

**Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby bring this**

**DECREE**  
**on the proclamation of the Law on Telecommunications**

**I hereby proclaim this Law on Telecommunications, which was brought by the Croatian Parliament during its session on June 21, 1994.**

**No. PA4-60/1-94**  
**Zagreb, June 28, 1994.**

**President of Republic of Croatia                      Franjo Tuđman**

**LAW**  
**on Telecommunications**

**I - GENERAL PROVISIONS**

***Content of the Law***

**Article 1**

**(1) This Law shall regulate telecommunications, radio, television and cable television, the relations between the providers and users of telecommunications services, and the construction, maintenance and use of telecommunications facilities, equipment and radio stations.**

**(2) The provisions of the Law shall also be applied to international traffic, inasmuch as international treaties shall determine otherwise.**

***Terms***

**Article 2**

**The meaning of the terms used in this Law:**

**1. telecommunications: wire, wireless, optical or other electromagnetic systems for the transmission, emission, and reception of signs, signals, writing, images, and sounds or intelligence of any nature,**

**2. public telecommunications: telecommunications which shall be at the disposal of the public and the offices and stations of which shall fulfil all of the requirements of the communications for which they exist,**

**3. private telecommunications: telecommunications which serve the performance of private activities and the services of which shall not be offered to others,**

**4. radio telecommunications: wireless telecommunication,**

**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 or more radio stations which enables radio communications between three or more locations,**

**11. amateur radio station: a radio station which operates in a frequency band allocated to amateur service,**

**12. citizens' band station (CB): a radio station which operates in a frequency band allocated to citizens use,**

**13. mobile radiotelephone: a mobile radio station which is linked to the public telephone network as a mobile terminal,**

**14. cordless telephone (CT): two radio units, portable and base, which are linked to the public telephone network by the base unit,**

**15. radio beacon: a station in the radionavigation service, the emission of which enable a mobile radio station to determine its bearing or direction in relation to the radio beacon,**

**16. community reception antenna system: an array of technical equipment that acts as a direct receiver of radio and television broadcasts for a group of receiver users in residential or commercial structures or in limited territories, for the distribution of radio or television programs by cable to up to fifty terminals,**

**17. harmful interference: interference which endangers the functioning of radionavigation service or other safety services or seriously degrades, obstructs, or repeatedly interrupts a radio-communications service operating in accordance with the Radio Regulations,**

**18. owner of telecommunications, telecommunications facilities or equipment, or a radio station: a legal or private entity who independently has at his disposal and manages telecommunications, telecommunications facilities or equipment, or a radio station.**

### **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, technical and operational conditions, standards of the European Telecommunications Standards Institute (ETSI) and the recommendations of the International Telecommunication Union (ITU) and the European Conference of Postal and Telecommunications Administrations (CEPT).**

**(2) Facilities, technical equipment and installations of public telecommunications shall be constructed in such a manner that telecommunications services shall be usable and affordable for moderately disabled users.**

**(3) The technical equipment and installations from paragraph (1) of this Article shall be used, built or connected to the telecommunications capacity, should their quality be approved by the document (certificate) of a legal entity authorised by the competent ministry for telecommunications (hereinafter: the Ministry) in accordance with the Regulations, Article 53, paragraph (1) of this Law, and if they are designated with the proper mark. The Ministry may also determine foreign legal entities, whose test reports and designations are recognised in the country as valid evidence of the quality of the technical equipment from paragraph (1) of this Article.**

**(4) The proposal for technical and operational conditions for the facilities and technical equipment from paragraph (1) of this Article with the exception of radio stations and cable television facilities and equipment, shall be prepared by the Croatian Post and Telecommunications (hereinafter: HPT).**

**(5) The technical and operational conditions from paragraph (1) of this Article and the regulation on marking from paragraph (3) of this Article shall be brought by the minister responsible for telecommunications (hereinafter: the Minister).**

### **Article 5**

**(1) The facilities and technical equipment from Article 4. paragraph (1) of this Law for which a corresponding regulation has not been brought may be used, built or linked into the telecommunications system, for the characteristics testing purposes, with the permission of the Ministry.**

**(2) The permission from paragraph (1) of this Article shall be granted for a period of two years.**

### **Article 6.**

**(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 and offering of telecommunications services in accordance with the provisions of this Law, the regulations brought on the basis of this Law and the technical conditions and standards in the field of telecommunications.**

#### **Article 8**

**(1) The owner of a public telecommunications shall maintain his system in an appropriate condition, and undertake measures in a timely manner for the removal of interference and defects in his public telecommunications.**

**(2) The owner of a public telecommunications shall immediately inform the Ministry in the event of an interruption in international or intercity telecommunications capacities, and not more than two hours after the occurrence of the interruption.**

### ***Functioning of Telecommunications in Extraordinary Circumstances***

#### **Article 9**

**(1) The owner of the telecommunications shall give priority to messages relating to the security and defence of the state, the safety of human life on land, at sea, in the air or in outer space, and the large-scale endangerment of property.**

**(2) The owner of a telecommunications and the owner of a radio station shall be obliged, during wartime or an immediate threat to the independence and unity of the state and in extraordinary circumstances, to give the telecommunications installations and radio station on the disposal of the competent bodies in accordance with special regulations.**

### ***Installation in Residential and Commercial Structures***

#### **Article 10**

**(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 telecommunications 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 accordance with the Regulations on the Frequency Allocations and Frequency Assignments from Article 28 of this Law, provided that it will not cause interferences to the other radio stations, whose transmission has been co-ordinated on the international or state level.**

**(8) The Concession granted by the Telecommunication Council is also necessary for producing a programme from Article 67, paragraph (3) of this Law and for providing services from Article 74, paragraph (4) of this Law.**

