> <p>3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.</p> <p>4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.</p>	<p>circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider,</p> <p>- they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services,</p> <p>- viewers shall be clearly informed of the existence of a sponsorship agreement,</p> <p>- sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as, for example, a reference to its product(s) or service(s) or a distinctive sign thereof in appropriate way for programmes at the beginning, during and/or the end of the programmes.</p> <p>(2) Audiovisual media services or programmes shall not be sponsored by legal or natural persons whose principal activity is the manufacture or sale of cigarettes and other tobacco products.</p> <p>(3) The sponsorship of audiovisual media services or programmes by legal or natural persons whose activities include the manufacture or sale of medicinal products and medical treatments may promote the name or the image of the legal or natural persons, but shall not promote specific medicinal products or medical treatments available only on prescription.</p> <p>(4) News and current affairs programmes shall not be sponsored.</p> <p>(5) The showing of a sponsorship logo during children's programmes and religious programmes shall be prohibited.</p> <p>(6) The provisions of this Article shall also be mutatis mutandis applied on the radio media services.</p>
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<p>Art. 11 AVMSD</p>	<p>Art. 18 EMA</p>
<p>1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.</p> <p>2. Product placement shall be prohibited.</p> <p>3. By way of derogation from paragraph 2, product placement shall be admissible in the following cases unless a Member State decides otherwise:</p> <p>(a) in cinematographic works, films and series made for audiovisual media services, sports programmes and light entertainment programmes;</p> <p>(b) where there is no payment but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a programme.</p> <p>The derogation provided for in point (a) shall not apply to children's programmes.</p> <p>Programmes that contain product placement shall meet at least all of the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p>	<p>(1) Product placement shall be prohibited.</p> <p>(2) By way of derogation from paragraph 1 of this Article, product placement shall be admissible:</p> <ul style="list-style-type: none"> - in cinematographic works, films and series made for audiovisual media services, sports programmes and light entertainment programmes, with the exception of children's programmes, or - where there is no payment to the media services provider, but certain goods or services are provided free of charge, such as production props and prizes, with a view to their inclusion in an audiovisual programme. <p>(3) It is assumed that the product and services placement in the sense of paragraph 2 subparagraph 2 of this Article exists if the goods or services involved in the audiovisual programme are of significant value. The Electronic Media Council shall determine by an ordinance the manner of determining the significant value of the goods and services placed taking into account that the significant value is assessed in relation to the budget of the production or the costs paid for the product placement of the product or service in this programme.</p> <p>(4) Audiovisual programmes that contain product placement shall meet all of the following requirements:</p> <ul style="list-style-type: none"> - their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider,

<p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(c) they shall not give undue prominence to the product in question;</p> <p>(d) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.</p> <p>By way of exception, Member States may choose to waive the requirements set out in point (d) provided that the programme in question has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.</p> <p>4. In any event programmes shall not contain product placement of:</p> <p>(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;</p> <p>(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.</p>	<p>- they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services,</p> <p>- they shall not give undue prominence to the product in question,</p> <p>- viewers shall be clearly informed of the existence of product placement,</p> <p>- they shall be appropriately identified at the start and the end of the audiovisual programme and when a audiovisual programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.</p> <p>(5) By way of exception, the provisions of the paragraph 4 subparagraphs 4 and 5 of this Article are not applicable when the audiovisual programme containing product placement has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.</p> <p>(6) In any event audiovisual programmes shall not contain product placement of:</p> <p>- tobacco products or cigarettes or product placement of natural and legal persons whose principal activity is the manufacture or sale of cigarettes and other tobacco products, or</p> <p>- specific medicinal products or medical treatments available only on prescription.</p> <p>(7) The provisions of this Article shall apply only to audiovisual programmes produced after 19 December 2009.</p>
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Art. 12 AVMSD	Art. 20 EMA
Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their	(1) The on-demand audiovisual media services which might seriously impair the physical, mental or moral development of

