

ON 20 NOVEMBER 2010, THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SLOVENIA ADOPTED A RADIO AND TELEVISION CORPORATION OF SLOVENIA ACT (ZRTVS-2) AS STATED IN THE FOLLOWING DOCUMENT:

RADIO AND TELEVISION CORPORATION OF SLOVENIA ACT (ZRTVS-2)

I. GENERAL PROVISIONS

Article 1 (content of the act)

This Act regulates the status and operation of the Radio and Television Corporation of Slovenia (*Radiotelevizija Slovenija*; hereinafter: RTV Slovenia).

Article 2 (general information about RTV Slovenia)

(1) RTV Slovenia is an independent legal person of special cultural and national importance governed by public law.

(2) With the performance of public service laid down by this Act, RTV Slovenia shall provide a wide range of contents, programmes and services, quality and diverse offer as well as public access to these contents, programmes and services, without discrimination and on the basis of equal opportunities, through various transmission paths, with the objective of fulfilling the democratic, social and cultural needs of the inhabitants of the Republic of Slovenia, citizens of the Republic of Slovenia and of Slovenians living abroad, autochthonous Italian and Hungarian national communities, Roma community, members of national communities of the former Yugoslav republics (Albanians, Bosnians, Montenegrins, Croats, Macedonians and Serbs), members of other national and ethnic communities in the Republic of Slovenia, as well as ensuring pluralism, including cultural and linguistic diversity, and other activities in accordance with this Act and with the Statute of RTV Slovenia (hereinafter: Statute), as well as with the Act regulating the media.

(3) In accordance with the availability of assets, RTV Slovenia shall ensure that the contents and services of RTV Slovenia shall, to the extent possible, make use of technological development, provide the public with the benefits of new audiovisual and information services and new technologies, and follow development.

(4) The only founder and owner of RTV Slovenia is the Republic of Slovenia. The duty of the founder shall be to ensure professional and editorial independence of RTV Slovenia, appropriate financing and suitable arrangement which shall serve as the basis to obtain funds for the provision of public service while respecting the financial stability of RTV Slovenia's funding sources.

(5) RTV Slovenia is entered in the court register as an independent legal person of special cultural and national importance governed by public law.

(6) The name under which RTV Slovenia performs legal transactions shall be *Radiotelevizija Slovenija* [The Radio and Television Corporation of Slovenia],

abbreviated to RTV Slovenia.

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

(8) On behalf of the Republic of Slovenia, the founder's rights within RTV Slovenia shall be exercised by the Council of RTV Slovenia (hereinafter: Council), unless otherwise provided for individual cases by this Act. The Council shall ensure institutional autonomy and editorial independence of RTV Slovenia in accordance with this Act and with the Act regulating the media.

(9) RTV Slovenia has been established and shall operate for the purpose of performing public service laid down by this Act.

(10) RTV Slovenia shall be bound to allocate any surplus from the performance of all the activities of RTV Slovenia and related persons in a proportion belonging to RTV Slovenia, unless otherwise determined by this Act, for the performance of activity provided by RTV Slovenia as a public service.

(11) According to this Act, the persons related to RTV Slovenia are all legal persons related to RTV Slovenia in the manner provided by the act regulating commercial companies in the part defining associated companies.

(12) RTV Slovenia is allowed to incur debts only with the prior consent in accordance with the regulations governing public finances. Debts and guarantees of RTV Slovenia may not exceed 25% of the annual amount pertaining to contribution for receiving RTV Slovenia channels and services (hereinafter: RTV licence fee), but may not in any event exceed the value of the entire RTV Slovenia's property.

(13) RTV Slovenia is the owner of the property used for its work. RTV Slovenia shall manage and dispose of its property independently. It shall manage its property economically, in a manner that shall not jeopardize the implementation of its tasks. In the event of alienation of property of substantial value, rental for the period of five years or longer, or in the event of other means of disposal which either create or could create third party rights for the period of five years or longer, it must obtain the approval of the Government of the Republic of Slovenia (hereinafter: Government). Property of substantial value shall be considered to be movable and immovable property whose estimated value exceeds 0.1% of RTV Slovenia's entire annual revenue of the previous year. Contracts concluded contrary to the provision of the fourth sentence of this paragraph shall be null and void.

(14) RTV Slovenia shall be liable for its obligations with its entire property.

(15) RTV Slovenia is not a direct budget user.

(16) Regardless of the fact that it is not a direct budget user, RTV Slovenia's operation and conducting of business shall be subject to the provisions of the Acts regulating public finances, in the manner specified for direct budget users, unless they contravene this Act. Regardless of the fact that it is not a direct budget user, RTV Slovenia's operation and conducting of business shall be subject also to the provisions of the Acts regulating accounting of legal persons governed by public law,

public procurement as well as provisions of other acts regulating the operation of institutions, unless they contravene this Act.

(17) The employees of RTV Slovenia are not public employees.

Article 3
(general principles of public broadcasting)

When creating and preparing programmes, RTV Slovenia shall:

- respect human individuality and dignity, adhere to the principles of impartiality and veracity of information as well as pluralism of opinions, world views and religion, political independence and autonomy,
- ensure integral and impartial provision of information as well as free formation of opinions and commentaries.

II. ACTIVITIES OF RTV SLOVENIA

Article 4
(public service in the field of audiovisual media services)

(1) Public service in the field of audiovisual media services pursuant to this Act shall comprise creating, producing, archiving and broadcasting informative, cultural, educational, sports, entertainment and other contents transmitted by RTV Slovenia using all available transmission technologies, either linear or non-linear.

(2) RTV Slovenia shall be liable to produce national radio and television channels, regional radio and television channels at regional centres in Koper and Maribor, radio and television channels for the autochthonous Italian and Hungarian national communities in the Republic of Slovenia, programmes for the Roma community in the Republic of Slovenia, programmes for Slovenians living in the neighbouring countries and for Slovenians living abroad, programmes for the members of national communities of the former Yugoslav republics (Albanians, Bosnians, Montenegrins, Croats, Macedonians and Serbs) and other national and ethnic communities in the Republic of Slovenia, as well as programmes for the foreign audiences in the Republic of Slovenia.

(3) Within its public service, RTV Slovenia shall ensure:

- three 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 national communities in the Republic of Slovenia,
- radio channel for the foreign audiences,
- teletext and electronic programme guide,
- Internet information portal and other multimedia services,
- relevant new services in accordance with the provisions of Article 5 of this Act.

(4) As part of its public service, RTV Slovenia shall also ensure by means of a special television channel integral provision of information to the public regarding the operation of the National Assembly of the Republic of Slovenia. This shall be provided by live transmission of sessions of the National Assembly of the Republic of

Slovenia and its working bodies, by broadcasting of recordings of such sessions where live transmission is not possible, and by discussions concerning the issues decided on by the National Assembly of the Republic of Slovenia. In addition, this special television channel shall be used to broadcast either live or in the form of recordings the sessions of the National Assembly of the Republic of Slovenia, consultations organised by the National Assembly of the Republic of Slovenia and the National Council of the Republic of Slovenia, selected activities of the European Parliament and other activities associated with the exercising of constitutional functions by the Slovenian parliament. At least 90% of the population of the Republic of Slovenia must have access to this special channel.

Article 5

(public service in the field of relevant new services)

(1) The Board of Directors of RTV Slovenia (hereinafter referred to as: Board of Directors) may submit to the Supervisory Board of RTV Slovenia (hereinafter referred to as: Supervisory Board) a proposal for the introduction of a relevant new service to be provided as public service. Should the Supervisory Board agree with the Board of Directors' proposal, it shall submit it to the Council for adoption.

(2) As relevant new service shall be considered any service which shall upon the innovative use of technical mechanisms enable broadcasting that is ensured as part of the public service in accordance with the first paragraph of Article 4 of this Act.

(3) RTV Slovenia shall provide relevant new services adopted under the procedure from the first paragraph of this Article as public service.

(4) Before adopting the decision from the first paragraph of this Article, the Council shall examine whether the proposed service which is to be rendered by RTV Slovenia is a relevant new service.

(5) When the proposed service is deemed to be a relevant new service, the Council shall issue a call to interested persons to submit their opinions and proposals regarding the introduction of the envisaged relevant new service, and hold a public consultation about the proposed relevant new service.

(6) Interested persons shall be given at least 30 days from the date of the issue of the call to submit their opinions. After the expiry of this period, the Council shall hold a public consultation about the proposed relevant new service.

(7) On the basis of the outcome of the public consultation, the Council shall assess the overall impact of the new service on the market by comparing the states when the planned new service is available and when it is not available. When assessing the impact on the market, the Council must consider similar or alternative offers on the market, content competition, structure of the market, market position of RTV Slovenia, level of competition and possible impact on private initiatives.

(8) The Council shall decide to provide the relevant new service when the new service:

- meets democratic, social and cultural needs of the subjects referred to in the

second paragraph of Article 2 of this Act,

- reasonably corresponds to the contents, programmes and services which can be transmitted or provided as a public service in accordance with this Act,
- does not have disproportionate impacts on the market which are not necessary for the provision of public service.

(9) Introduction of the relevant new service shall be considered not to have disproportionate impacts on the market which are not necessary for the provision of the public service when:

- the impact of the relevant new service is balanced with the relevance of the proposed relevant new service,
- the relevant new service is completely or mainly financed from public funds,
- the introduction of the relevant new service is justified with added value in the sense of meeting social, democratic and cultural needs of society considering complete existing offer of the public service.

(10) Before adopting the decision regarding the introduction of the relevant new service, the Council shall ask the authority competent for monitoring the functioning of the post and electronic communications for prior opinion concerning the fulfilment of the conditions referred to in the eighth paragraph of this Article. The said authority shall submit its opinion within 30 days of the receipt of the request. Should it fail to submit its opinion within the prescribed time, it shall be deemed positive. After the receipt of the opinion, the Council shall make a decision about the introduction of the relevant new service.

