

**308**

**ACT**

of 14th September 2000

**on Broadcasting and Retransmission and**

**on Amendments of Act No. 195/2000 Coll. on Telecommunications**

as changed by

- the Act No. 147/2001 Coll. on Advertising and on change and amendment of some acts (in force from 1 May, 2001)

- the Act No. 206/2000 Coll. on Amendment of the Act No. 308/2000 Coll.... (in force from 8 May, 2002)

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

PART ONE

INTRODUCTORY PROVISIONS

§ 1

Matter of legislation

This act shall govern

- a) the status and competence of the Council for Broadcasting and Retransmission (further only "Council"),
- b) the rights and duties of broadcaster, retransmission operator and legal persons or natural persons mentioned in § 2 paragraphs 2 and 4.

§ 2

The scope of the act

(1) This law shall apply to:

- a) a broadcaster who has permission authority for broadcasting by law 1) (further only "public service broadcaster"),
- b) a broadcaster who has permission for broadcasting on the basis of a licence according to this act (further only "broadcaster with a licence" or "licensed broadcaster"),
- c) an operator of retransmission who obtained permission for retransmission according to this act.

(2) This law shall also apply to natural or legal persons who are not broadcasters according to paragraph 1 a) and b), if they have their head of office or head of office of their organisational

structure unit

a) in the Slovak Republic but decisions on the composition of their programme service are taken in a Member State of the European Union, and if they employ in the Slovak Republic a major part of their employees whose work activity is directly connected with broadcasting,

b) in a Member State of the European Union, but decisions on the composition of their programme service are taken in the Slovak Republic and if they employ in the Slovak Republic a major part of their employees whose work activity is directly connected with broadcasting,

c) in the Slovak Republic, but decisions on the composition of their programme service are taken in a country which is not a member of the European Union and if they employ in the Slovak Republic a major part of their employees whose work activity is directly connected with broadcasting.

(3) Provision of the paragraph 2 shall apply only if an international treaty published in the Collection of Laws of the Slovak Republic, by which the Slovak Republic is bound, does not state otherwise.

(4) This law shall also relate to natural and legal persons who are not broadcasters pursuant to paragraph 1 letters a) and b), paragraph 2 doesn't apply to them and who are not considered to be established in the member state of European Union or in the contracting party of the European Convention on Transfrontier Television 8), if

a) they use the frequency 8) allocated to the Slovak Republic,

b) they don't use a frequency allocated to the Slovak Republic, to the member state of the European Union or to the contracting party of the European Convention on Transfrontier Television, but use the satellite capacity of the Slovak Republic,

c) they use neither a frequency allocated to the Slovak Republic, to the member state of the European Union or to the contracting party of the European Convention on Transfrontier Television, 8) nor the satellite capacity of the Slovak Republic, of the member state of the European Union or of the contracting party of the European Convention on Transfrontier Television, 8) but they use a satellite up-link broadcast situated in the Slovak Republic.

### §3

#### Definition of certain notions

For the purposes of this act

a) broadcasting is the spreading of original coded or uncoded radio programme services or television programme services as well as other sound, visual or audio-visual information including teletext via public telecommunication networks 3) or telecommunication equipment 4) determined for reception by the public; broadcasting does not include communication services directed to providing information or other communications on the basis of individual demand or broadcasting via Internet,

b) a broadcaster is a natural or legal person who has editorial responsibility for the composition and content of a programme service, which is broadcast by him or has it transmitted in a complete and unchanged form by a third party,

c) retransmission is reception and simultaneous transmitting of complete and unchanged original programme services or other sound, visual or audio-visual information of broadcaster destined for public reception, realised by means of telecommunication networks or devices, or by means of other technological system for reception and simultaneous broadcasting of programme services,

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

e) the programme service is a purposed time-arrangement of programmes and other elements of this service which form a closed unit provided to the public by the broadcaster,

f) a programme is an audio or audio-visual communication, which in its content, form and function forms a closed unit; it is the basic unit of the broadcast programme service and may not be interrupted unless this law states otherwise,

g) a programme network is the joint arrangement of a programme service or of mutually selected programmes and their simultaneous transmission in unchanged form by two or more broadcasters,

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1) Act of the Slovak National Council No. 254/1991 Coll. on Slovak Television, as amended by later regulations.

Act of the Slovak National Council No. 255/1991 Coll. on Slovak Radio, as amended by later regulations

2) Act No. 195/2000 Coll. on Telecommunications

3) §4 paragraph 5 of Act No. 195/2000 Coll.

4) §3 paragraph 1 of Act No. 195/2000 Coll.

h) a programme in the public interest is a programme aimed at the satisfaction of the informational and cultural needs of listeners or viewers on the territory covered by the signal of the broadcaster; it is primarily

1. a programme for minors aimed at educational, upbringing and informational purposes,
  2. news,
  3. a programme aimed at educating and training, science and research,
  4. a programme which provides legal and other information, supports a healthy life-style, the protection of nature, the protection of environment, the protection of life, health and property, and road safety,
  5. a programme, which presents culture, with 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 determined for groups of citizens in social need 5),
- i) a teletext is a digital data broadcast service within the television signal structure aimed primarily at the two-dimensional screening of text or picture reconstructed from encoded data on the screen of specially equipped television receivers,
- j) a videotext is a text on the screen usually spread at the beginning of the broadcast of a television programme service, at its ending, or between individual programmes which usually contains information on the broadcaster and the programme service; also includes spreading textual information in local broadcasting,
- k) the time extent of a broadcast is the totality of broadcast time of the individual programmes and additional broadcasting which relates to the programme service; it does not include monoscope, technical break and other messages, which are not related to the programme service,
- l) terrestrial broadcasting is broadcasting carried out by the telecommunication equipment placed on the earth,
- m) full-range broadcasting is broadcasting which covers the whole territory of the Slovak Republic and which can be received by more than 80% of its inhabitants,
- n) multiregional broadcasting is broadcasting which covers several regions and which can be received by more than 30% and less than 80% of the inhabitants,
- o) regional broadcasting is broadcasting which covers a region larger than the cadastral territory of a community and can be received by less than 30% of inhabitants,
- p) local broadcasting is broadcasting the reception of which is usually geographically limited to a community and reception of which area does not include more than 100,000 inhabitants and, if it concerns a town, more than 200,000 inhabitants; broadcast programmes are aimed at local information environment or sources and on the issues of common interest, while creating and deepening internal relations of any given community, and leading to a maintaining of the feeling of identification with the community,
- r) property connection is a greater than 25% share in the issued capital of a second person, or more than a 25% share in the announcing rights of a second person as well as mutually between close persons 6),
- s) personal connection is a part in the administration or in the control of a second person, and this also through a close person or a member of a commercial company and their close persons 6).

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5) § 10 Act No. 195/1998 Coll. on Social Aid

6) § 116 of the Civil Code

## PART TWO

### COUNCIL

#### § 4

##### The objective and status of Council

(1) The objective of a Council shall be to enforce the interests of the public in the exercise of the rights to information and freedom of speech, and rights of access to cultural values and education, and to perform state regulation in the areas of broadcasting and retransmission.

(2) The Council shall pursue the maintenance of plurality of information in the news programmes of the broadcasters broadcasting on the basis given by law or on the basis of a licence according to this law. It shall supervise the compliance with legislation governing broadcasting and retransmission, and perform state administration in the area of broadcasting and retransmission to the extent determined by this act.

(3) The Council shall be a legal person with its seat in Bratislava. Within the performance of the state administration in the area of broadcasting and retransmission, it has the status of a state administration authority with national wide activity to the extent determined by this act and special regulations 7).

(4) The activity of the Council resulting from its objective (paragraphs 1 and 2) and from its competence (§5) shall be performed by the members of the Council; the tasks related to the activity of the Council are performed by employees of the Office of the Council for broadcasting and retransmission (further only "office").

#### § 5 The competence of Council

(1) To the competence of the Council in the area of performing state administration shall belong

- a) deciding on the licences for broadcasting (further only "licence"),
- b) deciding on the registrations for retransmission,
- c) deciding on the suspension of retransmission of a programme service,
- d) deciding on granting further frequencies to public service broadcasters,
- e) beginning proceedings on granting licences for terrestrial broadcasting,
- f) granting agreement to a public service broadcaster on broadcasting by satellite,
- g) supervision of the fulfilment of duties according to this law and special regulations 7),
- h) imposing sanctions on a broadcaster and operator of retransmission and on those who broadcast or operate retransmission without authorization,
- i) determining time periods for the regulation of legal relations of broadcasters,
- j) keeping a record of requests for granting licences (further only "request for a licence"), of granted licences, including their changes, of requests for registration of retransmission and of registrations of retransmission, including their changes,
- k) elaborating plans for using the frequency spectrum for broadcasting in cooperation with the appropriate bodies of the state administration for telecommunications,

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*7) For example Act of the National Council of the Slovak Republic No. 80/1990 Coll. on Elections to the National Council as amended, Act of the Slovak National Council No. 346/1990 Coll. on Elections to Community Local Administration Bodies as amended, Act No. 46/1999 Coll. on the way of electing the President of the Slovak Republic, on Public Voting on his Impeachment and on the completion of some other laws.*

- l) elaborating statistics on broadcasting programmes with emphasis on the statistic of broadcasting of European works and independent productions on the basis of broadcasters' documentation,
- m) requesting broadcast records from broadcasters in the case of need.

(2) To the Council's competence also belong

- a) supervision of the 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 creation of laws and other generally binding legislation in the area of broadcasting and retransmission,
- c) expressing itself on proposals to sign international treaties in the area of broadcasting and retransmission, on their fulfilment, on 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 organizations or bodies of other countries which operate in the area of broadcasting and retransmission,
- e) determining in cooperation with the Telecommunication Office Board of the Slovak Republic a broadcast conception in the area of using frequencies for public service broadcasters and broadcasters by licence,
- f) warning the Slovak Television Council 9) and Slovak Radio Council 10) on the infringement of duties of public service broadcasters under this law,
- g) conducting a statistical survey on Slovak Republic territory coverage by radio signals and television signals, and on the number of inhabitants who receive radio signals and television signals emitted by broadcasters by licence,
- h) presenting to the National Council of the Slovak Republic (further only "National Council") an annual report on the state of broadcasting and on their activities, within 90 days of the end of the calendar year,
- i) determining unified system of programme marking in broadcasting of television programme service and terms of its application,
- j) elaborating a list of all broadcasters of television programme service with respect of access of the public to their broadcasting,
- k) elaborating a list of significant events in collaboration with the Ministry of Culture of the Slovak Republic and the Ministry of Education of the Slovak Republic, the right holders and the broadcasters.

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8) *Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 168/1998 Coll. on signing the European Convention on Transfrontier Television*

9) *§ 7 of Act of the Slovak National Council No.254/1991Coll.*

10) *§ 7 paragraph 1 of Act of the Slovak National Council No.255/1991Coll.*

(3) The Council shall have the duty

- a) to present information to the National Council on the state of broadcasting and Council's activities upon request of the National Council,
- b) to publish through its internet pages, the periodical press 11) and press agency a summary of valid licences and registrations for retransmission, the state of usage of the frequency spectrum and a summary of free broadcasting frequencies,
- c) to present to the respective committee of the National Council for review the proposals of status of the Council, standing order and their changes which are presented by this committee for approval to the Chairman of the National Council,
- 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 given by special regulations 7),
- f) to provide information according to special regulation 12).

§ 6 Council  
composition

- (2) A Council has nine members who are elected and recalled by the National Council.
- (3) The National Council Committee may be presented with proposals for candidates of Council membership by members of the Parliament, professional institutions and civil associations operating in the areas of audio-visual, mass information means, culture, science, education, sport, registered religious and church societies 13), and civil associations of citizens with health handicaps through the Coordinating Committee for Issues of Health Handicapped Citizens of the Slovak Republic.
- (4) The Council elects a Chairman and Vice-chairman of the Council from its members.
- (5) If a Chairman is not elected, the Vice-chairman performs his activities to the full extent.

§ 7  
Council membership

- (1) As a Council member can be elected a citizen of the Slovak Republic with his permanent residence on the territory of the Slovak Republic, who has reached the age of 25, has the right to legal actions in their full extent and is blameless; as blameless is considered someone who has not been convicted by law of a deliberate criminal act, blameless is shown by an extract from the Criminal Register 14).
- (2) The function of the member of the Council shall not be compatible with the function of President of the Slovak Republic, a National Council deputy, a member of the government of the Slovak Republic, a Ministry state secretary or board director, the director of other central body of the state administration or its statutory representative, an employee of a state administration body, a mayor, a judge, a prosecutor, a member of the Slovak Television Council 9) or of the Radio Council 10).

