

Official Gazette No. 43 of 9 April 2010

Pursuant to Article 40, Paragraph 3 of the Electronic Media Law (*Official Gazette* No. 153/09), the Council for Electronic Media hereby adopts the following

RULES ON CROATIAN AUDIOVISUAL WORKS

Article 1

- (1) The present Rules stipulate detailed criteria for determining programme contents to be deemed Croatian audiovisual works.
- (2) Croatian audiovisual works shall be the audiovisual works originally produced in the Croatian language or the works intended for national minorities in their relevant languages as well as works of the Croatian cultural heritage.
- (3) Audiovisual works referred to in previous Paragraph of the present Article shall be only the works which are expressed with pictures which in consecutive order create an impression of motion and are expressed as individual intellectual creations deriving from literature, science and art, such as films and plays, cultural and artistic and entertaining series, documentaries as well as educational and other audiovisual works.
- (4) Croatian audiovisual works are copyrights works and as such they shall be protected by the Copyrights and Related Rights Law.

Article 2

Croatian audiovisual works within the meaning of Article 1, Paragraph 2 of the present Rules shall be the works whose original versions are exclusively, or mainly, in the Croatian language, except in justifiable cases where, for artistic or other reasons, the Croatian language or even speech as such is not used.

Article 3

Works intended for national minorities in their respective languages to be deemed Croatian audiovisual works within the meaning of Article 1, Paragraph 2 of the present Rules shall be the works in compliance of the criteria from Articles 1, 2, 4 and 5 of the present Rules whose original versions are exclusively, or mainly, in the language of the relevant national minority, except in justifiable cases where, for artistic or other reasons, the national minority language or even speech as such is not used.

Article 4

- (1) Croatian audiovisual works shall be works originating from the Republic of Croatia. Works produced mainly by authors and workers residing in the Republic of Croatia shall be deemed to be the works originating from Croatia provided that:
 - their producers shall be established or registered in the Republic of Croatia,
 - the production of an individual work shall have been supervised and actually controlled by one or more producers established in the Republic of Croatia, or
 - the contribution of co-producers from the Republic of Croatia to the total co-production costs shall be preponderant and the co-production shall not controlled by on or more producers established outside the Republic of Croatia.

(2) Works produced within the framework of bilateral co-production treaties concluded between the Republic of Croatia and third countries shall be deemed to be Croatian audiovisual works within the meaning of Paragraph 1 of the present Article provided that the co-producers from the Republic of Croatia shall have supplied a majority share of the total costs of production and that the production shall not be controlled by one or more producers established outside the Republic of Croatia.

Article 5

(1) Croatian audiovisual works from the previous Articles of the present Rules shall be cinematographic or television feature, documentary, animated, advertising or other films as well as other audiovisual works from the Croatian cultural and artistic production.

(2) Croatian audiovisual works from the previous Articles of the present Rules shall be works which originate, by their content, from literary works, scientific facts, knowledge or achievements, artistic practice or other templates for personal author's realization of an audiovisual work, such as an original scenario and the like.

Article 6

(1) Programme contents which only directly relate to the areas of literature, science, culture and art so as to inform the public on activities in those areas or to comment on them shall not be deemed Croatian audiovisual works.

(2) Programme contents which, in live or deferred transmission, transmit a literary, scientific, cultural or artistic event or an author's work shall not be deemed Croatian audiovisual works.

(3) Daily news or other current affairs programmes of an informative character shall not be deemed Croatian audiovisual works.

(4) The provisions of the present Article shall not be applied to programme contents which are an expression of an individual intellectual creation of the author of the relevant audiovisual work or when the processing of a transmitted event or author's work significantly surpasses the plain technical character of transmission.

Article 7

In cases where there is a doubt whether some work should or should not be deemed as a Croatian audiovisual work, the Council for Electronic Media shall decide on the issue.

Article 8

(1) On the date of the present Rules coming into effect, the Rules on Croatian Audiovisual Works (*Official Gazette* No. 66/06) shall cease to apply.

(2) The present Rules shall come into effect on the eight day from the date of publication thereof in the *Official Gazette*.

**THE COUNCIL FOR ELECTRONIC MEDIA
THE PRESIDENT OF THE COUNCIL**

Zdenko Ljevak