



4.29. SI – Slovenia – National legal summary⁵⁸⁸

4.29.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- Zakon o avdiovizualnih medijskih storitvah ZAvMS, Uradni list RS, št. 87/11, 84/15 in 204/21⁵⁸⁹ (Law on Audiovisual Media Services – Law on AVMS)
- *Zakon o varstvu potrošnikov pred nepoštenimi poslovnimi praksami* (Law on the Protection of Consumers against Unfair Commercial Practices⁵⁹⁰)
- *Zakon o zdravstveni ustreznosti živil in izdelkov ter snovi, ki prihajajo v stik z živil*⁵⁹¹ (Act Regulating the Sanitary Suitability of Foodstuffs, Products and Materials Coming into Contact with Foodstuffs)
- *Zakon o varstvu potrošnikov*⁵⁹² (Consumer Protection Act)

Secondary legislation:

- *Splošni akt o metodologiji nadzorstva avdiovizualnih medijskih storitev, radijskih programov in platform za izmenjavo videov*⁵⁹³ (General Act on the methodology for the supervision of audiovisual media services, radio programs and video-sharing platforms)
- *Splošni akt o izvensodnem reševanju sporov med uporabniki in ponudniki platform za izmenjavo videov*⁵⁹⁴ (General Act on out-of-court dispute resolution between users and providers of video-sharing platforms)
- Splošni akt o promocijskem umeščanju izdelkov in sponzoriranju⁵⁹⁵ (General Act on product placement and sponsorship)

⁵⁸⁸ The factsheet on Slovenia incorporates feedback received from Igor Žabjek, Head of the Monitoring Department at the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS), during the checking round with the national regulatory authorities.

⁵⁸⁹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6225>. Law amended by the Act amending and supplementing the Act on Audiovisual Media Services. (<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8476>).

⁵⁹⁰ <https://e-justice.europa.eu/fileDownload.do?id=f596c53d-d630-4346-9d55-303be104de77>.

⁵⁹¹ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1381>.

⁵⁹² <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO513>.

⁵⁹³ https://www.akosrs.si/fileadmin/user_upload/Osnutek_Splosnega_akta_o_metodologiji_nadzorstva_avdiovizualnih_medijskih_storitev_radijskih_programov_in_platform_za_izmen.pdf?x_tr_sl=sl&x_tr_tl=en&x_tr_hl=en&x_tr_pto=wapp.

⁵⁹⁴ http://pisrs.si/Pis.web/pregledPredpisa?id=AKT_1267.

⁵⁹⁵ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-1707?sop=2022-01-1707>.



Self- and co-regulatory instruments:

- *Priporočila k marketingu vplivnežev*⁵⁹⁶, (2020 Recommendations for influencer marketing, from the Slovenian Advertising Chamber)
- *Slovenski Oglaševalski Kodeks 2009*⁵⁹⁷ (Slovenian Advertising Code 2009)

4.29.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from related laws, rules and current practices, as well as ongoing reforms under the transposition and implementation of the revised AVMS Directive. Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

4.29.2.1. Definitions

Table 55. Definition of the main concepts related to commercial communications

Concept	Existence of a definition
Audiovisual commercial communications	Yes.
Television advertising	Yes.
Advertiser	No.
Surreptitious commercial communication	Yes.
Misleading commercial communication	Yes (indirectly via “misleading commercial practice”)
Virtual advertising	No.
Sponsorship	Yes.
Sponsor	No.
Sponsored content	No.
Product placement	Yes.

⁵⁹⁶ https://www.soz.si/sites/default/files/priporocila_k_marketingu_vplivnezev_-_2020.pdf.

⁵⁹⁷ https://www.soz.si/sites/default/files/soz_sok_slo.pdf.



