



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES**  
**POLICY DEPARTMENT**



# **THE SITUATION OF THE MEDIA SECTOR IN CROATIA**

**AFET**

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

**DIRECTORATE B**

POLICY DEPARTMENT

STANDARD BRIEFING

**THE SITUATION OF THE MEDIA SECTOR  
IN CROATIA**

**Abstract**

In the twenty years since independence the development of free media in Croatia, alongside the birth of democracy and introduction of the market economy, has been a huge challenge. During the 1990s state censorship of the media continued to prevail. Since then the state of media freedoms has improved, but serious problems remain. This paper reviews the present state of affairs in the following four areas: (i) legal framework of the media, (ii) their ownership and financial situation, (iii) the freedom of the media and (iv) the role of the media in the fight against organized crime and corruption.

While further amendments of media legislation are required to meet EU standards, the media are already showing themselves to be potent forces in the struggle against the wider problem of state corruption and its defective judiciary. The EU accession process is a unique opportunity to achieve decisive progress in these respects

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## EXECUTIVE SUMMARY

Since Croatia's independence 20 years ago the development of free media has been one of the major challenges associated with the birth of democracy and introduction of the market economy. During the Tuđman regime of the 1990s state censorship of the media remained largely prevalent. Since then there has been important progress, yet the present situation is still one with serious blemishes in terms of remaining political constraints on the media, corruption within the media, and simultaneously courageous efforts by individual journalists to uncover the much wider and deeper problem of state corruption and its defective judiciary.

The paper addresses these issues under the following four headings: 1) the legal framework for the media, 2) their ownership and financial situation, 3) the freedom of the media and 4) the role of the media in the fight against organized crime and corruption.

There are four principal laws governing the media in Croatia: Law on Media, Law on Electronic Media, Law on Croatian Radio and Television, and Law on the Right to Access Information. All of these laws have been amended several times. However further amendments are required and expected in 2010/2011, in order to get into line with European Union standards. For example under the current Law on Media, business activities and ownership structure of the media are to be public and transparent. Yet these financial data are so far only partially available for the general public.

The paper reports on independent surveys which reveal continuing low level government pressure and harassment of the media in Croatia. More grave, several journalists were attacked in the past years, and two were killed in shocking murders in Zagreb in 2008, the first such killings of Croatian journalists since independence. Despite obvious imperfections, the media continue to investigate delicate issues of organized crime, corruption and reform of state administration. Numerous political abuses were brought to light in a satisfactory manner only thanks to the active and indeed courageous engagement of individual journalists. The European Union should therefore continue though the accession process to promote the development of free, impartial and independent media in Croatia.

**Main recommendations are as follows** (details are given at the end of the paper):

- The laws on Media and Croatian Radio and Television (HRT) should be amended fast, if possible already in 2010. Their revision is constantly being postponed.
- The ownership structure and business activities of the media are not transparent or only partly so, and this should be corrected. Conflicting provisions in the existing Law on Media and the recently revised Law on Electronic Media provide leeway for certain media players to establish dominant market positions, and this requires correction.
- There is a suggestion from the Croatian Journalists' Association to form an independent Council for Media consisting of journalists, publishers and representatives of civil society. This should certainly be considered. The political independence of representative bodies should be ensured.
- The media should be further supported in its development as a powerful weapon against crime and corruption. The harassment of and attacks on journalists should be publicly condemned and penalized.



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## **1 INTRODUCTION**

This paper first of all reviews the situation and wider role of the media in Croatia under heading that cover their legal, ownership and financial aspects. This reveals some problems still for conformity with EU standards. Beyond formal legal issues there are also still problems of incomplete freedom of the media and of corruption within the sector. However, as regards the wider problem of state corruption the media, and courageous individual journalists in particular, are providing a vital public service in uncovering facts that are indispensable in the fight against organized crime and corruption.

## **2 LEGAL FRAMEWORK OF THE MEDIA**

The Croatian Constitution guarantees the freedom of expression. In its Article 38, it strictly bans censorship. Moreover, the Constitution guarantees the right for correction in case the published news violate legal rights. There are four principal laws governing the media in Croatia: Law on Media, Law on Electronic Media, Law on Croatian Radio and Television, and Law on the Right to Access Information. All of them have been discussed and amended for several times. Moreover, further amendments are required and expected in 2010/2011, in order to get into line with the requirements of the European Union.

