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# Television across Europe:

## Follow-up Reports 2008

SLOVAKIA

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This country report was prepared as part of a series of monitoring reports titled ‘Television across Europe: Follow-up Reports 2008’. The series presents an update of the situation in nine of the original twenty countries covered in the 2005 reports series ‘Television across Europe: regulation, policy and independence’. The countries included in the 2008 series are: Albania, Bulgaria, Czech Republic, Italy, Lithuania, Macedonia, Poland, Romania and Slovakia.

Both series of reports have been prepared by the EU Monitoring and Advocacy Program (EUMAP) of the Open Society Institute and by the Media Program of the Open Society Foundation, in cooperation with local experts. EUMAP and the Media Program would like to acknowledge the primary role of the following individuals in researching and drafting this country report.

Final responsibility for the content of the reports rests with the Programs.

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## Preface

*Television across Europe: Follow-up Reports 2008* is a monitoring project of EUMAP (EU Monitoring and Advocacy Program) at the Open Society Institute and of the Media Program at the Open Society Foundation. The project updates and builds on the outcome of the original *Television across Europe: regulation, policy and independence* monitoring reports released in October 2005, which covered 20 countries.

The 2005 reports concluded that the pivotal role of television in supporting democracy in Europe was under threat. It showed that public service broadcasters were being forced to compromise quality to compete with commercial channels, and that many of them depended on Governments or political parties. Moreover, ever-larger concentrations were developing in the commercial sector, often with clear political affiliations. These developments jeopardised broadcasting pluralism and diversity, with the new democracies of Central and Eastern Europe most acutely at risk.

The original *Television across Europe* project and its linked advocacy activities ended in June 2006. Since then, the Media Program has funded a number of follow-up projects, carried out by partner organisations in selected countries, aimed at promoting and building on the reports' findings and conclusions.

There have been significant developments in many of the countries covered in the 2005 reports, with respect to many of the areas monitored. Launched in London in March 2008, *Television across Europe: Follow-up Reports 2008* monitors these developments in nine of the twenty countries that were originally monitored: Albania; Bulgaria; the Czech Republic; Italy; Lithuania; Poland; the Republic of Macedonia; Romania and Slovakia. These countries were selected because of the continuing significant changes in their broadcasting landscape.

*Television across Europe: Follow-up Reports 2008* maps the main changes in broadcasting legislation, policy and market over the past three years and assesses the progress – or lack of – that these countries have made in improving the independence and pluralism of their broadcasting.

As with the original 2005 reports, these updates are addressed to policy makers, civil society activists and academics alike, as a contribution to bringing about change where it is needed.

The nine country reports were drafted by local experts with the support of partner NGOs. All country reports are based on the same methodology, thus allowing for a comparative analysis. OSI and OSF assume final responsibility for their content.

## **About EUMAP**

EUMAP, the EU Monitoring and Advocacy Program of the Open Society Institute, monitors the development of selected human rights and rule of law issues in both the European Union and in its candidate and potential candidate countries.

EUMAP works with national experts and nongovernmental organizations (NGOs) to compile reports that are distributed widely throughout Europe and internationally. The reports are designed to encourage broader participation in the process of articulating the EU's common democratic values as well as in ongoing monitoring of compliance with human rights standards throughout the Union.

In addition to these monitoring reports on Television across Europe, EUMAP is currently focusing on access to Education for Roma and on the situation of Muslims in selected EU Cities.

Previous EUMAP reports include the 2005 Television across Europe series as well as reports on minority protection, the rights of people with intellectual disabilities, judicial independence, judicial capacity, corruption and anticorruption policy and equal opportunities for women and men.

All EUMAP reports as well as further information on the program are available at [www.eumap.org](http://www.eumap.org).

## **About the Media Program**

The Media Program seeks to promote independent, professional, and viable media and quality journalism, primarily in countries undergoing a process of democratization and building functioning media markets.

The Media Program supports initiatives aimed at helping media-related legislation conform to international democratic standards, increasing professionalism of journalists and media managers, strengthening associations of media professionals, and establishing mechanisms of media self-regulation. The Media Program also supports media outlets that stand for the values of open society, as well as efforts aimed at monitoring and countering infringements on press freedom, and promoting changes in media policy that ensure pluralism in media ownership and diversity of opinion in media.

Although traditionally the Media Program has focused on Central, Eastern, and South Eastern Europe, CIS, and Mongolia, during the past several years it has expanded to Western and Southern Africa, Southeast Asia, and Latin America.

Television across Europe:

Follow-up Reports 2008

Slovakia

By Rasto Kužel and Ivan Godársky

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## List of Abbreviations

CME	Central European Media Enterprises
ECHR	European Court for Human Rights
IVO	Institute for Public Affairs, <i>Inštitút pre verejné otázky</i>
LS-HZDS	People's Party – Movement for a Democratic Slovakia, <i>Ludová strana – Hnutie za demokratické Slovensko</i>
MDPT	Ministry of Transport, Posts and Telecommunications, <i>Ministerstvo dopravy, pôšt a telekomunikácií</i>
OSCE	Organisation for Security and Cooperation in Europe
PMÚ	Anti-monopoly Office, <i>Protimonopolný úrad</i>
SDKÚ-DS	Slovak Democratic and Christian Union – Democratic Party, <i>Slovenská demokratická a kresťanská únia – Demokratická strana</i>
SITA	Slovak News Agency, <i>Slovenská tlačová agentúra</i>

SMER-SD	Smer-Social Democracy, <i>Smer-Sociálna demokracia</i>
SNS	Slovak National Party, <i>Slovenská národná strana</i>
SRO	Slovak Radio, <i>Slovenský rozhlas</i>
STV	Slovak Television, <i>Slovenská televízia</i>
TASR	Press Agency of the Slovak Republic, <i>Tlačová agentúra Slovenskej republiky</i>
TÚ SR	Telecommunications Office of the Slovak Republic, <i>Telekomunikačný úrad SR</i>

## A. Executive Summary

Political interference has marked the development of Slovak media since 1989. The media succumbed to political pressure, especially during electoral campaigns, while the public service broadcasters were explicitly dominated by political circles. Since the latest parliamentary elections in 2006, attempts at political interference have increased significantly. Under the present governing coalition, almost the entire media environment has come under permanent verbal attack by State representatives, primarily the Prime Minister. They have created an atmosphere of hostility, going as far as to identify the media as political opposition, blaming them for bias and lack of professionalism, boycotting the “oppositional” outlets or adopting restrictive legislation against journalists. Some coalition politicians have tried to gain general acceptance of the idea that it is their legitimate right to intervene in the work of media. In early 2008, President Ivan Gašparovič even said that State authorities such as the Government and Parliament should have their own media.

There are still questions about the adequate functioning of the public service media. There has been no broad public debate about their role. Slovak Television (STV, *Slovenská televízia*), in particular, has experienced much turbulence. Richard Rybníček, the general director from 2003 to mid-2006, made substantial structural changes that improved STV’s financial situation and increased its ratings. At the same time, however, he was accused in some quarters of being driven only by ratings and turning STV into a commercial outlet. Rybníček resigned before his mandate expired and STV had no director for five months. After Radim Hreha was appointed, political interference increased at STV. Moreover, the station’s finances worsened and once again STV became dependent on State subsidies handed out by the governing coalition. Hreha was fired in 2007 after only a year in office. In April 2008, Štefan Nižňanský, formerly a news anchor at Czechoslovak Television during communism, became the new Director.

The commercial sector, by contrast, has become more transparent, which marks another step in the process of standardising the media market. In 2006, local entrepreneurs sold their shares in TV Markíza and the daily newspaper *Pravda* to foreign groups. This was seen as helping to reduce pressures on those media, especially given their owners’ business and political involvements.<sup>1</sup> The ownership of TV Joj and the all-news channel TA3 also changed in 2007.

The nationwide private broadcasters have consolidated their positions on the market, creating a solid sector. TV Markíza continues to increase its dominance after it returned to the format of family TV, with which it made its name in the mid-1990s.

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<sup>1</sup> Gabriel Šipoš, “Slovenské médiá 2006 – etika sa zlepšila, profesionalita stagnuje” (Slovak media 2006 – ethics has improved, professionalism is stagnating), 5 February 2007, available on Šipoš’s blog (in Slovak) at [http://spw.blog.sme.sk/clanok\\_tlac.asp?cl=80526](http://spw.blog.sme.sk/clanok_tlac.asp?cl=80526) (accessed 19 January 2008).

The private broadcasters have also managed to cement their positions, due to STV's inability to resist repeated political attacks on its editorial independence, which naturally had an impact on its overall credibility, weakening its market position.

In recent years, media legislation has undergone major changes, triggered mainly by the imminent transition from analogue to digital broadcasting. A new law on digital broadcasting, adopted in March 2007, appears to postpone the real introduction of digital terrestrial broadcasting by several years, possibly until 2011. New legislation was also adopted on public service licence fees, allowing public service broadcasters to collect the fee from all users of electricity. Although this arrangement is contentious, it is expected to improve the collection of the fee.

The most worrying legal development was the adoption in April 2008 of a controversial press law prepared by the Ministry of Culture, despite fierce criticism and protests. The law, which replaced 40-year-old legislation, introduced dubious wording of certain provisions, in particular the right to reply, which could have negative repercussions for media freedom. Numerous international organisations, the media themselves, professional associations and non-governmental organisations (NGOs) criticised the regressive character of the law.

In 2007, for the first time, the Slovak Supreme Court disregarded a ruling of the European Court for Human Rights (ECHR).<sup>2</sup> Instead, the Court chose to uphold its original verdict in the case of a journalist who had been found guilty by the Košice District Court of defaming nation, race and belief.<sup>3</sup>

Attacks on journalists in 2007 give grounds for concern. There was an arson attempt on the home of an investigative journalist working with a tabloid magazine. The perpetrators are yet to be found. The police used excessive force to stop a peaceful, authorised demonstration by a Kazakh journalist protesting against the antidemocratic policies of Nursultan Nazarbaev, President of Kazakhstan, during his official visit to Slovakia. The Ministry of the Interior later apologised to the journalist.

Slovakia is awakening to the digital age. Better-resourced media outlets have scrambled to get a presence on new platforms. The number of blogs and the quantity of content on the Internet have boomed. However, old problems remain intractable. Although the media in general have started to show more respect for ethical codes and principles,

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<sup>2</sup> The ECHR stated in 2006 that Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms was violated by the Slovak Supreme Court, in the case of the journalist Martin Klein.

<sup>3</sup> In the weekly magazine *Domino efekt*, Martin Klein had criticised the personal request of Archbishop Jan Sokol to ban the movie *The People vs. Larry Flynt* and its publicity poster in Slovakia. Klein was fined the sum of €350 in 2000. (Tomáš Czwickovicz and Miroslav Kollár, "Média", in M. Kollár, G. Mesežnikov and M. Bútorá, *Slovensko 2007. Súhrnná správa o stave spoločnosti* (Slovakia 2007. A Global Report on the State of Society), IVO, Bratislava, 2008, pp. 551–552.)

they still have not made significant progress in their professionalism: plagiarism, a refusal to make corrections, and hidden conflicts of interests are still relatively frequent.<sup>4</sup>

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<sup>4</sup> Gabriel Šipoš, “Slovenské médiá 2007 – plusom nové technológie, mínusom politizácia” (Slovak media 2007 – plus are the new technologies, minus is the politicisation), 19 December 2007, available online on Šipoš’s blog at <http://spw.blog.sme.sk/c/125353/Slovenske-media-2007-plusom-nove-technologie-minusom-politizacia.html> (accessed 19 January 2008).