Other:	/
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Source: Slovenian response to European Audiovisual Observatory standardised survey

4.29.2.1.1. Audiovisual commercial communications

The Law on AVMS, in Article 3 (13), provides a definition of audiovisual commercial communications by transposing the text of the revised AVMSD verbatim as follows:

Audiovisual commercial communication means pictorial images with or without sound intended for the direct or indirect promotion of the goods, services or logo of a natural or legal person engaged in an economic activity; such images are accompanied by, or included in programme content or user-generated videos, in return for payment or similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include television advertising, sponsorship, teleshopping and product placement.

4.29.2.1.2. Television advertising

Article 3 (15) of the Law on AVMS defines television advertising as:

... any form of communication broadcast by a natural or legal person in return for payment or other similar compensation or for the purpose of self-promotion and which concerns a trade, business, activity, craft or a profession and aims to encourage the supply of goods and services, including real estate, rights and obligations. Forms of television advertising are advertisements, informative advertising, self-advertisements, paid video notices and other forms of television advertising, which are defined by the Agency in its general act.

Applicable rules are found in Articles 27 – 32, including the provision of general obligations with regard to television advertising, such as identifiability and recognisability, restrictions regarding specific programmes and products, as well as restrictions based on protection-of-minors principles, and on the scheduling and duration of television advertising.

4.29.2.1.3. Advertiser

There is no definition of advertiser.

4.29.2.1.4. Surreptitious commercial communication

Article 3 (17) of the Law on AVMS defines surreptitious audiovisual commercial communication by transposing the text of the revised AVMSD verbatim as follows:

Surreptitious audiovisual commercial communication means the verbal or visual representation of the goods, services, name, trademark or activity of a producer of goods or service providers in program content where such representation is intended by the publisher



of advertising and is likely to mislead the public. A surreptitious advertising communication shall be deemed to have been published with intent, in particular, when it is published in return for payment or similar compensation.

4.29.2.1.5. Misleading commercial communication

The Law on the Protection of Consumers against Unfair Commercial Practices, in Article 5 (Misleading actions), defines a commercial practice as misleading if it contains false information and is likely to deceive the average consumer. It adds:

(2) A commercial practice shall also be regarded as misleading if, in a specific case, taking account of all its features and circumstances, it causes or is likely to cause the average consumer to take a transactional decision that (s)he would not have taken otherwise, and it includes:

1. any marketing of a product, including comparative advertising, which creates confusion with any other products, trademarks, trade names or other distinguishing marks of a competitor ...

Article 12, Consumer Protection Act, in Article 12, stipulates: “(1) Advertising of goods and services must not be against the law, indecent or misleading”. The definition of “misleading commercial communication” can therefore be deduced from the article quoted above.

4.29.2.1.6. Virtual advertising

There is no definition of virtual advertising.

4.29.2.1.7. Sponsorship

The Law on AVMS in Article 3 (18) defines sponsorship by transposing the text of the revised AVMSD verbatim as follows:

Sponsorship means any form of contribution and any contribution by natural or legal persons not engaged in the provision of audiovisual media services or services of video-sharing platforms or the production of audiovisual works or user-generated videos to the financing of audiovisual media services for the purpose of promotion or promoting their name or company, brand, logo, business or product.

Chapter Five, Articles 24 and 25, of the Law on AVMS deal with sponsorship requirements not applicable to VSPs, such as clear identification of sponsorship, and restrictions and the prohibition on sponsorship around specific types of programmes, such as reports and informative content programs, as well as medicinal products, the provision of health services, or tobacco and tobacco products.



4.29.2.1.8. Sponsor

There is no definition of sponsor.

4.29.2.1.9. Sponsored content

There is no definition of sponsored content.

4.29.2.1.10. Product placement

The Law on AVMS in Article 3 (21) defines product placement by transposing the text of the revised AVMSD:

Product placement means any form of audiovisual commercial communication involving or referring to a product, service or their brand via appearance in programming or user-generated video in return for payment or similar compensation.

Only the provisions of Articles 19 to 22 of this Act apply to audiovisual commercial messages that are marketed, sold or edited by video-service platform providers themselves. While “product placement” is defined by the law, the restrictions pertaining to this concept apply to audiovisual media services and do not extend to VSPs.

