

# Radio and Television Corporation of Slovenia Act (ZRTVS-1)

## I. Status of the Radio and Television Corporation of Slovenia:

### Article 1

The Radio and Television Corporation of Slovenia (*Radiotelevizija Slovenija*; hereinafter: RTV Slovenia) is a public institution of special cultural and national importance. It shall perform a public service in the area of radio and television activities as specified by this Act, for the purpose of providing for the democratic, social and cultural needs of citizens of the Republic of Slovenia and of Slovenians throughout the world, of members of the Slovenian ethnic minorities in Italy, Austria and Hungary and of the Italian and Hungarian ethnic communities in the Republic of Slovenia [hereinafter: Slovenia], and other activities in accordance with this Act and with the Statute of RTV Slovenia, as well as with the Act regulating the media.

### Article 2

(1) The founder of the public institution of the Radio and Television Corporation of Slovenia is the Republic of Slovenia. The duty of the founder shall be to ensure the institutional autonomy and editorial independence of RTV Slovenia, and to ensure appropriate financing for the provision of public service.

(2) The name of the public institution shall be *Radiotelevizija Slovenija* [The Radio and Television Corporation of Slovenia], abbreviated to RTV Slovenia.

(3) The registered office of RTV Slovenia shall be located in Ljubljana.

## II. Activities of RTV Slovenia, public service in the field of radio and television

### Article 3

(1) Public service pursuant to this Act shall comprise the creating, producing, archiving and broadcasting of:

- two national television channels;
- three national radio channels;
- radio and television channels at regional centres in Koper and Maribor;
- one radio and television channel each for the autochthonous Italian and Hungarian ethnic communities (hereinafter: ethnic community channel) and radio and television broadcasts for the Roma ethnic community (hereinafter: broadcasts for Roma); radio and television channels for Slovenian ethnic minorities in neighbouring countries and for Slovenian expatriates and migrant workers;
- radio and television channels for the foreign public; teletext, Internet and mobile portals.

(2) Public service pursuant to this Act shall, in addition to the channels referred to in the preceding paragraph, comprise a special national television channel intended to provide live transmission of sessions of the National Assembly of the Republic of Slovenia and its working bodies, and broadcasting of recordings of such sessions where live transmission is not possible, and intended to provide comprehensive information to the public regarding all other parliamentary events, including sessions of the National Council of the Republic of Slovenia, the international activities of parliament, consultations organised by the National Assembly of the Republic of Slovenia and its working bodies or by the National Council of the Republic of Slovenia and other activities associated with the exercising of constitutional powers by the Slovenian parliament.

### Article 4

(1) On the channels referred to in the first paragraph of the preceding Article, RTV Slovenia shall in particular: ensure credible and impartial informational broadcasts whereby it shall provide comprehensive information regarding political events at home and in neighbouring countries, important events in other European countries, especially the Member States of the European Union, and important world topics such that the content broadcasted facilitates the objective public informing of Slovenian citizens, Slovenians around the world, members of the Slovenian ethnic minorities in Italy, Austria and Hungary, the autochthonous Italian and Hungarian ethnic communities in Slovenia and the Roma community living in Slovenia;

- ensure high-quality educational broadcasts within the framework of which it shall disseminate the entire range of topical content, ranging from religious and social to scientific and technological/information technology subjects;  
ensure the production of theatrical programmes;  
ensure broadcasts that reflect the life and issues of different structures of the population, and in so doing shall proceed from the principle of equal provision of information about events in all parts of Slovenia and neighbouring countries, and shall ensure the creation of documentary programmes of national importance representing a document of times past and of the times in which we live;  
ensure high-quality in-house productions intended for children, adolescents and the elderly;  
ensure high-quality entertainment for all age groups;
- ensure high-quality information on all important cultural, political, historic, sports, social and economic events;  
ensure fulfilment of the constitutional rights of the Hungarian and Italian ethnic communities in the area of public information via public radio and television, and promote ties between the ethnic communities and their mother countries and incorporation of cultural and other achievements of the Italian and Hungarian nations into ethnic community channels;  
in accordance with international treaties and in cooperation with the public radio and television broadcasting corporations of neighbouring and other countries, support the creation and development of cross-border radio and television projects;
- provide programming intended for blind and visually impaired persons and for deaf and hearing-impaired persons using systems adapted for such persons;  
pay special attention to persons with disabilities and content associated with them;  
present and promote Slovenian culture, foster cultural creativity and freedom of artistic creation and ensure the production, reproduction and dissemination of artistic work;  
represent and promote science;  
pay special attention to the issues and demands of children and families, and of persons with special needs who owing to special circumstances are more sensitive to events in society;  
pay special attention to the position and functioning of registered religious communities; pay special attention to the development of general, linguistic and political culture; spread understanding of all key issues in the functioning of a democratic society;  
spread understanding of Slovenian history, culture and identity, including from the aspect of European history and international connections;
- promote sports;  
disseminate information on issues of health, environmental protection and consumer protection;  
disseminate information on significant issues of people's safety, of protection from natural and other disasters and of national defence, including issues concerning the functioning of international community institutions of which Slovenia is a member, provide emergency notification in connection with threats to people, property, cultural heritage and the environment, and take into account the interests of individual groups of viewers and listeners in Slovenia and within the scope of possibilities facilitate their access to broadcasting channels;  
promote public cultural dialogue and facilitate a broad arena for public debate on issues in society;

inform the Slovenian ethnic communities in neighbouring countries, Slovenians around the world and foreign audiences of events and achievements in the cultural and other fields in Slovenia and work to establish Slovenian radio and television creativity abroad;

- support the broadcasting of programming intended for deaf and blind persons using systems adapted for such persons;
- support the spread of knowledge about other cultures that are represented in Slovenia and about their representatives;
- ensure the production and broadcasting of Slovenian audiovisual work and the audiovisual work of independent producers;
- provide transport and traffic information.

