

**Mass Media Act**  
**(Zakon o medijih; ZMed)**

**Title I**

**COMMON PROVISIONS**

Section 1

INTRODUCTORY PROVISIONS

**subject of the law**

**Article 1**

The present act shall stipulate the rights, obligations and responsibilities of legal and natural persons and the public interest of the Republic of Slovenia in the area of the mass media.

**mass media**

**Article 2**

(1) Under the present act mass media are newspapers and magazines, radio and television stations, electronic publications, teletext and other forms of editorially formulated programming published daily or periodically through the transmission of written material, vocal material, sound or pictures in a manner accessible to the public.

(2) Under the present act programming comprises information of all types (news, opinion, notices, reports and other information) and works under copyright disseminated via mass media for the purpose of informing the public, satisfying the public's cultural, educational and other needs, and communicating on a mass basis.

(3) The term "mass media" does not cover bulletins, catalogues, other forms of publication of information intended exclusively for advertising, business communication, educational processes or the

internal work of companies, institutions and foundations, societies, political parties, and church and other organisations, school gazettes, the Official Gazette of the Republic of Slovenia and the official gazettes of local communities, other official publications, posters, pamphlets, brochures and transparencies, and video pages without moving pictures (unpaid reports), unless stipulated otherwise by law.

### **activities of disseminating programming**

#### **Article 3**

Activities of disseminating programming encompass the activities of publishing newspapers, magazines and periodicals, radio and television activities, and the issue of electronic publications irrespective of the technical form of the medium on which they are issued.

### **the public interest in the area of the mass media**

#### **Article 4**

(1) 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

(2) The Republic of Slovenia shall support the development of technical infrastructure in the area of the mass media.

(3) 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.

(4) The government shall at the proposal of the minister responsible for culture (hereinafter: the responsible minister) set out the conditions, criteria and procedure for carrying out a regular annual public tender for co-financing the creation of programming and the development of the technical infrastructure specified in this article using funds from the national budget, in accordance with the provisions of the act governing the implementation of the public interest in the field of culture.

## Section 2

### GENERAL PRINCIPLES

#### **protection of Slovene language**

##### **Article 5**

(1) 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.

(2) Publishers may disseminate programming intended for language education in a foreign language.

(3) The reason for disseminating programming in a foreign language or the purpose thereof must be separately elaborated in a discernible position within/on the programming medium using clear graphic, visual or acoustic symbols in Slovene.

(4) If programming is intended for the Hungarian or Italian ethnic communities, publishers may disseminate the programming in the language of the ethnic community.

(5) If, for reasons of the immediacy, directness and authenticity of informing the public, or because of unavoidable time or technical obstacles or other unforeseen obstacles, programming is exceptionally disseminated in a foreign language, the provision of the third paragraph of this article shall apply.

(6) The sense of the provision of the first paragraph of this article shall also apply to media carrying information specified in the third paragraph of Article 2 of the present act.

## **freedom of expression**

### **Article 6**

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.

## **freedom of dissemination of programming from other countries**

### **Article 7**

The Republic of Slovenia shall in its territory ensure freedom in disseminating and receiving programming from other countries, and may in individual cases restrict such freedom only in accordance with an international treaty by which the Republic of Slovenia is bound, and with the present act.

## **prohibition of incitement to inequality and intolerance**

## **Article 8**

The dissemination of programming that encourages national, racial, religious, sexual or any other inequality, or violence and war, or incites national, racial, religious, sexual or any other hatred and intolerance shall be prohibited.

### Section 3

#### PUBLISHER'S RIGHTS AND OBLIGATIONS

##### **media publisher**

## **Article 9**

(1) A media publisher (hereinafter: publisher) is a legal or natural person that carries out activities of disseminating programming in accordance with the present act.

(2) A publisher shall independently formulate the mass medium's programme concept and shall bear fundamental responsibility for the implementation thereof.

(3) The activities of a publisher may also encompass the creation or production of programming.

##### **special conditions for founding and entering a publisher in the court register**

## **Article 10**

(1) In order to carry out activities of disseminating programming a legal or natural person specified in the previous article may be founded or entered in the court register in the Republic of Slovenia if in addition to the general conditions the person also fulfils the following extra conditions:

- the person's head office or address of permanent residence is located in the Republic of Slovenia

- the editorial board is based in the Republic of Slovenia

(2) The conditions specified in the previous paragraph shall not apply if the Republic of Slovenia Ministry of Culture (hereinafter: the relevant ministry) gives written approval for such.

(3) When issuing the approval specified in the previous paragraph the relevant ministry shall consider the mass medium's significance to development in the area of public information and Slovenian culture.

### **Republic of Slovenia jurisdiction**

#### **Article 11**

(1) Irrespective of the provisions of the previous article the supposition that the publisher of a television station falls under the jurisdiction of the Republic of Slovenia shall apply if the head office of the publisher or just the editorial board is located therein and the other is based in a member-state of the European Union (hereinafter: the EU) or in a third country, under the condition that the programming is disseminated primarily through the work of people employed or contractually engaged in the Republic of Slovenia.

(2) If a significant proportion of a television station's programming is disseminated through their work by people employed or contractually engaged in the Republic of Slovenia, and another significant proportion is disseminated by people employed or contractually engaged in an EU member-state, the supposition that the publisher of the station falls under the jurisdiction of the Republic of Slovenia shall apply if the head office of the publisher is in the Republic of Slovenia, irrespective of where the editorial board is based.

(3) If a significant proportion of a television station's programming is disseminated through their work by people employed or contractually engaged in third countries, the supposition that the publisher of the station falls under the jurisdiction of the Republic of

Slovenia shall apply if the station began the dissemination of programming pursuant to Slovenian law and if a steady commercial link between it and the Slovenian economy is maintained.

(4) If the provision of the previous paragraphs of this article cannot be applied to the publisher of a television station, and the publisher of the television station does not fall under the jurisdiction of any other EU member-state or signatory of the European Convention on Transfrontier Television, the publisher of the television station shall be deemed to fall under the jurisdiction of the Republic of Slovenia if the publisher:

- uses a frequency assigned thereto by the relevant authority in the Republic of Slovenia
- does not use a frequency specified in the previous indent, but uses satellite capacities pertaining to the Republic of Slovenia
- does not use either a frequency or satellite capacities specified in the previous two indents, but uses a satellite ground station located in the Republic of Slovenia.

### **mass media register**

#### **Article 12**

(1) 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.

(2) It shall be necessary to cite the following in the application for entry in the mass media register:

- the name of the mass medium
- 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 medium 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 method and envisaged area of coverage for the dissemination of programming
- the language of dissemination of programming
- the sources and method 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

(3) Evidence on the fulfilment of the extra conditions specified in Article 10 of the present act, evidence on entry in the court register, the publisher's basic legal act in accordance with the present act, and details of the programme concept in accordance with the present act must be enclosed in the application for entry in the mass media register. Prior to the beginning of transmission publishers of a radio or television station must submit copies of the contracts concluded with collective organisations for the protection of copyright and related rights on works that will be broadcast on their stations.

(4) Publishers may not register a mass medium that would have the same name as a mass medium already entered in the register.

### **Article 13**

(1) The relevant ministry must enter a mass medium in the register if the applicant fulfils all the conditions prescribed by the present act, and must issue a ruling on entry in the mass media register within fifteen days of receiving the application, or request supplementary information for the application within the same period.

(2) If the applicant fails to fulfil the conditions for entry in the mass media register, the relevant ministry shall via a resolution deny entry in the register.

## **administration of the mass media register**

### **Article 14**

- (1) A publisher must notify the relevant ministry of any change in the information specified in the second and third paragraphs of Article 12 of the present act and of cessation of operations within fifteen days of the change or cessation occurring.
- (2) Publishers must also report any other information to the relevant ministry that it requests for the purpose of implementing valid regulations in the area of the mass media.
- (3) By the end of March each year publishers of a radio or television station must send a written report on the performance of activities and the implementation of the programme concept to the Telecommunications and Broadcasting Agency of the Republic of Slovenia (hereinafter: the agency).
- (4) Publishers of printed mass media must send a mandatory copy of each issue to the National University Library.
- (5) The information in the mass media register, with the exception of information on the sources and methods of financing and the programme concepts of radio and television stations that are yet to begin transmitting, shall be available to members of the public with a legitimate interest. The method of administering the register and the procedure for entry in the register and for disseminating information therefrom shall be set out in detail by the responsible minister.

## **deletion from the register**

### **Article 15**

- (1) The relevant ministry shall delete a mass medium from the register in the following cases:
  - if within twenty-four months of entry in the register the publisher fails to obtain the licence for

performing activities specified in Article 105 of the present act when the licence is required under the present act, or if the licence is permanently revoked or ceases to be valid

- if despite a warning the publisher persists with serious infringements of the law
- if the mass medium does not operate for more than six months, except in cases when it is published at longer intervals
- if the publisher no longer fulfils the conditions for entry in the mass media register

(2) The relevant ministry may only delete a radio or television station from the register on the basis of a decision by or the prior approval of the agency.

(3) The relevant ministry shall notify the agency regarding the issue of a ruling on deletion of a radio or television station from the register within eight days.

### **ban on performance of activities**

#### **Article 16**

(1) Publishers may not disseminate programming via a mass medium that is not entered in the mass media register at the relevant ministry.

(2) The relevant inspector may in the event of infringement of the present act issue a ruling on the elimination of deficiencies or irregularities determined and stipulate a deadline for the elimination thereof.

(3) The relevant inspector may prohibit a publisher that is disseminating programming via a mass medium without being entered in the register from performing activities, and may seize working drafts, products and materials used to perform activities.

### **programme concept**

## **Article 17**

(1) The purpose of publication and the basic substantive guidelines for the operation of a mass medium shall be set out by a publisher through the programme concept. The programme concept of a radio or television station must also contain a programming scheme, which shall define:

- the type of programming, and/or classification thereof into programming areas
- the anticipated quantitative ratio between individual programming areas
- the anticipated maximum amount of advertising content
- the anticipated amount of in-house production and production of Slovenian audio-visual works

(2) 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.

(3) A publisher must obtain the editorial board's opinion prior to a fundamental change or significant addition to the programme concept.

(4) A publisher must obtain prior approval from the agency for a fundamental change or significant addition to the programme concept of a radio or television station and submit the editorial board's opinion on the intended change or addition.

(5) 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.

(6) The provision of the second paragraph of this article shall not apply to publishers of television stations specified in Articles 77, 79

and 80 of the present act, if the individual station is intended for local inhabitants and is not included in a national network.

(7) The provisions of this article shall not apply to television stations specialising in telesales or self-promotion specified in Article 96 of the present act.

## Section 4

### EDITORIAL BOARD'S RIGHTS AND OBLIGATIONS

#### **responsible editor**

#### **Article 18**

(1) 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.

(2) 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.

(3) The responsible editor shall be answerable for any information published, unless stipulated otherwise by the present act.

(4) 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.

(5) The appointment of responsible editors of Radiotelevizija Slovenija radio and television stations shall be set out by a separate act.

#### **Article 19**

(1) 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

(2) The provisions of the first and second indents of the previous paragraph shall not apply if the programming is disseminated in a foreign language in accordance with the first paragraph of Article 5 of the present act.

(3) Any person who enjoys immunity under the constitution or the law may not be a responsible editor.

## **editorial board**

### **Article 20**

(1) The editorial board shall comprise the responsible editor or responsible editors, other editorial personnel and journalists, and in accordance with the publisher's basic legal act may also comprise other authors/creators of programming pieces and programme collaborators. 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. If the publisher does not employ several editorial personnel or journalists, the responsible editor may perform the function of the editorial board alone.

(2) 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.

## **journalists**

### **Article 21**

(1) Under the present act a journalist is any person who is involved in the collection, processing, structuring or sorting of information for publication via the mass media and is employed at a publisher, or who performs journalistic activities independently as an occupation (a freelance journalist).

(2) 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.

(3) 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.

### **Article 22**

(1) 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.

(2) Any person who fulfils the following conditions may be entered in the register specified in the previous paragraph:

- 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

(3) Any person who no longer fulfils the conditions specified in the previous paragraph shall be deleted from the register by the relevant ministry.

(4) At the proposal of the responsible minister the Government of the Republic of Slovenia shall via a decree prescribe the procedure and detailed criteria for acquiring the status of a freelance journalist and for administering the register of freelance journalists as a public book of record.

(5) Via the decree specified in the previous paragraph the method and procedure for periodic verification of the fulfilment of the conditions specified in the second paragraph of this article that must be fulfilled by a freelance journalist for entry in the register shall be set out.

