



5. radio: public telecommunications which transmit sound and other signals by terrestrial and satellite transmitters, with the purpose of direct reception by the general public,

6. television: public telecommunications which transmit sound, picture and other signals by terrestrial and satellite transmitters, with the purpose of direct reception by the general public,

7. cable television: public telecommunications which broadcasts sound, pictures and other signals to users through a cable system,

8. radio-frequency spectrum: electromagnetic waves in a frequency range from 3 kHz to 3.000 GHz, propagated without artificial guide,

9. radio station: one or more transmitters or receivers, or a combination of one or more transmitters and receivers, including the corresponding equipment, which are necessary at one location for radio communications purposes,

10. radio network: a group of three

Article 3

The construction, maintenance and use of telecommunications, and the use of the radio-frequency spectrum shall be of state interest to the Republic of Croatia.

*Conditions for Construction*

Article 4

(1) Facilities, technical equipment and installations of telecommunications and radiocommunications intended for use in the state shall be designed, manufactured, constructed, maintained and used according to Croatian standards,

(1) Building permission for telecommunications structures shall not be issued until the investor acquires certification from the Ministry on the compliance of the main project with the conditions specified by this Law.

(2) An official of the Ministry shall participate in the work of the commission that shall conduct the technical inspection of the structure from paragraph (1) of this Article for which the Ministry issued a certification.

(3) The provision from paragraph (1) of this Article shall not apply to telecommunications within the local fixed networks of the HPT.

*Functioning and Maintenance of Public Telecommunications*

Article 7

The owner of a public telecommunications shall properly and without hindrance provide the functioning of his system

(1) In cities and localities with an urban character, during the construction of commercial and residential structures with three or more units the investor of this structure shall be obliged to install cable canalisation for subscription telecommunications cables and cable television.

(2) The investor shall set up tele communications installations in the commercial and residential structure from paragraph (1) of this Article.

### *International Connections*

#### Article 11

(1) The Ministry shall grant permission for the connections of domestic telecommunications with telecommunications of other countries.

(2) Exclusive of the provision from paragraph (1) of this Article permission shall not be necessary for the expansion of the telecommunications routing on the existing international telecommunications networks.

## II. PUBLIC TELECOMMUNICATIONS

### *Right for Construction and Usage*

#### Article 12

(1) Public telecommunications in mobile and fixed network, which enable the telecommunication services in the local, intercity and international telecommunication traffic are constructed and used by HPT (Croatian Post and Telecommunications).

(2) Public telecommunications in mobile network (mobile telephone, mobile satellite and other mobile networks) may be constructed and used by legal entities holding a concession granted by the Telecommunications Council.

(3) Public Telecommunications from paragraph (2) of this Article can be connected, under the stipulated conditions, to the Public Telecommunications Network of HPT in order to enable telecommunications services.

(4) Cable Television may be constructed on a state level, county level and city of Zagreb, by the legal entities holding a concession granted by Telecommunications Council. Telecommunication Council may as an exception grant a concession on a city level, part of a city, community, settlement and part of a settlement.

(5) Radio on state level and local level (city level, county, city of Zagreb or group of counties) may construct and use legal entities from Article 55 of this Law holding a concession granted by the Telecommunications Council.

(6) Television on state level and local level (city level, county, city of Zagreb or group of counties) may construct and use legal entities from Article 55 of this Law holding a concession granted by the Telecommunications Council.

(7) As an exception to the provision from the paragraph (5) and (6) of this Article, a legal entity from Article 55 of this Law may construct and use Radio or Television also on some other limited territory under the concession of the Telecommunications Council and in acco

(10) The Council may establish the expert commissions for particular tasks from paragraph (7), (8) and (9) of this Article, Article 14., paragraph (3), (10) and

(7) The concessionaire shall have the right, should the technical conditions exist, to use the telecommunication infrastructure owned by other legal entities with compensation of actual costs according to an immediate agreement. A contract shall be concluded for the use of telecommunications infrastructure. Should the owner of a telecommunications infrastructure reject a concessionaire's request, the Ministry, at the request of the concessionaire, shall determine the technical conditions and pass a decision which shall replace the contract in whole.

(8) On the basis of a decision of the Telecommunications Council, the Ministry shall conclude a contract on the realisation of concession should a technical inspection establish that the conc



(4) The Regulations from paragraph (1) of this Article shall be brought by the Minister.

*Regulations on Telecommunications Services*

Article 16

(1) The owner of public telecommunications and other service providers shall provide services in the manner, time limits and by the procedures determined by this Law, the Regulations on the General Conditions for Telecommunications Services (hereinafter: Regulations on Services) and technological provisions, and in accordance with legal and other regulations.

(2) The Regulations on Services shall specify the conditions, terms, manner and procedure for the provision of services.

(3) The Regulations on Services shall be brought by the Minister, and the proposal for the Regulations shall be prepared by the HPT.

(4) The technological regulations from paragraph (1) of this Article shall specify the technological procedures which pertain to the provisions of services.

(5) The technological regulations from paragraph (1) of this Article shall be brought by the owner of public telecommunications, with the consent of the Minister.

*Confidentiality of Telecommunications Correspondence*

Article 17

(5) In the case of a limitation from paragraph (4) of this Article, the Minister shall determine which customers have priority in the use of services.

### *Registration of Services rendered*

#### Article 18

(1) The owner of public telecommunications shall check the proper functioning of all technical equipment which measures and registers the telecommunications services rendered, in accordance with the regulation on the checking procedure.