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*11) Act No. 81/1996 Coll. on Periodic Press and other Mass Information Means, as amended by later regulations*

*12) Act No.211/2000 Coll. on Free Access to Information*

*13) Act No. 308/1991 Coll. on Religious Freedom and the Status of Churches and Religious Societies 14) Act of the National Council of the Slovak Republic No. 273/1993 Coll. on Criminal Register.*

- (3) A Council member must not
- hold a function in a political party or a political movement, appear in its name or act for its benefit,
  - be the publisher of a periodic press, a broadcaster, operator of retransmission or a member of a statutory body, an administration body, a control body, a statutory body or the employee of these persons; this restriction applies also to persons close 6) to Council members,
  - have a share in the basic equity, or a share in the voting rights of a person who is the broadcaster or operator of retransmission; this restriction applies also to persons close 6) to Council members,
  - be a member of the statutory body, managing body or control body or statutory body of a person who provides services connected to the creation of programmes, advertisements or technical preparation of broadcasting and retransmission,
  - provide the broadcaster or operator of retransmission direct or mediated counsel or a specialist service or aid for pay or any other counter value.
- (4) A function of the member of the Council is a public function. The function of the Chairman of the Council is incompatible with other legal relation or occasional legal relation; this restriction does not apply to scientific, pedagogical, public relations, literary or artistic activity. Other members of Council may perform their function as a single activity or alongside a legal relation, while obeying the restrictions of paragraphs 1 to 3.

§ 8

Term of office of Council members

- (1) The term of office of Council members shall be six years. A Council member may be elected for maximum of two terms of office.
- (2) The Council shall be renewed by one-third every two years.
- (3) New Council members shall be elected for places freed by the completion of terms of office. For places freed by other reasons, new members shall be elected for the time remaining in the term of office of a Council member whose place has been freed.
- (4) The term of office of a Council member shall become effective on the day following the expiry of the mandate of the Council member in whose place he was elected, at the earliest however on the day of his election by the National Council.

§ 9

Termination of Council membership

- (1) Council membership shall terminate
  - a) by the completion of the term of office (§ 8 paragraph 1),
  - b) by surrendering of office; membership expires on the day of delivery to the Chairman of the National Council of announcement of the council member of surrendering of office,
  - c) by removal of the council member from office or
  - d) by death of the council member.
- (2) The National Council shall recall a Council member (§ 6 paragraph 1) only if a)
  - a) he has ceased to fulfil the conditions for office performance according to § 7, b) he has been legally convicted for a deliberate criminal act,
  - c) he has been legally deprived of the right to legal actions, or his right to legal actions has been legally restricted,
  - d) he has not performed his office for more than six consecutive calendar months or e) he acts in contrary to the status of the Council.
- (3) If a fact has taken place according to paragraph 1 letters a) and d), or a fact according to paragraph 2 letter d), the Chairman of the Council shall be obliged to announce this without delay to the Chairman of the National Council.

§ 10

Entitlements due to Council membership

- (1) A Council member shall be entitled to remuneration for the performance of office. A Council statute shall determine the remuneration.
- (2) Travel expenses, which occur in connection with the performance of Council office, shall be provided according to special regulation 15).
- (3) A Council member shall be included in health insurance, 16) sickness insurance and pension assurance 17) as an employee in a work relation. Labour regulations govern relations following from Council membership18).



§ 11 The  
proceeding of Council

- (1) The Chairman of the Council shall coordinate Council activities and externally acts on its behalf.
- (2) In times of absence of the Chairman of the Council, the Vice- Chairman of the Council or other member of the Council authorized by the Chairman of the Council if the Vice- Chairman is unavailable shall substitute the Chairman to the extent of his rights and duties.

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*15) Act No. 119/1992 Coll. on Reimbursement of Travel Expenses as amended by later regulations*

*16) Act of the National Council of the Slovak Republic No. 273/1994 Coll. on Health Insurance, Health Insurance Financing, on General Health Insurance Company Establishment and on Departmental, Industrial, Corporate and Civil Health Insurance Companies Establishment as amended by later regulations*

*17) Act of the National Council of the Slovak Republic No. 274/1994 Coll. on Social Insurance Company as amended by later regulations*

*18) § 100 to § 110 of the Labour Code as amended by later regulations.*

- (3) The Council shall be capable of taking decisions if at least seven of its members are present at its session, while one of them must be the Chairman or Vice-Chairman of the Council. Approval of at least five Council Members is needed for valid decision. The Council votes openly. Closed ballot applies for election of the Chairman and the Vice- Chairman of the Council.

§ 12 Maintenance of  
Council's activities

- (1) The Council shall work with its own budget according to special regulation 19), and its activity is refunded from the state budget.
- (2) Expenses of Council activity shall be covered by the state budget; Council income is state budget income.
- (3) The Council shall present to the Ministry of Finance its budget proposal for the following year together with its justification in accordance with special regulation 19). The Council budget shall be approved by the National Council after previous discussion in the designated committee.

§ 13  
Office

- (1) Tasks related to organizational, personnel, administrative and technical ensurance of Council activity, and performance of Council decisions, shall be executed by the office.
- (2) Office activities shall be managed by the office director, who shall be named and recalled by the Council.
- (3) The office director shall fulfil for employees of the Council the role of director of the board.
- (4) The labour-law of employees of the Council and the wage issues thereof shall be governed by special regulations 20).

(5) The office organizational code, approved by the Council, shall regulate details of office activities.

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19) *Act of the National Council of the Slovak Republic No. 303/1995 Coll. on Budgetary Rules, as amended by later regulations*

20) *Labour Code. Act No. 143/1992 Coll. on Salary and Remuneration for Labour Preparedness in Budget and Some other Organizations and Bodies as amended by later regulations. Regulation of the Slovak Republic No. 249/1992 Coll. on Pay Relations of Employees in Budget and Some other Organizations and Bodies.*

#### § 14

##### Cooperation of state administration bodies with Council

The Ministry, other central bodies of state administration and other state administration bodies shall cooperate with the Council on issues connected with the area of broadcast and retransmission and provide their needed cooperation to the extent according to special regulations 21).

### PART THREE BASIC RIGHTS AND DUTIES OF BROADCASTERS AND OPERATORS OF RETRANSMISSION

#### § 15

##### Content of programmes and freedom of reception

(1) A broadcaster shall broadcast programmes freely and independently. There can be intervention into their content only on the basis of law and its limits.

(2) The retransmission operator shall perform the retransmission of programme services freely and independently. Restriction of retransmission of programme services is possible only on the basis of law and its limits.

#### § 16 Basic

##### duties of broadcasters

A broadcaster has the duty

- a) to ensure the universality of information and plurality of opinion within the broadcast programme service,
- b) to ensure objectivity and impartiality of news programmes and current affairs programmes; opinions and evaluating comments must be separated from information of a news character,
- c) to ensure that programmes and other elements of the programme service broadcast within election campaigns comply with special regulations 22).

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21) *For example § 30 paragraph 1 of the Act of the Slovak National Council No. 347/1990 Coll. on the Organization of Ministries and other Central Bodies of State Administration of the Slovak Republic as amended by later regulations, § 6 paragraph 3, letter c) of Act No. 195/2000 Coll.*

22) *For example Act of the Slovak National Council No. 80/1990 Coll. as amended by later regulations, Act of the Slovak National Council No. 346/1990 Coll. as amended by later regulations, Act No. 46/1999 Coll.*

- d) to provide without charge in urgent public interest to state bodies on their request inevitable broadcasting time for broadcasting an important and immediate message or challenge for announcing a state of war or declaration of war 23) or for broadcasting civil protection information 24) in a time which would reduce the danger of delay to a minimum degree,
- e) to maintain continuously a record of broadcasting for the term of 30 days from the day of broadcasting, in appropriate quality; on the Council's request the broadcaster shall provide a record of broadcasting fixed on technical medium, the format of which will be determined upon the basis of agreement with the broadcaster,
- f) to sign contracts with organizations of collective administration of rights 25) governing the rights to the object of protection which the broadcaster uses,
- g) to ensure the use of the state language and the languages of national minorities in accordance with special regulations 26) in the broadcasting of programmes and other elements of the programme service,
- h) to broadcast an announcement on infringement of the law or other generally binding legislation (further only "announcement on infringement of the law") and of granting licences in a suitable extent, form and broadcast time as determined by the Council,
- i) to start to broadcast up to 360 days after the decision on granting a licence's coming into effect; if the broadcast was stopped as a result of proceedings on withdrawal of a licence and these proceedings have ended, the broadcaster has an equal period for restarting broadcasting,
- j) to announce, while broadcasting a radio programme service, at least once per hour, the programme service in a distinctive sound signal, if it does not interrupt the integrity of the programme,
- k) to show continually on the screen, while broadcasting a television programme service, the programme service in a distinctive visual symbol (logo), except when broadcasting advertisements and teleshopping,
- l) to keep statistics on the broadcast programme of a television programme service; the statistics will contain an analysis of the share of the programme types, the share of European productions and the share of the European independent production programmes; the statistics on the programme service for a calendar month are to be delivered by the broadcaster to the Council within 15 days of the end of the appropriate month, a broadcaster with a licence for broadcast operating through satellites, cable networks, a broadcaster of coded and digital broadcasting shall deliver the statistics within 15 days of delivery of the Council's request for this statistics,
- m) to broadcast audio-visual works only in time agreed with the owners of the rights to such works,
- n) to broadcast in accordance with the granted licence,
- o) to record the activity performed according to this law as the subject of activity in the Business registry; he is obliged to present a proposition to record the activity within 60 days at the latest after the decision about licence granting has taken effect.

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23) § 5 of Act No. 40/1961 Coll. on Security of the Czechoslovak Socialist Republic as amended by later regulations

24) § 16 paragraph 5 of the Act of the Slovak National Council No. 42/1994 Coll. on Civil Protection of Inhabitants as amended by later regulations (complete wording No. 261/1998 Coll.)

25) § 4 of Act No. 283/1997 Coll. on Collective Administration of Rights According to the Authors' Law and on amendments of some laws

26) § 5 of Act of the Slovak National Council No. 270/1995 Coll. on the State Language as amended by later regulations. § 2 of Act No. 184/1999 Coll. on Use of the Languages of National Minorities.

§ 17

Basic duties of retransmission operator

(1) A retransmission operator has the duty

a) to ensure, while occupying channels in a telecommunication network or in a telecommunication facility, that in the basic programme offer of public service broadcasters and broadcasters by licence are placed programme services which can be received by ordinary receiving equipment in the place of reception for telecommunication equipment<sup>4</sup>), and this without charge for both parties; reception of coded programme services and programme services that require a special receiving equipment besides ordinary radio or ordinary television receiving equipment is not considered to be this kind of reception,

b) to reserve free of charge one channel for local broadcasting; on this channel, advertisements and teleshopping must not be broadcast without the consent of the retransmission operator,

c) to sign contracts with organisations of collective administration of rights 25) managing the rights to protected objects which the retransmission operator uses,

d) to ensure that in premises where a public telecommunications network 2) was installed, the possibility of receiving programme services in the present extent is not interrupted for those residents who are not users of this network in such a way that he forbears from any doing during establishing and operating public telecommunication network, which would interrupt reception of stated programme services,

e) to sign a standard contract 27) with each user,

f) to record the activity performed according to this law as a subject of activity in the Business registry; he is obliged to present a proposition to record the activity performed within 60 days at the latest, after the decision about registration of retransmission has taken effect,

g) to begin the retransmission at the latest within 360 days after the decision about registration of retransmission has taken effect,

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

(2) The retransmission operator may operate retransmission only on the condition that the public telecommunications network or telecommunications facility fulfils the technical conditions, and the operator has a licence for operating this network and facility according to special regulation 2).

PART FOUR

SPECIAL DUTIES OF PUBLIC SERVICE BROADCASTER

§18

Special duties of public service broadcaster

(1) The main objective of a public service broadcaster shall be to serve the public or other social interest, to contribute to the development of a democratic society, to create space in the broadcast for a plurality of opinions without favouring the interest of any one political party, political movement, group or part of society or religious confession or faith, and to support the development of artistic creation, culture and education.

