

THE MASS MEDIA ACT (ZMed)

Chapter One

COMMON PROVISIONS

Section 1

INTRODUCTORY PROVISIONS

Subject of the Act

Article 1

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

(2) This Act transposes into the legislation of the Republic of Slovenia the 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 no. 298 of 17 October 1989, p. 23), as last amended by the Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L no. 202 of 3 July 1997, p. 60).

Mass media

Article 2

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

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

(3) The term "mass media" does not cover bulletins, catalogues, other forms of publication of information intended exclusively for advertising, business communication, educational processes or the Internal work of companies, institutions and foundations, societies, political parties, and church and other organisations, school gazettes, the Official Gazette of the Republic of Slovenia and the official gazettes of local communities, other official

publications, posters, pamphlets, brochures and transparencies, and video pages without moving pictures (unpaid reports), unless stipulated otherwise by law.

Activities of disseminating programme

Article 3

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

The public interest in the area of the mass media

Article 4

(1) The Republic of Slovenia shall support the mass media in the creation and dissemination of programme important to:

- the exercise of the right of citizens of the Republic of Slovenia, Slovenes around the world, members of the Slovene minorities in Austria, Hungary and Italy, the Hungarian and Italian ethnic communities in Slovenia, and the Romani community living in Slovenia to public information and to be informed in general
- the assurance of plurality and diversification of the mass media
- the protection of the Slovenian national and cultural identity
- the promotion of cultural creativity in the area of the mass media
- a culture of public dialogue
- the consolidation of the social state based on the rule of law
- the development of education and science

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

(3) The Republic of Slovenia shall provide extra support to the creation and dissemination of programme intended for the blind and the deaf-and-dumb using techniques thereto adapted, and to the development of the appropriate technical infrastructure.

(4) The Republic of Slovenia shall provide for the funds needed for co-financing the exercising of the public interest in the field of the mass media referred to in the previous paragraphs in the state budget.

Financing the programmes of the mass media

Article 4a

(1) The Republic of Slovenia shall provide for the budgetary funds for the mass media for the implementation of the state aid in exercising the public interest in the mass media within the ministry responsible for culture (hereinafter: the competent ministry) with the aim of assuring plurality and democracy of the mass media and the freedom of speech in the Republic of Slovenia.

(2) In the scope of these budgetary funds for the mass media, the Republic of Slovenia shall provide the funds for:

- assuring plurality and democracy of general informative printed media;
- plurality and democracy of the programme of radio and television programme services and electronic publications;
- development and co-financing of the programme of radio and television programme services with the status of a local, regional or student radio or television programme service or a non-profit radio or television programme service.

(3) The amount corresponding to 3% of the RTV Slovenija licence fee, collected in the previous year, shall be allocated to the development of the programme of radio and television programme services with the status of a local, regional or student radio or television programme service or a non-profit radio or television programme service. The funds obtained by the broadcaster through the tenders of the competent ministry on the basis of such special status can only be spent for the purposes stated under the third indent of the previous paragraph.

(4) The programme of the mass media shall be co-financed from the budget for the needs of implementing the goals stated in the second paragraph of this Article, with Radiotelevizija Slovenija being exempted from the radio and television media.

(5) The Government of the Republic of Slovenia shall issue a decree setting out the method, procedure, conditions and criteria for the execution of regular public tenders for co-financing projects from the budget for the mass media in accordance with the present Act and the act on the implementation of the public interest in the area of culture.

(6) The broadcaster who obtained the funds through a public tender for the co-financing of projects from the budgetary funds for the mass media and failed to fulfil the conditions, defined in the tender, shall be obliged to return the funds received.

(7) In accordance with the act regulating the implementation of the public interest in the field of culture, the members of the expert committee for auditing and assessing the project for the co-financing of the programme for the implementation of the goals stated in the second paragraph hereunder shall be appointed by the minister responsible for culture (hereinafter; the competent minister). The following cannot be appointed to the expert committee:

- officials, parliamentary deputies and other persons employed in state bodies
- members of the leadership of political parties
- persons employed at a media publisher/broadcaster or at an advertising organisation
- persons who as external contractors have concluded contractual relations with the media publisher/broadcaster or an advertising organisation
- persons who hold more than one percent of the capital or management or voting rights within the assets of a media publisher/broadcaster or within an advertising organisation.

(8) When discussing the co-financing of the programme for the implementation of the goals stated in the second paragraph hereunder, the expert committee shall take into account the significance of the project for the implementation of the public interest through the media. When assessing the criteria stipulated herein and in the secondary legislation, the expert committee shall stem from the findings made during the regular annual surveys of the current

situation in the field of media pluralism in the Republic of Slovenia. Once a year, the expert committee shall prepare a report on its work which shall be presented to the public.

(9) When discussing the co-financing of the general informative printed media, the following criteria shall be observed:

- assuring regular, objective and balanced presentations of the political activities and positions of various organisations and individuals, especially the political coalition and opposition
- quality, originality, communication and topicality of author's treatment
- average number of sold copies of printed media
- average number of published original articles in individual issue
- volume of general informative, cultural, scientific, professional, research and educational programme contents
- the significance for the exercising of the right to public information and to be informed objectively
- assuring more jobs or employment relationships for the journalists or the programme staff who help create the medium
- the significance for a region or a local community.

(10) When discussing the co-financing of the programme of radio and television programme services and electronic publications, the following criteria shall be observed by the expert committee:

- assuring regular, objective and balanced presentations of the political activities and positions of various organisations and individuals, especially the political coalition and opposition
- quality, originality, communication and topicality of author's treatment
- significance of the project for the promotion of the Slovenian culture and language
- significance of the implementation of the proposed programme aimed at assuring a diversified development of the Slovenian media sphere
- significance for the protection of the Slovenian national and cultural identity
- the significance for the exercising of the right to public information and to be informed objectively
- assuring more jobs or employment relationships for the journalists or the programme staff who help create the medium.

(11) When discussing the co-financing of radio and television programme services with the status of a local, regional or student radio or television programme service or a non-profit radio or television programme service, the following criteria shall be observed by the expert committee:

- assuring regular, objective and balanced presentations of the political activities and positions of various organisations and individuals, especially the political coalition and opposition
- quality, originality, communication and topicality of author's treatment
- the significance of a project for the development of a region, a local community or special contents;
- significance of the implementation of the proposed programme aimed at assuring a diversified development of the Slovene media sphere
- the significance for the exercising of the right to public information and to be informed objectively
- non-profitability of a programme as a priority criterion

- assuring more jobs or employment relationships for the journalists or the programme staff who help create the medium
- enabling the exercising of the right to public information for the local communities and minorities and whether it is disseminated in the language of such minority
- assuring compliance with the principle of cultural diversity, the principle of equal opportunities of sexes and tolerance.

(12) The competent ministry shall perform the expert administrative and technical administrative tasks in the area of auditing and assessing the projects for the expert committee.

Section 2

GENERAL PRINCIPLES

Protection of the Slovene language

Article 5

(1) The name of the medium and its programmes or columns must be in the Slovene language with the exception of those media or its columns or programmes which are the Slovene licensed versions of a foreign medium or columns or programmes with trademarks or service marks of such medium.

(2) The name of the medium or a column or a programme shall be deemed to be in compliance with the provisions of this Act if it is created in a dead language, Esperanto or one of the Slovene dialects.

(3) In the case of doubts regarding the compliance of the name referred to in the first paragraph hereunder with the Slovene language, as stipulated by the relevant provision defining the criteria for the compliance of the name with the Slovene language, the opinion on the matter shall be issued by the competent minister.

(4) Publishers founded and registered in the Republic of Slovenia must disseminate programme in Slovene, or must translate programme into Slovene in an appropriate manner, unless such is primarily intended for readers, listeners or viewers from any other language group.

(5) Publishers may disseminate programme intended for language education in a foreign language.

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

(7) If programme is intended for the Hungarian or Italian ethnic communities, broadcasters may disseminate the programme in the language of the ethnic community.

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

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

Freedom of expression

Article 6

Mass media activities shall be based on freedom of expression, the inviolability and protection of human personality and dignity, the free flow of information, media openness to different opinions and beliefs and to diverse content, the autonomy of editorial personnel, journalists and other authors/creators in creating programme in accordance with programme concepts and professional codes of behaviour, and the personal responsibility of journalists, other authors/creators of pieces and editorial personnel for the consequences of their work.

Freedom of dissemination of programme from other countries

Article 7

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

Prohibition of incitement to inequality and intolerance

Article 8

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

Section 3

PUBLISHER'S RIGHTS AND OBLIGATIONS

Media publisher/broadcaster

Article 9

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

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

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

Special conditions for founding and entering a publisher/broadcaster in the court register

Article 10

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

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

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

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

Republic of Slovenia jurisdiction

Article 11

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

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

(3) If a significant proportion of a television programme service's programme is disseminated through their work by people employed or contractually engaged in third countries, the

supposition that the broadcaster of the programme service falls under the jurisdiction of the Republic of Slovenia shall apply if the programme service began the dissemination of programme pursuant to Slovenian law and if a steady commercial link between it and the Slovenian economy is maintained.

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

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

Mass media register

Article 12

(1) For the purpose of entry in the mass media register the publisher/broadcaster must register the mass medium at the relevant ministry prior to commencing the performance of activities.

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

- the name of the mass medium
- the name or business name and head office address or address of permanent residence of the publisher/broadcaster
- the publisher's/broadcaster's responsible officer, if the publisher/broadcaster is a legal entity
- the type of mass medium and interval of its dissemination
- the full name of the responsible editor
- the address at which the editorial board or responsible editor is based
- the method and envisaged area of coverage for the dissemination of programme
- the language of dissemination of programme
- the sources and method of financing
- information on persons that hold ownership or management stakes of at least 5 percent or stakes of at least 5 percent in the voting rights within the assets of a publisher/broadcaster of a general informative printed daily or weekly or a radio or television programme service.

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

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

Article 13

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

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

Administration of the mass media register

Article 14

(1) A broadcaster must notify the relevant ministry of any change in the information specified in the second and third paragraph of Article 12 of the present Act and of cessation of operations within fifteen days of the change or cessation occurring.

(2) Publishers must also report any other information to the relevant ministry that it requests for the purpose of implementing valid regulations in the area of the mass media.

(3) By the end of March each year broadcasters of a radio or television programme service must send a written report on the performance of activities and the implementation of the programme concept to the Post and Electronic Communications Agency of the Republic of Slovenia (hereinafter: the Agency).

(4) Publishers of printed mass media must send a mandatory copy of each issue to the National University Library.

(5) The information in the mass media register, with the exception of information on the sources and methods of financing and the programme concepts of radio and television programme services that are yet to begin transmitting, shall be available to members of the public with a legitimate interest. The method of administering the register and the procedure for entry in the register and for disseminating information therefrom shall be set out in detail by the responsible minister.

Deletion from the register

Article 15

(1) The relevant ministry shall delete a mass medium from the register in the following cases:

- if within twenty-four months of entry in the register the publisher/broadcaster fails to obtain the licence for performing activities specified in Article 105 of the present Act when the licence is required under the present Act, or if the licence is permanently revoked or ceases to be valid

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

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

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

Ban on performance of activities

Article 16

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

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

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

Programme concept

Article 17

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

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

(2) The broadcaster of a television programme service shall also stipulate in the programme concept the initial proportions of works of European audio-visual production, European audio-visual works by independent producers and Slovenian audio-visual works.

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

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

(5) The programme concept shall be a constituent part of employment contracts between the publisher and editorial personnel and between the publisher and journalists. The special rights of editorial personnel and journalists deriving from changes or additions to the programme concept shall be defined by the branch collective agreement.

(6) The provision of the second paragraph of this article shall not apply to broadcasters of television programme services specified in Articles 77, 79 and 80 of the present Act, if the individual programme service is intended for local inhabitants and is not included in a national network.

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

Section 4

EDITORIAL BOARD'S RIGHTS AND OBLIGATIONS

Responsible editor

Article 18

(1) Each mass medium must have a responsible editor, who shall be appointed and dismissed by the publisher/broadcaster in accordance with the present Act and the publisher's/broadcaster's basic legal act. Before appointing or dismissing the responsible editor the publisher/broadcaster must obtain an opinion from the editorial board, unless stronger influence on the part of the editorial board is stipulated in the basic legal act.

(2) The responsible editor shall be answerable for the implementation of the programme concept and shall perform other tasks stipulated by the publisher's/broadcaster's basic legal act.

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

(4) If a mass medium has more than one responsible editor, each shall be answerable for the publication of information in the programme area for which he/she is responsible.

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

(6) The provision of the third and the fourth paragraph above shall not apply to the responsible editor(s) of the special national television programme service, namely, for that part of the programme intended for direct broadcasting of the sessions of the National

Assembly of the Republic of Slovenia (hereinafter: the National Assembly) and its working bodies.

