

# Audiovisual production in Slovenia – facts and figures

by

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## TV and film production

In comparison with the situation in EU Member States, in Slovenia, the production, distribution and circulation of cultural goods in the Slovene language is poorly developed and highly dependent on budgetary resources. The independent audiovisual production sector in Slovenia only started to develop recently. Its main actors are various types of legal entities whose main interest is not so much economic, as it is their creative aspiration. Regardless of their present legal status, these entities are, as a rule, economically weak and, as such, limited in their production plans.

They largely depend on public funding and receive commissions mainly from the national TV station, given the fact that private TV stations only rarely decide to include works of independent producers in their programmes, which are dominated by cheaper and - for their target population - more attractive non-European productions. The process of structural adjustment is also held back by the limited private capital market, as well as the limited language domain for which independent production is designated.

In recent years, Slovene cinematography has produced between four and six feature films annually. Approximately 150 Slovene feature films have been made so far, plus a few hundred documentaries and short films. There are more than 30 production companies in Slovenia, and films are screened in around 90 cinemas. Two film studios are indispensable for Slovene film production: a public institution, Viba Film Studio, and the Video Production Kregar Studio (VPK Studio). There are three film associations: the Association of Slovene Filmmakers, the Slovene Film Directors Association and the Association of Slovene Film Producers. Independent video productions, experimental and animated films are also important Slovene contributions to European productions and co-productions.

In Slovenia, a 'cinema system' that was co-financed by the state arose only after the Second World War.

## The media landscape in Slovenia, support mechanisms and European works

A huge number of electronic media outlets exist in a country with only two million viewers and listeners. There are also few differences in the programme content that is broadcast on 41 TV and 86 Radio channels. The result is that, although Slovenia has a relatively large number of broadcast media, it does not necessarily have a corresponding amount of quality domestic productions or diverse programming. Documentaries, and arts and education programmes are almost completely absent from commercial programming. Most domestic programming

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is cheap in-house production, such as talk shows, television interviews, roundtables, and music videos.

The '**Television Without Frontiers**' Directive (TVWF Directive) is the cornerstone of the European Union's audiovisual policy. It rests on two basic principles: the free movement of European television programmes within the internal market and the requirement for TV channels to reserve, whenever possible, more than half of their transmission time for European works ("broadcasting quotas"). Broadcasters must also reserve at least 10% of their transmission time or 10% of their programming budget for European works from independent producers. Studies show that the scheduling of European works has stabilized in member states at a level of over 60% of total transmission time. The proportion of works by independent producers broadcast has substantially increased on all European channels – to about 30 %.

TWF provisions are reflected in the national Mass Media Act (as amended in October 2006). Administrative and inspection supervision of the implementation of the Mass Media Act is conducted by the Ministry responsible for culture.

- Broadcasters should reserve a majority proportion of their transmission time for European productions. If such quotas are not met, a minimum of 20% must be met, with a compulsory annual increase of European productions broadcast. (Article 89)
- Broadcasters should reserve 10% of their transmission time for European productions from independent producers. If this quota is not met, there is a compulsory annual increase in broadcasting European productions from independent producers. (Article 90)
- Broadcasters must reserve at least 2% of their annual transmission time for Slovene productions. This proportion must be increased annually until it reaches 5% (Article 87).
- Broadcasters should annually report programming quotas. A report is due in February 2007 (Article 91).

The main broadcasting regulatory bodies today are the Ministry of Culture, which includes the Media Inspector and the Ministry's Directorate for Media (established in autumn 2004); the Agency for Post and Electronic Communication (APEK); and the Broadcasting Council (SRDF).

The Ministry for Culture and its Media Inspector monitor broadcasters' compliance with the conditions of their broadcaster's license. The Broadcasting Council can also propose that the APEK monitor a certain station. Monitoring of television channels and their programmes is performed by the APEK in accordance with a bi-annual plan submitted to the Broadcasting Council. However, in 2006, the APEK monitored only 29 channels and analyzed 133 days of radio and TV broadcasting. Although lack of personnel and technical capabilities may explain this lack of monitoring and regulatory control, the fact that only a few television channels out of 41 were monitored in the last two years leaves plenty of opportunity for possible breaches of regulation. In fact, of the few monitored channels, seven failed to meet the mass media law quotas mentioned above.

### **The Slovenian Film Fund.**

The Slovenian Film Fund (SFF) was established as a public fund in 1994 by the state for the purpose of implementing a national cultural programme in film production and post-production, and the organization of film festivals and expert film awards. Half of the fund's financial resources are guaranteed by the state, while the other half is obtained from film distribution. In the ten years of its existence, SFF has supported approximately 40 feature films. According to the Ministry of Culture, the Slovenian Film Fund is the chief financier of realization and promotion, and increasingly, of project distribution, completely alienated from the way

and quality of film placing, as well as from the very marketing sale of films, and thus there is no effective legal basis for at least the partial reimbursement of public investments.

