[SK] The Act on the public broadcaster enters into force

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The Act on Slovak Television and Radio and on Amendments to Certain Acts was adopted by the National Council (the Parliament) on 20 June 2024 and promulgated on 1 July 2024. It effectively replaced the earlier Act on Radio and Television of Slovakia, No.532/2010. The Act changed the name of the public broadcaster: Slovak Television and Radio (*Slovenská televízia a rozhlas* – STVR) is the legal successor to Radio and Television of Slovakia (*Rozhlasu a televízie Slovenska* – RTVS) and took over all its rights and obligations on the day the Act was promulgated.

The Submission Report by the Ministry of Culture of the Slovak Republic on the draft law explained that "[t]he intention of the proposed legislation is to create a new institution that will objectively fulfil the public nature of broadcasting" as opposed to the "negative experiences" resulting from the application of Act 532/2010. It pointed out that the bill

"creates conditions for the independent development of Slovak Television and Slovak Radio, brings a higher form of flexibility and introduces new elements and a combination of public and private law into the process of electing and dismissing the director-general of the institution, into the process of creating the Board of Slovak Television and Radio and introduces a new advisory body for the board".

Indeed, the Act changes the oversight system of the broadcaster which the current government had earlier accused of being biased. Now, the board consists of nine members, four appointed by the Minister of Culture of the Slovak Republic, including one member proposed by the Minister of Finance of the Slovak Republic. These board members are appointed based on the results of a selection process. Five additional members are elected and dismissed by the National Council of the Slovak Republic by a majority of the deputies present. These members come from the list of candidates proposed by the relevant parliamentary committee on the basis of submissions by a spectrum of institutions and other legal entities. All board members should be experts in various fields relevant to the activity of the broadcaster. An individual with a second-level university education and at least five years of professional experience is considered to be an expert (section 11 of the Act). There are restrictions on the candidates in view of a possible conflict of interests (section 12).

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The board appoints the director-general of Slovak Television and Radio, on the basis of a public hearing of registered candidates, by a secret ballot. In his/her turn, the director-general appoints subordinate directors of Slovak Television and Slovak Radio (sections 18 and 19).

The Act establishes an ethics commission from among representatives of civil society and academia, as an advisory body for the board. Its role is, in particular, to provide opinions on the observance of the general principles of ethics by employees of STVR and those of its external programme collaborators, as well as to propose appropriate measures in order to ensure such observance. The by-laws of the ethics commission are approved by the board (sections 21 and 22). The previous Board of Radio and Television of Slovakia was abolished on the date of the Act's entry into force, and the then director-general of Radio and Television of Slovakia was dismissed (section 30).

The Act preserves the abolition of the licence fee, which was introduced under the previous government, in 2023. The key source of financing is the “claimable contribution” from the state budget. It is provided annually in the amount of at least 0.12% of the gross domestic product of the Slovak Republic “expressed in current prices for the calendar year two years prior to the calendar year for which the claimable contribution is provided”. It may not be lower than the contribution provided to the broadcaster the year before (section 27). The Submission Report claims that the Act introduces “a more rigorous control of the handling of allocated funds” through the experts nominated by the Ministry of Culture and the Ministry of Finance, who “will be directly involved in the decision-making and especially [in the] control processes in the new public entity.”

The Council of Europe’s Commissioner on Human Rights, Michael O’Flaherty, questioned whether the Act on Slovak Television and Radio ensures the independence of public service media from government control. Similar concerns were earlier raised by the European Broadcasting Union (EBU).

Act on Slovak Television and Radio and on Amendments to Certain Acts, No. 157/2024, 20 June 2024

Submission Report

Slovak Republic: new draft laws risk having a chilling effect on civil society and interfering with the independence of public service media, Commissioner for Human Rights Letter, 14 May 2024

https://www.coe.int/en/web/commissioner/-/slovak-republic-new-draft-laws-risk-having-a-chilling-effect-on-civil-society-and-interfering-with-independence-of-public-service-media

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Slovak government proposals threaten media independence, EBU press release, 13 March 2024

https://www.ebu.ch/news/2024/03/slovak-government-proposals-threaten-media-independence

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