

SLOVENIA



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| Name of Regulatory Authority | Agencija za komunikacijska omrežja in storitve Republike Slovenije |
| English version | Agency for Communication Networks and Services of the Republic of Slovenia |
| Abbreviation | AKOS |
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Basis for operation

Legal framework

- Regulatory Competences:
 - Electronic Communications Act & Digital Broadcasting Act (electronic communications, broadcasting spectrum management)
 - Mass Media Act (broadcasting content & monitoring)
 - Audiovisual Media Services Act (AVMS)
 - Act on RTV Slovenia (PSB)
 - Postal Services Act
 - Railway Traffic Act
- Organization:
 - Decision establishing AKOS
 - Statutes of AKOS
- HR & Payment:
 - Labour Act
 - Public Administration Employees Act (general part only)
 - Public Sector Salary System Act
- Legal Procedures:
 - Administrative procedures Act
 - Supervision Act
 - Administrative Disputes Act

General remit AVMS radio networks and infrastructures
 Others (postal services, railway services)

Funding mechanisms ⁱ licence fee industry fee state budget
 mixed funding (please specify):
 other (please specify):

Composition

The bodies of the AKOS are the **Agency Council** (as of end of January 2014) and the **Agency Director**.

The Agency Council is authorised to give opinions to the programme of work, the financial plan and the annual report of AKOS; approve the statute adopted by the Agency Director; propose the appointment or dismissal of the Agency Director; propose a temporary prohibition on the performance of functions by the Director; propose the early dismissal of members of the Agency Council. The Members of the Agency Council or persons authorised by the Agency Council may inspect the business accounts as defined in the Slovenian Accounting Standards and the AKOS' accounting documents. Upon every such request by the Agency, the Agency director must submit to the Council a report on the operations of the Agency and any other information that the Agency Council requires in order to carry out its functions. The Agency Council may suggest improvements in the operation of the Agency to the Agency director, as well as point out to him any irregularities in the AKOS operations and notify the competent bodies of these irregularities.

The Agency Director represents and presents AKOS; manage its operations and organise its work; adopts the statute, the programme of work, the financial plan and the AKOS annual report; manages procedures and gives authorisations to manage procedures in matters relating to the AKOS competencies; issues individual acts and adopts general acts and recommendations relating to the AKOS competencies; safeguards the business secrecy of AKOS; works with the Agency Council and area related advisory councils (SEK and SRDF) in accordance with their competencies; is liable for any damage caused by negligent or unlawful conduct on his part, under the general rules of liability for damages.

AKOS work is closely related also to the Electronic Communications Council (SEK) and the Broadcasting Council (SRDF), which are independent expert bodies with certain competencies in the field of electronic communications and electronic media. AKOS is committed to providing the administrative and financial support for their activities.

Agency's Council

Term of office: 5 years

Re-election possible

Number of members: 5

Proposal of members: Government

Appointment of members: Government

The Agency Council is comprised of five members, one of whom is a representative of the Electronic Communications Council, and proposed by the latter Council itself. Others are recruited via public appeal to serve as Agency Council members.

All the members are appointed by the Government. In appointing the candidates recruited via the public appeal the Government uses the criteria of professional competence and qualifications. In appointing the candidate who represents the Electronic Communications Council, the Government only verifies that the basic conditions required for the members are met (such as citizenship, education, or that they haven't been convicted by final judgement of a criminal offence etc.) The chairman of the Agency Council is elected by the members of the Agency Council from among them, with a majority of votes and by a secret ballot.

Revocation of mandate possible:

based on:

A member of the Agency Council can be subject to early dismissal if he or she: so requests; no longer meets the conditions for the appointment laid down by law; permanently loses the working capacity to hold office; if the position of incompatibility referred to in law arises (e.g. if she or he becomes member of political parity, public officials, member of management boards of entities within the area of AKOS competencies etc.). Judicial protection in the form of an administrative dispute may be claimed against a decision on dismissal.

