

**343**

**ACT**

of 20 June 2007

**on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances including Amendments and Supplements to some other Laws (Audiovisual Law).**

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

Article I

**PART ONE  
GENERAL PROVISIONS**

§ 1

Subject Matter of Legislation

(1) This Act shall govern

- a) the responsibilities of individuals arising in connection with the production, public distribution and registration of audiovisual works,<sup>1</sup> sound recordings<sup>2</sup> of verbal works or musical works (hereinafter the “sound recordings of artistic performances”) and multimedia works;
- b) position of independent producers;
- c) position and competences of the Slovak Film Institute;
- d) conditions for technical preservation of original carriers of audiovisual works, audiovisual recordings, and sound recordings constituting the audiovisual heritage of the Slovak Republic (hereinafter the “audiovisual heritage”), regardless of their origin.

(2) This Act shall apply to

- a) audiovisual works publicly distributed within the territory of the Slovak Republic by audiovisual presentation or distributed on any kind of carrier, or by making it available to the public for a charge<sup>3</sup> from the territory of the Slovak Republic;
- b) sound recordings of artistic performances publicly distributed within the territory of the Slovak Republic by distribution on any kind of carrier, or by making it available to the public for a charge from the territory of the Slovak Republic;
- c) multimedia works publicly distributed on the territory of the Slovak Republic by distribution on any kind of carrier, or by making it available to the public for a charge from the territory of the Slovak Republic;
- d) sound recordings or audiovisual recordings constituting an audiovisual value according to § 32 sec. 4.

(3) If not otherwise stipulated, the provisions of this Act shall not apply to audiovisual works, sound recordings of artistic performances, or multimedia works that are

- a) commercials<sup>4</sup>, advertisements, or an original supplementary transmission of the program service<sup>5</sup>; or
- b) created exclusively for the
  - 1. purposes of television broadcasting, and publicly distributed only by television broadcasting;
  - 2. purposes of radio broadcasting, and publicly distributed only by radio broadcasting; or
  - 3. made available to the public free of charge.

## § 2

### Definition of Certain Concepts

(1) Slovak audiovisual work is an audiovisual work

- a) produced by a producer of audiovisual works which has, or had at the time of its first public release, permanent residence or registered office in the territory of the Slovak Republic;
- b) the development of which was shared, by investments, technical or artistic contribution, by a producer of the audiovisual work as a co-producer, who has, or had at the time of its first public release, permanent residence, place of enterprise or a registered office within the territory of the Slovak Republic, namely
  - 1. a minimum share of 20% of the total production cost of the audiovisual work in the case of bilateral co-production; or
  - 2. a minimum share of 10% of the total production cost of the audiovisual work in the case of multilateral co-production;
- c) released within the territory of the Slovak Republic for the first time, or within 30 days from its release in another state;<sup>6</sup> the release includes the publishing of the content and its distribution on carriers regardless of the kind of carrier and format of the published content;
- d) developed using public resources<sup>7</sup> excluding the European Union's funding amounting to a minimum of 10% of the total production cost of the audiovisual work; or
- e) designated by the producer of the audiovisual work as a Slovak audiovisual work.

(2) Cinematography work is a feature film, animation, documentary or other audiovisual work originally intended to be presented to the public by means of audiovisual performance.

(3) Slovak cinematography work is a cinematography work which is a Slovak audiovisual work.

(4) Audiovisual work intended only for adults is an audiovisual work that may, by its nature or content, endanger the development of a person younger than 18 years of age (hereinafter the "minor"); in particular it is an audiovisual work that includes pornography or rough or unjustified violence; the above shall accordingly apply also to sound recordings of artistic performances intended only for adults and multimedia works intended only for adults.

(5) Audiovisual performance is a presentation of audiovisual works to the public by means of technical equipment for an undetermined number of individuals in a cinema or any other facility available to the public; a cinema is an open or closed space aimed at the presentation of audiovisual works to the public.<sup>8</sup>

(6) Dubbing is the processing of original audiovisual work by replacing its original sound track with a sound track in a different language; translation to sign language, voice commentaries for the sightless and simultaneous interpreting shall also be considered dubbing.

(7) Subtitling is the processing of original audiovisual material by adding open or hidden subtitles.

(8) Slovak sound recording of an artistic performance is a sound recording of an artistic performance

a) produced by a producer of the sound recording<sup>9</sup>, who has, or had at the time of its first public release, permanent residence, place of enterprise, or a registered office within the territory of the Slovak Republic;

b) released within the territory of the Slovak Republic for the first time, or within 30 days from its release in another state;<sup>6)</sup> or

c) designated by the producer of the sound recording as a Slovak sound recording of an artistic performance.

(9) Multimedia work is a multimedia audiovisual presentation, in particular a computer game or other work,

a) operated by a computer program<sup>10</sup>

b) allowing for searching or presenting by using different forms of media,

c) transformed to a digital form, also allowing for an analogue presentation of information, and

d) allowing the user, by means of a computer interface, interactive access to the content of the presentation;

(10) Slovak multimedia work is a multimedia work

a) produced by a producer of multimedia works, who has, or had at the time of its first public release, permanent residence, place of enterprise, or a registered office within the territory of the Slovak Republic;

b) released within the territory of the Slovak Republic for the first time, or within 30 days from its release in another state;<sup>6)</sup> or

c) designated by the producer of the multimedia work as a Slovak multimedia work.

(11) Mediatheque is a facility open to the public in which the users can get temporary and free access to duplicates (exclusively) of audiovisual works, sound recordings of artistic performances or multimedia works.

(12) Video-rental is a facility open to the public in which the users can get temporary and paid access to duplicates of audiovisual or multimedia works; video-rental is also a facility open to the public selling duplicates of audiovisual or multimedia works, exercising the repurchase right.

(13) Computer gaming room is a facility open to the public specifically equipped for the operation of computer games with gaming or technical equipment operated directly by players.

(14) Audiovisual technical equipment is the technical equipment by which the audiovisual work is presented to the public in a form of audiovisual performance.

(15) Producer of the audiovisual work (the producer) is a person who has initiated or ensured its final execution.

(16) Producer of a multimedia work is a person who has initiated or ensured its final execution.

(17) Distributor of an audiovisual work is a person who publicly distributes the duplicates of the audiovisual work or makes the audiovisual work available for a charge to the public; a person who publicly distributes duplicates of audiovisual works in the form of transferring the ownership rights to the end user, in particular by retail sales, shall not be considered a distributor of audiovisual works.

(18) Distributor of a sound recording of an artistic performance is a person who publicly distributes the duplicates of the sound recording of the artistic performance or makes the sound recording of the artistic performance available for a charge to the public; a person who publicly distributes duplicates of sound recordings of artistic performances in the form of transferring the ownership rights to the end user, in particular through retail sales, shall not be considered a distributor of sound recordings of artistic performances.

(19) Distributor of a multimedia work is a person who publicly distributes the duplicates of the multimedia work or makes the multimedia work available for a charge to the public; a person who publicly distributes duplicates of multimedia works in the form of transferring the ownership rights to the end user, in particular through retail sales, shall not be considered a distributor of multimedia works.

## **PART TWO REGISTRATION**

### **Registration of Slovak Audiovisual Works**

#### **§ 3**

#### **Directory of Slovak Audiovisual Works**

(1) The Directory of Slovak audiovisual works is a registry open to the public, administered by the Ministry of Culture of the Slovak Republic (hereinafter the “Ministry”).

(2) The Directory of the Slovak audiovisual works contains a registration number of the Slovak audiovisual work assigned by the Ministry, data on the registered Slovak audiovisual work according to the application for the registration of the Slovak audiovisual work and the date of registration in the directory of Slovak audiovisual works.

#### **§ 4**

#### **Application for the Registration of Slovak Audiovisual Works**

Application for the registration of Slovak audiovisual works in the Directory of Slovak audiovisual works shall include:

- a) title of the Slovak audiovisual work;
- b) list of authors of the audiovisual work;<sup>11</sup>
- c) list of performing artists<sup>12</sup> in leading and supporting roles;

- d) name and registered office of the producer of the audiovisual work producing the Slovak audiovisual work (hereinafter “producer of the Slovak audiovisual work”) if it is a legal person; trade name and registered office if a natural person – entrepreneur; and the first name, surname and permanent residence of the producer of the Slovak audiovisual production if a private individual;
- e) country of origin and the year of completion of the Slovak audiovisual work; completion of an audiovisual work means production of the original carrier of this work (master);
- f) characteristics of the content and genre of the Slovak audiovisual work; including the age category of the target group for which the audiovisual work is intended;
- g) age category of suitability (hereinafter “age suitability”) of the Slovak audiovisual work according to the unified labeling system;
- h) information regarding the dubbing or subtitling of the Slovak audiovisual work;
- i) length of the Slovak audiovisual work in minutes;
- j) basic technical parameters of the Slovak audiovisual work, in particular the format of picture, recording and sound reproduction, data on the carrier on which the work was originally recorded;
- k) assigned international standard audiovisual number (ISAN), if assigned;
- l) anticipated time for release and method of public distribution of the Slovak audiovisual work;
- m) percentage share of particular producers of the total production cost and creative or technical participation on the Slovak audiovisual work.

## § 5

### Registration of Slovak Audiovisual Works

- (1) Registration of Slovak audiovisual works in the Directory of Slovak audiovisual works shall be carried out by the Ministry upon the application for the registration of a Slovak audiovisual work submitted by the producer of the Slovak audiovisual work.
- (2) Producer of the Slovak audiovisual work shall apply for the registration in the Directory of Slovak audiovisual works no later than 30 days before release for public distribution of the Slovak audiovisual work.
- (3) The Ministry shall carry out the registration in the Directory of Slovak audiovisual works within 15 days of the delivery of the application for the registration of a Slovak audiovisual work including all due requirements according to § 4.
- (4) Should the application for the registration of the Slovak audiovisual work fail to include the due requirements according to § 4, the Ministry shall request the producer of the Slovak audiovisual work to complete it no later than within 5 working days. Should the producer of the Slovak audiovisual work fail to complete the application for the registration of a Slovak audiovisual work within the stated period of time, the Ministry will not register the Slovak audiovisual work in the Directory of Slovak audiovisual works, and will not assign a registration number to it; the Ministry shall inform the producer of the Slovak audiovisual work about this fact in its appeal.