(2) A public service broadcaster shall be obliged to

a) in the broadcasting of a television programme service ensure by hidden or open subtitles at least 25 % of all broadcast programmes on each programme circuit, within five years after this law coming into effect,

b) in the broadcasting of a television programme service ensure translation to sign language or in sign language at least 1 % of all broadcast programmes on one programme circuit,

c) in the broadcasting of a television programme service show all programmes broadcast in hidden titles by the sign "(ST)", in open titles by the sign "(OT)" or in sign language by the sign "(PRN)",

d) ensure a heterogeneous selection of programmes, the great majority of which being programmes in

the public interest,

c) use all its resources for fulfilling duties according to this law and special regulations 1).

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27) § 23a of Act No. 634/1992 Coll. on Consumer Protection as amended by later regulations

PART FIVE  
PROTECTION OF HUMAN DIGNITY, HUMANITY, MINORS,  
AND RIGHT TO REPLY

§ 19

Protection of human dignity and humanity

(1) A programme service and all of its parts must not through its processing and content impact on human dignity and the basic rights and freedoms of others.

(2) A programme service and all of its parts must not

a) propagate violence and in a hidden or open form instigate hatred on the basis of gender, race, colour of skin, language, faith and religion, political or other thinking, national or social origin, membership in a national or ethnic group,

b) include in programme offers extracts from works illustrating use of guns, environmental devastation and views which could evoke an impression of hidden form propagation of alcoholism, smoking and use of narcotic substances, poisons and precursors 28),

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

d) depict without justification scenes of actual violence where an actual account 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 unjustified attack on human dignity; this is valid even when it affects persons who have agreed with such depiction,

e) in an open or hidden form propagate alcoholism, smoking, use of narcotic substances, poisons and precursors 28) or trivialize the effects of using the above matters.

§ 20

Protection of minors

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

(2) The depiction of unjustified violence for the purposes of this law shall be the spreading of reports, verbal expressions or images where the violent content is unnecessarily in the foreground as regards the context of these reports, verbal expressions or images.

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28) § 2 of Act No. 139/1998 Coll. on Narcotic Substances, Psychotropic Substances and Agents as amended by Act No. 260/1999 Coll.

(3) Programmes or other parts of the programme service which could endanger the physical, mental or moral development of minors, or impair their mental health or emotional state must not be broadcast between 6.00 a.m. and 10.00 p.m.

(4) In the programming of individual programmes for broadcasting, the broadcaster of a television programme service shall be obliged to take into account the age appropriateness of programmes and other elements of the programme service for minors.

(5) On the basis of the classification of programmes according to age appropriateness, the broadcaster of a television programme service shall be obliged to form and follow a unified system for marking programmes addressed to parents and tutors of minors, which informs on the appropriateness of programmes for 7, 12 and 18-year age groups.

(6) The Council shall determine a unified system of marking programmes and conditions for their enforcement. The Council shall publish this marking on its Internet pages, on its office bulletin boards in the place of its seat, and deliver it to the affected broadcaster.

(7) A broadcaster of a television programme service shall also be obliged to enforce the unified system of marking programmes in the programme offer, through its own broadcast, and also in the programme summary which it provides in published periodic press and other mass information media (1).

(8) The provisions of paragraphs 5 and 7 shall not apply to the local broadcasting of a television programme service unless it is part of a programme network.

#### § 21

#### Right to reply

(1) If there was in the broadcasting broadcast incorrect or truth-twisting fact about legal person or natural person who can be exactly identified on the basis of this fact, such a legal person or natural person, without reference to his state adherence, place of permanent residence or long-term residence, shall have the right to claim a free of charge correction in the broadcasting. The broadcaster shall be obliged, on the request of this person, to publish the correction.

(2) After the death of the natural person, the right to correction according to paragraph 1 shall belong to close persons (6).

(3) The request for broadcasting a correction must be in written form and be delivered to the broadcaster at the latest 30 days after the day of broadcasting of such contested facts - otherwise, the right to a published correction expires.

(4) From the request for broadcasting a correction it must be clear in what consists the untruthfulness of the facts or the twisting of the truth; part of the request is a proposal for the wording of the correction.

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

(6) A broadcaster shall be obliged to broadcast a correction without charge, with the expressed designation "correction", and with the name and surname of a natural person or the name of the legal person who requested the broadcasting of the correction.

(7) A broadcaster shall be obliged to broadcast a correction within 8 days from the day the request for the broadcasting of the correction was delivered.

(8) The legal person or natural person whose licence for the broadcasting has expired shall be obliged

to secure at his own expense the broadcasting of the correction with another broadcaster with similar territorial extent of broadcasting as had a broadcaster who broadcast the contested fact under the conditions stipulated by this law.

- (9) A broadcaster shall not be obliged to broadcast the correction if
- a) a criminal offence shall be committed by the broadcasting of the proposed text,
  - b) the broadcast of the proposed text would be contrary to good manners,
  - c) the request for the broadcasting of the correction is directed against the text which was broadcast on the basis of evident previous agreement of a person who placed the request,
  - d) he broadcast the correction on his own initiative under the conditions stipulated by this law prior to his reception of request for the broadcasting of the correction,
  - e) he may prove the truth of the data for which correction has been required.

(10) If a broadcaster does not broadcast the correction at all or if he does not keep to the conditions under paragraphs 5 to 8, the court shall decide about duty to broadcast the proposal of the person who asked for the correction.

(11) If the person who asked for the correction does not submit the request under paragraph 10 to 15 days within the lapse of time according to paragraph 7, his right to publish correction expires.

PART SIX  
EUROPEAN WORKS AND INDEPENDENT PRODUCTION IN  
BROADCASTING OF TELEVISION PROGRAMME SERVICE

§ 22

European works

- (1) For the purpose of this law, "European works" mean the works 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 and fulfils the conditions under paragraph 2,
  - c) one of the European States, which is not referred to in letters a) and b), if fulfilling the conditions under paragraph 3.
- (2) The works, referred to in paragraph 1 letter a) and b) are works mainly made by authors and employees residing in or having a long term stay in one or more States of the European Union or in one or more States which are contracting parties to the European Convention on Transfrontier Television if
- a) they are made by one or more producers with headquarters in one or more of these States, or b) production of the works is controlled by one or more producers with their headquarters 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 one or more producers established outside of these States do not control the co-production.
- (3) European works are also works made by producers established in one or more European States which are not referred to in paragraph 1 a) and b) and with which the European Union has concluded agreements relating to the audiovisual sector, if these works are mainly made by authors and employees residing in one or more European States; European works mean also works made by these producers in co-production with producers having their headquarters in one or more Member States of European Union.
- (4) European works are also works, made within the framework of bilateral co-production treaties concluded between the Member States of European Union and third States, if the co-producers of 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 outside the territory of the Member States of European Union.

(5) Works, which are not European works under paragraphs 1 and 4, but were made mainly by authors and employees residing or having their long term stay in one or more Member States of European Union, are European works to an extent corresponding to the contribution of the co-producers from the Member States of European Union on the total production costs.

#### § 23

##### European works in television programme service broadcasting

(1) The broadcaster shall reserve a majority proportion of his broadcasting time for European works, excluding the broadcasting time appointed to news, sport events, games, advertising, teletext services and teleshopping.

(2) The Council can set in the license a smaller share of European works in broadcasting than specified in paragraph 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 shall determine an increase of this share during the validity of the license.

#### § 24 Independent producer

##### and independent production

(1) An independent producer is a legal person or natural person dealing with production or sound track of audio-visual works intended mainly for television programme service broadcasting, acting willingly, in line with his own trade policy and working for different broadcasters.

(2) An independent production is a programme made by an independent producer with the aim of presenting it in broadcasting. In its production are used authorial, creative and technical capacities acting separately from the broadcaster. As an independent production is not considered a programme based on a principle of direct contact with the spectator inseparable from the broadcasting itself, particularly news, live broadcast of sport events, entertaining game, advertising, teletext and teleshopping.

#### § 25

##### Independent production in television programme service broadcasting

(1) A licensed broadcaster shall be obliged to reserve at least 10% of his broadcasting time for European works created by independent producers, independent from broadcasters. A broadcaster based on law shall be obliged to ensure that European independent production represents at least 20% of broadcasting time on each programme circuit. For the purpose of this law calculation of the total broadcasting time excludes the time appointed to news, sport events, entertainment games advertising, teletext and teleshopping.

(2) The broadcaster must achieve the proportion of broadcasting time specified in paragraph 1 by earmarking an adequate proportion for recent works; works considered as new are works transmitted within five years of their production.

(3) The condition specified in paragraph 1 is also considered to be fulfilled if the licensed broadcaster has reserved at least 10% and the broadcaster based on law at least 20% of his programme budget,



including the costs of purchase and production of programmes, for European works created by independent producers.

§ 26

Restrictions on independent producer

- (1) A mutual property connection of television programme service broadcaster with independent producer shall be prohibited.
- (2) An independent producer must not make during three years more than 90% of his total production for one broadcaster.

§ 27

Information duty of television programme service broadcaster

- (1) The television programme service broadcaster shall be obliged to provide the Council at the request with the data needed for checking up the duty fulfilment under § 22 to 26, particularly a) data on percentage, number and time of transmitted European works, their identification and identification of their producers, b) data on percentage, number and time of transmitted European works created by independent producers including identification of these works and their producers or documentation on spending the programme budget for production or purchase of European works created by independent producers including identification of producer, c) a list of European works that has been transmitted, created by independent producers, including the date of their creation.
- (2) Broadcaster shall be obliged to provide the Council with the data under paragraph 1 within 15 calendar days after the delivery day of the Council's request for providing the data under paragraph 1.

§ 28

The provisions of § 22 to 27 shall not apply to local broadcasting of a television programme service which is not a part of a programme network, and to broadcasting of a programme service where the determination of the share of European works and independent production is completely excluded because by its orientation.

PART SEVEN

Access of the public to information in broadcasting of television programme service

§ 29

Access of the public to information

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

§ 30 The right

to short report

- (1) The broadcaster of television programme service can for the purpose of news produce and transmit deferred coverage on an event for which another broadcaster has exclusive broadcasting rights.

(2) Deferred coverage under paragraph 1

- a) can be transmitted solely in a news,
- b) broadcasting time may not overrun a time limit of three minutes,
- c) must not be transmitted before the broadcaster with exclusive rights on event can broadcast on this event,
- d) must not be used repeatedly, except of cases where its content would directly relate to another important event which is the subject of a newscast or sport broadcast.

(3) If the event consists of several independent parts, each part is considered to be an event for the purpose of paragraph 1. If an event occurs on two and more days, from each of the days of this event only one deferred coverage for the purpose of newscast can be produced.

(4) A broadcaster of a television programme service, who produces deferred coverage on an event for the purpose of newscast, shall be obliged to cover appropriate costs that arose to the organizer as a result of providing the equipment and services for this activity.

(5) If entry to the event is impossible for other broadcasters because of life threat, health and property threat, public order threat, undisturbed course of an event or because of technical and space reasons on the side of an event organizer, a broadcaster who in the Slovak Republic executes his exclusive rights to the event shall be obliged to provide without delay other broadcasters with deferred coverage on the event, only for compensation of effective costs related to provided deferred coverage.

(6) A broadcaster of a television programme service with exclusive rights on event broadcasting and organizer of this event must not demand from a broadcaster producing deferred coverage on this event for the purpose of a newscast financial or other compensation; the provisions of paragraphs 4 and 5 shall not be affected by this.

#### § 31 Public access to major events

(1) A major event means a political, social, cultural or sport event which meets at least two of the requirements as follows:

- a) its outcome has a special and general resonance and is a subject of interest also to that part of the public which usually does not follow events of this kind,
  - b) has unique cultural importance for inhabitants and in particular contains the elements of their cultural identity,
  - c) is an important international event and a national team is involved, d)
- is broadcast terrestrially, multiregionally or nationwide.

(2) Access of the public to major events through broadcasting of a television programme service shall be safeguarded by the Council in co-operation with the Ministry of Culture of the Slovak Republic and Ministry of Education of the Slovak Republic, owners of rights and broadcasters by drawing up a list of these events. The Council shall publish this list of events on its Internet site and on the official information board in its head office, and deliver it to affected broadcasters.

(3) The Council shall provide a list of all broadcasters, in which they are classified either into the group of broadcasters whose modus of broadcasting allows access of more than 80% of the population without paying special fees, or into a group of broadcasters with limited access of the public; the Council determines the classification of broadcaster into one of the groups in a granted license.