**(9) The Concession Fee is payable to the credit of State Budget, as required for concessions from paragraphs (2), (4), (5), (6), (7) and (8) of this Article. The Charge for Public Telecommunications in mobile network is required also from HPT.**

**(10) The amount of the Fee or Charge from paragraph (9) of this Article, as well as the mode of payment, depending of the kind of concessioned activity, level and largeness of the territory where the concessioned activity performs are regulated by the minister responsible for telecommunications with opinion of Telecommunications Council, and in agreement with the minister responsible for finances.**

### ***Telecommunication Council***

#### **Article 13**

**(1) The competent authority for granting concessions for activities in Public Telecommunication is the Telecommunications Council.**

**(2) The Council is composed of nine members, nominated among the experts and other entity from the areas of public, educational and cultural work, and among religious dignitaries.**

**(3) The Council members are nominated for the period of 5 (five) years, and for the initial, four-members Council, the members are nominated for the period of 3 (three) years.**

**(4) Council members are nominated and dismissed by the House of Representing of the Croatian Parliament on the proposal of Croatian Government.**

**(5) The person having business or commercial connections with the enterprise engaged in the activity of Public Telecommunications can not be nominated as a Council member.**

**(6) The President of the Council and his deputy are elected by the Council.**

**(7) The Council institutes the regulations concerning its work.**

**(8) The Council publishes the annual report of its work and submits it to the Croatian Parliament.**

**(9) The decisions of the Council are published in the "National Gazette" ("Narodne novine").**

**(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 (11) and Article 70, paragraph (4) of this Law.**

**(11) Council members and the members of the expert commissions from paragraph (10) of this Article receive compensation for their expenses and work from the State Budget.**

### ***Granting Concession***

#### **Article 14**

**(1) The Telecommunications Council is publicly collecting offers or inviting tenders for the granting of concessions for engagement in the activity of Public Telecommunications. Concession may also be granted on request of interested legal entity or private person for engagement in the activity from Article 12, paragraph (8) of this Law.**

**(2) The collecting of offers and inviting of tenders for concessions from paragraph (1) of this Article must be performed in accordance with Public Telecommunication Regulations from Article 15 of this Law, as with the Regulations on the Frequency Allocations and Frequency Assignments from Article 28 of this Law, and the Regulations on the Public Telecommunications Concessions from paragraph (3) of this Article.**

**(3) On the proposal of the Telecommunication Council the Minister institutes the Regulations on the Public Telecommunications Concessions, within which it will determine duration of the concession, specific conditions regarding the price and the quality of the services, the users access to the telecommunication services, regarding the quality and structure of the programmes, as well as the terms and conditions for common use of the same transmitters or channels for broadcasting of the radio or television programme (time-sharing), or the terms and conditions for broadcasting or distribution of radio or television programme of another concessionaire or publisher/producer.**

**(4) Offer or apply of tenders for concession from paragraph (1) of this Article, for radio, television and cable television broadcasting, as well as for cable TV program production, must contain inasmuch detail as possible the programming scheme or plan of programme distribution in detail in accordance with published conditions of Telecommunication Council.**

**(5) Concession may be granted to a legal entity who in its offer provides convincing evidence of its ability to realise the programmatic, technical, technological, spatial, financial and personnel conditions for public telecommunications activities, whereas for radio and television must exist the prospects through which the domestic program offered shall fulfil the public interest in the best possible manner.**

**(6) A concession is granted for the period of up to 10 years, and the realisation of the concession must start in the term as defined by the contract from paragraph (8) of this Article.**

**(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 concessionaire has fulfilled the conditions from paragraph (5) of this Article. A contract for the realisation of concessions for radio and television shall also include the offered programme scheme, from paragraph (4) of this Article, which shall become a condition under which this concession shall be realised.**

**(9) The technical inspection from paragraph (8) of this Article is performed by the legal entity authorised by the Ministry, in accordance with the regulations from Article 53, paragraph (1) of this Law.**

**(10) The Telecommunications Council may decide to withdraw the concession, temporarily or permanently, if it confirms that:**

- 1. the concessionaire has obtained the concession on the basis of incorrect information regarding matters important for the Council's decision;**
- 2. the concessionaire's activity is being intentionally, flagrantly or repeatedly performed in such a way which is not in accordance with the regulations and that this fact was verified by the verdict of the competent court;**
- 3. that the concessionaire broadcasting radio or television programmes, even after being reprimanded by the Council, repeatedly disregards the prescribed or agreed upon programme criteria.**

**(11) The concession can be transferred to another legal entity and the participation in the ownership and co-ownership of the concessionaire's firm can be changed provided that the concessionaire has obtained in advance, an agreement from the Telecommunications Council, in accordance with this Law.**

### ***Regulations on Public Telecommunications***

#### **Article 15**

**(1) The owner of public telecommunications shall set up his public telecommunications in accordance with the appropriate Regulation on Public Telecommunications which pertain to his system.**

**(2) The principles and technical conditions for the organisation, construction, maintenance and use of specific public telecommunications systems shall be determined by the Regulations from paragraph (1) of this Article.**

**(3) The proposals of the Regulations from paragraph (1) of this Article with the exception of those relating to radio, television and cable television, shall be prepared by the HPT.**



**(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 specified 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 specified 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**

**(1) The owner of public telecommunications and other providers of services shall, in providing services, ensure the confidentiality of telecommunications correspondence.**

**(2) Employees of the service providers from paragraph (1) of this Article shall be prohibited from:**

**1. discovering the content of any telecommunications correspondence in an unauthorised manner, or keep, conceal, or present a telegram to an unauthorised person,**

**2. informing unauthorised entity of any data relating to telecommunications correspondence,**

**3. enabling or assisting unauthorised entity to perform any of the acts described in items 1 and 2 of this paragraph.**