<p>jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services.</p>	<p>minors are only available in such a way that ensures that minors will not in normal circumstances hear or see such on-demand audiovisual media services.</p> <p>(2) The Electronic Media Council shall prescribe by the ordinance referred to in Article 26 paragraph 4 of this Act the appropriate measures for the conduct of the media service providers in the event referred to in paragraph 1 of this Article.</p>
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<p>Art. 13 AVMSD</p>	<p>Art. 21 EMA</p>
<p>1. Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works.</p> <p>Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service.</p>	<p>(1) The on-demand audiovisual media service providers shall use their best efforts in order that their on-demand audiovisual media services promote, where practicable and by appropriate means, the production of and access to European works.</p> <p>(2) Promotion of the works referred to in paragraph 1 of this Article could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European Works in the catalogue of programmes offered by the on-demand audiovisual media service.</p> <p>(3) The on-demand audiovisual media service providers shall attain and increase the financial contribution or the share and/or prominence of European works in the catalogue of programmes referred to in paragraph 2 of this Article in accordance with the criteria and method laid down in the ordinance referred to in Article 42 paragraph 2 of this Act adopted by the Electronic Media Council.</p> <p>(4) The Electronic Media Council is authorised to demand the data about the implementation of the paragraphs 1 and 2 of this Article from the on demand audiovisual media services provider.</p>

<p>2. Member States shall report to the Commission no later than 19 December 2011 and every 4 years thereafter on the implementation of paragraph 1.</p> <p>3. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraph 1, taking into account the market and technological developments and the objective of cultural diversity.</p>	<p>(5) The Electronic Media Council shall report to the European Commission no later than 19 December 2011 and every four years thereafter on the implementation of the paragraphs 1 and 2 of this Article.</p>
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<p>Art. 14 AVMSD</p>	<p>Art. 46 EMA</p>
<p>1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall seek the opinion of the contact committee established pursuant to</p>	<p>(1) Television broadcaster shall not, on an exclusive basis, broadcast events which are regarded as being of major importance for society in such a way as to deprive a substantial proportion of the public in the Republic of Croatia of the possibility of following such events by live coverage or deferred coverage on free television.</p> <p>(2) The Electronic Media Council shall draw up a list of designated events referred to in paragraph 1 of this Article, national or non-national, which it considers to be of major importance for society and it shall also determine whether these events should be available by whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>(3) The Electronic Media Council shall immediately notify the European Commission of the list referred to in paragraph 2 of this Article and other measures taken or to be taken, which conducts procedure to verify whether such measures are compatible with Community law and communicates them to the other Member States of the European Union. The Electronic Media Council shall also forward the notification of the list and measures to the states</p>

<p>Article 29. It shall forthwith publish the measures taken in the <i>Official Journal of the European Union</i> and at least once a year the consolidated list of the measures taken by Member States.</p> <p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.</p>	<p>signatories of international treaties by which the Republic of Croatia is bound.</p> <p>(4) Television broadcasters under their jurisdiction of the Republic of Croatia shall not exercise the exclusive rights purchased following the date of entering into force of this Act in such a way that a substantial proportion of the public in another Member State of the European Union or signatory state of any international treaty that imposes obligations on the Republic of Croatia is deprived of the possibility of following events of major importance for society in accordance with its national legislation, and which events are determined by that state for whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television.</p> <p>(5) It is contrary to this Act if the event referred to in paragraph 1 of this Article is broadcast on the basis of received exclusive rights by a television broadcaster whose audiovisual programme can be viewed by less than 60% of the population of the Republic of Croatia or if to view that programme additional payments are required (pay TV), other than the fees laid down in the Croatian Radio Television Act.</p>
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<p>Art. 15 AVMSD</p>	<p>Art. 45 EMA</p>
<p>1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction. EN 15.4.2010 Official Journal of the European Union L 95/17</p> <p>2. If another broadcaster established in the same Member State as the broadcaster</p>	<p>(1) For the purpose of short news reports, any television and/or radio broadcaster established in the European Union has access under the equal conditions to events of high interest to the public which are transmitted on an exclusive basis by a television and/or radio broadcaster under the jurisdiction of the Republic of Croatia.</p> <p>(2) If a television and/or radio broadcaster established in the Republic of Croatia has acquired exclusive rights to the event of high</p>

seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.