(4) If the broadcaster is placed due to the specific features, character or technical parameters of his broadcasting into a group of broadcasters with limited access of the public and gains exclusive right on broadcasting or retransmission of events according to paragraph 1 via live coverage or deferred

coverage, he shall be obliged to enable a substantial proportion of the public to watch these events via live coverage or deferred coverage free of special fees; by substantial part of the public for the purpose of this act is understood more than 80% of the population.

5) The list of events that were 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 was 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 Internet site, on its official board in its head office and delivered to the affected broadcasters.

(6) If the broadcaster of a television programme service acquires the rights for the broadcasting of 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 within the rules of this Member State and in a way which does not deprive a substantial part of the public of this Member State of following them via live coverage or deferred coverage.

## PART EIGHT BROADCASTING OF ADVERTISEMENTS, TEleshopping AND SPONSORED PROGRAMMES

### § 32 Advertising and Teleshopping

(1) Advertising for the purpose of this law means any public announcement broadcast in return for payment or any similar counter-value including self publicity with the aim of supporting the sale, purchase or lease of goods, services, including real estates, rights and obligations, or to reach other effect pursued by the ordering party of the advertisement or by the broadcaster. To broadcast under this law apply general regulations on advertisement 29), if this act doesn't state otherwise.

(2) Teleshopping for the purpose of this law 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, with duration of maximum 15 minutes, b)
- a teleshopping programme,
- c) a programme service exclusively concentrated on teleshopping.

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

(4) Broadcast advertising and teleshopping must not

- a) contravene the freedom and equality in dignity and rights of people and evoke in them emotions of fear,
- b) include any kind of discrimination on the grounds of sex, race, colour, language, national or social origin or nationality or membership of an ethnic group,
- c) be offensive to trust and religion, political or other views,
- d) encourage behaviour endangering or prejudicial to health,
- e) encourage behaviour prejudicial to the environment.

(5) The broadcaster shall ensure that advertisement and teleshopping broadcast by him

- a) are honest and fair,
- b) are not prejudicial to the interests of consumers and do not misuse the trust of consumers,
- c) specified for children or with participation of children do not contain anything prejudicial to their interests and not taking into account their specific susceptibility.

(6) The broadcaster shall provide that the broadcasted advertisement and teleshopping cannot endanger the physical, psychological or moral development of children or disturb their mental health or emotional condition. Broadcasted advertisement or teleshopping must not

- a) directly encourage minors to buy product or services by exploiting their inexperience and credulity,
- b) directly exhort minors to persuade their parents or others on the need to buy offered goods or services,
- c) misuse the implicit trust of minors in their parents, teachers and others,
- d) groundlessly show minors in dangerous situations,
- e) exhort minors to buy goods that are prohibited to be sold to them.

(7) A broadcaster shall provide that television advertising and teleshopping for erotic services, erotic products and erotic audiotext services are not transmitted between 6.00 a.m. and 10.00 p.m.

(8) A broadcaster shall provide that teleshopping transmitted by him does not contain encouragement for minors to order, sale or lease of goods or services.

(9) A broadcaster shall provide that the party ordering advertising and teleshopping cannot exercise his influence in any way on programme content in the broadcasting or on programme composition of the broadcasting.

(10) Broadcasting of political advertising and advertising promoting religion or atheism shall be prohibited, if special regulation does not provide otherwise 30).

(11) Political advertising for the purpose of this law means public announcement determined for

- a) support of a political party, political movement, member of a party, or member of a movement, or candidate, or in their favour during an election campaign or referendum campaign,
- b) popularisation of name, mark, or slogans of a political party, political movement or a candidate.

(12) Surreptitious advertising and teleshopping shall be prohibited.

(13) Surreptitious advertising and teleshopping for the purpose of this law means information in words or pictures about goods, service, trade name, trade mark or about a goods producer's or service provider's activities in a programme, if the broadcaster intentionally uses this information in the frame of a programme for advertising purposes by which he can mislead the public as to the nature of this information. This information is considered to be purposed mainly if it is done in return for payment or for similar counter value.

(14) Subliminal advertising and teleshopping shall be prohibited.

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29) *Act of the Slovak National Council No. 147/2001 Coll. on Advertising and on change and amendment of some acts*

30) *For example § 23, of Act of the Slovak National Council No. 80/1990 Coll. as amended by later regulations, § 15 of Act No. 46/1999 Coll.*

31) *For example § 188a of the Criminal Code, § 33 paragraph 1 of Act No. 139/1998 Coll..*

32) *Act of the National Council of the Slovak Republic No. 98/1995 Coll. on Curative Order as amended by later regulations.*

§ 33

Restrictions on television advertising and teleshopping  
of some products

- (1) All forms of television advertising and teleshopping for tobacco products shall be prohibited. Avoidance of this prohibition via using brand names, trade marks, emblems or other marked signs of these products shall be during broadcasting time reserved for advertising and teleshopping prohibited.
- (2) Television advertising and teleshopping for alcoholic beverages, excluding beer, shall be prohibited from 6.00 a.m. till 10.00 p.m.
- (3) Television advertising and teleshopping of alcoholic beverages must not
- a) be aimed at minors and especially must not view minors consuming these beverages,
  - b) link consumption of alcoholic beverages to enhanced physical performance or to driving a motor vehicle,
  - c) state that alcoholic beverages have therapeutic qualities, or are stimulant or sedative, or help to resolve personal problems,
  - d) create the impression that consumption of alcohol contributes towards social and sexual success,
  - e) encourage immoderate consumption of alcohol or present abstinence or sobriety as a negative,
  - f) emphasize beverage's alcoholic content as being a mark of its quality.
- (4) Television advertising for medical products containing narcotics, psychotropic or other addictive substances<sup>31)</sup> and for medical products available only on prescription shall be prohibited.
- (5) Television advertising for medical products excluding medications as within paragraph 4 must be discernible, impartial, truthful and verifiable and meet the requirement of protection of an individual from damage. Advertising shall contain
- a) definite and understandable recommendation for careful reading of instructions for correct application of medical products comprised in written information for users of medications, enclosed in medical products,
  - b) recommendation to ask a person authorized to prescribe or to issue medications for advice about application of medical products.
- (6) Television advertising for medical products also must not
- a) be aimed at minors,
  - b) compare medications with food or cosmetic products,
  - c) promote effect 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 medical products.
- (7) Broadcasting of teleshopping for medical products available on medical prescription and medical treatment available only on the basis of the health insurance and special regulations <sup>32)</sup> shall be prohibited.
- (8) Television advertising and teleshopping for arms and ammunition<sup>33)</sup> shall be prohibited.

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*33) Act of the National Council of the Slovak Republic No. 246/1993 on Weapons and Ammunition as amended by later regulations.*

§ 34

Form and presentation of advertising and teleshopping

- (1) Television advertising and teleshopping shall be recognizable and clearly separated from other parts of the programme service in a way that they are not interchangeable with other parts of the programme service; in broadcast of a radio programme service acoustic means shall be used for separation, and in broadcasting of television programme service sound-visual means.
- (2) Advertising and teleshopping in broadcasting of television programme service shall be transmitted in blocks and separated from other parts of this programme service. Broadcasting of isolated advertising and teleshopping spots shall remain an exception.
- (3) In broadcasting of programme service presenters, moderators and editors of news and current affairs programmes must not appear in advertising or in teleshopping, neither in picture nor in sound.

§ 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 sport live coverage and in similarly structured events and in performances with breaks.
- (3) During broadcasting of audiovisual work 35) (excluding serial, series, entertainment programme and documentary), if their duration is more than 45 minutes shall be allowed one interruption, through inserting advertising or teleshopping for each period of 45 minutes. If the scheduled duration of an audiovisual work exceeds two or more complete periods of 45 minutes by at least 20 minutes, another interruption shall be allowed. A period of at least 20 minutes should elapse between two consecutive breaks.
- (4) Broadcasting of news, current affairs programme and religious programme, programme for minors and religious service shall not be interrupted by the inserting of advertising or teleshopping.
- (5) One interruption by the inserting of advertising or teleshopping for each period of 30 minutes during the broadcasting of programmes for which paragraph 3 and 4 does not apply shall be allowed if their duration exceeds 30 minutes and if a period of at least 20 minutes elapses between two consecutive breaks.

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*34)§ 6 paragraph 2 of Act No.383/1997 Coll. Author's law modifying and amending Customs Code as amended by later regulations.*

- (6) A licensed broadcaster shall be allowed to insert advertising spots and teleshopping spots also during programme broadcasting if the integrity, value and character of the programme, including its natural internal breaks, are not disrupted, if the rights of owners of rights are held to35) and under conditions stipulated in paragraphs 3 to 5. A public service broadcaster of television programme service must not place an advertising or teleshopping during broadcast of programmes.
- (7) Provisions of paragraphs 3 to 6 do not apply for radio licensed programme service broadcasters. Broadcast of news or religious programme, programme for minors and religious services must not be interrupted by placing of advertising or teleshopping.

(8) A licensed broadcaster who broadcasts radio programme service shall be allowed to broadcast a longer advertising announcement processed to the form of a programme of information character supporting the sale, purchase or leasing of goods or services. Broadcaster shall clearly separate the beginning as well as the end of this programme by giving verbal notice on the character of this broadcasting; to longer advertising announcements provision of article 37 paragraph 1 shall apply.

(9) The provisions of paragraph 1 to 6 do not apply to radio programme service of public service broadcaster; his broadcast of news, current affairs programmes and religious programmes, artistic programmes and programmes for minors, literary-dramatic programmes and religious services must not be interrupted by insertion of advertising or teleshopping.

### § 36

#### Duration of advertising and teleshopping in broadcasting of television programme service

(1) The proportion of broadcasted advertising in broadcasting of a television programme service of a licensed broadcaster shall not exceed 15% of daily broadcasting time. This time schedule shall be allowed to rise up to 20% of daily broadcasting time through the time reserved for teleshopping spots.

(2) The timetable of advertising in the broadcasting of a television programme service of public service broadcaster must not exceed 3% of daily broadcasting time. This time schedule shall be allowed to rise to 10% of daily broadcasting time through time reserved for teleshopping spots.

(3) The broadcasting time reserved for advertising spots and teleshopping spots during a given clock shall not exceed 20% (12 minutes). Broadcasting time reserved for advertising between 7.00 p.m. and 10.00 p.m. by public service broadcaster must not exceed eight minutes during a given clock.

(4) The broadcasting time reserved for advertising shall not include, for purpose of paragraphs 1 to 3, time given to

- a) self-promotion
- b) information about broadcaster's own programme
- c) announcements of public interest or charity appeals broadcast free of charge.

(5) Self-promotion for the purpose of this law means a broadcaster's activity appropriated for gaining and keeping the attention of the public to his own broadcasting, programmes, goods or services directly or indirectly connected to broadcasting and programmes; a broadcaster's information for the public about his own programme is not considered to be self-promotion.

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#### 35) Act No 383/1997 Coll.

(6) A charity appeal for the purpose of this law means an appeal broadcast by a broadcaster free of charge or without any counter value, which includes an appeal for help to a person, group of persons, social and charitable institutions or charitable foundations established to support those aims.

(7) An announcement of public interest for the purpose of this law means a short announcement transmitted by a non-political subject aimed to propagate edification in the area of improving legal consciousness, safety on the roads, health protection, nature protection, environment protection, protection of consumer, etc.

(8) A licensed broadcaster shall be allowed to transmit teleshopping programmes if their uninterrupted duration is more than 15 minutes; limitations of paragraphs 1,3 and 4 do not apply.

(9) A maximum of eight teleshopping programmes shall be allowed to be transmitted during daytime,

however their total duration must not exceed 3 hours per day.

(10) Teleshopping programmes shall be clearly separated from other parts of the programme service by visual and sound means and shall be in this way explicitly identified.

§ 37

Duration of transmitted advertising in broadcasting  
of radio programme service

(1) Timetable reserved for advertising in broadcasting of radio programme service of licensed broadcaster must not exceed 20% of the daily broadcasting time.

(2) Timetable reserved for advertising in broadcasting of radio programme service of public service broadcaster on its each individual circuit must not exceed 3% of their total daily broadcasting time.

§ 38

Sponsored programme

(2) Sponsorship for the purpose of this law means any contribution made by a legal person or natural person excluding broadcasters or producers of audiovisual works, appointed to the direct or indirect financing of programmes with a view to promote the name, trade mark, image or activities of this person.

(3) A programme or series of programmes partially or as a whole sponsored must be clearly identified by a broadcaster by the name in the case of legal person, by name and surname in the case of natural person, or by logo of the sponsor at the beginning and the end of the programme.

