

Television across Europe:
regulation, policy and independence
Slovenia

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List of Abbreviations

APEK	Agency for Post and Electronic Communication, <i>Agencija za pošto in elektronske komunikacije</i>
SNS	Slovenian National Party, <i>Slovenska nacionalna stranka</i>
SRDF	Broadcasting Council of the Republic of Slovenia, <i>Svet za radiodifuzijo Republike Slovenije</i>
ZLSD	United List of Social Democrats, <i>Združena lista socialnih demokratov</i> (in 2005 renamed as: Social Democrats, <i>Socialni demokrati – SD</i>)

1. EXECUTIVE SUMMARY

Public opinion polls usually show a high level of public trust and satisfaction with the television sector in Slovenia. In spite of many shortcomings, it can be said that television in Slovenia often fulfils the role generally ascribed to it as one of the elements of a democratic system.

In Slovenia, the broadcasting sector – and the television industry in particular – is saturated, with a vast number of outlets competing for limited advertising revenue. The public service broadcaster, RTV Slovenia, comprises Television Slovenia (hereafter, TV Slovenia) and Radio Slovenia. The Slovenian television market consists of TV Slovenia, with four channels – Slovenia 1 (SLO1), Slovenia 2 (SLO2), Television Koper/Capodistria and Television Maribor (Tele M) – and 35 commercial terrestrial television channels, operated by 31 stations. Five channels can be viewed by more than 75 per cent of the population: SLO1 and SLO2, Pop TV, Kanal A and Prva TV.

With SLO1 and SLO2, TV Slovenia is the largest television station and most important in terms of diversity and quantity of its production. In 2004, it had an audience share of 37.6 per cent. Two television channels and teletext services, as well as four radio channels, of RTV Slovenia are also available via satellite. The public service broadcaster is expanding its online service to include real time transmission of radio and television programmes and a range of additional services.

The first commercial channel, Kanal A, was licensed in 1990 and started to broadcast in 1991. Most commercial broadcasting is non-political, relying on soap operas and films, with little news and current affairs reporting. The main exception remains Pop TV, the most successful private channel, which broadcasts daily one-hour evening news, weekly current affairs magazines and talk shows. Initially, Pop TV's news programme had a number of characteristics of tabloid reporting, which, in turn, prompted TV Slovenia to also adopt a more commercial approach in its news reporting, and also in other programmes. More recently, however, both sides have abandoned some of their most blatant commercial attitudes. They attract an audience of similar size, with Pop TV reaching younger viewers. Pop TV's website is also very popular, with regular updates and video.

Commercial television aspired to achieve instant success, measured in rising profits, which has led to a reduction of choice. Entertainment programmes include few in-house or independent productions, but a lot of low-quality imports. Infotainment plays an important role. Little attention is devoted to domestic creativity and more demanding content, such as educational, documentary, arts, religious and similar programmes. While no academic studies of editorial independence in commercial broadcasting are available, there are no solid grounds for arguing that the commercial broadcasters are overtly biased or connected to certain political parties or the Government.

Commercial television broadcasting is regulated by the Mass Media Act, adopted in 2001, and pursuant to the Law on Electronic Communication, adopted in 2004. The Mass Media Act abolished the former restriction on ownership to 33 per cent for any person, including foreigners, and assigned the task of restricting ownership concentration to the State. Public broadcasting is regulated by the Law on RTV Slovenia.

The main broadcasting regulatory bodies are the Ministry of Culture – including the Media Inspector, and the Ministry's special Directorate for Media (established in autumn 2004); the Agency for Post and Electronic Communication (APEK); and the Broadcasting Council (SRDF). The Agency's most important tasks are ensuring the implementation of the Law on Electronic Communication and monitoring the compliance of radio and television stations with the restrictions on their programming defined in the Mass Media Act. It issues broadcast licences on the basis of a binding instruction of the Broadcasting Council, which is an independent body that, among other things, supervises the adherence of broadcasters to the obligations contained in their licences. The Ministry of Culture supervises the implementation of the Mass Media Act, with the ministry's Media Inspector investigating breaches of the act on its own initiative or following complaints from the public.

RTV Slovenia is governed by its Council, while its financial operations are controlled by a Supervisory Board. The Law on RTV Slovenia obliges the public broadcaster to be independent and autonomous, to respect human integrity and dignity in its programmes, to observe the principle of impartiality, and to ensure the truthfulness of information and the pluralism of opinions and religious beliefs. It also obliges the public broadcaster to provide radio and television programmes for the Italian and Hungarian minorities in Slovenia.

There are frequent debates about the impartiality of the public service broadcaster. Most of the accusations of biased reporting come from political parties and politicians, usually from the right-wing parties that were in opposition during the last ten years. These parties also argue that most of the other media in Slovenia, particularly in the print sector, are biased in favour of liberal and left wing parties. Various media analysis projects have, however, found no such overt bias in broadcasting.

Political pressure on media in Slovenia is not felt as directly as it used to be before the end of socialism in 1990 and the achievement of independence in 1991. Nevertheless, political parties and the Government still try to influence the management, editors and journalists of the public service broadcaster in several ways. Parliament plays an important role in appointing key personnel, such as the Director General, and in the financial affairs of the public service broadcaster. Some claim that political influence can also be felt in the Council of RTV Slovenia – for example, through the membership of former party officials and through the Government's influence on funding, especially the licence fee.

The future of public service television is not clear. A new Law on RTV Slovenia has recently been adopted by Parliament. However, it has been vetoed by the National Council and its final shape and content are still open questions. The draft law proposes important changes regarding management, supervisory and other bodies, and the appointment of editors, but it also increases the role of the Government and Parliament in the appointment of key personnel and with respect to oversight of the public service broadcaster. This threatens to diminish the independence and credibility of RTV Slovenia as the largest and most important broadcaster in the country.

2. CONTEXT

Approximately 98 per cent of Slovenian households have one or more television sets; there are 650,000 television households in Slovenia. On average, 11 per cent of the population (or 221,500 people) watched television every day in 2004. Each viewer watched television for an average of 249 minutes per day.¹ There are currently 877 media outlets registered in the country. At 56 per cent of the households, cable penetration is similar to other countries in Central and Eastern Europe. (See Table 1 below.)

When television was launched almost five decades ago in socialist Slovenia, it was nevertheless funded through advertising as well as licence fees. State television programming combined highbrow and popular contents, including a significant share of programmes imported from Western Europe and the USA (films, drama series, light entertainment shows and documentaries).² Italian and Austrian television channels were also watched, especially in the western and northern parts of Slovenia. Therefore, the change of political and economic system with the fall of socialism at the end of 1980s did not entail such a profound change as in countries that were part of Warsaw Pact in Central and Eastern Europe.

2.1 Background

Radio Ljubljana, the forerunner of Radio Slovenia, went on air as early as 28 October 1928. Radio and Television Slovenia (hereafter, RTV Slovenia) started to broadcast in 1957 under the name of RTV Ljubljana, as part of the wider Yugoslav broadcasting system. On 14 February 1957, test television transmission began and the first test colour television broadcast was made in 1966. Videotext transmission commenced in

¹ Media Services AGB, *Research on 2004*, Ljubljana, 2005 (hereafter, Media Services AGB, *Research on 2004*).

² Television series included prime time successes such as *Dynasty*, *Miami Vice*, *The Thorn Birds*, and *Shogun*.

1984, and 1986 is regarded as the year when digitalisation started. RTV Ljubljana was renamed RTV Slovenia in 1991.

In 1990, the first private television channel, Kanal A, received a broadcast licence. In 1995, two more commercial channels, Pop TV and TV3, started to broadcast. In 1997, there was a first test Digital Audio Broadcasting (DAB) transmission. The digitalisation of radio (DALET) started in 1998 and the gradual digitalisation of television began the following year. The second satellite station, in Domžale, was completed in 2000.

Table 1. Television overview (2003)

Total number of households	672,520	
Total number of TV Households (TVHH)	650,000	
Total number of TV Households (per cent)	98	
Number of channels received by 75 per cent of the population	5	
TV equipment (per cent of TVHH)	Colour TV	98.5
	Multiset (homes with more than one TV set)	37.1
	VCR	54.2
	DVD	32.2
	Teletext	72.0
	Remote control	96.0
Cable/ satellite connection (per cent of TVHH)	Cable connected	55.9
	Satellite private dish/DTH	9.2
	Satellite collective dish/SMATV	0.5
	Only terrestrial	35.0

Source: Media Services AGB, RTV SLO, IP/RTL Group³

2.2 Structure of the broadcasting sector

In 2004, Slovenia, with a population of 1.96 million, had a per capita GDP of €16,112 112 (“the richest ex-communist state”, according to the *Financial Times*⁴) and a GDP growth rate of 4.3 per cent.⁵ According to estimates, the net turnover of the television advertising market was €40-50 million in 2003.⁶

The public broadcaster, RTV Slovenia, includes Television Slovenia, *Televizija Slovenija*, (hereafter, TV Slovenia) and Radio Slovenia, *Radio Slovenija*. There are four public service television channels: SLO1 and SLO2 are national channels, and

³ IP International Marketing Committee, *Television 2004, International Key Facts*, October 2004.

⁴ “Special Report on EU Enlargement”, in *Financial Times*, 27 April 2004.

⁵ “Slovenska gospodarska slika”, (“Slovenian Economic Picture”), in *Finance*, 11 May 2005. Sources: Statistical Office of the Republic of Slovenia.

⁶ *Marketing Magazine*, February 2004, p. 23.

Television Koper/Capodistria and Television Maribor (Tele M) are regional channels. There are 35 commercial television channels, owned by 31 television stations.⁷

Five terrestrial television channels (all broadcasting in Slovene) can be viewed by more than 75 per cent of the population: SLO1, SLO2, Pop TV, Kanal A and Prva TV (see Table 2 below). Other television channels cover local and regional areas. Twenty channels are transmitted only through cable systems. A number of specialised channels also broadcast, such as Čarli (popular music) and Petelin (folk music). Foreign channels are available through cable and satellite; some, such as National Geographic, Discovery, Hallmark and HBO, broadcast their programmes with Slovenian subtitles, as local affiliates of the transnational channels.

Table 2. National television channels

Channel		Launch	Diffusion	Technical penetration (per cent)	Output (hours/week)	Programming	Revenue source
Public	SLO 1	1958	T, C, S	97.0	168	Generalist	L-F/ Adv.
	SLO 2	1972	T, C	95.0	129	Sports, Series, Documentaries	L-F/ Adv.
Private	Pop TV	1995	T, C	80.0	134	Series, Movies, News	Adv.
	Kanal A	1991	T, C	80.0	112	Series, Movies	Adv.
	TV 3	1995	T, C	75.0	128	Series, Documentaries	Adv.

Abbreviations: Adv. = Advertising, L-F = Licence fee and other State supports, C = Cable, S = Satellite, T = Terrestrial, Tech. pen. = Technical penetration.

Source: Broadcasting Council⁸

The public service broadcaster, Radio Slovenia, has eight channels. These are: Radio Slovenia 1, 2 and 3, Radio Koper, Radio Maribor, Radio Capodistria (for the Italian-speaking minority), Pomursko-Hungarian Radio (for the Hungarian-speaking minority) and Radio Slovenia International.⁹ There are some 73 other radio channels

⁷ The Agency for Post and Electronic Communication (APEK), *Annual Report on 2004*. RTV Slovenia, *Annual Report 2003*, published in English and Slovene language, Ljubljana, 2004, (hereafter, RTV Slovenia, *Annual Report 2003*).

⁸ Broadcasting Council, *Radijski in TV programi v Sloveniji, (Radio and TV Programmes in Slovenia)*, SRDF, Ljubljana, 2001, published in Slovene and English, (hereafter, Broadcasting Council, *Radio and TV Programmes*).

⁹ According to the 2002 census, the total population is 1,987,971. Ethnic Italians were 0.11 per cent and ethnic Hungarians were 0.32 per cent of the population. (Ethnic Slovenes were 83.06 per cent). Information from the website of the Statistical Office, available at http://www.stat.si/popis2002/en/rezultati_slovenija_prebivalstvo_dz.htm (accessed 22 June 2005), (hereafter, 2001 census data).

in private ownership. Only three radio channels cover the entire country with their signal: Radio Slovenia 1, 2 and 3.

2.3 The main players and their market shares

The market was dominated by SLO1, the first channel of the public broadcaster, until the second half of the 1990s, when Pop TV often overtook it. SLO1 is a generalist channel, mainly dedicated to news, current affairs, children's programmes, prime-time entertainment, and films. The second channel of TV Slovenia, SLO2, provides complementary programming. SLO2 is event-oriented, broadcasting mostly sports, documentaries, and arts. SLO1 reaches virtually all of Slovenia's television households, while SLO2 reaches 97 per cent of these households. According to Peoplemeters¹⁰ research conducted by AGB Media Services, a private market company, in 2004 SLO1 and SLO2 were ranked second and third in the market, respectively (see Table 3 below).

The Pop TV network is the leading national commercial television broadcaster. In 2004, Pop TV led the market with an all-day audience share of 27.1 per cent. The fourth-ranking channel in 2004 was Kanal A, owned by the same company as Pop TV (Pro Plus), which reached 81 per cent of the population. Its national all-day audience share was 8.1 per cent, rising to 11 per cent in prime time. Prva TV (called TV3 until November 2004) had an audience share of 1.7 per cent. Other channels have significantly lower ratings and shares, often below 1 per cent. Neighbouring Croatia's public service channels, HRT 1 and HRT 2, have the highest ratings among foreign broadcasts, and HRT 1 is sometimes even the third most watched channel in Slovenia.

**Table 3. Audience shares of the main television channels
– for the population aged over 4 years old (2004)**

Channel	Audience share (national, all-day) (per cent)
Pop TV	27.1
SLO 1	26.1
SLO 2	10.2
Kanal A	8.1
TV 3	1.7
Other domestic	1.3
Foreign	25.5

Source: Media Services AGB¹¹

¹⁰ During 1999 and 2000, devices for measuring audience viewing patterns, called "Peoplemeters", were placed in 450 television homes. They are the primary source for obtaining information about audience shares.

¹¹ Media Services AGB, *Research on 2004*.

3. GENERAL BROADCASTING REGULATION AND STRUCTURES

Until recently, there was limited policy on how broadcast licences and frequencies should be granted. This was improved with the Mass Media Act of 2001¹² and with more precise regulatory procedures.¹³ The Mass Media Act regulates all media, with a second chapter dedicated specifically to broadcasting, including the public broadcasting system – which is more precisely regulated by the Law on RTV Slovenia.¹⁴

The main broadcasting regulatory bodies are the Ministry of Culture (including the Ministry's Media Inspector); the Agency for Post and Electronic Communication (APEK); and the Broadcasting Council (SRDF). The Ministry of Culture supervises the implementation of the Mass Media Act 2001 and prepares laws regulating public service broadcasting and commercial media, including all broadcasters. The Media Inspector deals with breaches of the Mass Media Act on his own initiative or following complaints from the public. In accordance with the Mass Media Act, in order to retain its broadcast licence a broadcaster must provide the APEK with an annual report that indicates whether the programming obligations were maintained. This report must list the share of broadcasts, according to the different types of programme content; the share of advertising in broadcasts; the anticipated amount of in-house production; and the share of European works.

3.1 Regulatory authorities for the television sector

3.1.1 The Agency for Post and Electronic Communication

The Agency for Post and Electronic Communication (*Agencija za pošto in elektronske komunikacije* – APEK) is an independent body that was established in July 2001 under the Law on Telecommunications 2001.¹⁵ The APEK was initially established as the Office for Telecommunications and Broadcasting, but in June 2002 its name was changed to the Agency for Telecommunications, Broadcasting and the General Post Office. It gained its present name in 2004, when the Law on Telecommunications was replaced by the Law on Electronic Communication 2004.¹⁶

¹² Mass Media Act, *Official Gazette* no. 35/2001. The *Uradni list Republike Slovenije* is the Official Gazette of Slovenia.

