



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

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by

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Final Report - Annex III

COUNTRY REPORTS

Slovenia

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

24. Overview of legal and policy measures promoting/supporting media pluralism

[SLOVENIA]

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National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

- Zakon o medijih (ZMed-UPB1)-Amended Mass Media Act, Official Gazette No. 110/2006;

- Zakon o elektronskih komunikacijah (ZEKom)-Electronic Communications Act, Official Gazette No. 80/2004

- Zakon o RTV Slovenija (ZRTVS-1) – Radio and Television Corporation of Slovenia Act, Official Gazette No. 25/2005.

- *General legislation*

- Constitution of the Republic of Slovenia, Official Gazette, No. 33/1991.

- **Codes of conduct**

- Code of ethics of Slovene Journalists adopted in Izola, 10th October, 2002, available at: http://www.novinar.com/dokumenti/Code_of_Ethic.doc

- **Other**

- Kazenski zakonik (KZ-1) – Penal Code, adopted by the National Assembly of the Republic of Slovenia on 24 April 2008.

- Zakon o dostopu do informacij javnega značaja (ZDIJZ) - Access to Public Information Act, Official Gazette No. 24-900/2003

- Zakon o informacijskem pooblaščenču – Information Commissioner Act, Official Gazette No. 113/2005.

- Zakon o uresničevanju javnega interesa v kulturi (ZUJIK) - Exercising of the Public Interest in Culture Act, Official Gazette, No. 77/2007.

- Sklep o določitvi seznama najpomembnejših dogodkov – Government’s Decision on the Events List, Official Gazette No. 18/2003.

- Zakon o volilni in referendumski kampanji (ZVRK) – Election and Referendum Campaign Act, Official Gazette No. 41/2007.

- Zakon o preprečevanju omejevanja konkurence (ZPomK-1)-The Prevention of the Restriction of Competition Act, Official Gazette No. 36/2008.

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Art. 39, Constitution of Slovenia	PM, AAVM	Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions.
	Art. 159 Penal Code (adopted on 24 April 2008)		The Penal Code determines sanctions for defamation done through the media (print, radio, TV of other media type) in the form of either a pecuniary penalty or penalty of imprisonment up to one year. The same sanction was determined in the previous version of Penal Code.
<p><i>Implementation problem: The measure is almost not used in practice. Defamation is considered criminal act according to the Penal Code. It has been considered as such in the previous version of Penal Code from 1994, and criminalization of defamation is kept also in the new version of Penal Code which was adopted by the Parliament on 24 April 2008. However sanction of imprisonment hasn't been used. Also criminal procedures related to defamation have been rarely used; civil procedures based on the Civil Code have been used more frequently.</i></p>			
	Art. 6 Mass Media Act	PM, AAVM	Mass media activities shall be based on freedom of expression, the inviolability and protection of human personality and dignity, the free flow of information, media openness to different opinions and beliefs and to diverse content, the autonomy of editorial personnel, journalists and other authors/ creators in creating programming in accordance with programme concepts and professional codes of behaviour, and the personal responsibility of journalists, other authors/creators of pieces and editorial personnel for the consequences of their work.
1.2. Freedom of/right to information	Art. 39, Constitution of Slovenia		Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.
	Art. 45 Mass Media Act	PM, AAVM	State bodies, local community bodies, individuals who perform public functions, public institutions and public companies and other legal and natural persons that perform public services (hereinafter: public persons) must provide truthful, complete and up-to-date information on issues from their field of work for publication via the mass media. The information specified in this article may be collected for publication via the mass medium by editorial personnel, journalists and other authors/ creators of programming pieces. Public persons shall through legal acts regulate the method of providing information for the public and stipulate the responsible officer charged with ensuring the public release of information on work. Persons specified in the second paragraph of this article shall have the right of access to information under equal conditions. Public persons may refuse to provide information only in certain cases.

	Preamble of Code of ethics of Slovene Journalists	PM, AAVM	The first principle of professional conduct of journalists is the right of the public to be informed. Public enlightenment is the basis for proper functioning of modern societies and the foundation of democracy. In pursuance of the right of the public to be informed, journalists should at all times defend the principles of free gathering, disseminating and transmitting information, as well as the right to express opinions. Journalists are obliged to present a comprehensive account of events and – taking into consideration the rights of others – report in accurate and conscientious manner. Such conduct of journalists is the cornerstone of their credibility.
Is there – besides constitutional provisions – a specific act dealing with citizens’ or journalists’ access to public sector information?	Art. 5 Access to Public Information Act		Legal entities or natural persons (hereinafter referred to as “the applicants”) have free access to public information. Each applicant shall have, at his request, the right to acquire information from the body by acquiring such information for consulting it on the spot, or by acquiring a transcript, a copy or an electronic record of such information. Every applicant has the right, under the same conditions as all other persons, to acquire the right to re-use information for commercial or non-commercial purposes. The body shall make its documents available through electronic means where possible and appropriate though this shall not imply an obligation to create or adapt documents in order only to comply with the request of bodies or other persons, nor shall it imply an obligation to provide extracts from documents where this would involve disproportionate effort, going beyond a simple operation.
<i>Note: Implementation of the provisions of the Access to Public Information Act is considered successful due to efficiency and transparency of the work of the Information Commissioner, an independent body dealing with appeals against the decision with which a body refused or dismissed the applicant’s request for access. The work of the Information Commissioner is regulated in more details in the Information Commissioner Act (Official Gazette, No. 113/2005).</i>			
	Art. 45, Mass Media Act	PM, AAVM	Journalist may require information from all public persons which are stipulated in the Access to Public Information Act. Public persons shall have the responsible officer in charge of ensuring the public release of information on their work. Any public person that decides not to provide the information requested must give a journalist a written explanation of the reasons for refusal by the end of the next working day. Public persons should give a journalist the requested information within 7 days from the reception of the question(s) in written form.
Are there specific rules dealing with journalists’ access to events for news reporting?	Rules on the conditions for reporting from the National Assembly (Parliament), adopted on 29 March 2006, especially rule No 1.12 regarding the access to various parts of the building of the parliament	PM, AAVM	Interviews and statements by journalists can be made in the press room of the parliament or in front of the main hall for the sessions of the parliament; access to other parts of the building is allowed only upon agreement with PR office or with individual MPs or with parliamentarian groups.
<i>Note: Introduction of these rules in 2006 caused complaints from journalists, but since then it is not publicly known if the rules produce problems for journalists’ access to parliamentarians. It seems that implementation is made in flexible way.</i>			

1.3. Explicit recognition of media pluralism	Art. 4 (1) Mass Media Act Art. 4a (1)(2) Art.56-63	PM, AAVM	<p>Within the Section “Public interest in area of the mass media” within the Mass Media Act the provision in the Art. 4 (1) says that Republic of Slovenia shall support mass media in the production and dissemination of programming important to ensure media pluralism and diversity.</p> <p>In the Section “Financing of the programming of the mass media” the provisions in the Art. 4a (1) says that Republic of Slovenia shall ensure financing from the state budget to ensure pluralism and democratic performance in the media; especially stressing in 4a(2) purpose “to ensure pluralism and democratic performance of general news print media”.</p> <p>Beside the above mentioned sections of the Mass Media Act there is another section explicitly recognizing media pluralism issue - Section “Protection of Pluralism and Diversity of the Media” including articles 56-63 and regulating media concentration.</p>
<p><i>Note: Implementation of these provisions is quite controversial, since the Mass Media Act was amended in 2006 mostly because of introduction of these and other more detailed provisions on financing the media to ensure pluralism. The controversy comes from the disagreement between political position and opposition in Slovenia about the state of political pluralism in the media in Slovenia, and provisions in the amended law introduced by the ruling coalition put as the first condition for getting state financial support a balanced reporting on political affairs. In practice state financing didn't influence political pluralism in the media, so we can conclude that the provisions which provide explicit recognition of media pluralism contributed to narrowing its scope to political dimension and in practice produced no other effect than political conflicts in debating the state of media pluralism in Slovenia.</i></p>			
1.4. Protection of journalistic sources	Art. 21 (2) Mass Media Act	PM, AAVM	Editorial personnel, journalists and the authors/creators of pieces shall not be obliged to reveal the sources of their information, except in cases where such is stipulated by criminal legislation.
<p><i>Implementation problem: It is not possible to apply the measure in the cases of journalists revealing confidential state documents. Still the most common situation in which journalists are pressured into revealing their sources is revealing confidential state documents. In almost all cases journalists are prosecuted and pressured into revealing their sources because they revealed confidential state documents (this is regulated by Penal Code and by Law on Protection of Classified Information).</i></p>			
1.5. Right of reply	Code of ethics of Slovene Journalists Art. 40 Constitution of Slovenia	PM, AAVM PM, AAVM	The journalist may decline testifying and disclosure of the source. The right to correct published information which has damaged a right or interest of an individual, organisation or body shall be guaranteed, as shall be the right to reply to such published information.
<p><i>Implementation problem: Contra-productive effects due to misuse of the measure. There are problems with implementation of this constitutional right since it includes both right to reply and right to correction, following the system which existed during the socialism. Division between the two (reply and correction) and implementation of the rules cause many problems. The Mass Media Act attempting to regulate this constitutional right for instance includes whole section and almost 20 articles.</i></p>			
	Art. 26 (1) Mass Media Act		Any person shall have the right to demand that the responsible editor publish free-of-charge a correction by such person to any report published that infringed upon the person's rights or interests.
<p><i>Implementation problem: There are huge problems with implementation of the whole section with articles on right to correction or reply in the Mass Media Act. The amendments introduced in 2006 by the recent government put even more controversy in implementation of the provisions since for instance according to new provisions chief editors have to reply to the request for correction or reply in 24 hours.</i></p>			
	Art. 42 Mass Media Act		The right to reply is intended to secure the interest of the public in terms of objective, multilateral and up-to-date information, as one of the essential conditions for democratic decision-making in public affairs. Any person shall have the right to demand that the responsible editor publish free-of-charge a reply to information published by which that person through demonstrable statements denies, significantly corrects or significantly elaborates upon the statement of facts and figures in the information published.

