[SI] Update on the third draft AVMS law and the establishment of a European Audiovisual Production Fund

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On 6 July 2020, the Slovenian Ministry of Culture (*Ministrstvo za kulturo*) published a draft proposal for amending the Law on Audiovisual Media Services (see IRIS 2020-9/12). A first consultation closed in August, and the Ministry of Culture re-drafted sections of the law and extended the consultation on the draft until 2 October 2020. The second version of the law was withdrawn on 25 October and a third version sent on 27 October for inter-ministerial consultation, which was due to end on 9 November. Since then, there has been no news about the procedure.

An important aspect of the law was the introduction of obligations for audiovisual media service providers to invest in European audiovisual works. Under a new Article 16.a (1), providers of audiovisual media services are obliged to contribute at least 10% of their gross annual revenue generated in the Republic of Slovenia for the development, production or promotion of European audiovisual works (see IRIS 2020-9:1/12).

Article 16a (6) outlines that the basis for the calculation of the contribution shall be revenues from advertising and revenues from subscriptions generated by the audiovisual media service provider in the Republic of Slovenia, excluding value added tax. The amount of tax on profits paid in the Republic of Slovenia will also be deducted from the 10% of total revenues.

Article 16b introduced a role for the regulator – the Agency for Communication Networks and Services (AKOS) – who will be responsible for the implementation of this obligation.

According to the procedure prescribed by the law, AKOS will calculate the extent to which the media service providers have met their obligations with regard to investment. Outstanding contributions will then be paid, and in the second draft, it was established that these funds would be given to the Ministry for Culture, which manages various funds for production.

The third draft of the law (from 27 October 2020) introduced an additional article (16c) designating a different agency to be responsible for the management of these funds instead of the Ministry for Culture. The article establishes a European

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Audiovisual Production Fund, to be financed by the payments made by the media service providers (paragraph 3). The fund shall be managed by the Slovenian Film Centre, a public agency, on the basis of an annual work programme and a financial plan (paragraph 5).

Zakon o spremembah in dopolnitvah Zakona o avdiovizualnih medijskih storitvah, Ministrstvo za kulturo

https://e-uprava.gov.si/.download/edemokracija/datotekaVsebina/447961?disposition=inline

Third version of the Draft Law Amending the Audiovisual Media Services in inter-ministerial co-ordination, Ministry of Culture

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