

THE EVOLUTION OF MEDIA OWNERSHIP REGULATION IN CROATIA

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ABSTRACT *This paper aims to describe the evolution of media ownership regulation in Croatia with the aim of assessing whether these developments have supported the promotion of media pluralism. This research is underpinned by the premise that transparency in media ownership – one of the key prerequisites for media pluralism (Borges & Christophorou, 2024), remains insufficiently achieved. The paper shows that Croatia has come a long way from a quite restrictive approach in regulating media ownership, both in terms of openness of the media market and media ownership transparency, to the situation as it stands today. However, certain gaps in the media ownership regulation still exist, particularly in relation to the enforcement mechanisms and the allocation of clear institutional responsibilities for monitoring and sanctioning non-compliance.*

KEYWORDS

MEDIA PLURALISM, MEDIA OWNERSHIP, REGULATION, TRANSPARENCY

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INTRODUCTION

Media ownership, its transparency and diversity do not cease to intrigue both media scholars and policymakers. The most recent effort to advance media ownership transparency and further regulate media market concentration at the European Union level was the adoption of the European Media Freedom Act (EMFA) in March 2024. While it was welcomed as “a groundbreaking step for Europe” in protecting and improving the media sector, some scholars (Schnyder et al., 2024) still find the EMFA insufficient especially regarding media ownership transparency obligations.

As for Croatia, the evolution of media regulation in general and media ownership in particular has undergone significant changes over the last 30-plus years. With the declaration of independence in 1991, Croatia began the process of political and economic transition from socialism and planned economy to parliamentary democracy and market economy. The process of privatization started, and media companies were not exempted from it. At the beginning of the new millennium, policies to attract foreign investments were gradually developed, opening the path for the expansion of transnational media corporations in Croatia. This was followed by the increasing role of the Internet and, consequently, the rise of the new media as well as the EU accession process and efforts to align national media regulation with European standards. The evolution of media ownership regulatory framework continues to this day, further increasing liberalization and being strongly influenced by new technologies, including artificial intelligence.

This paper aims to describe the evolution of media ownership regulation in Croatia with the aim of assessing whether these developments have supported the promotion of media pluralism. This research is underpinned by the premise that transparency in media ownership – one of the key prerequisites for media pluralism (Borges & Christophorou, 2024) – remains insufficiently achieved. It is enshrined in norms, but in practice it is often exposed to manipulation due to inefficient mechanisms that should control the implementation of these norms. Thus, my research questions are as follows: To what extent has media ownership regulation evolved over time in Croatia, and have these changes contributed to media pluralism? To what extent have the legal provisions concerning media ownership been effectively implemented in practice? Is media ownership transparency in Croatia fully achieved, or do gaps remain in the regulatory framework and its enforcement? The research will be conducted through a thorough analysis of media laws, complemented by an examination of relevant reports, such as annual reports of competent bodies. This research, however, is limited in that it does not include the regulatory framework governing privatization, which has certainly played an important role in shaping media ownership in Croatia after its independence; the breadth and complexity of this area exceed the boundaries of this paper. Future research could address this dimension to offer a more holistic view of the media ownership regulatory evolution.

This paper is structured into four main parts. The first section presents a literature review that outlines the theoretical framework related to media pluralism, supplemented

by key observations on media ownership. The second section offers a comprehensive overview of the evolution of media ownership regulation in Croatia, tracing developments from the 1990s onward. The third section examines the effectiveness of existing media ownership provisions and their implementation in practice. Finally, the paper concludes with a summary of key findings.

LITERATURE REVIEW

Normative theories of democracy presume a well-informed citizen capable of making political decisions in various forms of civic engagement. The infrastructure for acquiring necessary information is a public sphere, largely based on media. Given that the media constitute a key institutional structure of the public sphere, it is essential for democracy that there is equality in the distribution of control over the media, which is primarily manifested through ownership (Baker, 2007, p. 7).