### **2.1 Law on Media (2004)**

The present version of the Law on Media was passed in 2004. Its drawbacks are the inadequate regulation in the fields of impermissible media concentrations, media transparency, and the freedom of expression. The current law defines the impermissible concentration as one where the sale of one or more daily or weekly newspapers owned by one publisher exceeds 40% of the total sale of all sold daily and weekly newspapers in Croatia. On the other hand, the newly passed Law on Electronic Media is stricter and offers better categorization in this respect, but it coexists with the broader provisions of the Law on Media. In mid-December 2009, the Croatian Journalists Association (CJA) protested against the current Law on Media by demanding its revision. Besides the lack of specification in the area of impermissible concentration, the CJA especially considers that the existing law restricts the journalists in their right to decide upon the nomination of their editors.

### **2.2 Law on Electronic Media (2003/2009)**

The revised Law on Electronic Media was passed on 29 December 2009. Its previous version from 2003 was not entirely in line with EU legislation. However the newly amended version is now in compliance with Directive 2007/65/EC on audiovisual media services of the European Parliament and the Council, Directive 98/84/EC on legal protection of services based on conditional access, as well as Directive 206/114/EC on misleading and comparative advertising.

The Law on Electronic Media establishes the Agency for Electronic Media, which is governed by its Director and the Council for Electronic Media. This Council supervises a large number of provisions concerning electronic media. It consists of seven members who are appointed and dismissed by the Croatian Parliament. Both in Croatia and abroad, the critics argue that civil society should be more involved in this process.

The Law on Electronic Media deals with the issue of impermissible media concentration in a more comprehensive manner than the Law on Media, defining various categories of media mergers and allowing for only 10 to (maximum) 30% market shares in specific cases. In particular, Article 54 of the

Law forbids cross-ownership in the following cases: a TV and/or radio channel owned on a national level and possessing a share over 25% in the capital of other TV and/or radio operating either on national or regional and local level, and vice versa;; a TV and/or radio channel owned on a national level and having a share over 10% in the capital of a daily issued in more than 3000 copies; a TV and/or radio channel owned on a national level and possessing a share over 10% in the capital of a legal entity functioning as a journalistic agency, and vice versa; a TV and/or radio channel owned on a national level simultaneously publishing a daily issued in more than 3000 copies; a TV and/or radio channel owned on a regional/local level and having a share over 30% in the capital of a similar local/regional channel broadcasting in the same area; TV and/or radio channel owned on a regional/ local level and having simultaneously publishing a local daily in the same geographic area; a satellite, cable or internet broadcaster simultaneously publishing a daily issued in more than 3000 copies; a satellite, cable or internet broadcaster having a share over 10% in the capital of a daily issued in more than 3000 copies, and vice versa. Finally, the Law also creates the Fund for Promotion of Pluralism and Diversity of Electronic Media in order to support the freedom of expression for various societal groups.

### **2.3 Law on Croatian Radio and Television - HRT (2003)**

Last amended in 2003, the Law on Croatian Radio and Television (Law on HRT) is still heavily discussed and due to see new amendments in 2010. Croatian Radio and Television (HRT) is a public institution and financed by subscriptions that amount to 1.5% of the net average Croatian salary. HRT has two channels, HRT1 and HRT2, while its third channel, HRT3, was denationalized in 2004. HRT is composed of three units: Croatian Television, Croatian Radio and HRT Music Production, and is governed jointly by the Programme Council, the Director General and the Directorate (composed of the directors of the three units, and a representative of the HRT employees' council). The present law has serious shortcomings.

The Programme Council (HRT Council) is in charge of monitoring both the management and programme selection. Article 18 of the Law on HRT foresees that any institutions, associations and citizens are entitled to nominate the HRT Council members. Even MPs could theoretically be nominated (excluded are state officials and HRT employees). The HRT Council members are appointed and dismissed by the Croatian Parliament, but the dismissal criteria in particular are very unclear. The present law therefore does not impede that the members of the HRT Council be political appointees.

