[SI] The Impact of the Co-regulatory System of Content Regulation in Television Programming

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The Slovenian public is protected from potentially harmful content on television through the following measures:

1.) a legislative provision (article 84 of the Media Act on the protection of minors) and related measures, i.e. regulation guidelines according to the stipulation of visual and acoustic effects during the broadcasting of TV programmes the contents of which are unsuitable to minors (*Pravilnik o določitvi vizualnega in akustičnega opozorila za programske vsebine, ki niso primerne za otroke in mladoletnike*), issued by the Ministry of Culture (*Ministrstvo za kulturo*);

2.) content guidelines draft by expert platforms for the broadcasters´ internal ethical and esthetical rules (codex). These explain basic notions and suggest the optimal mode of content regulation (*Smernice za vsebinsko oblikovanje internih etičnih in estetskih pravil (kodeksov) izdajateljev televizijskih programov*) enacted by the independent Agency for Post and Electronic Communication (*Agencija za pošto in elektronske komunikacije* – APEK); and

3.) the self-regulatory mechanism of the broadcasters, i.e. the internal ethical and esthetical rules.

The existence of the latter is stipulated by the law, but but the codex may incorporate the expert guidelines or not – it is the broadcasters' decision to implement them within their codex - as long as there is no violation of the article no. 84 of the amended Media Act (2006) (see IRIS 2007-6: 19). According to the amended article 84, paragraph 3 and 4, it was the broadcasters' duty to hand in the respective internal ethical and esthetical rules to the Ministry of Culture and to the *Svet za radiodifuzijo* (Broadcasting Council) in due time to procure evidence.

Furthermore the Media Act states that broadcasters must treat complaints properly, and report on the implementation of the internal ethical and esthetical rules and on the handling of complaints to the Broadcasting Council and the Ministry of Culture annually until the end of February (paragraph 5 of the article 84). The Council must summarize the broadcasters' reports and prepare an annual revision for the *Državni zbor Republike Slovenije* (National Assembly) according to paragraph 9 of the article 84 of the Media Act.

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As reported by the Inspectorate for Culture and Media, 44 broadcasters out of 61 had sent in their internal ethical and esthetical rules to the state authority to provide evidence as stipulated by the Media Act. The other 17 broadcasters had received admonitions and minutes with an accompanied ordinance to eliminate the irregularities.

Neither the Ministry of Culture nor the Broadcasting Council offered any official statistical or qualitative data on the implementation of internal ethical and esthetical rules by the broadcasters. The reason being that such data is to be provided by APEK, as stipulated by the first and second paragraph of article 109 of the Media Act. The interrelation of APEK, the Ministry of Culture and the Broadcasting Council regarding the survey is not formulated by the law. Consequently it is questionable why the annual report of the Broadcasting Council in 2006 and 2007 has not been sent to the National Assembly.

As there has been no report to the National Assembly, they have been deprived of the opportunity of recommending improvements in the co-regulatory mechanism to the Slovenian government. The only option for improvement of the Slovenian co-regulatory system in the TV broadcasting sector is a petition from some MPs or a parliamentary party.

Ministrstvo za kulturo, Strokovne komisij

http://www.mk.gov.si/si/strokovne_komisije_sveti_in_skladi/strokovne_komisije/

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