[SI] Draft Law on Media addresses transparency, media concentration, pluralism, hate speech and artificial intelligence

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Deirdre Kevin
COMMSOL

On 12 December 2023, the Slovenian Ministry of Culture published a draft Law on Media for consultation, which is intended to update the current Law on Media. The deadline for comments on the Draft was 31 January 2024. It is intended that the new Law on Media will reflect the forthcoming European Media Freedom Act and the EU Artificial Intelligence Act.

Key areas of change include (among others): increasing transparency of ownership of media outlets and transparency of financing of media outlets via a central database; improving the procedures regarding media mergers; regulating state advertising; expanding the use of state aid for promoting media pluralism; establishing a National Council for Media: introducing provisions on removal of hate speech; and provisions on mandatory labelling for AI-generated content.

The proposal expands the definition of media (Article 3) to include: 'newspapers and magazines and their electronic versions, radio programmes, television programmes and other audiovisual media services, online media portals, services of online influencers, internet radio, podcasts, etc.' Definitions for state advertising and political advertising are also included under Article 3. The Draft proposes creating a new National Media Council to replace the National Broadcasting Council (Article 30). It would be an independent expert body tasked with protecting public interest in the media. It would comprise seven distinguished media experts or managers proposed by the government and appointed by the National Assembly. Functions of the new Council would include, analysing the state of media pluralism, giving opinions on ownership concentration, debating media legislation, and drafting annual reports on the state of the media.

In relation to media concentration, ownership restrictions currently only apply to daily newspapers, radio and TV. New rules will consider the media market as a whole regardless of the type of outlet (Article 20). Concentration would be subject to the same rules that govern corporate takeovers, whereby the regulator would have to consider over a dozen media-specific criteria in its evaluation. In general, the law would prohibit any concentration that poses a risk to public interest. The Agency for Protection of Competition will request a preliminary opinion from the

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National Media Council on assessing the consequences of concentration in the media for the public interest in the field of media (public interest test). If television or radio broadcasters programmes or audiovisual media services are involved, the Agency for Protection of Competition also obtains a preliminary opinion from the Agency for Communication Networks and Services (AKOS).

A database is to be established, pooling data collected by several authorities, including among others the Ministry of Finance and other Agencies dealing with public law records and services, with a key aim being the disclosure of the beneficial owners of media (Article 16). The database will also include certain information on financing such as revenues from public funds and state advertising. Regarding state advertising, the new law follows the principles of the European Media Freedom Act (EMFA), which requires greater transparency of state advertising. Therefore, state institutions (ministries, agencies, municipalities, etc.) will have to regularly report on all media expenditures: advertisements, campaigns and other leases of media space

Regarding state aid and funds for media pluralism, the new rules broaden the types of projects to be funded, including promoting media literacy, digital transition, the development of new media content, products, tools and distribution channels, science journalism, access to digital media services, and support to media start-ups (Article 14). Annual funding equalling 4% of the licence fee for public broadcaster RTV Slovenia will be set aside for such funding. Strict exclusion criteria are proposed: media which already receive the majority of their finance from public funds will not be eligible for this kind of aid, nor will outlets owned by local communities or political parties. To qualify, an outlet must have at least three staff members, full-time or freelance. In addition, applicants should have fulfilled legal, financial and contractual obligations. Applicants are also restricted where they have found to be in violation of the prohibitions of incitement to discrimination, violence and war, as well as inciting hatred and intolerance, and those media outlets found to have violations with regard to employment rights will also be restricted with regard to applying for funds.

Article 34 introduces provisions for the removal of hate speech. Separately, Article 36 requires that online publications that allow for public comments are obliged to formulate rules for comments and to make them available and easily accessible. These should specify the rules on illegal content, including hate speech, and explain the complaint handling procedure.

In addition, the Draft introduces the regulation of media content created by artificial intelligence (AI), requiring that content in the creation of which generative AI has been used be labelled appropriately (Article 49). The media would also be required to inform audiences about how they use generative AI, and it would be prohibited to publish AI-generated content without transparency. The

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bill contains a ban on deep fakes, the exception being in comedy and satirical shows, and in youth and educational shows if the purpose is to improve media literacy. Even in such cases, deep fakes would have to be labelled appropriately

The Draft Bill also introduces a mandatory share of Slovenian music, whereby, television and radio stations will have to play at least 20% of music in the Slovenian language, with the share rising to 25% for local, student, and non-profit outlets, and 40% for the public broadcaster RTV Slovenija (Article 23).

Predlog zakona o medijih v javni obravnavi

https://www.gov.si/novice/2023-12-12-predlog-zakona-o-medijih-v-javni-obravnavi/

Slovenian Ministry of Culture: Proposal for the Draft Law on Media is under public consultation

Predlog predpisa - Zakon o medijia

https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16268

Government of Slovenia: Draft Law on Media

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