¹³ Procedure on programmes of special significance, *Official Gazette* no. 85/2002; Procedure on content of request and content of decision on broadcasting frequency), *Official Gazette* no. 60/01.

¹⁴ The Law on RTV Slovenia was first adopted in 1994: Law on RTV Slovenia, *Official Gazette* 8 April 1994 (hereafter, Law on RTV Slovenia 1994). The law was subsequently amended a number of times: Law on RTV Slovenia, *Official Gazette* no. 18/1994, 29/1994, 73/1994, 88/1999, 90/1999, 102/1999, 113/2000, 35/2001, 79/2001, (hereafter, Law on RTV Slovenia 2001).

¹⁵ Law on Telecommunications, *Official Gazette* no. 30/2001.

¹⁶ Law on Electronic Communication, *Official Gazette* no. 80/2004.

The APEK is led by a Director who is appointed on the basis of public advertisement by the Government, which can also dismiss him or her. The tenure lasts five years. The APEK Director cannot be a member of APEK's Supervising Board and is not allowed to own shares in organisations that are supervised by the APEK. By law, the APEK's activity must be independent from, and impartial towards, the companies or institutions that provide electronic and communication services. The organisational structure and economic operations of the APEK are defined by its Statute¹⁷, which must be ratified by the Government. Broadcasting is regulated by two APEK departments: the Broadcasting Department and the Department for Programme Controlling.

The APEK's most important task is the supervision of the implementation of the Law on Electronic Communication 2004 and the Mass Media Act. In accordance with these laws, its main responsibilities regarding broadcasting are as follows:

- supervising the implementation of programming obligations and restrictions, as well as ownership restrictions, for television and radio;
- issuing written warnings to broadcasters in the event of irregularities and determining the deadline to correct them (usually within one month but no longer than six months);
- issuing broadcast licences on the basis of a binding instruction by the SRDF; and
- providing technical, expert, financial and administrative support to the SRDF.¹⁸

The APEK's wider goals are:

- to foster cultural, linguistic and media pluralism;
- to foster competition in the media, information and communication market; and
- to support the interests of the citizens of the European Union (however, this task is not clearly defined).

The APEK's work is supervised by the Government, which must approve its annual financial and activity plan, as well as its annual report. Since the Government also appoints and dismisses the APEK Director, the role and influence of politics and the Government over this formally independent body is very important.

¹⁷ Statute of the Agency for Telecommunications, Broadcasting and General Post Office, *Official Gazette* no. 77/2002.

¹⁸ In accordance with Article 103 of the Mass Media Act.

3.1.2 The Broadcasting Council

The Broadcasting Council (*Svet za radiodifuzijo Republike Slovenije* – SRDF) was established in 1994, after the adoption of Mass Media Law.¹⁹ It started working in 1995, but its annual reports were not discussed in Parliament until the adoption of the Mass Media Act in 2001, which replaced the Mass Media Law and under which a new Broadcasting Council was appointed in 2001.

The Broadcasting Council is an independent body which has the following responsibilities:²⁰

- instructing the APEK to supervise the implementation of broadcasters' programming obligations;²¹
- deciding on the enactment, transference and retraction of broadcast licences and instructing the APEK to issue broadcast licences;
- deciding on granting or retracting the status of local, regional, or student television or radio channels;
- providing a preliminary opinion to the Ministry of Culture on granting or retracting the status of non-profit television or radio channels and channels of special importance;
- providing a preliminary opinion to the APEK on decisions regarding the prevention of ownership concentration;
- evaluating the state of the television and radio markets in an annual report to Parliament;
- suggesting to the Ministry of Culture how to implement criteria on local and regional content, in-house production and conditions to acquire the status of a broadcaster of special significance; and
- proposing a development strategy for television and radio to the Ministry of Culture.

The Broadcasting Council consists of seven members, appointed by Parliament for a tenure of five years. The President of the Council is elected by the SRDF members

¹⁹ Mass Media Law, *Official Gazette* no. 18/1994, 8 April 1994.

²⁰ Mass Media Act, art. 100.

²¹ The APEK supports the Broadcasting Council in this respect, by carrying out monitoring for which the Council lacks technical and other resources. The Broadcasting Council provides the APEK with initiatives for conducting an expert supervision of the implementation of programming requirements and restrictions specified in the Act.

from their own ranks. In accordance with the Mass Media Act, candidates for membership are nominated by:²²

- the University of Slovenia (experts on law, telecommunications and information);
- the Chamber of Culture (an expert on audiovisual culture);
- the Chamber of Commerce (an economics expert); and
- the Slovene Journalist Association (an expert on journalism and communication studies)

Irrespective of these provisions, the National Assembly may also choose from among candidates who submit their own candidacy, provided that these are experts in the above-mentioned areas.²³

Members, including the President, can be re-elected only once. The following may not be members of the Broadcasting Council:²⁴

- officials, parliamentary deputies and other persons employed at State bodies;
- members of the leadership of political parties;
- persons employed at a radio or television station or at an advertising organisation;
- persons who, as external contractors, have concluded contractual relations with a radio or television station or an advertising organisation; and
- persons who hold more than one per cent of the capital or management or voting rights within the assets of a radio or television station or an advertising organisation

For most of the 1990s, there was a lack of political will to ensure better regulation of, and transparency in, the broadcasting sector. The Mass Media Law of 1994 requested that “the Council prepare for Parliament an annual report or assessment of the situation in the area of broadcasting and proposals for improving the situation”.²⁵ However, between 1995 and 2001 none of the Broadcasting Council’s annual reports were discussed or reviewed by Parliament. The situation has improved with the Mass Media Act and the new Broadcasting Council, established in 2001. Nonetheless, the Council’s annual report for 2003 was only discussed in spring 2005, due to the passivity of Parliament. Later, the report for 2004 was also discussed. Two years ago,

²² Mass Media Act, art. 100.

²³ Mass Media Act, art. 100(3).

²⁴ Mass Media Act, art. 101.

²⁵ Mass Media Act, art. 58.

when it adopted the Broadcasting Council's report, the Parliament also adopted a list of open questions related to media policy in the broadcasting sector. These questions still await answers from the Ministry of Culture.

3.1.3 The Ministry of Culture

The Ministry of Culture prepares laws regulating public service broadcasting and commercial media, including all broadcasters, and supervises the implementation of the Mass Media Act. In autumn 2004, a special Directorate for Media was established within the Ministry.

Based within the Ministry of Culture, the Media Inspector deals with breaches of the Mass Media Act on his own initiative or after complaints from the public. A complaint cannot be anonymous. In 2004, the Inspector dealt with 116 cases, of which 72 were complaints from the public and 46 were the result of the Inspector's own initiative. The majority of the complaints (58 cases) concerned the obligation to register media ownership (see section 3.2). This was followed by complaints about the transparency of media data (19 cases) and the protection of the Slovene language (11 cases).²⁶ However, the best-known case was from February 2003 about the issue of whether local cable operators could broadcast erotic/pornographic films after midnight. The Inspector's decision to forbid such content caused a public controversy and outcry, as there is no definition of pornography in Slovenian law. The ruling party even initiated a special procedure in the Parliament after the decision of the Media Inspector, which resulted, in June 2003, in the authentic interpretation of Article 84(1.3) of the Mass Media Act. Also, following these developments, and in line with the provisions in Article 84, an agreement was signed in July 2003 between the Broadcasting Council and broadcasters, on the voluntary designation of programming with erotic and violent scenes unsuitable for children and minors.

There is only one Media Inspector for 877 media outlets, with very little administrative support. The Inspector has managed up to now to resolve most of the complaints from the public, possibly because they are relatively few in number. The responsibilities of the Inspector are defined in the Mass Media Act. According to the Mass Media Act, the Inspector has no mandate for any monitoring, as his mandate is only for administrative proceedings in supervising the implementation of the act. He can propose to the Broadcasting Council to request the APEK to monitor certain programmes or channels, but he himself has no mandate or competency to conduct monitoring.

²⁶ Data submitted by the Media Inspector, written correspondence, 22 March 2005.

3.2 Licensing

The APEK is the public authority entitled to grant broadcasting frequencies, after the Broadcasting Council has issued a preliminary judgement on a request. Broadcasters who apply for a frequency have to be registered with a court and to provide the Ministry of Culture with information about themselves and the programmes they intend to broadcast. Once this information has been supplied, the Ministry enters the broadcaster into the Media Register.

The Media Register is a database of all the media outlets in Slovenia, including print.²⁷ The main data that media companies should provide to the Ministry includes the area of coverage, frequency and sources of revenue. Publishers of daily or weekly general and news-oriented newspapers, and operators of a radio or television channel should also provide a list of all the companies or individuals owning or controlling more than five per cent of the broadcaster's proprietary shares or voting rights (see section 5.3.1). The Media Register, and the names of the frequency and licence holders, is open to the public and is also available on the website of the Ministry of Culture (www.kultura.gov.si). In practice, however, a revision of the Media Register is necessary, as – in contravention of the Mass Media Act – the information it contains is mostly out of date and there is very little data on ownership. In addition, data on media ownership differs in comparison with the information, including precise data on ownership, contained in the judicial register, where all companies in Slovenia must be registered.

Licensing procedures

The Ministry of Culture provides the Broadcasting Council with a preliminary opinion²⁸ on whether a certain terrestrial station should be awarded the status of a regional, local or non-profit radio or television channel. When the Council reaches a decision on the status of a broadcaster, in the case of a regional or local channel, it issues a written order about issuing a licence, which must be passed to the APEK, which must then issue the licence. The Ministry of Culture issues the decision on the status of a non-profit radio or television channel, after receiving a preliminary opinion from the Broadcasting Council.²⁹ The decision on the status of a student radio or television channel is issued by the APEK.³⁰

The Broadcasting Council can abolish the awarded status of a regional or local radio or television channel with a written order, if the operator fails to fulfil its programming obligations.

²⁷ As defined in Articles 12-16 of the Mass Media Act.

²⁸ In accordance with section 3 of the Mass Media Act.

²⁹ Mass Media Act, article 81.

³⁰ Mass Media Act, article 80.

In accordance with the Law on Electronic Communication 2004, radio and television broadcasters pay an annual fee for the use of broadcasting frequencies.³¹ The fee is set by the Government, and varies according to the area covered by the television or radio channel. The fee goes to finance the APEK and the Broadcasting Council.

Since 1990, more than 20 television stations and almost 100 radio stations have received licences and frequencies, together with more than 20 stations that broadcast only through cable.

Cable and satellite broadcasters are regulated by a separate, special procedure.³² Commercial and public broadcasters complain that cable operators routinely ignore copyright and licensing conditions by redistributing channels which do not have broadcasting rights for Slovenian territory – such as the Croatian channels, HRT1 and HRT2 – and thereby undermining the appeal of both public and commercial channels. Pop TV succeeded in blocking the distribution of channel of the Croatian public television channel HRT2 during the World Cup football finals in 2002, as Pop TV had exclusive rights for these programmes for Slovenia. However, although the cable operators agreed to block these specific programmes, afterwards they resumed the distribution of the Croatian channels.

Such a huge number of electronic media outlets exist in a country with only two million viewers and listeners. There were also few differences in the programme content that was broadcast by all these stations. The result of that process is that although Slovenia has a relatively large number of broadcast media, it does not necessarily have a corresponding amount of quality domestic production or diverse programming. Documentaries, and arts and education programmes are almost completely absent from commercial programmes. Most domestic programming is cheap in-house production, such as talk shows, television interviews, roundtables, and music videos. There are also plenty of “infomercials” and – although the Mass Media Act prohibits it – covert advertising, with paid-for interviews, promotions and presentations of different new products or companies.³³ There are interviews with representatives of travel agencies, shopping malls, pharmaceutical and other companies, who present their new offerings and catalogues. The studio background is usually full of company logos, product placements and similar promotions.

The majority of radio and television stations depend on advertising revenues. Data on the advertising market over the last few years indicates that a recession is ongoing, with advertising expenditure falling by up to 15 per cent in 2003. Consequently, there was less money for programme production. Given that domestic production costs are high, especially for news and current affairs reporting, the Broadcasting Council states that

³¹ Law on Electronic Communication 2004.

³² Procedure on licences for radio and television broadcasting, when the function is not connected with the use of frequencies, *Official Gazette* 10 March 2003.

³³ Mass Media Act, art. 47.

the consequences of this situation will be an increased commercialisation of programme content and more cross-ownership.³⁴

In its report for 2001–2002, the Broadcasting Council stated that, due to the absence of a national strategy for the development of radio and television, in the past there was no policy on granting frequencies.³⁵ (This observation remains valid, given that in 2005 there is still no specific strategy for broadcasting.) The Council called for a development strategy for radio and television channels to be drafted, to clarify how many channels are actually needed in Slovenia to satisfy the needs of the public for information, education and culture, given that the available television and radio frequencies were almost exhausted.³⁶ The Council's report assumed that in two or three years it would be practically impossible to find new frequencies for television analogue broadcasting, a prediction that subsequently proved to be accurate. To resolve this situation, the Council proposed that Slovenia should turn to digital technology. A document is now in preparation on the switchover to digital broadcasting, and the basis for a strategy is contained in the Broadcasting Council's report for 2004.

Television and radio channels of special importance

The 2001–2002 report of the Broadcasting Council also expressed concern at the length of the procedure required to establish the status of a channel of "special importance". Three authorities lead the procedure: the Ministry of Culture, the Broadcasting Council and the APEK. Prior to the Mass Media Act, ten television stations had the status of "local non-profit channels". Subsequently, their status was changed into one of the following:³⁷

- "Local television and radio channels of special importance": these must cover 10 per cent of the population of Slovenia and broadcast at least 30 per cent of local in-house content production daily. Five television channels have this status.
- "Regional television and radio channels of special importance": these must cover between 10 and 50 per cent of the population of Slovenia and broadcast at least 30 per cent of regional in-house content production daily. Three television channels have this status.
- "Non-profit television and radio channels": these must broadcast at least 30 per cent of in-house production (news and current affairs, arts, educational, cultural and entertaining content) daily. No television stations currently have this status.

³⁴ Broadcasting Council, *Letno poročilo 2001/2002, (Annual Report 2001/2002)*, Ljubljana, 2002, (hereafter, Broadcasting Council, *Annual Report 2001/2002*).

³⁵ Broadcasting Council, *Annual Report 2001/2002*.

³⁶ Broadcasting Council, *Annual Report 2001/2002*.

³⁷ Mass Media Act, section 3.

In the Mass Media Act and in its implementation, student television or radio stations are also ranked among “television and radio stations of special importance”. The criteria for student stations are that their “programming is created and disseminated by students and is primarily aimed at a student audience” and their “surplus of revenues over expenditure is used only for executing the activities for which it was founded”.³⁸

Channels (local, regional or student) defined as having special importance for their communities must provide local and regional content (news, current affairs and culture) or content dedicated to students. For this, in accordance with the Mass Media Act, they receive, *inter alia*: preferential treatment when applying for broadcasting frequencies; lower prices for copyright; and free distribution by cable operators, where possible.³⁹ They can also receive funds from the State budget, particularly the Ministry of Culture, for specific projects, such as arts, news, documentaries and so forth.⁴⁰

All five channels of TV Slovenia also have the status of channels of special importance. Ten applications for such status from local and regional commercial channels were sent to the Agency in 2002, but to date only seven applications have been approved. These are: RTS from Maribor, TV Primorka from Nova Gorica, Kanal 10 from Murska Sobota, GTV from Kranj, ATV Signal from Litija, Vaš Kanal from Novo Mesto, and VTV from Velenje. These are local or regional television channels from different parts of Slovenia, which provide news, current affairs, arts and education programmes.

3.3 Enforcement measures

The Ministry for Culture and its Media Inspector monitor broadcasters’ compliance with the conditions of their broadcast licence. The Broadcasting Council can also propose to the APEK to monitor a certain station.