Article 19

- (1) Any person who fulfils the following conditions may be a responsible editor:
- the person possesses a certificate of active knowledge of Slovene if the person is not a citizen of the Republic of Slovenia
 - the person possesses a certificate of active knowledge of Hungarian or Italian in the event that the mass medium is for the Hungarian or Italian ethnic communities
 - the person has commercial capability
 - no ban on working in the profession, performing activities or making public appearances has been pronounced against the person.
- (2) The provisions of the first and second indents of the previous paragraph shall not apply if the programme is disseminated in a foreign language in accordance with the first paragraph of Article 5 of the present Act.
- (3) Any person who enjoys immunity under the constitution or the law may not be a responsible editor.

Editorial board

Article 20

- (1) The editorial board shall comprise the responsible editor or responsible editors, other editorial personnel and journalists, and in accordance with the publisher's/broadcaster's basic legal act may also comprise other authors/creators of programme pieces and programme collaborators. The legal relations between the publisher/broadcaster and the editorial board and the basic mutual relations within the editorial board shall be set out by the publisher's/broadcaster's basic legal act in accordance with the present Act, whereby such act shall define the editorial board's degree of autonomy in regulating relations within the editorial board. If the publisher/broadcaster does not employ several editorial personnel or journalists, the responsible editor may perform the function of the editorial board alone.
- (2) The editorial board, editorial personnel, journalists, and authors/creators of other programme pieces shall be independent in their work within the framework of the programme concept and in accordance with the publisher's/broadcaster's basic legal act.

Journalists

Article 21

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

(2) Editorial personnel, journalists and the authors/creators of pieces shall not be obliged to reveal the sources of their information, except in cases where such is stipulated by criminal legislation.

(3) Journalists may not have their employment terminated, a contract concluded with them cancelled, their pay reduced, their status in the editorial board changed or their position worsened in any other manner for reason of the expression of opinions and standpoints in accordance with the programme concept and the rules, criteria and standards of the profession.

Article 22

(1) The status of a freelance journalist shall be acquired through entry in the register of freelance journalists at the relevant ministry, following expression of a prior opinion by a registered professional journalists' organisation. The responsible minister shall rule on entry in the register.

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

- the person holds a certificate on active knowledge of Slovene if the person is not a citizen of the Republic of Slovenia
- the person performs journalistic activities as a sole or principal occupation
- the person has proof of publication in mass media entered in the register specified in Article 12 of the present Act
- the person has not been banned from performing such activities by a legally binding court ruling.

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

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

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

Section 5

COMPULSORY PROGRAMME

Credits

Article 23

(1) The publisher/broadcaster must ensure the publication of the following information in a clearly discernible place in/on each individual medium (e.g. an issue of a printed medium, a television programme) carrying programme:

- the name or business name and head office address or address of permanent residence of the publisher/broadcaster
- the full name(s) of the responsible editor or responsible editors and the full names of the editors of individual programme areas if such is in accordance with the editorial board's internal organisational structure
- the name or business name and head office address of the printer, and the date of printing or reprinting if a printed medium is involved
- the date of production (month and year) if a radio or television programme service is involved.

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

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

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

Compulsory publication of other information

Article 24

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

- the names of the authors/creators of pieces published, unless an individual author/creator stipulates otherwise
- the names or business names of the holders of material copyrights regarding all programme published, except in printed media and on radio programme services
- the name of the legal or natural person storing an item of cultural heritage used or archived or the relevant reproduced material
- the name of the mass medium from which a programme piece or a section of a programme piece has been taken, unless stipulated otherwise by bilateral contract.

Publication of an emergency report

Article 25

At the request of state bodies or public companies and public institutions a mass medium must without delay and free-of-charge publish an emergency report in connection with a serious threat to the lives, health or property of the public, to the natural and cultural heritage or to the security of the state. The person that sent the report to the mass medium shall be answerable for its veracity and accuracy.

Section 6

RIGHT TO CORRECTION OR REPLY

Right to correction of a report published

Article 26

(1) Any person shall have the right to demand that the responsible editor publish free-of-charge a correction by such person to any report published that infringed upon the person's rights or interests.

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

(3) The term "report" means any kind of publication by which the rights or interests of an individual, organisation or body may be infringed upon, regardless of whether such contents have been published as a news flash, comment or any other form.

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

Article 27

(1) The correction must be published without substantive amendments or supplements. Only spelling corrections are allowed, provided that the person affected had been informed of and agreed to them.

(2) Such correction must be published:

- if the medium is issued once a month or in even longer time intervals and the request for the publishing is received at least 14 days before the issue in the first next issue or programme after receiving the correction
- in all other cases no later than in the second issue or the corresponding programme of the medium after receiving the correction
- in electronic publications within 48 hours after receiving the correction.

(3) Each such publication must be clearly marked as correction or, alternatively, the indication "presentation of contradictory facts". The publication must contain the name of the affected person and the reference to the relevant article or programme.

(4) The correction must be published in such form and place that its publication has the same value as the article or the contribution to which it refers. If there are several issues or programmes of a media, the correction must be published in those issues or programmes in which the article or the contribution has been published which the correction or the

presentation of contradictory facts refers to. If a correction refers to two or more notices covering the same event or the same person and having been published in different media of the same publisher/broadcaster, the correction shall be published in all those media.

(5) In printed media it shall be deemed that a correction has been published on an appropriate site if published on the same page of the same column, using the same font type and size as the article it refers to. If the original article has been published on the front page of a newspaper, a warning on the front page saying that the correction is published inside the printed medium is sufficient. The warning on the front page must clearly state that this is a correction and must contain at least the subject of negation or presentation of contradictory facts and, in case the name of the affected person has been published in the original article, also such name. If the claim the correction refers to had been stated in the title, it shall be deemed that the correction had been published on the same or equivalent site if the title of the correction is placed in the same area as the title of the article it refers to. In case a warning is published on the front page, such warning must cover at least an area of the same size as that covered by the title of the article such correction refers to.

(6) Publication in a radio or television programme service and other technically equivalent programmes must be read. If the original text in these programmes was repeated, a single publication of the correction in the prime time shall be sufficient.

(7) If the original contribution was accompanied by a picture, the correction must also be accompanied by such picture.

(8) The responsible editor of the medium must inform the affected person in which issue or programme the requested correction would be published, or alternatively, that such publication is rejected, within 24 hours of receiving the correction.

(9) If the responsible editor rejects the publication of the correction, such decision must be justified in writing. The explanation must clearly and unambiguously say which statements in the corrections gave rise to such rejection.

Article 28

(1) Any person who demands the publication of a correction or presentation of contradictory facts must cite the report to which the correction relates and the date it was published. The title of the correction must also be given. In case no title is given of a correction or such title is not evident from the wording of the correction, it shall be determined by the responsible editor in accordance with this Act.

Stricken out (Official Gazette of the RS, No. 60-2536/2006)

(see note (8))

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

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

Article 29

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

(2) Copies specified in the previous paragraph may be delivered to persons with a legitimate interest for exclusively personal use. They may not be reproduced or published without the consent of the publisher/broadcaster, except within the framework of court proceedings.

Article 30

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

Article 31

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

- if the correction demanded does not relate to the report to which the person concerned refers
- if the required correction in no respect denies the statements in the report, and does not give or present any other or contradictory facts or circumstances by means of which the affected person would disprove or significantly add thereto for the purpose of disproof
- if the publication of the correction would be in contravention of law
- if a demand from a state body or legal entity for the publication of a correction is not signed by the responsible officer or a person authorised for the contacts with the public by such state body or legal entity
- if the correction is worded in an offensive manner
- if the correction demanded is disproportionately longer than the report in which the statements for which it is being given were made, or than the section of the report to which it directly relates
- if the demand for the publication of a correction was lodged after the expiry of the period specified by Article 26 of the present Act
- if the content of the correction demanded is the same as that of a correction demanded about which a case before a court is proceeding owing to the rejection or unsuitability of the form of publication.

(2) The responsible editor must decide on the rejection of such correction within the period laid down in the eighth paragraph of Article 27 hereof and send the decision on rejection within the said deadline to the person who demanded the publication of the correction via registered mail.

Article 32

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

Article 33

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

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

Article 34

(1) The defendant must respond to the suit within 8 days of its receipt. The first main hearing must be carried out no later than 45 days after the filing of the suit with the court. The proceeding before the court shall have priority. The ruling must be served to the parties involved within three months of filing the suit.

(2) Within 48 hours of the initiation of the proceedings referred to in the previous paragraph hereunder, the court shall inform the inspector responsible for exercising control under this Act thereof and the same deadline shall apply for informing the inspector about the served final ruling, for the purposes of implementing this Act.

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

Article 35

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

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

Article 36

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

Article 37

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

Article 38

- (1) The court must pronounce judgement within three days of the end of the trial.
- (2) The court shall deliver an authentic copy of the judgement to the parties within three days of pronouncing judgement.
- (3) If the court finds for the plaintiff, it shall order the defendant in the judgement to publish a correction within the period and in the manner stipulated by law.
- (4) In publishing the correction the responsible editor must state that it is a matter of publication on the basis of a judgement and cite the judgement proper.

Article 39

- (1) The parties may file an appeal at a higher court against a judgement from the court of first instance within three days of its delivery.
- (2) An appeal shall not be delivered to the opposing party for response. A legitimate appeal submitted on time shall be sent by the court of first instance with all accompanying dossiers to the court of second instance within two days of being filed.
- (3) The court of second instance must rule on an appeal within three days of receiving the appeal and dossiers.
- (4) A legal review shall be permitted against a judgement by the court of second instance.

Article 40

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

Article 41

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

Right to reply to information published

Article 42

(1) The right to reply is intended to secure the interest of the public in terms of objective, multilateral and up-to-date information, as one of the essential conditions for democratic decision-making in public affairs.

(2) Any person shall have the right to demand that the responsible editor publish free-of-charge a reply to information published by which that person through demonstrable statements denies, significantly corrects or significantly elaborates upon the statement of facts and figures in the information published.

Article 43

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

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

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

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

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

Common provisions

Article 44

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

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

Section 7

PRESS RELEASES

Access to press releases

Article 45

(1) Pursuant to this Act, press release is any information issued by a body upon its own initiative to the media, as well as any information issued by the body to the media in response to a question, which relate to the body's remit. Such information must be true and integral.

(2) The mass media can demand to be issued a press release from any body obliged to do so by the act regulating the access to public information.

(3) For the purpose of issuing information to the media, the bodies shall appoint a person responsible for the implementation of the provisions of this Article and shall publicly announce such person's name, telephone number and office e-mail. The bodies shall deliver the data on such person to the competent ministry.

(4) After receiving a question, if submitted in writing and if the body intends to refuse or partly refuse to provide an answer, the body must inform the medium thereof by the end of the next business day following the day of receiving the question.

(5) The body may refuse or partly refuse to provide an answer to a question if the requested information is not subject to free access, as stipulated by the act regulating the access to public information.

(6) The bodies must submit to the media the answer to a question no later than within seven working days after receiving the question in writing.

(7) A written notice mentioned in the fourth or the answer mentioned in the sixth paragraph hereunder contains the name of the medium which posed the question, the indication of the question and the decision on refusal or partial refusal or alternatively the answer to such question. The medium may demand additional explanations within three business days from receiving the answer. The body must send such explanations immediately and in no case no later than within three days of receiving the request for additional explanations.

(8) The refusal or partial refusal referred to in the fourth and the fifth paragraphs hereunder shall be deemed a negative decision.

(9) An appeal against the negative decision stipulated in the previous paragraph shall only be allowed if such negative or partially negative answer to a question is derived from a document, matter, file, register, record or any other documentary evidence.

(10) The body competent for deciding on an appeal against the decision pursuant to the act regulating the access to public information shall decide on the appeal against the decision referred to in paragraph eight, which must be submitted in writing. The body must implement the decision issued on the basis of the appeal immediately and in no case later than within five days of having been served such decision.

(11) An author/creator of a programme piece and the responsible editor shall not be criminally liable or liable for damages for the substantively accurate publication of a press release that has been published by the media in its entirety and literally. The body that provided the information shall be responsible for its veracity and accuracy.

(12) The body responsible for deciding on the appeal pursuant to the provisions of the act regulating the access to public information shall be competent to exercise supervision over the implementation of this Article.

Section 8

COMMERCIAL ADVERTISING

Advertisements

Article 46

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

(2) Under the present Act the following programme shall not be deemed advertisements:

- reporting by a publisher/broadcaster in connection with programme in the publisher's/broadcaster's mass medium (e.g. previews of the publisher's/broadcaster's own issues or programmes)
- programme side products directly derived from the programme of the mass medium
- free-of-charge publications in connection with the execution of public services, cultural events, charitable campaigns and campaigns of general importance to public safety in the Republic of Slovenia
- free-of-charge presentation of works of art
- free-of-charge citation of the producers, organisers, sponsors and donors of works of art, arts and culture events, and charitable campaigns, within the framework of media presentation of such works, events and campaigns.

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

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

Article 47

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

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

(3) Advertising may not:

- prejudice respect for human dignity
- incite discrimination on the grounds of race, sex or ethnicity, or political or religious intolerance
- encourage behaviour damaging to public health or safety or to the protection of the environment and the cultural heritage
- give offence on the grounds of religious or political beliefs
- damage consumers' interests.

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

Article 48

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

Article 49

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

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

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

Article 50

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

the advertisements compliance with the present Act and with the programme concept of the mass medium.