According to Article 1 of the Law on HRT, the state has "founder's rights" over HRT. The law does not define what the "founder" is, nor does it determine the concept of "founder's rights". Similarly Article 58 of the same law ensures the state supervision of the legality of HRT's work. This also raises the issue of subventions and the amount of state aid to HRT, which is not regulated by the present law (in particular not addressed in its Article 56). The Law on HRT is expected to be amended in 2010.

### **2.4 Law on the Right to Access Information (2003)**

Approved in 2003, the Law on the Right to Access Information grants any person with the right to access information from bodies of public authorities, including state bodies, local and regional governments, as well as legal and other persons vested with public powers. Public authorities are required to respond to written or oral requests within 15 days. In case they do not do so, the requestors can file their complaints with the Administrative Court. Civil society groups such as GONG often claim that this law is violated.

### **2.5 Other legislation and media associations**



Apart from the four principal laws addressed above, there is a number of other legislative acts in the field of the media, such as the Law on Telecommunications or the Law on HINA (Croatian News Agency). The most prominent association is the Croatian Journalists' Association (CJA) which has a Statute and a Code of Honour. Similarly, there is the Croatian Association of Radio Stations and Newspapers which groups together smaller electronic media and newspapers. Finally, sixteen largest publishers are members of the Association of Newspaper Publishers (ANP).

### 3 OWNERSHIP AND FINANCIAL SITUATION OF THE MEDIA

Croatia has 24 TV and 155 radio channels. Out of 24 channels in total, only four are licensed for nationwide coverage (HRT- which operates two channels, Nova TV and RTL), while 21 are local TV stations. Moreover, out of 155 radio channels, only 6 cover the entire country, whereas other broadcast locally or regionally. There are about 20 daily newspapers, of which the most popular include both national (*Večernji list*, *Jutarnji list*, *24 lista*) as well as regional papers (*Slobodna Dalmacija*, *Glas Slavonije*). There are also various weekly and monthly news magazines. The exact number of internet portals is still unknown.

According to Chapter V of the current Law on Media, the ownership and financial situation of the media are to be public and transparent. The media are obliged to register their company with the Croatian Chamber of Commerce (Article 12). Furthermore, they have to deliver to the Croatian Chamber of Commerce the data on their ownership structure by the 31 January of the calendar year (Article 32 of the Law on Media) as well as the data on their financial situation by the 30 April of the calendar year (Article 34). However these data are only partially available for the general public, although there exists the right to obtain such information (Article 13.1 of the Law on Media).

#### 3.1 Newspapers

Europapress Holding (EPH) is the main printing house in Croatia. It is co-owned by Ninoslav Pavić and the Westdeutsche Allgemeine Zeitung Medien Gruppe (WAZ). EPH holds a best selling national daily, *Jutarnji list*, the biggest regional daily, *Slobodna Dalmacija*, the best-selling weekly, *Globus*, and the leading women's magazine, *Gloria*. Three papers owned by EPH are also licensed for sale in Serbia and Montenegro. EPH was involved in a controversial affair after dismissing journalist Hrvoje Appelt, who consequently accused it of corruption and hampering the freedom of expression (see Section 5).

On the other hand, the Austrian media house Styria also owns a best selling daily, *24 Sata*, one of the top three dailies, *Večernji list*, as well as the business weekly, *Poslovni tjednik*. Styria's most important markets are in Austria, Slovenia and Croatia. Furthermore, many journalists, notably members of the Croatian Journalists' Association, often reproach Croatian media of sensationalism and commercial influence. For instance, the best selling daily *24 Sata* is an example of a commercially successful business, being a paper that offers very brief information at a low price.

Finally, there is the NCL Media Group, which is owned to 75% by Vienna Capital Partners. It was founded by Ivo Pukanić, journalist who was assassinated in a motorcycle bomb blast in 2008. NCL Media Group runs popular weeklies *Nacional* and *Extra*.

