

## Public consultation on the list of major events

On 15 July 2024, the Council for Media Services (“the Council”) launched a public consultation aimed at the potential extension or reduction of the list of events of major importance for society, the draft of which (“the preliminary list of major events”) has been prepared by the Council by virtue of its statutory powers.

This consultation process initiated by the Council allows members of the public to comment on the provisional list of major events and to inform the Council whether they:

- **agree** with the preliminary list of major events,
- propose to **extend** the provisional list of major events to include an event not listed therein,
- propose to **exclude** one of the events from the provisional list of major events,
- propose to **modify the extent** of events listed in the provisional list of major events.

Any proposals for modifications of the preliminary list of major events **must be justified**; the events that the public proposes to add must meet at least two of the conditions set out in Section 24(1) of Act No. 264/2022 Coll. on Media Services (hereinafter “AMS”) (see below).

Comments and proposals for modification of the preliminary list can be **submitted** to the Council **by post** (Rada pre mediálne služby, Palisády 36, 811 06 Bratislava), **by e-mail** ([office@rpms.sk](mailto:office@rpms.sk)) or via the **slovensko.sk portal** (Rada pre mediálne služby).

The public consultation process **ends on 15 October 2024**.

### Legal background

According to Section 24(1) of the AMS, a major event is a political, social, cultural or sporting event that meets at least two of the following conditions:

- its outcome has a **particular and broad reception** and is of interest even to the part of the public that does not usually follow this kind of events,
- it has a **unique cultural significance** for the population and is a particular manifestation of elements of its cultural identity, or
- is a **major international event** which is attended by the **national team**.

Pursuant to Section 24(2) of the AMS, in cooperation with the Ministry of Culture of the Slovak Republic and the Ministry of Education, Science, Research and Sport of the Slovak Republic, rights holders and broadcasters, the Council shall ensure public access to major events through the broadcasting of television programme services by drawing up a list of these events. Note that on 1 February 2024, the new Ministry of Tourism and Sport of the Slovak Republic was established, while the Ministry of Education, Science, Research and Sport of the Slovak Republic was renamed to become the Ministry of Education, Research, Development and Youth of the Slovak Republic. Competences in the field of sport were thus transferred to the newly established Ministry of Tourism and Sport of the Slovak Republic. As sporting events are usually considered major events, in addition to the ministries mentioned in the Act, the Council will

cooperate with the Ministry of Tourism and Sport of the Slovak Republic in the preparation of the draft list of major events.

The aim of the above-mentioned legislation is to **ensure that a substantial part of the public**, i.e. at least 80% of the population of the Slovak Republic, **has an actual opportunity to watch selected major events** via a “qualified broadcaster” **under fair, reasonable and non-discriminatory market conditions, without having to pay special fees** (this does not refer to licence fees or subscription fees for the basic offer of the cable system).

In the context of the statutory regulation of the public right of access to major events, the Council shall draw up a list of all broadcasters, to be divided into two categories based on the Section 24(3) of the AMS:

- **qualified broadcasters** whose mode of broadcasting allows access to more than 80% of the population without paying a special fee,
- **other broadcasters**, i.e. broadcasters with “restricted public access”.

Restricted access of the public to a broadcaster’s broadcasting may be result from specific elements, nature or technical parameters of the broadcasting. In the context of the Slovak Republic, these are primarily broadcasters whose broadcasting is accessible to less than 80% of the population (this condition is not to be perceived as identical to broadcasting with territorial coverage of more than 80% of the territory of the Slovak Republic). It can also be a universal broadcaster, i.e. a broadcaster whose broadcasting is available to more than 80% of the population, for which, however, the broadcaster charges a special fee, or a broadcaster broadcasting exclusively in high definition (HDTV), with no more than 80% of the population having access to such broadcasting, and so on.

If a broadcaster included in the group of broadcasters with limited public access acquires the exclusive right to broadcast a major event, under § 24(6) of the AMS it shall **inform all qualified broadcasters**, in particular, **of their possibility to broadcast the major event**. This information must be provided well in advance of the event and must include details of the event, in particular the place and time of the event and the price the broadcaster is charging for the rights to broadcast the event.

Under Section 24(7) of the AMS, a broadcaster with restricted public access is entitled to **broadcast** the event itself **only after concluding an agreement on ensuring public access to the major event** with at least one qualified broadcaster, or in case no qualified broadcaster has submitted a written proposal to broadcast the major event within 14 days of receiving the notification on the possibility to broadcast the major event, under the conditions set out in the notification. If such a written proposal for broadcasting of a major event is submitted by several broadcasters, the broadcaster which has obtained the exclusive right to broadcast the major event shall be obliged to allow at least one of them to broadcast the event.

