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Pursuant to Article 22, Paragraph 3 and Article 27, Paragraph 3 of the Electronic Media Act (Official Gazette number 153/09, 84/11, 94/13 and 136/13), along with the previous opinion of the Croatian Regulatory Agency for Network Industries on technical and spatial conditions, the Electronic Media Council adopts the

**ORDINANCE
ON MINIMUM STANDARDS FOR CONDUCTING AUDIO AND AUDIOVISUAL MEDIA
SERVICES AND MAINTAINING THE REGISTER**

Article 1

This Ordinance stipulates particular technical, spatial, financial and staffing conditions for conducting audio and audiovisual media services, the manner in which they are determined and the manner in which the register of audio and audiovisual programmes is maintained.

**MINIMUM CONDITIONS
Minimum technical conditions**

Article 2

- (1) To be able to provide radio or television media services in a concession area, the media service provider must have available equipment and other technical resources that ensure quality production, transmission and broadcasting of programmes in accordance with the programme basis, and the storing of recordings of broadcasted programmes.
- (2) The equipment must be functional, for which the media service provider is responsible.
- (3) Evidence of fulfilment of the conditions referred to in Paragraph 1 and 2 of this Article is given in the form of a Statement and Technical Inspection.
- (4) The Electronic Media Council (hereinafter: the Council), in case of the occurrence of frequent technical errors, failures or lower quality of an audio and/or audiovisual programme from that of usual professional standards resulting for a higher proportion of the programme, will take appropriate measures in accordance with Electronic Media Act.
- (5) Providers of audio and audiovisual media services which for the transmission of programme use cable, Internet, satellite and other allowed forms of transmission or provide on-demand services, provide proof of fulfilling the minimum technical conditions by providing a signed statement on the availability of the equipment referred to in Paragraph 1.
- (6) The providers of the services referred to in this Article that do not possess their own equipment, or ensure part or all of the equipment through the services of other companies, provide proof of fulfilling the conditions by an appropriate contract or other legal act.

Article 3

- (1) Media service providers shall maintain recordings of broadcasted programmes for 90 days from the date of broadcasting and upon request of the Council shall submit them in the form of multimedia files via electronic communication (FTP) to the server Agency for Electronic Media (hereinafter: Agency) or on portable digital media in the form as follows:

a) Television programme

- Video encoder: Windows Media Video, DivX, Xvid or MPEG4
- Minimum picture resolution: 384x288 pixels
- Frame rate: 25
- Minimum recording quality: as VHS
- Minimum audio quality: 32kHz, 32kbit/s, stereo or mono

b) Radio programme

- Audio encoder: MPEG-1 Layer 3 (extension .mp3) or MPEG-1 Layer 2,
- Windows Media Audio (extension .wma)
- AAC+ (extension .aac),
- Minimum audio quality: 32-64 kbit/s depending on type of coding, stereo or mono

- (2) Accompanying the delivery of all the recordings referred to in Paragraph 1 should also be precise information on the date and time of the recordings along with the minimum accuracy measured in seconds.

XXXXX-GGGGMMDDHHmmss.ext

xxxxx	file serial number; each new file has the next sequential, in case the number is shorter from 5 digits, a zero is added on the left side in order for the entire number to have five digits
YYYY	year*
MM	month*, 01 - 12
DD	day*, 01 - 31
HH	hour*, 00 - 23
mm	Minute*, 00 - 59
ss	second*, 00 - 59
ext	extension* (Mp3, aac, wmv ...)
*	required data

- (3) If a media service provider uses some other format for storing recordings, care should be taken when transferring into one of the formats referred to in Paragraph 1 that the quality of the recorded programme is not noticeably degraded. Submission of recordings in another format, except for those listed in Paragraph 1, requires prior approval from the Agency.

On-demand media services

- (4) Upon request of the Council, on-demand media service providers shall ensure viewing of the catalogue of provided audio and/or audiovisual works that covers a period of 90 days from the broadcasted date. The least possible available information must include the title of the work, type of programme, and the designation complying with the Ordinance on the Protection of Minors. Upon request of the Council, media service providers shall submit offers of the catalogue and/or works from the offer on a certain date on portable digital media.