<p>1.6. Ratification of international instruments:</p> <ul style="list-style-type: none"> - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005) 	<p>- UNESCO</p>		<ul style="list-style-type: none"> - CoE's Framework Convention For The Protection Of National Minorities : * Signature: 1/2/1995 * Ratification: 25/3/1998 * Entry into force: 1/7/1998 <p>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005): accession by European community (18.12.2006)</p>
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TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	Art. 17 (5) Mass media Act	PM, AAVM	The programme concept shall be a constituent part of employment contracts between the publisher and editorial personnel and between the publisher and journalists. The special rights of editorial personnel and journalists deriving from changes or additions to the programme concept shall be defined by the branch collective agreement.
<i>Implementation problem: This measure sounds good but is more or less useless in practice. It is like that because programme concept of the media outlets proved to be formal documents with no relevance in actual (politically motivated) changes of program orientation and editorially policies of concrete media outlets, where such changes produce circumstances for journalists to hinder their free expression. Such situation caused massive protest of Slovenian journalists against censorship in autumn 2007 (more than 500 journalists signed petition and sent it to international organizations and the media).</i>			
	Art. 5 RTV Slovenia Corporation Act		Journalists and editors of RTV Slovenia and others directly involved in the creation or production of RTV programming shall in their work in particular /.../ adhere to the principle of political balance and pluralism of world news, /.../ adhere to the principle of political independence and autonomy of journalists, institute professional ethics for reporters and the consistent distinction between information and commentary in journalists reports /.../.
<i>Implementation problems: This measure produces controversial interpretations and actions in the programmes of RTV Slovenia resulting in pressure, censorship and self-censorship in political reporting.</i>			
	Art. 20 (2) Mass Media Act	See above.	The editorial board, editorial personnel, journalists, and authors/creators of other programming pieces shall be independent in their work within the framework of the programme concept and in accordance with the publisher's basic legal act.
	Art. 21 (3) Mass Media Act	PM, AAVM	Journalists may not have their employment terminated, a contracted concluded with them cancelled, their pay reduced, their status in the editorial board changed or their position worsened in any other manner for reason of the expression of opinions and standpoints in accordance with the programme concept and the rules, criteria and standards of the profession.
<i>Implementation problem: The measure is not implemented in practice. See above. New editors and managers without changes of the programme concepts introduced changes of editorial policy and orientation and replace journalists, worsen their position because their opinions don't follow new editorial orientation. When they spoke publicly about it they have been punished for producing bad image of their media outlet and causing business harm to their publisher.</i>			
	Art 22 (1)(2) Mass Media Act		The status of a freelance journalist shall be acquired through entry in the register of freelance journalists at the relevant ministry, following expression of a prior opinion by a registered professional journalists' organisation. The responsible minister shall rule on entry in the register: the person holds a certificate on active knowledge of Slovene if the person is not a citizen of the Republic of Slovenia; the person performs journalistic activities as a sole or principal occupation; the person has proof of publication in mass media entered in the register specified in Article 12 of the present act; the person has not been banned from performing such activities by a legally binding court ruling.
	Art. 53 (1) Mass Media Act		A sponsor may not influence sponsored programming and its distribution in the programming scheme and thereby restrict the editorial independence of the mass medium.

<i>Implementation problem: There were noticed several problems with application of this provision in practice, since the distinction between editorial and advertising is blurring and sponsorship is in many cases misused for surreptitious advertising.</i>			
	Art. 99 (1) Mass Media Act		Television journalists and news presenters may not appear in advertising.
	Code of ethics of Slovene Journalists		If involved in the events the journalist reports on, he/she should disclose this or exclude himself/herself as a journalist.
	Code of ethics of Slovene Journalists		The journalist should avoid situations that might lead to real or perceived conflicts of interest, which might compromise his/her integrity or that of the journalistic community.
	Code of ethics of Slovene Journalists		The journalist should disclose possible unavoidable conflicts of interest to the public or exclude himself/herself from reporting and commenting on them.
	Code of ethics of Slovene Journalists		The journalist has the right to turn down any job in opposition to this code or his/her convictions.
	Code of ethics of Slovene Journalists		No one is allowed to alter or revise the content of the journalist's report or other piece of work without his/her consent. The journalist has the right to sign his/her piece of work and may not be signed without his/her knowledge or against his/her will.
<i>Implementation problem: The measure is not always implemented in practice since journalist's reports are proven to be changed by editors or sub-editors without their consent. Sometimes they complain publicly, most often not.</i>			
	Code of ethics of Slovene Journalists		Should the journalist be invited to the Journalists' Ethics council session, he/she is obliged to attend it and to abide by its adjudications. In professional matters the journalist should recognise as competent the judgement of his/her colleagues only.
<i>Implementation problem: This measure is not always implemented since journalists which are not member of the Association and Union of Journalists – establishers of the ethics council – don't respect its decisions.</i>			
2.2. News / information programmes	Art. 55 (1) Mass Media Act		News and current affairs may not be sponsored. Other informative programming in/on mass media may only be sponsored in cases stipulated by the act governing election campaigns.
2.3. Other media content	Art. 18 Mass Media Act	PM, AAVM	Each mass medium must have a responsible editor, who shall be appointed and dismissed by the publisher in accordance with the present act and the publisher's basic legal act. Before appointing or dismissing the responsible editor the publisher must obtain an opinion from the editorial board, unless stronger influence on the part of the editorial board is stipulated in the basic legal act. The responsible editor shall be answerable for the implementation of the programme concept and shall perform other tasks stipulated by the publisher's basic legal act. The responsible editor shall be answerable for any information published, unless stipulated otherwise by the present act. If a mass medium has more than one responsible editor, each shall be answerable for the publication of information in the programming area for which he/she is responsible.
<i>Implementation problem: This measure in the part of obtaining opinion of the editorial board before editor is appointed or dismissed is not fully implemented. Even when it is implemented, the opinion of the editorial board serves only as a formal legal measure without producing effect on the decision of the publisher. It has happened in 2006 that new editor of the biggest quality daily was appointed gaining support of only 7 % of the members of the editorial board.</i>			

	Art. 19 Mass Media Act	PM, AAVM	Any person who fulfils the following conditions may be a responsible editor: the person possesses a certificate of active knowledge of Slovene if the person is not a citizen of the Republic of Slovenia; the person possesses a certificate of active knowledge of Hungarian or Italian in the event that the mass medium is for the Hungarian or Italian ethnic communities; the person has commercial capability; no ban on working in the profession, performing activities or making public appearances has been pronounced against the person. Any person who enjoys immunity under the constitution or the law may not be a responsible editor.
	Art. 20 (1) Mass Media Act	PM, AAVM	The legal relations between the publisher and the editorial board and the basic mutual relations within the editorial board shall be set out by the publisher's basic legal act in accordance with the present act, whereby such act shall define the editorial board's degree of autonomy in regulating relations within the editorial board.
<i>Implementation problem: This measure is not implemented in practice.</i>			
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)	Exercising of the Public Interest in Culture Act		Ministry of Culture is providing annual financing based on public call for application from professional associations for professional training of various professions in the field of culture, including the media.
<i>Implementation problem: This measure in the field of media professions has very limited effect since the amount of the annual state financing for projects of professional training for journalists organized by professional organizations is very small (in total in 2007 around 7.000 EUR).</i>			

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)			
3.1.1. Special representation requirements in media company structures	Art. 114 (1), (2) Mass Media Act	RTV	An operator shall form a programming council, which in accordance with the provisions of the present act and the operator's technical capacities shall decide on which stations the operator is to transmit and broadcast in accordance with the fifth paragraph of Article 112 of the present act. The programming council's term of office, composition and other tasks shall be stipulated in detail by the operator via an internal legal act. An operator shall be obliged to include in the programming council specified in the previous paragraph members proposed by the local communities or regions whose areas are covered by the provision of telecommunications services, and an equal number of representatives of various interest groups from the area.
	Art. 17 (6) RTV Corporation of Slovenia Act	RTV (PSB)	The Programme Board of RTV Slovenia shall comprise 29 members, of which one member shall be appointed by the Hungarian ethnic community, one member shall be appointed by the Italian ethnic community /.../, two members shall be appointed by the President of the Republic on the proposal of registered religious communities /.../.
	Art. 23 (1) (4) RTV Corporation of Slovenia Act	RTV (PSB)	The Programme Board shall appoint a Programme Committee for the Italian and one for the Hungarian ethnic community channels (of RTV Slovenia), and they shall comprise nine members each, except for those members appointed by the self-governing ethnic communities themselves, or those elected from among themselves by employees by employees in the editorial offices of the ethnic community channels. The Programme Committees for the ethnic community channels shall grant their consent to the appointment of respective commissioning editors for the ethnic community channels, and to the scope and programme plan, programme standards and programme scheme of the channel, which must be appropriate to the material capacities of the RTV Slovenia public institution and with the regulations governing its work.
	Art. 24 (1) (2) RTV Slovenia Corporation Act	RTV (PSB)	The Programme Board shall appoint a Programme Committee comprising nine members for the issue of programme content for the disabled. Representative associations of disabled persons shall propose members for the Programme Committee referred to in the preceding paragraph, whereby they may only propose persons whose disability has been determined in an enforceable decision by the competent authority.

