

EUROPEAN COMMISSION  
Directorate-General Enlargement

B – CROATIA, MONTENEGRO, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, TURKEY,  
ICELAND  
The Director

Brussels,

**Subject: Commission's follow-up comments on the draft Act amending the  
Croatian Radio-Television Act**

Your Excellency,

We thank you for the final proposal of the draft Act amending the Croatian Radio-Television Act received on 22 June 2012, and especially for the letter by Minister Violić outlining the recent changes.

Let me express my satisfaction for a quick reaction on this issue, addressing part of our concerns. Particularly, we welcome that the provision regulating the dismissal of the HRT Director General upon disapproval of the yearly report has been deleted. We also note with satisfaction that the competences of the Director General have been limited, and that new requirements have been added for the post of the Director General.

However, we note that our previous comments regarding the need for a qualified majority in the appointment procedures of the HRT bodies have not been fully taken into account. Let me stress that although there is no ideal model of preventing political interference into a public broadcaster, it is important that the key management and the members of the key bodies are selected in a fair and participatory manner.

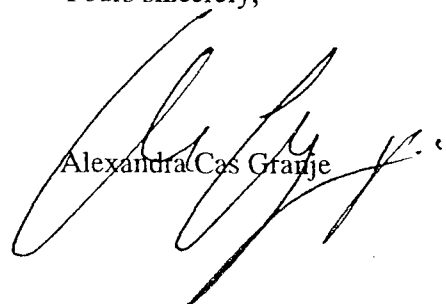
Our other remarks, outlined in the annex, are related to the competences of the HRT Director General as well as to the requirements to be met for the post of the Director General.

Let me also reiterate my previous comment about the results of the public consultations on this draft Act to be duly taken into consideration by the Croatian authorities in order to ensure the broadest possible public support for the new law.

As stated previously, the Commission will continue to carefully monitor the independence of the public broadcaster.

I hope once again that our comments can be a useful input for your considerations about the need and the opportunity to adopt this draft Act. We remain of course at your disposal for further discussions on this matter, as appropriate.

Yours sincerely,



Alexandra Cas Granje

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Annex: Commission's follow-up comments on the draft Act amending the Croatian Radio-  
Television Act

Cc: D. Lange, A. Vezyroglou, T. Hagleitner, M. Matuella, K. de Sadeleer (DG ELARG),  
G. Kowalczyk (DG INFSO)  
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## Commission's follow-up comments on the draft Act amending the Croatian Radio-Television Act

### **Changes to the appointment procedure of the HRT bodies**

The appointment procedure should be transparent, fair and participatory. We note that instead of a qualified majority vote (the current law provides for a 2/3 majority), the draft Act introduces an absolute majority vote in the Parliament (over 50% of all MPs). Therefore, a political party holding the majority in the Parliament can potentially appoint whoever it wants. A 2/3 majority would introduce a stronger guarantee for avoiding political interference in the appointment process.

Although there is no ideal model of preventing political interference into a public broadcaster, it is important that the key management and the members of the key bodies are selected in a fair and participatory manner.

### **Competences of the HRT Director General**

The revised draft (Article 9) provides for a new competence of the HRT Director General of appointing and dismissing the editors-in-chief 'upon previously conducted public contest' (and after having obtained an opinion from the journalists and employees; this opinion is however only advisory and not binding upon the Director General). However, there are no guidelines as to how such a contest would be conducted (who would take part in the selection process and who would take the final decision?).

It should be noted that the provisions of the current law which give this competence to the HRT Council whereas the HRT Management only proposes the candidates seems to be more appropriate.

### **Requirements to be met for the post of the Director General**

Concerning the requirements to be met for the post of the Director General (Article 8 amending Article 20(1)), we welcome the introduction of additional criteria for the post of HRT Director General. However, it would be preferable to keep a 10-year working experience requirement instead of the five years mentioned in the current draft.

### **Other remarks**

It is unclear why the sentence "The HRT Supervisory Board may be constituted when the majority of its members have been appointed" appears twice throughout the text (in Article 11 amending Article 22 (4) and in Article 14 amending Article 25 (9)).