As legal regulation of the public’s right of access to major events specified in the provisions of Section 24 of the AMS **constitutes an interference with the exclusive broadcasting rights of the broadcaster**, who may have, *inter alia*, expended resources to obtain these broadcasting rights, it is important that such an interference occurs only **to the extent necessary and in justified cases**, i.e. only in those cases where the events in question are actual major events of particular

importance for the entire society, or a dominant part thereof, and it is in **the interest of society as a whole for a substantial part of the population of the Slovak Republic to have access to these broadcasts.**

As can be inferred from Directive 2010/13/EU of the European Parliament and of the Council on audiovisual media services, cultural events, for example, **should not be considered major events** unless no one owns the associated rights which could be sold for the purpose of television broadcasting. This is because, under Article 14 of the directive, a Member State may take measures (the adoption of a list) "...to ensure that broadcasters [...] do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television." Major events are therefore events which are organised in advance by an event organiser who is legally entitled to sell the rights pertaining to those events.

## Preliminary list of major events

Based on the above-mentioned facts, the Council has prepared a preliminary list of events that in its opinion qualify as major events. These events are:

- Summer Olympics
- Winter Olympics
- Men's Ice Hockey World Championship – matches of the Slovak national team, semi-finals, third place playoffs and finals
- Men's Football World Cup – qualifying matches featuring the Slovak national team, matches of the Slovak national team during the World Cup, its semi-finals and finals
- Men's European Football Championship – qualifying matches featuring the Slovak national team, matches of the Slovak national team during the championship, its semi-finals and finals
- UEFA Champions League (men) and UEFA Europa League – qualifying matches featuring Slovak teams, matches of Slovak teams in the leagues, their semi-finals and finals
- Tour de France in case of participation of a Slovak representative
- Alpine Ski World Cup in case of participation of a Slovak representative

Inclusion of each event is justified below.

## Preparation of the preliminary list of major events

During the consultation process, the preliminary list of major events will be sent to all relevant rights holders (e.g. FIFA, UEFA, IIHF, International Olympic Committee), requesting their opinion on the submitted list. If necessary, the Council will hold face-to-face or online meetings with the right holders concerned to resolve potential conflicts.

The provisional list will also be sent to the relevant broadcasters and their associations, along with an explanation of the procedure for obtaining the rights to broadcast the event to be included in the approved list of major events.

After considering suggestions from the public, rights holders, broadcasters as well as the ministries concerned, the Council will draw up a final draft list of major events.

Once the draft list of major events has been approved by the Council, it will be sent to the European Commission, together with a detailed description of the whole consultation process and the criteria that led to the inclusion of specific events in the list of major events.

Subsequently, in accordance with Article 14 of Directive 2010/13/EU of the European Parliament and of the Council, within a period of three months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. The European Commission shall also seek the opinion of the contact committee established pursuant to Article 29 of the Directive. The Council shall participate in the discussion on its draft list during the contact committee meeting.

According to Section 24(2) of the AMS, **the list of major events shall be laid down by a general binding legal act issued by the Council after it has been approved by the European Commission.**

## Detailed justification of inclusion for each event

### Summer and Winter Olympics

The Summer and Winter Olympic Games organised by the International Olympic Committee are the oldest, most important and most diverse sporting event in the world, where Slovak athletes can compete with athletes from all over the world at the highest level. Thanks to the wide range of disciplines, the Olympics attract considerable interest in Slovakia. Slovak athletes compete in a large number of disciplines at the Olympics. They have been particularly successful at the Summer Olympics so far, having won several gold, silver or bronze medals at each one since the establishment of the independent Slovak Republic. The high interest of the Slovak public in the Olympics is confirmed by the significant media attention the Games enjoy in Slovakia. It is not purely a matter of fans interested in specific disciplines; the Olympics tend to attract the attention of the general public as a whole, including their opening and closing ceremonies.

The Olympics have always been broadcast in the Slovak Republic on television stations free of charge, with consistently relatively high viewing figures, especially for disciplines such as athletics, canoeing, tennis, hockey and biathlon, i.e. disciplines that are generally considered

attractive (athletics, tennis) or those that popular Slovak athletes compete in (hockey, canoeing).