3.1.2. Special representation requirements in media advisory bodies			
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)			
3.2. Representation of the various cultural groupings in the media	Art. 80 (1), (2) Mass Media Act	RTV	A student organisation may be the publisher of a radio and/or television station if the majority of the programming is created and disseminated by students and is primarily aimed at a student audience, and if the surplus of revenues over expenditure is used only for executing the activities for which it was founded, in accordance with the act governing the operation and activities of students' self-managed communities in Slovenia and its basic legal act. The programming of student radio and television stations shall comprise information of all types and works under copyright whose purpose is providing information and satisfying the educational, scientific, professional, artistic, cultural and other needs of students and the general public.
3.2.1. Access to airtime for cultural groupings	Art. 3 (1) RTV Slovenia Corporation Act	RTV (PSB)	Public service pursuant to this Act shall comprise the creating, producing, archiving and broadcasting of: /.../ one radio and television channel each for the autochthonous Italian and Hungarian ethnic communities and radio and television broadcasts for the Roma ethnic community; radio and television channels for Slovenian ethnic minorities in neighbouring countries and for Slovenian expatriates and migrant workers. /.../
3.2.2. Content obligations	Art. 4 Mass Media Act	PM, AAVM	The Republic of Slovenia shall support the mass media in the dissemination of programming important to: the exercise of the right of citizens of the Republic of Slovenia, Slovenes around the world, members of the Slovene minorities in Austria, Hungary and Italy, the Hungarian and Italian ethnic communities in Slovenia, and the Romani community living in Slovenia to public information and to be informed in general; the protection of the Slovenian national and cultural identity; the promotion of cultural creativity in the area of the mass media; a culture of public dialogue; the consolidation of the social state based on the rule of law; the development of education and science.
	Art. 78, Mass Media Act		A publisher may acquire the status of a local radio or television station of special significance if it fulfils the following extra conditions: 1) the station provides objective and unbiased information for inhabitants of the local community and the balanced presentation of different opinions and views on political, cultural, religious, economic and other issues important to the life and work of the local inhabitants; 2) the publisher appoints a programme committee in which the interests of the local community in the areas of commerce, culture, education and sport, and of the publisher of the station are represented; 3) the programming is primarily of a local character, and is jointly created by inhabitants of the local community; 4) it provides programming from the lives and work of Slovenes in neighbouring countries, members of the Hungarian and Italian ethnic communities, and Roma, if it is receivable in areas where such communities live /.../

	Art. 4 RTV Slovenia Corporation Act	RTV (PSB)	On the channels referred to in the first paragraph of the preceding Article (<i>all radio and TV channels of RTV Slovenia except parliamentary TV channel</i>), RTV Slovenia shall in particular ensure credible and impartial informational broadcasts whereby it shall provide comprehensive information regarding political events at home and in neighbouring countries, important events in other European countries, especially the Member States of the European Union, and important world topics such that the content broadcasted facilitates the objective public informing /.../, shall ensure high-quality in-house production intended for children, adolescents and the elderly /.../.
3.2.2.1. Promotion of European works	Art. 17 (2) Mass Media Act	TV	The publisher of a television station shall also stipulate in the programme concept the initial proportions of works of European audio-visual production, European audio-visual works by independent producers and Slovenian audio-visual works.
	Art. 89 (1), (2), (4), (5) Mass Media Act	TV	The publisher of a television station must endeavour to see that the majority of the annual transmission time comprises European audio-visual works. A publisher that fails to reach the proportion of European audio-visual works specified in the previous paragraph must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, whereby the minimum initial proportion shall be twenty per cent of the annual transmission time, unless stipulated otherwise by the present act. The provisions of this article shall not apply to the publishers of television stations specified in Articles 77, 79, and 80 (<i>local radio/TV stations, regional radio/ TV stations, student radio/TV station</i>) of the present act, if the particular station is intended for a local audience and is not included in a national network. The provisions of the second paragraph of this article shall not apply to Radiotelevizija Slovenija.
3.2.2.2. Promotion of European independent works	Art. 17 (2) Mass Media Act		<i>Supra</i>
	Art. 90 (1), (2), (3), (5), (6)	TV	The publisher of a television station must endeavour to see that the proportion of annual transmission time comprising European audio-visual works by independent producers is at least ten per cent. A publisher that fails to reach the proportion of European audio-visual works by independent producers specified in the previous paragraph must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, until the proportion reaches ten per cent of the annual transmission time, unless stipulated otherwise by the present act. At least half of the works specified in this article must have been produced in the last five years. The provisions of the second paragraph of this article shall not apply to Radiotelevizija Slovenija. The provisions of this article shall not apply to the publishers of television stations specified in Articles 77, 79 and 80 (<i>local radio/TV stations, regional radio/ TV stations, student radio/TV station</i>) of the present act, if the particular station is intended for a local audience and is not included in a national network.

<i>Implementation problem: The Slovenian independent producers often complain that the TV broadcasters don't respect this provision and claim that the quotas, reported by the broadcasters, don't reflect the real situation.</i>			
3.2.2.3. Promotion of national/regional works	Art. 17 (2) Mass Media Act Art 68 (3) Mass Media Act		Supra In accordance with Articles 4 and 110 of the present act the Republic of Slovenia shall support the establishment and progressive development of the Slovenian audio-visual industry, and shall promote the creation of Slovenian audio-visual works, such as TV feature films and dramas, arts and culture series, entertainment series, serials, documentaries and educational works.
	Art. 86 (1), (2), (3) Mass Media Act	RTV RTV (PSB)	At least 20 per cent of the daily transmission time of any radio station must comprise Slovenian music or music production of Slovenian creators. Proportion of the daily transmission time of the music from the previous paragraph must comprise at least 40 per cent in the case of each of the programmes (channels) of RTV Slovenia. Proportion of daily transmission time comprises at least 25 per cent in the case of radio and tv programmes of special importance. The provisions of this article shall not apply to radio stations for the Hungarian and Italian ethnic communities.
<i>Implementation problem: According to the APEK's regular programme monitoring findings, the majority of broadcasters don't have problems with this provision. RTV Slovenia, however, complains that the quota imposed to the PSB (40%) is too big. The implementation of this provision caused a lot of problems to the PSB's radio station, dedicated to art and culture (Program Ars), which used to broadcast big pieces of non-Slovenian classical music within the EBU exchange and was warned by APEK for not reaching the daily quota of Slovenian music.</i>			
	Art. 87 (1), (2) Mass Media Act		The publisher of every television station must endeavour to see that a significant proportion of the annual transmission time comprises Slovenian audio-visual works. Slovenian audio-visual works must account for at least two per cent of the annual transmission time of each television station of a publisher. The publisher must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, until the proportion reaches five per cent of the annual transmission time, unless stipulated otherwise by the present act.
	Art. 85 (1), (3) Mass Media Act	RTV	The proportion of in-house production must be at least twenty per cent of the daily transmission time of any television station, of which at least sixty minutes shall be between 6 pm and 10 pm, unless stipulated otherwise by the present act. At least thirty per cent of the daily transmission time of any radio station must comprise programming produced in-house, unless stipulated otherwise by the present act.
<i>Implementation problem: Many broadcasters were caught at breaching these provisions, but recent programme monitoring findings show that there are not so many violations of these provisions anymore.</i>			
	Art. 9 RTV Slovenia Corporation Act	RTV (PSB)	Every year in accordance with the programme production plan /.../ RTV Slovenia shall publish a tender for the purchase of Slovenian audiovisual work by independent producers, to be broadcast on its channels in accordance with the Act regulating the media.
3.2.2.4. Language requirements	Art. 5 (1) Mass Media Act	PM, AAVM	Publishers founded and registered in the Republic of Slovenia must disseminate programming in Slovene, or must translate programming into Slovene in an appropriate manner, unless such is primarily intended for readers, listeners or viewers from any other language group.
	Art. 5(4) Mass Media Act	PM, AAVM	If programming is intended for the Hungarian or Italian ethnic communities, publishers may disseminate the programming in the language of the ethnic community.

3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	Code of ethics of Slovene Journalists	PM, AAVM	The journalist should avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance and social status. Discrimination based on sex, ethnicity, religion, social or national origins, insults about religious feelings and customs and incitement of conflicts between nationalities are impermissible.
	Art. 8 Mass Media Act	PM, AAVM	The dissemination of programming that encourages national, racial, religious, sexual or any other hatred and intolerance shall be prohibited.
<i>Implementation problem: Not efficiently implemented measure. Besides the general ban, quoted in the previous column, there are not any other measures or sanctions for such cases in the media legislation. The violations could be only treated within the Penal Code.</i>			
	Art. 5 RTV Slovenia Corporation Act	RTV (PSB)	Journalists and editors of RTV Slovenia and others directly involved in the creation or production of RTV programming shall in their work in particular: /.../ adhere to the principle of constitutionality and legality in the formulation of programming, including the prohibition on incitement to cultural, religious, sexual, racial, national or other forms of intolerance.
<i>Implementation problem: Not efficiently implemented measure.</i>			
3.2.4. Subsidies (apart from general PSB funding)	Art. 82 (1) Mass Media Act,	RTV	In accordance with Article 4 of the present act the Republic of Slovenia shall support the activities of radio and television stations specified in Articles 76, 77, 79, 80 and 81 (<i>public broadcaster, local radio/TV stations, regional radio/ TV stations, student radio/TV stations, non-profit radio/TV stations</i>) of the present act that are of special importance to Slovenian culture using funds from the national budget
	Art. 4a (1) (2) (3) (11) Mass Media Act	RTV	In order to ensure pluralism and democratic performance of the mass media in line with the principle of the freedom of expression, the Republic of Slovenia shall, via the competent ministry, provide budgetary funds for the mass media with the purposed of providing state support for the realisation of the public interest in the area of the mass media. Within the budgetary funds allocated for the mass media the Republic of Slovenia shall provides funds for: /.../ development and co-financing of the programme content of radio and television programmes with the status of local, regional, student or non-profit radio and television programme. The budgetary funds in the proportion of the value of 3 per cent of the licence fee for programmes of RTV Slovenia collected in the previous year shall be allocated for the development of the programme content of radio and television programmes which have the status of local, regional, student or non-profit radio or television programme. When deciding on the co-financing of radio and television programmes that have the status f a local, regional, student or non-profit radio and television programme, the expert committee shall take into account the following criteria: /.../ to what extent the project enables the realization of the right to public information for local and minority communities and whether minority languages are used; to what extent the project enables the realization of the principle of cultural diversity, the principle of equal opportunities and the assertion of tolerance.
<i>Implementation problem: Whole measure providing state subsidies to the media proved to be controversial since the methodology for application of the criteria haven't been developed. Therefore the measure is sometimes even counter-productive and misses the purpose.</i>			