**(3) The restriction from paragraph (2), item 2 of this Article shall also apply to employees even after they are no longer employed with the service provider.**

**(4) Should the owner of public telecommunications be compelled, as a consequence of force majeure, to temporarily discontinue or limit a specific number or type of services, he shall inform the Ministry and the users in a timely manner.**

**(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 service.**

**(9) Application forms for the licenses from paragraph (1) and (3) of this Article shall be regulated by the Minister.**

***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 foreseen 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 account of a customer from abroad, may temporarily import a radio station for the purpose of repairs on the basis of permission granted by the Ministry.**

### ***Regulations on Radio Frequencies***

#### **Article 28**

**(1) The assignment and use of radio frequencies shall be co-ordinated on the international level, and shall be based on the Regulations on the Frequency-Spectrum Allocation and Frequency Assignments.**

**(2) The Regulations from paragraph (1) of this Article shall establish the principles for the frequency spectrum allocations and frequency assignments in accordance with international Radio Regulations and international treaties to which the country is subject, and shall be brought by the Minister.**

**(3) The Ministry shall establish centres for monitoring and measurement in Osijek, Rijeka, Split and Zagreb with the necessary measurement and computer equipment for the needs of the international co-ordination of radio-frequency use, for the needs of the inspection and monitoring of the radio-frequency spectrum from Article 85 of this Law and for undertaking measures for the protection from interference from Article 51 of this Law.**

### ***Limitations in the Use of Radio Frequencies***

#### **Article 29**

**1) The use of radio frequencies may be limited by time, the right of use may be withheld, or the assigned frequency may be altered because of the appropriate use of frequencies as a limited good when necessary for the co-ordination of radio frequency use on the international level.**

**(2) The method and conditions by which the use of radio frequencies may be limited by time, the right to use of radio frequencies may be withheld, or the assigned frequency may be altered shall be established by the Government of the Republic of Croatia at the proposal of the Minister.**

**(3) The provision from paragraph (1) of this Article shall not relate to radio frequencies which are used for the needs of agencies for air traffic safety, maritime and inland navigation safety, road and rail road traffic safety, emergency service, meteorological service, fire-fighting services and emergency medical assistance service.**

### ***Request for the Issuance of a License***

#### **Article 30**

**(1) A request for the issuance of a radio station license, temporary station license and a license for the installation of a station shall be submitted on the appropriate application form.**

**(2) A request for the issuance of a license for a station for which an installation license is issued shall be submitted in written form through which the documentation on the completion of a technical inspection shall be attached.**

**(3) Should there be a need to use a station within a radio network, the appropriate technical documentation shall be submitted with the request for the issuance of a license or for installation license.**

**(4) The appropriate technical documentation shall be submitted with the request for the issuance of a license for the installation of a station which shall be used for the transmission of radio and television programs.**

**(5) The Ministry may request specific radio measurements and other tests before the issuance of a license, in order to determine the technical, geographic and other conditions for efficient and unhindered operations of the radio station, and that the operation of the radio station shall not cause the interference to other radio stations.**

**(6) When required, the international frequency co-ordination procedure shall be done by Ministry before the issuance of a license for a radio station or a license for the installation of a radio station.**

**(7) Application forms from paragraph (1) of this Article shall be regulated by the Minister.**

**(8) The regulations on technical documentation from paragraph (3) and (4) of this Article shall be brought by the Minister.**

**(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 stations, and the conditions specified by this Law, the regulations brought on the basis of this Law and the license for a radio station.**

**(2) The owner of a radio station shall ensure that the use of this radio station shall not cause harmful interference or interference in the operation and use of other telecommunications.**

**(3) Should the radio station be used in a manner not determined by the conditions from paragraphs (1) and (2) of this Article, the Ministry shall terminate the license of this radio station.**

**(4) Should it be found out that a radio station is not being used properly in the allocated service, the license for this radio station may be terminated in order to issue a license to another user for the purpose of the protection of the radio-frequency spectrum within the country.**

**Article 36**

**(1) The owner of a radio station shall be obliged to take measurements on the station not less than once yearly, for the purpose of verifying the technical parameters, and these measurements shall be registered.**

(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**

(1) Telecommunications facilities, installations and equipment shall be set up, used and maintained in such a manner that their operation shall not cause interference in the operation and use of telecommunications.

(2) Legal and private entity working for the account of others, shall be permitted to complete the installation and maintenance of the facilities, installations and equipment from paragraph (1) of this Article, excluding the repair of radio and television receivers, on the basis of authorisation granted by the Ministry in accordance with the Regulations from Article 53, paragraph (1) of this Law.

(3) The provisions from paragraph (2) of this Article shall not pertain to the HPT.

#### ***Construction in the Vicinity of the Facilities or Equipment***

#### **Article 44**

(1) The construction or erection of structures in the vicinity of telecommunications facilities, equipment and links shall not be permitted inasmuch as they hinder or interfere with their operation.