(11) The Council shall publicly announce the outcome of the consultation, its assessment, opinions received from competent authorities pursuant to this Article and explanation of its decision regarding the introduction of the relevant new service.

(12) Provision of existing contents, services and programmes pursuant to the third paragraph of Article 4 of this Act on new platforms and via new transmission paths shall not be considered a relevant new service and may be introduced by RTV Slovenia independently and without the Council's decision under the provisions of this Article.

(13) Testing of the service does not require the Council's decision according to the provisions of this Article. Service is regarded as a test when new innovative services are being tested by RTV Slovenia and their provision is limited in time, content or quantity, and is being rendered for the purpose of collecting information about feasibility of the envisaged service and its added value. Service shall be deemed limited in quantity if the scope of service provided or the number of its recipients is limited. Testing of a service may not exceed 90 days. The Council may prolong the duration of relevant new service testing for no longer than 90 days. After that deadline, RTV Slovenia must stop testing the relevant new service. Prior to or after the expiration of the deadlines set forth in this paragraph, the Board of Directors may propose the adoption of a decision regarding the introduction and provision of the relevant new service pursuant to this Article.

Article 6

(obligations of public service regarding contents, programmes and services)

(1) In the contents, programmes and services provided within its public service, RTV Slovenia shall in particular:

- promote public cultural dialogue and facilitate a broad arena for public debate,
- ensure quality informational broadcasts providing information about the events in the Republic of Slovenia, neighbouring countries, Europe and around the world,
- ensure quality educational content,
- ensure quality cultural content,
- ensure quality music content and music production,
- ensure the production of theatrical programmes,
- ensure quality in-house productions intended for children, adolescents and the elderly,
- ensure quality entertainment for all age groups,
- support the public role and relevance of Slovenian language and its development,
- ensure fulfilment of constitutional rights of autochthonous Hungarian and Italian national communities and the rights of the Roma community in the area of public information and communication of content provided by RTV Slovenia,
- include content intended to present the social status as well as cultural and other accomplishments of the members of national communities of former Yugoslav republics (Albanians, Bosnians, Montenegrins, Croats, Macedonians and Serbs) and members of other national and ethnic communities in the Republic of Slovenia into national and ethnic community channels,
- encourage the liaison between autochthonous national communities in the Republic of Slovenia and their nations of origin, as well as include cultural and other achievements of Italian and Hungarian nations respectively and the Roma community into national and ethnic community programmes and contents,
- in accordance with international treaties and in cooperation with radio and television broadcasting corporations of other countries, actively support the creation and development of cross-border radio, television and other projects,
- provide programming intended for sensory impaired persons using systems adapted for such persons,
- pay special attention to programmes and information regarding the disabled,
- pay special attention to children and families,
- present and promote Slovenian culture, cultural creativity and freedom of artistic endeavour,
- represent and promote science,
- represent and promote sports,
- pay attention to the social status and functioning of registered religious communities,
- pay special attention to Slovenian history and identity as well as its position at the international level, and promote universal cooperation, understanding and knowledge of history, cultures and identities,
- promote social presence in development of sports, recreation and healthy living, and by providing information educate the consumers about the availability of safe and quality food in the Republic of Slovenia,
- pay special attention to contents regarding health, environmental protection, tourism and consumer protection,
- pay special attention to contents addressing relevant issues regarding people's safety, 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, as well as provide emergency notifications in connection with

threats to people, property, cultural heritage and the environment,
- take into account possible special and legitimate interests of other groups of viewers, listeners and other users of contents provided by RTV Slovenia in any form or via any transmission path or distribution platform in the Republic of Slovenia,
- inform foreign audiences about the events and achievements in the Republic of Slovenia, and work to establish Slovenian radio, television and other creativity abroad,
- promote and, in accordance with the obligations that bind public broadcasting, ensure the production and broadcasting of Slovenian audiovisual work, European audiovisual work and the audiovisual work of independent producers,
- promote Slovenian film production as outlined in the acts regulating areas of film and media.

(2) Within the structure of the contents, programmes and services provided by RTV Slovenia as part of its public service, RTV Slovenia shall ensure in the weekly broadcast schedule of each programme or other services provided by it the major portion of the cultural, artistic, informational, documentary and educational content.

(3) Once a year, until the end of March, the Board of Directors shall prepare a report for previous year regarding the predominant provision of cultural, artistic, informative, documentary or educational content by RTV Slovenia, which shall be then submitted to the Council for approval. Should the Council refuse to approve the report due to insufficient provision of the mentioned content, it shall initiate the procedure for the removal of members of the Board of Directors.

Article 7

(use of content and material, and archive material)

(1) RTV Slovenia shall ensure in-house archiving of contents and programme material that it creates as part of its public service.

(2) RTV Slovenia shall ensure long-term storage of documentary and archive material that is created as part of various contents and programming within the public service under the provisions of the Act regulating archive material management.

(3) RTV Slovenia shall be bound to provide long-term storage for its archive material, such that all the contents on any kind of media, which owing to processes of aging could deteriorate or in some other way seriously affect the quality of the record and the possibility of reproduction or creation of a copy, shall be appropriately protected or transferred to technologically more durable media. RTV Slovenia may perform this kind of transfer without prior consent of the authors and performers.

(4) Contents and recordings from RTV Slovenia's archives and content databases created by RTV Slovenia in the framework of the provision of its public service shall, upon payment of the proportionate costs for access, duplication or supply, be accessible for non-commercial purposes.

(5) Contents and recordings from RTV Slovenia's archives and content databases created by RTV Slovenia in the framework of the provision of its public service, as well as contents and recordings for which RTV Slovenia holds exclusive and

unlimited right of disposal may be used for non-commercial purposes while complying with the terms of use laid down for individual content or recording and upon payment of a preset fee according to the tariff.

(6) Contents and recordings from RTV Slovenia's archives and content databases created by RTV Slovenia in the framework of an activity other than public service, as well as contents and recordings stored in the archives or databases or held by RTV Slovenia and for which RTV Slovenia holds the right of disposal may be used for non-commercial or commercial purposes while complying with the terms of use laid down for individual content or recording and upon payment of a preset fee according to the tariff.

(7) RTV Slovenia shall make publicly available a catalogue of all contents and recordings stored in the archive and content and recording databases. RTV Slovenia shall determine the terms of use and tariffs for access, duplication or supply, and the use of contents and recordings for non-commercial and commercial purposes pursuant to this Article.

(8) RTV Slovenia shall make publicly available a catalogue of purchased special rights concerning contents and recordings pursuant to this Article, and define the terms and tariff for granting sublicenses for unused exclusive rights for special contents.

Article 8 (obligation regarding area coverage)

(1) National television and radio channels shall be broadcast to an area covered by at least 90% of the population of Slovenia, while radio and television channels intended for autochthonous national communities in the Republic of Slovenia must be broadcast in at least 90% of the territory inhabited by the Italian and Hungarian national 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 (independent production)

(1) Every year, in accordance with the annual programme business plan referred to in Article 23 of this Act, RTV Slovenia shall publish a public 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) Public tender referred to in the preceding paragraph shall be carried out under the provisions of a general legal act adopted by the Council. In this act, the Council shall define the procedure, conditions and criteria for the public tender. When preparing the general legal act, the Council shall reasonably apply the provisions of the Act

governing exercising of the public interest in culture, in the section relating to the procedure of the public tender, and with the Act regulating the media.

Article 10
(political propaganda)

(1) Political propaganda shall not be permitted in the contents and programmes 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 advertising content 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 broadcast political advertising content and other forms of political propaganda along with the name of the source commissioning the broadcast.

Article 11
(religious promotional messages)

(1) Religious promotional messages shall not be permitted in the contents and programmes of RTV Slovenia.

(2) Religious promotional messages pursuant to this Act shall be advertisements for religious communities in accordance with the provisions of the Act regulating the media.

Article 12
(election campaigns in the contents, programmes and services of RTV Slovenia)

(1) During election campaigns, RTV Slovenia shall provide free of charge a portion of programme time or space in the services ensured for the presentation of candidates, political parties and their manifestoes. Doing so, RTV Slovenia shall be bound to adhere to the principles of impartiality, integrity of information, as well as journalistic independence and autonomy.

(2) During the election campaign for elections to the National Assembly of the Republic of Slovenia (hereinafter: National Assembly), the time devoted to the presentation of the candidates of political parties represented in the National Assembly, including their manifestoes, shall be the same for all, and equally the conditions governing the presentation as part of pre-election contents or broadcasts shall also be the same.

(3) During the election campaign for elections to the European Parliament, the time devoted to the presentation of the candidates of political parties represented in the European Parliament, including their manifestoes, shall be the same for all, and equally the conditions governing the presentation as part of pre-election contents or broadcasts shall also be the same.

(4) Political parties that prior to the elections to the National Assembly are not represented in the National Assembly or prior to the elections to the European Parliament are not represented in the European Parliament, and independent candidates must have at their disposal a total of two thirds of the total time or space determined by RTV Slovenia for political parties that prior to the elections to the National Assembly are represented in the National Assembly or prior to the elections to the European Parliament are represented in the European Parliament. RTV Slovenia shall enable presentations for these parties and candidates within the framework of special pre-election presentations intended for them in separate slots and space, such that each of these parties and each independent candidate shall be afforded mutually equal representation.

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

(6) Within 15 days of the announcement of elections to the National Assembly, elections for President of the Republic, elections to the European Parliament and local elections, RTV Slovenia shall announce the method, form, extent and conditions for the presentation of the candidates on its channels or in some other way accessible to the public.

Article 13

(other activities within public service)

RTV Slovenia shall perform as part of its public service also the following activities:

- transmission and provision of its own television, radio and multimedia contents, programmes and services via transmitters and communications and other infrastructural structures or devices;
- transmission and provision of radio and television contents, programmes and services within the performance of its public service, based on the status granted in accordance with the Act regulating the media (hereinafter: contents, programmes and services of special importance for the Republic of Slovenia) through their devices at RTV Slovenia transmission sites;
- ensuring the visibility and audibility of RTV Slovenia contents, programmes and services as well as contents, programmes and services of special importance for the Republic of Slovenia, especially in the areas of neighbouring countries inhabited by Slovenian ethnic community, in accordance with international treaties and technical and financial capabilities;
- maintenance and attention to the development of television and radio infrastructure and its technological harmonisation with European Union regulations.