Electronic publications

- (5) The obligation referred to in Paragraph 1 of this Article also applies to electronic publications providers, meaning that upon request of the Council, they shall providing viewing of reconstructed content and behaviour of the electronic publications within the mandatory period for storing recordings of published programmes.

Article 4

- (1) Television media service providers have an obligation towards network operators, which are used for distribution of the provider's programme, to submit basic data on broadcasts and times in which the broadcasts are planned for the purpose of the electronic program guide (EPG) service. The basic data must contain the name of the show, the type (current affairs, entertainment ...) and appropriate designations as stipulated by the Ordinance on Protection of Minors. Television media service providers shall submit these data at least seven days in advance and maintain them accurate.

- (2) The data referred to in Paragraph 1 of this Article is to be stored for 90 days from the date of broadcasting the programme and upon request of the Council it is to be submitted in the appropriate form on portable digital media.

Article 5

- (1) Media service providers shall regularly verify proper functioning of the system used for recording and storing recordings of broadcasted programmes as stipulated in Article 2 and 3.
- (2) Media service providers that, due to malfunctioning are not temporarily able to fulfil the obligations referred to in the previous paragraph shall immediately inform the Council of the occurrence and cessation of such circumstances.

Minimum conditions on premises

Article 6

- (1) For conducting media service activities relating to general radio and/or television programmes, publishers and providers of the media service referred to in Article 79 of the Electronic Media Act shall ensure proper conditions on premises.
- (2) Providers of media services relating to general radio and/or television programmes and providers of media service referred to in Article 79 of the Electronic Media Act are required to ensure separate areas within the business premises for:
- a) The board and/or chief editor,
 - b) Journalists (editorial staff)
 - c) Marketing and accounting-bookkeeping tasks, if the media service provider conducts such tasks,
 - d) Studio and production room.
- (3) Radio media service providers for concession areas covering up 99,999 inhabitants and media service providers referred to in Article 79 of the Electronic Media Act may undertake the work referred to in Article 2, Items a)-c) in the same room.
- (4) The room for accommodating transmission equipment must fulfil minimum technical conditions for optimal operation of the equipment.
- (5) Proof of fulfilling the conditions referred to in this Article is provided in a credible document on the availability of appropriate business premises necessary for performing the activities, including availability based on a lease contract for the premises.

Minimum staff conditions

Article 10

- (1) Media service providers must have a chief editor who is a reporter and is employed. The director/president of the board/chief of the provider's media activities and the chief editor may be the same person.
- (2) As an exception to Paragraph 1 of this Article, the chief editor of a specialised radio and/or television programme and of an on-demand media service provider need not be a journalist.
- (3) The conducting of media service activities for a general radio and/or television programme in a concession area requires that the media service provider employ, besides a chief editor, also the following:
- a) For a concession area covering up to 49,999 inhabitants: two (2) persons that participate in creation programmes,
 - b) For a concession area covering between 50,000 and 99,999 inhabitants: three (3) persons that participate in creating programmes,
 - c) For a concession area covering between 100,000 and 499 999 inhabitants: four (4) persons that participate in creating programmes,
 - d) For a concession area covering and in excess of 500,000 or more inhabitants: five (5) persons that participate in creating programmes.

(4) The conducting of media service activities for a specialised radio and/or television programme in a concession area requires that the media service provider employ, besides a chief editor, also the following:

- a) For a concession area covering up to 499 999 inhabitants: two (2) persons that participate in creating programmes,
- b) For a concession area covering and in excess of 500,000 or more inhabitants: three (3) persons that participate in creating programme

(5) A radio and/or television publisher who has concessions for providing media services in two or more areas shall fulfil the minimum staffing requirements referred to in this Article for each concession area.

Article 11

Proof of the fulfilment of minimum staffing requirements is provided in a credible document (excerpt from records of the Croatian Pension Insurance Institute) and a copy of employment contracts.

