

EUROPEAN MEDIA FREEDOM ACT ON THE CASE OF SLOVENIA: HAS SLOVENIA OVERTAKEN THE EUROPEAN COMMISSION WITH ITS NEW LAW?

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In September 2022, the European Commission put forward its proposal for new media protection - the European Media Freedom Act. This document contains several new amendments - for example, it bans spying on journalists, interference in media editorial decisions, guarantees transparency of ownership, independent and adequate funding of public service media and proposes the establishment of a new European Media Services Council. The Council will be composed of national media authorities. This Council will also monitor compliance with measures concerning non-EU media that could potentially pose a risk to public security and circumvent EU rules.¹

Vice-President for Values and Transparency Věra Jourová says that this proposal has been put forward mainly because of the various pressures on the media that can be observed in individual countries. It is intended to prevent the public media from becoming propaganda channels and to protect the freedom and pluralism of other media.²

Slovenia has been one of the EU countries most concerned about media freedom and independence over the past year. In the new law, it has focused on one of the points also addressed in the European Media Freedom Act, namely the independence of the media from politicians and political parties.

A new law regarding greater independence of the RTV Council began to be discussed during the time when Janša was prime minister for the second and third time. In this context, the then opposition accused the ruling parties of trying to suppress critical voices from the media. In Slovenia, under the Janša government, it became customary for government officials to regularly threaten journalists.

¹ EUROPEAN COMMISSION, European Media Freedom Act, European Commission [online], [cit. 2023-01-28], available from: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan/european-media-freedom-act_en

² EUROPEAN COMMISSION, European Media Freedom Act: Commission proposes rules to protect media pluralism and independence in the EU, European Commission [online], 2022, [cit. 2023-01-28], available from: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504

One of them was investigative journalist Blaz Zgaga, who faced death threats after criticizing the Janša government during the coronavirus pandemic. Janša and his government referred to journalists who criticised the government, including Blaz Zgaga, as a threat to the health and lives of citizens.³

Ahead of Slovenia's EU presidency in the second half of 2021, the Council of Europe issued a memorandum criticising the deterioration of media freedom in Slovenia. Furthermore, the Janša government even stopped funding for Slovenia's national press agency on the grounds that the correct documentation had not been submitted. Even after pressure from the European Union, these payments have not been resumed.⁴

In the summer of 2020, the Janša government proposed a media-focused law to increase the state's influence over Slovenia's national press agency and reduce funding for the public broadcaster RTV. At the time of the Janša government, members of the RTV board were appointed by parliament, political parties or the government. Therefore, it was very controversial when a new RTV Director General was appointed and Janša responded by saying: "hopefully the new broom will fix such false reporting." At the time, there were also several pro-government media outlets that supported Janša and participated in strengthening distrust in the public media RTV.⁵ These former pro-government media such as Nova24TV, Demokracija, or Škandal24 were founded by the Slovenian Democratic Party or its members, and today some SDS members have minority stakes in these media.

³ MAPPES-NIEDIEK, NORBERT, DW Freedom of Speech laureate attacked online, Deutsche Welle [online], 2020, [cit. 2023-02-01], available from: <https://www.dw.com/en/dw-freedom-of-speech-laureate-blaz-zgaga-attacked-for-critical-remarks/a-53346673>

⁴ KILLEEN, MOLLY, Slovenian PM Janša attacks Council of Europe over media freedom report, EURACTIV [online], 2021, [cit. 2023-01-29], available from: <https://www.euractiv.com/section/media/news/slovenian-pm-jansa-attacks-council-of-europe-over-media-freedom-report/>

⁵ BAYER, LILI, Inside Slovenia's war on the media, POLITICO [online], 2021, [cit. 2023-01-30], available from: <https://www.politico.eu/article/slovenia-war-on-media-janez-jansa/>

The majority shares are then owned by businessmen who have close relations with Viktor Orbán.⁶

In April 2022, however, the Svoboda Movement won the National Assembly elections, and the government was formed by its chairman, Robert Golob. The newly formed government also focused on amending the law on public television RTV Slovenia. In the summer of 2022, a new law was adopted that changes the way the RTV management is elected, so that members of the broadcasting board will not be directly elected by the government, parties or the Chamber of Deputies. The main objective for this amendment is to ensure the full institutional and programmatic autonomy of the public broadcaster RTV Slovenia and to protect its journalistic autonomy and independence.⁷

The new law states that the existing Supervisory and Programme Boards will be replaced by a single governing and controlling body - the RTV Slovenia Council. It is composed of 17 members. And instead of a director general, a four-member board will be established with the addition of a director of digital content, which will help improve the position of new media activities.⁸ Members of this council would then be representatives of interest groups, such as employees, the Italian and Hungarian minorities, the religious community, the Slovenian Academy of Sciences and Arts and other organisations, RTV staff or representatives from civil

⁶ KUČIČ J., LENART, Infografika: madžarski medijski sistem v Sloveniji, Medij za neodvisno novinarstvo podcrto.si [online], 2019, [cit. 2023-02-01], available from: <https://podcrto.si/infografika-madzarski-medijski-sistem-v-sloveniji/>

⁷ MINISTRY OF CULTURE, REPUBLIC OF SLOVENIA, National Assembly approves the government's amendment to the RTV Slovenia Act for the second time, GOV.SI [online], 2022, [cit. 2023-01-30], available from: <https://www.gov.si/en/news/2022-07-21-national-assembly-approves-the-governments-amendment-to-the-rtv-slovenia-act-for-the-second-time/>

⁸ MINISTRY OF CULTURE, REPUBLIC OF SLOVENIA, National Assembly approves the government's amendment to the RTV Slovenia Act for the second time, GOV.SI [online], 2022, [cit. 2023-01-30], available from: <https://www.gov.si/en/news/2022-07-21-national-assembly-approves-the-governments-amendment-to-the-rtv-slovenia-act-for-the-second-time/>

society.⁹ The new government sought to focus specifically on civil society, as the role of civil society had been neglected in the previous amendment to the 2005 law on the election of members to the RTV Board.¹⁰

However, the opposition parties disagreed with the change and collected more than the 5 000 signatures needed to call the referendum. The referendum was held at the end of November 2022 and more than 62% of voters gave their approval to the new media law.¹¹

Recently, the topic of improving the protection of journalists and the independence of the media from political entities has been increasingly discussed. In the European Union, according to the 2022 Rule of Law Report, there is not much progress in media independence and the indicator of protection of the journalistic profession has even slightly decreased.¹² For this reason, it can be concluded that the adoption of the European Media Freedom Act should be accelerated, or individual states should proceed to adopt similar laws as Slovenia has just done, if they want to promote greater media freedom and independence.

⁹ THE SLOVENIA TIMES, Changes to the RTV Slovenija act passed in re-vote, The Slovenia Times [online], 2022, [cit. 2023-01-31], available from: <https://sloveniatimes.com/changes-to-the-rtv-slovenija-act-passed-in-re-vote/>

¹⁰ RTV SLO, Kaj prinaša novi zakon?, MMC [online], 2005, [cit. 2023-02-01], available from: <https://www.rtvlo.si/referendum-o-rtv/kaj-prinasa-novi-zakon/43432>

¹¹ AFP, EURONEWS, Slovenians back new law to prevent politicising public television, Euronews Times [online], 2022, [cit. 2023-01-31], available from: <https://www.euronews.com/2022/11/28/slovenians-back-new-law-to-prevent-politicising-public-television>

¹² EUR-LEX, The rule of law situation in the European Union [online], 2022, [cit. 2023-02-01], available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1658828718680&uri=CELEX%3A52022DC0500#document2>

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