Article 14

(priority in the allocation of frequencies)

For the performance of public service pursuant to this Act, RTV Slovenia shall have priority in the allocation of free frequencies that it requires urgently for the performance of public service, and shall obtain them without public tender through a decision of the authority competent for monitoring the functioning of the post and electronic communications. The authority shall issue a decision based on the provisions of the Act regulating electronic communications. Potential free capabilities

acquired in such a manner may not be used by RTV Slovenia in a way that would distort competition in the market.

Article 15
(principle of financial transparency)

(1) RTV Slovenia shall ensure clear, transparent and appropriate separation of its public service and the activities that are not part of the public service, including clear separation of the accounting records.

(2) Internal accounting records of various activities, i.e. activities within the public service and activities that are not part of the public service, shall be separated.

(3) In accordance with the Act regulating transparency of financial relations and separate recording of different activities, and with the regulations governing the operation and functioning of public services and the provision of public services in the field of broadcasting that are determined by the legal orders of the Republic of Slovenia and European Union, the Board of Directors shall prepare accounting rules for RTV Slovenia and cost accounting rules intended for administration of separate accounts. The Board of Directors shall submit these rules to the Supervisory Board for adoption.

(4) Should this be necessary due to changes to the regulations or standards, or due to recommendations or opinions of the authorities, the Board of Directors shall revise the adopted rules referred to in the preceding paragraph, prepare a proposal of modified rules and submit it to the Supervisory Board for adoption.

(5) The Board of Directors shall revise the rules referred to in the third paragraph of this Article every four years and, should it deem this necessary, draw up a proposal of modified rules and submit it to the Supervisory Board for adoption.

(6) Accounting records shall include a detailed report on the sources and amounts of all revenue resulting from the performance of the public service and activities that do not fall within the realm of the public service.

(7) RTV Slovenia licence fee, 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.

(8) RTV Slovenia shall not use the sources acquired for the performance of public service to finance commercial activities.

(9) RTV Slovenia shall ensure fair transfer prices and observance of the principle of the market price among independent customers when performing services that are not part of the public service, when using resources in its possession or intended for the performance of public service, or when an activity is funded completely or partially from the performance of public service.

Article 16
(financing rules)

(1) The amount of compensation received annually by RTV Slovenia for the performance of the public service shall not exceed the amount of total costs deriving from the performance of public service at an annual level (hereinafter: excessive compensation) in the amount of up to 10% of these costs.

(2) Should the annual amount of the compensation acquired in the previous year exceed the amount of the total costs resulting from the performance of public service in the previous year for more than 10%, the surplus exceeding the 10% of the total costs resulting from the performance of public service in the previous year shall be subtracted from the amount of the RTV Slovenia license fee for the future obligations of the license payers, in the same percentage of the monthly amount of the license fee per each license payer until the total amount of the surplus has been refunded.

(3) The Board of Directors may, with the agreement of the Council, propose to the Supervisory Board an increase of the percentage referred to in the first paragraph of this Article. The Supervisory Board shall take a decision and determine the amount, acquisition time and conditions of management as well as use of excessive compensation when excessive compensation is intended for substantial one-time expenses required for the performance of the public service, and when this kind of expenses are defined in the annual programme business plan referred to in Article 23 of this Act.

(4) Excessive compensation may be used solely for funding of the public service.

Article 17

(activities of RTV Slovenia that are not part of the public service)

(1) Activities performed by RTV Slovenia that are not part of the public service are as follows:

- marketing of advertising time and marketing of channels;
- technical and electronic communications services that are not part of the public service;
- commercial broadcasting of radio and television channels;
- commercial studio and post-production activities;
- renting out transmission infrastructure and other immovable property;
- publishing and concert activities intended exclusively for a commercial use in the market;
- commercial programme services, including commercial interactive contents, services and programmes;
- commercial use of archive material;
- in-house production for the market, unless otherwise determined by this Act;
- renting out production capacities;
- professional training, except for the needs of RTV Slovenia;
- other activities whose performance is allowed by the Statute of RTV Slovenia.

(2) Any activity other than the performance of public service may be performed by RTV Slovenia or a legal person established by RTV Slovenia. The decision about the establishment of a legal person is taken by the Board of Directors with the prior

consent of the Supervisory Board and the Council. RTV Slovenia must have a majority capital or management share within the legal person.

III. MANAGEMENT, ADMINISTRATION AND OVERSIGHT

Article 18 (Council)

(1) The Council represents general interests of the public regarding the contents, programmes and services of RTV Slovenia.

(2) The Council shall consist of 17 members who shall to the maximum extent possible represent diversity of groups which form civil society and reflect regional representation of different parts of the Republic of Slovenia.

(3) Persons who have proven themselves in public life by striving for observance of the principles of democracy and the rule of law, for development of civil society, for implementation and development of fundamental human rights and freedoms as well as other fundamental constitutional principles and values, in particular the freedom of expression, and who through their knowledge, standing, work and achievements in the fields of protection or development of national and ethnic communities, religious communities, environmental protection, consumer protection, in the media, journalism, cultural, educational or any other field of public life may contribute to the good functioning and enhancement of the reputation of RTV Slovenia, both in Slovenia and abroad, may be appointed to the Council.

(4) Members of the Council are appointed and elected as follows:

- President of the Republic shall appoint two members, one on the proposal of non-governmental organisations active in the field of implementation and development of fundamental human rights and freedoms, and one on the proposal of registered religious communities;
- National Assembly shall appoint five members;
- Italian and Hungarian self-governing national communities shall appoint one member each;
- Slovenian Academy of Sciences and Arts shall appoint one member;
- National Council for Culture shall appoint one member;
- Centre for Information Service, Co-operation and Development of NGOs shall appoint one member;
- Association of Slovenian Societies shall appoint one member;
- Rectors Conference shall appoint one member;
- three members shall be appointed from among themselves by employees of RTV Slovenia in direct and secret elections such that the areas of information, the arts and technology are represented.

(5) The members of the Council shall perform their functions independently and autonomously and shall not be bound by any rules. The members of the Council shall not exploit their position to fulfil their personal or any other interests; they shall be bound to fulfil only the interests of RTV Slovenia. They agree to this by signing a statement at the constituent session of the Council.

(6) Appointment or proposal of candidature for individual Council members shall be supported by written consent of the person proposed for a member or appointed for a member of the Council. Candidates for Council members shall enclose a statement indicating that the information provided in the proposal of candidature is accurate and complete.

(7) Incomplete proposals of candidature and proposals of candidature submitted by ineligible petitioners shall not be considered.

Article 19
(appointment of Council members by the National Assembly
and President of the Republic)

(1) At least three months before the expiry of the Council members' term of office, the National Assembly shall issue a public call and invite non-governmental organisations to appoint candidates for members of the Council.

(2) Candidates may be appointed by those non-governmental organisations that are active:

- in the field of environmental protection and sustainable development;
- in the field of protection or development of national and ethnic communities;
- in the field of communities living in the neighbouring countries;
- in the field of consumer protection;
- in the field of journalism;
- in the field of media sciences;
- in the field of sports;
- in the field of education, training and science;
- in the field of culture and art.

(3) Non-governmental organisations that are eligible to appoint candidates shall fulfil the following criteria:

- they have been established at least two years before the initiation of the public call for the appointment of Council members;
- their constituent instrument clearly states that their activities comprise one of the fields listed in the preceding paragraph;
- they have references to prove their active involvement in the fields listed in the preceding paragraph.

(4) The term for submission of proposals shall not be shorter than 15 days and not longer than 30 days from the day of publishing the public call.

(5) A competent working body within the National Assembly shall among all the notifications received in time eliminate the proposals that are either incomplete or submitted by ineligible petitioners. No later than 15 days after the expiration of deadline for submission of proposals, the competent working body within the National Assembly shall among the remaining proposals of candidature draw up a proposed list of five candidates.

(6) The competent working body within the National Assembly shall submit the proposed list of candidates for members of the Council to the National Assembly. The National Assembly shall receive the list no later than 30 days before the expiry of the

Council members' term.

(7) The National Assembly shall organise a public hearing of all the listed candidates and provide the representative associations of expert public with sufficient time to draw up and submit their written opinion about the appointed candidates.

(8) No later than within 30 days from the expiration of the period in which the opinions referred to in the preceding paragraph shall be submitted and which shall expire no later than 5 days before the expiry of the Council members' term, the National Assembly shall put a proposed list of candidates to a vote. The list shall be approved if the majority of members shall vote in its favour. If the proposed list is not approved, the competent working body within the National Assembly shall submit to the National Assembly a new list of candidates within 30 days. The new list shall consist of at least half of the candidates that were not included in the first voting in the National Assembly. The National Assembly shall within 15 days after the reception of the new list of candidates put the proposed list to a vote. The list shall be approved if the majority of members shall vote in its favour. If the list is not approved, the competent working body within the National Assembly shall submit to the National Assembly a new list of candidates within 10 days. The new list can contain any candidate appointed at the public call. The list shall be approved if the majority of members shall vote in its favour. Should the list still fail to be approved, a new public call shall be issued in accordance with the provisions of this Article.

(9) Before the appointment of the members within his competence, the President of the Republic shall issue a public call following *mutatis mutandis* paragraphs 1 through 5 of this Article. Tasks which in the procedure of appointing members of the Council are being carried out for the National Assembly by the competent working body shall for the President of the Republic be carried out by the Office of the President of the Republic of Slovenia.