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

Article 51

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

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

Sponsorship

Article 52

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

(2) A sponsor of television programme services may not perform activities of disseminating programme or producing audiovisual works.

Article 53

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

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

Article 54

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

Article 55

(1) News and current affairs may not be sponsored. Other informative programme in/on mass media may only be sponsored in cases stipulated by the act governing election campaigns.

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

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

Section 9

PROTECTION OF MEDIA PLURALITY AND DIVERSITY

Restriction of ownership

Article 56

(1) A publisher of a daily informative printed medium or a single legal or natural person or group of connected persons that holds an ownership stake of more than twenty percent or a share in the management or voting rights of more than twenty percent in the capital or assets of such a publisher may not also be the publisher or a co-founder of the broadcaster of a radio or television programme service and may not perform radio or television activities.

(2) A broadcaster of a radio or television programme service or a single legal or natural person or group of connected persons that holds an ownership stake of more than twenty percent or a share in the management or voting rights of more than twenty percent in the capital or assets of such a broadcaster may not also be the publisher or a co-founder of the publisher of a daily informative printed medium.

(3) A publisher/broadcaster, a legal or natural person or a group of connected persons specified in the first and second paragraphs of this article may hold an ownership stake of no more than twenty percent or a share in the management or voting rights of no more than twenty percent in the assets of any other publisher/broadcaster, except in cases when the present Act stipulates otherwise.

Connected persons

Article 57

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

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

- those related by blood as close family members (parents, children, siblings, adoptive parents and adopted children)
- married persons or persons in a non-marital union

- those related through marriage/non-marital union as close family members of a spouse or non-married partner
- such that one person or, together, persons deemed to be connected according to the other points in this article hold(s) a commercial stake, shares or other rights on the basis of which the person(s) participate(s) in the management of another person with at least twenty percent of the voting rights
- such that in the two persons the same person or, together, persons deemed to be connected according to the other points in this article hold(s) a commercial stake, shares or other rights on the basis of which the person(s) participate(s) in the management of each of the other two persons with at least twenty percent of the voting rights
- in such a way that they form a group according to the CA;
- those connected as members of the board of directors or supervisory board with a company in which they perform this function and persons considered to be connected with members of the board of directors or supervisory board under the other points of this article.

Restriction of concentration

Article 58

(1) Any person who wishes to acquire an ownership or management stake or a share in the voting rights in the assets of a broadcaster of a radio or television programme service or a publisher of general informative printed journal of twenty percent or more shall be obliged to obtain approval from the relevant ministry for the conclusion of the legal transaction or the resolution adopted by the General Meeting or another competent body of a company to be valid.

(2) All legal transactions or resolutions of the General Meeting or another competent body of a company that are not adopted in accordance with the previous paragraph shall be deemed null and void.

(3) The competent ministry may refuse to issue approval to any person, referred to in the first paragraph hereunder, which would, by means of acquiring an ownership or management stake or a share in the voting rights:

- obtain monopoly on the advertising market by itself or together with a group of associated persons
- establish a prevailing position in the media sphere by achieving, itself or together with a group of associated persons, the coverage of more than fifteen percent of the Republic of Slovenia with analogue low-lying terrestrial radio programmes, with regard to the overall coverage of this area by all radio programme services diffused through analogue low-lying terrestrial radio technique over the radio frequencies for analogue broadcasting
- establish a prevailing position in the media sphere by achieving, itself or together with a group of associated persons, the coverage of more than thirty percent of the Republic of Slovenia with analogue low-lying terrestrial television programmes, with regard to the overall coverage of this area by all television programme services diffused through analogue low-lying terrestrial radio technique over the radio frequencies for analogue broadcasting

- achieve, itself or together with a group of associated persons, a prevailing market share with the number of the issued copies of the journals exceeding 40 percent of all sold copies of general informative printed journals in the Republic of Slovenia issued at least three times a week.

(4) The following stakes or voting shares shall be included in the stake specified in the first paragraph hereunder:

- those held by the controlled companies and subsidiaries of the legal entity referred to in the first paragraph hereunder
- those obtained by a third person for its own name and for the account of the entity referred to in the first paragraph hereunder
- those obtained by the entity referred to in the first paragraph hereunder through its related persons according to Article 57 hereof.

(5) Prior to the issue of the approval for obtaining the stake referred to in the first paragraph hereunder, the competent ministry shall obtain the data from the Securities Market Agency and an opinion of the body competent for the protection of competition.

(6) Prior to the issue of the approval for obtaining more than 20 percent in ownership or management stake or a share in the voting rights in the assets of a broadcaster of a radio or television programme service, the competent ministry shall obtain from the Agency the data on the coverage of population with radio and television programme services referred to in the second and the third indent of the third paragraph hereunder.

(7) For the issue of the approval for obtaining more than 20 percent in ownership or management stake or a share in the voting rights in the assets of a broadcaster of a radio or television programme service, and after having obtained from the data and the opinion referred to in the fifth and the sixth paragraph hereunder, the competent ministry shall obtain the opinion of the Broadcasting Council.

(8) On the basis of the abovementioned approval of the competent ministry, the Agency shall issue a regulation stipulating the manner of determining the coverage referred to in the second and the third indent of the third paragraph hereunder.

Incompatibility of performing radio and television activities

Article 59

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

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

Incompatibility of performing advertising activities and radio and television activities

Article 60

An advertising organisation whose activity is the collection, design and dissemination of advertisements, and a legal or natural person or group of connected persons that hold(s) an ownership stake of more than ten percent or a share of the voting or management rights of more than ten percent in the capital or assets of such an organisation may not be the broadcaster or the founder of a broadcaster of a radio or television programme service, and may not hold a stake of more than twenty percent in the capital or a share of more than twenty percent of the management or voting rights in the assets of a broadcaster of a radio or television programme service.

Incompatibility of performing telecommunications activities and radio and television activities

Article 61

(1) An operator that provides telecommunications services specified in Article 111 of the present Act or in the act governing telecommunications may not be the broadcaster of a radio or television programme service, and may not disseminate programme or advertising, unless the licence for performing radio or television activities specified in Article 105 of the present Act is obtained.

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

Protection of competition

Article 62

The regulations on protection of competition shall apply to broadcasters of mass media and operators. The relevant ministry shall participate in the procedures of the body responsible for protection of competition relating to the concentration of publishers/broadcasters of mass media and operators; the Agency shall also participate in those procedures relating to broadcasters of radio and television programme services.

Stakes of foreign persons

Article 63

The provisions of this section shall also apply to foreign legal and natural persons, irrespective of the country in which their head office or permanent residence is located, unless stipulated otherwise by the present Act.

Section 10

TRANSPARENCY IN THE MANAGEMENT OF MASS MEDIA

Publication of information in the Official Gazette of the Republic of Slovenia

Article 64

(1) By the end of February each year a publisher/broadcaster must publish the following information in the Official Gazette of the Republic of Slovenia: the full name and address of permanent residence of any natural person and/or the business name and head office address of any legal entity that in the publisher's/broadcaster's assets holds a stake of five percent or more of the capital or a share of five percent or more of the management or voting rights, and the full names of the members of the publisher's/broadcaster's board of directors or management body and supervisory board.

(2) The publisher/broadcaster must report any changes to the information specified in the previous paragraph to the Official Gazette of the Republic of Slovenia within thirty days of their occurrence.

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

Chapter Two

SPECIAL PROVISIONS ON RADIO AND TELEVISION PROGRAMME SERVICES

Section 1

DEFINITIONS

Radio and television activities

Article 65

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

Transmission time

Article 66

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

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

In-house production

Article 67

- (1) Informative, arts and culture, educational, entertainment and phone-in programmes, musical, sports and other programmes with commentary and other original programme produced by the broadcaster of the programme service or produced under commission from and at the expense of the broadcaster shall be deemed programme created in in-house production.
- (2) If several publishers/broadcasters participate in the production of programme via investments the proportion of the investment shall be deemed the proportion of in-house production for each publisher/broadcaster.
- (3) Premieres and first repeats of Slovenian audio-visual works shall count towards the quota of in-house production if such satisfy the conditions specified in Articles 69, 70, 71 and 72 of the present Act.
- (4) The presentation of Slovenian music shall also count towards the quota of in-house production of a radio programme service in accordance with the provisions of Article 86 of the present Act. Under the present Act "Slovenian music" is music of Slovene origin, which covers the concepts of vocal, vocal-instrumental and instrumental music.
- (5) Advertisements, including radio-sales and telesales, and unpaid reports (teletext) shall not be deemed programme created in in-house production.
- (6) The relevant ministry shall via implementing regulations set out detailed criteria for the definition of programme specified in this article at the proposal of the Broadcasting Council.

Slovenian audio-visual works

Article 68

- (1) Under the present Act Slovenian audio-visual works are works produced originally in Slovene or works intended for the Hungarian and Italian ethnic communities in the language thereof, and works of Slovenian cultural origin from other areas of the arts.
- (2) Audio-visual works specified in the previous paragraph are only those expressed in any manner as individual intellectual creations from the fields of literature, science and art.
- (3) In accordance with Articles 4 and 110 of the present Act the Republic of Slovenia shall support the establishment and progressive development of the Slovenian audio-visual industry, and shall promote the creation of Slovenian audio-visual works, such as TV feature films and dramas, arts and culture series, entertainment series, serials, documentaries and educational works.
- (4) The Republic of Slovenia shall promote the development of technical infrastructure for audio-visual production.

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

European audio-visual works

Article 69

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

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

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

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

Article 70

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

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

Article 71

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

Article 72

With regard to works that are not European works specified in Articles 69 and 70 of the present Act but that were created primarily by the work of authors/creators and workers with permanent residence in one or more member-states of the EU, the supposition that European works are involved shall apply in proportion to the total share of the overall production costs covered by co-producers from the European Union.

Audio-visual works by independent producers

Article 73

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

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

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

Stricken out (Official Gazette of the RS, No. 60-2536/2006)

(see note (8))

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

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

Section 2

SPECIAL RIGHTS AND OBLIGATIONS

Right to make a short report

Article 74

- (1) All broadcasters of radio and television programme services shall have under equal conditions the right to make a short report on all important events and other events accessible to the public, with the exception of religious ceremonies.
- (2) The presentation of a report that lasts no more than a minute and a half and is presented within the area of an information programme service shall be considered a short report as specified in this article.
- (3) The organiser of an important event may by way of compensation request only the payment of the entrance fee, if such is envisaged, by the publisher/broadcaster, and compensation for any costs arising owing to the organiser carrying out such obligations.
- (4) The right to make a short report must be exercised in such a way that the event is not disturbed or hindered.
- (5) The right to make a short report may be restricted or denied if the exercise thereof would seriously impose upon the sentiments of those participating in the event, or would threaten public order or safety.
- (6) Any publisher/broadcaster that has exercised the right to make a short report must allow a publisher/broadcaster that was unable to record the event one-off use of its footage, and may for such request reimbursement of a proportionate part of the actual costs and the citation of the publisher's/broadcaster's name or business name upon publication.

Public's right to receive coverage of important events

Article 75

- (1) The broadcaster of a radio or television programme service may not, on the basis of having acquired exclusive rights, cover a particular event of public importance in the Republic of Slovenia, in another member-state of the EU, or in a signatory to an international treaty by which the Republic of Slovenia is bound in a manner owing to which a significant proportion of viewers in the area would be prevented from receiving coverage of the event.
- (2) The direct or delayed coverage of an event either in its entirety or in part if such is necessary for objective interests or in the interest of the public shall be considered coverage under this article.
- (3) It shall be in contravention of the present Act if an event specified in the first paragraph of this article is covered, on the basis of exclusive rights having been acquired, by a broadcaster whose television programme service can be received by less than seventy-five percent of the population of the Republic of Slovenia or whose programme service charges an additional payment for reception (pay-per-view) in addition to the RTV licence fee and the usual payments for receiving television programme services via cable.

(4) The government shall at the proposal of the Agency adopt a list of the most important events specified in the first paragraph of this article and shall in this connection carry out other appropriate measures in accordance with international treaties by which the Republic of Slovenia is bound.

(5) The government shall at the proposal of the Broadcasting Council adopt an act setting out the method and criteria for formulating the list of the most important events specified in this article, and the procedure for mandatory consultations among interested parties.

Section 3

RADIO AND TELEVISION PROGRAMME SERVICES OF SPECIAL IMPORTANCE

Radiotelevizija Slovenija radio and television programme services

Article 76

(1) The public service of producing and disseminating radio and television programme services in the public and cultural interest of the Republic of Slovenia, including radio and television programme services of the Italian and Hungarian ethnic communities and other programme services in accordance with a separate act, shall be carried out by the public institution Radiotelevizija Slovenija.

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

Local radio and television programme services

Article 77

(1) A programme service that covers, with the low-lying terrestrial broadcasting, the area of one or more local communities or an area of coverage in which no more than 10 percent of the population of the Republic of Slovenia live, and that carries local programme produced in-house for at least twenty percent of its transmission time between 6 a.m. and 8 p.m. shall be considered a local radio programme service.