*24 Sata*, a very brief and popular overview of daily information, is sold in more than 180 000 copies, followed by the dailies *Jutarnji list* with over 100 000 and *Večernji list* with more than 96 000 copies<sup>(1)</sup>. The daily *Novi list*, often praised for its professionalism, is private and independent, whereas another

<sup>1</sup> Data from 2008, available on the respective websites

daily *Vjesnik*, which used to be very popular among the well-educated population, is owned by the state and its journalists have almost no say in the editorial policy. *Glas koncila* is the publication owned and edited by the Catholic Church. The Croatian News Agency (HINA) is an organization *sui generis* – financed both by the state and the private sector.

### **3.2 Television**

Out of the four television channels offering nation-wide coverage, two are part of the state-owned (public) HRT and two are private and commercial (Nova TV and RTL). As mentioned above, HRT is supervised by the state and obliged to report its current financial situation at least once a year to the Parliament (Article 19.3 of the Law on HRT). HRT is mainly financed through TV subscriptions, and there is an extensive debate over the allowed duration of advertising on HRT. Several media laws, notably the Law on Electronic Media, generally restrict the duration of adverts during broadcasting. Private TV stations often complain about the HRT's dumping prices of advertising, though. The new Law on HRT should revise the financing system whereby the TV subscriptions will contribute more to the HRT budget than the income from advertisements. As a public television, HRT is often subject to debates concerning its bias towards the ruling coalition (see section 4).

Nova TV is a private television founded in 2000, and now owned by the media group CME (Central European Media Enterprises Ltd.). In particular its information programmes is competing with HRT, although the latter remains the most popular channel. Nova TV is especially popular among those aged between 18 and 49.

RTL is another private television, 74% owned by the German RTL Group, which has 45 television channels all over Europe. It is popular among the young population. According to a comparative survey cited in the Country Report by Freedom House for 2008, however, none of the smaller national media outlets competes effectively with HRT.

Other channels are either local or regional, and mainly commercial (such as OTV, STV, NIT TV, SBTV, etc.).

### **3.3 Radio**

Although there are 155 radio stations in Croatia, only 6 of them have a country-wide concession: Croatian Radio 1, 2 and 3 (public, part of HRT), Narodni radio (private), Otvoreni radio (private) and Hrvatski katolički radio (Croatian catholic radio, owned by the Croatian Catholic Church). Other radio stations are local and regional, and mainly owned by the state. Because of their questionable objectivity, their privatisation is often cited as a necessary measure.

### **3.4 Internet**

Most Internet portals in Croatia are the property of Internet providers (net.hr) or telecommunication companies (T-portal). Others claim to be independent (index.hr). Their popularity is growing, as is the number of Internet users in Croatia (1.88 million in 2008 (2)).

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<sup>2</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/hr.html>

## 4 FREEDOM OF THE MEDIA

Article 10 of the ECHR provides: "Everyone has the right to freedom of expression". The Convention understands by freedom of expression "freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers". In the World Press Index by the Reporters without Borders <sup>(3)</sup>, Croatia did not achieve impressive results. It is ranked 78th out of 175 countries, lower than for instance Serbia, Bosnia Herzegovina or the former Yugoslav Republic of Macedonia, but also worse than Tanzania or Togo. Public assassinations of two journalists, Ivo Pukanić and Niko Franjić, in 2008, have certainly contributed to this disappointing ranking.

In its latest (2008) report, Freedom House ranks countries in the categories Democracy, National Democratic Governance, Electoral Process, Civil Society, Independent Media, Local Democratic Governance, Judicial Framework and Independence, and Corruption. As far as Independent Media are concerned, Freedom House estimates that Croatia is under the strong influence of corporate journalism. On a scale of 1 to 7, whereby 1 stands for the highest and 7 for the lowest degree of freedom, the independence of the media in Croatia received 3.75, meaning that the media in Croatia are only partially free.

In October 2008, a bomb hidden in a motorcycle in Zagreb killed Ivo Pukanić, a prominent publisher and journalist, as well as his marketing expert Niko Franjić. The entire Croatian public was horrified since it was the first case of murder of a journalist since Croatian independence in 1990. Pukanić had also reported an attack several months preceding his assassination, but no one took seriously his arguments.