Media ownership has long been recognized as a central issue of the independent and critical role of media in public life (Freedman 2014). Since the establishment of commercial radio and television broadcasting during the eighties and nineties, the issue of media ownership, its transparency and concentration has become one of the biggest concerns for media scholars and policy makers. The assumption is that the insufficient dispersion of media ownership affects the diversity of opinions and ideas in the public sphere; and consequently democracy (Bagdikian, 2000; Freedman, 2014).

On media pluralism

The public sphere, through the creation of public opinion, affects the outcomes of political participation of citizens (Habermas, 1962). In that sense, pluralism of opinions, equality in access and opportunity for the articulation of ideas in the public sphere, that is, the media, are one of the basic standards for measuring how democratic the country is. Thus, media pluralism is often seen as a fundamental to democratic development. However, ideas on what media pluralism ought to mean, or how it should be implemented, differ widely and are directly related to how democracy is interpreted. The liberal democratic model understands media as commercialized entities anchored to the free market; the deliberative democratic model implies facilitative role of media acting as “public forums” where public consensus is constructed; while the agonistic democratic model considers media as a political space that should transparently manifest existing differences in a society (Raeijmaekers & Maesele, 2015, pp. 1043-46). Each approach consequently looks at the concept of media pluralism through different lenses. In their discussion on democratic theories and corresponding media roles, Raeijmaekers and Maesele (2015, p. 1047) came to an understanding that there is a “clear distinction between democratic theories which aim at overcoming and neutralizing social heterogeneity and disputes to arrive at public consensus (liberal and deliberative models) and those that aim at recognizing social heterogeneity and disputes as constitutive of democratic politics (agonistic model)”. The distinction between consensus and conflict underlies the contrast between affirmative and critical media theories, as well as different

approaches to media pluralism. Raeijmaekers and Maesele (2015, p. 1051) differentiate four approaches to media pluralism: affirmative diversity, affirmative pluralism, critical diversity, and critical pluralism. While affirmative diversity is concerned solely with a balanced media representation; affirmative pluralism complements it with concerns about quality, focusing not only on the diversity of identities but also on the ways different identities are discursively portrayed (Raeijmaekers & Maesele, 2015, pp. 1051-53). On the other hand, critical diversity is primarily concerned with the commercial interests and structural characteristics of media organizations – including ownership – and how these determine the level of diversity within media coverage (Raeijmaekers & Maesele, 2015, p. 1054). Finally, critical pluralism is interested in “whether the issue is framed as an ideological debate involving key political choices between genuine alternatives, or to the contrary, as a (predefined consensual) matter about which debate is counterproductive” (Raeijmaekers & Maesele, 2015, pp. 1054-55).

Policy attitudes towards media pluralism largely depend on the context within which a media system resides. In democracies, we can distinguish two approaches: the marketplace model and the public sphere approach (Karppinen, 2007, pp. 14-15). They depend on very different political rationalities in interpreting media pluralism as a media policy goal. The marketplace model rests on the liberal freedom of choice perspective and “the free marketplace of ideas” where the limits and criteria are set by free competition and consumer choice. The public sphere approach, on the other hand, advocates plurality as a part of rational democratic public deliberation, relying on the cultural-political norms of diversity, civic equality and universalism. “While the former is based on competition and freedom of choice, the latter emphasizes broader defense of ‘principled pluralism’, an attempt to serve the whole society with various political views and cultural values” (Karppinen, 2007, p. 15). In the comparative model, these two approaches coexist in the European cultural and political space. A particular challenge – reflected in pluralism and media diversity related studies – is this conceptual tension. While the definition of market and discourse diversity is rather easy to quantify and measure; the necessary qualitative measurements and multilayered measurements of public service broadcasting are demanding and difficult to implement. The role of public service broadcasting is especially intangible and above all normative. It is embedded in the ideals of public sphere, citizenship, pluralism, creativity, and other values that are difficult to determine or uniquely define, let alone empirically measure.

