

Collection of Laws No. 308/2000

Act  
of 14 September 2000  
on Broadcasting and Retransmission and on the amendment of Act No. 195/2000 on  
Telecommunications

As amended by:

Act No. 147/2001  
Act No. 206/2002  
Act No. 289/2005  
Act No. 95/2006  
Act. No. 121/2006  
Act No. 13/2007  
Act No. 220/2007  
Act No. 654/2007  
Act No. 343/2007  
Act No. 167/2008  
Act No. 287/2008  
Act No. 516/2008  
Act No. 77/2009  
Act No. 318/2009  
Act No. 498/2009  
Act No. 532/2010  
Act No. 221/2011  
Act No. 397/2011  
Act No. 547/2011  
Act No. 342/2012  
Act No. 547/2011  
Act No. 352/2013  
Act No. 373/2013  
Act No. 40/2015  
Act No. 278/2015

The National Council of the Slovak Republic has adopted the following Act:

Art. I

PART ONE  
INTRODUCTORY PROVISIONS

Section 1  
Object of legislation

This act shall regulate

- a) the status and competence of the Council for Broadcasting and Retransmission (hereinafter only “the Council”),
- b) the rights and duties of a broadcaster, a retransmission operator, the provider of an on-demand audiovisual media service and legal entities or natural persons falling under Section 2 (3) and (4).

## Section 2 Jurisdiction of the act

(1) This act shall be applicable to:

- a) a broadcaster established by law 1) (hereinafter only “public service broadcaster”),
- b) a broadcaster not established by law 1) that is entitled to broadcast under a licence granted pursuant to this act or under other specific legislation 1a) (hereinafter only “the licensed broadcaster”),
- c) a broadcaster that broadcasts via the internet,
- d) a provider of an on-demand audiovisual media service,
- e) a retransmission operator.

(2) This act shall be applicable to broadcaster falling under subsection (1)(a) to (c) and to provider of an on-demand audiovisual media service with the seat, place of business or residence in the Slovak Republic and who also take the editorial decisions within the Slovak Republic.

(3) This act shall also be applicable to legal entities and natural persons that are not broadcasters under subsection 1(a) to (c) or providers of an on-demand audiovisual media service under subsection 1(d) if they have their seat, an office of an organisational unit, a place of business or residence

a) in the Slovak Republic but editorial decisions are taken in another Member State of the European Union, and if they employ in the Slovak Republic a significant part of their employees directly involved in broadcasting or the provision of on-demand audiovisual media service, even in cases where there is an approximately equal ratio between the part of the employees directly involved in broadcasting or the provision of on-demand audiovisual media service employed in the Slovak republic and in the Member State of European Union where editorial decisions are taken,

b) in the Slovak Republic but editorial decisions are taken in another Member State of the European Union and a significant part of their employees directly involved in broadcasting or the provision of on-demand audiovisual media service is not employed in either of these states, if the legal entity or natural person first began their activities in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic,

c) in the Slovak Republic, but editorial decisions are taken in a country which is not a Member state of the European Union, if they employ in the Slovak Republic a significant part of their employees directly involved in broadcasting or the provision of on-demand audiovisual media service,

d) in another Member State of the European Union, but editorial decisions are taken in the Slovak Republic and if they employ in the Slovak Republic a significant part of their employees directly involved in broadcasting or the provision of on-demand audiovisual media service.

(4) This act shall also be applicable to legal entities and natural persons that are not broadcasters under subsection 1(a) to (c) or providers of on-demand audiovisual media

service under subsection 1(d), that are not covered by subsection (3) and that are not deemed to be established in a Member State of the European Union, if they use

a) a satellite up-link situated in the Slovak Republic for broadcasting, retransmission or the provision of on-demand audiovisual media services or

b) a satellite capacity appertaining to the Slovak Republic for broadcasting, retransmission or the provision of on-demand audiovisual media services.

#### Section 2a

If it is not possible to determine personal jurisdiction in a particular case by application of Section 2(3) and (4), the case shall fall under the jurisdiction of the Member State of the European Union in which the broadcaster or the provider of on-demand audiovisual media service is resident under specific legislation. 2)

#### Section 2b

The duties of an internet broadcaster laid down herein shall be applicable to an internet broadcaster that broadcasts the programme service only via the internet.

#### Section 3

##### Definition of terms

For the purposes of this act

a) broadcasting means the broadcasting of a programme service in a scope in accordance with specific legislation, 3)

b) an on-demand audiovisual media service is a service of a primarily economic nature for the viewing of programmes at the moment chosen by the user, provided by electronic means of communication 3aa) at the user's individual request on the basis of a catalogue of programmes compiled by the provider of on-demand audiovisual media service for the purposes of providing information, entertainment or education to the general public; the provision of audio recordings shall not be deemed an on-demand audiovisual media service,

c) the provider of on-demand audiovisual media service is the natural person or legal entity that bears editorial responsibility for the selection of the content of on-demand audiovisual media service and determines how it is organised,

d) editorial responsibility means the exercise of effective control over the selection of programmes and over their time organisation in a chronological structure in the case of broadcasting, or in a catalogue of programmes in the case of on-demand audiovisual media services,

e) a retransmission operator is a natural person or legal entity that, in their own name, at their own expense and on their own responsibility provides a retransmission as content service to an end user (hereinafter only "the user") regardless of whether the signal of the retransmitted programme service is delivered to the user by the retransmission operator alone or via a third party,

f) retransmission is the reception and simultaneous, full and unmodified transmission of original broadcast of a programme service or its significant part intended by the broadcaster to be received by the public, carried out by means of an electronic communication network 3a) (hereinafter only a “telecommunication network”); if retransmission is carried out by means of a cable distribution system or a microwave system it is cable retransmission,

g) the basic programme package is a set of programme services provided by a retransmission operator for the lowest possible price,

h) ancillary broadcasting is a broadcasting unit that is not a programme of the broadcasting 3b) and as a component of a programme service usually fills the broadcasting time between programmes; in particular videotext, advertising, teleshopping, audio and audiovisual means for indicating the broadcasting of advertising and teleshopping and other program punctuations as well as notification of the current time and the announcement of programmes,

i) a programme is

1. an audio broadcasting unit which, by virtue of its content, form and function constitutes a closed unit within the broadcaster’s programme service or
2. audiovisual, compound of moving pictures with or without sound which, by virtue of their content, form and function form a closed unit within a broadcaster’s programme service or a catalogue compiled by the provider of on-demand audiovisual media service,

j) a programme network is the joint formation of a programme service or mutual selection of programmes and their simultaneous transmission in unchanged form by two or more broadcasters,

k) a public interest programme is a programme intended to satisfy the informational and cultural needs of listeners or viewers in the territory covered by the broadcaster’s signal; it is in particular:

1. a programme for minors intended for educational, upbringing and informational purposes,
2. news,
3. a programme for the purposes of educating and training, science and research,
4. a programme which provides legal and other information, promotes a healthy life-style, the protection of nature, the protection of the environment, the protection of life, health and property, and road safety,
5. a programme, which presents culture, with an emphasis on the Slovak national culture and the culture of national minorities and ethnic groups, their life and opinions,
6. a programme, which presents religious activities,
7. a programme, which is intended for groups of citizens in social need, 5)

l) a political affairs programme is a programme whose topic is usually linked to the news and includes in particular commentary on news and events, analyses of development, political standpoints on events and the opinions of politicians on particular topics,

m) videotext is on-screen text usually shown at the beginning of the broadcasting of a television programme service, at its end, or between individual programmes, which usually contains information on the broadcaster and the programme service; it also communicates information in text form in local broadcasting,

n) the broadcasting schedule includes the total broadcast time of the individual programmes and ancillary broadcasting connected with the programme service; it does not include test card broadcasts, technical break and other notices unconnected with the programme service,

o) a minor is a person under 18 years of age,

p) broadcasting on the national level is broadcasting that covers the whole territory of the Slovak Republic and which can be received by more than 80% of its population,

q) broadcasting on the multiregional level is broadcasting that covers several regions and which can be received by more than 30% and less than 80% of the population,

r) broadcasting on the regional level is broadcasting which covers a region larger than the cadastral territory of a community and can be received by less than 30% of the population,

s) broadcasting on the local level is broadcasting that can usually only be received within the geographical limits of a single municipality and covers a population of up to 100 000, or, in a city, up to 200 000; broadcast programmes focus on local information environment or sources and common interests that shape and reinforce the internal relations of any society and help to maintain a sense of social identity,

t) broadcasting abroad is broadcasting which can be received outside the territory of the Slovak Republic that does not naturally overlap with broadcasting under points p) to s),

u) cross ownership is a holding of more than 25% in the share capital of other companies or more than 25% of the voting rights in other companies, as well as mutually among closely related persons 6),

v) a personal connection is participation in the management or control of another company including participation through closely related persons or co-owners of a company or persons closely related to them. 6)

## PART TWO THE COUNCIL

### Section 4

#### The mission and status of the Council

(1) The mission of the Council shall be to enforce the public interest in the exercise of the right to information, freedom of expression, and the rights of access to cultural values and education, and to perform state regulation in the areas of broadcasting, retransmission and the provision of on-demand audiovisual media services.

(2) The Council shall ensure the maintenance of plurality of information in the news programmes of public service broadcasters and licensed broadcasters. It shall supervise compliance with legislation regulating broadcasting, retransmission, and the provision of on-demand audiovisual media services, and perform state administration in the area of broadcasting, retransmission and the provision of on-demand audiovisual media services in the scope provided for by this act.

(3) The Council shall be a legal entity with its seat in Bratislava. For the purposes of performing of the state administration in the areas of broadcasting, retransmission, and the provision of on-demand audiovisual media services, it has the status of a state administration authority on the national level to the extent determined by this act and other specific legislation. 7)

(4) Council activities resulting from its mission (subsections (1) and (2)) and its competences (Section 5) shall be performed by members of the council and tasks connected with council activities shall be performed by employees of the Office of the Council for Broadcasting and Retransmission (hereinafter only “the Office”).

## Section 5 Competence of the Council

(1) The competence of the Council in performing the state administration shall include

a) deciding on broadcasting licences pursuant to this act or other specific legislation 7a) (hereinafter only “licences”),

b) deciding on registrations for retransmission services,

c) deciding on the suspension of retransmission of a programme service,

d) deciding on the assignment of additional frequencies to the public service broadcasters,

e) commencing a procedure for the granting of a terrestrial broadcasting licence,

f) determining programme types and assessing the broadcaster’s classification of broadcasting unit as a particular programme type or as ancillary broadcasting,

g) supervising compliance with duties laid down in this act and other specific legislation 7)

h) imposing sanctions on a broadcaster, retransmission operator or the provider of on-demand audiovisual media service, and on those who broadcast or operate a retransmission service without authorization,

i) setting deadlines for the adjustment of legal relations of broadcasters,

j) keeping a record of applications for the granting of a licence (hereinafter only “licence applications”), of granted licences, including amendments thereto, of applications for registration of retransmission and of registrations of retransmission, including amendments thereto, information on providers of on-demand audiovisual media service based on notification duty including any changes thereto and information on internet broadcasters based on notification duty pursuant to Section 63a, and any changes thereto,

k) making regular reports to the European Commission (hereinafter only “the Commission”) on the performance of selected duties by broadcasters and providers of on-demand audiovisual media service and cooperating with the Commission in the application of the provisions of this act, in particular in compiling and publishing a list of events of major importance for society (Section 31),

l) processing statistics

1. on broadcast programmes focussing on a share relating to the broadcasting of European works and independent productions in a television broadcasting and Slovak musical works in a radio broadcasting based on broadcasters' documentation,

2. statistics on the share of European works in the area of providing on-demand audiovisual media services based on documentation of the providers of on-demand audiovisual media services,

m) requesting broadcast records from broadcasters if necessary,

n) handling complaints against violations of this act in accordance with Section 14a,

o) to decide that the duty to reserve minimal part for Slovak musical works in the broadcasting of radio programme service according to Section 28b(1) or the duty to reserve minimal part for Slovak musical works in the broadcasting of radio programme service according to Section 28b(4) is not applicable to the specific programme service of a broadcaster, if it is totally excluded by its focus.

(2) The Council's competence shall also include

a) supervising compliance with the European Convention on Transfrontier Television 8) and representing the Slovak Republic in the Standing Committee for Transfrontier Television of the Council of Europe,

b) participating in the drafting of laws and other acts of general application in the area of broadcasting, retransmission, and provision of on-demand audiovisual media service,

c) expressing a standpoint on proposals to sign international treaties in the area of broadcasting, retransmission and provision of on-demand audiovisual media service, on their fulfilment, proposing signing international treaties, international conventions and other international legal acts or accession to them,

d) taking part in the exchange of information and cooperating with international organisations or bodies of other countries with responsibilities in the area of broadcasting, retransmission and the provision of on-demand audiovisual media service,

e) cooperating with the Telecommunications Regulatory Authority of the Slovak Republic (hereinafter only "the Regulatory Authority") in connection with frequencies used for broadcasting,

f) warning the Slovak Television and Radio Council 9) of an infringement of the duties of a public service broadcaster imposed by this act,

g) conducting a statistical survey of coverage of the territory of the Slovak Republic by radio signal and television signal, and on the number of inhabitants who receive the radio signal and television signal emitted by licensed broadcasters,

h) submitting to the National Council of the Slovak Republic (hereinafter only “ the National Council”) an annual report on the state of broadcasting and on the Council’s activities (hereinafter only “the annual report”), within 90 days of the end of the calendar year,

i) preparing a report containing an analysis of advertising accompanying or included in programmes intended for the age group of minors under 12 years of age and submitting it at the request to the Ministry of Culture of the Slovak Republic (hereinafter only “the Ministry of Culture”),

j) providing the Ministry of Culture and the Ministry of Education of the Slovak Republic with supporting materials for a report analysing the state and level of media literacy,

k) drawing up a list of all broadcasters of television programme service from the viewpoint of public access to their broadcasting,

l) drawing up a list of events of major importance for society in collaboration with the Ministry of Culture and the Ministry of Education of the Slovak Republic, the right holders and the broadcasters,

m) co-operating with self-regulatory bodies in the area of broadcasting, retransmission and the provision of on-demand audiovisual media services for the purposes of creating effective self regulation systems,

n) participating, in cooperation with the Ministry of Culture in negotiations under Section 5a with a competent authority of another Member State of the European Union.

(3) The Council shall have the duty

a) to submit information to the National Council on the state of broadcasting and Council’s activities at the request of the National Council,

b) to publish through its website, the periodical press 11) and a press agency a summary of valid licences and registrations for retransmission, the state of usage of the frequency spectrum and a summary of vacant broadcasting frequencies, and a summary of providers of on-demand audiovisual media service and internet broadcasters,

c) to submit to the competent committee of National Council for review the proposal of statutes of the Council, the rules of procedure and any changes thereto, which the committee will then submit to the Speaker of the National Council for approval,

d) to propose its budget and a closing account to the National Council committee and to the Ministry of Finance of the Slovak Republic,

e) to fulfil other tasks laid down by specific legislation 7),

f) to provide information in accordance with other specific legislation. 12)



(1) The Council, in cooperation with the Ministry of Culture, shall send to a Member State of the European Union under whose jurisdiction belongs a broadcaster providing television broadcast directed entirely or mainly to the territory of the Slovak Republic that is not in accordance with the provisions of this act, a justified request to resolve problems caused by such broadcasts.

(2) If a Member State of the European Union sends a justified request concerning a broadcaster covered by this act that provides television broadcast directed entirely or mainly to the territory of the other Member State of the European Union, the Council shall ask this broadcaster to comply with the rules of the Member State of the European Union to whose territory all or most of their broadcast is directed. The Council, in cooperation with the Ministry of Culture, shall inform the Member State of the European Union that made the request according to the previous sentence of the results obtained following this request within two months of delivery.

(3) If the results of actions taken in response to a request under subsection (1) are unsatisfactory and the Council is of the opinion that the broadcaster under subsection (1) settled in another Member State of the European Union in order to avoid stricter rules in force in the Slovak Republic, the Council may take suitable, objectively necessary and proportionate measures against the broadcaster in question on a non-discriminatory basis.

(4) The Council may take measures under subsection (3) only if it notifies the Commission and the Member State of the European Union in which the broadcaster under subsection (1) is established of its intention to take such measures and the grounds for them, and the Commission decides that the measures are in accordance with Community law and that there are grounds to adopt such measures. If the Commission decides that the measures are incompatible with Community law, the Council shall not adopt the proposed measures.

## Section 6 Composition of the Council

(1) The Council shall have nine members, who shall be elected and recalled by the National Council.

(2) Candidates for membership of the Council may be proposed to the National Council committee by members of the Parliament, professional institutions and civil associations operating in the areas of audiovisual, mass information means, culture, science, education, sport, registered churches and religious societies 13), and civil associations of citizens with disabilities through the Coordinating Committee for Issues of Disabled Citizens of the Slovak Republic.

(3) The Council shall elect the Chairperson and Vice-chairperson of the Council from its members.

(4) If a Chairperson is not elected, the Vice-chairperson shall perform his or her activities in their full extent.

## Section 6a Annual report

(1) The annual report shall contain all important information on the activities of the Council, state of broadcasting, the provision of retransmission services and the provision of on-demand audiovisual media services in the calendar year in question as follows

a) a list of members of the Council specifying names, function in the Council and the start and end dates of the members' terms of office,

b) an evaluation of the Council's activities in the calendar year in question, including identification of its main tasks and priorities,

c) identification of the main tasks and priorities for the next calendar year,

d) financial statements in accordance with specific legislation, 13a)

e) a report on the activities of the representative of the Slovak Republic in the Standing Committee on Transfrontier Television of the Council of Europe and the conclusions adopted by this committee,

f) a list of events of major importance for society (Section 31(2)) and an assessment of their effect on broadcasting, and also a proposed list of such events or proposed amendments thereto,

g) an evaluation of the activities of the Council in connection with the major events of other Member States of the European Union or Member States of the Council of Europe (Section 31(8)),

h) an updated list of broadcasters in terms of conditions determining public access to major events (Section 31(3)),

i) statistics on broadcast programmes, statistics of the television broadcasting of European works and independent productions, statistics of the radio broadcasting of Slovak musical works and statistics on the share of European works in the area of on-demand audiovisual media services and their evaluation (Section 5(1)(1)),

j) an analysis of

1. the programme services of the public service broadcaster and licensed broadcasters,
2. on-demand audiovisual media services,
3. ownership relations and personal relations in broadcasting (Sections 42 to 44) including an overview of the ownership structure of broadcasters,
4. shares of public interest programmes in broadcasts,
5. the linguistic diversity of broadcast programmes, focussing in particular on the share of the state language and the languages of national minorities in broadcasting,
6. the duties of retransmission operators, in particular the duty to ensure the basic extent of retransmission (Section 17(1)(a)) and the effect of such duties on the provision of retransmission in the Slovak Republic, and also a list of retransmission operators to whom the Council has granted an exception under Section 17(4) specifying the extent of the granted exception and the reasons for which the exception was granted,
7. complaints dealt with under this act (Section 14a),
8. requests for access to information under specific legislation, 12)
9. self-regulatory bodies and self-regulation systems in the area covered by this act,

k) an evaluation and overview of the Council's activity as an administrative authority and an overview of sanctions imposed by the Council,

l) an overview and brief description of litigation involving the Council and broadcasters, retransmission operators, providers of on-demand audiovisual media services or other persons,

m) statistical overviews under Section 5(2)(g),

n) a list of licensed broadcasters, registered retransmission operators, providers of on-demand audiovisual media service and internet broadcasters.

(2) The Council shall publish information under subsection (1)(f) in its annual report as follows: for each event it shall specify whether the event shall be made available to the public via a full live broadcast, a partial live broadcast or a fully or partially delayed broadcast from a recording, in cases where there are objective reasons for which this is necessary or suitable in the public interest; the Council shall send this information to the Commission and the Ministry of Culture together with the proposed list of important events for the public and publish it together with the list after its approval by the Commission (Section 31(2)).

