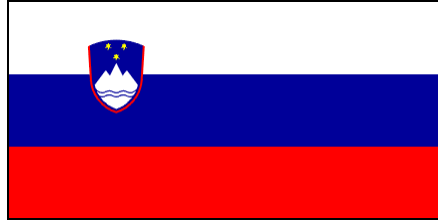


**CINEMA STUDY ON TERRITORIALISATION REQUIREMENTS
(Annex to Part A)**

MEMBER STATE LEGAL REVIEW



**SLOVENIA
SYNTHESIS SHEET**

July 2007

This Member State Synthesis Sheet should be read in conjunction with Chapter A of the Study on the economic and cultural impact, notably on co-productions, of territorialisation clauses of state aid schemes for films and audio-visual productions for the European Commission that is available on www.eufilmstudy.eu

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A Overview of the legal situation in Slovenia

1 Summary of main findings

Table A – Direct Territorialisation Requirements

Member State	Names of Funding Schemes	Available Budget	National (Nat) / Regional (Reg) Funding Scheme	Direct territorialization requirement quantified in the law			Direct territorialization requirement not quantified in the law		
				X% in terms of film budget	X% in terms of State aid granted	X% of the amount of the total available budget that is subject to territorialization	List of requirements	Estimation of the X% of how much local expending this involves in terms of film budget	Estimation of the X% of how much local expending this involves in relation to the total aid available
									Expected New Funding Schemes containing “Objective Explicit” Territorialisation Requirements (A.6): Y/N

Slovenia	Stimulation of Development of Cinematographic Activities in Slovenia (SDAS)	2,334,055 ¹	Nat	N/A	N/A	N/A	The recipient state aid must spend locally as much as it is possible the amount awarded (any percentage is provided). <u>Limited to:</u> the 20% of the film budget may be spent in MS	N/A	N/A	N
	Co-Financing of Audiovisual Media Project (CAMP)	1,707,359 (2003) ²	Nat	N/A	N/A	N/A	N/A	N/A	N/A	

¹ The Budget of the Republic of Slovenia for 2006 envisages that for all of its activities ion the area of Media and Audio-Visual Culture in 2006 the Ministry for Culture should receive SIT 2.408.467.000 (i.e. EUR 10.050.355), i.e.:

- for culture, art cinema and purchase of films – SIT 47.650.000 (i.e. EUR 198.840)
- for Slovenian Film Fund – SIT 1.060.411.000 (i.e. EUR 4.425.017)
- for Film Studio Viba Film – SIT 125.906.000 (i.e. EUR 525.396)
- for audio-visual media programs – SIT 174.500.000 (i.e. EUR 728.176)

for implementation of Public Media Law – SIT 1.000.000.000 (i.e. EUR 4.172.926)

² The Budget of the Republic of Slovenia for 2006 envisages that for all of its activities ion the area of Media and Audio-Visual Culture in 2006 the Ministry for Culture should receive SIT 2.408.467.000 (i.e. EUR 10.050.355), i.e.:

- for culture, art cinema and purchase of films – SIT 47.650.000 (i.e. EUR 198.840)
- for Slovenian Film Fund – SIT 1.060.411.000 (i.e. EUR 4.425.017)
- for Film Studio Viba Film – SIT 125.906.000 (i.e. EUR 525.396)
- for audio-visual media programs – SIT 174.500.000 (i.e. EUR 728.176)

for implementation of Public Media Law – SIT 1.000.000.000 (i.e. EUR 4.172.926)

Table B – Indirect territorialisation Requirements

Member State	Names of Funding Schemes	Indirect territorialization requirements located under “Formal Nationality Certification Procedures”			Indirect territorialization requirements located under selective aid criteria and procedures			Indirect territorialization based on any other provisions in the law that forces the producer to make local spending		
		List of requirements	Estimation of the X% of how much local expending this involves in terms of film budget	Estimation of the X% of how much local expending this involves in relation to the total aid available	List of requirements	Estimation of the X% of how much local expending this involves in terms of film-budget	Estimation of the X% of how much local expending this involves in relation to the total aid available	List of requirements	Estimation of the X% of how much local expending this involves in terms of film-budget	Estimation of the X% of how much local expending this involves in relation to the total aid available
Slovenia	Stimulation of Development of Cinematographic Activities in Slovenia (SDAS)	N	N/A	N/A	Y Number of shooting days in Slovenia and usage of technical capacities in Slovenia (2.4)	N/A	N/A	Y Cultural and purpose clauses concerning the development of local film production (2.6)	N/A	N/A