(2) Within the structure of the channels referred to in the first paragraph of the preceding Article, RTV Slovenia shall provide the major portion of the cultural, artistic, informational, documentary and educational content.

#### Article 5

Journalists and editors of RTV Slovenia and others directly involved in the creation or production of RTV programming shall in their work in particular:

- adhere to the principle of truthfulness, impartiality and integrity of information;
- respect human individuality and dignity;
- adhere to the principle of political balance and pluralism of world views;
- adhere to the principle of constitutionality and legality in the formulation of programming, including the prohibition on incitement to cultural, religious, sexual, racial, national or other forms of intolerance;
- ensure impartial and integral provision of information, such that citizens have the possibility to freely form their opinions;
- adhere to the principle of political independence and autonomy of journalists;
- institute professional ethics for reporters and the consistent distinction between information and commentary in journalistic reports;
- protect children and young persons from content that could have a harmful effect on their mental and physical development, and respect universal human values.

#### Article 6

(1) RTV Slovenia shall ensure the archiving of programme material that it creates as part of its public service.

(2) RTV Slovenia shall be bound to provide long-term storage for its archive material, such that audiovisual records on film and other media, which owing to processes of aging could deteriorate or in some other way seriously affect the quality of the record, shall be appropriately protected or

transferred to technologically more durable media for speech, sound and image and for speech and sound.

(3) Archive recordings shall, for non-commercial purposes and upon payment for the proportionate costs of their duplication or supply, be accessible to the public.

(4) Archive recordings shall, for non-commercial purposes and upon payment for the proportionate costs of their duplication or supply, be accessible to the public in accordance with the Act regulating copyright and upon payment of the proportionate costs of duplication and supply and of the tariff determined by the Supervisory Board of RTV Slovenia.

#### Article 7

In its methods of broadcasting, transmitting and archiving programme content created as part of public service (hereinafter: RTV Slovenia programmes), and in accordance with its technological development capacities, RTV Slovenia shall introduce new technologies such as the Internet, digital broadcasting and satellite, in order to facilitate access to programme content for the widest possible circle of citizens at home and abroad, for the Slovenian ethnic minorities in neighbouring countries and for Slovenians around the world.

#### Article 8

(1) The national channels shall be broadcast to an area covered by at least 90% of the population of Slovenia, while ethnic community channels must be broadcast in 90% of the territory inhabited by the Italian and Hungarian ethnic communities.

(2) As part of the coverage referred to in the preceding paragraph, national radio channels shall cover all motorways and other major transport routes on a sufficiently high technological level to ensure high-quality mobile reception of the signal.

(3) Broadcasting of channels intended to inform foreign audiences shall cover major centres in Slovenia, tourist resorts and transport hubs.

#### Article 9

(1) Every year, in accordance with the programme production plan referred to in Article 16 of this Act, RTV Slovenia shall publish a tender for the purchase of Slovenian audiovisual work by independent producers, to be broadcast on its channels in accordance with the Act regulating the media.

(2) The procedure, conditions and criteria for the public tender referred to in the preceding paragraph shall be adopted by the Programme Board of RTV Slovenia in accordance with the provisions of regulations governing the exercising of the public interest in culture and with the Act regulating the media.

(3) Ethnic community channels or a part thereof may be leased for production by another radio and television organisation or a producer only with the consent of the Programme Committee of the ethnic community channel in question.

#### Article 10

(1) Political propaganda shall not be permitted on the channels of RTV Slovenia.

(2) Irrespective of the provision of the preceding paragraph, political propaganda shall be permitted during the period of election campaigns in accordance with the provisions of the Act regulating election campaigns.

(3) Political propaganda pursuant to this Act shall be political propaganda messages (spots) and other forms of political propaganda whose purpose is to influence the stance of voters in casting their votes in elections.

(4) RTV Slovenia may only transmit political party broadcasts along with the name of the source commissioning the broadcast. The source commissioning the broadcast shall be responsible for the content of such messages.

#### Article 11

(1) Religious promotional messages shall not be permitted on the channels of RTV Slovenia.

(2) Religious promotional messages pursuant to this Act shall be paid advertisements for religious communities.

#### Article 12

(1) During election campaigns, RTV Slovenia shall provide a portion of programme time for the presentation of candidates, political parties and their manifestoes free of charge. In determining the time and formulation of the content of such broadcasts, RTV Slovenia shall be bound to adhere to the principle referred to in Article 4 of this Act.

(2) The time devoted to the presentation of candidates and political parties represented in the National Assembly and European Parliament shall be the same for all, and equally the conditions governing their presentation as part of pre-election broadcasts shall also be the same.

(3) Political parties and independent candidates that are not represented in the National Assembly or European Parliament must have at their disposal a total of one-third of the total time determined by RTV Slovenia for all political parties and candidates participating in the elections. RTV Slovenia shall enable presentations for these parties and candidates

within the framework of special pre-election presentations intended for them in separate slots from the broadcasts referred to in the preceding paragraph, such that each of these parties and each independent candidate shall be afforded mutually equal representation.

(4) RTV Slovenia shall ensure equal time and conditions for their presentations for candidates for President of the Republic.

(5) Within 15 days of the announcement of elections for President of the Republic, elections for the National Assembly, the European Parliament and local elections, RTV Slovenia shall announce the method, form, extent and conditions for the presentation of candidates, political parties and their manifestoes referred to in the first paragraph of this Article on its channels, in daily newspapers or in some other way accessible to the public.

### Article 13

(1) RTV Slovenia shall also perform as a public service the following activities:

- transmission of its own television, radio and multimedia channels via transmitters and communications and other infrastructural structures or devices (hereinafter: television and radio infrastructure);
- transmission of radio and television channels with the status of local, regional, student or non-profit radio or television channel pursuant to the Act regulating the media (hereinafter: channels of special importance for Slovenia) through their devices at RTV Slovenia transmission points; ensuring the visibility and audibility of RTV Slovenia channels and other channels of special importance for Slovenia, especially in the areas of neighbouring countries inhabited by a Slovenian ethnic community, in accordance with international treaties;
- maintenance and attention to the development of television and radio infrastructure and its technological harmonisation with European Union regulations; digital transmission of channels.