Article 20

(incompatibility of a Council member's functions)

(1) Election or appointment to the Council may not involve persons who on their appointment or election or in the period of five years prior to appointment or election were:

- members of the official bodies of political parties;
- President of the Republic, Prime Minister, deputies of the National Assembly or members of the European Parliament, members of the National Council, mayors, Constitutional Court judges, ministers, state secretaries and other officials in state bodies or bodies of the European Parliament;
- heads of Directorate-Generals at the ministries, secretaries-general at the ministries and in the Government, directors of constituent bodies of ministries and directors of Government offices, heads of administrative units and directors of municipal administrations.

(2) Equally, election or appointment to the Council may not involve persons who are:

- members of management, administration or oversight bodies at RTV Slovenia and persons employed at RTV Slovenia, except for the representatives of RTV Slovenia's employees elected by the employees in accordance with this Act;

- members of management, administration or oversight bodies or employees of competitor media and persons holding ownership shares in such media;
- members or employees of the bodies competent for supervision over the implementation of regulations governing the media;
- members or employees of the bodies competent for supervision over the implementation of regulations governing the post and electronic communications, or members or employees of other bodies which in administrative procedures decide on the rights or obligations of the media, public broadcasting or providers of public service in the field of media or those employed in the media or broadcasting or working for the providers of public service in the field of media, and persons involved in the making of these decisions;
- members of management, administration or oversight bodies of legal persons that cooperate commercially with RTV Slovenia;
- immediate family members of persons constituting management, administration or oversight bodies of RTV Slovenia, and of those RTV Slovenia's employees whose posts are defined as managerial in RTV Slovenia's Statute.

(3) Immediate family members referred to in the sixth indent of the preceding paragraph shall be the spouse or person with whom a person referred to in the sixth indent of the preceding paragraph lives in a common-law partnership or a registered same-sex partnership, children or adopted children and grandchildren and parents or adoptive parents, and other persons who live in the same household.

Article 21 (Council members' term of office)

(1) Members of the Council appointed by the National Assembly shall be appointed on the day of the adoption of the list of candidates. Other members shall be appointed on the day of the appointment by the President of the Republic or organisation referred to in the fourth paragraph of Article 18 of this Act. Representatives of the Council employees shall be elected on the day on which the results of voting are established referred to in the ninth indent of the fourth paragraph of Article 18 of this Act. The director-general of RTV Slovenia shall be immediately notified about the appointment and election of members of the Council and shall convene the first session of the Council no later than 15 days after he or she has been informed about the appointment of at least two thirds of members of the Council.

(2) The term of office for members of the Council shall be five years from the day the Council is constituted. The same person may be appointed for a member of the Council no more than twice. The director-general of RTV Slovenia shall inform the President of the Republic, the National Assembly and other subjects referred to in the fourth paragraph of Article 18 of this Act about the expiry of the term at least four months prior to the actual expiry.

(3) Member of the Council may be recalled before the end of their term should they for any reason be incapable of fulfilling their obligations or should they for six months fail to appear at sessions of the Council or provide false information in their candidature or be legally convicted of intentional offence that is prosecuted ex officio. In this event the Council may propose to the subject referred to in the fourth paragraph of Article 18 of this Act to recall such member and appoint and elect a new

member of the Council. Until the decision is reached regarding the recall proposed by the Council, the member of the Council shall have no right to vote.

(4) Term of office of a member of the Council who no longer fulfils the conditions for appointment or election laid down in Article 20 of this Act or who resigns shall be terminated. Termination of the term shall be established by a Council decision.

(5) New member of the Council shall be appointed and elected in accordance with the procedure laid down for the appointment and election of a Council member who has been recalled or whose term of office has expired. New member shall be appointed and elected for the remainder of the period for which the member has been appointed and elected who has been recalled or whose term of office has expired. In the event that the term of office of the new member would expire sooner than in six months, a new member shall not be appointed or elected.

(6) The Council shall be constituted when at least two thirds of the total number of Council members have been appointed in accordance with this Act, however not before the expiry of the previous Council members' term of office. On the day the Council is constituted, the term of office shall begin for all the members of the Council.

Article 22 (functioning of the Council)

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

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

(3) The Council shall decide on the deputy chair only after the chair has been appointed. 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 no longer than six months. If two or more members of the Council receive the same number of votes, the appointment of the acting chair or deputy chair shall be decided by drawing lots. The Council shall decide on the acting deputy chair only after the acting chair has been appointed.

(4) The Council shall act by a majority of votes cast by the members present, unless otherwise determined by this Act.

(5) Functioning and voting of Council members shall be public in respect of all matters, except in cases where this would result in disclosure of information representing an exception to freely accessible information of public nature in compliance with the Act governing access to information of public nature.

(6) The Council shall meet at least once per quarter. The Council shall meet as soon as possible every time this is required by at least three Council members, the Supervisory Council or the Board of Directors.

(7) The members of the Board of Directors and the president of the Supervisory Board and the president of the Workers' council shall be entitled to cooperate at the sessions of the Council and shall be permanently invited to attend them. RTV Slovenia's employees and third parties may be invited to Council sessions only when so decided by the chair or deputy chair of the Council of RTV Slovenia who is convening a session.

(8) Members of the Council shall be eligible for attendance fees in the amount recommended by the Government for members of supervisory boards in state-owned corporations. Members of the Council shall be entitled to reimbursement of justifiable travel expenses and other justifiable expenses required for their performance related to exercising of their functions according to the Statute.

(9) The total amount of all forms of remuneration referred to in the preceding paragraph received by a member of the Council may annually not exceed two average monthly salaries of the director-general of RTV Slovenia for the previous year, received for the performance of public service. The total amount of all forms of remuneration referred to in the preceding paragraph received by the chair or deputy chair of the Council may annually not exceed six average monthly salaries of the director-general of RTV Slovenia for the previous year, received for the performance of public service.

(10) The Council shall be entitled to appoint individual working bodies. RTV Slovenia shall, at the request of the Council, render to the Council and its working bodies appropriate professional and administrative assistance.

(11) RTV Slovenia shall be obliged to provide the resources necessary for the functioning of the Council, working bodies and professional and administrative assistance to the Council, which, however, may not exceed the amount of 0.3% of the annual revenue deriving from the performance of public service.

Article 23 (powers of the Council)

(1) The Council shall:

- adopt an annual programme-business plan and programme schemes;
- adopt an annual report on the implementation of the annual programme-business plan and programme schemes;
- regularly address the fulfilment of the adopted annual programme-business plan and provide the Board of Directors recommendations concerning the fulfilment thereof;
- submit recommendations to the Board of Directors concerning defining of programme policy;
- submit recommendations concerning other matters of a programming nature where so provided by the Statute;
- when it is provided by this Act, appoint commissioning editors;
- at the request by the Ombudsman for the rights of viewers, listeners and users of RTV Slovenia services adopt its positions concerning Ombudsman's proposals and positions;
- approve annual report on the provision of major portion of the cultural, artistic,

informational, documentary or educational content of the RTV Slovenia;
- decide on other matters where so provided by this Act or the Statute.

(2) The Council shall:

- on the proposal of the Board of Directors and the Supervisory Board adopt the Statute;
 - on the proposal of the Board of Directors adopt ethical and professional standards of RTV Slovenia operation;
 - on the proposal of the Board of Directors adopt ethical and professional standards of advertising in the contents, distributed by RTV Slovenia;
 - on the proposal of the Board of Directors adopt RTV Slovenia development strategy for the period of five years;
 - adopt its rules of procedure and appoint its working bodies in accordance with these rules of procedure;
 - appoint and dismiss the director-general and members of the Board of Directors;
 - within its competence appoint and dismiss members of the Supervisory Board.
- The Council shall decide on the matters referred to in this paragraph with a majority vote of the Council members.

(3) When the Council fails to adopt the Statute or amendments thereof within 90 days of the receipt of the proposed Statute or proposed amendments to the Statute, the Supervisory Board may adopt the Statute or amendments thereof.

(4) The Council shall have no right to interfere with individual parts of the RTV Slovenia content or programme prior to the publication and prior to the publication it may not adopt decisions or positions concerning the publication.

Article 24 (Board of Directors)

(1) RTV Slovenia is managed by the Board of Directors. The Board of Directors shall consist of five members. The Board of Directors shall be chaired by a director-general. The term of office of members of the Board of Directors shall be four years.

(2) On the basis of public competition the Supervisory Board shall propose a director-general to be appointed by the Council. Other members of the Board of Directors shall be appointed by the Council, acting on the proposal of the director-general.

(3) In case the Council fails to appoint a person within three months of the first proposal for the appointment of director-general by the Supervisory Board, the Council may, within 30 days of the expiry of the three-month period, appoint a director-general from among the applicants to the public competition with the majority vote of all its members, or propose the Supervisory Board to repeat the public competition referred to in the preceding paragraph.

(4) In case the Council, acting on the proposal of director-general, fails to appoint all proposed candidates as Board of Directors' members, the director-general shall propose another member of the Board of Directors within 30 days of the day his/her proposal is rejected. He/she may not propose a person who has been rejected. In case the Council does not appoint the newly proposed candidate as a member of the

Board of Directors either, the missing candidates shall be appointed by the Supervisory Board, acting on the proposal by the director-general.

(5) Director-general can not propose dismissal of the members of the Board of Directors.

(6) Members of the Board of Directors must have at least a university-level education, acquired in study programmes level II, or a level of education, which complies with level two according to the law, and at least ten years of work experience. Director-general must have at least five years of managerial work experience and at least five years of work experience in media or with media, in journalism, culture, work in education, science or economy. At the commencement of the duties of the office members of the Board of Directors must have a certificate on the qualification for members of supervisory boards or management boards of companies, valid in the Republic of Slovenia.

(7) The Board of Directors shall take decisions with a majority vote of all of its members save otherwise provided by this Act or the Statute.

