



REPUBLIKA SLOVENIJA
DRŽAVNI ZBOR

Poslanska skupina Slovenske demokratske stranke

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SKUPINA POSLANK IN POSLANCEV
(Jelka Godec, prvopodpisana)

Ljubljana, 9. april 2024

DRŽAVNI ZBOR REPUBLIKE SLOVENIJE
mag. Urška Klakočar Zupančič, predsednica

ZADEVA: Zahteva za sklic izredne seje Državnega zbora Republike Slovenije

Spoštovani!

Na podlagi 85. člena Ustave Republike Slovenije (Uradni list RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99, 75/16 – UZ70a in 92/21 – UZ62a) in prvega odstavka 58. člena Poslovnika državnega zbora (Uradni list RS, št. 92/07 – uradno prečiščeno besedilo, 105/10, 80/13, 38/17, 46/20, 105/21 – odl. US in 111/21) podpisani poslanke in poslanci zahtevamo sklic izredne seje Državnega zbora Republike Slovenije z naslednjo točko dnevnega reda:

1. Predlog priporočil vladi za transparentno delovanje institucij in ohranitev suverenosti Slovenije

I. Razlogi za sklic izredne seje Državnega zbora Republike Slovenije

Podpredsednica Evropske komisije in evropska komisarka za vrednote in preglednost Vera Jourova je bila v začetku marca 2023 na dvodnevem delovnem obisku v Sloveniji, kjer se je srečala s predstavniki vseh treh vej oblasti, v ospredju pogovorov pa so bile razmere v slovenskih medijih, zlasti na RTV Slovenija.

Že prvi dan obiska se je sešla s predsednikom Ustavnega sodišča Republike Slovenije Matejem Accettom, kjer po njenih besedah sicer nista govorila o ustavnem presojanju novele zakona o RTVS, da pa je razumela pričakovanje, da ustavno sodišče o ustavnosti novele zakona o RTVS odloči kmalu. Izrazila je tudi prepričanje, da bo odločitev ustavnega sodišča pokazala, kako se bo javna RTV razvijala v prihodnje. »Nobenega dvoma ni, da Slovenija potrebuje visoko kakovostne javne medije z zagotovljenim financiranjem in člani uprave z visokim ugledom,« je poudarila Jourova. V okviru obiska se je med drugim srečala še s predsednico Državnega zbora Republike Slovenije mag. Urško Klakočar Zupančič ter ministricama za pravosodje in za kulturo dr. Dominiko Švarc Pipan in dr. Asto Vrečko ter sodelovala na razpravi o medijski neodvisnosti in dezinformacijah.

Že v času obiska je komisarkino komentiranje novele Zakona o RTV Slovenija, ki je v postopku pred ustavnim sodiščem, sprožilo več pomislekov, prav tako so ga nekateri politologi in ugledni ustavni pravniki ocenili kot povsem neprimerne. Obisk se je namreč zgodil le deset dni po odločitvi ustavnega sodišča, da zadrži izvajanje novele Zakona o RTVS, torej novele, ki jo je pred časom sama javno tudi podprla. V oči je zbudilo tudi dejstvo, da se je v svojem celotnem mandatu Vera Jourova do takrat srečala le s tremi predsedniki ustavnih sodišč po Evropski uniji.

Tudi evropski poslanec dr. Milan Zver je takrat izpostavil problematičnost njenega obiska ustavnega sodišča, ki je vzbudil močan dvom o nepristranskosti, pojavil pa se je tudi sum morebitnega vplivanja na odločanje. Kot evropski poslanec je zato na komisarko Jourovo naslovil vprašanje o tem, kakšen je bil namen obiska ter kaj se je komisarka pogovarjala s predsednikom slovenskega ustavnega sodišča. Še posebej, ker je komisarka pred obiskom javno podprla novelo Zakona o RTVS, katerega izvajanje je ustavno sodišče začasno zaustavilo, proces odločanja o noveli pa je še potekal. Dr. Milan Zver je zato komisarko tudi vprašal, ali so tovrstni obiski običajni in kaj namerava storiti Evropska komisija, da prepreči morebitne sume, da gre pri tem za vtikanje v notranje zadeve države članice in vmešavanje v delo sodišč. Ker ima slovenska javnost pravico do obveščенosti, je dr. Milan Zver od Evropske komisije zahteval razkritje zabeležke sestanka komisarke s predsednikom Ustavnega sodišča, vse interne komunikacije, ki jih je imel kabinet komisarke z drugimi kabineti komisarjev, in vso interno komunikacijo znotraj kabineta komisarke.

Evropska komisija je po pretečenem roku za odgovor na vprašanje zaprosila za podaljšanje roka zaradi preobsežne dokumentacije. Po skoraj dveh mesecih je nato evropski poslanec prejel »poročilo z misije«. Od šestih strani poročila jih je bilo pet anonimiziranih, ena pa vidna. Takšna cenzura spodkopava pravico javnosti do dostopa do ključnih informacij in vzbuja pomisleke glede transparentnega delovanja Evropske komisije. Zlasti je zaskrbljujoče, da je v to pomanjkanje preglednosti vpletena podpredsednica Jourova, ki vodi delo komisije na področju vrednot in preglednosti. A zadnji odstavek edine necenzurirane strani je že takrat več kot očitno pokazal, da je bila novela Zakona o RTVS predmet pogovorov, kljub drugačnim trditvam Jourove.

Dr. Milan Zver je nato od Evropske komisije uradno zahteval, da objavi tudi preostali del poročila ter ve druge dokumente, ki spadajo v obseg njegove zateve, vključno z opomniki, ki so jih za Jourovo pripravili v njenem kabinetu, saj ima javnost pravico vedeti, kaj njihovi predstavniki počnejo v imenu vladavine prava. V zahtevi je takrat

izpostavil, da je treba poleg legitimnega interesa javnosti, da se seznanijo s podrobnostmi in razpravami, ki so potekale v celotni komunikaciji, omeniti, da sta poslanstvo podpredsednice Jourove in njeno sodelovanje pri aktu slovenske vlade vzbudila veliko pozornost slovenske javnosti. Komisarka Jourova je javno podprla Zakon o RTVS, kar je še povečalo zaskrbljenost glede njenega morebitnega vpliva na odločitve ustavnega sodišča in sprožilo vprašanja o nepristranskosti postopka. Te informacije poudarjajo pomen preglednosti in odgovornosti za zagotovitev celovitosti postopka odločanja in odpravo morebitnih zaznav o neprimernem zunanjem vplivu.

Zaradi vseh navedenih pomislekov je komisijo pozval, naj ponovno preuči svoje stališče glede razkritja zahtevanih dokumentov, in poudaril, da je treba pravico javnosti do dostopa do informacij spoštovati, zlasti kadar gre za zadeve javnega interesa in odgovornosti.

Dne 30. 6. 2023 je generalna sekretarka Evropske komisije prosila dr. Zvera za podaljšanje roka za odgovor, ker se glede dokumentacije »še posvetujejo s kabinetom Vere Jourove«. Ker se do decembra ni nič premaknilo, je dr. Milan Zver 20. 12. 2023 pri evropski varuhinji človekovih pravic vložil uradno pritožbo zoper Evropsko komisijo, ki po devetih mesecih izmikanj, zavlačevanj in izmišljanja ni zagotovila dostopa do dokumentov, povezanih z misijo podpredsednice Vere Jourove v Sloveniji marca 2023. Dr. Milan Zver je ob tem izpostavil, da obstaja resna skrb, da komisija namerno poskuša odložiti objavo teh dokumentov do konca mandata podpredsednice Jourove, da komisarka ne bi odgovarjala za svoja dejanja. Od varuhinje človekovih pravic Emily O'Reilly je evropski poslanec zato zahteval, da:

- ugotovi, ali je Evropska komisija kršila njegovo pravico do dostopa do informacij, ker mu ni zagotovila zahtevanih dokumentov;
- Evropski komisiji naloži, naj objavi celotno poročilo o misiji v Sloveniji, vključno z vsemi drugimi internimi dokumenti, ki jih je zahteval, ter vključno z opomnikom, ki so ga za obisk Slovenije pripravili v kabinetu komisarke;
- ugotovi, da je Evropska komisija zlorabila svoja pooblastila s tem, da je zavlačevala z odgovorom na njegovo zahtevo;
- Evropski komisiji priporoči, naj sprejme ukrepe za izboljšanje preglednosti in transparentnosti pri komunikaciji z javnosti.

Urad varuhinje človekovih pravic je hitro odločil o pritožbi in komisijo pozval k predložitvi zahtevanih dokumentov najkasneje do 29. januarja 2024, poleg tega pa navedel, da bo pregledal tudi vse interne dokumente komisije, ki sodijo v okvir srečanja Jourove s predsednikom slovenskega ustavnega sodišča, kar je nakazalo, da tudi evropska ombudsmanka meni, da ravnanje komisije pomeni morebitne nepravilnosti pri njenem delovanju.

Dr. Milan Zver je po tej intervenciji vendarle prejel dodatne dokumente Evropske komisije v povezavi z obiskom podpredsednice Evropske komisije Vere Jourove v Sloveniji. Iz posredovanega gradiva izhaja, da se je evropska komisarka v nasprotju z zakonodajo vmešavala v notranje in ustavnopravne zadeve Republike Slovenije izven svojih pristojnosti. A žal je Evropska komisija tudi v teh dokumentih cenzurirala najpomembnejši del opomnikov. To je 3. točka ciljev sestanka med predsednikom ustavnega sodišča Accettom in Jourovo (»What we want from a meeting with Accetto«).

Komisija sicer cenzuro 3. točke utemeljuje s tem, da o njej na sestanku ni bilo govora in da bi razkritje vodilo v samocenzuro sekretariata Evropske komisije pri pripravi opomnikov v prihodnje.

To je tudi edina vsebinska cenzura na več kot 100 straneh dolgih opomnikov, ki so polni škandaloznih in arbitrarnih izjav glede prejšnje vlade (eksczesna, zatiranje medijev, zloraba policije) in polna pozitivnih ocen nove vlade (stvari se premikajo v pravo smer, novela Zakona o RTVS depolitizira javno hišo in je v skladu z evropskimi standardi) obenem pa novelo Zakona o RTVS ponudijo kot rešitev medijskega prostora v Sloveniji. V opomnikih se niso izogibali tudi grobim političnim ocenam. Tako so med drugim poimenovali prvotno odločitev ustavnega sodišča o zadržanju izvajanja Zakona o RTVS za kontroveržno. Poleg tega so na eno stran postavili staro vlado in tiste, ki naj bi bili blizu Janezu Janši, na drugo, »pozitivno« stran pa so postavili novo vlado, medije in nevladne organizacije. V opomnikih je tudi direktno omenjena beseda »depolitizacija«, kot predpogoj pa odstranitev članov programskega sveta in vodstva RTV Slovenija. Večkrat je tudi omenjen »desni medijski imperij«, izpostavljeni pa sta Nova24 TV in Demokracija kot proizvajalca »lažnih novic«, pristranski portal Oštro pa kot edini kredibilen preverjevalec dejstev z močjo cenzure na družbenih omrežjih.

Iz dokumentov torej izvira, da je bila prioriteta tema obiska v Sloveniji RTV Slovenija, čeprav je komisarka to ves čas zanikala. Popolnoma jasno pa se vidi, do kje so pri svoji politizaciji pri Evropski komisiji šli. Komisarka Vera Jourova je z obiskom v Sloveniji zlorabila funkcijo podpredsednice Evropske komisije. Zlorabe funkcij, arbitrarna presoja in dvojna merila pogosto vodijo do nezaupanja državljanov v evropske institucije in povečanja evroskepticizma. Padlo zaupanje državljanov v institucije lahko institucije pahne v krizo, kriza institucij pa lahko pomeni tudi eksistencialno krizo Evropske unije.

Temeljni pogodbi EU določata, da morajo vse institucije, organi, uradi in agencije unije pri svojem delu upoštevati načelo javnosti delovanja ter da imajo vsi državljani in prebivalci pravico dostopa do dokumentov. Evropski parlament v sklopu svojih pristojnosti tudi redno pripravlja poročilo o tem, kako se načelo javnosti delovanja EU institucij izvaja v praksi. V poročilu za leta 2019–2021 je Evropski parlament podal zelo kritično oceno in poudaril, da je zaradi rednih zamud in neutemeljenega zavračanja razkritja dokumentov ogrožena pravica državljanov do nadzora nad institucijami EU. V konkretnem primeru je Evropska komisija v samo devetih mesecih kar štirikrat podaljšala rok za odgovor na zahtevo za informacije, s čimer je kršila predpise EU o dostopu javnosti do dokumentov Evropske komisije.

V primeru Vere Jourove gre po našem mnenju za primer zlorabe funkcije, ko se je ena komisarka ene politične opcije odločila »pomagati« in se vmešala v zakonodajni postopek ene države članice. Gre za primer hudega intervencionizma, medtem ko EU ne temelji na tem, temveč na subsidiarnosti in skupni evropski politiki, kjer so razmere jasne.

II. Predlog priporočil za odločanje na seji DZ

Na podlagi 111. člena Poslovnika državnega zbora (Uradni list RS, št. 92/07 – uradno prečiščeno besedilo, 105/10, 80/13, 38/17, 46/20, 105/21 – odl. US in 111/21) je Državni zbor na seji sprejel:

PRIPOROČILA

vлади za transparentno delovanje institucij in ohranitev suverenosti Slovenije

- 1. Državni zbor Republike Slovenije priporoča Vladi Republike Slovenije, naj od Evropske komisije zahteva, da zavoljo preglednosti in videza nepristranskosti razkrije 3. točko ciljev sestanka med predsednikom Ustavnega sodišča Republike Slovenije Matejem Accettom in podpredsednico Evropske komisije Vero Jourovo. Prav tako naj Vlada RS od Evropske komisije zahteva vso interno komunikacijo kabineta Vere Jourove, ki je povezana s pripravo njene misije v Slovenijo.**
- 2. Državni zbor Republike Slovenije priporoča Vladi Republike Slovenije, naj naslovi na Evropsko komisijo uradno pritožbo zaradi vmešavanja Vere Jourove v notranje zadeve Republike Slovenije, s čimer so kršena temeljna načela Evropske unije, kot sta načeli subsidiarnosti in neodvisnosti sodstva. Pritožba naj vsebuje natančen opis dogodkov, skupaj z relevantno dokumentacijo, in naj poziva k uradnemu odzivu ali ukrepanju Evropske komisije.**
- 3. V primeru, da odziv Evropske komisije ni zadovoljiv ali če ne pride do odziva v razumnem roku, Državni zbor Republike Slovenije priporoča Vladi Republike Slovenije, da razmisli o uporabi pravnih sredstev, ki so na voljo v skladu s Pogodbo o delovanju Evropske unije, zlasti:**
 - a. Tožba za razveljavitev (člen 263 PDEU); zaradi ravnanja in odločitve Vere Jourove na Ustavnem sodišču RS, ki neposredno vpliva na Republiko Slovenijo ali njene državljane in je v nasprotju z načeli prava Evropske unije.**
 - b. Tožba zaradi opustitve ukrepanja (člen 265 PDEU), če Evropska komisija ne ukrepa v skladu z njeno obveznostjo, ki izhaja iz prava EU, glede obravnavane zadeve.**
- 4. Državni zbor Republike Slovenije priporoča Vladi Republike Slovenije, da pri svojem delu in v odnosu z institucijami Evropske unije skrbi za suverenost Slovenije.**
- 5. Državni zbor Republike Slovenije priporoča Vladi Republike Slovenije, da pozove predsednika Ustavnega sodišča Republike Slovenije, kot najvišjega organa sodne oblasti za varstvo ustavnosti in zakonitosti ter človekovih pravic in temeljnih svoboščin, k razmisleku o odstopu.**

Obrazložitev:

Kot navedeno pod točko I. te zahteve, se je evropska komisarka Vera Jourova v nasprotju z zakonodajo vmešavala v notranje in ustavnopravne zadeve Republike Slovenije izven svojih pristojnosti.

Za razjasnitev vseh okoliščin obiska ter zavoljo preglednosti in videza nepristranskosti Vere Jourove predlagamo, da Vlada Republike Slovenije od Evropske komisije zahteva, da razkrije 3. točko ciljev sestanka med predsednikom Ustavnega sodišča Republike Slovenije Matejem Accettom in podpredsednico Evropske komisije Vero Jourovo. Prav tako naj Vlada RS od Evropske komisije zahteva vso interno komunikacijo kabineta Vere Jourove, ki je povezana s pripravo njene misije v Slovenijo.

Ker je šlo je za zlorabo položaja, opustitev dolžnega ravnanja, največji očitek pa je, da je Jourova poskušala politično vplivati na delovanje slovenskih institucij, predlagamo, da Vlada Republike Slovenije naslovi uradno pritožbo na Evropsko komisijo zaradi vmešavanja Vere Jourove v notranje zadeve Republike Slovenije, s čimer so kršena temeljna načela Evropske unije, kot sta načeli subsidiarnosti in neodvisnosti sodstva. Pritožba naj vsebuje natančen opis dogodkov, skupaj z relevantno dokumentacijo, in naj poziva k uradnemu odzivu ali ukrepanju Evropske komisije.

V primeru, da odziv Evropske komisije ne bi bil zadovoljiv ali če ne bi prišlo do odziva v razumnem roku, pa Vladi Republike Slovenije priporočamo, da razmisli o uporabi pravnih sredstev, ki so na voljo v skladu s Pogodbo o delovanju Evropske unije, zlasti:

- a. Tožba za razveljavitev (člen 263 PDEU); zaradi ravnanja in odločitve Vere Jourove na Ustavnem sodišču RS, ki neposredno vpliva na Republiko Slovenijo ali njene državljane in je v nasprotju z načeli prava EU.
- b. Tožba zaradi opustitve ukrepanja (člen 265 PDEU), če Evropska komisija ne ukrepa v skladu z njeno obveznostjo, ki izhaja iz prava EU, glede obravnavane zadeve.

Prav tako Vladi Republike Slovenije priporočamo, da pri svojem delu in v odnosu z institucijami Evropske unije skrbi za suverenost Slovenije, kar med drugim tudi pomeni, da ne dopusti vmešavanja evropskih institucij v zakonodajni postopek.

Vladi Republike Slovenije tudi priporočamo, da predsednika Ustavnega sodišča Republike Slovenije pozove k razmisleku o odstopu s tega mesta, saj je izgubil legitimnost oziroma videz nepristranskosti že s tem, ko je Vero Jourovo sprejel na obisk.

III.

Pri obravnavi predloga priporočila v Državnem zboru Republike Slovenije in pri delu njegovih delovnih teles bo v imenu predlagateljev sodeloval poslanec **Franc Breznik**.

IV. Predlagamo, da se na sejo Državnega zbora Republike Slovenije povabi:

- dr. Roberta Goloba, predsednika Vlade RS,
- dr. Asto Vrečko, ministrico za kulturo,
- dr. Mateja Accetta, predsednika Ustavnega sodišča RS,
- slovenske poslance v Evropskem parlamentu: dr. Milana Zvera, Romano Tomc, Franca Bogoviča, Ljudmilo Novak, Ireno Jovevo, Klemna Grošlja, Matjaža Nemca in dr. Milana Brgleza.