Another challenge that scholars encounter when placing media pluralism within the framework of political and social theory is differentiating between the concepts of pluralism and diversity. In political and analytical discourse, the concepts of “media pluralism” and “media diversity” are used interchangeably. This often leads to confusion in distinguishing them and in establishing a possible hierarchy between these two concepts. Karppinen (2007, pp. 9-10) draws a distinction by linking the concept of media diversity to an empirical situation, while pluralism is linked to a diffuse societal value or an underlying orientation. Even though there is a danger of oversimplifying the conceptual differences between the two, it would be fair to say that pluralism is regulated in a standardized manner, i.e., normatively; while diversity is only evident in output values, or measures

of media realities (existence or non-existence, numbers and indicators), emerging as a result of the established norms. In that sense, the concept of media pluralism implies diversity of media, free access, diversity of content and ideas, content quality (content of public interest), variety of news sources, independent editorial practices, transparency and variety of media ownership, and cultural and social diversity in media programming and ideas represented in the media (Klimkiewicz, 2010, p. 268). The concept of media diversity, on the other hand, broadly refers to the heterogeneity of content, publications, ownership or any other aspect of media considered relevant to research. A definition of media diversity was provided by Hoffmann-Riem (1987, as cited in McQuail, 1992, pp. 144) who distinguished four dimensions of diversity. The first one is diversity of formats and issues, meaning that all formats (entertainment, information, education and culture) need to be taken into account. Diversity of formats should be complemented by a diversity of content, i.e., programs should provide factual coverage of different opinions. In addition, programs should provide for the interests of all parts of the community, i.e., personal and group diversity must be present and should include local, regional, national and supranational content.

Challenges in determining the concepts of media pluralism and media diversity consequently transmit to measuring the level of media pluralism and diversity – determining the best and the worst result in some societies, as well as their comparison. While most authors agree that the concept of pluralism is primarily a normative concept; sub-concepts or sub-categories important for understanding pluralism cannot be fully evaluated solely by norms or normative analysis. For example, the literature is critical of the normative approach to the analysis of public interest, an important sub-category of the concept of media pluralism, applied by McQuail (1992) in his book *Media performance*. A number of authors think McQuail's thesis "we can expect that the clearest expression of public interest will be in the laws, regulations, court decisions and commissions reports" can easily be disputed by those who are familiar with the modern legislative process (Pritchard, 1993). On the other hand, when it comes to analyzing or measuring media diversity, it is mainly proposed to analyze different components of this concept, such as sources, content and exposure to diversity, as well as analysis of their interrelationship. Again, this aspect of the approach to research is not without challenges. Although a pluralism advocate, Mouffe (2000, as cited in Karppinen, 2007, p. 12) expressed reservations about extreme pluralism that values all diversity, assessing it as deeply problematic and recognizing the need to limit it at some point. In addition, with media market increasingly being structured into smaller segments, there is a genuine fear that polarization of media consumption may lead to unwanted social fragmentation of the public (Karppinen, 2007, pp. 15-16). Public sphere is above all a domain in which multiple perspectives should openly engage, and it should not rely on unrestricted choices and satisfaction of individual preferences. "Citizens should be exposed to materials and information that they would not have chosen in advance" (Sunstein, 2002, p. 285 as cited in Karppinen, 2007, p. 16) because their choice is always pre-structured by the conditions of competition including structural effects such as concentration of ownership, advertising and political influences (Karppinen, 2007, pp. 15-17).

For the purposes of this paper, the concept of media pluralism is observed solely within normative framework, i.e., fundamental principles and norms; while media diversity will signify multiplicity, i.e., number and diversity of media. This paper, however, has a limited reach in measurement, which as a consequence has a limited reach in understanding the impact of norms governing ownership issues, plurality, and diversity of media.

On media ownership

Liberal media theorists argue that it is possible to maintain a clear division between who owns a media outlet and who controls its editorial content; owners are said to have (only) two kinds of control over their media: allocation control and operational control (McQuail & Deuze, 2020, p. 500). While allocation control includes controlling the company's finances and resources, forming the policy and strategy of the company, and controlling mergers, acquisitions, or cutbacks; operational control includes the internal distribution of resources, setting editorial strategies, and hiring leaders and managers (McManus, 1994 as cited in Sjøvaag & Ohlsson, 2019, p. 8). Professional decisions about content should be left free to producers and editors to take, and there should be intermediary institutional arrangements such as editorial statutes in place to safeguard the editorial integrity and freedom of journalists (McQuail & Deuze, 2020, p. 500). However, everyday reality is somewhat different: commercial media have to make profit to survive, and this often involves taking decisions that directly influence content; publicly owned media, on the other hand, cannot escape the same market logic especially when under pressure by government and ruling political parties (McQuail & Deuze, 2020, p. 500). The solution to such problems lies in multiplicity of media ownership and free competition. This is the best defence against misuse of powers of ownership (McQuail, 2020 & Deuze, p. 502).