**(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 for the determination of causes of interference, and supply them with data and allow them to review the documentation necessary for the completion of an inspection.**

**(2) Inasmuch as the legal entity from Article 51 of this Law determines that the electrical and other equipment and device are the source of interference above the levels permitted by regulations, he shall request, in written form, that the owner of**

**this equipment and devices eliminate the determined defects within a specified period which shall not exceed 30 days.**

**(3) Inasmuch as the owner of electrical or other equipment or device, telecommunications or radio station which is causing the interference from paragraph (2) of this Article does not eliminate the determined defects within the specified period, the legal entity from Article 51 of this Law, who has determined the cause of the interference, shall propose the initiation of administrative measures foreseen by regulations to the competent state inspector within the limits of his authority.**

**(4) The measurement and elimination of interference caused by electrical or other device or apparatus of the Ministry of Defence, the Ministry of Internal Affairs or the Ministry of Foreign Affairs shall be conducted by their personnel at the request of the competent state inspector for telecommunications.**

## **VI.CONDITIONS FOR AUTHORISED LEGAL AND PRIVATE ENTITIES**

### **Article 53**

**(1) Legal and private entities authorised by the Ministry on the basis of Articles 4, 14, 20, 23, 30, 43, and 48 of this Law shall have at their disposal the necessary professional personnel and measurement instruments and equipment in accordance with the Regulations on the Conditions for Authorised Legal and Private entities in Telecommunications, and they shall conduct measurements and tests in accordance with technical conditions and standards.**

**(2) The Ministry shall revoke the authorisation of legal and private entity from paragraph (1) of this Article should it determine that the legal and private entity does not fulfil the conditions specified by the Regulations from paragraph (1) of this Article, or that they do not conduct measurements and tests in accordance with technical conditions and standards.**

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

## **VII.TELECOMMUNICATIONS OF THE MINISTRY OF DEFENCE, THE MINISTRY OF INTERNAL AFFAIRS AND THE MINISTRY OF FOREIGN AFFAIRS**

### **Article 54**

**(1) The Ministry of Defence, the Ministry of Internal Affairs and the Ministry of Foreign Affairs shall, in the construction and use of their radio-communications, uphold the provisions of this Law and the regulations brought on the basis of this Law which pertain to the radio-frequency spectrum allocation, class of emission, the initiation of measures for the prevention of harmful interference and to the offering of assistance in cases of emergency.**

**(2) When the radio stations of the Ministry of Defence, the Ministry of Internal Affairs and the Ministry of Foreign Affairs participate in the radio services of**

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 than one quarter of the stock. If among stockholders there are some close relatives or members of the same family between whom an obligation of mutual support exists in accordance with the Law on Marriage and Family Relationships, then all of them together may hold a maximum of one quarter of all shares. One shareholder may hold the shares of only one concessionaire on the state level or maximally the shares of one radio concessionaire and one television concessionaire on a local level, but on different territories, not adjacent to each other.

(2) Radio and television concession territory is, in the sense of this Law, the territory on which the concessionaire's transmitters are producing an electromagnetic field of prescribed strength in accordance with the Regulations on the Frequency Spectrum Allocation and Frequency Assignments from Article 28 of this Law.

(3) The concessionaire from paragraph (1) of this Article and his shareholders, as well as the members of his managing board must be residents of Croatia, i.e. must be Croatian citizens and must have their place of residence in Croatia, with exception of foreign and Croatian citizens whose place of residence is permanently abroad and whose participation in the concessionaire's capital satisfy the provision from paragraph (5) of this Law.

(4) The concessionaire from paragraph (1) of this Article may hold only one radio or television concession on the state level, or maximally two concessions, one for radio and one for television on a local level, but on different, non adjacent territories.

(5) Radio and television concessionaire must submit to the Telecommunication Council complete information about the capital he has at his disposition, wherein the foreign capital can not surpass the total participation of 25%.

(6) As an exception to the provision from paragraph (1) of this Article a limited share in concessionaire's capital is 50% provided that on the concessionaire territory there are 3000 to 10000 inhabitants, and no limitation in shares if there are less than 3000 inhabitants.

**(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 level, and for every three concessions for commercial radio on lower level, one concession for non-commercial radio on the corresponding level and corresponding concession territory, may be given.**

**(11) For every two concessions for commercial television on state and county level, and for every three concessions for commercial television on lower level, one concession for non-commercial television on the corresponding level and corresponding concession territory, may be given.**

**(12) The concessionaire of non-commercial radio and non-commercial television shall not broadcast advertising messages.**

### ***Purpose of the Programme***

#### **Article 56**

**(1) The programme of the radio and television concessionaire must particularly:**

- 1. respect the human dignity and the basic human rights, and must contribute to the respect of other people's opinions and beliefs;**
- 2. contribute to the free forming of opinions, to the complete and unbiased information as well as education and entertainment of listeners and viewers;**
- 3. promote Croatian cultural heritage and encourage its listeners and viewers to participate in the cultural life of the country;**
- 4. promote international understanding and the public sensitivity for social justice and defend democratic liberties, promote care for the environment, contribute actively to the affirmation of equal rights for men and women and broadcast the true facts;**
- 5. promote understanding towards the members of other nations and ethnic nationalities.**

**(2) The programme in its entirety must not one-sidedly serve the one particular party, its interest or convictions.**

### ***Programme Conditions***

#### **Article 57**

**Radio and television concessionaire programme must satisfy the following conditions:**



**(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 month 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.**

### ***Provisions of the Use of Languages***

#### **Article 64**

**(1) Radio and television concessionaire must broadcast his programme in the Croatian language.**

**(2) As an exception to the provision from paragraph (1) of this Article, radio and television concessionaire broadcasting on a local level may also broadcast the programme in dialects of the Croatian language which are used within the territory covered by his concession and in the languages of the minorities living within the concessionaire's territory. The duration of the dialectal programme during one day can be up to 20% of the average broadcast time. The duration of programmes in minority languages, stated in percent of the average daily broadcast time, should, as closely as possible, correspond to the percent of minority members within the total number of inhabitants in the concessionaire's territory, provided that average daily duration of broadcast time must be limited to 50%.**

**(3) As an exception to the provision from paragraph (1) of this Article the radio and television concessionaire may transmit informative programme and information services for foreign visitors necessities on the languages which are in proportion to the representation of foreign visitors necessities on the languages which are in proportion to the representation of foreign visitors.**

**(4) The provision from paragraph (1) of this Article does not pertain to the film and music reproductions and to the transmission of religious theatrical and musical events, or to educational programmes for learning foreign languages.**

### ***The Advertising Messages***

#### **Article 65**

**(1) The advertising message must be honourable and fair, and must not lead to the wrong conclusion or be contrary to the interest of the consumer/buyer.**

(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 concerning medical drugs or treatments available only on doctor's prescription are not allowed.