## Section 5

### COMPULSORY PROGRAMMING

#### **credits**

#### **Article 23**

(1) 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 organisational 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

(2) The sense of the provisions of the previous paragraph shall also apply to media carrying information specified in the third paragraph of Article 2 of the present act.

(3) The provisions of the first paragraph of this article shall not apply to media carrying programming formulated or reproduced in the Republic of Slovenia for a foreign client and intended for dissemination outside the territory of the country.

(4) The name or logo of a radio or television station must be published at least once every hour of transmission.

### **compulsory publication of other information**

#### **Article 24**

The publisher must ensure the consistent publication of the following information at appropriate places in/on each individual medium carrying such programming:

- the names of the authors/creators of pieces published, unless an individual author/creator stipulates otherwise
- the names or business names of the holders of material copyrights regarding all programming published, except in printed media and on radio stations

- the name of the legal or natural person storing an item of cultural heritage used or archived or the relevant reproduced material
- the name of the mass medium from which a programming piece or a section of a programming piece has been taken, unless stipulated otherwise by bilateral contract

### **publication of an emergency report**

#### **Article 25**

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.

#### Section 6

### RIGHT TO CORRECTION OR REPLY

#### **right to correction of a report published**

#### **Article 26**

(1) 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.

(2) The publication of a correction may be demanded within thirty days of the publication of the report, or of the day the person concerned learnt of the report if for objective reasons it was not possible to learn of the report within the given period.

(3) The term "report" means any kind of publication by which the rights or interests of an individual, organisation or body may be infringed upon.

(4) The term "correction" entails not only a correction in the narrow sense, i.e. the correction of erroneous or untrue statements in the published report, but also any citation of facts and circumstances by which the person infringed upon disproves the statements in the report published, or significantly adds thereto for the purpose of disproof.

### **Article 27**

Corrections must be published without amendments or additions, in the same place or an equivalent place in the programming space in a manner the same as or equivalent to that in which the report to which the correction relates was published. Corrections may not be disproportionately longer than the report or section of a report to which they relate.

### **Article 28**

(1) Any person who demands the publication of a correction must cite the report to which the correction relates and the date it was published.

(2) Corrections must be published in the first issue, or the second issue if contributed too late, i.e. in the first issue after the correction is received.

(3) A commentary on or response to a correction may not be published simultaneously in the same issue or programme of the mass medium.

### **Article 29**

(1) The responsible editor must keep written records of all programming published for at least fifteen days after its publication, and deliver an appropriate copy of the particular record to a person with a legitimate interest at that person's expense within three days of receiving a written request therefrom.

(2) Copies specified in the previous paragraph may be delivered to persons with a legitimate interest for exclusively personal use. They

may not be reproduced or published without the consent of the publisher, except within the framework of court proceedings.

### **Article 30**

The publication of a correction may also be demanded if the report was published on a mass medium that is now defunct. A claimant may demand that the then publisher of the mass medium or the legal successor thereof attend to the publication, at the publisher's expense, of a correction in any other designated mass medium that in terms of extent and quality of dissemination of programming is comparable to the original.

### **Article 31**

The responsible editor must publish a correction, except in the following cases:

- if the correction demanded does not relate to the report to which the person concerned refers
- if the correction demanded fails to cite facts and circumstances in connection with the statements in the report
- if the publication of the correction would be in contravention of law
- if a demand from a state body or legal person for the publication of a correction is not signed by the responsible officer
- if the correction is worded in an offensive manner
- if the correction demanded is disproportionately longer than the report in which the statements for which it is being given were made, or than the section of the report to which it directly relates
- if the demand for the publication of a correction was lodged after the expiry of the period specified by the present act
- if the content of the correction demanded is the same as that of a correction demanded about which

a case before a court is proceeding owing to the rejection or unsuitability of the form of publication

### **Article 32**

If within eight days of the publication of a report the person concerned makes a written declaration that the publication of a correction is to be demanded, the responsible editor must keep a written record of the report for which the correction is demanded until court proceedings are completed.

### **Article 33**

(1) If the responsible editor fails to publish a correction within the period and in the manner stipulated by the present act, the person that demanded the publication of the correction shall have the right to file a suit against the responsible editor at the court competent for civil disputes in the area of the head office or permanent residence of the publisher of the mass medium through which the report to which the correction relates was published.

(2) A suit may be filed within thirty days of the expiry of the deadline for publishing the correction, or of the day on which the correction was published in a manner not in accordance with the present act.

### **Article 34**

(1) In disputes concerning the publication of a correction the initial hearing for the trial must be held within eight days of the suit being filed at the court.

(2) The defendant must respond to the suit later at the trial.

(3) The court summons shall warn the plaintiff that failure to attend the initial hearing shall be deemed to be withdrawal of the suit, and shall warn the defendant that a judgement may be pronounced in the defendant's absence.

### **Article 35**

(1) Trials involving a suit for the publication of a correction shall be limited to hearing and demonstrating the facts on which the defendant's obligation to publish a correction depend.

(2) In disputes concerning the publication of a correction the court shall reject the claim if it is determined that the rights or interests of the plaintiff have not been infringed upon, or if any other circumstances have been given owing to which under law the correction need not be published.

### **Article 36**

The institution of criminal proceedings because of an act committed through the publication of the report to which the correction relates shall not suspend the procedure for publication of the correction.

### **Article 37**

If, after a suit is filed at the court, the responsible editor of the mass medium is replaced, the plaintiff may amend the suit before the end of the trial and sue the new responsible editor in place of the original defendant. It shall not be necessary to obtain the consent of the original defendant or the new responsible editor for such an amendment to the suit.

### **Article 38**

(1) The court must pronounce judgement within three days of the end of the trial.

(2) The court shall deliver an authentic copy of the judgement to the parties within three days of pronouncing judgement.

(3) If the court finds for the plaintiff, it shall order the defendant in the judgement to publish a correction within the period and in the manner stipulated by law.

(4) In publishing the correction the responsible editor must state that it is a matter of publication on the basis of a judgement and cite the judgement proper.

### **Article 39**

(1) The parties may file an appeal at a higher court against a judgement from the court of first instance within three days of its delivery.

(2) An appeal shall not be delivered to the opposing party for response. A legitimate appeal submitted on time shall be sent by the court of first instance with all accompanying dossiers to the court of second instance within two days of being filed.

(3) The court of second instance must rule on an appeal within three days of receiving the appeal and dossiers.

(4) A legal review shall be permitted against a judgement by the court of second instance.

### **Article 40**

An authentic copy of a final judgement by which the court has ordered the publication of a correction shall also be sent immediately by the court to the responsible editor of the mass medium through which the correction must be published.

### **Article 41**

If, after a final judgement ordering the publication of a correction, the responsible editor of the mass medium is replaced, the obligation to publish a correction determined in the judgement shall pass to the new responsible editor.

### **right to reply to information published**

### **Article 42**

(1) 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.

(2) 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.

### **Article 43**

(1) Replies must be published without substantive amendments or additions, with the exception of grammatical corrections.

(2) The responsible editor shall have the right to request prior to publication an abridgement of the reply by the author.

(3) The sense of the provisions of Article 31 of the present act shall apply to a reply, whereby the responsible editor may reject the publication of replies of the same content when a single reply has already been published.

(4) The responsible editor may also reject the publication of a reply if the reply cites untrue or indemonstrable information or assertions.

(5) If in the opinion of the responsible editor only certain information or assertions are untrue or indemonstrable, the responsible editor may not reject publication without first calling upon the author to withdraw such information or assertions from the reply.

### **common provisions**

### **Article 44**

(1) Within proceedings of judicial protection the sense of the provisions of this section regarding procedure in connection with the right to a correction shall apply to the right to reply.

(2) Unless stipulated otherwise by the present act, the sense of the provisions of the civil proceedings act shall apply to judicial disputes in connection with the publication of a correction or reply.

## Section 7

### PUBLIC INFORMATION

#### **access to public information**

#### **Article 45**

(1) 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.

(2) 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.

(3) 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.

(4) 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 the following cases:

- if the information required has been designated a state, military or official secret or a commercial secret
- if this would entail infringement of the confidentiality of personal data in accordance with law, unless publication thereof would prevent a serious criminal offence or direct danger to human life or public property
- if this would prejudice court or pre-trial proceedings

(5) Any public person that does not provide the information requested must give a written explanation of the reasons for refusal by the end of the next working day if the responsible editor of the mass medium so requests.

(6) Public persons may request compensation for the actual costs of transcribing the information required.

(7) An author/creator of a programming piece who receives information from a responsible officer specified in the third paragraph of this article and the responsible editor shall not be criminally liable or liable for damages for the substantively accurate publication of such information. The public person that provided the information shall be responsible for its veracity and accuracy.

## Section 8

### COMMERCIAL ADVERTISING

#### **advertisements**

#### **Article 46**

(1) Under the present act commercial advertising comprises advertisements and other forms of paid reports (hereinafter: advertisements) whose publication is commissioned by a legal or natural person for the purpose of promoting the legal transaction of products, services, immovable property, rights or obligations, acquiring business partners, or creating a good reputation and name among the public. Advertisements shall be published for payment or any other similar recompense, or for the purpose of self-promotion.

(2) Under the present act the following programming shall not be deemed advertisements:

- reporting by a publisher in connection with programming in the publisher's mass medium (e.g. previews of the publisher's own issues or programmes)

- programming side products directly derived from the programming of the mass medium
- free-of-charge publications in connection with the execution of public services, cultural events, charitable campaigns and campaigns of general importance to public safety in the Republic of Slovenia
- free-of-charge presentation of works of art
- free-of-charge citation of the producers, organisers, sponsors and donors of works of art, arts and culture events, and charitable campaigns, within the framework of media presentation of such works, events and campaigns

(3) Commercial advertising must be entirely clearly recognisable and must be specially separated from the mass medium's other programming.

(4) Advertisements published free-of-charge must be specially designated as such.

### **Article 47**

(1) Surreptitious advertising intended to convince the reader, listener or viewer that a particular advertisement is not advertising shall be prohibited. The person that commissioned the publication and the responsible editor shall be answerable for surreptitious advertising. In the event of surreptitious advertising the assumption shall apply that it was done intentionally.

(2) During advertising it shall be prohibited to employ techniques that prevent readers, listeners and viewers from consciously recognising advertising as such.

(3) Advertising may not:

- prejudice respect for human dignity
- incite discrimination on the grounds of race, sex or ethnicity, or political or religious intolerance

- encourage behaviour damaging to public health or safety or to the protection of the environment and the cultural heritage
- give offence on the grounds of religious or political beliefs
- damage consumers' interests

(4) The advertising of alcoholic beverages via mass media and media specified in the third paragraph of Article 2 of the present act shall be prohibited, unless stipulated otherwise by law.

#### **Article 48**

The advertising of tobacco products, drugs and medical accessories, and healthcare services shall be regulated by separate acts.

#### **Article 49**

(1) Advertisements that are targeted primarily at children or in which children appear may not contain scenes of violence, pornography or any other content that could damage their health or mental and physical development or otherwise have a negative effect on the impressionability of children.

(2) Advertising may not be morally or mentally prejudicial to children. Advertisements may not therefore:

- encourage children to purchase products or services by exploiting their inexperience or credulity
- encourage children to convince their parents or any other person to purchase products or services
- exploit children's special trust in parents, teachers or any other persons
- unjustifiably show children in dangerous situations

#### **Article 50**

(1) The person that commissions an advertisement shall be responsible for the veracity and accuracy of any statements or figures therein; the responsible editor shall be responsible for the

advertisement's compliance with the present act and with the programme concept of the mass medium.

(2) The person that commissions an advertisement may not influence the programme concept and editorial independence of a mass medium.

### **Article 51**

(1) It shall be obligatory to disseminate advertisements in Slovene or in a Slovene translation, unless disseminated in a foreign language in accordance with the present act.

(2) Mass media for the Hungarian and Italian ethnic communities may publish advertisements in the language of the ethnic community.

### **sponsorship**

### **Article 52**

(1) Under the present act sponsorship is any form of contribution to funding programming by a legal or natural person done with the intention of promoting that person's name or business name, brand names, or public image.

(2) A sponsor of television stations may not perform activities of disseminating programming or producing audio-visual works.

### **Article 53**

(1) A sponsor may not influence sponsored programming and its distribution in the programming scheme and thereby restrict the editorial independence of the mass medium.

(2) Sponsored programming may not promote the sale or rental of the sponsor's products and services or the products and services of a third person, particularly through special presentation of such products and services.