## Registration of Slovak Sound Recordings of Artistic Performances

## § 6

## Directory of Slovak Sound Recordings of Artistic Performances

- (1) The Directory of Slovak sound recordings of artistic performances is a registry open to the public, administered by the Ministry.
- (2) The Directory of Slovak sound recordings of artistic performances contains a registration number of the Slovak sound recording of an artistic performance assigned by the Ministry, data on the registered Slovak sound recording of the artistic performance according to the application for the registration of the Slovak sound recording of an artistic performance and the date of registration in the Directory of Slovak sound recordings of artistic performances.

## § 7

## Registration of Slovak Sound Recordings of Artistic Performances

- (1) Registration of Slovak sound recordings of artistic performances in the Directory of Slovak sound recordings of artistic performances shall be carried out by the Ministry upon the application for the registration of the Slovak sound recording of an artistic performance submitted by the producer of the sound recording of an artistic performance who has produced the sound recording of the artistic performance (hereinafter the “producer of the Slovak sound recording of an artistic performance”).
- (2) Application for the registration of the Slovak sound recording of an artistic performance in the Directory of Slovak sound recordings of artistic performances shall include:
- a) title of the Slovak sound recording of the artistic performance;
  - b) list of authors<sup>13</sup> of the registered verbal work or musical work;
  - c) list of main performing artists<sup>12</sup>;
  - d) name and registered office of the producer of the Slovak sound recording of the artistic performance if a legal person; trade name and registered office of the producer of the Slovak sound recording of the artistic performance if a natural person – entrepreneur; and the first name, surname and permanent residence of the producer of the Slovak sound recording of the artistic performance if a private individual;
  - e) country of origin and the year of recording the Slovak sound recording of the artistic performance on a carrier;
  - f) characteristics of the content and genre of the Slovak sound recording of the artistic performance, and age category of the target group for which the sound recording was intended;
  - g) age suitability of the Slovak sound recording according to the unified labeling system;
  - h) length of the Slovak sound recording of the artistic performance in minutes;
  - i) basic technical parameters of the format of the Slovak sound recording of the artistic performance;
  - j) assigned international standard music number (ISMN), if assigned;
  - k) anticipated time of release and method of public distribution of the Slovak sound recording of artistic performance;

(3) Procedure of registration of the Slovak sound recording of an artistic performance shall be accordingly governed by the provisions of § 5 sec. 2 to 4.

### Registration of Slovak Multimedia Works

#### § 8

#### Directory of Slovak Multimedia Works

(1) The Directory of Slovak multimedia works is a registry open to the public, administered by the Ministry.

(2) The Directory of Slovak multimedia works includes a registration number of the Slovak multimedia work assigned by the Ministry, data on the registered Slovak multimedia work according to the application for the registration of the Slovak multimedia work, and the date of registration in the Directory of Slovak multimedia works.

#### § 9

#### Registration of Slovak Multimedia Works

(1) Registration of Slovak multimedia works in the Directory of Slovak multimedia works shall be carried out by the Ministry upon the application for the registration of the Slovak multimedia work submitted by the producer of the multimedia work who produced the Slovak multimedia work (hereinafter the “producer of the Slovak multimedia work”).

(2) Application for the registration of a Slovak multimedia work shall include:

- a) title of the Slovak multimedia work;
- b) list of authors<sup>13</sup> of the Slovak multimedia work;
- c) list of main performing artists;<sup>12</sup>
- d) name and registered office of the producer of the Slovak multimedia work if a legal person; trade name and registered office of the producer of the Slovak multimedia work if a natural person –entrepreneur; and the first name, surname and permanent residence of the producer of the Slovak multimedia work if a private individual;
- e) country of origin and the year of completion of the Slovak multimedia work; completion of the Slovak multimedia work means production of the original carrier for this work;
- f) characteristics of the content and genre of the Slovak multimedia work and the age category of the target group for which the multimedia work is intended;
- g) age suitability of the Slovak multimedia work according to the unified labeling system;
- h) hardware and software configuration requirements for the Slovak multimedia work;
- i) anticipated time of release and method of public distribution of the Slovak multimedia work.

(3) Procedure of registration of Slovak multimedia works shall be accordingly governed by the provisions of § 5 sec. 2 to 4.

## Registration of Persons Acting in the Field of Audiovision

### § 10

#### Directory of Persons Acting in the Field of Audiovision

(1) The Directory of persons carrying out activities in the field of audiovision within the territory of the Slovak Republic is a registry open to the public including:

- a) producers of Slovak audiovisual works;
- b) producers of Slovak sound recordings of artistic performances including producers of dubbing;
- c) producers of Slovak multimedia works;
- d) distributors of audiovisual works;
- e) distributors of sound recordings of artistic performances;
- f) distributors of multimedia works;
- g) individuals providing technological and technical services relating to the production of audiovisual works;
- h) operators of mediatheques;
- i) operators of audiovisual technical facilities that do not have a permanent cinema or any other operation facility;
- j) operators of audiovisual technical facilities having a permanent cinema or other operation facility;
- k) operators of video-rentals;
- l) operators of computer gaming rooms.

(2) The Directory of persons carrying out activities in the field of audiovision pursuant to section 1 also includes a Registry of independent producers pursuant to § 38.

(3) The Directory pursuant to section 1 is administered by the Ministry.

### § 11

#### Reporting Obligation

(1) Individuals pursuant to § 10 section 1 letters a) to i) shall be obliged to report to the Slovak Film Institute the commencement of activities in the field of audiovision no later than the end of the calendar year in which the respective activities occurred; the aforementioned shall also apply to the termination of the activity in the field of audiovision.

(2) The report pursuant to section 1 shall include:

- a) specification of individuals pursuant to § 10 sec. 1 letters a) to i);
- b) name and registered office of the legal person; trade name and place of enterprise of the natural person – entrepreneur; or the first name, surname and permanent residence of the private individual.
- c) date of commencement of activities in the field of audiovision, or date of termination of the activity.

(3) Persons pursuant to § 10 sec. 1 letters j) to l) shall be obliged to report to the municipality:

- a) opening of commercial premises on its territory no later than 30 days after the establishment of the commercial premises;



b) closing of commercial premises on its territory no later than 30 days after the closing of the commercial premises.

(4) Reporting pursuant to section 3 shall include:

- a) specification of persons pursuant to § 10 sec. 1 letters j) to l);
- b) name and registered office of the legal person; trade name and place of enterprise of the natural person - entrepreneur; or and the first name, surname and permanent residence of the private individual.
- c) number of commercial premises operated within the territory of municipality;
- d) address of commercial premises and the date of their opening and/or closing.

(5) Persons with the reporting obligation pursuant to section 1 and/or 3 shall be obliged to inform the Slovak Film Institute about any change in the reported data regarding the data pursuant to section 2, and inform the respective municipality regarding a change in the data pursuant to section 4, no later than 3 months after the occurrence of the respective change.

(6) The Slovak Film Institute and the municipalities shall provide the Ministry data on the persons carrying out activities in the field of audiovision pursuant to sections 1 to 5 no later than January 30 of the following calendar year.

### **PART THREE PROTECTION OF MINORS**

#### § 12 Unified Labeling System

(1) The unified labeling system is a system for the classification of audiovisual works, sound recordings of artistic performances, multimedia works, programs and other components of program service according to their age suitability in terms of barred access, unsuitability and/or suitability for a group of minors up to 7, 12, 15 or 18 years of age.

(2) Details of the unified labeling system and the method of its application shall be determined in a generally binding regulation from the Ministry.

(3) The generally binding regulation pursuant to section 2 shall establish:

- a) evaluation criteria for barred access or unsuitability to be applied to the assessment of the content aimed at the protection of minors, in particular the assessment of the represented level of physical, psychological and/or verbal violence, sexual relations or scenes, nudity in a sexual context, vulgar language, drug abuse, gambling or other kinds of abuses, including the representation or other expressions invoking fear, depression or helplessness, or otherwise inappropriate for the relevant age categories of minors;
- b) evaluation criteria for the suitability for the relevant age category of minors to which the content is recommended for;
- c) labeling of audiovisual works, sound recordings of artistic performances, multimedia works and programs, or other components of program service according to age suitability in terms of barred access, unsuitability or suitability;

- d) responsibilities of persons in charge of applying the unified labeling system in relation to the assessment of the content, categorization by age suitability, labeling and public distribution;
- e) details of responsibilities stipulated by a separate regulation.<sup>14</sup>

### § 13

#### Determination of Age Suitability

- (1) The producer of the Slovak audiovisual work shall be obliged to determine the age suitability of the Slovak audiovisual work according to the unified labeling system.
- (2) The producer of the Slovak sound recording of artistic performance shall be obliged to determine the age suitability of the Slovak sound recording of artistic performance according to the unified labeling system.
- (3) The producer of the Slovak multimedia work shall be obliged to determine the age suitability of the Slovak multimedia work according to the unified labeling system.
- (4) The distributor of an audiovisual work shall be obliged to determine the age suitability of the distributed audiovisual work according to the unified labeling system; the herein shall not apply to the distribution of Slovak audiovisual works in which the age suitability was determined by its producer.
- (5) The distributor of the sound recording of artistic performance shall be obliged to determine the age suitability of the distributed sound recording of artistic performance according to the unified labeling system; the herein shall not apply to the distribution of Slovak sound recordings of artistic performance in which the age suitability was determined by its producer.
- (6) The distributor of the multimedia work shall be obliged to determine the age suitability of the distributed multimedia work according to the unified labeling system; the herein shall not apply to the distribution of Slovak multimedia works in which the age suitability was determined by its producer.

### § 14

#### Publishing of Age Suitability

- (1) The operator of an audiovisual technical facility shall be obliged to ensure the publishing of information on age suitability determined by the producer or distributor of the audiovisual work during the audiovisual performance, in the cinema or other premises open to the public.
- (2) The operator of the video-rental shall be obliged to ensure the publishing of information on age suitability determined by the producer or distributor of the audiovisual work in the catalogue of audiovisual works available to the public and on the premises of the video-rental and/or on the duplicates of audiovisual works; the herein shall also apply to multimedia works.
- (3) The operator of a computer gaming room shall be obliged to ensure the publishing of age suitability information determined by the producer or distributor of the multimedia work in the

catalogue of computer games available to the public and on the premises of the computer gaming room and/or on the duplicates of computer games or other multimedia works.