(2) For the performance of public service pursuant to this Act, RTV Slovenia shall have priority in the allocation of free frequencies and access to other technologically limited resources that it requires urgently for the performance of public service, and shall obtain them without public tender through a decision of the Agency for Post and Electronic Communications. The Agency shall issue such a decision by the application *mutatis mutandis* of the provisions of the Electronic Communications Act, upon obtaining the prior opinion of the Broadcasting Council. Such opinion must set out the reasons for which priority allocation is essential for the performance of public service.

## Principle of financial transparency in performing public service

### Article 14

(1) In accordance with the law, and in addition to public service, RTV Slovenia may to a limited extent perform commercial activities, but business performed in the area of commercial activities must be organised separately from public service.

(2) The licence fee for RTV Slovenia channels, national budget funds and other public funds and income related to performing the public service may be used solely for the performance of public service as set out in this Act.

(3) Income from commercial activities may be used to cofinance public service or to maintain and expand the commercial activities, but only in the fields provided by this Act.

(4) Income and expenditure related to performing public service and income and expenditure related to commercial activities shall be recorded in two separate accounts.

## Commercial activities

### Article 15

(1) RTV Slovenia's commercial activities shall comprise:  
the marketing of advertising time and marketing of channels;

- technical and telecommunications services that are not a constituent part of public service; renting out transmission infrastructure and other immovable property; publishing and concert activities;
- commercial programme services, including interactive programme services; commercial use of archive material.

(2) Marketing of advertising time in the form of television sales or direct selling on RTV Slovenia channels shall not be permitted, except in free slots of a special channel referred to in the second paragraph of Article 3 of this Act, which may be created at night or on Saturdays, Sundays and other non-working days and during parliamentary breaks, on the condition that their creation is not counter to the fulfilment of the duties of public service referred to in the second paragraph of Article 3 of this Act.



### III. Management, administration and oversight

#### RTV Slovenia Programme Board

##### Article 16

(1) The Programme Board of RTV Slovenia shall:

on the proposal of the director-general adopt programme standards and programme plans in accordance with this Act and the Act regulating the media, and with international instruments;

on the proposal of the director-general adopt a programme and production plan concordant with the financial capacity of RTV Slovenia;

on the proposal of the director-general adopt programme schemes;

- regularly address the fulfilment of the adopted programme plan and production plan, and provide the director-general with instructions related to eliminating deficiencies in these areas;

- address fulfilment of the adopted programme plan;

address the comments and suggestions of viewers and listeners of RTV Slovenia channels and indicate its position in this regard. In determining programme policy and in justified cases, give instructions to the director-general regarding changes that must be effected on channels;

on the proposal of the director-general, grant its consent to the Statute of the Public Institution RTV Slovenia (hereinafter: the Statute);

on the proposal of the director-general, provide an opinion on the proposed financial plan; appoint and dismiss the director-general of RTV Slovenia and grant prior consent to the appointment and dismissal of the director of radio and director of television;

decide on other matters of a programming nature where so provided by the Statute;

- adopt its rules of procedure and organise its work, and appoint its committees in accordance with these rules of procedure;

decide on other matters where so provided by law or the Statute.

(2) Where the Programme Board of RTV Slovenia (hereinafter: Programme Board) does not adopt a decision in connection with consent to the Statute referred to in the sixth indent of this Article within a deadline of thirty days from receipt of the proposed Statute, the Supervisory Board of RTV Slovenia (hereinafter: Supervisory Board) may decide without the consent of the Programme Board.

(3) Where the Programme Board does not communicate its opinion on the proposed financial plan referred to in the seventh indent of this Article to the Supervisory Board within thirty days of receipt of the financial plan, the Supervisory Board may decide without the opinion of the Programme Board.

(4) Where the Programme Board does not adopt a decision in connection with consent to the appointment or dismissal of the director of radio or director of television referred to in the eighth indent of this Article within a deadline of fifteen days from receipt of the proposal, the director-general may make a final decision without the consent of the Programme Board.

(5) The Programme Board shall decide on its rules of procedure with a two-thirds majority vote of all of its members, and on matters referred to in the first, second, sixth and eighth indents of this Article with a majority vote of all of its members. It shall decide on other matters within its competence with a majority vote of the members present.

#### Article 17

(1) Persons who through their knowledge, standing or achievement in the cultural, educational or any other field of public life may contribute to the good functioning and enhancement of the reputation of the public radio and television corporation, both in Slovenia and abroad, may be elected or appointed to the Programme Board.

(2) Members of the Programme Board shall perform their work independently and impartially, and shall be bound to fulfil only the interests of RTV Slovenia as a public radio and television corporation. In performing their function they shall be bound to observe the Constitution of the Republic of Slovenia and the provisions of this Act, and shall work to ensure fulfilment of the principles laid down in Article 4 of this Act, as well as in that part of the Statute relating to channels and their creation.

(3) Election or appointment to the Programme Board may not involve persons who on their appointment or in the period of five years prior to appointment were:

members of the official bodies of political parties;  
members of the European Parliament or public servants and officials in bodies of the European Union;  
President of the Republic, Prime Minister, parliamentary deputies, members of the National Council, mayors, Constitutional Court judges, ministers, state secretaries and other officials in state bodies;  
directors-general, secretaries-general, heads of ministerial bodies and of government offices, heads of directorates and bodies within their composition, heads of administrative units and directors or secretaries of municipal administrations.

(4) Equally, election or appointment to the Programme Board may not involve persons who are:  
- members of management, administration or oversight bodies or employees of competitor media and persons holding ownership shares in such media; equally persons employed at RTV Slovenia, except for three representatives of RTV Slovenia employees elected from among themselves;

- members of the Broadcasting Council, employees of the Agency for Post and Electronic Communications and members or employees of other bodies which in administrative procedures decide on the allocation of frequencies or other rights of media or media employees, and persons participating in the procedures of adopting such decisions;
- members of management, administrative or oversight bodies of legal persons that cooperate commercially with RTV Slovenia;  
close family members of senior managers of RTV Slovenia, such as the director-general of RTV Slovenia, the director of radio and director of television, and those RTV Slovenia employees who function as management personnel in defining the Statute.