Diversity of ownership is one of the main normative expectations relating to the structure of media in the Western type of democracies (McQuail & Deuze, 2020, p. 418). The opposite of media ownership diversity – high concentration of media ownership is often seen as one of the main threats to media pluralism. Peruško (2003, pp. 41-42) draws a distinction between two types – horizontal and vertical media concentration. Horizontal concentration refers to “control over the media of the same type, which are mutually competitive”, while vertical media concentration implies control over “the entire process of media production and distribution, as well as control over the media of the same type in different geographical levels”. The prerequisite for supervision, or rather the prevention of media concentration, is transparent media ownership.

In general, transparency of media ownership protects media pluralism because, without knowing who owns the media and produces content, one can never be sure of pluralistic media landscape (Borges & Christophorou, 2024, p. 69). For authorities, transparency in media ownership allows them to apply rules against media concentration – set limits and impose constraints to reduce the level of influence that media owner(s) could exert on public opinion. From the citizens' point of view, their right to content diversity and access to a variety of information sources should be complemented with their right to know who owns and can influence the content they consume (Borges &

Christophorou, 2024, p. 69). The major challenges in achieving transparency of media ownership refer to identifying the real beneficiaries; first, it is often difficult to determine if there are more natural persons or companies behind a capital shareholder. Second, when there is a lengthy chain of companies involved in the capital share of a media entity, it is very hard – and almost impossible – to determine the influence of each company on the media in question (Borges & Christophorou, 2024, p. 69).

ANALYSIS

Over the past decade, a substantial body of literature has examined different dimensions of media ownership regulation in Croatia (Bilić & Petričušić, 2024; Car & Bilić, 2023; Tušek, 2024; Vozab, Peruško, & Čuvalo, 2017). Among these contributions, one of the most significant is the analysis conducted within the framework of the Media Pluralism Monitor – a tool funded by the European Union and coordinated by the Centre for Media Pluralism and Media Freedom at the European University Institute. The most recent report for Croatia identifies several challenges in the field of media ownership regulation (Bilić & Petričušić, 2024, pp. 8-9). In relation to media ownership transparency, it notes that while basic media ownership information is publicly available, the ultimate beneficial owners of many media providers – particularly politically extreme news portals – frequently remain concealed behind opaque business structures. In addition, the report highlights the gap in media market concentration regulation – it predominantly relies on capital shares and print circulation and neglects socio-cultural indicators such as audience share, which would offer a more comprehensive understanding of the relationship between economic concentration and societal influence. Finally, the report describes regulatory monitoring as largely passive and insufficiently responsive to the evolving dynamics of the contemporary media landscape.

In the following paragraphs, this paper provides a comprehensive analysis of media ownership transparency and media market concentration provisions within key media laws in Croatia – the *Media Act* and the *Electronic Media Act*, with particular attention to their evolution over time.

Regulation of print media ownership

The first Act on Public Information (Official Gazette no. 22/1992) in the independent and sovereign Republic of Croatia was passed in March 1992. Under this Act, every citizen was entitled to publish newspapers. The Act prescribed the obligation of publishers to publish in their outlet(s) the names of people who own ten or more percent of the company's capital with information on the percentage of shares in ownership. This information was to be published at the beginning of each calendar year. On the other hand, the Act on Public Information prescribed that the newspapers can be published by legal and natural persons (Article 3), but only legal persons can produce and broadcast radio and television programs (Article 66). Although this provision itself seems contrary to the Constitution because the constitutional right to establish means of public information was significantly narrowed (Jergović, 2003, pp. 97-98), the Constitutional Court abolished

the Act on Public Information in 1995 for procedural reasons, that is, the Act was not passed by an (absolute) majority of votes of all representatives (Decision of the Constitutional Court of the Republic of Croatia, 1995).