V. Gradivo za obravnavo na izredni seji Državnega zbora Republike Slovenije

Poleg besedila zahteve skupine poslank in poslancev za sklic izredne seje Državnega zbora RS ter predlaganega priporočila so dodatna gradiva za obravnavo na seji državnega zbora tudi:







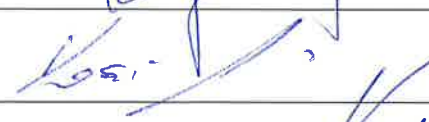
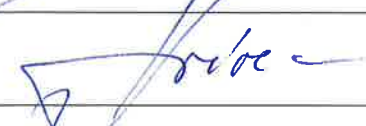
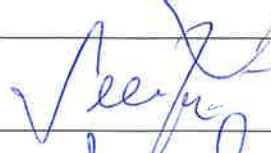
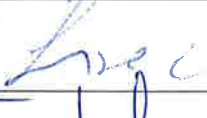

- pritožba zoper Evropsko komisijo pri evropski varuhinji človekovih pravic, dostopno na:
https://www.milanzver.eu/sites/www.milanzver.eu/files/datoteke/jourova_ombudsmanka_slo.pdf
- Decision of The European Commission pursuant to article 4 of the implementing rules to regulation no (EC) 1049/20011
- Report from the mission to Slovenia
- opomnik »Country visit: Slovenia, Day 1«
- opomnik »Country visit: Slovenia, Day 2«
- ključni citati razkritih dokumentov




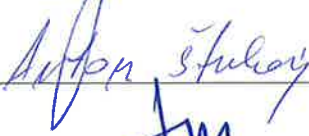

SKUPINA POSLANK IN POSLANCEV

Priloga:

- podpisniki zahteve za sklic izredne seje Državnega zbora Republike Slovenije:
- JELKA GODEC
- ANJA BAH ŽIBERT
- FRANC BREZNIK
- ZVONKO ČERNAČ
- mag. KARMEN FURMAN
- RADO GLADEK
- mag. BRANKO GRIMS
- ALENKA HELBL
- ANDREJ HOIVIK
- JANEZ (IVAN) JANŠA
- JOŽEF JELEN
- ALENKA JERAJ
- FRANCI KEPA
- ANDREJ KOSI
- DANIJEL KRIVEC
- JOŽEF LENART
- SUZANA LEP ŠIMENKO
- TOMAŽ LISEC
- ŽAN MAHNIČ
- ZORAN MOJŠKERC
- BOJAN PODKRAJŠEK
- FRANC ROSEC
- ANTON ŠTURBEJ
- JOŽE TANKO

PODPISI POSLANK IN POSLANCEV SDS

IME IN PRIIMEK	PODPIS
JELKA GODEC	
ANJA BAH ŽIBERT	
FRANC BREZNIK	
ZVONKO ČERNAČ	
mag. KARMEN FURMAN	
RADO GLADEK	
mag. BRANKO GRIMS	
ALENKA HELBL	
ANDREJ HOIVIK	
JANEZ JANŠA	
JOŽEF JELEN	
ALENKA JERAJ	
FRANCI KEPA	
ANDREJ KOSI	
DANIJEL KRIVEC	
JOŽEF LENART	
SUZANA LEP ŠIMENKO	
TOMAŽ LISEC	
ŽAN MAHNIČ	

ZORAN MOJŠKERC	
BOJAN PODKRAJŠEK	
FRANC ROSEC	
ANTON ŠTURBEJ	
JOŽE TANKO	



EUROPEAN COMMISSION

Brussels, 7.3.2024
C(2024) 1658 final

Mr Milan Zver

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION NO (EC) 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 – EASE 2023/1995**

Dear Mr Zver,

I am writing in reference to your confirmatory application registered on 16 May 2023, submitted in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter 'Regulation (EC) No 1049/2001').

Please accept our apologies for the delay in the handling of your request.

1. SCOPE OF YOUR REQUEST

In your initial application of 30 March 2023, handled by Directorate E 'Citizens, Health, Migration & Security Union' in the European Commission's Secretariat-General, you requested access to, I quote,

'1. [t]he minutes of the meeting between Commissioner Jourová and the President of the Constitutional Court of the Republic of Slovenia, Dr Accetto.

2. All communications between the Commission's cabinets on Vice-President Jourová's visit to Slovenia from 1 to 3 March 2023.

3. All communications within the cabinet of Commissioner Jourová on her visit to Slovenia from 1 to 3 March 2023'.

In its initial reply of 5 May 2023, the Secretariat-General identified the following document falling within the scope of your request:

¹ OJ L 345, 29.12.2001, p. 94.

² OJ L 145, 31.5.2001, p. 43.

- report from the mission to Slovenia, reference Ares(2023)1829247 (hereafter ‘document 1’).

The Secretariat-General granted partial access to document 1, noting that the document was drawn up for internal use, it solely reflects the interpretation of the interventions made, and does not set out any official position of the third parties to which the document refers. Therefore, the document does not reflect the position of the Commission and cannot be quoted as such.

In your confirmatory application, you request a separate review of the initial position taken by the Secretariat-General in relation to your request. In particular, you contest the proper identification of all relevant documents and the partial disclosure in respect to the partially released report (document 1).

The arguments that you put forward in support of your request have been taken into account in this assessment and will be addressed in the corresponding sections below.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) No 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a review of the reply given by the Directorate-General concerned at the initial stage.

Following this review, the following documents have been identified at confirmatory stage as falling within the scope of your request:

- revised report from the mission to Slovenia, 1 March 2023, reference Ares(2024)882225 (hereafter ‘document 2’);
- briefing country visit (day 1), 1 March 2023, reference VP7/2023/37 (hereafter ‘document 3’); and
- briefing country visit (day 2), 2 March 2023, reference VP7/2023/37 (hereafter ‘document 4’).

Please note that document 2 (revised report from the mission to Slovenia) has been registered at the confirmatory stage, in accordance with the Commission’s rules on document registration, to correct the meeting report that was identified and partially disclosed in the initial decision of 5 May 2023.

Following this review, I can inform you that:

- further partial access is granted to document 1, subject only to the redaction of personal data based on Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) No 1049/2001;

- partial access is granted to documents 2 and 4 based on Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) No 1049/2001; and
- partial access is granted to document 3, subject to the redaction of limited parts based on Article 4(1)(b) (protection of privacy and the integrity of the individual) and the second indent (protection of the decision-making process) of Article 4(3) of Regulation (EC) No 1049/2001.

As indicated in the initial reply of the Secretariat-General with respect to document 1, the above-referred documents were drawn up for internal use under the responsibility of the relevant services of the Commission. They solely reflect the author's interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. The documents do not reflect the position of the Commission and cannot be quoted as such.

The detailed reasons underpinning this assessment are set out below.

2.1. Protection of privacy and the integrity of the individual

Article 4(1)(b) of Regulation (EC) No 1049/2001 provides that '[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data'.

In its judgment in Case C-28/08 P (*Bavarian Lager*)³, the Court of Justice ruled that when a request is made for access to documents containing personal data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁴ (hereafter 'Regulation (EC) No 45/2001') becomes fully applicable.

Please note that, as from 11 December 2018, Regulation (EC) No 45/2001 has been repealed by Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC⁵ (hereafter 'Regulation (EU) 2018/1725').

However, the case-law issued with regard to Regulation (EC) No 45/2001 remains relevant for the interpretation of Regulation (EU) 2018/1725.

³ Judgment of the Court of Justice of 29 June 2010, *European Commission v The Bavarian Lager Co. Ltd* (hereafter referred to as '*European Commission v The Bavarian Lager* judgment') C-28/08 P, EU:C:2010:378, paragraph 59.

⁴ OJ L 8, 12.1.2001, p. 1.

⁵ OJ L 295, 21.11.2018, p. 39.

In the above-mentioned judgment, the Court stated that Article 4(1)(b) of Regulation (EC) No 1049/2001 ‘requires that any undermining of privacy and the integrity of the individual must always be examined and assessed in conformity with the legislation of the Union concerning the protection of personal data, and in particular with [...] [the Data Protection] Regulation’⁶.

Article 3(1) of Regulation (EU) 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person [...]’.

As the Court of Justice confirmed in Case C-465/00 (*Rechnungshof*), ‘there is no reason of principle to justify excluding activities of a professional [...] nature from the notion of private life’⁷.

Documents 1-4 contain personal data such as the names, surnames and CVs of individuals who are not public figures acting in their public capacity. They also contain personal data such as the names and surnames of persons who do not form part of the senior management of the Commission. The names⁸ of the persons concerned as well as other data from which their identity can be deduced undoubtedly constitute personal data in the meaning of Article 3(1) of Regulation (EU) 2018/1725.

Documents 3 and 4 contain the CVs of public figures acting in their public capacity. These CVs are hereby disclosed as they are also published in official websites and thus already publicly available⁹.

Pursuant to Article 9(1)(b) of Regulation (EU) 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if ‘[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation (EU) 2018/1725, can the transmission of personal data occur.

In Case C-615/13 P (*ClientEarth*), the Court of Justice ruled that the institution does not have to examine by itself the existence of a need for transferring personal data¹⁰.

⁶ *European Commission v The Bavarian Lager* judgment, cited above, paragraph 59.

⁷ Judgment of the Court of Justice of 20 May 2003, *Rechnungshof and Others v Österreichischer Rundfunk*, Joined Cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.

⁸ *European Commission v The Bavarian Lager* judgment, cited above, paragraph 68.

⁹ <https://www.us-rs.si/sodnik/prof-dr-matej-accetto/?lang=en>.
https://www.dz-rs.si/wps/portal/en/Home/pos/Deputies!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAIjjo8zivSy9Hb283Q0N3I2CTA0CXYycIIMNjA2cvc30w8EKnPyCTD3BCrycTAwCjfl9nYLMgww9jEz1o4jRb4ADoBoQpx-Pgij8xhfkhoaGOioqAgAhP6Zg/dz/d5/L2dBISEvZ0FBIS9nQSEh/.

This is also clear from Article 9(1)(b) of Regulation (EU) 2018/1725, which requires that the necessity to have the personal data transmitted must be established by the recipient.

According to Article 9(1)(b) of Regulation (EU) 2018/1725, the Commission has to examine the further conditions for the lawful processing of personal data only if the first condition is fulfilled, namely if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the Commission has to examine whether there is a reason to assume that the data subject's legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

In your confirmatory application, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the Commission does not have to examine whether there is a reason to assume that the data subjects' legitimate interests might be prejudiced.

Notwithstanding the above, there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by the disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

Consequently, the Secretariat-General concludes that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by the disclosure of the personal data concerned.

2.2. Protection of the decision-making process

The second subparagraph Article 4(3) of Regulation (EC) No 1049/2001 provides that 'access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.'

Document 3 consists of a briefing prepared by the Commission services ahead of the second day of the visit of the Vice-President to Slovenia. One redacted sentence on page 8 of document 3 contains opinions from the services of the Commission, as part of the internal consultations within the institution. As explained above, the document was drawn up for internal use under the responsibility of the relevant services of the Commission and does not reflect the actual interventions made during the meetings.

¹⁰ Judgment of the Court of Justice of 16 July 2015, *ClientEarth v European Food Safety Agency*, C-615/13 P, EU:C:2015:489, paragraph 47.

The limited redacted part in document 3 has to be considered as containing opinions for internal use, as part of deliberations and preliminary consultations within the institution in the sense of the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001.

The disclosure of this internal opinion is likely to seriously undermine the decision-making process concerned, as it would deter staff members of the Commission from putting forward their views on this and other related matters in an open and independent way and without being unduly influenced by the prospect of disclosure. Indeed, the staff of the services concerned would become more wary of providing frank and open advice to the Members of the College of Commissioners and share their views openly if they knew that their opinions would be released to the public.

As the General Court has held, ‘the possibility of expressing views independently within an institution helps to encourage internal discussions with a view to improving the functioning of that institution and contributing to the smooth running of the decision-making process’¹¹.

Please note that it is not possible to give more detailed reasons justifying the need for confidentiality of the redacted sentence in page 8 of document 3 without disclosing the opinion of the persons concerned and, thereby, depriving the exception of its very purpose¹².

Therefore, full disclosure of document 3 would jeopardise the decision-making process in the meaning of the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 and the relevant redacted part must be protected on that basis.

3. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

The exception laid down in Article 4(3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure.

According to the case-law, the applicant must, on the one hand, demonstrate the existence of a public interest likely to prevail over the reasons justifying the refusal of access to the documents concerned and, on the other hand, demonstrate precisely in what way disclosure of the documents would contribute to assuring protection of that public interest to the extent that the principle of transparency takes precedence over the protection of the interests which motivated the refusal¹³.

¹¹ Judgment of the General Court of 15 September 2016, *Phillip Morris v Commission*, T-18/15, EU:T:2016:487, paragraph 87.

¹² Please see in this respect: Judgment of the General Court of 24 May 2011, *NLG v Commission*, T-109/05 and T-444/05, EU:T:2011:235, paragraph 82. See also Judgment of the General Court of 8 February 2018, *Pagkyprios organismos ageladotrofon v Commission*, T-74/16, EU:T:2018:75, paragraph 71.

¹³ Judgment of the General Court of 9 October 2018, *Anikó Pint v European Commission*, ECLI:EU:T:2018:662, paragraph 48; Judgment of the General Court of 23 January 2017, *Association Justice & Environment, z.s v European Commission*, EU:T:2017:18, paragraph 53; Judgment of the

In your confirmatory application, you argue that the initial reply does not provide an explanation for the redaction of parts of document 1. You consider that the redaction of this information undermines the right of the public to access information. You state that, I quote, '[t]he public has a legitimate interest in understanding the details and discussions that took place during these interactions, especially given the potential implications for Slovenia's government RTV act and the perception of Vice-President Jourová's mission as an attempt to influence the Constitutional Court's decision'.

Please note that such general considerations, such as a need for transparency and openness, cannot provide an appropriate basis for establishing that the principle of transparency was in this case especially pressing and capable, therefore, of prevailing character over the reasons justifying the refusal to disclose the documents in question¹⁴. They do not establish sufficiently how, in the present case, the public interest in transparency of the relations with relevant actors in a Member State is particularly compelling so as to prevail over the reasons justifying the refusal of the limited redacted part of document 3, as set out in Section 2.2 above.

In any event, any public interest has, in the view of the Secretariat-General, been fulfilled by the wide partial access to the documents which is herewith granted. The fact that the document concerned does not relate to a legislative act, for which the Court of Justice has acknowledged the existence of a need for wider openness¹⁵, provides further support to this conclusion.

Please note that Article 4(1)(b) of Regulation (EC) No 1049/2001 does not include the possibility for the exception defined therein to be set aside by an overriding public interest.

4. PARTIAL ACCESS

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, the Secretariat-General has considered the possibility of granting partial access to the documents requested.

As mentioned above, (further) partial access is herewith granted to documents 1-4 with limited parts protected based on Article 4(1)(b) (protection of privacy and the integrity of the individual) (documents 1, 2 and 4) and Article 4(1)(b) and the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 (document 3). However, for the reasons explained above, no broader partial access is possible without undermining the protection of the privacy and integrity of the persons referred to above.

General Court of 5 December 2018, *Falcon Technologies International LLC v European Commission*, T-875/16, EU:T:2018:877, paragraph 84.

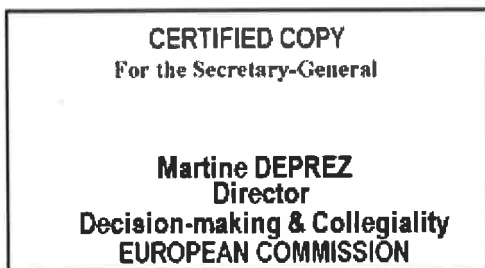
¹⁴ Judgment of the Court of Justice of 14 November 2013, *Liga para a Protecção da Natureza (LPN) and Republic of Finland v European Commission*, Joined Cases C-514/11 P and C-605/11 P, EU:C:2013:738, paragraph 93.

¹⁵ Judgment of 28 June 2010, *Commission v Technische Glaswerke Ilmenau GmbH*, C-139/07 P, EU:C:2010:376, paragraphs 53-55 and 60.

5. MEANS OF REDRESS

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



For the Commission
Ilze JUHANSONE
Secretary-General

Enclosures: (4)

Report from the mission to Slovenia

Day 1 – 1 March 2023

1. Meeting with President of the Constitutional Court, dr Matej Accetto

VPJ recalled the rule of law report, and recommendations for Slovenia.

The President recalled the Slovenian constitutional system and the role of the Constitutional Court. He said they receive more than 1,500 cases a year, some of them on the judicial decisions allegedly breaching individual fundamental rights.

He described the Constitutional Court decision on Parliament Inquiries Act which was deemed unconstitutional (follow up is one of the recommendations in the rule of law report).

He also said that there are cases about lawful deployment of digital mass surveillance tools.

VP further inquired about relevant recommendations from the RoL report (Parliament Inquiry Act). The President said the issue was not applied systematically and that the CT ruling specified legal limits of such an act. President was 'cautiously optimistic'. In his view it was unclear if there was a need to change the law. Rather the implementation. With CT rulings, the issue is clarified and constitutionally settled. He did not hear of the Parliamentary committees that would breach the rulings.

On the budgetary autonomy, the President explained the case that the budgetary process is not correct (here this is about the fact that the government can change the proposal from the judiciary without involvement of the parliament). He has the impression that the message was heard by the government.

On primacy, the President recalled a number of decisions that stated ECJ decision 'ultra vires'. He perceives there is a degree of distrust and tension between national courts and the ECJ. He appreciated that there are debates and conferences organised where this can be discussed.

On the pressure on judiciary he remarked that PL and HU are the most prominent focus in the discussions among the constitutional tribunals, but he stressed that he observes increased pressure on judiciary in many other places across the EU. They talked about the importance of implementing the judgments of ECJ, especially in the context of primacy of EU law.

Finally, he remarked that he sees a growing trend of trying to translate political problems into legal cases that are put forward to the ECJ or national Constitutional Courts. In his view, this increases the perception of politicisation of judiciary, because whatever the decision, it most likely be divisive.

2. Meeting with the representatives of Slovenian media

Participants:

- Mr [REDACTED] Slovenian Press Agency (STA)
- Ms [REDACTED] Journalists Unions Coordinator/President
- Ms [REDACTED] Slovene Association of Journalists (DNS)

The participants expressed disappointment with the actions of the government because they feel the government does not take sufficient action to improve the situation of the media. The situation with RTV public TV is particularly challenging and the CT ruling made the situation on the ground objectively worse. A lot of staff of RTV is leaving and there is a big risk of irreversible damage to the public TV. According to the participants, the proposed reform includes good solutions and is a step in the right direction when it comes to the increase independence of the governing board.

Situation of the print media in Slovenia is quite dire. The government does not give a lot of state aid, and that included also the period of the Covid pandemic. The increased cost of running a paper on a small Slovenian market is putting a lot of media on a brink of bankruptcy. The government is aware but does not seem to prioritise actions to support the media.

VPJ took note of this remark. She recalled actions on the EU level (recommendation on safety, anti-SLAPP directive, the European Media Freedom Act). She recalled that state-aid is in the hands of the Member States.

On the CT ruling, VPJ stressed she did not discuss it with the President of the Court and she has no comment to the ongoing proceedings.

Day 2 – 2 March 2023

1. Joint debate of the Committee on EU Affairs, the Committee on Justice and the Committee on Culture of the Slovenian Parliament.

Participating members:

- Mr Franc Breznik (SDS-EPP), EU Committee chair
- Ms Lena Grgurevič (GS-RE), Justice Committee Chair
- Ms Tamara Vonta (GS-RE), Cultural Committee chair
- Mr Andrej Hoivik (SDS-EPP)
- Ms Alma Intihar (GS-RE)

- Mr Rado Gladek (SDS-EPP)
- Ms Vida Čadonič Špelič (NSi-EPP)
- Mr Tomaž Lah (GS-RE)
- Branko Grims (SDS-EPP)
- Andreja Rajbenšu (GS-RE)
- Tomaž Lisec (SDS-EPP)
- Ms Katarina Štravs (GS-RE)
- Ms Lucija Tacer (GS-RE)
- Ms Sara Žibrat (GS-RE)

It was a good and constructive debate where all the main parties were represented, both from the government and the opposition.

In her opening remarks, VPJ has outlined EU policies on the rule of law and media policies. In the Q&A, the interventions from the participants were divided along the party lines. The parties from the governing coalition praised the actions of the government, which in their view follow the direction of the Commission, by strengthening the independence of the public TV, for instance. The opposition parties saw it differently and accused the government of trying to politicise the governing board by removing appointments made when Mr Jansa was the Prime Minister. They stressed that the media spectrum in Slovenia is biased and mainly centre-left or left.

After the debate VPJ had a very short curtesy meeting with the Speaker of the Parliament, Urška Klakočar Zupančič (GS – RE). The Speaker indicated she would like to have a longer policy discussion with VPJ either in Brussels or in Slovenia.

2. Meeting with the Minister of Justice Ms Dominika Švarc Pipan (SD-S&D)

It was a cordial and constructive meeting. The Justice Minister expressed her support to the rule of law report and indicated that they were working on the following up on the recommendations. Some of the issues might be addressed only after the publication of the 2023 report, because they require wider legislative changes (e.g. increases of salaries of judges are planned as a reform of the public sector salaries. The coordination for the Rule of Law report is in the hands of the Secretary of State for European Affairs (GAC minister).