(4) The operator of a mediatheque shall be obliged to ensure the publishing of age suitability information determined by the producer or distributor of the audiovisual work in the catalogue of audiovisual works available to the public and on the premises of the mediatheque and/or on the duplicates of audiovisual works; the herein shall also apply to sound recordings of artistic performances and to multimedia works.

#### § 15

##### Restriction of Access to Audiovisual Works, Sound Recordings of Artistic Performances and Multimedia Works.

(1) Sale and other distribution of audiovisual works intended only for adults including their rental and/or lending, as well as making them available to the public, shall only be carried out in a way that excludes the access of minors to such audiovisual works.

(2) Audiovisual works intended only for adults shall be, at its sale or other distribution, including their rental or lending, clearly labeled, in a visible place with the following text: "Warning: This audiovisual work is intended only for persons older than 18 years of age" displayed primarily on the outer cover of the carrier used in retail sales; an additional transparent cover shall also be considered an outer cover.

(3) Audiovisual works intended only for adults shall, when made available to the public, be clearly labeled, in a visible place, with the following text: "Warning: This audiovisual work is intended only for persons older than 18 years of age" displayed on the offer by which the respective work is promoted to the public, or by any other similar way.

(4) Provisions of section 1 to 3 shall be accordingly applied also to sale and distribution of sound recordings of artistic performances and multimedia works intended only for adults, including their rental or lending, as well as their being made available to the public.

#### **PART FOUR**

##### **RESPONSIBILITIES OF PERSONS CARRYING OUT ACTIVITIES IN THE FIELD OF AUDIOVISION IN RELATION TO PUBLIC DISTRIBUTION OF AUDIOVISUAL WORKS, SOUND RECORDINGS OF ARTISTIC PERFORMANCES AND MULTIMEDIA WORKS**

Responsibilities of Persons Carrying out Activities in the Field of Audiovision  
with regards to the Public Distribution of Audiovisual works

#### § 16

##### Compulsory Data about Audiovisual Works

(1) Producer of Slovak audiovisual work shall be obliged to indicate in the state language<sup>15</sup> in a visible place on the cover of the Slovak audiovisual work and on its distribution sheet

a) the title of the Slovak audiovisual work;

- b) list of authors <sup>11</sup>
- c) list of performing artists <sup>12</sup> in leading roles;
- d) name and registered office of the producer of the Slovak audiovisual work if a legal person; trade name and place of enterprise of the producer of the Slovak audiovisual work if a natural person – entrepreneur; and the first name, surname, and permanent residence of the producer of the Slovak audiovisual work if it is a private individual.
- e) country of origin and the year of completion of the Slovak audiovisual work;
- f) characteristics of the content and genre of the Slovak audiovisual work;
- g) age suitability of the Slovak audiovisual work according to the unified labeling system;
- h) mark © – copyright; or mark P – producer <sup>16</sup>
- i) data about dubbing or subtitling of the Slovak audiovisual work;
- j) length of the Slovak audiovisual work in minutes;
- k) basic technical parameters of the Slovak audiovisual work;
- l) assigned international standard audiovisual number (ISAN), if assigned;
- m) registration number of the Slovak audiovisual work.

(2) Producers of a Slovak audiovisual work shall be obliged to indicate the data pursuant to section 1 letters a) and g) in a visible place on each carrier of the Slovak audiovisual work and on each material relating to the Slovak audiovisual work intended to the public; the responsibility to indicate the data on the carrier shall not apply to the carrier of a Slovak audiovisual work used only for audiovisual presentation.

(3) The distributor of an audiovisual work which is not a Slovak audiovisual work shall be obliged to indicate the name and registered office if he is a legal person; trade name and place of enterprise if it is a natural person – entrepreneur; or the first name, surname and permanent residence if it is a private individual; and, data about the audiovisual work pursuant to section 1 letters a) to k) in a visible place on each carrier of the distributed audiovisual work and on the distribution sheet for the respective work; the responsibility of indicating the data on the cover of the carrier shall not apply to the cover of carriers of audiovisual works used only for audiovisual presentation.

(4) Operators of an audiovisual technical facility shall be obliged to ensure public access to information about the Slovak audiovisual work during the audiovisual presentation to the extent that includes all data stipulated in section 1; and, in the case of audiovisual work which is not a Slovak audiovisual work, to the extent that includes data stipulated in section 3.

(5) Operators of video-rentals shall be obliged to ensure public access to information about the Slovak audiovisual work in the premises of the video-rental to the extent that includes all data stipulated in section 1; and, in the case of audiovisual work which is not a Slovak audiovisual work, to the extent that includes all data stipulated in section 3.

(6) The operator of a mediatheque shall be obliged to ensure public access to information about the Slovak audiovisual work in the premises of the mediatheque to the extent that it includes all data stipulated in section 1; and, in the case of audiovisual work which is not a Slovak audiovisual work, to the extent that includes all data stipulated in section 3.

## § 17

## Specific Provision Concerning Language Versions

(1) The distributor of an audiovisual work who publicly distributes cinematographic works in its original language versions other than Slovak language version, and in the case that the cinematographic work is not in a language version which fulfills the criteria for basic intelligibility from the viewpoint of the state language, shall also ensure a Slovak language version of the respective cinematographic work, by

- a) dubbing it in the Slovak language, or
- b) subtitling it in the Slovak language.

(2) For the distribution of an audiovisual work intended to minors up to 12 year of age, the distributor of the audiovisual work shall be obliged to ensure the distribution of this work which also includes to Slovak language dubbing.

(3) For the distribution of a multimedia work intended for minors up to 12 year of age, the distributor of the multimedia work shall be obliged to ensure the distribution of this work also with a Slovak language version.

(4) The operator of an audiovisual technical facility who presents to the public audiovisual works intended for minors up to 12 year of age shall be obliged to ensure the presentation of such work at a time appropriate for the respective minors and with dubbing in Slovak language.

(5) Audiovisual works distributed by transmission with an original language other than Slovak shall be broadcasted with dubbing in Slovak language, or in the original language with Slovak subtitles; the herein shall not apply to audiovisual works whose original language meets the criteria for basic intelligibility from the viewpoint of the state language.

## Responsibilities of Persons Carrying out Activities in the Field of Audiovision

## With regards to the Public Distribution of Sound Recordings of Artistic Performances

## § 18

## Compulsory Data about the Sound Recordings of Artistic Performances

(1) Producers of a Slovak sound recording of an artistic performance shall be obliged to indicate in the state language in a visible place on the cover of the Slovak sound recording of artistic performance

- a) the title of the Slovak sound recording of an artistic performance;
- b) list of authors<sup>13</sup>

c) list of performing artists<sup>12</sup> ;

d) name and registered office of the producer of the Slovak sound recording of an artistic performance if a legal person; trade name and place of enterprise of the producer of the Slovak sound recording of artistic performance if a natural person – entrepreneur; and the first name, surname, and permanent residence of the producer of the Slovak sound recording of artistic performance if it is a private individual.

e) country of origin and the year of production of the Slovak sound recording of artistic performance;

- f) characteristic of the content and genre of the Slovak sound recording of artistic performance;
- g) age suitability of the Slovak sound recording of artistic performance according to the unified labeling system;
- h) assigned international standard music number (ISMN), if assigned;
- i) assigned registration number of the Slovak sound recording of artistic performance;
- j) mark © – copyright; or mark P – producer<sup>16</sup>;
- k) length of the Slovak sound recording of artistic performance in minutes;
- l) technical parameters of the format of the Slovak sound recording of artistic performance.

(2) The producer of a Slovak sound recording of an artistic performance shall be obliged to indicate the data pursuant to section 1 letter a) and g) in a visible place on each carrier of the Slovak sound recording of artistic performance and on each material relating to the Slovak sound recording of artistic performance intended for the public.

(3) The distributor of a sound recording of artistic performance which is not a Slovak sound recording of artistic performance shall be obliged to indicate on the cover and on each material relating to its distribution to the public the age suitability of the sound recording of artistic performance according to the unified labeling system; name and registered office of a legal person; trade name and place of enterprise of a natural person – entrepreneur; or the first name, surname and permanent residence of a private individual distributing the sound recording of artistic performance.

Responsibilities of Persons Carrying out Activities in the Field of Audiovision  
with regards to the Public Distribution of Multimedia Works.

§ 19

Compulsory Data about Multimedia Works

(1) The producer of the Slovak multimedia work shall be obliged to indicate in the state language in a visible place on the cover of the Slovak multimedia work:

- a) the title of the Slovak multimedia work;
- b) list of authors<sup>13</sup>
- c) list of performing artists<sup>12</sup>
- d) name and registered office of the producer of the Slovak multimedia work, if a legal person; trade name and place of enterprise of the producer of the Slovak multimedia work if a natural person – entrepreneur; and the first name, surname and permanent residence of the producer of the Slovak multimedia work if a private individual;
- e) country of origin and year of completion of the Slovak multimedia work;
- f) characteristics of the content and genre of the Slovak multimedia work;
- g) age suitability of the Slovak multimedia work according to the unified labeling system;
- h) mark © – copyright; or P – producer<sup>16</sup>
- i) hardware and software configuration requirements for the Slovak multimedia work;
- j) registration number of the Slovak multimedia work.

(2) The producer of a Slovak multimedia work shall be obliged to indicate the data pursuant to section 1 letter a) and g) not only on each carrier of the Slovak multimedia work but also on each material relating to the Slovak multimedia work intended for the public.

(3) The distributor of a multimedia work which is not a Slovak multimedia work shall be obliged to indicate the name and registered office if he is a legal person; trade name and place of enterprise if a natural person – entrepreneur; or the first name, surname and permanent residence if it is a private individual; and, data about the multimedia work pursuant to section 1 letters a) to i) on each carrier of the distributed multimedia work as well as on its distribution sheet.

(4) The operator of a computer gaming room shall be obliged to ensure public access to information about the Slovak multimedia work on the premises of the computer gaming room to the extent that it includes all data pursuant to section 1; and of the multimedia work which is not a Slovak multimedia work to the extent that it includes all data pursuant to section 3.