	Co-Financing of Audiovisual Media Project (CAMP)	N	N/A	N/A	Y Criteria include strengthening Slovenian audiovisual production (3.4)	N/A	N/A	Y Cultural and purpose clauses concerning the development of local film production (3.6)	N/A	N/A
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Table C – Budget and Territorialisation Intensity

Member State	Names of Funding Schemes	Available Budget	Objective explicit territorialisation requirement quantified in the law ³	Degree of the territorialisation ⁴		
				Funding Scheme Level ⁵	Funding body level	Member State Level ⁶
Slovenia	Stimulation of Development of Cinematographic Activities in Slovenia (SDAS)	2,334,055 ⁷	Not quantified requirement: the recipient state aid must spend locally as much as it is possible the amount awarded	= 0 (not applicable)	No data	0 %
	Co-Financing of Audiovisual Media Project (CAMP)	1,707,359 (2003) ⁸	no requirement	= 0	No data	

³ Assessment based on replies from local lawyers (see synthesis sheet)

⁴ High territorialisation: ratio “total amount subject to territorialisation”/“total budget available” >1
Moderate territorialisation: ratio “total amount subject to territorialisation”/“total budget available” =1 or <1

Table D – Co-Production Agreements

Member State	Titles of Co-Production Agreements	Dates of Entry into Force of Co-Production Agreements	Expected New Co-Production Agreements: Y/N
Slovenia	European Convention on Cinematographic Co-production	1 March 2004	N
	Canada	24 November 1988 (YU); 8 June 1997 (SL)	
	Agreement on Facilitating International Circulation of Visual and Audio Materials of Educational, Scientific and Cultural Character	14 November 1992	

No territorialisation: total amount subject to territorialisation = 0

Assessment (Cambridge Econometrics/Ramboll) based on the methodology outlined in Appendix G

⁵ Formula: Sum of the budget of the scheme x its degree of territorialisation and divided by the sum of the budget of all the schemes.

Assessment (Cambridge Econometrics/Ramboll) based on the methodology outlined in Appendix G

⁶ “total amount subject to territorialisation”/“total budget available”

Assessment (Cambridge Econometrics/Ramboll) based on the methodology outlined in Appendix G

⁷ The Budget of the Republic of Slovenia for 2006 envisages that for all of its activities in the area of Media and Audio-Visual Culture in 2006 the Ministry for Culture should receive SIT 2.408.467.000 (i.e. EUR 10.050.355), i.e.:

for culture, art cinema and purchase of films – SIT 47.650.000 (i.e. EUR 198.840)

for Slovenian Film Fund – SIT 1.060.411.000 (i.e. EUR 4.425.017)

for Film Studio Viba Film – SIT 125.906.000 (i.e. EUR 525.396)

for audio-visual media programs – SIT 174.500.000 (i.e. EUR 728.176)

for implementation of Public Media Law – SIT 1.000.000.000 (i.e. EUR 4.172.926)

⁸ The Budget of the Republic of Slovenia for 2006 envisages that for all of its activities in the area of Media and Audio-Visual Culture in 2006 the Ministry for Culture should receive SIT 2.408.467.000 (i.e. EUR 10.050.355), i.e.:

for culture, art cinema and purchase of films – SIT 47.650.000 (i.e. EUR 198.840)

for Slovenian Film Fund – SIT 1.060.411.000 (i.e. EUR 4.425.017)

for Film Studio Viba Film – SIT 125.906.000 (i.e. EUR 525.396)

for audio-visual media programs – SIT 174.500.000 (i.e. EUR 728.176)

for implementation of Public Media Law – SIT 1.000.000.000 (i.e. EUR 4.172.926)

Slovenia is currently a party to the European Convention on Cinematographic Co-production, to the Agreement on Cinema and Video Co-production between the Federal Government of Socialist Federative Republic of Yugoslavia and the Government of Canada, to the Agreement on Facilitating International Circulation of Visual and Audio Materials of Educational, Scientific and Cultural Character (see reply A.3 for Slovenia).

In Slovenia there are two funding schemes, one specifically devoted to cinematographic activities, the other devoted to audiovisual activities (see below Part B).