### ***Programme Under Sponsorship***

#### **Article 66**

The programme broadcasted under the sponsorship of a certain legal entity or private person or several of them, must satisfy the following conditions:

1. sponsor of the programme must not influence the content or production of the programme in any way which would diminish the autonomy of the concessionaire and his responsibility in connection with the programme;

2. a programme or series of programmes broadcasted entirely or in parts under sponsorship must be clearly marked as such at the beginning and/or at the end of the programme;

3. during the broadcasting television programme from point 2. of this paragraph for advertising the products or services, the mark which shows that the programme is transmitted under sponsorship, must be transmitted continually.

4. sponsorship is not permitted for broadcasts of newscasts and reports on daily events.

### ***Cable Television***

#### **Article 67**

**(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 system only the visual test image with indication of correct time and shall not be the radio and television concessionaire or shareholder.**

**(3) Cable television concessionaire is allowed in accordance with provision from Article 69 paragraph (2) of this Law, to distribute domestic programme which is produced for cable television by legal entity or private person who is holding a concession granted by the Telecommunication Council.**

#### **Article 68**

**(1) When there is a technical possibility for it, the cable television concessionaire can not deny to a user in his concessionaire's territory the connection to his system, if the user requests this connection and is paying the subscription, nor can he force the user to accept the connection. The owner of an apartment or office must allow the installation of cable television on the request of the tenant or lease-holder, as long as the tenant or lease-holder is paying the costs.**

**(2) The concessionaire or the owner of a rented or leased apartment or office can seal up unused connections and control that they remain unused.**

#### **Article 69**

**(1) Cable television concessionaire must distribute programmes broadcasted in Croatia which on the concessionaire's territory have the prescribed strength of electromagnetic field.**

**(2) Cable television concessionaire must distribute radio and television programmes simultaneously, in their entirety and without changes, in accordance with obtained concession and in accordance with made contract about realisation of concession from Article 14 paragraph (8) of this Law.**

#### **Article 70**

**(1) The cable television connection user is paying to the cable television concessionaire, apart from the radio and television subscription prescribed by specific Law, also a special subscription and fee:**

- 1. subscription for programmes from paragraph (1) of Article 69 of this Law;**
- 2. subscription for programmes which the concessionaire is distributing but is not obliged to distribute in the sense of provision from Article 69, paragraph (1) of this Law (satellite programmes, foreign programmes,...);**
- 3. subscription for reception of determined programme (Channel), that the concessionaire is distributing to the individual user at his request.**
- 4. fee for each reception of the programme that the user is realising by decoding of the protecting code, by transmitting a certain code or otherwise.**

**(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 Ministry with opinion of the Telecommunications Council, and in agreement with the minister of trade and industry.**

***Provisions about HRT and Other Programme Producers***

**Article 71**

**(1) Provisions of this Law concerning the programme of the radio and television concessionaires broadcasting on state level, including advertising messages and sponsored programmes, also apply correspondingly to the programme of HRT.**

**(2) HRT may not be the radio, television and cable concessionaire, nor the shareholder of the radio, television and cable concessionaires.**

**IX. SERVICES**

***Definition of Services***

**Article 72**

**(1) Basic telecommunications services shall include:**

- 1. transmission of telegraph correspondence (telegram and telex),**
- 2. transmission of speech, sounds, data, documents, images and other information by the telecommunications fixed network,**
- 3. offering of telecommunications lines in lease as pertains to the services from items 1 and 2 of this paragraph,**
- 4. connection of subscriber terminal equipment into public telecommunications as pertains to the services from items 1, 2 and 3 of this paragraph,**
- 5. other telecommunications services as pertains to the services from items 1, 2, 3, and 4 of this paragraph, which shall be determined by the Regulations on Services.**

**(2) The services from paragraph (1) of this Article shall be conducted exclusively by the HPT for domestic and international traffic.**

**(3) Foreign companies shall conduct telecommunications services exclusively through the HPT.**

***Special Services***

**Article 74**

**(1) Special telecommunications services shall include:**

- 1. the transmission of speech, sounds, data, documents, images and other information by the telecommunications mobile network,**
- 2. connection of subscriber terminal equipment into public telecommunications as pertains to the services from item 1 of this paragraph,**
- 3. transmission of speech, sounds, data, documents, images, etc., by the terminal equipment which is linked to public telecommunications,**
- 4. other telecommunications services as pertains to the services from items 1, 2 and 3 of this paragraph which shall be determined by the Regulations on Services.**

**(2) The HPT shall be obliged to offer the services from paragraph (1) of this Article.**

**(3) The services from paragraph (1), items 1 and 2, and the corresponding services from item 4 of this Article may also be offered by other service providers, the legal entities from Article 12, paragraph (2), e.g. the concessionaire from Article 14, paragraph (8) of this Law.**

**(4) The services from paragraph (1) item 3 and the corresponding services from item 4 of this Article may also be offered by other service providers, legal or private entities with a concession from the Telecommunications Council in accordance with this Law and according to a contract achieved with the owner of a public telecommunications service from paragraph (1), item 3 of this Article.**

***Other Services***

**Article 75**

**A legal private entity shall be permitted to conduct the lease and sales of telecommunications equipment in accordance with this Law under the free market conditions.**