3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.

4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.

5. Short extracts shall be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same media service

interest to the public, another télévision and/or radio broadcaster established in the Republic of Croatia may seek access to the mentioned event from that television and/or radio broadcaster. All television and/or radio broadcasters have the right of access to events of high interest to the public under the equal conditions.

(3) The Electronic Media Council shall ensure that access to the events referred to in paragraph 1 and 2 of this Article is guaranteed by allowing television and/or radio broadcaster to freely choose short extracts from the transmitting television and/or radio broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source. The way of ensuring the access to the transmitting signal shall be stipulated by the Electronic Medial Council's ordinance, upon the previous opinion of the Croatian Post and Electronic Communications Agency.

(4) Television and/or radio broadcaster may, before and instead of access to the signal within the meaning of paragraph 3 of this Article, accomplish access to the events referred to in paragraph 1 and 2 of this Article for purposes of shooting short extract or using the taped material of other television and/or radio broadcaster which has exclusive rights for the transmitting of the event of high interest to the public.

(5) Short extracts shall be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.

(6) Short information under this Article means announcement which lasts one minute and half at most, and which is presented as part of an informational programme.

(7) Television and/or radio broadcaster which broadcasts the event of high interest to the public shall have the right to ask from another television and/ radio broadcaster compensation of the actual costs incurred in

<p>provider.</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.</p>	<p>fulfilment of its obligation. The foreseen compensation shall not exceed the additional costs directly incurred by allowing access.</p> <p>(8) The right to short news reports shall be executed in a manner which does not interrupt the course of events.</p> <p>(9) If an event of high interest to the public is composed of several organisationally self-contained elements, each self-contained element is considered to be an event of high interest to the public.</p> <p>(10) If an event of high interest to the public takes place over two or more days, the television and/or radio broadcaster has the right to produce one short news report for each day.</p> <p>(10) Television and/or radio broadcaster, which used the right to short news reports shall enable the television and/or radio broadcaster which could not tape the event a single use of the tape and shall have the right to ask compensation for that, proportional to its share in the actual costs, as well as the mentioning of his name or the name of the company in the announcement.</p> <p>(11) The right to short news reports may be, in compliance with Article 10 of this Act, determined concerning the access to events of high interest to the public which are not broadcast on the basis of exclusive rights.</p>
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<p>Art. 16 AVMSD</p>	<p>Art. 42 EMA</p>
<p>1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping.</p> <p>This proportion, having regard to the</p>	<p>(1) Television broadcaster shall use its best efforts to reserve for European works a majority proportion of their annual transmission time.</p> <p>(3) The annual transmission time referred to in this Article does not include the time earmarked for news, sports events, games, advertising, teletext services and teleshopping.</p> <p>(2) Television broadcaster who cannot attain the proportion of European works referred to</p>

broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.

However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.

3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.

That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.

The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.

in paragraph 1 of this Article shall progressively increase the proportion of such works every year in relation to the past year in accordance with the criteria and the method laid down in the ordinance which is adopted by the Electronic Media Council, taking into account the television broadcaster's informational, educational, cultural and entertainment responsibilities to its viewers, where the minimum initial proportion is 20%.

(4) The proportion of European audiovisual works includes audiovisual works of private production and Croatian audiovisual works.

[...]

(6) The Electronic Media Council shall report to the European Commission no later than 3 October 2011 and every two years thereafter on the implementation of the paragraphs 1 to 4 of this Article.