Monitoring of television channels and their programmes is performed by the APEK in accordance with a bi-annual plan, submitted to the Broadcasting Council. However, in 2003 and 2004, the APEK only monitored television channels that “cover a major part of Slovenia.”⁴¹ This included three channels of RTV Slovenia and three commercial channels, Pop TV, Kanal A and Prva TV, but meant that none of the other television channels (32 commercial and one public) were monitored in 2003 and 2004. Although lack of personnel and technical capabilities may explain this lack of monitoring and regulatory control, the fact that only 6 television channels out of 39 were monitored in the last two years leaves plenty of opportunity for possible breaches of regulation.

³⁸ Mass Media Act, art. 80.

³⁹ Mass Media Act, art. 82(4), 104(4) and 112(2).

⁴⁰ Mass Media Act, art. 82(1).

⁴¹ APEK, *Annual Report for 2004*, p. 40.

If the Media Inspector or the APEK finds that a broadcaster's compliance with the conditions of the broadcast licence or the Mass Media Act is lacking, they have the following powers:⁴²

- to issue a warning or a financial penalty;
- to prohibit advertising to be published in that outlet for three months; or
- to issue a temporary or permanent withdrawal of the licence.

Penalties and sanctions applicable to all broadcasters, including RTV Slovenia, are defined in the Mass Media Act.⁴³ Financial penalties range from SIT 90,000 (€400) to SIT 2.5 million (€10,500), according to the type of violation.⁴⁴ For instance, the fine for covert advertising is SIT 2.5 million (€10,500), while that for offending human dignity, broadcasting pornography and violent scenes at times of the day when such content is not allowed, and for all types of discrimination, is SIT 2 million (€8,000).

To date, however, no fines have yet been imposed. In 2003 and 2004 (total for both years), the APEK found 12 breaches of the Mass Media Act following its monitoring of the 6 channels listed above. In each case it issued a warning. The breaches mainly concerned restrictions on advertising.⁴⁵ In 2004, of the 116 cases initiated by the Media Inspector from all the media outlets, including press, radio and television, 81 cases were dropped as no breach of law was found or the irregularities had ceased. The Media Inspector issued 25 warnings, and two decisions to prohibit broadcasting or printing.⁴⁶

3.4 Broadcasting independence

RTV Ljubljana, which became RTV Slovenia in 1991, started to transform itself into a public service broadcaster immediately after the first multiparty elections in 1990. RTV Slovenia's Council was designed to represent the different segments of Slovenian society. The political parties were awarded only minor direct influence – only 5 out of 25 members of the Council are appointed by political parties in Parliament, proportionally to the election results.

However, although direct political pressure is no longer felt, the Government and the political parties still try to influence, and even exert pressure on, the management, editors and journalists of RTV Slovenia. Political influence can still be felt in the Council of RTV Slovenia. Although no party official can be nominated as a member of

⁴² Mass Media Act, ch. 5.

⁴³ Fines range from those imposed on an author or legal person to those imposed on the responsible person at a media company. Mass Media Act, chapter 5 (Penalty provisions).

⁴⁴ Mass Media Act, ch. 5.

⁴⁵ As defined in Article 93 of the Mass Media Act.

⁴⁶ Data provided by Media Inspector, written correspondence, 22 March 2005.

the Council, this restriction does not apply to former party officials. This explains why Janez Kocijančič – President from 1993 to 1997 of the successor of the Communist Party, the United List of Social Democrats (*Združena lista socialnih demokratov – ZLSD*) – was able to become a member of the Council, as the representative of sports organisations. (Kocijančič is the chairman of the Slovenian Olympic Committee.) Later, he also became the chairman of the Council of RTV Slovenia, a position that he still holds at this time of writing. This has provoked plenty of protests from his political opponents, mostly right-wing parties. However, Kocijančič's position does not violate the Law on RTV Slovenia or the Statute of RTV Slovenia⁴⁷ since he is no longer a party leader or official. The situation is similar to that of other members of the Council or former members of the Council, such as the late Rudi Šeligo (a former Minister of Culture) and France Arhar (a former presidential candidate). However, neither Šeligo nor Arhar has been a party leader or official.

Political influence can also be exerted in other ways. In particular, the Government still plays an important role in financing public service broadcasting, also when it comes to finding solutions to relieve it of its debts.

Tanja Starič, the Editor-in-chief of news and education programmes at RTV Slovenia for the last few years, says that, while direct political pressures on journalistic work are rare, indirect forms of pressure persist,

A specific Slovenian problem is that journalists who cover internal politics are connected with politicians in one way or another. This is why politicians try to influence news coverage by direct contacts with journalists, for example by telephone calls, giving out true or false information about their political opponents, or friendly persuasion. If this does not work, they fall back on more direct means of pressure. In the last instance, they resort to telephone calls to the editors, to the programme management of RTV Slovenia or the Director General, who actually has no competence over programme content.⁴⁸

Starič was particularly concerned about pressure from advertisers and economic interests in general. She mentioned many cases when companies tried to gain the support of journalists by means that are prohibited by the RTV's code of ethics,⁴⁹ such as paid journeys abroad, or receipt of some services or gifts. There are also examples when journalists experienced anonymous, direct or physical threats, because they revealed corruption, especially during the privatisation of former State companies. Starič states that, "cases of such pressure are rare, but journalists are aware of them, especially after the attack on Miro Petek [an investigative journalist of daily *Večer*,

⁴⁷ Statute of RTV Slovenia, *Official Gazette* no. 66/1995, 17 November 1995.

⁴⁸ Interview with the Tanja Starič, Editor-in-Chief of news and education programmes at TV Slovenia, Ljubljana, 6 July 2004.

⁴⁹ RTV Slovenia, *Poklicna merila in načela novinarske etike v programih RTV Slovenija – Professional Standards and Ethical Principles of Journalism in the Programmes of RTV Slovenia*, Ljubljana, May 2000 (hereafter, RTV Slovenia, *Professional Standards*).

badly beaten in 2002], and this awareness influences their work.” However, according to Starič, there is also a danger of political interference, especially in the nomination and selection of editors and programme directors,

The belief that politics define all segments of social life is also a form of indirect pressure on journalism. The same goes for the belief that without political support candidates running for the leading positions at RTV Slovenia cannot be successful.

Commercial broadcasting is not under direct political influence and is not overtly politically biased. Nonetheless, there have been a number of controversial cases. For example, before the March 2003 referendum on Slovenia joining NATO, a number of local and regional commercial channels broadcast paid-for programmes on NATO, which had been subsidised by the Government and the Ministry of European Affairs, without their being “clearly visually and aurally separated from other programming”, as stipulated in the Mass Media Act.⁵⁰

Similarly, RTV Slovenia signed a contract with the Ministry of Defence to produce a programme on defence issues and the Slovenian army. The programme was to be paid for, and edited by, the Ministry of Defence. However, the programme was later cancelled, after the Council of RTV Slovenia cancelled the contract.⁵¹

From January 2005, Prva TV, the third most watched commercial channel, started with a five-minute programme, broadcast at 20.00 every day during the week (except the weekend), where the President of the Slovenian National Party (*Slovenska nacionalna stranka* – SNS), who is also a Member of Parliament, comments on political and social topics. No other political party, politician or other person has been granted such space on this channel, and this provoked protests by the public and other political parties about biased and politically charged editorial decisions and content.⁵²

There have been no main scandals or issues regarding news reporting on Pop TV, either regarding any political bias or with respect to the station’s commercial approach, which included the introduction of more “tabloid” techniques, with a higher number of human-interest stories, crime, scandals and similar characteristics of tabloid media.

⁵⁰ Mass Media Act, art. 93(1).

⁵¹ M. Milosavljevič, “Kapitulacija TV Slovenija”, (“The Capitulation of RTV Slovenia”), in *Delo*, 22 March 2003, p. 7, Ljubljana.

⁵² M. Milosavljevič, “Zmago Jelinčič Plemeniti – Novinar”, (“Zmago Jelinčič Plemetini – The Journalist”), in *Medijska preža* magazine, no. 22, May 2005, p. 12.

4. REGULATION AND MANAGEMENT OF PUBLIC SERVICE BROADCASTING

The activity of RTV Slovenia is defined in the Law on RTV Slovenia, which was first passed in 1994 and subsequently amended in 1999 and 2001. The draft of a completely new Law on RTV Slovenia (hereafter, draft Law on RTV 2005) was presented on 1 April 2005⁵³ and passed by the National Assembly (lower chamber of Parliament) on 22 June 2005, but it was then vetoed by the National Council. While its final form remains to be seen, it will very likely introduce important changes. More detailed functioning of RTV Slovenia is defined in its Statute.⁵⁴

The Law on RTV Slovenia obliges RTV Slovenia to be independent and autonomous, to respect human integrity and dignity in its programmes, to observe the principle of impartiality, and to ensure the verity of information, the pluralism of opinions and religious beliefs.⁵⁵ It also obliges RTV Slovenia to broadcast radio and television programmes for the Italian and Hungarian minorities in Slovenia. RTV Slovenia must also ensure almost universal access to its channels, as 90 per cent of the population – and 90 per cent of the areas where members of the Italian and Hungarian minorities live – must be able to receive its signals.⁵⁶

In 2003, the total revenue of RTV Slovenia was SIT 26,034 million (or approximately €111.15 million),⁵⁷ while its total expenditure was SIT 28,654 million (€119.39 million). Some 600,000 individuals pay the licence fee, which is the most important funding source for RTV Slovenia. In 2003, the public broadcaster's total marketing revenue (advertising and other commercial activities) was SIT 3,925 million (€13.7 million), a 7.2 per cent decrease with respect to 2002. TV Slovenia attracted the lion's share (71 per cent) of the total advertising income of RTV Slovenia in 2003.⁵⁸

RTV Slovenia is governed by the Council of RTV Slovenia, which consists of 25 members, of whom 17 are appointed by various institutions of civil society and academia, three by the staff of RTV Slovenia, and five by Parliament. The Council appoints the Director-General, who has to be confirmed by Parliament. It also appoints the programme directors of Radio and Television on the basis of a public

⁵³ The draft Law on RTV 2005 is available (in Slovenian) at <http://www.kultura.gov.si/legislations.cp2?&uid=18532> (accessed 10 July 2005), (hereafter, draft Law on RTV Slovenia).

⁵⁴ The Statute was adopted on the basis of Law on RTV Slovenia by the Council of RTV Slovenia, with the consensus of Parliament. Statute of RTV Slovenia, *Official Gazette* no. 66/1995, 17 November 1995.

⁵⁵ Law on RTV Slovenia 2001, art. 4.

⁵⁶ Law on RTV Slovenia 2001, art. 5.

⁵⁷ The exchange rate used throughout this report is €1 = SIT 239 (Slovenian Tolars).

⁵⁸ RTV Slovenia, *Annual Report 2003*, published in English and Slovene language, Ljubljana, 2004, (hereafter, RTV Slovenia, *Annual Report 2003*), p. 63.

announcement, upon a proposal following the recommendations of the Director-General. Editors-in-chief are appointed on the basis of a public announcement upon a proposal following the recommendations of the programme director of radio or television.

4.1 The public broadcasting system

TV Slovenia remains the largest and most important television station. It produces the largest quantity of domestic production, and the most diverse production, including news, current affairs, arts, religious programmes, documentaries and other content.

In 2004, TV Slovenia's four channels had a 37.6 share of all television viewers between 07.00 and 24.00.⁵⁹ After new commercial channels started to broadcast in the mid-1990s, to big success, TV Slovenia started to lose viewers and to adopt more commercial approaches and contents, causing critical responses from both commercial broadcasters and public. However, since 2000, its ratings have been improving every year.

Although RTV Slovenia's annual report for 2004 had not, at the time of writing, yet been published, data provided by RTV Slovenia shows that it had 2,150 employees at the end of 2004. The number of part-time employees and contributors has decreased by 250 since 2003. According to management plans, RTV Slovenia will have to reduce the number of its employees and regular contributors by a further 600 by 2008. However, far from shedding staff, RTV Slovenia employed 64 new staff during 2004.⁶⁰

4.2 Services

RTV Slovenia broadcasts two national television channels, one regional channel, Television Maribor (Tele M) and one channel for the Italian-speaking minority in Slovenia (TV Koper Capodistria). The public service broadcaster also produces television programmes for Slovene national minorities in neighbouring countries, television programmes for foreign audiences, and television programmes in the regional centres in Maribor and Koper/Capodistria. There is satellite broadcasting for external audiences.

On its regional channel, TV Koper Capodistria, TV Slovenia does not broadcast in languages other than Slovenian and Italian. However, TV Slovenia also produces programmes in Hungarian for the Hungarian-speaking minority in Slovenia at its regional centre in Lendava (these programmes are broadcast on channels SLO 1 and Tele M), as well as in German and in English for foreign audiences (with Slovenian subtitles when broadcast in Slovenia).

⁵⁹ Media Services AGB, *Research on 2004*.

⁶⁰ Working material for the Annual Report of RTV Slovenia for 2004 received directly from RTV Slovenia for this report; and S. Banjanac-Lubej, "Izgube so katastrofalne", ("Losses are disastrous"), in *Zurnal* weekly, 27 May 2005.

Table 4. RTV Slovenia regional channels

Channel	Launch	Diffusion	Technical Penetration	Language	hours/week	Programming	Revenue source
TV Koper Capodistria	1971	T, C	40	Italian Slovenian	85	Generalist	L-F / Adv.
Tele M	2002	T, C	20	Slovenian	75	Generalist	L-F / Adv.

Abbreviations: L-F licence fee; Adv. Advertising, T terrestrial, C cable
Source: Broadcasting Council⁶¹

4.3 Funding

In 2003, revenue from licence fees accounted for the 72.8 per cent of RTV Slovenia's income of SIT 26,034 million (or €111.15 million). (See Table 5 below.) Other income came mainly from advertising, in-house music and audiovisual production, public concerts, book publishing and sponsorship. A further SIT 300 million (€1.25 million) was received from the State budget, in the form of State subsidies for special projects, mainly for programming for the two national minorities.

Table 5. RTV Slovenia revenue and expenditure structure (2003)

		Share of total (per cent)
Source of revenue	Licence fee	72.8
	Advertising	16.5
	Other commercial income	9.5
	Co-production	1.2
Type of expenditure	Labour costs	41.3
	Material costs	34.7
	Financial costs	13.0
	Amortisation	9.9
	Extraordinary costs	2.0

Source: RTV Slovenia⁶²

All owners of radio or television receivers must pay a licence fee. The fee is paid by more than 600,000 individuals (as of 31 December 2003). Since August 2004, the licence fee has stood at SIT 2,637 (€11) monthly. RTV Slovenia identifies potential payers from lists of domestic electricity consumers. To be exempted from the fee, it is

⁶¹ Broadcasting Council, *Radio and TV Programmes*, p. 22.

⁶² RTV Slovenia, *Annual Report 2003*, p. 65.

necessary to sign a legally binding declaration that there is no radio or television set in the household. False declarations may be prosecuted.

The Law on RTV Slovenia 1994 established that the overall amount of advertising and other commercial presentations in the programmes of RTV Slovenia must not exceed 15 per cent of daily broadcasting time, and must not exceed 12 minutes of any 60 minutes of programming.⁶³ The Mass Media Act imposed restrictions on advertising for all media, and additionally limited advertising in prime time (between 18.00 and 23.00 hours) to nine minutes per hour and prohibited teleshopping during this time. For radio and television channels of “special importance”, including RTV Slovenia (see section 3.2) restrictions on advertising, with respect to frequency, content and sponsorship, are set out in Article 94 of the Mass Media Act, while Article 98 restricts the amount of advertising.

In accordance with the Law on RTV Slovenia, funding from the State budget for special projects may only be used for:

- production, broadcasting and transmission of domestic programmes by the public service broadcaster;
- production of programmes for Slovene minorities in neighbouring countries and for Slovenian emigrants;
- production of programmes designed for foreign audiences;
- construction, maintenance and operation of the transmission network; and
- important cultural, educational and scientific projects.

During the 1990s, RTV Slovenia incurred escalating losses which have not yet been recovered, although its financial performance is improving. Together with accumulated interest, by 2003 the total amount owed amounted to SIT 5,204 million (or approximately €21.68 million). There was also a decline in advertising revenue; in 2003, advertising revenue was 18.8 per cent smaller than planned.