## **Article 54**

Sponsorship by the tobacco industry and wholesale businesses, and by the manufacturers and wholesalers of drugs and medical accessories and providers of healthcare services shall be regulated by a separate law.

## **Article 55**

(1) 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) Each sponsored programme unit (e.g. article, programme) must be clearly designated as such, including citation of the sponsor's name or logo.

(3) The sponsor's name or logo must be cited at the beginning and end of a sponsored programme on television stations.

## Section 9

### PROTECTION OF MEDIA PLURALITY AND DIVERSITY

#### **restriction of ownership**

## **Article 56**

(1) 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.

(2) 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.

(3) 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.

### **connected persons**

#### **Article 57**

(1) Under the present act connected persons are persons that are connected in terms of management or capital or are otherwise connected such that because of the connections they jointly formulate business policy or operate in a coordinated manner with the intent of attaining joint objectives, or such that one person has the opportunity to direct any other person or significantly influence the person in making decisions on financing and operations or in deciding on the programme concept of a mass medium.

(2) Persons connected in the following manner shall be deemed connected persons as specified in the previous paragraph:

- those related by blood as close family members (parents, children, siblings, adoptive parents and adopted children)
- married persons or persons in a non-marital union
- those related through marriage/non-marital union as close family members of a spouse or non-married partner
- such that one person or, together, persons deemed to be connected according to the other points in this article hold(s) a commercial stake, shares or other rights on the basis of which the person(s)

- participate(s) in the management of another person with at least twenty per cent of the voting rights
- such that in the two persons the same person or, together, persons deemed to be connected according to the other points in this article hold(s) a commercial stake, shares or other rights on the basis of which the person(s) participate(s) in the management of each of the other two persons with at least twenty per cent of the voting rights
  - such that they form a concern according to the companies act
  - those connected as members of the board of directors or supervisory board with a company in which they perform this function and persons considered to be connected with members of the board of directors or supervisory board under the other points of this article

### **restriction of concentration**

#### **Article 58**

(1) 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 of twenty per cent or more it shall be necessary to obtain approval from the relevant ministry, which shall issue the approval following a prior opinion from the agency.

(2) In order to acquire an ownership or management stake or a share in the voting rights in the assets of a publisher of a daily informative printed medium of twenty per cent or more it shall be necessary to obtain prior approval from the relevant ministry.

(3) The relevant ministry shall reject issuing the approval specified in the first and second paragraphs of this article in the following cases:

- if by acquiring the stake the publisher of a radio or television station would have a dominant position on

the advertising market such that the publisher's share of sales in the advertising space on a particular radio or television station would exceed thirty per cent with regard to the entire radio or television advertising space in the Republic of Slovenia

- if by acquiring the stake the publisher of a radio or television station would create a dominant position in the media environment such that either alone or together with subsidiaries the publisher would achieve coverage of more than forty per cent of the Republic of Slovenia with station signals, with regard to the overall coverage of this area by all radio and television stations
- if by acquiring the stake the publisher of one or more daily informative printed media would alone or via one or more subsidiaries have a dominant position on the market such that the number of copies of the publisher's dailies sold would exceed forty per cent of all the copies of daily informative printed media sold in the Republic of Slovenia

(4) Stakes held by publishers' controlling and subsidiary companies shall count towards the stake specified in the first and second paragraphs of this article.

### **incompatibility of performing radio and television activities**

#### **Article 59**

(1) A single publisher may perform radio activities alone or television activities alone, unless stipulated otherwise by law.

(2) The provision of the previous paragraph shall not apply if the publisher obtains the appropriate licence pursuant to Article 105 of the present act.

### **incompatibility of performing advertising activities and radio and television activities**

## **Article 60**

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.

### **incompatibility of performing telecommunications activities and radio and television activities**

## **Article 61**

(1) 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.

(2) The licence specified in the third paragraph of Article 105 of the present act shall be issued to an operator under the application of the sense of the criteria specified in the second paragraph of Article 104 of the present act.

### **protection of competition**

## **Article 62**

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.

### **stakes of foreign persons**

#### **Article 63**

The provisions of this section 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.

#### Section 10

### TRANSPARENCY IN THE MANAGEMENT OF MASS MEDIA

#### **publication of information in the Official Gazette of the Republic of Slovenia**

#### **Article 64**

(1) 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.

(2) 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.

(3) The Official Gazette of the Republic of Slovenia must publish the information specified in the first and second paragraphs of this article within fifteen days of receiving the order to publish.

### **Title II**

## **SPECIAL PROVISIONS ON RADIO AND TELEVISION STATIONS**

### Section 1

#### DEFINITIONS

#### **radio and television activities**

##### **Article 65**

Under the present act radio and television activities encompass the original dissemination and forwarding or transmission of programming via cables or over the air, including via satellite, in a coded or uncoded form, for the purpose of publicising the programming among the public. The term includes forms of mutual transmission of radio and television stations between individual publishers with the intent of reaching the public.

#### **transmission time**

##### **Article 66**

(1) All programming disseminated by a particular radio or television station over the twenty-four hours of a single day shall count towards the daily transmission time, unless stipulated otherwise by the present act.

(2) Under the present act annual transmission time shall include all programming disseminated by a particular radio or television station between 1 January and 31 December of a particular year, with the exception of programming excluded from the annual transmission time under the present act.

#### **in-house production**

##### **Article 67**

(1) Informative, arts and culture, educational, entertainment and phone-in programmes, musical, sports and other programmes with

commentary and other original programming produced by the publisher of the station or produced under commission from and at the expense of the publisher shall be deemed programming created in in-house production.

(2) If several publishers participate in the production of programming via investments the proportion of the investment shall be deemed the proportion of in-house production for each publisher.

(3) Premieres and first repeats of Slovenian audio-visual works shall count towards the quota of in-house production if such satisfy the conditions specified in Articles 69, 70, 71 and 72 of the present act.

(4) The presentation of Slovenian music shall also count towards the quota of in-house production of a radio station in accordance with the provisions of Article 86 of the present act. Under the present act "Slovenian music" is music of Slovene expression, and covers the concepts of vocal, vocal/instrumental and instrumental music.

(5) Advertisements, including radiosales and telesales, and unpaid reports (teletext) shall not be deemed programming created in in-house production.

(6) The relevant ministry shall via implementing regulations set out detailed criteria for the definition of programming specified in this article at the proposal of the Broadcasting Council.

## **Slovenian audio-visual works**

### **Article 68**

(1) Under the present act Slovenian audio-visual works are works produced originally in Slovene or works intended for the Hungarian and Italian ethnic communities in the language thereof, and works of Slovenian cultural origin from other areas of the arts.

(2) Audio-visual works specified in the previous paragraph are only those expressed in any manner as individual intellectual creations from the fields of literature, science and art.

(3) 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.

(4) The Republic of Slovenia shall promote the development of technical infrastructure for audio-visual production.

(5) The Government of the Republic of Slovenia shall at the proposal of the relevant ministry adopt an act setting out the detailed criteria and conditions for the definition of works specified in this article.

## **European audio-visual works**

### **Article 69**

(1) Under the present act European audio-visual works are:

- works originating in member-states of the EU
- works originating in third European countries that are signatories to the Council of Europe's European Convention on Transfrontier Television and that fulfil the provisions of Article 70 of the present act
- works originating in third European countries and fulfilling the conditions specified in the third paragraph of this article

(2) The provisions of the second and third indents of the previous paragraph shall only apply to those countries where the audio-visual works of EU member-states are not subject to discriminatory measures.

(3) Works specified in the third indent of the first paragraph of this article are those created entirely in co-production involving producers founded and registered in EU member-states and producers from European countries with which the European Union has concluded agreements in the area of audio-visual works, if such

works were primarily created by authors/creators and workers from one or more European countries.

### **Article 70**

European works specified in the first and second indents of the first paragraph of the previous article are those created primarily by authors/creators and workers with permanent residence in countries specified in the two indents, under one of the following conditions:

- if the producers of such works were founded or registered in the countries specified
- if the particular work was created under the leadership and actual supervision of one or more producer(s) from such countries
- if a piece by co-producers from such countries is dominant, and one or more producer(s) founded or registered outside such countries do(es) not have a dominant share in the co-production

### **Article 71**

With regard to works that are not European works specified in Articles 69 and 70 of the present act but that were created within the framework of bilateral co-production contracts concluded between member-states of the European Union and third countries, the supposition that they are European works shall apply if the majority of the production costs are covered by co-producers from the European Union and the production is not supervised by one or more producers founded or registered outside member-states of the EU.

### **Article 72**

With regard to works that are not European works specified in Articles 69 and 70 of the present act but that were created primarily by the work of authors/creators and workers with permanent residence in one or more member-states of the EU, the supposition that European works are involved shall apply in proportion to the

total share of the overall production costs covered by co-producers from the European Union.

### **audio-visual works by independent producers**

#### **Article 73**

(1) Under the present act an independent producer of audio-visual works (hereinafter: independent producer) is a legal or natural person that fulfils the following four conditions:

- the person is registered for performing activities of producing audio-visual works and has a head office in the Republic of Slovenia or in a member-state of the EU
- the person is not included in the organisational structure or legal personality of the publisher of a television station
- no publisher of a television station holds a stake of more than twenty-five per cent in the capital or a share of more than twenty-five per cent in the management or voting rights within the person's assets
- no more than one-half of its production each year is commissioned by a single publisher of a television station

(2) Any legal or natural person that is registered for performing activities of producing audio-visual works and has a head office in a third country shall also be deemed an independent producer if European works have formed the majority of the person's production in the last three years and in so doing the person has fulfilled the conditions specified in the second and third indents of the previous paragraph.

(3) Legal and natural persons whose average stake in funding the overall costs of productions and co-productions in which they have participated in the last three years does not exceed ten per cent may not be independent producers.

(4) At the proposal of the relevant ministry the government may amend the stake specified in the previous paragraph via implementing regulations.

## Section 2

### SPECIAL RIGHTS AND OBLIGATIONS

#### **right to make a short report**

#### **Article 74**

(1) 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.

(2) 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.

(3) The organiser of an important event may by way of compensation request only the payment of the entrance fee, if such is envisaged, by the publisher, and compensation for any costs arising owing to the organiser carrying out such obligations.

(4) The right to make a short report must be exercised in such a way that the event is not disturbed or hindered.

(5) 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.

(6) Any publisher that has exercised the right to make a short report must allow a publisher that was unable to record the event one-off use of its footage, and may for such request reimbursement of a proportionate part of the actual costs and the citation of the publisher's name or business name upon publication.

## **public's right to receive coverage of important events**

### **Article 75**

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

### Section 3

## RADIO AND TELEVISION STATIONS OF SPECIAL IMPORTANCE

## **Radiotelevizija Slovenija radio and television stations**

### **Article 76**

(1) 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.

(2) The founding rights in connection with the operation of the public institution Radiotelevizija Slovenija shall be exercised by the government via the relevant ministry, except insofar as a separate act sets out individual founding rights and obligations for the Radiotelevizija Slovenija Council or the National Assembly of the Republic of Slovenia.

## **local radio and television stations**

### **Article 77**

(1) 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 thirty per cent of its transmission time between 6 am and 8 pm shall be considered a local radio station.

(2) 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 thirty per cent of its transmission time between 8 am and 12 am shall be considered a local television station.

(3) The minimum transmission time of a local television station shall be three hours per day and four days per week.

(4) 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.

### **Article 78**

(1) A publisher specified in this article may acquire the status of a local radio or television station if it also fulfils the following extra conditions:

- 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

(2) The programme committee specified in the third indent of the previous paragraph, which shall have at least three members, shall

monitor the implementation of the programme concept, acquaint the responsible editor with its viewpoints and suggestions, offer opinions on the programme concept and perform other tasks in accordance with the present act and the act on the founding of the programme committee. Within fifteen days of adopting the act on the founding of the programme committee or amendments or additions thereto the publisher must send such to the agency for their information.

(3) The agency shall issue a ruling on the assignment of the status of a local radio or television station, following a prior opinion from the relevant ministry.

(4) If a radio or television station no longer fulfils the conditions specified in this article the agency may revoke its status via a ruling and shall notify the relevant ministry of such.

## **regional radio and television stations**

### **Article 79**

(1) 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.

(2) 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.

(3) The minimum transmission time of a regional television station shall be five hours per day, and it must broadcast every day.

(4) The sense of the provisions of the previous article shall apply to the fulfilment of the conditions for acquiring the status of a regional

radio or television station and to the performance of the activities thereof.

(5) The agency shall issue a ruling on the assignment of the status of a regional radio or television station, following a prior opinion from the relevant ministry. If a regional radio or television station no longer fulfils the prescribed conditions the agency may revoke its status via a ruling and shall immediately notify the relevant ministry of such.