## B. Recommendations

### 1. ORIGINAL RECOMMENDATIONS FROM THE 2005 REPORT<sup>5</sup>

Although the media landscape has seen many changes in the past three years, only a few of the recommendations from the original 2005 report were adopted, and even those only partly.

#### 1.1 Policy

<p>1. The Ministry of Culture should, based on wider public discussion, draft and submit to the Government for adoption a new national media policy that will define fundamental guidelines for the media, including the role of the public service broadcasters.</p>	<p>This recommendation has not been adopted. The Ministry of Culture should prepare a nationwide media strategy to clarify the role of public service broadcasting.</p>
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<sup>5</sup> “Slovakia” in Open Society Institute, *Television across Europe: regulation, policy and independence*, Budapest, 2005, pp. 1463–1465 (hereafter OSI/Slovakia).

## 1.2 Regulatory authorities

<i>Transparency and media diversity</i>	
2. The Council for Broadcasting and Retransmission should be granted a larger jurisdiction, to enable it to ensure transparency in the broadcasting market and prevent concentration of ownership.	This recommendation has not been adopted. There has been no legal amendment to enlarge the jurisdiction of the Broadcasting Council.
3. Parliament should amend the Law on Broadcasting and Retransmission to sharpen Articles 42–44, in order to prevent unlawful bypassing of the law.	This recommendation has not been adopted and remains valid. Articles 42 to 44 of the Broadcasting Law, which limit cross-ownership, have not been sharpened. As they stand, the constraints on cross-ownership continue to be easily bypassed by hiding ownership links within a bigger group of companies.
4. The Council for Broadcasting and Retransmission should utilise its competence and publish the names of all licence stakeholders, together with their shares.	This recommendation has been partly adopted. The Broadcasting Council makes public the names of licence holders. However, it does not publish the exact shareholding behind these companies and the owners of affiliate companies associated with the licence owners.
5. Parliament should amend the Law on Broadcasting and Retransmission to require applicants for broadcast licences to adopt their own binding ethical code as part of the application procedure for broadcast licences.	This recommendation has not been adopted, and remains valid. Parliament did not change the law to oblige applicants for broadcast licences to adopt ethical codes.
6. Parliament should amend the Law on Broadcasting and Retransmission to enable the Council for Broadcasting and Retransmission to remove a licence when a broadcaster, despite imposed sanctions, continues to repeatedly violate the law.	This recommendation has been adopted. It is now possible for the Broadcasting Council to strip a broadcaster of its licence.

### 1.3 Public service broadcasters

<i>Independence and professionalization</i>	
<p>7. Parliament should amend the Law on Slovak Public Television (STV) and the Law on Slovak Public Radio (SRO), to introduce a new system for appointing the members of the Slovak Public Television (STV) Council and the Slovak Public Radio (SRO) Council that would minimise political influence on the public service broadcasters. Under these amendments, a certain number of members of both councils should be appointed from civil society and professional organisations' nominees.</p> <p>8. Parliament should amend the Law on Slovak Public Television (STV) and the Law on Slovak Public Radio (SRO), to introduce media expertise and experience as a new criterion for the appointment of the members of the STV Council and the Radio Council.</p>	<p>These recommendations have not been adopted and are still pertinent. The public service media continue to be highly politicised.</p>
<i>Public service mission</i>	
<p>9. The public service broadcasters (STV and SRO) should be ensured sufficient funding to fulfil their public service mission. To achieve this, Parliament should amend the Law on Licence Fees to change the procedure for establishing the level of licence fees, such that increases in the level of the licence fee are in future made directly proportional to the rate of inflation. Consideration should also be given to more effective enforcement measures as regards the collection of licence fees.</p>	<p>This recommendation has been partly adopted. A different system of licence fee collection was introduced in 2008. It remains to be seen whether it will be well implemented.</p>
<p>10. Civil society should continue to organise regular debates on how the public broadcaster fulfils its mission, inviting all political parties, representatives of regulators, Parliament and other relevant institutions to participate.</p>	<p>This recommendation has not been followed. The regular debates, or so-called 'focus groups' with viewers – organised under STV Director Richard Rybníček – ended with Rybníček's resignation in 2006. No other serious public debates have been held on the issue.</p>

## 1.4 Public and private broadcasters

<i>Training</i>	
11. Professional organisations such as the Slovak Union of Journalists, and both public and private broadcasters, should encourage the training of their journalists and put in place a system to motivate and reward journalists open to training.	This recommendation has not been adopted. Training of journalists is still needed. The Slovak Union of Journalists has become more active, but has not done much in this respect.
12. Broadcasters should support educational and cultural policy in broadcasting, by producing their own programmes and formats, and by cooperating with independent producers.	This recommendation is slowly being adopted by broadcasters, which increasingly produce their own formats and programmes.
<i>Local broadcasters</i>	
13. The Government should initiate legislation to allow public financial aid to be given to local broadcasters that pursue public service values in their broadcasting. Such funding could represent a portion of the licence fee or of local taxes.	This recommendation has not been adopted and is still valid. Local broadcasters continue to face economic hardship.

## 1.5 New media

14. The Government should encourage and support the penetration of new information and communication technologies, such as the Internet and digital broadcasting, by subsidising part of the process. The Government should also motivate businesses to invest in these technologies.	The Government has not done anything in this area and therefore this recommendation remains valid.
15. The Government should finance programmes promoting new technologies to the public, predominantly to less developed regions and social groups, in order to help them understand and use the opportunities offered by these technologies. The Government should improve its support for the e-government policy by supporting online services for citizens as well as for business enterprises.	While the knowledge about these technologies is steadily growing, older, rural and less educated people are still under-informed and not motivated to learn. In March 2008, the Government adopted a Strategy on Informatisation of the Public Sector, which defines goals and steps to achieve e-government policy by 2013.
16. The Government should, in its capacity as a controlling shareholder, ask the dominant fixed-line operator, Slovak Telecom, to support the expansion of Internet access in the country by significantly decreasing the price of the service.	No real effort has been made in this respect. While the latest data suggest that the cost is no longer such an impediment to Internet expansion, it remains a key element for older and financially weaker groups.

## **2. NEW RECOMMENDATIONS BASED ON THE 2008 REPORT**

1. Politicians should abstain from attacking, interfering with or intervening in the work of the media. The irreplaceable role of the media in a democratic society should be respected regardless of the contents they produce and air.
2. Politicians should put an end to their custom of appointing political nominees to the councils that are to oversee the performance of the public service broadcasters.
3. The technical regulator, the Telecommunications Office of the Slovak Republic (TÚ SR, *Telekomunikačný úrad SR*), should look for a larger and more diverse pool of applicants when granting authorisations for digital multiplexes, in order to prevent the formation of monopolies in the digital market.
4. The Press Act should be revised in line with the recommendations of international and domestic media organisations dealing with freedom of expression, such as the OSCE Representative on Freedom of the Media.

## C. Main Findings of the Follow-up Monitoring

### 1. GENERAL BROADCASTING ENVIRONMENT

#### 1.1 Key developments in legislation and policy

Since 2005, three main developments have primarily shaped Slovakia's media landscape: the start of digitalisation, the weakened credibility of the public service broadcaster STV due to political interference,<sup>6</sup> and Prime Minister Róbert Fico's personal hostility to the media.

The transition to digital broadcasting, which will shape the entire media industry, has been discussed by experts and policy makers, without any more inclusive public debate. In July 2006, the Government adopted a Strategy for Transition from Analogue to Digital Terrestrial TV Broadcasting in the Slovak Republic. This strategy foresaw the launch of digital terrestrial broadcasting before 30 June 2007. It also envisaged the existence of three operational nationwide multiplexes by 2011. However, most of the deadlines were not met due to various factors, primarily the time needed for the adoption of the Law on Digital Broadcasting, which was approved in March 2007.<sup>7</sup> The Conditions of Transition,<sup>8</sup> which set concrete deadlines, confirm that Slovakia will lag behind western Europe in terrestrial digital rollout. This delay was also the result of pressures and lobbying from commercial broadcasters that want to avoid more competition by postponing the arrival of digital broadcasting for as long as possible. STV lobbied successfully to secure its own exclusive multiplex, which should be

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<sup>6</sup> According to a May 2008 survey by the Institute for Public Affairs (IVO, *Inštitút pre verejné otázky*), the news programmes of commercial broadcasters are the main source of information for 38 per cent of respondents. The news programmes of STV are the main source for 27 per cent of respondents. (IVO, "Polovica slovenskej populácie je spokojná s STV, na športový kanál sa teší len každý štvrtý" (Half of the Slovak population is satisfied with STV; only the fourth person is looking forward to the sport channel), 30 May 2008, available (in Slovak) at [http://www.ivo.sk/buxus/docs//rozne/Vyskum\\_STV\\_press.pdf](http://www.ivo.sk/buxus/docs//rozne/Vyskum_STV_press.pdf) (accessed 9 June 2008).

<sup>7</sup> Tomáš Czwitkovicz and Miroslav Kollár, "Médiá", *op. cit.*, p. 567; Act No. 220/2007 of the Collection of Laws on Digital Broadcasting of Programme Services and Provision of Other Programme Services via Digital Transmission and on Amendment and Supplement of Some Laws (hereafter, Law on Digital Broadcasting), *Official Gazette* 99 of 5 May 2007 (came into force 31 May 2007).

<sup>8</sup> Notification of the Telecommunications Office of the Slovak Republic No. 138/2008 of the Collection of Laws on issuing the Provision of 18 April 2008 n. O-17/2008 on stipulating details on conditions of switch-over from the analogue terrestrial TV broadcasting system of signal transmission to the digital terrestrial TV broadcasting system of signal transmission (conditions of switchover), *Official Gazette* 59 of 24 April 2008 (came into force 1 May 2008).

launched by the end of 2012.<sup>9</sup> STV is legally allowed to transmit its analogue signal on both channels until 2011 at the earliest.

STV has had a turbulent few years. The ructions began after the 2006 parliamentary elections with Richard Rybníček's resignation. His successor at the helm, Radim Hreha, lost no time before dismissing a number of respected journalists and axing their programmes. One-third of STV's news team left en masse, criticising a lack of freedom and even censorship during the summer of 2007. Together with other factors, predominantly a lack of vision, Hreha had not managed to establish a basis for public broadcasting in terms of financing, professional standards and codes of conducts. This crisis led the STV Council to remove Hreha in December 2007, after only one year in office. (See section 3.2.) Hreha faced a lack of trust, due in part to his very low public profile.<sup>10</sup> He was also accused of yielding to political pressure. Under his management, STV's finances went into the red. This had been anticipated, and was expected to improve after the introduction on 1 April 2008 of a new system of paying and collecting licence fees. The position was vacant until 16 April 2008, when Štefan Nižňanský was appointed Director-General. (See section 3.3.)