2 Synopsis of conventions on co-production agreements

Slovenia is a party to the European Convention on Cinematographic Co-production, on the basis of the Act Ratifying the European Convention on Cinematographic Co-production (*Zakon o ratifikaciji evropske konvencije o filmski koprodukciji*) published in the Official Gazette of the Republic of Slovenia, no. 22/2003. This Convention came into force on 1 March 2004. The Ministry for Culture is acting as the authority in charge of administration and supervision of this convention (see reply A.3 for Slovenia)³.

Slovenia is a party to the Agreement on Cinema and Video Co-production between the Federal Government of the Socialist Federative Republic of Yugoslavia and the Government of Canada on the basis of the Decree Ratifying the Agreement on Cinema and Video Co-production between the Federal Government of the Socialist Federative Republic of Yugoslavia and the Government of Canada (*Uredba o ratifikaciji sporazuma o filmski in video koprodukciji med Zveznim izvršnim svetom Skupščine Socialistične federativne republike Jugoslavije in vlado Kanade s priložo*) published in the Official Gazette of SFRJ – International Agreements, no. 13/1990. The Agreement came into force on 24 November 1988 in Yugoslavia and was then applicable also in Slovenia. Following the secession of Slovenia from Yugoslavia, Slovenia adopted in 1997 the Act on Succession of Agreements between Yugoslavia and Canada (*Akt o nasledstvu sporazumov nekdanje Jugoslavije s Kanado, ki naj ostanejo v veljavi med Republiko Slovenijo in Kanado*), on the basis of which this Agreement came into force in Slovenia on 8 June 1997. The Ministry for Culture is acting as the authority in charge of administration and supervision of this Agreement (see reply A.3 for Slovenia)

The Agreement on Facilitating International Circulation of Visual and Audio Materials of Educational, Scientific and Cultural Character came into force in Slovenia on 14 November 1992 (*Sporazum o olajševanju mednarodnega kroženja*

³ This indication refers to the attached replies and follow-up replies from the local lawyer to the legal questionnaire.

vizualnih in audiografov izobraževalnega, znanstvenega in kulturnega značaja), on the basis of the Act on Succession of UNESCO Conventions (*Akt o notifikaciji nasledstva glede konvencij UNESCO*). After the secession of Slovenia from Yugoslavia, this Act on Succession was adopted in 1997 (see reply A.3 for Slovenia). The Ministry for Culture is acting as the authority in charge of administration and supervision of this Agreement.

3 Synopsis of formal nationality certification procedures

In Slovenia there is a nationality certification procedure for audiovisual and cinematographic production.

With respect to audiovisual works, among other criteria, Article 73 of the Slovenian Public Media Law (PML) provides that the independent producer of audiovisual works is a legal entity or natural person that is registered for performance or production of audiovisual works and has a registered seat in Slovenia or any EU Member State (see reply A.4 for Slovenia).

Furthermore, according to Article 2 of the Decree on Criteria and Conditions for Determining Slovenian Audio-Visual Works (the Decree) and Article 68 of the PML, works originally produced in the Slovene language, or in the Hungarian or Italian languages, if intended for the Hungarian and Italian minorities living in Slovenia, and works of Slovenian cultural origin from other areas of culture, if expressed as intellectual creations from the field of literature, science and art, and prepared for or adequate to be presented in a television programme, shall be considered Slovenian works.

If the nationality of a film or television project is unclear, the Minister for Culture shall decide whether such work should be considered as a work of Slovenian origin or not, i.e. in this case the Minister for Culture provides a binding interpretation of the nationality criteria to be applied in the concrete case. Neither the PML nor the Decree define the procedure leading to the decision of the Minister for Culture (see reply A.4 for Slovenia).

With respect to cinematographic production, Article 2 of the *Splošni pogoji poslovanja Filmskega sklada Republike Slovenije - javnega sklada* (General Conditions governing the Activities of the Film Fund of the Republic of Slovenia-public fund, the General Conditions) defines as a Slovenian film a film produced by a Slovenian producer in which more than 50% of the co-authors or other persons cooperating at the production are Slovenian. Furthermore, a film that does not have a Slovenian producer may be considered as a Slovenian film if at least 10% of the production costs are co/financed by Slovenian capital or if there is an adequate percentage of Slovenian co-authors or other persons cooperating in the production. A producer, author and co/author or other person cooperating in production is considered as Slovenian if it is a legal entity with its registered seat

in Slovenia or a natural person with residency in Slovenia. According to Article 3 of the General Conditions, legal entities with a registered seat and natural persons with residency in Slovenia may compete for funds of the Slovenian Film Funds. Foreign legal entities and natural persons may compete for funds of the Slovenian Film Funds only if they fulfil special criteria contained in Article 20 of the Slovenian Film Fund Act (see reply A.4 for Slovenia).

