

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Croatia

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Croatia	25 (23 local and regional, 2 national– Nova TV and RTL TV) www.e-mediji.hr/nakladnici/televizijski_nakladnici.php	2 Max TV (ip tv with video on demand) www.tportal.hr/maxtv/fset.html Iskon TV (ip tv with video on demand) www.iskon.hr/za_kucu/telefon_internet_tv/iskon_tv/vise/videoteka (the official list has not yet been published)	2 (HTV1 & HTV 2) www.hrt.hr/

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Croatia	Information requirements (art. 5 AVMS Directive)	Zakon o elektroničkim medijima (Law on electronic media Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html	Agency for electronic media is responsible for all areas and sectors covered.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	Zakon o elektroničkim medijima (Law on electronic media Official Gazette 153/09) Zakon o HRT-u (Law on the Croatian Radio and Television Official Gazette 25/03 http://narodne-novine.nn.hr/clanci/sluzbeni/2003_02_25_362.html			
Access to short news reports (Article 15 AVMS Directive)					
Promotion of European works (Art. 13, 16, 17 AVMS Directive)					
Hate speech (Art. 12 and 6 AVMS Directive)					
Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)					
Protection of minors (Art. 27 AVMS Directive)					
Right of reply (Art. 28 AVMS Directive)					
Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)					

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Croatia	Agency for electronic media	www.e-mediji.hr/	2007	Jagićeve 31 10 000 ZAGREB HRVATSKA Tel. – +385 (0)1 4882610 Fax - +385 (0)1 4882614 E.mail: info@e-mediji.hr

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Croatia	Agency for electronic media	Yes	Yes	No	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Croatia	Agency for electronic media	Not foreseen	5 + 7 council members	0.5 % of the annual gross revenue of radio, television and other electronic media in the preceding year	HRK12,490,800.51 (app. €1.7m)	2008, Annual report for 2008 www.e-mediji.hr/files/izvjesca/IZVJESCE_ELEKTRONICKI_MEDIJI_151.pdf

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Croatia	Agency for electronic media	Zakon o izmjenama i dopunama zakona o elektroničkim medijima (Law amending the Law on electronic media Official Gazette 79/07 http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_2493.html)	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Croatia	Agency for electronic media	The Agency for Electronic Media is an independent legal entity with public authority, run by the Council for Electronic Media	Yes			Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Croatia	Agency for electronic media		√	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Croatia	Agency for electronic media	Tick boxes	√	√	√
		Areas	Co and self regulation for radio and television, approval of Council	Quotas, advertising, protection of minors	All areas covered by the Law on electronic media (e.g. licensing, advertising, protection of minors)
		Source	General act Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html	Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html	General act Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Croatia	Agency for electronic media	Quotas	√	√	√	-		Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Advertising	√	√	√	-		Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Protection of minors	√	√	√	-		Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Croatia	Agency for electronic media	Quotas	√ all sanctions are discretionary	√ (€14,000-140,000)		√	√	
		Advertising	√	√ same as above		√	√	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
		Protection of minors	√	√ same as above		√	√	

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Croatia	Agency for electronic media			√		√ (applies to the TWFD as the present Law with the transposed AVMS was only adopted on 17 December 2009, and 6 months are given to the regulator and the media to comply with its requirements)	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Croatia	Agency for electronic media	√		N/A		Decision are being implemented

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Croatia	Agency for electronic media	There is an online complaint form available on the website. After receiving a complaint, the Department for supervision and monitoring program assesses the seriousness of the complaint. Depending on the assessment of the Department for supervision, the complaint is referred to the Council for Electronic Media to decide on the type of measures to take. The end decision is published on the website of the Agency.	www.e-mediji.hr/kontakt/prituzbe.php

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Croatia	Council for Electronic Media*	board	7	No	No	No	No	Yes 100%	No	No	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
<p><i>*The Council for Electronic Media is the body referred to in this section as it is the highest decision-making organ. article 67.</i></p> <p><i>(1) «The Council runs the Agency and fulfills the tasks of the regulatory body in the area of electronic media. The Council has in its work the authority of the management board in terms of the Law on public institution. The Chairman of the Council is the signatory of the decisions of the Council»</i></p>											

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Croatia	Council for Electronic Media	<ul style="list-style-type: none"> Giving and revoking, concessions for audiovisual media services Issuing warnings In charge of the register of the active electronic media Overseeing and monitoring the legal provisions on program obligations, incentives to co and self regulation of the media, compliance with AVMS 	<p>Majority vote. There is no presence quorum</p> <p>Zakon o elektroničkim medijima Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</p> <p>The Statute of the Agency for Electronic media www.e-mediji.hr/files/podzakonski/2009_39.pdf</p>	Yes	Yes www.e-mediji.hr/rad_agencije/sjednice_vijeca.php

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> Reporting to the Croatian Parliament 			