With the adoption of the new Act on Public Communication (Official Gazette no. 83/1996) the permission for publishing of the newspapers as well as production and broadcasting of radio and television programs was somewhat restricted in line with the provision stipulated in *Electronic Media Act* (Official Gazette no. 53/94) stating that one legal or natural person can have up to 25% of the share in the capital of the radio and television concessionaire (or the publisher). In addition, the foreign capital could participate up to 25% in the concessionaire's or the publisher's capital. In terms of media ownership transparency regulation, instead of publishing the information about people who own ten or more percent of the company's capital in their outlets, publishers now must provide this information to the state body that performs administrative tasks in the field of public communication. The amendments to the *Act on Public Communication* (Official Gazette no. 96/2001) have specified the deadline for delivery of this information to the state body (by January 31 each year) and have introduced the obligation for publishers to provide information about their ownership structure already upon reporting publishing of the press to the state body.

In 2003, a new *Media Act* (Official Gazette no. 163/2003) was adopted. It brought significant changes to regulating media ownership transparency as well as to protecting market competition and limiting its concentration. For the first time, the impermissible concentration of publishers was defined. According to Article 33, the impermissible concentration of publishers exists if the market share of one publisher exceeds 40% of all the sold copies of general information daily newspapers or weekly magazines. In addition, the act has emphasized the fact that general regulations on the protection of competition apply to publishers, legal persons engaged in media distribution, and other legal persons performing tasks related to public informing in the same way as they apply to any other legal person registered in a country. To further enhance transparency of media ownership, the *Media Act* introduced a rule that stocks and shares of the publisher's capital must be made out to a name, i.e., they have to be registered. This means that the shareholder's name is clearly indicated, and the transfer of such shares is made more difficult (unlike in the case of bearer shares that cannot be traced back to the owner and are not registered anywhere) (FIMA, 2024, SUMUP, 2024). In addition, already existing obligation of providing the information about people who own ten or more percent of the publisher's capital was expanded. The *Media Act* now prescribed the obligation of publishers to inform the competent state ministry, by January 31 of each calendar year about all legal and natural persons who have direct or indirect ownership of stocks or shares in the publisher's capital with the information on the percentage of stocks or shares. The provision about the shares of foreign persons was introduced as well. It clearly stipulated that all provisions on the limitation of ownership also apply to foreign legal and natural persons. In addition, three months after the adoption of the *Media Act*, in July 2003 the new *Electronic Media Act* was adopted and the restrictions on the maximum share of foreign ownership in the concessionaire's (or the publisher's capital) were lifted as well. Finally, the *Media*

Act from 2003 established a novelty that would later turn out to have an impact on the media market in general and on its structure in particular. It is the obligation of the state to promote pluralism and diversity of the media by promoting among other things the establishment of new print media, especially local and non-profit media, as well as media of nongovernmental organizations.

By the following year, a new *Media Act* (Official Gazette no. 59/2004) was adopted. The article stipulating the permission for publishing of the newspapers as well as production and broadcasting of radio and television programs was deleted. The Croatian Chamber of Economy is now the competent body for collecting information about publishers including their ownership structure. In addition to providing the Croatian Chamber of Economy information about all legal and natural persons who have direct or indirect ownership of stocks or shares in the publisher's capital with the information on the percentage of stocks or shares, the publishers now must provide information on whether those persons hold the shares or are members of the management or supervisory boards in other companies to which the *Media Act* also applies. The aforementioned information needs to be published in the Official Gazette by the February 28 of each calendar year. Provisions on the protection of market competition remained unchanged; the impermissible concentration is still defined as a situation when the market share of one publisher exceeds 40% of all the sold copies of general information daily newspapers or weekly magazines.