(3) When publishing statistics on the broadcasting of European works, independent productions and Slovak musical works pursuant to subsection (1)(i) in the annual report, the Council shall specify alongside the percentage share achieved in each programme service subject to a duty to broadcast European works, independent productions and Slovak musical works the reasons why the set share was not achieved, if the broadcaster did not achieve the target, and the measures that the Council and the broadcaster have taken or want to take to achieve the target; the Council shall send the statistics on the broadcasting of European works and independent productions and an evaluation thereof to the Commission and the Ministry of Culture on request, but at least once every two years. The Council shall send statistics on the share of European works in on-demand audiovisual media services and an evaluation thereof to the Commission and the Ministry of Culture on request, but at least once every four years.

## Section 7 Council membership

(1) The basic conditions for election as a member of the Council shall be citizenship of the Slovak Republic and permanent residence in the territory of the Slovak Republic, age not less than 25 years, full legal capacity and integrity; a person shall be deemed to have integrity if he or she has not been convicted of a deliberate crime; integrity shall be proved by an extract from the Criminal Register. 14)

(2) The function of a member of the Council is incompatible with the function of President of the Slovak Republic, a member of the National Council, a member of the government of the Slovak Republic, a state secretary and a head of ministerial service office, the director of another central state administration body and its statutory deputy, an employee of a state administration body, a mayor, a judge, a prosecutor, a member of the Slovak Radio and Television Council. 9)

(3) A Council member must not

a) hold a function in a political party or a political movement, act on their behalf or for their benefit,

b) be a periodic press publisher, a broadcaster, retransmission operator, a provider of on-demand audiovisual media service or a member of the statutory body, managing body, control body, or be the statutory representative or an employee of such an organisation; this restriction applies also to persons closely related 6) to Council members,

c) have a share in the ownership, or a share in the voting rights of an entity that is a broadcaster or retransmission operator or the provider of on-demand audiovisual media service; this restriction shall also be applied to persons closely related 6) to Council members,

d) be a member of the statutory body, managing body or control body or be the statutory representative of an organisation that provides services connected with the creation of programmes, advertisements or technical support for broadcasting, retransmission and the provision of on-demand audiovisual media services,

e) provide direct or mediated consultation or professional services or assistance for payment or other consideration to the broadcasters, retransmission operators, or on-demand audiovisual media service providers.

(4) The function of a member of the Council is a public function. The function of the Chairperson of the Council is incompatible with any other employment relation or equivalent employment relation; this restriction does not apply to scientific, pedagogical, journalistic, literary or artistic activity. Other members of Council may perform their function as their sole activity or alongside employment relation, provided that the conditions lay down in subsections (1) to (3) are satisfied.

## Section 8

### Term of office of Council members

(1) The term of office of Council member shall be six years. A Council member may be elected for a maximum of two terms of office.

(2) One third of the Council shall be renewed every two years.

(3) New Council members shall be elected to places vacated by expiry of terms of office. When places are vacated for other reasons, new members shall be elected for the remainder of the term of office of the Council member whose membership was vacated.

(4) The term of office of a Council member shall commence from the day following the expiry of the mandate of the Council member in whose place he or she was elected, at the earliest however on the day of his or her election by the National Council.

## Section 9

### Termination of Council membership

(1) Council membership shall be terminated

- a) by expiration of the term of office (Section 8(1)),
- b) by resignation from office; membership shall be terminated on the date of delivery of the Council member's resignation letter to the Speaker of the National Council,
- c) by recall of the council member from office or
- d) by the death of the council member.

(2) The National Council shall recall a Council member (Section 6(1)) only if he or she

- a) has ceased to fulfil the conditions for holding office laid down in Section 7,
- b) has been legally convicted of a deliberate crime,
- c) has been legally deprived of legal capacity, or his or her legal capacity has been legally restricted,
- d) has not performed his or her function for more than six consecutive calendar months or
- e) acts in contravention of the statutes of the Council.

(3) Should there occur a situation under subsection 1(a) and (d) or a situation under subsection 2(d), the Chairperson of the Council shall be obliged to notify it to the Speaker of the National Council immediately.

## Section 10 Particulars of Council membership

- (1) A Council member shall be entitled to remuneration for the performance of his or her function. The amount of remuneration shall be determined by the statutes of the Council.
- (2) Travel expenses that a Council member incurs while on Council business, shall be reimbursed in accordance with specific legislation. 15)
- (3) A Council member shall be covered by health insurance, 16) sickness insurance and pension assurance<sup>17)</sup> in the same way as an employee in employment relation. Employment law<sup>18)</sup> shall regulate relations resulting from membership of the Council.

## Section 11 Proceedings of the Council

- (1) The Chairperson of the Council shall coordinate Council activities and act in its name in external relations.
- (2) In the absence of the Chairperson of the Council, the Vice-Chairperson of the Council or another member of the Council authorized by the Chairperson of the Council if the Vice-Chairperson is unavailable shall deputise for the Chairperson in the full extent of the Chairperson's rights and duties.

(3) The Council shall have quorum if at least seven of its members are present at its session, one of whom must be the Chairperson or Vice-Chairperson of the Council. The approval of at least five Council Members is needed for a valid resolution. The Council votes publicly. A secret ballot is used for the election of the Chairperson and the Vice-Chairperson of the Council.

(4) Proceedings of the Council shall be open to the public unless the proceedings concern matters under Parts Eleven or Twelve of this act and proceedings under other specific legislation 18aa). If the Council discusses matters that are protected under other specific legislation, 18a) the Council shall be obliged to take measures to protect such data.

(5) Minutes of sessions of the Council, including voting records must be published on the Council's website within five working days of the end of the session of the Council, except for matters involving information protected under specific legislation and the minutes of proceedings under Parts Eleven and Twelve of this act and minutes of sessions under other specific legislation 18aa).

(6) Final decisions of the Council must be published on the website in a manner that ensures information subject to protection under other specific legislation is not disclosed.

## Section 12

### Provision for the Council's activities

(1) The Council manages its own budget pursuant to other specific legislation,19) and its activity shall be covered by the state budget.

(2) Expenses for Council activity shall be covered by the state budget and Council income shall be state budget income.

(3) The Council shall submit to the Ministry of Finance of the Slovak republic its budget proposal for the following year together with its justification in accordance with specific legislation.19) The Council budget shall be approved by the National Council after previous discussion in the competent committee of the National Council.

## Section 13

### The Office

(1) Tasks providing for the organisational, personnel, administrative and technical needs of Council activity, and the execution of Council decisions, shall be carried out by the Office.

(2) Office activities shall be managed by the Office director, who shall be appointed and recalled by the Council.

(3) The Office director shall act as head of office in relation to employees of the Council.

(4) The labour-law relations of Council employees and their pay shall be regulated by other specific legislation. 20)

(5) Detailed regulations for the activities of the Office shall be laid down in the Office's organisational rules, which shall be approved by the Council.

Section 14  
Cooperation of state administration bodies with Council

Ministries, other central state administration bodies and other state administration bodies shall cooperate with the Council on issues relating to broadcasting, retransmission and the provision of on-demand audiovisual media services and provide necessary cooperation in the extent specified by other specific legislation.<sup>21)</sup>

Section 14a  
Complaints

(1) A complaint about a breach of the act can be submitted to the Council in writing, by fax or by electronic means.

(2) The complaint must make clear in what way the act was breached. If the complaint relates to a breach of the act by the broadcasting or provision of a programme, a part of a programme service or a part of an on-demand audiovisual media service, the complaint must include the date and approximate time of broadcast or provision of the programme, part of a programme service or part of on-demand audiovisual media service and the name of the programme service or on-demand audiovisual media service in which the breach of the act is claimed to have taken place.

(3) The Office shall register delivered complaints in a separate record. The record shall contain

a) the date of delivery of the complaint,

b) the name, surname and address of the complainant if the complainant is a natural person, or the business name and the seat of the complainant if the complainant is a legal entity,

c) the object of the complaint,

d) who the complaint is made against,

e) the result of investigation of the complaint.

(4) The Council shall notify the complainant of registration of the complaint, always using the same form as that in which the complaint was delivered. Registration of an anonymous complaint is not notified to the complainant.

(5) For the purpose of this act, an anonymous complaint is a complaint that does not include the name, surname and address of the complainant if the complainant is a natural person, or the business name and the seat of the complainant if the complainant is a legal entity. The Council shall not be obliged to take action in response to anonymous complaint.

(6) The identity of a complainant shall not be made public.

(7) If the object of a complaint is identical with the object of a previously recorded complaint, the later complaint shall be filed with the previously recorded complaint and a note of this shall be made in the records. The later complaint shall not be dealt with separately.

(8) The Council shall familiarise itself with the content of each complaint and discuss the complaint in a session no later than 90 days after delivery of the complaint.

(9) If a complaint contains facts indicating a violation of this act, the Council shall begin administrative proceedings in the matter. The Council shall inform the complainant of the results of the administrative proceedings.

(10) If the complaint does not contain facts indicating a violation of this act, the Council shall find the complaint to be unjustified and notify the complainant of this.

(11) If the complaint does not include data required under subsection (2) or cannot be examined for other reasons, the Council shall notify the complainant of this.

(12) The procedure for dealing with complaints about breaches of this act shall not be governed by general legislation on complaints.21a)

(13) Personal data obtained under the above subsections shall be subject to personal data protection in accordance with the specific act.21b)

**PART THREE**  
**BASIC RIGHTS AND DUTIES OF BROADCASTERS, RETRANSMISSION**  
**OPERATORS AND PROVIDERS OF ON – DEMAND AUDIOVISUAL MEDIA**  
**SERVICES**

**Section 15**  
**Content of programmes and freedom of reception**

(1) A broadcaster shall broadcast programmes freely and independently. Intervention in programme content shall have a legal basis and must not exceed the limits laid down by law.

(2) A retransmission operator shall perform retransmission of programme services freely and independently. Restriction of retransmission of programme services shall have a legal basis and must not exceed the limits laid down by law.

(3) The provider of on-demand audiovisual media service shall provide an on-demand audiovisual media service freely and independently. Intervention in its content shall have a legal basis and must not exceed the limits laid down by law.

**Section 15a**

(1) Broadcasting without a licence shall be prohibited; this shall not apply to the analogue broadcasting of persons falling under Section 2(3) and (4), the analogue broadcasting of a public service broadcaster and internet broadcasting.

(2) The provision of retransmission without registration under this act shall be prohibited, except as stipulated otherwise in this act or other specific legislation.21c)



## Section 15b The right to information

Public authorities, their budgeted and subsidised organisations and legal entities established by law shall have the duty to provide a broadcaster with information on their activities on an equal basis for the purpose of truthful, timely and balanced informing of the public without prejudice to requirements established by other specific legislation.21d)

## Section 15c Protection of the source and the content of information

(1) A broadcaster must not disclose the source of information obtained for publication in news or current affairs programmes and the content of such information that would permit identification of the source, if the natural person that provided the information so requests, or whose disclosure would prejudice the rights of third parties; documents, printed material and other data carrier, in particular visual recordings, sound recordings and audiovisual recordings, from which the natural person that provided the information could be identified must be handled in a way that ensures the identity of the information source is not revealed.

(2) A broadcaster may only be freed from a duty under subsection (1) by the consent of the natural person that provided the information. After the death of the person in question, the right to give consent shall pass to closely related persons;6) consent shall be invalid if one closely related person makes a written statement refusing consent. If there are no closely related persons, the duty under subsection (1) shall expire.

(3) The duty under subsection (1) shall also apply to the broadcaster's employee; the duty shall expire if the duty under subsection (1) expired for the broadcaster. The duty under subsection (1) shall be applicable with the same conditions to another person that provides information under subsection (1) to a broadcaster under a civil or commercial contract for the professional provision of information under subsection (1) to the broadcaster.

(4) The non-disclosure duty shall not apply to cases where there is a legal duty to prevent a crime.

(5) The provisions of subsections (1) and (2) shall not apply to the broadcaster's notification duty in connection with promotion under specific legislation.21e)

## Section 16 Basic duties of broadcaster and provider of on-demand audiovisual media service

(1) Broadcaster and provider of on-demand audiovisual media service shall have the duty to ensure easy, direct and permanent public access to the following information:

- a) the name, business name or name and surname of the broadcaster or the provider of on-demand audiovisual media service,
- b) the address of the seat, business establishment or residence of the broadcaster or the provider of on-demand audiovisual media service,

c) a telephone number, e-mail address or website.

(2) Broadcaster and provider of on-demand audiovisual media service provider shall have the duty

a) to suspend the broadcast or provision of a programme or part thereof in accordance with a decision of the Council,

b) to broadcast or provide audiovisual works only at the times and subject to the conditions agreed with the owners of the rights to such works,

c) to ensure that programmes and other parts of a programme service and on-demand audiovisual media service broadcast and provided during an election campaign comply with specific legislation. 22)

(3) Broadcaster shall have following duties:

a) to ensure universality of information and plurality of opinion within a broadcast programme service,

b) to ensure objectivity and impartiality of news programmes and political affairs programmes; opinions and evaluating commentaries must be separated from information of a news character,

c) to commence broadcasting within 360 days after the decision granting a licence came into force except for a broadcaster granted a licence under other specific legislation; 26a) if broadcasting was stopped due to licence revocation proceedings and these proceedings was terminated the broadcaster shall have the same period to recommence broadcasting,

d) to broadcast in accordance with the granted licence,

e) to ensure using of the state language, the languages of national minorities and foreign languages in the broadcasting of programmes and other parts of a programme service is in accordance with other specific legislation; 26)

f) to announce, while broadcasting a radio programme service, the programme service at least once per hour by means of a distinctive sound signal, provided that this does not interrupt the integrity of a programme,

g) if broadcasting a television programme service, to continuously identify the programme service on screen by means of a distinctive pictorial symbol (logo), except when broadcasting advertising and teleshopping,

h) to record the performance of activity covered by this act as the subject of activity in the Business Register; he shall be obliged to submit a proposition to record the activity no more than 60 days after the decision granting a licence came into force,

i) to ensure that a programme broadcast by a television programme service is not interrupted, except in cases permitted by this act; a programme can be interrupted to broadcast an extraordinary news report,

j) when there is an urgent public interest, to provide free of charge at the request of state authorities broadcasting time necessary to broadcast an important and urgent message, instruction or decision pursuant to other specific legislation 23) or to broadcast civil protection information<sup>24)</sup> at a time that minimises the risk resulting from delay and to guarantee their broadcasting with subtitles or by the interpreting into the deaf sign language,

k) to broadcast a notice of a breach of the act or other act of general application (hereinafter only a “notice of breach of the act”) and granted licence in a proportionate extent, form and at a reasonable time as determined by the Council,

l) to preserve continuous records of broadcasting for 45 days after their broadcasting with a corresponding level of quality; the broadcaster shall provide recordings of broadcast within 15 days from the deliverance of the Council’s request to provide recordings of broadcast, on the customary technical media, whose type shall be set by the Council in the licence upon agreement with the broadcaster,

m) to keep statistics on programmes broadcast in a television programme service including an evaluation of the share of each programme type, the share of public interest programmes, the share of programmes with multimodal access, the share of European productions and the share of European independent productions including evaluation of the share of recent works; a broadcaster shall deliver the programme service statistics for each calendar month to the Council within 15 days of the end of the calendar month concerned, unless the broadcaster is an internet broadcaster or a broadcaster with a licence granted under this act for broadcasting other than terrestrial broadcasting, in which case statistics must be delivered within 15 days of delivery of the Council’s request for such statistics.

n) to ensure that the audio component of his programme service is in accordance with technical requirements laid down in an act of general application which will be published by the Ministry of Culture.

o) to keep statistics on programmes broadcast in a radio programme service including an evaluation of the share of Slovak musical works; a broadcaster shall deliver the programme service statistics for each calendar month to the Council within 15 days of the end of the calendar month concerned, unless the broadcaster is a broadcaster with a licence granted under this act for broadcasting other than terrestrial broadcasting, in which case statistics must be delivered within 15 days of delivery of the Council’s request for such statistics. The broadcaster of a radio programme service according to Section 28d is excluded from this duty.

(4) The provider of on-demand audiovisual media service shall have the duty to keep statistics on the share of European works on the total time of all programmes offered in the catalogue of programmes per calendar month.

(5) The provisions of subsection 3(a) to (e), (h), (l) and (n) shall not apply to internet broadcasting.

## Section 17

### Basic duties of retransmission operator

(1) A retransmission operator shall have the following duties:

a) to ensure, while occupying channels in a telecommunication network or on telecommunication facility, that the basic programme package includes the programme services of a public service broadcaster and licensed broadcasters that can be received by standard receiving equipment at the location of reception on telecommunication equipment, free of charge to either side; such reception shall not be deemed to include the reception of coded programme services and programme services reception of which requires a special receiver besides a standard radio or television receiver, nor the reception of digital broadcasts of a programme service other than programme services of a public service broadcaster that is not monothematic programme service,26b)

b) to ensure, while occupying channels in a telecommunication network or on telecommunication facility, that the basic programme package includes, free of charge, the programme service of a broadcaster licensed for local digital broadcasting of a television programme service, for which public capacity was reserved in the local multiplex available at the place of reception pursuant to specific legislation,26c) if the broadcaster agrees with such inclusion; and if such inclusion is not possible, the operator shall be obliged to ensure that the channels in a telecommunication network or on telecommunication facility include one channel reserved for local broadcasting free of charge available to the public in the basic programme package; on this programme service advertising and teleshopping cannot be broadcast without the retransmission operator's consent; if public capacity in the local multiplex available at the place of reception was reserved under other specific legislation26c) for multiple programme services free of charge, or for multiple programme services, for none of which public capacity was reserved free of charge, the retransmission operator may decide which of them to include in the basic programme package, otherwise the operator shall include in the basic programme package the programme service for which public capacity in the local multiplex available at the place of reception was reserved free of charge under other specific legislation,26c)

c) to provide retransmission of a programme service only with the consent of the original broadcaster of the service,

d) to ensure that in buildings where a public telecommunication network is installed, the capacity to receive programme services in their previous scope is not impaired for residents that are not users of the network concerned insofar as no action shall be taken in the installation and operation of the public telecommunication network that could impair reception of the above programme services,

e) to conclude a standard contract27) with every user,

h) to register activity performed under this act as a business activity in the Business Register; he shall be obliged to submit a proposition to record the activity no more than 60 days after the decision on registration of retransmission came into force,

g) to commence the retransmission no later than 360 days after the decision on registration of retransmission came into force,

h) to operate retransmission in accordance with the registration of retransmission,

i) to provide retransmission of a programme service including multimodal access to programme service within the scope of the consent according to letter c).

(2) Duties under subsection (1) shall not apply to an operator of retransmission without registration pursuant to Section 56(4)(a), (b), (d) or (e). Duties under subsection (1)(f) to (h) shall not apply to an operator of retransmission without registration pursuant to Section 56(4)(c). Duties under subsection (1)(a) and (b) shall apply only to an operator of cable retransmission.

(3) The Council may decide, in accordance with the principles of transparency and proportionality, on a request of a retransmission operator for a full or partial exemption from the duty laid down in subsection (1)(a) if it finds that

a) a significant proportion of the users of the telecommunication network do not use this telecommunication network as their main means for receiving radio or television programme services, or

b) full or partial fulfilment of this duty is not necessary to ensure public access to information, in particular to public interest programmes, events of major importance to society and short news reports, and to broadcasts of the programme services of a public service broadcaster.

(4) The Council shall make a decision under subsection (3) in particular if

a) the total number of users is insignificant in comparison with the number of households using other methods of reception in the geographical area concerned or

b) the extent of the retransmission of programme services under subsection (1)(a) is disproportionate to the capacity of the telecommunication network through which retransmission is delivered to users.

(5) If the Council decides pursuant to subsection (4) that the duty under subsection (1)(a) shall be applicable to a retransmission operator only in part, it must include in its decision a list of the programme services that the duty applies to.

(6) The Council shall cancel an exemption under subsection (4) should the reasons for which the exemption was granted cease to apply.