Article 26 (product placement) addresses programming where product placement is not allowed (children's programmes, religious and informative program content, such as reports and daily news broadcasts, and consumer protection and international broadcasts) and provides for rules related to product placement (not affecting the content of programmes, not directly encouraging purchase or rental of products and services, etc.) and its identification. It also stipulates that the Slovenian communications regulator, the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)⁵⁹⁸ (referred to as the Agency in relevant legislation) shall further elaborate rules on labelling the programme consents:

(6) The Agency shall, by means of a general act, determine the method of labelling the program contents referred to in the fourth indent of the fourth paragraph of this article.

In May 2022, AKOS adopted the General Act on product placement and sponsorship, which determines the method of labelling program content (from Article 26, paragraph 4, indent 4 of the ZAvMS). This General Act also defines the terms and regulates in more detail the requirements and restrictions related to sponsoring from Article 24 of the ZAvMS. No reference is made in this to video-sharing platforms or to user-generated content. Also, while Article 26 of the Law on AVMS deals with product placement, VSPs have been obliged to comply with only Articles 19-22 (see under 4.28.2.2.).

⁵⁹⁸ Agencija za komunikacijska omrežja in storitve Republike Slovenije, <http://www.akos-rs.si/>.



4.29.2.1.11. Other definitions

While the Law on AVMS, in line with the text of the revised AVMSD, makes references to audiovisual commercial communication in user-generated programming or videos, and sponsorship and product placement definitions, no reference is made to techniques of online commercial communications (such as: direct marketing, commercial profiling, behaviourally targeted advertising, banners and display advertising, search engine optimisation, overlay ads, etc.)

However, the self-regulatory code of the Advertising Chamber includes in its scope advertising in other electronic media, including advertising on the Internet, purchased online advertising space (e.g. banners, text ads) and other forms of advertising in unoccupied space (including viral messages of an advertising nature via e-mail and other channels, video and other advertising content on portals that are intended for socialising) and any other content that is not published on the advertiser's website and that can be claimed to have been published by the advertiser.

Under the Section, “What is the Subject of the Code?”, the following answer is provided:

Advertising in other electronic media, including advertising on the Internet in online advertising space purchased for this purpose (e.g. advertising banners, text ads ...) and other forms of advertising in non-purchased space (also viral messages of an advertising nature via e-mail and other channels, video and other advertising content on portals intended for socializing) and all other content that is not published on the advertiser's website and which can be claimed to have been published by the advertiser.

4.29.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating information relative to these obligations and measures imposed under national legislation on media service providers, including VSP providers related to commercial communications.

While Articles 19 and 20 of the Law on AVMS provide for general rules and restrictions (applicable to audiovisual commercial communications), pertaining to issues presented below in this Section, Article 38.č requires VSPs to respect these provisions as well as the ones under Article 22 on prohibition of certain products in audiovisual commercial communications (see under 4.28.2.2.1. and 4.28.2.2.2. below).

Article 38.č

(1) The provisions of Articles 19 to 22 of this Act shall apply to audiovisual commercial messages that are marketed, sold or edited by video exchange platform providers themselves.

(2) Providers of video exchange platforms shall, in accordance with their capabilities, take appropriate measures to ensure that audiovisual commercial messages that they do not market, sell or edit themselves meet the requirements of Articles 19 to 22 of this Act. These



requirements shall be included in the general conditions applicable to the video-sharing platform.

(3) Providers of video-sharing platforms shall clearly inform users when user-generated programs and videos contain audiovisual commercial messages, if such messages are reported by users. Platform providers will provide a function by which users who upload videos to the platform, if they are aware of it or can reasonably be expected to be aware of it, can declare whether these videos contain audiovisual commercial messages.