(2) A programme service that covers, with the low-lying terrestrial broadcasting, the area of one or more local communities or an area of coverage in which no more than 10 percent of the population of the Republic of Slovenia live, and that carries local programme produced in-house for at least twenty percent of its transmission time between 8 a.m. and midnight shall be considered a local television programme service.

(3) The minimum transmission time of a local television programme service shall be three (3) hours per day and four (4) days per week.

(4) In exceptional cases a programme service that does not achieve the proportion of local programme produced in-house prescribed in this article may acquire the status of a local radio or television programme service if such a programme service is disseminated in a demographically disadvantaged or economically undeveloped area and there is no other local radio or television programme service in the area, provided that the publisher/broadcaster also meets the conditions from the second and the third paragraph of Article 81.

Article 78

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

- the programme service provides objective and unbiased information for inhabitants of the local community and the balanced presentation of different opinions and views on political, cultural, religious, economic and other issues important to the life and work of the local inhabitants
- the broadcaster appoints a programme committee in which the interests of the local community in the areas of commerce, culture, education and sport, and of the broadcaster of the programme service are represented
- the programme is primarily of a local character, and is jointly created by inhabitants of the local community
- it has programme from the lives and work of Slovenes in neighbouring countries, members of the Hungarian and Italian ethnic communities, and Roma, if it is receivable in areas where such communities live
- the programme service's daily transmission time provides a higher proportion of programme of a local character than other radio and television programme services that fulfil the criteria specified in this article and broadcast in the same area
- the broadcaster asking that its programme service be given the special status may not broadcast other programmes in the scope of its activity; if other programmes are broadcasted as well, all such programmes must fulfil the conditions required for obtaining such status
- only the broadcasters that employ at least three people under a permanent employment contract, full-time, may apply for the special status of a local radio and television programme service, and the broadcasters that employ at least six people under a permanent employment contract, full-time, may apply for the special status of a regional or non-profit radio and television programme service.

(2) The programme committee specified in the third indent of the previous paragraph, which shall have at least three members, shall monitor the implementation of the programme concept, acquaint the responsible editor with its viewpoints and suggestions, offer opinions on the programme concept and perform other tasks in accordance with the present Act and the act on the founding of the programme committee. Within fifteen days of adopting the act on the founding of the programme committee or amendments or additions thereto the broadcaster must send such to the Agency for their information.

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

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

Regional radio and television programme services

Article 79

(1) A programme service intended for the inhabitants of an area (region or town) in which more than ten percent and no more than fifty percent of the population of the Republic of Slovenia live and that carries regional programme produced in-house for at least thirty percent of its transmission time between 6 a.m. and 8 p.m. if a radio programme service or for at least thirty percent of its transmission time between 8 a.m. and 12 a.m. if a television programme service shall be considered a regional radio or television programme service.

(2) A regional programme service may be created by, and as a rule prepared and transmitted by, a single publisher/broadcaster; broadcasters of local radio or television programme services may link in terms of programme and organisation for the purpose of disseminating such programme

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

(4) The sense of the provisions of the previous article shall apply to the fulfilment of the conditions for acquiring the status of a regional radio or television programme service and to the performance of the activities thereof.

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

Student radio and television programme services

Article 80

(1) A student organisation may be the broadcaster of a radio and/or television programme service if the majority of the programme is created and disseminated by students and is primarily aimed at a student audience, and if the surplus of revenues over expenditure is used only for executing the activities for which it was founded, in accordance with the act governing the operation and activities of students' self-managed communities in Slovenia and its basic legal act.

(2) The programme of student radio and television programme services shall comprise information of all types and works under copyright whose purpose is providing information and satisfying the educational, scientific, professional, artistic, cultural and other needs of students and the general public.

(3) The Agency shall via a ruling assign and revoke the status of a student radio or television programme service in accordance with the present Act and shall notify the relevant ministry of such.

Non-profit radio and television programme services

Article 81

(1) Radio programme services that carry informative, arts, educational and cultural-entertainment programme produced in-house for at least thirty percent of their daily transmission time and television programme services that carry the programme specified in this article for at least thirty percent of their daily transmission time shall be considered non-profit programme services.

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

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

(4) The low-lying terrestrial broadcasting that does not reach more than 30 percent of the population of the Republic of Slovenia can be issued the non-profit status provided that they fulfil the programme requirements from Article 77 as well as additional requirements from the second and the third paragraph hereunder.

(5) A programme service that has already obtained the special status of local or regional significance can obtain the non-profit status after their alignment with the second and the third paragraph hereunder.

(6) The publisher/broadcaster asking that its programme service be given the special non-profit status may not broadcast other profit-generating programmes in the scope of its activity.

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

Special programme services

Article 82

(1) In accordance with Article 4 of the present Act the Republic of Slovenia shall support the activities of radio and television programme services specified in Articles 76, 77, 79, 80 and 81 of the present Act that are of special importance to Slovenian culture using funds from the national budget.

Decision of the Constitutional Court – repealed (Official Gazette of the RS, No. 16-648/2004)

(see note (5))

((2) Three percent of RTV licence fee funds shall be set aside for preparing the programme of local, regional and student radio and television programme services.)

Repeal (Official Gazette of the RS, No. 96-4191/2005)

(see note (7))

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

Stricken out (Official Gazette of the RS, No. 60-2536/2006)

(see note (8))

((4) For programme services specified in the first paragraph of this article the collective organisation of authors/creators shall set a special tariff reduced by up to twenty percent for the use of works under copyright, in accordance with the act regulating the protection of copyright and related rights.

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

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

Section 4

LINKAGE OF RADIO AND TELEVISION PROGRAMME SERVICES INTO NETWORKS

Radio and television networks

Article 83

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

- each of the linked broadcasters transmits, in the area for which the broadcaster has been issued a broadcasting licence, at least two hours of a programme service produced in-house per day
- the total in-house production by the linked broadcasters produced in Slovenia, excluding the programme service specified in the previous indent, comprises at least twenty-five percent of the programme transmitted via the network each day
- each of the linked broadcasters obtains prior approval from the Agency, if the broadcaster's programme concept will be essentially altered by the link-up to form the network
- the linked broadcasters formulate a joint programme concept and written legal act on the method of execution thereof, and send the two documents to the relevant ministry for the purpose of entry in the register in accordance with the provisions of Article 12 of the present Act
- the linked broadcasters appoint, via a special act, a responsible editor for the joint programme service, who shall be answerable for the dissemination of programme in accordance with the present Act, and send the act on appointment to the relevant ministry in the fifteen days before the network begins operating.

(2) A national network under the present Act is a radio or television programme service specified in this article that reaches more than fifty percent of the population of the Republic of Slovenia.

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

Section 5

PROGRAMME REQUIREMENTS AND RESTRICTIONS

Subsection 1

GENERAL

Protection of minors

Article 84

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

(2) The broadcasting of the contents listed in the previous paragraph that could harm the children and minors shall be allowed if it is adequately limited, with the appropriate technical means or otherwise, in such a way that it is inaccessible to children and minors.

(3) Television programme with scenes of violence and sexuality may exceptionally be shown in other programmes provided that such contents do not violate the aesthetic and ethical criteria stated in the first sentence. Prior to and during the presentation of the programme or works specified in the first sentence or the scenes specified in the second sentence an acoustic and visual warning and symbol must be given clearly and understandably that such programme is not suitable for children and minors under the age of fifteen.

(4) The aesthetic and ethical criteria for presenting the programme, works or scenes and the showing of the appropriate warnings and symbols referred to in the previous paragraph shall be defined by the broadcaster of television programme with their internal rules (ethical codes) which must be available to the general public all the time. The rules must also define the possibilities of complaints for the viewers objecting to the implementation of the criteria, referred to in the previous paragraph. The broadcasters of television programme must send a copy of their internal rules to the competent ministry and the Broadcasting Council within 15 days of their adoption and inform the abovementioned of any changes within the same deadline.

(5) Every year, the broadcasters of television programme must submit to the competent ministry and the Broadcasting Council a report on the implementation of internal rules referred to in the previous paragraph which must include the data on received complaints of the viewers and their resolving by no later than the end of February for the previous year.

(6) The competent minister shall pass the appropriate secondary legislation to determine the visual symbol and the acoustic and visual warning referred to in the third paragraph and the manner of presenting them, as well as stipulate a plan for their promotion.

(7) By taking into account the first paragraph and the criteria laid down in the third and the fourth paragraphs, the television programme can also broadcast programme that contains the scenes of violence and sexuality in the period between midnight and 5 a.m.

(8) Pornographic contents in printed publications and on advertising areas may be offered in such a way that the children and the minors cannot see and buy them. Access to pornographic contents in electronic publications must be limited, by means of appropriate technical protection, in such a way that children and minors cannot access them.

(9) The implementation of the first, the second, the third, the fourth, the fifth and the seventh paragraph and the secondary legislation laid down in the sixth paragraph shall be monitored by the competent ministry and the Broadcasting Council. The annual report prepared by the Broadcasting Council for the National Assembly must contain the assessment of the implementation of the provisions laid down in the paragraphs one to seven hereunder.

(10) The inspection supervision over the compliance with the provisions of the eighth paragraph hereunder in the newspapers, magazines and electronic publications which count as media in line with the first paragraph of Article 2 hereof shall be carried out by the inspectorate within the competent ministry, while the Market Inspectorate of the Republic of Slovenia shall supervise the printed and electronic publications which do not count as media in line with the third paragraph of Article 2 hereof.

Subsection 2

PROPORTIONS OF PROGRAMME

Proportion of in-house production

Article 85

(1) The proportion of in-house production must be at least twenty percent of the daily transmission time of any television programme service, of which at least sixty minutes shall be between 6 p.m. and 10 pm, unless stipulated otherwise by the present Act.

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

(3) At least thirty percent of the daily transmission time of any radio programme service must comprise programme produced in-house, unless stipulated otherwise by the present Act.

Proportion of Slovenian music on radio and television programme services

Article 86

(1) At least 20 percent of the daily transmission of music of any radio and television programme service must comprise Slovenian music or musical production of Slovenian creators and interpreters.

(2) The share in total amount of daily transmission of music referred to in the previous paragraph must account for at least 40 percent, which applies to each individual programme of Radiotelevizija Slovenija. The share of total daily transmission of music must account for at least 25 percent when radio and television programme of special significance.

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

Proportion of Slovenian audio-visual works

Article 87

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

(2) Slovenian audio-visual works must account for at least two percent of the annual transmission time of each television programme service of a broadcaster. The broadcaster must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, until the proportion reaches five percent of the annual transmission time, unless stipulated otherwise by the present Act.

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

Article 88

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

Proportion of European audio-visual works

Article 89

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

(2) A broadcaster that fails to reach the proportion of European audio-visual works specified in the previous paragraph must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, whereby the minimum

initial proportion shall be twenty percent of the annual transmission time, unless stipulated otherwise by the present Act.

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

(4) The provisions of this article shall not apply to the broadcasters of television programme services specified in Article 77 of the present Act or the broadcasters, whose programme service is intended for a local audience and is not included in a national network.

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

Proportion of audio-visual works by independent producers

Article 90

(1) The broadcaster of a television programme service must endeavour to see that the proportion of annual transmission time comprising European audio-visual works of independent producers is at least ten percent.

(2) A broadcaster that fails to reach the proportion of European audio-visual works by independent producers specified in the previous paragraph must increase the proportion of such works each year in comparison with the proportion of annual transmission time in the previous year, until the proportion reaches ten percent of the annual transmission time, unless stipulated otherwise by the present Act.

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

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

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

(6) The provisions of this article shall not apply to the broadcasters of television programme services specified in Article 77 of the present Act or the broadcasters, whose programme service is intended for a local audience and is not included in a national network.

Annual report on proportions achieved

Article 91

(1) By the end of February each year the broadcaster of a television programme service must submit to the relevant ministry and the Agency a break-down of the figures on the proportion of European audio-visual works achieved in the annual transmission time for the previous year. Within this proportion the figures on in-house production, Slovenian audio-visual works

and audio-visual works by independent producers, and the figures on the proportion of new audio-visual works specified in the third paragraph of the previous article must be separately illustrated.

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

(3) The provisions of the first and the second paragraph of this article shall not apply to the broadcasters of television programme services specified in Article 77 of the present Act or the broadcasters, whose programme service is intended for a local audience and is not included in a national network.

Special programme requirements for Radiotelevizija Slovenija

Article 92

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

(2) Slovenian audio-visual works must together make up at least twenty-five percent of the annual transmission time of Radiotelevizija Slovenija television programme services 1 and 2 and one quarter of this share must be created by independent producers.

(3) The audio-visual works of independent producers must comprise at least ten percent of the annual transmission time of Radiotelevizija Slovenija television programme services, which includes the share of Slovenian audio-visual works referred to in the previous paragraph, created by independent producers.

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

(5) The provisions of the first, the second and the third paragraphs of this article shall not apply to special national television programme service and the provisions of the second and the third paragraphs of this article shall not apply to television programme services intended for the Hungarian and Italian ethnic communities.

Subsection 3

RADIO AND TELEVISION ADVERTISING

Restrictions on advertising

Article 93

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

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

- during individual programme units or programmes, unless presented in such a way that the substantive integrity of the programme does not suffer, whereby the nature and length of the programme and the breaks in the programme envisaged for such a purpose shall be taken into account

- in a manner by which the rights of those holding copyrights and related rights would be infringed.

