

March 11 2022

# New act on electronic media – changes to Croatian electronic media market

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On 22 October 2021, a new Act on Electronic Media entered into force in Croatia, introducing significant changes to the electronic media market. The Act implements the provisions of the EU Audio Media Services Directive<sup>(1)</sup> and the EU Misleading and Comparative Advertising Directive.<sup>(2)</sup> This article discusses the novelties of the Act and what it means for the electronic media market in Croatia.

## Protection of users

Many of the changes introduced are aimed at reinforcing the protection of users, especially minors, against harmful content. For example, advertising rules for audiovisual media service providers have been modified and now include the prohibition of:

- product placement in children's programmes, documentaries and religious programmes;
- all forms of audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers; and
- audiovisual commercial communications for:
  - alcoholic beverages aimed specifically at minors;
  - medicinal products and medical treatment available only on prescription; and
  - games of chance during the broadcast of programmes intended for children.

The Act also provides that audiovisual commercial communications shall:

- be readily recognisable as such; and
- not use subliminal techniques.

Furthermore, under the Act, media service providers are obliged to promote Croatian cultural achievements and encourage listeners and viewers to:

- participate in cultural life;
- cultivate their international understanding and public sentiment for justice;
- defend democratic freedoms;
- serve the environment; and
- promote equality between women and men and the equality of persons belonging to national minorities, as well as the equality of persons with disabilities and children with disabilities.

In addition, media service providers are obliged to ensure accessibility of media services to people with visual or hearing disabilities, especially regarding emergency information, including public communications and announcements in natural disaster situations.

## Promotion of Croatian and European content

Media service providers of on-demand audiovisual media services must secure at least a 30% share of European works (ie, works originating in EU member states) in their catalogues and ensure the prominence of those works.

Furthermore, television broadcasters must ensure that European works make up more than 50% of their annual publication time (not including the time devoted to news, sports events, games, advertising, teletext services and teleshopping), of which at least half must be Croatian audiovisual works. Additionally, to protect Croatian cultural identity, the quota (ie, weekly publishing share of Croatian music and Croatian audiovisual works) has been increased.

## Other provisions

The Act obliges video-sharing platforms providers to take appropriate measures to protect minors from content that could affect their physical, mental or moral development, and protect the general public from incitement to violence or hatred, or from public provocation to commit a terrorist offense. Video-sharing platforms providers have the same obligations as media service providers regarding advertising and other content restrictions.

Another novelty introduced under the Act is the liability of providers of electronic publications (eg, news portals) in relation to all the content published on such electronic publications, including content generated by users if they fail to register users and warn them about rules on commenting in a clear and easily visible manner.

## Comment

The new Act brings many novelties in the field of electronic media. However, as the Act just recently entered into force, it is yet to be seen how these novelties will be implemented and to what extent this will affect media providers in Croatia. Notably, in January 2022, the Council for the Electronic Media has already issued a misdemeanour warrant against the Croatian national television network due to subliminal advertising during the broadcast of an interview with a member of the Croatian national football team.

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#### **Endnotes**

(1) Directive 2018/1808.

(2) Directive 2006/114/EZ.