(4) In order to fulfil the requirements from this article and to fulfil the requirements from the first paragraph of Article 38.b of this law, which refer to audiovisual commercial messages, the providers of video exchange platforms choose appropriate measures based on the nature of the content in question, the damage that may be caused, the characteristics of the category of persons to be protected, and according to the rights and legitimate interests of the providers of video-sharing platforms, users who created or uploaded content to the platform, and according to the general public interest. The measures must be feasible and proportionate and take into account the scope of the video-sharing platform's service and the nature of the services offered. The measures referred to in this article must not lead to measures of prior control or filtering of content when uploading to the platform inconsistent with the law governing electronic business on the market.

4.29.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco-related products, including electronic cigarettes and refill containers

Article 22 (ban on audiovisual commercial communications) of the Law on AVMS provides for restrictions as follows:

Article 22 (ban on audiovisual commercial communications)

Audiovisual commercial communications for tobacco and tobacco products, electronic cigarettes and containers for filling electronic cigarettes ... and alcoholic beverages ... shall be subject to regulations governing the restriction of the use of tobacco and related products.

Also, the Act Regulating the Sanitary Suitability of Foodstuffs, Products and Materials Coming into Contact with Foodstuffs gives further details about the degree of alcohol allowed in advertisements (Article 15), but also the time slots during which ads can be shown (Article 15a). Besides, content should not include depictions of excessive consumption or links between alcohol consumption and success in life, in social life, or in sexual life; it should not be aimed at young people or depict them drinking alcohol and it should not depict people under 25, etc. Alcohol advertising must also include a warning (Article 15b).

4.29.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

Article 22 (ban on audiovisual commercial communications) of the Law on AVMS stipulates restrictions as follows:



- (1) *Audiovisual commercial communications for (...) medicinal products (...) are subject to regulations governing the restriction of the use of tobacco and related products ...”*
- (2) *Audiovisual commercial communications for healthcare activities, healthcare services or healthcare providers are prohibited.*
- (3) *Audiovisual commercial communications for the collection of blood components or audiovisual commercial communications indicating financial refunds, prizes or other benefits to blood donors or due to self-advertising in the territory of the Republic of Slovenia are prohibited, except for audiovisual commercial communications for collection of blood components and public transfusion services in the territory of the Republic of Slovenia.*

4.29.2.2.3. Surreptitious audiovisual commercial communications

Chapter Five, Audiovisual commercial communications, Article 19, of the Law on AVMS provides that:

- (2) *Surreptitious audiovisual commercial communication is prohibited.*

The Consumer Protection Act of 1998 (last updated in 2018) also addresses the issue of advertising (under Articles 12 to 15) and the Act includes in its scope services provided online (under Article 1):

According to this law, information society services are those economic activities that are carried out via the World Wide Web or the Internet and include the sale of services and goods based on the conclusion of contracts via the World Wide Web or the Internet, as well as free services such as the transmission of data and advertising messages, unless otherwise regulated by these or other laws.

Article 15a (Consumer Protection Act) includes the requirement to clearly identify online advertising:

In all advertising messages that are part of or represent an information society service, if this is not already regulated to the same or greater extent by another regulation, in addition to the data referred to in Article 2 of this Act, it must be ensured that the advertising message is clearly identifiable as such, and which company is the recipient thereof. If the advertising message includes special offers (discounts, premiums, gifts, etc.), they must be clearly identifiable, and the conditions for obtaining them must be accessible and clear and unambiguously stated. The same applies to permitted prize competitions or games of chance.

4.29.2.2.4. Subliminal techniques in commercial communications

Chapter Five, Audiovisual commercial communications, Article 19, of the Law on AVMS provides that:

- (3) *Audiovisual commercial communications may not use technology which does not allow users to consciously perceive such communications.*



4.29.2.2.5. Prejudice for human dignity

Chapter Five, Audiovisual commercial communications, Article 20 (first indent) of the Law on AVMS stipulates that audiovisual commercial communications may not:

- *adversely affect respect for human dignity*

The Consumer Protection Act of 1998 under Article 12a forbids “improper advertising”:

Improper advertising of goods and services means advertising that contains content that is offensive or could be offensive to consumers, readers, listeners and viewers, or content that is contrary to morality.