(5) Close family members referred to in the fourth indent of the preceding paragraph shall be the spouse or person with whom he or she lives in an unmarried relationship or a registered same-sex partner relationship, children or adopted children and grandchildren and parents or adoptive parents, and other persons who live in the same household.

(6) The Programme Board shall comprise 29 members, of which:

- one member shall be appointed by the Hungarian ethnic community;
- one member shall be appointed by the Italian ethnic community,  
one member shall be appointed by the Slovenian Academy of Sciences and Arts;  
two members shall be appointed by the President of the Republic on the proposal of registered religious communities;
- three members shall be appointed from among themselves by employees of RTV Slovenia in direct elections such that the areas of information, the arts and technology are represented; five members shall be appointed by the National Assembly of Slovenia on the proposal of political parties, whereby the relative representation of parties in the National Assembly must be taken into account to the greatest possible extent; sixteen members shall be appointed by the National Assembly of Slovenia on the proposal of viewers and listeners of RTV Slovenia channels; of the universities and faculties and societies, associations of societies or their organisations, especially in the field of art, culture, science and journalism, and of other civil society organisations, except for political parties and their organisational forms. The suitability of candidates and fulfilment of conditions shall be demonstrated by evidence set out in the wording of the public call.

(0) Half of the members referred to in the seventh indent of the preceding paragraph shall be appointed concurrently with the appointment or election of members referred to in the first to sixth indents of the preceding paragraph, and the second half of these members two years later.

(1) In the appointment of members of the Programme Board referred to in the seventh indent of the sixth paragraph of this Article, the National Assembly of Slovenia shall also observe the criterion of regional representation of the different parts of Slovenia.

(2) The National Assembly of Slovenia shall adopt decisions of appointment for members of the Programme Board referred to in the seventh indent of the sixth paragraph of this Article with a majority vote of all deputies.

Article 18

(1) Members of the Programme Board shall be appointed or elected on the day of signing of a decision of appointment or election, or on the day of appointment in the National Assembly of Slovenia.

(2) The term of office for members of the Programme Board shall be four years from the day the Programme Board of RTV Slovenia is constituted in accordance with this Act.

(3) Where a member of the Programme Board no longer fulfils the conditions for appointment or election provided by this Act, his or her term of office shall cease.

(4) Members of the Programme Board whose term of office has ceased pursuant to the preceding paragraph, or who have resigned, shall be replaced according to the procedure envisaged for the appointment or election of Programme Board members.

(5) The Programme Board shall be constituted when the director-general determines on the basis of written notification that in accordance with this Act at least two-thirds of the total number of Board members have been appointed or elected.

Article 19

(1) The work of the Programme Board shall be headed by the chair or deputy chair in accordance with the rules of procedure of the Programme Board.

(2) The chair and deputy chair shall be elected by the Programme Board from among its members with a majority vote of all members.

(3) Where there is no election of a chair or deputy chair according to the procedure referred to in the preceding paragraph, the member receiving the most votes shall be appointed acting chair or deputy chair for a period of six months. If two or more members of the Board then receive the same number of votes in the second round of voting, the appointment of the acting chair or deputy chair of the Board shall be decided by drawing lots.

(4) Voting by the Programme Board shall in all matters be made public.

Article 20

(1) Members of the Programme Board and Supervisory Board may not cooperate commercially with the RTV Slovenia public institution.

(2) During the term of office of members of the Programme Board and Supervisory Board, RTV Slovenia may employ or make cooperation contracts with their

close family members, but the Programme Board and Supervisory Board must be acquainted in advance with such contract or employment and the reasons for such a decision.

(3) Close family members referred to in the preceding paragraph shall be the spouse or person with whom he or she lives in an unmarried relationship or a registered same-sex partner relationship, children or adopted children and grandchildren and parents or adoptive parents, and other persons who live in the same household.

(4) No person may be a member of the Programme Board and the Supervisory Board at the same time.

Director-general of RTV Slovenia

#### Article 21

(1) The director-general of RTV Slovenia (hereinafter: director-general) shall be appointed by the Programme Board on the basis of public competition. The term of office of the director-general shall be four years.

(2) The director of radio and director of television shall be appointed by the director-general on the basis of public competition after obtaining the prior consent of the Programme Board. The director of radio and director of television shall organise and head the work of radio and television respectively and shall head the professional programming work of radio and television respectively, except for that part of professional programming management relating to the ethnic community channels, which shall be entrusted to two assistant directors-general appointed by the director-general in agreement with the relevant Programme Committee. The term of office of the director of radio and director of television shall be four years.

(3) Commissioning editors of channels shall be appointed and dismissed by the director-general on the proposal of the director of radio and director of television, who shall advertise these positions publicly. The term of office of commissioning editors shall be four years. Other editors shall be appointed and dismissed by the commissioning editor of the channel.

(4) In the event of the director of radio or director of television proposing to the director-general the appointment as commissioning editor of a candidate that has not obtained the positive opinion of the majority of the channel staff within the editorial office, the majority of the channel staff in the editorial office shall have the right to propose to the director-general the appointment of a candidate who has obtained their positive opinion, of which they shall inform the Programme Board. In this event the director-general shall select a candidate upon obtaining the consent of the Programme Board, which must be within a deadline of fifteen days from receipt of notification debate and decide or grant its consent to one, both or neither of the proposed candidates.

(5) The director-general shall also appoint and dismiss other senior staff as provided by the Statute.