(4) A sponsor must not influence the content and scheduling of a sponsored programme in a way that could be considered as interference with the responsibility and editorial independence of the broadcaster with reference to programmes.

(5) A broadcaster shall ensure that the sponsored programme does not directly support the sale, purchase or lease of the goods or services of the sponsor or a third person, in particular by making special promotional references to these products or programmes.

§ 39

Restrictions of sponsorship

(1) A sponsor of a programme must not be a legal person or a natural person whose main activity is the production, sale or lease of goods or the providing of services whose advertising is forbidden according to this law.

(2) Main activity for the purpose of this law means that an income contribution from this activity represents more than 51% of the total income of a legal person or natural person; this activity is registered as his subject of undertaking in the Business registry and he is known to the public for this activity.

(3) A programme sponsored by the legal person or by a natural person who deals with the manufacture or sale of medications or medical treatments may promote the name or the goodwill of the enterprise; must not promote the sale of medications available only on medical prescription and medical treatments paid on the basis of health insurance under the special regulation 32).



- (4) A programme must not be sponsored by the broadcaster or by the producer of audiovisual works.
- (5) Sponsorship of newscasts, sport reports and current affairs programmes shall be prohibited. The independent news programmes, which contain exclusively information about the weather, traffic situation or sport, are an exception.
- (6) Current affairs programme for the purpose of this law means a programme usually thematically connected with news, containing in particular commentary referring to the news and events, analysis of development, political views regarding events and opinions of politicians regarding individual topics.
- (7) Sponsorship of complementary broadcasting excluding time signal shall be prohibited.
- (8) Complementary broadcasting for the purpose of this law means videotext, time information, time signal, announcement of programmes, information of the broadcaster about his own programme, advertising, teleshopping, appeal and announcement.

PART NINE PROGRAMME  
SERVICE DEVOTED EXCLUSIVELY  
TO SELF-PROMOTION OR TELESHOPPING

§ 40

Programme service devoted exclusively to self-promotion

The relevant provisions of Parts I, III, V, VIII, IX, X, XI, XIII and XIV shall apply to the broadcasting of programme service devoted exclusively to self-promotion. Other forms of advertising within the framework of this programme service are only acceptable within the limits of advertising laid down in § 36, paragraphs 1 and 3.

§ 41

Programme service devoted exclusively to teleshopping

The relevant provisions of Parts I, III, IV, V, VIII, IX, X, XI, XIII and XIV shall apply to the broadcasting of a programme service devoted exclusively to teleshopping broadcast. The advertising broadcast within the framework of this programme service is allowed within the limits laid down in § 36, paragraph 1; the provision of § 36, paragraph 3, shall not be applied.

PART TEN  
PLURALITY OF INFORMATION AND TRANSPARENCY OF  
PROPERTY AND PERSONNEL RELATIONS IN THE BROADCASTING

Assurance of plurality of information

§ 42

- (2) A publisher of periodicals (1) that appear at least five times a week and are distributed in public in at least half of the territory of the Slovak Republic must not be a licensed broadcaster for multiregional or nationwide broadcasting at the same time.
- (3) One legal or natural person must not be connected through capital with more than one licensed

broadcaster of multiregional or nationwide broadcasting of radio programme services, or with one licensed broadcaster of multiregional or nationwide broadcasting of television programme service; at the same time, this person also must not be connected through capital with a publisher of nation-wide periodicals 11).

(3) One legal or natural person may be connected through capital with several licensed broadcasters of local broadcasting of radio programme service or regional broadcasting of radio programme service, or with several licensed broadcasters of local broadcasting of television programme service or regional broadcasting of television programme service only if the broadcasting of all of the broadcasters with whom this person is connected through capital can be received by maximum 50% of total population.

(4) The broadcasters may develop a programme network to an extent allowing that it is received by maximum 50% of total population.

#### § 43

Any connection through capital or through personnel of a broadcaster of a radio programme service and a broadcaster of a television programme service with each other, or with a publisher of nation-wide periodicals 11), shall be prohibited.

#### § 44

(2) A broadcaster shall be obliged to submit to the Council for examination at its request, documents and data necessary for providing proof that the conditions laid down in §§ 42 and 43 are met.

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

### PART ELEVEN LICENSING PROCEDURE

#### § 45 Conditions for granting a licence

(1) To one legal or natural person may be granted one licence for the broadcasting of television programme service or one licence for the broadcasting of radio programme service. This term does not apply for granting a licence for broadcast of monothematic television programme service, excluding news and current affairs programme service; monothematic television programme service for the purpose of this law means a programme service, 90 % programmes of which are devoted to the same programme type.

(2) A legal person may be granted a licence if he has a legal form of a corporation, the head office in the territory of the Slovak Republic, or an organisational unit of his enterprise situated in the territory of the Slovak Republic, and is entered in the Business registry; if this legal person has a legal form of a joint-stock company, its shares have to be issued to the bearer and registered in the Securities Centre 36).

(3) A natural person may be granted a licence if he has permanent or long-term residence in the Slovak Republic and is apt for legal acts in full extent; if the licence is granted to a natural person, this person is obliged to register himself in the Business registry.

(4) A licence for nationwide broadcast approves on basis of the Council's proposal the National Council. The licence is granted after approval by the Council. There is no legal claim to a licence.

(5) The licence shall be granted for:

- a) eight years for broadcasting of a radio programme service, a)
- twelve years for broadcasting of a television programme service.

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*36) The Securities Act No.600/1992 Coll. as amended by later regulations.*

(6) The licence may also be granted for a shorter period than specified in paragraph 5, if: a) the applicant for the licence so requests,

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

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

(7) The licensing procedure begins on the day on which the application is registered; the licensing procedure for the terrestrial broadcasting is open upon initiative of the Council.

(8) The participant of the licensing procedure is the person who has asked for the licence.

#### § 46

#### Application for the licence

(1) The application for the licence comprises the following information:

a) 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 person; if the applicant for the licence is a legal person having seat abroad, he shall indicate this information together with information regarding the organisational unit of his business situated in the territory of the Slovak Republic,

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

c) information under letters a) and b) regarding all partners 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 person,

d) data on issued capital and contributions of all partners 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 person,

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

f) information on the supposed time and spatial range of the broadcasting,

g) the proposed technical and organisational aspects of the broadcasting,

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

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

j) specification of programme types,

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

l) the proposed amount or proportion of costs that the applicant for the licence for television programme service broadcast shall use every year for the production of programmes of public interest,

m) specification of applications of the public telecommunication service<sup>37)</sup> of a radio data system (further only "RDS"); RDS is a system enabling to broadcast digital complementary information in the band of ultra-short waves (USW) within the structure of a radio signal, concentrated especially to the identification of the programme service, the list of alternative frequencies, the identification of transport service broadcasting, paging,

n) specification of pages of the public telecommunication service<sup>37)</sup> teletext in the broadcasting of the

television programme service.

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37) § 5, paragraph 2, of the Act No.195/2000 Coll.

(2) The applicant for the licence shall attach to the application for the licence:

- a) the corporate indenture, partnership contract, or the establishment deed of the applicant for the licence and the statute of the company; in case of a joint-stock company, he shall attach the list of shareholders from the Securities Centre 36) valid up to the date of registration of the application,
- b) an extract from the Business registry if the applicant for the licence is a legal person; if the applicant for the licence is a foreign legal person he shall attach a document of a similar nature and an extract from the Business registry about the organisational unit of his business situated in the territory of the Slovak Republic; the extract from the Business registry 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 should not be older than three months,
- d) confirmation in writing or other document proving that a contract has been signed with organisation of collective administration of rights<sup>25)</sup> administering the rights to objects of protection that the broadcaster shall use,
- e) a document of permanent or long-term residence if the applicant for the licence is a natural person,
- f) documents proving the real chance of obtaining the funds as set up in paragraph 1 e), their origin and composition,
- g) documents proving technical and organisational prerequisites of the applicant for the licence for a proper start-up of the broadcasting and its further realisation,
- h) annual account for the last tax period, verified by an auditor in compliance with a special regulation<sup>38)</sup>, if the applicant for the licence is a broadcaster,
- i) confirmation of a competent authority that the applicant for the licence has no tax arrears in the records of locally competent tax authority; the confirmation should not be older than 60 days,
- j) confirmation of a competent authority that the applicant for the licence has no arrears due on health insurance, social insurance or contribution to the employment fund; the confirmation must not be older than 60 days,
- k) statutory declaration (declaration on word of honour) of the applicant for the licence that all information and data indicated in the application pursuant to paragraph 1 is updated and true,
- l) statutory declaration (declaration on word of honour) of the applicant for the licence that the documents accompanying the application are updated and complete.

(3) If the applicant for the licence is a broadcaster in the Slovak Republic or abroad, or is connected through capital with a broadcaster in the Slovak Republic or abroad, he shall also be obliged to include in the application pursuant to paragraph 1 the information about these activities, and to complete the documents laid down in paragraph 2. The same obligation applies to an applicant who is a publisher of periodicals or owner of a press agency in the Slovak Republic or abroad, or is connected through capital with a publisher of periodicals or a press agency in the Slovak Republic or abroad.

(4) The applicant for the licence shall be obliged to communicate to the Council, during the licensing procedure, all changes of data provided in the application, or the information comprised in the attached documents, that have occurred after registration the application for the licence.

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38) §§ 35 to 40 of the Commercial Code. Act of the National Council of the Slovak Republic No.73/1992 Coll. on Auditors and Slovak Chambers of Auditors as amended.

(5) The documents laid down in paragraph 2 have to be submitted in original version or in certified photocopy<sup>39)</sup>. The documents issued abroad should be accompanied by their official translation<sup>40)</sup>.

§ 47

Granting the licence

In making a decision about granting the licence, the Council shall be obliged to evaluate and take into account:

- a) prerequisites for the observance of plurality of information and medial content,
- b) transparency of ownership relations of the applicant for the licence,
- c) transparency and credibility of financial funds designated to financing of the broadcasting,
- d) proportionality of programme structure proposed by the applicant for the licence 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) contribution of the applicant for the licence in relation to the broadcasting and production of programmes in public interest,
- f) the fact that the applicant for the licence should not win 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 person with foreign capital participation.

#### § 48

##### Granting the licence for terrestrial broadcasting

(1) The licensing procedure in respect to terrestrial broadcasting shall be opened by the Council upon its own initiative.

(2) The licensing procedure in respect of terrestrial broadcasting on frequency on which broadcasts a licensed broadcaster whose licence is expiring, shall be opened by the Council:

- a) not later than 18 months before the expiration of licence for terrestrial broadcasting of radio programme service and terrestrial nationwide and multiregional broadcasting of television programme service,
- b) in respect of local broadcasting of a television programme service and regional broadcasting of television programme service not later than 16 months before expiration of that licence.

(3) The licensing procedure in respect to terrestrial broadcasting shall start from the day on which the Council publishes, at least in two nationwide journals and on its official information board in the place of its seat as well as on its Internet web site, basic conditions of the licensing procedure for terrestrial broadcasting.

(4) In basic conditions of the procedure, the Council shall determine the time limit and the place of registration of the application for the licence for the terrestrial broadcasting, the territorial range of broadcasting, concrete frequencies and the date of public hearing of the applicants for the licence.

(5) The Council shall refuse any application for licence for terrestrial broadcasting delivered to the Council after the expiration of the time limit determined in the basic conditions within 15 days of its delivery.

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39) § 57, paragraph 2 and § 58, paragraph 5, of the Act of the Slovak National Council No.323/1992 Coll. on Notaries and Notarial Activity (*The Notary Order*).

40) § 52 of the Act No.97/1963 Coll. on International Private and Procedural Law.

(6) The participants of the licensing procedure for terrestrial broadcasting shall be all applicants for the licence for terrestrial broadcasting whose applications have been delivered to the Council in the determined term.

(7) The licence for terrestrial broadcasting shall be issued by the Council in the form of a decision that in the statement includes a provision about granting the licence for terrestrial broadcasting to one of

the participants of the licensing procedure for terrestrial broadcasting, and a provision about refusal of applications of all other participants of the licensing procedure for the terrestrial broadcasting. In the reasoning, the Council shall indicate the results of the evaluation of individual applications for the licence for terrestrial broadcasting, depending on the fulfilment of criteria laid down in § 47. The decision about granting the licence for terrestrial broadcasting shall be delivered to all participants of the licensing procedure for terrestrial broadcasting.