(2) The regulation from paragraph (1) of this Article shall bring the Minister.

(3) The owner of public telecommunications shall, at the request of a user, enable the supervision of expenses in the provision of telecommunications services, inasmuch as this is technically possible.

(4) The owner of public telecommunications shall, with the exception of the method from paragraph (3) of this Article, also introduce other methods of monitoring and measuring telecommunications services at the request of the Minister.

### *Special Obligations of the HPT*

#### Article 19

(1) The HPT shall connect the telecommunications capacity of other service providers into its public telecommunications in order to provide services in telecommunications traffic, under equal technical and operational conditions such as the connection of its appropriate telecommunications capacity, and this according to the Regulations on Services.

(2) The HPT shall install public telephone booths to enable local, national and international communication, and this shall be not less than two public telephone booths per one thousand inhabitants.

(3) In cities and localities with over one thousand inhabitants, the public telephone booths from paragraph (2) of this Article shall be constructed spatially in a uniform fashion, taking into consideration locations in which citizens gather (squares, bus and /or train stations, ports, etc.).

(4) Inhabitants which may be accommodated by the tourist capacity of a locality shall also be included in the number of inhabitants from paragraph (2) of this Article.

### *Community Reception Antenna System*

#### Article 20

(1) A community reception antenna system and installations for the distribution of radio and television programs to the users of radio or television

receivers in residential, commercial or other structures shall be installed in accordance with the technical conditions and standards specified in Article 4 of this Law.

(2) The investor shall conduct a technical inspection of the constructed system and installations from paragraph (1) of this Article.

(3) The technical inspection from paragraph (2) of this Article shall be conducted by a legal person authorised by the Ministry in compliance with the Regulations, Article 53, paragraph (1) of this Law.

(4) The user or owner of a structure from paragraph (1) of this Article shall maintain the system and installations from paragraph (1) of this Article in a proper condition, and shall undertake measures for the removal of interference and disturbances in the functioning of these systems and installations in a timely manner.

### III. TELECOMMUNICATIONS FOR PRIVATE USE

#### *Limitation of Use*

##### Article 21

(1) Telecommunications for private use shall be used only for private activities and their use shall not be offered as a service to other entity.

(2) Exclusive of the provision from paragraph (1) of this Article telecommunications for private use may be used also in the cases described in Articles 9 and 42 of this Law.

#### *Conditions for Construction*

##### Article 22

(1) Telecommunications for private use shall be constructed and used by legal entity on the basis of their plan for telecommunications for private use, which shall be approved by the Ministry.

(2) The Ministry shall not approve the plan from paragraph (1) of this Article if this need for telecommunications might be satisfied by the technically and economically better evaluated offer of the owner of public telecommunications, or if the plan requires the irrational use of radio frequencies which is not in accordance with the Regulations on the Radio-Frequency Spectrum Allocation and the Frequency Assignments, Article 28 of this Law.

(3) Telecommunications for private use may be connected to public telecommunications on the basis of permission from the owner of these public telecommunications in accordance with Article 4 of this Law.

(4) The provision from paragraph (1) of this Article shall not pertain to telecommunications which do not consist of radiocommunications and which are constructed and used for private needs within the confines of a place of business and on the land of a legal entity.

## IV. PROVISIONS ON RADIO STATIONS

### *Conditions for Installation and Use*

#### Article 23

(1) A radio station may be procured, installed and used on the basis of previously obtained license for a radio station or temporary license for a radio station.

(2) Radio station may be sold, leased or ceded to a legal and private entity who has previously obtained the proper license.

(3) Exclusive of the provision from paragraph (1) of this Article, before the issuance of the radio station license, a license shall also be granted for the installation of a radio station on the basis of which may be procured and installed a radio or TV broadcasting station and fixed station of a company in the frequency band up to 1 GHz.

(4) A license for a radio station shall be granted for the radio station from paragraph (3) of this Article if it was found out by the technical inspection that it fulfils the technical conditions and standards as specified by this Law, and that it shall be able to operate unhindered and not cause harmful interference.

(5) The technical inspection from paragraph (4) of this Article shall be conducted by a legal entity authorised by the Ministry in accordance with the Regulations from Article 53, paragraph (1) of this Law.

(6) Exclusive of the provision from paragraph (1) of this Article, a license shall not be necessary:

1. for radio and television receivers which operate only in the frequency band allocated for the direct reception of radio and television broadcasts, including such broadcasts via satellite,

2. for cordless telephone (CT),

3. for radio transmitters used to control toys and devices which are constructed for operation within the frequency bands allocated for this purposes.

4. for other radio stations according to a decision of the Ministry in accordance with the recommendations of CEPT.

(7) A compensation shall be paid for the use of radio frequencies in accordance with the Regulations on the Compensation for Radio Frequency Use and Method of Payment, which shall be brought by the Minister.

(8) The compensation from paragraph (7) of this Article shall be the income of the state budget and shall be paid to a separate account of the Ministry, and shall be used for the promotion of the state frequency spectrum management and monitoring

*Issuance of Licenses*

## Article 24

(1) A license for a radio station, a temporary license for a radio station and a license for the installation of a radio station shall be issued by the Ministry.

(2) One license shall be issued for all radio stations on aircraft, vessels and locomotive, in systems for personal paging, for simultaneous translations and for all radio stations which are used by a radio amateur.

(3) The licenses issued by paragraphs (1) and (2) of this Article shall be registered.