## Article 22

The director-general shall:

- head the professional programme work of the RTV Slovenia public institution;
- organise and head the work and operations of the RTV Slovenia public institution;
- represent the RTV Slovenia public institution;
- be responsible for the legality of work of the RTV Slovenia public institution;
- coordinate the work of the directors of radio and television and other senior staff in accordance with the Statute and shall decide in possible disputes between them;
- perform other tasks provided by law and the Statute;
- conduct social dialogue with the representatives of representative unions in the public institution and shall conclude a special collective agreement for the RTV Slovenia Public Institution, and shall also be one of the signatories of the Collective Agreement for professional journalists on the side of the employers.

## Article 23

(1) The Programme Board shall appoint a Programme Committee for the Italian and one for the Hungarian ethnic community channels, and they shall comprise nine members each, except for those members appointed by the self-governing ethnic communities themselves, or those elected from among themselves by employees in the editorial offices of the ethnic community channels.

(2) The Italian and Hungarian self-governing ethnic communities in Slovenia shall appoint to their respective Programme Committees referred to in the preceding paragraph two-thirds of the members, for a term of four years.

(3) One member shall be appointed to each Programme Committee referred to in the first paragraph from among themselves by employees in the editorial offices of the radio and television channels for the Italian and Hungarian ethnic communities respectively.

(4) The Programme Committees for the ethnic community channels shall grant their consent to the appointment of respective commissioning editors for the ethnic community channels, and to the scope and programme plan, programme standards and programme scheme of the channel, which must be appropriate to the material capacities of the RTV Slovenia public institution and with the regulations governing its work.

(5) The Programme Committees for the ethnic community channels shall:

- address fulfilment of the programme plan and programme production plan and also that part of the annual report of the RTV Slovenia public institution relating to the ethnic community channels;
- address the comments and suggestions of viewers and listeners of the ethnic community channels and indicate their position in this regard;
- offer initiatives to the Programme Board for dealing with issues in the area of the ethnic community channels;
- perform other tasks in the area of ethnic community channels where so provided by the Statute.

(6) No member of an ethnic community channel Programme Committee may be a member of the Supervisory Board.

#### Article 24

(1) The Programme Board shall appoint a Programme Committee comprising nine members for the issue of programme content for the disabled.

(2) Representative associations of disabled persons shall propose members for the Programme Committee referred to in the preceding paragraph, whereby they may only propose persons whose disability has been determined in an enforceable decision by the competent authority. The Programme Board may appoint to the Programme Committee two or more candidates from the same representative association of disabled persons only in the event that candidates have been proposed by a smaller number of such associations than the total number of members being elected.

(3) The Programme Committee for the issue of programme content for disabled persons shall:

- address the proposal and fulfilment of that part of the programme plan relating to content for disabled persons;
- address comments and proposals of viewers and listeners in connection with programme content aimed at disabled persons;
- address fulfilment of the broadcasting of programme content intended for deaf and blind persons using systems adapted for such persons;
- perform other tasks in the area of the issue of programme content for disabled persons, where so provided by the Statute.

(4) The Programme Committee for the issue of programme content for disabled persons may offer initiatives and proposals to bodies of the public institution, which shall be bound to deal with them and indicate their position in that regard.

#### Article 25

(1) A Worker's Council shall function at the RTV Slovenia public institution, and shall be governed by the provisions of the Act regulating participation of workers in management, except where otherwise provided for individual issues by this Act or the Statute.

(2) A representative of the Workers' Council of the RTV Slovenia public institution shall be permanently invited to sessions of the Programme Board and Supervisory Board, shall receive all material for the sessions of these bodies and in such sessions shall have the right to present the opinion of the Workers' Council regarding the material under deliberation.

## Supervisory Board of RTV Slovenia

## Article 26

(1) RTV Slovenia shall have a Supervisory Board of eleven members. The National Assembly shall appoint five members, whereby it must take into account the relative representation of political parties in the National Assembly, four members shall be appointed by the government, and employees of the RTV Slovenia public institution shall elect two members from among themselves in a direct ballot.

(2) Appointment or election to the Supervisory Board may not involve persons indicated in the third paragraph of Article 17 of this Act, except for two members whom employees of the RTV Slovenia public institution shall elect from among themselves in a direct ballot, but no person performing managerial work and duties at the RTV Slovenia public institution may be directly elected a member of the Supervisory Board.

(3) Members of the Supervisory Board must have at least a university-level education and at least five years of work experience.

(4) The members of the Supervisory Board shall elect from among themselves a chair and deputy chair of the Supervisory Board.

(5) The term of office for Supervisory Board members shall be four years.

(6) The constituting of the Supervisory Board shall be governed *mutatis mutandis* by the provisions of this Act regarding the constituting of the Programme Board.

(7) The replacement of Supervisory Board members whose term of office has ceased owing to non-fulfilment of the conditions for appointment or election, or who have themselves resigned, shall be governed *mutatis mutandis* by the provisions of this Act regarding replacement of members of the Programme Board.

## Article 27

(1) The Supervisory Board shall:

- adopt the Statute on the basis of prior consent of the Programme Board;
- adopt the financial plan and annual report of the public institution and decide on the use of possible surplus income over expenditure;
- determine the price of services that are not a part of public service;
- determine the method of registration and temporary or permanent de-registration of broadcast receiving sets; determine in detail the method of paying contributions for sets and the criteria for write-off, partial write-off, postponement and payment in instalments in accordance with this Act;
- decide on tariffs and other conditions for transmitting programmes of other broadcasters;
- oversee the operations of RTV Slovenia;
- oversee the management of accounts books and the legality of operations, and review periodical accounts;



- have the right to examine all documentation of the public institution, including documentation relating to the operation of transmitters and communications; adopt its rules of procedure and organise its work, and appoint its committees in accordance with these rules of procedure;
- decide on other issues provided by law or the Statute.

(2) Where the Supervisory Board addresses issues in the area of telecommunications services, and especially where it decides on tariffs and other conditions for transmitting programmes of other broadcasters, it shall also invite to its sessions representatives of the Agency for Post and Electronic Communications in accordance with the Statute.