	Art. 31 Exercising the Public Interest in Culture Act		/.../ Fund to financing the public institutions which the Italian or Hungarian national minorities may found in order to meet their needs in the field of culture shall be provided for the Italian and Hungarian national minorities by the State within the framework of the funds for the Italian and Hungarian minorities.
<i>Implementation problem: This measure is base for financial support to the media activities of the minorities by the Ministry of Culture and Governmental Office for National Minorities.</i>			
	Art. 65 Exercising the Public Interest in Culture Act		/.../ In addition to the public cultural programmes and cultural projects under the preceding paragraph, the state shall also fund those cultural programmes or projects aimed at the following: /.../ the autochthonous Italian and Hungarian minorities and Roma community; the cultural integration of minority communities and immigrants if their programmes/projects go beyond local interests; the needs of the blind, the deaf-mute and other groups of population with special needs.
<i>Implementation problem: This measure is efficient, but considering huge disproportion of public funds aimed at autochthonous Italian and Hungarian national minorities and others is also subject of critics for discriminatory implementation. The measure is base for financial support to the media activities of the minorities by the Ministry of Culture and Governmental Office for National Minorities.</i>			
	Art. 30 (2) RTV Slovenia Corporation Act	RTV (PSB)	The following shall be financed by funds from the state budget: that part of the ethnic community channels not financed from licence fee /.../.
<i>Implementation problem: This measure is efficient but not transparently implemented since the annual level of financing from the state budget for ethnic minority programmes at RTV Slovenia is subject of negotiations between Governmental Office for National Minorities and management of RTV Slovenia.</i>			
3.3. Accessibility (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)	Art. 4 (3) Mass Media Act	PM, AAVM	The Republic of Slovenia shall provide extra support to the dissemination of programming intended for the blind and the deaf-and-dumb using techniques thereto adapted, and to the development of the appropriate technical infrastructure
	Art. 4 (1) RTV Slovenia Corporation Act	RTV (PSB) Occasionally implemented.	On the channels referred to in the first paragraph of the preceding Article, RTV Slovenia shall in particular: /.../ provide programming intended for blind and visually impaired persons and for deaf and hearing-impaired persons using systems adapted for such persons.
	Art. 32 (2)	RTV (PSB)	The following groups of liable persons shall be exempt from payment of the licence fee: socially at-risk persons, disabled persons with 100% physical impairment, disabled persons with less than 100% physical impairment, if they have also been granted the right to a care and assistance supplement; persons with permanent hearing loss, /.../

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies) /advisory bodies)			
4.1.1. Restrictions to politicians’ ownership/control of media (avoid one dominating voice)			
4.1.2. Requirements of independence from political parties / politicians			
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Art.101 Mass Media Act		The following may not be members of the Broadcasting Council: - officials, parliamentary deputies and other persons employed at state bodies, members of the leadership of political parties /.../.
	Art. 4a (7) Mass Media Act		The members of the expert commission for the assessment and evaluation of projects for co- financing programme content aimed at implementation of the goals from the 2 nd paragraph of this Article /allocation of the funds from the state budget to assure pluralism and democratic performance of the media/ shall, in accordance with the act governing the public interest in the area of culture, be appointed by the minister responsible for culture. Members of the expert commission may not be officials, parliamentary deputies and public servants; members of the official bodies of political parties /.../
	Art, 17 (3) RTV Slovenia Corporation Act	RTV (PSB)	Election or appointment to the Programme Board may not involve persons who on their appointment or in the period of five years prior to appointment were: Member of the official bodies of political parties; members of the European Parliament or public servants and official in bodies of the EU; President of the Republic, Prime Minister, parliamentary deputies, members of the National Council, mayors, Constitutional Court judges, ministers, state secretaries and other officials in state bodies; directors-general, secretaries-general, heads of ministerial bodies and of government offices, heads of directorates and bodies within their composition, heads of administrative units and directors of secretaries of municipal administrations.
4.1.4. Representation requirements in media companies’ bodies (board of directors...)	Art. 26 (1) RTV Slovenia Corporation Act	RTV (PSB)	RTV Slovenia shall have a Supervisory Board of eleven members. The National Assembly shall appoint five members, whereby it must take into account the relative representation of political parties in the National Assembly, four members shall be appointed by the government, and employees of the RTV Slovenia public institution shall elect two members from among themselves in a direct ballot.

	Art. 17 (6)		The Programme Board shall comprise 29 members, of which: /.../ five members shall be appointed by the National Assembly of Slovenia on the proposal of political parties, whereby the relative representation of parties in the National Assembly must be taken into account to the greatest possible extent.
<i>Implementation problem: There have been recent attempts by the ruling coalition to ignore this measure in the part which concern respect for proportional representation of individual opposition parties in the parliament.</i>			
4.1.5. Representation requirements in media advisory bodies and/or regulators			
4.2. Content rules (relating to media programmes, press articles, other content)			
4.2.1. (Equal/proportionate) Access to airtime for political groupings	Art. 3 (2) RTV Slovenia Corporation Act		Public service pursuant to this Act shall, in addition to the channels referred to in the preceding paragraph comprise a special national television channel intended to provide live transmission of sessions of the National Assembly of the Republic of Slovenia and its working bodies, and broadcasting of recordings of such sessions where live transmission is not possible /.../.
<i>Implementation problem: The measure hasn't been implemented yet almost 3 years after the adoption of the law due to lack of finances.</i>			
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels			
4.2.1.b. Paid access: rules on political advertising			
4.2.2. Government announcements	Art. 25 Mass Media Act		At the request of state bodies or public companies and public institutions a mass medium must without delay and free-of-charge publish an emergency report in connection with a serious threat to the lives, health or property of the public, to the natural and cultural heritage or to the security of the state. The person that sent the report to the mass medium shall be answerable for its veracity and accuracy
4.2.3. Impartiality obligations	Art. 104 (2) Mass Media Act		In the procedure for selecting among bidders with a legitimate interest the efficiency of use of frequencies and the following criteria regarding the performance of radio and/or television activities shall primarily be taken into consideration: /.../ - political neutrality of the station, /.../
<i>Note: The measure is in practice implemented in a way that the bidders, which compete on a radio frequency tender, could provide a non-obligatory statement on political neutrality of their TV/radio station. Those bidders who do so get extra points...</i>			
	Art. 4a (9) (10) (11) Mass Media Act		When deciding about the co-financing of general news print media, the expert commission shall take into account the following criteria: whether the project ensures regular, objective and balanced presentation of the political activities and standpoints of various organizations and individuals, in particular political parties in government and those in opposition, /.../.
			When deciding on the co-financing of the programme content of radio and television programmes and electronic publications, the expert commission shall take into account the following criteria: whether the project ensures regular, objective and balanced presentation of the political activities and standpoints of various organizations and individuals, in particular political parties in government and those in opposition, /.../.
			[...]

			<p>[...]</p> <p>When deciding on the co-financing of radio and television programmes that have the status of local, regional, student or non-profit radio or television programme, the expert commission shall take into account the following criteria: whether the project ensures regular, objective and balanced presentation of the political activities and standpoints of various organizations and individuals, in particular political parties in government and those in opposition, /.../.</p>
<p><i>Note: The measure (introduced in 2006 after the change of the government) introduces the criteria of “balance in political reporting” for acquiring subsidies, but proved to be difficult to implement. The measure as such provoked debate in political public but also among experts about the need for such criteria. There was attempt by group of experts to develop methodology and implement research for measuring “political balance”, but it has triggered high level of criticism.</i></p>			
	Art. 5 RTV Slovenia Corporation Act		<p>Journalists and editors of RTV Slovenia and others directly involved in the creation or production of RTV programming shall in their work in particular: adhere to the principle of truthfulness, impartiality and integrity of information, /.../ adhere to the principle of political balance and pluralism of world views, /.../ adhere to the principle of political independence and autonomy of journalists, /.../.</p>
4.2.4. Fair representation of political viewpoints; special rules in election periods	Art. 6 (1) (2) (3) Election and Referendum Campaign Act		<p>The mass media must at least 45 days before the day of elections and at least 25 days before referendum compile and publish rules for use of air time or space in the print media for presentation of candidates, political parties or the referendum question.</p> <p>RTV Slovenia has to implement during the election and referendum campaigns rules established in the act regulating RTV Slovenia.</p> <p>Other print and broadcasting media directly or indirectly owned by public institutions must provide to all organizers same conditions for publishing of election propaganda. It is allowed to allocated special time or space for political parties, represented in the National Assembly and special time or space for those not yet represented in the parliament.</p>
<p><i>Note: The measure is implemented.</i></p>			
	Art. 5 Election and Referendum Campaign Act		<p>When publishing opinion poll surveys during the election and referendum campaign the mass media must indicate who perform the survey, applying which methodology and who order the survey.</p> <p>Seven days prior to the voting it is not allowed to publish opinion poll surveys on candidates, political parties or the referendum question.</p>
<p><i>Implementation problem: Recently some media by intention started to break provision on 7 day silence with opinion polls results in the media prior to the day of election or referendum, requesting abolishment of the rule.</i></p>			

TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media (for instance: is part of the spectrum explicitly reserved for regional/ local media; are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...)	Art. 104 (2) Mass Media Act		In the procedure for selecting among bidders with a legitimate interest the efficiency of use of frequencies and the following criteria regarding the performance of radio and/or television activities shall primarily be taken into consideration: /.../the level of development of broadcasting in the specific area, the level of coverage achieved by the same station in the area under tender, an opinion from the relevant local community body on the justification of covering the area with a new station, an assurance that the local community supports a local or regional radio or television station.
<i>Implementation problem: The measure is not efficiently implemented. It is because most of frequencies have been allocated before the first regulation on broadcasting was adopted in early 1990s. Consequently the Broadcasting Council and Post and Electronic Communications Agency (the converged NRA, responsible for the regulation of broadcasting) state agency responsible for broadcasting have no opportunity to implement respective regulation other than in the cases of the remaining free frequencies with minor relevance.</i>			
	Art. 104 (5) Mass Media Act		If the same or similar range of programme is offered, in the selection of the broadcaster of a station that would cover a smaller area (one or several local communities or regions) priority shall be given to the bidder with a head office in the area for which the station is intended.
<i>Implementation problem: This measure is not very useful in practice. Firstly, because it is rather difficult to define whether the radio frequency bidders offer ‘the same or similar’ programme, and secondly, because on the geographical areas, which could be covered by the remaining free frequencies, usually there are not head offices of broadcasters who compete for frequencies.</i>			
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)	Art. 77 Mass Media Act		A station that is intended for the inhabitants of one or more local communities or an area of coverage in which no more than 10 per cent of the population of the Republic of Slovenia live, and that carries local programming produced in-house for at least 20 per cent of its transmission time between 6 am and 8 pm shall be considered a local radio station. A station that is intended for the inhabitants of one or more local communities or an area of coverage in which no more than 10 per cent of the population of the Republic of Slovenia live, and that carries local programming produced in-house for at least 20 per cent of its transmission time between 8 am and 12 am shall be considered a local television station. The minimum transmission time of a local television station shall be three hours per day and four days per week. [...]

			<p>[...]</p> <p>In exceptional cases a station that does not achieve the proportion of local programming produced in-house prescribed in this article may acquire the status of a local radio or television station if such a station is disseminated in a demographically disadvantaged or economically undeveloped area and there is no other local radio or television station in the area, under condition that surplus of revenues over expenditure, i.e. profit, from the activities is used by the broadcaster only for performing radio or television activities, and under condition that employees' pay, the bonuses for members of the broadcaster's management and supervisory body and other benefits not exceed the tariff stipulated for public institutions by current regulations and the collective agreement for employees in the area of culture.</p>
<p><i>Note: This measure is aimed at defining the conditions for gaining the so called status of the local radio/TV station of special significance. The criteria are highly criticized, since they appear to be so loose that (too) many local broadcasters could gain the privileged status, which gives them substantial financial incentives and enables them to be transmitted free of charge.</i></p>			
	Art. 79 (1), (2) Mass Media Act	Similar comment as above.	<p>A station intended for the inhabitants of an area (region or town) in which more than ten per cent and no more than fifty per cent of the population of the Republic of Slovenia live and that carries regional programming produced in-house for at least thirty per cent of its transmission time between 6 am and 8 pm if a radio station or for at least thirty per cent of its transmission time between 8 am and 12 am if a television station shall be considered a regional radio or television station.</p> <p>A regional station may be created by, and as a rule prepared and transmitted by, a single publisher; publishers of local radio or television stations may link in terms of programming and organisation for the purpose of disseminating such programming</p>
5.3. Content obligations: requirements to cover local events, etc.	Art. 78 (1) Mass Media Act		<p>Extra conditions to acquire the status of a local radio/ TV station: the station provides objective and unbiased information for inhabitants of the local community and the balanced presentation of different opinions and views on political, cultural, religious, economic and other issues important to the life and work of the local inhabitants; the publisher appoints a programme committee in which the interests of the local community in the areas of commerce, culture, education and sport, and of the publisher of the station are represented; the programming is primarily of a local character, and is jointly created by inhabitants of the local community; it has programming from the lives and work of Slovenes in neighbouring countries, members of the Hungarian and Italian ethnic communities, and Roma, if it is receivable in areas where such communities live; the station's daily transmission time provides a higher proportion of programming of a local character than other radio and television stations that fulfil the criteria specified in this article and broadcast in the same area.</p>
5.4. Regional State Aids	See 3.2.4		
5.5. Rules on national minorities	See 3.2.1 and 3.2.2		
5.6. Rules on social inclusion of remote areas (Aménagement du territoire)			

TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
6.1.1. Moment of intervention			
6.1.1.1. <i>At moment of market entry (licensing procedure)</i>	Art. 12, Mass Media Act		For the purpose of entry in the mass media register the publisher must register the mass media at the relevant ministry prior to commencing the performance of activities. It shall be necessary to cite the following in the application for entry in the mass media register: -the name of the mass media; -the name or business name and head office address or address of permanent residence of the publisher; -the publisher’s responsible officer, if the publisher is a legal person; -the type of mass media and interval of its dissemination; -the full name of the responsible editor, -the address at which the editorial board or responsible editor is based; -the type of transmission and envisaged area of coverage for the dissemination of programming; the language of dissemination of programming; -the sources of financing; - information on persons that hold ownership or management stakes of at least 5 per cent or stakes of at least 5 per cent in the voting rights within the assets of a publisher of a general informative printed daily or weekly or a radio or television station.
<i>Note: At the very beginning of the media establishment, the ownership structure should be reported to the Ministry of culture, which is in charge of administration of the mass media register. Later on, in licensing procedure, there are no analogue requirements.</i>			
	Art. 104 (1), (2), (3), (4), (5) Mass Media Act		The agency shall conduct the public tender procedure and make the selection on the basis of a explained proposal by the Broadcasting Council and following the act which regulate electronic communications. In the procedure for selecting among bidders with a legitimate interest the efficiency of use of frequencies and the following criteria regarding the performance of radio and/or television activities shall primarily be taken into consideration: the amount of in-house production and production of Slovenian audio-visual works specified in Article 68 of the present act; the political neutrality of the station; the diversity of the programming offered in terms of genre and theme; the level of development of broadcasting in the specific area; the level of coverage achieved by the same station in the area under tender; an opinion from the relevant local community body on the justification of covering the area with a new station; an assurance that the local community supports a local or regional radio or television station; the applicant’s economic status and technical and personnel capacity to broadcast a radio or television station; the number of potential consumers [...]

			<p>[...] (listeners or viewers); the applicant's experience in broadcasting; the duration (scope) of the station A national radio or television station shall have priority in selection over other bidders in those areas that it does not cover or does not cover at a level of sufficient technical quality. During selection priority shall be given to the special importance of radio and television stations specified in Articles 76, 77, 79, 80 and 81 of the present act. If the same or a similar range of programming is offered, in the selection of the publisher of a station that would cover a smaller area (one or several local communities or regions) priority shall be given to the bidder with a head office in the area for which the station is intended.</p>
<p><i>Note: As you can see from the quoted provisions, there are not any ownership issues taken into account when the radio frequencies for broadcasting are issued.</i></p>			
	Art. 105 (2) Mass Media Act		<p>If the activities of the publisher of a radio or television station are not connected to the use of frequencies the agency shall issue a licence without a public tender on the basis of a ruling on entry in the mass media register.</p>
6.1.1.2. At the moment of mergers & acquisitions	Art. 58 (1) (2) (3) (5) (7) Mass Media Act		<p>In order to acquire an ownership or management stake or a share in the voting rights in the assets of a publisher of a radio or television station or publisher of general news daily newspaper of more than twenty per cent it shall be necessary for legal validity of the deal to obtain approval from the relevant ministry, which shall issue the approval following a prior opinion from the agency. All legal actions or decisions of the responsible bodies of the publisher which are taken without respect for the above paragraph are null and void. The relevant ministry can reject issuing the approval to the person specified in the first paragraph of this article which would by acquiring the ownership or management stakes or voting rights would alone or together with subsidiaries have a dominant position on the advertising market, would create dominant position in the media environment in a way to achieve alone or together with subsidiaries coverage of more than 15 per cent of the population of the Republic of Slovenia with analog terrestrial radio programmes; would create dominant position in the media environment in a way to achieve alone or together with subsidiaries more than 30 per cent of coverage of population of the Republic of Slovenia with analog terrestrial TV programmes; create alone or together with subsidiaries dominant position in the media market in a way to exceed number of sold copies of its daily newspapers 40 per cent all sold copies of the general news daily newspapers in the Republic of Slovenia, including those issued at least 3 times per week. Before issuing approval for acquiring stake from the first paragraph the relevant ministry shall acquire data from the Securities Market Agency and opinion of the body responsible for the protection of competition; and in the case of radio and TV programmes an opinion of the Broadcasting Council</p>