(8) Council of RTV Slovenia may dismiss members of the Board of Directors prior to the expiry of the period they are appointed for:

- in case the director-general or the member of the Board of Directors requires dismissal himself or herself;
- in case of any of the reasons which, in accordance with the regulations concerning employment, require that employment of the director-general or member of the Board of Directors is terminated;
- in case the director-general or member of the Board of Directors does not comply with the regulations and RTV Slovenia general acts or does not implement the decisions, adopted by RTV Slovenia bodies or acts contrary to them;
- in case the director-general or the member of the Board of Directors acts in a way which causes substantial damage to RTV Slovenia or performs his/her duties in a negligent or careless way so that the work of RTV Slovenia is seriously disturbed or threatens to be seriously disturbed;
- in the case referred to in Article 6 paragraph 3 of this Act;
- in case director-general proposes dismissal of a member of the Board of Directors.

Article 25

(appointment of commissioning editors, employment in editorial offices and appointment of managers)

(1) Commissioning editors shall be appointed and dismissed by the Board of Directors. Commissioning editors shall be appointed on the basis of a public competition.

(2) Prior to the appointment of a commissioning editor the Board of Directors shall consult programme employees in the editorial office that the commission editor will be appointed for about the candidates for the commissioning editor. In case the Board of Directors does not obtain the positive opinion from the majority of programme employees in the editorial office that the commission editor will be appointed for, it proposes the appointment of such a candidate to the Council. In

such case the editorial office shall have the right to propose to the Council their own candidate for the commissioning editor.

(3) The term of office of commissioning editors shall be four years and they may be appointed for two consecutive terms.

(4) Commissioning editor must have at least a university-level education, acquired in study programmes level II, or a level of education, which complies with level two according to the law, and at least ten years of work experience, of which at least five years in the field which is the subject of his/her application, and in case of informational programme at least five years as a journalist or editor.

(5) Other editors shall be appointed and dismissed by the commissioning editor of the field. Other editors shall be appointed on the basis of a public competition. Their term of office shall be four years.

(6) Employment in editorial office within RTV Slovenia acts, laying down the employment quota, is carried out on the basis of proposal by the commissioning editor.

(7) In accordance with the RTV Statute managers shall be appointed and dismissed by the Board of Directors. Their term of office is laid down in the Statute.

Article 26 (powers of the Board of Directors)

(1) The Board of Directors shall run RTV Slovenia business independently and at their own responsibility.

(2) The Board of Directors shall:

- organise and head the work and operations of RTV Slovenia;
- head RTV Slovenia programme work;
- prepare a statute and together with the Supervisory Board submit it to the Council to be approved;
- prepare programme standards and programme plan in accordance with this Act and the act, regulating the field of media, and in accordance with international acts;
- prepare an annual programme-business plan and programme schemes and after acquiring the consent by the Supervisory Board submit them to the Council to be approved, and take care about the implementation thereof;
- prepare a report on the implementation of an annual programme-business plan and programme schemes and after acquiring the consent by the Supervisory Board submit them to the Council to be approved;
- report about the implementation of annual programme-business plan and programme schemes to the Council at least every six months;
- prepare an annual report on the provision of major portion of the cultural, artistic, informational, documentary or educational content and submit it to the Council to be approved;
- in cooperation with commissioning editors and editorial office representatives prepare ethical and professional standards of RTV Slovenia operation and submit them to the Council to be approved. In cooperation with commissioning editors and

editorial office representatives it shall examine the above at least once in two years and amend them if necessary and submit them to the Council to be approved;

- in cooperation with commissioning editors prepare ethical and professional standards of advertising in the contents, distributed by RTV Slovenia and submit them to the Council to be approved. In cooperation with commissioning editors it shall examine the above at least once in two years and amend them if necessary and submit them to the Council to be approved;
- prepare the RTV Slovenia development strategy for the period of five years and submit it to the Council to be approved;
- at the request by the Council it shall prepare measures which fall within the competence of the Council;
- ensure professional education and training for employees, required for meeting their needs at home and within international cooperation of RTV Slovenia in organisations where RTV Slovenia is a member;
- implement decisions, adopted by the Council, concerning programme production and programme schemes;

at least every quarter report to the Supervisory Board about its work in the fields which fall within its competence;

- propose the Supervisory Board how to use surplus income over expenditure;
- prepare RTV Slovenia accounting rules and cost accounting rules, applied to keeping separate accounts, and submit them to the Supervisory Board to be approved;
- propose the decision referred to in Article 16 paragraph three of this Act to the Supervisory Board;
- prepare conditions for the use of the content and recordings in the archives and RTV collections of content and recordings and the fee for the access, copying or submission or use for commercial or non-commercial purposes and submit them to the Supervisory Board to be approved;
- prepare conditions and fee for issuing sublicenses for unexercised exclusive rights for special content and submit them to the Supervisory Board to be approved;
- subject to the consent by the Supervisory Board determine the method of registration and temporary or permanent de-registration of broadcast receiving sets;
- subject to the consent by the Supervisory Board determine in detail the method of paying licence fee and the criteria for write-off, partial write-off, postponement and payment of licence fee in instalments in accordance with this Act. Regulations concerning tax procedure shall apply mutatis mutandis to the preparation of the criteria for write-off, partial write-off, postponement and payment of licence fee in instalments;
- subject to the consent by the Supervisory Board determine tariffs and conditions for transmitting programmes or transmitting programmes of other broadcasters via or on the infrastructure, owned by RTV Slovenia;
- participate in Workers' Council sessions;
- represent RTV Slovenia in the way, laid down in the Statute;
- conduct social dialogue with the representatives of representative unions in RTV Slovenia and conclude a special collective agreement for RTV Slovenia, and on behalf of RTV Slovenia it shall be one of the signatories of the Collective Agreement for professional journalists on the side of the employers;

-decide on other issues provided by this Act or the Statute.

(3) Prior to taking decisions concerning electronic communication services and tariffs

and other conditions for transmitting programmes of other broadcasters via or on the infrastructure, owned by RTV Slovenia, Board of Directors must obtain the opinion of the body, competent for supervising the operation of post and electronic communications. When the body, competent for supervising the operation of post and electronic communications fails to submit its opinion within 15 days of the receipt of the request by the Board of Directors it shall be considered that a positive opinion has been issued.

Article 27

(programme committees for autochthonous Italian and Hungarian ethnic communities and for the Roma ethnic community)

(1) RTV Slovenia has a Programme Committee for Italian ethnic community channel, Programme Committee for Hungarian ethnic community channel and Programme Committee for programme content and services for the Roma ethnic community – each committee has five members.

(2) Programme committees shall grant their consent in their respective fields to the appointment of commissioning editors for programmes, content or services referred to in this Article and to the scope and programme plan, programme standards and programme scheme of the channels, content or services which must be appropriate to the financial and material capacities of RTV Slovenia and comply with the acts governing its work.

(3) Programme committees, in their respective fields, shall:

- address fulfilment of the programme plan and programme-business and also that part of the annual report of the RTV Slovenia public institution relating to the ethnic community channels or programme content and services for the Roma ethnic community;
- address comments and proposals by viewers and listeners of the ethnic community channels or programme content and services for the Roma ethnic community and indicate their position in this regard;
- grant consent to the Statute of RTV Slovenia in the part relating to the ethnic community channels;
- grant consent to the appointment of the managers of ethnic community channels who take part in preparing programme-business plan and business schemes and in the decisions of the Board of Directors relating to the ethnic community channels;
- offer initiatives to the Council for dealing with issues in the area of the ethnic community channels and programme content and services for the Roma ethnic community;
- perform other tasks in the area of ethnic community channels and programme content and services for the Roma ethnic community where so provided by the Statute;
- adopt its rules of procedure.

(4) The Italian and Hungarian self-governing ethnic communities in Slovenia shall appoint three members to the programme committees for Italian and Hungarian ethnic community channels while one member shall be elected from among themselves by employees in the editorial offices of the radio and television channels for the Italian and Hungarian ethnic communities respectively and one member shall

be appointed by the Council.

(5) Roma Community Council of the Republic of Slovenia shall appoint three members to the Programme Committee for programme content and services for the Roma ethnic community while one member shall be elected from among themselves by employees and people at RTV Slovenia who create programme content and prepare services for the Roma ethnic community, and one member shall be appointed by the Council.

(6) The term of office of members of the Programme Committee shall be five years. A person may be appointed a member of programme committee not more than twice.

(7) No member of a programme committee for ethnic community channel or programme content and services for the Roma ethnic community may be a member of the Board of Directors or Supervisory Board.

Article 28

(programme committee for programme content and services for disabled persons)

(1) RTV Slovenia shall have a Programme Committee for the issue of programme content and services for disabled persons which consists of five members.

(2) The Programme Committee for the issue of programme content and services for disabled persons shall:

- address fulfilment of the programme plan, programme-business plan and also that part of the annual report of the RTV Slovenia relating to the contents and services for disabled persons;
- address comments and proposals by the users of programmes and services, content related to programme content and services, aimed at disabled persons and indicate their position in this regard;
- address fulfilment of the broadcasting of programme content and services intended for sensory and communication impaired persons using techniques adapted for such persons;
- offer initiatives and proposals to the Council for dealing with issues related to the content and services for disabled persons;
- offer initiatives and proposals to the bodies of RTV Slovenia concerning programme content and services, aimed at disabled persons;
- perform other tasks in the area of programme content and services for disabled persons, where so provided by the Statute.

(3) The Programme Committee for programme content and services for disabled persons referred to in the preceding paragraph may offer initiatives and proposals to bodies of RTV Slovenia, which shall be bound to deal with them and indicate their position in that regard.

(4) Members of the Programme Committee for programme content and services for disabled persons shall be appointed by the Council, acting on the proposal by the National Council of Disability Organisations. The term of office of members of the Programme Committee shall be five years. A person may be appointed a member of programme committee not more than twice.

(5) No member of Programme Committee for issues of programme content and services for disabled persons may be a member of the Board of Directors or Supervisory Board.