The SFF may (according to Law on the Slovenian Film Fund) also create its own revenues from the marketing of films whose production is financed with public funds (4.5m EUR in 2006). For this reason, the SFF recently demanded partial 'ownership' and the partial transfer of AV producers' material rights to films. This transfer should be individually determined in future contracts with producers. Slovene filmmakers are currently protesting against the Slovene Film Fund and the Ministry of Culture, demanding the resignation of the director of the Slovene Film Fund. The association accuses them of the misuse of power over Slovene film production, which has declined sharply.

The SFF already collects compensation for the use of films in TV broadcasting and cinemas and can (according to the Law on the Slovenian Film Fund) also create its own revenues from the marketing of films whose production is financed with public funds (4.5m EUR in 2006).

**The Ministry of Culture financed 27** audiovisual media projects in 2006. Their funding totaled 686.446,00 EUR. The media fund, established with the new Mass Media Act, also provided broadcasters with some additional subsidies for AV production. A total of €4m EUR was distributed among various printed and electronic media. One of the most important criteria for the distribution of Media fund subsidies is unbiased political reporting.

## Copyright

The Copyright and Related Rights Act of 1995, as last amended on December 15th 2006, grants AV producers a number of exclusive rights - reproduction, distribution, rental, broadcasting and communication to the public, and the right to make available to the public. AV authors and performers' rights are transferred to an AV producer (or employer) on the basis of individual contractual agreements. It is hard to determine how effective the independent AV producers are when negotiating with broadcasters. Most broadcast AV works by independent producers in Slovenian TV programming are music videos. The free use of these in TV broadcasting may have sufficient promotional value for some AV performers (who usually also take on the role of AV producers), but it may seem unfair to other authors, performers and even phonogram producers involved in the creation of such music videos.

According to the Copyright and Related Rights Act, private copying and cable retransmission remuneration rights are subject to collective management.

The exercise of the cable retransmission right (following Directive 93/83 of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission - the cable and satellite directive) is entrusted to collective management associations societies. The Directive establishes the principle of compulsory collective management: the collecting societies will manage the cable retransmission right of their members as well as of non-members to the extent that they correspond to the category of right holders whom the society represents (Article 9, 2). There is no such collective organization in Slovenia. A temporary license to collect cable retransmission royalties was however granted to SAZAS (a collective organization of music authors). SAZAS has concluded a licensing agreement with AGICOA (the Association of International Collective Management of Audiovisual Works) in the year 2000, but is not a member of AGICOA, since the organization does not represent actual copyright holders. In the course of 2006, the AGICOA Group has collected a total of 437,005 EUR in royalties generated by integral simultaneous retransmissions in Slovenia (741,985 EUR in 2005). It is impossible to determine how effective the collection process is. The Ministry of Culture has no data on programmes on cable retransmissions by individual cable operators, and APEK cannot provide the number of actual cable subscribers, since (according to cable

operators), the data is considered confidential business information, hence not to be made available to the public.

According to AGICOA, distribution to Slovene AV copyright holders for 2001/2004 has been completed, although some adjustments may follow. Copyright holders are still entitled to make a claim on request. Generally, three years after the first distribution, unclaimed funds are distributed on a pro rata basis to the copyright holders who have already received prior payments, for the territory and period concerned. The 2005 distribution is planned for 2007, while the 2006 distribution is to be planned, since funds have not yet been received. No Slovenian broadcasters are on the AGICOA channels list.

Slovene AV producers are not included in the distribution of royalties and are largely unaware of the role and scope of the AV collective rights management. The collection and distribution of royalties from cable retransmission are not reported to Slovene copyright holders, for the obvious reason that, at present, there is no one to report to.

As mentioned earlier, private copying is also subject to collective management. According to the Copyright and Related Rights Act of 1995, the blank tape levy is set by the Governmental Decree of 2006, which followed the decrees of 1997 and 1998. No collecting organization is currently authorized to collect royalties from private copying, following the termination of the AAS temporary mandate, which ended on June 30th 2006.

The Slovene blank tape levy tariff is currently among the lowest in the EU, according to the International Survey on Private Copying (2007).

Austria	0.36
Italy	0.58
Hungary	0.22
<b>Slovenia</b>	<b>0.15</b>

Collection has never been made from non-exclusive carriers and devices.

## **New media**

According to the Agency for Post and Electronic Communications, the rise in broadband connections in Slovenia has been much faster than the EU average. A recent report by Telecompaper showed that Slovenia is in the global top twenty relative to per-capita broadband penetration, with 32 broadband connections per 100 households. It is also poised to overtake the United States next year, which currently has 33 broadband connections per 100 households. Film piracy is considered to be the main driving force behind the boom in broadband internet penetration. Unfortunately, not much has been done about this.

Many Slovenian online video archives are available, offering mainly clips from TV productions and private videos. Two major ones have been established, by the national TV, and the biggest commercial station, POP TV. Slovenia is also one of the more mature markets for IP-based digital TV; IPTV services have been available in Slovenia since early 2004. RTV Slovenia (and many other TV stations) simulcast their programming on p2p network and in Windows Media or Real Audio format. Archives of national TV programming are also available online.