

Pursuant to Article 26, Paragraph 4 of the Electronic Media Act (Official Gazette, number 153/09, 84/11, 94/13 and 136/13), the Electronic Media Council adopts the

ORDINANCE ON THE PROTECTION OF MINORS IN ELECTRONIC MEDIA

Article 1

This Ordinance regulates the mandatory conduct of television and radio media service providers, on-demand media service providers and electronic publications providers for cases where the publication of programmes is likely to be able to impair the physical, mental or moral development of minors, and determines the conditions for the provision of audio and audiovisual media services that include prize competitions or various forms of participation by viewers or listeners in audiovisual or radio programmes, as well as the manner of designating reruns of shows.

I. PROTECTION OF MINORS

Article 2

- (1) Programmes that are likely to be able to impair the physical, mental or moral development of minors include all types of programmes with scenes depicting explicit physical and/or verbal violence, frightening scenes of deaths or woundings, sex and sexual exploitation, vulgar language and scenes, abuse of tobacco, alcohol, narcotics, gambling, betting and other scenes.
- (2) The programmes referred to in Paragraph 1 shall not be considered harmful if they serve to illustrate in an appropriate and meaningful manner or treat the subject in educational, formational, documentary, scientific and current affairs programmes.

Article 3

- (1) When there is information about any form of violence in which, as a witness, a minor is involved as a victim or perpetrator, or a minor has attempted or committed suicide, the minor's identity must always be protected using a misty, quantized or masked image and a modulated tone so that the minor cannot be recognised. Such information shall disclose neither the details about family relationships nor private life, nor mention the name, surname, or other information that could lead to identification of the minor and/or threaten the minor's well-being.
- (2) Personal data on minors and details about family relationships including the minor's private life shall not be published in cases where the disclosure of such information is likely to be able to jeopardise the minor's well-being.
- (3) In broadcasted shows referred to in Paragraph 2 of this Article, identities shall be protected as stipulated in Paragraph 1.

Article 4

Footages in current affairs programmes that are likely to be able to impair the physical, mental or moral development of minors are to be announced with a warning about disturbing or violent scenes.

Article 5

- (1) Audiovisual commercial communications must not be physically, mentally or morally harmful to minors, nor directly encourage them to buy or rent goods and services, meaning minors personally or through their parents or other persons of their trust.
- (2) Programmes aimed at minors and shown in audiovisual commercial communications relating to food and beverages of which excessive use in general diet is not recommended shall not use public figures nor popular characters from animated and feature-length films.
- (3) Media service providers may not broadcast audiovisual commercial messages in programmes aimed at minors where such messages promote the cult of the body, gender, age or racial stereotypes and/or discrimination. Furthermore, it is prohibited to broadcast audiovisual commercial messages that promote societal discrimination because of physical appearance or that promote success based on weight loss or based on other aesthetic categories.
- (4) The advertising of alcoholic beverages must not be aimed at minors, and in particular, they should not be shown consuming alcohol.
- (5) Minors must not be shown in an unreasonable or attractive manner in audiovisual commercial communications in health- or life-threatening situations.

Article 6

It is prohibited to publish pornographic content in unencrypted channels.

Article 7

Regardless of the consent of parents, guardians or caregivers to participate in programmes, minors may not be insulted or belittled on any grounds.

a) The conduct of television media service providers

Article 8

- (1) If the programmes that are likely to be able to impair the physical, mental or moral development of minors or compromise their integrity, self-perception, self-esteem or identity are broadcast in unencoded form, the media service provider shall ensure that they can be identified by visual symbols throughout their entire duration.
- (2) The visual symbol by which it is possible to identify the programmes referred to in Paragraph 1 of this Article is a graphical sign in the top corner of the screen (as opposed to the usual position for symbols identifying the media service provider).
- (3) If the programmes that are likely to be able to impair the physical, mental or moral development of minors or compromise their integrity, self-concept, self-esteem or identity are broadcasted in coded form, the media service provider shall ensure that they can be recognised by a visual symbol that is broadcasted just prior to the commencement of the programme.
- (4) The visual symbols that make it is possible to identify the programmes referred to in Paragraph 3 are written warnings immediately prior to the broadcasting of the programmes. The content of the written warning is as follows:

- "The following programme is not suitable for persons under the age of 12 years"
- "The following programme is not suitable for persons under the age of 15 years"
- "The following programme is not suitable for persons under the age of 18 years".