(4) A foreign person, during his/her temporary stay in the Republic of Croatia of not more than three months or while in transit through the territory of the Republic of Croatia, on the basis of valid permission issued in his/her state of origin and translated into one of the languages in which documents of the CEPT are published, observing the provisions of this Law and using those radio frequencies which are internationally co-ordinated and reserved for specific applications, may use an amateur or citizens' band radio, a radio station on an aircraft or vessel, as well as any other mobile station in compliance with a decision of the Ministry on the principle of reciprocity and in compliance with the recommendations of the CEPT.

*Right to Use*

## Article 25

(1) A radio station may be set up and used by a legal entity and citizen of the Republic of Croatia in accordance with the conditions determined by this Law.

(2) The license for the station from Article 23, paragraph (1) of this Law, in the amateur service, may be obtained by a member of the Croatian Radio Amateur Association, if he has taken an exam in accordance with the conditions of use for amateur stations from Article 4 of this Law.

(3) Foreign private and legal entity who are performing commercial, technological, informative, scientific, cultural, sporting or other activities in the Republic of Croatia shall be permitted to use specified types of radio stations on the principle of reciprocity.

(4) Diplomat missions may use specified types of radio stations exclusively for their own need, based on the principle of reciprocity.

(5) The application form and procedure for the issuance of the license from paragraph (2), and the type of radio stations from paragraphs (3) and (4) of this Article shall be regulated by the Minister.

*Verification of Radio Station Quality*

## Article 26

A radio station which is produced, imported, sold or leased for use in the country shall be required to satisfy the specified technical conditions and standards which shall be verified through the certificate and mark from Article 4, paragraph (3) of this Law.

*Import of Radio Station*

Article 27

(1) The radio station from Article 23 of this Law may be imported into the country on the basis of a previously obtained licence from Article 24 of this Law.

(2) A legal or private entity who imports a radio station into the country shall register the radio station with the internal affairs officials at the border crossing who affix a seal on the reverse side of the license to verify that the radio station was imported into the country.

(3) Exclusive of the provision from paragraph (1) of this Article, legal entity who import a radio station for the purpose of sales or lease, and who are registered for such activities, shall be permitted to import a radio station on the basis of permission granted by the Ministry.

(4) A legal and private entity who, on the basis of authorisation granted by the Ministry from Article 43, paragraph (2) of this Law, maintains a radio station on the D .000o, on(for such (Tj 20.11 0terpTJ 11. of )Tj -17.66 -1.114.49 Tc -.0002 Tw [(porch shall-4.5



(9) The technical documentation from paragraphs (3) and (4) of this Article shall be prepared by an authorised legal entity.

(10) The legal entity from paragraph (9) of this Article shall be authorised by the Ministry in accordance with the Regulations from Article 53, paragraph (1) of this Law.

### *Validity Term of the License*

#### Article 31

(1) A license for a radio station shall be issued for a period of 5 years.

(2) A license for a station on an aircraft or vessel shall be valid for the entire period that the aircraft or vessel is in service.

(3) A license for the installation of a radio station shall be issued for specific time limits which shall not exceed two years.

(4) A temporary license for a radio station shall be valid for not more than 30 days, and shall be issued for the needs of testing, research, and sporting and other events.

(5) The validity of the license for a radio station from paragraph (1) of this Article may be extended in accordance with the Regulations from Article 28, paragraph (1) of this Law, provided that the request for extension is submitted not less than 30 days before the expiration of the license.

### *Alternation of Conditions of the License*

#### Article 32

Should it be found out that the station is suffering or causing harmful interference despite fulfilling technical conditions and standards and the conditions from the license or installation license, the Ministry shall alter the conditions of the license.

### *Certificate for Radio Stations on Newly-Constructed Vessels*

#### Article 33

(1) For a newly-constructed vessel in the country, and at the request of a foreign owner, the legal entity authorised for the registration of vessels shall issue a certificate confirming that the radio station on the vessel complies international regulations.

(2) The certificate from paragraph (1) of this Article shall be issued for the purpose of navigation to the country in which this vessel shall be registered.

(3) The certificate from paragraph (1) of this Article shall be valid for not more than 3 months.



*Cessation of License Validity*

## Article 34

(1) A license for a radio station shall cease to be valid:

1. upon the expiration of the validity period,
2. upon the cessation of payment of usage fees,
3. upon the permanent prohibition of radio station use,
4. upon the termination of radio station use by the owner,
5. upon the termination of the owner's membership in the Croatian Radio-Amateur Association in the case of a radio station in a amateur service,
6. upon the alienation or full depreciation of the radio station,
7. upon the expiration or withdrawal of concession from the owner of a radio station who is performing public telecommunications activities on the basis of concession.

(2) Upon the cessation of the validity of the license for a radio station, the owner of this station, or his/her successor(s), shall undertake effective measures to ensure that the radio station no longer operates.

(3) The provision from paragraph (2) of this Article shall also relate to a legal and private entity who has, in any other manner, obtained a radio station for which he holds no proper license.

*Obligations of Radio Station Owners and Users*

## Article 35

(1) Using a radio station, the owner of a radio station shall maintain the technical conditions and standard for radio

(2) The provision from paragraph (1) of the Article shall not relate to mobile radiotelephones, cordless telephones (CT), citizens' band station (CB) and radio stations in the radio amateur service.

#### Article 37

A radio station shall be used for the performance of only that radio service for which the radio station is intended upon the issuance of a license.