The Croatian Journalists' Association keeps a record of all cases of the harassment of journalists in its White Book. Freedom House estimates in its Country Report on Croatia (2008) that overall, there is a rather low government pressure or harassment of the media. However, several journalists were attacked and beaten up in the previous years (the most prominent case is that of the editor of Jutarnji list). Moreover, in 2007 a journalist was arrested for allegedly publishing confidential state materials on his blog. He spent a night and day in jail and was released with no substantial explanation.

In the 1990s, during Tuđman's presidency, there was considerable censorship in the Croatian media. However, this censorship encountered resistance. The most remarkable cases are that of the political weekly, Feral Tribune, which criticized the government in a satirical tone and was closed down in 2008 due to financial difficulties, and Radio 101, that was supposed to shut down in 1996 but because of thousands of protesters who appreciated its professionalism as well as due to the pressures from outside, its concession was returned.

Nowadays, political communication between the government and its opponents is more transparent in the media. However, several directors and editors of the Croatian Radio Television (HRT) have long been accused of interfering with the journalists' freedom of expression. The Law on HRT does not sufficiently address the freedom of expression on that television. The political bias and state supervision often lead to controversies.

Political and financial scandals surrounding the HRT are not rare. Recently, the four most important officials of HRT (the Director General and directors of Television, Radio and Music Production) resigned due to a series of political and financial scandals attributed to the Director General. Moreover, in January 2010 the chief editor of the information programme on HRT, Hloverka Novak-Srzić, who had been a significant personality during Tuđman's regime, was accused of censorship both by her colleagues from

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<sup>3</sup> [http://www.rsf.org/IMG/pdf/classement\\_en.pdf](http://www.rsf.org/IMG/pdf/classement_en.pdf)

HRT and by the Croatian Journalists' Association. She was long under pressure from the general public to step down, which she was obstinately refusing, provoking a stalemate at HRT. Finally, on January 19., Novak-Srzić was dismissed.

Despite the fact that there are 23 recognized minorities in Croatia, it is apparent that they are consistently neglected by the media. On the channels licensed for the nation-wide coverage, there is only one TV and two radio shows addressing various minority issues in Croatia. With time, the handling of information concerning the Serbian minority or nationals has become more prudent. Two examples demonstrate this. First, at Nova TV, the broadcasting of a TV show which was investigating various crimes in particular committed during the Homeland War (1991-1995) was interrupted due to its alleged anti-Serbianism. Moreover, at HRT, the Director General was forced to step down because of several scandals, including a dubious financial management of HRT, and his frequent arguments with journalists. The most recent was his insulting of a TV reporter on grounds of her Serbian origin.

According to the newly revised Law on Electronic Media, the Fund for Promotion of Pluralism and Diversity of Electronic Media and the Council for Electronic Media should supervise the upholding of human rights in the media. Moreover, the Council of Honour of the Croatian Journalists' Association (CJA) regularly issues warnings to the journalists who do not comply with the professional standards and ethics. However, the highest punishment consists only in exclusion of a journalist in question from the CJA.

## **5 MEDIA AND THE FIGHT AGAINST CRIME AND CORRUPTION**

Doubtless, Croatia needs to profoundly reform its judiciary system, since corruption and crime are still at a very high level. According to the Corruption Perception Index 2009 of Transparency International <sup>(4)</sup>, Croatia scored 4.1 on the scale of 1 to 10, placing it as the 66<sup>th</sup> out of 180 countries. This ranking is well below that of the majority of the EU countries, with the exception of Romania, Bulgaria and Greece (all ranked 71<sup>st</sup>). Moreover, in the 2009 Index of Economic Freedom of the Heritage Foundation <sup>(5)</sup>, Croatia scored 55.1 out of 100 overall, which puts it in 116<sup>th</sup> place (out of 179). In the two sections dealing with corruption, Croatia scored particularly badly: its result is 41 out of 100 in Freedom from Corruption section and only 30 out of 100 in the Property Rights section.

One can recall numerous crime and corruption affairs in Croatia in the previous three years. Many of these scandals were brought to light and discussed in a satisfactory manner only thanks to the media. In 2007, several highly ranked officials from the Croatian Privatization Fund were arrested in the action called Operation Maestro. This marked a beginning of the confrontation over the defective privatization operations of the 1990s. Both the media and civil society exerted a certain amount of pressure on the government to start dealing with the consequences of the unfair Croatian privatization.