***Special Obligations of Service Providers***

**Article 76**

**(1) Service provider shall respect the principle of equality toward users with regard to the availability of telecommunications services and prices of services, and shall ensure the affordability and continuous adaptation of services to new technology and the user needs.**

**(2) A service provider shall not transmit a telegram the content of which offends the dignity and honour of a person and public morality, or threatens the security and defence of the country and the safety of human life.**

***Service Prices***

**Article 77**

**(1) The user shall pay the price of services rendered according to the tariff.**

**(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 a 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 explain its reasons for the unfavourable finding, and shall determine a deadline for the acceptance of the request.**

**(6) A subscription relationship shall be considered established when the service provider accepts the request.**



**(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 into 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.**

**(10) In the case of the death of the subscriber or the termination of the legal entity who was the subscriber, the successor or legal heir shall request an alteration in the name of the title of the subscriber in the sense of the provision from paragraph (8) of this Article or request the disconnection of the subscribers terminal equipment from public telecommunications.**

**(11) The establishment and termination of subscription relations shall be conducted by the method and according to the procedure which are established in the Regulations on Services.**

**(12) In a case in which the request from paragraph (1) of this Article is not accepted in the sense of the provision from paragraph (5) of this Article, the service provider shall, at the request of the legal or private entity, offer a special technical solution for the connection of the subscribers terminal equipment with the compensation of real expenses.**

**(13) The application form from paragraph (2) of this Article shall be regulated by the service provider.**

## **Article 80**

**(1) The subscriber shall ensure the maintenance of the subscription terminal equipment and that the use of the equipment does not cause interference in the functioning of the public telecommunications into which it is connected.**

**(2) The service provider shall, at the request of the subscriber, transfer the location of the subscribers terminal equipment at the same address or transfer it to a new address, should the technical possibilities for this exist.**

**(3) The service provider shall, at the request of the subscriber, temporarily disconnect the subscribers terminal equipment from the public telecommunications network for a period of one to three months once yearly.**

**(4) The service provider shall be authorised to conduct an immediate inspection of the correct functioning of the subscribers terminal equipment, with the**

exception of the terminal equipment of the Ministry of Defence, the Ministry of Internal Affairs and the Ministry of Foreign Affairs.

(5) The service provider shall be authorised to temporarily disconnect the subscribers terminal equipment from the public telecommunications network in the case of the incorrect function of this equipment or in the case of work in relation to public telecommunications when temporary disconnection cannot be avoided.

(6) The movement, transfer, inspection and temporary disconnection of subscribers terminal equipment shall be conducted in the manner and according to the procedure established by the Regulations on Services.

### *Complaints*

#### **Article 81**

(1) A subscriber may submit a complaint on the amount to which he is obliged to pay for telecommunications services, as well as for the untimely or superficial removal of technical failures.

(2) The complaint from paragraph (1) of this Article shall be submitted to the office of the service provider.

(3) The subscriber who has submitted a written complaint on the amount to which he is obliged to pay for telecommunications services, shall pay, until the complaint is resolved, at least the average amount which he was obliged to pay in a period of three months before the period for which the complaint has been submitted.

(4) The service provider shall be obliged to explain its position regarding the foundation of the complaint within a period of not more than 30 days after the complaint is submitted.

(5) The procedure for the resolution of the complaint shall be established by the Regulations on Services.

### *Liability of Service Providers*

#### **Article 82**

(1) The service provider shall be held responsible for the loss of a telegram or for the distortion of its content in domestic transmission , as well as for the delay beyond the term determinate for the transmission and delivery of a telegram, within the limits specified by this Law.

(2) In international transmission, the service provider shall be liable within the limits determined by international documents.

(3) In the case of the loss of a telegram or distortion of its content, the service provider shall be obliged to pay to the sender or other authorised person a compensation of 60 DM (German marks), in the equivalent value in domestic currency, for the loss of a telegram or distortion of its content, and a compensation of 36 DM (German marks) in the equivalent value in domestic currency in the case of the delay beyond the term determinate for the transmission and delivery of a telegram.

**(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 charges for services or other charges - upon the expiration of the period of six months,**

**2. other claims - upon the expiration of the period of one year, unless determined otherwise by this Law.**

**(2) Limitations shall commence:**

**1. for claims for under or overpaid charges for services or for claims for other charges - on the day of payment,**

**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.**

**(3) The Ministry of Internal Affairs shall conduct the inspection activities from paragraph (2) of this Article on its own initiative and at the request of the state inspector for telecommunications.**

**(4) The owner of the telecommunications shall enable the state inspector or state official who conducts inspection or inspection activities specified in paragraph (1) herein, to inspect the telecommunications facilities and equipment and the radio stations, at his request, and without delay submit the necessary data and documentation relating to inspection and monitoring.**

#### ***Authority of Inspector***

**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 inasmuch as the stipulated concession should not exist, or the stipulated contract on the realisation of concessions has not been concluded, as well as establish measures in order to prevent the performance of such on operation,**

**5. to prohibit the activities of a radio station which does not hold the specified license and establish measures in order to prevent its operation,**

**6. to permanently prohibit the use of the radio station for which it has been repeatedly determined that it has failed to fulfil the specified conditions and standards, as well as establish measures to disable its operation,**

**7. to prohibit the execution of works and construction of facilities in the protected zone or radio corridor of radio stations,**

**8. to temporarily prohibit the operation of the radio station which causes harmful interference until such interference is eliminated,**

**9. to temporarily halt the performance of construction works in the vicinity of telecommunications facilities, equipment or links, which may damage or interfere with the operation of these facilities, equipment or links, inasmuch as there is no previously obtained permission by the owner of the said telecommunications, and until this permission is obtained,**

**10. to order the elimination of defects of electrical or other technical equipment which cause electromagnetic disturbances in the operation of telecommunications or radio stations or reception of radio or television programs,**

**11. to order the elimination of defects should this Law, the regulations brought on the basis of this Law and technical conditions and standards be violated in**

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 parts, and issue a confirmation thereupon.