The growing politicisation of public service television is probably the most marked development in the Slovak media over the past two years. The same trend was expressed, among other things, by the open hostility of State officials, in particular by Prime Minister Fico. After coming to power in the 2006 elections, Fico started a "relentless" battle with representatives of almost all media. For example, he refused to take part in political talk shows with opposition members during 2007, becoming the first Prime Minister in 10 years to do so.<sup>11</sup> SRo was a partial exception to this trend. The Prime Minister's arrogance and aggression have further marred the poor relations between the ruling coalition and most of the media.<sup>12</sup>

Fico's reactions were not in line with his Government's pledges "to create legislation and institutional preconditions in the interest of improving the quality of

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<sup>9</sup> Tomáš Czwitkovicz, "Slovenská digitalizácia sa odkladá" (Slovak digitalisation is being suspended), *Trend*, 22 May 2007, available (in Slovak) at <http://technologie.etrend.sk/101444/digitalna-domacnost/slovenska-digitalizacia-sa-odklada> (accessed 22 January 2008).

<sup>10</sup> Hreha had worked for public service television in the Czech Republic, leaving after a conflict with the popular Czech TV presenter Jan Kraus.

<sup>11</sup> In September 2007, the Government convened in an extraordinary session that resulted in a resolution that requested the Broadcasting Council and the Press Council to punish gross violations of ethical journalistic principles. (Gabriel Šipoš, *Slovak media 2007*, *op. cit.*)

<sup>12</sup> The coalition consists of: the centre-left SMER-Social Democracy (SMER-SD, *Smer-sociálna demokracia*) headed by Fico; the People's Party – Movement for a Democratic Slovakia (ĽS-HZDS, *Ľudová strana – Hnutie za demokratické Slovensko*), led by former Prime Minister Vladimír Mečiar; and the Slovak National Party (SNS, *Slovenská národná strana*), headed by Ján Slota.

constitutional rights of citizens to freedom of expression and information”.<sup>13</sup> The Government had promised among other things to adopt new legislation and create a new financial and organisational framework for the public service media.<sup>14</sup> As promised in its manifesto, the Government introduced a new law on the State-owned Press Agency of the Slovak Republic (TASR, *Tlačová agentúra Slovenskej republiky*), and media literacy in the education system.

At the end of 2007, the Prime Minister stated that the ruling coalition agreed on the appointment procedures and changes to the governance structures of Slovak Television and Slovak Radio (SRo, *Slovenský rozhlas*). “We are naturally interested in electing people who would represent our views.”<sup>15</sup> These plans were carried out in the first months of 2008, when the ruling coalition elected candidates who were perceived as pro-government to the boards of public service media.<sup>16</sup>

The most significant attack on the media was the recently adopted Press Law.<sup>17</sup> A revised draft of this law, submitted early in 2008 by the Ministry of Culture, provoked fierce controversy and criticism. One of the most criticised provisions, according to which the Ministry of Culture would be in a position to regulate media content, was removed following adverse comment by the OSCE Representative on Freedom of the Media,<sup>18</sup> civil society groups and experts.<sup>19</sup> However, another – equally controversial – provision remained. This provision, which conflicts with European best practice, recognises a right to reply to any statement that “touches on the honour, dignity or privacy” of a person or the “name or good reputation” of a legal entity. There is no requirement to prove that the original statement was false or misleading.<sup>20</sup>

<sup>13</sup> Programme manifesto of the Government of the Slovak Republic, available (in Slovak) at <http://www-8.vlada.gov.sk/index.php?ID=1695> (accessed 2 February 2008).

<sup>14</sup> *Ibid.*

<sup>15</sup> Video interview with R. Fico on sme.sk, 18 December 2007 (accessed 28 January 2008).

<sup>16</sup> Media professionals were left out. For example, the media expert Stanislava Benická, who in October 2007 prepared an analysis of the state of news on STV for the station’s Director-General and who was a candidate for the STV Board, received only one vote when the board was appointed in January 2008.

<sup>17</sup> Act No. 167/2008 of the Collection of Laws on Periodic Press and News Agencies, *Official Gazette* 69 of 15 May 2008 (came into force 1 June 2008).

<sup>18</sup> “Statement on the Draft Slovak Act on Periodic Press and News Agencies, Commissioned by the Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe, Organisation for Security and Cooperation in Europe”, Office of the OSCE Representative on Freedom of the Media, London, February 2008, available (in English) at [http://www.osce.org/documents/rfm/2008/02/29687\\_en.pdf](http://www.osce.org/documents/rfm/2008/02/29687_en.pdf) (accessed 30 April 2008).

<sup>19</sup> The law was criticised by Freedom House, Reporters without Borders and others, as well as by the OSCE.

<sup>20</sup> All major daily newspapers appeared twice (on 26 March 2008 and 11 April 2008) with blank front pages, as a protest against the legal attack on their editorial freedom. The only previous such protests occurred in 1995 and 1997, against the Mečiar Government’s proposal to increase VAT.

In addition, the law forbids newspapers to publish any additional information next to the reply. The publishers believe that the law intervenes in the autonomy of editors' work and violates the democratic principles of press freedom. There is a danger that politicians could use the law as a tool to paralyse critical newspapers by flooding them with replies. Despite much internal and external criticism, the ruling coalition made only minor changes to the bill and adopted the law in April 2008. It came into force on 1 June 2008.

## 1.2 Broadcasting market

There have been no major changes in the broadcasting market over the past three years. The main players still include STV with its two channels. STV's first channel, Jednotka, reaches 95.1 per cent of the population, and the second channel, Dvojka, reaches 97.18 per cent.<sup>21</sup> The two main commercial TV stations with a national reach are TV Markíza, which is accessible to 90.88 per cent of households, and TV Joj, which can be received by 67.8 per cent of the population.<sup>22</sup> In 2006, the Broadcasting Council extended their licences until 2019.

At the end of 2007, there were 120 holders of licences for TV broadcasting.<sup>23</sup> These included 15 multiregional<sup>24</sup> commercial stations, comprising six generalist and nine thematic stations. Besides the two major players (TV Markíza and TV Joj), other stations include the news channel TA3, the documentary channel Nautik TV and the music channel Music Box. Recently, the Broadcasting Council licensed two new multiregional broadcasters: TV Ring, which focuses on interactive games for adults (2006), and Bebe TV (in 2007), which is focused on children. Five broadcasters (TA3, TV Patriot, Nautik TV, TV Ring and Bebe TV) transmit via satellite. According to the Broadcasting Council, the TV market is saturated and with the stagnation of the advertising market, there is no need to bring in more competitors.<sup>25</sup>

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<sup>21</sup> Broadcasting Council, "Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2007" (Annual Report on the state of broadcasting in the Slovak Republic and on the activities of the Council for Broadcasting and Retransmission for the Year 2007), Bratislava, 2008, p. 117, available (in Slovak) at <http://www.rada-rtv.sk> (hereafter, Broadcasting Council, Annual Report 2007), accessed 1 July 2008.

<sup>22</sup> Broadcasting Council, Annual Report 2007, p. 117.

<sup>23</sup> Broadcasting Council, Annual Report 2007, p. 19.

<sup>24</sup> Multiregional broadcasters cover more regions and are accessible to at least 30 per cent, but not more than 80 per cent, of the population.

<sup>25</sup> Broadcasting Council, "Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2006" (Annual Report on the state of broadcasting in the Slovak Republic and on the activities of the Council for Broadcasting and Retransmission for the Year 2006), Bratislava, 2007, p. 50, available (in Slovak) at <http://www.rada-rtv.sk> (hereafter, Broadcasting Council, Annual Report 2006), accessed 1 July 2008.

There are 28 regional and 77 local TV licence holders. Many still face economic hardships, and are often subsidised by municipalities. Although an increasing number of regional and local TV channels are raising their professional standards, dependence on local authorities often raises concerns about their editorial independence. The radio market comprised 34 private stations at the end of 2007. Nine of them have multiregional coverage.<sup>26</sup>

Following the introduction of people-metering in October 2004, some TV stations, in particular STV, made changes in their programme structures and staff. The system helped the advertising industry to obtain data that are more accurate. At the same time, it helped the television sector to become more attractive as an efficient marketing tool. However, the system brought no significant changes in the ratings of the TV stations.

Commercial TV Markíza, still the dominant player, has continued to strengthen its position. Jednotka (which has seen its ratings drop) and commercial TV Joj vie for second place. STV's Dvojka has also lost viewers. Overall, STV's decline reflects its declining credibility and inability to appeal to a broad spectrum of viewers.

**Table 1. Audience share of the main TV channels (2006–2008)**

Channel	Share (%)		
	Feb. 2006	Feb. 2007	Feb. 2008
TV Markíza	30.4	33.4	37.6
Jednotka	20.2	16.8	17.6
TV Joj	16.3	16.3	15.6
Dvojka	8.3	5.1	4.7
TA3	1.7	1.3	1.5
Czech TV channels	9.3	10.6	9.3
Hungarian TV channels	-	8.1	5.7
Other	13.8	8.5	8.1

Source: Medialne.sk<sup>27</sup>

Cable coverage increased only modestly over the past three years, from 39.2 per cent in 2003 to 40.7 per cent in 2006. In 2006, satellite penetration hovered at around 13 per cent.<sup>28</sup>

<sup>26</sup> Broadcasting Council, Annual Report 2007, p. 14.

<sup>27</sup> Medialne.sk (available at <http://medialne.etrend.sk/televizia/grafy-a-tabulky.php> (accessed 25 January 2008)).

<sup>28</sup> The source of this information is IP International Marketing Committee.

## 2. REGULATION AND LICENSING OF THE TELEVISION SECTOR

### 2.1 Regulatory authorities and framework

The bodies involved in broadcast regulation are the Council for Broadcasting and Retransmission (the Broadcasting Council), the Telecommunications Office and the Anti-monopoly Office (PMÚ, *Protimonopolný úrad*). The Law on Digital Broadcasting, which came into force on 31 May 2007, changed the functioning of the Broadcasting Council and Telecommunications Office. Additionally, the law enlarged the range of bodies involved in digital regulation to include the Ministry of Culture, the Ministry of Transport, Posts and Telecommunications (MDPT, *Ministerstvo dopravy, pôšt a telekomunikácií*) and the Ministry of Finance.

Along with the MDPT, the Telecommunications Office manages the frequency spectrum.<sup>29</sup> The PMÚ's remit is to protect and support the competitive environment, investigating cases of ownership concentration and abuses of dominant position.<sup>30</sup>

The authority with the highest competence in broadcasting remains the Broadcasting Council, as established on the basis of the Law on Broadcasting and Retransmission.<sup>31</sup> With the Law on Digital Broadcasting, which also amended the Law on Broadcasting and Retransmission, the position and tasks of the Broadcasting Council saw some changes.

The Broadcasting Council's basic task is to promote the right to information, freedom of expression, and access to culture and education. The Broadcasting Council must also ensure, through regulation, pluralism of information in the news provided by the media. Since 2005, the Council has gained additional tasks:

- to inform the European Commission on a regular basis about broadcasters' compliance with their obligations;
- to deal with complaints alleging violations of the law;

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<sup>29</sup> The Telecommunications Office was founded by the Law on Electronic Communications 2003: Law No. 610/2003 on Electronic Communications, *Official Gazette* 249 of 31 December 2003 (came into force 1 January 2004), last amended 29 December 2007 (see OSI/Slovakia, p. 1402).