The *Act on Amendments to the Media Act* (Official Gazette no. 84/2011) was adopted in 2011 and the amendments were related exclusively to the provisions on media ownership transparency. First, publishers are now obliged to forward to the Croatian Chamber of Economy, by January 31 of each calendar year, the verified copies of the deeds of acquisition for the stocks or shares acquired in a publisher over the preceding year. Second, the provision forbidding the concealment of the publisher's ownership structure or the acquirer's ownership of the stocks or shares in the publisher was introduced. The legal acts concealing the ownership structure of the publisher or the acquirer's ownership of the stocks or shares in the publisher shall be null and void.

Regulation of electronic media ownership

In Croatia, the electronic media were at first regulated by the *Electronic Communications Act* (Official Gazette no. 53/1994). Article 55 prescribed the ownership relations as follows: the radio and television concessionaire is a legal entity in which one member, a legal or natural person, may have a maximum of 25% of shares and one natural person may not participate in the concessionaire's capital with more than 25%. Participation of foreign capital in the concessionaire's capital was as well limited to a maximum of 25%.

The Electronic Communications Act (Official Gazette no. 76/1999) from 1999 loosened the limits on shares in the concessionaire's capital but prescribed in more detail rules regarding family members among members of the concessionaire. Article 77 prescribed that the radio and television concessionaire is a legal entity in which one member, a legal or natural person, may have a maximum of 1/3 of shares and one natural person may not

participate in the concessionaire's capital with more than 1/3 of shares. Participation of foreign capital in the concessionaire's capital was as well limited to a maximum of 1/3 of the concessionaire's capital. If among the members of the company there are family members, then they all together may have a maximum of 1/3 of the concessionaire's capital. It was as well prescribed that one legal or natural person may have a share in the capital of only one concessionaire at the state or regional level or one radio concessionaire and one television concessionaire at the local level but in different non-adjacent concession areas.

With the adoption of the *Electronic Media Act* (Official Gazette no. 122/2003) in 2003, the limitations on the maximum share of foreign ownership in the radio and television concessionaire's capital were lifted. Article 55 stipulated that the provisions on ownership and concentration apply the same to foreign entities as they do on domestic legal entities and natural persons. The obligation to inform a competent ministry, by 31 January of each calendar year, about all legal and natural persons who have direct or indirect ownership of stocks or shares in the publisher's capital and on the percentage of stocks or shares, was taken over from the *Media Act* (Official Gazette no. 163/2003) and introduced for all radio and television publishers. The *Electronic Media Act* from 2003 for the first time defined the impermissible concentration of radio and television publishers. Article 46 stipulates that the impermissible concentration in the media sector exists if:

- >the electronic media publisher who has concession at the state level and a share exceeding 25% of the capital of another electronic media publisher who has the same kind of concession or a concession on the regional, county, city, or municipality level;
- >the electronic media publisher who has concession at the state level and a share exceeding 10% of the capital of publisher who publishes daily newspapers printed in more than 3,000 copies;
- >the electronic media publisher who has concession at the state level and a share exceeding 10% of the capital of a legal person who performs the activity of a newspaper agency;
- >the electronic media publisher who has concession at the state level and simultaneously publishes daily newspapers printed in more than 3,000 copies;
- >the electronic media publisher with a concession at the local or regional level of coverage and shares exceeding 30% of the capital of another such broadcaster with
- >the concession at the local or regional level of coverage in the same area; and if
- >the electronic media publisher who has a concession at the regional or local level of coverage and simultaneously publishes daily newspapers of local importance in the same or in the neighbouring area.

Finally, a new provision on vertical integration was introduced. Article 53 stipulated that an operator who performs the activity of audio-visual or radio program transmission cannot be the television or radio broadcaster.

The *Electronic Media Act* (Official Gazette no. 153/2009) from 2009 did not bring significant changes in media ownership transparency and concentration regulation. Media providers that use satellite, internet, and cable transmission of broadcasting were

included in the definition of impermissible concentration. It exists if they simultaneously publish daily newspapers printed in more than 3,000 copies and if they have a share exceeding 10% of the capital of a publisher who publishes daily newspapers printed in more than 3,000 copies. Another provision introduced with the adoption of the *Electronic Media Act* in 2009 was the prohibition of participation in a procedure for a concession grant for legal person, whose founders include foreign legal persons registered in countries where it is not possible to determine the origin of the founding capital.