In 2008, only a few weeks before Ivo Pukanić's murder, there was the assassination of Ivana Hodak. She was the 26-year old daughter of a lawyer defending Vladimir Zagorec, a general charged with a massive embezzlement committed during the war. The media covered the case of the war criminal milieu, General Zagorec, his lawyer and lawyer's assassinated daughter very extensively.

In 2009, several university professors were accused of corruption in the affair "Index." Moreover, two cabinet ministers had to step down, due to their involvement in corruption affairs. Currently, the media is also pressing for the resignation of the incumbent minister of the sea, transport and infrastructure

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<sup>4</sup> [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009/cpi\\_2009\\_table](http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table)

<sup>5</sup> <http://www.heritage.org/Index/Country/Croatia>

due to serious railway accidents that occurred in 2009. Additionally, 2009 brought the abrupt resignation of Prime Minister Ivo Sanader. After Sanader's resignation, the media plucked up some additional courage to reveal several political and financial corruption affairs. While the Croatian media are still not politically independent, they nevertheless uncovered a series of scandals and affairs in the first six months after Sanader's leave.

Although there is often an impression that the increased competition in the Croatian media has not brought more professionalism, but more sensationalism, this competition still contributes to the stirring up of a certain reform process. The broad spectrum of the media as well as their relative freedom continuously pushes in favour of a more informed public, in particular in the field of European integration. Honesty of the media is a precondition for dealing with corruption, including cases of corruption within the media itself. For instance, journalist Hrvoje Appelt investigated several suspicious affairs concerning ex-Prime Minister Sanader (including a secret deal concerning the sellout of the Croatian pharmaceutical company Pliva) and several other politicians, including ex-Prime Minister Miomir Zuzul. Appelt was dismissed in March 2009. In June 2009, he delivered a speech before the National Board for monitoring implementation of the Strategy of fight against corruption, testifying about the numerous corruption cases in the publishing company EPH<sup>6</sup>. Censorship and neglect of political affairs that threw too unfavourable a light on the government were allegedly not infrequent in this company. Moreover, as mentioned above, numerous HRT journalists protested against the editor in chief of the information programme, accusing her of banning all the information that conflicts with the interest of the ruling coalition.

## **6 CONCLUSIONS AND RECOMMENDATIONS**

If Croatia is to join the EU in the near future the media sector has to undergo thorough reforms to adapt to the EU legislation and standards. In particular the following recommendations can be made.

1. The laws on Media and HRT should be amended fast, if possible already in 2010. Their revision is constantly being postponed. The directives of the European Union concerning the media are now transposed in the national law (Law on Electronic Media), but particular attention should now be paid to their respect and implementation. The respect of the Law on Right to Access Information should be safeguarded.
2. The ownership structure and business activities of the media are either fully non-transparent or only partially transparent. The yearly reports to the Croatian Chamber of Commerce about the earnings and losses are not available for the general public. On the other hand, excessive concentration is not adequately controlled. Conflicting provisions in the existing Law on Media and the recently revised Law on Electronic Media provide leeway for certain media players to establish dominant market positions.
3. There is a suggestion from the Croatian Journalists' Association to form an independent Council for Media consisting of journalists, publishers and representatives of civil society. This should certainly be considered. More generally, the members of all important governing bodies concerning the media (such as Council for Electronic Media or the HRT Council) most often consist of political appointees, who are nominated and dismissed by the parliament. The political independence of such bodies, but also of the media in general, should be ensured. Moreover,

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<sup>6</sup> <http://www.cunerview.net/index.php/Theory-Papers/hrvoje-appelt-speech-corruption-media.html>

more attention should be paid to various national minorities which are not granted sufficient media space.

4. The media should be further supported in its development as a powerful weapon against crime and corruption. The harassment of and attacks on journalists should be publicly condemned and penalized. The activities of the media in the fight against organized crime and corruption should be stimulated. On the other hand, the judiciary should prosecute the cases of corruption within the media. The European Union should therefore continue to promote its own democratic and intellectually pluralistic values in Croatia and its media.

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## DIRECTORATE-GENERAL FOR EXTERNAL POLICIES

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