(3) The Supervisory Board shall inform in writing the Programme Board and the Programme Committees of the radio and television channels for the Italian and Hungarian ethnic communities, the National Assembly of Slovenia and the minister responsible for the media, of its findings. Where it determines irregularities, it shall charge the director-general with eliminating them. The Supervisory Board shall have the right and duty in cases of established irregularities to propose to the competent authorities that they take steps within their competence.

(4) The Supervisory Board shall take decisions with a majority vote of all of its members, and in respect of the Statute and its rules of procedure, with a two-thirds majority vote of all of its members.

#### Public nature of operation and the Statute Article 28

(1) The operations of RTV Slovenia shall be public. The annual report shall be published in a manner provided by the Statute. The annual report must also include an analysis of the costs of programme production by individual programme sectors or content. The annual report shall be published on the website of the RTV Slovenia public institution. Decisions and positions of the Supervisory Board and positions of the Programme Committees for the ethnic community channels relating to ethnic community channel issues shall also be made public.

(2) Sessions of the Programme Board shall be public, except where they involve deliberation over commercial secrets or for other reasons where the law or the Statute provide for sessions to be closed to the public.

(3) Members of the Programme Board and Supervisory Board shall be eligible to remuneration for attending sessions and to reimbursement for material costs in accordance with the Statute.

#### Article 29

(1) The Statute shall lay down in particular:

- the organisation of the public institution and its structuring into organisational units;
- the bodies of the public institution and their competence in accordance with the law;

the conditions for appointing and dismissing the director-general;  
 the conditions for appointing and dismissing the directors of radio and television;  
 the conditions for appointing and dismissing commissioning editors and other editors and their areas of responsibility;  
 the conditions for appointing and dismissing managerial staff of RTV Slovenia not covered by the previous indents of this Article, their areas of responsibility and competence; documents published in the Official Gazette of the Republic of Slovenia;  
 and other issues important for the activities and operations of the institution.

(2) The Statute shall enter into force on the next day after its publication in the Official Gazette of the Republic of Slovenia.

#### IV. Financing

##### Article 30

(1) RTV Slovenia shall obtain funds for performing its activities: from payment of the contribution for receiving RTV Slovenia channels (hereinafter: licence fee); from commercial activities;  
 from funds acquired from the state budget;  
 from sponsorship and other sources in accordance with the law and the Statute.

(2) The following shall be financed by funds from the state budget:

- that part of the ethnic community channels not financed from licence fees;
- that part of the RTV Slovenia programming for Slovenian ethnic minorities in neighbouring countries, for expatriates and migrant workers, and for Slovenians around the world and for foreign audiences, not financed from licence fees;

those parts of individual projects of cultural, scientific and general educational importance and individual projects for digitalising technological equipment and archives proposed by the competent ministries not financed from licence fees.

(3) Licence fees shall be used to finance the activities of RTV Slovenia provided by this Act as a public service, except in those parts where such activities in respect of the provisions of the preceding paragraph of this Article are financed from the state budget.

##### Article 31

(1) Whoever has a radio or television receiving set or some other device enabling reception of radio or television channels (hereinafter: receivers) in the territory of Slovenia where the technical conditions are provided for reception of at least one channel of RTV Slovenia, shall pay RTV Slovenia a licence fee for the performance of radio and television activities.

(2) In areas where owing to rationalisation in the use of frequencies and financial means or for other justified reasons coverage of the area is not provided by terrestrial networks, and reception is ensured only via the satellite or cable network or by means of other technological systems, on the condition that such systems ensure reception of channels with at least the same quality as the terrestrial network, those in possession of receivers shall be liable to pay the licence fee on the condition that RTV Slovenia contributes through waiving or reducing the licence fee or in some other appropriate manner at least half of the additional costs for procuring equipment for receiving channels by satellite or by the cable network, or by using other technological systems in accordance with this Act.

(3) The amount of the licence fee shall be provided by law. The government shall raise the amount of the licence fee by a maximum of 10%, if justified economic reasons exist for doing so, but must do so no later than by 1 September of the current year for the following year.

(4) A receiver shall be considered to be possessed by any legal or natural person registered as a user or payer of electrical energy from the public grid, unless such person provides a written statement that they do not have a receiver and that within their premises they do not use the radio or television receiver of another person and that they have been familiarised with the legal consequences of a false statement.

(5) Whoever acquires a receiver, and at the time of acquisition was not liable to pay the licence fee, must register the receiver with RTV Slovenia within 30 days, and liable persons must inform RTV Slovenia of any change of address or registered office within 15 days of such change.

(6) Before RTV Slovenia requests payment of the licence fee pursuant to this Act from a user or payer of electrical energy that was not hitherto liable to pay the licence fee, it must allow such person to provide a statement referred to in the fourth paragraph of this Article.

#### Article 32

(1) The monthly licence fee shall be paid to RTV Slovenia in the following amounts:

1. for private use:

- a) liable natural persons shall pay for all television and radio receivers and other devices enabling reception of radio or television channels, which they use personally or together with their family members, SIT 2637.
- b) If a person liable for private use has just one or more radio receivers, but has no other devices that would enable reception of television channels, they shall pay SIT 779.
- c) The licence fee in the amount referred to in the preceding two subparagraphs shall also apply to legal persons, state bodies, self-governing local community bodies and sole

traders, but for each receiver, if the receiver is intended for the exclusive personal use of employees or the sole trader.

2. For public use:

- a) Legal persons and sole traders that have receivers in their commercial premises, such as: catering establishments, hotels, tourist accommodations, shops, restaurants and similar, and intended for public use, shall pay in the case of one commercial unit in which such receivers are located, a monthly licence fee of SIT 7463, and in the case of a larger number of such commercial units a fee for each reduced by 30 %.
- b) If a commercial unit referred to in the preceding indent has only radio receivers, but no other devices that would enable reception of television channels, the monthly licence fee shall amount to SIT 2796.
- c) Hotels and other tourist enterprises shall pay for the first 10 television receivers or devices enabling reception of television channels in hotel rooms a monthly licence fee of SIT 11197, and for each additional such receiver SIT 555. If in an individual month a hotel enterprise does not achieve 60 % occupancy of its capacity, or if it operates seasonally, it shall be eligible for relief amounting to 50 % of the monthly licence fee for those months.