Art. 17 AVMSD	Art. 44 EMA
<p>Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.</p>	<p>(1) Television broadcaster shall use its best efforts to reserve for European works produced by independent producers at least 10% of the time in the annual audiovisual programme.</p> <p>(2) Television broadcaster which cannot attain the proportion of audiovisual works produced by independent producers referred to in paragraph 1 of this Article shall progressively increase the proportion of such works every year in relation to the past year in accordance with the criteria and the method laid down in the ordinance which is adopted by the Electronic Media Council, taking into account the media service broadcaster's informational, educational, cultural and entertainment responsibilities to its viewers.</p> <p>(3) At least half of the works referred to in this Article shall be produced in the previous five years.</p> <p>(4) The annual transmission time referred to in this Article does not include the time earmarked for news, sports events, games, advertising, teletext services and teleshopping.</p> <p>(5) The provisions of the previous paragraphs shall not apply to television broadcaster which has a local concession and which is not affiliated with the national network.</p> <p>(6) The Electronic Media Council shall report to the European Commission no later than 3 October 2011 and every two years thereafter on the implementation of the paragraphs 1 to 4 of this Article.</p>
Recital (71) AVMSD	Art. 43 EMA
<p>When defining 'producers who are independent of broadcasters' as referred to in Article 17, Member States should take</p>	<p>1) An independent producer of audiovisual works (hereinafter: the independent producer) shall be a legal or natural person</p>

<p>appropriate account notably of criteria such as the ownership of the production company, the amount of programmes supplied to the same broadcaster and the ownership of secondary rights.</p>	<p>who meets the following conditions:</p> <ul style="list-style-type: none"> - that he/she is registered for performing the activity of production of audiovisual works and has the seat in the Republic of Croatia or in one of the European Union Member States; - that he/she is not included into the organizational structure of the broadcaster; - that the television broadcaster may have at the most up to 25% of the producer's share capital or managerial or voter's rights; - that he/she does not realize more than one half of his annual production upon the order of one single television broadcaster. <p>(2) An independent producer shall also be a legal or natural person who is registered for performing the activity of producing audiovisual works and has his/her seat in one of the third countries, if European works comprise the major part of his/her audiovisual production in the last three years and if he/she, in addition to that, fulfils the conditions set out in paragraph 1, subparagraphs 2 and 3 of this Article.</p> <p>(3) The independent producer may not be a legal or natural person whose average share of financial means for covering total expenses of production or coproduction, in which he/she participated in the last three years, does not exceed 10%.</p>
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<p>Art. 18 AVMSD</p>	<p>Art. 42 (5) EMA</p>
<p>This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.</p>	<p>[...]</p> <p>(5) The provisions of the previous paragraphs shall not apply to television broadcaster who has a local concession and who is not affiliated with the national network.</p> <p>[...]</p>

Art. 19 AVMSD	Art. 29 EMA
<p>1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.</p>	<p>(1) Advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, advertising and teleshopping shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>(2) Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.</p> <p>(3) Comparative advertising shall be permissible only under the conditions prescribed by the Impermissible Advertising Act</p>

Art. 20 AVMSD	Art. 32 (3) – (7) EMA
<p>1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.</p> <p>2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes.</p> <p>The transmission of children’s programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes,</p>	<p>(3) Advertising and teleshopping in audiovisual programmes shall be inserted between programmes. Advertising spots and teleshopping may also be inserted during audiovisual programmes but only in such a way that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme and of the rights of the right holders are not prejudiced.</p> <p>(4) The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by advertising and/or teleshopping once for each scheduled period of at least thirty minutes.</p> <p>(5) No advertising or teleshopping shall be inserted during the transmission of religious services.</p>

<p>provided that the scheduled duration of the programme is greater than 30 minutes.</p> <p>No television advertising or teleshopping shall be inserted during religious services.</p>	<p>(6) Children's programmes, when their duration is less than 30 minutes, shall not be interrupted by advertising spots and/or by teleshopping spots. The children's programmes may be interrupted by advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes.</p> <p>(7) The provisions of this Article shall not apply to advertising in radio programmes.</p>
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<p>Art. 21 AVMSD</p>	<p>Art. 31 (3) EMA</p>
<p>Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p>	<p>(2) Advertising for medicines and medicinal products shall comply with the conditions stipulated in the Medicines Act and the Medicinal Products Act, and the subordinate legislation passed by virtue thereof and the provisions of this Act.</p> <p>(3) Teleshopping for medicines, medicinal products, and medical treatment shall be prohibited.</p>