On anti-SLAPP package – minister expressed broad support for the directive. On recommendations she mentioned Slovenia might have bigger problems (she mentions some issues with contact points).

Minister stressed that Slovenian law includes defamation as a part of the criminal code and this is unlikely to change. 80% of SLAPPs come from the criminal angle.

Hate speech legislation – full support.

E-evidence – the minister requested further efforts to encourage the EP to progress work on this file in a realistic manner.

VPJ and the minister had a long discussion on the war in Ukraine. The minister is very supportive of prosecution of Russian war crimes and confiscation of Russian assets. The minister recalled that Slovenia is organising a conference in this context on the mutual legal assistance (the Commission is expected to be present there).

The minister expressed her observation that there are a lot of initiatives going on the national level in Europe but they are uncoordinated. She would see a European level coordination or streamlining as desirable. Priority number 1 should be funding and securing evidence.

3. Meeting with the Culture Minister Ms Asta Vrečko (Levica-GUE/NGL)

Meeting was cordial and constructive. It focused mainly on EMFA and disinformation. The minister welcomed the EMFA initiative and expressed broad support. The ministry is working on the Act as there are also some questions regarding the new roles of the national media regulator and the Board. The Minister stressed they agreed with the identification of the negative aspects that EMFA aims to address. The minister appreciated the fact that EMFA would provide key definitions relevant for regulating the media sector.

The minister explained that the law they proposed on public broadcaster, RTV, is in the spirit of EMFA and aims at strengthening the independence of the broadcaster. The government is awaiting the ruling of the Constitutional Tribunal on the law. The minister also informed about the ongoing work to update the existing media law that in her opinion is too old and does not reflect the reality. In this context, the government is looking at strengthening the independence of the press agency and set in law stable financing to avoid the problems that appeared in the past. The minister recalled that the opposition is not in favour of these changes and is trying to delay the work.

On illegal hate speech – the minister welcomed the attempt to legislate and define the crime on the EU level. She remarked that she finds the national courts interpretation of illegal hate speech very narrow which makes very difficult to seek judicial recourse.

On disinformation, the minister acknowledged there is also problem in Slovenia, especially on online platforms which are not doing enough to address the problem. The minister appealed to the VP to continue her work with platforms and recall the need to work also in smaller countries and smaller languages, like Slovenian. In the view of the minister, the post fact-checking, even with labelling does not work well. So the question whether EU should consider, e.g. funding for media to hire fact-checkers to check the stories before they are published.

VPJ recalled the reasons behind the EMFA and thanked the minister for support. She explained there is a strong opposition, coming especially from some publishers, and that we need to invest in explaining and dispelling the myths. The SE presidency is working well on the file and she asked Slovenian government to support as much progress as possible. VPJ showed flexibility to certain aspects of the EMFA, but

insisted that the key issues must remain there untouched if the Act is to bring desired effects.

VPJ recalled the actions on EU level on disinformation, and stressed that the signatories of the Code of Practice published first base-line reports, including some country specific data.

4. Meeting Mr Marko Štucin, Secretary of State at the Ministry of Foreign and European affairs (GAC minister)

The minister has shown keen interest and understanding of the rule of law files. He is responsible for coordinating the Slovenian dialogue in the context of the rule of law report and in following up on the recommendations. He informed that the work is ongoing to implement the recommendations, but for some the government needs more time (e.g. the salaries of judges would be part of a wider reform of the public service salaries that is planned for the end of the year).

Minister inquired if the ongoing work would be reflected in the report and stressed it would be helpful to describe the ongoing processes.

He recalled that Slovenia has joined the 'friends of the RoL' club in the Council, but underlined the government wants to have a constructive approach, especially with Hungary. As a neighbouring country, the minister feels, there is a special relationship with Hungary that might be somehow helpful. For instance, the minister invited HU Justice Minister, Judith Varga, to Slovenia to showcase Slovenian systemic solutions with integrity authority and other anti-corruption measures.

VPJ thanked the minister for his proactive engagement and commitment. He thanked the government for constructive approach to the rule of law report. She explained that the recommendations that remain valid will be repeated in the report. On HU, she appreciated the support of the government and also bilateral outreach. She stressed that in Hungary there will be a need for reality check, if the measures proposed by Hungary indeed are working in practice.

5. Meeting with the members of the Legal Network for the Protection of Democracy (LNPD)

The network was established in 2021 with the aim of allowing Slovenian civil society to monitor, understand and protect the implementation of the rule of law principles in times of the COVID-19 pandemic. The founding members of this informal coalition are Amnesty International Slovenia, IT-Institute for Other Studies – Today is a New Day, PIC – Legal-Informational Center for NGOs, and the Institute for Culture of Diversity Open. The network cooperates with various attorney offices, professors of law and volunteers.

The participants stressed difficult circumstances for the civil society in Slovenia. They stressed they are heavily under-funded and faced strong pressure under the previous government. They appreciated the change of the atmosphere by the current government, but grow impatient and somehow sceptical, as there is little improvements in real life. They gave example of the government organising a lot of

structural dialogues on various issues that are mainly process oriented, and its huge number makes it difficult for the CSOs to follow it and advice properly, given the potential outcome is unclear.

They also had a feeling the government is shifting more difficult debates to the CSOs like for instance with the referendum on public TV.

The participants also stressed that Slovenia has relatively weak equality and supervisory bodies, which again increased the work for the NGOs. They concluded that practically today they also must play a role of constructive opposition.

They asked for more financial and structural support.

VPJ thanked them for frank and open discussion and for their involvement in democratic life of the country. She stressed the Commission recognises important role of CSOs. She presented Commission work on the rule of law, anti-SLAPP legislation, Fundamental Rights and media policy.

NGOs stressed two pertinent issues that are not dealt towards a solution by any government. The first one is the "Erased", meaning the people that were left without passport after Slovenia gained independence, where several cases still not solved. Without legal status, those people were deprived of their economic, political, and civil rights and lost their jobs, homes, pensions, as well as access to health services, and social benefits, without legal remedy.

The second one is difficult situation of Roma people, particularly in the south east part of Slovenia where they even don't have access to drinking water. The situation is usually not seen in country reports as by contrast the situation of Roma in the north-east is much better solved. VPJ said she will share the notes with Commissioner Dalli.



VICE PRESIDENT VĚRA JOUROVÁ

COUNTRY VISIT: SLOVENIA

DAY 1

LOCATION: LJUBLJANA

DATE AND TIME: 1-2 MARCH 2023

MEMBER RESPONSIBLE: [REDACTED]

Steering brief

Scene setter

You are visiting Slovenia for the first time after the change of government on 2 June 2022, when Prime Minister Robert Golob (GS-Renew) took over from former Prime Minister Janez Janša (SDS-EPP). The new government enjoys a comfortable majority in the Parliament. Prime Minister Golob's party won the election in a landslide as voters mobilised against the excesses of Prime Minister Janša's governing style.

On the first day, you will meet the President of the Constitutional Court, as well as representatives of Slovenian media (policy side).

The meeting with Slovenian media will give you good insights on how the media perceive the situation of media freedom in the country, the efforts of the current government to initiate reforms, after the tense period under Janša. This meeting will help inform the discussions that you will have on the second day, including with the Minister of Culture.

The media issue might dominate your public debates and questions from journalists. This is a tense and controversial subject in the public debate. On media, we see a positive shift with the new government – which has also been supportive of efforts at EU level.

The **rule of law** is a highly political topic in Slovenia and subject to divisive opinions between the previous government and their supporters on the one hand and the new government, media and NGOs on the other.

The most high-profile issues under the previous government concerned its refusal to finance the public service of the Slovenian Press Agency (STA) as mandated by law; political appointments to public broadcaster RTV Slovenija's programming council and management, which led to pressures on journalists and undermined editorial independence; political meddling and abuse of police forces.

The new government has welcomed the Commission's rule of law report and initiated many changes that were positively acknowledged by the Commission at the Council exchange of views on the Slovenian 2022 rule of law report. The 2023 rule of law report country visit was conducted between 17 and 24 February, with two outstanding meetings left for 2 and 16 March. As in 2022, Commission services

met with a wide variety of ministries, institutions and civil society and professional organisations. The meetings were informative and held in a constructive atmosphere.

As part of the coalition agreement, the government has suggested a **media reform**, but there is no details or timing available. The minister of Culture might tell you more details. The suspected aim is to protect the independence of Slovenian Press Agency STA and public broadcaster RTV Slovenija, ensure fair and transparent state-funded advertising, and provide a comprehensive and sustainable model for funding media content that is in the public interest. The reform will also increase media transparency and plurality and improve the system of media regulation. These objectives sound similar to the objectives of the Media Freedom Act.

The situation at **RTV Slovenija** remains tense. Organisations of journalists, unions and NGOs claim that the appointments to the boards lead to serious breaches of editorial independence and biased reporting, undermining the reputation of the public broadcaster.

The new law on RTV Slovenija – one of the main election pledges of the current coalition government – entered into force on 28 December 2022. Politically, one of its main aims is to remedy the situation at the public broadcaster by “depoliticising” it, which in practice means changing the composition of the programming council and the management.

The public broadcaster bill was prepared in close cooperation with media experts and an NGO “Legal Network for Protection of Democracy (you will meet them in the course of your visit). The bill had been adopted under the emergency procedure as a means to depoliticise the public broadcaster after allies of the previous government were appointed to key posts.

However, the law was challenged at the Constitutional Court by the president of the broadcaster’s programme council on the grounds that rules for the emergency parliamentary procedure were not followed. He also contested the legality of the provisions terminating the terms of current senior management.

On 20 February 2023, the Constitutional Court stayed (i.e. kind of interim measure to wait until the final ruling) the key provisions that enable the change of management. The decision is somehow

controversial because it means that the procedure of appointment of the new management structures can proceed while the Court continues deliberating, but the appointments will not take effect until the Court has reached the final decision on the matter. So in practice today there are two governing structures, the old one calling the shots and the new one waiting for the final court ruling.

On the positive side, the new governing body is appointed without involvement of politicians, but by civil society and RTV staff.

The government approved on 26 January 2023 a contract on the public service performed by the **Slovenian Press Agency (STA)** for 2023, raising its funds by around 10% compared to last year. The government endorsed the contract after repealing a regulation adopted by the previous government in June 2021 under which the agency was financed on a per-item basis rather than monthly as before. The regulation was to partly resolve its year-long dispute with the STA that left the agency on the brink of bankruptcy. The government is further expected to change the STA legislation in order to eliminate some ambiguities about the definition of the STA public service. The change would prevent any government from making arbitrary decisions in relation to the funding of the public service and thus the STA's editorial autonomy.

Regarding the **European Media Freedom Act**, Slovenia supports the text at the Council, stressing the importance of a pluralistic, independent media sector. The government has raised issues with regard to the new regulatory/supervisory functions that the Media Freedom Act would assign to national media regulatory authorities. They asked to take into account the diversity in regulatory systems of Member States, where more than one body may be involved and the current regulator under the AVMSD is not necessarily responsible for other, new tasks included in the Media Freedom Act. They also raised the importance of ensuring the full independence of the Board, in particular from the Commission.

Since the adoption of the Commission's 2022 Rule of Law Report, a possible case of **SLAPP** in a **civil** lawsuit has come to the fore. The lawsuit was brought in September 2021 by Slovenian MP Zmago Jelinčič Plemeniti against [REDACTED] TV Slovenia news programme because the Slovenian National Party (SNS) was not invited to a talk show. Media freedom groups denounced the lawsuit

as a targeted and baseless form of pressure on a journalist for the public broadcaster. According to the Council of Europe, since August 2020 three journalists have each had 13 different **criminal** lawsuits lodged against them by [REDACTED] a tax expert and unofficial financial advisor to former Slovenian Prime Minister Janez Janša, targeting their reporting on his business dealings and alleged involvement in an illegal loan to the (then) ruling SDS party.

While generally supporting our **anti-SLAPP** objectives, Slovenia has rarely taken the floor during the technical Council negotiations and its detailed position is not yet clear. Unlike many other Member States, Slovenia has not yet submitted comments in writing. During the policy debate in the JHA Council in December 2022, Slovenia stressed that legitimate lawsuits should not be impeded, and requested that anti-SLAPP protection should not be extended to those spreading fake news. The latest text changes discussed at technical level in the Council Working Party should accommodate these concerns to a considerable extent. Slovenia has not yet nominated a focal point for the implementation of the anti-SLAPP Recommendation.

Social networks, especially Facebook and, to a lesser degree, Twitter, remain the main vectors of misinformation and **disinformation** in the Slovenian media landscape. The main narratives concern the war in Ukraine, immigration issues and public health matters, especially the COVID-19 epidemic and vaccines. The established, legacy media organisations such as the public TV and radio broadcaster, the national news agency, the biggest newspapers and the most popular news portals only rarely amplify such narratives. Disinformation have been increasingly weaponised against political opponents in internal political battles, mainly by social media accounts and web portals either owned by or close to various political parties.

Slovenia has been supportive of the EU policy to tackle **online hate speech**, including by highlighting this problem in a conference during its presidency and by supporting the initiative to extend the list of EU crimes to include hate speech and hate crime.

Concerning the **Russian war of aggression against Ukraine**, both the previous and the current government have condemned the aggression and committed to support Ukraine as long as is needed. Former Prime Minister Janša was among the first three European leaders who visited Kyiv after the start of the war. Furthermore,

Slovenia re-opened its embassy in Kyiv already in April 2022. Slovenia is also among the biggest donors per capita to Ukraine among the EU Member States, having already provided around EUR 23 million of humanitarian and military aid.

Pro-Russian narratives in Slovenia are mainly spread on fringe news portals and on social media – especially Facebook and Twitter. These narratives focus on the alleged ineffectiveness of sanctions against Russia, de-industrialisation of the EU economy as a consequence of energy sanctions, the submission of EU policies and policymakers to the US economic and military interests, and shifting of responsibility for the war onto aggressive Western/NATO policies. **Pro-Russian narratives have not been able to gain a foothold in the established media**, although they can surface in some opinion pieces. It does not appear that these disinformation activities are being directly led or paid by Russian actors, although the possibility cannot be excluded.

On 20 February, prominent personalities in Slovenia, including two former Presidents (Milan Kučan, Danilo Türk) published a **letter calling on the EU, the US, NATO and the Russian Federation to stop the fighting in Ukraine**, stop arms supplies and start peace negotiations as there is an increasing risk of further escalation, which could end in nuclear war. The letter was carried by all big Slovenian media, igniting a furious debate on social media.

PM Golob clearly distanced himself from the letter.

The letter was met with two replies in Slovenia's leading daily Delo – one from columnists, and one from ambassadors accredited in Ljubljana. Both pointed out that it is unfair to call on NATO to end the conflict, as it has not started it, nor is it a party to it. On the other hand, Russia could end the conflict tomorrow by withdrawing its army behind its borders. Both letters warned that calling on NATO to end the war is recycling Russian talking points.

Peace protests took place in the capital, Ljubljana. Slovenia supports a common EU approach to imposing **sanctions** on Russia. As regards the economic and financial impact of the Russian aggression against Ukraine, Slovenia supports coordinated measures and solidarity among Member States. In June 2022 Justice Minister Švarc Pipan called for caution on the proposed directive on confiscation of assets

of people violating sanctions imposed by the EU. She stressed that all EU actions must be in line with the rule of law and common, European values, especially when it comes to confiscating assets, which is a major encroachment on the rights of the individual.

Slovenia is one of the 14 Member States that have **opened national investigations into international crimes** committed in Ukraine. Justice Minister Švarc Pipan has stated that all **war crimes** committed during the war in Ukraine must be investigated and perpetrators tried. The parliamentary Justice Committee unanimously endorsed a draft declaration on the European Parliament's resolution on fighting impunity for war crimes in Ukraine, which was tabled by the opposition (SDS-EPP) in June 2022. Together with the Netherlands, Slovenia, plays a leading role in developing the **Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes (MLA convention)**. The international treaty would facilitate cooperation in prosecuting war crimes in Ukraine and should be signed at a diplomatic conference in Ljubljana at the end of May in the presence of Commissioner Reynders. More than 77 countries, including all EU Member States, formally support the initiative and further support is expected. The Commission was asked to financially support the initiative and is assessing how it can support the initiative.

Meeting with the President of the Constitutional Court

Location: Constitutional Court

Time: 17h00-18h00

Scene setter

You are meeting the President of the Constitutional Court, Mr Matej Acceto on 1 March from 17.00 to 18.00. This is an opportunity to discuss the rule of law in Slovenia, in particular the follow-up to the rule of law report's recommendations, judicial independence, and the primacy of EU law, especially in the context of ongoing infringement against Poland.

Mr Acceto participated in the 2022 and 2023 rule of law report country visit (the last meeting, chaired by Director-General Ana Gallego, took place on 24 February 2023). He is a strong supporter of closer cooperation between constitutional courts and the European Commission. As an EU law professor himself, he supports the role of the Constitutional Court as a key institution to uphold the primacy of EU law.

Objectives of the meeting

- What we want:
 - remind him of the relevant rule of law recommendations from the 2022 rule of law report;
 - reaffirm the primacy of EU law.

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Key messages

On the Rule of Law Report

- You have noticed that in the 2022 Rule of Law Report for Slovenia, there were several references to the decisions of your Court.
- More specifically, two of our recommendations specifically asked Slovenian authorities to resolve rule of law issues identified in Constitutional Court judgments.
 - First, the report recommended introducing safeguards for judicial independence and prosecutorial autonomy in rules governing parliamentary inquiry
 - Second, it recommended introducing safeguards for the budgetary autonomy of certain independent bodies.
- The upcoming 2023 Rule of Law Report will include the assessment of how these recommendations were implemented in practice.

On the primacy of EU law

- Let me recall the fundamental principles of the European Union:
 - EU law has primacy over national law;
 - All judgments by the European Court of Justice are binding on all Member States' authorities, including all national courts.
- The Commission considers that these fundamental principles were breached by the Polish Constitutional Tribunal and its case law.
- Moreover, all national courts active in the fields covered by the EU law must be independent, impartial and established by law, so as to provide effective judicial protection to citizens.

- The European Union is and remains a community based on law. The last word on EU law is always spoken in Luxembourg.

On the infringement procedure concerning the Polish Constitutional Tribunal

- The Commission opened this infringement on 22 December 2022.
- In its rulings of 14 July 2021 and 7 October 2021 the Polish Constitutional Tribunal, considered Article 279 TFEU and 19(1) TEU as interpreted and applied by the Court of Justice incompatible with the Polish Constitution, expressly challenging the primacy of EU law.
- On 15 July, the Commission decided to send a reasoned opinion to Poland, to which Poland replied [14 September 2022], rejecting the reasoning of the Commission.
- Poland's reply did not remove the concerns of the Commission. This is why the Commission decided to refer the case to the Court of Justice.

CV of Matej Accetto, President of the Constitutional Court of Slovenia



Dr Accetto graduated from the Faculty of Law of the University of Ljubljana in 2000 and obtained a doctorate in law from the same Faculty in 2006. He further obtained an LL.M. from Harvard Law School in 2001.

He worked at the Institute for Comparative Law of the Faculty of Law of the University of Ljubljana as a young researcher during his doctoral studies, from 2008 as an assistant professor of EU law, and from 2013 as an associate professor of EU law. From September 2013 until August 2016 he lectured at the international graduate law school Católica Global School of Law / UCP in Lisbon as a professor with an additional research grant from the Gulbenkian Foundation. Since the beginning of the 2016/17 academic year he has been lecturing at the Faculty of Law of the University of Ljubljana.

In addition to his regular lectures in Slovenia and Portugal, he has taught courses or held lectures as a guest lecturer in China, Russia, Hungary and Portugal. He has delivered occasional guest lectures, inter alia, at Harvard University, the University of Copenhagen (Denmark), Tokyo Waseda University and the University of Kyoto (Japan), the University of Graz (Austria), the University of Iceland (Iceland), the University of Kaunas (Lithuania), the Faculty of Law in Bihać (Bosnia and Herzegovina), and Franklin College (Switzerland). He continues to lecture at the Faculty of Law of the University of Ljubljana and the Católica University in Lisbon as an external staff member.