According to the management,⁶⁴ one of the reasons for RTV Slovenia’s losses in previous years was the Government’s repeated refusal to take the unpopular (and possibly inflationary) step of increasing the licence fee. However, revenue from the licence fee did increase following amendments to the Law on RTV Slovenia in 1999 which obliged all households connected to the public electric power grid (unless those exempted) to pay the licence fee.⁶⁵

Aleks Štakul, the current General Director of the RTV Slovenia, has sought an annual increase of the licence fee corresponding to the overall rate of inflation. He has also

⁶³ Law on RTV Slovenia 1994, art. 10.

⁶⁴ Interview with Aleks Štakul, 9 July 2004.

⁶⁵ Law on RTV Slovenia 1999.

proposed that an independent supervisory committee, rather than the Government, should be in charge of determining the licence fee. Štakul also requested in 2004 additional State funds for “special tasks and programmes of public service broadcasting, minority programmes, technological updating and necessary digitalisation of archives, transmitting network and multimedia services.”⁶⁶ However, by June 2005, there had been little response to these proposals.

In the beginning of 1998, Pop TV began to promote the idea of prohibiting advertising on public service broadcasting so that commercial stations would have the advertising market to themselves.⁶⁷ However, as the number of homes with televisions in Slovenia is relatively small – 600,000 compared to more than three million in Austria or 3.8 million in the Czech Republic – it seems unrealistic to expect that public service broadcasting could finance itself only from licence fees.

Moreover, in the past, non-commercial local, regional and student radio and television stations succeeded in securing a part of the licence fee that was established exclusively for public service radio and television. Under the Mass Media Act, three per cent of the revenue from the licence fee should be distributed to non-commercial radio and television stations. RTV Slovenia filed a complaint, which the Supreme Court endorsed, ruling in 2003 that RTV Slovenia should be the only organisation to receive money from the licence fee. Nonetheless, the court ruled that revenue collected prior to this judgement must be paid to all radio and television stations of special importance (see section 3.2), and not just the public service broadcasters.⁶⁸ Approximately SIT 770 million SIT (€32 million) would therefore be split among these stations, for arts, education and other non-commercial programmes. RTV Slovenia opposes this decision and has not paid this money.

4.4 Governance structure

The draft Law on RTV Slovenia 2005 includes major changes, including a new body – the Programming Council – that will replace the existing Council of RTV Slovenia.

4.4.1 Council of RTV Slovenia

At the time of writing (early June 2005), RTV Slovenia is governed by the Council of RTV Slovenia, which consists of 25 members. Various institutions of civil society and academia appoint 17 members, three are appointed by the staff of RTV Slovenia, and five are appointed by Parliament.

⁶⁶ Interview with Aleks Štakul, 9 July 2004.

⁶⁷ Marko Milosavljevič, “Daj slab nasvet”, (“Give bad advice”), in *Delo*, 14 March 1998, p. 25.

⁶⁸ See section 5.2.

The choice of the five Council members who are appointed by Parliament reflects the division of power among the parties in Parliament. Parliament cannot appoint members of the House or State officials to the Council. The Italian and the Hungarian national communities each appoint one member through their minority organisations. In addition, the following organisations each appoint one member of the Council:

- the University of Ljubljana and the University of Maribor;
- the Academy of Arts and Sciences;
- the Association of Film Producers;
- the Association of Musicians and the Association of Composers;
- the Association of Writers and the Association of Theatre Artists;
- the Association of Cultural Organisations;
- the Federation of Journalists;
- the Council of the Organisation of the Disabled Persons;
- the National Olympic Committee;
- the Association of Employers;
- the Cooperative Union and Farmers' Association;
- the Coordination Committee of Organisations and Parties of the Retired People;
- trade unions;
- the Youth Council and the Union of Youth Supporters; and
- religious communities in Slovenia.

Members of Parliament, public officials and party leaders, as well as staff of RTV Slovenia (including former staff employed less than three years ago) cannot be elected to the Council as representatives of civil society. Directors and other executive staff of RTV Slovenia who are appointed by the Council are also excluded.

The mandate of Council members is four years and may be renewed. Council members can be dismissed by the organisations that selected them, but as yet no member has yet been dismissed. The criteria and procedures for dismissal should be defined in the statutes of these organisations, but are often not clearly defined or missing altogether. The Council of RTV Slovenia has the following responsibilities:⁶⁹

⁶⁹ Law on RTV Slovenia 2001, art. 18.

- adopting the Statutes of the Council;
- appointing and dismissing the Director General, the Directors of Radio and Television Programmes, the Director of the Transmitters and Communications Unit, the Directors of the National Minority Programmes and the Editors-in-chief;
- proposing the amount of the licence fee (for approval by the Government);
- adopting the financial plan and the final financial report; and
- defining programme standards and the programme framework

The decision about the licence fee must be approved by the Government, while the election of the Director General, as well as the adoption of Statutes, must be approved by Parliament.

The Council of RTV Slovenia appoints the Director General on the basis of a public announcement, but the appointment must be confirmed by Parliament. The Council also elects the Directors of Radio and Television Programmes, after a public announcement and following the recommendations of the Director General. The Editors-in-chief of the different sections, and the Head of the Transmitters and Communications Unit, are appointed on the basis of a public announcement following the recommendations of the Programme Director in charge. The Directors of the National Minority Programmes are appointed on the basis of a public announcement following the recommendations of the Director General and the National Minority Council. All tenures last four years. The Council decides by a majority vote.

4.4.2 Supervisory Board

A seven-member Supervisory Board oversees the financial operations of RTV Slovenia. Parliament appoints and dismisses five members of this Board, with the remaining two elected by RTV Slovenia's own staff. They are all appointed for a mandate of four years.

The main tasks of the Supervisory Board are the supervision of the business operations of RTV Slovenia, are to review the financial plan, and to supervise the account statements, final balance and books, and the legal conformity of operations. In the Board's annual report for 2003, Chairman, Nikola Damjanić highlighted the necessity of realistic and harmonised planning, given that RTV Slovenia's revenues have decreased and its labour costs have increased.⁷⁰

⁷⁰ RTV Slovenia, *Annual Report 2003*, p.13.

4.5 Programme framework

4.5.1 Output

The RTV Slovenia report for 2003 states that 748 full-time TV Slovenia employees, together with 384 regular contributors and part-time workers, produced a total of 14,310 hours of programming for SLO 1 and SLO 2. This comprised 13,091 hours of programmes and 1,219 hours of commercials, television sales and trailers (see Table 6 below). This total was 646 hours less than in 2002, but still 1,318 hours more than in 2001.

Table 6. Programme output of TV Slovenia – breakdown by genre (2003)

Genre	Annual output (hours)	Share of total annual output (per cent)
News and current affairs programmes	2,637	18
Documentaries	1,417	10
Sport	1,493	10
Feature films	1,403	10
Music	1,375	10
Series	1,053	7
Children and youth programmes	810	6
Advertising and teleshopping	865	6
Entertainment	875	6
Newscasts	1,068	8
Trailers	354	3
Education	348	2
Other programmes	350	2
Television drama	262	2
Total	14,310	100

Source: RTV Slovenia⁷¹

For decades, SLO1 and SLO2 broadcast a mixture of highbrow and popular contents, including an important share of programmes from Western Europe and the USA. Since the start of commercial broadcasting, public service television stations opted for an increase of popular formats. New game shows, including licensed programmes such as *The Weakest Link*, European soap operas and similar light entertainment were introduced. This has been reflected in increases both in the quantity of advertisements and in overall advertising revenue.

⁷¹ RTV Slovenia, *Annual Report 2003*, p. 27.

Nonetheless, what mainly differentiates the public service broadcaster from commercial stations, is that it is the only television station that provides the whole spectrum of programmes, including arts, documentaries, religious programmes, news, current affairs, education, children and youth programmes. Unlike the commercial stations, it emphasises quality and European production. This orientation includes the financing (in part) of new Slovenian films and series. The transmission of quality European works and independent productions has also increased.

TV Slovenia has lost a number of sports broadcasting rights to commercial competitors, including the Wimbledon tennis tournament, the World Cup football finals in Japan and South Korea, and some Formula 1 car racing. However, it still provides the biggest share of sports programmes among all Slovenian television stations, including the most popular ones, such as skiing, international football and basketball, whose events regularly achieve the highest ratings. For the next World Football Cup, TV Slovenia decided to buy the rights jointly with the commercial channel, Pop TV, and its parent company, Pro Plus.

4.5.2 Programme guidelines

Impartiality in all programmes is the primary value demanded by the Law on RTV Slovenia.⁷² According to this law, reporting must be emotionally neutral, balanced, ethical and impartial. Employees of RTV Slovenia must avoid any suspicion of partiality. The producers of television programmes must not suppress or neglect important pieces of information, which are not in accordance with their personal belief.

The Law on RTV Slovenia also obliges journalists to provide an equal and balanced presentation of a wide range of different opinions about a particular issue. Journalists must also enable representatives of all involved parties to express their point of view. This applies to all types of programmes produced by the station.

Nonetheless, certain topics that TV Slovenia's editors considered important for the country because of Government policy, but that were controversial or potentially problematic, were handled with excessive care. For example, prior to Slovenia's decision to join NATO, opponents of NATO were often left out of the debate, probably due to self-censorship by journalists and editors (see section 3.4).

⁷² Law on RTV Slovenia 2001, art. 4.

4.5.3 Quotas

The EU “Television without Frontiers” Directive (hereafter, TWF Directive)⁷³ is, to a certain extent, mirrored in Article 92 of the Mass Media Act 2001, which lists the following requirements for RTV Slovenia:

- European audiovisual production must account for the majority of airtime of annual public service broadcasting.
- Both public service television stations, SLO1 and SLO2, have to reserve at least 25 per cent of their annual airtime for programmes produced in Slovenia.
- The public service broadcasters must reserve 10 per cent of their schedule for programmes by independent producers.

Table 7. The structure of TV Slovenia’s broadcasts (2003)

		Hours aired	Share of total (per cent)
Total (excluding advertising, television sales and trailers)		13,091	100
Type of production	In-house and commissioned production – first run	3,434	26
	Other production – first run	2,954	23
	Repeats	6,703	51
Source of works	Original Slovenian works	7,478	57
	US works	1,543	12
	European works	3,188	24
	Other	882	7

Source: RTV Slovenia⁷⁴

According to its annual reports over recent years, RTV Slovenia did fulfil these requirements for Slovenian and other European works. However, its fulfilment of the requirement regarding independent production is not so clear, as independent production is not well developed in Slovenia, especially in terms of the quantity of production (see section 6).

⁷³ EU “Television without Frontiers” Directive: Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, 89/552/EEC, OJ L 298 of 17 October 1989, as amended by European Parliament Directive of June 1997, 97/36/EC, OJ L 202 60 of 30 July 1997, consolidated text available on the European Commission website at http://europa.eu.int/eur-lex/en/consleg/pdf/1989/en_1989L0552_do_001.pdf (accessed 15 March 2005).

⁷⁴ RTV Slovenia, *Annual Report 2003*, p. 27.

With its minority-language output, RTV Slovenia is obliged to reach 90 per cent of the areas where members of the Italian and Hungarian minorities live. There is, however, no quota for this output. Under the RTV Slovenia's code of ethics, *Professional Standards Professional Standards and Ethical Principles of Journalism in the Programmes of RTV Slovenia*,⁷⁵ it must also pay attention to other ethnic and religious minorities in Slovenia, and to Slovenian emigrants.

In 2003, Television Studio Lendava, the Hungarian-language television studio of RTV Slovenia, produced as many as 192 programmes, with a special emphasis on the Hungarian-speaking minority in Slovenia. These were mostly 30-minute reviews of current affairs, focusing on the bilingual area of Prekmurje. In September 2004, a new RTV studio was opened in Lendava.

Table 8. Italian-language programming on TV Koper Capodistria – breakdown by genre (2002)

	Share of total hours (per cent)
Sport	21.6
Television drama	19.0
Current affairs	19.0
Arts programme	18.0
News	13.0
Music	5.0
Children's programme	4.0
Religious programme	0.2
Entertainment programme	0.2
Total	100

Source: RTV Slovenia⁷⁶

Nonetheless, there is discontent with the national minority programming both among the producers and in civil society. Producers have called for additional State funding and civil society organisations for more minority programming. Aleks Štakul, General Director of RTV Slovenia, has demanded that the Government provide additional, targeted funding, to cover 50 per cent of the total costs of producing such programmes.⁷⁷

⁷⁵ RTV Slovenia, *Professional Standards*, p. 61.

⁷⁶ RTV Slovenia, *Annual Report 2002*, Ljubljana, 2003, p. 23. (No information for this programme is available in the *RTV Annual Report 2003*.)

⁷⁷ Interview with Aleks Štakul, General Director, RTV Slovenia, Ljubljana, 9 July 2004.

RTV Slovenia is also obliged to produce news and information for the international public in English, German and Italian. Such broadcasts are part of the programme of radio stations and they include, for example, regular information on traffic and weather in the summer during the tourist season. Radio Slovenia International broadcasts in English and German. No such news is available on TV Slovenia.

There are no special quotas for languages or minority group representation. This is particularly problematic for the Roma minority, which is almost absent from RTV Slovenia radio and television programmes.⁷⁸

There are no specific quotas for culture, sports or other programme strands.

4.6 Editorial standards

In addition to the Law on RTV Slovenia, the Statutes of RTV Slovenia, and the Mass Media Act, RTV Slovenia journalists must also respect the *Code of Practice for Slovenian Journalists*⁷⁹(2002) and the RTV Slovenia's code of ethics (2000).⁸⁰

At the moment, the Council of RTV Slovenia acts as a sort of ombudsman, discussing complaints regarding biased or unprofessional reporting or programmes. However, to date no such case brought before the Council has resulted in penalties or sanctions. RTV Slovenia's code of ethics foresaw the appointment of an ombudsman to monitor and safeguard adherence to professional standards and ethical principles. The current management of RTV Slovenia also stated that an ombudsman was needed in their response to the draft Law on RTV Slovenia 2005 (see section 4.7). However, the draft law makes no mention of an ombudsman or of any other mechanism for monitoring quality and adherence to professional standards and ethical principles. There are also currently no independent and effective mechanisms to improve public accountability regarding programmes and their contents.

The draft Law on RTV Slovenia 2005 provides the new Programming Council with a mandate to deal with complaints from viewers and listeners, and instruct the Director General on how to introduce changes. At the same time, however, the draft law does not foresee a complaints mechanism or any other mechanism for audience feedback, nor does it provide for any direct accountability to the public, other than through an annual report drawn up by the Supervisory Board. The Peace Institute, an NGO,

⁷⁸ In the 2002 census, the Roma minority numbered 3,246 persons, or 0.17 per cent of the population of Slovenia. 2002 census data.

⁷⁹ Association of Slovene Journalists, *Društvo novinarjev Slovenije, (Code of Practice for Slovenian Journalists)*, Ljubljana, 2002.

⁸⁰ RTV Slovenia, *Professional Standards*.

suggested an alternative mechanism,⁸¹ proposing that the Programming Council establish a committee for complaints and proposals from viewers and listeners – established within the editorial offices of RTV Slovenia and reporting to the Programming Council – which would watch over complaint procedures and decide on the most complicated cases. However, all amendments to the draft law proposed by the Peace Institute were refused.