(7) An applicant may submit an appeal to the Supreme Court of the Slovak Republic (hereinafter only “the Supreme Court”) against a decision of the Council rejecting an application for an exemption or a decision that does not grant the full extent of a requested exemption or a decision cancelling an exemption, within 15 days after the delivery of the Council decision.<sup>41)</sup>

(8) Duty under subsection (1)(i) shall not apply to provision of multimodal access to end user, if it is not technically possible due to technical equipment, provided by retransmission operator to the end user for reception of the programme service. Based on written request from the end user the retransmission operator is obliged to provide them the technical equipment that would enable the retransmission of programme service including the multimodal access, within the 30 days from the receiving of the request. Such technical

equipment shall be provided to the end user by the retransmission operator under the same conditions as previous technical equipment was provided.

PART FOUR  
SPECIAL DUTIES OF BROADCASTER AND PROVIDER OF ON-DEMAND  
AUDIOVISUAL MEDIA SERVICE WHEN BROADCASTING AND PROVIDING  
PUBLIC INTEREST PROGRAMMES AND WHEN PROVIDING MULTIMODAL  
ACCESS TO PROGRAMME SERVICE AND ON-DEMAND AUDIOVISUAL MEDIA  
SERVICE

Section 18  
Special duties of public service broadcaster

(1) A public service broadcaster shall have the duty to provide a diverse range of programmes, the majority of which shall be public interest programmes, in each of its programme service.

(2) A public service broadcaster shall have the duty to ensure multimodal access to its television programme service, such that in every television programme service that it broadcasts digitally, are at least

- a) 50% of all programmes broadcast accompanied by subtitles for hearing-impaired persons,
- b) 3% of all broadcast programmes accompanied by translation into deaf sign language or broadcast in deaf sign language.
- c) 20% of all broadcast programmes accompanied by a voice commentary for the blind.

Section 18a  
Special duties of licensed broadcaster

A licensed broadcaster shall have the duty to ensure multimodal access to its programme service such that in every television programme service that it broadcasts digitally, are at least

- a) 10% of all broadcast programmes accompanied by subtitles for hearing-impaired persons or by translation into deaf sign language or broadcast in deaf sign language,
- b) 3% of all broadcast programmes accompanied by a voice commentary for the blind.

Section 18aa  
Subtitles for hearing-impaired persons

(1) Subtitles for hearing-impaired persons are pictorially captured text in Slovak language, that

- a) is synchronized with sound track of an audiovisual work or a programme,
- b) captures the speech in an audiovisual work or in a programme in a way, that enables the hearing-impaired persons to understand their contents and

c) is in accordance with the requirements laid down in an act of general application which will be published by the Ministry of Culture pursuant to subsection (2).

(2) Generally binding regulation, that the Ministry of Culture will publish, will lay down the requirements that the subtitles for hearing-impaired persons accompanying audiovisual works, programmes of television programme service and programmes of on-demand audiovisual medial service must satisfy.

#### Section 18b

Special duties of broadcaster and provider of on-demand audiovisual media service regarding the identification of programmes with multimodal access

(1) A broadcaster and the provider of on-demand audiovisual media service shall have the duty to clearly identify all programmes that are accompanied by subtitles for hearing-impaired persons, voice commentary for the blind or that are translated into sign language for the deaf or broadcast or provided in sign language for the deaf and to notify the Council of a method of identification of such programmes.

(2) A broadcaster shall have the duty to apply labelling pursuant to subsection (1) during programme broadcasts, in announcements of the broadcast of such programmes, the broadcaster's own programme guide and in the schedule of programmes that it provides for publication in the periodical press and other mass communications media.

(3) The provider of on-demand audiovisual media service shall have the duty to apply labelling pursuant to subsection (1) in its programme catalogue.

#### Section 18c

(1) For the purposes of Section 18 and 18a, share of programmes shall be determined as the share of broadcasting time to the total programme broadcasting time per calendar month.

(2) Total broadcasting time pursuant to subsection (1) shall not include the broadcasting time of

a) music programmes and programmes in which music is a major component,

b) ancillary broadcasting by which the broadcast of a programme is interrupted.

(3) The provisions of Section 18 to 18b shall not apply to local broadcasting and to broadcasting abroad.

#### Section 18d

(1) Broadcaster shall be obliged, on request, to provide the Council with the information needed for checking up compliance with the duties laid down in Sections 18 and 18a, which is

a) data on the percentage, number and duration of broadcast programmes accompanied by subtitles for hearing-impaired persons, voice commentary for the blind or that are translated into sign language for the deaf or broadcast in sign language for the deaf,

b) a list of broadcast programmes accompanied by subtitles for hearing-impaired persons, voice commentary for the blind or that are translated into sign language for the deaf or broadcast in sign language for the deaf including the date and time of their broadcast on the programme service.

(2) For checking up compliance with the duties laid down in Section 18b, the provider of on-demand audiovisual media service shall be obliged, on request, to provide the Council with the list of provided programmes accompanied by subtitles for hearing-impaired persons, voice commentary for the blind or that are translated into sign language for the deaf or provided in sign language for the deaf including the date and time of their inclusion within the provided on-demand audiovisual media service.

(3) Broadcaster and the provider of on-demand audiovisual media service shall be obliged to provide the Council with the data under subsections (1) and (2) within 15 days after the delivery date of the Council's request for providing the data.

## PART FIVE PROTECTION OF HUMAN DIGNITY AND HUMANITY, MINORS AND RIGHT OF CORRECTION

### Section 19 Protection of human dignity and humanity

(1) No on-demand audiovisual media service or programme service nor any part thereof shall

a) prejudice the human dignity and the basic rights and freedoms of others through the form of its processing or content,

b) promote violence nor in a hidden or open form instigate hatred, denigrate or defame on the basis of gender, race, skin colour, language, faith and religion, political or other opinion, national or social origin, membership in a national or ethnic group,

c) promote war or describe cruel or other inhumane behaviour by means which inappropriately trivialize, excuse or approve of it,

d) depict without justification scenes of actual violence where an actual process of dying is emphasized in an inappropriate form, or depict persons subjected to physical or psychic suffering in a way which can be considered an encroachment on human dignity; this prohibition shall remain applicable even when the persons have given consent to such depiction,

e) in an open or hidden form propagate alcoholism, smoking, use of narcotic substances, poisons and precursors or trivialize the effects of using the above substances,

f) depict in improper manner minors subjected to physical or psychic suffering,

g) depict child pornography or pornography containing pathological sexual practices.

(2) A trailer for a programme on a television programme service must not contain extracts from a work showing scenes of violence and sexual intercourse, the devastation of the



environment or pictures that could be considered hidden propagation of alcoholism, smoking and the using of narcotics, poisons and precursors.

## Section 20 Protection of minors

(1) A broadcaster shall be obliged to ensure not to broadcast the programmes or other elements of the programme service which could impair the physical, mental or moral development of minors especially such as containing pornography or coarse, unjustified violence.

(2) The provider of on-demand audiovisual media service shall ensure that an on-demand audiovisual media service and any parts thereof that could impair the physical, mental or moral development of minors, in particular those containing pornography or coarse, unjustified violence, shall be made available only in a way that ensures that minors cannot see or hear such on-demand audiovisual media service or such parts thereof under normal circumstances.

(3) In order to protect minors, the broadcaster of a television programme service and the provider of on-demand audiovisual media service shall have the duty to establish and apply a unified labelling system for the protection of minors based on age-suitability classification of programmes, set up in accordance with specific legislation<sup>28a</sup>) (hereinafter only “the unified labelling system”).

(4) The broadcaster of a programme service shall be obliged to take into account the age suitability of programmes and other parts of the programme service in relation to minors and to ensure that they are scheduled in accordance with the terms of specific legislation.<sup>28a</sup>)

(5) The broadcaster of a programme service shall be obliged to apply the unified labelling system in its programme guide and in the schedule of programmes that it provides for publication in the periodical press and other mass communications media; the broadcaster of a television programme service shall be obliged to apply the unified labelling system also in its own broadcasting.

(6) Details of the performance of duties under subsections (4) and (5) shall be set by the unified labelling system.

(7) The provisions of subsections (3) to (5) shall not apply to local broadcasting of a programme service if it is not part of a programme network.

(8) The depiction of unjustified violence for the purposes of this act shall mean the dissemination of news, verbal expressions or images where violent content is unnecessarily highlighted in relation to the context of these news, verbal expressions or images.

## Section 21 Right of correction

(1) If a broadcast was made that included false or distorted information concerning a legal entity or a natural person, that permits the precise identification of the legal entity or natural person, the legal entity or natural person, regardless of their nationality or place of permanent

or long-term residence, shall have the right to require the broadcasting of a correction free of charge. The broadcaster shall be obliged to issue a public correction at the request of the person concerned.

(2) After the death of an entitled natural person, the right of correction according to subsection (1) shall belong to its closely related persons.<sup>6)</sup>

(3) A request for the broadcasting of a correction must be submitted in written form and delivered to the broadcaster no more than 30 days after the broadcast date of the contested facts, otherwise the right to a published correction shall expire.

(4) The request for the broadcasting of a correction must clearly specify in what way the contested facts were false or distorted the truth; the request shall include proposed wording of the correction.

(5) A broadcaster shall be obliged to broadcast a correction in the same programme where the contested facts were published, or in broadcasting time of equal value, and this in a way that the correction is in form and content proportionate to the broadcast of the contested facts.

(6) A broadcaster shall be obliged to broadcast the correction free of charge, expressly identifying it as a “correction” and including the name and surname of the natural person or the name of the legal entity that requested the broadcasting of the correction.

(7) A broadcaster shall be obliged to broadcast a correction within 8 days of the delivery date of the request for broadcasting of a correction.

(8) A legal entity or natural person whose broadcasting licence has expired shall be obliged to ensure at their own expenses the broadcasting of the correction by another broadcaster with the same territorial coverage of broadcasting as had the broadcaster who broadcast the contested fact under the conditions stipulated by this act.

(9) A broadcaster shall not be obliged to broadcast a correction if

a) broadcasting of the proposed text would constitute a crime, a contravention or another administrative offense, or the broadcasting of the proposed text would be contrary to good morals,

b) broadcasting of the proposed statement would infringe the rights and legally protected interests of a third party,

c) the broadcaster broadcast a correction on their own initiative before the delivery of the request for broadcasting of a correction, and the broadcast correction fulfilled the terms of this act,

d) he can prove the truthfulness of the information for which correction is requested.

(10) If a broadcaster does not broadcast the correction at all or does not fulfil the conditions under subsections (5) to (8), a court shall decide on the duty to broadcast the correction at the request of the complainant.

(11) If the complainant does not submit a request under subsection (10) within 15 days of the expiry of the deadline under subsection (7), the right to broadcast a correction shall expire.

## PART SIX

### EUROPEAN WORKS AND INDEPENDENT PRODUCTION IN BROADCASTING OF TELEVISION PROGRAMME SERVICE AND IN ON-DEMAND AUDIOVISUAL MEDIA SERVICE AND SLOVAK MUSICAL WORKS IN BROADCASTING OF RADIO PROGRAMME SERVICE

#### Section 22 European work

(1) For the purposes of this act, “European work” means work originating from

- a) one of the Member States of the European Union,
- b) one of the European states which is a contracting party to the European Convention on Transfrontier Television,<sup>8)</sup> if there are in this State no discriminatory measures against work under (a) and the work fulfils the conditions under subsection (2),
- c) a co-production within the framework of agreements related to the audiovisual sector concluded between the Union and third countries that fulfil the conditions defined in each of those agreements, if such third countries do not have discriminatory measures against works under (a).

(2) The work referred to in subsection (1)(a) and (b) shall specifically be work made by authors and employees residing in or having a long term residence in one or more Member States of the European Union or in one or more states which are contracting parties to the European Convention on Transfrontier Television <sup>8)</sup> that satisfies the following conditions:

- a) it is made by one or more producers whose headquarters, business establishment or residence is in one or more of these states, or
- b) production of the work is controlled by one or more producers with headquarters, a business establishment or residence in one or more of these states, or
- c) the contribution of co-producers of these states in the total co-production costs is preponderant and the co-production is not controlled by one or more producers with a headquarters, business establishment or residence outside of these states.

(3) European work is also work, made within the framework of bilateral co-production treaties concluded between the Member States of European Union and third states, if the co-producers from the Member States of European Union remunerate most of the total costs of the production, and their production is not controlled by one or more producers having their headquarters, business establishment or residence outside the territory of the Member States of European Union.

#### Section 23 European works in the broadcasting of a television programme service

(1) A broadcaster shall reserve a majority share of broadcasting time per calendar month for European works, which shall be calculated for each television programme service individually; for the purposes of calculating the share of total broadcasting time, broadcasting time dedicated to news, sporting events, entertainment programmes, teletext services, ancillary broadcasting including advertising and teleshopping shall not be taken into account.

(2) The Council can set in the license a smaller share of European works in broadcasting than specified in subsection (1), for a broadcaster who has been granted a license for the first time and for a broadcaster of monothematic programme service; with regard to the financial situation of the broadcaster and availability of European works the Council can determine an increase of this share during the validity of the license.

#### Section 24 Independent production

An independent production is a programme made by an independent producer (28b) for the purpose of presentation in broadcasting. For the purposes of this act a programme produced by an independent producer shall be deemed a programme on production of which an independent producer participated with at least 51 % share of the whole costs of its production. A programme shall not be deemed an independent production if it is based on a principle of direct contact with the spectator inseparable from the broadcasting itself, particularly news, live broadcast of sporting events, entertainment programmes, advertising, teletext and teleshopping.

#### Section 25 Independent production in broadcasts of a television programme service

(1) A licensed broadcaster and internet broadcaster shall be obliged to reserve at least 10% of total broadcasting time per calendar quarter for European works created by producers independent of broadcasters and a public service broadcaster shall be obliged to ensure that European independent production represents at least 15% of total broadcasting time per calendar month on each programme service. For the purpose of calculation, the total broadcasting time excludes the time dedicated to news, sporting events, entertainment programmes, ancillary broadcasting including advertising, teletext and teleshopping.

(2) The broadcaster shall be obliged to ensure that from the broadcasting time reserved for European works produced by independent producers at least 10% were made up of recent works; a recent work shall be defined as a broadcast work produced within the previous five years.

(3) The condition specified in subsection (1) shall also be considered to be fulfilled if, during a calendar quarter, a licensed broadcaster or internet broadcaster has allocated at least 10%, and in the case of a public service broadcaster at least 15% of the programme budget for television broadcasting, including costs for the purchase and production of programmes, for European works created by independent producers.

#### Section 26 Restrictions on independent producers

Cross ownership between the broadcaster of a television programme service and the independent producer shall be prohibited.

#### Section 27

##### Information duties of the broadcaster of a television programme service

(1) The television programme service broadcaster shall be obliged, on request, to provide the Council with the information needed for checking up compliance with the duties laid down in Sections 22 to 26, which is:

a) data on the percentage, number and duration of European works broadcast, their identification and identification of their producers,

b) data on the percentage, number and duration of broadcast European works made by independent producers including identification of these works and their producers or documentation on spending from the programme budget for production or purchase of European works made by independent producers including identification of the producers,

c) a list of broadcast European works made by independent producers, including the date of their creation.

(2) Broadcaster shall be obliged to provide the Council with the data under subsection (1) within 15 calendar days after the delivery date of the Council's request for providing the data under subsection (1).

#### Section 27a

##### European works in on-demand audiovisual media service

(1) The provider of on-demand audiovisual media service shall be obliged to reserve at least 20 % of total time of programmes offered in the catalogue of programmes per calendar month to European works, for each on-demand audiovisual media service individually; for the purpose of the calculation of total time the news, sporting events and games shall be excluded.

(2) The Council may decide, taking into account the economic situation of the provider of on-demand audiovisual media service, availability of European works or focus of this on-demand audiovisual media service, to determine for the provider of on-demand audiovisual media service, on his written request, a smaller proportion of European works on total broadcasting time of the programmes offered in the catalogue of programmes per calendar month than the proportion under subsection (1); if the circumstances on the basis of which the proportion of European works on the total time of programmes offered in catalogue of programmes per calendar month have been changed the Council may increase this proportion again.

(3) The provider of an on-demand audiovisual media service shall be obliged, on request, to provide the Council with

a) statistics under Section 16(4),

b) a list of information on European works that are included in the on-demand audiovisual media service of the provider, including information on the number and time range of titles

that are European works, their identification and the identification of their producers and information on other measures taken to promote European works.

(4) The provider of on-demand audiovisual media service shall be obliged to provide the Council with the statistics and information under subsection (3) within 15 days after the delivery of the request of the Council to provide statistics or information under subsection (3).

#### Section 28

(1) The provisions of Sections 22 to 27 shall not apply to local broadcasting of a television programme service which is not part of a programme network, and to broadcasting of a programme service where the determination of the share of European works and independent productions is completely excluded due to its orientation.

(2) The provisions of Section 27a shall not apply to on-demand audiovisual media services in which the determination of certain share of European works is completely excluded by the focus of on-demand audiovisual media service.

#### Section 28a

##### Slovak musical work

For the purposes of this act Slovak musical work is a musical work, of which at least one music author or at least one text author is or used to be Slovak resident, or a musical work with Slovak lyrics.

#### Section 28b

(1) A licensed broadcaster shall be obliged to reserve at least 25% of broadcasting time of musical works per calendar month for Slovak musical works and a public service broadcaster shall be obliged to reserve at least 35% of broadcasting time of musical works per calendar month for Slovak musical works, and such for each radio programme service of such broadcaster individually.

(2) For the purpose of calculation the share pursuant to subsection (1), the broadcasting time of musical works per calendar month is the total time of broadcasting of musical works in radio programme service broadcasting per calendar month.

(3) To the share pursuant to subsection (1) are calculated only Slovak musical works broadcast between 6.00 a.m. and 12.00 a.m., that are not ancillary broadcasting and are not majorly accompanied by spoken word.

(4) From the time reserved for Slovak musical works pursuant to subsection (1) a broadcaster is obliged to reserve at least 20% for the broadcasting of recent Slovak musical works; a recent Slovak musical work shall be defined as a musical work produced within the previous five years.

#### Section 28c

##### Information duty of radio programme service broadcaster

(1) The radio programme service broadcaster shall be obliged, on request, to provide the Council with the information needed for checking up compliance with the duties laid down in Section 28b, which is:

a) data concerning the time duration of broadcast musical works,

b) data on the percentage, number and time duration of broadcast Slovak musical works,

c) list of broadcast Slovak musical works with the day and time of their broadcasting within the programme service, the day of their first public release, information that it is the musical work with Slovak lyrics or in case that musical works are without lyrics and musical works lyrics of which are not in Slovak language, the identification of the music author, lyrics author or executive artist, based on which is musical work considered to be Slovak musical work.

(2) Broadcaster shall be obliged to provide the Council with the data under subsection (1) within 15 calendar days after the delivery date of the Council's request for providing the data under subsection (1).

#### Section 28d

(1) The provisions of Sections 28b and 28c shall not apply to broadcasting of a radio programme service, if the Council decided that to define the share of Slovak musical works is by the focus of programme service totally excluded.

(2) The provision of Section 28 (4) and the duty to add information of first public release of Slovak musical works laid down in Section 28c(1)(c) shall not apply to broadcasting of a radio programme service, if the Council decided that to define the share of recent Slovak musical works is by the focus of programme service totally excluded.

### PART SEVEN ACCESS OF THE PUBLIC TO INFORMATION IN BROADCASTING OF TELEVISION PROGRAMME SERVICE

#### Section 29

##### Access of the public to information

Exercise of a broadcaster's exclusive rights to live broadcast or delayed broadcast of political, social, cultural or sporting events must not restrict the access of the public to information on those events.

#### Section 30

##### The right to short news reports

(1) The broadcaster of a television programme service can for the purpose of news reporting produce and transmit recorded extracts from an event attracting increased public attention for which another broadcaster has exclusive broadcasting rights.

(2) The broadcaster that has exclusive rights to broadcast an event attracting increased public attention shall be obliged to make it possible to record extracts from their signal for the purpose of creating record specified in subsection (1) on a fair, proportionate and non-

discriminatory basis and to request only reimbursement of costs reasonably incurred for this purpose.