### **student radio and television stations**

#### **Article 80**

(1) 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.

(2) 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) The agency shall via a ruling assign and revoke the status of a student radio or television station in accordance with the present act, and shall notify the relevant ministry of such.

### **non-profit radio and television stations**

#### **Article 81**

(1) 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.

(2) The surplus of revenues over expenditure, i.e. the profit, from the activities specified in the previous paragraph may be used by the publisher only for performing radio or television activities, in accordance with the publisher's basic legal act.

(3) Employees' pay, the bonuses for members of the publisher's management and supervisory bodies and other benefits (travel expenses, daily expenses, etc.) may not exceed the tariff stipulated for public institutions by current regulations and the collective agreement for employees in the area of culture.

(4) A ruling on the assignment or revocation of the status of a non-profit radio or television station shall be issued by the relevant ministry following a prior opinion from the Broadcasting Council.

### **special stations**

#### **Article 82**

(1) 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 of the present act that are of special importance to Slovenian culture using funds from the national budget and the RTV licence fee.

(2) Three per cent of RTV licence fee funds shall be set aside for preparing the programming of local, regional and student radio and television stations.

(3) Funds shall be provided from the national budget for the construction, maintenance and operation of the broadcast and transmission network for the dissemination of stations specified in Articles 77, 79, 80 and 81.

(4) For stations specified in the first paragraph of this article the collective organisation of authors/creators shall set a special tariff

reduced by up to twenty per cent for the use of works under copyright, in accordance with the act regulating the protection of copyright and related rights.

(5) Detailed criteria for the definition and financing of local, regional, informative, cultural, educational, entertainment and other programming specified in the present act shall be set out by the relevant ministry at the proposal of the Broadcasting Council.

(6) At the proposal of the Broadcasting Council the relevant ministry shall adopt implementing regulations in which the procedure and conditions for acquiring or revoking the status of special stations are set out in detail in accordance with the present act.

#### Section 4

#### LINKAGE OF RADIO AND TELEVISION STATIONS INTO NETWORKS

#### **radio and television networks**

#### **Article 83**

(1) Publishers of radio and television stations that do not have the status of a special station specified in the previous article may link together in terms of programming to form wider, regional or national networks, with regional or wider coverage of an area, under the following conditions:

- each of the linked publishers transmits, in the area for which the publisher has been issued a broadcasting licence, at least two hours of a station produced in-house per day
- the total in-house production by the linked publishers produced in Slovene, excluding the station specified in the previous indent, comprises at least twenty-five per cent of the programming transmitted via the network each day
- each of the linked publishers obtains prior approval from the agency, if the publisher's programme

concept will be essentially altered by the link-up to form the network

- the linked publishers formulate a joint programme concept and written legal act on the method of execution thereof, and send the two documents to the relevant ministry for the purpose of entry in the register in accordance with the provisions of Article 12 of the present act
- the linked publishers appoint, via a special act, a responsible editor for the joint station, who shall be answerable for the dissemination of programming in accordance with the present act, and send the act on appointment to the relevant ministry in the fifteen days before the network begins operating

(2) 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.

(3) With regard to the programming requirements and restrictions specified in Section 5 of this title a regional or national network shall be treated as a single radio or television station, unless stipulated otherwise by the provisions of this article.

## Section 5

### PROGRAMMING REQUIREMENTS AND RESTRICTIONS

#### Subsection 1

#### GENERAL

#### **protection of minors**

#### **Article 84**

(1) Television stations may not present scenes of unjustified or excessive violence or pornography or other programmes that could seriously harm the mental, moral or physical development of children and other minors.

(2) Irrespective of the provision of the previous paragraph, taking account of basic aesthetic and moral criteria approved by the publisher in accordance with the principle of objective reporting on real-life events, scenes of violence may be shown in news and current affairs programmes.

(3) Taking into account the criteria specified in the first and second paragraphs of this article, a television station may between 12 am and 5 am present programming that contains scenes of violence and erotic material.

(4) The programming specified in the previous paragraph must be clearly and understandably designated by a visual symbol; prior to the presentation thereof an audio and visual warning must be given that such programming is not suitable for children under the age of fifteen.

(5) The sense of the provisions of this article shall also apply to radio stations.

(6) The responsible minister may prescribe additional measures for the protection of children and other minors in accordance with the present act.

(7) The measures specified in the previous paragraph may also relate to the protection of children and other minors against the dissemination of programming specified in this article via printed media and electronic publications.

## Subsection 2

### PROPORTIONS OF PROGRAMMING

#### **proportion of in-house production**

#### **Article 85**

(1) 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.

(2) Repeats of a radio or television programme must be clearly designated as such. Only the first repeat of a programme may count towards the proportion specified in the previous paragraph, with the exception of repeats of television discussion programmes.

(3) 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.

### **proportion of Slovenian music on radio stations**

#### **Article 86**

(1) At least ten per cent of the daily transmission time of any radio station must comprise Slovenian music.

(2) No more than twenty per cent of the daily transmission time during which Slovenian music is presented may count towards the proportion specified in the third paragraph of the previous article.

(3) The provisions of this article shall not apply to radio stations for the Hungarian and Italian ethnic communities.

### **proportion of Slovenian audio-visual works**

#### **Article 87**

(1) The publisher of every television station must endeavour to see that a significant proportion of the annual transmission time comprises Slovenian audio-visual works.

(2) 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.

(3) Advertisements and telesales shall not be included in the annual transmission time specified in this article.

### **Article 88**

The proportion of programming produced in-house specified in Article 85 of the present act, excluding programming specified in the third paragraph of Article 89 of the present act, and the proportion of Slovenian audio-visual works specified in the previous article shall count towards the proportion of European audio-visual works, if such programming complies with the conditions specified in Articles 69, 70, 71 and 72 of the present act.

### **proportion of European audio-visual works**

### **Article 89**

(1) The publisher of a television station must endeavour to see that the majority of the annual transmission time comprises European audio-visual works.

(2) 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.

(3) Time devoted to news reports, sports events, game shows, advertising, teletext and telesales shall not count towards the annual transmission time specified in this article.

(4) The provisions of this article shall not apply to the publishers of television stations specified in Articles 77, 79 and 80 of the present act, if the particular station is intended for a local audience and is not included in a national network.

(5) The provisions of the second paragraph of this article shall not apply to Radiotelevizija Slovenija.

### **proportion of audio-visual works by independent producers**

#### **Article 90**

(1) 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.

(2) 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.

(3) At least half of the works specified in this article must have been produced in the last five years.

(4) Time devoted to news, sports events, game shows, advertising, teletext and telesales shall not count towards the annual transmission time specified in this article.

(5) The provisions of the second paragraph of this article shall not apply to Radiotelevizija Slovenija.

(6) The provisions of this article shall not apply to the publishers of television stations specified in Articles 77, 79 and 80 of the present act, if the particular station is intended for a local audience and is not included in a national network.

### **annual report on proportions achieved**

#### **Article 91**

(1) By the end of February each year the publisher of a television station must send the relevant ministry and the agency a breakdown of the figures on the proportion of European audio-visual works achieved in the annual transmission time for the previous year. Within this proportion the figures on in-house production, Slovenian audio-visual works and audio-visual works by independent producers, and the figures on the proportion of new audio-visual works specified in the third paragraph of the previous article must be separately illustrated.

(2) Any publisher that in the annual transmission time fails to achieve the majority proportion of European audio-visual works specified in Article 89 of the present act and the proportion of audio-visual works by independent producers specified in Article 90 of the present act must by the deadline specified in the previous paragraph report to the relevant ministry and the agency on the objective reasons for which the publisher was unable to fulfil the legal obligations. With the approval of the agency the relevant ministry shall issue an opinion on the justification of the publisher's reasons and shall initiate other appropriate measures.

(3) The provisions of the first and second paragraphs of this article shall not apply to the publishers of television stations specified in Articles 77, 79 and 80 of the present act, if the particular station is intended for a local audience and is not included in a national network.

## **special programming requirements for Radiotelevizija Slovenija**

### **Article 92**

(1) European audio-visual works must make up the majority of the annual transmission time of Radiotelevizija Slovenija television stations.

(2) 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.

(3) Audio-visual works by independent producers must make up at least ten per cent of the annual transmission time of Radiotelevizija Slovenija television stations.

(4) Time devoted to advertisements, news, sports events, game shows, teletext and telesales shall not count towards the annual transmission time specified in this article.

(5) The provisions of the second and third paragraphs of this article shall not apply to television stations for the Hungarian and Italian ethnic communities.

### Subsection 3

## RADIO AND TELEVISION ADVERTISING

### **restrictions on advertising**

#### **Article 93**

(1) Advertisements on television stations must in principle be published in special programming areas or blocks such that they are clearly visually and aurally separated from other programming.

(2) Advertisements may not be presented via a television station:

- during individual programming units or programmes, unless presented in such a way that the substantive integrity of the programme does not suffer, whereby the nature and length of the programme and the breaks in the programme envisaged for such a purpose shall be taken into account
- in a manner by which the rights of those holding copyrights and related rights would be infringed

(3) During the transmission of a programming unit or programme consisting of separate, independent sections (for example sports events), a television station may present advertisements only between the end of one section and the beginning of the following section, i.e. during interruptions and breaks.

(4) Advertising during radio or television coverage of state or religious ceremonies shall not be permitted.

(5) The transmission of audio-visual works such as feature films, TV films, and arts and culture audio-visual works (excluding mini series, serials, series and entertainment programmes) that last more than 45 minutes may only be interrupted once in a 45-minute period. A further such interruption shall be permitted only if the particular work specified in this article is at least 20 minutes longer than two or more 45-minute intervals.

(6) Television programmes that are not covered by the third, fourth and fifth paragraphs of this article may be interrupted by advertising such that there is at least twenty minutes between any two interruptions in the programme for advertisements.

(7) Informative and documentary programmes, religious programmes and children's programmes on radio and television that are shorter than 30 minutes may not be interrupted by advertisements. The provisions on intervals for interruptions specified in the previous paragraph shall apply to such programmes if they are longer than 30 minutes.

(8) The provisions of the fifth paragraph of this article shall not apply to Radiotelevizija Slovenija stations or to local, regional, student and non-profit radio and television stations.

### **restrictions on advertising for special radio and television stations**

#### **Article 94**

(1) Radiotelevizija Slovenija may not interrupt radio and television programming units such as radio plays and other forms of radio programme with a director, radiophonic essays, feature films and TV films (with the exception of mini series, series and entertainment programmes), and programmes of a cultural, artistic, scientific or educational nature for the presentation of commercial advertising,

irrespective of the length of the programming unit specified in this article.

(2) Commercial advertising may not be presented on Radio Slovenija 3.

(3) The sense of the provisions of the first paragraph of this article shall apply to local, regional, student and non-profit radio and television stations.

### **other commercial advertising material**

#### **Article 95**

(1) Under the present act telesales are advertising that in exchange for payment offers the public the opportunity of directly purchasing or renting individual products, immovable property or services, or being transferred rights or obligations.

(2) Telesales must observe the criteria specified in Article 49 of the present act and thereby may not offer minors the opportunity of concluding contracts for the purchase or rental of goods or services.

(3) The provisions of Articles 47, 48, 50, 51 and 93 of the present act shall also apply to telesales.

(4) The sense of the provisions of the present act that regulate telesales shall also apply to radiosales, telesales slots, and promotional information programmes, unless stipulated otherwise by law.

(5) A telesales slot is a more extensive telesales programming unit that lasts without interruption for fifteen minutes or more, and is transmitted by a publisher on a television station that is not a specialist telesales channel.

(6) Informative advertising is programming presented for a fee on radio stations that by providing information to the audience on subjects of general interest indirectly advertises a specific company or specific services or products. Only the provisions on restrictions

on advertising in the daily transmission time shall apply to informative advertising on radio stations; the restrictions on advertising per hour shall not apply.

(7) Informative advertising must be specifically designated as such using acoustic signs.

(8) Publishers of radio and television stations may not, as contractual partners of the person commissioning commercial advertising specified in this article, also act as the representatives thereof in the ordering of goods and services.

### **specialist television stations**

#### **Article 96**

(1) The sense of the provisions of Sections 1, 2, 3, 7, 8, 9 and 10 of Title I of the present act, the provisions of Subsections 1 and 3 of Section 5 and the provisions of Sections 7 and 8 of Title II, and the provisions of Titles III and V of the present act shall apply to television stations specialising in telesales or self-promotion.