Article 29

(Ombudsman for the rights of viewers, listeners and users of RTV Slovenia services)

(1) Ombudsman for the rights of viewers, listeners and users of RTV Slovenia services of RTV Slovenia (hereinafter: Ombudsman) shall be appointed by the Council on the basis of a public competition. A person, who meets the conditions for the appointment of members of the Council, laid down in Article 20 of this Act, may be appointed as the Ombudsman.

(2) Ombudsman shall deal with the complaints and proposals by the viewers, listeners and users of RTV Slovenia services and draft a report twice a year and submit it to the Council to be discussed. The Council shall discuss the report at the first session after the receipt of the report.

(3) At the request by the Ombudsman, the Council shall adopt its positions concerning Ombudsman's proposals and positions.

(4) Ombudsman's term of office shall be five years. A person may be appointed Ombudsman not more than twice. After the expiry of the term of office the person who was the Ombudsman, may not be employed in RTV Slovenia or its associated entities for at least three years.

(5) Ombudsman may not be a member of the Board of Directors, Supervisory Board or the Council.

(6) The procedure of appointment and functioning of the Ombudsman shall be defined in detail in the Statute.

Article 30

(participation of workers in management and editorial independence)

(1) A Worker's Council shall function at the RTV Slovenia 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 or Collective Agreement for RTV Slovenia.

(2) A representative of the Workers' Council of the RTV Slovenia public institution shall be permanently invited to sessions of the Council 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.

(3) Members of the Workers' Council shall be remunerated for the work by means of attendance fee in the amount as laid down for the Council.

(4) Programme employees in editorial offices shall elect their representatives who

represent individual editorial offices in relations with the management and supervision bodies in RTV Slovenia. All employees, employed on the basis of permanent employment contracts shall have the right to vote for programme employees in editorial office. Other workers in the editorial offices shall have the right to vote provided they have been regularly cooperating with the editorial office for a period not shorter than three years.

(5) Rules of ensuring and applying editorial independence shall be defined in an agreement concerning editorial independence between the Board of Directors and representations of RTV Slovenia editorial offices and they are subject to prior consent by the Council.

(6) The agreement concerning editorial independence shall lay down the rules for the self-organisation of the editorial office, procedures of settling disputes among the Board of Directors, Council and editorial office as well as the procedures of settling disputes within the editorial office.

Article 31 (Supervisory Board)

(1) RTV Slovenia shall have a Supervisory Board of seven members. The National Assembly shall appoint three members, of which one on the proposal by the National Assembly Commission for Public Finance Control, two members shall be appointed by the Council, one member by the Government and one member by the Workers' Council.

(2) No person who does not meet the conditions for being a member of the Council or members of the Council may be appointed or elected to be members of the Supervisory Board. The member, proposed by the Workers' Council, may be employed in RTV Slovenia or its associated companies but may not perform managerial works and tasks in RTV Slovenia or its associated companies.

(3) Members of the Supervisory Board must have at least a university-level education, acquired in study programmes level II, or a level of education, which complies with level two according to the law, and at least ten years of work experience or five years of management experience in the fields which ensure relevant knowledge and experience for performing the function of supervision of public radio and television corporation.

(4) At the commencement of the duties of the office members of the Supervisory Board must have a certificate on the qualification for members of supervisory boards or management boards of companies, valid in the Republic of Slovenia.

(5) Members of the Supervisory Board shall elect from among themselves a chair and deputy chair of the Supervisory Board.

(6) The term of office for Supervisory Board members shall be four years and they may be re-appointed once.

(7) The constituting of the Supervisory Board shall be governed *mutatis mutandis* by

the provisions of this Act regarding the constituting of the Council.

(8) Provisions of this Act concerning recall, termination of appointment and replacement of a member of the Council shall apply mutatis mutandis to the recall, termination of appointment and replacement of a member of the Supervisory Board.

(9) The provisions, applicable to the members of the Council, shall apply mutatis mutandis to attendance fees and reimbursement of eligible costs.

Article 32 (powers of the Supervisory Board)

(1) The Supervisory Board shall:

- submit to the Council a proposal for appointing director-general;
- submit to the Council a proposal for dismissal of director-general and members of the Board of Directors;
- together with the Board of Directors submit the Statute to the Council to be adopted;
- oversee the operations of RTV Slovenia;
- may examine and check RTV Slovenia books of account and documentation, its cash register, stored securities and stocks of goods;
- may request from the Board of Directors any information, required for exercising the supervision;
- request from the Board of Directors a report concerning issues, related to the operations of RTV Slovenia, which have a substantial effect of the position of RTV Slovenia or it is reasonable to expect such an effect;
- on the proposal by the Board of Directors decide about the use of surplus income over expenditure;
- address and take its position regarding auditor's report which is a part of the annual report on the implementation of annual programme-business plan and programme schemes of RTV Slovenia;
- address and give consent to the proposal of annual programme-business plan and programme schemes of RTV Slovenia, prepared by the Board of Directors;
- address and give consent to the proposal of annual report on the implementation of annual programme-business plan and programme schemes of RTV Slovenia, prepared by the Board of Directors;
- the chair of the Supervisory Board shall represent RTV Slovenia in relation to the members of the Board of Directors;
- adopt its rules of procedure and appoint its working bodies in accordance with these rules of procedure;
- on the proposal by the Board of Directors adopt RTV Slovenia accounting rules and cost accounting rules, applied to keeping separate accounts;
- on the proposal by the Board of Directors make the decision referred to in Article 16 paragraph three of this Act;
- on the proposal by the Board of Directors adopt conditions for the use of the content and recordings in the archives and RTV collections of content and recordings and the fee for the access, copying or submission or use for commercial or non-commercial purposes;
- on the proposal by the Board of Directors adopt conditions and fee for issuing sublicenses for unexercised exclusive rights for special content;
- give consent to the Board of Directors Act concerning the method of registration and

temporary or permanent de-registration of broadcast receiving sets;

- give consent to the Board of Directors Act concerning detailed determination of the method of paying licence fee and the criteria for write-off, partial write-off, postponement and payment of licence fee in instalments;
- adopt the decision referred to in Article 37 paragraph two of this Act;
- give consent to proposed tariffs and conditions for transmitting programmes and services of other broadcasters via or on the infrastructure, owned by RTV Slovenia;
- address Workers' Council annual report;
- decide on other issues provided by this Act or the Statute.

(2) 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. It may be laid down in the Statute that certain decisions require higher majority.

(3) Supervisory Board shall meet at least every three months. When required by at least two of its members, the Supervisory Board shall meet as soon as possible.

(4) The Supervisory Board shall communicate its findings in writing to the Council and the Programme Committees of RTV Slovenia at least every three months and to the National Assembly of Slovenia and the minister responsible for the media once a year.

(5) Where it determines irregularities, it shall request from the Board of Directors to eliminate them. The Supervisory Board shall have the right and duty in cases of established irregularities to propose to the competent authorities to take steps within their competence.

Article 33

(incompatibility of functions and business operation of the members of the Council, Supervisory Board, Board of Directors and Ombudsman)

(1) During their term of office members of the Council, Supervisory Board, Board of Directors and the Ombudsman shall not be allowed to cooperate commercially with RTV Slovenia and its associated entities outside the scope, required for performing the function they hold.

(2) Members of the Supervisory Board, Council and the Ombudsman may not be members of management or supervisory bodies in companies, associated with RTV Slovenia.

(3) During their term of office of members of the Council, Supervisory Board, Board of Directors and the Ombudsman RTV Slovenia and its associated entities may employ or conclude cooperation contracts with their close family members only on the basis of consent by the Council and Supervisory Board.

(4) Close family members referred to in the preceding paragraph shall be the spouse or person with whom the person referred to in the first paragraph of this Article lives in an unmarried relationship or a registered same-sex partner relationship, his or her

children or adopted children and grandchildren and parents or adoptive parents, and other persons who live in the same household.

Article 34

(responsibilities of the members of management and supervisory bodies)

(1) Members of the Council, Board of Directors and Supervisory Board shall be obliged to act in accordance with diligence and responsibility standards which apply to the members of management and supervisory bodies in public limited companies. Members of the Board of Directors and Supervisory Board shall be responsible for their work in accordance with the rules, governing the responsibility of members of management or supervisory bodies in public limited companies.

(2) Members of the Council, who perform the function of management or supervision, shall be responsible for their work in accordance with the rules, governing the responsibility of members of management or supervisory bodies in public limited companies.

(3) RTV Slovenia and its associated entities may not pay the costs of insurance covering their liability, arising from performing tasks in the body where they are members, for the members of RTV Slovenia bodies.

Article 35

(public nature of operation)

(1) The operations of RTV Slovenia shall be public.

(2) Annual report on the implementation of annual programme-business plan and programme schemes shall be published in the way laid down in the Statute. The annual report must also include an analysis of the costs of the production of content, services or programmes by individual programme sectors or content.

(3) In addition to this, decisions and positions of the Council, Board of Directors and positions of programme committees for ethnic community channels and programme content and services for the Roma ethnic community, programme content and services for disabled persons, referring to the issue of ethnic community channels or programme content and services for the Roma ethnic community, programme content and services for disabled persons and reports by the Ombudsman shall also be made public.

(4) Once a year RTV Slovenia shall organise a public discussion concerning the content of the annual report referred to in the second paragraph of this Article and on the basis of the public discussion prepare a report on the public discussion and submit it to the Council.

(5) RTV Slovenia shall submit the annual report referred to in the second paragraph of this Article, the report on the public discussion and the Council opinion concerning the report on public discussion referred to in the preceding paragraph to the National Assembly to be discussed.

(6) Provisions of the act, regulating access to information of public nature, shall apply to RTV Slovenia.

Article 36
(Statute)

(1) The Statute shall lay down in particular:

- organisation of RTV Slovenia and its structuring into organisational units;
- bodies of RTV Slovenia and their competence;
- other status issues, not regulated by this Act;
- conditions for appointing and dismissing director-general and members of the Board of Directors in accordance with the law;
- conditions for appointing and dismissing managerial staff and their areas of work and responsibilities in accordance with the law;
- conditions for appointing and dismissing commissioning editors and other editors and their areas of work in accordance with the law;
- acts that have to be adopted by the Council, Board of Directors and Supervisory Board;
- other issues important for the activities and operations of RTV Slovenia.