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

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

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

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

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

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

Restrictions on advertising for special radio and television programme services

Article 94

(1) Radiotelevizija Slovenija may not interrupt radio and television programme units such as radio plays and other forms of radio programme with a director, radiophonic essays, feature films and TV films (with the exception of mini series, series and entertainment programmes),

and programmes of a cultural, artistic, scientific or educational nature for the presentation of commercial advertising, irrespective of the length of the programme unit specified in this article.

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

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

Other commercial advertising material

Article 95

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

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

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

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

(5) A telesales slot is a more extensive telesales programme unit that lasts without interruption for fifteen minutes or more, and is transmitted by a broadcaster of a television programme service that is not a specialist telesales channel.

(6) Informative advertising is programme presented for a fee on radio programme services that by providing information to the audience on subjects of general interest indirectly advertises a specific company or specific services or products. Only the provisions on restrictions on advertising in the daily transmission time shall apply to informative advertising on radio programme services; the restrictions on advertising per hour shall not apply.

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

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

Specialist television programme services

Article 96

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

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

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

Restriction of amount of advertising

Article 97

(1) The total amount of advertisements, telesales/radio-sales and other paid reports on a radio or television programme service may exceed neither twenty percent of the daily transmission time nor twenty percent of any hour, unless stipulated otherwise by the present Act.

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

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

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

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

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

Restriction of amount of advertising on special radio and television programme services

Article 98

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

(2) The total amount of advertisements transmitted on Radiotelevizija Slovenija programme services may not exceed ten percent of the daily transmission time.

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

Repeal (Official Gazette of the RS, No. 96-4191/2005)

(see note (7))

((4) Telesales and radio-sales on Radiotelevizija Slovenija programme services shall be prohibited between 6 p.m. and 11 p.m. Irrespective of the provision of the sixth paragraph of the previous article the provisions of the fourth paragraph of the previous article shall apply to telesales slots on Radiotelevizija Slovenija programme services.)

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

(6) Telesales and radio-sales on radio and television programme services specified in the previous paragraph shall not be permitted.

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

Special restrictions on journalists and news presenters

Article 99

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

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

Section 6

BROADCASTING COUNCIL

Broadcasting council

Article 100

- (1) The Broadcasting Council is an independent expert body which:
- shall provide the Agency with initiatives for the conduct of expert supervision of the implementation of programme requirements and restrictions specified in the present Act
 - shall provide the Agency with a grounded proposal of the selection of providers through public tender for the allocation of radio frequencies for the broadcasting
 - shall provide the Agency with a preliminary opinion of the issue, transfer and revocation of the decision on the performance of radio and television activity
 - shall provide the Agency with a preliminary opinion on the assignment or revocation of the status of a local, regional and student radio or television programme service
 - shall provide the relevant ministry with a preliminary opinion on the assignment or revocation of the status of a non-profit radio or television programme service
 - shall provide the relevant ministry with a preliminary opinion on the limitation of concentration
 - shall assess the situation in the area of radio and television programme services
 - shall propose to the responsible minister detailed criteria for defining local and regional programme, the procedure and conditions for acquiring the status of special programme services, and criteria for in-house production and other programme on radio and television programme services specified in the present Act
 - shall give approval to regulations laying down the procedure for issuing, amending, transferring, renewing, cancelling and revoking the licence for performing radio and television activities and the contents thereof
 - shall propose the method and criteria for formulating the list of events of public importance in the Republic of Slovenia and the procedure for compulsory consultations among interested parties, and shall formulate the Agency proposal for the content of the list
 - shall issue the Agency its consent to development strategy for radio and television programme services in the Republic of Slovenia
 - shall draw up an annual report or assessment of the situation in the area of broadcasting and proposals for improving the situation for the National Assembly
 - shall perform other tasks in accordance with the present Act, the founding act and the act regulating electronic communications.
- (2) The Broadcasting Council shall consist of seven members, who shall be appointed by the National Assembly on the basis of a public invitation. Candidates – experts in the field of law, telecommunications and information science, audio-visual culture, economy, journalism and communicology can respond to the public invitation.
- (3) The Broadcasting Council shall have a president, who shall be appointed by the members from among themselves.
- (4) The term of office for the president and the other members shall be five years. They may be reappointed after the expiry of the term of office.
- (5) Details on the organisational structure and the method of operation of the Broadcasting Council in accordance with the present Act shall be set out by National Assembly in the founding act.

Article 101

The following may not be members of the Broadcasting Council:

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

Article 102

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

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

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

Article 103

(1) Funds for the work of the Broadcasting Council shall be provided by the Agency. The funds shall be managed by the Agency as ordered the Broadcasting Council.

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

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

Section 7

PERFORMING RADIO AND TELEVISION ACTIVITIES

The conditions and criteria for the selection between the interested providers of programme for obtaining radio frequencies for analogue broadcasting

Article 104

(1) The Agency shall conduct the public tender procedure and make the selection on the basis of a grounded proposal by the Broadcasting Council and in accordance with the act regulating electronic communications.

(2) In the procedure for selecting among bidders with a legitimate interest the efficiency of use of frequencies and the following criteria regarding the performance of radio and/or television activities shall primarily be taken into consideration:

- the amount of in-house production and production of Slovenian audio-visual works specified in Article 68 of the present Act
- the political neutrality of the programme service
- the diversity of the programme offered in terms of genre and theme
- the level of development of broadcasting in the specific area
- the level of coverage achieved by the same programme service in the area under tender
- an opinion from the relevant local community body on the justification of covering the area with a new programme service
- an assurance that the local community supports a local or regional radio or television programme service
- the applicant's economic status and technical and personnel capacity to broadcast a radio or television programme service
- the number of potential consumers (listeners or viewers)
- the applicant's experience in broadcasting
- the duration (scope) of the programme service.

(3) A national radio or television programme service shall have priority in selection over other bidders in those areas that it does not cover or does not cover at a level of sufficient technical quality.

(4) During selection priority shall be given to the special importance of radio and television programme services specified in Articles 76, 77, 79, 80 and 81 of the present Act.

(5) If the same or a similar range of programme is offered, in the selection of the broadcaster of a programme service that would cover a smaller area (one or several local communities or regions) priority shall be given to the bidder with a head office in the area for which the programme service is intended.

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

The conditions and criteria for the selection between the interested providers of programme for obtaining the right to disseminate programme on the tendered area in digital broadcasting technique

Article 104a

(1) The Agency shall conduct the public tender procedure for the providers of the programme and make the selection on the basis of a grounded proposal by the Broadcasting Council and in accordance with the act regulating electronic communications.

(2) In agreement with the Broadcasting Council, the Agency shall lay down the conditions and criteria for the selection of providers for dissemination of radio and television programme on the tendered area.

(3) In the process of selection between the interested providers of the programme in a public tender, the following shall be taken into account:

- the diversity of the programme offered in terms of genre and theme
- proportion of in-house production
- for television programme, the amount of production of Slovenian audio-visual works specified in Article 68 of the present Act
- for radio programme, the amount of Slovenian music specified in Article 67 of the present Act
- the duration (scope) of the programme service
- adequately balanced reporting in daily informative programme.

(4) When selecting the programme service, the following shall be given priority:

- the programme services that are already broadcasted through analogue broadcasting radio frequencies in the tendered area
- free (not encoded) programmes.

(5) The Agency shall decide on the submitted offers by issuing a decision on the selection of providers and grant the selected providers the right to disseminate their programme on the tendered area in digital broadcasting technique.

(6) The decision under the preceding paragraph shall contain:

- information on the selected publishers/broadcasters
- data on the type of activity (radio or television)
- names of programmes
- coverage area.

Licence for performing radio or television activities

Article 105

(1) A licence for performing radio or television activities (hereinafter: the licence) shall be issued by the Agency to a broadcaster of radio or television programme service on the basis of the procedure and under conditions set out by this Act.

(2) The applicant for the licence must meet the following conditions:

- registered radio or television activities
- decision of the competent ministry on the entry of the radio or television programme in the register of media.

(3) The application for the licence must contain:

- data on the type of activity (radio or television)
- the name of the programme service
- the programme requirements that the broadcaster must fulfil during dissemination of the programme service.

(4) The Agency shall issue an act stipulating which programme requirements the broadcaster must define in the application and the conditions under which these can be changed.

(5) A broadcaster of a radio or television programme service who obtained the licence can be granted the right to use the radio frequencies for disseminating its radio or television programme in analogue technique or the right to disseminate its radio or television programme in the tendered area in digital technique in accordance with this Act and the act regulating electronic communications.

(6) During the temporary cancellation of the licence, the holder of such licence shall have no right to perform the activity under such licence.

(7) By repealing the licence, all the decisions issued to the broadcaster granting it the right to use the radio frequencies for disseminating its radio or television programme in analogue technique or the right to disseminate its radio or television programme in the tendered area in digital technique.

Article 106

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

- information on the broadcaster of the programme service
- information on the type of activities for which the licence is issued (radio or television)
- the name of the programme service
- the programme requirements that the broadcaster must fulfil during dissemination of the programme service.

(2) The licence shall be issued for an unlimited period of time.

(3) The Agency shall report precise information on the issue, amendment, transfer, temporary cancellation and revocation of licences within eight days to the relevant ministry.

(4) The procedure for the issue, amendment, transfer, temporary cancellation and revocation of the decision on the licence and detailed provision on its contents shall be defined by the Agency in line with this Act.

(5) The holder of the decision on the licence to perform a radio or television activity may transfer the rights arising from such licence to another legal entity or natural person who meets the prescribed conditions for obtaining the authorisation under condition that they do not intervene with the programme requirements from this licence.

(6) The validity of the licence shall be terminated on the basis of the act:

- if the holder is dissolved
- if the programme, for which the licence had been issued, was deleted from the register of media kept by the competent ministry.

(7) In the cases mentioned in the first and the second indent of the previous paragraph the Agency shall issue a declaratory decision.

Payment for dissemination of programme

Article 107

Decision of the Constitutional Court – repealed (Official Gazette of the RS, No. 113-4932/2003)

(see note (4))

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

(2) The fee specified in the previous paragraph shall be paid into the national budget and directed towards the purposes of the budget fund for audio-visual media specified in Article 110 of the present Act.

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

Section 8

SUPERVISION

Administrative and inspection supervision of the implementation of the act

Article 108

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

Supervision of the implementation of programme requirements and restrictions

Article 109

(1) Expert supervision of the implementation of the provisions of the present Act shall be conducted by the Agency.

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

- supervise the implementation of the programme requirements and restrictions that apply to radio and television programme services under the present Act (Section 5 of Title II)
- supervise the implementation of the legal provisions on special radio and television programme services (Section 3 of Title II)
- supervise the implementation of the programme requirements to be taken into account by the broadcaster in disseminating its programme service (the third and the fourth indent of the first paragraph of Article 106)
- propose to the relevant ministry a development strategy for radio and television programme services in the Republic of Slovenia.

(3) The Agency shall:

- issue a written warning to the broadcaster and order the elimination of the violations it determines within a period it stipulates, which may not be shorter than one month or longer than six months, if it determines a broadcaster of a radio or television programme service is infringing the provisions of the present Act or implementing regulations adopted pursuant thereto, or a ratified international treaty or does not fulfil the programme requirements stated in the licence to perform the activities. The deadline may be extended for a maximum period of three months.
- suspend a licence for performing activities for a maximum of three months if it is found that the established violations have not been eliminated until the expiry of the deadline set under the previous indent
- revoke a licence for performing activities if it is found that the broadcaster, despite receiving the suspension specified in the previous indent, fails to bring the broadcaster's activities into compliance with the Agency's requirements within 30 days of recommencing broadcasting.

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

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

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

(7) The Agency shall adopt a general act to define the methodology of such expert supervision, by means of which it shall lay down, in detail, the method of establishing compliance with the programme requirements and limitations referred to in sections 3 and 5 of the second paragraph and the third and the fourth indent of the first paragraph of Article 106 hereof.

(8) The broadcasters of radio or television programmes must keep the recordings for each day of the broadcasted programme, together with all programme and non-programme contents as broadcast subsequently within 24 hours, for at least 30 days. In the event of technical failure that caused the termination of recording, the broadcaster must immediately inform the Agency thereof.

(9) For the purposes of expert supervision, the broadcasters must deliver to the Agency the copies of the recordings, referred to in the previous paragraph, within eight days of receiving a written request from the Agency.

(10) Based on the act referred to in the seventh paragraph hereunder, the Agency shall also lay down the technical characteristics and the equipment of the recordings.

Section 9

FINANCING OF AUDIO-VISUAL MEDIA PRODUCTION

Budgetary funds

Article 110

(1) Pursuant to the present Act the Republic of Slovenia shall provide funds for the development of audio-visual media production within the relevant ministry.

(2) In the scope of these budgetary funds for audio-visual media production, the Republic of Slovenia shall provide funds for Slovenian audio-visual projects which contribute to the development of audio-visual media production and are intended to be broadcast by means of television.