<sup>30</sup> The Anti-monopoly Office was established by the Law on the Protection of Economic Competition 2001: Law No. 136/2001 on the Protection of Economic Competition, *Official Gazette* 57 of 13 April 2001 (came into force 1 May 2001), last amended 1 March 2005 (see OSI/Slovakia, p. 1402.)

<sup>31</sup> Law No. 308/2000 of the Collection of Laws on Broadcasting and Retransmission, *Official Gazette* 128 of 4 October 2000 (came into force 4 October 2000), last amended 15 May 2008.

- to oversee Slovakia's adherence to the Audiovisual Media Services (AVMS) Directive.<sup>32</sup>

In 2006, the Broadcasting Council purchased a new automatic recording system that has enhanced its monitoring. It also purchased software that allows more accurate data on the territorial coverage of various broadcasters to be obtained.

**Table 2. Budget of the Broadcasting Council (2002–2007)**

Budget (€)	2002	2003	2004	2005	2006	2007
Actual expenditures	493,208	519,089	558,799	592,683	802,797	902,443
Capital expenditures	7,666	35,264	29,867	4,017	105,486	73,041
Total budget	500,874	554,353	588,666	596,700	908,283	975,484

Source: Broadcasting Council<sup>33</sup>

## 2.2 Licensing system

There have been no major changes in the licensing system over the past three years. The Broadcasting Council is in charge of granting broadcast licences for terrestrial broadcasting.<sup>34</sup> Public tenders for licences should be published on the Council's website as well as in at least two national daily newspapers. Licences for radio broadcasting are granted for eight years, whereas licences for TV broadcasting are valid for 12 years.

The applicant who receives a broadcast licence must pay a one-off administrative fee, which was significantly reduced from April 2006. This fee could range between SKK 20,000 (€500, in 2005) and SKK 10 million (€250,000, in 2005) depending on the power of the transmitters used for carrying the signal. From 31 May 2007, after the adoption of the Law on Digital Broadcasting, the fee for analogue licences was reduced to a maximum of SKK 8,000 (€245) for nationwide broadcasters. The fee for digital licences was set at up to SKK 20,000 (€613) for nationwide TV and SKK 10,000 (€307) for nationwide radio.

<sup>32</sup> Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, *Official Journal of the European Union*, 18 December 2007, L 332/27.

<sup>33</sup> Annual reports on the state of broadcasting in the Slovak Republic and on the activities of the Council for Broadcasting and Retransmission for the years 2002–2007.

<sup>34</sup> Law on Broadcasting and Retransmission, art. 45–55.

The main change in the licensing procedure was introduced by the Law on Digital Broadcasting, which gives the Telecommunications Office the right to authorise multiplex operators and entitles the Broadcasting Council to license content-providers.<sup>35</sup>

Commercial broadcasters managed to postpone the launch of digitalisation, thereby keeping fresh competition out of the market. The first terrestrial multiplex needs to be operational for the whole of Slovakia by 2011 at the latest. The entire process is not likely to encourage the existing stations to give up their licences for analogue terrestrial broadcasting voluntarily. The current licences of the two major TV players, TV Markíza and TV Joj, will not expire until 2019.<sup>36</sup>

The Telecommunications Office did not reach any agreement with the broadcasters on the Conditions for Transition and it says that TV stations want to dictate the conditions of the tender for multiplex operators. Broadcasters are concerned about losing their privileged position in the media and advertising markets.<sup>37</sup> According to the Conditions of Transition, the first digital multiplex should be launched within one year of granting a licence to a multiplex operator; the second multiplex by 31 January 2012; and the public service multiplex by the end of 2012. The deadline for analogue switch-off on the frequencies used by digital multiplexes is the end of 2011. All other analogue transmitters will be turned off no later than 31 December 2012.

In mid-2007, half of the population watched TV via analogue terrestrial reception. They are mostly people in the countryside and with low incomes. To receive the digital signal, they will have to buy either digital TV sets or digital set-top boxes. The latter are now sold at approximately SKK 1,500 (€46). The delay in digital terrestrial rollout may, however, lead to uneven results, prompting households to seek alternative methods of reception. Satellite providers, for example, have already updated their infrastructure allowing them to air digitally. In 2006, the Deutsche Telekom-owned utility Slovak Telekom started to offer TV via Internet Protocol (IPTV). Mobile operators such as Orange and T-Mobile plan to build a high-speed optical network, able to carry broadcasting, in several Slovak towns.<sup>38</sup>

Digital transition is expected to cost the stations a loss of viewers for a certain period. The head of TV Markíza, Václav Mika, threatened to sue the State if the transition

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<sup>35</sup> Law on Digital Broadcasting, art. 24–32.

<sup>36</sup> While a licence for analogue broadcasting can be extended only once (for 12 years for television stations and eight years for radio stations), a licence for digital broadcasting is granted for an unlimited period.

<sup>37</sup> Tomáš Czwitkovicz, “Podľa Telekomunikačného úradu televízie blokujú digitalizáciu” (According to the Telecommunications Office digitalisation is blocked by the TV channels), *Trend*, 28 January 2008, available (in Slovak) at <http://medialne.etrend.sk/televizia/sprava.php?sprava=6173> (accessed 15 February 2008).

<sup>38</sup> *Ibid.*

process damaged his station. Commercial stations that seek damages in court for losses caused by digitalisation will probably win. As a compromise, Parliament dropped the restrictions on commercial broadcasters owning more channels. According to the Law on Digital Broadcasting, TV stations will be able to own more thematic channels. They can thus prevent newcomers from entering the market.<sup>39</sup> However, after issuing the Conditions for Transition in April 2008, the Telecommunications Office stated that “digital broadcasting creates an opportunity to establish new TV channels, increasing competition and thus also pressure to improve quality programming”.<sup>40</sup>

The Broadcasting Council continues to be responsible for ensuring that broadcasters comply with broadcast legislation. The regulator carries out this duty by receiving complaints and monitoring broadcasters’ programming. According to the Law on Digital Broadcasting, the Broadcasting Council can fine broadcasters up to SKK 5 million (€153,300) for violating legal provisions on cross-ownership. The Telecommunications Office can fine multiplex operators the same sum for the same reason.<sup>41</sup>

The Council can also fine TV broadcasters up to SKK 5 million (€153,300) and radio stations up to SKK 1.5 million (€46,000) for major violations of the Law on Broadcasting and Retransmission.<sup>42</sup> It can remove a broadcaster’s licence if the broadcaster repeatedly, intentionally and in a serious manner violates provisions on the protection of human dignity and humanity.<sup>43</sup> Commercial broadcasters continued to attract most of the content-related sanctions. In 2005 and 2006, the number of sanctions on TV broadcasters remained stable. A significant increase in warnings was registered in 2007.

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<sup>39</sup> Tomáš Czwitkovicz, “Televízie si s poslancami poradili, digitálny zákon sa prepisoval” (Television channels have controlled MPs, digital law has been overwritten), *Medialne. sk*, 11 April 2007, available (in Slovak) at <http://medialne.etrend.sk/televizia/clanok.php?clanok=3046> (accessed 25 February 2008).

<sup>40</sup> “Začína reálny prechod na digitálne televízne vysielanie” (There begins a real transition to digital TV broadcasting), available on <http://www.teleoff.gov.sk/sk/Press/2008/TPP.html> (accessed 24 April 2008).

<sup>41</sup> Law on Digital Broadcasting, art. 60(2), 60 (4).

<sup>42</sup> Law on Broadcasting and Retransmission, art. 67(5).

<sup>43</sup> Law on Broadcasting and Retransmission, art. 67a.

**Table 3. Content-related sanctions imposed by the Broadcasting Council  
(2005–2007)**

Type of sanction	Year	Public service broadcasters		Commercial broadcasters		Total	
		TV	Radio	TV	Radio	TV	Radio
Warning	2005	10	0	45	5	55	5
	2006	16	0	58	7	74	7
	2007	15	3	96	7	111	10
Obligation to air announcement on the breach of law	2005	1	0	4	1	5	1
	2006	1	0	1	0	2	0
	2007	0	0	2	0	2	0
Fines	2005	30	1	62	3	92	4
	2006	26	0	38	4	64	4
	2007	22	1	57	2	79	3
Total	2005	41	1	111	9	152	10
	2006	43	0	97	11	140	11
	2007	37	4	155	9	192	13

Source: Broadcasting Council<sup>44</sup>

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<sup>44</sup> Annual reports on the state of broadcasting in the Slovak Republic and on the activities of the Council for Broadcasting and Retransmission for the years 2005–2007.

**Table 4. Content-related fines imposed on TV broadcasters (2005–2007)**

Broadcaster	Year	Number of fines	Value of fines (total in €)
STV	2005	30	309,098
	2006	26	779,798
	2007	20	331,330
TV Markíza	2005	42	644,874
	2006	18	61,329
	2007	34	515,164
TV Joj	2005	18	115,605
	2006	17	98,740
	2007	20	214,192
Total	2005	90	1,069,578
	2006	61	939,867
	2007	74	1,060,685

Source: Broadcasting Council<sup>45</sup>

The Council's decisions have not been controversial over the longer period and the body appears to have gained a respectable reputation.

### 3. REGULATION AND MANAGEMENT OF PUBLIC SERVICE TELEVISION BROADCASTING (PSB)

#### 3.1 PSB legislation and policy

The responsibilities of public broadcasters have remained unchanged in the past three years. The Law on Slovak Television<sup>46</sup> and the Law on Slovak Radio provide the legal basis of public service broadcasting.

The Law on Digital Broadcasting (2007) largely supported the interests of the major broadcasters. Its adoption was preceded by a memorandum of co-operation signed by

<sup>45</sup> *Ibid.*

<sup>46</sup> Law No. 16/2004 of the Collection of Laws on Slovak Television, *Official Gazette* 7 of 15 January 2004 (came into force 1 February 2004), hereafter the Law on STV, last amended on 4 March 2008; Act No. 619/2003 of the Collection of Laws on Slovak Radio, *Official Gazette* 252 of 31 December 2003 (came into force 1 January 2004) (hereafter the Law on Slovak Radio), last amended on 4 March 2008.

the four major TV players (STV, TV Markíza, TV Joj and TA3). Politicians accepted their requirements as they wanted to avoid an open conflict.

The first draft of the Law on Digital Broadcasting did not envisage an entire multiplex for public service media. However, the STV management under Hreha lobbied for this provision. Hreha said that in addition to the two existing channels, STV had intended to launch two thematic channels (on sports and news). STV wanted to launch the sports channel named Trojka (the third channel)<sup>47</sup> by the planned deadline of August 2008, in time to air the Beijing Olympic Games.<sup>48</sup> Initially there appeared to be little hope of success, as the 2008 STV budget did not include €3.07 million earmarked for launching the sports channel. In May 2008, however, the Broadcasting Council issued a nationwide digital licence to STV's Trojka, and a week later the newly appointed Director-General, Štefan Nižňanský, succeeded in gaining State financial support, when the Government decided to provide around €2.79 million to launch this channel.<sup>49</sup> Trojka was on air in time for the Olympics.

