

INTERVIEW: Alessandro Fracassetti, Spokesperson of the OSCE Mission to Croatia, comments on the draft Law on HRT

Take out of the law everything that enables direct control over HRT

The independent position of the HRT Council is already well resolved in Croatia. Members of the Council are appointed independently by the associations of civil society. This is something Croatia can be praised for in Europe

By Igor Vukic

At the session starting next week, the Parliament will, *inter alia*, discuss the final draft of the new HRT Law. In order to assist the Croatian Government in the adoption of a law which is in line with European standards and at the same time check the extent to which the Government's intentions are sincere, the OSCE Mission to Croatia closely monitored the course of the adoption of that important law.

The Mission engaged an expert for public radio and television in transition countries, Polish professor Karol Jakubowicz, to review the Government's drafts and suggest possible improvements.

Some statements have appeared in the Croatian media alleging that there are differences between Jakubowicz and the Mission's office in Zagreb about the severity of the criticism towards the Government's draft. There have been remarks that the Mission failed to forward the Government's drafts for analysis on time and that, to a certain extent, it assisted the Government in its attempt to hide Jakubowicz's standpoint on the new Law on HRT. How do you comment this?

There are no differences between the assessments made by Prof. Jakubowicz and the ones made by the OSCE Mission. We engaged him as a distinguished expert of the Council of Europe. His analysis contains the OSCE logo and we support all parts of the analysis. The OSCE Mission in Zagreb provided him with the translations of Government's drafts within the shortest period of time possible, which was sometimes not easy, due to the quick pace of the changes. The Mission's statement of 18 December contains an assessment that the latest draft Law on HRT represents an improvement in comparison to former drafts and that, along with several changes, it could provide a solid basis for a new law. It also states that the changes, which were noted in the draft, represent "a step forward towards an acceptable framework for the transformation of the HTV into a truly public broadcasting service". However, it also states that "additional steps must be taken

in order to achieve that goal". The recommendations of Prof. Jakubowicz, which were sent to the Government, contain precise advices on what still needs to be done.

High European standard

Which one of those recommendations is the most important?

The key issue is to secure the independence of the HRT Council. According to the Government's draft, a new Council would comprise 11 members and they would be elected by the Parliament following a public tender. Jakubowicz deems that, by doing so, Parliament would be given free hand in the election of the Council, which would be a step backward compared to the democratic standards achieved in the current law.

According to the Government's draft, the HRT Council received broader competencies than before, which is good. Following a public tender, the Council appoints the Director General and other persons on key management positions. The Council is put in a position where it can truly be an important supervisory body of the work of HRT. This is why it is important that the Council is independent from the politics of the day.

The independent position of the HRT Council is already well resolved in Croatia. Members of the Council are independently appointed by associations from the civil society. This is something Croatia can be praised for in Europe. In his analysis, Jakubowicz says that one of the acceptable solutions could be for the Council to be appointed and dismissed by the Parliament but only in the manner in which the Parliament would approve, by a simple majority, a Council composed of members nominated independently by civil society associations.

What are the other objections to the Government's draft?

It is not necessary to stipulate that the Council submits reports every time the Parliament requests them. Once per year is enough. It is also not necessary to request from the Director General to submit reports to the Parliament. He should report to the Council and be responsible only to the Council.

Parallel responsibility

Provisions allowing the Parliament to supervise the Council should also be eliminated. Should those provisions stay, they would represent a signal that the authorities do not want true autonomy for the HRT Council. Everything that could provide for direct political control over the public television should be removed from the law.

Does the Government's draft offer a good solution for the election of lower-ranked directors and chief editors?

That could be a good solution, provided the HRT Council is elected independently. The HRT Council should be autonomous in the election of candidates, whose nominations

have been collected through a public tender. Before its decision, the Council could listen to the Director General's opinion, but it should not be bound by that opinion.

What is the current situation at the HRT?

Our advice is not a reaction to the current relations in HRT. However, one could say that the existing model based on which Parliament appoints the management, while the HRT Council appoints the Editor in Chief and other editors, contributed to the strengthening of conflicts among responsible persons. Parallel lines of responsibility and communication were created.

Do you agree with the opinion of Jean Stock, the Secretary General of the EBU, who believes that the HRT, as well as every public radio and television, should have one head, one person responsible both for the program and for the financing?

Whatever structure is created, it must be clear who is responsible to whom and what are the lines of communication between them. Whoever runs the HRT must preserve his independence.

Competition in electronic media

Why did the OSCE Mission engage itself to such extent in the changes of the Law on HRT?

Public television is still the primary source of information for the large majority of the population in Croatia, therefore it is extremely important to make sure that the HRT is protected from political interference as much as possible.

The reform of legislation on electronic media is one of the key aspects of our mandate and a long-term international commitment of Croatia. Your government stated that it wanted to reach European standards both for its own wishes and in order to come closer to the EU. Competition in the electronic media is one of them. That competition in Croatia, as far as the television is concerned, still does not exist. In several other countries of the region, the state or public TV media are no longer the main providers of information to the public at the national level. Therefore, the OSCE welcomes the invitation of tenders for the third HTV program.