The original version of RTV's code of ethics (adopted in 2000) actually forbade the expression of opinion by journalists in any form, and comments are still rare today. Nonetheless, Tanja Starič, the Editor-in-chief of news and education programmes at TV Slovenia in recent years, warns of several possible traps,

Our code of ethics [*Professional Standards and Ethical Principles of Journalism in the Programmes of RTV Slovenia*], which has a fundamental significance for public service broadcasting, obliges journalists to report impartially and in a balanced manner, and also to separate journalistic reports and analyses from commentaries. But at the same time, articles in the Code of Practice [*Code of Practice for Slovenian Journalists*] can represent an obstacle for expressing journalistic opinions and viewpoints. For example, if a journalist is merely quoting opinions of the parties involved, then truth and facts can become blurred. This kind of “mathematical” division of opinions without an active journalistic attitude can represent an alibi for journalistic self-censorship or laziness over revealing facts and circumstances.⁸²

Two types of sanction can be used against journalists for not upholding professional standards. Journalists can be summoned to the Journalistic Court of Honour, an internal committee which discusses particular cases and issues public warnings. If, as sometimes happens, the Court rules that a journalist has acted unethically, the judgement should be published in the same outlet where the unethical act took place. However, since this is a self-regulatory system adopted by journalists and not accepted by all publishers, it is not binding. Some media do not publish the decisions of the Court of Honour or at least not those related to themselves. The Mass Media Act also regulates the rights of reply and of correction, which are very detailed and can result in a civil court order to a publisher to publish a reply or correction. Another way to address violations of professional standards is to file a civil court case and demand financial compensation.

No journalist of RTV Slovenia has ever been fired for professional misconduct. There were certain civil court cases involving private persons, claiming defamation, but there have been no recent civil court case involving politicians or other public figures.

⁸¹ Peace Institute, *Predlogi za spremembe in dopolnitve Predloga zakona o RTV Slovenija, (Suggestions for amendments and corrections of Draft Law on RTV Slovenija)*, available at http://www.mirovni-institut.si/slo_html/novosti/Predlog%20amandmajev%20ZRTVS.doc (accessed 16 July 2005).

⁸² Interview with Tanja Starič, 6 July 2004.

The impartiality of the public service broadcaster is frequently debated. Most of the accusations of biased reporting come from political parties and politicians – in the last ten years, most often from the right-wing parties who were in opposition. It remains to be seen what will be made of the media coverage of the right-wing Government, elected in October 2004.

4.7 The future of public service broadcasting in Slovenia

A number of questions have been raised in recent years regarding the future of public service broadcasting in Slovenia, particularly its financing and management, and its political independence from the State and pressures from commercial competition.

Interviewed for this report, General Director Štakul argued for specific changes in the management system: “Presently, there is no efficient and transparent management in RTV Slovenia. For instance, the General Director is not able to choose the most important managers. The system does not provide quick and efficient decision-making and does not ensure common strategic goals.”⁸³ Štakul was critical of the fact that journalists and other employees of RTV Slovenia are categorised as public servants when it comes to negotiating their wages and working conditions. By making it possible to invoke other laws that restrict the work and actions, as well as the expression of opinions, of public servants, this categorisation offers more scope for restricting journalists’ activities, including their journalistic work, thus threatening journalistic independence. Indeed the law is unclear with respect to with whom journalists should negotiate their salaries. As a result, when RTV Slovenia journalists went on strike out of solidarity with their colleagues at private media (who, in October 2004, were on strike for better conditions and wages), the Council of RTV Slovenia had to give its authorisation for them to negotiate with the General Director.

Marjan Jurenc, chief executive officer of Pro Plus (the owner of commercial networks Pop TV and Kanal A) has called for a public debate to establish what public service broadcasting should be in Slovenia.⁸⁴ However, a number of roundtables organised on this topic, mostly by NGOs, met with little or no response from the Government, the regulatory bodies or the Ministry of Culture.

In May 2004, RTV Slovenia presented the document *Strategy for RTV Slovenia 2004–2010* to the Government and Parliament, and later also an Annex to this Strategy.⁸⁵ The Strategy proposed several methods to ensure stable financing for public service broadcasting, together with cost-cutting measures:

⁸³ Interview with Aleks Štakul, 9 July 2004.

⁸⁴ Interview with Marjan Jurenc, chief executive officer, Pro Plus, Ljubljana, 13 July 2004. (Pro Plus is the owner of the commercial television networks Pop television and Kanal A).

⁸⁵ RTV Slovenia, *Dopolnitve dolgoročne strategije razvoja RTV Slovenija 2004–2010*, (Annex to the long-term development strategy of RTV Slovenia 2004–2010), Ljubljana, 2004.

- It should be stated clearly in law that the public service broadcaster is the exclusive beneficiary of licence fee revenue.
- The Government should not be free to decide at its own discretion about increasing the licence fee, which should rise in accordance with the annual rate of inflation.
- Additional State funds should be granted to the public service broadcaster to meet its obligations in the production of minority programmes.
- State funding should also be available for strategically important and costly investment tasks, such as the transition from analogue to digital broadcasting, the digitalisation of radio and television archives, the modernisation of the central photo-film laboratory and the development of the Multimedia Centre (see section 7.4).
- RTV Slovenia should develop multimedia services such as the transmission of radio and television programmes on the Internet and include content such as videotext, subtitles for the deaf and access to programme archives.

The Strategy also foresaw a review of the size and composition of the present Council of RTV Slovenia. The purpose would be to find ways to prevent Council members from acting on behalf of particular interests, rather than promoting the public interest.⁸⁶

The Strategy also suggested examining whether to transform the public service broadcaster into a company with limited responsibilities, owned by the State. This would enable RTV Slovenia to carry out its public service obligations while, at the same time, allowing it to invest together with private companies.

According to data published in the Strategy, production costs for minority programmes in 2004 reached nearly SIT 2.4 billion (or approximately €10 million).⁸⁷ However, only SIT 205 million (€0.85 million), or 8.7 per cent of the costs, were covered from State funds. The Strategy proposes that the Government should cover half of the expenses for minority programmes. It should recommend that it should be examined whether Television Koper/Capodistria – whose main duty is to provide programming for the Italian-speaking minority in Slovenia and the Slovenian-speaking minority in Italy – should continue to produce generalist programming, not only programming aimed at minorities.

However, few of these sensible suggestions were included in the draft Law on RTV Slovenia 2005 presented to the Parliament by the Ministry of Culture on 1 April 2005.

⁸⁶ In 2001, the Council had adopted a rule that defined conflicts of interest and prohibited members from involvement in other business relationships with RTV Slovenia.

⁸⁷ From this amount, almost SIT 1.9 billion (€7.92 million) was used for Italian-language minority programmes and SIT 450 million (€1.87 million) for Hungarian-language minority programmes.

The draft was prepared in secrecy, without consulting academic experts or journalists' associations, and was supposed to be fast-tracked through Parliament.

The draft law introduces massive changes in the organisational and editorial structure of RTV Slovenia. According to the Explanatory Memorandum of the draft law, the main motive behind the proposed changes to the organisational structure is the acute politicisation of the existing Council of RTV Slovenia. The Memorandum declares:

For quite some time now, the status of public service television in Slovenia has not been fully comparable to the status of public service broadcasters (PSB) in other EU member states. Particularly problematic has been the area of RTV Slovenia's management. The currently valid law on RTV Slovenia was written in 1994 in special circumstances, that is to say, at the time when the new director began his four-year term. The 1994 law introduced a two-level decision process, taking away all the powers of the Director General with regard to programming, and transferring these to the directors of individual radio and television programs. This arrangement deviates from those practised by other European countries with PSBs, and indeed, already during the few years following its introduction, it proved to have expressly negative implications, since RTV entered a management crisis and incurred a loss amounting to several billion *tolars*.

A special problem is presented by the composition of RTV Slovenia bodies, the method of electing their members and the powers they have. For example, in the current system, the RTV Slovenia Council is a body that in effect incorporates all management and all crucial staff-related functions as well as some supervisory functions, although practice has shown that this body frequently failed to address certain vital aspects of the problems pestering this public institution. In addition, practice has proved that one body cannot possibly be expected to find appropriate solutions for the entire range of issues that need to be addressed. In the present scheme, the Supervisory Board is no more than a paper tiger that can only issue warnings, but cannot adopt rules since it does not have appropriate powers. The result of this arrangement is poor performance of various bodies.⁸⁸

The decisions of the Council of RTV Slovenia are, according to the authors of the draft (who at this time of writing remain unidentified), often perceived as "political" and there is criticism of the fact that a former president of a political party – although not named explicitly, the reference is clearly to Janez Kocijančič – was repeatedly elected onto the Council and even chosen as its chairperson. The Memorandum claims that "Slovenia is the only EU country (and judging by the available data, the only world country as well) with the former leader of a (previously totalitarian) political party as a head of the council of its national radio and television broadcaster."⁸⁹

⁸⁸ Ministry of Culture, *Ocena stanja in razlogi za sprejem zakona, (Explanatory Memorandum to the draft Law on RTV Slovenia)*, (draft), published on 1 April 2005, (hereafter, Ministry of Culture, *Explanatory Memorandum*).

⁸⁹ Ministry of Culture, *Explanatory Memorandum*.

The draft law proposes the abolishment of the public broadcaster's 21-member Council, and its Supervisory Board:

The current method of shaping the RTV Council, which, according to the authors of the proposal, was supposed to enable the domination of civil society within the Council, actually established a corporate transmission of pre-democratic political representation while excluding a great part of civil society. Of several thousand civil society institutions, only around twenty are given the opportunity to nominate their representatives to the RTV Council, which is an evidently controversial rule.⁹⁰

The draft law envisages the creation of new 29-member Programming Council that would take decisions about content, and a new Supervisory Board that would be authorised to take organisational and financial decisions. The new Programming Council would consist of 29 members:⁹¹

- 16 civil society representatives appointed by Parliament;
- five persons representing the main political parties, also appointed by Parliament;
- three persons elected from RTV Slovenia staff;
- two representatives of religious communities, appointed by the President;
- one person appointed by the Slovenian Academy of Arts and Sciences; and
- one person appointed by each of the Italian and Hungarian national communities.

The Parliamentary Committee for Appointments would collect proposals for the 16 civil society representatives, which Parliament would then confirm. However there is very little detail on the procedure whereby civil society is supposed to nominate members; until now, representatives from civil society on the Council were chosen without any involvement by Parliament. In addition, the Government would have greater influence over the new Programming Council than under the current system, as 21 of the Council's members would be approved by Parliament.

The draft law also establishes a new Supervisory Board that would have responsibilities in the areas of management and business operations. The Supervisory Board would consist of 11 members:

- five appointed by Parliament, representing the five main political parties;
- four appointed by the Government; and
- two elected by RTV Slovenia employees.

⁹⁰ Ministry of Culture, *Explanatory Memorandum*.

⁹¹ Draft Law on RTV Slovenia, art. 17.

The Government would therefore also have a majority on the new Supervisory Board, with nine of the 11 members named by Parliament or by the cabinet.

Under the draft law, the Supervisory Board of RTV Slovenia would have the following responsibilities:⁹²

- adopt the Statute of RTV Slovenia on the basis of prior consent by the Programming Council of RTV Slovenia;
- adopt the financial plan and the annual report of RTV Slovenia and decide about the use of any surplus income;
- determine the price of services that are not part of the public service; determine the way in which television sets and radios are registered and registration temporarily or permanently cancelled;
- determine in detail the payment method for having a radio or television set, as well as the criteria for writing off, partly writing off or postponing payment and paying in instalments in line with this act;
- supervise the operations of RTV Slovenia;
- supervise the keeping of the books, the legality of business operations, and checking periodic statements of accounts;
- have a right to examine all documentation, including that which relates to the functioning of transmitters and connections;
- adopt its rules of procedure and organise its work and appoint its committees in accordance with the rules of procedure;
- decide on other issues determined by the law and the Statute.

The General Director, who is currently selected by Council and appointed by Parliament, would stay in place, but future General Directors would be appointed solely by the Programming Council, on the basis of a public call for applications, with no involvement of the Parliament.⁹³ The General Director's authority would be much increased. At present, the General Director ensures that the public broadcaster's finances are sound, but has no influence on editorial content. Under the draft law, the position would combine managerial and programming responsibilities. The specialised managers currently responsible for radio and television programming would be replaced with positions dealing mostly with organisational and staffing issues. Serving for four years, the General Director would appoint a Director of Radio and a Director of Television (also serving for four years) to run RTV Slovenia's radio and television channels, respectively. The Editors-in-chief would also be appointed by the General

⁹² Draft Law on RTV Slovenia, art. 25(1).

⁹³ Draft Law on RTV Slovenia, art. 21.

Director, on the proposal of the Directors of Radio or Television, and would serve four-year terms. In the case that the General Director proposes to appoint an Editor-in-chief who does not enjoy the support of RTV Slovenia's employees, he or she could refer the matter to the Programming Council for a decision. The General Director would also appoint other senior management positions.

Under the new system, the State would have control over almost all managerial bodies at RTV Slovenia. It would have a majority in the Programming Council and the Supervisory Board. It would also indirectly have control over the General Director, who would be appointed by the Programming Council and would have broad responsibilities.

The draft law also foresees a new television channel, run by TV Slovenia but not named yet, to broadcast all sessions of Parliament, as well as sessions of parliamentary committees. When there is no session, this channel would broadcast home-shopping advertisements.

The draft law has provoked many reactions. It has been criticised by, among others, the President of the Republic of Slovenia, the Slovenian Association of Journalists, the Union of Journalists at RTV Slovenia, the Department of Communication Studies and Journalism at the University of Ljubljana, the Peace Institute and the Slovenian Association of Writers. It was also criticised abroad by, among others, Karol Jakubowicz, chairman of the Steering Committee on the Media and New Communications Services of the Council of Europe, representatives of the European Broadcasting Union, Aidan White, General Secretary of the International Federation of Journalists, and the UK NGO, Article 19.⁹⁴ Objections voiced by the NGO Article 19 to the draft law included the following:

- The majority of members of both the proposed new bodies are appointed by a political body and there is no requirement that members should sit in their individual capacities.
- There is very little detail on the procedure whereby civil society is supposed to nominate members.
- There is no statement requiring that members of the Supervisory Board should not receive instructions from anyone in regard to their function, or that members must serve the public interest rather than the benefit of any third party or themselves.
- Members of neither of the supervisory bodies are protected against early dismissal or external attempts to interfere with their independence.⁹⁵

⁹⁴ Karol Jakubowicz, "Katastrofa", ("Disaster"), in *Delo*, 11 June 2005, Ljubljana, p. 11; Article 19, *Note on the Draft Act on Radio Television Slovenia*, London, May 2005.

⁹⁵ Article 19, *Note on the Draft Act on Radio Television Slovenia*, London, May 2005, pp. 2–6.

Almost none of these criticisms or warnings have been accepted. Representatives of the Ministry of Culture and the Government have claimed that international experts and organisations were either misled or were not qualified or expert enough to comment on Slovenia and RTV Slovenia.⁹⁶ Domestic experts in media and broadcasting were labelled “so-called experts”, while remarks by the Legal Office of the Parliament, which also expressed warnings, were labelled as politically-motivated and “un-expert”.⁹⁷

5. REGULATION AND MANAGEMENT OF COMMERCIAL BROADCASTING

From 1994 to 2001 the Mass Media Law regulated commercial broadcasting. During this period, broadcast licences and frequencies for commercial broadcasters were awarded free of charge by the Office for Telecommunications.⁹⁸ Control over commercial outlets was virtually non-existent in the 1990s, and there were almost no penalties for any breach of the Mass Media Law. The only punishment that the Office could propose to the Ministry of Culture was the withdrawal of an outlet’s broadcast licence. The effectiveness of the Office was doubtful for the most part of the 1990s. It never withdrew any broadcast licence, in spite of clear violations of the media law by some stations and its control of the broadcasters remained mostly on paper. This situation changed with the Mass Media Act 2001, but nevertheless the law is still quite frequently broken.

5.1 The commercial television system

The broadcasting system changed with the fall of socialism in 1990. In November 1990, Slovenia’s first private television station, Kanal A, received a licence for terrestrial broadcasting. Many other private stations received broadcast licences soon thereafter, but their signals were limited to a relatively small area. Most private broadcasters started with limited financial resources and usually showed US soaps and films, and some cheap local production, such as studio debates and interviews.