#### *Limitations for the Use of Radio Stations on Vessels and Aircraft*

#### Article 38

(1) A radio station on board an aircraft shall be used exclusively for communications with the air traffic services and the passenger and cargo services during the time that the aircraft is in the airport.

(2) The provision from paragraph (1) of this Article shall not relate to a radio station which operates on a frequency outside of the bands allocated to the aeronautical service.

#### Article 39

(1) A radio station on board a vessel shall be used exclusively for communications for piloting, manoeuvring, loading and unloading during the time that the vessel is in port or harbour, and for internal communications on the vessel.

(2) The provision from paragraph (1) of this Article shall not relate to a radio station which operates on a frequency outside of the bands allocated to the maritime service.

#### *Identification of Radio Stations*

#### Article 40

(1) Every type of radio station when transmitting shall be obliged to identify themselves in accordance with the regulations on the identification of radio stations.

(2) The regulation from paragraph (1) of this Article shall be brought by the Minister.

(3) The provision from paragraph (1) of this Article shall not relate to radio stations in a radio-relay link, Earth stations, radio stations which automatically transmit specific warning signals, radio beacon (EPIRB), etc.

#### *Prohibitions in Reception and Transmission*

#### Article 41

(1) The owner or user of a radio station shall be prohibited from transmitting:

1. fraudulent and erroneous signals and information, primarily for danger, emergency, safety or identification,
2. signals and information which do not relating to its service.

(2) The owner or user of a radio station shall be prohibited from receiving signals and information which are not intended for him and are not intended for general reception.

### *Use of Radio Stations in Cases of Emergency*

#### Article 42

(1) Warning signals, distress calls, distress messages and information transmitting in cases of emergency for vessels and aircraft, or in cases of natural disasters and the saving of human life shall have priority in transmission by all radio stations.

(2) In the cases from paragraph (1) of this Article beside of assigned frequencies and specified conditions for radio stations, it shall be also permitted to use other frequencies and operate in the most appropriate manner.

(3) The owner or user of a radio station who receives warning signals shall immediately cease operation, respond to the call and make his radio station available or take the most appropriate action as dictated by such a situation.

### V. MEASURES FOR PROTECTION FROM INTERFERENCE

#### *Setting Up and Maintenance of Facilities and Equipment*

#### Article 43

(2) Inasmuch as it is necessary to execute various work or erect a new structure, the investor shall obtain previous consent from the owner of the said telecommunications so that measures may be taken for the protection and assurance of the unhindered operation of these telecommunications.

(3) The expenses from paragraph (2) of this Article shall be paid by the investor.

#### Article 45

(1) Construction works, erection of structures or installation of technical equipment which by their position, organisation or operation could prevent the propagation of radio waves or cause interference in radio-communications shall not be permitted within the protected zone or radio corridor of the radio stations.

(2) The regulations on the extent of the protected zone and radio corridor from paragraph (1) of this Article shall be brought by the Minister.

#### Article 46

The planting of gardens which could hinder or interfere with the operation of telecommunications or their cables shall not be permitted below aerial and above underground telecommunications cables or in their immediate vicinity and on the radio links directions.

#### Article 47

(1) Inasmuch as it is necessary to protect or move a facility, technical equipment or telecommunications link because of the construction or reorganisation of an investment project, the protection or move shall be effected in accordance with the technical standards for that telecommunications.

(2) The expenses for the protection or move from paragraph (1) of this Article shall be paid by the investor.

#### *Interference from Electrical Apparatus*

#### Article 48

(1) Electrical and other technical equipment shall not cause electromagnetic disturbances in the operation of a telecommunications or radio station nor in the reception of radio and television broadcasts.

(2) Electrical and other technical equipment which is produced, imported or sold for use in the country, shall be required to possess a certificate and a mark to the effect that measures for the repressing of electromagnetic disturbances were undertaken.

(3) The certificate from paragraph (2) of this Article shall be issued by the legal entity authorised by the Ministry in accordance with the Regulations from Article 53., paragraph (1) of this Law. The Ministry shall also determine foreign legal entity whose certificates and marks are recognised by the country as valid evidence that the measures from paragraph (2) of this Article were undertaken.

(4) The regulations on the marking of electrical and other technical equipment from paragraph (2) of this Article shall be brought by the Minister.

*Limitation of the Power of Radio Stations*

Article 49

(1) In cities and localities with an urban character, radio stations above a specified level of radiation power, depending upon the frequency range, shall not be set up.

(2) The radiated power of station from paragraph (1) of this Article shall be determined by the Minister.

*Interference Caused by Constructed Facilities*

Article 50

Inasmuch as the construction of residential, commercial or other facilities leads to the disturbances in the reception of radio or television broadcasts to the users of radio or television receivers, the investor of such a facilities shall ensure that the reception of radio and television broadcasts shall be of the same quality before the construction of such facilities.

*Detection of the source of interference*

Article 51

The detection of interference and the initiation of measures for its elimination shall be rendered by:

1. The HPT for interference in its public telecommunications,
2. The public company Croatian Radio-Television (hereinafter HRT) for interference in the reception of its radio and television programs,
3. A concessionaire for interference in his public telecommunications,
4. The Ministry for interference in radiocommunications.

*Elimination of Interference*

Article 52

(1) The owner of electrical or other equipment and devices shall permit the authorised employees of legal entities from Article 51 of this Law to conduct inspections and necessary measurements

this equipment and devices el

other systems, their use shall comply with the provisions of this Law and the provisions brought on the basis of this Law.