(2) On television stations specialising in telesales the total amount of advertisements and other forms of advertising (with the exception of telesales slots) may not exceed twenty per cent of the daily transmission time. The total amount of advertisements excluding telesales and other paid reports may not exceed fifteen per cent of the daily transmission time.

(3) On television stations specialising in self-promotion the total amount of telesales, advertisements and other forms of advertising (with the exception of telesales slots) may not exceed twenty per cent of the daily transmission time. The total amount of advertisements excluding telesales and other paid reports may not exceed fifteen per cent of the daily transmission time. Such stations may present advertisements and telesales during no more than twenty per cent of a single hour.

### **restriction of amount of advertising**

## **Article 97**

(1) The total amount of advertisements, telesales/radiosales and other paid reports on a radio or television station may exceed neither twenty per cent of the daily transmission time nor twenty per cent of any hour, unless stipulated otherwise by the present act.

(2) The total amount of advertisements, excluding telesales and other paid reports, on a television station may not exceed fifteen per cent of the daily transmission time, unless stipulated otherwise by the present act.

(3) The daily transmission time specified in the first and second paragraph of this article shall not include telesales slots.

(4) The maximum permitted number of telesales slots per day shall be eight. The total duration thereof may not exceed three hours per day. They must be clearly designated as telesales slots, using visual and acoustic symbols.

(5) The restrictions specified in this article shall not apply to the programming specified in the second paragraph of Article 46 of the present act.

(6) The provisions of this article, with the exception of the provisions of the previous paragraph, shall not apply to Radiotelevizija Slovenija stations or to local, regional, student and non-profit radio and television stations.

### **restriction of amount of advertising on special radio and television stations**

## **Article 98**

(1) The total amount of advertisements and other paid reports on Radiotelevizija Slovenija stations may not exceed fifteen per cent of the daily transmission time.

(2) The total amount of advertisements transmitted on Radiotelevizija Slovenija stations may not exceed ten per cent of the daily transmission time.

(3) The amount of advertisements and other paid reports transmitted in a single hour on Radiotelevizija Slovenija stations may not exceed twelve minutes, and may not exceed nine minutes per hour between 6 pm and 11 pm.

(4) Telesales and radiosales on Radiotelevizija Slovenija stations shall be prohibited between 6 pm and 11 pm. Irrespective of the provision of the sixth paragraph of the previous article the provisions of the fourth paragraph of the previous article shall apply to telesales slots on Radiotelevizija Slovenija stations.

(5) The total amount of advertisements and other paid reports on local, regional, student and non-profit radio and television stations may exceed neither fifteen per cent of the daily transmission time nor twelve minutes of any hour.

(6) Telesales and radiosales on radio and television stations specified in the previous paragraph shall not be permitted.

(7) Paid video reports on local, regional, student and non-profit television stations and on television stations that cover no more than fifty per cent of the population of the Republic of Slovenia and that are audible or visible exclusively within the Republic of Slovenia shall not count towards the amount of advertising under the present act if their total duration does not exceed the daily duration of other programmes excluding advertisements.

### **special restrictions on journalists and news presenters**

#### **Article 99**

(1) Television journalists and news presenters may not appear in advertising.

(2) The prohibition specified in the previous article shall also apply to journalists and news presenters on Radiotelevizija Slovenija radio stations.

## Section 6

### BROADCASTING COUNCIL

#### **broadcasting council**

#### **Article 100**

(1) The Broadcasting Council is an independent expert body, and shall conduct the following tasks:

- it shall provide the agency with initiatives for the conduct of expert supervision of the implementation of programming requirements and restrictions specified in the present act and shall adopt the annual plan for the conduct of such supervision
- it shall adopt decisions on the issue, revocation and transfer of licences for performing radio and television activities, and provide the agency with binding proposals and approvals for the issue and revocation of licences for performing radio and television activities
- it shall adopt decisions on the assignment or revocation of the status of a local, regional or student radio or television station, and propose to the agency the issue of the relevant acts
- it shall provide the relevant ministry with a preliminary opinion on the assignment or revocation of the status of a non-profit radio or television station
- it shall adopt decisions for the preliminary opinion of the agency in connection with the restriction of concentration
- it shall assess the situation in the area of radio and television stations

- it shall propose to the responsible minister detailed criteria for defining local and regional programming, the procedure and conditions for acquiring the status of special stations, and criteria for in-house production and other programming on radio and television stations specified in the present act
- it shall give approval to regulations setting out the procedure for issuing, amending, renewing and revoking the licence for performing radio and television activities and the content of the ruling on the issue thereof
- it shall propose the method and criteria for formulating the list of events of public importance in the Republic of Slovenia and the procedure for compulsory consultations among interested parties, and shall formulate the agency proposal for the content of the list
- it shall propose to the relevant ministry a development strategy for radio and television stations in the Republic of Slovenia
- it shall for the National Assembly draw up an annual report or assessment of the situation in the area of broadcasting and proposals for improving the situation
- it shall perform other tasks in accordance with the present act and the founding act

(2) The Broadcasting Council shall consist of seven members, who shall be appointed by the National Assembly on the basis of a public invitation. Candidates shall be proposed by:

- Slovenian universities (candidates from the areas of law, telecommunications and informatics)
- the Chamber of Culture of Slovenia (candidates from the area of audio-visual culture)
- the Chamber of Commerce and Industry of Slovenia (candidates from the area of commerce)
- the Journalists' Society of Slovenia (candidates from the area of journalism and communicology)

(3) Irrespective of the provisions of the previous paragraph the National Assembly may also choose from among candidates who submit their own candidacy if they are experts in the areas specified in the previous paragraph.

(4) The Broadcasting Council shall have a president, who shall be appointed by the members from among themselves.

(4) The term of office for the president and the other members shall be five years. They may be reappointed after the expiry of the term of office.

(5) Details on the organisational structure and the method of operation of the Broadcasting Council in accordance with the present act shall be set out by National Assembly in the founding act.

### **Article 101**

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 organisation
- persons who as external contractors have concluded contractual relations with the publisher of a radio or television station or an advertising organisation
- 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

### **Article 102**

(1) Members of the council may be dismissed early:

- if they themselves request

- if they receive a custodial sentence after being convicted of a criminal offence
- because of the permanent loss of the working capability to perform their functions
- if they no longer fulfil the conditions for membership of the council
- if they fail to act in accordance with law
- if they fail to participate in council sessions without justification

(2) Members of the council shall be dismissed early when the National Assembly of the Republic of Slovenia determines that one of the grounds specified in the previous paragraph has arisen and on this basis rules on early dismissal. The initiative for early dismissal on the basis of the second to sixth indents of the previous paragraph may be given to the National Assembly of the Republic of Slovenia by the agency or directly by the Broadcasting Council.

### **Article 103**

(1) The funds for the work of the Broadcasting Council shall be provided from the national budget, at the proposal of the agency. The funds shall be managed by the agency as ordered the Broadcasting Council.

(2) Members of the Broadcasting Council shall have the right to reimbursement of expenses and bonuses for their work, in accordance with the founding act.

(3) Technical, expert, financial and administrative support for the operation of the Broadcasting Council shall be provided by the agency.

### Section 7

## LICENCE FOR PERFORMING RADIO AND TELEVISION ACTIVITIES

### **Article 104**

(1) The agency shall conduct the public tender procedure and make the selection on the basis of a binding proposal by the Broadcasting Council.

(2) 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 (listeners or viewers)
- the applicant's experience in broadcasting
- the duration (scope) of the station

(3) 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.

(4) 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.

(5) 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.

(6) During selection the agency may request clarifications from bidders, but in so doing may not request, allow or offer any changes to the content of the bid.

## **licence for performing radio or television activities**

### **Article 105**

(1) A licence for performing radio or television activities (hereinafter: licence) shall be issued by the agency on the basis of the procedure set out by the act governing telecommunications and under the conditions specified in the present act.

(2) 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.

(3) The agency shall issue the licence specified in the second paragraph of this article within fifteen days of receiving a complete application.

### **Article 106**

(1) The ruling on the issue of the licence specified in the previous article shall have the following mandatory components:

- information on the publisher of the station
- information on the type of activities for which the licence is issued
- the name of the station
- the programme conditions that the publisher must fulfil during dissemination of the station

- a definition of the area of coverage for the station selected
- the operating properties and standards for the telecommunications network used for the performance of activities
- the technical conditions that the publisher must fulfil for the use of the frequencies
- information on the frequencies assigned
- details of the deadline for beginning the use of frequencies
- the licence's period of validity

(2) The last four indents of the previous paragraph shall not apply in cases when the licence relates to stations specified in the second paragraph of the previous article.

(3) Licences shall be issued for a definite period, which may not be shorter than five years or longer than ten years, and may be renewed under the conditions set out by the act governing telecommunications.

(4) The publisher must begin performing the activities within one year of the ruling on the issue of the licence becoming final, unless stipulated otherwise by the ruling.

(5) The agency must report precise information on the issue, amendment, renewal and revocation of licences within eight days to the relevant ministry.

(6) The responsible minister shall set out the procedure for the issue, amendment, renewal or revocation of a ruling on the issue of a licence and detailed provisions on the content of the licence in accordance with the present act at the proposal of the agency and with the approval of the Broadcasting Council.

### **payment for dissemination of programming**

### **Article 107**

(1) Publishers of radio and television stations shall pay an annual fee for the dissemination of programming, which shall be set by the government via implementing regulations. The level of the fee shall be influenced by the size of the area covered with programming by the particular radio or television station and the number of inhabitants in the area of coverage.

(2) The fee specified in the previous paragraph shall be paid 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.

(3) In the regulations specified in the first paragraph of this article the government shall stipulate that the publishers of radio and television stations specified in Articles 76, 77, 79, 80 and 81 of the present act and publishers that primarily disseminate programming in areas under demographic risk shall pay fees at a lower level.

## Section 8

### SUPERVISION

#### **administrative and inspection supervision of the implementation of the act**

##### **Article 108**

Administrative and inspection supervision of the implementation of the present act shall be conducted by the ministry responsible for culture.

#### **supervision of the implementation of programme requirements and restrictions**

##### **Article 109**

(1) Expert supervision of the implementation of the provisions of the present act shall be conducted by the agency on the basis of initiatives by the Broadcasting Council.

(2) Within the framework of expert supervision the agency shall:

- supervise the implementation of the programme requirements and restrictions that apply to radio and television stations under the present act (Section 5 of Title II)
- supervise the implementation of the legal provisions on special radio and television stations (Section 3 of Title II)

(3) The agency shall have the right and duty to:

- issue a written warning to the publisher and order the elimination of the deficiencies it determines within a period it stipulates, which may not be shorter than one month or longer than six months, if it determines a publisher of a radio or television station is infringing the provisions of the present act or implementing regulations adopted pursuant thereto, or a ratified international treaty
- suspend a licence for performing activities for a maximum of three months
- revoke a licence for performing activities if the publisher, despite receiving the suspension specified in the previous indent, fails to bring the publisher's activities into compliance with the agency's requirements within thirty days of recommencing broadcasting
- temporarily prohibit the publication of commercial advertising (advertisements, sponsorship) for a maximum of three months if it determines that the publisher, despite a warning and the stipulation of a period as specified in the first indent of this paragraph, is infringing the provisions of the act governing advertising or sponsorship; in the event of a repeat infringement it may suspend the licence for performing activities and in the event of repeated infringement it may permanently revoke the licence for performing activities

(4) No appeal shall be permitted against a ruling specified in the previous paragraph. An administrative dispute shall be possible.

(5) If during the conduct of expert supervision the agency discovers an infringement it shall be obliged to forward a proposal for initiating the misdemeanours procedure in cases of suspicion of a misdemeanour under the present act.

(6) If the agency determines that a station from abroad is being disseminated in the Republic of Slovenia in contravention of the present act or any international treaty by which the Republic of Slovenia is bound, it shall immediately notify the responsible ministry of such.

## Section 9

### FUND FOR AUDIO-VISUAL MEDIA

#### **budget fund**

#### **Article 110**

(1) Pursuant to the present act the Republic of Slovenia shall found a budget fund for audio-visual media with the relevant ministry as an account of record within the framework of the budget account for separate administration of revenues and outgoings for the purpose of providing state support to the development of audio-visual production in the area of the media.

(2) The budget fund for audio-visual media shall be open for the period this article is in force.

(3) The sources of financing of the budget fund shall be:

- funds from the national budget
- the annual fees for disseminating programming specified in Article 107 of the present act
- the monthly fees for the technical dissemination of programming specified in Article 112 of the present act

(4) The provisions of the tax procedure act shall apply to the charging and payment of the levies specified in the previous paragraph, forcible exaction, penalty interest and other issues of procedure. The relevant ministry shall supply information on those obliged to pay to the relevant tax authority that it requires for the exaction of unpaid levies specified in this article.