Slovak athletes regularly participate in both the Summer and Winter Olympics in many disciplines. We propose that the Olympic events featuring the Slovak national team be primarily broadcast live. Due to the nature of the Olympics, competitions in individual disciplines often take place simultaneously. In the case of multiple events taking place at the same time, it is thus proposed that one event be broadcast live and the other by means of deferred coverage, at the discretion of the broadcaster. In case of events without Slovak participation, selection of disciplines to be broadcast, either live or via deferred coverage, is at the discretion of the broadcaster.

### **Men's Ice Hockey World Championship**

Ice hockey is one of the most popular sports in Slovakia. According to the International Ice Hockey Federation (IIHF), there are currently almost twelve thousand registered Slovak ice hockey players. The Men's Ice Hockey World Championships, especially the matches of the Slovak national team, belong to the most watched sporting events in Slovakia and are always met with a notable reception in the society. The Slovak team has won one gold, two silver and one bronze medal since 1993 and its matches always attract significant media and public interest. The Slovak team's matches enjoy viewing figures of 15 – 20% (almost one million people over 12 years of age), and even more in some years. Matches which do not feature the Slovak teams have lower viewing figures of 10% or less. The semi-final matches, the third-place playoffs and the final match are even more popular. The viewing figures of individual matches are also influenced by the broadcast time, the importance of the match in the context of the ongoing championship and the attractiveness of the team against which the Slovak team is playing. On this basis, we propose that only the Slovak national team matches and the world championship semi-finals, third place playoffs and finals are included in the list of major events.

The Ice Hockey World Championships have always been broadcast on free TV stations and have been followed by a large number of viewers in Slovakia. The interest in this event is not limited to just following the broadcasts and recordings of the individual matches of the tournament; many viewers also participate in the accompanying social events generated by the championships. Fans often gather in hospitality establishments or squares to watch matches together, making the championship a major social event. Due to the amount of attention, we propose that the Slovak team's matches at the Ice Hockey World Championships be broadcast in its entirety and live, and if necessary (for example, if the match takes place in the night hours of Central European Time) also via deferred coverage.

### **Men's Football World Cup**

The FIFA Men's World Cup is a globally recognised sporting event that enjoys great popularity and attracts considerable interest among the Slovak population. Football is one of the most popular and most played sports in Slovakia. The performance of Slovak players in various European teams also contributes to the popularity of this sport, as well as to the World Cup. The Slovak public and media pay particular attention to the World Cup qualification matches of the Slovak national team. Slovakia's qualification for the 2010 FIFA World Cup sparked great

pride and interest in the event, even among those parts of the population who do not usually follow football matches. Although the Slovak national team did not qualify for the championship as such in the other three tournaments, it performed well in the qualification phase and finished in second or third place in its group, a feat met with a considerable response from the media and the public.

The Slovak national team continues to make great efforts to improve its performance, which has resulted in increased attention paid to football by the media and a significant part of society. The matches featuring the Slovak team and the most famous and successful teams are very popular with the general public. As the qualification of the Slovak team for the World Cup is not guaranteed, its developments attract considerable attention, which is why the matches of the qualifying rounds of this tournament enjoy high viewing figures. Individual matches in the qualifying rounds of the last three tournaments had a viewership of around 5% to 15% (almost one million people over 12 years of age), sometimes even more. Note that it is only the matches of the Slovak team and the later stages of the tournament that generate an increased interest among the general public. The Slovak team's matches at the 2010 World Cup generally enjoyed viewing figures of 15%, and the semi-finals and finals of the last three tournaments more than 10%. For these reasons, we propose that only the World Cup qualifying matches featuring the Slovak team, the matches of the Slovak team during the tournament itself, its semi-finals and finals be listed as major events.

The World Cup qualifying matches and the World Cup itself are usually broadcast on television stations free of charge and attract a significant number of viewers in Slovakia. Viewers of this tournament do not only follow the matches, but often engage in the group social events generated by this tournament. Broadcasting recorded matches would significantly reduce this sense of belonging. Given the nature of the World Cup and its importance to the public, the participation of the general public in this event is particularly meaningful if the matches are broadcast live and in their entirety and, if necessary (e.g. if the match takes place in the night hours of Central European Time) also via deferred coverage.

### **Men's European Football Championship**

The Men's European Football Championship is an internationally recognised and highly popular event among European viewers, attracting, among others, the Slovak viewers. The Slovak national team successfully qualified for the 2016, 2020 and 2024 championships, with the qualifying round already generating great interest among the Slovak public and media. In 2024, the Slovak national team achieved a significant success when it got as far as the eighth-finals of the event and had an actual opportunity to advance to the quarter-finals. This event is of international significance and the viewing figures clearly show that the individual matches generate a considerable response among Slovak viewers. Note that it is only the matches of the Slovak team and the later stages of the tournament that generate an increased interest among the general public. The viewing figures are similar to those of the World Cup. Both the qualification matches featuring the Slovak team, as well as the semi-finals and finals of the last two European Football Championships, enjoyed viewing figures of around 10%. The viewing figures of other matches were lower. For these reasons, we propose that only the European Football Championship qualifying matches featuring the Slovak team, the matches of the Slovak

team during the tournament itself, the semi-finals and the finals of the tournament be listed as major events.