(3) The conditions for the installation , use, maintenance and monitoring of the emissions and supervision of the radio stations of the Ministry of Defence, the Ministry of Foreign Affairs and the detection and elimination of harmful interference between these and other radio stations shall be established by the Minister of Defence, the Minister of Internal Affairs and the Minister of Foreign Affairs in agreement with the Minister.

## VIII.RADIO, TELEVISION AND CABLE TELEVISION

### *Ownership Relations*

#### Article 55

(1) Radio, Television and Cable Television Concessionaire is a stock company, for which one shareholder, legal entity or private person, can hold no more

(7) Radio and television concession territory on the state level must in the sense of the provision from paragraph (2) of this Article, include at least 60% inhabitants of the state.

(8) A political party and state administration bodies may not become concessionaires or members of the radio and television concessionaires.

(9) As an exception to the provision from paragraph (1) of this Article a legal entity holding non-commercial radio or non-commercial television concession does not necessarily have to be a stock company.

(10) For every two concessions for commercial radio on state and county



(1) All events should be presented truthfully and the variety of approaches and opinions must be adequately represented in the programme.

(2) The news broadcasts must give the facts truthfully and correctly and they should be unbiased and professionally correct and must encourage free people's opinion.

(3) The opinions and commentaries given within a programme must be easily recognisable as such and it must be made clear whose opinion or commentary is being presented.

### *Concessionaire Programme Autonomy*

#### Article 58

(1) State administration and its representatives must not influence in any way the production or composition of concessionaire's programme.

(2) No one provision of this Law may be interpreted in such a way, that it gives the right for censorship or restriction of the right for free speaking and expression of the opinion.

### *Specific Programme Conditions*

#### Article 59

(1) Broadcasts that are detrimental to the state defence and security and the Constitution are not permitted.

(2) The programme of the radio and television concessionaire must not offend the public morality, must not show pornography, accentuate violence or provoke racial, religions and ethnic hatred, and must not abuse the credulity of listeners and spectators.

(3) Radio and television concessionaire must not broadcasts a programme which could negatively influence the physical, mental or moral development of children and youth up to the age of 18.

(4) The programme of the radio and television concessionaire must not contain the technical montage of image or sound which, in the very short period of time or otherwise, may transmit messages or make influence on the opinion of listeners and spectators, who are not aware of that or are not fully aware.

#### Article 60

(1) Radio and television concessionaire is obliged to transmit without charge all warnings or other communications given by the competent administrative authority or the police, and for the reasons of protection of public interest, must transmit them immediately and without delay.

(2) If the radio and television concessionaire on the local level leases only for himself the right of the transmitting programme of interest for inhabitants of

entire state or for inhabitants of other territories, he must give the leasing right also to other interested radio and television concessionaires or to HRT under the same conditions with real expenses fee.

### *Programme's Measures*

#### Article 61

(1) The radio concessionaire on state level and also on county level and city of Zagreb, must transmit at least 12 hours of programme daily, and the radio concessionaire on lower level up to the county level must transmit at least 6 hours of programme daily.

(2) The television concessionaire transmitting on a state level must broadcast at least 6 hours of programme daily and 48 hours of programme weekly, and the television concessionaire transmitting on a local level must broadcast at least 2 hours of programme daily and 16 hours of programme weekly.

(3) Transmission of images repeated in cycles or of a series of immobile images can not be regarded as programme in the sense of paragraph (2) of this Article.

(4) Radio and television concessionaire must transmit the same programme on the entire territory covered by his concession.

(5) Radio and television concessionaire must keep the recording and tapes of the broadcasted programmes for at least three months after they have been broadcasted, and in the case of objections or dispute he must keep the recording until the dispute is settled.

#### Article 62

(1) Radio and television concessionaire broadcasting on a local level must dedicate a minimum of 20% of his weekly programme to broadcasting of local news and information about local events within the concessionaire's territory, with exception of commercial messages.

(2) Radio and television concessionaire broadcasting on a state level must broadcast the daily newscast.

(3) Radio and television concessionaire must not transmit (simultaneously or with a delay) a foreign programme, except if he re-edits it in accordance with the provisions from Articles 56-59 of this Law.

(4) As an exception to the provision from paragraph (3) of this Article, the radio concessionaire may, in addition to this programme, broadcast regularly or occasionally as a whole, some foreign programmes in agreement with the Telecommunication Council.

(5) Radio and television concessionaire may transmit by relay particular broadcast of another concessionaire or HRT on the contractual basis.

(6) As an exception to the provision from paragraph (5) of this Article, the radio and television concessionaire on the local level may transmit by relay, without the contract, the daily newscast of HRT as a whole and under the condition that he refrains from transmitting his advertising messages 15 minutes before and 15 minutes after the relayed broadcast.

(7) The provision from paragraph (2) of this Article is not related to the concessionaire whose content of the programme is thematic.

### *Political Advertising*

#### Article 63

During election campaigning the radio and Television concessionaire must offer all political parties an equal possibility for commercial political advertising under equal conditions in accordance with electing regulations and directions of the competent body which controls or performs the elections.

(2) The advertising message aimed at children or advertising message with children participating in it, must not be detrimental to their interests and must not disregard their sensitivity.

(3) The advertiser must not influence the content or production of the programme in any way which would diminish the autonomy of the concessionaire or his responsibility in connection with the programme.

(4) Broadcasting of advertising messages must be limited to a maximum of 15% of the programme per hour or to 10% of the total daily programme for programmes broadcasted on a state level, and 25% of the programme per hour or 20% of the total daily programme for programmes broadcasted on a local level.