4 Synopsis of expected legal developments

In Slovenia there are no new co-production agreements expected as of 1 January 2007.

There is no information suggesting that new funding schemes containing territorialisation requirements came into force or were expected to come into force in Slovenia as of 1 January 2006.

There are no new funding schemes containing territorialisation requirements expected (see reply A.5 for Slovenia).

It is envisaged that a Slovenian Film Institute will be established. For this purpose the Ministry for Culture issued a draft Film Institute Act. This new Film Institute is to replace the existing Slovenian Film Fund.

B The Slovenian funding schemes

1 Overview

In Slovenia there are two funding schemes, one specifically devoted to cinematographic activities, the other concerning audiovisual activities.

The *Stimulacija razvoja filmskih aktivnosti v Republiki Sloveniji* (Stimulation of Development of Cinematographic Activities in Slovenia, SDAS) is administered by the *Filmski sklad Republike Slovenije - javni sklad* Slovenian Film Fund – public fund- (SFF).

The *Sofinanciranje avdiovizualnih medijskih projektov* (Co-financing of Audiovisual Media Projects, CAMP) is under the control of the *Ministrstvo za kulturo Republike Slovenije* (Ministry for Culture of the Republic of Slovenia).

2 Analysis of the Stimulation of Development of Cinematographic Activities in Slovenia (SDAS)

2.1 Description of the funding scheme

The Stimulation of Development of Cinematographic Activities in Slovenia (SDAS) is primarily regulated by the Public Media Law (PML, which came into force on 26 May 2001, most recently amended in 2006. Furthermore, this funding scheme is now regulated by *Pravilnik o merilih in kriterijih za izbor projektov in programov Filmskega sklada Republike Slovenije - javnega sklada* (Rules on standards and criteria for the selection of projects and programmes of the Slovenian Film Fund, “SFF Rules for Selection”) of 6 March 2006.

Before this amendment, however, there were no significant regulatory changes between 2001 and 2005 affecting the legal questions addressed by this study.

This funding scheme is administered by the SFF based on *Zakon o filmskem skladu Republike Slovenije* (Film Fund of the Republic of Slovenia Act) of 16 April 1994, and on the *Splošni pogoji poslovanja Filmskega sklada Republike Slovenije - javnega sklada* (General conditions governing the activities of the Film Fund of the Republic of Slovenia - public fund, “General Conditions”) of 7 July 2003.

Four other provisions/enactments are also relevant:

- the *Zakon o uresničevanju javnega interesa za kulturo* (Act on Enforcing Public Interest in the Field of Culture, “Act on Public Interest2) of 29 November 2002
- the *Pravilnik o izvedbi javnega poziva in javnega razpisa* (Rules on the implementation of a public call and public tender) of 22 October 2005
- the *Zakon o javnih skladih* (Public Funds Act) of 25 March 2000

- the *Proračun Republike Slovenije za leto 2006* (Budget of the republic of Slovenia for 2006, “Budget 2006”) of 23 December 2005.

Specific rules are also contained in the *Navodila za sofinanciranje distribucije tujih filmov na področju Republike Slovenije* (Instructions for Co-Financing of Foreign Film Distribution in the territory of Slovenia) of 30 January 2004 and in the *Pravilnik o merilih in kriterijih za izbor koprodukcijjskih projektov* (Rules on standards and criteria for the selection of co-production projects, “Rules for Co-Production Selection”) of 18 December 2004.

For contact information see reply B.14 for Slovenia for SDAS funding scheme.
For further details see reply B.4 for Slovenia for SDAS funding scheme.

2.2 Synopsis of objective territorialisation requirements

2.2.1 Rules

The following provisions containing objective explicit territorialisation requirements apply to this funding scheme: Article 22 of the General Conditions governing the activities of the Film Fund of the Republic of Slovenia (the General Conditions) and Art. 3 of the Rules on standards and criteria for the selection of co-production projects. Furthermore, to be eligible to apply for State aid under this funding scheme, the film project must meet certain criteria (see Section 2.3 below).