(5) At the proposal of the relevant ministry the government shall set out the method, procedure, conditions and criteria for the execution of an annual public tender for co-financing projects by the budget fund for audio-visual media in accordance with the present act and the act on the implementation of the public interest in the area of culture.

## Section 10

### MANAGEMENT OF TECHNICAL INFRASTRUCTURE

#### **operators**

#### **Article 111**

(1) Under the present act an operator is a legal person that transmits and broadcasts programming via low-lying terrestrial networks, via satellites, or via cable distribution or cable communications systems or in any other method, and thus provides publishers of media with technical capacity for disseminating programming to the interested public.

(2) An operator shall provide services on the basis of a licence or other legal act (hereinafter: licence) in accordance with the act governing telecommunications.

(3) The body responsible for telecommunications shall immediately notify the relevant ministry of the revocation or expiry of the licence or other act specified in the previous paragraph of this article.

#### **Article 112**

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Operators shall pay a special fee for the technical dissemination of programming specified by the present act to each individual user.

(7) 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.

### **Article 113**

(1) Operators must declare to the relevant ministry the name and type of all stations transmitted and broadcast via their telecommunications system and notify it of any change to such information within eight days of the inclusion or exclusion of the station or the occurrence of the change.

(2) Operators may transmit and broadcast stations only on the basis of a written contract or other document that is clear as to the arrangement of copyright law relations with the persons holding the copyright to such stations, unless otherwise stipulated by an international treaty by which the Republic of Slovenia is bound or by law.

(3) A copy of each valid contract or other document specified in the previous paragraph shall be sent by the operator to the relevant ministry within fifteen days of the conclusion thereof.

(4) An operator must notify the relevant ministry of any change to a individual contract or other document specified in this article or the cessation of the validity thereof within fifteen days of the occurrence of the change or the cessation of validity.

### **Article 114**

(1) 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.

(2) 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.

(3) The internal act specified in the first paragraph of this article, the act on the appointment of the programming council and details of any changes thereto shall be sent by the operator to the responsible minister for information purposes within ten days of their occurrence.

(4) If an operator fails to act in accordance with the provisions of the present act the relevant ministry may propose to the body responsible for telecommunications that it revoke the operator's licence specified in Article 111 of the present act.

(5) The provisions of this article shall not apply insofar as the act governing public broadcasting stipulates otherwise.

### **Title III**

## **COMMUNICATIONS AND SERVICES**

### Section 1

## COMPUTER MEDIA COMMUNICATIONS

### **electronic publications**

#### **Article 115**

(1) Electronic publications are mass media by which legal and natural persons disseminate programming via computer links such that it is accessible to the public at large, irrespective of size.

(2) The sense of the provisions of Sections 1 to 8 inclusive of Title I of the present act shall apply to any electronic publication the publisher of which is a legal person.

(3) The sense of the provisions of Sections 1 to 8 inclusive of Title I of the present act, with the exception of the provisions of Articles 5, 10, 12, 13, 14, 15, 16, 17, 19, 20 and 25 of the present act shall apply to any electronic publication the publisher of which is a natural person.

**transmission of programming of other mass media via  
computer links**

**Article 116**

(1) Under the present act computer links are technological communications routes along which information, pictures and sounds can be transmitted to users of personal computers.

(2) The dissemination of programming of other mass media via computer links in contravention of the present act shall be prohibited.

**advertising initiatives for conclusion of contracts via  
computer links**

**Article 117**

In disseminating via computer links commercial advertising whose purpose is the direct conclusion of contractual relations with the users of the links, the publisher of the mass medium must clearly designate any initiative to conclude a contract as such and give an unambiguous warning to any potential contractual partner regarding the financial consequences of the eventual conclusion of a contract.

Section 2

PROTECTED SERVICES

**conditionally accessible information and audio-visual  
services**

**Article 118**

(1) It shall be prohibited to produce, import, distribute, sell, make available for rent, or pass on devices or resources that facilitate free access to protected services that are conditionally accessible or are accessed through payment and that are provided on the basis of an individual request (pay-per-view, audio and video on request, coded radio and television stations and similar), irrespective of the

technical execution of the transmission of the signal, if such is done for commercial purposes without the authorisation of the service provider.

(2) The installation, maintenance and replacement of devices or resources specified in the previous paragraph shall be prohibited, if such is done for commercial purposes.

(3) The publication of commercial communications promoting devices specified in the first paragraph of this article shall be prohibited.

### **Article 119**

(1) Judicial protection of rights shall be guaranteed for the providers of protected services specified in the previous article.

(2) A claimant may against the infringer(s) claim the protection of rights and reimbursement of damages according to regulations on reimbursement of damages.

## Title IV

### REPRESENTATIVES OF FOREIGN MEDIA AND PRESS AGENCIES

### **representatives of foreign media and press agencies in the Republic of Slovenia**

### **Article 120**

(1) Under the present act representatives of foreign media in the Republic of Slovenia are the bureaux and individual correspondents of foreign mass media and press agencies.

(2) A bureau shall not be a legal person. The publisher of the mass medium or the foreign press agency shall be answerable for the obligations arising through the operations of a bureau.

(3) Irrespective of the provisions of the previous paragraph a bureau in the Republic of Slovenia may be founded and registered

as a subsidiary of a foreign company in accordance with the companies act if such is entered in the register of foreign bureaux and correspondents specified in Article 123 of the present act.

### **Article 121**

Under the present act a foreign press agency or foreign mass medium is a legal person that has a head office in a foreign country and whose basic activity is the regular collation and transmission or dissemination of informative programming.

### **Article 122**

Under the present act foreign correspondents are journalists, photojournalists and radio, television and film recorders who, irrespective of their nationality, are full employees of a foreign publisher of a mass medium or a foreign press agency, or who have concluded a contract with such a publisher or agency and intend to perform their activities in the Republic of Slovenia for at least three months.

## **register of foreign bureaux and correspondents**

### **Article 123**

(1) A foreign bureau or correspondent shall obtain accreditation in the Republic of Slovenia through entry in the register of foreign bureaux and correspondents (hereinafter: register).

(2) The board of directors of a foreign mass medium or foreign press agency shall lodge an application for entry in the register with the relevant ministry.

(3) At the proposal of a foreign press agency or foreign mass medium any person who performs such activities in any other country may be registered as a correspondent thereof if the person occasionally also performs such activities in the Republic of Slovenia.

(4) The following information must be cited in the application for the entry of a bureau in the register:

- the business name and the head office address of the foreign press agency or publisher of the foreign mass medium founding the bureau
- the name of the mass medium
- information on the registration of the foreign press agency or foreign mass medium in the home country thereof
- the head office address of the bureau in the Republic of Slovenia
- the full name of the head of the bureau

(5) Any person accredited in the Republic of Slovenia as a foreign correspondent may be the head of a bureau.

(6) The following information must be cited in the application for entry of a foreign correspondent in the register:

- the full name of the correspondent
- the correspondent's date, place and country of birth
- the correspondent's nationality
- the country, place and date of issue and number of the correspondent's passport, or the number of the correspondent's personal identity card if the correspondent is a citizen of the Republic of Slovenia
- the place and address of the correspondent's permanent residence abroad, if the person is a foreign correspondent occasionally resident in the Republic of Slovenia

(7) It shall be necessary to enclose the following in the application specified in the previous paragraph:

- proof that the foreign correspondent has a guaranteed place of residence in the Republic of Slovenia
- a brief curriculum vitae of the foreign correspondent
- two photographs of the foreign correspondent

- proof that the correspondent is employed at a foreign press agency or publisher of a foreign mass medium, or has concluded an appropriate contract on the performance of activities with a foreign press agency or publisher of a foreign mass medium

(8) In exceptional cases a foreign correspondent who is not employed at a foreign press agency or publisher of a foreign mass medium and who has not concluded an appropriate contract on the performance of activities may apply for entry in the register under the following three conditions:

- if the correspondent lodges an application for entry in the register in accordance with the sixth paragraph of this article, with the supplementary material specified in the first, second and third indents of the previous paragraph
- if the correspondent encloses proof that he/she currently works with a foreign agency or foreign mass medium
- if the correspondent submits an international press card

(9) The register shall be administered as a public book of record. In the register the information specified in the first, second, third, fourth and fifth indents of the fourth paragraph of this article shall be administered for foreign bureaux, and the information specified in the first, second and third indents of the sixth paragraph of this article and the information on a foreign press agency or on the publisher of a foreign mass medium for which the foreign correspondent is accredited shall be administered for foreign correspondents.

### **ruling on accreditation**

## **Article 124**

- (1) Rulings on the accreditation of foreign bureaux and rulings on the accreditation of foreign correspondents in the Republic of Slovenia shall be issued by the relevant ministry.
- (2) The foreign bureau or correspondent shall obtain the right to perform public information activities in the Republic of Slovenia on the day the ruling specified in the previous paragraph becomes legally final.
- (3) The ruling on accreditation of a foreign correspondent shall also be valid as a personal work permit, unless the foreign correspondent is a citizen of the Republic of Slovenia.
- (4) A ruling on accreditation shall be issued to a foreign bureau or correspondent with a period of validity of one year, and may be renewed, if an application for renewal is lodged in accordance with the present act at least thirty days before the expiry of validity.

### **press card**

#### **Article 125**

- (1) On the day the ruling specified in the previous article becomes final the relevant ministry shall issue the applicant a press card, which shall be valid until the expiry of the ruling's validity.
- (2) If the holder loses the press card the relevant ministry shall issue a new card following publication of the cancellation of the lost card in the Official Gazette of the Republic of Slovenia.
- (3) The content and form of the press card shall be stipulated by the relevant ministry.

### **reporting changes to information in the register**

#### **Article 126**

- (1) The head of a foreign bureau or the foreign correspondent must notify the relevant ministry of any change to the information entered in the register within fifteen days of its occurrence.

(2) Changes specified in the previous paragraph shall be entered in the register.

### **deletion from the register**

#### **Article 127**

(1) The relevant ministry shall via a resolution delete a foreign bureau from the register in the following cases:

- after the expiry of the validity of the ruling on accreditation of the foreign bureau in the Republic of Slovenia, if in the mean time no application for renewal of accreditation has been lodged
- if requested to do so by the board of directors of the foreign press agency or publisher of the foreign mass medium
- if the foreign press agency or publisher of the foreign mass medium ceases to exist

(2) The relevant ministry shall delete a foreign correspondent from the register in the following cases:

- after the expiry of the validity of the ruling on accreditation of the foreign correspondent in the Republic of Slovenia, if in the mean time no application for renewal of accreditation has been lodged
- if the foreign correspondent so requests
- if the board of directors of the foreign press agency or publisher of the foreign mass medium so requests
- if the foreign correspondent is not performing activities
- if the foreign correspondent's right of residence in the Republic of Slovenia is removed
- if the foreign correspondent is the subject of an expulsion order
- if the foreign correspondent is the subject of a deportation order

## **assistance from the relevant ministry**

### **Article 128**

The relevant ministry shall ensure that foreign correspondents are given access to information in the public realm in accordance with the present act, and shall offer any assistance they require in their work.

## Title V

### PENALTY PROVISIONS

### **Article 129**

(1) A fine of at least 2,500,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- through advertisements via its mass medium it harms human dignity, incites discrimination on the grounds of race, sex or ethnicity, or political or religious intolerance, encourages behaviour damaging to public health or safety or to the protection of the environment and the cultural heritage, gives offence on the grounds of religious or political beliefs, or damages consumers' interests (third paragraph of Article 47)
- it broadcasts advertisements that are targeted primarily at children, or advertisements in which children appear containing scenes of violence, pornography or any other content that could damage their health or mental and physical development or otherwise have a negative effect on the impressionability of children (first paragraph of Article 49)
- it broadcasts advertisements that directly encourage children to purchase products or services by exploiting their inexperience or credulity, that directly encourage children to convince their parents

or any other person to purchase products or services, that directly encourage the exploitation of children's special trust in parents, teachers or any other persons, or that unjustifiably show children in dangerous situations (second paragraph of Article 49)

- via a television station it presents scenes of unjustified or excessive violence or pornography or other programmes that could seriously harm the mental, moral or physical development of children and other minors (first paragraph of Article 84), in contravention of the present act fails to clearly and understandably designate with a visual symbol the programming specified in the third paragraph of Article 84, or fails prior to the presentation thereof to give an audio and visual warning that such programming is not suitable for children and minors under the age of 15 (fourth paragraph of Article 84)

(2) An identical fine shall be imposed upon Radiotelevizija Slovenija if it presents commercial advertising in a manner in contravention of the first paragraph of Article 94 of the present act or presents commercial advertising on Radio Slovenija 3 (second paragraph of Article 94).