(5) Advertising messages on radio and television must be easily recognisable as such within the programme and must be separated from the rest of the programme through easily recognisable sound or picture signals.

(6) Entity appearing regularly in the newscast or reports on daily events must not participate in the advertising messages on television.

(7) Broadcasting of religious events, newscasts and similar programmes, documentaries, religious and children broadcasts under 30 minutes duration, must not be interrupted for transmission of advertising messages.

(8) The advertising messages concern

(1) There can be only one cable television concessionaire on a certain territory.

(2) The cable television concessionaire is not licensed to distribute his own programme or his own advertising messages and may transmit through his cable

(2) The provision of point 2. from paragraph (1) of this Article does not apply to programmes produced in Croatia which are not protected by a special code.

(3) The programmes from paragraph (1), points 2. and 3. of this Article are not allowed to be distributed unless they satisfy provisions from Article 59. of this Law.

(4) The subscription amount and the mode of payment from paragraph (1) of this Article are approved by the Minist

(1) Special telecommunications services shall include:

1. the transmission of speech, sounds, data, documents, images and other

(2) The service provider may also make a contract, with individual users, on the prices for specific services lower than the prices determined in the tariff.

(3) Detailed provisions relating to the prices of services shall be established by the Regulations on Services.

(4) The service provider shall regularly and in an appropriate way inform users of new services, methods and conditions under which the users may use services, as well as on the prices of services.

(5) The prices of services which are offered by only one service provider on the marketplace shall be approved by the Ministry in agreement with the ministry competent for the economy.

### *Directory of Subscribers*

#### Article 78

(1) The service provider shall, once in two years at least, publish a directory of subscribers in which citizen subscribers shall be entered separately from commercial and other subscribers.

(2) The service provider shall fulfil the service of providing information on the telephone numbers of its subscribers. The subscriber may exercise his right not to have his number publicised.

### *Subscription Relations*

#### Article 79

(1) The service provider shall, at the request of the legal and private entity, connect a subscriber terminal equipment into its public telecommunications, should the technical conditions for this exist, immediately or in not more than 30 days.

(2) A request for the connection of the subscriber terminal equipment shall be submitted on the stipulated application form, and the service provider shall act on the request immediately, and not more than 30 days from the day that the request was received.

(3) In the sense of this Law, the term subscriber terminal equipment shall be defined as the telecommunications capacity of legal and private entity when they are linked to public telecommunications.

(4) Service provider shall keep records of all requests from paragraph (2) of this Article.

(5) The service provider shall expl



(7) The rights and obligations which ensue from the subscription relationship shall come into force when the service provider links the subscriber terminal equipment of the user in to its public telecommunications.

(8) A subscription relationship may be transferred to another legal or private entity inasmuch as the new subscriber continues to use the existing subscriber terminal equipment through the same link with an alteration of the name in the title of the subscriber.

(9) The subscription relationship may be discontinued inasmuch as the subscriber refuses to fulfil his obligations in regard to the soundness of the subscription terminal equipment or debt for a service rendered and does not request the renewed linkage of the subscription terminal equipment which was temporarily disconnected at his request. The subscription relationship may also be discontinued inasmuch as the subscriber moves from the residential or commercial facilities and leaves the subscription terminal equipment at the disposal of the new user that room, or through a written request by the subscriber.



(4) In the cases stated in paragraph (3 ) of this Article, the service provider shall be obliged to return the charges paid for services, in addition to being obliged to pay the compensation.

(5) The service provider shall not be liable for the loss of profit or real damage which can ensue from the loss of a telegram or the distortion of its content, as well as the delay beyond the term determinate for the transmission and delivery of a telegram.

(6) The service provider shall not be held responsible in cases when the loss of a telegram, the distortion of its content or the delay beyond the term determinate for its transmission and delivery were caused due to objective causes (force majeure).

### *Claims for Compensation*

#### Article 83

(1) The user of services or another authorised person may realise the claim for compensation and other claims from the contract on the realisation of services by submitting the claim in written form, in the manner provided by the Regulations on Services or by initiating legal proceedings with a court of law, should the service provider fail to pay the claim within 30 days from the day that the claim was submitted.

(2) The service provider shall pay overdue interest on the claim submitted by the user of services or another authorised person from the day on which the claim was submitted from paragraph (1) of this Article.

(3) On the claim of the service provider the interest shall be calculated from the day on which the claim was submitted to the user of services.

### *Limitation of Claims*

#### Article 84

(1) Claims made by the service providers against the users of services and claims made by the users of services against the service providers shall be considered legally limited as follows:

1. claims for under or overpaid charge

2. for claims for the distortion of the content of a telegram or for the delay beyond the term determinate for transmission and delivery - on the day of delivery of a telegram,

3. for claims for the loss of a telegram - upon the expiration of 30 days from the day of the expiration of the determine term for the transmission of a telegram,

4. in all other cases - on the day of the submission of the claim.

(3) Limitation shall be halted when the service provider receives the claim for compensation in written form, and continued when the user of services or another authorised person is submitted a written reply to that claim and when the documentation enclosed in the claim is returned to him.

(4) Limitation shall not commence before the expiration of the period of 30 days from the reception of the reply to the claim by the service provider.

(5) Subsequent claims on the same issue shall not cause the suspension of limitation.