## **PART FIVE COMMERCIAL**

### § 20

#### Commercial during Audiovisual Performance

(1) The operator of an audiovisual technical facility shall be obliged to ensure that the commercial presented during an audiovisual performance is recognizably and markedly separated from the audiovisual performance by an audiovisual means. Interruption of an audiovisual performance by a commercial is prohibited.

(2) The operator of an audiovisual technical facility shall be obliged to ensure that, during an audiovisual performance of an audiovisual work intended for minors, no commercial is presented that

- a) might endanger the physical, psychological and/or moral development of minors, or to vitiate their mental health or emotional state;
- b) might endanger the interest of minors, or which fails to respect their specific responsiveness;
- c) promotes erotic services or erotic goods, or
- d) promotes alcoholic drinks or other services or goods the sale of which to minors is prohibited.

(3) The operator of an audiovisual technical facility shall be obliged to ensure that during the audiovisual performance of an audiovisual work intended for the age category of minors

- a) up to 7 years, no commercial promoting an audiovisual work not suitable for the age category of minors up to 7 years of age is presented;
- b) up to 12 years, no commercial promoting an audiovisual work not suitable for the age category of minors up to 12 years of age is presented;
- c) up to 15 years, no commercial promoting an audiovisual work not suitable for the age category of minors up to 15 years of age is presented;
- d) up to 18 years, no commercials promoting an audiovisual work not suitable for the age category of minors up to 18 years of age is presented.

### § 21

#### Commercial Publicly Distributed on the Carrier Together with Audiovisual Work or Multimedia Work

(1) The distributor of an audiovisual work shall be obliged to ensure that the commercial publicly distributed on the carrier together with the audiovisual work is recognizably and markedly separated from the audiovisual work by an audiovisual means. Interruption of the recording of an audiovisual work on the carrier by the commercial is prohibited.

(2) The distributor of a multimedia work shall be obliged to ensure that the commercial publicly distributed on the carrier together with the multimedia work is recognizably and markedly separated from the multimedia work by an audiovisual or visual means.

(3) Provisions of § 20 sections 2 and 3 shall apply accordingly to the commercial publicly distributed on a carrier together with the audiovisual work or multimedia work intended for minors.

## **PART SIX THE SLOVAK FILM INSTITUTE**

### § 22

#### Position of the Slovak Film Institute

(1) The Slovak Film Institute is a legal entity with a registered office in Bratislava.

(2) The Slovak Film Institute is a public contributory organization the financial relations of which are linked to the state budget by means of the budgetary chapter of the Ministry.

### § 23

#### Responsibilities of the Slovak Film Institute

The Slovak Film Institute In the field of audiovision and cinematography

- a) participates in the preservation, protection and recovery of audiovisual heritage as an integral part of the cultural wealth of the Slovak Republic with the goal to preserve audiovisual productions as a form of cultural expression;
- b) processes and enhances the audiovisual heritage with the goal to preserve the values of Slovak audiovisual production;
- c) processes and distributes knowledge in the field of audiovisual culture, in particular cinematography and audiovisual art in the Slovak Republic.

### § 24

#### Activities of the Slovak Film Institute

(1) The Slovak Film Institute carries out in the field of audiovision and cinematography particularly the following activities:

- a) ensures professional storage, treatment, preservation and recovery of the audiovisual heritage as a legal depository;



- b) enables public access to the audiovisual heritage for study, educational and scientific purposes; for this purposes it can also produce duplicates of audiovisual works, audiovisual recordings and audio recordings that form a part of the audiovisual heritage;
- c) searches, obtains, concentrates, catalogues, preserves and allows access to originals or duplicates of audiovisual works and audiovisual recordings; as well as documentation and information materials relating to audiovisual works and audiovisual recordings;
- d) monitors and participates in the technological and technical progress in the field of audiovisual works` preservation and ethical rules for the protection and recovery of audiovisual works;
- e) carries out theoretical-conceptual, scientific, research, documentary, coordinating, educational, bibliographic, retrieval, methodic-consulting activities and editorial activity including the issuance of periodical publications and non-periodical publications and carriers of Slovak audiovisual works;
- f) produces and operates an information system forming a part of the public administration's information system<sup>17</sup>;
- g) operates a special library and a mediatheque for the purposes of study, technical, research and educational purposes;
- h) operates an audiovisual technical facility and a cinema to present audiovisual works to the public by means of audiovisual performances;
- i) cooperates with international organizations in the field of audiovision and cinematography and represents the Slovak Republic in those organizations;
- j) by using the audiovisual fund produces Slovak audiovisual works or participates in the production of audiovisual works;
- k) assigns international standard audiovisual numbers (ISAN) as the national agency for international standard audiovisual numbers;
- l) organizes and participates in the organization of cultural events, reviews and festivals in the Slovak Republic and abroad;
- m) participates in the promotion of audiovision and cinematography including the promotion of audiovisual heritage;
- n) provides information to foreign information centers and audiovisual databases from the field of Slovak audiovision and cinematography;
- o) fulfills the role of the national filmothèque;
- p) keeps the records of voluntary depositories and methodologically regulates the procedures for the protection and recovery of the audiovisual heritage fund;
- q) provides professional assistance to the Ministry during the inspection of voluntary depositories;
- r) cooperates with cinematography funds;
- s) cooperates with technical and professional organizations and other persons active in the field of audiovision and cinematography;
- t) cooperates with producers of audiovisual works produced within the territory of the Slovak Republic;
- u) obtains, processes, provides and evaluates data in the field of audiovision and cinematography;

(2) The Slovak Film Institute further

- a) executes the rights of authors to audiovisual works produced before 1991 by state organizations managing audiovision, which executed these rights based upon generally binding legal regulations in effect before 1997, if those rights are not executed upon a specific regulation exclusively by a broadcaster established by law broadcasting television program service<sup>18</sup>;

- b) executes the rights of performing artists to artistic performances presented in the audiovisual work according to letter a);
- c) executes the rights of producers of audio recordings, producers of audiovisual recordings and broadcasters whose recordings or broadcastings were used in the audiovisual work according to letter a);
- d) is the producer of an audiovisual recording of audiovisual works according to letter a);
- e) administers the carriers of audiovisual works according to letter a); and audiovisual recordings according to letter d) which are property of the state<sup>19</sup>;
- f) by its activities, increases the value of the property rights according to letters a) to d), in particular gives consent to the use of items of protection according to letters a) to d); and has the right to gratuity, reasonable gratuity and compensation of gratuity pursuant to a specific regulation<sup>20</sup>;
- g) protects the interests of authors, performing artists and other bearers of rights pursuant to letters a) to d); in particular it has the right to claim the protection of rights pursuant to specific regulations<sup>21</sup>.

#### § 25

##### Competence of the Slovak Film Institute in the Field of Audiovisual Heritage Protection

- (1) The Slovak Film Institute executes state administration in the field of audiovisual heritage protection.
- (2) The Slovak Film Institute in the field of audiovisual heritage protection,
  - a) methodically regulates recording in the catalogues, protection and recovery of the audiovisual heritage fund;
  - b) assesses the audiovisual value of audiovisual works, audiovisual recordings and sound recordings pursuant to § 32; for the purposes of assessing the audiovisual value, the Director General appoints an advisory body for the area of audiovisual heritage protection.

#### § 26

##### Bodies of the Slovak Film Institute

Bodies of the Slovak Film Institute are the Director General and the Council.

#### § 27

##### Director General

- (1) Director General is the statutory body of the Slovak Film Institute.
- (2) Those eligible to be elected Director General must have professional knowledge and experience and meet the general requirements for fulfilling such a function pursuant to a specific regulation<sup>22</sup>; a person with professional knowledge and experience is considered a natural person who has at least 3 years of professional experience in a managerial function and who has obtained a university degree in the field of audiovision or cinematography; or, in the event the university degree was obtained in a different field, must have professional experience of at least 5 years in the field of audiovision or cinematography.

- (3) The Director General is elected upon a public hearing and recalled by the Council.
- (4) The term of office of the Director General is 5 years; Director General can be reelected for a maximum of two consequent office terms.
- (5) Execution of the function of the Director General expires
- a) at the end of the term of office of the Director General;
  - b) by resignation of the Director General from his function; execution of the function ends on the day when a written notice of resignation from the function is delivered to the Council, if the notice does not indicate a later date;
  - c) by recalling the Director General from his function; execution of the function ends on the day when a written notice recalling the Director General from the function is delivered to the Director General, if the notice does not indicate a later date; or
  - d) by the death of the Director General, or by declaring him dead.
- (6) The Council shall recall the Director General if he has ceased to meet the general requirements for fulfilling the function pursuant to a specific regulation<sup>22</sup>.
- (7) The Council can recall the Director General if the Slovak Film Institute acts in contradiction to its responsibilities stipulated in § 23 or if the competent authority detects a serious violation of specific regulations<sup>23</sup> by the Slovak Film Institute.

§ 28  
Council

- (1) The Council
- a) elects and recalls the Director General by an absolute majority of votes of all members;
  - b) expresses its opinion on the draft Annual Report on the activities of the Slovak Film Institute;
  - c) expresses its opinion on the budget proposal of the Slovak Film Institute;
  - d) approves long-term plans and concepts for the development of the Slovak Film Institute.
- (2) The Council has five members, of which
- a) four members are appointed and recalled by the Minister of Culture of the Slovak Republic (hereinafter the “Minister”) from amongst professionals in the field of audiovision or cinematography and in consideration of the representative composition of the Council; and
  - b) one member is elected by the employees of the Slovak Film Institute from amongst the technical employees of the Slovak Film Institute; the Director General cannot be a member of the Council.
- (3) Those eligible to be appointed or elected as a member of the Council may be a natural person who has his or her integrity (no criminal record) and who is competent in legal actions to the full extent. A person having integrity, for the purposes of this law, is a natural person who has not been lawfully sentenced for an intended criminal offense; integrity shall be proved by an excerpt from the criminal records not older than three months.

(4) The term of a Council member is three years; members of the Council can also be reappointed or reelected.

(5) The execution of the function of the member of the Council expires:

- a) upon the expiration of the term of the office of a member of the Council;
- b) by resignation of a member of the Council; the execution of the function ends on the day when the written notice of resignation from the function is delivered to the Minister, if the notice does not indicate a later date;
- c) by recalling a member of the Council from his function; the execution of the function ends on the day when the written notice of recalling a member is delivered to the member of the Council, if the notice does not indicate a later date;
- d) by the lawful sentencing of a member of the Council for an intended criminal offence;
- e) by the lawful suspension of the competency of a member of the Council for legal actions, or if his competency for legal actions was lawfully restricted;
- f) by death of a member of the Council, or by declaring him dead; or
- g) by termination of his job contract with the Slovak Film Institute, if he is a member of the Council elected pursuant to section 2 letter b).