Article 9

- (1) Graphical signs (circles) are related to the following programme categories and are applied in the following manner:

1. Category 18

These programmes are intended for viewers older than 18 years of age and may not be shown between the hours of 7.00 am to 11.00 pm.

The media service provider shall ensure that such programmes are identifiable for their entire duration by the following sign:

Transparent circle inscribed with the red number 18.

2. Category 15

These programmes are intended for viewers over 15 years of age and may not be shown between the hours of 7.00 am and 8.00 pm.

The media service provider shall ensure that such programmes are identifiable for their entire duration by the following sign:

Transparent circle inscribed with the orange numeral 15.

3. Category 12

The media service provider shall ensure that such programmes are identifiable for their entire duration by the following symbol:

Transparent circle inscribed with the green number 12.

The media service provider shall ensure that programmes that are not suitable for persons under 12 years of age are preceded by an audible warning that says: "The following programme is not suitable for persons under the age of 12 years."

Article 10

- (1) When designating adopted programmes, media service providers may take into account already existing signs, but such signs may not be below the standards stipulated by this Ordinance.
- (2) Media service providers are recommended to adopt film categorisations from the database of the Croatian Audiovisual Centre.
- (3) Media service providers are responsible for designating all programmes, especially designating the contents of their own production.

Article 11

- (1) The graphical signs (circles) must be located in the upper part of the screen.
- (2) Media service providers shall create the graphical signs (circles) referred to in Article 10 of this Ordinance according to their usual design.
- (3) The graphical signs (circles) shall not be smaller than the usual sign (logo) of the media service provider.
- (4) Colour tones of the graphical signs (circles) are determined by the media service providers themselves, but the signs must be clearly visible on the screen.

Article 12

- (1) Programmes that deal with gambling, fortune-telling, provide advice by referring to cards, divination and other similar services that are not scientifically substantiated cannot be broadcast before 11.00 pm and shall be designated by the appropriate graphical sign.
- (2) The programmes referred to in Paragraph 1 of this Article may not make statements asserting that future events can be predicted, except as a matter of one's opinion, neither that contact is made with deceased persons nor statements relating to the question of health, means of medical treatment, medical treatment and/or healing.
- (3) Media service providers shall communicate information in a clear and continuously manner that the advice and/or prophecies of future events are intended for entertainment and adapt the communication of the persons providing the advice.

Article 13

- (1) Television announcements of programmes must be appropriate for the period in which the announcements are broadcasted, and may not contain inappropriate scenes during that period.
- (2) The media service provider shall publish the information on the category referred to in Article 10 during each announcement and in teletext programme schedules, in electronic program guides, on theWeb and other forms of information on programme content.
- (3) Each programme re-run by a television media service provider is subject to the provisions of this Ordinance.

b) Conduct of on-demand media service providers

Article 14

- (1) If an on-demand media service provider publishes programmes that are likely to be able to impair the physical, mental or moral development of minors or jeopardise their integrity, self-perception, self-esteem or identity, the on-demand media service provider shall ensure that such programmes can be identified by means of visual symbols.
- (2) The visual symbols that allow identification of such programmes are written signs and offers in a particular services catalogue.
- (3) The categories referred to in Article 10 are applied in an appropriate manner also by on-demand media service providers.
- (4) When first accessing the particular catalogue, the media service provider shall insist on having the PIN changed.

c) Conduct of providers of electronic publications

Article 15

- (1) If programmes that are likely to be able to impair the physical, mental or moral development of minors or jeopardise their integrity, self-perception, self-esteem or identity are published in an electronic publication, the provider of electronic publications shall ensure that inappropriate images or content are not published on the front page.
- (2) Visual symbol by which it is possible to identify such programmes are written warnings indicating that the content is not suitable for persons under 18 years of age.

d) Conduct of radio media service providers

Article 16

- (1) If programmes that are likely to be able to impair the physical, mental or moral development of minors or jeopardise their integrity, self-perception, self-esteem or identity are broadcasted in encoded form, the media service provider shall ensure that they can be recognised by audio symbols.
- (2) The audio symbols by which it is possible to identify such programmes are an audible warning emitted immediately prior to the commencement of the programme and the read warning: "The following programme is not suitable for persons under 18 years of age."
- (3) The categories referred to in Article 10 of this Ordinance are also applied by the radio media service providers.

Article 17.

The provisions of Articles 13 and 14 of this Ordinance are also applied in the appropriate manner by radio media service providers.

