

**Official Gazette No. 46 of 16 April 2010**

Pursuant to Article 41, Paragraph 3 of the Media Law (*Official Gazette* No. 59/04), the Council for Electronic Media hereby adopts the following

**RULES FOR THE EXERCISE OF THE RIGHT TO CORRECTION  
IN PROGRAMMES OF AUDIO AND AUDIOVISUAL MEDIA SERVICE PROVIDERS**

**Article 1**

- (1) Any person shall have the right to request from the relevant editor-in-chief to publish without any compensation a correction of published information which shall have resulted in an infringement of his or her rights or interests. Legal persons and other organisations and entities shall also have the right to correction if the information shall have resulted in an infringement of their rights and interests. The object of a correction shall be to correct incorrect or incomplete information.
- (2) Publishing of the correction may be requested within 30 days from the day of the publishing of the contested information.
- (3) The request for a correction shall be submitted in writing to the editor-in-chief or the programme manager. The request shall be explained and signed by the requestor and it shall contain all the necessary information about the requestor.
- (4) A correction shall mean not only the correction in the narrow sense, i.e. the correction of faulty claims or incorrect allegations within published information but also the presentation of facts and circumstances by which the injured party shall refute or significantly amend the allegations in the published information with an object to refute them.
- (5) A scientific or artistic review shall not be subject to the right to correction, except where it shall concern corrections of incorrect information or insulting allegations.
- (6) A correction may not be requested where the relevant audio or audiovisual media service provider shall have already published a correction of disputed information prior to the date of submitting the relevant request. However, if the requestor shall deem that the relevant correction has not been published in the appropriate manner, he or she may request the exercise of the right to correction in compliance of the present Rules.
- (7) Where the person which is the object of the published information shall have deceased, the right to correction and the right to reply shall be exercised by his or her children, adopted children, spouse, parents, adoptive parents, brothers and sisters or, where the published information refers to the deceased person's activities related to a legal person, by the relevant legal person.

**Article 2**

- (1) In radio and television programmes, a correction without any changes or additions thereto shall be broadcast in the same or equivalent place of the programme space and in the same or equivalent manner in which the information to which the correction refers was originally broadcast. The correction shall not be disproportionately longer than the information or part of the information to which it refers. The correction may be broadcast in a modified form only if so agreed with the requestor.
- (2) In radio and television programmes, the correction shall be made in writing and it shall be broadcast by reading it out in the same programme and in the same time-slot in which the information to which the correction refers shall have been broadcast or in the same kind of programme with the same viewer rating.
- (3) Where the programme of an audio or audiovisual media service provider wherein the disputed information was published shall be a single item or the last episode in a serial, the relevant correction

shall be published in the closest in schedule and thematically most related programme.

(4) Where a concession or licence has expired or was revoked, the relevant audio and audiovisual media service provider shall ensure the publication/broadcasting of the correction, at its own expense and under herein prescribed conditions, by another audio and audiovisual media service provider in the same area where the disputed information has been published.

### Article 3

(1) Anyone requiring the broadcast of a correction shall clearly specify the information or data to which such correction refers and the date of its original broadcasting.

(2) A correction shall be published in the first equivalent daily programme or electronic publication of the relevant audio and audiovisual media service provider subsequent to the receipt of the correction.

(3) No commentary or reply to a correction shall be published together with the correction within the same programme or electronic publication of the relevant audio and audiovisual media service provider. Any commentary or replay to a correction shall be subject to the provisions of the present Rules.

(4) The editor-in-chief or the programme manager of an audio or audiovisual media service provider shall publish the requested correction except in the following cases:

- the requested correction does not refer to the information to which the interested person refers,
- the requested correction does not specify the facts and circumstances with respect to allegations about the information,
- the publishing of the correction contravenes the present Rules,
- the request for the publishing of the correction has not been signed by the requestor or by the authorised person of a state body or of a legal person,
- the requested correction is disproportionately longer than the information containing the allegations for which the correction is requested - or than the part of the information to which the correction directly refers - except when the correction refers to defamatory or insulting allegations,
- the publishing of the correction may cause liability for damages of the audio or audiovisual media service provider,
- the correction has been written in a language other than the language in which the contested information was published,
- the disputed issue is the question of a scientific or artistic review, except for corrections of incorrect information or insulting allegations,
- a correction of the same content and referring to the same information was previously submitted by another authorised person,
- the request for the publishing of a correction contains the same content as a request for a correction which is being disputed in court due to a rejection or inadequate mode of the publishing of the correction.

(5) In case from Paragraph 4 of the present Article the editor-in-chief or the programme manager of an audio or audiovisual media service provider shall be obliged to inform the relevant requestor, in writing and within the term prescribed for the publishing of a correction, of the reasons for not publishing the requested correction.

### Article 4

An audio or audiovisual media service provider shall keep records of the entire published programme for at least 90 days from the date of its original publishing. In case of a complaint or a dispute the relevant provider shall be keep the record of the disputed content until the dispute is dissolved and

to provide the interested party with the appropriate copy/record of the disputed content, at the expense thereof and not later than three days from the date of the receipt of the interested party's written request.

#### Article 5

If within eight days after the publishing of the information the interested party provides a notification in writing that he or she shall request the publishing of a correction, the editor-in-chief or the programme manager shall keep a copy of the information to which the correction refers until the publishing of the requested correction, or until the end of the court proceedings conducted in relation to the publishing of the disputed information, or until the expiry of the legally prescribed terms for the exercise of the right to correction or judicial protection.

#### Article 6

(1) If the editor-in-chief or the programme manager fails to broadcast a requested correction within the term and in the manner as provided by the present Rules, the person submitting the request shall have the right to take legal action against the editor-in-chief or the programme manager before the municipal court in the area where is the head office or permanent residence of the audio or audiovisual media service provider which has originally published the disputed information.

(2) Legal action may be taken not later than 30 days from the date of expiry of the term for the broadcast of the correction, or from the date on which the correction was broadcast in a manner which was not in accordance with the present Rules.

#### Article 7

The provisions of the present Rules shall be applied only for the purpose of correcting incorrect published information.

#### Article 8

(1) On the date of the present Rules coming into effect, the Rules for the Exercise of the Right to Correction in Radio and Television Programmes (*Official Gazette* No. 139/05) shall cease to apply.

(2) The present Rules shall come into effect on the eight day from the date of publication thereof in *the Official Gazette*.

**THE COUNCIL FOR ELECTRONIC MEDIA  
THE PRESIDENT OF THE COUNCIL**

Zdenko Ljevak