The *Act on Amendments to the Electronic Media Act* (Official Gazette no. 84/2011) was adopted in 2011 and the amendments were related exclusively to the provisions on media ownership transparency. First, radio and television publishers are now obliged to forward to the Electronic Media Council, by January 31 of each calendar year, the verified copies of the deeds of acquisition for the stocks or shares acquired in a radio and television publisher over the preceding year. Second, the provision forbidding the concealment of the radio and television publisher's ownership structure or the acquirer's ownership of the stocks or shares in the publisher is introduced. The legal acts concealing the ownership structure of the radio and television publisher or the acquirer's ownership of the stocks or shares in the publisher shall be null and void.

One of the most important changes brought about by the *Electronic Media Act* (Official Gazette no. 111/2021) in 2021 was lifting the ban on the vertical integration. It is now allowed for the operator who performs the activity of audio-visual or radio program transmission to be the television or radio broadcaster. On the other hand, the provisions regarding media ownership transparency were enhanced. Electronic media service providers are now obliged, within five days, to provide the Agency for Electronic Media with information about legal and natural persons who became direct or indirect owners of stocks or shares of the media service provider including the information on the percentage of stocks or shares. They are also now obliged to notify the Croatian Competition Agency about any intention to implement a concentration between undertakings.

Efficiency in implementation of media ownership regulation

For the purposes of this paper, the analysis of the implementation of legal provisions concerning media ownership covers the period from 2004 onwards, as it was in 2004 that these competences were assigned to the Croatian Chamber of Economy (for print media) and to the Agency for Electronic Media (for electronic media).

With the adoption of the *Media Act* (Official Gazette no. 59/2004), the Croatian Chamber of Economy was designated as the competent body responsible for the implementation of legal provisions concerning the ownership of print media. However, this only includes the maintenance of public register and the collection of data on print media ownership. Although the *Media Act* includes misdemeanour provisions applicable to violations of ownership-related regulations, it fails to specify the competent authority responsible for initiating misdemeanour proceedings. Thus, it seems that the role of the Croatian Chamber of Economy in promoting media ownership transparency and preventing undue concentration is limited and largely administrative in nature.

The lack of clarity regarding the initiation of misdemeanour proceedings was also present in the *Electronic Media Act* until 2009, when the Act (Official Gazette no. 153/2009) was amended to explicitly designate the Agency for Electronic Media as the competent authority for issuing warnings in cases of non-compliance and for initiating misdemeanour proceedings in accordance with the misdemeanour provisions specified in the *Electronic Media Act*. According to data from the annual reports of the Agency for Electronic Media, in the first year of implementation of this provision (2010), the Agency issued 54 warnings and initiated 10 misdemeanour proceedings against electronic media providers due to non-compliance with the obligation to submit information on media ownership. In the following two years (2011 and 2012), the Agency issued 27 warnings. No misdemeanour proceedings were initiated in the period from 2011 until 2013, when one misdemeanour proceeding was initiated. Since 2014 publishers have been fulfilling their obligation to submit ownership information following any changes in ownership structure (AEM, 2015–2024). As a result, no warnings have been issued, nor have any misdemeanour proceedings been initiated during this period. Furthermore, since 2019, the Agency for Electronic Media has been involved in providing expert assessments within proceedings initiated before the Croatian Competition Agency, regarding the evaluation of the permissibility of concentrations among media undertakings.

Both the Croatian Chamber of Economy and the Agency for Electronic Media maintain and regularly publish updated registers of media outlets on their respective websites, which include information on media ownership. In addition, the Agency for Electronic Media publishes in its annual reports detailed records of changes in the ownership structure of individual media outlets during the reporting year. This practice enables systematic monitoring of ownership trends and facilitates longitudinal analysis of how media ownership structures have evolved over time.