2.2.2. Practice

There is no relevant judicial or administrative practice reported (see reply B.7 for Slovenia for SDAS funding scheme)

2.2.3. Discussion

This scheme imposes objective territorial requirements. The producers must spend a proportion of the production subsidy in Slovenia. However, they are also expressly allowed to spend 20% of the subsidy outside Slovenia. Furthermore, in the granting of subsidies there is an objective preference for productions that are shot in Slovenia (Article 3 of the Rules for Co-Production Selection; see below section 2.4).

2.2.4. Conclusion

The objective explicit territorialisation requirements that apply to this funding scheme can be summarized as follows: the recipient of state aid must spend locally so far as it is possible the amount awarded by the Funding Scheme. Moreover 20% of the film budget may be spent in other states or EU Member states.

2.3 Synopsis of indirect territorialisation requirements

2.3.1 Practice

There is no relevant judicial or administrative practice reported.

2.3.2. Discussion

N/A

2.3.3 Conclusions

There is no reported practice on indirect territorialisation requirements (see reply B.10 for Slovenia for SDAS funding scheme). However the nationality certification criteria (see replies A.4 for Slovenia and B.11 for Slovenia for SDAS funding scheme) arguably contain indirect territorialisation requirements. Furthermore, the purpose and the selective aid criteria arguably provide indirect territorialisation requirements (see Sections 2.4 and 2.6 below).

2.4. Synopsis of State aid selective granting criteria and procedures

The criteria of selective aid are contained in the Rules on Standards and Criteria for the Selection of Projects and Programmes of the Slovenian Film Fund (SFF Rules for Selection), and by the Rules on Standards and Criteria for the Selection of Co-Production Projects (Rules for Co-Production Selection).

SFF Rules for Selection include qualitative criteria (e.g. the universality of the theme, the originality of content, and the potential of the author). Furthermore, short-term and long-term goals on the basis of the business and programme plan of SFF and the market potential of the project are taken into account (see reply B.13 for Slovenia for SDAS funding scheme).

Selective granting criteria for distribution aid are based on a qualitative evaluation of the project (e.g. artistic or cultural value of the project, promotion and theme plan of distribution etc.). However, according to Article 15 of the General

Conditions, the Slovenian Film Fund shall assure funds for the production of Slovenian film.

The Slovenian Film Fund may use its fund for financing of production or co-production if a film fulfils at least one of the following conditions:

- the film is shot in Slovenia
- the proportion of Slovenian co-authors assures quality promotion of Slovenian cinematography
- the film makes a substantial contribution to the development of Slovenian cinematography

A film contributes to the development of Slovenian cinematography if, according to the director of the Slovenian Film Fund, its script or the selection of its co-authors reveal, for example, a particular aesthetic-artistic potential, or if there are good grounds to believe that the film may achieve 15,000 viewers in total in Slovenian cinemas (see reply B.13 for Slovenia for SDAS funding scheme).

The selective aid scheme (see reply B.13 for Slovenia for SDAS funding scheme; and Section 2.4 below) and the cultural clauses (see reply B.12 for Slovenia for SDAS funding scheme and Section 2.6 below) arguably imply indirect territorialisation, e.g. the cultural clause contained in the Resolution on the 2004-2007 National Programme for Culture provides as one of its general goals improving Slovenian audiovisual production in quality and in quantity

The selective granting procedure of artistic co-production is contained in the Rules for Co-Production Selection. These rules provide qualitative criteria e.g. value of contents, co-authors and authors' articles, professional and financial credibility of main producer. Nevertheless, the use of technical capacities in Slovenia is considered (see reply B.13 for Slovenia for SDAS funding scheme). More precisely, Article 5 Para. 3 of the Rules for Co-Production Selection provides a specific expenditure requirement: "Only a project for which the Slovenian producer shall assure usage of production funds in the Republic of Slovenia to the amount of funds granted by the Film Fund is eligible to compete for co-financing of co-production projects (see reply B.7 for Slovenia for SDAS funding scheme). Article 9 of the Rules on Co-production provides that the criteria (among others) of the participation of Slovenian technical workers and the usage of technical capacities in Slovenia must be considered.

The selective granting procedure of financial co-production as expressed in the Rules for Co-Production Selection is based on qualitative criteria such as the value of the contents.