(3) The Government shall set out the method, procedure, conditions and criteria for the execution of regular annual public tenders for co-financing projects from the budget for audio-visual media production in accordance with the present Act and the act on the implementation of the public interest in the area of culture.

Section 10

MANAGEMENT OF TECHNICAL INFRASTRUCTURE

Operators

Article 111

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

(2) The operator shall provide the services on the basis of the notification defined in Article 5 of the Electronic Communications Act (Official Gazette of the Republic of Slovenia nos. 43/04 and 86/04) and the entry of the operator in the official records in accordance with the fifth paragraph of Article 5 of the Electronic Communications Act (Official Gazette of the Republic of Slovenia nos. 43/04 and 86/04).

(3) The Agency shall inform the competent ministry of the termination of the status of operator or the deletion from the official register of operators.

Article 112

(1) Operators must allow all broadcasters that have been issued the licence specified in Article 105 of the present Act to disseminate programme services under equal conditions, if there are technical possibilities for the quality reception of signal at the operator's main receiving programme service, within ninety days of the beginning of the distribution of such programme services, in such a way that they are accessible to all users of their services.

(2) Operators must within the period specified in the previous paragraph allow the dissemination free-of-charge of radio and television programme services specified in Articles 76, 77, 79, 80 and 81 of the present Act, if there are technical possibilities for the quality reception of signal at the operators main receiving programme service, in such a way that they are accessible to all users of their services.

(3) In the case specified in the previous paragraph the broadcaster must allow the operator to disseminate the operator's programme service free-of-charge, excluding the obligations deriving from the collective protection of copyright and related rights.

(4) An operator may not allow the dissemination of a radio or television programme service of a broadcaster that falls under the jurisdiction of the Republic of Slovenia if the programme service is not entered in the mass media register at the relevant ministry.

(5) In addition to the programme services specified in the first and second paragraph of this article, operators shall also allow the dissemination of other programme services if the programme council specified in Article 114 of the present Act so rules.

Decision of the Constitutional Court – repealed (Official Gazette of the RS, No. 123-5132/2004)

(see note (6))

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

(7) The fees specified in the previous paragraph shall be set in the amount of eight percent of the revenue obtained by the operator from each user for the operator's services, and shall be paid once a month into the national budget and directed towards the purposes of the budget fund for audio-visual media specified in Article 110 of the present Act.)

Article 113

- (1) Operators must declare to the relevant ministry the name and type of all programme services transmitted and broadcast via their telecommunications system and notify it of any change to such information within eight days of the inclusion or exclusion of the programme service or the occurrence of the change.
- (2) Operators may transmit and broadcast programme services only on the basis of a written contract or other document that is clear as to the arrangement of copyright law relations with the persons holding the copyright to such programme services, unless otherwise stipulated by an international treaty by which the Republic of Slovenia is bound or by law
- (3) A copy of each valid contract or other document specified in the previous paragraph shall be sent by the operator to the relevant ministry within fifteen days of the conclusion thereof.
- (4) An operator must notify the relevant ministry of any change to a individual contract or other document specified in this article or the cessation of the validity thereof within fifteen days of the occurrence of the change or the cessation of validity.

Article 114

- (1) An operator shall form a programme council, which in accordance with the provisions of the present Act and the operator's technical capacities shall decide on which programme services the operator is to transmit and broadcast in accordance with the fifth paragraph of Article 112 of the present Act. The programme council's term of office, composition and other tasks shall be stipulated in detail by the operator via an internal legal act.
- (2) An operator shall be obliged to include in the programme council specified in the previous paragraph members proposed by the local communities or regions whose areas are covered by the provision of telecommunications services, and an equal number of representatives of various interest groups from the area.
- (3) The internal act specified in the first paragraph of this article, the act on the appointment of the programme council and details of any changes thereto shall be sent by the operator to the responsible minister for information purposes within ten days of their occurrence.
- (4) If an operator fails to act in accordance with the provisions of the present Act the relevant ministry may propose to the body responsible for telecommunications that it revoke the operator's licence specified in Article 111 of the present Act.
- (5) The provisions of this article shall not apply insofar as the act governing public broadcasting stipulates otherwise.

Article 114a

- (1) The provisions laid down in Article 112 of this Act shall not apply to an operator of a low-lying terrestrial digital network.

(2) An operator of a low-lying terrestrial digital network in an individual area of the Republic of Slovenia must disseminate the radio and television programmes licensed under Article 104.a hereof for the same area under the same conditions.

Chapter Three

COMMUNICATIONS AND SERVICES

Section 1

COMPUTER MEDIA COMMUNICATIONS

Electronic publications

Article 115

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

(2) The sense of the provisions of Sections 1 to 3 inclusive of Title I and the sixth paragraph of Article 84 of the present Act shall apply to any electronic publication the publisher/broadcaster of which is a legal entity.

(3) The sense of the provisions of Sections 1 to 3 inclusive of Title I and the sixth paragraph of Article 84 of the present Act, with the exception of the provisions of Articles 5, 10, 12, 13, 14, 15, 16, 17, 19, 20 and 25 of the present Act shall apply to any electronic publication the publisher/broadcaster of which is a natural person.

Transmission of programme of other mass media via computer links

Article 116

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

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

Advertising initiatives for conclusion of contracts via computer links

Article 117

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

Section 2

PROTECTED SERVICES

Conditionally accessible information and audio-visual services

Article 118

(1) It shall be prohibited to produce, import, distribute, sell, make available for rent, or pass on devices or resources that facilitate free access to protected services that are conditionally accessible or are accessed through payment and that are provided on the basis of an individual request (pay-per-view, audio and video on request, coded radio and television programme services and similar), irrespective of the technical execution of the transmission of the signal, if such is done for commercial purposes without the authorisation of the service provider.

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

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

Article 119

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

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

Chapter Four

REPRESENTATIVES OF FOREIGN MEDIA AND PRESS AGENCIES

Representatives of foreign media and press agencies in the Republic of Slovenia

Article 120

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

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

(3) Irrespective of the provisions of the previous paragraph a bureau in the Republic of Slovenia may be founded and registered as a subsidiary of a foreign company in accordance with the companies act if such is entered in the register of foreign bureaux and correspondents specified in Article 123 of the present Act.

Article 121

Under the present Act a foreign press Agency or foreign mass medium is a legal entity that has a head office in a foreign country and whose basic activity is the regular collation and transmission or dissemination of informative programme.

Article 122

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

Register of foreign bureaux and correspondents

Article 123

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

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

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

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

- the business name and the head office address of the foreign press Agency or publisher/broadcaster of the foreign mass medium founding the bureau
- the name of the mass medium

- information on the registration of the foreign press Agency or foreign mass medium in the name country thereof
- the head office address of the bureau in the Republic of Slovenia
- the full name of the head of the bureau.

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

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

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

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

- proof that the foreign correspondent has a guaranteed place of residence in the Republic of Slovenia
- a brief curriculum vitae of the foreign correspondent
- two photographs of the foreign correspondent
- proof that the correspondent is employed at a foreign press Agency or publisher/broadcaster of a foreign mass medium, or has concluded an appropriate contract on the performance of activities with a foreign press Agency or publisher/broadcaster of a foreign mass medium.

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

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

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

Ruling on accreditation

Article 124

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

Press card

Article 125

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

Reporting changes to information in the register

Article 126

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

Deletion from the register

Article 127

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

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

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

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

Assistance from the relevant ministry

Article 128

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

Chapter Five

PENALTY PROVISIONS

Article 129

(1) A fine in the amount between SIT 250,000 and SIT 20,000,000 shall be imposed for a infringement on a broadcaster that is a legal entity or individual sole trader if:

- through advertisements via its mass medium it harms human dignity, incites discrimination on the grounds of race, sex or ethnicity, or political or religious intolerance, encourages behaviour damaging to public health or safety or to the protection of the environment and the cultural heritage, gives offence on the grounds of religious or political beliefs, or damages consumers' interests (third paragraph of Article 47)
- it broadcasts advertisements that are targeted primarily at children, or advertisements in which children appear containing scenes of violence, pornography or any other content

that could damage their health or mental and physical development or otherwise have a negative effect on the impressionability of children (first paragraph of Article 49)

- it broadcasts advertisements that directly encourage children to purchase products or services by exploiting their inexperience or credulity, that directly encourage children to convince their parents or any other person to purchase products or services, that directly encourage the exploitation of children's special trust in parents, teachers or any other persons, or that unjustifiably show children in dangerous situations (second paragraph of Article 49)
- it broadcasts through its television programme service scenes containing excessive violence or pornography that could seriously harm the mental, moral or physical development of children and other minors (first paragraph of Article 84)
- it broadcasts scenes referred to in the first paragraph of Article 84 hereof that could harm children or minors and are not limited by technical means or appropriate protection in such a way that children and minors cannot access them (second paragraph of Article 84)
- it broadcasts television scenes that contain violence and sexuality if such are not part of informative, educational, artistic and other programmes and are not considered to be contents that violate the aesthetic and ethical criteria laid down in the third paragraph of Article 84 hereof without giving an appropriate acoustic and visual warning that such programme is not suitable for children and minors under the age of fifteen, or adding the prescribed visual symbol throughout the entire duration of the programme (third paragraph of Article 84)
- it broadcasts programmes containing large amounts of violence or sexuality outside the period from midnight to 5 a.m. (seventh paragraph of Article 84).

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

(3) The same fine shall be imposed on a publisher of printed or electronic publication – legal entity or individual sole trader offering pornographic contents in printed publications or advertising areas in such a way that children and minors can see and buy them, or in the case of electronic publications, not restricting pornographic contents with technical means and protection in such a way that children and minors cannot access them (eighth paragraph of Article 84).

(4) By a fine of SIT 80,000 shall be punishable a publisher of electronic or printed publication – natural person or legal entity who commits a infringement mentioned in the foregoing paragraph.

(5) A fine of SIT 100,000 shall be imposed upon the responsible officer of a publisher (legal entity) or the responsible officer of a publisher (natural person) or the responsible officer of a publisher (state body or local self-government) who commits an infringement specified in the first paragraph hereunder, and on the responsible officer of Radiotelevizija Slovenija if it commits an infringement specified in the second paragraph hereunder.

(6) By a fine of SIT 80,000 shall be punishable a publisher (natural person) for any infringement referred to in the first paragraph hereunder.

Article 130

(1) A fine in the amount between SIT 250,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:

- commercial advertising on its programme service is not entirely clearly recognisable as such or specially separated from other programme on the mass medium (third paragraph of Article 46), or if advertisements published free-of-charge are not specially designated as such (fourth paragraph of Article 46)
- it engages in surreptitious advertising (first paragraph of Article 47), or it employs techniques that prevent readers, listeners or viewers from consciously recognising advertising as such (second paragraph of Article 47)
- it advertises alcoholic beverages via mass media or media specified in the third paragraph of Article 2 of the present Act, unless stipulated otherwise by law (fourth paragraph of Article 47)
- as the person that commissions an advertisement it influences the programme concept and editorial independence of a mass medium (second paragraph of Article 50)
- it broadcasts advertisements via radio or television programme contrary to Article 93 hereof
- in disseminating commercial advertising via computer links whose purpose is the direct conclusion of contractual relations with the users of the links, it fails to clearly designate any initiative to conclude a contract as such, or fails to give an unambiguous warning to any potential contractual partner regarding the financial consequences of the eventual conclusion of a contract (Article 117)
- as a sponsor of television programme services it performs activities of disseminating programme or producing audio-visual works (second paragraph of Article 52)
- as a sponsor it influences sponsored programme and its distribution in the programme scheme and thereby restricts the editorial independence of the mass medium (first paragraph of Article 53)
- it disseminates sponsored programme that promotes the sale or rental of the sponsor's products and services or the products and services of a third person, particularly through special presentation of such products and services (second paragraph of Article 53)
- in contravention of law it disseminates sponsored news, topical and other informative programme (first paragraph of Article 55)
- it fails to clearly designate each sponsored programme unit as such, including citation of the sponsor's name or symbol (second paragraph of Article 55).

(2) A fine of SIT 100,000 shall be imposed upon the responsible officer of a publisher or broadcaster - legal entity, individual sole trader, state body or local self-government who commits the infringement specified in the previous paragraph.

(3) A fine of SIT 80,000 shall be imposed upon a publisher/broadcaster (individual) who commits an infringement specified in the first paragraph hereunder.

Article 131

(1) A fine in the amount between SIT 250,000 and SIT 20,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:

- the total amount of advertisements, telesales/radio-sales and other paid reports on a radio or television programme service exceeds twenty percent of the daily transmission time or twenty percent of a single hour (first paragraph of Article 97), or the total amount of advertisements

excluding telesales and other paid reports on a television programme service exceeds fifteen percent of the daily transmission time in contravention of the present Act (second paragraph of Article 97)

- the total duration of telesales slots in the daily transmission time of its programme service exceeds three hours per day, the number of telesales slots exceeds eight per day, or they are not clearly designated as such using visual and audio symbols (fourth paragraph of Article 97).

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

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

(4) A fine of SIT 100,000 shall be imposed upon the responsible officer of a publisher or broadcaster – legal entity or individual sole trader who commits an infringement specified in the first paragraph hereunder.