#### § 49 Decision about granting the licence

- (1) The Council shall decide about the application for a licence within 90 days of the beginning of the procedure. The Council shall make decision in 180 days after the beginning of the procedure if the procedure has begun on its own initiative.
- (2) The Council shall refuse the application for the licence if:
  - a) a legal or natural person who has made the application for the licence does not meet the conditions for the participation in the licensing procedure pursuant to § 45,
  - b) the application does not meet the requirements pursuant to § 46, paragraphs 1 to 3 and 5, and the redress was not obtained in the time limit determined by the Council,
  - c) the application does not meet the criteria and conditions pursuant to § 47 that the Council evaluates and shall be obliged to take into account,
  - d) within the framework of the licensing procedure in respect of terrestrial broadcasting, the Council has made a choice from more applicants for the licence pursuant to § 48.
- (3) The decision on granting the licence shall be issued after agreement with the competent administrative authority of telecommunications about the allocation of frequencies and about other technical conditions of the broadcasting which have to comply with the plans for the utilisation of frequencies for broadcasting of a radio programme service and a television programme service. The list of frequencies shall be a part of the decision on granting the licence.
- (4) The decision about granting the licence shall include the following information:
  - a) name of the programme service,
  - b) data on persons who participate in issued capital of the licensed broadcaster, or a share in voting rights of the licensed broadcaster,
  - c) information about statutory bodies and control bodies of the licensed broadcaster,
  - d) time and territorial range of broadcasting,
  - e) period for which the licence is granted,
  - f) language of broadcast,
  - g) proportions of programme types,
  - h) the share of broadcasting time reserved for programmes of public interest,
  - i) specification of applications of the public telecommunication service<sup>37)</sup> Radio Data System in broadcasting of radio programme services,
  - j) type of technical medium on which the broadcaster shall provide the record of his broadcast to the Council (§ 16, letter e)).
- (5) The decision on granting the licence for television programme broadcast excluding appurtenances according to paragraph 4 shall include
  - a) share of broadcasting time in television programme service broadcast, which is reserved for European works and European works created by independent producers,
  - b) classification of the broadcaster as set up in § 31 paragraph 3,
  - c) terms of labelling the programmes in accordance with their classification by age suitability (§ 20 paragraph 5),
  - d) terms of teletext broadcasting.

(6) The decision on granting the licence shall enter into force on the day when a written declaration of the applicant for the licence, according to which he accepts the licence, is delivered to the Council. This declaration must not include any reservations and has to be delivered in 30 days after the delivery of the Council decision, otherwise the decision about granting the licence shall not enter into force and the whole procedure will be considered as if it had not taken place at all.

(7) At the request of the founder, eventually the body or person authorised to make a proposal for the entry of the legal person into the Business registry, the decision about granting the licence may be issued before the entry in this registry, provided that it is documented that the legal entity was founded. The right to broadcast arises to this authorised person not earlier than on the day of entry into the Business registry. The same procedure is applied to any person without a seat in the Slovak Republic.

(8) The participant of the procedure may appeal the decision about the refusal of an application for a licence to the Supreme Court of the Slovak Republic (further only "Supreme Court") within 15 days after the delivery of the Council decision 41).

#### § 50 Assignment and shift of the 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 name, on his own account and his own responsibility.

(2) The licence is unassignable to another legal or natural person, even in case of the sale of the business or a part thereof 42).

(3) The licence shall not be shifted to a legal successor of the licensed broadcaster, it shall not be shifted even in the framework of the execution carried out under special procedure 43), the execution of judicial decision 44) or by a procedure under special regulation 45).

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41) §§ 244 to 250c of Civil Procedure Code.

42) §§ 476 to 488 of the Commercial Code as amended by later regulations.

43) The Act of the National Council of the Slovak Republic No. 233/1995 Coll. on the Executors and Execution Activity (The Execution Order) and the modification and amendment of other laws, as amended. The Act of the Slovak National Council No. 511/1992 Coll. on the Administration of Fees and the Modifications in the System of Territorial Financial Authorities as amended by later regulations.

44) §§ 251 to 275 of Civil Procedure Code as amended by later regulations.

45) Act No. 328/1991 Coll. on Bankruptcy and Settlements as amended by later regulations.

#### § 51 Change of the licence

(1) The broadcaster shall be obliged to communicate to the Council all changes relating to information provided in the application for the licence and in the documents accompanying this application pursuant to § 46, paragraphs 1 to 3, and submit their proofs within 15 days of the origin of these changes.

(2) Also the death of the natural person who was the broadcaster is considered to be a change relating the granted licence. In this case, the information duty as set up in paragraph 1 shall be transferred to inheritor or inheritors 46). If it results from the communication of death of the natural person and attached documents that after the change of data or the change of circumstances, the conditions for broadcasting in compliance with the granted licence are still met, the Council shall decide that the inheritor or inheritors are considered to be the holders of the licence until the time for which the licence was granted expires, if the Council does not decide pursuant to § 53 letter d) otherwise.

(3) On the basis of the communication pursuant to paragraph 1, the Council shall decide, depending upon the circumstances of the case, about the modification of the granted licence, or it shall refuse the modification and set up a term for remedy. If the broadcaster does not execute the remedy, the Council shall revoke the licence; the provision of paragraph 2 remains unaffected by this.

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

(5) According to the application of the broadcaster pursuant to paragraph 4, the Council shall decide to modify the licence, or to refuse the application.

(6) The Council shall decide about the modification of the licence pursuant to paragraphs 2 to 4 within 60 days of the beginning of the procedure.

(7) The Council may modify the licence without consent of the broadcaster if it is necessary for the performance of obligations flowing from international contracts, by which the Slovak Republic is bound.

(8) The broadcaster may appeal against the decision by which the Council decided about the modification of the licence, refused the application of the broadcaster for the modification of the licence, or granted it only partially, as well as against the decision by which the Council modified the licence pursuant to paragraph 7, to the Supreme Court within 15 days of the delivery of the decision of the Council 41).

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46) § 460 paragraph 1 of the Civil Code

## § 52

### Extension of the licence

(1) The licensed broadcaster may apply the Council for extension of the licence under which he broadcasts. This application shall be delivered by the licensed broadcaster to the Council:

- a) in respect to territorial broadcasting of the radio programme service, not earlier than 20 months and not later than 19 months before the expiration of his licence,
- b) in respect to territorial nationwide and multiregional broadcasting of the television programme service, not earlier than 20 months and not later than 19 months before the expiration of his licence, c)
- in respect to territorial regional and local broadcasting of the television programme service, not earlier than 18 months and not later than 17 months before the expiration of his licence,
- d) in respect to broadcasting using other technical means, not later than four months before the expiration of his licence.

(2) The licence may be extended only once, namely:

- a) in respect to broadcasting of the television programme service by 12 years,
- b) in respect to broadcasting of the radio programme service by eight years.



(3) In making a decision about the extension of the licence of a licensed broadcaster, the Council especially examines:

- a) contribution to the development of culture and information of the public, b) transparency of his ownership relations,
- c) development of original creation, d) contribution to media market development,
- e) accordance of the licensed broadcaster activity with law of the Slovak Republic, especially with this Act.

(4) The Council shall decide about the extension of the licence within 30 days of registration of the application; § 47 applies adequately to the decision about the extension of the licence.

(5) The Council shall not extend the licence if:

- a) the plan of the utilisation of the frequency spectrum for broadcasting has changed,
- b) it is necessary for observing obligations from international contracts by which the Slovak Republic is bound.

(6) The participant of the proceedings can appeal to the Supreme Court against the decision of the Council to refuse the application for extension of the licence validity within 15 days of the delivery of the Council's decision 41).

#### § 53

##### Expiration of the licence

The licence shall expire

- a) at the termination of the period for which it was granted,
- b) from the day of the end of the legal person who is the licensed broadcaster,
- c) if inheritor or inheritors do not inform the Council within the given period (§ 51 paragraph 1 and 2) about the death of a person who was a broadcaster,
- d) upon expiry of 75 days of the date of death of the person who was a broadcaster if the Council did not decide pursuant to § 51 paragraph 2,
- e) upon expiry of 60 days of the date at which the licensed broadcaster was obliged to make a proposal for the entry into the Business registry according to § 45, paragraphs 2 and 3 and he failed to do so,
- f) upon expiry of 360 days of the date of the entry into force of the decision on granting the licence, provided that the person to whom the licence was granted did not start broadcasting,
- g) upon expiry of 360 days of the date of the entry into force of the decision on the suspension of the procedure in the matter of licence revocation if the licensed broadcaster did not restore the broadcasting,
- h) by valid decision of the Council about its revocation,
- i) if the circumstances pursuant to § 50, paragraphs 2 and 3 occurred.

#### § 54

##### Revocation of the licence

(1) The Council shall revoke the licence of the broadcaster if

- a) he applies in writing for the revocation of the licence,
- b) he received the licence on the basis of false information indicated in the application for the licence or in the documents accompanying this application pursuant to § 46,
- c) the share in issued capital of the licensed broadcaster, or the share in voting rights of the licensed broadcaster, is transferred and exceeds 55% of the total value of issued capital or voting rights of the licensed broadcaster during the operation of the licence, and without a prior consent of the Council to this transfer,

- d) he has breached the provisions of §§ 42 or 43 and failed to adjust his circumstances so as to make them compliant with the law in the determined time limit,
- e) he repeatedly intentionally and seriously breaches the obligations laid down in §19 paragraph 2 letter a) or c) despite imposed sanctions,
- f) the share in issued capital of the licensed broadcaster for the broadcasting of radio programme service, or the share in voting rights of the licensed broadcaster for the broadcasting of a radio programme service is assigned, without prior consent of the Council, in 12 months of the entry into force of the decision of the Council on granting the licence,
- g) the share in the issued capital of the licensed broadcaster for the broadcasting of a television programme service, or the share in voting rights of the licensed broadcaster for the broadcasting of a television programme service is assigned, without prior consent of the Council, in 24 months of the entry into force of the decision of the Council on granting the licence,
- h) he has breached the obligations pursuant to § 50, paragraph 1.

(2) The Council may revoke the licence of the broadcaster if:

- a) after the beginning of the broadcasting during the calendar year, he did not broadcast continuously 30 days; a period during which technical obstacles hindered the broadcasting, is not taken into account,
- b) he was declared bankrupt,
- c) he is a natural person and was convicted for a criminal act that he has committed in direct connection with the broadcasting and retransmission, or for an economic crime, or for a crime against property,
- d) he has not performed his obligation according to § 16, letter f),
- e) he has not performed his obligation according to § 16, letter o).

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

(4) The broadcaster can appeal to the Supreme Court against the decision of the Council to revoke 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 entered into force, the broadcaster shall be obliged to return the licence to the Council without delay; the broadcaster shall be obliged to return the licence for terrestrial broadcasting together with the lists of frequencies which are part of the licence.

#### § 55 Short-term licence

(1) The short-term licence shall authorise the broadcaster for the broadcasting in a determined territory in order to provide an information service for public reception within the framework of a time-limited event.

(2) The Council may issue a short-term licence at the request of a legal or natural person who meets the requirements specified in § 25, paragraphs 2 and 3.

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

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

(5) § 46 shall apply adequately to the appurtenances of the application for the short-term licence.

(6) § 49, paragraph 2, § 50, paragraphs 2 and 3 and §§ 53 and 54 shall apply adequately to the refusal of the application for short-term licence, the unassignability of short-term licence and the expiration and the revocation of short-term licence.

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

## PART TWELVE PROCEDURE IN RETRANSMISSION REGISTRATION

### § 56 Registration of retransmission

(1) The authorisation for retransmission shall arise by registration of retransmission valid for an indeterminate period.

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

(3) A natural person may be registered as operator of retransmission if it has permanent or long-term residence on the territory of the Slovak Republic and is apt for legal acts in full extent; registered person is obliged to enter himself into the Business registry.

(4) Registration of retransmission shall not be required

- a) for retransmission within the framework of one building or a complex of buildings that belong to each other from the functional point of view, provided that they are not used for business purposes,
- b) if only retransmission of programme services of the public service broadcasters is executed,
- c) if retransmission is executed by one legal person or one natural person in such way that it must not be received by more than 100 subscribers. In the case of retransmission provided by more technological systems with up to 100 subscribers, the total number of subscribers of all these systems cannot exceed 100.

