

Brussels, 3 February 2025

*Dear Commission President Ursula Von Der Leyen,
Dear Executive Vice-President Henna Virkkunen,
Dear Commissioner Michael McGrath,*

On 31 December, the Slovenian government adopted a proposal for the new Media Act, introducing several alarming changes. The proposed Act was approved during a correspondence session on New Year's Eve, seemingly to avoid public scrutiny, and will now move to the National Assembly. This proposal poses a significant threat to freedom of speech, media independence, and the fundamental principles of the rule of law in Slovenia..

There are many issues with the proposal, but some of the main problems with the law are its vagueness and subjectivity, the transfer of judicial powers to inspectors, government control over state aid conditions, and a lack of clear definitions and criteria.

Transfer of judicial powers to inspectors:

The proposed legislation transfers certain powers traditionally held by the police, prosecution, and judiciary to inspectors from the Ministry of Culture and the Agency for Communication Networks and Services (AKOS). These inspectors would have the authority to investigate and penalize violations related to incitement of violence, hate speech, or terrorism—offenses already addressed under the Criminal Code, where the police and prosecution are the designated authorities. While addressing these serious criminal activities is essential, such matters should remain under the jurisdiction of the judiciary to ensure due process and impartiality.

Additionally, the law lacks clear criteria to guide inspectors in their decisions, leaving these judgments to their subjective discretion. This absence of clear guidelines raises significant concerns about consistency, fairness, and the potential for misuse of authority. Under the proposed law, inspectors would also have the power to penalize individuals, including those critical of the government on social media, further amplifying concerns about potential government overreach.

Politicized allocation of state funding:

The Act enables the government to arbitrarily determine conditions for granting state aid and advertising funds, increasing the risk of political favoritism and compromising media independence. The law explicitly states that the government may "further specify special conditions and criteria for the allocation of financial assistance," allowing direct government interference in the distribution of public funds and advertising revenue.

The proposed Media Act is highly alarming, as it directly undermines the principles of the European Media Freedom Act (EMFA), which was designed to safeguard media independence, protect freedom of expression, and prevent abuses of power that threaten these fundamental values.

This letter highlights only two of the most critical issues that threaten media freedom and the rule of law. However, the draft Act as a whole is vague and raises numerous additional concerns.

We call on the European Commission to urgently address these issues and take all necessary measures to ensure that Slovenia adheres to EU principles of media independence, freedom of expression, and the rule of law. The Commission's swift response is essential to prevent a serious erosion of fundamental rights and democratic values in Slovenia.

We look forward to your response.

Yours sincerely

Slovenian delegation of the EPP Group

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