## X.INSPECTION AND MONITORING

### Performance of Inspection

#### Article 85

(1) The inspection of the implementation of this Law, regulations brought on the basis of this Law and international regulations to which the country is subject and pertaining to telecommunications and the inspection of the exercise of concessions in telecommunications, as well as the inspection of the radio-frequency spectrum shall be conducted by the Ministry.

(2) The supervision of the implementation of the provisions of this Law, which regulate the possession of licenses for a radio station and the registration of the radio station at the moment of crossing the state border, and the process of undertaking measures relating to this inspection shall be conducted by the competent ministry of internal affairs. The authorised official of the Ministry of Internal Affairs shall immediately undertake measures for the efficient termination of the activity of the radio station which operates without a license and shall report on the actions undertaken to the state inspector for telecommunications.

## Article 86

(1) The inspection activities from Article 85, paragraph (1) of this Law shall be conducted by the state inspector for telecommunications who has the following authority:

1. to prohibit the import, sale, lease and use of technical equipment which has to be installed or connected to public telecommunications inasmuch as there is no specified certificate stating that the said equipment is not designated by the appropriate mark, as well as establish measures in order to prevent the sale, lease and use of this technical equipment,

2. to prohibit the import, sale, lease and use of electrical and other technical equipment inasmuch as there is no specified certificate stating that measures for the removal of electromagnetic disturbances were undertaken, or the said equipment is not designated by the specified mark, as well as establish measures in order to prevent the sale, lease and use of this electrical and other technical equipment,

3. to prohibit the import, sale, lease and use of a radio station inasmuch as there is no specified certificate stating that it satisfies technical conditions and standards, or is not designated by the specified mark, as well as establish measures in order to prevent the sale, lease and use of this radio station,

4. to prohibit the performance of the operation of public telecommunications

the process of construction, maintenance or use of telecommunications or radio stations, as well as in the process of providing services and performing, concessionaire operations,

12. within the framework of measures specified in items 1 to 6 of this Article, to seal or temporarily confiscate the stated technical and other equipment and the radio station in entirety or its individual pa

(1) A fine for the committed economic violation, in the amount of 5,000 to 60,000 German marks, in the equivalent value in domestic currency, shall be inflicted on any legal entity:

1. failing to secure the correct and unhindered functioning of its public

13. transmitting a radio or television program that is not in accordance with the provisions of Article 59 of this Law,

14. distributing a radio or television program that is not in accordance with the provision of Article 59 of this Law (Article 79, paragraph (3)) or distributing its own program, or a program by the program producer who has not obtained the stipulated concessions (Article 67, paragraphs (2) and (3)),

15. providing telecommunications services without the previously obtained stipulated concessions (Article 74, paragraph (4)),

16. transmitting a telegram in a manner contrary to the provisions of Article 76, paragraph (2) of this Law,

17. failing to enable the state inspector or state official who is engaged in inspection or monitoring activities to inspect telecommunications facilities or equipment, radio stations, or failing to submit, at the request of such a person, without delay, the necessary data and documentation concerning the inspection or monitoring (Article 85, paragraph (4)).

(2) A fine of 2,000 to 8,000 German marks, in the equivalent value in domestic currency, shall also be imposed on a responsible entity within the legal entity for the offences specified in paragraph (1) of this Article.

(3) The protective measure of confiscation of the radio station may be ordered for violations specified in paragraph (1), items 8, 10, 11 and 12 of this Article.

#### Article 89

(1) A legal entity shall be charged with a fine of 10,000 to 20,000 German marks, in the equivalent value in domestic currency, for the following violations:



5. failing to verify the satisfactory condition of the technical equipment which measures and registers the telecommunications services provided by its public telecommunications (Article 18),

6. failing to connect the telecommunications capacity of other service providers to its public telecommunications, or failing to construct public telephone booths, as provided for by Article 19 of this Law,

7. building, constructing or using telecommunications for individual use in a manner contrary to the approved plan for telecommunications for private use, or lacking such a plan (Article 22),

8. importing a radio station into the country for which no specified license or permission has been obtained, or failing to register with the internal affairs office at

(2) A fine of 1,500 to 4,500 German marks, in the equivalent value in domestic currency, shall also be imposed on a responsible person within the legal entity for the offences specified in paragraph (1) of this Article.

(3) The protective measure of confiscation of the radio station may be ordered for violations specified in paragraphs (1) and (2) of this Article.

(4) The highest fine from paragraphs (1) and (2) of this Article and the protective measure from paragraph (3) of this Article shall be obligatorily ordered for the violations from paragraph (1), items 8 and 9 of this Article repeated within a two-year period.

#### Article 90

(1) A fine of 5,000 to 15,000 German marks, in the equivalent value in domestic currency, shall be imposed on a legal entity for the following violations:

1. failing to inform the Ministry in the event of an interruption in the international or long-distance telecommunications networks (article 8, paragraph (2)),

2. using community antenna systems or installations for the distribution of radio and television programs which did not undergo a technical inspection, as well as failing to undertake timely measures for the removal of interferences and the malfunctioning of these systems and installations (Article 20),

3. using a radio station for the performance of radio services for which that radio station was not registered at the time of the issuance of the license (Article 37),

4. failing to identify itself, during the transmission by a radio station, in accordance with the regulations on the identification of radio stations (Article 40),

5. transmitting signals or information,

9. producing, importing or selling electrical or other technical equipment for use in the Republic of Croatia, for which it does not hold a certificate approving that

7. engaging in construction works and erection of structures in the vicinity of telecommunications facilities, equipment or radio links, which may damage or interfere with their operation, without having previously obtained consent from the owner of the aforementioned telecommunications so that measures may be taken for the protection and security of unhindered operation (Article 44),

8. engaging in construction works, erection of structures or installation of technical equipment in the protected zone or radio corridor of the radio stations, which by their position, organisation or operation could be the obstacles for radio waves propagation or cause interference in radio-communications (Article 45),

9. transmitting or distributing a radio or television program which is not in compliance with the provisions of Article 59 of this Law,

10. providing telecommunications services without having previously obtained a stipulated concession (Article 74, paragraph (4)),

11. transmitting, as a service provider, a telegram contrary to the provisions of Article 76, paragraph (2) of this Law.