### § 57

#### Application for registration of retransmission

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

- a) business name, identification number (if allocated), or date of establishment, seat and legal form of the corporation, provided that the applicant for the registration of retransmission is a legal person,
- b) first name and surname, birth number, nationality, permanent or long-term residence provided that the applicant for the registration of retransmission is a natural person,
- c) information about issued capital and contributions of all partners and their shares in the business, or the distribution of shares among the shareholders, provided that the applicant for registration of retransmission is a legal person,
- d) data on persons authorised to act on behalf of the company and about the way of acting on behalf of the company, provided that the applicant for registration of retransmission is a legal person,
- e) specific information about the telecommunication network or the telecommunication equipment designated for retransmission,
- f) information about the planned number of connections,
- g) information about the composition of the radio programme services or television programme services that the applicant for registration of retransmission intends to broadcast, including the identification of States of their origin; where the programme offer is divided into several groups with

different prices for the subscriber, information on programme services included in the basic programme offer shall be also furnished.

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

- a) an extract from the Business registry if the applicant for registration of retransmission is a legal person; the extract from the Business registry must not be older than 60 days,
- b) an extract from the Penal register provided that the applicant for registration of retransmission is a natural person; the extract from the Penal register should not be older than three months,
- c) document of permanent or long-term residence if the applicant for registration of retransmission is a natural person,
- d) confirmation in writing or other document proving that the contract has been signed with organisations of collective administration of rights<sup>25)</sup> administering the rights to objects of protection that the operator of retransmission shall use,
- e) declaration of the original broadcaster that he agrees with retransmission of his programme service,
- f) certificate of authorisation for the operation of the public telecommunication network or telecommunication equipment for retransmission under special regulation 47),
- g) statutory declaration (declaration on word of honour) of the applicant for registration of retransmission that all information indicated in the application pursuant to paragraph 1 are updated and true,
- h) statutory declaration (declaration on word of honour) of the applicant for registration of retransmission that all documents accompanying the application are updated and complete,
- i) confirmation of the respective authority that the applicant for registration of retransmission has in evidence of venue tax administrator no back tax, the confirmation must not be older than 60 days,
- j) confirmation of the respective authority that the applicant for registration of retransmission has no due outstanding payment of health insurance, social insurance or contribution to the fund of employment, 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 capital with a company that is licensed broadcaster or publisher of periodicals in the Slovak Republic or abroad, he shall also be obliged to indicate in the application pursuant to paragraph 1 information about these activities and submit documents pursuant to paragraph 2.

(4) The documents laid down in paragraph 2 have to be submitted in the original version or in a certified photocopy 39). The documents issued abroad have to be accompanied by their official translation 40).

(5) The application for registration of retransmission has to be made at least 90 days before the planned beginning of operating retransmission.

## § 58

### Refusal of the application for registration of retransmission

(1) The Council shall refuse the application for registration of retransmission if

- a) the applicant for registration of retransmission does not meet requirements stated in § 56, paragraphs 2 and 3,
- b) the application lacks the particulars pursuant to § 57, paragraphs 1 to 4, and when the redress was not obtained within the time limit determined by the Council.

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

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47) § 37, paragraph 13 of the Act No.195/2000.

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

#### § 59

##### Decision about registration of retransmission

- (1) If there is no reason to refuse the application for registration of retransmission pursuant to § 58, paragraph 1, the Council shall issue the decision on the registration of retransmission within 60 days of the date on which the procedure was opened.
- (2) If the Council fails to decide about registration of retransmission within the determined time limit, the day of registration of retransmission is the day following the expiration of this time limit; the Council shall accordingly deliver 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 range of broadcasting,
  - c) number of connections and offer of programme services.
- (4) The operator of retransmission who has started the retransmission on the basis of registration of retransmission shall be obliged to communicate this fact to the Council within 15 days of its launching.

#### § 60

##### Change of registration of retransmission

- (1) The operator of retransmission shall be obliged to communicate to the Council every change of information provided in the application for registration of retransmission within 15 days of the day on which these changes occurred. The operator of retransmission shall be obliged to inform the Council about a change in number of connections within 15 days after this number changed by 20 % since the last announcement.
- (2) The operator of retransmission may ask the Council to change registration of retransmission.
- (3) The Council on the basis of the announcement according to paragraph 1 shall decide within 60 days of the delivery of announcement about the change of the registration of retransmission, or if there are reasons for revoking registration of retransmission pursuant to § 63, the Council shall revoke registration for retransmission; if the Council fails to decide in the determined time limit this shall be considered as a consent to the change, which the operator of retransmission communicated to the Council.
- (4) The Council shall decide, based on the application for the change of registration of retransmission pursuant to paragraph 2, within 60 days of the delivery of the application to the Council; if the Council fails to decide in the determined time limit this shall be considered as a consent to the change for which the operator of retransmission applied the Council.
- (5) The Council may change registration of retransmission without the consent of the operator of retransmission if it is necessary for compliance to obligations flowing from international contracts by which the Slovak Republic is bound. At the same time, the Council shall determine a time limit in which the operator of retransmission is obliged to start performing the imposed obligations.

(6) The operator of retransmission may appeal the decision by which the Council has decided about a change of registration of retransmission pursuant to paragraph 3, to the Supreme Court within 15 days of the delivery of the decision of the Council 41).

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

#### § 61

##### Suspension of retransmission of the programme service

(1) In accordance with international treaty obligations by which the Slovak Republic is bound, the Council may decide about the suspension of retransmission of the programme service the content of which is contradictory to the provisions of this law or to international obligations by which the Slovak Republic is bound, in particular if the programme service impairs the physical, mental or moral development of minors.

(2) In the decision under paragraph 1, the Council shall determine a time limit, in which the operator of retransmission is obliged to terminate the retransmission of the objectionable programme service.

(3) The operator of retransmission may appeal the decision about suspension of the retransmission of the programme service to the Supreme Court within 15 days of the delivery of the decision of the Council 41).

#### § 62

##### Expiration of registration of retransmission

The registration of retransmission shall expire

- a) on the day of end of the legal person who is the operator of the retransmission,
- b) upon expiration of 30 days of the death of the natural person who was the operator of the retransmission,
- c) if the operator of the retransmission failed to make a proposal for the entry in the Business registry within 60 days of the entry into force of the decision on registration of retransmission,
- d) if the operator of retransmission failed to make a proposal for the entry of the operation of retransmission in the object of his activity into the Business registry within 60 days of the entry into force of the decision on registration of retransmission,
- e) upon expiry of 12 months of the entry into force of the decision on registration of retransmission, unless the person to whom this decision was issued, starts operating the retransmission,
- f) by the decision of the Council about revocation of registration of retransmission.

#### § 63

##### Revocation of registration of retransmission

(1) The Council shall revoke registration of retransmission, if

- a) the operator of retransmission applies in writing for it,
- b) the authorisation for the operation of the telecommunication network or telecommunication equipment by which the retransmission is operated expires,
- c) the operator of retransmission has received the decision on the registration of retransmission on the basis of false information indicated in the application for registration of retransmission or in the documents accompanying this application,

- d) the operator does not terminate the retransmission of the programme service suspended by the decision of the Council pursuant to § 61 within determined time limit,
- e) the operator failed to perform his obligation in terms of § 17, paragraph 1, letter c) and e).

(2) The Council may revoke registration of retransmission if the operator of retransmission who is natural person was convicted for deliberate criminal act.

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

## PART THIRTEEN SANCTIONS

### § 64

(2) For a breach of the obligation laid by this law or special regulations7), the Council shall impose the following sanctions:

- a) warning on infringement of law,
- b) broadcasting of an announcement about infringement of law, c)
- suspension of the broadcasting of the programme or a part thereof, d) a fine.

(3) The Council shall impose a sanction pursuant to paragraph 1, letter d), if the broadcaster, operator of retransmission or legal person under § 2, paragraphs 2 and 4, in spite of a written reminder of the Council, repeatedly breaches the obligation of which breach he was warned. The Council can set a fine without previous warning, if the obligation pursuant to § 16 letter c), § 19, § 20 paragraph 1 and 3, § 30 was broken, as well as in case of broadcasting without permission /§ 2 par. 1 letter b)/ or in case of retransmission without permission /§ 2 par. 1 letter c)/. The Council shall determine the (amount of) fine depending on the gravity of the matter, the method, the duration and consequences of the breach of the obligation, the degree of blame, and with regard to the extent and the range of the broadcasting and the retransmission, and to gained unjustifiable enrichment.

(4) The Council shall decide on imposition of a sanction within 6 months of the day she has learnt pursuant to par. 1 about infringement of obligation, however not later than in one year of the date of the breach.

(5) By imposition of the sanction, the obligation for the breach of which the sanction was inflicted does not cease.

(6) The decision on imposition of a sanction pursuant to paragraph 1, letters c) and d), may be appealed to the Supreme Court within 15 days of the delivery of the decision of the Council 41); the dilatory effect of the appeal can be excluded in case of the decision about imposition of a sanction pursuant to paragraph 1, letter c).

(7) If the decision of the Council was appealed pursuant to par. 5 and the Court doesn't cancel the decision of the Council, the sanction shall be performed after the Court decision enters into force. If the Court cancels the decision of the Council and returns the matter for a new procedure, the Council shall decide on sanction latest within three months of delivery of Supreme Court's decision. Imposed sanction shall be performed after the decision enters into force.

### § 65

#### Announcement of the infringement of law

(1) The obligation to broadcast an announcement of the infringement of law shall be imposed to the broadcaster, when purposeful and necessary to inform the public about the infringement of law by the broadcaster; the Council shall determine the extent, form and broadcasting time.

(2) The Council shall impose upon the broadcaster to transmit an announcement about his infringement of law if he has broadcast:

- a) programmes or other components of the programme service whose content is contrary to basic obligations of the broadcasters set forth in § 16, letters a) to c,
- b) programmes or other parts of the programme service which content is contrary to § 19, c) programmes or other components of the programme service that can impair physical, mental or moral development of minors (§ 20, paragraph 1),
- d) programmes or other components of the programme service that might endanger the physical, mental or moral development of minors, or impair their mental health and emotional condition at the time from 6.00 a.m. to 10.00 p.m. (§ 20, paragraph 3).

#### § 66

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

(1) If the broadcaster, by transmitting the programme or a part thereof, has repeatedly or seriously breached the obligations laid by this law or other generally binding legal regulation, the Council shall suspend the broadcasting of the programme for a period not exceeding 30 days.

(2) The Council shall suspend the broadcasting of the programme or part thereof, if the broadcaster

- a) transmits a programme or part thereof the content of which is contrary to basic obligations of the broadcasters set forth in § 16, letters b) and c),
- b) transmits a programme or part thereof the content of which is contrary to § 19,
- c) breaches the ban on the broadcasting of a programme or part thereof which might endanger the physical, mental or moral development of minors, or impair their mental health or emotional condition, at the time from 6.00 a.m. to 10.00 p.m. (§ 20, paragraph 3,
- d) breaches the ban on the broadcasting of a programme or part thereof which can i mpair the physical, mental or moral development of minors (§ 20, paragraph 1).

#### § 67

##### Fines

(1) The Council shall impose a fine ranging from 5,000 to 1,000,000 SKK to an operator of retransmission, who:

- a) failed to perform his obligations defined in §1, paragraph 1, letters a) to d) and h),
- b) failed to communicate a change of information provided in the application for registration of retransmission within determined time limit pursuant to § 60, paragraph 1,
- c) failed to perform his obligation pursuant to § 73 paragraph 2.

(2) The Council shall impose a fine to the broadcaster of a television programme service ranging from 10,000 to 200,000 SKK and to the broadcaster of radio programme service from 3,000 to 50,000 SKK, if he:

- a) destroyed records of the broadcasting before expiration of the period of 30 days (§ 16, letter e)), b) failed to provide the Council with the requested record of the broadcasting (§ 5, paragraph 1, letter m)),
- c) did not ensure the marking of the programme service that he broadcasts (§ 16, letters j) and k)), d) failed to communicate the changes of information indicated in his application, or data relating to the fulfilment of conditions of the granted licence that might be a reason for a modification or expiration



of the licence,

- e) did not keep statistical records about the transmitted programme (§ 16, letter l)),
- f) violated the conditions for the broadcasting of short news (§ 30),
- g) failed to provide the Council with information about the broadcasting of the European works and independent production (§ 27),
- h) failed to provide the Council with information about property relations of the broadcaster (§ 44, paragraph 1),
- i) failed to perform his obligation under § 16, letter f),
- j) failed to provide the Council with the results of measurement of coverage of the territory by the signal (§ 68, paragraph 6),
- k) failed to perform his obligation under § 72 paragraph 2,
- l) failed to perform his obligation on broadcasting of European works or independent production (§ 23 or 25).