<p>Art. 22 AVMSD</p>	<p>Art. 31</p>
<p>Television advertising and teleshopping for</p>	<p>(1) Advertising and teleshopping for weapons and ammunition, pyrotechnical means and drugs, tobacco and tobacco products shall be prohibited.</p> <p>(4) Advertising and teleshopping for alcohol and alcoholic beverages shall be prohibited, unless the Food Act, and the subordinate legislation passed by virtue thereof, provide otherwise.</p> <p>(5) Advertising and teleshopping for alcohol and alcoholic beverages referred to in paragraph 4 of this Article shall comply with</p>

<p>alcoholic beverages shall comply with the following criteria:</p> <p>(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;</p> <p>(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;</p> <p>(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;</p> <p>(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;</p> <p>(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;</p> <p>(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.</p>	<p>the following criteria:</p> <ul style="list-style-type: none"> - it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages, - it shall not link the consumption of alcohol to enhanced physical performance or to driving, - it shall not create the impression that the consumption of alcohol contributes towards social or sexual success, - it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts, - it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light, - it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.
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<p>Art. 23 AVMSD</p>	<p>Art. 32 EMA</p>
<p>1. The proportion of television advertising spots and teleshopping spots within a given clock hour shall not exceed 20 %.</p> <p>2. Paragraph 1 shall not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placements.</p>	<p>(1) The duration of advertising spots and teleshopping spots within a given clock hour, with the exception of television channels exclusively devoted to advertising and teleshopping as well as of television channels exclusively devoted to self-promotion referred to in Article 34 paragraph 2 of this Act, shall not exceed 12 minutes.</p> <p>(2) Provision of paragraph 1 of this Article shall not apply to announcements made by the television broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placements.</p>

Art. 24 AVMSD	Art. 34 (1) EMA
Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.	(1) Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.

Art. 25 AVMSD	Art. 34 (2) EMA
<p>This Directive shall apply <i>mutatis mutandis</i> to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.</p> <p>However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.</p>	(2) The provisions of this Act shall apply <i>mutatis mutandis</i> to television programme channels exclusively devoted to advertising and teleshopping as well as to télévision programme channels exclusively devoted to self-promotion, with the exception of the provisions of Article 32 paragraphs 3, 4,5 and 6 and Articles 42 and 44 of this Act.

Art. 27 AVMSD	Art. 26 EMA
<p>1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.</p> <p>2. The measures provided for in paragraph 1 shall also extend to other programmes which</p>	<p>(1) In audiovisual or radio programmes, it shall be prohibited:</p> <ul style="list-style-type: none"> - to publish footage which offends human dignity, - to publish footage which especially contains immoral and pornographic content, - in any manner to encourage, promote and glorify violence and crime and encourage citizens, especially children and youth, to use tobacco products, alcohol or drugs. <p>(2) Audiovisual or radio programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence shall be prohibited.</p> <p>(3) The broadcasting of audiovisual or radio programmes which are likely to impair the</p>

<p>are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.</p> <p>3. In addition, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.</p>	<p>physical, mental or moral development of minors shall be prohibited, except where it is ensured by the television or radio broadcaster, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.</p> <p>When such programmes are broadcast in unencoded form, the broadcaster shall ensure that they are preceded by an acoustic warning or are identified by the presence of visual symbols throughout their duration.</p> <p>(4) The Electronic Media Council shall prescribe by ordinance the conduct of the broadcaster in the event referred to in paragraph 2 and 3 of this Article.</p>
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<p>Art. 28 AVMSD</p>	<p>Art. 40 EMA</p>
<p>1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers. [...]</p> <p>3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised</p>	<p>(1) Everyone has the right to require that the editor, without charge, must publish the correction of published information that has violated his rights or interests. Have the right to correct persons and legal entities and other organizations and bodies, if the information violated their rights and interests. The purpose of the correction is to correct inaccurate or incomplete information.</p> <p>(2) Publication of correction may be requested within 30 days of the publication of information.</p> <p>(3) An application for rectification shall be submitted to the editor in chief in writing. The request must be reasoned and signed by the applicant, and contain all necessary information about the applicant and his address.</p> <p>(4) The term correction does not mean only to correct in a narrow sense, that is correct false claims or false statements in the published information, but also to present the facts and circumstances which violated or challenged with the intention of refuting</p>