(6) The Minister can recall a member of the Council appointed pursuant to section 2 letter a) if he has not executed his function for at least three consecutive months. Employees of the Slovak Film Institute can recall a member of the Council elected pursuant to section 2 letter b), if he has not executed his function for at least three consecutive months.

#### § 29

##### Organization of the Slovak Film Institute

(1) The basic organizational unit of the Slovak Film Institute in the field of protection and recovery of audiovisual heritage is the National Film Archive, and, in the field of public access to cinematographic art and audiovisual heritage the National Cinematographic Center. Details on the organization of the Slovak Film Institute including the scope of responsibilities of the organizational units of the Slovak Film Institute are regulated by the Rules of Organization of the Slovak Film Institute issued by the Director General.

(2) Details regarding the election and recalling of the Director General and execution of his function, as well as details regarding the appointment and recalling of members of the Council, regarding the sessions of the Council and the advisory body to the Director General in the field of the protection of the audiovisual heritage are regulated by the Statutes of the Slovak Film Institute issued by the Minister.

(3) Labor Law issues of the Slovak Film Institute's employees and their wage conditions are subject to specific regulations.<sup>24</sup>

#### § 30

##### Utilization of property Administered by the Slovak Film Institute

- (1) The Slovak Film Institute has the right to carry out only such business activities that relate to its responsibilities stipulated in § 23 or activities stipulated in § 24.
- (2) Carriers of audiovisuals and documents which form a part of the audiovisual heritage fund, are inalienable, cannot be subject to a right of lien or otherwise burdened, they cannot be subject to execution carried out according to a specific regulation<sup>25</sup> nor procedure according to a specific regulation<sup>26</sup>; the above does not apply to a copy of this carrier or document.
- (3) The Slovak Film Institute cannot establish a right of lien to rights stipulated in § 24 section 2 letters a) to c); neither to rights of the Slovak Film Institute as the producer of audiovisual recordings of audiovisual works according to § 24 section 2 letter d); the Slovak Film Institute cannot transfer these rights nor their execution to any other person. Rights according to the first sentence cannot be subject to execution carried out according to a specific regulation<sup>25</sup> nor procedure according to a specific regulation<sup>26</sup>.
- (4) Treatment of state property that forms a part of the audiovisual heritage fund is regulated by a specific regulation<sup>19</sup>, if not otherwise provided in this law.

## **PART SEVEN PROTECTION OF THE AUDIOVISUAL HERITAGE**

### § 31 Audiovisual Heritage

- (1) The audiovisual heritage is part of the cultural wealth of the Slovak Republic.
- (2) The audiovisual heritage is a collection of audiovisual works and other components of the audiovisual heritage fund documenting the history of the Slovak Republic including the birth and development of Slovak audiovision and cinematography.

### § 32 The Audiovisual Heritage Fund

- (1) The audiovisual heritage fund consists of audiovisuals and accompanying documents relating to production, distribution and/or presentation of audiovisuals to the public.
- (2) An audiovisual is:
  - a) a Slovak cinematography work;
  - b) a Slovak audiovisual work which is a program of the television program service pursuant to a specific regulation<sup>27</sup> and which is not a news, political-journalist, entertainment, musical or musical-entertainment program;
  - c) a Slovak audiovisual work distributed by a distributor of an audiovisual work if such a Slovak audiovisual work is not an audiovisual pursuant to letters a) or b);
  - d) a Slovak sound recording of an artistic performance which is a program of the radio program service pursuant to a specific regulation<sup>27</sup> and which is not a news, political-journalist, entertainment, musical or musical-entertainment program;

e) a Slovak sound recording of an artistic performance distributed by a distributor of a sound recording of an artistic performance.

(3) An audiovisual is also

- a) a Slovak audiovisual work which is a news, journalist or entertainment program if it has an audiovisual value;
- b) a Slovak sound recording of an artistic performance which is a news, journalist or entertainment program if it has an audiovisual value;
- c) other sound recording or audiovisual recording if it has an audiovisual value.

(4) Audiovisual value is a complex of significant historical, social, scenic, artistic, scientific or technical values.

### § 33 Legal Depository

(1) Legal depository is

- a) a broadcaster established by law broadcasting a television program service<sup>28</sup> which administers the deposit of its own Slovak audiovisual works<sup>29</sup> pursuant to § 32 section 2 letter b), and section 3 letter a);
- b) a broadcaster established by law broadcasting a radio program service<sup>30</sup> which administers the deposit of
  - 1. its own sound recordings of an artistic performance<sup>31</sup> pursuant to § 32 section 2 letter d), and section 3 letter b);
  - 2. sound recordings pursuant to § 32 section 2 letters d) and e), and section 3 letters b) and c);
  - c) the Slovak Film Institute that administers the deposit of audiovisuals pursuant to § 32 sections 2 and 3 with the exception of those the deposit of which is administered by legal depositories pursuant to letters a) and b).

(2) Legal depository pursuant to section 1 letters a) and b) is, in the course of fulfilling the responsibilities following from the administration of the deposit of audiovisuals, obliged to

- a) store the original carrier of the audiovisual in a way to prevent it from the threat of its misappropriation, damage or destruction;
- b) adhere to methodical regulations pursuant to § 25 sec 2 letter a);
- c) provide concurrence to the Slovak Film Institute, in particular to allow the Slovak Film Institute to inspect the conditions of the storage and treatment of audiovisuals.

(3) Legal depository pursuant to section 1 letters a) and b) is obliged to deliver to the Slovak Film Institute the original carriers of audiovisuals and respective accompanying documents, the storage of which has been discontinued, no later than on the day of the discontinuation of this activity, or, in the case that he has been fined for the violation of the obligation pursuant to section 2, no later than within five working days from the date when the resolution on imposing the fine was delivered.

(4) The Slovak Film Institute is obliged to professionally store and treat the audiovisuals that it stores as a legal depository.

§ 34  
Depositing Obligation

(1) The producer of a Slovak audiovisual work is obliged to deliver to a free deposit at the Slovak Film Institute audiovisuals pursuant to § 32 section 2 letters a) to c) on an original carrier including the accompanying material no later than within 30 days from its first release to the public; the above does not apply to a producer of a Slovak audiovisual work who is a legal depository.

(2) The producer of a Slovak sound recording of an artistic performance is obliged to deliver to a free deposit at the legal depository pursuant to § 33 section 1 letter b) an audiovisual pursuant to § 32 section 2 letters d) and e) on an original carrier including the accompanying material no later than within 30 days from its first release to the public; the above does not apply to a producer of a Slovak sound recording of an artistic performance who is a legal depository.

(3) The producer of a Slovak audiovisual work is not obliged to deliver to the deposit at the Slovak Film Institute an audiovisual pursuant to § 32 section 2 letters a) to c) on an original carrier if in the term stipulated in section 1 notifies the Slovak Film Institute that he is a voluntary depository, or can prove the Slovak Film Institute that such an original carrier is stored at another voluntary depository or a legal depository of another contracting party of the respective international contract.

(4) If the producer of a Slovak audiovisual work is not obliged pursuant to section 3 to deliver the original carrier, he is then obliged to deliver the carrier, on which the recorded work is equivalent to the quality of the original, to the free deposit at the Slovak Film Institute.

(5) The producer of a Slovak sound recording of an artistic performance is not obliged to deliver for deposit at the legal depository pursuant to § 33 section 1 letter b) an audiovisual pursuant to § 32 section 2 letters d) and e) on an original carrier, if in the term stipulated in section 2 notifies the legal depository pursuant to § 33 section 1 letter b) that he is a voluntary depository, or can prove to the legal depository pursuant to § 33 section 1 letter b) that such an original carrier is stored by another voluntary depository.

(6) Ownership rights to the item which is subject to deposit pursuant to sections 1, 2 and 4 are not affected. The contract on storage concluded pursuant to sections 1, 2 or 4 is subject to a specific regulation.<sup>32</sup>

§ 35  
Voluntary Depository

(1) Voluntary depository is a subject which is not a legal depository and stores an original carrier of an audiovisual pursuant to § 32 section 2 or section 3 letter a) or b).

(2) For the purposes of § 34 section 3, a voluntary depository is also a foreign film archive or other foreign person who performs the protection of audiovisual heritage.

(3) If not otherwise stipulated in this law, a voluntary depository of an audiovisual according to

a) § 32 section 2 letters a) to c) or section 3 letter a) is obliged to notify the Slovak Film Institute about the storage of an original carrier of an audiovisual no later than within 30 days from the beginning of the storage, or according to any other time period agreed upon with the Slovak Film Institute;

b) § 32 section 2 letters d) and e) and § 32 section 3 letter b) is obliged to notify the legal depository pursuant to § 33 section 1 letter b) about the storage of an original carrier of an audiovisual no later than within 30 days from the beginning of the storage, or according to any other time period agreed upon with the legal depository;

(4) A voluntary depository is, in the course of administering the deposit of audiovisuals, obliged to

a) store the original carrier of the audiovisual in such a way as to prevent it from the threat of its misappropriation, damage or destruction;

b) adhere to methodical regulations pursuant to § 25 sec 2 letter a);

c) provide concurrence to the Slovak Film Institute, in particular to allow the Slovak Film Institute to inspect the conditions of storage and treatment of audiovisuals.

(5) A voluntary depository of an audiovisual pursuant to § 32 section 2 letters a) to c) or § 32 section 3 letter a) is obliged to deliver to the Slovak Film Institute all original carriers of audiovisuals and respective accompany documents, if in relation to them

a) he has terminated the activity of a voluntary depository and did not arrange for their storage by another voluntary depository no later than on the day of termination of this activity; or

b) he has been fined for the violation of the obligation stipulated in section 4 letter a) or b), in which case the term will be no later than within five working days from the date when the resolution on imposing the fine was delivered.