In April 2025, the Agency for Electronic Media launched a Media Ownership and Financing Platform, representing a significant step forward in the accessibility of media ownership information in Croatia. The platform was developed within the framework of the European Union's Recovery and Resilience Facility with the aim to promote greater transparency in media ownership and provide public access to financial data on media (Council of Europe, n.d.). It provides a centralized and user-friendly digital infrastructure through which the variety of information on electronic media operating in Croatia is easily accessible including the information about the identities of legal and natural persons registered as owners (Agency for Electronic Media, 2025).

CONCLUSION

The analysis of media ownership regulations from the nineties onward shows that Croatia has come a long way from a quite restrictive approach in terms of who can or cannot be a media owner, the extent of acceptable participation of foreign capital in the media market and neglecting the importance of media ownership transparency to the situation where it is today. It is evident that the beginning of the 2000s marks the turning

point on this path. Adopted in 2003 both, the *Media Act* and *Electronic Media Act* brought significant changes in regulating media ownership transparency as well as in protecting media market competition and limiting its concentration. Limitations on the maximum share of foreign ownership in media were lifted. For the first time, the impermissible concentration of newspaper publishers and electronic media providers was defined, and a provision prohibiting vertical integration was introduced. Transparency of media ownership was enhanced: instead of providing competent state bodies the information about people who own ten or more percent of the newspaper publisher's or electronic media provider's capital, the obligation to provide information about all legal and natural persons who have direct or indirect ownership of stocks or shares in the capital was introduced. Second significant step forward in regulating media ownership was made in 2011 with the amendments to both the *Media Act* and the *Electronic Media Act*. The amendments were related exclusively to the provisions on media ownership transparency: the obligation to forward to the Croatian Chamber of Economy and Agency for Electronic Media the verified copies of the deeds of acquisition for the stocks or shares acquired in media service provider over the preceding year was introduced as well as the provision forbidding the concealment of the media ownership structure. The year 2021 was another important year in terms of regulating media market concentration, as it was the year when a new *Electronic Media Act* was adopted and one of the most important changes it introduced was lifting the ban on the vertical integration.

The analysis of the implementation of media ownership regulation revealed certain limitations, particularly in the domain of print media. In the absence of an adequate authority to effectively oversee compliance with the relevant ownership provisions, the Croatian Chamber of Economy assumes a predominantly administrative role, with limited competences in ensuring transparency of media ownership within the print sector. This leads to the conclusion that certain gaps in the media ownership regulation still exist, particularly in relation to the enforcement mechanisms and the allocation of clear institutional responsibilities for monitoring and sanctioning non-compliance.

Despite these challenges, recent institutional initiatives indicate meaningful progress. The Media ownership and financing platform represents a significant step toward enhancing transparency and accessibility of media ownership in Croatia.

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RAZVOJ REGULACIJE MEDIJSKOG VLASNIŠTVA U HRVATSKOJ

Ana Tešić

SAŽETAK *Cilj je ovog rada opisati razvoj regulacije medijskog vlasništva u Hrvatskoj od njezina osamostaljenja naovamo te pokušati procijeniti jesu li promjene bile u smjeru podrške medijskog pluralizma. Premisa od koje istraživanje polazi jest da transparentnost vlasništva nad medijima, jedan od ključnih preduvjeta medijskog pluralizam (Borges i Christophorou, 2024), još uvijek nije u potpunosti ostvarena. Rad je pokazao da je Hrvatska prešla dug put od prilično restriktivnog pristupa u regulaciji vlasništva nad medijima, kako u pogledu otvorenosti medijskog tržišta tako i u pogledu transparentnosti vlasništva nad medijima, do situacije u kojoj je danas. No čini se da određeni nedostaci još uvijek postoje, posebice kod osiguranja učinkovite provedbe i dodjeljivanja jasnih institucionalnih odgovornosti za praćenje i sankcioniranje nepoštivanja zakonskih odredbi.*

KLJUČNE RIJEČI

MEDIJSKI PLURALIZAM, MEDIJSKO VLASNIŠTVO, REGULACIJA, TRANSPARENTNOST

Bilješka o autorici _____

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