(2) The Statute shall be published in the Official Gazette of the Republic of Slovenia. RTV Slovenia shall ensure an easy, direct and permanent access to the Statute.

IV. FINANCING, RECORDS AND OVERSIGHT OVER OPERATIONS

Article 37
(funds for RTV Slovenia's operations)

(1) RTV Slovenia shall obtain funds for performing its activities:

- from the payments of RTV licence fee;
- from performing activities that are performed within RTV Slovenia in accordance with this Act or Statute and are not part of the performance of public service;
- from profits and funds that are ensured by the participation of RTV Slovenia in the ownership or property of third parties;
- from funds disbursed from the state budget and the budget of the European Union;
- from sponsorships and donations and
- from other sources in accordance with the Act and 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 Slovenians in neighbouring countries and throughout the world and for the foreign public 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 38
(RTV licence fee)

(1) A person liable to pay a monthly licence fee (hereinafter: licence fee payers) is anyone who is able to access any transmission path to RTV Slovenia's channels that are offered as a public service and is a proprietor or a user of any equipment which enables receiving, watching, listening or any other use of transmitted and ensured RTV Slovenia channels in the aforementioned way.

(2) Persons liable to pay monthly payment shall not be those who use a transmission path where devices for receiving, watching, listening or any other use are intended exclusively for private communication and do not enable receiving RTV Slovenia channels in the same quality as stationary devices.

(3) Per one household, only one monthly licence fee can be charged for the possession or the use of any stationary device and the possession or the use of transmission devices with which transmitted or ensured RTV Slovenia channels are received, watched, listened or any other use in the same quality as with stationary devices as determined by the paragraph 1 of this Article.

(4) In areas where due 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 the use 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 that are liable for paying licence fee 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, by the cable network, or by using other technological systems.

(5) It shall be considered that the person liable for paying the license fee shall be any legal person, sole trader, or person who independently manages an activity or a natural person that is registered as a user or a payer of electrical energy from public grid, unless such person submits a written statement that he or she neither owns nor uses such devices which enable receiving, watching, listening or any other use in the manner determined in paragraph 1 of this Article transmitted or ensured RTV Slovenia channels and that he or she was informed about the legal consequences of a false statement.

(6) Whoever becomes a proprietor or a user of any device that enables receiving, watching, listening or any other use of transmitted and ensured RTV Slovenia channels as determined by paragraph 1 of this Article and has not been paying the monthly licence fee must submit appropriate data to RTV Slovenia within 30 days so that RTV Slovenia can start issuing bills for the payment of obligations to the person liable. The person liable must inform RTV Slovenia within 15 days at the latest about any changes of the address or registered office or any other changed information that influences the size, amount and conditions of the obligations of the person liable. Adequate information or information that influences on the size, amount and conditions for the person liable from this paragraph are the following: name and last

name, tax number and the type of receiver and the number of receivers according to the purpose of its use for persons liable that are not natural persons.

(7) 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 fifth paragraph of this Article. RTV Slovenia also calls sole traders, individuals who independently manage an activity and legal persons notwithstanding the fact that they are users or payers of electrical energy in public grid to sign the statement.

(8) In the event that a person from paragraph 5 or 7 of this Article does not submit a statement within 15 days from the day when RTV Slovenia called with a written notice to report receivers or does not respond appropriately in other way, it is considered that this person has become liable for paying the licence fee on the first day of the first month in the following calendar month after the end of the aforementioned closing date. A legal person, sole trader and an individual who independently manages an activity becomes a person liable to pay one RTV licence fee for receivers in public use.

(9) For the purpose of calculating the licence fee, sole traders, individuals who independently manage an activity and legal persons must report a registered company vehicle with a radio or within 15 days from the notice by RTV Slovenia submit a statement that they do not have receivers in company vehicles. In the event that sole trader, individual who independently manages an activity and legal persons does not report or submit a statement that he or she does not have receivers in company vehicles within 15 days from the notice on reporting the receivers, it shall be considered that he or she has become a person liable for paying the licence fee on the first day in the first following calendar month in accordance with Article 39, paragraph 1, Item 1, sub-item c) for the number of radios that is the number of his or her company vehicles.

Article 39

(the amount of the licence fee for contents, channels and services of RTV Slovenia related to performing public services by the RTV Slovenia)

(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 EUR 12 for all devices that enable receiving radio or television channels, services and contents of RTV Slovenia and are used personally or together with the members of the household;

b) if a person liable has just one or more radio receivers for private use, but has no other devices that would enable reception of television channels, contents or services, they shall pay EUR 3.55;

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 and individuals who independently manage an activity but for each receiver, if the receiver is intended exclusively for personal use of employees or sole trader or individual who independently manages an activity.

2. for public use:

- a) legal persons, sole traders and individuals who independently manage an activity and have receivers in their commercial units such as: catering establishments, hotels, tourist accommodations, shops, restaurants and similar and are intended for public use shall pay a monthly licence fee of EUR 34 for one commercial unit in which such receivers are located, for a larger number of commercial units for each unit the licence fee determined by this item is reduced by 30%;
- b) if a commercial unit referred to in the preceding item has only radio receivers, but no other devices that would enable reception of television channels, the monthly licence fee shall amount to EUR 12.74;
- c) hotels and other tourist enterprises shall pay for the first 10 television receivers or devices enabling reception of television channels in hotel rooms the monthly licence fee of EUR 51 and EUR 2.53 for each additional such receiver.

(2) The amount of the licence fee is determined on the basis of the adjustment with consumer price index for each year considering data from the previous year. The amount of adjusted amounts of the licence fee shall be determined by the Supervisory Board with a decision. The adjusted amounts shall be calculated from the beginning of April of the current year onwards by the end of March of the following calendar year.

(3) Upon the proposal by the Supervisory Board with which the Council agrees, the Government can change the amount of the licence fee up to 10 percent if there are founded economic reasons but no later than by September 1 of the current year for the following year.

(4) The payment of the contents, services and channels that are not ensured within the framework of performing public services of RTV Slovenia shall be calculated in the amount determined by the Board of Directors in accordance with this Act.

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

- socially disadvantaged 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;
- persons who are mentally and physically handicapped;
- organizations for the protection of children, schools, hospitals, institutions for institutional care and disability organizations – for receivers that are used for educational purposes or for the entertainment of those in care, students and patients when the activity is a non-profit one;
- diplomatic and consular representative offices on the basis of reciprocity.

(6) Socially disadvantaged persons referred to in the first indent of the preceding paragraph shall be deemed to be:

- receivers of social benefits as the only source of maintenance according to regulations that regulate social security benefits;
- receivers of emergency cash assistance according to regulations that determine social security benefits;

- receivers of minimum pension support according to regulations that determine social and pension support.

(7) Persons from the previous paragraph may demonstrate the eligibility for the exemption from payment of the licence fee only with an enforceable decision from the authority which recognizes the right to social security benefits from the previous paragraph of this Article.

(8) Persons liable referred to in from the second to the fifth indent of the paragraph 5 of this Article may claim exemption from payment of the licence fee only on the basis of a decision from the competent authority that determines the degree of disability or impairment of the person liable.

Article 40
(personal information)

(1) 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 free of charge to RTV Slovenia.

Article 41
(use of records)

(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 42
(collecting personal data)

(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 44, and in indents 1, 2, 3, 4 and 8 of the second paragraph of Article 44 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 or individuals who independently manage an activity, and on their address or registered office 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 43
(RTV Slovenia records)

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 with at least the same quality as the terrestrial network;
- records of non-payers.

Article 44
(contents of the records)

(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 or individuals who independently manage an activity shall contain the following data:

- title of the company or sole trader or individuals who independently manage an activity;
- address or registered office;
- number of current 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 paragraphs 1 and 2 of this Article shall be stored for ten years following cessation of the status of liable person or non-payer.

(4) With the data from indent 3 of paragraph 1 of this Article shall be treated according to the Act that regulates tax procedures.

Article 45
(accounting and paying of the licence fee)

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.

Article 46
(oversight over the operations of the RTV Slovenia)

- (1) Oversight over the operations of RTV Slovenia shall be conducted by bodies authorised by the Act.
- (2) Court of Audit of the Republic of Slovenia shall be competent for the oversight over the accuracy and advisability of the operations, revision of the documents about operating and documents about planned operations of RTV Slovenia.
- (3) In addition to people authorised on the basis of the Act, the Government is authorised to exercise the responsibility of the members of the management and supervisory bodies in accordance with Article 34 of this Act.
- (4) Each year by June 1, the Supervisory Board shall obtain the report of an auditing firm for the annual report on the implementation of an annual programme and business plan and programme listings of RTV Slovenia and for financial statements in accordance with the provisions determined by the Act regulating auditing.
- (5) Authorised auditor or auditing firm, in addition to the reasons determined by the Act that regulates auditing, must not perform tasks of auditing in RTV Slovenia if the person has had any type of business cooperation with RTV Slovenia or related person in the past two years prior to the implementation of the auditing. RTV Slovenia and related persons must not cooperate in business matters with the chosen authorised auditor or auditing firm two years after the receipt of the auditing report.

V. SALARIES AND BONUSES

Article 47
(salaries and bonuses)

- (1) Payment system of the employees at the RTV Slovenia shall be determined by a Collective Agreement of the RTV Slovenia that shall be stipulated by the Board of Directors after obtaining a prior agreement from the Supervisory Board and representative unions at RTV Slovenia.
- (2) The highest annual amount of payment for working at RTV Slovenia disbursed from funds received for performing activities of public service that is received by an employee at RTV Slovenia shall not exceed the sum of basic salary of the Prime Minister on an annual level.
- (3) RTV Slovenia employees may be disbursed with an annual bonus for effectiveness after the coverage of all expenses of operating for the previous year and may be approved by the Supervisory Board. The basis for the calculation of annual bonuses is a surplus of revenues over the expenses that are acquired from operating activities that are not a part of public service and are disclosed after the coverage of deficit of revenues from public service. Annual bonus shall not exceed 10 percent of the basis from the previous sentence. The amount of 40 percent of the entire sum approved for disbursement of annual bonus for performance shall be distributed among all employees working at RTV Slovenia in proportion to the

payment they have received in the previous year. The Board of Directors shall distribute the remaining amounts to its discretion in the following six months. Members of the Board of Directors shall not be entitled to a bonus according to this paragraph.