(2) The following groups of liable persons shall be exempt from payment of the licence fee:

- socially at-risk persons;  
disabled persons with 100 % physical impairment;  
disabled persons with less than 100 % physical impairment, if they have also been granted the right to a care and assistance supplement;
- persons with permanent hearing loss;  
institutions for the protection of children, schools, hospitals, homes for the elderly, disabled organisations and disabled workshops – for receivers intended for the educational process or for the entertainment of those in care, students and patients;  
diplomatic and consular representative offices on the basis of reciprocity.

(3) Socially at-risk persons referred to in the first indent of the preceding paragraph shall be deemed to be:

- recipients of cash assistance as their only source of income pursuant to the social security regulations;
- recipients of cash benefits pursuant to the social security regulations.

(4) Persons referred to in the preceding paragraph may demonstrate their eligibility for exemption from payment of the licence fee only with an enforceable decision from the authority that determines eligibility for cash assistance and cash benefit.

(5) Liable persons referred to in the second to fourth indents of the second paragraph of this Article may claim exemption from payment of the licence fee only on the basis of a decision from the Pension and Disability Insurance Institute of Slovenia or from another authority that determines degrees of disability.

Article 33

The provisions of the Public Finances Act shall apply in the same measure to RTV Slovenia as they do to the Health Insurance Institute of Slovenia, and the Pension and Disability Insurance Institute of Slovenia.

Records of licence fee payers

Article 34

This chapter shall define the databases (hereinafter: records) that RTV Slovenia shall process for the needs of accounting and collecting the licence fee.

Article 35

(1) The collecting, processing, storage, communication and use of personal data contained in the records shall be governed by the provisions of the Act regulating personal data protection, unless otherwise provided for individual cases by this Act.

(2) Managers of personal databases shall be bound to provide personal data without charge.

Article 36

(1) The manager of records provided by this Act shall be RTV Slovenia.

(2) RTV Slovenia may use personal data where it performs the activity of accounting and collecting licence fees.

Article 37

(1) For the purpose of fulfilling the task of accounting the licence fee, RTV Slovenia may collect personal data as defined in indents 1, 2, 3, 4, 5 and 9 of the first paragraph of Article 37, and in indents 1, 2, 3, 4 and 8 of the second paragraph of Article 37 of this Act directly from those liable to pay, where they are bound to supply such data or changes thereto in writing within a deadline of 15 days from receipt of the relevant request.

(2) RTV Slovenia shall collect data on the name and surname of natural persons or the title of legal persons or sole traders and on their address from distributors of electrical energy.

(3) All data set out in the first paragraph of this Act, except for the designation of the receiver, may also be collected by RTV Slovenia from the records of the Tax Administration of the Republic of Slovenia, on the basis of a request in writing or in a form equal to writing, where the relevant legal basis is set out along with the relevant number or other indication of the request.

#### Article 38

In order to fulfil the task of accounting for the licence fee, RTV Slovenia shall keep and maintain: records of those liable with television receivers or with other devices enabling reception of channels with at least the same quality as the terrestrial network;

- records of those liable with radio receivers or with other devices enabling reception of channels in at least the same quality as the terrestrial network; records of non-payers.

#### Article 39

(1) Records referred to in that part of the preceding Article relating to natural persons shall contain the following data:

personal name;

address of permanent or temporary residence (street, town, house number, etc.);

- tax number;
- number of current account;
- employment;
- amount of unpaid licence fee; amount of paid licence fee;
- date of entry of data;
- designation of receiver.

(2) Records referred to in that part of the preceding Article relating to legal persons or sole traders shall contain the following data:

official title of company or sole trader;

- address;
- number of business account; tax number;
- amount of unpaid licence fee;
- amount of paid licence fee; date of entry of data;
- designation of receiver.

(3) Data referred to in the first and second paragraphs of this Article shall be stored for ten years following cessation of status of liable person or non-payer.

## Article 40

(1) The accounting and paying of the licence fee, interest and other procedural issues shall be governed by the provisions of the Act regulating tax procedure.

(2) Appeals in the procedure of collection provided by Article 388 of the Tax Procedure Act (Uradni list RS, no. 25/05 – officially consolidated text) shall be decided by the Tax Administration of the Republic of Slovenia.

## V. Penalty provisions

## Article 41

(1) A fine for a misdemeanour of between SIT 1,000,000 and SIT 5,000,000 shall be imposed on RTV Slovenia for:

- public transmission of political propaganda messages without indicating the commissioning source referred to in Article 10 of this Act,
- public transmission of religious promotional messages referred to in Article 11 of this Act,
- failing to announce the method, form, extent and conditions of presenting candidates, political parties and their manifestoes at least 15 days prior to the beginning of an election campaign (fifth paragraph of Article 12).

(2) A fine for a misdemeanour of between SIT 100,000 and 500,000 shall be imposed on the responsible person at RTV Slovenia for committing the offence referred to in the preceding paragraph.

## Article 42

(1) A fine for a misdemeanour of between SIT 30,000 and 100,000 shall be imposed on an individual who has a receiver and has supplied a false statement referred to in the fourth paragraph of Article 31.

(2) If the misdemeanour referred to in the preceding paragraph is committed by a legal person, such person shall be fined between SIT 100,000 and 5,000,000, and the responsible person of such person shall be fined between SIT 100,000 and 500,000.

(3) If the misdemeanour referred to in the first paragraph of this Article is committed by a sole trader, such trader shall be fined between SIT 100,000 and 500,000, and the responsible person of such trader shall be fined between SIT 30,000 and 100,000.

#### Article 43

(1) A fine for a misdemeanour of between SIT 10,000 and 50,000 shall be imposed on an individual that obtains a receiver but does not register such receiver within the legal deadline (fifth paragraph of Article 31) and an individual that acts in contravention of the first paragraph of Article 37 of this Act.