(3) Extracts under subsection (1)

a) can be broadcast solely in a regularly broadcast news programme, that is broadcast in the same form at times other than during the occurrence of the event attracting increased public attention,

b) broadcasting time must not overrun a time limit of 90 seconds,

c) must not be broadcast before the broadcaster with exclusive rights to broadcast the event attracting increased public attention can broadcast or present information about this event in their news programme,

d) must be broadcast with identification of the source that has exclusive rights to broadcast the event attracting increased public attention.

(4) An extract under subsection (1) can be rebroadcast not later than twenty-four hours after the first broadcast of the extract and only in a news programme. After this period the extract can be used again only if its content is directly connected with another important event that is the topic of a news report.

(5) If the event attracting increased public attention consists of several independent parts, each part shall be considered to be an event for the purpose of subsection (1). If the event attracting increased public attention takes place two or more days, at least one day shall be considered to be a separate part.

(6) A broadcaster of a television programme service, who records an extract from an event attracting increased public interest for the use in a news programme, shall be obliged to reimburse relevant costs that incurred by the organizer of the event resulting from arranging the equipment and services for this activity.

(7) A broadcaster that has broadcast an extract pursuant to subsection (3) in a news programme may provide this programme in an unchanged form through on-demand audiovisual media service for which they bear editorial responsibility.

(8) If a broadcaster with a seat, business establishment or residence in the Slovak Republic acquires exclusive rights to broadcast an event attracting increased public attention, a broadcaster with a seat, business establishment or residence in the Slovak Republic that wishes to exercise the right to make an extract under subsection (1) shall be obliged to exercise this right preferentially at this rights-holding broadcaster.

### Section 31

#### Public access to major events

(1) A major event is a political, social, cultural or sporting event that meets at least two of the following criteria:



- a) its outcome has a special and universal resonance and is a matter of interest also to that part of the public which usually does not follow events of this kind,
- b) it has unique cultural importance for the population and uniquely expresses elements of their cultural identity,
- c) it is an important international event and a national team is involved,
- d) repealed from 15.12.2009.

(2) Public access to major events through broadcasts of a television programme service shall be safeguarded by the Council in co-operation with the Ministry of Culture and Ministry of Education of the Slovak Republic, right holders and broadcasters by the preparation of a list of such events. The Council shall publish this list of events, after its approval by the Commission, on its website and on the official information board in its head office, and deliver it to broadcasters concerned.

(3) The Council shall prepare a list of all broadcasters in which broadcasters are classified according to the individual elements, character or technical parameters of their broadcasts into the following groups

- a) broadcasters whose broadcasts are accessible for more than 80% of the population without the payment of special fees or
- b) broadcasters to which public access is limited.

(4) The Council determines a broadcaster's classification under subsection (3) in the licence granted to the broadcaster.

(5) A broadcaster falling under subsection (3)(b) who acquires exclusive right to broadcast an important event shall be obliged to enable a substantial proportion of the public to watch these events free of special fees through the broadcaster under subsection (3)(a) on fair, reasonable and non-discriminatory market conditions by means that will be determined by the Council in the list pursuant to subsection (2); for the purpose of this act a substantial proportion of the public is deemed to be more than 80% of the population.

(6) A broadcaster falling under subsection (3)(b) who acquires exclusive right to broadcast a major event shall, in particular, be obliged to inform all broadcasters falling under subsection (3)(a) of the possibility to broadcast a major event. This information must be provided sufficiently in advance of the event and must include information on the event, in particular the place and time of the event and the price that the broadcaster requires.

(7) A broadcaster falling under subsection (3)(b) that acquires exclusive right to broadcast a major event shall be entitled to broadcast this event only after concluding an agreement to provide public access to the major event in accordance with subsection (5) with at least one broadcaster falling under subsection (3)(a) or if none of the broadcasters falling under subsection (3)(a) submit, within 14 days after delivery of an information pursuant to subsection (6), a written request to broadcast the event under the terms set in the information on the possibility to broadcast the major event set pursuant to subsection (6). If such a written request to broadcast a major event is submitted by more than one broadcaster, the broadcaster

that obtained exclusive right to broadcast the major event shall be obliged to allow at least one of them to broadcast the event.

(8) The list of events that have been declared by a Member State of the European Union or by a Member State of the Council of Europe to be of major importance and which has been published in the Official Journal of the European Communities or in the information bulletin of The Council of Europe, shall be published by the Council on its website, on its official information board in its head office and delivered to broadcasters concerned.

(9) If the broadcaster of a television programme service acquires the rights to broadcast the events that are on the list of events of major importance in one of the Member States of the Council of Europe or Member States of the European Union, he shall be obliged to exercise them in accordance with the rules and regulations of that Member State and in a way which does not deprive a substantial part of the public of that Member State of following them via live coverage or delayed coverage.

## PART EIGHT MEDIA COMMERCIAL COMMUNICATION

### Section 31a Media commercial communication

(1) For the purposes of this act, media commercial communication shall mean information in sound, pictures or audiovisual presentation designed to promote, directly or indirectly, the goods, services or reputation of a natural person or legal entity pursuing an economic activity and which

a) is provided as a part of a programme or accompanies a programme in return for payment or for similar consideration or for self-promotional purposes or

b) is a programme service intended exclusively for advertising and teleshopping or a programme service intended exclusively for self-promotion.

(2) Media commercial communication includes particularly advertising, teleshopping, sponsorship, product placement, programme service intended exclusively for advertising and teleshopping, programme service intended exclusively for self-promotion and longer advertising messages under Section 35(8).

(3) Surreptitious media commercial communication is information in sound, pictures or audiovisual presentation promoting, directly or indirectly, the goods, services, a trade mark, business name or activities of a natural person or legal entity pursuing an economic activity that a broadcaster or a provider of on-demand audiovisual media services intentionally includes in a programme for a promotional purposes in a way that might mislead the public about the nature of the information. Such information shall, in particular, be considered as intentional if it is broadcast or provided in return for payment or for similar consideration.

(4) Surreptitious media commercial communication shall be prohibited.

(5) Media commercial communication must be clearly distinguishable from other parts of a programme service or on-demand audiovisual media service.

(6) Media commercial communication exploiting human subliminal perception shall be prohibited.

(7) Media commercial communication must not

a) prejudice freedom and equality in dignity and human rights,

b) contain or support discrimination based on sex, race, skin colour, age, language, sexual orientation, disability, religion or belief, national or social origin or membership of a nationality or ethnic group,

c) encourage behaviour that is harmful to or endangers health or safety,

d) encourage behaviour that is grossly detrimental to the environment.

(8) Media commercial communication for cigarettes, other tobacco products, electronic cigarettes and filling cartridges for electronic cigarettes shall be prohibited. Evasion of this prohibition through the use of brand names, trademarks, emblems or other recognisable marks of these products shall be prohibited.

(9) Media commercial communications for alcoholic beverages

a) must not be aimed at minors,

b) must not encourage immoderate consumption of alcoholic beverages.

(10) Media commercial communication for medicinal products available only on prescription and medical treatments paid from public health insurance under specific legislation 32) shall be prohibited.

(11) A broadcaster and a provider of on-demand audiovisual media service shall have the duty to ensure that media commercial communication does not cause physical or moral detriment to minors and therefore media commercial communication must not

a) directly encourage minors to purchase or hire a product or service by exploiting their inexperience or credulity,

b) directly encourage minors to persuade their parents or other persons to purchase the goods or services being advertised,

c) exploit the special trust that minors place in parents, teachers or other persons or

d) unreasonably show minors in dangerous situations.

## Section 32 Advertising and teleshopping

(1) Advertising, for the purpose of this act, means any public announcement broadcast in return for payment or any similar consideration, including self-promotion, intended to

promote the sale, purchase or lease of goods, services, including real estates, rights and obligations, or to achieve another effect pursued by the ordering party of the advertisement or by the broadcaster.

(2) Teleshopping, for the purpose of this act, means a direct offer broadcast to the public with the aim of supplying goods or services, including real estates, rights and obligations in return for payment. Teleshopping can be in the form of

a) a teleshopping spot,

b) a teleshopping window with a duration of at least 15 minutes,

c) repealed from 15.12.2009.

(3) A spot, for the purpose of this act, means a short advertising or teleshopping announcement placed in an advertising block or series of teleshopping spots.

(4) The broadcaster shall ensure that advertisements and teleshopping that he broadcast

a) are honest and fair,

b) do not harm the interests of consumers and do not exploit the confidence of consumers,

c) aimed at children or with the participation of children do not contain anything prejudicial to their interests and nothing that does not take into account their specific susceptibility.

(5) Broadcast advertisements and teleshopping must not encourage minors to buy products that are prohibited from sale to these persons under other specific legislation. 29)

(6) A broadcaster shall ensure that television advertising and teleshopping for erotic services, erotic products and erotic audiotext services are not broadcast between 06.00 a.m. and 10.00 p.m.

(7) A broadcaster shall ensure that teleshopping that he broadcasts does not contain encouragement for minors to order, sell or lease goods or services.

(8) A broadcaster shall ensure that a party ordering advertising and teleshopping cannot exercise any influence in any way on broadcast programme content or broadcast programme selection.

(9) The broadcasting of political advertising and advertisements promoting religion or atheism shall be prohibited, if other specific legislation does not provide otherwise. 30)

(10) Political advertising, for the purpose of this act, means public statements aimed at

a) promotion of a political party, political movement, a member of a party, or member of a movement, or candidate, or in their favour during an election campaign or referendum campaign,

b) the popularisation of the name, mark or slogans of a political party, political movement or a candidate.

(11) The provision of subsection (9) shall not apply to internet broadcasting.

(12) repealed from 15.12.2009.

(13) repealed from 15.12.2009.

### Section 33

#### Restrictions on television advertising and teleshopping for certain products

(1) Television advertising and teleshopping for alcoholic beverages, excluding beer and wine, shall be prohibited from 06.00 a.m. to 10.00 p.m. Television advertising and teleshopping for wine shall be prohibited from 06.00 a.m. to 8.00 p.m.

(2) Broadcast advertising and teleshopping for alcoholic beverages must not

a) depict minors consuming these beverages,

b) link consumption of alcoholic beverages to enhanced physical performance or to driving a motor vehicle,

c) claim that alcoholic beverages have therapeutic qualities, or are stimulant or sedative, or help in resolving personal problems,

d) create the impression that consumption of alcohol contributes towards social and sexual success,

e) encourage immoderate consumption of alcohol or depict abstinence or sobriety as a deficiency,

f) emphasize a beverage's alcohol content as a mark of its quality.

(3) Television advertising for medicinal products containing narcotic, psychotropic or other addictive substances 31) shall be prohibited.

(4) A television advertisement for medicinal products other than medicinal products falling under subsection (3) and Section 31a (10) must be recognisable, impartial, truthful and verifiable and meet the requirement of protecting an individual from harm. The advertisement must contain

a) a definite and comprehensible warning to read carefully the instructions for the correct use of the medicinal product included in the written information for users of the medicinal product that is packed with it,

b) a recommendation to seek the advice of a person authorized to prescribe or to issue medications about the use of the medicinal product.

(5) Television advertising for medicinal products must also not

- a) be aimed at minors,
  - b) compare medicines with food or cosmetic products,
  - c) promote the effects of medications by referring to results achieved by particular persons,
  - d) contain recommendations by scientists, doctors or famous people, whose popularity could encourage the use of the medicinal product.
- (6) Television advertising and teleshopping for arms and ammunition 33) shall be prohibited.
- (7) Teleshopping for medical products which are subject to the marketing authorization under specific legislation,33a) and teleshopping for medical treatment 33b) shall be prohibited.
- (8) The provisions of subsection (1) shall not apply to internet broadcasting.

#### Section 34

##### Form and presentation of advertising and teleshopping

- (1) Broadcast advertising and teleshopping shall be recognisable and clearly separated from other parts of the programme service to ensure that they are not interchangeable with other parts of the programme service; in the broadcasts of a radio programme service acoustic means shall be used for separation, and in the broadcasts of a television programme service audiovisual or spatial means.
- (2) Advertising and teleshopping in broadcasting of television programme service shall be broadcast in blocks and separated from other parts of the programme service. Broadcasting of isolated advertising and teleshopping spots is permitted in broadcasts of sporting events but shall otherwise be permitted only exceptionally.
- (3) In the broadcasting of a programme service, the presenters, moderators and redactors of news and political affairs programmes must not appear in advertising or in teleshopping, neither in picture nor in sound.

#### Section 35

##### Insertion of advertising and teleshopping into broadcasting

- (1) Advertising and teleshopping shall be inserted into broadcasting between individual programmes.
- (2) Advertising spots and teleshopping spots shall be inserted only between individual parts or during breaks in programmes consisting of individual parts, or during transmission of sporting events and in similarly structured events and in performances with breaks.
- (3) When broadcasting a news programme or an audiovisual work, 34) other than a serial, series, documentary film, a programme for minors or a religious ceremony, the programme may be interrupted by the insertion of advertising or teleshopping once for each thirty-minute period even if the scheduled duration of the news programme or audiovisual work is less than

thirty minutes; broadcasts of serials, series and documentary films can be interrupted by the insertion of advertising or teleshopping regardless of their duration.

(4) During the broadcasting of programmes for minors longer than 30 minutes, one interruption by the insertion of advertising or teleshopping shall be permitted per each period of 30 minutes.

(5) Broadcasts of religious ceremonies shall not be interrupted by the insertion of advertising or teleshopping.

(6) A licensed broadcaster shall be allowed to insert advertising spots and teleshopping spots also during programme broadcasting provided that the integrity, value and character of the programme, including its natural internal breaks, are not impaired, provided that the rights of owners of rights are respected<sup>35</sup>) and under the conditions stipulated in subsections (3) to (5). The television programme service of a public service broadcaster must not include advertising or teleshopping inserted into broadcasts of programmes.

(7) The provisions of subsections (1) to (4) and (6) shall not apply to the radio programme service of a licensed broadcaster. Broadcasts of news or religious programme, programme for minors and religious ceremonies must not be interrupted by insertion of advertising or teleshopping.

(8) A licensed broadcaster that broadcasts a radio programme service shall be allowed to broadcast a longer advertisement in the form of a programme presenting information that supports the sale, purchase or leasing of goods or services. Broadcaster shall clearly separate the beginning and the end of such a programme by giving verbal notice of the character of the broadcast; longer advertisements shall be included in regulation under Section 37(1).

(9) The provisions of subsections (1) to (4) and (6) shall not be applicable to a radio programme service broadcast by a public service broadcaster; broadcasts therein of news, political affairs programmes and religious programmes, artistic programmes and programmes for minors, literary-dramatic programmes and religious ceremonies must not be interrupted by the insertion of advertising or teleshopping.

## Section 36

Share of broadcasting time for advertising and teleshopping in a television programme service

(1) Advertising broadcast in the television programme service of a public service broadcaster shall not exceed a 0.5 % share of daily broadcasting time. This share of broadcasting time shall be allowed to rise up to 2.5 % of daily broadcasting time through the time reserved for teleshopping spots. The restriction laid down in the first sentence shall not be applicable to advertising broadcast in direct connection with the broadcast of a sporting or cultural event for which the broadcasting of advertising is a necessary condition for obtaining the television broadcasting rights to the sporting or cultural event. Advertising broadcast in direct connection with the broadcast of a sporting or cultural event under the previous sentence shall not exceed more than 15% of daily broadcasting time in the broadcasting of all the television programme services of a public service broadcaster.

(2) Broadcasting time reserved for advertising spots and teleshopping spots must not exceed 20 % of broadcasting per one whole hour (12 min.). Broadcasting time reserved for

advertising between 7.00 p.m. and 10.00 p.m. by a public service broadcaster must not exceed eight minutes per one whole hour.

(3) The restrictions laid down by subsection (2) shall not be applicable to the broadcasting of a teleshopping window by a licensed broadcaster.

(4) A teleshopping window shall be clearly separated from other parts of the programme service by visual and acoustic means and must be explicitly identified in this way.

### Section 37

Share of broadcasting time for advertising and teleshopping in a radio programme service

(1) Advertising and teleshopping broadcast in a radio programme service of a licensed broadcaster must not exceed a 20% share of total daily broadcasting time.

(2) Advertising and teleshopping broadcast in a radio programme service of a public service broadcaster must not exceed a 3% share of daily broadcasting time. The total share of broadcasting time given to advertising and teleshopping in all radio programme services of a public service broadcaster must not exceed the share of broadcasting time specified in subsection (1).

### Section 37a

Exceptions from the share of broadcasting time for advertising and teleshopping

(1) For the purposes of Sections 36 and 37, the broadcasting time reserved for advertising shall not include time given to

a) self-promotion including information about the broadcaster's own programmes,

b) charity appeals,

c) public service announcements broadcast free of charge,

d) political advertising broadcast free of charge or at times specified in other specific legislation, 35a)

e) identification of the sponsor of a programme broadcast under Section 38(2) and the identification of product placement under Section 39a(5)(d).

(2) Self-promotion, for the purposes of this act, shall mean a broadcaster's activity for building and retaining public attention for the broadcaster's own broadcasting, programmes, goods or services directly connected with broadcasting and programmes; announcements in which the broadcaster provides information about the broadcaster's own programmes shall not be deemed self-promotion.

(3) A charity appeal, for the purposes of this act, shall mean an appeal broadcast by a broadcaster free of charge or without any similar consideration, which includes an appeal to help a natural person, group of natural persons, social and charitable institutions or charitable foundations established to support such objectives.



(4) A public service announcement, for the purposes of this act, shall mean a short announcement of a non-political subject intended to raise edification, in particular, of increasing of legal conscience, road safety or protection of consumer, health, nature, the environment or cultural heritage.

### Section 38 Sponsorship

(1) Sponsorship, for the purposes of this act, shall mean any contribution to the direct or indirect financing of programmes, programme service or on-demand audiovisual media service intended to promote the business name, trade mark, reputation or activities of this legal entity or natural person who provided the financing. Contributions under the first sentence provided by a legal entity or natural person that is a broadcaster or a provider of on-demand audiovisual media service, or that produced the programme shall not be deemed to be sponsorship.

(2) If the whole or a part of a programme or series of programmes is sponsored, the broadcaster or the provider of on-demand audiovisual media service must clearly display the business name of the legal entity or the business name or name and surname of the natural person that provided the sponsorship at the start and at the end of the programme. The broadcaster and the provider of on-demand audiovisual media service can replace the identification of the sponsored programme or series of programmes at the start and at the end of the programme specified in the first sentence with the sponsor's logo or a reference to the sponsor's product or service.

(3) A sponsor must not influence the content or scheduling of a sponsored programme, programme service and on-demand audiovisual media service in a way that would affect the editorial responsibility or editorial independence of the broadcaster or provider of on-demand audiovisual media service.

(4) A broadcaster or provider of on-demand audiovisual media service shall ensure that a sponsored programme, sponsored programme service or sponsored on-demand audiovisual media service does not directly promote the sale, purchase or lease of the goods or services of the sponsor or a third party, in particular by making special promotional references to such products or services in the sponsored programmes, programme service or on-demand audiovisual media service.

(5) A broadcaster or the provider of on-demand audiovisual media service shall ensure that the public is clearly informed about the sponsorship of their programme service or on-demand audiovisual media service.

### Section 39 Restrictions on sponsorship

(1) A sponsor of a programme must not be a legal entity or a natural person whose main activity is the production, sale or lease of goods or the provision of services whose advertising is forbidden under Section 33(3) and (6). A legal entity or a natural person whose main activity is the production, sale or lease of goods or the provision of services whose advertising is restricted under Section 33(1) and Section 32(6) must not be the sponsor of a programme or programme service broadcast during the prohibited periods.

(2) Main activity, for the purposes of this act, shall mean an activity that provides income making up more than 51% of the total income of a legal entity or natural person; this activity is registered as their business activity in the Business Register and they are known to the public for this activity.

(3) A programme, programme service or on-demand audiovisual media service sponsored by the legal entity or by a natural person that pursues the manufacture or sale of medicinal products or medical treatments may promote the name or the goodwill of the enterprise; nevertheless it must not promote the sale of medications available only on medical prescription and medical treatments paid for from public health insurance under other specific legislation. 32)

(4) Sponsorship of news programmes and political affairs programmes shall be prohibited, except for programmes containing only information about the weather, traffic situation or sport.