Kanal A, majority-owned by the businessman Vladimir Polič, earned about \$1.4 million (or approximately €1.15 million) in 1995. It ended the year 1995 with losses of

⁹⁶ Gorazd Utenkar, “Vlada predlaga podržavljanje RTVS”, (“The Government proposes the State takeover of RTVS”), in *Delo*, 15 April 2005, p. 2; Milan Slana, “Le kozmetični popravki predloga”, (“Only the cosmetical corrections of the draft”), in *Dnevnik*, 15 April 2005, p. 3; Peter Kolšek, “Interview with Vasko Simoniti, Minister of Culture”, in *Delo*, 27 May 2005, p. 4.

⁹⁷ Jože Poglajen, “Igra z umazanimi kartami”, (“The game with dirty cards”), in *Delo*, 21 May 2005, p. 5.

⁹⁸ The Office for Telecommunications was later renamed as the Agency for Post and Electronic Communication (APEK) – see section 3.1.

\$2.4 million (€2 million). Public service television remained dominant. This situation changed in December 1995, when a new private television was launched. Pop TV was backed by Central European Media Enterprises (CME), a US firm registered in Bermuda that has invested in a number of Central and Eastern European countries.⁹⁹

No national television frequency was granted to a commercial bidder. To reach the widest possible audience, CME joined with two local television stations, MMTV and Tele 59, and established a production company called *Produkcija Plus Ltd.* (Pro Plus) to make Pop TV's programmes. CME invested some \$16 million (€13.3 million), and together with local partners established Pro Plus. It owned 78 per cent of Pro Plus and also invested some \$20 million (€15 million) in programming, through loans to Pro Plus.¹⁰⁰ Pro Plus also sells advertising for MMTV and Tele 59, as well as for additional affiliates in the Pop TV network of local stations. Through this network, Pop TV reaches 1.7 million viewers, or approximately 87 per cent of the population of Slovenia.

Pop TV was first registered as a trademark, not as a broadcaster. It acquired frequencies from local stations in which it became a part owner. It owned 10 per cent of the capital, but had the right to 33 per cent share of the profits in two of these stations.

Most of Pop TV's initial programming consisted of US films and series. Pro Plus had secured exclusive rights in Slovenia for a number of US and Western European programmes and films produced by studios such as Warner Bros., Twentieth Century Fox and Paramount. Pro Plus also reached agreements with CNN, Reuters and APTN to rebroadcast their news reports and film footage.

The Scandinavian Broadcasting System (SBS), a US company in spite of its name, bought a 33 per cent share of Kanal A in 1997.¹⁰¹ It soon raised its market share to 10 per cent, with a similar share in national television advertising market. Pro Plus, on the other hand, began to broadcast a second channel, entitled *Gajba Television* (Box Television) in October 1997.

In April 1999, SBS announced that it would take over CME. However, in the end nothing happened except for an exchange of ownership over their Slovenian and Hungarian stations. SBS sold its Kanal A to CME, while CME sold its Hungarian television station to SBS. On 11 October 2000, CME acquired control over Kanal A, the second-placed commercial television broadcaster in Slovenia. CME paid \$12.5

⁹⁹ For more on Central European Media Enterprises (CME) see: Sandra B. Hrvatin and Marko Milosavljevič, *Media Policy in Slovenia in the 1990's*, Peace Institute, Ljubljana, 2001; Also: Sandra B. Hrvatin and Lenart J. Kučić, *Report on Slovenia*, in Brankica Petković (ed.), *Media Ownership and its Impact on Media Independence and Pluralism*, SEENPM and Peace Institute, Ljubljana, 2004, available at http://www.mirovni-institut.si/media_ownership/pdf/slovenia.pdf (accessed 22 June 2005).

¹⁰⁰ Marko Milosavljevič, "Od kod ta ljubezen do tujcev?", ("Where does this love for foreigners come from?"), in *Delo*, 10 April 1999, Ljubljana, p. 22.

¹⁰¹ Marko Milosavljevič, "Od golobov do televizije", ("From pigeons to television"), in *Delo*, 16 August 1997, Ljubljana, p. 40.

million plus the value of the net current assets and net programming assets for 90 per cent of Kanal A. Consequently, Pro Plus ceased to produce programming under the name of Gajba Television and frequencies previously used for Gajba Television were taken over by Kanal A. From January 2001, Pro Plus has entered into an agreement with Kanal A, under which Pro Plus provides all programming to Kanal A and sells its advertising. All broadcast licences held by Pop TV and Kanal A have been extended to August 2012.¹⁰²

In 1995, the Catholic Church decided to establish a television station, called TV3. Its previous ventures into the media had been quite successful. Both its print outlets (particularly the weekly *Družina*) and its radio station Radio Ognjišče, remain popular and commercially successful. Radio Ognjišče, the Dioceses of Maribor and Koper, Mohorjeva družba (a publisher of predominantly religious titles), and the Economic Forum of Christian Democrats put up starting capital of DEM 5 million (€2.4 million). In 1996 they were joined by Mladinska knjiga, another book publisher.¹⁰³

TV3 began to broadcast on Christmas Eve 1995, and initially most of its output consisted of religious content. It never achieved a significant rating or advertising share. By the end of the 1990s, it had an audience share of only 1.2 per cent. After years of solid financial losses and failing to achieve any clear political, cultural or religious influence, 75 per cent of TV3 was sold to a Croatian entrepreneur, Ivan Čaleta, who at that time also owned Nova TV in Croatia and OBN in Bosnia and Herzegovina. By 2003, TV3 had an audience share of 1.7 per cent.

In 2004, Ivan Čaleta, sold his Croatian channel, Nova TV, to CME. Former Programme Editor-in-chief of Pop TV and Kanal A, Branko Čakarmiš, was appointed Programme Editor-in-chief at Nova TV. One of his first decisions was to adapt Pop TV's show "Our Little Clinic" for the Croatian market, with different actors and in the Croatian language. On 1 November 2004, Čaleta renamed TV3 as Prva TV (First Television). The change of name reflected the intention to broadcast more attractive films and shows, including Slovenian works.

¹⁰² All data is from: CME, *Annual Report 2003*, March 2004, available at <http://www.sec.gov/edgar/data/925645/000101540204000664> (accessed 7 July 2005) (hereafter, CME, *Annual Report 2003*).

¹⁰³ Marko Milosavljevič, "Novi slovenski mediji v devetdesetih. 2", ("New Slovenian media in 1990's, part 2"), in *Delo*, 11 May 1996, p. 36.

Table 9. Gross advertising revenue of the main television channels (2003)

Channel	Share of total advertising revenue (per cent)
Pop TV	57.6
Kanal A	18.4
SLO 1	13.0
TV 3	9.1
SLO 2	1.9
Total	100

Source: Mediana IRM104

Apart from Pop TV, Kanal A and (to a lesser extent) Prva TV, the other commercial stations are relatively unimportant in terms of influence and advertising revenue. Altogether, they had an audience share of 1.3 per cent in 2003 (adults over 15 years old).¹⁰⁵ They mostly produce cheap in-house programmes, talk shows and music shows.

The majority of smaller media owners, particularly in the radio sector, are businesses with ownership shares held by family members, relatives or common law partners. Due to lack of legal definitions in Slovenia, under the Mass Media Law 1994, a married couple, parents or children were not considered “associated”. This changed with the Mass Media Act. However, one of the fundamental deficiencies with regard to media in Slovenia today remains the lack of transparency, particularly regarding ownership. Most of the smaller television stations are owned by local entrepreneurs, their family members and/or their partners, and not by foreign or domestic media companies or corporations, involved in another business. Although these stations have limited financial resources and produce programming that is often not very attractive, they do nonetheless report on local and regional events and provide discussions on local and regional topics and problems. While they often also broadcast interviews with local, regional or national politicians, their political influence is limited by their low ratings and income.

5.2 Services

Commercial broadcasters have almost no public service obligations. They do not have to broadcast news, current affairs, education programme, documentaries, or religious programmes. Not being obliged by law to broadcast programmes for minorities in their

¹⁰⁴ Mediana IRM, *Research on annual gross advertising revenue*, Ljubljana, 2004. There is no official data on net advertising revenue, or on the whole Slovenian advertising market.

¹⁰⁵ Media Services AGB, *Research on 2004*.

own languages, or to provide any airtime for other social groups, they do not broadcast such content.

The Mass Media Act does stipulates that 20 per cent of a commercial station's daily broadcast time must be produced in-house or on behalf of the broadcaster.¹⁰⁶ Own works of at least 60 minutes' duration must be shown between 18.00 and 22.00. Two per cent of the station's annual broadcast time must consist of films of Slovenian origin or other Slovenian works dealing with literature, science and art.

Erotic programmes may only be shown between 00.00 and 05.00. This includes those shown by cable operators, unless they are coded.

5.3 Commercial television ownership and cross ownership

5.3.1 Ownership

Potential investors have to receive permission from the Ministry of Culture if they intend to acquire 20 per cent or more of the proprietary shares or the voting rights in newspaper, television or radio companies. The Mass Media Act foresees that the Ministry must consult the Agency for Post and Electronic Communication (APEK) before ruling on such requests.

The Ministry is legally obliged to refuse approval if this would enable an investor to obtain a monopoly over advertising revenues. Under the Mass Media Act, a monopoly means gaining control over more than 30 per cent of radio or television advertising time, or gaining frequencies that exceed 40 per cent of all of the nationally available frequencies.¹⁰⁷ As a monopoly is defined in terms of advertising time, rather than revenue, and by all of the nationally available frequencies, rather than viewer share or coverage, this means that no television station or channel holds a monopoly.

The main controversy arises from the fact that the law leaves the decision on who may or may not become a proprietor freely in the hands of the Government, as it is the Ministry of Culture that decides whether an operator has obtained a monopoly. In addition, the question of how this monopoly is measured has is not clearly answered. A new agreement on the methodology for defining a monopoly has been reached between the Ministry, the APEK and the Broadcasting Council, following initial discussions in 2004. The success and effectiveness of this methodology remains to be seen, however.

The lack of transparency with respect to the ownership of electronic media was a hotly debated issue when the main commercial television stations emerged in the mid-1990s. There was little information about their owners, especially for the foreign-owned channels, such as Pop TV, Gajba Television and Kanal A. However, in the USA,

¹⁰⁶ Mass Media Act, art. 85.

¹⁰⁷ Mass Media Act, art. 58.

accurate and up-to-date data on ownership must be reported to the Securities and Exchange Commission, which means that US investors had to include data on their investments in Slovenia. Thus, a lot of data on television stations broadcasting in Slovenia was almost immediately available in the USA.

For years, the ownership of media outlets was not transparent, since many people were willing to sell their names to the real owners for small amounts of money, enabling the true owners to remain concealed from the public eye. Nevertheless, the Mass Media Act provides for some market transparency.¹⁰⁸ By the end of February every year, broadcasters must publish their basic ownership data in the Official Gazette of the Republic of Slovenia. For every owner in possession of more than 5 per cent of the broadcaster's proprietary shares or voting rights, they must disclose the name and surname of the individual, or the name and location of the company. The names of the managers must also be disclosed.

The Mass Media Act does not, however, require precise information about ownership shares. Hence, it can remain unclear whether a shareholder possesses 5, 15 or 50 per cent more than the legal minimum of 5 per cent of the proprietary shares or the voting rights. Representatives of the Ministry of Culture say that it depends on the good will of the owners to come forward and admit their ownership share, given that the Act does not demand the disclosure of exact figures. Those who are more cunning or have better lawyers simply report that they own "more than 5 per cent".¹⁰⁹

The Ministry of Culture enters this ownership data into the Media Register, which is publicly accessible. However, this contains limited and mostly out-dated ownership information (see section 3.2).

Following the Ministry of Culture's approval for Pro Plus to own more than 20 per cent of two broadcasters, CME has restructured its Slovenian operations. Since 30 January 2003, Pro Plus has owned 100 per cent of Pop TV and Kanal A. The US company CME owns 96.85 per cent of the voting and profits interests in Pro Plus with corresponding economic and voting rights. Prior to 30 January 2003, CME had 78 per cent of the voting interests in Pro Plus and an effective share of profits of 85.5 per cent¹¹⁰. Thus the three largest Slovenian commercial television stations are controlled and almost completely owned by foreign investors, while the majority of smaller media owners – even more in the radio sector – are mostly businesses with ownership shares held by family members, relatives or common law partners.

¹⁰⁸ Mass Media Act, art. 12 and 64.

¹⁰⁹ Petra Zemljič, interview with Sašo Gazdič, representative of the Ministry of Culture, "Dosje mediji in kapital", ("Dossier: the media and the money"), in *Večer*, 20 March 2004.

¹¹⁰ All data is from: CME, *Annual Report 2003*.

5.3.2 Cross-media ownership

In accordance with the Mass Media Act, owners can be involved in either radio or television broadcasting, and not in both.¹¹¹ The owner of a radio or television channel can control up to 20 per cent of the shares or voting rights at a daily newspaper and *vice versa*.¹¹² There are no limits regarding cross-media ownership of magazines and radio or television channels. Advertising agencies cannot own or control more than 20 per cent of the shares or voting rights at radio or television channel. Telecommunications companies cannot own a radio or television channel.

There are seven daily newspapers in Slovenia. As shown below in Table 10, the dailies with the highest circulation are the broadsheet *Delo* and the tabloid *Slovenske novice*, both owned by the holding company Delo d.d.. They share a number of special interest supplements (*Ona, Polet, Delo & Dom, Vikend*), while on Sunday they publish *Nedelo* (average circulation 70,000 copies).¹¹³ Together, these two newspapers control some 60 per cent of the daily newspaper market. Two other quality dailies are both regional, each controlling about 22 per cent of the market: in the capital Ljubljana there is *Dnevnik*, which also publishes the popular weekly tabloid *Nedeljski dnevnik* (average circulation 250,000); and *Večer* in the north-eastern town of Maribor.

With the exception of *Slovenske novice*, all these newspapers existed in socialist Slovenia. After the year 2000, they were first joined by two new dailies, both specialised: the sports bi-daily newspaper *Ekipa* became a daily, while the business daily *Finance* was launched in February 2001 with a print-run of around 5,000. On 1 October 2004, the regional newspaper *Primorske novice* was re-launched as a daily newspaper. It used to be a successful regional newspaper with a readership of more than 100,000, however no new data have been published since its re-launch. The print-run of all daily newspapers in Slovenia together is about 400,000 copies.

There were no foreign investors in the newspaper market until 2000, when the Swedish corporation Bonnier AG and its partner Dagens Industri invested approximately €3 million in relaunching the newspaper *Finance*, published by *Gospodarski vestnik*. In the same year, the Austrian company Leykam became one of the main owners with more than 27 per cent of the Maribor newspaper *Večer*, while Styria Verlag, also from Austria, bought more than 25 per cent of the Ljubljana daily *Dnevnik*. Some other foreign companies are present in the magazine market (for example, Burda of Germany and Styria of Austria), however print media and radio still remain predominantly in the hands of Slovenian companies, unlike commercial television where the three largest television stations are owned and controlled by foreigners.

¹¹¹ Mass Media Act, art. 59.

¹¹² Mass Media Act, art. 56.

¹¹³ The format of *Nedelo* was changed from broadsheet to tabloid in May 2002.

Table 10. National daily newspapers

	Target Group	Average sold circulation (fourth quarter of 2004)	Readership (first half of 2005)	Ownership/ Publishing House
<i>Slovenske novice</i>	general public	88,322	425,000	Delo d.d.
<i>Delo</i>	general public	76,574	228,000	Delo d.d.
<i>Večer</i>	general public	50,363	188,000	ČZP Večer d.d.
<i>Dnevnik</i>	general public	46,406	187,000	Dnevnik d.d.
<i>Ekipa</i>	sport	NA	44,000	Salomon 2000
<i>Finance</i>	business	8,078	50,000	Časnik Finance d.o.o.
<i>Primorske novice</i>	regional	NA	79,000	Primorske novice d.d.