While concentrating mainly on his research and pedagogical work, he has also cooperated with the judiciary and jurisprudence in various ways. In 2003 he spent five months at the Court of the European Union as a trainee, and in the period 2003/04, as a Fellow of the British Lord Slynn Foundation for European Law, he spent a year working with distinguished British judges, attorneys, and law firms. Between 2007 and 2011 he was, inter alia, a member of the National Commission for the Legal Revision of the Historic Case Law of the European Court of Justice, and between 2009 and 2013 he was president of an examination board for the

examination of court interpreter candidates as well as a lecturer at events organised by the Slovene Judicial Training Centre.

He has participated in numerous national and international research projects that focused on different issues of fundamental rights, (constitutional) adjudication, and citizenship. He is the author of several books and numerous scientific legal papers (in Slovene, English, and Portuguese) as well as numerous editorials and columns in legal newspapers and on websites.

Dr Accetto commenced duties as judge of the Constitutional Court on 27 March 2017 and assumed the office of Vice President of the Constitutional Court on 28 September 2019.

Meeting with media representatives

Time: 18h30-19h30

Location: Commission representation in Ljubljana

Scene setter

You are meeting selected media representatives on 1 March from 18.30 to 19.30:

- [REDACTED] Slovenian Press Agency (STA)
- [REDACTED] RTV Journalists Unions
- [REDACTED] Slovene Association of Journalists (DNS)

This is an opportunity to discuss media policy and media freedom in Slovenia, EU initiatives in this area, as well as the issue of Russian disinformation.

Short bios of the participants:

[REDACTED]

[REDACTED]



Key messages

Media freedom in Slovenia

- Thank you for the opportunity to meet and discuss the situation of media freedom in Slovenia.
- I know you have been through difficult times.
- I understand that the situation now is changing, with the good efforts by the new government to initiate reforms on a series of important issues, including the independence of public service media.
- I would like to hear from you on all this.

European Media Freedom Act

- At European level, we also try to do more.
- We saw a series of negative trends across the European Union, pressure being put on the media. Not in one or two Member States, across the EU.

- This is why we decided to come with a novel set of rules to protect media pluralism and independence in the EU. The proposed Regulation includes, among others, safeguards against political interference in editorial decisions and against surveillance. It puts a focus on the independence and stable funding of public service media as well as on the transparency of media ownership and of the allocation of state advertising. It also sets out measures to protect independence of editors and disclose conflicts of interest. Finally, the Act will address the issue of media concentrations and create a new independent, European Board for Media Services, comprised of national media authorities.
- The proposal is now being discussed by the European Parliament and Council and we hope to make good and fast progress this year. We count on your input and support.

On anti-SLAPP

- The phenomenon of SLAPP is gaining ground in the EU. We see instances of SLAPPs in many EU Member States.
- Our **proposed Directive will** deter the filing of SLAPP, enable the quick dismissal of a SLAPP once filed, and provide other remedies, such as award of costs, compensation of damages and penalties against an abusive claimant. In addition, the proposal will protect EU defendants against third-country SLAPP.
- In designing the proposal, I aimed to ensure sure that we maintain a careful balance of all rights involved. Because there is not only the perspective of those who are expressing their views through freedom of expression and information, but also that of those who claim the right of access to justice and the right to protect their private life and reputation.

- The proposed anti-SLAPP safeguards would protect our democracies while **maintaining important balance with the right of access to justice.**
- Another important issue is ensuring that the protection is granted to those journalists and rights defenders who act in the public interest. **It is not a blank check for impunity.**
- In addition, we are encouraging Member States to **offer training on SLAPP** to legal professionals and potential targets to make sure that they are aware of when they could be dealing with a case of abusive litigation.
- **Awareness-raising activities** will make sure that these cases are detected earlier, and that the public understands that these cases are designed to silence journalists and human rights defenders.
- Member States should also ensure that there are support mechanisms in place for targets of SLAPPs. This includes establishing **a focal point** for SLAPP targets to turn to when seeking guidance and support.

Defensives – Media Freedom Act

The Commission is creating a Board to supervise the media

- No. The Media Services Board is in fact an upgrade of the existing group of European Regulators, ERGA. The Act strengthens this group and gives it more responsibilities. Its tasks are well defined by the law, and **the Board is not a new authority overseeing the press, deciding on self-regulatory standards or ethics.** The Board will give non-binding opinions on national measures and concentrations affecting the media, in the single market. The idea is rather to promote a dialogue between regulators and to promote mutual understanding across the EU. We have done it in the past in other areas.
- The Board is absolutely not about concentrating power in Brussels. This is about more cooperation among the relevant authorities. The Commission has no voting right but it has a role to play, as the guardian of EU law. We are open to further improve the text and bring necessary clarifications.

What are the rules for public service media?

- Public service media play a special role in ensuring that citizens have access to information. However, they can be exposed to the risk of political interference.
- This is why the Media Freedom Act pays particular attention to public service media and the challenges they face. The Regulation proposes that funding provided to public service media should be adequate and stable, thus ensuring editorial independence. The Regulation also stipulates that public service

media providers shall provide a plurality of information and opinions, in an impartial manner. Finally, to ensure greater independence from partisan political influence, the head and the governing board of public service media will have to be appointed in a transparent, open and non-discriminatory manner and can be dismissed only in very specific circumstances.

What does « adequate and stable » funding of public service media mean?

- Sufficient and stable resources for public service media are important, in particular for predictability reasons. We have heard concerns with regards to the resources allocated in the context of the preparation of the latest rule of law report. Stakeholders indicate that it is difficult for example for the Director General of a public radio to foresee a long term development plan without knowing that it will have at hand sufficient resources.
- Public service media need to develop strategies for long-term development and it is therefore difficult for such companies to rely on the budget negotiations on a yearly basis. For this reason, in Recital 18, we indicate that the funding should be decided and appropriated on a multi-year basis to avoid the potential for undue influence from yearly budget negotiations.

What are the requirements for the media themselves?

- The Act includes a series of new rights to protect the media and it also comes with a very targeted set of responsibilities. The Act includes some specific requirements for media providing news and current affairs content, as these media play a particularly important role in informing citizens and shaping public opinion.

- First, those media have to be transparent about their ownership. This requirement builds on existing EU legislation applying to companies in general (company law and anti-money laundering rules).
- Second, those media shall also take the measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions and to disclosing any actual or potential conflict of interest.
- The media have full freedom in deciding which measures are the best fit according to their business model, size and other specificities. However in order to bring more transparency and trust, and in the public interest, the Act requires them to take those important principles – transparency related to owners, actual or potential conflict of interest and the independence of individual editorial decisions – into account.
- This is not about regulating how media organise themselves. The overwhelming majority of media already have relevant measures in place.
- It can be noted that the new Board has no role in monitoring those rules and is not a new oversight body for the press sector.

Defensives

Special Tribunal

Does the Commission have a preferred option?

- No, both options (ad hoc tribunal or hybrid tribunal) remain on the table at this stage.
- Pros and cons, as well as the legal and political issues of each option, need to be further explored. This requires further discussions within the Commission, with the Member States and with our international partners.
- At any rate, both options require strong international support and backing by the United Nations and a solid legal framework. Whatever option is chosen, it should be legally sound and should gather sufficient international support.

What would be the necessary international support required to legitimately establish a special tribunal for the crime of aggression?

- The options presented in our options paper take into account the need for the broadest international legitimacy, including due involvement of the United Nations.
- A court supported by the UN, either international or hybrid, created at the behest of the General Assembly, would seem to confer the broadest legitimacy to relinquish immunities and to act in the international community's name.
- The EU will continue to work with Ukraine and partners, including G7 countries, with a view to building international understanding and support for ensuring accountability.

International Centre for the Prosecution of the Crime of Aggression (IPCA)

What would be the main features of the IPCA?

- The basic idea behind the IPCA is to provide a structure to enhance the overall coordination of ongoing national investigations. The IPCA will ensure that the evidence collected is exchanged and analysed, cases are built and prosecution strategies coordinated.
- Therefore, some Joint Investigation Team members should be relocated to Eurojust for a standing coordination centre. Eurojust could provide continuous logistical as well as operative support, e.g. providing common secure office space, but also legal and strategic advice.
- While Eurojust would host the IPCA, Eurojust and the IPCA would remain separate entities – the IPCA remaining part of the Joint Investigation Team.
- The IPCA would not have own investigative powers. Investigative powers would remain limited to the capacities that the national Joint Investigation Team members have under their own national law.

What would be the next steps in the implementation?

- The Commission is now working with the Joint Investigation Team members (including Ukraine), the Netherlands and Eurojust to define the exact modalities for the implementation of the IPCA.
- In the meantime, Eurojust is already working on a detailed implementation plan, including budgetary impact, human resources needs, and allocation of office space.
- We also need to discuss the conditions for a relocation of Joint Investigation Team members and the need for a MoU or other form of agreement, as well as funding options.
- Once these steps are taken, Eurojust and the Joint Investigation Team members could work on the practical implementation. This should be possible until summer.

What is the Commission's position on the UK-NL Justice Ministers Conference for support to the ICC's investigations into international crimes committed in Ukraine on 20 March? Will the Commission participate?

- The Commission fully supports the objective of the conference to strengthen the ICC's capacities.
- The Commission supports the full inclusion of all Member States in this conference, in particular in light of the exceptional support Member States have provided to the ICC since the beginning of the Russian invasion [EUR 7 million].
- The Commission is currently discussing with the Netherlands and the UK how it can be involved.

Background

International Centre for the Prosecution of the Crime of Aggression (ICPA)

The political leadership of the EU Member States, during the last European Council on 9-10 February 2023, and the Commission and Ukraine, during the EU-Ukraine summit on 3 February, **have expressed full political support for initiating the ICPA.**

The Commission, in close cooperation with the JIT members (including Ukraine), NL and Eurojust, has developed a concept note to define the modalities of the ICPA. The amendment of the JIT agreement is in the hands of the JIT members, which are already working on this with the support of the JIT network secretariat hosted by Eurojust. The amended JIT agreement is expected to be signed early March. The expectation is that the ICPA will be operational by July 2023. Eurojust is already working on a detailed implementation plan, including security measures, allocation of staff and office space as well as an estimation of the budgetary impact.

Special Tribunal

Discussions on the follow up to the **options paper on accountability** took place in COJUR on 15 February. A common understanding that the crime of aggression must not go unpunished emerged but there is still divergence of views on the way forward.

EE, LV, PL, BE, LU, LT and RO support the **creation of an international tribunal**, although views diverged on the modalities for setting it up (either through a multilateral treaty or an agreement between the UNSG and UA). CY and ES are also inclined to support the international tribunal. The EU members of the G7 (IT, FR, DE) have expressed very cautious positions vis-à-vis both options, since the legal obstacle of personal immunity cannot be ignored. FI, DK, SI, IE, HR, NL, PT, EL, MT and SK support the establishment of the special tribunal but do not have a preferred option yet. DE, CY, SI, BE, LU argued in favour of amending the Rome Statute to allow the ICC to have jurisdiction over the crime of aggression in similar cases in the future.

Reflections will continue in next meeting of the **Core Group on the establishment of the special tribunal for the crime of aggression**, which is scheduled on 21-22 March in Strasbourg.

The **UNGA Just Peace Resolution** was finalised on 15 February and voted on 23 February. Operative Paragraph 10 of the Resolution contains generic language on the need of ensuring accountability. There is no timeline yet for the Accountability Resolution.

Defensives

What is the amount of immobilised public assets in the EU?

- According to the information gathered at G7 level in June, the total amount of immobilised public assets in G7 countries (+ Australia) and the EU is estimated at 300 billion dollars.
- The actual number in the EU is however under assessment.

Can you provide more details on the financial structure to manage the Russian Central Bank's assets?

- This financial structure would actively manage frozen and immobilised public assets, including liquid assets of the Russian Central Bank, invest them and use the net returns on these investments to finance the reconstruction of Ukraine.
- According to the Commission's preliminary assessment, the main steps required would be the following:
 - Identification of the assets – currently Member States have a duty to report on private assets frozen, but a similar obligation is not in place with regard to immobilised public assets. There is therefore a need to put in place mechanisms to identify these assets in the EU and ensure reporting to the Commission;
 - The identified assets would have to be transferred to a legal entity (not yet identified) that would have overall responsibility for active asset management;
 - The selected legal entity will have to ensure active management of the assets on the basis of an investment

strategy aiming to achieve a fair and stable return on investment;

- The extra proceeds/returns on the investments would have to be returned to the parties participating in the selected entity;
- These proceeds could then be used for the reconstruction of Ukraine.
- Russian assets, together with the minimum interests generated while immobilised would have to be returned to Russia. This could happen following the lifting of the sanctions and the conclusion of a settlement agreement between Ukraine and Russia.
- At this stage, we are exploring this solution and engaging in discussions with relevant EU and international institutions (World Bank, European Central Bank), as well as with other international partners (G7).

Are there any precedents that the Commission can build on?

- No. That is why we are currently examining this option very carefully within the Commission, with the Member States and in close coordination with relevant institutions and partners at international level.

Defensives

What will be the added value of the Commission's proposal aimed at approximating the criminal definitions and penalties for the violation of sanctions?

- The Member States have **different definitions of offences** and different **penalties** for the violation of sanctions under their **administrative and/or criminal law**.
- Such differences may lead to **forum shopping** and ultimately to **impunity**. Offenders could choose to conduct their activities in the Member States that provide for less severe responses to the violation of Union sanctions.
- In addition, the harmonisation of criminal definitions and penalties for the violation of sanctions will reinforce their deterrent effect.

Will this Directive allow for confiscation of frozen Russian assets?

- The criminal offences harmonised by this proposal will fall within the scope of the revised confiscation Directive.
- In addition, the proposal also clarifies the concept of 'proceeds' of crime in specific situations of circumvention of Union sanctions.
- This will allow the Member States to confiscate proceeds derived from the violation of sanctions.
- However, this will not be a blanket authorisation to confiscate frozen assets. Some strict criteria will still have to be met. Notably, to confiscate assets there must be a link with a criminal activity – such as the circumvention or the attempt to circumvent sanctions regimes.

- In other words, confiscation, which deprives individuals of the property on their assets, should always take place in full respect of the rule of law, proportionality and of the fundamental rights of individuals, including the right to property.

Background

On 25 May 2022, the Commission adopted a package on criminal penalties for the violation of Union restrictive measures, consisting of proposal for a Council Decision to add the violation of Union restrictive measures to the list of EU-crimes in Article 83(1) TFEU and a Communication with an annex presenting elements for a future Directive.

Further to the European Parliament's consent given on 7 July 2022, on 28 November 2022, the Council unanimously adopted a decision to add the violation of Union restrictive measures to the areas of crime included in Article 83(1) TFEU.

On that basis, on **2 December 2022**, the Commission adopted a **proposal for a Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures**.

Discussions are ongoing in the Council with the aim of achieving a **General Approach by June** at the latest. The work at technical level is progressing well in the Council.

The proposal has been referred to the **LIBE Committee**.

Defensives

Many Member States already have legal safeguards. Why do we need something specific for SLAPP?

- Currently, none of the Member States have specific safeguards against SLAPP proceedings and only a few (MT, IE and LT) are considering the introduction of such safeguards. Existing safeguards – such as the principle of the ‘loser pays’ – are not sufficient to prevent the significant negative impact that SLAPP can have on public participation and the exercise of human rights and fundamental freedoms.
- There are also no EU-wide rules that address SLAPP.
- By developing a common EU understanding on what constitutes a SLAPP and by introducing procedural safeguards, the proposal will provide national courts with effective means to identify and deal with SLAPP. And it equips journalists and human rights defenders with the means to defend themselves and avoid the chilling effect of SLAPP.
- The EU initiative also serves to ensure that all SLAPP targets are protected evenly across the EU and prevent forum shopping and circumvention of national procedural safeguards.

Isn't there a risk that the proposed Directive intervenes with Member States' civil and procedural law, which belongs to national competence?

- The proposed Directive will provide for targeted legislative safeguards only for cross-border situations.

- The selected instrument (a directive) will allow Member States to adapt the legislative provisions to their national system.

Is it clear that the proposed Directive will apply only in civil matters?

- The proposed Directive will apply to civil and commercial matters and not to criminal matters.
- However, it should be noted that the Recommendation applies also to criminal and administrative proceedings. Member States are invited to implement the Recommendation swiftly to ensure comprehensive protection against SLAPP.

Why is the proposed Directive not only about journalists?

- Human rights defenders, civil society organisations and others also have an important role to play in the public debate and in defending democracy and rule of law. Evidence shows that not only journalists are targeted by SLAPP.
- The key notion here is that of public interest – the safeguards are meant to protect those who are targeted by SLAPP due to their involvement in the public debate in matters of public interest such as, for example, public health, safety, the environment, climate, corruption or disinformation.

Why are public authorities excluded from the scope of the proposed Directive?

- Contrary to individual journalists, human rights defenders and others who are in a weaker position, public authorities have better means to defend themselves if they are targeted by abusive lawsuits. They have the protection of the state power to defend themselves.

How does the proposed Directive ensure that journalists won't abuse the protections granted?

- The safeguards do not apply to any lawsuits brought against journalists. We are not creating a blank check to impunity.
- First, the defendant must show that the statement or activity targeted constitutes an act of public participation on a matter of public interest.
- In addition, the safeguards apply only against manifestly unfounded or abusive court proceedings, which is for the national court to qualify, using the toolbox provided in the proposed directive.

What about the right of access to justice? Isn't the proposal giving special privileges to certain persons at the expense of the rights of others?

- The proposed directive ensures a careful balance between the rights of the claimant and the defendant in SLAPP proceedings. It needs to be recalled that in SLAPP the aim of the claimant is not to seek access to justice or to win the case, but to harass the defendant and to silence public debate.
- If the claimant's lawsuit has merit – meaning that it is an arguably genuine case for example of defamation –, it will be assessed in ordinary court proceedings and early dismissal is out of question. In ordinary proceedings, the claimant must show in any case that their claim is founded.
- If the case is not a SLAPP, the defendant cannot benefit of the safeguards provided by the proposed directive. A SLAPP has to be either manifestly unfounded or abusive.

What is the reasoning behind the notion of “matters with cross-border implications” used in the proposed Directive?

- Public participation targeted by SLAPP often occurs in matters that are typically cross-border by nature such as environmental campaigns or allegations of money laundering with relevance for more than one Member State.
- The fact that online media content is accessible across jurisdictions may also open the way to abuse jurisdiction rules, with SLAPP targets sometimes facing court proceedings in different jurisdictions launched by the same claimant.
- The phenomenon of forum shopping (or libel tourism) amplifies the problem, as some jurisdictions are perceived as more claimant-friendly - where for instance damages awarded in defamation cases are higher. SLAPP launched outside of the EU can be particularly damaging for journalists and human rights defenders.

What are the criteria on which a judge can deem if a case is abusive or not?

- The proposed Directive lists the most common indicators of abuse, such as the disproportionate, excessive or unreasonable nature of the claim and coordinated or multiple legal actions on the same or on related issues.
- SLAPP are often preceded by intimidation, harassment or various threats, in an attempt to silence the victim. These are also indicators that the judge is in front of a SLAPP.
- These indicators are merely a toolbox to help a national judge to identify abusive court proceedings early on.

Defamation is an important offence present in national legal frameworks for a good reason. Is the Commission putting pressure on Member States to scrap it?

- What we are asking is for Member States to strike the right balance between the various rights involved – the right to privacy on the one hand, and the public interest on the other hand.
- Member States are recommended to review their legal frameworks applicable to defamation in order to prevent a chilling effect on the public debate.
- They should ensure that penalties against defamation are not excessive and disproportionate. In particular, we ask them to remove prison sentences for defamation from their legal framework. They should favour the use of administrative or civil law, instead of criminal law, for defamation cases.

Will the Commission provide funding for anti-SLAPP activities?

- Yes. Funding is available under the Citizens, Equality, Rights and Values (CERV) Programme, for activities linked to capacity building and awareness on the Charter including on freedom of expression. This also includes anti-SLAPP activities.
- There is also funding available for the training of legal professionals, which is crucial for helping SLAPP targets.
- In addition, anti-SLAPP activities may also be funded as part of the Commission's support to the principles of media freedom and media pluralism.

Does this initiative overlap with the Whistleblower Protection Directive?