(5) Sponsorship of ancillary broadcasting in broadcast of television programme service shall be prohibited.

(6) Sponsorship of ancillary broadcasting other than the announcement of the current time in a radio programme service shall be prohibited; sponsorship of announcements of the current time shall be regulated by the terms of subsections (1) to (3), (7) and Section 38 mutatis mutandis.

(7) A programme, programme service or on-demand audiovisual media service cannot be sponsored by a legal entity or natural person whose main activity is the production or sale of cigarettes, other tobacco products, electronic cigarettes and filling cartridges for electronic cigarettes.

#### Section 39a Product placement

(1) Product placement means the representation by sound, image or audiovisual presentation of goods, services or a trademark that is included in a programme in return for payment or for other similar consideration.

(2) Product placement shall be permitted only under the conditions laid down by this act.

(3) Product placement shall be permitted if certain goods or services are provided free of charge, such as production props and prizes for a competition, without prejudice to the conditions laid down in subsection (5).

(4) Product placement under subsection (3) that is not free of charge shall be permitted in cinematographic works, films, series, sports programmes and entertainment programmes.

(5) Product placement under subsections (3) and (4) shall be permitted in programmes that meet the following criteria:

a) their content and scheduling in the programme service must not be influenced in a way that would affect the editorial responsibility or editorial independence of the broadcaster or the provider of on-demand audiovisual media service,

b) it does not directly promote the purchase, sale or lease of goods or services, in particular by making specific references to those goods or services,

c) undue prominence shall not be given to the goods or services in question,

d) viewers are clearly informed of the existence of product placement by means of identification at the start and at the end of the programme, and when a programme resumes after a media commercial communication break. This shall not apply to a programme which production has not been commissioned or that has not been produced by the broadcaster or by the provider of on-demand audiovisual media service that broadcasts or provides the programme in question.

(6) Product placement shall be prohibited in programmes intended for minors up to 12 years of age. 36)

(7) Product placement involving products associated with a natural person or legal entity whose main activity is the production or sale of cigarettes, other tobacco products, electronic cigarettes and filling cartridges for electronic cigarettes shall be prohibited.

## PART NINE PROGRAMME SERVICE DEDICATED EXCLUSIVELY TO SELF-PROMOTION, ADVERTISING OR TEleshopping

### Section 40 Programme service dedicated exclusively to self-promotion

The broadcasting of programme service dedicated exclusively to self-promotion shall be regulated by the relevant provisions of Parts One, Three, Five, Eight, Ten, Eleven, Thirteen and Fourteen. Other forms of advertising within the framework of this programme service are acceptable only within the limits of advertising laid down in Section 36(2).

### Section 41 Programme service dedicated exclusively to advertising and teleshopping

The broadcasting of programme service dedicated exclusively to advertising and teleshopping shall be regulated by the relevant provisions of Parts One, Three, Four, Five, Eight, Ten, Eleven, Thirteen and Fourteen. The provisions of Section 36(2) shall not be applied.

## PART TEN PLURALITY OF INFORMATION AND TRANSPARENCY OF OWNERSHIP AND PERSONAL RELATIONS IN BROADCASTING

### Assurance of plurality of information Section 42

(1) The publisher of a periodical 11) that is published at least five times a week and is available to the public in at least half of the territory of the Slovak Republic cannot simultaneously be a licensed broadcaster on the multiregional or national level.

(2) One legal entity or natural person must not have a cross ownership connection with more than one licensed broadcaster of a radio programme service on the multiregional or national level, or one licensed broadcaster of a television programme service on the multiregional or national level; nor shall cross-ownership exist with a publisher of periodicals with national circulation. 11)

(3) One legal or natural person can have a cross-ownership connection with several licensed broadcasters of radio programme services on the local or regional level, or with several licensed broadcasters of television programme services on the local or regional level only if the broadcasting of all of the broadcasters with whom this person has cross-ownership connections can be received by not more than 50% of total population.

(4) Broadcasters may develop a programme network to an extent allowing that it is received by not more than 50% of the total population.

#### Section 43

All forms of cross ownership or personal connection between the broadcaster of a radio programme service and the broadcaster of a television programme service to each other, or with a periodical press publisher on the national level, 11) shall be prohibited.

#### Section 44

(1) A broadcaster shall be obliged to submit to the Council at its request documents and data necessary to establish that the conditions laid down in Sections 42 and 43 are met.

(2) If it is proved that a broadcaster does not meet the conditions laid down in Sections 42 or 43, the Council shall give the broadcaster adequate time limit for redress. If the redress is not provided in the set time limit, the Council shall revoke the licence of the broadcaster.

### PART ELEVEN LICENSING PROCEDURE

#### Section 45

##### Conditions for the granting of a licence

(1) One legal entity or one natural person can be granted at most one licence to broadcast a television programme service or one licence to broadcast a radio programme service. This condition shall not apply to a broadcast licence granted for a monothematic television programme service.

(2) A legal entity may be granted a licence if it has the legal form of a corporation, its head office in the territory of the Slovak Republic, or an organisational unit of its enterprise situated in the territory of the Slovak Republic, and it is entered in the Business Register; if this legal entity has the legal form of a joint-stock company, its shares must be registered

shares entered in the central depository or whose owners are registered in the list of shareholders kept by the central depository.

(3) A natural person may be granted a licence if he has permanent or long-term residence in the Slovak Republic and has full legal capacity; if a licence is granted to a natural person, this person shall have the duty to apply for registration in the Business Register.

(4) There is no legal claim to a licence.

(5) A licence shall be granted for

a) eight years for the broadcasting of a radio programme service,

b) twelve years for the broadcasting of a television programme service.

(6) A licence may also be granted for a shorter period than that specified in subsection (5), if

a) the applicant for the licence so requests,

b) it is necessary for the performance of obligations stipulated in international treaties by which the Slovak Republic is bound,

c) it is necessary for efficient utilisation of the frequency spectrum.

(7) A licensing procedure shall commence from the filling date of the application; a procedure for the granting of a terrestrial broadcasting licence shall commence at the initiative of the Council.

(8) The applicant for a licence shall be a participant in the procedure for the granting of a licence.

(9) A licence for an ancillary content service 37) cannot be granted separately.

#### Section 46 Licence application

(1) The application for a licence shall include the following information:

a) the business name, identification number, if allocated, or date of establishment, seat and legal form of the corporation if the applicant for the licence is a legal entity; if the applicant for the licence is a legal entity whose headquarters is not in the Slovak Republic, the applicant shall indicate this information together with information on the applicant's organisational unit operating in the territory of the Slovak Republic,

b) first name and surname, birth ID number, citizenship, permanent or long-term residence if the applicant for the licence is a natural person,

c) information under letters a) and b) on all owners or shareholders and persons who are statutory representatives or members of a statutory or control body, if the applicant for the licence is a legal entity,

d) data on registered capital and the contributions of all owners and their shares in the business, this should include all non-monetary contributions expressed in financial terms, or on the distribution of shares among the shareholders, if the applicant for the licence is a legal entity,

e) data and documents about financial funds for broadcasting available to the applicant for a licence,

f) information on the estimated time period and territorial extent of broadcasting,

g) the proposed technical and organisational arrangements for broadcasting,

h) the proposed identification of the programme service (station name),

i) the proposed programme structure of broadcasting, including information on those parts of the programme service that should be taken from other broadcasters,

j) specification of programme types,

k) the proposed share of total broadcasting time reserved for public interest programmes,

l) the proposed amount or share of expenditures that the applicant for a licence to broadcast a television programme service shall use each year for the production of public interest programmes,

m) specification of ancillary content service,

n) repealed from 31.05.2007.

n) a proposed language or languages of broadcast.

(2) The applicant for a licence shall enclose with the licence application

a) the articles of partnership, memorandum of association, or the foundation deed of the applicant for the licence and the articles of association; in the case of a joint-stock company, the applicant shall enclose a list of shareholders from the Central Depository that is valid at the date of submission of the application,

b) an extract from the Business Register if the applicant for the licence is a legal entity; if the applicant for the licence is a foreign legal entity it shall attach a document of a similar nature and an extract from the Business Register for the organisational unit of its business situated in the territory of the Slovak Republic; the extract from the Business Register must not be older than 30 days,

c) an extract from the Criminal Register, if the applicant for the licence is a natural person; the extract from the Criminal Register must not be older than three months,

d) documents proving permanent or long-term residence if the applicant for the licence is a natural person,

e) documents proving the real capability to obtain the funds specified in subsection (1)(e), their origin and composition,

f) documents proving that the applicant satisfies technical and organisational requirements for due commencement of broadcasting and continued operations,

g) confirmation of a competent authority that the applicant for the licence has no tax arrears in the records of the competent local tax authority; the confirmation must not be older than 60 days,

h) confirmation of a competent authority that the applicant for the licence has no arrears due on health insurance, social insurance or contributions to the employment fund; the confirmation must not be older than 60 days,

i) the bona fide declaration of the applicant for the licence that all information and data given in the application pursuant to subsection (1) is up-to-date and true,

j) the bona fide declaration of the applicant for the licence that the documents accompanying the application are up-to-date and complete.

(3) If the applicant for the licence is a broadcaster in the Slovak Republic or abroad, or has a cross ownership connection with a broadcaster in the Slovak Republic or abroad, the applicant shall also be obliged to include in the application pursuant to subsection (1) information about these activities, and to attach documents as specified in subsection (2). The same obligation applies to an applicant that is a periodical press publisher or the owner of a press agency in the Slovak Republic or abroad, or which has a cross ownership connection with a periodical press publisher or a press agency in the Slovak Republic or abroad.

(4) The applicant for the licence shall be obliged to notify the Council of all changes that take place in the information provided in the application or included in the attached documents during the licensing process after the submission of the licence application.

(5) The applicant for the licence shall, not later than fifteen working days before the date of submitting of the application, store the audited financial statements for the previous accounting period into the registry of financial statements,<sup>38)</sup> if such financial statement has not already been stored in the registry. The Council shall be entitled to inspect all the documentation of the applicant stored in the registry of financial statements.

(6) The documents specified in subsection (2) must be submitted in the form of originals or certified photocopies. <sup>39)</sup> Documents issued abroad must be accompanied by an official translation. <sup>40)</sup>

#### Section 47 Granting of a licence

(1) When deciding whether a licence should be granted, the Council shall be obliged to assess and take into account

a) prerequisites necessary to maintain plurality of information and media content,

- b) the transparency of the ownership relations of the applicant for the licence,
- c) the transparency and credibility of the sources of financing intended to finance broadcasting,
- d) whether the programme structure proposed by the applicant for the licence is balanced in relation to the existing offer of programme services in the area of broadcasting in the territory that should be covered by this broadcasting,
- e) the contribution of the applicant for the licence in relation to the broadcasting and production of public interest programmes,
- f) the fact that a licence applicant should not obtain a dominant position in the relevant market,
- g) the fact that it is necessary to ensure adequate capital participation of the Slovak persons and their representation in bodies of the company provided that the applicant for the licence is a legal entity with foreign capital participation.

(2) When deciding on granting a licence for regional broadcasting or licence for local broadcasting solely in one or more official languages of the European union, which is not a state language of Slovak republic, The Council shall be obliged to judge and take into account if on the territory which should be covered by this broadcasting exists sufficient offer of regional broadcasting or local broadcasting of programmes services in the state language.

#### Section 48

##### Procedure for the granting of a terrestrial broadcasting licence

- (1) The Council shall commence the procedure for the granting of a terrestrial broadcasting licence at its own initiative.
- (2) The Council shall commence a licensing procedure for broadcasting on a frequency currently occupied by a licensed broadcaster whose licence is expiring
  - a) not later than 18 months before the expiration of the terrestrial broadcasting licence of a radio programme service or terrestrial broadcasting of a television programme service on the national and multiregional levels,
  - b) in respect of local broadcasting of a television programme service and regional broadcasting of a television programme service, not later than 16 months before expiration of the licence.
- (3) A licensing procedure for a terrestrial broadcasting licence shall commence from the date on which the Council publishes, in at least two national daily newspapers and on its official notice board at its seat as well as on its web site, the basic conditions of the procedure for the granting of the terrestrial broadcasting licence.
- (4) In the basic conditions of the procedure, the Council shall include the deadline and the location for submission of applications for the terrestrial broadcasting licence, the territorial



range of broadcasting, the specific frequencies and the date of the public hearing for licence applicants.

(5) The Council shall reject any applications for the terrestrial broadcasting licence delivered to the Council after the deadline set in the basic conditions within 15 days of its delivery.

(6) The participants in the procedure for the granting of the terrestrial broadcasting licence shall be all applicants for the terrestrial broadcasting licence that delivered applications to the Council by the set deadline.

(7) Participant in the procedure of granting a licence for terrestrial broadcasting or procedure of changing the licence for terrestrial broadcasting is allowed to look only into the part of the dossier which relates to his application only. The Council shall be obliged to ensure that the participant in the procedure of granting a licence for terrestrial broadcasting cannot learn the data which was provided to the Council by other participant in the procedure.

(8) The Council shall issue the terrestrial broadcasting licence in the form of a decision, the operative part of which shall contain provisions on the award of the licence for terrestrial broadcasting to one of the participants in the procedure for the granting of the terrestrial broadcasting licence and provisions on the rejection of the applications of the other participants in the procedure for the granting of the terrestrial broadcasting licence. In the reasoning, the Council shall set out the results of the evaluation of individual applications for the terrestrial broadcasting licence based on the fulfilment of the criteria laid down in Section 47. The decision on the award of the licence for terrestrial broadcasting shall be delivered to all participants in the licensing procedure for the terrestrial broadcasting licence.

(9) The provisions of subsections (1) to (8) shall apply mutatis mutandis to a procedure to amend a licence in which a frequency should be allocated to a broadcaster.

#### Section 49 Decision granting a licence

(1) The Council shall decide on the application for a licence within 90 days of the beginning of the procedure. The Council shall make decision within 180 days of the beginning of the procedure, if the procedure began on its own initiative.

(2) The Council shall reject an application for the licence if

a) the legal entity or natural person who submitted application for the licence does not meet the conditions for participation in the licensing procedure pursuant to Section 45,

b) it does not meet the requirements pursuant to Section 46(1) to (3) and (5), and the deficiencies were not rectified by the deadline set by the Council,

c) it does not meet the criteria and conditions pursuant to Section 47(1) that the Council assesses and is obliged to take into account,

d) within the framework of the licensing procedure for terrestrial broadcasting, the Council has made a choice from a number of applicants for the licence pursuant to Section 48.

(3) The Council may reject an application for the licence for regional broadcasting or the licence for local broadcasting solely in one or more official languages of the European union, which is not a state language of Slovak republic, if on the territory which should be covered by this broadcasting does not exist sufficient offer of regional broadcasting or local broadcasting of programmes services in the state language.

(4) The decision on the granting of the licence shall be issued after agreement with the competent administrative authority for telecommunications on the allocation of frequencies and on other technical conditions for broadcasting which must be in accordance with the plans for the utilisation of frequencies for the broadcasting of a radio programme service and a television programme service. A frequency sheet shall be an integral part of a decision on the granting of the licence.

(5) The decision on the granting of the licence shall include the following particulars:

- a) the name of the programme service,
- b) data on persons who are subscribed in the registered capital of the licensed broadcaster, or who have a share of the voting rights of the licensed broadcaster,
- c) information on the statutory bodies and control bodies of the licensed broadcaster,
- d) the time range and territorial extent of broadcasting,
- e) the period for which the licence is granted,
- f) language or languages of broadcast,
- g) proportions of programme types,
- h) the share of broadcasting time reserved for public interest programmes,
- i) specification of radio data system use in the broadcasting of a radio programme service,
- j) the type of technical medium on which the broadcaster shall provide recordings of broadcasts to the Council (Section 16 (3)(l)).

(6) In addition to the particulars laid down in subsection (5), a decision granting a licence to broadcast a television programme service shall include

- a) the share of time in broadcasts of the television programme service reserved for European works and European works made by independent producers,
- b) classification of the broadcaster under Section 31(3),
- c) conditions for displaying the age suitability classification of programmes (Section 20(3)),
- d) conditions for teletext broadcasting.

(7) A decision granting a licence shall come into force on the date when the Council receives a written statement of acceptance from the licence applicant; this acceptance must be without reservations and must be delivered within 30 days of delivery of the Council decision, otherwise the decision granting the licence shall not come into force and the whole procedure shall be deemed not to have taken place.

(8) A decision granting a licence can be issued to a legal entity before its entry into the Business Register at the request of the founder or a body or authorised representative of the legal entity who has the right to submit a proposal for registration in the Business Register, provided that it is proved that the legal entity has been founded. Such an entity shall not be entitled to broadcast until the date of its entry into the Business Register. The same procedure shall be applied in relation to any persons without a seat in the Slovak Republic.

(9) A participant in a procedure may appeal against a decision rejecting their application for the licence to the Supreme Court within 15 days after the delivery of the Council decision. 41)

#### Section 50

##### Assignment and transfer of a licence

(1) The licence shall authorise the broadcaster to broadcast within the extent and under the conditions laid down therein. The broadcaster shall be obliged to exercise the rights and obligations arising from the licence in his own name, on his own account and on his own responsibility.

(2) A licence cannot be assigned to another legal or natural person, even in the event of the sale of the business or a part thereof .42)

(3) A licence shall not be transferred to the legal successor of a licensed broadcaster; it shall not be transferred even in the framework of the execution carried out under specific legislation, 43) the execution of a court judgement 44) or by a procedure pursuant to specific legislation.45)

#### Section 51

##### Changes of a licence

(1) A broadcaster shall be obliged to notify the Council of any changes in connection with the information given in the application for the licence and the documents attached to this application pursuant to Section 46(1) to (3) and to submit documentation proving the changes within 15 days of their occurrence.

(2) The death of a natural person that was a broadcaster shall be deemed a change affecting a granted licence. In this case, the information duty laid down in subsection (1) shall be transferred to the broadcaster's heir or heirs. 46) If the notice of the death of the natural person and the attached documents indicate that even after the changes of data or the change of circumstances, the conditions for broadcasting under which the licence was granted shall remain fulfilled, the Council shall decide that the licence holder's heir or heirs shall be deemed licence holders until the expiration of the period for which the licence was granted, unless the Council decides otherwise pursuant to Section 53(d).

(3) After receiving notification pursuant to subsection (1) the Council shall decide according to the circumstances of the case whether to change the granted licence or to refuse the change and set a deadline for corrective action. If the broadcaster does not take the required corrective action, the Council shall revoke the licence; the provisions of subsection (2) shall remain unaffected.

(4) The broadcaster may apply to the Council for a change of the licence.

(5) After receiving a broadcaster's application pursuant to subsection (4) the Council shall decide whether to change the licence or to refuse the application.

(6) The Council shall decide on the change of the licence pursuant to subsections (2) to (4) within 60 days of the commencement of the procedure.

(7) The Council may change the licence without the broadcaster's consent if it is necessary for compliance with obligations established by international treaties by which the Slovak Republic is bound.

(8) The broadcaster may appeal to the Supreme Court against a decision of the Council on the changing of the licence or refusing the change of the licence, or granting only a part thereof, or against a decision by which the Council changed the licence pursuant to subsection (7) within 15 days of the delivery of the Council's decision. 41)

## Section 52 Extension of a licence

(1) A licensed broadcaster may apply to the Council for an extension of the licence under which they broadcast. The licensed broadcaster shall submit such an application to the Council

a) in respect of terrestrial broadcasting of a radio programme service, not earlier than 20 months and not later than 19 months before the expiration of his licence,

b) in respect of terrestrial broadcasting of a television programme service on the national and multiregional level, not earlier than 20 months and not later than 19 months before the expiration of his licence,

c) in respect of terrestrial broadcasting of a television programme service on the regional and local level, not earlier than 18 months and not later than 17 months before the expiration of his licence,

d) in respect of broadcasting using other technical means, not later than four months before the expiration of his licence.

(2) A licence can be extended only once, namely

a) in respect of broadcasting of a television programme service by 12 years,

b) in respect of broadcasting of a radio programme service by eight years.