4.29.2.2.6. Inclusion or promotion of any discrimination (e.g., on the grounds of sex, racial or ethnic origin, nationality, religion, etc.)

Chapter Five, Audiovisual commercial communications, Article 20 (second indent) of the Law on AVMS stipulates that audiovisual commercial communications may not:

- *contain or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation*

4.29.2.2.7. Encouragement of behaviour prejudicial to health or safety

Chapter Five, Audiovisual commercial communications, Article 20 (third and fourth indent) of the Law on AVMS stipulates that audiovisual commercial communications may not:

- *promote behaviours or actions that are or could be harmful to human health or safety, the protection of the environment or cultural heritage*
- *market non-compliant products that are not medicinal products but present properties for the treatment and prevention of disease and pose a risk to public health.*

4.29.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

Chapter Five, Audiovisual commercial communications, Article 20 (third indent) of the Law on AVMS stipulates that audiovisual commercial communications may not:

- *promote behaviours or actions that are or could be harmful (...) to the protection of the environment or cultural heritage*

4.29.2.2.9. Causing physical, mental or moral detriment to minors

Article 21, in Chapter Five of the Law on AVMS, states that audiovisual commercial communications must not:

- *cause physical, mental or moral harm to minors, and ... must not, in particular:*



- *encourage minors to buy or rent products or services due to their inexperience or credulity;*
- *encourage minors to persuade their parents or others to buy the advertised goods or services;*
- *exploit the trust of minors in their parents, teachers or other persons;*
- *recklessly portray minors in dangerous situations.*

Article 15 of the Consumer Protection Act of 1998 (last updated in 2018) also stipulates that:

Advertising must not contain content that causes or could cause physical, mental or other harm to children or content that takes advantage of or could take advantage of their trust or lack of experience.

4.29.2.2.10. Other

N/A.

4.29.3. Sponsorship and product placement

Certain obligations stem from the revised AVMSD vis-à-vis sponsorship and product placement and these parts aim at identifying the rules and practices pertaining to these two specific categories of commercial communications.

4.29.3.1. Sponsorship

There are no specific rules for VSPs with regard to sponsorship in the law applicable to VSPs.

4.29.3.2. Product placement

There are no specific rules for VSPs with regard to product placement in the law applicable to VSPs.

4.29.4. Obligations regarding (v)blogs and (v)blogging

There are no specific rules concerning (v)blogs. However, they may in the future be subject to a self-regulatory Slovenian Advertising Code, which does not yet include VSPs, but which should be updated in 2023.



The industry self-regulatory body – the Slovenian Advertising Chamber (SOZ),⁵⁹⁹ in 2020 created Recommendations for influencer marketing, with the aim of ensuring high professional and ethical standards in the field of influencer marketing. The Recommendations include a set of guidelines to ensure that influencers understand the various definitions of paid advertising, self- advertising, joint advertising, advertorials and affiliate marketing, stating, e.g., that: “In affiliate marketing, the influencer actually acts as a secondary advertiser, so care must be taken to ensure that the content complies with all relevant regulations.”

The recommendations also provide guidelines on the understanding of what is “payment”, and what is “influence”. They stress the importance of the identification of advertising:

The main thing to remember is that the intent must be obvious – any labelling (or other means) you use to emphasise the advertising nature of the post must be: stated up front (even before people click/continue viewing the post); highly visible (so that people notice it); suitable for the channel (what can be seen and when) and suitable for all potential devices (highly visible even on mobile phone screens!).