- No, although there is a clear link between the two. Protecting whistleblowers is also essential for defending the public interest and also for safeguarding the watchdog role of media in democratic societies, as whistleblowers are often an important source for investigative journalism.
- But the target groups of the two instruments are different: the Whistleblower Protection Directive protects reporting persons working in the private or public sector who acquired information on breaches of EU law in a work-related context, against any retaliation.
- The proposed anti-SLAPP Directive will protect journalists, human rights defenders and others participating in public debate and providing information.
- There may be situations falling partly under both instruments – and in such cases, the protection offered by both acts should apply.

What are the focal points Member States are asked to set up?

- The Recommendation provides that each Member State should establish a focal point that gathers and shares information on all organisations that provide guidance and support for SLAPP targets.
- The focal point is intended to be a visible entry point to which a SLAPP target can turn to learn where they can find support. The focal point would also gather information on resources available at national level. The focal points are not tasked with ensuring the implementation of the Recommendation in their Member States.

- It is up to Member States to decide on their own organisation when setting up the focal points.

Hate speech online

Background

On the 2016 Code of conduct on countering illegal hate speech online

The Code is signed by Facebook, Instagram, Twitter, YouTube, Dailymotion, Snapchat, jeuxvideo.com, and recently TikTok (September 2020), LinkedIn (2021), Viber and Twitch (2022).

The results of the evaluation have shown a continuous improvement until 2020. In 2016, only 28% of content was removed, while it was over 70% in 2020; in 2020 81% of the notices were reviewed within 24 hours versus 40% when the Code was signed.

The October 2021 data showed however a slight decrease in the average removal rates (62.5%). These slowdown trends are confirmed by the latest evaluation published on 24 November 2022. Overall removal rates have not increased and the time of assessment is lower than in 2020 and 2021. Some differences among the platforms persist (Twitter removes less content than TikTok, Instagram, Facebook and YouTube for example).

In relation to the cooperation with civil society organisations, since 2016 the IT platforms have built larger networks of “trusted flagger” NGOs and have engaged with them also on counter-narrative and awareness-raising campaigns. A new annex to the Code of conduct published on 24 November 2022 contains a joint statement of trusted flagger organisations and IT companies committing to strengthening their cooperation, to creating a knowledge hub on countering hate speech online and to engaging in regular meetings and exchanges.

Disinformation

Defensives

How does the DSA address disinformation? / Relation with Code of practice.

- The Digital Services Act provides for rules to ensure greater accountability on how platforms moderate content, on advertising and on algorithmic processes.
- Very large online platforms will have to conduct regular risk assessments which cover, among other issues, how their services are misused for disinformation, or on cyber-bullying. They will have to adopt measures to mitigate those risks.
- Regular reporting and transparency measures, such as the obligation of public ad archives, independent audits of their recommended algorithms and access to data by authorities and researchers will ensure that the societal risks and impact can be independently evaluated. The regulator will be able to investigate concrete concerns and can require services to open up their 'black box' of data around disinformation.

How is the Commission monitoring platforms' actions on disinformation related to Ukraine?

- With the new, strengthened Code of Practice on Disinformation regular exchanges are now taking place in the context of the Code's newly established Permanent Task-force.

- The work of the task-force notably includes bi-monthly regular meetings to monitor the evolution of disinformation in the context of the Ukraine war, with all relevant Signatories (platforms, as well as factchecking and civil society organisations, etc.)
- Several other subgroups are also working on further concrete deliverables such as devising a list of malicious tactics, techniques and procedures of disinformation actors prohibited on their services, or the establishment of a Transparency Centre website for the Code.

Background

On disinformation vulnerabilities in Slovenia

In December 2021, during the Slovenian Presidency of the Council of the European Union, the European Parliament voted a resolution criticising Slovenia. MEPs said they are "deeply concerned about the level of public debate, climate of hostility, distrust and deep polarisation in Slovenia, which has eroded trust in public bodies and between them."

Disinformation and fake news in Slovenia are most often peddled by outlets close to SDS (EPP), which lost re-election in April 2022. These outlets are controlled by Hungarian business people from Viktor Orbán's circle and run by SDS sympathisers.

Chief among them are the news portals Nova24tv.si and Demokracija.si (where SDS has more than 30 % direct ownership stake) that often distribute disinformation produced by foreign far-right portals, most often Breitbart.com.

The reporting of both portals has been repeatedly condemned by the Slovene journalists' honour tribunal. The reporting of both portals is often referred to by some local portals.

The former director of Nova Hiša, which controls the Nova24tv.si portal, Aleš Hojs became the Minister of Internal Affairs in the last Janše's government in 2020. In this position, he publicly spread disinformation or false claims at least five times.

Meanwhile, mainstream media in Slovenia, including local, are trapped in a centrifuge of interest groups and inadequate business models, forced to beg for clicks and produce a relentless stream of "shocking" stories.

The current Slovene Government Communications Office established an informal interdepartmental working group of strategic communicators, which exchanges opinions on monitoring disinformation. They announced in December 2022 that the group will prepare proposals on how to curb disinformation. They did not specify when.

The Ministry of Culture is planning activities related to media literacy, for example a public call for media projects aimed at raising awareness about the harm caused by disinformation and fake news. They did not explain when the call will be published.

The only regular fact-checking project in Slovenia, Razkrinkavanje.si, was established in 2019 by Oštro, a centre for investigative journalism in the Adriatic region.

Resilience against disinformation remains low due to low media literacy, low trust in institutions, limited space for professional journalism and a low level of media freedom.

Code of Practice baseline report highlights on Slovenia

YouTube announced that it will expand its HitPause media literacy campaign, which aims at teaching viewers critical media literacy skills via and educational public service announcements on the YouTube home feed and via advertisements, to Slovenia.

Meta detailed that it partners with the fact-checking organisation Oštro in Slovenia. Over 220.000 fact-checking labels were applied to content in Slovenia on Facebook and 12000 on Instagram from 1 October to 31 December 2022.

TikTok reported that 3504 fake accounts were removed in Slovenia in Q3 2022, which at the time of removal had gathered 23731 followers.

Microsoft stated that in December 2022 the number of fake accounts LinkedIn prevented or restricted in Slovenia was 2149 and the number of pieces of content removed in LinkedIn as misinformation was 6 in this period.

On platforms' actions regarding Ukraine

Since March 2022, regular meetings are taking place with the main platform signatories of the Code of Practice on Disinformation (Google, Meta, Twitter, TikTok, Microsoft).

In general, since March 2022, online platforms are stepping up their efforts to de-prioritise and/or remove disinformation content related to the war.

Social media are labelling content/accounts and/or down-ranking/de-amplifying Russian state affiliated media globally.

Several platforms have taken action regarding Russian government affiliated accounts to limit their ability to share disinformation related to the war. (Twitter and Instagram use de-amplification, while Meta adopted a new policy to stop accounts to share content that denies the use of the force against other states.)

Online platforms have increased cooperation with fact-checkers in and around the areas of the conflict and boosted the capacity of content moderation teams.

All major platforms have demonetised players spreading disinformation related to the war and limited the possibility of monetizing content related to the war.

Moreover, several platforms have stopped their ads services in Russia (e.g. Meta and Google)

Adria Digital Media Observatory (ADMO)

Slovenia is covered by ADMO – one of the regional hubs of the European Digital Media Observatory (EDMO) covering as well Croatia. It has been operational since January 2023 and is supported by the Commission under the Digital Europe Work Programme 2023- 2024.

The Slovenian partner in ADMO is the Center za Preiskovalno Novinarstvo v Jadranski Regiji Oštro. Ostro is one of the fact-checking organisations who worked on the European Code of Standards for Independent Fact-Checking Organisations.

The Foreign Information Manipulation and Interference Toolbox

The EEAS, in close cooperation with the Commission is working on developing a toolbox to lower the impact and deter actors from attempting to manipulate information. A closer cooperation between the EU, Member States, civil society, and the private sector will be central. It will be built around four axes: situational awareness; resilience; disruption and regulatory responsibility; and diplomatic responsibility and instruments in the CFSP area. Discussions are ongoing.

Defensives

In light of the murder of several journalists, can the media in EU countries rely on any protection mechanisms from violence/threats?

- For the first time ever, the Commission proposed in 2021 recommendations to Member States on the safety of journalists.
- Among others, the Recommendation calls for the creation of independent national support services, including helplines, legal advice, psychological support and shelters for journalists and media professionals facing threats. It also calls for an increased protection of journalists during demonstrations, greater online safety and particular support to female journalists.
- The Member States have now to get back to the Commission with the measures taken.
- At EU level, we are funding projects such as the Media Freedom Rapid Response, which offers legal and practical support to media actors under threat, and can provide temporary shelter when needed.
- We are currently supporting the project with €1.95 million.

The 2022 rule of law report pointed to problems in Slovenia regarding state advertising. How does the European Media Freedom Act address this issue?

- The Media Freedom Act requires public authorities to base the allocation of state advertising on transparent, objective, proportionate and non-discriminatory criteria.

- This is about national or regional authorities, or local authorities of cities with more than 1 million population) and state-owned enterprises
- The aim of the new rules is to ensure that state advertising will not be used to favour and covertly subsidise certain media outlets that publish or broadcast government-friendly information.
- Different media outlets should have an equal opportunity to benefit from public funds for the purposes of advertising regardless of their political orientation.
- Public authorities and state-owned enterprises will also have to publish yearly information about their advertising expenditure allocated to media service providers, including the names of the media service providers from which advertising services were purchased and the amounts spent (annual amount and amount per provider).

The 2022 rule of law report found problems in Slovenia regarding the identification of the ultimate media ownership structure. How does the European Media Freedom Act address this issue?

- In Media Freedom Act we require media services to make accessible to the public information on direct, indirect and beneficial owners.
- Such information would be disclosed on the websites or another medium that is easily and directly accessible for the audience.

The 2022 rule of law report found problems in Slovenia regarding the lack of an appropriate legal framework for addressing high concentration of media. How does the European Media Freedom Act address this issue?

- The Media Freedom Act does not aim to prevent media ownership concentration – the proposal does not set any thresholds for media market concentrations.
- However, it provides a framework to assess media market concentrations that could have a significant impact on media pluralism and editorial independence. This would be for the case for example when one single entity would control the media landscape.
- This assessment would be separate from competition rules.
- The new European Board for Media Services will also be able to issue opinions when the concentration has a potential to impact the functioning of the internal market or where there is no national assessment.
- There will also be an annual reporting on the level of concentration.

How will the European Media Freedom Act regulate the use of spyware against journalists?

- The Act prohibits the use of spyware against media, journalists and their families. The Act narrows down any possible exceptions to this rule on the ground of national security, which is a competence of the Member States, or in case of investigations of a closed list of crimes, such as terrorism, child abuse or murder. In such cases, the Act makes it very clear that it should be duly justified, on a case-by-case basis, in compliance with the Charter of Fundamental Rights, in circumstances where no other investigative tool would be adequate.

- Any affected journalist would have the right to seek effective judicial protection from an independent court in the respective Member State. Additionally, every Member State will have to designate an independent authority to handle complaints of journalists concerning the use of spyware against them. These independent authorities will issue, within three months of the request, an opinion regarding compliance with the provisions of the Media Freedom Act.

Background

Media freedom in Slovenia – 2022 rule of law report

The **2022 Rule of Law report** (published last summer) highlighted that the situation of media freedom and pluralism has not improved since the 2021 Rule of Law Report. Challenges remain regarding the commitment of the Slovenian Government to strengthen the independence of the audio-visual media service and with respect to the existence of regulatory gaps for addressing high concentration of media. Despite legal safeguards providing for the independence of public service media, there are also challenges regarding their effectiveness in practice in limiting political influence. Moreover, the situation of journalists continues to deteriorate. Notably, a hostile environment, online harassment of and threats against journalists are growing sources of concern, and several lawsuits against journalists with intimidating effect have been reported.

Recommendations

- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Establish legislative and other safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists

Media regulation in Slovenia – the new law on public service media

After Slovenians voted overwhelming in favour of amendments to legislation on the governance of the public broadcaster RTVS in November (in the referendum, about 440,000, or 62.73%, supported the amendments and about 260,000, or 32.27%, were against), on 27 December a new law was adopted which reforms the composition of the Slovenian public broadcaster RTV Slovenija's supervisory bodies.

The current management of RTV Slovenija has challenged the new law before the Constitutional Court, complaining that their early dismissal, stemming from the establishment of a new governance, was unconstitutional.

On 20 February 2023 the Constitutional Court stayed the key provisions of the new Act on public broadcaster RTV Slovenia. These provisions are suspended until the Court makes a final decision. The timing of the decision is not known.

As regards the relevant provisions concerned by the referendum, the new Slovenian media law foresees a reform of the composition of the Slovenian public broadcaster RTV Slovenija's supervisory bodies.

RTV Slovenija has currently two supervisory bodies:

- The Supervisory Board is in charge of carrying out financial supervision and oversight of RTV's financial affairs; and
- the Programme Council is in charge of adopting programming standards, concepts and programme production plans. It is the body with the power to decide on all aspects of programming and scheduling.

The new law merges the Programme Council and the Supervisory Board in order to form a single decision-making body with 17 members. Appointments to this new body would be made by representatives of civil society and RTV employees.

The National Assembly, which currently appoints the majority (21 members) of the Programme Council, would only appoint two members.

Under the reorganised system, the body would be led by a four-member management board, headed by a president, which would oversee financing and programming. Appointments would be made in a staggered manner.

If the changes are approved, the mandate of the current members of the current program and supervisory councils, director general director, director of television, and director of the radio would end, though they would continue in their position until the new council is established. Current editors would remain in their posts, except in cases where it is determined that they do not enjoy the confidence of the majority of employees in their editorial team.

The main purpose of the new law is to ensure the full institutional and programmatic autonomy of RTV Slovenia and to protect its journalistic autonomy and editorial independence.

RTV Slovenia, as a public institution of special cultural and national importance, is obliged to carry out its statutory mission, based on the constitutionally protected right to freedom of expression or public information, which is crucial for the existence of democracy and thus of the state.

Among the main solutions, the aforementioned law submitted by the Government to the National Assembly provides for a new regulation of the management, administration and supervision of the public institution RTV Slovenia.

The new law introduces a Finance Committee as a consultative body of the RTV Slovenia Council. Instead of a Director General, a four-member Board of Directors is introduced, which is a more appropriate governance model in the light of technological change and the existing media and communication environment. The existing directors of radio and television are joined by a Director of Digital Content, which will give a more equal and time-appropriate position to the new media activities.

The influence of party politics on RTV Slovenia has had a number of negative consequences for RTV Slovenia, which are currently reflected in its declining public image and media relevance, the deteriorating quality of its programming and the lowering of its

professional standards, which means that RTV Slovenia is finding it increasingly difficult to fulfil its public function, mission and role.

Slovenian public TV

RTV Slovenia independence has been deteriorating over the last years. Several stakeholders as well as the Council of Europe have pointed to recent cases of intimidation towards public service media journalists and of appointment of managerial positions as signalling possible interference with the editorial independence of the broadcaster.

Several stakeholders have complained about an increased deterioration since the appointment of Andrej Grah Whatmough as new Director General of RTV Slovenia in April 2021 and the appointment of Uroš Urbanija, former head of the Government Communication Office (UKOM) as Director of RTV Slovenia.

Both figures are seen as politically tied to former Premier Minister Janša. While Urbanija headed UKOM, the body suspended financing for the Slovenian Press Agency (STA), a move that was heavily criticised by the Commission and that several stakeholders considered as politically motivated and led to a number of staff leaving.

In the past months, several journalists of RTV Slovenia made claims of harassment and pressure while their unions organised several strikes.

Rule of law

Background

Follow-up to the 2022 report

- As regards the **justice system**, on 6 October 2022, in the meeting of the European Parliament Democracy Rule of law and Fundamental rights Group, the Minister of Justice reported that - in September - the President of Slovenian Parliament established a working group that will prepare amendments to the rule on parliamentary inquiries in order to implement the recommendation to “ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence”.
- As regards the **anti-corruption framework**, in her letter of August 2022, the Minister of Justice informed the Commission about the recent amendments to the Organisation and Work of the Police Act, adopted end July, which reverted the provisions on giving instructions to the Police and returned the control to the State Prosecutors. The same amendments, submitted by the civil society, returned the functional autonomy of the National Bureau of Investigation. The Minister of Justice also informed you that the Minister of Interior is preparing additional amendments to the Organisation and Work of the Police Act to address the recommendation to “remove obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation”. As regards the State Prosecution, altogether 25 state prosecutors were appointed by the new Government, with 12 additional since the publication of the Report. In September 2022, the Government accepted the State Prosecution’s proposal to hire additional 92 people, a EUR 3.5 million increase of resources. As regards the recommendation to “adopt and start implementing without further delay the anti-corruption strategy”, the Commission for the Prevention of Corruption is drafting a new resolution and is consulting stakeholders. On 7 December 2022, the Minister of the Interior, a former long-term policewoman, announced she intends to resign due to ‘political pressure on police’. This appeared to be linked to the recent decision of the Government not to appoint the candidate the minister chose for the post of the Director General of Police (the government extended his acting position instead). The prime minister asked the Minister of Interior and the acting DG of Police to report about alleged political pressure on police.
- As regards **media freedom and media pluralism**, the amendments to the RTV Act were adopted in August 2022, and the referendum of 25 November confirmed the Act to implement the recommendation to “*strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media*”. The act is presently being reviewed by the Constitutional Court, which on 20 February 2023 suspended the application of certain provisions until it pronounces itself on the act itself.
- As regards the **checks and balances**, the amendments to the Public Finance Act are to be submitted to the Parliament shortly, to address the recommendation to “ensure requisite safeguards for budgetary autonomy of the independent bodies”. Until then, the government stated that it is respecting the Constitutional Court judgment.

Rule of law report 2022 – Country Chapter for Slovenia

ABSTRACT

The Slovenian justice system has seen some improvements in quality and efficiency, and regarding issues raised in the 2021 Rule of Law Report, such as the nomination of European Delegated Prosecutors. Improvements to the Judicial Council Act, including on disciplinary framework, are in preparation. However, concerns have been raised over the Minister of Interior's powers to instruct the Police in individual cases, potentially affecting independent work of state prosecutors and the European Public Prosecutor's Office. Rules governing parliamentary inquiries lack safeguards on independence of judges and state prosecutors – as required by Constitutional Court judgments. The Government decreased, without consultation with judicial authorities, the previously agreed budget for courts, the Judicial Council and the State Prosecution. The Judicial Council launched procedures for constitutional review of salaries of judges.

Work started on a new national anti-corruption strategy, but the timeline for adoption is not yet known. The resources of the Commission for the Prevention of Corruption are being increased. The Government aims to strengthen the rules on whistleblower protection. However, the number of prosecutions has decreased to their lowest level in recent years. The State Prosecution Service faced challenges, including on human resources and due to the short statute of limitation. Furthermore, institutions in the fight against corruption are concerned about continuing challenges to the independence of their work. Serious concerns exist regarding the independent work of the anti-corruption police, including the National Bureau of Investigation. The number of Police investigations of corruption has dropped. Several actions have been implemented during the COVID-19 pandemic with the aim to address the risk of corruption, especially in public procurement.

Since the 2021 Rule of Law Report, the situation of media freedom and pluralism has not improved. The independence of the audio-visual media services regulator is ensured by law, however challenges remain regarding the commitment to strengthen its independence, particularly through the proposed amending legislation. The legislation aimed to transpose the Audiovisual Media Services Directive has been adopted. A regulatory gap for addressing high concentration of media raises concerns. After delays in payments which were considered by stakeholders as politically motivated and led to a number of staff leaving, the financial viability for 2021 and 2022 was ensured for the Slovenian Press Agency. Despite legal safeguards providing for the independence of public service media, there are challenges regarding their effectiveness in practice in limiting political influence. A hostile environment, online harassment of and threats against journalists are growing sources of concern, and several lawsuits against journalists with intimidating effect have been reported.

The Constitutional Court reported an increase in cases related to COVID-19 pandemic measures. The law on public finances lacks safeguards on budgetary autonomy of certain independent bodies – as required by a Constitutional Court judgment. The share of laws adopted by urgent procedure in Parliament has decreased. The Human Rights Ombudsperson received an increased number of complaints, including those related to COVID-19 pandemic measures. The civil society faced challenges regarding negative narrative, but funding issues and limitations on freedom of assembly were resolved.