Source: NRB¹¹⁴ and SOZ¹¹⁵

Some of the daily newspapers are inter-connected: *Dnevnik* is a co-owner of *Primorske novice* and *Večer*. Some are connected with magazine publishers: *Gospodarski vestnik* owns 48 per cent of *Finance* and also publishes a number of financial magazines. Some are connected with press distribution companies (*Dnevnik* is connected with the main press distributor Delo Prodaja), while others are owned by a company that also has interests in broadcasting (*Ekipa* is owned by Salomon 2000, that is connected with a number of commercial radio stations).

There is, however, no cross-ownership among print media, press distribution or radio, and television stations. Pro Plus, owner of Pop TV and Kanal A, was the only television company involved in other media. It produced radio news in a format called "24 ur – novice". This was transmitted on a number of commercial radio stations across Slovenia until December 2003, when Pro Plus ceased radio production. However, Pro Plus signalled an interest in forming their own radio station or network. Marjan Jurenc, chief executive officer of Pro Plus, declared: "It would be expedient to keep the restrictions on vertical ownership of television and print media, but to drop the restrictions on vertical ownership of radio".¹¹⁶ However, the request by Pro Plus for permission to launch a radio channel called Radio 24 Ur (24 Hours) was rejected in June 2004 on the ground that it had not been correctly presented.

¹¹⁴ Nacionalna raziskava branosti (NRB), *National research of readership*, data for the first half of 2005, available at <http://www.nrb.info/podatki/index.html> (accessed on 10 July 2005).

¹¹⁵ Information from the Slovene Advertising Chamber (Slovenska oglaševalska zbornica), available (in Slovene) at http://www.soz.si/projekti-soz/rpn_revidiranje_prodanjih_naklad (accessed on 10 July 2005).

¹¹⁶ Interview with Marjan Jurenc, 13 July 2004.

5.4 Funding

The commercial television stations derive their revenue from the sale of advertising time. No single advertiser dominates the market; the largest are mostly multinational companies.¹¹⁷

Commercial television stations compete for advertising revenue with foreign stations – particularly Croatian, Italian, German and Austrian broadcasters. Marjan Jurenc of Pro Plus has objected to what he sees as the unequal market position of Slovenian channels compared to the foreign channels available to the Slovenian audience – for example, external broadcasters may run advertising for tobacco and alcoholic beverages, which is prohibited in Slovenia. “The result is that we produce less quality programming that could be made from this kind of advertising money. A typical example is the lack of advertising from breweries during sports coverage”.¹¹⁸

The net worth of the total advertising market in Slovenia grew by 11.6 per cent between 1996 and 2003;¹¹⁹ it was estimated at 34,334 billion SIT (or approximately €143 million) in 2003. As shown below in Table 12, the television sector had a 35 per cent market share in 2004.

Table 11. Estimated net advertising expenditure for the television sector (1996–2003)

	Advertising expenditure (€ million)
1996	27.7
1997	31.0
1998	40.0
1999	38.8
2000	37.2
2001	35.6–43.5
2002	35.6–43.5
2003	40.0–47,5

Source: Mediana IRM¹²⁰

¹¹⁷ Between January and August 2004, the ten largest advertisers were: P&G, Reckitt Benkiser, Pejo Trading, Mobitel, Beiersdorf, Henkel Slovenija, L’Oreal Slovenija, Simobil, Unilever and Wrigley. *Marketing Magazin*, Ljubljana, June 2004, p. 19.

¹¹⁸ Interview with Marjan Jurenc, 13 July 2004.

¹¹⁹ *Marketing Magazin*, Ljubljana, January 2005, p. 16

¹²⁰ Mediana IRM research, cited in: *Marketing Magazin*, Ljubljana, February 2005.

**Table 12. Net media expenditure
– breakdown by sector (2004)**

	Market share (per cent)
Television	35
Daily press	30
Magazines	15
Outdoor	11
Radio	8
Cinema	1

Source: *Marketing Magazin*, January 2005

Table 13. Revenues of Pro Plus (the owner of Pop TV and Kanal A television channels) (2001–2003)

	2001	2002	2003
Net Revenue (€ million)	22.5	26.8	29.4
EBITDA ¹²¹ (€ million)	6.6	8.7	10.4
EBITDA Margin (per cent)	29.0	33.0	35.0
Broadcast Cash Flow (€ million)	6.2	9.4	10.3

Source: CME¹²²

The net revenue of Pro Plus in local currency decreased by six per cent in 2003 as compared to 2002, when the 2002 soccer World Cup generated additional revenues. Without the effect of the World Cup, Pro Plus's underlying local currency net revenues would have shown only a small increase.¹²³

The revenues of other smaller commercial broadcasters are insignificant in terms of the national advertising market, as they have limited reach and low ratings.

5.5 Programme framework

5.5.1 Instruments to ensure accurate and impartial information

The law does not define impartiality obligations for commercial broadcasters. However, it is defined in the *Code of Practice for Slovenian Journalists*, and also various

¹²¹ EBITDA: earnings before interest, taxes, depreciation, and amortisation.

¹²² CME, *Annual Report for 2003*, p. 43.

¹²³ CME, *Annual Report for 2003*, p. 55.

documents of the Council of Europe, international journalists' associations and other international and NGOs.

Interviewed for this report, Tomaž Perovič, Director of News and Current Affairs at Pop TV and Kanal A, stated that their guideline is the *Code of Practice for Slovenian Journalists* (2003). He stressed that Pop TV has reached “a strong consensus that big audiences come with continuous broadcasting of verified information”. Perovič added that the owner of Pro Plus established working conditions that “ensure objective reporting by a large number of journalists, access to modern technologies and a production environment that makes constant verification of information possible”. Perovič declared that “the rules are clear and simple, you have to check the information before broadcasting and give fair treatment and equal time to all parties involved in the issue.”¹²⁴ Perovič went on to say that Pop TV and Kanal A had complete editorial independence from their owners, with independence is assured in two ways,

Firstly, internal organisational structures ensure editorial independence. The position of the chief editor is clearly defined in relation to other heads of divisions, which means that there is no hierarchy among them. Also, the general manager does not interfere with daily decision-making. Secondly, the structure of ownership itself makes political and economic pressures impossible.¹²⁵

After an initial search for public reaction and the right measure of aggressiveness, proportion between domestic and foreign news, and proportion between politics, economy, social issues and entertainment, Pop TV established its daily evening news programme, *24 Ur* (“24 Hours”) as the main competitor to the evening news bulletin on SLO1, *TV Dnevnik* (“TV Journal”). At first, they were both broadcast from 19.30 to 20.00, but they then switched to 19.15 to 20.00, before expanding the programme to one hour, broadcast from 19.00 to 20.00. They both achieve similar ratings, with *24 Ur* often getting more viewers among young people. The programme – together with the weekly magazine *Preverjeno* (“Checked”), and especially the talk show *Trenja* (“Friction”) – is influential and often sets the political and social agenda. The news programme on Pop TV contains more human-interest stories and “infotainment”, but also regularly covers foreign affairs, economic, social, health, education and other issues, as well as human rights and corruption.

Although news reporting on Pop TV is generally considered to be politically unbiased and not under the direct influence of owners or advertisers, pundits and civil society organisations have criticised their coverage of minority and other human rights issues. Brankica Petković of the Peace Institute, an NGO in Ljubljana, observed that in talk shows on commercial television, “the most extreme political guests are present, guests that contribute to higher ratings, but don't contribute to constructive discussion on the

¹²⁴ Interview with Tomaž Perovič, the Director of the News and Current Affairs Programmes at Pop TV television and Kanal A at the time when interviewed for this report, Ljubljana, 7 July 2004.

¹²⁵ Interview with Tomaž Perovič, 7 July 2004.

situation and the rights of threatened individuals and groups". She added: "These confrontations are more present on commercial channels, where gladiator-like verbal duels regarding human rights are held between extreme politicians with representatives of most vulnerable groups. Not just this, but there is even tele-voting going on regarding human rights."¹²⁶ This approach has also provoked critical reactions from pundits and other media, especially the press, such as the dailies *Dnevnik* and *Delo* and the weekly *Mladina*.

5.5.2 Programme guidelines

The emergence of new commercial television stations did not lead automatically to more plural and diversified content. Commercial television channels still rely on a narrow range of programmes. There is almost no educational, arts, children's or documentary programming on the commercial channels, as well as very little news and current affairs (with the major exception of Pop TV). Most daytime programmes (before 18.00 hours) on Pop TV, Kanal A and Prva TV consist of new episodes and repeats of Latin American and US soap operas. Pop TV's strategy is to appeal to a mass audience through programming that includes serials, movies, news, variety shows and features. This station broadcasts 18 hours daily, of which approximately 25 per cent (including repeats) is locally produced, including news and game shows.

Kanal A broadcasts for 16 hours daily. In previous years, this included locally produced copies of international formats such as *Blind Date*, the *Newlywed* game show and music shows. However, when Pro Plus took over Kanal A, all in-house production was discontinued. All available methods to reduce costs were employed: most of the employees were laid off, films and serials already seen on Pop TV years ago were rebroadcast, while more successful shows (such as "Oprah") were transferred from Kanal A to Pop TV. Similar cost-saving tactics were used at Pop TV, with nearly all of in-house entertainment programmes stopped (with the exception of the licensed game-show *Who Wants To Be A Millionaire*) and the share of new movies radically reduced. A new focus on serials was evident, and most of the US series with higher ratings (*E.R.*, *Sex In The City*, *Friends*) reappeared.

Pop TV news and current affairs programmes remain popular. They include a daily one-hour news programme *24 ur* ("24 hours"), and shows *Preverjeno!* ("Confirmed!") and *Trenja* ("Friction"). Meanwhile, Kanal A network's official strategy is to complement that of Pop TV with a mixture of locally produced programmes such as Extra Magazine, the daily infotainment magazine E+, Popstars, and foreign programmes including films and series.

The content of the third commercial channel, TV3 (renamed Prva TV in November 2004) initially consisted for the most part of religious programmes, such as "From the

¹²⁶ Interview with Brankica Petkovic, Head of the Media Policy Centre, Peace Institute, Ljubljana, 10 November 2004.

Life of the Church”, “Religion and Time”, and “Transmitted from the Vatican”. On and off, TV3 tried to introduce news reporting, but without success. However, before the parliamentary elections in Slovenia in autumn 2000, they launched regular daily one-hour debates with representatives of different political parties. These debates and interviews were among their most important and influential broadcasts at that time. Nevertheless, it took the station several years to get rid of its image as a right-wing Catholic Church television station. The change of image had been achieved through reducing political content and expanding entertainment programmes, mostly music shows that regularly feature Slovenian folk music. Since the station was sold to the Croatian entrepreneur Ivan Čaleta, who owned Nova TV in Croatia and OBN in Bosnia and Herzegovina, the number of film premieres has increased, but in-house production has been cut. Its main domestic show in 2004 was a version of *Pop Idol*.

5.5.3 Quotas

Commercial broadcasters are not obliged by law to broadcast programmes for minorities in their language, and they do not broadcast such content. Only RTV Slovenia is obliged to do this (see section 4.5.3). Commercial broadcasters also do not have to provide any time to other social groups.

The Mass Media Act only stipulates that 20 per cent of the commercial stations’ daily broadcast time must be produced in-house or on the behalf of the broadcaster. Own works of at least 60 minutes’ duration altogether must be shown between 18.00 and 22.00 hours each night. Two per cent of the station’s annual broadcast time must consist of films of Slovenian origin or other works from the field of literature, science and art. However, since there is little of monitoring of commercial channels, it is not always clear whether all commercial channels fulfil this quota (see also section 6).

The EU TWF Directive, which is mirrored in Mass Media Act, also obliges Slovenian commercial broadcasters to fulfil quotas on European production and European independent production (see section 6).

5.6 Editorial standards

News editors, journalists and correspondents working in private television must avoid bias when reporting news. This obligation flows from the general provisions that apply to all media outlets in the Mass Media act 2001 and from the *Code of Practice of the Slovenian Journalists Association* (2002). There are, however, no specific legal obligations upon commercial television programmes. This is evident also in their coverage of elections. There are precise instructions and demands in the Law on RTV Slovenia as to how the public broadcaster should cover the candidates and political parties (such as equal time, time for political parties that are not in Parliament.) However, commercial television stations have no such obligations and therefore usually

show discussions and panel discussions involving just a few of the most popular candidates or parties.

There are no studies available of editorial independence in commercial broadcasting. There were discussions of their news values, especially tabloid approach and emphasis on crime, human-interest stories and celebrities. There were also discussions on the effects of their programming, such as the introduction and popularity of telenovelas from Latin America, which were never before shown in Slovenia and became extremely popular. However there has been little debate on whether they are biased or connected to certain political parties or the Government.

Very few journalists have permanent contracts at commercial television stations. Most of them work part-time, without social security and other advantages of permanent employment or contracts. This threatens not just their financial security, but also journalistic independence, as they are much more vulnerable to demands by, and pressure and threats from, owners, advertisers and politicians

6. EUROPEAN REGULATION

The EU TWF Directive is to a certain extent mirrored in Article 92 of the Mass Media Act 2001 (see section 4.5.3). The act also stipulates (in Articles 89 and 90) that by 2003:

- the amount of European independent audiovisual production on commercial channels must reach at least 10 per cent of the annual airtime.
- The majority of all commercial television airtime must be works of European origin (this includes also Slovenian works).
- 10 per cent of the commercial stations' annual airtime must be independent productions, out of which at least 50 per cent must have been produced in the last five years. If a broadcaster is still not fulfilling these standards, it must increase the percentage of European works each year until the quota is reached.

RTV Slovenia does fulfil these quotas (see also section 4.5.3). However, because of lack of monitoring, it is not absolutely clear whether all commercial channels fulfil these quotas. Most commercial channels achieve the European quotas by airing a large quantity of Slovenian production, which is mostly cheap production. This includes countless talk shows, music shows and similar cheap formats. The only exceptions are private radio and television stations which have the status of "channels of special significance" (see section 3.2). The prescribed quotas of local and European programmes present a problem for Slovenian broadcasters, as the economy of scale is cheaper than the production of local content, which is under the constraints of both language and market size. This influences the quality of their programme and production. Especially problematic is domestic production, particularly Slovenian audio-visual works. The Ministry of Culture financed 17 television projects in 2003, of

which 14 were from independent producers, two were from RTV Slovenia and one from a local television station. Their funding totalled SIT 55 million (or approximately €230,000).¹²⁷

While other programme quotas are defined on an annual basis, the domestic Slovenian quota is defined on a per-day basis. The Mass Media Act stipulates that 20 per cent of commercial stations' daily broadcast time must be produced in-house or on the behalf of the broadcaster. Marjan Jurenc of Pro Plus observes that,

Slovenia is a small country. Our in-house production is expensive; even if we were producing for ten million viewers, the costs would stay the same. Therefore, it would be much easier if programme quotas were defined on a per-year and not per-day basis, as viewing figures fall in the summer. It is a pity that money and programmes are not used more efficiently.¹²⁸

7. THE IMPACT OF THE NEW TECHNOLOGIES AND SERVICES

Slovenia's telecommunication market ranks among medium-sized European markets with an annual turnover of SIT 139.1 billion (or €579 million). This represents 2.6 per cent of the national GDP. In May 2004, Slovenia had more than 230,000 cable television subscribers.¹²⁹ Approximately 24,000 subscribers also used this platform for access to the Internet. A recent study for the Government's Office for Macro-economic Analysis and Development concluded that Slovenia has achieved solid results in building an information society and is well positioned for the future. Accelerating its development would need an integrated and co-ordinated strategy encompassing all partners such as the business community, the research and education sphere, public administration and civil society.¹³⁰

Until the new Government took office in December 2004, Slovenia had a Ministry for Information Society. The new Government decided that this Ministry was no longer needed, as most of its tasks had been achieved, and that this Ministry could function in future as a division of the Ministry of Economic Affairs.

¹²⁷ Ministry of Culture, *Poročilo Ministrstva za kulturo Republike Slovenije za leto 2003 (Annual report of Ministry of Culture 2003)*, Ljubljana 2004, p. 240.

¹²⁸ Interview with Marjan Jurenc, 13 July 2004.