In draft form, the Law on Digital Broadcasting tried to prevent the creation of dominant positions in the audiovisual market, for example by prohibiting a company from being licensed to operate more than one multiplex. Such provisions did not pass into law. According to the Law on Digital Broadcasting, the licensing of multiplex operators was given to the Telecommunications Office. This is worrisome as the European Commission criticised the Telecommunications Office for lacking independence.<sup>50</sup> The telecom regulator is financed by the Ministry of Transport, Post and Telecommunications, which is a shareholder in Slovak Telekom.<sup>51</sup> The company Radio-communications, which plans to apply this year for a licence to operate a

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<sup>47</sup> According to a May 2008 survey by the Institute for Public Affairs, some 39 per cent of respondents said that they welcomed the STV sports channel while 45 per cent had no interest in this idea (IVO, *op. cit.*).

<sup>48</sup> Tomáš Czwitkovicz, "Slovenská digitalizácia sa odkladá", *op. cit.*

<sup>49</sup> "STV môže spustiť športový okruh, TASR bude verejnoprávna" (STV can launch the sports channel, TASR will be a public service), *E-katalóg.sk*, 28 May 2008, available (in Slovak) at <http://www.e-katalog.sk/spravodajstvo/12700/> (accessed 5 June 2008).

<sup>50</sup> "MDPT pripravuje prevod akcií Slovak Telekomu" (MDPT prepares transfer of shares of Slovak Telekom), 27 March 2007, available (in Slovak) at <http://www.24hod.sk/clanok-28371-MDPT-pripravuje-prevod-akcii-Slovak-Telekomu.html> (accessed 13 January 2008).

<sup>51</sup> Slovak Telekom is owned by Deutsche Telekom AG (51 per cent) and the Slovak Republic (49 per cent). By the end of 2007, the smaller share was held by the Ministry of Transport, Post and Telecommunication (34 per cent) and the National Property Fund (15 per cent). The Ministry is in process of transferring its share to the Ministry of Development, in response to long-standing criticism by the European Commission.

multiplex, is a branch of the Telecommunications Office.<sup>52</sup> Complaints about the concentration of multiplex ownership will be dealt with only by the PMÚ.

### 3.2 PSB governance structure

Under the management that took over in 2003, STV made significant progress in restructuring, especially in organisational and economic terms. By the end of 2004, within two years of his appointment as Director-General, Richard Rybníček had halved STV's staff. By slashing costs, he balanced the budget in 2005. However, there was concern in some quarters that the price of better financial health was the abandonment of STV's public-service mission, with Jednotka becoming more commercial in order to beef up the station's overall ratings.

Following Rybníček's departure and the elections in 2006, STV's reputation has steadily declined. Instead of strengthening its public service character, STV in general, and its news and current affairs department in particular, were subject to intensifying political interference. Since the 2006 elections, STV has come under constant pressure from the ruling coalition, which interfered more or less openly in both the appointment of Radim Hreha in December 2006 (after Rybníček's resignation) and the election of the governing structures in early 2008. Following Hreha's arrival as STV's thirteenth Director-General since 1989, the media and opposition politicians speculated that his appointment was meant to allow the ruling coalition to influence STV. Senior members of the coalition openly admitted as much; for example, the Vice-Chairman of the LS-HZDS party, Milan Urbáni, said that parties in the coalition had agreed to gain influence over some of STV's activities, mostly news.<sup>53</sup>

In December 2007, the STV Council decided to sack Hreha. He was accused of repeated failures to implement the resolutions of the STV Council,<sup>54</sup> increasing the budget deficit, failing to submit the station's draft budget and programme concept for 2008, and failing to meet certain statutory programme obligations, such as the quota of

<sup>52</sup> Slovak News Agency (SITA, *Slovenská tlačová agentúra*), "Digitalizácia na Slovensku výrazne mešká" (Digitalisation in Slovakia is significantly delayed), *Medialne.sk*, 30 January 2008, available (in Slovak) at <http://medialne.etrend.sk/televizia/sprava.php?sprava=6193> (accessed 17 February 2008).

<sup>53</sup> Karol Sudor, "Milan Urbáni: Mečiar bol hlúpy a dnes to už vie" (Mečiar was stupid and today he knows it already), *SME*, 8 January 2007, available (in Slovak) at <http://www.sme.sk/c/3074730/milan-urbani-meciar-bol-hlupy-a-dnes-to-uz-vie.html> (accessed 16 February 2008).

<sup>54</sup> During Hreha's 11 months as Director-General, the STV Council said that out of its 121 resolutions, 17 were not met, one was met only formally, seven after the deadline and three incompletely; the deadline was postponed in the case of six resolutions. (Minutes from the session of the STV Council of 15 November 2007, available (in Slovak) at <http://www.stv.sk/stv/rada-stv/uznesenia/> (accessed 20 February 2008).

independent European production.<sup>55</sup> The search for a new head was launched in early April 2008. On 16 April 2008, Štefan Nižňanský, a news anchor of Czechoslovak Television in communist times, was selected in the second round of the competition from among three candidates. The first round was contested by 19 applicants who met the conditions out of 27 initial applicants. Although Nižňanský rejected all accusations of political bias, the selection procedure was surrounded by speculation that his candidacy was supported by the ruling SMER-SD.<sup>56</sup> (In 2007, he was a media adviser to the Minister of Labour, Social Affairs and the Family, Viera Tomanová, who was nominated by Smer-SD.)

The new Director-General intends to reduce the number of directors, cooperate closely with the STV Council, change the STV logo and return to the old names of STV channels (STV1 and STV2). He is also considering shutting down STV's affiliate companies, established by the former director, Rybníček, and incorporating them into the STV structure.<sup>57</sup> He wants a balanced budget based on various new sources with a gradual reduction of advertising, the renewal of original production and the introduction of new programmes with a European dimension, all aimed at boosting STV's public service character.<sup>58</sup>

During the negotiations among the ruling coalition in December 2007, political parties identified the people they would push on to the councils of public broadcasters. Early in 2008, the ruling coalition elected close allies to the managing boards of the station, with the clear consent of the Prime Minister. The Chair of the STV Council, Bohumír Bobocký, said: "So far each council was created on the basis of political agreements."<sup>59</sup> The former Chair of the STV Council, and a member until March 2008, Miroslav Kollár, said that the move had demonstrated a complete misunderstanding of the task of public service media. "I consider the intervention [of the ruling coalition] in the independence [of the STV Council] to be unprecedented," he said. He added that the winner-takes-all philosophy of the ruling coalition showed how they imposed a tyranny of the majority. He warned that in the past, staffing the public service media on political grounds rather than by criteria of competence had led to their marginalisation, wrecking their hopes of prosperity.<sup>60</sup>

<sup>55</sup> Minutes from sessions of the STV Council of 15 November and 11 December 2007, available (in Slovak) at <http://www.stv.sk/stv/rada-stv/uznesenia/> (accessed 20 February 2008).

<sup>56</sup> "Nižňanský je jednou nohou v STV" (Nižňanský is in STV by one foot), *SME*, 14 April 2008, available (in Slovak) at <http://www.sme.sk/c/3826225/Niznansky-je-jednou-nohou-v-STV.html> (accessed 16 April 2008).

<sup>57</sup> "Nižňanský vedenie STV zatiaľ nemení", *op. cit.*

<sup>58</sup> Štefan Nižňanský, *STV – Tvorivá autorská dielňa* (STV – Creative author's studio), the management and development project, available at <http://www.stv.sk/stv/o-stv/zakony-a-dokumenty/> (accessed 1 May 2008).

<sup>59</sup> "Nižňanský vedenie STV zatiaľ nemení", *op. cit.*

<sup>60</sup> *Ibid.*

### 3.3 PSB funding

The most important source of income for the public service media is the licence fee, which since 1 April 2008 has been linked to electricity utility bills; all consumers of electricity have to pay the licence fee as well. This formula was introduced by the Law on Remuneration for Services to the Public (Law for Services), adopted in early 2008.<sup>61</sup> In the past, all owners of TV sets and radio receivers were obliged to pay the fee. In the case of companies, the size of the fee is calculated according to the number of employees. The public service broadcasters also generate funds from advertising.

**Table 5. STV budget: breakdown by revenue source (2005–2008)**

Revenue source	Income (€ million) <sup>62</sup>				Share of total revenue for 2008 (per cent)
	2005	2006	2007	2008 (approved budget)	
Licence fees	43.63	46.17	45.78	52.68	72.3
Advertisements	16.87	18.06	16.34	18.4	25.2
State subsidies	0	0	3.07	0	0
Revenues from sale of properties	5.52	1.69	1.13	0.46	0.6
Other	3.48	2.99	2.63	1.35	1.9
Total	69.5	68.91	68.95	72.89	100

Source: STV<sup>63</sup>

<sup>61</sup> Law No. 68/2008 of the Collection of Laws on Remuneration for Services to Public provided by STV and SRO and on Amendment and Supplement of Some Other Laws, *Official Gazette* 26 of 29 February 2008 (came into force 1 April 2008).

<sup>62</sup> This report uses the official exchange rate of the Slovak National Bank as of 31 March 2008: €1 = SKK 32.611.

<sup>63</sup> STV, "Výročná správa o činnosti Slovenskej televízie za rok 2006" (Annual STV Report of 2006), June 2007 (available in Slovak at [http://www.stv.sk/chillout\\_items/4/5/1/45144\\_00b93d.pdf](http://www.stv.sk/chillout_items/4/5/1/45144_00b93d.pdf) (accessed 20 March 2008)). Data for 2007 provided by Miroslav Kollár, former member of the STV Council.

**Table 6. STV total income and expenditure (2005–2008) in € million**

	2005	2006	2007	2008 (approved budget)
Total income	69.49	68.9	68.95	72.89
Total expenditure	68.75	68.48	73.88	77.39
Balance	+0.74	+0.42	-4.93	-4.5
Cash-flow	10.74	10.16	6.34	0.66

Source: STV<sup>64</sup>

The licence fee remained SKK 140 (€4.3) a month. As of 1 April 2008, this fee is paid by all households connected by the electricity grid. The revenue is collected by *Rozhlasová a televízna spoločnosť*, a joint company established by STV and SRo for this purpose; this company then divides the money between both public broadcasters (STV receives 70 per cent of the sum and SRo gets the remainder). Only households that prove they have disabled people are exempted. Retired people and low-income households pay half the fee. Until April 2008, companies paid according to the number of receivers they used. Under the new provisions, all companies with up to nine employees will pay SKK 140 (€4.3) and companies with more than 1,000 people will pay SKK 14,000 (€430) a month.<sup>65</sup> Thanks to this change, the public service broadcasters are expected to gain the licence fee from a third of the TV households that were estimated to have avoided payment in the past.<sup>66</sup> STV hopes to use the extra funds to launch a new sports channel and make more documentaries and original feature films. The money will also allow STV to modernise its equipment.<sup>67</sup>

However, the changes to the licence fee payment were criticised in some quarters. The public service broadcasters will still need money from the Government and therefore will continue to depend on political power, according to Tomáš Galbavý of the Slovak Democratic and Christian Union–Democratic Party (SDKÚ-DS, *Slovenská demokratická a kresťanská únia – Demokratická strana*). Galbavý said that it was unacceptable to force people to pay the licence fee through the electricity bill; for there are citizens who use electricity but not radio and television. The SDKÚ-DS wants to scrap the licence fee completely and have STV and SRo funded through the State budget. The party submitted its proposal in September 2007, but gained support from

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> “Poplatky naše každodenné” (Our daily fees), available (in Slovak) at [http://celamko.blogspot.com/2008/02/poplatky-nae-kadodenn\\_15.html](http://celamko.blogspot.com/2008/02/poplatky-nae-kadodenn_15.html) (accessed 3 March 2008).