RECOMMENDATIONS

In addition to recalling the commitments made under the National Recovery and Resilience Plan relating to certain aspects of the justice system, it is recommended to Slovenia to:

- Ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Remove obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Adopt and start implementing without further delay the anti-corruption strategy.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Establish legislative and other safeguards to protect journalists, particularly online, taking into account European standards on the protection of journalists.
- Ensure requisite safeguards for budgetary autonomy of the independent bodies.



VICE PRESIDENT VĚRA JOUROVÁ

COUNTRY VISIT: SLOVENIA

DAY 2

LOCATION: LJUBLJANA

DATE AND TIME: 1-2 MARCH 2023

MEMBER RESPONSIBLE: 

Meeting with parliamentary committees

Time: 9h00-10h00

Venue : National Assembly, Šubičeva 4, Ljubljana

Scene setter

You are meeting members of the Committee on EU Affairs, the Committee on Justice and the Committee on Culture on 2 March from 9.00 to 10.00. This is an opportunity to discuss ongoing rule of law issues, media policy and media freedom, as well as disinformation, in particular in the context of the Russian war of aggression against Ukraine.

Choreography must still be confirmed by the Parliament, but in general you should have opening remarks of ca. 20 minutes followed by Q&A. The three chairs of the committees will be present. The number of MPs is still tbc, but we expect around 10 of them in the room.

Objectives of the meeting

- What we want:
 - ask what the Committees have done so far to address the recommendations of the 2022 rule of law report
 - set out our plans for policies on media freedom and fighting disinformation

Key messages

- It is a great honour for me to be invited to the Parliament of Slovenia and to have this exchange with you.
- Unfortunately, this is not business as usual.
- All of our work has been heavily affected by the Russian invasion on Ukraine. It affects me also personally. I have been to Lviv and Kiev recently. I have the deepest admiration and sympathy for Ukrainian fight against the invasion, for their courage and resilience.
- For me this is key moment for Europe, for the EU, for the Member States, including Slovenia, and our allies.
- This is why I want to start by congratulating you, the Parliament, the government and most of all, to the Slovenian people for your support, for your generosity and solidarity with Ukraine.
- The EU is united against the threat and Putin's aggression on Ukraine. And our unity and decisive reaction is the best way to make sure Kremlin pays the price for the unjustified war.
- This war is also a reminder about the fact that democracies have enemies; that there are external and internal threats to democracies. This is why we have a collective duty to strengthen the fundamentals of our democracies.
- I want to discuss with you some of those fundamentals today.

On the rule of law

- Allow me to start with the rule of law. The European Union is based on the rule of law, and respect for this value is the guarantor of the protection of all other values, including democracy and fundamental rights.

- This Commission has been very active to uphold the rule of law across the EU, of course within the boundaries of EU Treaties.
- We have enlarged our toolbox to support the rule of law. The new tools include a preventive annual rule of law report about each and every country in the EU, including Slovenia. The idea is to identify the potential challenges before they become too big. The rule of law report is a successful tool, also because it allows for the a discussion on the European level among the Council, namely among the ministers from the member states and the Commission.
- It also facilitates the meetings like we have today, with the national parliaments.
- Then, we have the budget conditionality regulation that protects EU funds from going into countries where rule of law issues could pose a risk to the EU budget. We have triggered this instrument against Hungary for the first time.
- We of course have other tools, such as infringement procedures or the article 7 procedure.
- When it comes to Slovenia, the rule of law report from last year contained several recommendations. I am sure you know them well, but just to recall they refer to number of areas, including judicial independence, anti-corruption system, independence of public service media and safety of journalists.
- During my visit in Slovenia, I will discuss these issues and I hope to hear on them also from you.
- The 2023 Rule of Law Report is presently under preparation. The Commission will pay particular attention to how the Member States have implemented the recommendations.

Media freedom

- Another important pillar of democracy are free and independent media.
- This is why we have intensified our efforts at EU level to protect the media.
- We have taken major steps over the past years.
- First, when we started this mandate, in 2019, we decided to place media freedom and pluralism at the heart of our thinking on the rule of law across Europe. And to look at it in relation with other factors: the fight against corruption, the independence of the judiciary as well as constitutional checks and balances.
- We saw that no Member State was immune to threats against media freedom and pluralism.
- Our first priority has been the security of journalists.
- We presented in 2021 recommendations to Member States on the safety of journalists. It addressed a series of issues including investigation and prosecution of crimes against journalists, cooperation with law enforcement, support mechanisms and online safety.
- Member States have to report back to the Commission in spring on what they have done. This will feed into our annual rule of law report to be published in the summer.
- A second key initiative that we put forward is legislation against abusive litigation of journalists, so called anti-SLAPP.
- Simply, the rich and powerful sometimes abuse the law to entangle journalists in long and expensive legal proceedings. They want to shut them up and create chilling effect. Daphne Caruana Galizia had 47 of such lawsuits at the time of her assassination. So, we want to limit the use of this legal technique. We want to level the odds and support journalists in such situations.

- Finally, we broke new ground with the Media Freedom Act. This proposal will enshrine, for the first time in the EU law, common safeguards to protect media pluralism and the editorial independence of the media.
- It will protect journalist against illegal spying, as we have seen with Pegasus or Predator.
- It will protect the independence of public service media.
- This law is now being discussed by the European Parliament and the Member States. We need to find an agreement soon and I really count your support.
- I was pleased to hear the strong support of Culture Minister Asta Vrečko at the Culture Council last November.
- I also took note of the media reform that Slovenia is working on right now. I understand one of the main objectives is to increase the independence of public service media from political interference. The Media Freedom Act has similar objective in mind.
- These efforts are very important and they go very much in the same direction as our action at EU level.
- We need to work together to protect the media as a key pillar of our democratic societies.
- Let me conclude with a few words on our work to counter disinformation and foreign influence.

On disinformation and foreign interference

- Our approach to disinformation, in peace times, has been to counter lies with facts and education, to work with online platforms to diminish the reach of lies and cut money going to disinformation. We want to make the online world more transparent, responsible and accountable.

- We have finalised new legislation, the Digital Services Act, to end the Digital Wild West and have more accountability and responsibility, especially from big online players. But we cannot regulate everything and we need to respect the freedom of speech.
- We went beyond legislation, and we have proposed new anti-disinformation Code which functions as a co-regulatory tool.
- The new Code is very important to fight disinformation which is not always illegal.
- Disinformation and foreign interference are on the rise in the EU. Russia's war in Ukraine is just a starker reminder of this. The Kremlin is fighting its war not only with bombs, but also with words. Since the war started, the Kremlin has unleashed a tsunami of propaganda.
- But it has been engaged in disinformation and foreign influence long before that.
- Disinformation is coordinated and well-funded state activity. This is a problem. Disinformation is an integral part of Russia's military doctrine in different shape and forms. This is why this is a security threat.
- Today, this is a multi-million euro weapon of mass manipulation aimed both internally at the Russians as well as at Europeans and the rest of the world.
- The Slovenian information space is not immune to this.
- Since the war, we also see that even official Russian channels such as diplomacy or other official social media accounts are used to spread disinformation content. This we have not seen before the war. This is new. They are all in.

- We believe an effective response to disinformation requires a whole-of-society approach and the involvement and accountability of all sectors – from public authorities and politicians, media and civil society to the industry and of course online platforms.
- The code I mentioned earlier contains a detailed set of voluntary commitments to fight online disinformation in various areas such as demonetisation, addressing manipulative behaviours, user empowerment or fact-checking.
- In addition to major online platforms and players from the online advertising industry, new signatories include smaller or specialised platforms, research and civil society organisations, fact-checkers and providers of technical solutions to counter disinformation.
- The European Digital Media Observatory (EDMO) and its national hubs are instrumental in the fight against disinformation.
- EDMO has established a task force on the war in Ukraine. It has identified more than 1800 disinformation instances related to the war. Their analysis confirms that the percentage of detected disinformation about the war in Ukraine is significantly higher – sometimes above 50% – in Central and Eastern European countries than in other parts of the EU.
- I am glad that a new EDMO regional hub has started covering Slovenia. It covers Slovenia and Croatia bringing together researchers and fact-checkers with knowledge of local information environments to help in the work of detecting, exposing and analysing disinformation campaigns and trends in these countries. It is operational from the beginning of this year.

- But with the war, we had to take urgent and strong decisions at EU level. Extraordinary times require extraordinary measures. We could not let lies justifying this atrocious war spread across the EU and manipulate public opinion. Those lies are abusing freedom of expression, a right that we all have fought for and that we need to protect.
- This is also about unity and solidarity. Several national regulators, especially in countries close to Russia, with Russian communities, had suspended Russia's state channels for some time, as they understand very well the danger for their security and territorial integrity.
- So, our approach in the EU is to diminish the space for propaganda and increase the space for independent media. And our decisions are limited in time.
- Disinformation is an ever-present and evolving threat.
- There is still more work to be done, in particular, in smaller Member States and languages. The new Code obliges the platform signatories to implement the Code's commitments and measures efficiently in all Member States and languages.
- The first country level data were published by signatories of the Code, especially big platforms. We expect another, more detailed report in July.
- The EU approach is fully in line with European values and international human rights standards, in particular freedom of expression. The overall strategy aims to make the online environment more transparent and its actors accountable, to empower citizens, and to foster open democratic debate.

CV of Franc Breznik, President of the Parliamentary Committee on EU Affairs



Born on 23 July 1970 in Maribor

Education

- | | |
|------|---|
| 2008 | Bachelor's Degree, Faculty of Commercial and Business Sciences, Celje |
| 2000 | Bachelor's degree, Faculty of Electrical Engineering, University of Maribor |
| 1990 | Secondary School of Electrical Engineering and Computer Science, Maribor |

Professional experience

- | | |
|------------------------|---|
| 2022 – | Deputy of the National Assembly of the Republic of Slovenia (opposition Slovenian democrats SDS-EPP). |
| 2020 | State Secretary at the Ministry of the Interior |
| 2018–2022 | Deputy of the National Assembly of the Republic of Slovenia |
| 2014–2018 | Deputy of the National Assembly of the Republic of Slovenia |
| 2011–2014 | Deputy of the National Assembly of the Republic of Slovenia |
| 2011 | Rogaška Kristal, Head of Sales for Germany and Switzerland |
| 1998–2010
Logistics | Ministry of Defence, Slovenian Armed Forces – Head of |
| 1993–1997
Team | Siemens d.d. (Vienna, Austria), Head of RPA Development |
| 1991–1993 | Head of Cash Registers Repair Service, Hugin-Sweda |

**CV of Lana Grgurevič,
President of the Parliamentary Committee on Justice**



- Born on 28 November 1972 in Maribor
- Member of Parliament for the coalition junior party Freedom Movement (GS-Renew)

Education

- Postgraduate studies in Labour Law and Social Security Law
- State bar exam
- Bachelor's degree, Faculty of Law, University of Maribor

Professional experience

- Senior Assistant Judge – Maribor District Court Judicial
- Trainee – Koper Higher Court Student Affairs and International Cooperation Office – Faculty of Law, University of Maribor
- Cultural Events Organiser – Kinematografi Maribor

CV of Tamara Vonta, President of the Parliamentary Committee on Culture



- Born on 13 December 1970
- Member of Parliament for the coalition junior party Freedom Movement (GS-Renew)

Education

1998 Bachelor's degree, Faculty of Social Sciences, University of Ljubljana

Professional experience

2022– Deputy of the National Assembly of the Republic of Slovenia

2021 E-Posavje news portal

2017 Director-General, Media Directorate, Ministry of Culture of the Republic of Slovenia

2016 Course Lecturer, Organisation of Media Production, Higher Vocational College for Media Production

2015 Independent Professional Assistant, Centre for School and Outdoor Education Ljubljana (work in Roma settlements)

2014–2018 Member of Municipal Council, Municipality of Krško

2013–2014 State Secretary, Office of the Prime Minister

2011–2013 Deputy of the National Assembly of the Republic of Slovenia

2009–2013 Lecturer in Journalism and AV Production Course Leader, Faculty of Media, Ljubljana

2006 Training provider in the field of media appearances and media

2005–2013 Lecturer, Institute and Academy of Multimedia, Ljubljana

2005 Leskovec pri Krškem Elementary School

1995 News Presenter, Journalist, Editor and Mentor of the daily news programme 24 UR, POP TV (private television network)

1991 Journalist and Radio Presenter, Radio Brežice, Studio D, RGL, Kanal A

Courtesy meeting with the Speaker of the House

Ms Klakočar Zupančič

Time: 10h05-10h20

CV of Urška Klakočar Zupančič, President of the National Assembly



- Born on 19 June 1977 in Trbovlje
- Vice President of the coalition junior party Freedom Movement (GS-Renew).

Education

- 2011 Master's degree in legal history: Division of Inherited Property in Ancient Babylon 2005 Bar examination 2002 Graduate thesis: The Economic Role of the United Nations in the Context of Globalization (with a focus on Slovenia)
- 1996–2001 Faculty of Law, University of Ljubljana

Professional experience

- 13 May 2022– President of the National Assembly of the Republic of Slovenia
- 2021–2022 Director of legal and business consulting firm Ipsilaw pravno in poslovno svetovanje, d.o.o.
- End of 2008–2021 Local Court Judge at the Ljubljana Local Court (non-contentious law: property law, corporate law, denationalisation, law of inheritance, strata title law)
- 2007–2008 Senior Judicial Advisor in the Office of the President of the Supreme Court of the Republic of Slovenia
- 2005–2006 Senior Judicial Advisor at the Kranj District Court
- 2003–2004 Judicial Trainee at the Ljubljana Higher Court
- 2002–2003 Legal Advisor at the Slovenian Export Corporation, Inc. (now SID d.d. – Slovenian Export and Development Bank)
- 2001 Internship at the United Nations Headquarters in New York (Economic and Social Council)

Public debate on media freedom and disinformation

Time: 11h00-12h30

Venue: EU House

Scene setter

You are taking part in a public debate on media freedom, information manipulation and disrupting disinformation in times of war. The event takes place in hybrid format (online and up to 120 people in the room) on 2 March from 11.00 to 12.30 at the premises of the European Commission Representation and the European Parliament Liaison Office in Slovenia. Simultaneous interpretation English-Slovenian will be available.

This is an opportunity to discuss the disinformation and EU proposals to tackle it, information manipulation as an instrument in Russia's war against Ukraine, Radio Free Europe, and the European Media Freedom Act.

The panel will be moderated by [REDACTED] media network Meta's list, following brief opening remarks by Jerneja Jug Jerše, Head of the European Commission in Slovenia. Confirmed panellists include Ms Nataša Pirc Musar, President of the Republic of Slovenia, and Mr Andrii Taran, Ambassador of Ukraine to the Republic of Slovenia. CVs are included in your file.

You will not give any opening remarks, but we will move straight to Q&A. The first question will go to the President.

After the discussion the floor will be opened for questions from the audience (live and virtual).

Topics/questions:

- How big of a problem is freedom of the media, spread of disinformation today?
- The ambition of European Media Freedom Act / how does EU fight against disinformation / legislative proposals, tools, initiatives at EU disposal ... what works?
- About information manipulation attempts to undermine EU/international support for Ukraine and exploit sensitive issues within the EU such as migration and refugees, cost of living, energy prices.

- About the battle for narrative / parts of the world least resilient to info manipulation and what is EU doing ...
- About Radio Free Europe / maybe Defence Democracy package?
- How can people themselves get better immunity to the poison of disinformation / how could ordinary citizens make informed decisions

Objectives of the meeting

- What we want:
 - Encourage people to be aware of disinformation and to fight for media freedom

Key messages

Main messages

- Our approach to disinformation, in peace times, has been to counter lies with facts and education, to work with online platforms to diminish the reach of lies and cut money going to disinformation. We want to make the online world more transparent, responsible and accountable.
- We have finalised new legislation, the Digital Services Act, to end the Digital Wild West and have more accountability and responsibility, especially from big online players. But we cannot regulate everything, we need to respect the freedom of speech.
- We went beyond legislation, and we have proposed new anti-disinformation Code which functions as a co-regulatory tool.
- The new Code is very important to fight disinformation which is not always illegal. It will complement and go beyond the regulation such as DSA.

- The code contains a detailed set of voluntary commitments to fight online disinformation in various areas such as demonetisation, addressing manipulative behaviours, user empowerment or fact-checking.
- A substantial number and great variety of new signatories – 38 to date - have signed the code. In addition to major online platforms and players from the online advertising industry, new signatories include smaller or specialised platforms, research and civil society organisations, fact-checkers and providers of technical solutions to counter disinformation.
- 30 Signatories of the Code of Practice on Disinformation, including all major online platform signatories (Google, Meta, Microsoft, TikTok, Twitter), have submitted their first baseline reports.
- When it comes to demonetisation of disinformation actors, Google indicates that in Q3 2022 it prevented more than EUR 13 million of advertising revenues from flowing to disinformation actors in the EU.
- TikTok reported that in Q3 2022 they removed more than 800,000 fake accounts, while more than 18 million users were following these accounts. They also indicate that the fake accounts removed represent 0.6% of the EU monthly active users.
- The European Digital Media Observatory (EDMO) and its national hubs are instrumental in the fight against disinformation.

- EDMO has established a task force on the war in Ukraine. It has identified more than 1800 disinformation instances related to the war. Their analysis confirms that the percentage of detected disinformation about the war in Ukraine is significantly higher – sometimes above 50% – in Central and Eastern European countries than in other parts of the EU.
- I am glad that a new EDMO regional hub has started covering Slovenia - ADMO. It covers Slovenia and Croatia bringing together researchers and fact-checkers with knowledge of local information environments to help in the work of detecting, exposing and analysing disinformation campaigns and trends in these countries. It is operational from the beginning of this year. Free speech is sacred also online, but we cannot be naïve. Platforms have an impact, their algorithms and services are being manipulated by Russia and others state and non-state actors. As a result, the information space is flooded by disinformation like never before.
- Now Russia has started a war. And they fight not only with bombs, but also with words.
- Take it from someone who grew up in the communist Czechoslovakia under the control of the Soviet Union – their methods have not changed. They want to poison our hearts and our minds, with fear and propaganda.
- And they are not stupid. They know in democracies especially disinformation is a war fighting for. If big portion of people is for or against something, politicians will be rightly influenced by it.

- This is why Russians spread lies about the causes for this war, dehumanising Ukrainians, calling them all Nazis; Russians also lie about the Western sanctions. That it is the sanctions that cause higher energy bills or global shortage of food.
- We have to be clear: there is only one guilty here: Russian authorities.
- I also want to remark that Russian disinformation, but also from other sources, does not always want to convince the people to do something.
- It's often about exploiting existing divisions. It's about relativising the truth and making people doubt in anything. It's about showing that 'everyone is as bad as we are'.
- There are of course special measures we were forced to take during the war.
- But with the war, we had to take urgent and strong decisions at EU level. Extraordinary times require extraordinary measures. We could not let lies justifying this atrocious war spread across the EU and manipulate public opinion. Those lies are abusing freedom of expression, a right that we all have fought for and that we need to protect.
- This is also about unity and solidarity. Several national regulators, especially in countries close to Russia, with Russian communities, had suspended Russia's state channels for some time, as they understand very well the danger for their security and territorial integrity.
- So, our approach in the EU is to diminish the space for propaganda and increase the space for independent media. And our decisions are limited in time.

- RT and Sputnik have a proven track record of disinformation spreaders. This has been documented by many researchers, think tanks and media – and also regulators across the EU. Because the mission of RT and Sputnik is not to inform people: they are part of Russia's military doctrine and are designed to serve the state. They are not only funded but controlled by the state.
- I am against creating ministry of truth, but I am also against Putin and his trolls or useful idiots having a free highway to Europe's information space.
- Addressing disinformation effectively at speed and scale requires the active and continuing engagement of all relevant stakeholders – public authorities, industry, media and civil society.
- Disinformation is an ever-present and evolving threat.
- The EU approach is fully in line with European values and international human rights standards, in particular freedom of expression. The overall strategy aims to make the online environment more transparent and its actors accountable, to empower citizens, and to foster open democratic debate.
- The EU has also financed the European Digital Media Observatory (EDMO) which supports the creation of a cross-border and multidisciplinary community across Europe of independent fact-checkers and academic researchers aimed at detecting and analysing disinformation threats and trends across Europe.
- In addition, the EU works with like-minded international partners and stakeholders from civil society, media and industry through a range of channels on issues related to foreign information manipulation and interference (FIMI).