<p>appropriately by natural or legal persons resident or established in other Member States.</p>	<p>allegations substantially amended in the published text.</p> <p>(5) Scientific or artistic criticism does not give the right to correct unless they are not correcting inaccurate or offensive statements.</p> <p>(6) You cannot require correction if the media before the submission of the request for correction, but I posted a correction of the same information. If the applicant for correction believes that the media is not adequately published correction may require the realization of their rights under this Act.</p> <p>(7) If the person to whom the information relates died, the right to publish a correction and the right answers are her children, adopted children, spouses, parents, adoptive parents, siblings, or a legal entity if the information relates to the activity of the deceased in connection with this entity.</p>
<p>Art. 28 (1) AVMSD</p>	<p>Art. 41 EMA</p>
<p>(1) [...] The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers. [...]</p>	<p>(1) Provision shall be published without changes and amendments in the same or an equivalent program in space and in the same or equivalent to the way the information was released to which the correction refers. Correction should not be disproportionately longer than the information, or part of the information to which it relates. Correction may be published in modified form only if approved by the applicant. Correction must be published in a way that it is clear from the title that this is a correction. [...]</p>
<p>Art. 28 (4) AVSMD</p>	<p>Art. 42 EMA</p>
<p>4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.</p>	<p>[...] (4) The chief editor is required to publish a correction, unless:</p> <p>[...]</p> <ul style="list-style-type: none"> - The required correction does not mention facts or circumstances related to the allegations of the information, - The publication of a correction would be

	<p>contrary to the law and good practice,</p> <ul style="list-style-type: none"> - request for publication of the correction is not signed by the applicant, or the person authorized state body or legal person, - The required correction is disproportionately longer than the information for which adjustment is required, or part of the information that is directly affected, unless the correction relates to defamatory or offensive allegations - To publish correction caused the publisher a responsibility for any damage - The correction is written in a language that is not identical to the language in which the disputed information was published, - A request for correction of information is submitted after the deadline referred to in Article 40 Paragraph 2 of this Act; - It is a science or art criticism, other than correction of inaccurate data or offensive statements, <p>[...]</p> <p>(5) The editor shall in the case referred to in paragraph 4 of this Article notify the applicant for the reasons not to publish corrections, within the deadline prescribed for the publication of a correction.</p>
<p>Art. 28 (5) AVMSD</p>	<p>Art. 46 EMA</p>
<p>5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.</p>	<p>(1) If the editor does not publish the correction within time and in the manner prescribed by law, the applicant for correction is entitled to file a lawsuit against the editor in chief at the municipal court in the territory of the head office or permanent residence publisher of the media through which information was published to which the correction applies.</p> <p>(2) A complaint may be filed within 30 days of the expiry of the deadline for the publication of a correction, or from the date when the correction was published in a way that was not consistent with the law.</p>

	<p>Art. 47 EMA</p> <p>(1) Litigation on the publication of a correction is resolved in an emergency procedure.</p> <p>(2) In proceedings for publishing a correction the first hearing must be held within 8 days of receipt of the complaint in court.</p> <p>(3) The defendant is required to answer the complaint no later than at the trial.</p> <p>(4) In the invitation for the first hearing the court must warn the plaintiff that in the event of his absence at the hearing, the complaint is considered withdrawn and the defendant that the verdict may be adopted in his absence.</p>
	<p>Art. 51 EMA</p> <p>(1) The court shall make a ruling immediately after the conclusion of the trial.</p> <p>(2) A certified copy of the judgment is transmitted to the parties not later than three days from the date of judgment.</p> <p>(3) If the Court accepts the claim, it requires the defendant to publish a correction in the manner provided in this Act.</p> <p>(4) The chief editor is obliged to publish a correction and specify that it is based on the verdict and quote the pronouncement of the verdict.</p> <p>Art. 52 EMA</p> <p>(1) The parties may, within three days of receipt of the judgment of the trial court, appeal to the competent county court. [...]</p>