(2) The state inspector from paragraph (1) of this Article shall have the authority to personally execute or order the execution of the necessary measurements and inspections of telecommunications equipment and radio stations, and may, for the needs of inspection, use the appropriate technical installations and equipment belonging to the owners of telecommunications and radio station.

(3) Should the state official, performing the activities of the monitoring of the radio-frequency spectrum, find that a radio station causes harmful interference, or that a radio station has no the specified license, he has the authority from paragraph (1), item 12 and paragraph (2) of this Article, as well as the authority to submit a report to the competent body for a criminal act or offence. The state official shall submit a written report on the undertaken measures to the state inspector who performs the inspection activities specified in Article 85, paragraph (1) of this Law.

(4) The state inspector from paragraph (1) and state official from paragraph (3) of this Article shall take records on the conducted inspection and shall be obliged to carry the specified identification card.

(5) Identification cards and the manner of taking records from paragraph (4) of this Article, as well as the seal for sealing from paragraph (1), item 12 of this Article shall be regulated and issued by the Minister.

#### *The Implementation of the Solution Brought by the Inspector*

#### **Article 87**

(1) A complaint against the solution brought by the state inspector who performs the inspection activities from Article 85, paragraph (1) of this Law shall not be permitted. Notwithstanding, an administrative lawsuit may be initiated against the solution, which shall not delay the implementation of the solution.

(2) Inasmuch as the solution of the state inspector from paragraph (1) of this Article is not observed, the state inspector shall order an administrative measure in the amount of twenty times the mean income in the country in the preceding quarter. Any further ordered administrative measure shall be expressed in the same amount.

(3) The administrative measure from paragraph (2) of this Article shall be executed by the bodies authorised for the collection of fines determined for offences, and the amount shall be paid to the benefit of the state budget.

#### **XI. PENAL PROVISIONS**

#### **Article 88**

**(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 telecommunications or providing services in a manner contrary to the provisions of this Law, regulations brought on the basis of this Law and technical conditions and standards from the field of telecommunications (Article 7),**

**2. failing to, during the transmission of messages through its telecommunications system, give priority to the transmission of messages relating to the security and defence of the state, the safety of human life on land, at sea, in the air or in outer space, and to the large-scale endangerment of property (Article 9),**

**3. integrating its telecommunications with the telecommunications of other countries without the previously obtained permission issued by the Ministry (Article 11),**

**4. engaging in activities in public telecommunications without previously having been granted proper concessions or having failed to conclude the appropriate contract on the realisation of concessions (Article 14),**

**5. constructing its public telecommunications in a manner that is not in accordance with the appropriate Regulations on Public Telecommunications (Article 15),**

**6. failing to secure, in providing services, the confidentiality of telecommunications correspondence (Article 17, paragraph (1)),**

**7. using telecommunications designated for private use for other activities or offering services to others (Article 21),**

**8. obtaining, installing or using a radio station for which no specified license has been obtained, or selling, leasing or ceding a radio station to any legal or private entity who failed to obtain the specified license (Article 23),**

**9. producing, importing, selling or leasing a radio station for use in the country, which does not satisfy technical conditions and standards (Article 26),**

**10. failing to undertake the effective measures to prevent the operation of a radio station when it does not have a specified license for that radio station (Article 34),**

**11. transmitting, by a radio station, fraudulent or erroneous signals or information, primarily relating to distress, emergency, safety or identification (Article 41, paragraph (1), item 1),**

**12. failing to, during the transmission of information by a radio station, give priority to the transmission of the signals of distress, calls, messages or information in case of emergency for vessels or aircraft in natural disasters or in the process of saving human life (Article 42),**

**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:**

**1. planning, producing, constructing, maintaining or using facilities, technical equipment or installations of telecommunications or radio communications in a manner which is not in accordance with the specified technical conditions and standards, conditions for use or international recommendations, as well as building or connecting into the telecommunications capacity the technical equipment for which it does not have the stipulated certificate or permission, or which is not designated by the stipulated mark (Article 4 and 5),**

**2. failing to maintain its public telecommunications in the proper condition or to undertake timely measures for the elimination of interferences or defects in its telecommunications (Article 8, paragraph (1)),**

**3. failing to construct cable canalisation for subscribers telecommunication lines and CATV for cabling during the construction of commercial and residential structures in cities or urban localities, or failing to install a telecommunications installations in that structure (Article 10),**

**4. failing to provide services in the manner determined by Article 16 of this Law,**



**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 the border crossing (Article 27),**

**9. 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),**

**11. having electrical or other technical equipment which causes disturbances in the operation of a telecommunications, radio station, or in the reception of radio and television broadcasts (Article 48, paragraph (1)),**

**12. failing to enable, in the capacity of an owner of electrical or other equipment or device, telecommunications or radio station, the authorised official to conduct inspections and necessary measurements in order to determine the causes of interference, as well as failing to eliminate the established defects within a specific period (Article 52, paragraphs (1) and (3)),**

**13. failing to conduct, as a radio or television concessionaire, a book records of broadcasts, as well as failing to keep recordings of broadcasts for not less than three months after their transmission (Article 61, paragraph (5)),**

**14. failing to observe the stipulated standards concerning the duration of broadcasting in the process of transmission of radio and television programs (Articles 61 to 66),**

**15. emitting, as a radio or television concessionaire, different programs in the concessionaire territory (Article 61, paragraph (4)),**