<i>Implementation problem: The measure seems not to be efficient. It is like that especially because most actions of consolidation and concentration were taken prior to the adoption of that new regulation in 2006.</i>			
6.1.1.3. Other (constant monitoring/supervision)			
6.1.2. Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. Monomedia	Art. 56 (3) Mass Media Act		A publisher, a legal or natural person or a group of connected persons specified in the first and second paragraphs of this article may hold an ownership stake of no more than twenty per cent or a share in the management or voting rights of no more than twenty per cent in the assets of any other publisher, except in cases when the present act stipulates otherwise.
6.1.2.2. Crossmedia	Art. 56 (1) Mass Media Act		A publisher of a daily informative printed medium or a single legal or natural person or group of connected persons that holds an ownership stake of more than twenty per cent or a share in the management or voting rights of more than twenty per cent in the capital or assets of such a publisher may not also be the publisher or a co-founder of the publisher of a radio or television station and may not perform radio or television activities.
	Art. 56 (2) Mass Media Act		A publisher of a radio or television station or a single legal or natural person or group of connected persons that holds an ownership stake of more than twenty per cent or a share in the management or voting rights of more than twenty per cent in the capital or assets of such a publisher may not also be the publisher or a co-founder of the publisher of a daily informative printed medium.
	Art. 59 (1) Mass Media Act		A single publisher may perform radio activities alone or television activities alone, unless stipulated otherwise by law.
6.1.2.3. Vertical integration with networks	Art. 61 Mass Media Act		An operator that provides telecommunications services specified in Article 111 of the present act or in the act governing telecommunications may not be the publisher of a radio or television station, and may not disseminate programming or advertising, unless the licence for performing radio or television activities specified in Article 105 of the present act is obtained.
6.1.2.4. Integration with advertising sector	Art. 60 Mass Media Act		An advertising organisation whose activity is the collection, design and dissemination of advertisements, and a legal or natural person or group of connected persons that hold(s) an ownership stake of more than ten per cent or a share of the voting or management rights of more than ten per cent in the capital or assets of such an organisation may not be the publisher or the founder of a publisher of a radio or television station, and may not hold a stake of more than twenty per cent in the capital or a share of more than twenty per cent of the management or voting rights in the assets of a publisher of a radio or television station.
6.1.2.5. Integration with other (e.g. energy) sectors			
6.1.2.6. Control over both commercial and public media			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. Number of licences			
6.1.3.2. Market shares			
6.1.3.3. Circulation and audience shares	Art. 58 (3) Mass Media Act		Supra
6.1.3.4. Capital shares			

6.1.3.5. Voting shares	Art. 58 (1) Mass Media Act		Supra
6.1.3.6. Advertising revenues	Art. 58 (3) Mass media Act		Supra
6.1.3.7. Involvement in number of media sectors			
6.2. Sector specific rules preventing cooperation between media companies			
6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership	Art. 63 Mass Media Act		The provisions of this section (<i>art. 56-63</i>) shall also apply to foreign legal and natural persons, irrespective of the country in which their head office or permanent residence is located, unless stipulated otherwise by the present act.
6.4. General competition rules	Art. 62 Mass Media Act		The regulations on protection of competition shall apply to publishers of mass media and operators. The relevant ministry shall participate in the procedures of the body responsible for protection of competition relating to the concentration of publishers of mass media and operators; the agency shall also participate in those procedures relating to publishers of radio and television stations.
6.4.1. Antitrust			
6.4.1.1. Specific provisions for media sectors (e.g. public interest test...)			
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.4.2. Merger control			
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)			
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.5. Transparency obligations	Art. 12 Mass Media Act		For the purpose of entry in the mass media register the publisher must register the mass medium at the relevant ministry prior to commencing the performance of activities. It shall be necessary to cite the following in the application for entry in the mass media register: (...) information on persons that hold ownership or management stakes of at least 5 per cent or stakes of at least 5 per cent in the voting rights within the assets of a publisher of a general informative printed daily or weekly or a radio or television station.
<i>Implementation problem: The measure is not efficient as it can be since the register is not regularly updated. (It is publicly available through the web site of the Ministry of Culture).</i>			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	23 (1) (4) Mass Media Act		The publisher must ensure the publication of the following information in a clearly discernible place in/on each individual medium (e.g. an issue of a printed medium, a television programme) carrying programming: the name or business name and head office address or address of permanent residence of the publisher, the full name(s) of the responsible editor or responsible editors and the full names of the editors of individual programming areas if such is in accordance with the editorial board's internal organizational structure, the name or business name and head office address of the printer, and the date of printing or reprinting if a printed medium is involved, the date of production (month and year) if a radio or television station is involved. The name or logo of a radio or television station must be published at least once every hour of transmission.

<p>6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)</p>	<p>Art. 64 Mass Media Act</p>		<p>By the end of February each year a publisher must publish the following information in the Official Gazette of the Republic of Slovenia: the full name and address of permanent residence of any natural person and/or the business name and head office address of any legal person that in the publisher's assets holds a stake of five per cent or more of the capital or a share of five per cent or more of the management or voting rights, and the full names of the members of the publisher's board of directors or management body and supervisory board. The publisher must report any changes to the information specified in the previous paragraph to the Official Gazette of the Republic of Slovenia within thirty days of their occurrence.</p>
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TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
7.1. Minimum service in a number of programme strands for commercial / community / public service media	Art. 81 (1) Mass Media Act		Radio stations that carry informative, arts, educational and cultural-entertainment programming produced in-house for at least thirty per cent of their daily transmission time and television stations that carry the programming specified in this article for at least thirty per cent of their daily transmission time shall be considered non-profit stations.
	Art. 83 (1), (2) Mass Media Act		Publishers of radio and television stations that do not have the status of a special station specified in the previous article (<i>public broadcaster, local radio/TV stations, regional radio/ TV stations, student radio/TV stations, non-profit radio/TV stations</i>) may link together in terms of programming to form wider, regional or national networks, with regional or wider coverage of an area, under specified conditions(...) A national network under the present act is a radio or television station specified in this article that reaches more than fifty per cent of the population of the Republic of Slovenia.
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Art. 75 Mass Media Act Para 1 Decision on the events list		The publisher of a radio or television station may not, on the basis of having acquired exclusive rights, cover a particular event of public importance in the Republic of Slovenia, in another member-state of the EU, or in a signatory to an international treaty by which the Republic of Slovenia is bound in a manner owing to which a significant proportion of viewers in the area would be prevented from receiving coverage of the event. The direct or delayed coverage of an event either in its entirety or in part if such is necessary for objective interests or in the interest of the public shall be considered coverage under this article. It shall be in contravention of the present act if an event specified in the first paragraph of this article is covered, on the basis of exclusive rights having been acquired, by a publisher whose television station can be received by less than seventy-five per cent of the population of the Republic of Slovenia or whose station charges an additional payment for reception (pay-per-view) in addition to the RTV licence fee and the usual payments for receiving television stations via cable. The government shall at the proposal of the agency adopt a list of the most important events specified in the first paragraph of this article and shall in this connection carry out other appropriate measures in accordance with international treaties by which the Republic of Slovenia is bound. The government shall at the proposal of the Broadcasting Council adopt an act setting out the method and criteria for formulating the list of the most important events specified in this article, and the procedure for mandatory consultations among interested parties.

<i>Note: The measure is implemented in a way to include only sports events in the list. The list of events of major importance to society has been adopted by the Government in 2003 and includes European and world sports competitions and Olympic games. However, it hasn't been notified at European Commission up to date.</i>			
7.3. Short news reporting	Art. 74 (1), (2), (5)		All publishers of radio and television stations shall have under equal conditions the right to make a short report on all important events and other events accessible to the public, with the exception of religious ceremonies. The presentation of a report that lasts no more than a minute and a half and is presented within the area of an information station shall be considered a short report as specified in this article. The right to make a short report may be restricted or denied if the exercise thereof would seriously impose upon the sentiments of those participating in the event, or would threaten public order or safety.
7.4. Fixed book price			
7.5. Public service media			
7.5.1. Structural rules - organization			
7.5.1.1. <i>Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)</i>	Art. 2 (1) RTV Slovenia Corporation Act	RTV (PSB)	The founder of the public institution of the Radio and Television Corporation of Slovenia is the Republic of Slovenia. The duty of the founder shall be to ensure the institutional autonomy and editorial independence of RTV Slovenia, and to ensure appropriate financing for the provision of public service.
<i>Implementation problem: The measure has only declarative function and hasn't been implemented in practice.</i>			
7.5.1.2. <i>Election of management, composition of board members...(government? Parliament? Other?)</i>	Art. 17 (6) RTV Slovenia Corporation Act		The Programme Board shall comprise 29 members, of which: one member shall be appointed by the Hungarian ethnic community, one member shall be appointed by the Italian ethnic community; one member shall be appointed by the Slovenian Academy of Sciences and Arts, two members shall be appointed by the President of the Republic on the proposal of registered religious communities, three members shall be appointed among themselves by employees of RTV Slovenia in direct elections such that the areas of information, the arts and technology are represented, five members shall be appointed by the National Assembly of Slovenia on the proposal of political parties, whereby the relative representation of parties in the National Assembly must be taken into account to the greatest possible extent, sixteen members shall be appointed by the National Assembly of Slovenia on the proposal of viewers and listeners of RTV Slovenia channels, of the universities and faculties and societies, associations of societies or their organizations, especially in the field of art, culture, science and journalism, and of other civil society organizations, except for political parties and their organizational forms. The suitability of candidates and fulfilment of conditions shall be demonstrated by evidence set out in the wording of the public call.
<i>Note: The measure is implemented in a way to provide control of RTV Slovenia through the Programme Board by the political parties in the government (selection and appointment of sixteen representatives of civil society in the parliament is orchestrated by the political parties in the government).</i>			