However, the number of shooting days in Slovenia and the usage of technical capacities in Slovenia are also taken into account (see reply B.13 for Slovenia for SDAS funding scheme). These criteria qualify as indirect territorialisation

requirements not quantified by the law as they are located under the selective State aid granting criteria and procedures.

2.5 Synopsis of the relation between territorialisation requirements and co-production agreements

According to the selective granting procedures of artistic and financial co-production contained in the Rules for Co-Production Selection, the engagement of Slovenian authors, the participation of Slovenian workers and the use of technical capacities in Slovenia are to be taken into account. Even if subsidies for co-production are based also on an artistic evaluation, an estimate of the Slovenian involvement in the film project is carried out (see reply B.13 for Slovenia for SDAS funding scheme). Furthermore, according to Article 15 of the General conditions, the Slovenian Film Fund may use its fund for financing co-production if a film fulfils at least one of the following conditions: the film is shot in Slovenia; the film makes a substantial contribution to the development of Slovenian cinematography.

The conditions for selective aid referring clearly to a Slovenian role in co-production cannot arguably exclude indirect territorialisation that is not quantified in the Regulation.

In case of conflict between a co-production agreement and an internal provision international law prevails. According to Article 8 of the Constitution of the Republic of Slovenia, Slovenian laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties are applied directly. This principle applies also to legislation (territorialisation requirements) outlined in the answers provided.

2.6 Synopsis of purpose and cultural clauses applying to the funding scheme

Article 8 of the Act on Enforcing Public Interest in the Field of Culture provides that the public interest for culture is founded on the maintenance and protection of public cultural goods by which the cultural development of Slovenia and Slovenian nation is exercised. The Republic of Slovenia and the local communities shall have care of this cultural development.

Furthermore, Title VII of the Resolution on the 2004-2007 National Programme for Culture articulates general cultural policy goals. These objectives explicitly mention, *inter alia*, raising the quality and quantity of Slovenian audiovisual production, increasing cooperation in international co-productions, strengthening the promotion, distribution and showing at home and abroad and assuring the protection of Slovenian audiovisual productions (see reply B.12 for Slovenia for SDAS funding scheme).

Moreover Title VII of the Resolution on the 2004-2007 National Programme for Culture fixes quantitative goals to be reached in 2007, including a 30% increase in the production of Slovenian cinematographic works.

These policy goals concerning the development of local film production arguably qualify as indirect territorialisation that is not quantifiable.

3 Analysis of Co-Financing of Audiovisual Media Project

3.1 Description of the funding scheme

The Co-financing of Audiovisual Media Projects (CAMP) is a funding scheme primarily based on the Public Media Law (PML), which came into force on 26 May 2001 (published in the Official Gazette of the Republic of Slovenia, no. 35/2001, 54/2002). The PML was amended in 2006. Furthermore this funding scheme is now regulated by *Pravilnik o merilih in kriterijih za izbor projektov in programov Filmskega sklada Republike Slovenije - javnega sklada* (Rules on standards and criteria for the selection of projects and programmes of the Slovenian Film Fund, SFF Rules for Selection) of 6 March 2006.

This funding scheme is also regulated by the *Uredba o merilih oziroma pogojih za določitev slovenskih avdiovizualnih del* (Decree on Criteria and Conditions of Determining Slovenian Audio-Visual Works) of 21 December 2001 and by the *Pravilnik o merilih za opredelitev vsebin lastne produkcije* (Rules on criteria for determination of the contents of own production) of 31 August 2002. There were no significant regulatory changes during between 2001 and 2005 affecting the legal questions addressed by this study.

The *Zakon o uresničevanju javnega interesa za kulturo* (Act on Enforcing Public Interest in the Field of Culture, Act on Public Interest) of 29 November 2002 and the *Pravilnik o programih posebnega pomena* (Rules on programmes of special importance) of 5 October 2002 are also relevant.

Specific rules are also contained in the *Pravilnik o izvajanju javnih razpisov za odkup avdiovizualnih del neodvisnih producentov* (Rules on open invitations to tender for the acquisition of audio-visual works of independent producers) of 1 May 2003 and by the *Uredba o izvedbi rednega letnega javnega razpisa za sofinanciranje projektov iz proračunske postavke za avdiovizualne medije* (Decree on carrying out regular annual tenders for co-financing projects from the budgetary fund for audio-visual media) of 4 June 2003.

This funding scheme is administered by the Slovenian Ministry of Culture.