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Croatia	Council for Electronic Media	Chairman	Yes	Public call for candidates. The government finalizes the list and sends it to the Parliament.	Government proposes, Parliament appoints.	Yes	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Board members	Yes	Public call for candidates (same as above)	Government proposes, Parliament appoints.	Yes	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Croatia	Council for Electronic Media	Chairman of the board	5	Yes (5 years, election 4 years)	Yes, number of times not determined	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Board members	5	Yes (5 years, election 4 years)	Yes, number of times not determined	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Croatia	Council for Electronic Media	Chairman of the board	“Publicly renowned for support of democratic principles, rule of law, constitutional values, development of civil society, support for human rights, and freedom of expression” (article 68, para 6)	“Professional knowledge, ability and experience in radio and television, or publishing, cultural or similar activity” (article 68, para 5)	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Board members	“Publicly renowned for support of democratic principles, rule of law,	“Professional knowledge, ability and experience in	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09

Country	Body		Qualifications	Professional expertise	Source
			constitutional values, development of civil society, support for human rights, and freedom of expression” (article 68, para 6)	radio and television, or publishing, cultural or similar activity”(article 68, para 5)	http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Croatia	Council for Electronic Media	Chairman	Yes		Public officials and officials in the executive or judicial power cannot be appointed	Party officials cannot be appointed	Council members may not be owners , shareholders members of the management, or supervisory boards, directors or principals in broadcasting entities. They cannot be employees or have a contractual or other relation with audiovisual media services	No	No information available	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
							providers, network operators, and persons for which there could be conflicts of interest.			
		Board members	Yes		Same as above	Same as above	Same as above	No	No information available	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Senior staff		No						

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Croatia	Council for Electronic Media	Chairman	Yes		Public officials and officials in the executive or judicial power cannot be appointed	Party officials cannot be appointed	Council members may not be owners, shareholders members of the management, or supervisory boards, directors or principals in broadcasting	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09) http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
							<p>entities.</p> <p>They cannot be employees or have a contractual or other relation with audiovisual media services providers, network operators, and persons for which there could be conflicts of interest.</p> <p>Council members cannot receive gifts from the providers of media services or accept services, or enter into relationships that bring them into conflict of interest.</p>	
		Board members	Yes		Same as above	Same as above	Same as above	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09) http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html
		Senior staff		No				

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Croatia	Council for Electronic Media	Chairman	Yes		Yes, for 1 year	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Board members	Yes		Yes, for 1 year	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Croatia	Council for Electronic Media	Chairman	Yes		Parliament, upon proposal of government	Lying in selection process Serious breach of duty according to the Agency Statute Impossibility to take part in the work of the agency for at least 6 months Loss of work capacity	Only individual members	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
						Found guilty for a felony Non- fulfilment of tasks and aims of the agency specified in its yearly plan Non disclosed conflict of interest		
		Individual board members	Yes		Parliament , upon proposal of government	Same as above		Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Croatia	Council for electronic media	2005-2009	Chairman		No		
			Individual board members		No		
			Individual board members		No		

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Croatia	Agency for electronic media	No	No	No			0.5% of the annual revenues of audiovisual operators regulated by the agency.	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09) Agency statutes

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Croatia	Agency for electronic media	Budget is set in the Law on electronic media at 0.5 % market players' revenues, the process is automatic	Yes, they have overview of the revenues	The director of the agency once a year reports to the Croatian parliament on the work of the agency, including that of the Council. Which is the decision making body. This report also includes budget spending. Salaries of the Council members and AEM members are decided by the Parliament after the government's proposal	See previous column.	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09) http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Croatia	Agency for electronic media	Yes	Annual	Yes State audit office	No	No	Zakon o državnoj reviziji (Law on the state audit, Official Gazette 70/93, 48/95, 105/99, 36/01, 44/01, 177/04) www.revizija.hr/hr/dokumenti/

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Croatia	Agency for electronic media	Parliament	Yes	Yearly reports	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Croatia	Agency for electronic media	The director of the agency once a year reports to the Croatian parliament on the work of the agency, which report is part of the report on the work of the Council. The report is submitted to the Committee on information, computerization and the media of the Croatian Parliament, the plenary parliamentary session.	Annual	Work and budget	No	Yes	No	www.sabor.hr/Default.aspx?sec=2665

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Croatia	Agency for electronic media	No (only financial, as in table 27)	N/A	N/A	N/A	N/A	N/A

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Croatia	Agency for electronic media	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Croatia	Agency for electronic media	External	1	Administrative court	No	Media in question	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Croatia	Agency for electronic media		√		N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Croatia	Agency for electronic media	√	√		N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Croatia	Agency for electronic media	1 Administrative court	√		Article 39 Paragraph 3 of the Administrative Disputes Act (Official Gazette 53/91, 9/92, 77/92): the Administrative Court may establish the facts of the case and on the basis of the established facts deliver a sentence or decision.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Croatia	Agency for electronic media	No	N/A	Yes	-	Yes

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Croatia	Agency for electronic media	No decisions require prior consultation					

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Croatia	Agency for electronic media	2005-2009	0

Table 39 - Publication of regulator’s decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Croatia	Agency for electronic media	All in regard to concessions in the Official Gazette, minutes of meetings, decisions, etc. on web page	Yes	No	No

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Croatia	Agency for electronic media	In spectrum matters it cooperates with the Croatian Agency for post and telecommunications	Technical cooperation	no	Council can distribute for broadcasting only that spectrum it gets by the Agency for post and telecommunications

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Croatia	Agency for electronic media	yes	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)	Member in EPRA, cooperation with EU