	Art. 26 RTV Slovenia Corporation Act		RTV Slovenia shall have a Supervisory Board of eleven members. The National Assembly shall appoint five members, whereby it must take into account the relative representation of political parties in the National Assembly, four members shall be appointed by the government, and employees of the RTV Slovenia public institution shall elect two members from among themselves in a direct ballot.
	Art. 21 (1) RTV Slovenia Corporation Act		The director-general of RTV Slovenia shall be appointed by the Programme Board on the basis of public competition. The term of office of the director-general shall be four years.
7.5.1.3. Specific representation requirements for board of directors, other bodies	See 3.1.1. (Art. 23 (1) and Art. 24 (1) (2) RTV Slovenia Corporation Act)		Programme Committee for the Italian and for the Hungarian ethnic community channels. Programme Committee for the disabled.
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings	See 7.5.1.2. and 7.5.1.3.		
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings			
7.5.2. Structural rules - funding			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	Art. 30 (1) RTV Slovenia Corporation Act		RTV Slovenia shall obtain funds for performing its activities: from payment of the contribution for receiving RTV Slovenia channels (hereinafter: licence fee), from commercial activities, from funds acquired from the state budget, from sponsorship and other sources in accordance with the law and the Statute.
7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)	Art. 31(3) RTV Slovenia Corporation Act		The amount of the licence fee shall be provided by law. The government shall raise the amount of the licence fee by a maximum of 10%, if justified economic reasons exist to doing so, but must do so no later than by 1 September of the current year for the following year.
<i>Implementation problem: The measure hasn't been implemented. Although there have been justified economic reasons, and although the management of RTV Slovenia with the recommendation of the Programming Board requested from the Government raise of the licence fee, the Government hasn't even decided about it. In early 2008 Prime Minister even announced that among measures to help to citizens to overcome social problems due to inflation the Government will consider possibility to decrease licence fee for RTV Slovenia.</i>			
	Art. 32 RTV Slovenia Corporation Act		The monthly licence fee shall be paid to RTV Slovenia in the following amounts: 1. for private use: a) liable natural persons shall pay for all television and radio receivers and other devices enabling reception of radio and television channels, which they use personally or together with their family members, SIT 2637. /.../
<i>Note: The measure (fix level of the licence fee) is implemented. The monthly amount of the licence fee is kept on the level fixed in the law, which was adopted in 2005. The amount which is fixed in the law was the same even in 2004. When advocating for new RTV Slovenia Act the actual Government (the RTV Slovenia Act was among the first to change/adapt after winning the elections; due to high political conflict over the announced changes of that law, there was even referendum organized around that issue in September 2005) promised to voters to decrease level of the licence fee.</i>			
7.5.3. Definition of public service remit	Art. 76 (1) Mass Media Act		The public service of producing and disseminating radio and television stations in the public and cultural interest of the Republic of Slovenia, including radio and television stations of the Italian and Hungarian ethnic communities and other stations in accordance with a separate act, shall be carried out by the public institution Radiotelevizija Slovenija.

	Art. 3 RTV Slovenia Corporation Act		Public service pursuant to this Act shall comprise the creating, producing, archiving and broadcasting of: two national television channels, three national radio channels, radio and television channels at regional centers in Koper and Maribor, one radio and television channel each for the autochthonous Italian and Hungarian ethnic communities and radio and television broadcasts for the Roma ethnic community, radio and television channels for Slovenian ethnic minorities in neighbouring countries and for Slovenian expatriates and migrant workers, radio and television channels for the foreign public, teletext, Internet and mobile portals. Public service pursuant to this Act shall, in addition to the channels referred to in the preceding paragraph comprise a special national television channel intended to provide live transmission of sessions of the National Assembly of the Republic of Slovenia and its working bodies, and broadcasting of recordings of such sessions where live transmission is not possible /.../.
<i>Implementation problem: The measure on introduction of parliamentary channel hasn't been implemented almost three years after the adoption due to lack of finances.</i>			
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>	Art. 4 (1) RTV Slovenia Corporation Act		On the channels referred to in the first paragraph of the preceding Article (<i>all radio and TV channels included in the public service remit except the parliamentary TV channel</i>), RTV Slovenia shall in particular: /.../ ensure high-quality educational broadcasts within the framework of which it shall disseminate the entire range of topical content, ranging from religious and social to scientific and information technology subjects, /.../ ensure broadcasts that reflect the life and issues of different structures of the population /.../
7.5.3.2. <i>Obligation to engage in new media activities</i>	Art. 7 RTV Slovenia Corporation Act		In its methods of broadcasting, transmitting and archiving programme content created as part of public service, and in accordance with its technological development capacities, RTV Slovenia shall introduce new technologies such as the Internet, digital broadcasting and satellite, in order to facilitate access to programme content from the widest possible circle of citizens at home and abroad, for the Slovenian ethnic minorities in neighbouring countries and for Slovenians around the world.
	Art. 13 (2)		For the performance of public service pursuant to this Act, RTV Slovenia shall have priority in the allocation of free frequencies and access to other technologically limited resources that it requires urgently for the performance of public service, and shall obtain them without public tender through a decision of the Agency for Post and Electronic Communications. The Agency shall issue such a decision by the application mutatis mutandis of the provisions of the Electronic Communications Act, upon obtaining the prior opinion of the Broadcasting Council. Such opinion must set out the reasons for which priority allocation is essential for the performance of public service.

7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)	Art. 92 (1), (2), (3), (5) Mass Media Act		<p>European audio-visual works must make up the majority of the annual transmission time of Radiotelevizija Slovenija television stations. Slovenian audio-visual works must together make up at least twenty-five per cent of the annual transmission time of Radiotelevizija Slovenija television stations 1 and 2.</p> <p>Audio-visual works by independent producers must make up at least ten per cent of the annual transmission time of Radiotelevizija Slovenija television stations.</p> <p>The provisions of the second and third paragraphs of this article shall not apply to television stations for the Hungarian and Italian ethnic communities.</p>
	Art. 10 (1) (2) RTV Slovenia Corporation Act		<p>Political propaganda shall not be permitted on the channels of RTV Slovenia.</p> <p>Irrespective of the provision of the preceding paragraph, political propaganda shall be permitted during the period of election campaigns in accordance with the provisions of the Act regulating election campaigns.</p>
	Art. 11 RTV Slovenia Corporation Act		<p>Religious promotional messages shall not be permitted on the channels of RTV Slovenia. Religious promotional messages pursuant to this Act shall be paid advertisement for religious communities.</p>
7.5.5. Universal coverage obligations	Art. 8 (1) RTV Slovenia Corporation Act		<p>The national channels shall be broadcast to an area covered by at least 90% of the population of Slovenia, while ethnic community channels must be broadcast in 90% of the territory inhabited by the Italian and Hungarian ethnic communities.</p>

TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)	Art. 112 Mass Media Act		<p>Operators must allow all publishers that have been issued the licence specified in Article 105 of the present act to disseminate stations under equal conditions, if there are technical possibilities for the quality reception of signal at the operator's main receiving station, within ninety days of the beginning of the distribution of such stations, in such a way that they are accessible to all users of their services.</p> <p>Operators must within the period specified in the previous paragraph allow the dissemination free-of-charge of radio and television stations specified in Articles 76, 77, 79, 80 and 81 of the present act, if there are technical possibilities for the quality reception of signal at the operator's main receiving station, in such a way that they are accessible to all users of their services.</p> <p>In the case specified in the previous paragraph the publisher must allow the operator to disseminate the operator's station free-of-charge, excluding the obligations deriving from the collective protection of copyright and related rights.</p> <p>An operator may not allow the dissemination of a radio or television station of a publisher that falls under the jurisdiction of the Republic of Slovenia if the station is not entered in the mass media register at the relevant ministry.</p> <p>In addition to the stations specified in the first and second paragraph of this article, operators shall also allow the dissemination of other stations if the programming council specified in Article 114 of the present act so rules.</p> <p>Operators shall pay a special fee for the technical dissemination of programming specified by the present act to each individual user.</p> <p>The fees specified in the previous paragraph shall be set in the amount of eight per cent of the revenue obtained by the operator from each user for the operator's services, and shall be paid once a month into the national budget and directed towards the purposes of the budget fund for audio-visual media specified in Article 110 of the present act.</p>
<i>Implementation problem: Many cable operators refuse to include small TV or radio channels which don't attract large audiences. Another problem might arise due to the fact that by the transition to digital broadcasting some must carry rules were abolished. In the analogue terrestrial scheme, local and regional TV channels in public interest were exempted from payment of transmission costs, but no payment relief is foreseen for the DTT model.</i>			
	Art. 114 (1), (2) Mass Media Act		<i>Supra</i>
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)			
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission			
8.3.1. Implementation of market analysis procedure in ECNS Directives			

8.3.2. Result of (first) round of market analysis of market 18			APEK defined RTV Slovenia as a SMP in the field of analogue and digital terrestrial transmission, since the national PSB is the largest broadcasting network operator in Slovenia.
8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'			
8.4.1. Conditional access	Art. 114 ZEKom, Electronic Communications Act		CAS must have the necessary technical capability allowing the possibility for full control, by public communications network operators at local or regional levels, of the services using such CAS. CAS providers must offer access on fair, reasonable and non-discriminatory terms to TV broadcasters. Accounting separation for CAS providers. Holders of patents must offer licences to producers of set-top boxes on fair, reasonable and non-discriminatory terms; licences must not hinder APIs.
8.4.2. EPG (or other search tools)	Art. 113 (3) ZEKom		The Agency may by decision require operators providing electronic communications networks from the first paragraph of this Article to ensure access to application programme interfaces or electronic programme guides under fair, reasonable and non-discriminatory conditions.
8.4.3. API	Art. 113 (3) ZEKom		<i>Supra</i>
8.4.4. Other			
8.5. Interoperability requirements	Art. 113 (4) ZEKom		The Agency shall by general act prescribe the conditions for interoperability of digital interactive television services and digital television equipment used by consumers.
8.6. Specific rules for distribution systems in print media			
8.7. General competition law			
8.8. Policies fostering distribution systems (libraries, broadband networks...) - are these in line with EU state aid rules?			
8.10. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National)			

TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority			Post and Electronic Communication Agency of the Republic of Slovenia (http://www.apek.si)
9.1.1. Structure/ organisation	Decision on the establishment of the Post and Electronic Communications Agency of the Republic of Slovenia (Official Gazette of the RS nos. 60/01, 52/02 and 80/04),	AAVM	The Post and Electronic Communications Agency of the Republic of Slovenia is an independent regulatory body in the field of electronic communications, both telecommunications and broadcasting, and postal services.
9.1.1.1. <i>Guarantees for independence</i>	Art. 101 Mass Media Act		The following may not be members of the Broadcasting Council: officials, parliamentary deputies and other persons employed at state bodies; members of the leadership of political parties; persons employed at a publisher of a radio or television station or at an advertising organization; persons who as external contractors have concluded contractual relations with the publisher of a radio or television station or an advertising organization; persons who hold more than one per cent of the capital or management or voting rights within the assets of a publisher of a radio or television station or within an advertising organisation
9.1.1.2. <i>Representation requirements</i>	Art. 100 (2) Mass Media Act		The Broadcasting Council shall consist of seven members, who shall be appointed by the National Assembly on the basis of a public invitation. Candidates from the areas of law, telecommunications and informatics, audiovisual culture, economy, journalism and communication science shall be eligible to submit their candidacy.
9.1.2. Credibility and efficiency			
9.1.2.1. <i>Sufficient resources</i>	Art. 103 (1) Mass Media Act		The funds for the work of the Broadcasting Council shall be provided by the agency. The funds shall be managed by the agency as ordered the Broadcasting Council.