<sup>67</sup> *Ibid.*

only two other opposition parties. However, Galbavý has promised to resubmit the proposal until it is accepted.<sup>68</sup>

The Minister of Culture, Marek Maďarič, opposed the SDKÚ-DS idea. Licence fee collection had to be improved to prevent the repeated financial crises of public service media. If they are financed by the State, he added, the public service media tend to air more advertisements than if they are funded by the licence fee. Maďarič said the fee is currently too low, but could only be increased if the broadcasters raised the quality of their programming. Maďarič said the Government should finance only certain programmes in the public service media. Agreements on financing these programmes from the State should extend beyond the Government's term, to avoid political interference.<sup>69</sup>

In a separate move, the economist Richard Šulík, a former adviser to Minister of Finance Ivan Mikloš, and the co-author of Slovakia's flat tax reform, launched an initiative in January 2008 called "Stop the licence fee". He wants to collect signatures to organise a referendum on the licence fee. Šulík considers this fee to be a relic that is "unfair" and "unsocial". As for an alternative, he says that public service media could be funded through contributions from commercial TV stations, the State budget or commercial income such as advertising, sponsorship or subscriptions.<sup>70</sup> According to the latest surveys by the Institute for Public Affairs, 58 per cent of respondents would prefer STV to be funded directly from the State budget. Some 17 per cent expressed support for the licence fee as the main source of financing, and the same proportion backed advertising. Some 59 per cent of respondents said that they were ready to take part in a potential referendum on abolishing the licence fee, with 88 per cent of those 59 per cent saying that they would vote for the elimination of the fee.<sup>71</sup>

Nižňanský stressed after his appointment that STV was "in a complicated situation" due to debts stemming from lost lawsuits, unpaid bonuses for weekends in 2005–2006, and fines imposed on STV for accounting errors in their VAT.<sup>72</sup> As well as the licence fee, he counts on two other sources of funds in order to balance STV's books: first, up to €61 million from the State (based on the so-called contract between STV and the State) and second, income from grants and STV projects.

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<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> Tomáš Czwitkovicz, "Petícia chce zrušiť koncesionárske poplatky" (Petition wants to cancel licence fees), *Medialne.sk*, 23 January 2008, available (in Slovak) at <http://medialne.etrend.sk/televizia/sprava.php?sprava=6126> (accessed 4 March 2008).

<sup>71</sup> IVO, *op. cit.*

<sup>72</sup> Pravda.sk, "Nižňanský vedenie STV zatiaľ nemení", *op. cit.*

### 3.4 Editorial standards

The internal editorial regulations at STV have not changed. The station's journalists are guided by the Charter for News and Current Affairs Programmes, which drew inspiration from the BBC's editorial guidelines.<sup>73</sup> It sets standards and principles for programme production, including ways of implementation.<sup>74</sup> The STV Charter states that the station's news and current affairs programmes should provide topical and unbiased information and create a forum for discussion to help viewers make their own opinions. They should also protect and strengthen national identity and culture. The Charter also contains guidelines on production and provisions on legal aspects of broadcasting such as the protection of sources' identity, unfounded accusations, privacy, ethnic and racial hatred, and so forth. Breaching the STV Charter may even lead to the termination of a journalist's contract. As well as the Charter, journalists in Slovakia must abide by the Code of Journalistic Ethics, adopted in the early 1990s by the Slovak Union of Journalists (*Slovenský syndikát novinárov*).

The STV Council is obliged by law to cooperate with the Broadcasting Council in ensuring the implementation of legal provisions on programmes. The Broadcasting Council can thus impose sanctions on STV if it violates the obligation to air objective and impartial news and political programmes.

With the change of management in 2006, STV news programming underwent major reforms. Previously, STV had started to use a more dynamic and streamlined visual format. When he took over, Hreha pledged to revitalise the news and current-affairs output. He said the station would focus on improving the quality of newscasts, which would contain topical and complete information.<sup>75</sup> In fact, STV's output deteriorated, becoming highly politicised, prompting 15 journalists, an unprecedented number, to leave the station in 2007.

Soon after taking over, Hreha sacked Roland Kyška, the director of STV's news department, and Eugen Korda, the editor-in-chief of the investigation programme "*Reportéri*" (Reporters). According to Korda, the Director-General said that he could not resist the "pressures exerted by political circles".<sup>76</sup> Another dubious move was the sacking in 2007 of Štefan Hríb, followed by the cancellation of the programme that he presented called "*Pod lampou*" (Under the lamp). Hríb was sacked for inviting Korda

<sup>73</sup> See <http://www.bbc.co.uk/guidelines/editorialguidelines/> (accessed 19 August 2008).

<sup>74</sup> STV, "Charta spravodajstva a publicistiky Slovenskej televízie" (Charter for news and current affairs of STV), available online (in Slovak) at <http://www.stv.sk/files/fuselxoqf.pdf> (accessed 12 April 2008) (hereafter the STV Charter).

<sup>75</sup> Radim Hreha, "Televízia na mieru" (Taylor-made TV), Bratislava, September 2006, available (in Slovak) at <http://medialne.etrend.sk/uploady/projek-radim-hreha.pdf> (accessed 13 March 2008).

<sup>76</sup> Tomáš Czwitkovicz, "Eugen Korda: Hreha na vedenie STV nemá" (Eugen Korda: Hreha is not capable of managing STV), 17 January 2007, *Medialne.sk*, available (in Slovak) at <http://medialne.etrend.sk/televizia/clanok.php?clanok=2715&RSS> (accessed 10 February 2008).

to speak on-air about the reasons behind his removal, and then inviting his other guests to terminate the programme forthwith, in protest at the lack of freedom at STV. Both programmes were among the highest-quality productions at STV; they had won the prestigious “*Novinárska cena*” (Journalism Award) in Slovakia and were considered during Rybníček’s tenure (when STV was criticised for commercialism) to be among the only shows that truly served STV’s public role. As mentioned, in the summer of the same year, one third of STV’s news team left the station, complaining about the lack of editorial freedom.

STV news journalists complained about lack of independence or even censorship by the editor-in-chief, Ján Šmihula. They claimed that they were asked to report positively about the Government and the ruling coalition parties.<sup>77</sup> Jaroslav Barborák, a news editor with STV since November 2006, said that after the change of management, he noticed a trend of management interference with journalists’ work. Michal Petruška, script editor in the news department since June 2005, said that the management tended to be “sterile” and avoid conflict. Šmihula himself admitted that the Ministry of Culture had once required him to hold a particular report until the ministry had prepared “a more comprehensive response”.<sup>78</sup> After Hreha’s arrival, STV’s main newscast lost 2.5 per cent of its audience.<sup>79</sup>

In summer 2007, against this background, the STV Council stated: “The newscasts of STV do not fully meet the requirements of public-service broadcasting, especially from the viewpoint of quality, professionalism and diversity of information, which is a consequence of a long-term process of weakening, instability and high turnover of staff.”<sup>80</sup> The Council required the Director-General to submit a plan for improving the quality and technical equipment of the newsroom, and to ask the news department management to raise its professional standards, for example by permanent training and study trips abroad. The Council also asked Hreha to start monitoring how balanced the station’s newscasts were. Hreha commissioned an independent analysis of the news department at STV. The study found inefficient management at the level of editor-in-chief, an inability to set targets, efficiently communicate with the editorial team, motivate journalists or assess their work. The analysis also concluded that there was no trust or openness in the news department. The human-resources policy did not respond to the real needs of the newsroom, and STV did not look for the best

<sup>77</sup> Marek Vagovič, “Redaktori STV hovoria o censure” (STV journalists speak about censorship), *SME*, 28 July 2007, available (in Slovak) at <http://www.sme.sk/c/3414182/redaktori-stv-hovoria-o-censure.html> (accessed 25 January 2008).

<sup>78</sup> Marek Vagovič, *op. cit.*

<sup>79</sup> Tomáš Nejedlý, “Spravodajstvo STV narazilo na dno sledovanosti” (The news of STV hurt the ratings), *Hospodárske noviny*, 23 January 2008, available (in Slovak) at <http://hn.hnonline.sk/c1-23337405-spravodajstvo-stv-narazilo-na-dno-sledovanosti> (accessed 3 February 2008).

<sup>80</sup> Minutes of the STV Council meeting of 8 August 2007, available (in Slovak) at <http://www.stv.sk/stv/rada-stv/uznesenia/> (accessed 20 February 2008).

journalists. The crisis of 2007 further damaged STV's reputation among journalists, seriously denting the possibility of attracting skilled and high-quality journalists. According to this analysis, the core problem was the lack of a concept for the news service.<sup>81</sup> In spite of this strong criticism, Hreha made no changes and Šmihula stayed in position even after Hreha himself was removed.

## 4. COMMERCIAL BROADCASTING

### 4.1 Regulation and management

The main changes in the regulation of commercial broadcasting came with the Law on Digital Broadcasting. The Broadcasting Council remains the main regulator of the broadcasting sector, but its powers are set to decrease with the introduction of digitalisation. The licensing procedure has been simplified by the Law on Digital Broadcasting, which abolishes the tender procedures, replacing them with individual applications. The Broadcasting Council will be obliged to grant digital licences to any applicant who complies with all legal conditions.<sup>82</sup> With their broadcast licences prolonged until 2019, TV Markíza and TV Joj will have an important say in setting the actual timetable for switchover.

### 4.2 Ownership and cross-ownership

The PMÚ regulates ownership concentration and its impact on the market, in the framework of the Law on Protection of Competition. However, it does not look into issues of diversity of information. The Broadcasting Council regulates ownership, cross-ownership and diversity. As the Broadcasting Law does not require the Council to approve ownership changes taking place on the level of affiliate companies (which co-own the licence), provisions forbidding cross-ownership in the media are inapplicable in reality.

Although TV Markíza still dominates the commercial broadcast market, it is more vulnerable today than in the past. At the end of 2005, the US Central European Media Enterprises (CME) increased its stake in TV Markíza to 80 per cent by buying out

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<sup>81</sup> Stanislava Benická, "Kríza ako príležitosť k zmene" (Crisis as a chance to change), available (in Slovak) at <http://medialne.etrend.sk/print.php?clanok=3793> (accessed 16 February 2008).

<sup>82</sup> Tomáš Czwitkovicz and Miroslav Kollár, "Médiá", in M. Kollár, G. Mesežnikov and M. Bútora, *Slovensko 2006. Súhrnná správa o stave spoločnosti* (Slovakia 2006. A Global Report on the State of Society), IVO, Bratislava, 2007, p. 523.