- This is not and should not be a debate about true versus false, right versus wrong information. Freedom of thought, with no normative judgement, and freedom to impart and receive information should always be protected within the boundaries of the Charter. These are the fundamental rights that we aim at protecting and any measure in this field should make sure that it does not inadvertently hinder them.
- Platforms and our other partners from industry must step up actions and do more to counter disinformation that threatens and harms our societies.
- There is still more work to be done, in particular, in smaller Member States and languages. The new Code obliges the platform signatories to implement the Code's commitments and measures efficiently in all Member States and languages.
- The substantial volume of disinformation around the war circulating in Central and Eastern Europe was highlighted at the EU High-Level Conference on the Future of the Internet held in Prague on 2 November. I have called upon the platforms to step up measures to address this.

On foreign information manipulation and interference (FIMI)

- The EU has been working on for many years on tackling foreign information manipulation and interference (FIMI), with reinforced urgency since 24 February 2022. The Member States, international partners like NATO and stakeholders from civil society and private industry are key partners in tackling the threat.

- The EU has different instruments and channels at hand for cooperation with respect to the threat. We are part of the G7 Rapid Response Mechanism (RRM) and other international fora. The EU also works closely with civil society in our neighbourhoods and third countries, where local experts have unique insights into the specific challenges on the ground and we highly value their knowledge.

Defence of Democracy package

- During the first half of 2023, we will adopt a ‘defence of democracy’ package to bring covert foreign influence and shady funding to light. The package will include proposals to protect our democracies and strengthen trust by defending our democratic system from outside interests.
- It will include the following main elements:
 - A legislative proposal to address covert foreign interference by putting forward harmonised measures on transparency and accountability especially of interest representation for third countries
 - A review of actions under the European Democracy Action Plan;
 - Measures on inclusive democratic participation, civic engagement, and secure and resilient elections. This will be designed along two specific recommendations: one on European elections and one supporting the civic space and civic engagement.
- The public consultation as well as the call for evidence were launched on 16 February, and will be open for contributions for eight weeks – I encourage you to give your say on this.

Media freedom

- Fighting disinformation and supporting media freedom are two sides of the same coin.
- This is why we have intensified our efforts at EU level to protect the media.
- We have made major steps over the past years.
- First, when we started this mandate, in 2019, we decided to place media freedom and pluralism at the heart of our thinking on the rule of law across Europe. And to look at it in relation with other factors: the fight against corruption, the independence of the judiciary as well as constitutional checks and balances.
- We saw that no Member State was immune to threats against media freedom and pluralism.
- The data collected help us design our policies.
- Our first priority has been the security of journalists.
- We presented in 2021 recommendations to Member States on the safety of journalists. It addressed a series of issues including investigation and prosecution of crimes against journalists, cooperation with law enforcement, support mechanisms and online safety.
- Member States have to report back to the Commission in spring on what they have done. This will feed into our annual rule of law report to be published in the summer.
- A second key initiative that we put forward is legislation against abusive litigation of journalists, so called anti-SLAPP.
- Simply, the rich and powerful sometimes abuse the law to entangle journalists in long and expensive legal proceedings. They want to shut them up and create chilling effect. Daphne Caruana Galizia had 47 of such lawsuits at the time of her assassination. So, we want to limit the use of this legal technique. We want to level the odds and support journalists in such situations.

- Finally, we broke new ground with the Media Freedom Act. This proposal will enshrine, for the first time in the EU law, common safeguards to protect media pluralism and the editorial independence of the media.
- It will protect journalist against illegal spying, as we have seen with Pegasus or Predator.
- It will protect the independence of public service media.
- This law is now being discussed by the European Parliament and the Member States. We need to find an agreement soon and I really count your support.
- I was pleased to hear the strong support of Culture Minister Asta Vrečko at the Culture Council last November.
- I am also pleased to hear about the media reform that Slovenia is working on right now.
- These efforts are very important and they go very much in the same direction as our action at EU level.
- We need to work together to protect the media as a key pillar of our democratic societies.

Support to Ukrainian media

- Our efforts to support media freedom do not stop at the borders of the EU and do not only focus on European journalists.
- I would like to say a few words on our action to support journalists in Ukraine and also Russian independent journalists.
- It is often said that the truth is the first victim of the war.
- This is why we need to defend those who fight to tell the truth about the war.
- I was in Lviv last September and more recently in Kyiv.

- In Lviv, I went to a media centre that the EU supports and that provides protective equipment and assistance to journalists.
- I met with a journalist whose colleague had been killed by the Russians.
- So many war crimes committed by Russia. Justice will need to be done.
- Beyond emergency support we also support the Ukrainian public broadcaster, we help repair the infrastructure which has been destroyed, like antennas. We give grants to small and bigger outlets because the economic situation is of course dramatic, with almost no advertising revenues anymore.
- In total we have now a budget of 30 million euros to support media in Ukraine and more than half has been spent.
- We will continue to support them in partnership with civil society.

On Radio Free Russia

- I am now also having a series with Russian independent journalists who had to flee their country to continue their work. In Russia, they face jail to tell the truth.
- I want to understand how the EU can ensure they can continue their work here in the best conditions.

- I am convinced we have a moral obligation to support democratic ideals also in Russia. Not with weapons, but with words.
- We must support those who want to fight against the tide and believe the Russian people ought to have a choice.
- This is why I am working on a Radio Free Russia project. This does not mean establishing a brand new radio station.
- I want to support those who are doing a lot already, help them to create economy of scale and fill the gaps so they can produce more content and distribute it more widely without any editorial interference. I want to support the idea of people to have choice.
- The hubs of Russian journalists and activists are now in the EU. We need to create the conditions for them to work and tell the story of the EU they see and experience to their Russian audiences. It is not only a moral duty, it is in our self-interest.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Meeting with the Minister of Justice

Time: 13h30-15h00

Scene setter

You are meeting Minister of Justice Ms Dominika Švarc Pipan (SD-S&D) on 2 March for a working lunch from 13.30 to 15.00. This is an opportunity to discuss ongoing rule of law issues, but also anti-SLAPP and media regulation, hate speech sanctions, whistle-blowers, and Slovenia's strong engagement in ensuring Russian accountability for the war against Ukraine (e.g. war crimes tribunal, confiscation of assets, EU sanctions).

The 2022 rule of law report addressed the following two recommendations to Slovenia, relating to justice and anti-corruption, which fall within the competence of the Minister of Justice:

- Remove obstacles to the investigation and prosecution of corruption cases, including by ensuring the operational autonomy of the National Bureau of Investigation, increasing the resources of State Prosecution and revising the statute of limitation.
- Adopt and start implementing without further delay the anti-corruption strategy.

Objectives of the meeting

- What we want:
 - thank the minister for the good cooperation on the follow-up of the rule of law report;
 - seek support on the anti-SLAPP directive; inquire about action to implement the Commission Recommendation; push for the rapid nomination of a focal point;
 - welcome Slovenia's strong engagement in holding Russia accountable for war crimes committed in Ukraine.

Key messages

On the rule of law

- The key tool to monitor the rule of law is the **annual rule of law report**. We would like to thank your colleagues in the ministry of justice for the well organised and informative meetings during the **country visit last week** [on 23 February]. Commission services received detailed information on challenges identified in the 2022 rule of law report, including on the follow-up to recommendations.
- I particularly welcome the efforts already made regarding the appointment of candidate state prosecutors, which were previously delayed, and the measures to improve the human resources in the state prosecution service in general.
- We also note that a **number of reforms are currently under preparation**. This includes the financial situation of judges and prosecutors, judicial map reform, amendments to the Judicial Council Act, and the announced reform of the criminal law legislation. We will follow these reforms, as relevant, in the context of the annual rule of law report.

On anti-SLAPP

- The Commission anti-SLAPP initiative is part of broader efforts under the European Democracy Action Plan to strengthen media freedom and media pluralism and uphold the rule of law. This initiative is important to defend freedom of expression and democracy in the EU.
- The phenomenon of SLAPP – is gaining ground in the EU. We see instances of SLAPPs in many EU Member States.

- Our **proposed Directive** provides for targeted safeguards against SLAPP in cross-border situations. It also provides for a careful balance of fundamental rights. Member States will be able to adapt the safeguards to their national civil and procedural law.
- **The proposal will** deter the filing of SLAPP, enable the quick dismissal of a SLAPP once filed, and provide other remedies, such as award of costs, compensation of damages and penalties against an abusive claimant. In addition, the proposal will protect EU defendants against third-country SLAPP.
- In designing the proposal, I aimed to ensure sure that we maintain a careful balance of all rights involved. Because there is not only the perspective of those who are expressing their views through freedom of expression and information, but also that of those who claim the right of access to justice and the right to protect their private life and reputation.
- The proposed anti-SLAPP safeguards would protect our democracies while **maintaining important balance with the right of access to justice**. I know that this balance has been further improved in the text discussed in the Council at technical level. And this is important.
- Another important issue is ensuring that the protection is granted to those journalists and rights defenders who act in the public interest. **It is not a blank check for impunity.**
- The Council negotiations on the proposed Directive are currently ongoing and the Swedish Presidency is determined to reach a General Approach in June. I trust that **Slovenia will support the negotiations.**

- In addition, our Recommendation encourages Member States to **offer training on SLAPP** to legal professionals and potential targets to make sure that they are aware of when they could be dealing with a case of abusive litigation.
- **Awareness-raising activities** will make sure that these cases are detected earlier, and that the public understands that these cases are designed to silence journalists and human rights defenders.
- Member States should ensure that there are support mechanisms in place for targets of SLAPPs. **What is Slovenia doing in this regard?**
- **Member States should report certain data on SLAPP** to the Commission **by the end of 2023**. This will provide us with a comprehensive, EU-wide overview of the prevalence of SLAPP in Europe, allowing us to monitor the situation and fight this vile practice together.
- In addition, each **Member State should establish a focal point** that gathers and shares information on all organisations that provide guidance and support for SLAPP targets. I would appreciate your support in ensuring that **Slovenia** establishes such focal point swiftly.

On hate speech online

- We need to ensure that authors of the illegal hate speech are effectively prosecuted.
- On 9 December 2021, the Commission adopted a proposal to extend the current list of 'EU crimes' to hate crimes and hate speech. If this Council decision is adopted, the Commission would be able to propose secondary legislation defining criminal offences and penalties for hate speech and hate crime in the EU.

- We **thank Slovenia for the continued support** on reaching the necessary unanimity in favour of adoption of this decision.
- We also need mechanisms to ensure that online platforms remove hate speech on their services to prevent it from going viral.
- That is why, five years ago, we initiated a voluntary **code of conduct** with the major online platforms. As a result, they are assessing hate speech notices received by the users more promptly.
- We are in the process of identifying how the code could tie in with the provisions of the **Digital Services Act** to tackling illegal content online and responding to systemic risks. For example, very large platforms could use the code to address the specific systemic risks related to the spread of hate speech as well as to limits to freedom of expression.

On prosecuting war crimes in Ukraine

- I welcome the fact that the **Slovenian authorities have opened national investigations** into international crimes committed in Ukraine. 13 other Member States have opened similar investigations so far.
- I encourage you to **consider joining the Joint Investigation Team at Eurojust** in order to strengthen the coordination of your investigations with those of other national authorities.
- Eurojust has also been working on a **new database to store and preserve evidence** related to international crimes, which was partially launched on 9 February. I invite your authorities to make use of this database by sharing evidence on international crimes committed in Ukraine.

- Eurojust plays a crucial role in supporting the setting up of the **International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA)** within the Joint Investigation Team, which received full support during the European Council on 9-10 February 2023.
- The Commission fully supports the **International Criminal Court (ICC)** as the main actor in international criminal justice. I welcome that Slovenia has provided EUR 500 000 to a new trust fund established by the Office of the ICC Prosecutor.
- The Ukrainian Prosecutor General has informed the Commission that there is still an urgent **need for forensic experts and forensic equipment on the ground**. Have your authorities considered sending forensic experts via the ICC or via a bilateral agreement with Ukraine?
- I also welcome Slovenia's active participation in the "**Core-Group**" on establishing a **Special Tribunal for the crime of aggression**. There is a common understanding among Member States that the crime of aggression must not go unpunished. However, there is still some divergence of views on the way forward. Reflections will therefore continue in the next meeting of the Core Group in order to find a common position.
- Finally, I am aware that Slovenia plays a leading role in developing the **Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes**.
- Commissioner Reynders will attend the diplomatic conference in Ljubljana (15-26 May 2023) where the text should be agreed and adopted. The Commission is currently assessing possibilities how to best support the conference.

On the criminalisation of sanctions and the use of frozen assets

- **The Commission welcomes the efforts of Slovenia** in implementing Union sanctions. According to the data shared with the Commission, **Slovenia has frozen EUR 6 million of Russian assets so far.**
- We count on Slovenia to continue taking all the necessary measures to implement sanctions and abiding by its reporting obligations.
- The Commission aims to ensure that those violating Union sanctions regimes can be held criminally liable in all the Member States. That is why, on 2 December, **the Commission adopted a proposal for a directive** to harmonise the criminal definitions of, and penalties for, the violation of sanctions.
- The proposal will strengthen the enforcement of Union sanctions in the Member States and help to overcome the current fragmentation. It will decrease the risk of forum-shopping by offenders and reinforce the deterrent effect of sanctions.
- This proposal is linked to **the proposal for a Directive on asset recovery and confiscation**, presented by the Commission on 25 May 2022.
- Both proposals, once adopted by the European Parliament and the Council, will increase the possibilities of confiscation of Russian assets in the EU, as long as there is a link between such assets and criminal activities.
- The Commission welcomes Slovenia's support on this crucial file, which is a high priority for the Commission.

- The Commission firmly believes that **Russia must compensate the enormous losses caused to Ukraine and its people.**
- Due to the temporary and non-punitive nature of Union sanctions, frozen assets cannot be confiscated as such. Therefore, the Commission has launched other initiatives to ensure that Russia will pay for the damages it caused.
- At the end of November 2022, the Commission **presented some options to use Russian public assets that are currently immobilised with a view to supporting the reconstruction of Ukraine.**
- One option could be the temporary management of immobilised public assets. This would require identifying a financial structure to manage frozen or immobilised assets, in particular the liquid assets of the Russian Central Bank, invest them and use the net return on these investments to finance the reconstruction of Ukraine.
- The **Commission counts on Slovenia's support in advancing reflections on this important matter.**
- Additional long-term measures could consist in linking the lifting of the restrictions on these assets to the conclusion of a peace agreement between Russia and Ukraine that settles the issue of reparation of the damage.
- Both options require us to identify the amount and location of frozen and immobilised public assets in the EU. To this end, we have proposed a **new reporting obligation** on 15 February as part of our tenth sanctions package proposal.

Media policy and support to journalists

- We have taken a range of unprecedented steps, such as sanctioning a number of Putin's instruments of war propaganda (e.g. RT, Sputnik, RTR Planeta, Rossiya 24, Rossiya 1, TV Centre International, NTV/NTV Mir, REN TV, Pervyi Kanal).
- The EU is actively and consistently supporting the Ukrainian media sector, civil society and government units in their joint efforts to tackle disinformation.
- The EU supports Russian-language independent media, journalists, and bloggers with a substantial programme that covers both emergency and longer-term needs. The programme follows a needs-based approach and responds to the evolving challenges facing Russian independent media, while ensuring the safety of beneficiaries.
- We are also working on launching a "radio free Europa" project to support independent Russian media that have been expelled from or fled their home country. We need to create the conditions for these journalists to work in the EU so that they can produce more content and distribute it more widely to their Russian audiences without any editorial interference.
- We are working on this project, and I hope we will soon be able to come with a more concrete strategy bringing together independent media providing content in Russian and supporting technical means to reach people in Russia.
- Russian-language independent media have been struggling for survival for a number of years due to the crackdown on free speech in the country, including with the laws on so-called "foreign agents", "undesirable organisations" and Russia's 2022 war censorship laws.

Media freedom in Slovenia

- Unfortunately, we are witnessing worrying developments across the EU, threatening media freedom and media pluralism.
- Such trends are visible also in Slovenia. The situation of media freedom and pluralism has not improved since last year.
- We have strong concerns about the safety and protection of journalists given the number of cases of threats, online harassment, physical violence, and lawsuits with intimidating effects against them. Besides, transparency of media ownership and access to information by journalists could be improved.
- Despite legal safeguards providing for the independence of public service media, challenges exist with regard to their effectiveness in practice in limiting political influence.
- I count on Slovenia to uphold EU values and support initiatives promoting democracy, media freedom and the rule of law.

**CV of Dominika Švarc Pipan,
Minister of Justice**



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Meeting with the Minister of Culture

Time: 15h15-16h15

Venue: Ministry of Culture

Scene setter

You are meeting Minister of Culture Ms Asta Vrečko (Levica-GUE/NGL) on 2 March from 15.15 to 16.15. This is an opportunity to discuss European media policy as well as the situation of Slovenian media and the planned Slovenian media reform. You may also wish to raise the topics of disinformation and the defence of democracy package, as relevant.

At the Culture Council in November, the Minister was part of the supporters of the Media Freedom Act. She said that the Act is important for the functioning of media services in the EU, also for the development of the digital market in times of societal changes and changes in interpersonal communications. She said it is our joint responsibility to provide independent and credible information to citizens.

Objectives of the meeting

- What we want:
 - learn more about the planned media reform in Slovenia
 - ask for Slovenia's continuous support on the European Media Freedom Act.
 - set out the importance of anti-SLAPP action

Key messages

Media freedom in Slovenia

- Many thanks Minister for your support at the Culture Council in November.
- The Media Freedom Act is an important piece of legislation for the EU.
- It is crucial we find an agreement by the end of this mandate.

- I hope the Swedish Presidency can find a general approach in May.
- I am of course at your disposal to discuss any questions that you would have about the Act.
- I would also be happy to hear more about the reforms that you have initiated at national level.

DEFENSIVE

The Commission is creating a Board to supervise all the media

- No. The Media Services Board is in fact an upgrade of the existing group of European Regulators, ERGA. The Act strengthens this group and gives it more responsibilities. Its tasks are well defined by the law, and **the Board is not a new authority overseeing the press, deciding on self-regulatory standards or ethics**. The Board will give non-binding opinions on national measures and concentrations affecting the media, in the single market. The idea is rather to promote a dialogue between regulators and to promote mutual understanding across the EU. We have done it in the past in other areas.
- The Board is absolutely not about concentrating power in Brussels. This about more cooperation among the relevant authorities. The Commission has no voting right but it has a role to play, as the guardian of EU law. We are open to further improve the text and bring necessary clarifications.

From the 2022 Rule of Law report on the national media regulator

The independence of the audio-visual media services regulator is ensured by the Electronic Communications Act. The independent status of AKOS is guaranteed

by the Electronic Communications Act, and the Agency draws its enforcement powers in the audiovisual media field from the Mass Media Act and the Audiovisual Media Services Act. The updated Audiovisual Media Services Act adopted in December 2021 aimed at transposing the Audiovisual Media Services Directive. A draft law aiming at transposing the Electronic Communications Code is still pending; the law would also include the conditions and procedures for the appointment and dismissal of the head and members of the collegiate body of AKOS. As reported in the 2021 Report, challenges persist concerning the effectiveness of the draft new legal framework in ensuring the independent performance of media regulatory functions of AKOS. The financial independence of the agency continues to be guaranteed by its financing system, based on the collection of fees generated from AKOS activities. The regulator is responsible for a broad variety of tasks. Additional resources were granted to the regulator in the field of audiovisual media services following the new tasks attributed with the transposition of the Audiovisual Media Services Directive. However, fully implementing the extensive competences with the available resources remains a challenge. The lack of safeguards against political interference also remains a concern. The Media Pluralism Monitor 2022 indicates a medium risk for the indicator on the independence and effectiveness of the media authority.

Meeting with Secretaries of State

Time: 17h15-18h00

Venue: Ministry of Foreign Affairs

Scene setter

You are meeting **Mr Marko Štucin**, Secretary of State at the Ministry of Foreign and European affairs (GAC minister), on 2 March from 17.15 to 18.15.