(3) In making a decision on the extension of the licence of a licensed broadcaster, the Council shall assess in particular

- a) the contribution to the development of culture and public awareness,
- b) transparency of the broadcaster's ownership relations,
- c) development of original content,
- d) the contribution to media market development,
- e) conformity of the licensed broadcaster's activity with law of the Slovak Republic, in particular with this act.

(4) The Council shall decide on the extension of the licence within 30 days of submitting of the application; Section 47 shall be applied, mutatis mutandis, to the decision on the extension of the licence.

(5) The Council shall not extend the licence if

- a) the plan of the use of the frequency spectrum for broadcasting has changed,
- b) it is necessary for the performance of obligations established by international treaties by which the Slovak Republic is bound.

(6) The participant of the proceedings may appeal to the Supreme Court against a decision of the Council rejecting an application for extension of a licence within 15 days of the delivery of the Council's decision. 41)

(7) A licence to broadcast a television programme service extended for a period less than 12 years shall be deemed a licence to broadcast a television programme service extended for a period under subsection (2)(a) without prejudice to restrictions on the duration of use of a frequency laid down by other specific legislation. 46a)

### Section 53 Expiration of a licence

A licence shall expire

- a) at the end of the period for which it was granted,
- b) from the date of the dissolution of the legal entity that is the licensed broadcaster,
- c) if the heir or heirs do not notify the Council by the set deadline (Section 51(1) and (2)) of the death of the natural person who was the broadcaster,
- d) upon expiry of 75 days of the date of death of the natural person who was the broadcaster if the Council does not decide pursuant to Section 51(2),

e) upon expiry of 60 days of the date by which the licensed broadcaster was obliged to submit an application for entry into the Business Register pursuant to Section 45(2) and (3), if he failed to do so,

f) upon expiry of 360 days after the entry into force of the decision granting the licence, if the person to whom the licence was granted has not commenced broadcasting,

f) upon expiry of 360 days after the entry into force of a decision suspending licence revocation proceedings, if the licensed broadcaster did not restore the broadcasting,

h) by a valid decision of the Council revoking the licence,

i) on occurrence of circumstances pursuant to Section 50 (2) and (3).

#### Section 54 Licence revocation

(1) The Council shall revoke a broadcaster's licence if

a) the broadcaster requests its revocation in writing,

b) the licence was granted on the basis of false information included in the application for the licence or the documents enclosed to this application pursuant to Section 46,

c) a share of the registered capital of the licensed broadcaster or a share of voting rights in the licensed broadcaster exceeding 55% of the total value of registered capital or voting rights is transferred while the licence is in force without the prior consent of the Council for this transfer,

d) the broadcaster has breached the provisions of Sections 42 or 43 and failed to adjust his relations so as to make them compliant with the law by the set deadline,

e) a share in the registered capital of a broadcaster licensed to broadcast a radio programme service, or a share in the voting rights in a broadcaster licensed to broadcast a radio programme service is transferred without the prior consent of the Council, within 12 months of the entry into force of the Council's decision granting the licence,

e) a share in the registered capital of a broadcaster licensed to broadcast a television programme service, or a share in the voting rights in a broadcaster licensed to broadcast a television programme service is transferred without the prior consent of the Council, within 24 months of the entry into force of the Council's decision granting the licence,

g) the broadcaster has breached duties under Section 50(1).

(2) The Council may revoke a broadcaster's licence if

a) within the calendar year after commencing broadcasting the broadcaster did not broadcast continuously for thirty days; periods during which broadcasting is prevented by justified technical obstructions shall not be counted,

b) the broadcaster is declared bankrupt,

c) the broadcaster is a natural person and has been convicted of a criminal act committed in direct connection with broadcasting and retransmission, or for an economic crime, or for a crime against property,

d) the broadcaster has not performed the duties laid down in Section 16(3)(h).

(3) If the Council has revoked a licence for the reasons specified in subsection (1), the broadcaster shall be allowed to apply for a new licence not earlier than one year after the entry into force of the decision revoking the licence.

(4) A broadcaster may appeal to the Supreme Court against a decision of the Council revoking the licence within 15 days of the delivery of the Council's decision. 41)

(5) If the Council has decided to revoke the licence and this decision has come into force, the broadcaster shall be obliged to return the licence to the Council without delay; the broadcaster shall be obliged to return a licence for terrestrial broadcasting together with the frequency sheets that are part of the licence.

#### Section 55 Short-term licence

(1) A short-term licence shall entitle a broadcaster to broadcast in a limited territory in order to provide a public information service during a time-limited event.

(2) The Council may issue a short-term licence at the request of a legal entity or natural person who meets the requirements laid down in Section 45(2) and (3).

(3) The Council may only issue a short-term licence for a period not exceeding 30 days in one calendar year.

(4) The Council shall grant only one short-term licence to one legal entity or one natural person in one calendar year.

(5) Section 46 shall apply mutatis mutandis to the particulars of the application for a short-term licence.

(6) Section 49(2), Section 50(2) and (3), Sections 53 and 54 shall regulate, mutatis mutandis, the rejection of an application for a short-term licence, the non-transferability of a short-term licence and the expiration and the revocation of a short-term licence.

(7) The Council shall be obliged to decide on the granting of a short-term licence within 30 days of the delivery of an application.

### PART TWELVE PROCEDURE FOR REGISTRATION OF RETRANSMISSION

#### Section 56 Registration of retransmission

(1) Authorisation for retransmission is established by registration of retransmission with unlimited validity.

(2) A legal entity may be registered as a retransmission operator if it has its seat in the territory of the Slovak Republic and is entered in the Business Register.

(3) A natural person may be registered as retransmission operator if he or she has permanent or long-term residence in the territory of the Slovak Republic and has full legal capacity; a registered natural person shall be obliged to enter himself or herself in the Business Register.

(4) Registration of retransmission shall not be required

a) for retransmission within one building or a complex of buildings that belong together from a functional point of view, provided that they are not used for business purposes,

b) if only retransmission of programme services of public service broadcaster is executed,

c) if registration is excluded by specific legislation 21c) or an international treaty by which the Slovak Republic is bound, or

d) if retransmission is executed by one legal entity or one natural person in such a way that it cannot be received by more than 100 subscribers. Where retransmission is provided by multiple technical systems with up to 100 subscribers, the total number of subscribers of all these systems must not exceed 100,

e) if only retransmission of programme service of an internet broadcaster that broadcasts the programme service only via the internet is executed.

## Section 57

### Application for registration of retransmission

(1) The application for the registration of retransmission shall include the following information:

a) the business name, identification number if allocated, or date of establishment, seat and legal form of corporation if the applicant for the registration of retransmission is a legal entity,

b) first name and surname, birth ID number, citizenship and permanent or long-term residence if the applicant for the registration of retransmission is a natural person,

c) information on registered capital and contributions of all owners and their shares in the business, or the distribution of shares among shareholders if the applicant for registration of retransmission is a legal entity,

d) information on persons authorised to act on behalf of the company and the way in which they act on behalf of the company if the applicant for registration of retransmission is a legal entity,



e) specific information about the telecommunication network or the telecommunication equipment that should be used to provide retransmission,

f) information on the planned number of connections,

g) information on the composition of the radio programme services or television programme services that the applicant for registration of retransmission intends to disseminate, including the identification of their states of origin; where the programme offer is divided into a number of groups with different prices for the subscriber, information on programme services included in the basic programme package shall also be provided.

(2) The applicant for registration of retransmission shall attach to the application

a) an extract from the Business Register if the applicant for registration of retransmission is a legal entity; the extract from the Business Register must not be older than 60 days,

b) an extract from the Criminal Register, if the applicant for registration of retransmission is a natural person; the extract from the Criminal Register must not be older than three months,

c) a proof of permanent or long-term residence if the applicant for registration of retransmission is a natural person,

d) a declaration of the original broadcaster of a programme service giving consent for its retransmission,

e) identification of the person or entity that transmits the signal of a retransmitted programme service to the user, if the signal is not transmitted by the retransmission operator,

f) the bona fide declaration of the applicant for registration of retransmission that all information and data given in the application pursuant to subsection (1) is up-to-date and true,

g) the bona fide declaration of the applicant for registration of retransmission that the documents accompanying the application are up-to-date and complete.

h) confirmation of a competent authority that the applicant for registration of retransmission has no tax arrears in the records of the competent local tax authority; the confirmation must not be older than 60 days,

i) confirmation of a competent authority that the applicant for the registration of retransmission has no arrears due on health insurance, social insurance or contributions to the employment fund; the confirmation must not be older than 60 days,

(3) If the applicant for registration of retransmission is also a licensed broadcaster or publisher of periodicals in the Slovak Republic or abroad, or is connected through cross ownership connection with a company that is a licensed broadcaster or publisher of periodicals in the Slovak Republic or abroad, he shall also be obliged to indicate in the application pursuant to subsections (1) information about these activities and submit documents pursuant to subsection (2).

(4) The documents specified in subsections (2) must be submitted in the form of originals or certified photocopies. 39) Documents issued abroad must be accompanied by their official translation. 40)

(5) An application for registration of retransmission must be submitted at least 90 days before the planned start date of retransmission operations.

#### Section 58

##### Rejection of an application for registration of retransmission

(1) The Council shall reject an application for registration of retransmission if

a) the applicant for registration of retransmission does not fulfil the requirements laid down in Section 56(2) and (3)

b) the application does not meet the requirements laid down in Section 57(1) to (4), and deficiencies are not rectified by a deadline set by the Council.

(2) The Council shall issue the decision on refusal of the application for registration of retransmission within 30 days of commencement of the retransmission registration procedure.

(3) The applicant for registration of retransmission may appeal to the Supreme Court against the decision of the Council on refusal of the application for the registration of retransmission within 15 days of the delivery of the decision of the Council. 41)

#### Section 59

##### Decision on registration of retransmission

(2) If there is no reason to refuse the application for registration of retransmission pursuant to Section 58(1), the Council shall issue a decision on the registration of retransmission within 60 days of the commencement date of the procedure.

(2) If the Council fails to decide on registration of retransmission within the set time limit, the date of registration of retransmission shall be the day following the expiration of this time limit; the Council shall accordingly issue a confirmation to the applicant for registration of retransmission.

(3) The decision on registration of retransmission shall include the following particulars:

a) specification of the telecommunication network or telecommunication equipment,

b) territorial coverage,

c) number of connections and offer of programme services.

(4) A retransmission operator commencing the retransmission on the basis of registration shall be obliged to notify the Council of this fact within 15 days from the commencement.

#### Section 60

##### Change of registration of retransmission

(1) The retransmission operator shall be obliged to notify the Council of every change in the information provided in the application for registration of retransmission, other than information under Section 57(1)(g), within 15 days of the date on which these changes occurred. The retransmission operator shall be obliged to inform the Council of any change in number of connections in excess of 20% compared to the previous announcement within 15 days of passing this threshold.

(2) The retransmission operator may request the Council to change registration of retransmission.

(3) After receiving notification pursuant to subsection (1), the Council shall decide on the change of the registration of retransmission within 60 days of delivery of the notification, or if there are grounds to cancel the registration of retransmission pursuant to Section 63, it shall cancel the registration of retransmission; if the Council does not issue a decision within the given period, this shall be deemed approval of the change that the operator notified the Council of.

(4) The Council shall decide on a request for changing of registration of retransmission under subsection (2) within 60 days of delivery of the request; if the Council does not issue a decision within the given period, this shall be deemed approval of the change requested by the retransmission operator.

(5) The Council may change the registration of retransmission without consent of the retransmission operator if it is necessary for compliance with obligations established by international treaties by which the Slovak Republic is bound. At the same time, the Council shall set a deadline by which the retransmission operator must comply with the imposed duties.

(6) The retransmission operator may appeal to the Supreme Court against the decision of the Council on the changing of their registration of retransmission pursuant to subsection (3) within 15 days of the delivery of the decision of the Council. 41)

(7) The retransmission operator may appeal against the decision by which the Council has refused the request of the retransmission operator for a change of registration of retransmission pursuant to subsection 2, to the Supreme Court within 15 days of the delivery of the decision of the Council. 41)

(8) A retransmission operator shall have the duty to notify the Council of a change in information under Section 57(1)(g) by means of a summary report for the whole of his territorial coverage, submitted once a year by 31 January based on the situation as at 1 January of the given calendar year. A retransmission operator shall also be obliged to comply with a request of the Council to provide up-to-date information under Section 57(1)(g) for individual parts of his territorial coverage, especially in connection with verification of compliance with the duties laid down by Section 17(1)(a) and (b).

(9) If a retransmission operator adds a radio programme service or television programme service to its programme package, that was not previously included, it shall include information pursuant to Section 57(2)(e) when providing the information required pursuant to subsection (8).

## Section 61 Suspension of retransmission of a programme service

(1) In accordance with international treaty obligations by which the Slovak Republic is bound, the Council may decide on the suspension of retransmission of a programme service the content of which manifestly, seriously and gravely impairs the physical, mental or moral development of minors or if it manifestly, seriously and gravely incites hatred on grounds of race, sex, religion or nationality.

(2) The Council may decide on the suspension of retransmission of a programme service if a broadcaster has committed an infringement pursuant to subsection (1) at least twice in the preceding twelve months. Before suspending retransmission of a programme service the Council shall notify the broadcaster, the broadcaster's country and the Commission of its intention to suspend retransmission of a programme service pursuant to subsection (1). If negotiations with the broadcaster's country and the Commission do not lead to settlement of the issue and the claimed infringement persists, the Council may decide to suspend retransmission of the programme service.

(3) In a decision pursuant to subsection (1) the Council shall determine the period in which the retransmission operator is obliged to suspend retransmission of the programme service in question.

(4) The retransmission operator may appeal to the Supreme Court against the decision on suspension of retransmission of the programme service within 15 days of the delivery of the decision of the Council.

(5) If the Commission decides, within two months of notification of a decision to suspend retransmission of a programme service, that the measures are incompatible with European Community law, the Council shall be obliged to decide on the cancellation of its decision to suspend retransmission of the programme service.

(6) The provisions of subsections (2) and (5) shall be used if proceedings under subsection (1) relates to a broadcaster falling under the jurisdiction of a member state of the European Union.

## Section 62 Expiration of registration of retransmission

Registration of retransmission shall expire

- a) from the date of the dissolution of the legal entity that is the retransmission operator,
- b) upon expiry of 30 days after the death of the natural person who was the retransmission operator,
- c) if the retransmission operator fails to submit an application for entry into the Business Register within 60 days of the entry into force of the decision on registration of retransmission,

- d) if the retransmission operator fails to apply for entry of operation of retransmission in the list of their business activities in the Business Register within 60 days of the entry into force of the decision on registration of retransmission,
- e) upon expiry of 12 months after the entry into force of the decision on registration of retransmission, if the person to whom the decision was issued has not commenced the operation of retransmission,
- f) on a decision of the Council revoking registration of retransmission.

### Section 63 Revocation of registration of retransmission

- (1) The Council shall revoke registration of retransmission, if
  - a) the retransmission operator applies in writing for it,
  - b) a decision on the registration of retransmission was issued for the retransmission operator based on false information included in the application for registration of retransmission or in the documents attached to this application,
  - c) the operator does not terminate the retransmission of a programme service suspended by a decision of the Council pursuant to Section 61 by a set deadline,
  - d) the operator failed to perform the duties resulting from Section 17(1)(c) and (e).
- (2) The Council may revoke registration of retransmission if a retransmission operator that is a natural person is convicted of a deliberate crime.
- (3) The retransmission operator may appeal to the Supreme Court against a decision revoking registration of retransmission within 15 days of the delivery of the decision of the Council.  
41)

### Section 63a Notification duty

- (1) An internet broadcaster and a provider of on-demand audiovisual media service shall be obliged, no later than the date of the start of internet broadcasting or the provision of on-demand audiovisual media service to notify the Council, in written or electronic form of
  - a) the commencement of internet broadcasting or the provision of on-demand audiovisual media service,
  - b) first name, surname, address of residence and date of birth, in the case of a natural person,
  - c) the business name, place of business and identification number in the case of a sole trader,
  - d) name, seat, legal form and identification number in the case of a legal entity and first name, surname and date of birth of the persons who are its statutory body or who are members of its statutory body; a foreign legal entity carrying on activity in the territory of the Slovak

Republic shall also include the address of its establishment or organisational unit in the territory of the Slovak Republic including the given name, surname, address of residence and date of birth of the head of the establishment or organisational unit of the business,

e) an identification of the website on which the on-demand audiovisual media service or broadcasting is provided, and identification of the multiplex provider, if the on-demand audiovisual media service will be provided through a terrestrial multiplex,

f) the geographical specification of the frequency reservation, if the on-demand audiovisual media service will be provided through a terrestrial multiplex,

g) information pursuant to Section 16(1)(b) a (c),

h) the country in which editorial decisions are taken,

i) the country in which the employees directly involved in internet broadcasting or the provision of on-demand audiovisual media services are employed.

(2) An internet broadcaster or a provider of on-demand audiovisual media service shall be obliged to notify the Council of any change in the information under subsection (1) no later than 30 days after its occurrence.

## PART THIRTEEN SANCTIONS

### Section 64

(1) For the infringement of this act or other specific legislation<sup>7)</sup> the Council shall impose the following sanctions:

a) a warning on infringement of the law,

b) broadcasting of an announcement on infringement of the law,

c) suspension of the broadcasting or providing of the programme or a part thereof,

d) a fine,

e) revocation of a licence for a grave violation of a duty.

(2) The Council shall impose a sanction pursuant to subsection 1(d), if a broadcaster, retransmission operator, provider of on-demand audiovisual media service or legal entity or natural person falling under Section 2(3) and (4) repeats a breach of a duty after receiving a written warning for such a breach from the Council. The Council shall impose a fine without prior warning if a duty under Section 19 has been breached. The Council may also impose a fine without prior warning in the event of a breach of a duty under Section 16(2)(a) and (c), (3)(k), Section 20(1) and (4), Section 30 and for broadcasting without a licence (Section 2(1)(b)) or operating a retransmission service without authorisation (Section 2(1)(e)).

(3) The Council shall set a fine according to the severity of the matter, manner, duration and consequences of the breach of the duty, the degree of responsibility and taking into consideration the extent and effect of the broadcast, provision of on-demand audiovisual media services and retransmission, unjust enrichment obtained and sanction that have already been imposed by a self-regulatory body in an area covered by this act within their own self regulation system.

(4) The Council shall decide on the imposition of a fine within six months of the date when it becomes aware of a breach of a duty under subsection (1) but no more than one year after the date when the breach of a duty took place. The date when the Council becomes aware of a breach of a duty under subsection (1) shall be deemed the date when a report on inspection of compliance with duties under this act is discussed in a session of the Council.

(5) The imposition of a sanction shall not terminate the duty for breach of which the sanction was imposed.

(6) An appeal can be made to the Supreme Court against the imposition of a sanction pursuant to subsection (1)(c) to (e) within 15 days of delivery of the decision of the Council; 41) the filing of an appeal against a decision imposing a fine pursuant to subsection (1)(c) shall not suspend the effect.

(7) If an appeal is submitted pursuant to subsection (6) and the court does not cancel the decision of the Council, the sanction shall be executed after the date on which the decision of the court comes into force, unless subsection (6) stipulates otherwise. If the decision of the court cancels the decision and returns the case for new proceedings, the Council shall decide on a sanction no later than three months after the delivery of the decision of the Supreme Court. An imposed sanction shall be executed after the decision comes into force, unless subsection (6) stipulates otherwise.

## Section 65

### Announcement on infringement of the law

The Council may impose a duty to broadcast an announcement on infringement of the law on the broadcaster if the broadcaster broadcast programmes or other parts of a programme service contravening Section 16(2)(c), (3)(a) and (b), Section 19 and Section 20(1) and (4) and it is useful and necessary to inform the public about the infringement; the extent, form and broadcasting time shall be set by the Council.

## Section 65a

### Announcement on infringement of the law in internet broadcasting

The Council may impose a duty to broadcast an announcement on infringement of the law on the internet broadcaster if the internet broadcaster broadcast programmes or other parts of a programme service contravening Section 16(2)(c), Section 19 and Section 20(1) and (4) and it is useful and necessary to inform the public about the infringement; the extent, form and broadcasting time shall be set by the Council.