Minimum financial conditions

Article 12

(1) The conducting of activities relating to television and/or radio media services in a concession area requires providers to secure the initial financial resources for undertaking work in the amount sufficient for settling costs of business on a quarterly basis, depending on the concession level and other conditions, and in accordance with the media service provider's business plan.

(2) The media service provider's business plan is prepared for first three-year period and must contain:

- a) Sources of funding required for starting the programming channels and for performing the activities
- b) An overview of planned revenues and expenditure and other assumptions upon which the business plan is based

(3) Fulfilment of conditions referred to in Paragraph 1 of this Article is proven by providing a credible document on the availability of funds on the account (statement) or the securing of funds referred to Paragraph 1 of this Article (letter of intent from a financial institution).

(4) Existing media service providers provide evidence of fulfilling the conditions referred to in Paragraph 1 by providing a credible document on solvency and credit (BON 1 and BON2).

DETERMINATION OF CONDITIONS

Article 13

(1) The applicant submitting an offer in accordance with the notice on awarding a radio and/or television concession shall submit to the Council evidence of fulfilling conditions for conducting activities relating to radio and/or television media activities stipulated in this Ordinance.

(2) The Council in the procedure for awarding a concession determines whether the applicant referred to in Paragraph 1 of this Article fulfils the conditions stipulated in this Ordinance.

(3) Fulfilment of minimum conditions after awarding a concession and prior to signing the concession agreement, based on a technical inspection is determined by HAKOM who subsequently informs the Council of the matter.

(4) The technical inspection verifies to a minimal extent evidence of:

- a) The ability to produce and transmit (broadcast) programmes from the studio to the farthest radio station in the chain,
- b) The ability to store broadcasted programmes in the stipulated format,
- c) The ownership/lease/right to use premises for the production of programmes and accommodation of radio equipment,

- d) The ownership/lease/right to use equipment for the production and transmission (broadcasting) of programmes,
- e) Regular servicing and maintenance of the radio station and fulfilment of stipulated technical conditions and norms, and that the radio station may be used in the Republic Croatia.

Article 14

- (1) The applicant of the request for the issuing of approval for conducting activities relating to on-demand audiovisual and/or audio media services via satellite, Internet, cable and other permitted forms of transmission of an audiovisual and/or audio programme shall submit to the Council evidence of the fulfilment of requirements for conducting media activities stipulated in this Ordinance.
- (2) The Council in the procedure for issuing approval determines whether the application in Paragraph 1 of this Article fulfils the conditions stipulated in this Ordinance and issues approval for a period of 10 years.

MAINTAINING THE REGISTER

Article 15

- (1) Media service providers shall maintain the daily register. The register must contain the exact time of commencing the broadcasting of each show, its duration, title and type, including announcements within the catalogue of on-demand media service providers.
- (2) The register can also be used to maintain data on particular programme content essential for tracking compliance with the Electronic Media Act (proprietary production, quantity of news and notifications in concession areas), whereas the television media service providers information on the:
 - a) Quantity of commercial audiovisual communications,
 - b) Quantity of European works,
 - c) Quantity of works from independent European producers
- (3) Upon request from the Council, media services providers shall submit the register electronically or in written form.

TRANSITIONAL AND FINAL PROVISIONS

Article 16

- (1) The terms journalist and chief editor are subject to the definitions provided by the Media Act (Official Gazette, number 59/04, 84/11 and 81/13).
- (2) Existing media service providers shall harmonise their business with the provision of Article 10 of this Ordinance of 31 December 2014 commencing from the day this Ordinance enters into force.

Article 17

- (1) On the day this Ordinance enters into force, the Ordinance on Minimum Conditions for Conducting Audio and Audiovisual Media Service and Maintaining the Register (Official Gazette, number 66/10) ceases to be valid.
- (2) This Ordinance comes into force on the eighth day of the day of its publication in the Official Gazette

COUNCIL FOR ELECTRONIC MEDIA
COUNCIL PRESIDENT
Mirjana Rakić

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