12. failing to enable the state inspector or state official who conducts the inspection or monitoring activities to inspect the radio station, or failing to, at his request and without delay, submit the necessary data and documentation relating supervision or inspection (Article 85, paragraph (4)).

(2) In addition to a fine, a punishment, of up to and not more than one year may be ordered on an offender for the violations specified in paragraph (1), items 2, 3, 4, 5, and 6 of this Article.

(3) The protective measure of confiscation of the radio station may be ordered for violations specified in paragraph (1), items 2, 3, 4, 5 and 6 of this Article.

(4) The highest fine from paragraphs (1) and (2) of this Article and the protective measure from paragraph (3) of this Article shall be obligatorily ordered for the violations from paragraph (1), items 2, 3, 4, 5 and 6 of this Article repeated within a two-year period.

## Article 92

(1) A fine of 1,500 to 4,500 German marks, in the equivalent value in domestic currency, shall be imposed on a person for the following violations:

1. installing or connecting technical equipment or installations into the telecommunications capacity, for which the person does not have a appropriate certificate or which is not designated by the stipulated mark (Article 4),

2. failing to construct canalisation for subscribers telecommunications cables and CATV cabling, during the construction of commercial and residential facilities in cities or urban localities, or failing to install a telecommunications in that structures (Article 10),

3. failing to provide services in the manner provided for by Article 16 of this Law.
4. importing a radio station into the country for which no specified license or permission has been obtained, or failing to register it in the internal affairs office at the border crossing (Article 27),
5. failing to observe, during the use of the radio station, the technical conditions or standards, as well as other conditions provided by international agreements, this Law, regulations brought on the basis of this Law and the license for a radio station, or failing to ensure that the use of the radio station shall not cause harmful interference or interference in the operation and use of other telecommunications (Article 35),
6. installing, using or maintaining the telecommunications facilities or equipment in a manner that their operation may cause interference in the operation and use of telecommunications, as well as installing or maintaining telecommunications facilities, installations or equipment without the previously obtained stipulated authorisation (Article 43),
7. having electrical or other technical equipment which creates disturbances in

3. failing to identify itself, during the transmission by a radio station, in accordance with the regulations on the identification of radio stations (Article 40),

4. receiving signals or information, by a radio station, which is not intended for reception by that radio station or is not intended for general reception (Article 41, paragraph (2)),

5. planting gardens below aerial or above underground telecommunications cables or in their immediate vicinity or on the directions of radio wave propagation, which may damage or interfere with the operation of telecommunications cables and the propagation of radio waves (Article 46),

6. producing, importing or selling electrical or other technical equipment for use in the Republic of Croatia, for which it does not hold certificate approving that measures for the removal of electromagnetic disturbances were undertaken, or which is not designated by the stipulated mark (Article 48, paragraph (2)).

(2) The protective measure of confiscation of electrical and other technical equipment and the radio station may be ordered for violations specified in paragraph (1), item 6 of this Article.

#### Article 94

A fine of 1,000 to 3,000 German marks, in the equivalent value in domestic currency, shall be inflicted on the captain of an aircraft or vessel, or another responsible person on board an aircraft or vessel, for the use of a radio station during the time that the aircraft is at the airport or the vessel is in port or harbour, contrary to the provisions of Articles 38 and 39 of this Law.

#### *Valorisation of Amounts*

#### Article 95

The stated in Articles 82 and 88 to 94 of this Law shall be valorised according to the mean rate of the National Bank of Croatia on the day of payment.

## XII. TRANSITIONAL AND FINAL PROVISIONS

### *Subregulations*

#### Article 96

(1) Subregulations brought on the basis of this Law shall be brought within the period of one year after this Law enters into force.

(2) Until the bringing of the regulations from paragraph (1) of this Article, the subregulations and other regulations brought on the basis of the Law on Systems of Communications ("Narodne novine", no. 53/91) and the Law on Postal, Telegraph and Telephone Services ("Narodne novine", no. 53/91), relating to telecommunications and telegraph and telephone services, shall be implemented, unless they are contrary to this Law.

(3) Authorisation given to legal entities for the performance of technical inspections of radio stations and for the issuance of documents (certificates, attestations and others) in telecommunications, which were issued in accordance with the preceding regulations, shall be valid with in a period of six months after this Law enters into force.

4. within the period of one year from entry into force of this Law for radio stations transmitting local radio programs, for which the license was valid on the date of the entry into force of this Law.

*Entry into Force*

Article 99

This Law shall enter into force as of the eight day of its publication in "Narodne novine".

Class: 344-03/94-01/02  
Zagreb, June 21, 1994.

THE HOUSE OF REPRESENTATIVES OF THE  
PARLIAMENT OF THE REPUBLIC OF CROATIA

Chairman  
of the House of Representatives of the Parliament      Nedjeljko Mihanović