Given the nature of this event and its importance to the public, the engagement of viewers with this event is only relevant if it is broadcast live. The enjoyment of watching the game could be significantly reduced if the individual matches were broadcast via deferred coverage and at a time when the result of the match was already known. It is therefore proposed that individual matches be broadcast live and in their entirety.

### **UEFA Champions League (men) and UEFA Europa League**

The UEFA Europa League is an annual men's club football event organised by UEFA since 1971, featuring eligible European football clubs. Clubs qualify for the event based on their results in national leagues and competitions. The UEFA Champions League is an annual event for continental football clubs organised by UEFA since 1992. The UEFA Champions League is one of the most prestigious sporting events in the world and the UEFA Europa League is the most prestigious club event in European football. Only a few Slovak football clubs have competed in these events so far, without having ever got further than the group stage. These events generate a relatively high interest among football fans. Viewing figures of these events reach around 5 to 8% of the population over 12 years of age for the UEFA Champions League and around 3% of the population over 12 years of age for the UEFA Europa League. It can be assumed that if the Slovak team reached the finals or semi-finals of these events, but also if it succeeded in the group stage, it would capture the attention of those viewers who usually do not follow such events. It is therefore proposed that the semi-finals and finals of the UEFA Champions League and UEFA Europa League as well as the matches of the Slovak team in the group stage be listed as major events for the Slovak Republic.

These events have always been broadcast on television stations free of charge. Viewers of this tournament do not only follow the matches, but also engage in the social events generated by this tournament. Broadcasting the matches via deferred coverage would therefore significantly reduce this sense of belonging. It is therefore proposed that such events be broadcast live and in their entirety.

### **Tour de France (men)**

The Tour de France is a stage race for professional cyclists held annually in France. This event started to attract more interest in 2012 thanks to the participation of the Slovak cyclist Peter Sagan who won the "green jersey", which is awarded to the current leader of the race as well as to the contestant with the highest number of points at the end of the race. Peter Sagan currently holds seven green jerseys – the highest number achieved by a racer in the event's history. Peter Sagan's participation in this event, as well as in other cycling events, has significantly increased the interest of the Slovak public in cycling, whether passively or actively. The event is of international significance and the viewing figures clearly show that the Slovak public is interested in following the individual stages. The viewing figures varied depending on the stage, usually ranging from 4 to 5%, except for the final stage with viewing figures of 7%. Although these viewing figures are lower compared to the other proposed events, given that cycling has not historically been a popular sport in Slovakia, it can be argued in this case that a

significant proportion of the Slovak public is interested in watching this event. This is especially true in case of participation of a Slovak cyclist, otherwise the viewing figures of the event are decreased. Therefore, we propose that this event is considered a major event only in case of participation of a Slovak representative. As this is a stage race, we propose that the event as a whole be considered a major event.

Given the nature of this event and its importance to the public, the engagement of viewers with this event is only relevant if it is broadcast live. Viewers of this event do not only watch the race itself, but also engage in the associated social events which accompany the race in real time. We therefore propose that individual stages be broadcast live and in their entirety.

### **Alpine Ski World Cup (women)**

The Alpine Ski World Cup is the championship of alpine skiing, in which competitors try to achieve the best time in four disciplines (slalom, giant slalom, super giant slalom and downhill) and a fifth discipline, which is a combination of slalom and downhill. The event's popularity increased in Slovakia after the success of Slovak skier Petra Vlhová, who won the competition in 2021. Similarly to Tour de France, this event maintains viewing figures of around 5 to 6%, being less popular than hockey or football championships. The above-mentioned viewing figures relate to events featuring the Slovak national team, otherwise they are significantly lower. Therefore, we propose to consider this event a major event only in case of participation of a Slovak skier. As the results of each discipline are crucial for the final place in the competition, we propose that the event as a whole be considered a major event.

Given the nature of this event and its importance to the public, the engagement of viewers with this event is only relevant if it is broadcast live. Viewers of this event do not only watch the race itself, but also engage in the associated social events which accompany the race in real time. It is therefore recommended that individual disciplines be broadcast live and in their entirety.