4.29.5. Other relevant information

The SOZ’s Recommendations for influencer marketing emphasise that advertising should be clearly recognisable as such – a clear advertising tag should be used, and influencers should be aware of advertising regulations:

If an influencer advertises his/her products / services or participates in affiliate marketing, his/her publications/content are likely to be subject to other regulations. Make sure you are properly aware of everything that is regulated, especially when:

- *making claims (for example about quality – you will need to support the claim),*
- *advertising products/services that are subject to marketing-communication age or other restrictions (e.g. alcoholic beverages, gambling ...),*
- *promoting products advertising for which is regulated by special regulations (e.g. food and nutritional supplements, medicines and medical devices, beauty and health products, cars ...),*
- *organising prize games or awarding prizes,*
- *publishing ads addressing a sensitive target group such as children.*

⁵⁹⁹ Slovenska Oglaševalska Zbornica, <https://www.soz.si/>.



4.29.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less-explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.

4.29.6.1. Advertising of, or on behalf of, associations that are wholly or mainly concerned with religion, faith and other belief systems

No specific provisions deal with this issue.

4.29.6.2. Gambling, betting, betting tipsters, etc.

Advertising for gambling is not prohibited in Slovenia.

The Slovenian Advertising Code provides rules in relation to the advertising of games of chance, including online gambling (Article 24). In particular, it is provided that advertising must not unrealistically present the possibility of winning, and above all, it must not claim that winning may also depend on knowledge or other factors that the consumer can influence. Gambling advertising must also not claim that higher stakes, regular or frequent participation or the like, significantly increase the chance of winning a prize (24 (1)).

Advertising of gambling games must not be aimed at children and adolescents, and they must not be shown in advertisements or published in media that are mainly intended for children and young people (24 (3)).

4.29.6.3. Environmental or “green” claims for products

No specific provisions deal with this issue.

4.29.6.4. Other

N/A.



4.29.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

4.29.7.1. Self- and co-regulatory bodies

4.29.7.1.1. Context of establishment and legal background

The Slovenian Advertising Code, adopted by the industry self-regulatory body – the Slovenian Advertising Chamber – does not refer to VSPs, but this mechanism should be updated in 2023 to include VSPs. The Law on AVMS does include self- or co-regulatory measures regarding commercial communications on VSPs.

4.29.7.1.2. Stakeholders involved

Stakeholders include advertisers, advertising agencies and the Slovenian Advertising Chamber.

4.29.7.1.3. Scope and objectives

The Slovenian Advertising Code is a self-regulatory act aimed at providing for respect for creative freedoms in advertising, within the framework of abidance by professional principles, to ensure that advertising is:

unrestricted in constructive creative freedom, taking into account all protected rights of others; consistent with morality and the principles of conscientiousness and honesty; responsible towards individuals, groups and society as a whole taking into account in particular the peculiarities of certain particularly sensitive groups (e.g. children and adolescents); in accordance with the fundamental principles of competitiveness; in its appearance aesthetic and consistent with the requirements of the cultural environment; to a minimum extent additionally regulated by compulsory regulations adopted by the state bodies; respectful of the Slovenian language ...

The Slovenian Code of Advertising Practice includes rules relative to HFSS foods and beverages and inappropriate ACCs for alcoholic beverages.



4.29.7.1.4. Code(s) of conduct

The Slovenian Advertising Code covers advertising in newspapers, magazines and other printed publications, as well as advertising on posters and in other advertising spaces and media in public places, advertising in brochures and leaflets, advertising via e-mail, mobile phones, television, radio and cinemas, as well as other electronic media, including advertising on the Internet: purchased online advertising space (e.g. banners, text ads ...); other forms of advertising in unoccupied space (including viral messages of an advertising nature via e-mail and other channels, video and other advertising content on portals that are intended for socialising); and any other content that is not published on the advertiser's website and that can be claimed to have been published by the advertiser. It also includes electronic and video media. Covered as well are: advertising written and designed in the style of editorial content, often referred to as an "advertorial", and commissioned and paid or published in exchange for other compensation, sales promotion, and direct marketing.