¹²⁹ Slovene Agency for Telecommunications, Radio Diffusion and the G. P. O., *Letno poročilo 2003, (Annual Report for 2003)*, Ljubljana, 2004. (Source: data provided by the Association of Slovenian Cable Operators).

¹³⁰ Kmet Stare and Bučar Zupanič, *Slovenia – On The Way To The Information Society*, Office for Macro-economic Analysis and Development, Ljubljana, June 2004.

7.1 New platforms

In 2003, 118 telecommunication enterprises were registered in Slovenia, with State-owned Siol and its parent company Telekom being the market leader, followed by Telemach (also a cable company). The report of the Research Institute of Slovenia (RIS) on *The Use of Internet* showed that the share of households with internet access reached 45 per cent in December 2003, which was close to the EU average.¹³¹ The most common access to the Internet in 2003 was through analogue telephone connections (60 per cent), followed by cable distribution (16 per cent) and ISDN telephone access and ADSL telephone access (both 8 per cent). Mobile telephone access to the Internet grew fast in 2003, although it amounted to only 2 per cent.

7.2 Current market conditions

The fixed public telephone network is completely digitalised. According to the RIS report, there were 41.8 cable subscribers per 100 residents and 96 cable subscribers per 100 households in 2003. RIS established that in 2003 there were 80.000 new Internet users compared with the previous year. According to this research, Internet users account for 43 per cent (713,000 people) among the population aged 15 years and above. The report also perceived a substantial digital divide reflecting the level of education, income and regions.

7.3 Services

Two television and four radio channels of RTV Slovenia are also available via satellite (Hotbird 3). The public service broadcaster is expanding its online offer to include real time transmission of radio and television programmes and a range of additional services. RTV Slovenia short news is available through mobile phones with WAP technology. The two largest mobile phone operators Mobitel and Si.Mobil offer this service on their platforms, entitled Planet and Vodafone live, respectively. The website rtvslo.si features content from both Radio and TV Slovenia. Its recent domestic production, including news, is available online in video and audio.

Pop TV is also present on the Internet, while its locally produced content (as well as that of Kanal A) such as news and current affairs is, since May 2004, also transmitted on satellite (Hellas – Sat 2) through a deal with Slovenian cable television channel, TV Pika, that in 2003 also became available through satellite. Pop TV's website (24ur.com) features regular updates and video. In January 2005 it received Izidor, the newly established Slovenian award for web sites for the best Internet presentation of news and current affairs.

¹³¹ Research Institute of Slovenia (Raziskovalni inštitut Slovenije – RIS), *Uporaba interneta v gospodinjstvih v letu 2003, (Report on The Use of Internet in Households for the year 2003)*, RIS, Ljubljana, 2004.

7.4 Funding

The Multimedia Centre is an important part of RTV Slovenia, producing videotext, Internet, video streams for mobile phones, and internet games, produced in connection with nine other members of the European Broadcasting Union (EBU). Multimedia activities are an important part of the *Strategy for RTV Slovenia 2004–2010* (see section 4.7). However, very little is said about technological development in the draft new Law on RTV Slovenia 2005.

Online advertising is not developed in Slovenia. Pop TV's 24ur.com is one of the websites that attracts most visitors, but even so, it incurs losses. Pro Plus is reluctant to invest more in their online activities, as the income from online is not sufficient and there are no signs of growth.¹³²

7.5 Digital television

According to the proposed *Strategy on RTV Slovenia 2004–2010* (May 2004), RTV Slovenia should provide additional specialised digital television and radio channels of informative, parliamentary, educational, sports and archival character, and also trans-border television for minority programmes using satellite broadcasting. One of the most important tasks of public service broadcasting, according to the Strategy, will be archive digitalisation. At this time, RTV Slovenia is obliged to archive in-house radio and television production, but would prefer that the State would take over the part of the burden for the archive. The public service broadcaster should also find a proper way to enable the public to access the archive. This kind of approach could eventually ensure additional income.

However, there are few plans for switching from analogue to digital signal and almost no public debate on the digitalisation of broadcasting. The digitalisation of radio (DALET) started in 1998, and the gradual digitalisation of television began in 1999, however there are no digital platforms available in Slovenia and there are no plans for such platforms in near future. Digitalisation is mostly present as digitalisation of transmissions by the public broadcaster and other changes in production, while there are few digital television sets or digital decoders in use. RTV Slovenia warns that the State has not formed any decision regarding digitalisation of transmitters and has not become involved enough in the processes of European Union. The Agency for Post and Electronic Communication (APEK) states in its *Plan of work and financial plan for 2005*, that it has commenced activities that were agreed in the first part of the regional agreement in Geneva 2004 (GE04), as part of the preparation of a new international

¹³² Interview with Marjan Jurenc, 13 July 2004.

treaty that, according to APEK, should be prepared in 2006 and should regulate the switch from analogue to digital technology, according to treaty CH97.¹³³

8. CONCLUSIONS

In Slovenia, the broadcasting sector is saturated, with a vast number of electronic media outlets competing for a limited amount of advertising revenue. Probably there are too many television and radio stations for such a small country, resulting in small advertising revenues for most of them. This situation causes both a lowering of the programme quality and frequent breaches of the Mass Media Act, particularly when it comes to covert advertising.

At the same time, the transparency of the media market is inadequate. Most problematic is the opaque ownership situation of many outlets and the non-transparent structure of the advertising market. This is the main reason why there is no official data on the advertising revenue of Slovenian media. Foreign investments started in the mid-1990s with investors coming from outside the EU. The three largest commercial Slovenian television stations are all foreign-owned. CME and SBS are US-controlled, and the third most important player, Ivan Čaleta, is Croatian. These stations have an important influence, both in terms of their share in the advertising market and, through their popular news and current affairs programmes, in terms of setting the political agenda. However, the situation is quite different with the print media: most of the foreign investments took place only recently, and most of the foreign investors come from the EU, from Austria, Sweden and Germany. Foreigners do not play a dominant role in the print media.

RTV Slovenia increased its income significantly since the revenue from the licence fee rose, following amendments to the Law on RTV Slovenia in 1999, which obliged all households connected to the public electric power grid to pay the licence fee (unless they are exempted). Its ratings have risen steadily since 1999, and RTV Slovenia has succeeded in improving its image, which was often damaged in the 1990s by scandals over the financing of certain shows and over contracts.

There was often not clear division of competence and assignments of the Council of RTV Slovenia and the Supervisory Board. It was also often not clear which documents and data should be available to Supervisory Board and members of Supervisory Board have in the past complained about lack of relevant data or difficulties with access to certain documents. It is essential to re-examine the competence and the assignments of the Council of RTV Slovenia, especially in relation to the Supervisory Board. The Council should deal primarily with issues regarding the development strategy of the

¹³³ APEK, *Annual Report for 2004*, p. 39; APEK, *Plan dela in finančni načrt za leto 2005*, (*Plan of work and financial plan for 2005*), accepted by the Government on 10 March 2005, p. 12.

public broadcaster, and less with particular financial questions, as this is the task of the Supervisory Board. The task of the Council is, in relation to business operations, merely to adopt the financial plan and the final financial report. However, it seems that it is often spending too much time on these discussions and too little on defining programme standards and the programme framework.

The relationships of the management to programme directors and individual editors need to be clarified. Some believe that the programme directors and editors need to be directly subordinated to the management, rather than being ostensibly on an equal footing with it, if greater efficiency is to be achieved. However the question remains whether such direct subordination would really be more effective and whether it would not bring even more political control over the public broadcaster, since the General Director is named by Parliament, meaning in reality the political parties.

Slovenian television stations, both public and commercial, will have a problem to adhere to the obligations determined in the EU TWF Directive. Already there is a problem meeting Slovenian quotas, especially when it comes to domestic audiovisual works, which is in relatively short supply. Slovenia is a small country and the Slovenian language is little used outside the country's borders, meaning that there can be few benefits from economy of scale. Slovenian production is much more expensive than programmes bought from the USA, Latin America or the rest of the EU. To adhere to EU quotas, most television stations rely on cheap formats, such as talk shows, studio interviews, and music videos.

There seems to be an over-supply of commercial broadcasting in Slovenia. This has led to domestic production of low quality and plenty of licensed formats, particularly game-show formats. Limited advertising revenues make broadcasters more vulnerable and open to pressure from advertisers and politicians, who want favourable coverage in exchange for State subsidies, tax cuts and other possible benefits.

On the other hand, the influence of commercial broadcasters is clearly felt and much has changed at RTV Slovenia since commercial channels, particularly Pop TV, started to broadcast in 1990s. Unlike many other previous State television channels in former Yugoslavia, RTV Slovenia managed to avoid direct influence and control by politicians and, especially, by the Government. Unlike some other former State television channels in former communist countries, such as the Czech Republic, RTV Slovenia also managed to keep relatively high ratings and to hold its own against commercial broadcasters.

The influence of commercial broadcasters is most clearly seen in the news reporting, with more human-interest content and a tabloid approach, and programmes such as telenovelas from Latin America and soap operas. However, both public television channels and commercial channels, such as Pop TV, offer plenty of information and news reporting. They also investigative reporting, exposing numerous cases of corruption in State and private companies and institutions. They are frequently the first to discover such cases, and police and prosecutors often start their investigations

only after the media, including television channels, report about them. Therefore, the main television stations often function as a watchdog, even though they are at the same time clearly connected with sources of power. Although many of them broadcast very narrow, mostly commercial programming, public-opinion polls usually show a high level of public trust from, and satisfaction with, the television sector overall. In spite of the shortcomings mentioned above, it can be said that the performance of the television sector is usually adequate to the role generally ascribed to it as one of the pillars of democracy.

The new Law on RTV Slovenia, which was adopted by the National Assembly (the lower chamber of the Parliament) in June 2005, but then vetoed by National Council, presents even more problems and questions regarding independence of journalists and editors. Under the new system set out in this draft law, the ruling political parties, which form the Government and represent the majority in Parliament, would have control over almost all managerial bodies at RTV Slovenia, and also over the appointment of all key editors. Parties forming the Government would have a majority in the newly created Programming Council – which would replace the existing Council of RTV Slovenia – and in the Supervisory Board. They would also have control over the Director General, who would in future be appointed by the Programming Council. The Director General would also have broader responsibilities than at present: he or she would lead the programme work, appoint and manage the directors of radio and television, as well as Editors-in-chief of programmes and all other senior management. This threatens to diminish the independence of RTV Slovenia and could endanger its credibility, level of trust and respect in public.

9. RECOMMENDATIONS

9.1 Policy

Diversity

1. The Government should take steps to guarantee the pluralism and diversity of the television sector. In particular, it should ensure – through amendments to general and specific laws, such as the Law on RTV Slovenia and the Mass Media Act – that political pressures on the regulatory authorities and on the broadcasters are avoided.

Consultation and cooperation

2. The Government should ensure coherent media policy, by improving cooperation between the various Government agencies that deal with the media.

3. The Government and Parliament should consult civil society organisations, media professionals and other actors in the media field, when developing media policy and legislation.

Research

4. The Government should ensure the increased involvement of independent specialists in the competent ministries and other public authorities for scientific research for media policy.

9.2 Regulatory authorities

5. Parliament and the Government should establish a clear-cut division of powers between the various media regulatory authorities over clearly defined areas, such as control over ownership, programme quotas, advertising and broadcast licensing procedures.

Independence and professionalisation

6. Parliament and the Government should take steps to ensure the transparent selection of key personnel at the regulatory authorities, on the basis of professional credentials and not political preferences. They should also ensure that such personnel are not involved in any conflicts of interest and that there are clear rules over their appointment and removal. Parliament and the Government should also ensure that the personnel are selected by a two-thirds majority in Parliament, and with less than one third of the personnel nominated by the Government.
7. The Agency for Post and Electronic Communication (APEK), the Broadcasting Council, the Ministry of Culture and the Media Inspector at the Ministry of Culture, should establish better control over the compliance of television stations with the Mass Media Act, particularly over programming quotas and the elimination of covert advertising. To achieve this, the Government should provide them with better material and personnel conditions for their work.
8. The Broadcasting Council and the Ministry of Culture should ensure media outlets' compliance with legal requirements for transparency of ownership and audience figures. To ensure this, they should have wider powers, as provided for by the Mass Media Act.

9.3 Public and private broadcasters

Transparency

9. The Parliament and Government should improve the framework for media regulation by amending the Mass Media Act, to ensure increased transparency of political and economic interests influencing broadcasting. In particular, the transparency of media ownership should be ensured.

Diversity

10. The Government should provide funds for domestic television production that meets certain criteria of quality and diversity. These criteria should be set by group of experts and practitioners, with the aim of promoting diversity of media content. These funds should be available to both public and private media. The broadcasters should develop programming and employment policies which take into account cultural diversity of the society in Slovenia and contribute to the integration of minorities and to social cohesion.

Third Sector

11. The Parliament should introduce further policy mechanisms by regulators to further develop and improve the functioning of radio and television stations with the status of “special importance for the Republic of Slovenia”. These mechanisms should encourage the development of the so-called third sector and non-profit production of quality and diverse programming targeting local and minority audiences.

9.4 The public service broadcaster (RTV Slovenia)

Transparency

12. The Government should ensure that the Law on RTV Slovenia guarantees the transparent selection of key personnel at RTV Slovenia, based on professional credentials and not political preferences.
13. The Government should ensure that the Law on RTV Slovenia provides the conditions for transparent decision-making, regulation and management processes.
14. RTV Slovenia should take steps to increase transparency on how it is fulfilling its remit, including by:
 - Facilitating and encouraging public presentations and discussions on its annual reports, programme results, financial results, employment policy and social responsibility.
 - publishing relevant documents on the website of RTV Slovenia.

Professionalisation

15. The broadcasting companies should ensure conditions for professional work of journalists and editors, including training programmes, internal code of practice, regular contracts with staff members, respect for collective agreements, and internal complaint mechanisms including ombudsman where it is possible.

Independence

16. The Government should ensure that the Law on RTV Slovenia provides the conditions for political independence of management, editors and journalists. The Government should ensure the independence of RTV Slovenia through depoliticisation of key bodies and personnel, by giving more power to employees, journalists in particular, civil society and by accepting key decisions regarding RTV Slovenia by two thirds majority in Parliament.
17. The broadcasters should establish mechanisms to provide editorial independence, including clear separation of editorial and commercial content.

Public accountability

18. RTV Slovenia should establish a complaints mechanism by for members of the public to complain about RTV Slovenia broadcasts.

The Council of RTV Slovenia

19. The Parliament should ensure that The Council of RTV Slovenia represents the diversity of Slovenian society. To ensure this:
 - The Council should be comprised of representatives of different parts of society, civil society groups, associations, Universities, and other relevant groups. The representatives of these groups should form the majority of Council of RTV Slovenia and should be named by their groups.
 - Before the list of the groups that would be represented in the Council of RTV Slovenia is formed, there should be a public debate, giving time and space for different opinions.
 - Once the representatives of the society/the public are appointed, they should act in the interest of the public/society as a whole and not following particular interest of their groups, political or economic interests. They should act in favour of independence, quality and stability of the public service broadcasting.

Minority representation

20. The Government should propose, and the Parliament should introduce, regulation on RTV Slovenia to provide regular forms of access to

programming and employment for wide range of minorities in Slovenia. Beside the Italian and Hungarian national minorities, which already have their own programmes, this should also include the Roma, Albanians, Bosnians, Croats, Macedonians, Montenegrins, Serbs, Germans and other ethnic communities which traditionally, or in significant number, live in Slovenia.

21. RTV Slovenia should provide regular courses for minority representatives in its training centre, to increase their capacities for collaboration and employment at RTV Slovenia.

9.5 Private broadcasters

Monopoly

22. The Government should ensure that the broadcasting monopoly is more clearly defined in law, including parameters for decisions upon its applicability in given circumstances.

Ownership

23. Parliament should adopt legislation to prevent excessive cross-ownership and other forms of monopolisation, ensuring that precise and correct data on ownership of media and connections between different persons and companies is clearly established, monitored, regulated and sanctioned by regulatory bodies.

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