9.1.2.2. <i>Tasks and duties</i>	Art. 100 (1) Mass Media Act		<p>The Broadcasting Council is an independent expert body, and shall conduct the following tasks: provide the APEK (Post and Electronic Communications Agency) of the Republic of Slovenia with initiatives for the conduct of supervision of the implementation of broadcasters' programming obligations and restrictions; provide to the APEK an explained proposal for selection of bidders participating in public tenders for allocation of frequencies, provide the APEK with a preliminary opinion on the issue, retraction and transference of broadcast licences, provide the APEK with a preliminary opinion on the granting or retracting the status of local, regional, or student television or radio channels; providing a preliminary opinion to the Ministry of Culture on granting or retracting the status of non-profit television or radio channels and channels of special importance; providing a preliminary opinion to the Ministry of Culture on decisions about the prevention of ownership concentration; evaluating the state of the television and radio markets in an annual report to Parliament; suggesting to the Ministry of Culture how to implement criteria on local and regional content, in-house production and conditions to acquire the status of a broadcaster of special significance; provide the APEK with approval to its strategy for development of television and radio in the Republic of Slovenia.</p>
<p>Implementation problem: The measure introduced with the amendments to the Mass Media Act in 2006 resulted with weakening the position of the Broadcasting Council in relation with the APEK. The measures introduced in 2006 didn't contribute to the weakening of the Council's position considerably. The most decisive measures that resulted in the current status of the Council were taken in 2001, when the Mass Media Act was adopted and the converged regulator for broadcasting and telecommunications was established. Due to these changes the role of Broadcasting Council changed substantially. The then new legislation defined it as an “independent expert body”, to which the then newly established converged regulator (now APEK) should provide technical, expert, financial and administrative support.</p>			
9.1.2.3. <i>Effective sanctioning powers</i>			
9.1.3. Cooperation with other regulators	Art. 100 Mass Media Act		See above in 9.1.2.2. description of cooperation with the Ministry of Culture.
	Art. 58 (7)		In order to issue an approval to an applicant for acquiring an ownership or management stake or a share in the voting rights in the assets of a publisher of a radio or television station of more than 20 per cent, the Ministry of Culture shall obtain opinion of the Broadcasting Council.
<p>9.2. Press Council</p>			
9.2.1. Broad representation of sector			There is Ethics Council (“Journalists Court of Honor”), a self-regulatory body dealing with complaints submitted on the basis of the Code of Ethics. The Council is a joint body of the Association of Journalists and Union of Journalists. Its members are only journalists, with no participation of publishers, broadcasters or the public.
<p>Implementation problem: The measure is partly efficient. Doesn't provide broad representation of media sector.</p>			
9.2.2. Sufficient resources			Work of the Ethics Council /Journalists Court of Honor is financed by both funding journalists' organizations.
9.2.3. Credibility			The body has fair level of credibility among journalists and in the public.
<p>9.3. Competition Authority</p>			
9.3.1. Structure/ organization (<i>What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!</i>)			The Office for Protection of Competition is a body in the competence/ constituent part of the Ministry of Economy. The director of the NCA is appointed by the Government.

9.3.1.1. Guarantees for independence	Art 13 The Prevention of the Restriction of Competition Act		The Office for Protection of Competition is in execution of its competences independent and autonomous.
<i>Implementation problem: Recently the issue of the independence NCA raised more attention when its director has been dismissed and new one appointed. The previous director was at that position for several mandates, but was replaced with accusations from the Government for being passive with regard to concentration in the cases of some companies involved also in media ownership. The new appointed director immediately introduced actions against the companies pointed by the Prime Minister.</i>			
9.3.1.2. Representation requirements			
9.3.2. Credibility and efficiency	Annual Report of the Office for Protection of Competition 2006		According to the survey presented in the 2006 Annual Report of the NCA most of the clients evaluate work of the NCA as very good. Average mark was 4,14.
9.3.2.1. Sufficient resources	Annual Report of the Office for Protection of Competition 2006		According to the 2006 Annual Report of NCA there are 17 employees. There are no claims of lack of resources in the report.
9.3.2.2. Tasks and duties	Art. 12 (1) (2) (3) The Prevention of the Restriction of Competition Act		The Competition Protection Office /NCA/ is a body responsible for supervision of the implementation of this Act and of the Art. 81 and Art. 82 of the European Community Treaty. The office monitors and analyzes circumstances at the market, relevant for development of the efficient competition; conducts procedures and issues written orders according to the law; provides the National Assembly and the Government with opinion on general issues from its competence. The Office has competences to take decisions on violations of the provisions of this Act and Art. 81 and Art. 82 of the EC Treaty as a body competent to impose sanctions for infringements. The Office can submit a lawsuit at the competent court for assessment of the nullity of business deals done in opposition with the provisions of the competition protection law.
	Art. 44 (2) (3) The Prevention of the Restriction of Competition Act		When the Office submits a call to companies to declare concentration, the companies shall stop with realization of the concentration acts from the day of the receipt of the call. Acts done in contrast with that are considered null.
9.3.2.3. Effective sanctioning powers	Art. 73 The Prevention of the Restriction of Competition Act		A fine of up to 10 per cent of annual turnover of the company in the preceding financial year for an infringement shall be imposed upon a legal person or individual if it fails to act in accordance with provisions on restriction of concentration and on abuse of dominant position in the market in this law (provisions in the Art. 6 and Art. 9 of the Act) and in the EC Treaty (Art. 81 and Art. 82).
9.3.3. Cooperation with other regulators	Art. 71 The Prevention of the Restriction of Competition Act		When legal provisions or other regulation lead to restriction of competition or of proper function of the market, without being justified in general interest, the NCA provides responsible public bodies with its opinion about necessary actions to abolish or prevent restriction of competition.
	Art. 35 The Prevention of the Restriction of Competition Act		Authorized persons shall carry out investigations on the request of the EC or a body, responsible for protection of competition in other Member State of the EU.
	Art. 58 (5) Mass Media Act		Before issuing approval to an applicant for acquiring an ownership or management stake or a share in the voting rights in the assets of a publisher of a radio or television station or publisher of general news daily newspaper of more than twenty per cent, the Ministry of Culture shall acquire data from the Securities Market Agency and opinion of the body responsible for the protection of competition.

Short summary of major implementation problems

Key features of the media regulation in Slovenia – very detailed, often changed (with no proper public debate and public consensus) and poorly implemented. It is evident from the number and substance of the measures described in the tables below that many measures look on the paper very useful and productive for media freedom and pluralism. However in practice many of the measures don't work.

For example, measures aimed at restriction of media concentration don't work because of the lack of cooperation between regulators and because of ability of media owners to hide connections. Media register doesn't work properly because the data is not updated. Right of reply is regulated in such a complicated manner that it enables only powerful political and business players to enforce it. Program concepts are required from the publishers as a key document for entering their media in the media register (thus starting to operate) and for establishing of editorial independence of their editorial staff, but program concepts are in fact formal documents with general, declarative commitments on program orientation with no real value in practice, for instance in implementation of legal provisions of editorial independence or in protection of journalists in the case of de facto change of program orientation of the media.

The measure of state subsidies is similarly lacking efficiency considering the fact that subsidies have been provided to three biggest daily newspapers for program content they are regularly producing and would produce without subsidies, while all three publishers declare considerable profits in their annual business reports. Subsidies for program content are also given to a press agency owned by the government and already financed directly from the state budget, the same press agency which in practice operates with no competition in the market.

In the case of PSB – RTV Slovenia for instance the law (from 2005) includes provision by which the state, being its founder, ensures its autonomy and appropriate financing, while the Government after adoption of the law denies for several years requests from the RTV Slovenia management and boards for increase of the licence fee due to economic reasons; Prime Minister even announced possible decrease of the licence fee to gain public support in pre-election time in 2008.

Problems with implementation of media regulation and other media policy instruments arise from the lack of political and business culture supportive to free and competitive media market (especially in the field of news media), and consequently from obstacles for development of independent regulators and media professionalism.

According to the opinion of the National Regulator (APEK), the major gaps of the existing measures derive from the fact that the measures were not developed with respect to the national market specific conditions, but just arbitrarily set. The criteria for deciding on (dis)allowing the proposed concentration cases are not detailed sufficiently and not efficient enough. Some of them, for instance those on the geographic coverage are not applicable to all broadcasting media, but just to those who use analogue terrestrial broadcasting platform, and even for those, the threshold is so high, that almost no one could ever reach it.



Independent Study on
“Indicators for Media Pluralism in the Member States
– towards a risk-based approach”

