[SI] Act on Audiovisual Media Services instead of the rejected Media Act

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Less than two weeks after the rejection of the proposed Media Act (Zakon o medijih - ZMed - 1; see IRIS 2011-2/38 and 2010-10/39) by the Parliament during the first reading on 15 July 2011, the Ministry of Culture prepared a draft Act on Audiovisual Media Services (Zakon o avdiovizualnih medijskih storitvah - ZAMS), aimed at the transposition of the Audiovisual Media Services Directive into Slovenian legislation. The preparation of ZAMS was urgent due to the pending infringement procedure started this year by the European Commission, as Slovenia has failed to notify any measures for the implementation of AVMSD.

The drafting of the ZMed - 1 began back in 2009, when the then newly formed Government initiated the revision of both the general act for all media and the act regulating the Slovenian public service broadcaster. Despite the establishment of an expert group and a wide public debate on the drafts, both proposals failed (see IRIS 2009-10/27). The Act on RTV Slovenia (Zakon o Radioteleviziji Slovenija - ZRTVS - 2), adopted in October 2010, was defeated in a referendum, held upon an initiative of the opposition political parties on 12 December 2010 (see IRIS 2011-1/48).

As reported before, the law was intended to modify, among others, the right to reply and correction, to change rules on public co-funding of media, to promote some new mechanisms for the protection of freedom of the press and to introduce the establishment of the Media Council. During the public discussion, the provisions aimed at fostering editorial and journalistic autonomy, the media co-funding mechanisms and the obligatory quota of Slovenian music in radio and television programming attracted the most attention. The most controversial issue turned out to be the provision aimed at the change of radio networks into single radio stations. The provisions intended for the transposition of the AVMSD, on the other hand, were almost taken for granted and did not provoke any major reaction.

The Ministry of Culture submitted the ZAMS for Governmental approval without prior presentation to the public, justifying the hurry by explaining that the AVMSD provisions have undergone public consultation already as a part of the rejected ZMed - 1, but unlike many other provisions were not the subject of controversy.

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The proposal of ZAMS is however somewhat different from the equivalent ZMed - 1 provisions, as it allows product placement also in audiovisual services of the public service broadcaster. It does not reduce the allowed advertising in the programmes of RTV Slovenia, and abolishes the obligation to report on the European audiovisual work quota for the public service news channel, aimed at the television coverage of parliamentary meetings (SLO3). The proposal was approved by the Government on 28 July 2011 and is expected to be addressed by the Parliament under the urgent procedure in September or October 2011 at the latest.

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