This is an opportunity to speak about the rule of law, as well as Slovenia's approach to Russian propaganda and disinformation.

Objectives of the meeting

- What we want:
 - stress the importance of respecting the rule of law in all EU Member States, in particular in the context of the Russian war of aggression against Ukraine;
 - encourage a strong Slovenian response to tackling Russian disinformation.

Key messages

On the rule of law

- Faced with Russia's unprovoked and unjustified military aggression against Ukraine, we need – more than ever – to say very clearly how crucially important the rule of law is.
- I would like to stress the need to keep the Article 7 TEU proceedings regarding Poland and Hungary on the agenda of the General Affairs Council, for as long as the underlying causes that triggered these procedures continue to persist. These proceedings are useful and help to maintain political peer pressure among the Member States.

On disinformation and foreign interference

- Disinformation, information manipulation and interference, particularly by pro-Kremlin sources, is reaching audiences across the world. This poses substantial security risks and threatens the functioning of democracies and the well-being of societies around the world.
- The Slovenian information space is not immune to this.
- We believe an effective response to disinformation requires a whole-of-society approach and the involvement and accountability of all sectors – from public authorities and politicians, media and civil society to the industry and of course online platforms.
- It is also clear that there is simply still too much very harmful Ukraine related disinformation available online. And that more action is needed, in particular when it comes to smaller Member States and languages.
- The EU has taken strong and decisive steps in this fight. We now have several tools at our disposal:
- The EEAS created an EU hybrid toolbox (EUHT), and is developing an EU toolbox to counter foreign information manipulation and interference (FIMI).
- Member States and EU Institutions can conduct Hybrid Risk Surveys to identify areas vulnerable to hybrid threats across the EU and address possible gaps.
- We have put in place a Code of Practice on Disinformation.
- The code contains a detailed set of voluntary commitments to fight online disinformation in various areas such as demonetisation, addressing manipulative behaviours, user empowerment or fact-checking.

- A substantial number and great variety of new signatories – 38 to date - have signed the code. In addition to major online platforms and players from the online advertising industry, new signatories include smaller or specialised platforms, research and civil society organisations, fact-checkers and providers of technical solutions to counter disinformation.
- 30 Signatories of the Code of Practice on Disinformation, including all major online platform signatories (Google, Meta, Microsoft, TikTok, Twitter), have submitted their first baseline reports.
- When it comes to demonetisation of disinformation actors, Google indicates that in Q3 2022 it prevented more than EUR 13 million of advertising revenues from flowing to disinformation actors in the EU.
- TikTok reported that in Q3 2022 they removed more than 800,000 fake accounts, while more than 18 million users were following these accounts. They also indicate that the fake accounts removed represent 0.6% of the EU monthly active users.
- The European Digital Media Observatory (EDMO) and its national hubs are instrumental in the fight against disinformation.
- EDMO has established a task force on the war in Ukraine. It has identified more than 1800 disinformation instances related to the war. Their analysis confirms that the percentage of detected disinformation about the war in Ukraine is significantly higher – sometimes above 50% – in Central and Eastern European countries than in other parts of the EU.

- I am glad that a new EDMO regional hub has started covering Slovenia - ADMO. It covers Slovenia and Croatia bringing together researchers and fact-checkers with knowledge of local information environments to help in the work of detecting, exposing and analysing disinformation campaigns and trends in these countries. It is operational from the beginning of this year.

**CV of Marko Štucin,
State Secretary for European affairs, Ministry of Foreign Affairs**



[Redacted content]

Meeting with NGOs

Time: 18h30-19h30

Venue: EU House

Scene setter

You are meeting members of the Legal Network for the Protection of Democracy (LNPD) on 2 March from 18.30 to 19.30. The network was established in 2021 with the aim of allowing Slovenian civil society to monitor, understand and protect the implementation of the rule of law principles in times of the COVID-19 pandemic. The founding members of this informal coalition are Amnesty International Slovenia, IT-Institute for Other Studies – Today is a New Day, PIC – Legal-Informational Center for NGOs, and the Institute for Culture of Diversity Open. The network cooperates with various attorney offices, professors of law and volunteers.

The main aim of the network is to offer legal protection to individuals and organisations in their peaceful work for the respect, implementation and protection of democratic principles and human rights, which have been put under pressure by the government's measures, in particular under the former government led by Janez Janša (SDS-EPP), whose modus operandi soon raised concerns of the NGOs.

The NGO also worked with media experts to draft a new law on the public broadcaster RTV Slovenia. Their draft was the basis for the government's legislative proposal. However, after taking effect on 28 December 2022, the law was stayed by the Constitutional Court, defeating one of the law's main goal, namely "depoliticizing" the public broadcaster.

In its first year the LNPD responded to over 1 150 inquiries and requests, filed over 150 appeals to state offices, including to the state prosecutor's office, and helped file over 50 lawsuits against the government's actions and measures. It also organised 2 public expert discussions and filed 1 criminal charge against a governmental official. Some members were also active in the Friday protests movement (every Friday during the 2020-2022 PM Janša government), while

Amnesty International conducted monitoring of the right to assembly at the protests.

Besides legal remedies related to COVID-19 pandemic and linked restrictive measures, the network has since been engaged in monitoring and advocating for patients' rights, in particular access to family doctors and the public healthcare system.

The network was among the winners of the European Parliament European Citizens' prize in 2022.

In 2021, the LNPD coordinated the preparation for a contribution to the annual Rule of Law report from Slovenia. The 2022 Rule of Law Report explicitly mentions the work of the LNPD in the paragraph on civil society: "The Constitutional Court found that certain Government decrees severely interfere with the right to freedom of peaceful assembly and annulled them. Responding to these issues, in early 2021, four civil society organisations set up the 'Legal network for the protection of democracy', which provided legal support to individuals and organisations involved in legal proceedings due to non-violent public action. Within the network, qualified lawyers and law firms assisted to legally challenge procedures and practices considered illegal (e.g. disproportionate fines for public engagement, criminal investigations and suits for damages intended to limit criticism or pressure the civil society). By November 2021, the lawyers provided support in about one thousand cases. In May 2021, the network set up a mechanism for monitoring protests due to claims that the police used excessive force and treated the protesters selectively."

The stable source of funding remains a key issue for the civil society in Slovenia.

Objectives of the meeting

- What we want:
 - thank the network for their important work in defending democracy and the rule of law;
 - listen to their concerns about rule of law issues in Slovenia.

Main messages

On the role of civil society organisations in democracies

- Civil society organisations are one of crucial elements for the well-functioning of our democracies. They are key players contributing to overcome challenges our democracies are facing. They are also key to implementing EU policy initiatives and legislation, including in the area of fundamental rights.
- Civil society organisations strengthen the **resilience of our democracies**:
 - They play an essential role in **helping the victims of fundamental rights violations**, in particular the most vulnerable.
 - They are **essential watchdogs**, drawing attention to threats to the rule of law, to our democracies and to the conduct of free and fair elections, contributing to holding those in power accountable.
 - And they are our allies in **channelling the voice of the underrepresented**, empowering individuals in participating on matters of public interest and ensuring that all groups can express their interests and opinions.
- This is for example why our proposed anti-SLAPP package covers not only journalists, but also rights defenders, many times being NGOs. We want to ensure that you can do your work as watchdogs of democracy without fear of going through abusive lawsuits.

- Also our upcoming **Defence of Democracy package** will include a dedicated initiative aimed at increasing the support and engagement with civil society organisations. We have launched a public consultation and I invite you to give your say on this.
- We are planning specific recommendation for Member States and Civil Society organisations, including on how they should be involved in the decision-making.
- Civil society organisations' work at the local, regional, national and transnational level is a source of valuable information, resources and examples for the European Commission.
- To carry out their important role, civil society organisations need to be protected, supported, and empowered. They should work in an enabling environment where their own fundamental rights are respected and they do not face threats and attacks.

On the LPND in particular

- The work of your legal network is an important one. Successes at all levels of the courts (including constitutional) are a demonstration of quality and a confirmation that your work is indispensable.
- For this reason, we have also reflected it in the 2022 Rule of Law Report, where we have presented your legal support to people exercising their freedom of assembly in Slovenia. We have also noted your mechanism for monitoring protests.
- The 2023 Rule of Law Report is presently under preparation and will again contain a section on civil society.

- I encourage you to continue to work and would be interested to hear your views on the current rule of law and democracy situation in Slovenia.
- I would also be interested to learn more about the activities you have developed through cross-border cooperation with Polish and Hungarian colleagues facing similar challenges.

Dinner with the President of the Republic

Time: 20h00 -21h30

CV of Nataša Pirc Musar, President of the Republic of Slovenia



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Ključni citati razkritih dokumentov:

- *Golobova stranka je na volitvah prepričljivo zmagala, saj so se volivci mobilizirali proti **eksczesnemu načinu vladanja premierja Janše.***
- *Srečanje s slovenskimi mediji vam bo dalo dober vpogled v to, kako mediji dojemajo stanje medijske svobode v državi ter vpogled v prizadevanja sedanje vlade, da bi **začela z reformami po koncu napetega obdobja pod Janšo.***
- *Vprašanje medijev bi utegnilo prevladovati v vaših javnih razpravah in v vprašanih novinarjev. To je napeta in kontroverzna tema v slovenski javnosti. **Kar se tiče medijev: opazamo pozitiven premik pod novo vlado.***
- *Najbolj odmevna vprašanja pod prejšnjo vlado so se nanašala na zavrnitev financiranja javnega servisa Slovenske tiskovne agencije (STA), kot to določa zakon; politična imenovanja v programski svet in upravo RTV Slovenija, **ki so povzročila pritiske na novinarje in omajala uredniško neodvisnost; politično vmešavanje in zlorabo policije.***
- *Razmere na RTV Slovenija ostajajo napete. Novinarske organizacije, sindikati in nevladne organizacije trdijo, da imenovanja v upravne odbore vodijo **v resne kršitve uredniške neodvisnosti in pristransko poročanje ter spodkopavajo ugled javne radiotelevizije.***
- *28. decembra 2022 je stopil v veljavo nov zakon o RTV Slovenija, ki je predstavljal eno glavnih predvolilnih zaobljub sedanje koalicijske vlade. Politično je eden glavnih ciljev zakona **sanacija stanja v javnem zavodu z »depolitizacijo«, kar v praksi pomeni spremembo sestave programskega sveta in uprave.***
- *Predlog zakona o RTV je bil pripravljen v tesnem sodelovanju z **medijskimi strokovnjaki in nevladno organizacijo Pravna mreža** za varovanje demokracije (spoznali jih boste ob obisku). Predlog zakona je bil sprejet po nujnem postopku **kot sredstvo za depolitizacijo javne radiotelevizije, po tem ko so bili na ključne položaje imenovani zavezniki prejšnje vlade.***
- *Ustavno sodišče je 20. februarja 2023 zadržalo (tj. nekakšen začasni ukrep, da se počaka do končne odločitve) izvajanje ključnih določb zakona, ki omogočajo menjavo vodstva. **Odločitev je kontroverzna**, saj pomeni, da se postopek imenovanja novih vodstvenih struktur lahko nadaljuje, medtem ko sodišče še odloča, vendar imenovanja ne bodo začela veljati, dokler sodišče o tem ne bo dokončno odločilo. Tako danes v praksi obstajata dve vodstveni strukturi, stara, ki odloča, in nova, ki čaka na pravnomočno sodbo. **Pozitivno pa je, da je bil novi upravni organ imenovan brez vpletanja politikov, torej s strani civilne družbe in osebja RTV.***
- *Glavni namen nove RTV zakonodaje je **zagotoviti polno institucionalno in programsko avtonomijo RTV Slovenija ter zaščititi njeno novinarsko avtonomijo in uredniško neodvisnost.***

- **Vpliv strankarske politike na RTV Slovenija je imel več negativnih posledic za RTV, ki se kažejo v padcu njenega javnega ugleda in medijske relevantnosti, poslabšanju kakovosti njenega programa in znižanju strokovnih standardov, kar pomeni, da RTV Slovenija vse težje opravlja svojo javno funkcijo, poslanstvo in vlogo.**
- **Neodvisnost RTV Slovenija se je v zadnjih letih slabšala.** Več deležnikov, pa tudi Svet Evrope, je opozorilo na nedavne primere zastraševanja novinarjev javnih medijskih služb in na imenovanja na vodilne položaje **kot možen znak poseganja v uredniško neodvisnost tega medija.**
- Več deležnikov se je po imenovanju **Andreja Graha Whatmougha** za novega generalnega direktorja RTV Slovenija aprila 2021 in **Uroša Urbanije**, nekdanjega vodje Urada za komuniciranje (UKOM), za direktorja RTV Slovenija, **pritožilo, da se je situacija na RTV drastično poslabšala.**
- **Oba sta prepoznana kot politična zaveznika nekdanjega premierja Janše.** Medtem ko je Urbanija vodil UKOM, je ta organ prekinil financiranje Slovenski tiskovni agenciji (STA), kar je Komisija močno kritizirala, številni deležniki pa menili, **da gre za politično motivirano ravnanje, ki je privedlo do odhoda številnih zaposlenih.** V zadnjih mesecih je več novinarjev RTV podalo izjave o **nadlegovanju in pritiskih**, medtem ko so njihova združenja organizirala več stavk.
- Kar zadeva medijsko svobodo in medijsko pluralnost, so bili popravki Zakona o RTV sprejeti avgusta 2022, referendum 25. Novembra pa je še potrdil zakon, ki implementira priporočilo, da se **"okrepi pravila in mehanizme za izboljšanje neodvisnega upravljanja in uredniške neodvisnosti javnih medijskih služb, ob upoštevanju evropskih standardov javnih medijskih služb".** Zakon je trenutno v postopku pred Ustavnim sodiščem, ki je **20. februarja 2023 zadržalo izvajanje določenih določb, dokler ne izreče dokončne sodbe.**
- Z novim zakonom se uvaja Finančni odbor kot posvetovalni organ Sveta RTV Slovenija. Namesto generalnega direktorja je uveden štiri članski upravni odbor, **kar je bolj primeren model upravljanja v luči tehnoloških sprememb in obstoječega medijskega in komunikacijskega okolja.** Direktorjema radia in televizije se pridruži direktor digitalnih vsebin, **kar bo novim medijskim dejavnostim zagotovilo enakovreden in časovno ustrezen položaj.**
- Po podatkih Sveta Evrope je bilo od avgusta 2020 proti trem novinarjem vloženih 13 različnih kazenskih tožb s strani davčnega strokovnjaka CENZURIRANO in **neuradnega finančnega svetovalca nekdanjega slovenskega premierja Janeza Janše** zaradi poročanja o njegovih poslih in domnevni vpletenosti v nezakonito posojilo (takrat) vladajoči stranki SDS

Iz opomnika za srečanje z novinarji:

Glavna sporočila:

- **Vem, da ste prestali težke čase.**
- Razumem, da se situacija zdaj spreminja, s pomembnim prizadevanjem nove vlade za uvedbo reform na vrsti pomembnih področij, vključno z neodvisnostjo javnih medijskih služb.

Dodatno iz opomnika za medije:

- **Dezinformacije in lažne novice v Sloveniji se najpogosteje širijo prek medijev, ki so blizu SDS (EPP), ki na volitvah aprila 2022 ni dobila večine za sestavo vlade. Ti mediji so pod nadzorom madžarskih poslovnežev iz kroga Viktorja Orbana in jih vodijo privrženci SDS.**
- Glavna izmed njih sta **novičarska portala Nova24tv.si in Demokracija.si** (kjer ima SDS več kot 30-odstotni neposredni lastniški delež), **ki pogosto širita dezinformacije od tujih skrajno desnih portalov, najpogosteje Breitbart.com.** Novinarsko častno razsodišče Slovenije je večkrat obsodilo poročanje obeh portalov. Poročanje obeh portalov se pogosto omenja tudi na nekaterih lokalnih portalih.
- Nekdanji direktor Nove hiše, ki vodi portal Nova24tv.si, **Aleš Hojs, je bil minister za notranje zadeve v zadnji Janševi vladi leta 2020. Na tej funkciji je vsaj petkrat javno širil dezinformacije ali neresnične trditve.**
- Edini redni projekt **preverjanja dejstev v Sloveniji, Razkrinkavanje.si, je leta 2019 ustanovil Oštro, center za preiskovalno novinarstvo v Jadranski regiji.**
- Meta (Facebook) je razkril, da je **njihov slovenski partner za preverjanje dejstev portal Oštro.** Od 1. oktobra do 31. decembra 2022 je bila izvedena preverba dejstev na več kot 220.000 vsebinah na Facebooku in 12.000 vsebinah na Instagramu.
- Slovenijo pokriva **ADMO - eden od regionalnih središč Evropskega observatorija za digitalne medije (EDMO), ki pokriva tudi Hrvaško. Deluje že od januarja 2023 in ga podpira Komisija v okviru programa Digitalna Evropa 2023-2024. Slovenski partner v ADMO je Center za preiskovalno novinarstvo v Jadranski regiji Oštro.** Oštro je ena izmed organizacij za preverjanje dejstev, ki so delale na Evropskem kodeksu standardov za neodvisne organizacije za preverjanje dejstev.
- **Žal opažamo zaskrbljujoč razvoj dogodkov po vsej EU, ki ogrožajo medijsko svobodo in medijsko pluralnost. Takšni trendi so vidni tudi v Sloveniji. Stanje medijske svobode in pluralnosti se ni izboljšalo že od lanskega leta. Računam na Slovenijo, da bo ohranjala vrednote EU in podpirala pobude, ki spodbujajo demokracijo, medijsko svobodo in vladavino prava.**

Iz opomnika za sestanek s Pravno mrežo:

- *Glavni cilj Pravne mreže je zagotoviti pravno zaščito posameznikom in organizacijam pri njihovem mirovnem delu za spoštovanje, izvajanje in zaščito demokratičnih načel ter človekovih pravic, ki so bile napadene z vladnimi ukrepi **zlasti pod prejšnjo vlado Janeza Janše (SDS-EPP)**, katere način delovanja je **kmalu vzbudil zaskrbljenost nevladnih organizacij**.*
- *Nevladna organizacija je pri pripravi novele zakona o RTV sodelovala z medijskimi strokovnjaki. Njihov osnutek je bil osnova za zakonodajni predlog vlade. Vendar pa je izvajanje zakona, potem ko je začel veljati 28. decembra 2022, **začasno ustavilo Ustavno sodišče, s čimer je bil izničen eden glavnih ciljev zakona, t.j. "depolitizacija" javne radiotelevizije**.*
- *Delo vaše pravne mreže je pomembno. Uspehi na vseh ravneh sodišč **(vključno z ustavnim)** so dokaz kakovosti in potrditev, da je vaše delo nenadomestljivo.*
- *Zanima me tudi, če bi lahko izvedela več o dejavnostih, ki ste jih razvili s čezmejnimi sodelovanjem **s poljskimi in madžarskimi kolegi, ki se soočajo s podobnimi izzivi**.*

Sporna 3. točka ciljev sestanka med Jourovo in Accetom

Objectives of the meeting

- What we want:
 - remind him of the relevant rule of law recommendations from the 2022 rule of law report;
 - reaffirm the primacy of EU law.

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EK je cenzurirala enega od ključnih delov opomnika - (Objectives of the meeting with Accetto: What we want:), kjer domnevamo, da gre za direktno navodilo Jourove Accetu za pospešitev postopkov glede RTV. Zakaj?

V spremnem dopisu EK to cenzuro opravičuje z varovanjem procesa odločanja in nadaljuje: One redacted sentence on page 8 of document 3 contains opinions from the services of the Commission, as part of the internal consultations within the institution. As explained above, the document was drawn up for internal use under the responsibility of the relevant services of the Commission **and does not reflect the actual interventions made during the meetings.**

Dodaten indic za to, da se tretja točka nanaša ravno na RTV, je v poročilu s sestanka, kjer v zadnjem odstavku, ki kronološko sledi obema prej naštetima temama, o Accettu zapišejo tole:

Finally, he remarked that he sees **a growing trend of trying to translate political problems into legal cases that are put forward to the ECJ or national Constitutional Courts.** In his view, this increases the perception of politicisation of judiciary, because whatever the decision, it most likely be divisive. V tistem času je bil "največji politični problem v državi" RTV, obenem pa je bil to tudi politični problem, ki je bil prenešen na US.