## Section 66

### Suspension of the broadcasting of a programme or a part thereof

If by broadcasting a programme a broadcaster gravely breached duties laid down by Section 16(2)(c) and (3)(b), Section 19 and Section 20(1) and 20(4), the Council shall suspend the broadcasting of this programme or a part thereof for at most 30 days.

#### Section 66a

Suspension of broadcasting of a programme broadcast via the internet or a part thereof

If by broadcasting a programme an internet broadcaster gravely breached duties laid down by Section 16(2)(c), Section 19 and Section 20(1) and (4), the Council shall suspend the broadcasting of this programme or a part thereof for at most 30 days.

#### Section 66b

Suspension of provision of a programme via an on-demand audiovisual media service

If by providing a programme a provider of on-demand audiovisual media service gravely breached duties laid down by Section 19 and Section 20(2), the Council shall suspend providing of this programme.

#### Section 67

##### Fines

(1) The Council shall impose a fine from EUR 99 to EUR 33 193 on the retransmission operator if he

- a) failed to perform duties laid down in Section 17(1)(a) to (d), (h) and (i) and Section 17(8),
- b) failed to report a change in information included in the application for registration of retransmission by the deadline laid down in Section 60(1), (8) and (9),
- c) did not perform the duty laid down in Section 73(2).

(2) The Council shall impose a fine from EUR 165 to EUR 6 638 on the broadcaster of a television programme service other than an internet broadcaster and a fine from EUR 99 to EUR 1 659 on the broadcaster of a radio programme service if he

- a) did not perform the duty laid down in Section 16(3)(l),
- b) did not ensure the identification of the programme service that he broadcasts (Section 16(3)(f) and (g)),
- c) did not report a change in the information included in application or information relating to compliance with the conditions of the granted licence that could be a reason for the changing or expiration of the licence,
- d) did not perform the duty laid down in Section 16 (3)(m) or (o),
- e) breached the conditions for the broadcasting of short news reports (Section 30),



f) did not provide the Council with information on the broadcasting of European works and independent productions (Section 27) or information on the broadcasting of Slovak musical works (Section 28c),

g) did not provide the Council with information on the ownership relations of the broadcaster (Section 44(1)),

h) did not provide the Council with information on the results of measurement of the coverage of territory by the signal (Section 68(5)),

i) did not perform the duty laid down in Section 72(2),

j) did not fulfil duties connected with the broadcasting of European works (Section 23), independent productions (Section 25) or Slovak musical works (Section 28b),

k) did not perform the duty laid down in Section 16(3)(e),

l) did not perform the duty laid down in Section 16(1).

(3) The Council shall impose a fine from EUR 663 to EUR 66 387 on the broadcaster of a television programme service other than an internet broadcaster and a fine from EUR 99 to EUR 19 916 on the broadcaster of a radio programme service if he

a) breached the territorial coverage of broadcasting,

b) did not provide broadcasting time for urgent public interest broadcasts (Section 16 (3)(j)),

c) failed to ensure the classification and labelling of programmes and other parts of the programme service (Section 20(3)),

d) breached the conditions for the broadcasting of sponsored programmes and a sponsored programme service,

e) broadcasts programmes and other parts of a programme service whose content contravenes the duty laid down in Section 16(2)(c),

f) breached the conditions for product placement (Section 39a),

g) did not perform the duty laid down in Section 18d(3).

(4) The Council shall impose a fine from EUR 1 659 to EUR 99 581 on the broadcaster of a television programme service other than an internet broadcaster, if he breached the conditions for the broadcasting of major events (Section 31) or breached the duty not to interrupt a programme with other broadcasting (Section 16(3)(i)).

(5) The Council shall impose a fine from EUR 3 319 to EUR 165 969 on the broadcaster of a television programme service other than an internet broadcaster and a fine from EUR 497 to EUR 49 790 on the broadcaster of a radio programme service if he

a) breached conditions for the broadcasting of media commercial communications including advertising and teleshopping,

b) breached conditions for the broadcasting of programme services reserved for self-promotion or advertising and teleshopping ( Section 40 or 41),

c) broadcasts programmes and other parts of a programme service the content of which contravenes the duty laid down in Section 20(1),

d) did not take into account the age suitability of programmes and other parts of the programme service in relation to minors and failed to ensure that they are scheduled in accordance with the terms of specific legislation 28a) (Section 20(4)),

e) broadcasts programmes and other parts of a programme service the content of which contravenes the duties laid down in Section 19,

f) did not broadcast an announcement on infringement of the law or did not comply with the conditions for its publication set by the Council (Section 16(3)(k)),

g) did not suspend broadcasting of a programme or a part thereof or did not comply with conditions for the suspension of broadcasting of a programme or a part thereof set by the Council (Section 16(2)(a)),

h) did not ensure that the audio component of his programme service is in accordance with stipulated technical requirements (Section 16(3)(n)).

(6) The Council shall impose a fine from EUR 3 319 to EUR 66 387 on the broadcaster of a television programme service other than an internet broadcaster and a fine from EUR 995 to EUR 19 916 on the broadcaster of a radio programme service other than an internet broadcaster and a fine from EUR 100 to EUR 5 000 on the provider of on-demand audiovisual media service if he violated specific duties of a broadcaster broadcasting public interest programmes and ensuring multimodal access to their programme service ( Section 18 to 18b).

(7) The Council shall impose a fine from EUR 663 to EUR 132 775 on a licensed broadcaster of a television programme service and a fine from EUR 199 to EUR 16 596 on a licensed broadcaster of a radio programme service if the broadcaster breached a duty under Section 16(3)(d).

(8) The Council shall impose a fine from EUR 1 659 to EUR 165 969 on persons falling under Section 2(3) and (4) if they breach the duties laid down by this act.

(9) The Council shall impose a fine from EUR 1 659 to EUR 165 969 on

a) a person or entity that broadcasts without authorisation or provides an unauthorised retransmission service,

b) a public service broadcaster, if he uses assigned frequencies for purposes other than those for which they were assigned.

(10) The Council shall impose a fine from EUR 30 to EUR 1 200 on an internet broadcaster if he

a) did not ensure the identification of the programme service that he broadcasts (Section 16(3)(g)),

b) did not perform the duty laid down in Section 16(1) or Section 63a(1) and (2),

c) breached the conditions for the broadcasting of short news reports (Section 30),

d) did not perform the duty laid down in Section 16(3)(m),

e) did not provide the Council with information on the broadcasting of European works and independent productions (Section 27),

f) did not fulfil duties connected with the broadcasting of European works or independent productions (Section 23 and 25),

g) breached the broadcaster's special duties connected with information on multimodal access to a programme service (Section 18b),

h) did not perform the duty laid down in Section 76dc(3).

(11) The Council shall impose a fine from EUR 100 to EUR 20 000 on an internet broadcaster if he

a) breached conditions for the broadcasting of media commercial communications including advertising and teleshopping,

b) did not broadcast an announcement on the infringement of the law or did not comply with the conditions for its publication set by the Council (Section 16(3)(k)),

c) breached the conditions for the broadcasting of sponsored programmes and sponsored programme services,

d) breached the conditions for product placement (Section 39a),

e) failed to ensure the classification and labelling of programmes and other parts of the programme service (Section 20(3)),

f) did not provide broadcasting time for urgent public interest broadcasts (Section 16 (3)(j)),

g) broadcasts programmes and other parts of a programme service the content of which contravenes the duty laid down in Section 16(2)(c),

h) breached the conditions for broadcasting major events (Section 31) or breached the duty not to interrupt a programme with other broadcasting (Section 16(3)(i)),

i) did not take into account the age suitability of programmes and other parts of the programme service in relation to minors and failed to ensure that they are scheduled in accordance with the terms of specific legislation 28a) (Section 20(4)),

j) breached conditions for the broadcasting of programme services reserved for self-promotion or advertising and teleshopping (Section 40 and 41),

(12) The Council shall impose a fine from EUR 500 to EUR 60 000 on an internet broadcaster if he

a) broadcasts programmes and other parts of a programme service the content of which contravenes the duties laid down in Section 19 or Section 20(1),

b) did not suspend broadcasting of a programme or a part thereof or did not comply with conditions for the suspension of broadcasting of a programme or a part thereof set by the Council (Section 16(2)(a)).

(13) The Council shall impose a fine from EUR 30 to EUR 1 000 on the provider of on-demand audiovisual media service if he

a) breached conditions laid down by Section 16(1),

b) did not perform the duty laid down in Section 63a(1) and (2),

c) the on-demand audiovisual media service is used to provide programmes the content of which contravenes the duty laid down by Section 16(2)(c),

d) breached the special duties of the provider of an on-demand audiovisual media service connected with information on multimodal access to a programme service (Section 18b),

e) did not provide the Council with information pursuant to Section 27a,

f) did not perform the duty laid down in Section 76dc(3).

(14) The Council shall impose a fine from EUR 100 to EUR 10 000 on the provider of on-demand audiovisual media service if he

a) breached the conditions for media commercial communication,

b) breached the conditions for sponsored programmes and sponsored on-demand audiovisual media services,

c) breached the conditions for product placement (Section 39a),

d) failed to ensure the classification and labelling of the programmes (Section 20(3)) in the catalogue of his on-demand audiovisual media service,

e) does not keep statistics on the share of European works on the total time of all programmes offered in the catalogue of programmes per calendar month (Section 16 (4)),

f) did not perform the duty laid down in Section 27a(1),

g) did not perform the duty laid down in Section 27a(3),

h) did not perform the duty laid down in Section 18d(3).

(15) The Council shall impose a fine from EUR 500 to EUR 40 000 on the provider of on-demand audiovisual media service if

a) the on-demand audiovisual media service is used to provide programmes and other parts of the on-demand audiovisual media service the content of which contravenes the duties laid down by Section 19,

b) the on-demand audiovisual media service is used to provide programmes and other parts of the on-demand audiovisual media service the content of which contravenes the duties laid down by Section 20(2),

c) he did not suspend provision of a programme (Section 16(2)(a)).

(16) A fine imposed under subsections (1) to (15) must be paid within 30 days of the entry into force of the decision imposing the fine.

(17) Revenues from fines shall be income of the state budget.

#### Section 67a

##### Licence revocation for a grave violation of duty

(1) If despite the imposition of sanctions a broadcaster repeatedly and deliberately breaches a duty laid down in Section 19(1)(b) or (c) in a grave manner, the Council shall revoke the broadcaster's licence.

(2) If the Council revoked a licence on grounds under subsection (1), the broadcaster shall be allowed to apply for a new licence no earlier than three years after the decision revoking the licence entered into force; the disposal of the licence after its revocation shall be governed by the provisions of Section 54(5) *mutatis mutandis*.

### PART FOURTEEN

#### THE FREQUENCY SPECTRUM FOR BROADCASTING

#### Section 68

##### The frequency spectrum for broadcasting

(1) A plan for the use of the frequency spectrum for broadcasting shall be prepared by the Regulatory Authority in cooperation with the Council; the Regulatory Authority shall have the duty to create conditions for the development of digital broadcasting and the Council shall be obliged to ensure that conditions for dual broadcasting are maintained.

(2) The frequency plan shall be generally updated every two years and in the event of changes in international agreements in this area.

(3) The Council shall evaluate the situation in the utilisation of frequencies in its annual reports; the Council shall publish a list of vacant frequencies for analogue broadcasting on its website and in the periodical press.

(4) Analogue broadcasting must not limit the development of new technologies, especially digital broadcasting.

(5) The broadcaster shall bear responsibility for the utilisation of the frequency parameters assigned for analogue broadcasting and his signal's territorial coverage. A broadcaster shall be obliged to ensure individual measurement of the territorial coverage of his signal from the frequency after its assignment; the broadcaster shall report the results of measurement to the Council.

(6) The Council shall withdraw a frequency assigned for analogue broadcasting if

a) the broadcaster requests it,

b) it is necessary for the performance of international obligations by which the Slovak Republic is bound, or

c) it is required under other specific legislation. 48)

(7) The Council may also withdraw a frequency assigned for analogue broadcasting if

a) the broadcaster does not use the frequency for the purposes for which it was assigned to him, or

b) by his own fault, the broadcaster does not use the permitted frequency parameters.

(8) A broadcaster can appeal to the Supreme Court against a decision of the Council withdrawing a frequency within 15 days of the delivery of the decision of the Council; 41) the filing of an appeal against a decision withdrawing a frequency pursuant to subsection (6) shall not suspend the effect.

#### Section 69

The frequency spectrum for analogue terrestrial broadcasting for a public service broadcaster

(1) The first analogue terrestrial television circuit for broadcasting a television programme service shall be reserved for a public service broadcaster. 1)

(2) The second analogue terrestrial television circuit for broadcasting a television programme service shall be reserved for a public service broadcaster. 1)

(3) In the medium wave band for the broadcasting of a radio programme service, two broadcasting networks on the national level shall be reserved for a public service broadcaster 1).

(4) In the FM band for the broadcasting of a radio programme service, three broadcasting networks on the national level shall be reserved for a public service broadcaster 1).

(5) The Council shall decide on further requests of the public service broadcaster on frequencies in accordance with the act. The provisions of subsections (1) and (2) shall not affect the Council's powers to withdraw frequencies used for analogue television broadcasting pursuant to other specific legislation; 48a) the right of a public service broadcaster to frequencies in the analogue terrestrial circuit under subsections (1) and (2) shall be terminated by a legal decision on their withdrawal, at the latest by the end of 2012.

(6) A public service broadcaster shall be obliged to use the part of the frequency spectrum assigned to him only for the performance of his duties under this act and other specific legislation 1) and he must not allow a third party to use it.

#### Section 70

#### Other forms of analogue broadcasting by a public service broadcaster

Broadcasting by means of satellite and broadcasting by means of cable distribution systems or microwave distribution systems shall be deemed analogue broadcasting by a public service broadcaster if the public service broadcaster broadcasts his programme service in this way alongside his analogue terrestrial broadcasts and at the same time does not transmit it by digital terrestrial broadcasting.

### PART FIFTEEN

#### COMMON, TRANSITIONAL AND FINAL PROVISIONS

#### Common provisions

#### Section 71

Title repealed from 31.5.2007

(1) Proceedings under this act shall be regulated by general legislation regulating administrative proceedings 49), except for the provisions of Section 23 as regards the nondisclosure of voting records and Sections 49, 53, 54, 56 to 68 of the Code of administrative procedure.

(2) Broadcasting under this act shall be regulated by general legislation on advertising 50) only insofar as this act does not stipulate otherwise.

(3) The provisions of Part Eleven shall not be applicable to licence proceedings under other specific legislation. 7a)

(4) Relations with a country that is a party to the Agreement on the European Economic Area shall, for the purposes of this act, follow the same procedure as relations with a Member State of the European Union.

(5) The provision of on-demand audiovisual media services shall be regulated by other specific legislation, 50a) except where this act stipulates otherwise.

(6) For the purpose of checking up the compliance of duties laid down in Section 28b(1) and (4), the Council has access to data from a register of natural persons 50b) and is authorized also without an agreement of concerned person to get and process their private information to unnecessary extent to enable processing; under unnecessary extent are considered information in accordance with special regulation. 50c)

(7) Private information, that the Council gets in accordance with Section 6, are under protection laid down by special regulation; 21b) the Council is allowed to use them only for the purposes pursuant to this Act.

#### Section 71a

(1) A broadcaster that is licensed to broadcasting abroad according to a licence granted under this act shall be deemed a broadcaster with a licence for national broadcasting for the purposes of Part Ten.

(2) Programme services broadcast under Part Nine of this act are monothematic programme services.

(3) Ancillary content service shall be deemed part of a programme service; the provisions of this act that are applicable to a programme service and parts thereof shall be applied mutatis mutandis to an ancillary content service.

#### Section 71b

1) A broadcaster licensed to broadcast under other specific legislation 1a) that is not a public service broadcaster shall be deemed to be,

a) a broadcaster licensed for local broadcasting, if licensed to carry out local digital broadcasting of a television programme service or local digital broadcasting of a radio programme service, 51)

b) a broadcaster licensed for regional broadcasting, if licensed to carry out regional digital broadcasting of a television programme service or regional digital broadcasting of a radio programme service, 51)

c) a broadcaster licensed for national broadcasting, if licensed to carry out national digital broadcasting of a television programme service or national digital broadcasting of a radio programme service. 51)

(2) The broadcasting of a broadcaster under subsection (1)(a) that is not a broadcasting abroad, shall be considered local broadcasting under this act.

(3) The broadcasting of a broadcaster under subsection (1)(b) that is not a broadcasting abroad, shall be considered regional broadcasting under this act.

(4) The broadcasting of a broadcaster under subsection (1)(c) that is not a broadcasting abroad, shall be considered multiregional or national broadcasting under this act.

#### Section 71c

Wherever the terms “relácia” or “relácia vysielania” are used in generally applicable legislation, except in the terms “platová relácia” (pay relation) and “prepravná relácia” (transport route), they shall be understood to have the same meaning as “program” (programme).



Transitional provisions  
Section 72

(1) Broadcasting licences granted under previous legislation that are in force at the effective date of this act shall remain in force.

(2) A broadcaster with a licence that has remained in force based on subsection (1) shall be obliged to inform the Council and submit the documents listed in Section 46 no later than six months after the entry into effect of this act. If a broadcaster with a licence that has remained in force based on subsection (1) does not fulfil this duty by the set deadline, the Council shall set an adequate period for remedy. If the broadcaster does not fulfil the duty even by this deadline, the Council may impose a fine.

(3) The validity of licence conditions included in a licence that remains in force based on subsection (1) and whose object is regulated by this act shall cease from the effective date of this act.

(4) A broadcaster with a licence that remains in force based on subsection (1) shall have the duty to bring their legal relations into line with the provisions of this act, in particular Sections 42 and 43, within one year of the effective date of this act. If the broadcaster with a licence that remains in effect based on subsection (1) does not fulfil this duty by the set deadline, the licence shall expire with effect from the final date of the deadline.

(5) The period for which the licence that remains in force based on subsection (1) was granted shall remain unchanged.

(6) The provisions of Section 52 shall be applicable also to licences that remain in force based on subsection (1). The Council may set new licensing conditions in accordance with this act in its decisions on the extension of such licences.

Section 73

(1) Licences to broadcast on cable networks granted under previous legislation that are in force at the effective date of this act shall be deemed registration for retransmission under Section 56(1).

(2) A retransmission operator with a retransmission registration valid under subsection (1) shall be obliged to inform the Council and submit the documents listed in Section 57 no later than six months after the entry into effect of this act. If the retransmission operator with a retransmission registration under subsection (1) does not fulfil this duty by the above deadline, the Council shall set a period for remedy. If the retransmission operator does not fulfil the duty even by this deadline, the Council may impose a fine.

(3) The validity of existing licence conditions that are included in a registration remaining in force under subsection (1) and that are not in accordance with this act shall terminate from the effective date of this act.

Section 74

(1) Proceedings for the granting of a licence that have begun under the previous legislation and that have not been completed as at the effective date of this act shall stop at this date.

(2) Proceedings for the changing of a licence on matters relating to a change in information included in the application or fulfilment of conditions set in the licence that have begun under the previous legislation and that have not been completed as at the effective date of this act shall stop at this date.

(3) Proceedings to determine the situation as regards compliance with legislation and licence conditions that have begun before the effective date of this act shall be completed in accordance with the previous legislation.

(4) Proceedings on the revocation of a licence that have begun before the effective date of this act shall be completed in accordance with the previous legislation.

#### Section 75

Applications for the publication of a correction submitted before the effective date of this act shall be assessed according to the previous legislation.

#### Section 76

The term of office of Council members elected before this act came into effect shall be assessed according to the previous legislation. Council members shall be obliged to perform their activities in accordance with the legislation of the Slovak Republic.

#### Transitional and common provisions on the amendments effective from 31 May 2007

##### Section 76a

(1) Licences granted under this act before 31 May 2007 shall remain valid; the section relating to terrestrial broadcasting shall entitle a broadcaster only to provide analogue broadcasts.