(3) A fine of at least 350,000 tolar shall be imposed upon the responsible officer of a publisher (legal person) that commits an infringement specified in the first paragraph of this article, and on the responsible officer of Radiotelevizija Slovenija if it commits an infringement specified in the previous paragraph.

(4) A fine of at least 100,000 tolar shall be imposed upon a publisher (natural person) who commits an infringement specified in the first paragraph of this article.

### **Article 130**

(1) A fine of at least 2,500,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- commercial advertising on its station is not entirely clearly recognisable as such or specially separated from other programming on the mass medium (third paragraph of Article 46), or if advertisements published free-of-charge are not specially designated as such (fourth paragraph of Article 46)
- it engages in surreptitious advertising (first paragraph of Article 47), or it employs techniques that prevent readers, listeners or viewers from consciously recognising advertising as such (second paragraph of Article 47)
- it advertises alcoholic beverages via mass media or media specified in the third paragraph of Article 2 of the present act, unless stipulated otherwise by law (fourth paragraph of Article 47)
- as the person that commissions an advertisement it influences the programme concept and editorial independence of a mass medium (second paragraph of Article 50)
- via a radio or television station it presents advertisements in a manner in contravention of the provision of Article 93 of the present act
- in disseminating commercial advertising via computer links whose purpose is the direct conclusion of contractual relations with the users of the links, it fails to clearly designate any initiative to conclude a contract as such, or fails to give an unambiguous warning to any potential contractual partner regarding the financial consequences of the eventual conclusion of a contract (Article 117)
- as a sponsor of television stations it performs activities of disseminating programming or producing audio-visual works (second paragraph of Article 52)
- as a sponsor it influences sponsored programming and its distribution in the programming scheme and thereby restricts the editorial independence of the mass medium (first paragraph of Article 53)

- it disseminates sponsored programming that promotes the sale or rental of the sponsor's products and services or the products and services of a third person, particularly through special presentation of such products and services (second paragraph of Article 53)
- in contravention of law it sponsors news and other informative programming (first paragraph of Article 55)
- it fails to clearly designate each sponsored programme unit as such, including citation of the sponsor's name or symbol (second paragraph of Article 55)

(2) A fine of at least 350,000 tolar shall be imposed upon the responsible officer of a publisher that commits an infringement specified in the previous paragraph.

(3) A fine of at least 100,000 tolar shall be imposed upon a publisher (natural person) who commits an infringement specified in the first paragraph of this article.

### **Article 131**

(1) A fine of at least 2,500,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- the total amount of advertisements, telesales/radiosales and other paid reports on a radio or television station exceeds twenty per cent of the daily transmission time or twenty per cent of a single hour (first paragraph of Article 97), or the total amount of advertisements excluding telesales and other paid reports on a television station exceeds fifteen per cent of the daily transmission time in contravention of the present act (second paragraph of Article 97)
- the total duration of telesales slots in the daily transmission time of its station exceeds three hours

per day, the number of telesales slots exceeds eight per day, or they are not clearly designated as such using optical and acoustic symbols (fourth paragraph of Article 97)

(2) An identical fine shall be imposed upon Radiotelevizija Slovenija if the total amount of advertisements and other paid reports presented on one of its stations exceeds fifteen per cent of the daily transmission time, or if the total amount of advertisements presented on one of its stations exceeds ten per cent of the daily transmission time, or if the amount of advertisements and other paid reports presented on one of its stations in a single hour exceeds twelve minutes or nine minutes per hour between 6 pm and 11 pm, or if it presents telesales or radiosales on its stations between 6 pm and 11 pm (first, second, third and fourth paragraphs of Article 98).

(3) An identical fine shall be imposed upon the publisher of a local, regional, student or non-profit radio or television station if the total amount of advertisements and other paid reports presented on the station exceeds fifteen per cent of the daily transmission time or twelve minutes per hour, or if it presents telesales or radiosales on the station (fifth and sixth paragraphs of Article 98).

(4) A fine of at least 350,000 tolar shall be imposed upon the responsible officer of a legal person that commits an infringement specified in the first paragraph of this article.

(5) A fine of at least 350,000 tolar shall be imposed upon the responsible officer of the public institution Radiotelevizija Slovenija if it commits an infringement specified in the second paragraph of this article.

(6) A fine of at least 350,000 tolar shall be imposed upon the responsible officer of a local, regional, student or non-profit radio or television station that commits an infringement specified in the third paragraph of this article.

(7) A fine of at least 100,000 tolar shall be imposed upon a natural person who commits an infringement specified in this article.

## **Article 132**

A fine of at least 2,000,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- it fails to disseminate programming in Slovene in accordance with the law, or in contravention of the law it disseminates programming without a suitable Slovene translation (first paragraph of Article 5), or it fails to disseminate advertisements in Slovene or in a Slovene translation in accordance with the present act (first paragraph of Article 51)
- it disseminates programming without being entered in the mass media register at the relevant ministry (first paragraph of Article 16)
- at the request of state bodies or public companies and public institutions it fails to publish, without delay and free-of-charge, an urgent message 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 (Article 25)
- by the end of February each year it fails to report to the Official Gazette of the Republic of Slovenia the information prescribed for a legal or natural 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, or the names of the members of the publisher's board of directors, i.e. the management body, and/or supervisory body (first paragraph of Article 64), or fails to report any changes to this information within thirty days of their occurrence (second paragraph of Article 64)
- it disseminates programming of other mass media via computer links in contravention of the present act (second paragraph of Article 116)

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of a publisher (legal person) that commits an infringement specified in the previous paragraph.

(3) A fine of at least 90,000 tolar shall be imposed upon a publisher (natural person) who commits an infringement specified in the first paragraph of this article.

### **Article 133**

(1) A fine of at least 2,000,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- as a publisher that has exercised the right to make a short report it fails to allow a publisher that was unable to record the event the one-off use of its footage (sixth paragraph of Article 74)
- as an operator it fails in accordance with the law to disseminate the stations of all publishers that have been issued the licence specified in Article 105 of the present act if there are technical possibilities for the quality reception of signal at the operator's main receiving station (first paragraph of Article 112), or fails in accordance with the law to disseminate 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 (second paragraph of Article 112)
- as an operator it allows a publisher that falls under the jurisdiction of the Republic of Slovenia to distribute a radio or television station that is not entered in the mass media register at the relevant ministry (fourth paragraph of Article 112)
- as an operator it fails to form a programming council (first paragraph of Article 114), or fails to appoint members to the programming council in accordance with the present act (second paragraph of Article 114)

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of a publisher (legal person) that commits an infringement specified in the previous paragraph.

(3) A fine of at least 90,000 tolar shall be imposed upon a publisher (natural person) who commits an infringement specified in the first paragraph of this article.

#### **Article 134**

(1) A fine of at least 2,000,000 tolar for an infringement shall be imposed upon a publisher (legal person) of a television station if:

- it fails to raise the proportion of Slovenian audio-visual works in the annual transmission time in accordance with the second paragraph of Article 87 of the present act

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of a legal person that commits the infringement specified in the previous paragraph.

(3) A fine of at least 90,000 tolar shall be imposed upon a publisher (natural person) of a television station who commits the infringement specified in the first paragraph of this article.

#### **Article 135**

(1) A fine of at least 2,000,000 tolar for an infringement shall be imposed upon the public institution Radiotelevizija Slovenija if:

- European audio-visual works fail to make up the majority of the annual transmission time of Radiotelevizija Slovenija television stations (first paragraph of Article 92)
- Slovenian audio-visual works fail to cumulatively make up at least twenty-five per cent of the annual transmission time of Radiotelevizija Slovenija television stations 1 and 2 (second paragraph of Article 92)

- audio-visual works by independent producers fail to make up at least ten per cent of the annual transmission time of Radiotelevizija Slovenija television stations (third paragraph of Article 92)

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of the public institution Radiotelevizija Slovenija if it commits an infringement specified in the previous paragraph.

### **Article 136**

(1) A fine of at least 2,000,000 tolar for an infringement shall be imposed upon a publisher (legal person) of a television station if:

- in accordance with the present act it fails to gradually increase the proportion of European audio-visual works in the annual transmission time with respect to its level in the previous year (second paragraph of Article 89), or by the end of February each year fails to send the relevant ministry and the agency a break-down of the figures on the proportion of European audio-visual works achieved in the annual transmission time for the previous year in the manner stipulated by law (first paragraph of Article 91)
- in accordance with law it fails to raise the proportion of audio-visual works by independent producers each year on its stations (second paragraph of Article 90)

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of a legal person that commits an infringement specified in the preceding paragraph.

(3) A fine of at least 90,000 tolar for an infringement shall be imposed upon a publisher (natural person) of a television station who commits an infringement specified in the first paragraph of this article.

### **Article 137**

(1) A fine of at least 2,000,000 tolar for an infringement shall be imposed upon a legal person if:

- as a publisher of a radio station it also performs television activities or as a publisher of a television station it also performs radio activities in contravention of the present act (Article 59)
- as an operator that provides telecommunications services it acts as the publisher of a radio or television station without a licence for performing radio or television activities (Article 61)

(2) A fine of at least 300,000 tolar shall be imposed upon the responsible officer of a legal person that commits an infringement specified in the preceding paragraph.

(3) A fine of at least 90,000 tolar for an infringement shall be imposed upon a publisher (natural person) of a television station who commits an infringement specified in the first paragraph of this article.

### **Article 138**

A fine of at least 90,000 tolar for an infringement shall be imposed upon a journalist or news presenter specified in Article 99 of the present act who participates in advertising (first paragraph of Article 99).

### **Article 139**

(1) A fine of at least 1,500,000 tolar for an infringement shall be imposed upon a publisher (legal person) of a radio station if:

- Slovenian music fails to comprise at least ten per cent of the daily transmission time (Article 86)

(2) A fine of at least 250,000 tolar shall be imposed upon the responsible officer of a legal person that commits the infringement specified in the preceding paragraph.

(3) A fine of at least 80,000 tolar shall be imposed upon a publisher (natural person) of a radio station who commits the infringement specified in the first paragraph of this article.

#### **Article 140**

(1) A fine of at least 1,500,000 tolar for an infringement shall be imposed upon the publisher of a daily informative printed medium or any other legal person that:

- holds in the capital or assets of such a publisher an ownership stake of more than twenty per cent or more than twenty per cent of the management or voting rights, if such is also the publisher or a co-founder of the publisher of a radio or television station or performs radio or television activities (first paragraph of Article 56), or if such also holds an ownership stake of more than twenty per cent or more than twenty per cent of the management or voting rights in the assets of another publisher of a daily informative printed medium or in the assets of a publisher of a radio or television station (third paragraph of Article 56)

(2) A fine of at least 250,000 tolar shall be imposed upon the responsible officer of a legal person that commits the infringement specified in the preceding paragraph.

(3) A fine of at least 80,000 tolar shall be imposed upon a natural person who commits the infringement specified in the first paragraph of this article.

#### **Article 141**

(1) A fine of at least 1,500,000 tolar for an infringement shall be imposed upon the publisher of a radio or television station and any other legal person that:

- holds in the assets of such a publisher an ownership stake of more than twenty per cent or more than

twenty per cent of the management or voting rights, if such is also the publisher or a co-founder of the publisher of a daily informative printed medium (second paragraph of Article 56), or if such also holds an ownership stake of more than twenty per cent or more than twenty per cent of the management or voting rights in the assets of another publisher of a daily informative printed medium or in the assets of a publisher of a radio or television station (third paragraph of Article 56).

(2) A fine of at least 250,000 tolar shall be imposed upon the responsible officer of a legal person that commits the infringement specified in the preceding paragraph.

(3) A fine of at least 80,000 tolar shall be imposed upon a natural person who commits the infringement specified in the first paragraph of this article.

#### **Article 142**

(1) A fine of at least 1,500,000 tolar for an infringement shall be imposed upon an advertising organisation or any other legal person that:

- holds in the assets of an advertising organisation an ownership stake of more than ten per cent or more than ten per cent of the management or voting rights, if such is also the publisher or a co-founder of the publisher of a radio or television station, or if such also holds an ownership stake of more than twenty per cent or more than twenty per cent of the management or voting rights in the assets of a publisher of a radio or television station (first paragraph of Article 60).