František Vizváry, who was a close ally of the station's previous owner, Pavol Rusko.<sup>83</sup> When Rusko entered politics, he sold his share to Vizváry, who was then hired as Rusko's adviser at the Ministry of Economy. These changes were generally considered to have improved TV Markíza's market position, as they led to the removal of managers whose main priority lay in supporting Rusko's political ambitions. CME's acquisition was meant to avoid further problems of the kind that the company had encountered with its partner in TV Nova in the Czech Republic, Vladimír Železný.<sup>84</sup>

Under its new director, Václav Mika, TV Markíza has taken clear steps to improve its tarnished image.<sup>85</sup> With its new programme schedule since September 2006, it has retrieved one third of the audience that it had lost over the previous few years.

In July 2007, CME became the full owner of TV Markíza by purchasing the remaining stake from Media Invest.<sup>86</sup> Slovak legislation requires a TV station to be co-owned and represented in the company's executive boards by a Slovak citizen. CME<sup>87</sup> managed to acquire the entire station, as ownership changes occurred at the second level of ownership, in one of Markíza-Slovakia's shareholders, namely Media Invest.<sup>88</sup>

TV Joj's ownership has also changed. In early 2007, the Grafobal Group, headed by Ivan Kmotrík, sold the station to J&T Media Enterprises, owned by the J&T Finance Group. In May 2007, Richard Flimmel replaced Milan Knažko to become TV Joj's new director. Patrik Tkáč, one of the owners of J&T Finance Group, pledged that they were "not going to interfere with the channel's editorial policy". However, he also admitted that owning a TV station meant "protection in case someone spreads lies or

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<sup>83</sup> The licence-holder Markíza-Slovakia was owned by three private companies: ARJ (50 per cent), Media Invest (16 per cent) and CME (34 per cent). The changes included moving 4 per cent of ARJ shares to Media Invest. As such, Ján Kováčik and Milan Filo, who were behind Media Invest, had 20 per cent of the station. CME purchased the remaining 46 per cent from ARJ to increase its stake to 80 per cent.

<sup>84</sup> As with TV Nova, CME initially did not own the licence of TV Markíza, but only STS Slovakia, the servicing organisation, which runs the station. (For the CME saga in the Czech market, see "Czech Republic" in Open Society Institute, *Television across Europe: regulation, policy and independence*, Budapest, 2005, pp. 529–532.)

<sup>85</sup> Prior to his appointment at TV Markíza in February 2006, Václav Mika worked as a director of Rádio Expres. Under his leadership, Rádio Expres became the most listened-to radio station in Slovakia.

<sup>86</sup> CME bought the 20 per cent stake from Media Invest, owned by Slovak entrepreneurs Ján Kováčik and Milan Filo, for SKK 1.9 billion (€58.26 million).

<sup>87</sup> A stake of 49.7 per cent in CME is now owned by the venture-capital firm Apax Partners. A former US ambassador and the heir to the Estée Lauder fortune, Ronald S. Lauder, controls the remainder.

<sup>88</sup> According to the Law on Broadcasting and Retransmission, transactions at the second level of ownership in television (affiliate companies that co-own the licence) do not need the Broadcasting Council's approval.

defamatory comments about us”.<sup>89</sup> The deal included the sale of the all-news TV station, TA3 (previously owned by J&T Finance Group) to Kmotřík’s Grafobal Group, which had been considered to be TA3’s unofficial owner for some time, though this was not something that Kmotřík ever admitted. The Broadcasting Law forbids ownership of two nationwide TV stations.

The media group controlled by Rusko, which owned – directly and indirectly – TV Markíza, the lifestyle weekly *Markíza*, Rádio Okey,<sup>90</sup> and the now defunct newspaper *Národná obroda*,<sup>91</sup> lost its dominant position in the media. However, the media group concentrated around Kmotřík continues to be an important player. In addition to CEN (TA3 licence holder), the group owns the publishing houses SPN Mladé Letá, Kalendárium Prešov and Slovart Print, the printing houses Slovenská Grafia, Polygraf Print Prešov, Bratislavské tlačiarne and Versius. It also controls the advertising agencies Euro RSCG Artmedia and Euro RSCG New Europe and the largest newspaper distributor and retailer Mediaprint & Kapa. Whereas Rusko did not hesitate to use his media for political purposes, there is no evidence that Kmotřík has tried to do something similar.

### 4.3 The advertising market

The advertising market in Slovakia was worth almost €1.019 billion in 2006. Television pulled in the bulk of this spending, with around €800 million gross. However, it is estimated that the real value of the market (net) is much smaller. Its share of the total advertising spend increased between 2003 and 2006 by more than eight percentage points.

TV Markíza continues to dominate the market. However, its share of the advertising spend has decreased dramatically over the past three years. In 2003, it attracted 52 per cent of the national advertising spend and some 80 per cent of TV advertising. In 2006, its share of TV advertising was 53.8 per cent.<sup>92</sup>

<sup>89</sup> “Patrik Tkáč: J&T vládu nekritizuje, radšej zarába” (Patrik Tkáč: J&T does not criticise the government, it prefers to earn money), *Trend*, 7 August 2007, available (in Slovak) at <http://firmy.etrend.sk/107592/firmy/patrik-tkac-jt-vladu-nekritizuje-radsej-zaraba> (accessed 30 April 2008).

<sup>90</sup> The French media group Lagardère (which owns Frekvence 1 and Evropa 2 in the Czech Republic) entered the Slovak media market by acquiring a majority stake in Rádio Okey (previously owned by the companies Forward and R-Media).

<sup>91</sup> In 2005, *Národná obroda* folded due to long-standing financial problems. It was replaced in 2007 by the free-of-charge daily *24 hodín*, which did not achieve much success either, shutting down in early 2008.

<sup>92</sup> Source: IP International Marketing Committee, *Television 2007. International Key Facts*, October 2007.

**Table 7. Share of TV advertising spending (2003–2006) in per cent**

Medium	2003	2004	2005	2006
TV	70.1	74.9	76.4	78.5
Print media	19.4	16	14.6	13.1
Radio	7.2	6.3	5.9	5.2
Internet	n.a.	n.a.	n.a.	n.a.
Other	3.3	2.7	3.1	3.3

Source: IP International Marketing Committee

#### 4.4 Editorial standards and independence

Slovakia's media environment has become more standardised over recent years. Foreign ownership in most of the significant private media has brought financial stability, which has in turn strengthened editorial independence. The use of private broadcasters for political purposes, as seen at TV Markíza, is no longer common. Likewise with conflicts of interest; there was a case when three TV Markíza reporters decided to contest the 2006 local elections. The station forced them to drop out of the race.

More worryingly, the increasing commercialisation of nationwide broadcasters has had a negative impact on public interest news and current-affairs coverage of the changes in civil society since Slovakia joined the EU in 2004.

Regrettably, the present Government has ratcheted up the pressure on independent media. Some of its members, most often Prime Minister Fico himself, characterise the media as a political opposition. They try to belittle the media, accusing them of bias and lack of professionalism.<sup>93</sup> For two years after taking office, Fico refused to take part in televised debates with opposition politicians. Some broadcasters accept his idiosyncrasy and usually have their journalists debating with him. Fico has the right to choose how to appear in the media, but at the same time his move, along with his disdain for the opposition, journalists and any critics of the Government, is seen by some as a symptom of decline in the democratic culture.<sup>94</sup>

The Slovak media are somewhat myopic in their factual output, focusing on a relatively narrow national agenda. The broadcasters need to improve their coverage of issues that

<sup>93</sup> Tomáš Czwitkovicz and Miroslav Kollár, "Médiá", *op. cit.*, p. 550.

<sup>94</sup> Mirka Kernová, "Fico nie je prvý, kto sa obáva debát" (Fico is not the first one who is afraid of debates), *SME*, 28 January 2008, available (in Slovak) at [http://www.sme.sk/clanok\\_tlac.asp?cl=3699394](http://www.sme.sk/clanok_tlac.asp?cl=3699394) (accessed 15 February 2008).

affect Europe as a whole. Programme-makers should be encouraged to seek innovative, modern platforms that expand regional, international and ethnic coverage.

Editorial standards and practice are improving, but there are still problems. Years of theoretical study at university do not prepare young journalists properly for their jobs. They lack practice and training in critical thinking, how to select important information, and how to analyse and have a critical overview on various matters. Another worrying fact is that the number of journalists with higher education (especially those below 30 years of age) is decreasing, according to a 2006 survey by the Slovak Union of Journalists.

Information has become merely a commercial product, which is one reason why high-quality journalism is endangered. Slovak journalism has celebrities but not elites. It is still waiting for strong personalities who would also be real professionals and opinion-makers on a more regional or global level. For example, very few columnists focus on specific topics, including foreign policy and EU-related issues. Encouraging civil society's participation in broadcasting would foster a broader representation of civic issues in the media. Professional associations of journalists are effective only if journalists themselves initiate them. Many media observers and journalists, especially the younger ones, criticise or ignore the Union of Journalists, yet no one has created an alternative. During their transformation, the media clearly lacked self-reflection on the changes that they were undergoing.

Broadcasters should also pay more attention to cultural diversity, as a means of shifting the viewers' interest from narrow national concerns and often biased coverage of ethnic groups. Monitoring by the Bratislava-based media watchdog MEMO 98 revealed that broadcasters still air news depicting the life of the Roma in a negative, stereotypical way.<sup>95</sup>

#### 4.5 Regional and local broadcasting

Media content at the regional and local levels desperately needs to be improved. From a legal point of view, local TV stations are commercial broadcasters working under the same set of obligations as any other commercial broadcaster (except for the quota on European production). They face economic hardships that push them into the hands of the municipalities, which finance approximately 80 per cent of their budgets. This has enabled stations in towns such as Nitra and Trenčín, and also in the capital Bratislava, to improve their financial situation. However, this support obviously increases their dependency on the local authorities and reduces editorial independence.

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<sup>95</sup> MEMO 98, "Obraz menšín vo vysielaní vybraných elektronických médií" (The picture of minorities in broadcasting selected electronic media), 13 March 2008, available (in Slovak) at [http://www.memo98.sk/data/\\_media/sprava\\_memo\\_mensiny\\_2008.pdf](http://www.memo98.sk/data/_media/sprava_memo_mensiny_2008.pdf) (accessed 30 April 2008).

Some other local stations, such as Košice-based TV Naša, are financed mainly from advertising, as they receive no financial backing from municipalities.

Local TV stations cooperate with the nationwide channels, especially those that put an emphasis on regional news coverage, such as TV Joj, which is, in fact, the inheritor of a regional network of local TV channels, TV Global. In general, all the largest channels – TV Markíza, TV Joj, TA3 and to some extent STV's Jednotka – cooperate with local channels or local stringers who are paid per piece of news. Sometimes the same local correspondent produces news for all nationwide TV stations. The result is that the same face appears on the news on different TV channels.

Generally, local TV content has been improving due to the professionalisation of their journalists and the slow but steady growth of local markets. Thanks to participation in various competitions for journalists and increased cooperation with the main TV stations, local channels have gained better access to information. At the same time, they have more opportunity to compare their output, which motivates them to improve. However, when it comes to regional news, the main TV channels are usually interested in sensationalism and less in issues relevant for the region. This affects local TV channels as it limits their room for improvement.