**16. emitting, as a radio or television concessionaire, a foreign program (Article 62, paragraph (3)),**

**17. failing, as a radio or television concessionaire, to offer to all political parties the equal opportunity to broadcast commercial political messages under equal conditions, at the time of pre-election campaign (Article 63),**

**(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 inspections, 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, by a radio station, which is not intended for its activities, or receiving signals or information which is not intended for reception by that radio station and is not intended for general reception (Article 41, paragraph (1), item 2 and paragraph (2)),**

**6. engaging in construction works or 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 might be taken for the protection and security of the unhindered operation of these telecommunications (Article 44),**

**7. 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 might be the obstacles for the radio waves propagation or cause interference in radio-communications (Article 45),**

**8. planting gardens below aerial or above underground telecommunications cables or in their immediate vicinity or on the radio links, directions which may damage or interfere telecommunications cables and the radio links (Article 46),**

**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 measures against electromagnetic disturbances were undertaken, or which is not designated by the stipulated marks (Article 48, paragraph (2)),**

**10. transmitting, as a radio or television concessionaire, a program in a foreign language contrary to the provisions of Article 64 of this Law,**

**11. transmitting, as a radio or television concessionaire, commercial messages in a manner contrary to the provisions of Article 65 of this Law,**

**12. transmitting, as a radio or television concessionaire, a sponsored program, which does not fulfil the specified conditions (Article 66),**

**13. failing to act in compliance with Article 79 of this Law, in the course of considering an application of a legal or private entity concerning the establishment or termination of a subscription.**

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

**(3) The protective measure of confiscation of electrical and other technical equipment and the radio station may be ordered for the violations specified in paragraph (1), item 9 of this Article.**

#### **Article 91**

**(1) A fine of 2,000 to 8,000 German marks, in the equivalent value in domestic currency, shall be imposed on a private entity for the following violations:**

**1. failing to secure the confidentiality of telecommunications correspondence in the process of providing services (Article 17, paragraphs (1), (2) and (3)),**

**2. obtaining, installing and using a radio station which has no previously obtained specified license, as well as selling, leasing or ceding a radio station to a legal or private entity who has no previously obtained license (Article 23),**

**3. producing, importing, selling or leasing a radio station for use in the country, which does not satisfy technical conditions and standards (Article 26),**

**4. failing to undertake effective measures to ensure that the radio station no longer operates when he does not have a valid license for that radio station (Article 34),**

**5. transmitting fraudulent or erroneous signals and information, primarily signals or information for distress, emergency, safety or identification (Article 41, paragraph (1), item 1),**

**6. failing to give priority to the transmission of signals for distress or calls, messages or information emitted in the case of vessels or aircraft in emergency situations or in the case of natural disasters and saving human life (Article 42),**

**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 the operation of a telecommunications radio station, or in the reception of radio and television broadcasts (Article 48, paragraph (1)),**

**8. failing to enable, as an owner of electrical or other equipment or device, telecommunications or radio station, the authorised officer to conduct inspections and necessary measurements for the determination of the causes of interference, as well as failing to eliminate the established defects within a specified period (Article 52, paragraphs (1) and (3)).**

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

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

### **Article 93**

**(1) A fine of 1,000 to 3,000 German marks, in the equivalent value in domestic currency , shall be imposed on a person for the following violations:**

**1. using, as an investor or owner of a facility, community antenna system or installations for the distribution of radio and television programs which did not undergo a technical inspection, as well as failing to maintain, as an owner or user of the facility, the system or installation in a satisfactory condition, or failing to undertake timely measures for the removal of interference and the malfunctioning of these systems and installations (Article 20),**

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

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 within a period of six months after this Law enters into force.**

**(4) Legal and private entities who, on the day when this Law comes into force, perform their activities, which may, according to this Law, be performed on the basis of the authorisation by the Ministry or on the basis of a concession by the Telecommunications Council, shall cease to perform their activities within a period of not longer than one year from the day this Law becomes effective, unless they obtain the stipulated authorisation or concession within the same period.**

### ***Null and Void Legislation***

#### **Article 97**

**As of the day of entry into force of this Law, the following legislation shall become null and void: the Law on Systems of Communications ("Narodne novine", no. 53/91) and the provisions of the Law on Telecommunications ("Narodne novine", no. 18/78, 1/83, 24/83, 8/84, 21/87 and 47/89) relating to telecommunications, the provisions of Article 11 of the Law on Croatian Radio-Television ("Narodne novine", no. 43/92 - purified version), the provisions of the Articles of the Media Law ("Narodne novine" no. 11/82, 28/87, 47/89 and 8/90) which remained effective by Article 66 of the Media Law ("Narodne novine", no. 22/92), with the exception of the provisions of Articles 78 to 81 and Article 141a, and the provisions of the Law on Postal, Telegraph and Telephone Services ("Narodne novine", no. 53/91) relating to telegraph and telephone services.**

### ***Validity Term of Licenses Issued on the Basis of the Proceeding Regulations***

#### **Article 98**

**(1) Licenses for radio stations issued on the basis of the proceeding legislation shall be valid until their date of expiration but for a period of not longer than two years from the day of entry into force of this Law, with the obligation of paying the compensation specified in Article 23, paragraph (7) of this Law.**

**(2) Exclusive of the provision from paragraph (1) herein, radio station licenses issued on the basis of the preceding regulations shall be valid:**

- 1. until the date of expiration and within a period of not longer than one year for radio stations transmitting radio and television programs of HRT,**
- 2. until the date of expiration and within a period of not longer than six months for radio stations transmitting television programs outside of the HRT system,**
- 3. until the date of expiration and within a period of not longer than six months for radio stations transmitting local radio programs inside of the system of HRT (Dubrovnik, Osijek, Pula, Rijeka, Sljeme, Split, Zadar) and**

**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 Mihanovi}**