II. PRIZE COMPETITIONS AND PARTICIPATION IN PROGRAMMES BY VIEWERS AND LISTENERS

Article 18

- (1) Prize competition programmes for viewers and/or listeners are all forms of interaction between viewers and/or listeners and the provider of radio and/or television media services in which cash, goods, rights or services are acquired through quizzes, riddles and similar forms of competition.
- (2) Prize participation is all other forms of participation by viewers and/or listeners in a programme whereby calling, sending messages or using other services of electronic communications networks leads to an entitled to goods or services.

Article 19

- (1) If a competition and participation are carried out by means of electronic communications services subject to particular tariffs, it is therefore necessary to restrict charging of those calls and other services for which there is a reasonable likelihood that they will not participate in the competition, and that the votes or comments of callers will not participate in influencing the programme.
- (2) The media service provider when conducting voting, regardless of how it is conducted (calling, sending messages or the use of other services within electronic communications networks), shall announce the number of votes collected for a particular proposal or show the total number of votes received each time results are published.

Article 20

- (1) Media service providers shall, prior to the commencement of prize competitions and any participation, publish clear rules on content including the cash prizes, goods, rights or services that can be acquired and such rules are to be enforced fairly.
- (2) Media service providers shall publish the rules referred to in Paragraph 1 of this Article on their websites, on teletext or in another appropriate manner that are accessible to the general public.

Article 21

- (1) Media service providers that conduct competitions and enable participation through electronic communications services subject to special tariffs shall before the commencement of prize competitions and participation submit to the Electronic Media Council a request for approval of the rules referred to in Article 21, Paragraph 1 of this Ordinance. Media service providers who have obtained the approval from the Ministry of Finance for conducting the prize competitions shall immediately forward the approval to the Council.
- (2) The Electronic Media Council will issue its approval within 15 days of having received the request.
- (3) If the Council finds that the rules are contrary to legal provisions and the provisions of this Ordinance, it will inform the media service provider of the matter and give it an appropriate deadline to rectify the identified inadequacies.

DESIGNATING RE-RUNS AND OTHER PROGRAMMES

Article 22

- (1) A rerun is considered the repeated publishing of a programme after the passing of a period of seven (7) days. Republication individual music videos or songs not considered to be rerun.
- (2) Reruns of audiovisual programmes that contain elements of interaction with viewers and/or calls to viewers to action or which may lead to confusion (reality shows and other competitions indicating a call to vote, interactive quizzes, discussions on political and/or social issues, etc.) are designated with the letter R in the top corner of the screen, with the size being not less than the media service provider's logo, and for the entire duration of the broadcast, regardless of the time that has passed since the premiere broadcast.
- (3) Re-runs and recordings of sports transmissions must be designated with the word RECORDING throughout the duration.
- (4) Audiovisual contents of which parts are re-broadcast as part of newly produced shows, and which can be linked to current events or illustrate a recent event, must be designated with the words ARCHIVE or ARCHIVE MATERIAL for the entire duration of that part of the show.
- (5) Every rerun of the premiere broadcast that occurred less than 12 months prior, except in the cases referred to in Paragraphs 3 and 4, is to be designated by the letter R and during each announcement and in the teletext programme schedules, electronic programme guides, on the Web and other forms of communication.
- (6) Announcement and schedule of programmes on teletext, electronic programme guides, the Web and other forms of communication for serial programme must contain the required number of episodes and season of the series.
- (7) The obligation referred to in Paragraphs 5 and 6 of this Article shall also apply in an appropriate manner to radio media service providers.

Article 23

Media service providers are responsible for carrying out the provisions of this Ordinance, whereas the ultimate responsibility for what minors what and hear rests upon parents and custodians.

Article 24

By the end of 2015, the Council will issue detailed recommendations for implementation of the provisions of this Ordinance.

Article 25

- (1) Media service providers shall adapt the broadcasting of programmes to the provisions of this Ordinance within thirty (30) days from the date the Ordinance enters into force.
- (2) As an exception to Paragraph 1 of this Article, media service providers shall commence sounding the audible notification stipulated in Article 9 of this Ordinance no later than 30 June 2015.

Article 26

- (1) Once this Ordinance has entered into force, the Ordinance on the Protection of Minors (Official Gazette, no. 60/2010) will cease to be valid.
- (2) This Ordinance shall enter into force eight (8) days after its publication in the Official Gazette.

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