(6) A voluntary depository of an audiovisual according to § 32 section 2 letter d) or e) or § 32 section 3 letter b) is obliged to deliver to the legal depository pursuant to § 33 section 1 letter b) all original carriers of audiovisuals and respective accompanying documents, if in relation to them

a) he has terminated the activity of a voluntary depository and has not arranged for their storage by another voluntary depository no later than on the day of termination of this activity; or

b) he has been fined for the violation of the obligation stipulated in section 4 letter a) or b), in which case the term will be no later than within five working days from the date when the resolution on imposing the fine was delivered.

## § 36

### Acquisition Activity

(1) The producer of a Slovak audiovisual work who used for the production of the audiovisual pursuant to § 32 section 2 letters a) to c), or section 3 letter a) public resources<sup>7</sup> excluding resources from the European Union, is obliged to deliver free of charge to the Slovak Film Institute the respective audiovisual on a carrier, on which the recorded work is equivalent to the quality of the original including the accompanying material to the respective audiovisual no later than within 30 days after the day of its first release to the public; the above does not apply to a producer of a Slovak audiovisual work who is a legal depository.



(2) The producer of a Slovak audiovisual work who is not subject to the obligation pursuant to section 1 and who produced an audiovisual pursuant to § 32 section 2 letters a) to c), and a person who is the owner of the original carrier of an audiovisual pursuant to § 32 section 3 letter c), are obliged to offer the Slovak Film Institute the purchase of the carrier, on which the recorded work, sound recording or audiovisual recording is equivalent to the quality of the original no later than within 30 days after the day of its first release to the public, and for a price which does not exceed the reasonable costs of the production of such a duplicate of the work or recording.

(3) The obligation stipulated in section 2 is also considered fulfilled if the Slovak Film Institute does not accept the offer to purchase the carrier of the audiovisual pursuant to section 2 within six months from the day when the offer was delivered to the Slovak Film Institute.

(4) The carrier of an audiovisual obtained pursuant to section 1 or 2 becomes property of the Slovak Republic and will be administered by the Slovak Film Institute.

(5) The Slovak Film Institute can utilize the carrier obtained pursuant to section 1 or 2 only within the scope of its responsibilities as stipulated in § 23 and 24.

## **PART EIGHT INDEPENDENT PRODUCER IN AUDIOVISION**

### **§ 37**

#### **Independent Producer in Audiovision**

(1) An independent producer in audiovision is a producer of an audiovisual work registered in the Registry of Independent Producers, who is not a broadcaster, and who is not personally nor by property connected with a broadcaster, and, who produced within the period of the last three years at least

a) 90 % of his total television production for at least two television broadcasters, who participated in this production with a maximum of 70 % of the total costs, while the total television production constitutes at least 10 % of his total production (independent television producer); the total television production shall not include news programs, up-to-date journalist programs, game shows, supplementary broadcastings, transmissions of sport events, or the minutes of television production published exclusively by teletext, or

b) one cinematographic work of at least 65 minutes, or more cinematographic works with a total length of at least 90 minutes, which were not participated in by a television broadcaster as a co-producer with a share exceeding 50 % of the total cost of each of these works (independent film producer).

(2) An independent producer in audiovision is also a producer of audiovisual work who is not personally nor by property connected with a broadcaster, and who is an independent producer in a member state of the European Union, or in a state which is party to the European Convention of Cross-Border Television.<sup>33</sup>

(3) A registered independent producer has the right to also use along with his name, trade name or first name and surname the title of “Independent Producer”.

## § 38

## Registry of Independent Producers

The Registry of Independent Producers is administered by the Ministry and it includes

- a) registration number;
- b) date of registration of an independent producer in the Registry of Independent Producers, and date of erasure from the Registry of Independent Producers;
- c) name and registered office of the legal person; trade name and place of enterprise of a natural person – entrepreneur; or the first name, surname and permanent residence of a private individual;
- d) contact information of the independent producer;
- e) information on the television production of the independent producer;
- f) information on the total production of the independent producer;
- g) list of produced audiovisual works including the ordering customers and/or distributors.

## § 39

## Registration of an Independent Producer

(1) Registration of an independent producer is administered by the Ministry by recording in the Registry of Independent Producers upon a request by the producer of an audiovisual work for registration in the Registry of Independent Producers; the registration is voluntary.

(2) Request for registration of the producer of audiovisual work in the Registry of Independent Producers includes:

- a) name and registered office of the producer of an audiovisual work if he is a legal person; trade name and place of enterprise of the producer of an audiovisual work if he is a natural person – entrepreneur; or the first name, surname and permanent residence of the producer of an audiovisual work if he is a private individual;
- b) information on the television production or cinematography production for a period of three years pursuant to § 37,
- c) list of produced audiovisual works for a period of the last three years including their ordering customers or distributors;
- d) contact information of the producer of the audiovisual work;

(3) The producer of an audiovisual work shall attach to the request for registration pursuant to section 2 accounting and other documents or contracts certifying the fulfillment of terms stipulated in § 37 section 1.

(4) If the Ministry accepts the request for registration in the Registry of Independent Producers, it will record the resolution in a file, and within 10 working days from the date of registration of the independent producer in the Registry of Independent Producers, will issue the independent producer a certificate of registration.

(5) The certificate of registration of an independent producer is valid for three years from the date of registration of the independent producer in the Registry of Independent Producers.

(6) Certificate of registration includes:

- a) number of registration certificate;
- b) registration number of the independent producer assigned by the Ministry;
- c) name and registered office of the independent producer if he is a legal person; trade name and place of enterprise of the independent producer if he is a natural person – entrepreneur; or the first name, surname and permanent residence of the independent producer if he is a private individual;
- d) date of registration of the independent producer in the Registry of Independent Producers;
- e) expiration date of the registration certificate;
- f) stamp of the Ministry and the signature of the authorized person.

(7) The Ministry shall reject the request for registration in the Registry of Independent Producers if the producer of an audiovisual work has failed to meet the preconditions for registration stipulated in § 37 section 1.

(8) A change in the registration in the Registry of Independent Producers shall be carried out by the Ministry upon a request for change of the registration submitted by the independent producer, or, upon the Ministry's own incentive, if the registration in the Registry of Independent Producers was based upon inaccurate data.

#### § 40

##### Removal from the Registry of Independent Producers

(1) The Ministry will remove the independent producer from the Registry of Independent Producers upon the request of the independent producer for removal, or upon the Ministry's own incentive.

(2) The Ministry will remove the independent producer from the Registry of Independent Producers upon its own incentive after three years from the registration of the independent producer in the Registry of Independent Producers.

(3) The Ministry will also remove the independent producer from the Registry of Independent Producers upon its own initiative if it has established that

- a) the registration of the independent producer was made upon inaccurate data;
- b) the independent producer is either personally or by property connected to a broadcaster;
- c) the independent producer is a broadcaster;
- d) the independent producer ceased his work, died or was declared dead.

(4) The removal from the Registry of Independent Producers upon request of the independent producer, and removal pursuant to section 3 letter d) are not subject to a resolution executed in writing<sup>34</sup>; removal from the Registry of Independent Producers and the respective reason shall be recorded in the Registry.

#### § 41

##### Registration of an Independent Producer of a Multimedia Work

Registration of an independent producer of a multimedia work shall be accordingly governed by the provision outlined in § 37 through 40; for the purposes of § 37 section 1, the length of multimedia works shall be measured based upon the number of minutes of the audiovisual works forming their part.

## **PART NINE SUPERVISION**

### **§ 42 Supervising Bodies**

The body supervising adherence to obligations defined in this law is

- a) the Ministry, which supervises adherence to obligations pursuant to § 11 section 1, § 13 and § 47 section 5;
- b) the Slovak Film Institute, which supervises adherence to obligations pursuant to § 33 section 2 and 3, § 34 section 1, 2 and 4, § 35 section 3 through 5, § 36 section 1 and 2;
- c) the Slovak Commercial Inspection, which supervises adherence to obligations pursuant to § 14 through 16, § 17 section 2 through 4, § 18 through 21;
- d) the municipality, which supervises adherence to obligations pursuant to § 11 section 3.

### **§ 43 Execution of Supervision**

(1) The supervising body can entrust a natural person (hereinafter the “authorized person”) to execute the supervision; during the execution of the supervision, the authorized person is obliged to identify himself with the identity card of an authorized person.

(2) Any person subject to obligations stipulated by this law is obliged to cooperate with supervising bodies, and to allow the authorized person to execute the supervision, in particular to prove his identity to the authorized person, allow the authorized person to enter the operation facility, and to provide the authorized person with necessary documents, information and explanations.

(3) The supervising body will impose on any person who has failed to cooperate, pursuant to section 2, a fine for the violation of this obligation amounting to a maximum of SKK 5.000,-.

### **§ 44 Elimination of an Unlawful Condition**

The supervising body will appeal in writing to the producer of a Slovak audiovisual work, a producer of a Slovak sound recording of an artistic performance, a producer of a Slovak multimedia work, a distributor of an audiovisual work, a distributor of a sound recording of an artistic performance, a distributor of a multimedia work, an operator of an audiovisual technical facility, an operator of a video-rental, an operator of a computer gaming room, an operator of a mediatheque and/or any other person obliged pursuant to this law (hereinafter the “obliged person”) to eliminate the unlawful condition, if it has detected a violation of this law, and if the elimination of the unlawful condition is possible; the obliged person shall eliminate the unlawful

condition within the time period determined by the supervising body in the appeal by fulfilling the obligation within the specified period of time.

#### § 45

##### Administrative Torts

(1) The supervising body will impose a fine on the obliged person if it has detected a violation of this law and

a) if the unlawful condition was not eliminated within the time period determined pursuant to § 44, or

b) it is not possible to eliminate the unlawful condition.

(2) The Ministry will impose on the obliged person for the violation of any of the obligations pursuant to

a) § 11 section 1 a fine from SKK 1.000 to SKK 5.000.

b) § 13 a fine from SKK 20.000 to 1.000.000.

c) § 47 section 5 a fine from SKK 2.000 to SKK 50.000.

(3) The Slovak Film Institute will impose on the obliged person for the violation of any of the obligations pursuant to

a) § 33 section 2 and 3 a fine from SKK 10.000 to SKK 100.000.

b) § 34 section 1, 2 and 4 a fine from SKK 10.000 to SKK 2.000.000.

c) § 35 section 3 to 5 a fine from SKK 10.000 to 2.000.000.

d) § 36 section 1 and 2 a fine from SKK 2.000 to SKK 50.000.