For contact information see reply B.14 for Slovenia for CAMP funding scheme, For further details see reply B.4 for Slovenia for CAMP funding scheme.

3.2 Synopsis of objective territorialisation requirements

3.2.1 Rules

The “CAMP” does not contain any objective territorial condition.

3.2.2 Practice

- There is no relevant judicial or administrative practice reported
- 3.2.3 Discussion
- N/A
- 3.2.4 Conclusions
- No objective explicit territorialisation requirements apply to this funding scheme (see reply B.5 for Slovenia for the CAMP funding scheme).
- 3.3 Synopsis of indirect territorialisation requirements
- 3.3.1 Practice
- There is no relevant judicial or administrative practice reported (see reply B.10 for Slovenia for CAMP funding scheme)
- 3.3.2 Discussion
- N/A (see reply B.10 for Slovenia for CAMP funding scheme)
- 3.3.3 Conclusions
- There is no reported practice on indirect territorialisation requirements.
- However the CAMP arguably contains indirect territorialisation requirements (see, however, reply B.10 for Slovenia for CAMP funding scheme) under the selective aid granting mechanism (see reply B.13 for Slovenia for CAMP funding schemes, and Section 3.4 below) and under the purpose and cultural clauses (see Section 3.6 below)
- 3.4 Synopsis of State aid selective granting criteria and procedures
- The selective granting procedure contained in the Decree on Carrying out Regular Annual Tenders for Co-Financing Projects from the Budgetary Fund for Audio-Visual Media is based on qualitative criteria (e.g. quality, professionalism of performance, variety, originality, author's approach) and so it arguably includes territorial requirements. In particular, Article 9 includes among its criteria the meaning/importance of the project to the development or creation of Slovenian audiovisual works and to the strengthening of Slovenian audiovisual production at home and abroad and the meaning/importance of the project to the development of Slovenian culture and the Slovenian language.

Furthermore, according to Para. 2 of Article 10 of the Decree on Carrying out Regular Annual Invitation to Submit Proposals for Co-Financing Production of Media Programme Contents, the criteria of selective funding for radio and television programs include e.g. the significance of the project to the development of Slovenian culture and language, and its contribution to the preservation of Slovenian national and cultural identity.

Projects are evaluated in their entirety, on the basis of criteria of content, artistic value and production and market potential. The respect of the right of local and minority communities to have access to public and other information in their languages and the principle of gender equality are also taken into account.

The evaluation is processed by a special commission of five media experts nominated by the Minister of Culture (Experts' Commission).

Even if there are no objective requirements for local expenditure, national quotas, or requirements governing the composition of the cast, the criteria referring to the significance of the project for Slovenian culture cannot exclude indirect territorialisation that is not quantifiable.

3.5 Synopsis of the relation between territorialisation requirements and co-production agreements

See Section 2.5 above.

3.6 Synopsis of purpose and cultural clauses applying to the funding scheme

Article 8 of the Act on Enforcing Public Interest in the Field of Culture provides that the public interest for culture is founded on the maintenance and protection of public cultural goods by which the cultural development of Slovenia and Slovenian nation is exercised. The Republic of Slovenia and the local communities have care of this cultural development.

Furthermore, Title VII of the Resolution on the 2004-2007 National Programme for Culture articulates general cultural policy goals. These objectives explicitly mention, *inter alia*, raising the quality and quantity of Slovenian audiovisual production, increasing cooperation in international co-productions, strengthening the promotion, distribution and showing at home and abroad and assuring the protection of Slovenian audiovisual productions (see reply B.12 for Slovenia for SDAS funding scheme).

Moreover Title VII of the Resolution on the 2004-2007 National Programme for Culture fixes quantitative goals to be reached in 2007, including a 30% increase in the production of Slovenian cinematographic works.

These policy goals concerning the development of local film production arguably qualify as indirect territorialisation that is not quantifiable.

References:

Slovene: *Analiza stanja na področju filmske dejavnosti*
English: *Analysis of Status of Cinematographic Activities*
Year: not dated (possibly 2001 or 2002)
Author: Tone Frelj, Consultant to the Ministry for Culture

E-source:

[http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Zakonodaja/
Analiza_stanja/08.pdf](http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Zakonodaja/Analiza_stanja/08.pdf)

Attachments:

- Replies to the legal questionnaire by Katarina Prebil, attorney at law, Attorneys' Office Prebil Katarina, Slovenia
- Regulations for Slovenia