[SI] Slovenia transposes the AVMSD without the introduction of obligations to invest in European works and the planned European Audiovisual Production fund

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On 15 December 2021, the Slovenian Parliament passed the Law amending the Law on Audiovisual Media Services. The draft proposal for amending the Law on Audiovisual Media Services was unanimously endorsed by the Cultural Committee of the Parliament in June 2021. However, there has been an ongoing debate regarding the proposal in the law to introduce a new fund to finance European audiovisual production, and the introduction of obligations for audiovisual media service providers to invest in European audiovisual works. The draft law had introduced a new Article 16a of the Act, which required the payment of an annual contribution for the development of European audiovisual works for the amount of 6% of the gross annual revenue generated in the Republic of Slovenia by a service.

In July 2021, the National Council of Slovenia, via its Commission for Culture, Science, Education and Sport imposed a suspensive veto on the law (The National Council of Slovenia is a representative body formed under the Constitution and constitutes the upper chamber of the Slovenian Parliament whose members represent local and functional interests. Among others, the National Council has the power to exercise the right of a suspensive veto regarding the adoption of a law).

According to the available official texts, in the opinion of the Commission for Culture, Science, Education and Sport, such obligations to invest in European Audiovisual works should only be applied to on-demand service providers. They argued that the obligations on the Slovenian broadcasters would be unfairly disadvantaged in particular as they already produce European content. They quoted the preamble (paragraph 37) of the AVMSD where it states that broadcasters currently invest more in European audiovisual works than audiovisual media providers on-demand service, and the fact that the amended Directive only introduced new programming obligations on on-demand audiovisual media services. From this, they concluded that any additional obligations could only be imposed on on-demand services. They also noted that an earlier version of the draft law considered all of the following to be equivalent to investment: direct investment in script development and filming; direct investment in renovation and restoration of older European audiovisual works;

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and the purchase of licensing rights for European audiovisual works.

In response, the Ministry of Culture argued (among others) in September 2021, that the Directive allowed for the placing of obligations on all audiovisual media service providers, and that financial contributions may be introduced for foreign media service providers only on the condition that such financial contributions are also provided for domestic media service providers. They also stated that placing obligations on foreign on-demand services targeting the country without obligations on foreign linear (broadcasting) services targeting the country would also amount to discriminatory measures.

As no agreement or mutual understanding on the issue was reached, on 15 December 2021, the Slovenian Parliament passed the Law amending the Law on Audiovisual Media Services without the clauses relating to the introduction of obligations to invest in European Works and establishment of a European Audiovisual Production fund.

Changes to audiovisual media services act backed at committee, Demoktacija

https://demokracija.eu/slovenia/changes-to-audiovisual-media-services-act-backed-at-committee

Predlog odložilnega veta Komisije za kulturo, znanost, šolstvo in šport , Državni svet

http://www.ds-rs.si/sites/default/files/dokumenti/1._tocka_predl._odl._veta_kom._za_kult._znan._solstvo_in_sport_zavms-b_epa_1725-viii.lekt_.pdf

Proposal for a deferral veto by the Committee on Culture, Science, Education and Sport, National Council

263. dopisna seja Vlade Republike Slovenija, Vlada Republike Slovenije

https://www.gov.si/novice/2021-09-08-263-dopisna-seja-vlade-republike-slovenije/

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