[SI] The Second Draft of the New Media Act

IRIS 2011-2:1/38

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On 20 September 2010 the public discussion on the Draft of the new Media Act - 1 (Zakon o medijih - 1, osnutek) was closed.

The Draft Media Act implements the Audiovisual Media Services Directive, which changes the definition of media. New categories are introduced: audiovisual media services and audiovisual media services on demand. Besides, the Directive defines and incorporates in its provisions the novel concepts of editorial responsibility, providers of audiovisual media services, audiovisual commercial communication and product placement. After the media and expert comments of the Draft a revision was made by the Ministry of Culture. At the beginning of October 2010 the Second Draft of the New Media Act - 1 (Zakon o medijih - 1, drugi osnutek) was published; some improvements which were suggested by the expert platform were considered and implemented; on the other hand, a few of the proposed stipulations still include controversial issues, especially those related to content regulation from the perspective of the protection of minors (see IRIS 2010-10/39).

The protection of minors is addressed in four sections: in the introductory part of the Second Draft and then, separately, in the advertising, television and audiovisual media services sections.

The content regulation for the protection of minors in the introductory section (Art. 8) deals with pornographic contents in print media, advertising and electronic publications. The article proposes setting some restrictions on pornography, while no other contents which are generally recognised as potentially harmful are included here. The protection of minors in the context of advertising is treated in Art. 44. As regards the most commonly recognised harmful contents, violence and porn, only the latter is structurally thematicised; so-called “erotic” content (i.e. porno-chic) is not specifically referred to. The proposal for the protection of minors in television and radio programming relates to different contents, age groups of children, options for protection and protection devices. Indeed, the experts felt that a complex solution was necessary for the effective regulation of content for the purposes of the protection of minors and that this would be the best legislative choice in the framework of the discussed Draft (Art. 60). The following article deals with the protection of minors in the

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context of audiovisual media services on demand and radio on demand (Art. 61). The proposed stipulation addresses contents which might seriously impair the physical, mental and moral development of children and youngsters, especially pornography and gratuitous violence; these contents are to be allowed under the condition that children and youngsters are not able to see or hear them. In the proposal of the second paragraph of the article the contents which might impair the development of minors are considered without reference to the nature/genre of these contents.

The proposed Draft of the New Media Act introduces for the first time in the history of Slovenian media legislation the establishment of a Media Council. Among its tasks are a few related to the survey of media contents: specifically their relation to ethical and professional media standards and their representative capacity as regards social pluralism (Art. 81). Potentially harmful contents are not taken into account as a special issue here as the related self-regulation can be surveyed and evaluated from an ethical and professional standards perspective.

Zakon o medijih - 1, drugi osnutek

http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Zakonodaja/Predlogi_zakonov/Zmed_Osnutek_II.pdf

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