(4) Members of the Board of Directors may be disbursed an annual bonus for effectiveness that shall be approved by the Supervisory Board up to five percent in total of the basis from the previous paragraph of this Article. This bonus may be disbursed to the members of the Board of Directors after the coverage of all operating expenses of RTV Slovenia for the previous year if annual bonuses for effectiveness of the employees have been previously approved. A total amount of the bonuses for annual effectiveness to all members of the Board of Directors shall not exceed 50 percent of the amount that is intended for disbursement of annual bonuses to the employees. The amount of the bonus to which the member of the Board of Directors is entitled shall be determined by the Supervisory Board.

(5) Members of the Supervisory Board may be disbursed an annual bonus for effectiveness that shall be approved by the Council up to 2.5 percent in total of the basis from the third paragraph of this Article. This bonus may be disbursed to the members of the Supervisory Board after the coverage of all operating expenses of RTV Slovenia for the previous year if an annual bonus for effectiveness of the Board of Directors has been previously approved. A total amount of the bonuses for annual effectiveness to all members of the Supervisory Board shall not exceed 50 percent of the amount that is intended for disbursement of annual bonuses to all members of the Board of Directors. The amount of the bonus to which the member of the Supervisory Board is entitled shall be determined by the Council.

(6) Members of the Board of Directors, members of the Supervisory Board, commissioning editors, editors and executives shall not be eligible to a bonus for months in which they have not completed their monthly obligations of ensuring the quotas of contents determined by this Act for RTV Slovenia in Article 6, paragraph 2 and the Act that regulates media and media services. The aforementioned persons shall not be eligible to annual bonuses in the event that RTV Slovenia has not met its annual obligations determined by Article 6 paragraph 2 or has not met its monthly obligations of the aforementioned quotas of contents three or more times in one year.

(7) RTV employees shall be entitled to an allowance for being bilingual in the event that they work in the areas with Italian and Hungarian ethnic communities, where Italian and Hungarian language is also the official language and if the knowledge of Slovenian and the language of the ethnic community is the condition for performing their work or function. The allowance shall be calculated in the amount of 3 to 15 percent of the employee's basic salary.

VI. PENALTY PROVISIONS

Article 48

(1) A fine for a misdemeanour of between EUR 4,000 and EUR 25,000 shall be imposed on RTV Slovenia for:

- publishing a political ad or any other form of political propaganda without naming the commissioner (Article 10, paragraph 4 of this Act),
- publishing religious propaganda (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 calling the elections (sixth paragraph of Article 12).

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

Article 49

(1) A fine for a misdemeanour of between EUR 150 and 500 shall be imposed on an individual who has a receiver and has supplied a false statement referred to in the fifth paragraph of Article 38 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 EUR 500 and 25,000 and the responsible person of such legal person shall be fined between EUR 500 and 2,000.

(3) If the misdemeanour referred to in the first paragraph of this Article is committed by a sole trader, or an individual who independently manages an activity, such trader shall be fined between EUR 500 and 2,000, and the responsible person of such trader shall be fined between EUR 150 and 500.

Article 50

(1) A fine between EUR 100 to 250 shall be imposed on an individual who acts counter to Article 38 paragraph 6 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 EUR 500 and 4,000 and the responsible person of such person shall be fined between EUR 150 and 500.

(3) If the misdemeanour referred to in the first paragraph of this Article is committed by a sole trader, or an individual who independently manages an activity, such trader shall be fined between EUR 500 and 1,000, and the responsible person of such trader shall be fined between EUR 150 and 500.

Article 51

(implementing oversight)

The implementation and oversight over the implementation of provisions in Articles 10 and 11 of this Act shall be carried out by the Inspectorate competent for the media, the implementation and oversight over the implementation of provisions in Article 12 of this Act shall be carried out by the inspectorate competent for internal affairs and the implementation and oversight over the implementations of provisions in Article 38 of this act shall be carried out by the market inspectorate.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 52
(status transformation)

(1) On the day of entrance into force of this Act, the Public Institute Radio television Slovenia shall be transformed into an independent legal person of public law according to this Act. The registration of the transformation into the Register of Companies shall be carried according to ex officio.

(2) RTV Slovenia is a legal successor of Public Institute of Radio Television Slovenia.

Article 53
(the formation of the bodies after the status transformation)

(1) Members of the Council shall be appointed within 90 days after the entrance into force of this Act. The members of the Supervisory Board shall be appointed within 15 days after the first meeting of the Council. Members of the Board of Directors shall be appointed within 60 days after the formation of the Supervisory Board. Members of the Programme Committees shall be appointed within 90 days after the formation of the Council.

(2) The first session of the Council 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 Council and Supervisory Board have been appointed or elected. The first session of the Programme Committees shall be called by the director-general within 15 days after the appointment of the Programme Committees at the latest.

(3) Until the formation of the Council, the tasks of the members of the Council shall be performed by the existing members of the Programme Council of the Public Institution Radio Television Slovenia. Until the formation of the Supervisory Board, the tasks of the members of the Supervisory Board shall be performed by the existing members of the Supervisory Board of the Public Institution Radio Television Slovenia. Until the appointment of the majority of the members of the Board of Directors the tasks of the Board of Directors shall be performed by the director-general of the Public Institution Radio Television Slovenia or his or her deputy person. Until the appointment of the members of Programme Committees, the tasks of the members of Programme Committees according to this Act shall be performed by the members of appropriate existing programme committees of the Public Institution Radio Television Slovenia. In the period determined by this paragraph, all the aforementioned bodies and its members shall perform only those tasks that are necessary for smooth current businesses and functioning of RTV Slovenia.

(4) Until the formation of the Council, the director of radio and director of the television of the Public Institution Radio Television Slovenia or their deputies shall continue working as acting managers of executives according to this Act and with competencies in accordance with the provisions of the Statute of the Public Institution Radio Television Slovenia (Official Gazette no 106/06) and commissioning editors. After the formation, the Council shall appoint the acting director of radio, the director of television and commissioning editors that carry out current tasks according to the competencies determined by this paragraph until the appointment under this Act.

Article 54
(the adoption of the Statute and other Acts)

(1) RTV Slovenia shall adopt a new Statute in accordance with the provisions of this Act within eight months after the entrance into force of this Act at the latest.

(2) Other regulations whose adoption shall be determined by this Act must be adopted within one year after the entrance into force of this Act at the latest.

Article 55
(transfer of the assets)

(1) Assets of the Republic of Slovenia with which RTV Slovenia was managing on the day of the enactment of this Act shall be transferred to RTV Slovenia free of charge.

(2) The transfer of assets from the previous paragraph of this article shall be carried out through a contract between the Government and RTV Slovenia within three years from the enactment of this Act.

(3) The entry of the property right to the real property assets into the Land Register shall be carried out on the basis of the previous paragraph according to ex officio.

Article 56
(taxation status of RTV Slovenia)

Until the regulation of the taxation of RTV Slovenia in the Act that regulates corporate income tax, RTV Slovenia shall be considered the person liable for the purpose of the Act that regulates corporate income tax and is referred to in the Article 9 of the Corporate Income Tax Act (Official Gazette No. 117/06, 56/08, 76/08, 5/09, 96/09 and 43/10).

Article 57
(the status of the employees during the transformation)

(1) Until the stipulation of the Addendums to the Collective Agreement of the Public Institute of RTV Slovenia and to Collective agreement for Professional Journalists, RTV Slovenia shall use the provisions of the existing Collective Agreement of RTV Slovenia, the provisions of the existing Collective Agreement for professional journalists, applicable act that regulates the salary system in the public sector, the provisions of the existing collective agreement for the public sector and applicable Decree by the Government and internal regulations of RTV Slovenia that are adopted on the basis of the aforementioned rules and regulations.

(2) RTV Slovenia shall ensure continuation of payments of unreduced premiums of voluntary additional pension insurance of all employees at RTV Slovenia.

(3) On the day of enactment of this Act, the employees at RTV Slovenia shall keep their job posts they were holding on the day of enactment of this Act, and their employment contracts shall remain valid. The changes to the employment contract

shall be discussed by the Board of Directors with the representative unions of RTV Slovenia through a social dialogue.

Article 58
(cessation of the validity of previous regulations)

(1) On the day this Act enters into force, the Radio and Television Corporation of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 96/05, 109/05 – ZdavP-1B, 105/06 – decision by the Constitutional Court and 26/09 – ZIPRS0809-B (31/09 corr.)) shall cease to be valid.

(2) On the day this Act enters into force, Article 43 of the Republic of Slovenia Budget for 2010 and 2011 Implementation Act (Official Gazette nos. 99/09 and 29/10) shall cease to be valid.

(3) On the day this Act enters into force, the Statute of the Public Institution Radio Television Slovenia (Official Gazette No. 106/06), Rules on the criteria for write-off, partial write-off, postponed payment and payment by instalments for the RTV Slovenia channels (Official Gazette of the Republic of Slovenia No. 94/06) and the Rules on the manner of registration and deregistration of radio and television sets and the manner of paying the user fee for radio and TV programme broadcastings (Official Gazette of the Republic of Slovenia No. 75/04) shall cease to be valid.

(4) Regulations from the previous paragraph shall be used until the adoption of adequate regulations on the basis of this Act in the event they are not counter to this Act.

Article 59
(entrance into force)

This Act enters into force on January 1, 2011.