4.29.7.1.5. Role of the (self-)regulatory bodies

The Advertising Tribunal, which operates under the auspices of the Advertising Chamber, is exclusively competent to assess the compliance of advertising with the Slovenian Advertising Code, and on the basis of this Code it may assess any advertising in the territory of the Republic of Slovenia, except in cases expressly excluded in this Code.

The composition, mode of operation, procedures, powers and responsibilities of the Advertising Tribunal include the provision of complaints (both by a legal entity and a natural person), when they assess that an individual advertisement (or) action violates the provisions of the Slovenian Advertising Code.

Mandatory elements of the complaint include: name, surname, postal address and telephone number of the applicant; an explanation of the complaint and, if possible, a statement of the articles of the code which the complainant considers that the advertisement (action) violates; an indication of the ad that is the subject of the complaint (an attachment of the ad in electronic form is preferred); indication of at least one medium of publication. The Advertising Tribunal makes decisions upon the complaint in terms of determination of (non)breach of the Code, which are made public and widely accessible.

The code, *inter alia*, does not cover website content, except for that defined as being in the scope of the law, (see under 4.28.7.1.4.), sponsorship, except for advertisements that communicate sponsorship.

4.29.7.1.6. Period of activity (if limited)

N/A.



4.29.7.1.7. Role of the regulatory authority in a co-regulatory system:

N/A.

4.29.7.1.7.1. Regulatory body

N/A.

4.29.7.1.7.2. Co-regulatory scheme

N/A.

4.29.7.1.7.3. Relationship and roles of stakeholders

N/A.

4.29.7.2. Monitoring/evaluation, compliance and sanctioning powers

In June 2022, AKOS adopted a new General Act on the methodology for the supervision of audiovisual media services, radio programs and video-sharing platforms.⁶⁰⁰ Some of the relevant provisions include:

II. METHOD OF DETERMINING THE MEETING OF REQUIREMENTS AND RESTRICTIONS

Article 3 (method of determining compliance with requirements and restrictions)

(1) Compliance with program requirements and restrictions applicable to radio programs and requirements and restrictions applicable to audiovisual media services as well as video-sharing platform services, to be verified by the Agency by analysing the recordings of the content, data on the broadcast content and on the basis of other information necessary to establish the facts and in accordance with the classification set out in the general act.

(2) The Agency shall carry out analyses of content on the basis of its own recordings and data, recordings and data which it outsources, or recordings and data obtained from the issuer or provider.

It further reaffirms the obligations of VSPs to keep recordings of published videos, if these are the subject of a user complaint and sets the guidelines as per storage of data and recordings.

Finally, in May 2022, AKOS adopted a General Act on out-of-court settlement of disputes between users and providers of video-sharing platforms – and launched a consultation on the document.⁶⁰¹

⁶⁰⁰http://pisrs.si/Pis.web/pregledPredpisa?id=AKT_1276.

⁶⁰¹http://pisrs.si/Pis.web/pregledPredpisa?id=AKT_1267.



4.29.8. Cross-sector and cross-border collaboration

The Slovenian Advertising Chamber is a full member of the European Advertising Standards Alliance (EASA),⁶⁰² so the provisions of the Code are also used in the procedure for resolving international complaints in the EASA member states.

4.29.9. Update on plans and practices relative to new obligations of VSPs

As outlined above, AKOS has introduced several General Acts in order to implement the AVMS Directive, including the General Act on the notification of on-demand audiovisual media services and on the notification of video-sharing platform services, which entered into force in July 2022.⁶⁰³

As noted previously, the Slovenian Advertising Chamber is in the process of reviewing its code, which dates from 2009 (and is rather outdated). A new version of the code should be ready in 2023.

4.29.10. Studies, reports and research

N/A.

4.29.11. Data compilation

This factsheet is based on data compiled by Deirdre Kevin, consultant and expert in media regulation, media law and media market trends, CommSol Ltd.

⁶⁰² <https://www.easa-alliance.org/>.

⁶⁰³ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2044?sop=2022-01-2044>.