Chairman: **Aleš Ivković**

(if not applicable, name Director General)

Vice Chairman:

Agency's Director: **Ms. Tanja Muha (Acting Director)**
(Individual decision-making body)

Proposal of the Director: Government

Appointment of the Director: Government

Term of office: 5 years

Re-election possible:

The Agency Director is appointed by the Government at the proposal of the Agency Council and after a public competition. The public competition is published in the daily press, the Official Gazette of the Republic of Slovenia and on the AKOS website. It must be published no more than 90 and no less than 60 days prior to the expiry of the term of office of (the former) Agency's Director. The public competition is held by a special competition commission appointed by the official council. There is no appeal against an appointment decision. Judicial protection in the form of an administrative dispute may be claimed, where the competent court shall decide on the matter as a matter of priority. If the director passes away or is dismissed, or if his term of office has expired and a new director has not been appointed yet, the Government appoints an acting director, without a public competition, to serve until the appointment of a new director but for no longer than six months.

Revocation of mandate possible:

Based on: if she or he so requests; if she or he no longer meets the conditions for appointment; if she or he permanently loses the working capacity; if the Court of Audit of the Republic of Slovenia issues a call for her or his dismissal. The Government shall dismiss the director at its own initiative or at the proposal of the Agency Council if the reasons referred above arise. The director must be informed of the reasons for his early dismissal and must be given the opportunity to respond to them. The Government shall dismiss the director by administrative decision, where it must explain the reasons for its decision. The provisions of the act governing the employment of public officials apply Mutatis mutandis. There is no appeal against the Government decision possible. Judicial protection in the form of an administrative dispute may be claimed, where the competent court shall decide as a matter of priority. The Government shall make information on the dismissal of the director public. If this information does not contain a statement of grounds for all the reasons for dismissal, the Government must, at the request of the dismissed director, publish the decision in full on its website.

Number of AKOS staff: 78 (in total, for all 4 areas of work: EC, BC, PS, RS)

Competences

| | | national | regional | local |
|----------------------|-----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Granting of licences | terrestrial analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | terrestrial digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | satellite analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | satellite digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | cable analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | cable digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Others (please specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please add any other relevant information:

All the broadcasters get the platform neutral broadcasting licence. Beside that the broadcasters delivering their services via the terrestrial platform have to acquire the radio frequency licence (FM) or the licence for digital broadcasting (DTT).

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|---------------------------|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Granting of registrations | terrestrial analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | terrestrial digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | satellite analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | satellite digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | cable analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | cable digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Others (Non-linear AVMS service providers; operators of delivery platforms): | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

In the areas where your authority is not competent to grant declarations, please specify the authority in charge:

Please add any other relevant information:

Frequency allocation

| | | | | |
|----------------|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Supervision of | private broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | public broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Others (local, regional, student and non-profit radio/TV stations with status of special significance) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Note that AKOS has the competencies over monitoring of PSB, but only in certain areas. AKOS monitors the compliance of the PSB services with general programme standards and obligations (EU quotas, commercial communications, protection of minors), while the fulfilment of the PSB mission is monitored by the Programme Council and the Supervisory Council of RTV Slovenia.

Handling complaints

Sanctioning issue warning impose fine demand to broadcast announcement
 revoke licence suspend licence reduction in the licensing period
 suspend a programme / broadcast
 other (please specify):

Rule making codes rules (please specify): detailed elaboration of legal provisions on product placement, protection of minors, on licencing of radio and TV broadcasters, on notification of non-linear AVMS – all via statutory acts adopted by AKOS
 other (please specify): methodology of monitoring and classification of programmes

Consultative powers please specify the areas covered: all areas within the AKOS' remit

Power of nomination please specify:
(e.g. chairman of PSB)

Monitoring programming
 financial performance
 others (please specify):

Others Please specify:

Please add any information you deem important:

ⁱ By "licence fee" we refer to the public service licence fee usually paid by the entire population, whereas the term "industry fee" implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.