[SI] Proposal to Amend Media Law

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The wish to stimulate domestic production, new ownership positions in the private commercial TV market and a lack of possibilities for regulatory bodies to enforce their power by means of sanctions, brought the Broadcasting Council of Slovenia, the regulatory body in the field of private commercial audio-visual media, to rethink existing media law (see IRIS 1995-1: 12).

Generally, the Council proposes amendments on three main issues: defining different programme quota, ensuring more successful anti-monopoly legislation and different sanctions for violating the law by giving the Council certain additional powers.

Concerning TV programmes, the Council proposes the enlargement of required own production from 10 per cent to 20 per cent of the daily broadcasting time, half of which would have to be dedicated to informative, educational or cultural content. European productions would have to cover at least 55 per cent of all weekly content. The proposals requiring a certain percentage of own production would have to be implemented within one year and the proposed percentage for European productions, within three years after the adoption of the amendments. The Council also proposes to limit advertising in line with the Directive on "Television without Frontiers" - that is 15 per cent of the daily transmission time (no more than 12 minutes per hour) and 20 percent including teleshopping. Another amendment concerns media ownership. The Broadcasting Council proposes that it should approve in advance, any purchase of 10 or more percent of ownership of one broadcaster in another broadcaster. Existing legislation already contains limitations for foreigners to own a more than 33 percent share in broadcasting organisations. The new proposal suggests that this article should be annulled (concerning legal and natural persons residing in one of the member States) when Slovenia will become a full member of the European Union. As existing media legislation gives little or no powers to the Broadcasting Council to implement this legislation, the Council suggests to vest some additional powers in it. To prevent circumvention of licence provisions, the law would have to require the approval of the Council for any changes in the programme format and the basic programme schedule. The proposed amendments would enable the Council to propose to the competent authorities the contemporary or permanent withdrawal of the licence, when the broadcaster is violating the law or international conventions that have been ratified by Slovenia.

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The Council would also like to have the possibility to prohibit a broadcaster violating the law, to carry advertising for a certain period of time but not more than for three months. Some fines are also foreseen. The proposed amendments will be discussed with the broadcasters and their associations and sent to the Ministry of Culture which is competent to lead them through the govenmental and parliamentary proceedings. This will most probably happen in autumn.

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