Local TV channels focus mainly on regional news, talk shows and discussion programmes on local topics, music, information and announcements relevant for their community. Only the larger local stations cover national news, and air talk shows on wider problems and issues, entertainment programmes and investigative reports. Some local stations have tried to expand their coverage. For example, the Žilina-based TV Patriot, broadcasting nationwide via satellite, also airs regional news from other parts of Slovakia. Another project, Media Screen, which aims to air via satellite, wants to offer programmes by several local TV channels from Eastern Slovakia; this would divide the broadcast time and transmission costs, and reach a wider audience from other parts of the country (through Nitra-based TV Central).

## 5. PROGRAMMING

### 5.1 Output

In 2007, STV broadcast a total of 15,067 hours, down by 1,308 hours from 2006. Compared with the period between 2001 and 2003, when the station aired some 10,000 hours of programming, the station has significantly increased its output since 2004.<sup>96</sup>

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<sup>96</sup> Since 2004, the Broadcasting Council has not provided data on the total output by commercial broadcasters.

**Table 7. STV programming – breakdown by genre (2005–2007)**

Genre	(per cent)		
	2005	2006	2007
News	16.98	12.66	14.01
Political current affairs	9.71	13.0	14.39
Documentaries	10.67	10.06	11.9
Religious programmes	0.59	0.88	1.01
Drama	34.45	37.71	42.32
Entertainment	9.07	7.54	6.59
Sport	4.13	6.16	5.4
Education	1.55	1.24	0.97
Music	3.24	1.55	3.42
Other broadcasting	6.38	6.0	–
Commercials	3.23	3.21	–

Source: Broadcasting Council<sup>97</sup>

## 5.2 General provisions on news

The Broadcasting Law obliges broadcasters, both public and commercial, to broadcast impartial and unbiased news and political programmes, and to ensure diverse information and pluralism of views.<sup>98</sup> They are also obliged to separate opinions and commentaries from factual reporting and to ensure that programmes during election campaigns comply with the legislation on elections.

Since the arrival in 2006 of the new management at STV, including the head of the News Department, Ján Šmihula, the broadcaster has sometimes failed to follow these requirements.

According to monitoring by MEMO 98 during February and March 2007, the Government had advantageous coverage in the news, with its share in the newscasts increasing steeply to almost 75 per cent of the political coverage.<sup>99</sup> Since 1998, when

<sup>97</sup> Annual reports on the state of broadcasting in the Slovak Republic and on the activities of the Council for Broadcasting and Retransmission for the years 2005–2007.

<sup>98</sup> Law on Broadcasting and Retransmission, art. 15.

<sup>99</sup> In the previous monitored periods all the broadcasters devoted some 50 per cent of the political news coverage to the Government.

the Mečiar Government fell, triggering changes at STV, the Government has been presented mostly in neutral and critical tones. But in 2007, STV showed the least critical approach towards the government among all monitored media outlets.<sup>100</sup>

### 5.3 General programme production guidelines

STV has continued its strategy of differentiating its two channels. The station also promotes its programming more effectively, for example by previewing on Jednotka programmes that will air on Dvojka. Production changes, especially on Jednotka, have made STV's output more attractive.

The core of Jednotka programming consists of films, foreign drama series and entertainment, with less attention to documentaries, current-affairs programmes and news. Jednotka's programming concentrates on strengthening its position in prime time. However, in commercial terms, this strategy has not been very lucrative, as some primetime programmes cannot carry advertising. Although the station was previously often criticised for becoming too commercial, under Hreha's management its programming did not actually change much.<sup>101</sup> The visuals on Jednotka were changed in April 2007, as part of an attempt to position it as Slovakia's leading family-oriented channel.<sup>102</sup> The new Director-General intends to continue in this direction; he wants STV1 to target the masses, without tabloid news or blatantly commercial programmes. He wants to emphasise original drama production, to the detriment of light entertainment.

In 2007, Dvojka's core schedule consisted of documentaries and sports. It aired a significant quantity of public interest programmes, regional information and political current-affairs programmes. It focused on presenting the life and culture of national minorities. The channel also gave airtime to religion and specific social and professional groups.<sup>103</sup> Nižňanský wants Dvojka to continue to cater for more demanding viewers, showing mostly informative and educational programmes.<sup>104</sup>

<sup>100</sup> MEMO 98, "Prezentácia politických subjektov, vlády a prezidenta SR (15.2–7.3.2007)" (Presentation of political subjects, the Government and the President of the Slovak Republic (15 February–7 March 2007), available (in Slovak) at [http://www.memo98.sk/index.php?base=data/spravy/2007/2007\\_02-03.txt](http://www.memo98.sk/index.php?base=data/spravy/2007/2007_02-03.txt) (accessed 14 April 2008).

<sup>101</sup> Tomáš Czwitkovicz and Miroslav Kollár, "Médiá", *op. cit.*, p. 564.

<sup>102</sup> Broadcasting Council, Annual Report 2007, pp. 16–18.

<sup>103</sup> Broadcasting Council, Annual Report 2007, pp. 16–18.

<sup>104</sup> Štefan Nižňanský, *STV – Tvorivá autorská dielňa* (STV – Creative author's studio), p. 15, available on [http://www.stv.sk/chillout\\_items/1/1/5/115384\\_221683.pdf](http://www.stv.sk/chillout_items/1/1/5/115384_221683.pdf) (accessed 17 April 2008).

In 2007, Jednotka aired 37.62 per cent of original, first-shown programmes, representing a year-on-year increase of 3.42 per cent. However, repeats still accounted for almost two-thirds of its output. Dvojka aired 42.94 per cent of original programming. On Jednotka, the share of domestic production was 30.54 per cent, a decrease year-on-year by 7.7 per cent. On Dvojka, domestic production represented 68.25 per cent, almost the same as in the previous year. The share of STV's own production was 26.50 per cent on Jednotka and 53.72 per cent on Dvojka.<sup>105</sup>

The programming of both major private TV channels continued the trends they established in a long period. In 2007, TV Markíza's core programming was based on films and foreign series. It also aired drama, entertainment and current-affairs programmes. TV Joj's own production<sup>106</sup> constitutes an important part of the channel's programming.<sup>107</sup> Viewers' complaints decreased significantly in 2006 and 2007. The regulator received 216 complaints in 2007, which was half the number in 2005. The complaints were mainly about reality shows such as "*Big Brother*" and "*Vyvolení*" (The Chosen).

#### 5.4 Quotas

Broadcasting for national minorities and ethnic groups rose from 127 hours in 2004 to 264 hours in 2007. The Hungarian minority receives the lion's share, with up to 60 per cent of this time. Nevertheless, the quantity of programming for minorities is still insignificant, with only 1.75 per cent of total programming for 13.2 per cent of the population.<sup>108</sup>

As in the past, STV has had problems fulfilling the EU's independent production quota.<sup>109</sup>

#### 5.5 Obligations on PSB

STV failed during several months in 2007 to fulfil its obligation to ensure diverse programming, mainly programmes of public interest. The programming strategy for 2008 lacked guarantees that it would be implemented, which led the STV Council to

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<sup>105</sup> *Ibid.*

<sup>106</sup> For example, a popular anchor, Róbert Krajcer, who had been with TV Markíza since its beginning in 1996, moved in 2006 to TV Joj together with his political talk show "*De Facto*", which was known as "*Sito*" on TV Markíza. Since then TV Markíza airs only one political talk show, moderated by Zlatica Puškárová.

<sup>107</sup> Broadcasting Council, Annual Report 2007, pp. 19–20.

<sup>108</sup> Broadcasting Council, Annual Report 2003, p. 21, Annual Report 2005, p. 29, Annual Report 2006, p. 28, Annual Report 2007, p. 18.

<sup>109</sup> Tomáš Czwitkovicz and Miroslav Kollár "*Médiá*", *op. cit.*, p. 564.

reject the strategy.<sup>110</sup> This was one of the reasons behind Hreha's dismissal in December 2007. (See section 3.2.)

## 5.6 Obligations on commercial broadcasters

The Broadcasting Law has not changed significantly the obligations on commercial broadcasters.<sup>111</sup> The list of events of major importance to society, which is compiled by the Broadcast Council in cooperation with the ministries of culture and education, is available on the Council's website.

## 6. CONCLUSIONS

Under the Government of Robert Fico, the media have been targets of frequent verbal attacks by State representatives, primarily the Prime Minister himself, who has described the media as political opposition, blamed them for bias and lack of professionalism, and boycotted the "opposing" media outlets. Some politicians in the ruling coalition have repeatedly tried to promote the idea that they have the right to interfere in the work of the media. The President has even suggested that the State authorities should have their own outlets.

The most worrying legal development was the adoption of a controversial Press Law, prepared by the Ministry of Culture. The wording of certain provisions, in particular the right to reply, may have negative repercussions for media freedom. Numerous international organisations, the media themselves, professional associations and NGOs have criticised the regressive character of this law.

Another regressive development has been the growing politicisation of STV's governing structure. Under Director-General Hreha, as political interference with STV escalated, the public service broadcaster's credibility and finances worsened. Once again, as in the past, STV depends on the government for State subsidies. In April 2008, a former news anchor at Czechoslovak Television during communism became STV's new director. It remains to be seen whether he will be able or willing to strengthen the concept of public service media, which today appears to enjoy less public support than ever.

Attacks on journalists, such as the attempt to burn down the house of an investigative journalist or the use of excessive force by police to stop a peaceful, authorised demonstration by a Kazakh journalist against the anti-democratic policies of the

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<sup>110</sup> *Ibid.*

<sup>111</sup> OSI/Slovakia, pp. 1445–1447.

President of Kazakhstan, also give grounds for concern about the attitude of the authorities to media freedom.

The commercial sector has seen increased transparency, which was another step in the process of the standardisation of the market. In 2006, local entrepreneurs sold their shares in TV Markíza and the daily newspaper *Pravda* to foreign groups. This move was seen as helping to reduce pressure on those outlets, especially given their owners' business and political interests. The nationwide private broadcasters have consolidated their positions in the market, creating a solid sector, helped by STV's ebbing credibility. TV Markíza, which still dominates the market, stopped a recent slide in ratings by returning to the format of family television, with which it made its fortune in the mid-1990s.

With the political elite openly ambitious to gain control over the public service media, there is a growing danger that also regulatory bodies like the Council for Broadcasting and Retransmission may be harnessed for political ends, as it was under Prime Minister Mečiar.

Despite the fact that Slovakia's accession to the European Union in 2004 has not yet brought significantly intensified assistance from other EU countries, there is a general expectation that membership will improve journalists' professionalism in the longer term. It should also broaden the focus of media attention from local tabloid news to encompass wider international affairs.

The largest Slovak media have scrambled to get a presence on new platforms. As elsewhere, the number of blogs and the quantity of audiovisual content on the Internet has boomed. Media professionals face the challenge of providing viewers with better analysis and contextual information, amid circumstances that do not encourage such old-fashioned journalistic skills. At the same time, new skills, including citizen-oriented techniques that can enlarge the sphere of journalism in the digital era, await to be learned.

The process of digitization has, however, lost momentum; and this has in turn had a chilling effect on the development of the media sector overall. Nevertheless, the 2012 switchover – together with the growing portfolio of audiovisual services offered by mobile operators – may create opportunities for specialist journalism, as well as a broader diversity of information.

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