(4) The Slovak Commercial Inspection will impose on the obliged person for the violation of any of the obligations pursuant to

a) § 14 a fine from SKK 10.000 to SKK 1.000.000.

b) § 15 a fine from SKK 5.000 to SKK 500.000.

c) § 16 a fine from SKK 1.000 to SKK 20.000.

d) § 17 section 2 to 4 a fine from SKK 5.000 to SKK 20.000.

e) § 18 a fine from SKK 1.000 to SKK 20.000.

f) § 19 a fine from SKK 1.000 to SKK 20.000.

g) § 20 a fine from SKK 10.000 to SKK 500.000.

h) § 21 a fine from SKK 5.000 to SKK 100.000.

(5) The municipality will impose on the obliged person for the violation of the obligation pursuant to § 11 section 3 a fine up to SKK 5.000.

(6) When establishing the amount of the fine, the supervising body will consider the severity, manner and extent of the violation of the obligation, the consequences of such violation and their duration, as well as the degree of infliction.

(7) The fine can be imposed one year from the date on which the supervising body identified the violation of the obligation, but no later than three years from the date when the violation occurred.

(8) If the unlawful condition was not eliminated within the time period determined by the supervising body pursuant to § 44, the supervising body is obliged to impose a fine repeatedly until the unlawful condition has been eliminated, but no later than three years after the date when the violation of the obligation occurred.

(9) The fine imposed in compliance with this law is due within 30 days from the date when the resolution imposing the fine entered into legal validity; the fine imposed according to this law is collected and reclaimed by the body which imposed the fine.

(10) The revenues from fines are income to the state budget excluding the fines imposed by the municipality, which are income to the budget of the municipality imposing the fine.

## **PART TEN COMMON, TEMPORARY AND FINAL PROVISIONS**

### § 46 Common Provisions

(1) The general regulation on administrative proceedings<sup>35</sup> shall not apply to proceedings pursuant to the second part of this law.

(2) If not otherwise provided in this law, the commercials pursuant to this law shall be subject to a specific regulation.<sup>36</sup>

(3) If there is no producer of the Slovak sound recording of an artistic performance, or it is not possible to identify the producer, the obligations of the producer of a Slovak sound recording of an artistic performance shall apply to the publisher of the musical work or verbal work recorded on this sound recording; the above shall not apply to the publisher of a musical work or verbal work if the work was published only in a printed version.

(4) The obligations of a producer of an audiovisual work shall apply to a producer of a multimedia work, which is also an audiovisual work, or contains an audiovisual work; obligations of a distributor of an audiovisual work shall apply to a distributor of a multimedia work, which is also an audiovisual work, or contains an audiovisual work.

(5) Protection pursuant to a specific regulation<sup>37</sup> shall apply to an audiovisual recording which was recorded less than 50 years ago, and the producer of which pursuant to § 24 section 2 letter d) is the Slovak Film Institute.

(6) The provision of § 17 section 5 shall not apply to an audiovisual work the dubbing of which, in the language meeting the requirement of basic intelligibility from the viewpoint of the state language, was produced before this law had entered into effect, and this audiovisual work was broadcasted within the territory of the Slovak Republic before this law had entered into effect.

### § 47 Temporary Provisions

- (1) The Slovak Film Institute established by the Ministry pursuant to a specific regulation is the Slovak Film Institute pursuant to this law.
- (2) The Minister shall appoint by 15 January 2008 the four members of the Council. Employees of the Slovak Film Institute shall elect by 15 January 2008 one member of the Council. The Minister will call the first session of the Council by 1 February 2008.
- (3) The Minister shall issue the Statutes of the Slovak Film Institute no later than on 1 February 2008.
- (4) By 1 May 2008, the Council shall announce, in compliance with the Statutes of the Slovak Film Institute, a selection procedure for electing a Director General. The Director General, who has been fulfilling this function as of January 1, 2008, has been entrusted to manage the Slovak Film Institute until the election of the new Director General in compliance with this law.
- (5) The producer of an audiovisual work who produced a Slovak cinematography work before 1 January 2008, or if such a producer has ceased to exist, the person who owns the original carrier of the Slovak cinematography work produced before 1 January 2008, shall be obliged, no later than on 1 February 2009, to offer the Slovak Film Institute the purchase of the carrier of the audiovisual, on which the recorded audiovisual is equivalent to the quality of the original, for the price not exceeding the reasonable costs for the production of such a duplicate of the audiovisual, or, if he does not own the carrier on which the recorded audiovisual is equivalent to the quality of the original, he shall be obliged to enable the Slovak Film Institute to produce a copy of the original carrier free of charge, and to lend the original carrier of the audiovisual to the Slovak Film Institute for this purpose for the necessary time; the above shall not apply to a person who is a legal depository. The provisions of § 36 sections 3 through 5 shall be applied accordingly.
- (6) The person who owns an original carrier of a Slovak cinematography work, a Slovak audiovisual work or a Slovak sound recording of an artistic performance produced before 1 January 2008, and which is an audiovisual pursuant to § 32 section 2, shall be considered a voluntary depository, and shall be subject to obligations stipulated in § 35 section 3 through 5; the above shall not apply to a person who is a legal depository.

§ 48  
Annuling Clause

The Act of the National Council of the Slovak Republic 1/1996 Coll. on Audiovision amended by Act No. 116/1998 Coll., Act No. 62/2000 Coll. and Act No. 553/2001 Coll. shall be annulled.

Article II

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees amended by Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll., Act No. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No.

118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll., Act No. 190/2003 Coll., Act No. 217/2003 Coll., Act No. 245/2003 Coll., Act No. 450/2003 Coll., Act No. 469/2003 Coll., Act No. 583/2003 Coll., Act No. 5/2004 Coll., Act No. 199/2004 Coll., Act No. 204/2004 Coll., Act No. 347/2004 Coll., Act No. 382/2004 Coll., Act No. 434/2004 Coll., Act No. 533/2004 Coll., Act No. 541/2004 Coll., Act No. 572/2004 Coll., Act No. 578/2004 Coll., Act No. 581/2004 Coll., Act No. 633/2004 Coll., Act No. 653/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 5/2005 Coll., Act No. 8/2005 Coll., Act No. 15/2005 Coll., Act No. 93/2005 Coll., Act No. 171/2005 Coll., Act No. 308/2005 Coll., Act No. 331/2005 Coll., Act No. 341/2005 Coll., Act No. 342/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 538/2005 Coll., Act No. 558/2005 Coll., Act No. 572/2005 Coll., Act No. 573/2005 Coll., Act No. 610/2005 Coll., Act No. 14/2006 Coll., Act No. 15/2006 Coll., Act No. 24/2006 Coll., Act No. 117/2006 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 224/2006 Coll., Act No. 342/2006 Coll., Act No. 672/2006 Coll., Act No. 693/2006 Coll., Act No. 21/2007 Coll., Act No. 43/2007 Coll., Act No. 95/2007 Coll., Act No. 193/2007 Coll., Act No. 220/2007 Coll., Act No. 279/2007 Coll., Act No. 295/2007 Coll., Act No. 309/2007 Coll. and Act No. 342/2007 Coll. shall be supplemented as follows:

In the Tariff of Administrative Fees, item 12 shall be supplemented by item 12a, which, including the exemption, shall read as follows:

*“Item 12a*

*a) Submission of a request for registration in the Registry of Slovak audiovisual works, Registry of Slovak sound recordings of verbal works or musical works, or Registry of Slovak multimedia works<sup>13a</sup> ..... SKK 100*

*b) Submission of a request for registration in the Registry of Independent Producers<sup>13b</sup> ... SKK 50*

*c) Submission of a request for a change in the registration in the Registry of Independent producers<sup>13b</sup> .....SKK 50*

*Exemption*

*The request for registration of a Slovak audiovisual work, Slovak sound recording of a verbal work or musical work and of a Slovak multimedia work produced for persons with a health impairment shall be exempted from the fees pursuant to letter a) of this item.”*

The footnotes to references 13a and 13b shall read as follows:

*“13a) § 5, 7 and 9 of Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act).*

*13b) § 39 Act No. 343/2007 Coll.”*

**Article III**

Act No. 212/1997 Coll. on Obligatory Copies of Periodical Publications, Non-periodical Publications and Duplicates of Audiovisual Works as amended by Act No. 182/2000 Coll. and Act No. 535/2003 Coll. shall be amended and supplemented as follows:



1. In § 2 section 6 shall read as follows:

*“(6) The obligatory duplicate of a Slovak audiovisual work<sup>5</sup> is part of the edition of the audiovisual work, which the producer of the audiovisual work<sup>6</sup> must deliver to designated legal persons pursuant to Annex No. 2.”*

The footnotes to references 5 and 6 shall read as follows:

*“5) § 2 section 1 of Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act).*

*6) § 2 section 15 of Act No. 343/2007 Coll.”*

2. In § 2 section 7, the comma after “periodical publications” shall be replaced by word “and”, and the words “and the producer of a Slovak audiovisual work” are omitted.

3. In § 8 section 1, the first sentence shall be followed by a new second sentence, which shall read as follows: *“The producer of an audiovisual work shall mark the audiovisual work with an international standard audiovisual number.”* In the third sentence the words: *“The publisher concurrently can”* shall be replaced by *“The publisher and the producer concurrently can”*.

4. In § 8 section 2 a comma shall be put after the word “Bratislava“ and words “the national agency for the international standard audiovisual numbering (ISAN) is in the Slovak Film Institute”.

5. In § 10 letter b) the words *“and with the national agency for international standard audiovisual numbering in the Slovak Film Institute”* shall be added at the end.

