

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 WORKS

Article 1

This Ordinance establishes the criteria and manner of increasing the share of European works in the programs of the audiovisual media service provider.

Article 2

(1) European works are:

- Those originating in European Union member states,
- Those originating in European countries as members of the European Convention on Transfrontier Television and meeting the requirements of Paragraph 3 of this Article,
- Those that have been produced in co-production under the agreements that relate to the audiovisual sector and that have been concluded between the EU and third countries, where such works fulfil the conditions defined in each of the agreements.

(2) The provisions of Paragraph 1, Item 2 and 3 of this Article shall apply only to countries in which audiovisual works originating from European Union member states are not subject to discriminatory measures.

(3) The works referred to in Paragraph 1, Item 1 and 2 of this Article are those that have been created primarily by authors and workers with residence in the countries referred to in Paragraph 1, Item 1 and 2 of this Article, if they meet one of the following conditions:

- If the producers of these works have been established in one or more of the referred countries, or
- If the particular work has been created under the supervision and the actual control of one or more producers who have been established in one or more of the referred countries, or
- If the contribution of co-producers from the referred countries is overwhelming with respect to the total cost of co-production, but where co-production is not controlled by one or more producers established outside the specified countries.

(4) The works not considered European works with reference to Paragraph 1 of this Article, but have been produced under bilateral co-production treaties concluded between EU member states and third countries shall be considered European works if a majority share of total production costs have been borne by producers from the European Union, and production is not controlled by one or more producers established outside the territory of the EU member States.

Article 3

(1) The audiovisual media service provider shall endeavour that European works make up the majority of its annual broadcasting time.

(2) The minimum initial share of European works is 20% of annual broadcasting time.

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

(4) The share of European works referred to in Article 1, Paragraph 1 of this Ordinance also includes audiovisual works of a proprietary production and Croatian audiovisual works with the exception of works referred to in Paragraph 3 of this Article.

(5) The program catalogues of an on-demand audiovisual media service provider shall contain at least 20% of European works.

(6) The provider of on-demand audiovisual media services that do not contain at least 20% of European works shall endeavour that its on-demand audiovisual media services promote the production of and access to European works, unless other promotion methods and tools are used.

(7) The promotion of the works referred to in Paragraph 6 of this Article may relate, among other things, to financial contribution for the production and acquisition of rights to European works or to the share and/or highlighting of European works in the program catalogues that provide on-demand audiovisual media services.

Article 4

The audiovisual media service provider who has been awarded a concession or permission for satellite, cable and Internet transmission on a program basis, which contains more than 20% and less than 51% of European works, are required to increase their share in the next four (4) years.

Article 5

(1) The audiovisual media service provider is required to increase the share referred to in the previous Article by achieving a majority share of European works in its program and thereby successively increasing the share by at least 10 percentage points each year over a period of the last four (4) years.

(2) The provisions of this Article shall apply in an appropriate manner to on-demand audiovisual services.

Article 6

The provisions of this Ordinance shall also apply to the provider of audiovisual media services broadcasted on specialised channels, and in terms of the content represent exceptions to the inclusion of European works as referred to Article 3, Paragraph 3 of this Ordinance, meaning it shall apply to part of the program not belonging 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 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 above-mentioned information 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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