(3) The Council shall impose a fine upon the broadcaster of television programme service from 20,000 to 2,000,000 SKK and to the broadcaster of radio programme service from 3,000 to 600,000 SKK, if he:

- a) breached the territorial range of the broadcasting,
- b) did not provide broadcasting time for urgent public interests (§ 16, letter d)),
- c) did not transmit the announcement about the infringement of law, or has not met conditions for its publication determined by the Council (§ 16, letter h)),
- d) did not ensure the classification and the marking of programmes (§ 20, paragraph 5), or did not apply this marking within the framework of the programme service broadcast by him, e) breached the conditions for the broadcasting of the sponsored programmes,
- f) broadcasts programmes and other components of the programme service, the content of which is contrary to the obligation in terms of § 16, letter c),
- g) broadcasts programmes and other parts of the programme service, the content of which is contrary to the obligations in terms of § 19,
- h) broadcasts programmes and other components of the programme service that might endanger the physical, mental or moral development of minors, or impair their mental health or emotional condition, at the time from 6.00 a.m. to 10.00 p.m. §20, paragraph 3).

(4) The Council shall impose a fine upon the broadcaster of television programme service from 50,000 to 3,000,000 SKK if he breaches the conditions for broadcasting of events of major importance (§ 31).

(5) The Council shall impose a fine upon the broadcaster of television programme service from 10,000 to 5,000,000 SKK and to the broadcaster of radio programme service from 15,000 to 1,500,000 SKK, if he:

- a) breached the conditions for the broadcasting of advertising and teleshopping,
- b) breached the conditions for the broadcasting of programme services reserved to self-promotion or teleshopping (§ 40 or 41),
- c) broadcasts programmes and other components of the programme service, the content of which is contrary to the obligation pursuant to §20, paragraph 1.

(6) The Council shall impose a fine upon the public service broadcaster broadcasting the television programme service from 100,000 to 2,000,000 SKK and to the public service broadcaster broadcasting the radio programme service from 30,000 to 600,000 SKK, if he:

- a) uses the allocated frequencies for other purposes than for those, for which they were allocated to him,
- b) the public service broadcaster broadcasting television programme service did not provide on each of broadcasting circuits minimum of 25% of broadcast programmes by hidden or open subtitles (§ 18 paragraph 2 letter a)),
- c) the public service broadcaster broadcasting television programme service did not provide on one broadcasting circuit minimum of 1% of broadcast programmes by interpretation into sign language or in sign language of deaf people (§ 18 paragraph 2 letter b).

- (7) The Council shall impose upon the licensed broadcaster broadcasting the television programme service a fine from 20,000 to 4,000,000 SKK and to the licensed broadcaster broadcasting the radio programme service a fine from 6,000 to 500,000 SKK, if the broadcaster has breached the obligation pursuant to § 16, letter n).
- (8) The Council shall impose a fine from 50,000 to 5,000,000 SKK to persons pursuant to § 2, paragraphs 2 and 4 if they breach the obligations imposed by this law.
- (9) The Council shall impose a fine from 50,000 to 5,000,000 SKK to a person, who operates the retransmission without authorisation (§ 2, paragraph 1, letter c)), or to a person who broadcasts without authorisation (§ 2, paragraph 1, letter b)).
- (10) The fine imposed under paragraphs 1 to 9 shall be payable in 30 days of the entry into force of the decision by which the fine was imposed.
- (11) Revenues from fines shall be the income of the State budget.

PART FOURTEEN FREQUENCY  
SPECTRUM FOR BROADCASTING

§ 68 Frequency  
spectrum for the broadcasting

- (1) The Council in co-operation with competent telecommunication authorities 48) shall work up the plan of the utilisation of the frequency spectrum for the area of broadcasting (further only "the plan of frequencies"), by which is obliged to create conditions necessary for the development of a dual broadcasting system.
- (2) The plan of frequencies shall be updated every two years, and in the event of changes of international treaties in this area.
- (3) The plan of frequencies shall include a list of frequencies, their parameters, allocation of frequencies to the broadcasting networks and allocation of frequencies to the broadcasters.
- (4) The Council shall evaluate the status of the utilisation of frequencies in annual reports on the status of the broadcasting and on its activity (§ 5, paragraph 3, letter a)). The Council shall publish the list of free frequencies for the broadcasting on its Internet web site and through periodicals.
- (5) The technologies being applied actually must not hinder the development of new technologies in other frequency ranges.
- (6) The responsibility for the utilisation of frequency parameters and coverage of territory by a signal depending on the allocated frequency shall lie upon the broadcaster. The broadcaster shall be obliged to ensure separate measurements of coverage of a territory by signal from an allocated frequency after the licence has been granted, in co-operation with competent telecommunication authorities 48). The results of this measurement shall be communicated to the Council.
- (7) If the broadcaster does not use the frequency for purposes for which it was allocated to him, or he does not use allowed parameters of frequency by his own fault, the Council may decide to withdraw the frequency.

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48) § 6 of the Law No.195/2000 of the Coll.

(8) The broadcaster may appeal the decision about the withdrawal of the frequency to the Supreme Court within 15 days of the delivery of the decision of the Council 41).

§ 69

Frequency spectrum for analogue terrestrial broadcasting  
allocated to the public service broadcasters

- (1) The first television analogue terrestrial circuit for the broadcasting of the television programme service shall be reserved to the public service broadcaster 1).
- (2) The second television analogue terrestrial circuit for the broadcasting of the television programme service shall be reserved for the public service broadcaster 1).
- (3) Within a medium-wave frequency band for the broadcasting of radio programme service, two broadcasting networks for nationwide broadcasting shall be reserved for the public service broadcaster 1).
- (4) Within the ultra-short wave frequency band (FM) for the broadcasting of the radio programme service, three broadcasting networks for nationwide broadcasting shall be reserved for the public service broadcaster 1).
- (5) Other requirements of the public service broadcasters for frequencies shall be subject to the decision of the Council.
- (6) The public service broadcaster shall be obliged to use the allocated part of the frequency spectrum exclusively for the performance of his tasks determined by this law and a special law 1), and must not be allowed to provide it for use to a third party.

§ 70

Broadcasting of the public service broadcaster through a satellite

- (1) The public service broadcaster shall also be allowed to transmit his programme services through a satellite.
- (2) The programme structure and the way of financing the programme service through a satellite shall be approved by the Council of the Slovak Television<sup>9)</sup> and the Council of the Radio 10).
- (3) Before the beginning of the broadcasting through a satellite, the public service broadcaster shall be obliged to apply the Council for consent for this broadcasting; without this consent, he is not allowed to start broadcasting. The Council shall be obliged to deliver its opinion of this application in 60 days of the delivery of the application.
- (4) If the broadcaster does not obtain the consent of the Council within the time limit pursuant to paragraph 3, the consent shall be deemed as to be given on the first day following the expiration of this time limit.

PART FIFTEEN COMMON,  
INTERIM AND FINAL PROVISIONS

§ 71

Common provisions

The procedure under this law shall be governed by general regulations for administrative procedure 49) excluding provisions of §§ 49, 53, 54, 56 to 68.

Interim provisions

§ 72

(2) The licences for broadcasting granted under the existing legal regulations, which are in force at the date of the entry into force of this law, shall remain in force.

(3) The licensed broadcaster whose licence remained in force pursuant to paragraph 1 shall be obliged to communicate to the Council the information and submit the documents set forth in § 46 not later than in six months of the entry into force of this law. If the licensed broadcaster holding a licence which remains in force according to paragraph 1 fails to perform this obligation within time limit, the council determine for him an adequate period for remedy. If the broadcaster fails to perform his obligation even in this period the Council may impose a fine on him.

(4) The validity of licence conditions that are an integral part of the licences which remain in force pursuant to § 1 and whose object is stipulated by this law shall end up by the date of the entry into force of this law.

(5) The licensed broadcaster whose licence remains in force pursuant to paragraph 1 shall be obliged to adapt his legal circumstances not later than in one year of the entry into force of this law, so that they are compliant with the provisions hereof, particularly §§ 42 and 43. If the licensed broadcaster holding the licence, which remains in force pursuant to paragraph 1 fails to perform this obligation within the determined time limit, his licence shall expire upon expiry of this time limit.

(6) The period for which the licence, remaining in force pursuant to paragraph 1 was granted, does not change.

(7) The provision of § 52 shall also apply to those licences that remain in force pursuant to paragraph 1. In the decision about extension of these licences, the Council may lay down new particulars of the licence in compliance with this law.

§ 73

(1) The licences for broadcasting in community antenna television (CATV), granted under the existing legal regulations which are in force at the date of the entry into force of this law, are considered as registrations of retransmission pursuant to § 56, paragraph 1.

(2) The operator of retransmission holding registration of retransmission in force pursuant to paragraph 1 shall be obliged to communicate to the Council the information and submit the documents set forth in § 57 not later than in 6 months of the entry into force of this law. If the operator of retransmission with registration remaining in force pursuant to paragraph 1 fails to perform this obligation within determined time limit, the Council determine for him a period for remedy. If the operator of retransmission fails to perform his obligation even in this period the Council may impose a fine on him.

(3) The validity of existing licence conditions that are an integral part of registration remaining in validity pursuant to paragraph 1 and which do not comply with this law shall end up by the date of the entry into force of this law.

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49) Act No. 71/1967 Coll. on Administrative Procedure (The Administration Procedure Code).

§ 74

- (1) The licensing procedures initiated under the existing legal regulations and not completed by the date of the entry into force of this law shall be suspended at this date.
- (2) The procedures for modification of licence in the matter of the communication of change in data indicated in the application, or in the fulfilment of conditions laid down in the licence, initiated under the existing legal regulations and not completed by the date of the entry into force of this law shall be suspended at this date.
- (3) The procedures in the matter of ascertainment of the status in meeting legal regulations and licence conditions, initiated before the date of the entry into force of this law shall be completed under the existing regulations.
- (4) The procedures in the matter of revocation of licences, initiated before the date of the entry into force of this law, shall be completed under the existing regulations.

§ 75

The applications for the publication of a correction made before the date of the entry into force of this law shall be considered under the existing regulations.

§ 76

The term of office of the Council members elected before the entry into force of this law shall be considered under the existing regulations. The members of the Council shall be obliged to execute their activity in compliance with legal order of the Slovak Republic.

§ 77

Repealing provisions

The following legal provisions shall be repealed:

1. The Act of the National Council of the Slovak Republic No. 160/1997 Coll. on the Council of the Slovak Republic on Radio and Television Broadcasting, and on the modification of the Act No. 468/1991 Coll. on pursuing radio and television broadcasting, as amended by later regulations,
2. The Act No.468/1991 Coll. on pursuing radio and television broadcasting, as amended by the Act No. 597/1992 Coll., Act of the National Council of the Slovak Republic No. 166/1993 Coll., Act of the National Council of the Slovak Republic No. 325/1993 Coll., Act of the National Council of the Slovak Republic No. 212/1995 Coll., Act of the National Council of the Slovak Republic No. 220/1996 Coll., Act No.160/1997 Coll., Act No. 283/1997 Coll., Act No. 187/1998 Coll., Act No. 233/1998 Coll. and Act No.46/1999 Coll.,
3. § 1 of Act of the National Council of the Slovak Republic No. 166/1993 Coll. on Measures in the Area of Radio and Television Broadcasting, as amended by the Act of the National Council of the

Slovak Republic No. 321/1996 Coll., Act of the National Council of the Slovak Republic No. 380/1996 Coll. and Act No. 285/1997 Coll.

## Article II

Act No. 195/2000 Coll. on Telecommunication is amended as follows:

1. In § 15 paragraph 1 letter a) after the word "network" comma is omitted and words as follows are added:

"besides telecommunication networks appropriated exclusively for one-way distribution of television or radio signals on-line".

2. In § 15 paragraph 1 letter b) dot is replaced by a semicolon and the words as follows are added: "at the same time, authority in the decision-making process of granting a licence cares for non-discrimination of some of the applicants while using limited sources".

3. In § 31 paragraph 8 dot is eliminated at the end and the following words are added: "and for radio and television terrestrial broadcasting".

4. In § 32 paragraph 1 letter b) the word "expressive" is replaced by "important".

## § 78

### Effect

This law shall come into effect on the day of its publishing.

Rudolf Schuster  
Jozef Migaš  
Mikuláš Dzurinda