(5) A fine of SIT 100,000 shall be imposed upon the responsible officer of Radiotelevizija Slovenija who commits an infringement specified in the second paragraph of this article.

(6) A fine of SIT 100,000 shall be imposed upon the responsible officer of a local, regional, student or non-profit radio or television programme service who commits an infringement specified in the third paragraph of this article.

(7) A fine of SIT 80,000 shall be imposed upon a natural person who commits an infringement specified hereunder.

Article 132

(1) A fine in the amount between SIT 200,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:

- it fails to disseminate programme in Slovene in accordance with the law, or in contravention of the law it disseminates programme without a suitable Slovene translation (first paragraph of Article 5), or it fails to disseminate advertisements in Slovene or in a Slovene translation in accordance with the present Act (first paragraph of Article 51)
- it disseminates programme without being entered in the mass media register at the relevant ministry (first paragraph of Article 16)
- it performs radio or television activities without a licence for performing radio or television activities (first paragraph of Article 105) or while such license is suspended (sixth paragraph of Article 105)

- at the request of state bodies or public companies and public institutions it fails to publish, without delay and free-of-charge, an urgent message in connection with a serious threat to the lives, health or property of the public, to the natural and cultural heritage or to the security of the state (Article 25)
 - by the end of February each year it fails to report to the Official Gazette of the Republic of Slovenia the information prescribed for a legal or natural person that in the publisher's/broadcaster's assets holds a stake of five percent or more of the capital or a share of five percent or more of the management or voting rights, or the names of the members of the publisher's/broadcaster's board of directors, i.e. the management body, and/or supervisory body (first paragraph of Article 64), or fails to report any changes to this information within thirty days of their occurrence (second paragraph of Article 64)
 - it disseminates programme of other mass media via computer links in contravention of the present Act (second paragraph of Article 116).
- (2) A fine of SIT 80,000 shall be imposed upon the responsible officer of a publisher or broadcaster – legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.
- (3) A fine of SIT 50,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 133

- (1) A fine in the amount between SIT 2,000,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:
- as a publisher/broadcaster that has exercised the right to make a short report it fails to allow a publisher/broadcaster that was unable to record the event the one-off use of its footage (sixth paragraph of Article 74)
 - as an operator it fails in accordance with the law to disseminate the programme services of all publishers/broadcasters that have been issued the licence specified in Article 105 of the present Act if there are technical possibilities for the quality reception of signal at the operator's main receiving programme service (first paragraph of Article 112), or fails in accordance with the law to disseminate radio and television programme services specified in Articles 76, 77, 79, 80 and 81 of the present Act if there are technical possibilities for the quality reception of signal at the operator's main receiving programme service (second paragraph of Article 112)
 - as an operator it allows a publisher/broadcaster that falls under the jurisdiction of the Republic of Slovenia to distribute a radio or television programme service that is not entered in the mass media register at the relevant ministry (fourth paragraph of Article 112)
 - as an operator it fails to form a programme council (first paragraph of Article 114), or fails to appoint members to the programme council in accordance with the present Act (second paragraph of Article 114)
 - as an operator it performs radio or television activities without the broadcaster having a licence for performing radio or television activities (first paragraph of Article 105) or while such license is suspended (sixth paragraph of Article 105)
 - as an operator of low-lying terrestrial digital network disseminates a radio or television programme service without the licence stipulated under Article 104a. hereof for the area covered by the operator of low-lying terrestrial digital network with its signal.

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 90,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 134

(1) A fine between SIT 2,000,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster of a television programme service that is a legal entity or individual sole trader if it fails to raise the proportion of Slovenian audio-visual works in the annual transmission time in accordance with the second paragraph of Article 87 of the present Act.

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a legal entity or individual sole trader who commits an infringement specified in the previous Article.

(3) A fine of SIT 90,000 shall be imposed upon a broadcaster of television service - natural person who commits an infringement specified in the first paragraph hereunder.

Article 135

(1) A fine between SIT 2,000,000 and SIT 15,000,000 for an infringement shall be imposed upon the public institution Radiotelevizija Slovenija if:

- European audio-visual works fail to make up the majority of the annual transmission time of Radiotelevizija Slovenija television programme services (first paragraph of Article 92)
- Slovenian audio-visual works fail to make up, together, at least twenty-five percent of the annual transmission time of Radiotelevizija Slovenija television programme services 1 and 2 (second paragraph of Article 92)
- audio-visual works by independent producers fail to make up at least ten percent of the annual transmission time of Radiotelevizija Slovenija television programme services (third paragraph of Article 92).

(2) A fine of SIT 150,000 shall be imposed upon the responsible person of the public institution Radiotelevizija Slovenija who commits an infringement specified in the previous paragraph hereunder.

Article 136

(1) A fine in the amount between SIT 200,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster of television programme service – legal entity or individual sole trader if:

- in accordance with the present Act it fails to gradually increase the proportion of European audio-visual works in the annual transmission time with respect to its level in the previous year (second paragraph of Article 89), or by the end of February each year fails to send the relevant ministry and the Agency a break-down of the figures on the proportion of

European audio-visual works achieved in the annual transmission time for the previous year in the manner stipulated by law (first paragraph of Article 91)

- in accordance with law it fails to raise the proportion of audio-visual works by independent producers each year on its programme services (second paragraph of Article 90).

(2) A fine of SIT 80,000 shall be imposed upon the responsible officer of a broadcaster of television programme service – legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 50,000 shall be imposed upon a broadcaster of television service - natural person who commits an infringement specified in the first paragraph hereunder.

Article 137

(1) A fine in the amount between SIT 2,000,000 and SIT 15,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:

- as a broadcaster of a radio programme service it also performs television activities or as a broadcaster of a television programme service it also performs radio activities in contravention of the present Act (Article 59)
- as an operator that provides telecommunications services it acts as the broadcaster of a radio or television programme service without a licence for performing radio or television activities (Article 61).

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 90,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 138

A fine between SIT 90,000 and SIT 300,000 for an infringement shall be imposed upon a journalist or news presenter specified in Article 99 of the present Act who participates in advertising (first paragraph of Article 99).

Article 139

(1) A fine between SIT 150,000 and SIT 10,000,000 shall be imposed for an infringement on a broadcaster of a radio or television programme service that is a legal entity or individual sole trader if it fails to disseminate Slovenian music in the daily transmission time in accordance with Article 86 of the present Act.

(2) A fine of SIT 70,000 shall be imposed upon the responsible officer of a legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 30,000 shall be imposed upon a broadcaster of radio or television service - natural person who commits an infringement specified in the first paragraph hereunder.

Article 140

(1) A fine between SIT 1,500,000 and SIT 25,000,000 shall be imposed for an infringement on a publisher of a general informative printed journal or any other legal entity or individual sole trader who holds in the capital or assets of such a publisher an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights, if such is also the broadcaster or a co-founder of the broadcaster of a radio or television programme service or performs radio or television activities (first paragraph of Article 56), or if such also holds an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights in the assets of another publisher of a daily informative printed medium or in the assets of a broadcaster of a radio or television programme service (third paragraph of Article 56).

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a publisher of daily informative printed medium or another legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 80,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 141

(1) A fine between SIT 1,500,000 and SIT 25,000,000 shall be imposed for an infringement on a broadcaster of a radio or television programme service or any other legal entity or individual sole trader who holds in the capital or assets of such a publisher an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights, if such is also the publisher or a co-founder of the publisher of a general informative printed journal (second paragraph of Article 56), or if such also holds an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights in the assets of another publisher of a daily informative printed medium or in the assets of a broadcaster of a radio or television programme service (third paragraph of Article 56).

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a broadcaster of a radio or television programme service – legal entity or the responsible officer of another legal entity or individual sole trader that commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 80,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 142

(1) A fine between SIT 1,500,000 and SIT 25,000,000 shall be imposed for an infringement on an advertising organisation or any other legal entity or individual sole trader who holds in the capital or assets of such advertising organisation an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights, if such is also the broadcaster or a co-founder of the broadcaster of a radio or television programme service or if such also holds an ownership stake of more than twenty percent or more than twenty percent of the management or voting rights in the assets of a broadcaster of a radio or television programme service (first paragraph of Article 60).

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of an advertising organisation or another legal entity or individual sole trader who commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 80,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 143

(1) A fine in the amount between SIT 1,000,000 and SIT 10,000,000 shall be imposed for an infringement on a broadcaster of television programme service – legal entity or individual sole trader if:

- on the basis of having acquired exclusive rights, it covers a particular event of public importance in the Republic of Slovenia or in another member-state of the EU in such a way that a significant proportion of viewers in the area would be prevented from receiving coverage of the event (first paragraph of Article 75)
- an event specified in the first paragraph of Article 75 of the present Act is covered, on the basis of having acquired exclusive rights, by a broadcaster whose television programme service can be received by less than seventy-five percent of the population of the Republic of Slovenia or whose programme service charges an additional payment for reception (pay-per-view) in addition to the RTV licence fee and the usual payments for receiving television programme services via cable (third paragraph of Article 75)
- as the organiser of an important event or other event accessible to the public it fails to allow a radio or television programme service to exercise the right to make a short report (first paragraph of Article 74).

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of a legal entity or individual sole trader that commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 70,000 shall be imposed upon a broadcaster of television service - natural person who commits an infringement specified in the first paragraph hereunder.

Article 144

(1) A fine in the amount between SIT 600,000 and SIT 1,000,000 shall be imposed for an infringement on an operator that is a legal entity or individual sole trader if:

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

(2) A fine of SIT 150,000 shall be imposed upon the responsible officer of an operator of a legal entity or individual sole trader that commits an infringement specified in the previous paragraph hereunder.

(3) A fine of SIT 80,000 shall be imposed upon an operator - natural person who commits an infringement specified in the first paragraph hereunder.

Article 145

(1) A fine in the amount between SIT 500,000 and SIT 2,000,000 shall be imposed for an infringement on a broadcaster that is a legal entity or individual sole trader if:

- it fails to notify any change to the information specified in the second and third paragraphs of Article 12 of the present Act or the cessation of operations within fifteen days of the change or cessation of operations occurring (first paragraph of Article 14)
- it fails to report any other information to the relevant ministry that it requests for the purpose of implementing valid regulations on the mass media (second paragraph of Article 14)
- as a holder of the licence to perform radio or television activity, it fails to submit to the Agency, upon its request, the data specified in the third indent of the third paragraph of Article 105 of this Act within one month
- it fails to send a mandatory copy of each issue of a printed medium to the National University Library (fourth paragraph of Article 14)
- it fails to obtain a prior opinion from the Agency regarding a fundamental change or addition to the programme concept of a radio or television programme service (third paragraph of Article 17)
- in the dissemination of programme it fails to ensure the publication, in a clearly discernible place in/on each individual medium carrying programme, of the prescribed information (Article 23) or any other compulsory information specified in Article 24 of the present Act
- as a broadcaster of a radio or television programme service it fails to clearly designate a repeat as such (second paragraph of Article 85)
- as a broadcaster of a television programme fails to adopt and publish, within six months of the enforcement of this Act, the rules (ethical code) that define the criteria and conditions for presenting informative, educational, artistic and similar programmes which include the

scenes of violence or sexuality or fails to adopt and publish an internal manner of filing complaints to be followed by the viewers who wish to submit complaints regarding the implementation of such rules (fourth paragraph of Article 84)

- every year, the broadcaster of television programme fails to submit to the competent ministry and the Broadcasting Council a report on the implementation of internal rules referred to in the fourth paragraph of Article 84 hereof which must include the data on received complaints of the viewers and their resolving by no later than the end of February for the previous year (fifth paragraph of Article 84)
- as a broadcaster of a radio or television programme service it fails to immediately inform the Agency of a technical failure that caused the termination of recording (eighth paragraph of Article 109)
- as a broadcaster of a radio or television programme service it fails to deliver to the Agency within eight days the copies of the records of all issued programme and other contents by day as broadcast in the period from midnight to midnight (ninth paragraph of Article 109).

(2) A fine of SIT 120,000 shall be imposed upon the responsible officer of a publisher or broadcaster - legal entity, individual sole trader or local self-government that commits the infringement specified in the previous paragraph.

(3) A fine of SIT 60,000 shall be imposed upon a broadcaster - natural person who commits an infringement specified in the first paragraph hereunder.

Article 146

(1) A fine in the amount between SIT 500,000 and SIT 5,000,000 shall be imposed on a broadcaster of a radio or television programme that is a student organisation, if the surplus of income over expenses is used contrary to the provision of the first paragraph of Article 80 hereof.

(2) A identical fine for an infringement shall be imposed upon a publisher (legal entity) of a non-profit radio or television programme service or a broadcaster (legal entity) of a local radio or television programme service, specified in the fourth paragraph of article 77 that uses the surplus of revenues over outgoings from the activities specified in the first paragraph of Article 81 in contravention of the present Act (second paragraph of Article 81), or if the pay of the employees, the bonuses for members of the broadcaster's management and supervisory bodies or other benefits exceed the tariffs prescribed for cultural institutions by the current regulations and the collective agreement of those employed in the area of culture (third paragraph of Article 81).