(2) If the misdemeanour referred to in the preceding paragraph is committed by a legal person, such person shall be fined between SIT 100,000 and 1,000,000, and the responsible person of such person shall be fined between SIT 30,000 and 100,000.

(3) If the misdemeanour referred to in the first paragraph of this Article is committed by a sole trader, such trader shall be fined between SIT 100,000 and 250,000, and the responsible person of such trader shall be fined between SIT 30,000 and 100,000.

#### Article 44

Inspection oversight over implementation of the provisions of this Act shall be performed by the inspectorate responsible for the media and the inspectorate responsible for the market.

### VI. Transitional and final provisions

#### Article 45

On the day of entry into force of this Act, the third paragraph of Article 82 of the Media Act (35/01, 62/03, 73/03, 113/03 — Constitutional Court decision, 16/04 — Constitutional Court decision, 123/04 — Constitutional Court decision) shall cease to be valid.

#### Article 46

On the day of entry into force of this Act, the fourth paragraph of Article 98 of the Media Act (35/01, 62/03, 73/03, 113/03 — Constitutional Court decision, 16/04 — Constitutional Court decision, 123/04 — Constitutional Court decision) shall cease to be valid.

#### Article 47

(1) The Programme Board and Supervisory Board shall be constituted in accordance with this Act within 60 days of its entry into force.

(2) The Commission for Elections and Appointments at the National Assembly of Slovenia shall within 15 days of the entry into force of this Act announce on the national channels of RTV Slovenia a call for persons referred to in the seventh indent of paragraph six of Article 17 of this Act who



have the right to propose candidates for membership of the Programme Board of RTV Slovenia, so that within 15 days of the announcement of such call they may submit their proposals together with a justification and the written consent of the proposed candidates.

(3) The first session of the Programme Board and Supervisory Board shall be called by the director-general or his or her deputy within 15 days of determining on the basis of notifications of appointment or election that two-thirds of the total number of all members of the Programme Board and Supervisory Board have been appointed or elected. The first session of the Programme Committees of RTV channels for the Italian and Hungarian ethnic communities shall be called by the director-general or his or her deputy within 15 days of the appointment of Programme Committees of RTV channels for the Italian and Hungarian ethnic communities.

(4) Until the constituting of the Programme Board and Supervisory Board, the Council of RTV Slovenia and the Supervisory Committee of RTV Slovenia shall continue their work with the composition and competence they have held up to the entry into force of this Act.

(5) In the first appointment of members for the Programme Board referred to in the seventh indent of the sixth paragraph of Article 17 of this Act following its entry into force, all 16 members shall be appointed at the same time, with eight members being appointed for two years. These members shall be determined by drawing lots upon their appointment in the National Assembly of Slovenia. The president of the National Assembly shall conduct the drawing of lots immediately upon the appointments being made, and shall declare its outcome.

#### Article 48

The Supervisory Board shall within six months of being constituted adopt a new Statute.

#### Article 49

The Programme Board shall define programme standards for the channels of RTV Slovenia and their programme plan within 90 days of being constituted.

#### Article 50

(1) The Programme Board shall within 15 days of being constituted advertise the position of director-general.

(2) Until the adoption of a new Statute of RTV Slovenia, the process of selecting and appointing a director-general shall be governed by the following procedure:

1. The Programme Board shall vote such that each member of the Programme Board has the right to vote for one candidate. Voting shall be open. The candidate receiving the majority of votes of all members of the Programme Board shall be elected.

2. If in the first round of voting no candidate has been elected, a second round of voting shall be held on the three candidates receiving most votes in the first round. If in the second round of voting there is still no candidate elected, a third round of voting shall be held on the two candidates receiving the most votes in the second round. If in the third round of voting no candidate has been elected, a fourth round of voting shall be held on the candidate receiving the most votes in the third round.
3. If even in the fourth round of voting no candidate has received sufficient votes, the Programme Board may resolve to repeat the ballot within 14 days on the two candidates receiving the highest number of votes. Prior to the repeated ballot, the Programme Board shall in its session enable both candidates from the third round of voting to present their ideas. If even in the repeated ballot no candidate is elected, the vacancy shall be advertised publicly again.

(3) Candidates for director-general must fulfil the following conditions:

- they must be citizens of Slovenia;  
they must have university-level education;  
they must be familiar with the issues of the broadcasting service activities;
- they must be trained to manage large organisational systems;  
they may not have ownership shares in or long-term contractual contacts with legal persons that have commercial relations with RTV Slovenia.

(4) The conditions set out in the second paragraph of Article 17 of this Act shall also apply *mutatis mutandis* to candidates for director-general.

(5) The director-general of RTV Slovenia shall, within 15 days of being appointed, advertise the positions of director of radio and director of television.

(6) Up until the appointment of the director-general of RTV Slovenia and the director of radio and director of television pursuant to this Act, the director-general, director of radio and director of television channels shall perform their existing functions as acting directors, with the powers they had up until the entry into force of this Act.

#### Article 51

Commissioning editors of channels and heads of other internal organisational units shall continue their work up to the expiry of their term, except in cases provided by the Statute.

#### Article 52

On the day this Act enters into force, the Radio and Television Corporation of Slovenia Act (Official Gazette of the Republic of Slovenia, nos. 18/94, 29/94 - revised, 73/94 – Constitutional Court decision, 88/99, 90/99 – revised and 113/00 – Constitutional Court decision, 79/01) shall cease to be valid. Up until the adoption of the Statute referred to in Article 47 of this Act,

the internal organisation and operations shall be governed by the provisions thereof and the provisions of the Statute, unless otherwise provided by this Act.

Article 53

On the day this Act enters into force, the fourth paragraph of Article 387 of the Tax Procedure Act (Official Gazette of the Republic of Slovenia, no. 25/05 – officially consolidated text) shall cease to be valid.

Article 54

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