

[SI] The government proposes changes to a range of media legislation

IRIS 2020-8:1/21

*Deirdre Kevin
COMMSOL*

On 9 July 2020, the Slovenian Ministry of Culture published draft amendments to three pieces of legislation: the Slovenia Radio and Television Act, the Mass Media Act and the Slovenia Press Agency Act. These draft laws need to be considered as a package as they are connected in terms of some of the changes to clauses. The drafts were published for consultation and the time allowed was five days (to 15 July), which led to widespread criticism, as this did not follow the normal legal procedure as regards the time allowed for consultation. A statement criticising the limits to public consultation was also issued by the Council of Europe Commissioner for Human Rights. The public consultation was extended to 5 September 2020. Concerns have been expressed both nationally and in the international community regarding the proposed laws and their impact on the media landscape. In particular, there will be a major impact on the finances of the public service broadcaster. There is also concern regarding the independence of the national press agency, the STA.

The previous government published a draft Media Law in June 2019 (see IRIS 2019-10:1/24), but this did not move forward due to the resignation of the government in February 2020. Two of the major changes in the new (2020) draft concern the sources of funding of special interest and public interest content, and changes to media ownership transparency.

Under the current law, the finances for supporting public interest media are provided from the state budget. The new draft law has deleted this provision. Also, in the existing law, the state provides funding to support: the plurality and democracy of press media providing news and information; the plurality and democracy of radio, television and electronic publications; the development and co-funding of radio and television programmes produced by the local, regional, student and non-profit channels of special importance.

For the local, regional, student and non-profit channels, state funding (calculated as being equivalent to 3% of the RTV Slovenia licence fee) was provided. The draft law of 2019 proposed another 3% in state financing to fund the plurality of the press, and for the plurality of radio, TV and electronic publications. The new draft law replaces the former state budget funding with the use of 5% of the actual revenue generated by the RTV Slovenia licence fee. This financial support

is for: producing and distributing programmes of special importance; supporting the production of original media content; creating content and distributing programmes for people with disabilities; funding activities to improve the quality and professionalism of journalism; supporting media literacy; promoting the recognition of fake news and misleading information, etc.

As regards the criteria for the allocation of these funds in the calls for tender, these are no longer outlined in the law. The conditions for granting funds will be defined in a by-law issued by the Ministry of Culture. After selecting the recipient for funding, an executive decision by the Ministry will be binding on RTV Slovenia regarding the provision of funding.

The draft law of 2019 introduced a “public interest test” in relation to media concentration and media mergers. This initiative has been removed from the 2020 draft law. The draft law of 2019 proposed removing cross-media owner articles, the rationale for which was to better reflect the reality of pay-tv and distribution companies now operating TV channels. This amendment has been retained. The new draft has also reduced the obligations regarding the transparency of media ownership, whereby it is no longer necessary to include ownership shares or the media shares of foreigners when publishing information on media companies in the official gazette.

A new fund for Slovenian television production has been introduced. Distribution operators have to contribute EUR 3.50 per subscriber to the fund, which will be used for the production of: TV films and serials; documentaries; news; culture; and entertainment. The eligible TV media are those with the status of non-profit channels of special importance that reach at least 0.3% of the monthly viewing rate or are accessible via a digital terrestrial network.

The Slovenia Radio and Television Act concerns the Slovenian public broadcaster RTV Slovenia. The proposed amendments here include a change in the financing of public interest media (noted above), which will now be sourced from the amount of 5% of the licence fee collected by RTV Slovenia in the previous year. In addition, a further 3% of the RTV Slovenia licence fee will be used to finance the Slovenian Press Agency (STA).

A further proposal of the law is to separate the transmission company Oddajniki in zveze d.o.o. (currently owned and operated by RTV Slovenia) within six months of entry into force of the law, and to establish a separate state company to operate this business (the broadcast and transmission infrastructure for radio and television, including the digital terrestrial system).

The draft Law on the Slovenian Press Agency (*Slovenska Tiskovna Agencija*, STA) proposes changes regarding the appointment of the members of the Supervisory Board of the STA. Under the current law, the National Assembly of the Republic of

Slovenia appoints four members of the Supervisory Board following the proposal of a list of experts by the government, choosing one media expert, one economic and financial expert, one legal expert and one IT expert. A further member is elected by the Workers' Council in accordance with the law governing the participation of employees in management.

Under the new proposals, four members of the Supervisory Board will be appointed by the Government of the Republic of Slovenia on the proposal of the Minister of Culture. As noted above, the financing of the STA will now come from the licence fee of the public service broadcaster.

There was a strong national critical response from Slovenian stakeholders, journalists and experts concerning the three laws. In addition, there has been a strong reaction from the international community. The European Alliance of News Agencies (EANA) expressed particular concern regarding the independence of the STA. A joint statement from the European Broadcasting Union (EBU), the European Federation of Journalists (EFJ), and the South East Europe Media Organisation (SEEMO) expressed deep concern regarding the proposed changes to the funding of RTV Slovenia, which “will jeopardize and greatly challenge the fulfilment of public service media's remit which, as defined by the Law, has to serve all segments of society to inform, educate and entertain.”

Zakon o spremembah in dopolnitvah Zakona o Slovenski tiskovni agenciji.

<https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=11494>

Law amending the Slovenian Press Agency Act.

Zakon o spremembah in dopolnitvah Zakona o medijih.

<https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=10493>

Slovenian Ministry of Culture: Draft Media Laws under consultation.

Zakon o spremembah in dopolnitvah Zakona o Radioteleviziji Slovenija.

<https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=11493>

Law amending the RTV Slovenia Act (draft).