(3) A fine of SIT 120,000 shall be imposed upon the responsible officer of a broadcaster of a radio or television programme service - student organisation that commits an infringement specified in the first or the second paragraph of this article.

(4) A fine of SIT 60,000 shall be imposed upon a broadcaster (natural person) of a non-profit radio or television programme service who commits an infringement specified in the first or the second paragraph of this article.

Article 147

(1) A fine in the amount between SIT 500,000 and SIT 5,000,000 shall be imposed on a body specified in the second paragraph of Article 45 hereof if it fails to give a written answer whether they intend to provide an answer or refuse the request of the media to be granted access to a press release or if it fails to give the medium truthful and complete within the set deadline or no later than in seven days after receiving the request, which it is obliged to provide under this Act (sixth paragraph of Article 45), or fails to immediately send the medium additional explanation of the reasons for refusal stipulated in the fourth paragraph of Article 45 (eighth paragraph of Article 45).

(2) A fine of SIT 120,000 shall be imposed upon the responsible person of the body stipulated in the second paragraph of Article 45 hereof who commits an infringement specified in the previous paragraph.

(3) A fine of SIT 60,000 shall be imposed upon a natural person who commits an infringement specified in the first paragraph hereunder.

Article 148

(1) A fine between SIT 500,000 and SIT 10,000,000 for an infringement shall be imposed upon the Official Gazette of the Republic of Slovenia if it fails to publish the prescribed information specified in the first and second paragraphs of Article 64 within fifteen days of receiving the order to publish (third paragraph of Article 64 of the present Act).

(2) A fine of SIT 120,000 shall be imposed upon the responsible person of the Official Gazette of the Republic of Slovenia who commits an infringement specified in the previous paragraph hereunder.

Article 148a

(1) A fine in the amount between SIT 500,000 and SIT 15,000,000 shall be imposed on a publisher or broadcaster if the responsible editor fails to publish the correction received within the specified deadline or refuse it in accordance with the provisions of this Act (Articles 27 and 31).

(2) A fine between SIT 100,000 and SIT 1,000,000 shall be imposed upon the responsible editor that commits an infringement specified in the previous paragraph.

Article 148b

The fines that are stipulated herein in a range shall be pronounced within such range.

Chapter Six

TRANSITIONAL AND FINAL PROVISIONS

Article 149

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

(2) The Republic of Slovenia shall provide at least SIT 300 million of funding from the national budget each year for the execution of the public tender for co-financing the creation of programme and the development of technical infrastructure specified in Article 4 of the present Act.

Article 150

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

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

Article 151

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

Article 152

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

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

Article 153

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

Article 154

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

Article 155

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

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

Article 156

Publishers of radio and television programme services connected into a network specified in Article 33 of the present Act shall send their joint programme concept, the written legal action the method of implementation thereof and the act on the appointment of the responsible editor of the joint programme service to the relevant ministry within three months of the entry into force of the present Act.

Article 157

(1) The programme services of broadcasters of television programme services must achieve the annual proportion of in-house production specified in Article 85 of the present Act by the end of 2002.

(2) Slovenian audio-visual works must comprise at least five percent of the annual transmission time of programme services of broadcasters of television programme services in accordance with Article 87 of the present Act by 2003.

Article 158

European audio-visual works by independent producers must comprise at least ten percent of the annual transmission time of the programme services of broadcasters of television programme services specified in Article 90 of the present Act by 2003.

Article 159

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

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

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

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

Article 160

(1) The relevant ministry shall at the proposal of the Broadcasting Council issue the implementing regulations via which it sets out the detailed criteria for the in-house production specified in the sixth paragraph of Article 67 of the present Act and the criteria for defining the programme specified in the third paragraph of Article 82 of the present Act within nine months of its entry into force.

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

Article 161

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

Article 162

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

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

Article 163

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

Article 164

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

Article 165

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

Article 166

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

Article 167

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

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

Article 168

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

(Published on 11 May 2001)

(1) The decision that the implementation of the second and third paragraphs of Article 12 on the Mass Media Act and the second paragraph of Article 4 of the Rules on the method of keeping and procedure of entering and on supplying data form media register be suspended until the final decision of the Constitutional Court, no. U-I-177/02-5 of 30 May 2002 (Official Gazette of the Republic of Slovenia no 54-2655/2002), published on 21 June 2002 and in force since 22 June 2002 stipulates:

“The implementation of the second and third paragraphs of Article 12 on the Mass Media Act (Official Gazette of the Republic of Slovenia no. 35/01) and the second paragraph of Article 4 of the Rules on the method of keeping and procedure of entering and on supplying data form media register (Official Gazette of the Republic of Slovenia no. 58/01) be suspended until the final decision of the Constitutional Court.”

(2) The authentic explanation of the first and the third paragraph of Article 84 of the Mass Media Act – ORZMed84 (Official Gazette of the Republic of Slovenia no. 62-3026/2003), published on 27 June 2003 and in force since 27 June 2003 is the following:

“Pursuant to the first paragraph of Article 84 of the Mass Media Act, it is prohibited to broadcast the programmes that could seriously harm the mental, moral or physical development of children and other minors, namely, it is prohibited to broadcast the scenes of unjust violence such as torturing of people, animals and similar, pornography, such as zoophilia, necrophilia, paedophilia, sadomasochism, sadism, rape and other abominations and scenes of violence in pornography or other programmes that could severely harm the mental, moral or physical development of children and minors.

The text of the third paragraph hereunder shall be interpreted in such a way that the programmes hereunder are programmes that could severely harm the mental, moral or physical development of children and minors which is why it shall be prohibited to broadcast them outside the time period between midnight and 5 a.m. so that it would mostly be impossible for the children and minors to see them. These programmes include all those that contain the scenes of sexuality or violence which can be classified as falling within the socially acceptable aesthetic and moral criteria and which are not prohibited in accordance with the first paragraph hereunder.”

(3) The Decision of the Constitutional Court no. U-I-177/02-15 of 10 July 2003, that the second sentence of the third paragraph of Article 12 and the first paragraph of Article 150 of the Mass Media Act and the second paragraph of Article 4 of the Rules on the method of

keeping and procedure of entering and on supplying data form media register are not in compliance with the Constitution (Official Gazette of the Republic of Slovenia no. 73-3559/2003), published on 29 July 2003 and valid since 30 July 2003 also stipulates:

“The second and third paragraphs of Article 12 and the first paragraph of Article 150 of the Mass Media Act (Official Gazette of the Republic of Slovenia no. 35/01) and the second paragraph of Article 4 of the Rules on the method of keeping and procedure of entering and on supplying data form media register (Official Gazette of the Republic of Slovenia no. 58/01) are not in compliance with the Constitution.”

...

33. With this decision of the Constitutional Court its Decision of 30 May 2002 on the suspension of the implementation of the second sentence of the third paragraph of ZMed and the second paragraph of Article 4 of the Rules shall cease to be valid.”

Note: see note (1)

(4) The Decision of the Constitutional Court no. U-I-188/01-12 of 16 November 2003 on the repeal of Article 107 of the Mass Media Act (Official Gazette of the Republic of Slovenia no. 113-4932/2003), published on 20 November 2003 and valid since 21 November 2003 stipulates:

“Article 107 of the Mass Media Act (Official Gazette of the Republic of Slovenia, nos. 35/01 and 62/03) is hereby repealed.”

(5) The Decision of the Constitutional Court no. U-I-106/01-27 of 5 February 2004 on partial repeal of Article 82 of the Mass Media Act and on repeal of the Rules on the criteria for the financing of programme of radio and television programme services with the status of a local, regional or student radio or television programme service (Official Gazette of the Republic of Slovenia no. 16-648/2004), published on 20 February 2004, valid since 21 February 2004 and in effect since 20 September 2004 also stipulates:

"1. The words “and the RTV licence fee” in the first paragraph of Article 82 and the second paragraph of Article 82 of the Mass Media Act (Official Gazette of the Republic of Slovenia no. 35/01) shall be repealed.

...

4. The repeal from the points 1 and 3 of the operative part shall take effect seven months after the publication of this Decision in the Official Gazette of the Republic of Slovenia.”

(6) The Decision of the Constitutional Court no. U-I-207/01-20 of 28 October 2004 on the repeal of the sixth and the seventh paragraph of Article 112 of the Mass Media Act (Official

Gazette of the Republic of Slovenia no. 123-5132/2004), published on 18 November 2004 and valid since 19 November 2004 also stipulates:

"1. The sixth and the seventh paragraph of Article 112 of the Mass Media Act (Official Gazette of the Republic of Slovenia, no. 35/01) are hereby repealed.

..."

(7) The Radiotelevizija Slovenija Act (ZRTVS-1) (Official Gazette of the Republic of Slovenia no. 96-4191/2005), published on 28 October 2005 and in force since 12 November 2005 also stipulates:

“Article 45

On the day this Act enters into force, the third paragraph of Article 82 of the of the Mass Media Act (Official Gazette of the Republic of Slovenia, no. 35/01, 62/03, 73/03, 113/03 - Decision US, 16/04 - Decision US, 123/04 – Decision US) shall cease to be valid.”

Article 46

On the day this Act enters into force, the fourth paragraph of Article 98 of the of the Mass Media Act (Official Gazette of the Republic of Slovenia, no. 35/01, 62/03, 73/03, 113/03 - Decision US, 16/04 - Decision US, 123/04 – Decision US) shall cease to be valid.”

(8) The Act Amending the Media Act (ZMed-A) (Official Gazette of the Republic of Slovenia no. 60-2536/2006), published on 9 June 2006 and in force since 24 June 2006 also stipulates:

“TRANSITIONAL AND FINAL PROVISIONS

Article 42

(1)The Government of the Republic of Slovenia shall issue the regulation referred to in Article 3 of this Act within six months following the entry into force of this Act.

(2)The Government of the Republic of Slovenia shall issue the regulation referred to in Article 36 of this Act within six months following the entry into force of this Act. The Republic of Slovenia shall provide at least SIT 400 million of funding each year from the national budget for the financing of audio-visual media production.

Article 43

The bodies from Article 13 hereof shall submit the data referred to in Article 13 hereof to the competent ministry or appropriately supplement the data they have previously sent to the competent ministry in line with Article 153 of the Mass Media Act (Official Gazette of the Republic of Slovenia, no. 35/01, 62/03, 113/03 - Decision US, 16/04 - Decision US, 123/04 – Decision US and 96/05 ZRTVS-1) within six months following the entry into force of this Act.

Article 44

- (1) The minister responsible for culture shall issue the implementing regulation referred to in Article 21 hereof within six months of the entry into force of this Act.
- (2) The broadcasters of television programmes shall be obliged to adopt and publish the Rules referred to in Article 21 hereof within six months of the entry into force of this Act.
- (3) The Broadcasting Council shall adopt, on the Agency's expert basis, the guidelines for the drafting of internal rules specified in the third paragraph of Article 21 within three months of the entry into force hereof and shall forward them to all broadcasters of television programme services.

Article 45

- (1) The Agency shall issue the regulation referred to in Articles 32 and 33 of this Act within six months following the entry into force of this Act.
- (2) The Agency shall *ex officio* replace the licence to perform a radio or television activity with a decision on the licence to perform a radio or television activity, stipulated under Article 32 hereof within one year of the implementation of this Act.
- (3) The holders of the licences to perform a radio or television activity must submit the data referred to in Article 32 hereof to the Agency for the issue of the decision referred to in the previous paragraph within one month from receiving the request.
- (4) The Agency shall issue the regulation referred to in Article 34 of this Act within six months following the entry into force of this Act.
- (5) The expert supervision procedures based on Article 109 of the Mass Media Act (Official Gazette of the Republic of Slovenia nos. 35/01, 62/03, 113/03 – Decision US, 16/04 - Decision US, 123/04 - Decision US and 96/05 - ZRTVS-1) which have not been completed until the enforcement of this Act, shall continue pursuant to this Act or shall be stopped and re-started by means of a decision passed by the Agency.

Article 46

- (1) The Agency shall issue the regulation referred to in Article 14 of this Act within 90 days following the entry into force of this Act.
- (2) The Agency shall propose to the competent ministry the strategy referred to in Article 34 of this Act within six months following the entry into force of this Act.
- (3) Within 30 days of having been submitted the proposed strategy by the Agency, the Broadcasting Council shall issue its approval to the strategy referred to in Article 27 hereof.

Article 47

(1) The National Assembly of the Republic of Slovenia shall appoint the Broadcasting Council pursuant to this Act within 120 days of the entry into force of this Act.

(2) Until the appointment of the Broadcasting Council pursuant to this Act, the existing Broadcasting Council shall continue with its work in the composition valid until the entry into force of this Act.”

Note: Article 3 hereof refers to Article 4.a of the Mass Media Act (ZMed-A) (Official Gazette of the Republic of Slovenia no. 35-2043/2001), Article 36 to Articles 110, Article 13 to Article 45, Article 21 to Article 84, Article 32 to Article 105, Article 33 to Article 106, Article 34 to Article 109, Article 14 to Article 58 and Article 27 to Article 100 of the Mass Media Act (ZMed-A) (Official Gazette of the Republic of Slovenia no. 35-2043/2001).