#### Article IV

Act No. 178/1998 Coll. on the Conditions for the Sale of Products and Provision of Services at Markets and on amendment and supplementation of Act No. 455/1991 Coll. on Small Trade Business (the Trade License Act) as amended by Act No. 310/1999 Coll., Act No. 115/2000 Coll., Act No. 128/2002 Coll. and Act No. 524/2005 Coll. shall be amended as follows:

In § 9 section 1 letter a) shall read as follows:

*“a) books, periodical press, originals or duplicates of audiovisual works or other works“.*

#### Article V

Act No. 108/2000 Coll. on Consumer Protection in Doorstep Selling and Distance Selling as amended by Act No. 266/2005 Coll. and Act No. 118/2006 Coll. shall be amended as follows:

In § 12 section 5 letter d) shall read as follows:

*“d) sale of an audiovisual work, sound recording or audio-visual recording of artistic performance or multimedia work<sup>22</sup> which was unpacked by the consumer.”*

The footnote to reference 22 shall read as follows:

*“22) For example § 5 sections 2, 8, 23 and 24 and § 7 of Act No. 618/2003 Coll. on copyrights and rights related to copyrights (Copyright Act) § 2 section 1 to 4 and 8 through 10 of Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act).”*

## Article VI

Act No. 308/2000 Coll. on Broadcasting and Retransmission and on amendments of Act No. 195/2000 Coll. on Telecommunications as amended by Act No. 147/2001 Coll., Act No. 206/2002 Coll., Act No. 289/2005 Coll., Act No. 95/2006 Coll., Act No. 121/2006 Coll., Act No. 13/2007 Coll. and Act No. 220/2007 Coll. shall be amended and supplemented as follows:

1. To the footnote to reference 7 a comma and the following words shall be added at the end: *“Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act)”*.

2. In § 5 section 2 the letter i) shall be omitted.  
*Letters marked as j) and k) shall be marked as letters i) and j).*

3. To the footnote to reference 26 the following sentence shall be added to the end: *“§ 17 and 46 of Act No. 343/2007 Coll.”*.

4. In § 20, sections 4 through 7 shall read as follows:

*“(4) In compliance with the classification of programs according to age suitability categories, the broadcaster of the program service shall be obliged to introduce and apply a unified labeling system aimed at the protection of minors established according to a specific regulation<sup>28a</sup> (hereinafter the ” unified labeling system”).*

*(5) When including programs into broadcasting, the broadcaster of the television program service shall take into consideration the age suitability of programs and other components of program service for minors.*

*(6) The broadcaster of the television program service shall also apply the unified labeling system to the program offer of both, his own broadcasting and also to the overviews of programs delivered for publication to the periodical press and other mass information media.*

*(7) Details of the application of obligations pursuant to sections 5 and 6 shall be established by the unified labeling system.”*

The footnote to reference 28a shall read as follows:

*“28a) § 12 of Act No. 343/2007 Coll.”*.

5. In § 20 section 8 the words *“5 and 7”* shall be replaced with *“4 and 6”*.

6. § 24 including the heading shall read as follows:

## “§ 24

*Independent production*

*An independent production is a program produced by an independent producer<sup>28b</sup> with the goal of including it in the broadcasting. During its production, creative and technical capacities of the author operated beyond the broadcaster are used. A program based upon direct contact with the viewers which is inseparable from the broadcasting itself shall not be considered an independent production, in particular news programs, live transmissions of sport events, game shows, commercials, teletext and teleshopping.”*

The footnote to reference 28b shall read as follows:

*“28b § 37 of Act No. 343/2007 Coll.”*

7. In § 26, section 2 shall be omitted.

At the same time, the marking of section 1 shall be omitted.

8. In § 49 section 5 letter c) the words “(§ 20 section 5)” shall be replaced with words “(§ 20 section 4)”.

9. In § 67 section 3 letter c) the words “(§ 20 section 5)” shall be replaced with words “(§ 20 section 4)”.

10. After § 76d, the § 76da shall be inserted, which, including the heading, shall read as follows:

## “§ 76da

*Temporary Clauses to Modifications Effective as of January 1, 2008*

*(1) The temporary period pursuant to § 76d shall also apply to broadcasters who are obliged to achieve shares pursuant to § 18a.*

*(2) On the day when the generally binding provision, which will, pursuant to a specific regulation<sup>28a</sup> establish the details of the unified labeling system and the method of its application, the unified labeling system established by the Council pursuant to the previous legal regulation shall expire and no longer be valid.*

*(3) Proceedings relating to the issue of checking the status of adherence to legal regulations and requirements of the granted license which started before January 1, 2008, shall be accomplished pursuant to legal regulation effective until January 1, 2008.”*

## Article VII

Act No. 16/2004 Coll. on Slovak Television as amended by Act No. 588/2006 Coll. and Act No. 220/2007 Coll. shall be supplemented as follows:

§ 4 shall be supplemented by section 4 that shall read as follows:

*“(4) Slovak Television fulfills the responsibilities as a legal depository according to a specific regulation<sup>2a</sup>”.*

The footnote to reference 2a shall read as follows:

*“2a) § 33 of Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act)“.*

#### Article VIII

Act No. 619/2003 Coll. on Slovak Radio as amended by Act No. 587/2006 Coll. and Act No. 220/2007 Coll. shall be supplemented as follows:

§ 4 shall be supplemented by section 4, which shall read as follows:

*“(4) Slovak Radio shall fulfill the responsibilities as a legal depository according to a specific regulation<sup>2a</sup>“.*

The footnote to reference 2a shall read as follows:

*“2a) § 33 Act No. 343/2007 Coll. on Conditions for Taking Evidence, Public Broadcasting and the Preservation of Audiovisual Works, Multimedia Works and Sound Recordings of Artistic Performances and on the change of and amendment to some laws (Audiovisual Act)“.*

#### Article IX

This act enters into effect on January 1, 2008.

**Ivan Gašparovič** in his own hand  
**Pavol Paška** in his own hand  
**Robert Fico** in his own hand

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<sup>1</sup> § 5 section 2 of Act No. 618/2003 Coll. on Copyright and Rights Related to Copyright (Copyright Act) as amended by Act No. 84/2007 Coll.

<sup>2</sup> § 5 section 25 of Act No. 618/2003 Coll. as amended by Act No. 84/2007 Coll.

<sup>3</sup> § 5 section 11 of Act No. 618/2003 Coll.

<sup>4</sup> For example § 2 section 1 letter a) of Act No. 147/2001 Coll. on Advertising and Change and Amendment of some acts, § 32 of Act No. 308/2000 Coll. on Broadcasting and Retransmission and amendment of Act No. 195/2000 Coll. on Telecommunications as amended by Act No. 147/2001 Coll.

<sup>5</sup> § 3 letter e) of Act No. 308/2000 Coll. as amended by Act No. 220/2007 Coll.

<sup>6</sup> Article 3 section 4 of the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, and revised at Rome on June 2, 1928, at Brussels on June 26, 1948, at Stockholm on July 14, 1967, and at Paris on July 24, 1971 (Decree of the Minister of Foreign Affairs No. 133/1980 Coll.).

<sup>7</sup> § 2, letter a) of Act No. 523/2004 Coll. on Budgetary Rules for Public Administration and on change and amendment of some acts.

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<sup>8</sup> Act of the Slovak National Council No. 96/1991 Coll. on Public Cultural Events.

<sup>9</sup> § 5 section 20 of Act No. 618/2003 Coll. as amended by Act No. 84/2007 Coll.

<sup>10</sup> § 5 section 8 of Act No. 618/2003 Coll.

<sup>11</sup> § 5 section 2, § 6 of Act No. 618/2003 Coll. as amended by Act No. 84/2007 Coll.

<sup>12</sup> § 5 section 18 of Act No. 618/2003 Coll.

<sup>13</sup> § 6 of Act No. 618/2003 Coll.

<sup>14</sup> § 20 section 5 and 6 of Act No. 308/2000 Coll. as amended by Act No. 343/2007 Coll.

<sup>15</sup> Act of the National Council of the Slovak Republic No. 270/1995 Coll. on State Language of the Slovak Republic as amended by later regulations.

<sup>16</sup> Article III of the Universal Copyright Convention, as revised at Paris on 24 July 1971; (Decree of the Minister of Foreign Affairs No. 134/1980 Coll.).

Article 11 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; (Decree of the Minister of Foreign Affairs No. 192/1964 Coll.).

<sup>17</sup> Act No. 275/2006 Coll. on Information Systems of Public Administration and on change and amendment of some acts.

<sup>18</sup> § 23, section 2 of Act No. 16/2004 Coll. on Slovak Television

<sup>19</sup> Act of the National Council of the Slovak Republic No. 278/1993 Coll. on State Property Administration as amended by later regulations.

<sup>20</sup> Act No. 618/2003 Coll. as amended by later regulations.

<sup>21</sup> For example § 57 of Act No. 618/2003 Coll. as amended by Act No. 84/2007 Coll.

<sup>22</sup> § 3 of Act No. 552/2003 Coll. on Performance of Work in the Public Interest.

<sup>23</sup> For example Act No. 523/2004 Coll. as amended by later regulations, Act No. 431/2002 Coll. on Accounting as amended by later regulations.

<sup>24</sup> Act No. 552/2003 Coll. as amended by later regulations.

Act No. 553/2003 Coll. on the Remuneration of Certain Employees for Work in the Public Interest and on amendment and supplementation of some acts as amended by later regulations.

<sup>25</sup> For example § 113 of the Act of the National Council of the Slovak Republic No. 233/1995 Coll. on Court Executors and Execution Activities (Rules of Execution) and on amendment and supplementation of other acts as amended by Act No. 32/2002 Coll.

<sup>26</sup> For example § 72 of Act No. 7/2005 Coll. on Bankruptcy and Restructuring and on amendment and supplementation of some acts as amended by later regulations.

<sup>27</sup> § 3 letter f) of Act No. 308/2000 Coll.

<sup>28</sup> Act No. 16/2004 Coll. as amended by later regulations.

<sup>29</sup> § 5 section 1 letter l) of Act No. 16/2004 Coll.

<sup>30</sup> Act No. 619/2003 Coll. on Slovak Radio as amended by later regulations

<sup>31</sup> § 5 section 1 letter n) and o) of Act No. 619/2003 Coll.

<sup>32</sup> § 747 through 753 of the Civil Code.

<sup>33</sup> European Convention on Cross-Border Television (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 168/1998 Coll.) as amended by the Protocol amending the European Convention on Cross-Border Television (Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 345/2002 Coll.).

<sup>34</sup> § 47 section 7 of Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code) as amended by Act No. 527/2003 Coll.

<sup>35</sup> Act No. 71/1967 Coll. as amended by later regulations.

<sup>36</sup> Act No. 147/2001 Coll. as amended by later regulations.

<sup>37</sup> § 66, 67 and § 69 through 71 of Act No. 618/2003 Coll. as amended by later regulations.