(2) The provisions of subsection (1) shall also apply to licences granted under this act that were extended under a change decision on digital broadcasting before 31 May 2007, where the section on digital broadcasting extends their validity to the date on which the provider of the multiplex granted under specific legislation 52) shall commence the provision of a terrestrial multiplex in a given area, and no later than the date by which the provider of the multiplex granted under specific legislation (52) is obliged under the terrestrial operating permit in question to commence the provision of the terrestrial multiplex to the area concerned; after this date this section of the licences shall become invalid.

##### Section 76b

(1) A procedure of a terrestrial broadcasting licence for a television programme service that have begun before 31 May 2007 and that was not completed by a legal decision on the grant of the licence shall stop at this date; the Council shall notify participants in the procedure of its termination.

(2) Proceedings on the changing of a broadcasting licence in connection with frequency allocation for the terrestrial broadcasting of a television programme service that have begun

before 31 May 2007 and that were not completed by a legal decision on the changing of the licence shall stop at this date; the Council shall notify participants in the procedure of its termination.

(3) Proceedings on the extension of a broadcasting licence for a television programme service that have begun before 31 May 2007 and that were not completed by a legal decision extending the licence before that date, shall be completed with application of the legislation in effect from 31 May 2007 and the Council shall have the duty to ensure that those parts of the licence that relate to the use of frequencies allocated for terrestrial broadcasting are not extended for longer than the time that the Office shall set and enter in the frequency list and which the Council shall also be obliged to include in a licence extension decision; such proceedings shall be governed by the provisions of Section 52(2) *mutatis mutandis*.

(4) Proceedings to determine the situation as regards compliance with legislation and licence conditions that have begun before 31 May 2007 shall be completed in accordance with the legislation in effect to 31 May 2007.

(5) Licence revocation proceedings that have begun before 31 May 2007 shall be completed in accordance with the legislation in effect to 31 May 2007.

(6) Proceedings that have begun before 31 May 2007 and are not proceedings falling under subsection (1) to (5) shall be completed according to the legislation in effect from 31 May 2007.

#### Section 76c

(1) Section 76b(3) shall also apply to proceedings on the extension of the broadcasting licence for a television programme service that did not begin before 31 May 2007 if the proceedings relate to the extension of a licence entitling a broadcaster to use a frequency allocated for terrestrial broadcasting.

(2) The provisions of Section 48 shall not be applicable to the terrestrial broadcasting of a television programme service; a licence for the terrestrial broadcasting of a television programme service cannot be granted under other provisions of this act.

(3) Nor can a licence for digital terrestrial broadcasting be granted under the provisions of this act.

#### Section 76d

A broadcaster shall not be required to achieve shares under Section 18(3) or Section 18b in the first three years from the date when he commenced digital broadcasting of his programme service; this shall not be applicable to broadcasters who commence digital broadcasting of their programme service after 31 May 2009.

#### Section 76da

Transitional provisions on the amendments effective from 1 January 2008

(1) The transitional period laid down in Section 76d shall apply to broadcasters that are obliged to achieve the shares laid down in Section 18a.

(2) From the effective date of the generally applicable legislation establishing the particulars of a unified labelling system and the procedure for its implementation pursuant to specific legislation 28a), the unified labelling system established by the Council under the previous legislation shall cease to apply.

(3) Proceedings to determine the situation as regards compliance with legislation and licence conditions that have begun before 1 January 2008 shall be completed in accordance with the legislation in effect to 1 January 2008.

#### Section 76db

##### Transitional provisions on the amendments effective from 1 January 2009

(1) Advertising broadcast in the television programme service of a public service broadcaster shall not exceed a 2.5% share of daily broadcasting time in the period from 01.01.2009 to 31.12.2009. This share of broadcasting time shall be allowed to rise up to 15% of daily broadcasting time through the time reserved for teleshopping spots.

(2) Advertising broadcast in the television programme service of a public service broadcaster shall not exceed a 1.5% share of daily broadcasting time in the period from 01.01.2010 to 31.12.2010. This share of broadcasting time shall be allowed to rise up to 10% of daily broadcasting time through the time reserved for teleshopping spots.

(3) Advertising broadcast in the television programme service of a public service broadcaster shall not exceed a 1% share of daily broadcasting time in the period from 01.01.2011 to 31.12.2012. This share of broadcasting time shall be allowed to rise up to 5% of daily broadcasting time through the time reserved for teleshopping spots.

#### Section 76dc

##### Transitional provisions on the amendments effective from 15 December 2009

(1) The Council shall send statistics on support for European works in the provision of on-demand audiovisual media services pursuant to Section 6a(3) to the Commission and the Ministry of Culture for the first time no later than 19 December 2011.

(2) The provisions of Section 39a shall apply only to programmes produced after 19 December 2009.

(3) An internet broadcaster and the provider of on-demand audiovisual media service that broadcasts or provides on-demand audiovisual media services as at 15 December 2009 shall be obliged to fulfil the duty under Section 63a by 28 February 2010.

#### Section 76dd

##### Transitional provisions on the amendments effective from 1 September 2011

A claim for broadcasting of a correction (Section 21) relating to information broadcast before 1 September 2011 shall be assessed according to the regulations in effect to 31 August 2011.

#### Section 76de

##### Transitional provisions on the amendments effective from 1 January 2014

If applicant files the application for a licence from 1 January 2014 to 31 January 2014, the duty laid down in Section 46(5) is considered to be fulfilled even if the financial statements are enclosed with the application for a licence.

#### Section 76df

Transitional provisions on the amendments effective from 1 January 2014

Proceedings that have begun before 1 January 2014 and that were not completed by a legal decision shall be completed in accordance with the legislation in effect to 31 December 2013.

#### § 76dg

Transitional provisions on the amendments effective from 1 January 2016

To the share of programme accompanied by subtitles for hearing-impaired persons pursuant to Section 18(2)(a) and Section 18a(a) may be in the period from January 1st 2016 to December 31st 2021 calculated also the programme accompanied by subtitles, that are not subtitles for hearing-impaired persons pursuant to Section 18a(a), but they are in compliance of the conditions laid down in Section 18aa(1)(a) and (b) and simultaneously bring closer the other sounds in programme in a way that allows hearing-impaired persons to understand the meaning, if the programme was firstly broadcast at the territory of Slovak republic before January 1st 2016. In the period from January 1st 2016 to December 31st 2021 programmes with subtitles in accordance with the first sentence may make up not more than 25% of total share of programmes accompanied with subtitles for hearing-impaired persons.

#### § 76dh

Transitional provisions on the amendments effective from April 1st 2016

(1) In the period from April 1st 2016 to December 31st 2016 a licensed broadcaster shall be obliged to reserve at least 20% of Slovak musical works within broadcasting time of musical works per calendar month and public service broadcaster shall be obliged to reserve at least 30% of Slovak musical works within broadcasting time of musical works per calendar month, and such for each radio programme service of such broadcaster individually.

(2) The provision of subsection 1 shall not apply to broadcasting of radio programme service if the Council decided that to define the share of Slovak musical works is due to the focus of programme service totally excluded.

#### § 76di

Transitional provisions on the amendments effective from May 20th 2016

The provisions of Sections 31a(8), 39(7) and 39a(7) as amended effective from May 20th 2016 shall not apply to programmes made before May 20th 2016.

#### Final provisions Section 76e

This act transposes binding legislation of the European Union as specified in the annex.

#### Section 77

## Repealing provisions

The following are hereby repealed:

1. Act No. 160/1997 on the Council of the Slovak Republic for Radio and Television Broadcasting and on the amendment of Act No. 468/1991 on Operation of Radio and Television Broadcasting, as amended,
2. Act No. 468/1991 on the Operation of Radio and Television Broadcasting as amended by Act No. 597/1992, Act of the National Council of the Slovak Republic No. 166/1993, Act of the National Council of the Slovak Republic No. 325/1993, Act of the National Council of the Slovak Republic No. 212/1995, Act of the National Council of the Slovak Republic No. 220/1996, Act of the National Council of the Slovak Republic No. 160/1997, Act No. 283/1997, Act No. 187/1998, Act No. 233/1998 and Act No. 46/1999,
3. Section 1 of Act of the National Council of the Slovak Republic No. 166/1993 on Measures in the Area of Radio and Television Broadcasting as amended by Act of the National Council of the Slovak Republic No. 321/1996, Act of the National Council of the Slovak Republic No. 380/1996 and Act No. 285/1997.

### Art. II

Act No. 195/2000 on Telecommunications shall be amended as follows:

1. In Section 15(1)(a) after the word “network” comma is omitted and the following words are inserted: “besides telecommunications networks intended solely for the one-way cable transmission of television or radio signals.”.
2. In Section 15(1)(b) dot is replaced by semi-colon and the following words are inserted: “when deciding on the grant of a licence, the office shall also take care that no applicant is disadvantaged in connection with the use of limited resources.”.
3. In Section 31(8) dot is omitted at the end and the following words are inserted: “and for terrestrial radio and television broadcasting.”.
4. In Section 32(1)(b) for the word “strong” is replaced by the word “important”.

### Art. III

#### Section 78 Effect

This act shall come into effect on the day of its publishing.

Act No. 147/2001 Coll. came into effect on 1 May 2001.

Act No. 206/2002 Coll. came into effect on 8 May 2002.

Act No. 289/2005 Coll. came into effect on 1 August 2005.

Acts No. 95/2006 Coll. and No. 121/2006 Coll. came into effect on 1 April 2006.

Act No. 13/2007 Coll. came into effect on 1 February 2007.

Act No. 220/2007 Coll. came into effect on 31 May 2007.

Act No. 654/2007 Coll. came into effect on 29 December 2007.

Act No. 343/2007 Coll. came into effect on 1 January 2008.

Act No. 167/2008 Coll. came into effect on 1 June 2008.

Act No. 287/2008 Coll. came into effect on 1 August 2008.  
Act No. 516/2008 Coll. came into effect on 1 January 2009.  
Act No. 77/2009 Coll. came into effect on 1 April 2009.  
Act No. 318/2009 Coll. came into effect on 1 September 2009.  
Act No. 498/2009 Coll. came into effect on 15 December 2009.  
Act No. 532/2010 Coll. came into effect on 1 January 2011.  
Act No. 221/2011 Coll. came into effect on 1 September 2011.  
Act No. 397/2011 Coll. came into effect on 31 December 2011.  
Act No. 547/2011 Coll. came into effect on 1 January 2013.  
Act No. 342/2012 Coll. came into effect on 1 January 2013.  
Acts No. 547/2011 Coll. as amended by Act No. 440/2012 Coll., No. 352/2013 Coll. and No. 373/2013 Coll. came into effect on 1 January 2014.  
Act No. 40/2015 Coll. came into effect on 1 July 2015.  
Act No. 278/2015 Coll. came into effect on 1 January 2016, except for Art. I points 1, 3, 4, 6, point 15 (Section 28b to 28d), points 19 to 22 and point 23 (Section 76dh) which come into effect on 1 April 2016 and Art. I points 16, 17, point 23 (Section 76di) and point 24 which came into effect on 20 May 2016.

Rudolf Schuster m.p.  
Jozef Migaš m.p.  
Mikuláš Dzurinda m.p.

#### Annex

#### LIST OF BINDING ACTS OF THE EUROPEAN UNION HEREBY TRANSPOSED

1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (codified version) (OJ EU L 95/1, 15.4.2010).

2. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ EU L 127, 29.4.2014).

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1) Act No. 532/2010 on Radio and Television Slovakia and on the amendment of certain acts.

1a) Act No. 220/2007 on the digital broadcasting of programme services and the provision of other content services via digital transmission and on the amendment of certain acts (the Digital Broadcasting Act).

2) Articles 43 to 48 of the Treaty establishing the European Community, as amended (OJ C 321, 29.12.2006).

2a) Section 2(6) of Act No. 220/2007.

3) Section 3 of Act No. 220/2007.

3a) Section 4 of Act No. 610/2003 on Electronic Communications as amended by Act No. 117/2006.

3aa) Section 2 of Act No. 610/2003.

3b) Section 2(5) of Act No. 220/2007.

4) Section 7 of Act No. 618/2003 on Copyright and Rights Related to Copyright (the Copyright Act).

5) Section 2(2) of Act No. 448/2008 on Social Services and on the amendment of Act No. 455/1991 on Trade Licensing (the Trade Licensing Act) as amended.

6) Section 116 of the Civil Code.

7) For example, Act No. 333/2004 on elections to the National Council of the Slovak Republic, as amended, Act of the Slovak National Council No. 346/1990 on elections to the bodies of self-governing municipalities, as amended, Act No. 46/1999 on the method of election of the president of the Slovak Republic, on voting by the people for his or her recall and on the amendment of certain other acts, as amended, Act No. 343/2007 on the conditions for registering, publicly disseminating and preservation of audiovisual works, multimedia works and sound recordings of artistic performances and on the amendment of certain acts (the Audiovisual Act).

7a) For example, Sections 24 to 39 of Act No. 220/2007.

8) Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 168/1998 on the signing of the European Convention on Transfrontier Television.

9) Section 8 of Act No. 532/2010.

11) Section 2(1) of Act No. 167/2008 on the periodic press and news agencies and on the amendment of certain acts (the Press Act).

12) Act No. 211/2000 on free access to information and on the amendment of certain acts (the Freedom of Information Act).

13) Act No. 308/1991 on freedom of religious belief and the status of churches and religious communities.

14) Section 10(1) of Act No. 330/2007 on the criminal register and on the amendment of certain acts.

15) Act No. 283/2002 on travel expenses, as amended.

16) Act No. 580/2004 on health insurance and on the amendment of Act No. 95/2002 on insurance and on the amendment of certain acts, as amended.

17) Act No. 461/2003 on social insurance, as amended.



18) Section 100 to 117 of the Labour Code, as amended.

18a) For example, Sections 17 to 20 of the Commercial Code, Act No. 428/2002 on the Protection of Personal Data, as amended, Act No. 215/2004 on the Protection of Classified Information and on the amendment of certain acts, as amended.

18aa) Titles Three and Four of the Fourth part of Act No. 220/2007 Coll.

19) Act No. 523/2004 on budgetary rules in public administration and on the amendment of certain acts, as amended.

20) Act No. 553/2003 on the remuneration of certain employees performing work in the public interest and on the amendment of certain acts, as amended.

21) For example, Section 38(1) of Act No. 575/2001 on the organisation of activities of the government and the organisation of the central state administration, Section 8(1)(a) of Act No. 610/2003.

21a) Act No. 152/1998 on Complaints.

21b) Act No. 122/2013 Coll. on the Protection of Personal Data and on the amendment of certain acts, as amended by Act No. 84/2014 Coll.

21c) For example, Section 3 of Act No. 22/2004 on Electronic Commerce and on the amendment of Act No. 128/2002 on State Control of the Internal Market in Matters Relating to Consumer Protection and on the amendment of certain acts, as amended by Act No. 284/2002, as amended by Act No. 160/2005.

21d) For example, Act No. 215/2004 on the Protection of Confidential Information and on the amendment of certain acts, as amended, Act No. 211/2000 on free access to information and on the amendment of certain acts (the Freedom of Information Act) as amended, Section 20 of Act of the National Council of the Slovak Republic No. 198/1994 on Military Intelligence, Section 80 of Act of the National Council of the Slovak Republic No. 171/1993 as amended, Section 23 of Act of the National Council of the Slovak Republic No. 46/1993 on the Slovak Information Service.

21e) For example, Section 19(2) of Act No. 46/1999 on the method of election of the president of the Slovak Republic, on voting by the people for his or her recall and on the amendment of certain other acts.

22) For example Act No. 333/2004 as amended, Act of the Slovak National Council No. 346/1990 as amended, Act No. 46/1999.

23) For example, Constitutional Act No. 227/2002 on national security in wartime, a state of war, a state of emergency and a state of crisis, as amended, Act No. 319/2002 on the defence of the Slovak Republic, as amended, Act No. 570/2005 on military service and on the amendment of certain acts, as amended.

24) Section 16(5) of Act of the National Council of the Slovak Republic No. 42/1994 on civil defence of the population, as amended (full text No. 261/1998).

26) Section 5 of Act of the National Council of the Slovak Republic No. 270/1995 on the State Language, as amended. Act No. 184/1999 on the Use of the Languages of National Minorities. Section 17 and 46 of Act No. 343/2007.

26a) Section 27 of Act No. 220/2007.

26b) Section 3(4) of Act no. 220/2007.

26c) Section 49(2) to (4) of Act no. 220/2007.

27) Section 52 to 54 of the Civil Code.

28) Section 2 of Act No. 139/1998 on narcotic substances, psychotropic substances and preparations, as amended by Act No. 260/1999.

28a) Section 12 of Act No. 343/2007.

28b) Section 37 of Act No. 343/2007.

29) For example, Section 36d(14) of Act of the Slovak National Council No. 51/1988 on Mining Activity, Explosives and the State Mines Administration as amended by Act No. 577/2007.

30) For example, Section 24 of Act no. 333/2004, Section 15 of Act No. 46/1999.

31) For example, Section 174 of the Criminal Code, Section 33(1) of Act No. 139/1998.

32) Act No. 577/2004 on the scope of health care covered by public health insurance and on payments for services connected with the provision of health care, as amended.

33) Act No. 190/2003 on Firearms and Munitions and the amendment of certain acts, as amended.

33a) Section 46 of Act No. 362/2011 on medical products and medical equipment and on the amendment of certain acts.

33b) Section 2(2) of Act No. 576/2004 on health care, services related to provision of health care and on the amendment of certain acts.

34) Section 5(2) of Act No. 618/2003 on Copyright and Rights Related to Copyright (the Copyright Act).

35) Act No. 618/2003 as amended.

35a) For example, Section 30(2) of Act No. 346/1990 on elections to the bodies of self-governing municipalities, as amended, Section (1) of Act No. 46/1999 on the method of election of the president of the Slovak Republic, on voting by the people for his or her recall and on the amendment of certain other acts, Section 24(8) of Act No. 333/2004 on elections to the National Council of the Slovak Republic.

35b) no text supplied by the legislature.

36) Section 3(1) of Decree of the Ministry of Culture of the Slovak Republic No. 589/2007 laying down details on a unified labelling system for audiovisual works, audio recordings of artistic performances, multimedia works, programmes and other components of programme service, and on the means of its application.

37) Section 4 of Act No. 220/2007.

38) Section 23 of Act No. 431/2002 on Accountancy, as amended by Act No.547/2011.

39) Section 57(2) and Section 58(5) of Act of the Slovak National Council No. 323/1992 on notaries and notarial activities (the Code of Notarial Procedure).

40) Section 52 of Act No. 97/1963 on Private and Procedural International Law.

41) Section 250l to 250s of the Code of Civil Procedure.

42) Section 476 to 488 of the Commercial Code, as amended.

43) Act of the National Council of the Slovak Republic No. 233/1995 on court executors and execution activities (the Execution Procedure Act) and on the amendment of certain acts, as amended. Act of the Slovak National Council No. 511/1992 on the administration of taxes and fees and on changes in the system of local financial authorities, as amended.

44) Sections 251 to 275 of the Code of Civil Procedure, as amended.

45) Act No. 7/2005 on Bankruptcy and Restructuring and on the amendment of certain acts, as amended.

46) Section 460(1) of the Civil Code.

46a) For example, Section 67 of Act no. 220/2007.

48) For example, Section 69(1) and (2) of Act No. 220/2007.

48a) Sections 69 and 70 of Act No. 220/2007.

49) Act No. 71/1967 on administrative proceedings (the Code of Administrative Procedure), as amended.

50) Act No. 147/2001 on Advertising and on the amendment of certain acts, as amended.

50a) Act No. 22/2004 on Electronic Commerce and on the amendment of Act No. 128/2002 on State Control of the Internal Market in Matters Relating to Consumer Protection and on the amendment of certain acts, as amended by Act No. 284/2002, as amended by Act No. 160/2005.

50b) Sections 23a to 23c of Act No. 253/1998 Coll. on reporting of the residence of Slovak citizens and the population register of the Slovak republic, as amended.

50c) First, Second and Sixth point of Section 15(a) and First point of Section 15(b) of Act No. 253/1998 Coll.

51) Section 24(3) of Act no. 220/2007.

52) Section 68 of Act No. 220/2007.