(2) A fine of at least 250,000 tolar shall be imposed upon the responsible officer of a legal person that commits the infringement specified in the preceding paragraph.

(3) A fine of at least 80,000 tolar shall be imposed upon a natural person who commits the infringement specified in the first paragraph of this article.

### **Article 143**

(1) A fine of at least 1,000,000 tolar for an infringement shall be imposed upon a publisher (legal person) of a television station if:

- on the basis of having acquired exclusive rights, it covers a particular event of public importance in the Republic of Slovenia or in another member-state of the EU in a manner owing to which a significant proportion of viewers in the area would be prevented from receiving coverage of the event (first paragraph of Article 75)
- an event specified in the first paragraph of Article 75 of the present act is covered, on the basis of having acquired exclusive rights, 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 (third paragraph of Article 75)
- as the organiser of an important event or other event accessible to the public it fails to allow a radio or television station to exercise the right to make a short report (first paragraph of Article 74)

(2) A fine of at least 200,000 tolar shall be imposed upon the responsible officer of a legal person that commits an infringement specified in the previous paragraph.

(3) A fine of at least 90,000 tolar shall be imposed upon a publisher (natural person) of a television station who commits an infringement specified in the first paragraph of this article.

#### **Article 144**

(1) A fine of at least 600,000 tolar shall be imposed upon an operator (legal person) if:

- it fails to declare to the relevant ministry the name and type of all stations transmitted and broadcast via its telecommunications system or fails to notify it of any change to such information within the eight days of the inclusion or exclusion of a station or of the occurrence of the change (first paragraph of Article 113)
- it fails to send a copy of each valid contract or other document from which the regulation of copyright relations with those holding the rights to stations it transmits and broadcasts is clear to the relevant ministry within fifteen days of the conclusion thereof (second and third paragraphs of Article 113), or fails to notify the relevant ministry of any change to a contract or document specified in Article 113 or the cessation of the validity thereof within the period stipulated (fourth paragraph of Article 113)
- it fails to send the internal legal act or the act on the appointment of the programming council to the responsible minister for information purposes (third paragraph of Article 114)

(2) A fine of at least 150,000 tolar shall be imposed upon the responsible officer of a legal person that commits an infringement specified in the previous paragraph.

#### **Article 145**

(1) A fine of at least 500,000 tolar for an infringement shall be imposed upon a publisher (legal person) if:

- it fails to register the mass medium at the relevant ministry for entry in the mass media register prior to

- commencing the performance of activities (Article 12)
- it fails to declare any change to the information specified in the second and third paragraphs of Article 12 of the present act or the cessation of operations within fifteen days of the change or cessation of operations occurring (first paragraph of Article 14)
  - it fails to report any other information to the relevant ministry that it requests for the purpose of implementing valid regulations in the area of the mass media (second paragraph of Article 14)
  - it fails to send a mandatory copy of each issue of a printed medium to the National University Library (fourth paragraph of Article 14)
  - it fails to obtain a prior opinion from the agency regarding a fundamental change or addition to the programme concept of a radio or television station (third paragraph of Article 17)
  - in the dissemination of programming it fails to ensure the publication, in a clearly discernible place in/on each individual medium carrying programming, of the prescribed credit information (Article 23) or any other compulsory information specified in Article 24 of the present act
  - as a publisher of a radio or television station it fails to clearly designate a repeat as such (second paragraph of Article 85)

(2) A fine of at least 120,000 tolar shall be imposed upon the responsible officer of a publisher (legal person) that commits an infringement specified in the previous paragraph.

(3) A fine of at least 60,000 tolar shall be imposed upon a publisher (natural person) who commits an infringement specified in the first paragraph of this article.

#### **Article 146**

(1) A fine of at least 500,000 tolar for an infringement shall be imposed upon a student organisation if:

- it uses the surplus of revenues over outgoings from activities in contravention of the provision of the first paragraph of Article 80 of the present act

(2) A identical fine for an infringement shall be imposed upon the publisher (legal person) of a non-profit radio or television station that uses the surplus of revenues over outgoings from the activities specified in the first paragraph of Article 81 in contravention of the present act (second paragraph of Article 81), or if the pay of the employees, the bonuses for members of the publisher's management and supervisory bodies or other benefits exceed the tariffs prescribed for cultural institutions by the current regulations and the collective agreement of those employed in the area of culture (third paragraph of Article 81)

(3) A fine of at least 120,000 tolar shall be imposed upon the responsible officer of a student organisation or legal person that commits an infringement specified in the first or second paragraphs of this article.

(4) A fine of at least 60,000 tolar shall be imposed upon a publisher (natural person) of a non-profit radio or television station who commits an infringement specified in the second paragraph of this article.

### **Article 147**

(1) A fine of at least 500,000 tolar for an infringement shall be imposed upon a legal person if:

- it fails to provide entitled persons specified in the second paragraph of Article 45 of the present act with truthful, complete and up-to-date information on issues from its field of work for publication via the mass media as required pursuant to the present act (first paragraph of Article 45), or fails to give a written explanation of the reasons for refusal by the

end of the working day if the responsible editor of the mass medium so requests (fifth paragraph of Article 45)

(2) A fine of at least 120,000 tolar shall be imposed upon the responsible officer of a legal person, state body or local community body that commits the infringement specified in the previous paragraph.

(3) A fine of at least 60,000 tolar shall be imposed upon a natural person specified in the first paragraph of Article 45 who commits the infringement specified in the first paragraph of this article.

#### **Article 148**

(1) A fine of at least 500,000 tolar for an infringement shall be imposed upon the Official Gazette of the Republic of Slovenia if it fails to publish the prescribed information specified in the first and second paragraphs of Article 64 within fifteen days of receiving the order to publish (third paragraph of Article 64 of the present act).

(2) A fine of at least 120,000 tolar shall be imposed upon the responsible officer of the Official Gazette of the Republic of Slovenia if it commits the infringement specified in the previous paragraph.

#### Title VI

#### TRANSITIONAL AND FINAL PROVISIONS

#### **Article 149**

(1) The government shall set out the conditions, criteria and procedure for carrying out an annual public tender for co-financing the creation of programming and the development of technical infrastructure specified in Article 4 of the present act within six months of its entry into force.

(2) The Republic of Slovenia shall provide at least 300 million tolar of funding from the national budget each year for the execution of the public tender for co-financing the creation of programming and

the development of technical infrastructure specified in Article 4 of the present act.

### **Article 150**

(1) Publishers of mass media that in accordance with the provisions of the public media act (zakon o javnih glasilih; Ur. l. RS, Nos. 18/94 and 36/00; the ZPDZC) are entered in the register of public media at the Republic of Slovenia Ministry of Culture must enter their media in the mass media register specified in Article 12 of the present act in accordance with the present act within one year of its entry into force.

(2) The name of a medium entered in the register of public media may only be used for entry in the mass media register until the expiry of the deadline specified in the previous paragraph by the person that applied for entry in the register of public media or the legal successor thereof.

### **Article 151**

Pursuant to the fifth paragraph of Article 14 of the present act the minister responsible for culture shall stipulate the method of administering the mass media register, and the procedures for entry therein and dissemination of information therefrom within three months of the entry into force of the present act.

### **Article 152**

(1) Pursuant to Article 22 of the present act the government shall adopt a decree on the procedure and detailed criteria for acquiring the status of a freelance journalist within three months of the entry into force of the present act.

(2) Journalists who on the day the present act enters into force hold the status of a freelance journalist on the basis of the public media act shall be entered in the register specified in Article 22 of the present act as an official duty if they fulfil the conditions prescribed.

### **Article 153**

Public persons specified in Article 45 of the present act shall via legal acts regulate the provision of information to the public, stipulate the name of the responsible officer who is to ensure the public release of information on work, and report the full name of the responsible officer to the relevant ministry within nine months of the entry into force of the present act.

#### **Article 154**

Publishers must harmonise ownership stakes, management or voting rights and asset ratios in respect of the provisions on connected persons (Section 9 of Title I of the present act) with the present act within eighteen months of its entry into force.

#### **Article 155**

(1) At the proposal of the responsible minister the government shall adopt an act setting out the detailed criteria and conditions for defining the works specified in the fifth paragraph of Article 68 of the present act within three months of its entry into force.

(2) At the proposal of the Broadcasting Council the Government of the Republic of Slovenia shall adopt an act setting out the method and criteria for formulating the list of most important events, and the procedure for compulsory consultations among interested parties specified in the fifth paragraph of Article 75 of the present act within three months of its entry into force.

#### **Article 156**

Publishers of radio and television stations connected into a network specified in Article 83 of the present act shall send their joint programme concept, the written legal act on the method of implementation thereof and the act on the appointment of the responsible editor of the joint station to the relevant ministry within three months of the entry into force of the present act.

#### **Article 157**

(1) The stations of publishers of television stations must achieve the annual proportion of in-house production specified in Article 85 of the present act by the end of 2002.

(2) Slovenian audio-visual works must comprise at least five per cent of the annual transmission time of stations of publishers of television stations in accordance with Article 87 of the present act by 2003.

### **Article 158**

European audio-visual works by independent producers must comprise at least ten per cent of the annual transmission time of the stations of publishers of television stations specified in Article 90 of the present act by 2003.

### **Article 159**

(1) The National Assembly of the Republic of Slovenia shall adopt the act on the founding of the Broadcasting Council and appoint its members within two months of the entry into force of the present act.

(2) Employees of the expert services of the Broadcasting Council that was created pursuant to the public media act shall continue their work within the framework of the agency.

(3) Matters conducted by the Broadcasting Council specified in the previous paragraph shall within fifteen days of the entry into force of the present act be transferred to the Broadcasting Council specified in the first paragraph of this article.

(4) The funds earmarked for the work of the Broadcasting Council specified in the second paragraph of this article shall be transferred to the agency.

### **Article 160**

(1) The relevant ministry shall at the proposal of the Broadcasting Council issue the implementing regulations via which it sets out the

detailed criteria for the in-house production specified in the sixth paragraph of Article 67 of the present act and the criteria for defining the programming specified in the third paragraph of Article 82 of the present act within nine months of its entry into force.

(2) The relevant ministry shall at the proposal of the Broadcasting Council adopt the implementing regulations specified in the fourth paragraph of Article 82 of the present act in which in accordance with the present act it sets out the procedure and conditions for acquisition or revocation of the status of special stations within nine months of the entry into force of the present act.

### **Article 161**

Pursuant to the sixth paragraph of Article 106 of the present act the responsible minister shall set out the procedure for issuing, amending and revoking the ruling on the issue of a licence for performing radio and television activities and detailed provisions on the content of the licence specified in Article 105 of the present act within three months of its entry into force.

### **Article 162**

(1) The government shall set out the method, procedure, conditions and criteria for carrying out the annual public tender for co-financing projects from the budget fund for audio-visual media specified in Article 110 of the present act within three months of its entry into force.

(2) The Republic of Slovenia shall provide at least 400 million tolar of funding each year from the national budget for the operation of the budget fund for audio-visual media.

### **Article 163**

Operators that on the day the present act enters into force provide telecommunication services and perform radio or television activities must harmonise their operations with Article 61 of the present act within eighteen months of its entry into force.

#### **Article 164**

The government shall set the level of the fees paid by publishers of radio and television stations for the dissemination of programming specified in Article 107 of the present act, and the fee paid by operators for the technical dissemination of programming specified in the present act to individual users specified in the sixth and seventh paragraphs of Article 112 of the present act within six months of its entry into force.

#### **Article 165**

Operators shall send a copy of all valid and concluded contracts or documents specified in the second and third paragraphs of Article 113 of the present act and a copy of the internal legal act and the act on the appointment of the programming council specified in Article 114 of the present act to the relevant ministry within six months of the entry into force of the present act.

#### **Article 166**

Resolutions by the Broadcasting Council on the basis of which the status of a local non-commercial station was awarded to certain radio and television organisations in accordance with the public media act shall cease to be valid one year after the entry into force of the present act.

#### **Article 167**

(1) On the day the present act enters into force Article 10 of the Radiotelevizija Slovenija Act (Zakon o Radioteleviziji Slovenija; Ur. l. RS, Nos. 18/94, 73/94, 88/99 and 102/99) shall cease to be valid.

(2) On the day the present act enters into force the Public Media Act (Zakon o javnih glasilih; Ur. l. RS, Nos. 18/94 and 36/00) shall cease to be valid.

#### **Article 168**

The present act shall enter into force fifteen days after its publication in the Official Gazette of the Republic of Slovenia.

No. 010-01/99-8/3

Ljubljana, 25 April 2001

Borut Pahor  
President  
National Assembly of the Republic of Slovenia