

Pursuant to Article 42, Paragraph 2, 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 CRITERIA AND MANNER OF INCREASING THE SHARE OF EUROPEAN AUDIOVISUAL WORKS OF INDEPENDENT PRODUCERS

Article 1

This Ordinance establishes the criteria and methods of increasing the share of European audiovisual works of independent producers in the programs of audiovisual media service providers.

Article 2

(1) An independent producer of audiovisual works (hereinafter: Independent Producer) is a legal or natural person who meets the following conditions:

- The Independent Producer is registered as a audiovisual works producer and has its headquarters in the Republic of Croatia or in one of the EU member states,
- The Independent Producer is not included in the organisational structure of the audiovisual media service provider
- The audiovisual media service provider may possess up to 25% of the share of capital in the producer, or management or voter's rights,
- That no more than half of the Independent Producer's annual production is achieved based on orders from individual audiovisual media service providers.

(2) An Independent Producer is a legal or natural person registered for the production of audiovisual works, and has its headquarters in a third country if the European works comprise the majority of its audiovisual production in the last three (3) years and still meets the conditions referred to in Paragraph 1, Subparagraph 2 and 3 of this Article.

(3) An Independent Producer may be a legal or natural person whose average share of financial means for covering total expenses of production or co-production, in which the Independent Producer has participated in the last three (3) years, does not exceed 10%.

Article 3

(1) The audiovisual media service providers shall endeavour that audio-visual works of Independent Producers make up at least 10% of the provider's annual broadcasting time.

(2) The annual broadcasting time does not include the time intended for news, sports events, games, advertising, teletext and teleshopping.

(3) At least half of the audiovisual works of Independent Producers must have been produced in the last five (5) years.

Article 4

The audiovisual media service provider who has been awarded a concession or permit for satellite, cable and Internet transmission in accordance with the program basis, in which the provider has less than 10% share of European audiovisual works of independent producers, must achieve the said share over the next four (4) years.

. Article 5

The audiovisual media service provider shall achieve the required increase in share referred to in the previous Article by having achieved the prescribed share of European audiovisual works of independent producers in its program in the last four (4) years and thereby increase the proportion by at least 2.5 percentage points each successive each year.

Article 6

The provisions of this Ordinance shall also apply to the provider of audiovisual media services broadcasted on specialised channels who based on their content represent an exception to the inclusion of European audiovisual works of Independent Producers in accordance with Article 3, Paragraph 2 of this Ordinance, meaning it shall apply to the part of the program that does not belong to a specialised program.

Article 7

(1) For existing audiovisual media service providers that have received a concession on a national and regional level, this Ordinance shall be applied starting from 2008. For all other audiovisual media service providers, the first year of applying the Ordinance shall be the year subsequent to which the providers acquired their concession and/or permit.

(2) Audiovisual media service providers are required to submit to the Electronic Media Council information on European works that were broadcasted in the previous year by March 31 of the current year. The Electronic Media Council reserves the right to verify this information, or seek additional information.

(3) Those exempted from the obligation to provide information under Paragraph 2 of this Article are audiovisual media service providers who had an audience share of 0.3% or less in the previous year, and who accordingly have requested an exemption from the Electronic Media Council.

(4) Calculating the audience share is based on the average audience share of each channel, broadcast, or the viewer time interval at a given time of watching television (SHR - Share).

(5) This exemption does not exempt audiovisual media service providers from the obligation of complying with Article 3 of this Ordinance, whereas the Electronic Media Council reserves the right to verify compliance with these conditions at any time.

Article 8

(1) Upon this Ordinance coming into force, the Ordinance on the Criteria and Manner of Increasing the Share of European works of Independent Producers shall cease to be valid (Official Gazette, number 43/10).

(2) Notwithstanding the provisions of Article 8, Paragraph 2 of this Ordinance, audiovisual media service providers are required to submit the mentioned data for 2014 by 30 July 2015.

(3) This Ordinance shall come into force eight (8) days after its publication in the Official Gazette.

ELECTRONIC MEDIA COUNCIL
COUNCIL PRESIDENT

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