



Autorité
luxembourgeoise
indépendante de
l'audiovisuel

██████████
Agency for Communication
Networks and Services of the
Republic of Slovenia (AKOS)
Stegne 7
1000 Ljubljana
Slovenia

Luxembourg, 2 November 2022

Subject: Your request for cooperation about assumed violations of provisions concerning exclusive rights

Dear ██████████

Referring to your letter dated 31 August 2022 in which you request our cooperation in imposing *“measures to be taken to protect public interest in Slovenia in such a way that at least 75 % of the population of the Republic of Slovenia will be able to watch qualifying matches of the Slovenian national basketball team for world Championship 2023 and also basketball world Championship 2023 live if those matches would be broadcasted on SK Sport Klub 1 (Slovenia)”*, I would like to share with you our observations and conclusions on the subject at hand.

We understand that there is a *“huge interest for Slovenian public to watch qualifying basketball matches of the Slovenian national team for the world championship 2023”*, which is why you have identified those matches as major events on a list that has been published in the Official Gazette of the Republic of Slovenia.

In your letter, you are assuming correctly that the service provider of the channel *SK Sport Klub 1 (Slovenia)*, which seems to hold the exclusive rights for those matches, is United Media s.à.r.l., which is established in Luxembourg and thus falls under the jurisdiction of Luxembourg.

As you know, there is a specific procedure that needs to be followed if a country wishes its list of events of major importance to be recognized and enforced by other Member States.



According to Article 14 of the AVMSD, Member States that have adopted a list and wish it to be respected not only by national broadcasters, but also by broadcasters falling under the jurisdiction of other Member States, must comply with a specific notification procedure. The notification of the national lists to the European Commission and to the other Member States, the approval thereof by the Contact Committee established by the AVMSD and its publication in the official journal of the EU are the conditions for the mutual recognition of the national lists at EU level.

Without this procedure being accomplished, national lists cannot be enforced against broadcasters established in another EU member state.

In the case at hand, our information shows that if you seem to have started this specific procedure, we have found no information as regards the approval of the list by the Contact Committee and its subsequent publication in the official journal. It stems out of this that no legal obligation seems to lie on *SK Sport Klub 1* (Slovenia) as regards the broadcasting of the mentioned sport events. Thus, we see currently no legal ground which would enable us to act against United Media s.à.r.l. in the way advocated in your request.

Should our position trigger any comments on your side, or should the legal situation evolve, don't hesitate to revert to us.

Finally, we would like to inform you that we have touched upon the point with United Media s.à.r.l. in order to raise their awareness for the situation pointed out by you.

Best regards,



Chairman ALIA Board