

1/1996 Coll. Laws

Law of the National Council of the Slovak Republic from December 14, 1995

on Audiovision

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

§ 1

Purpose of the law

- (1) This law regulates some aspects of the production, usage and dissemination of audiovisual works.
- (2) This law does not refer to audiovisual works
 - a) produced exclusively for television broadcast,
 - b) used and spread exclusively by means of television broadcast, 1)
 - c) broadcast free of charge as a part of education at schools and school establishments, 2) as a part of health education and national cultural activities,
 - d) if they are not designated for usage and dissemination according to § 2 para 1 letter e)

§ 2

Limitation of certain concepts

- (1) For the purposes of this law it is understood that
 - a) an audiovisual work is every work which consists of a series of recorded, connected-together pictures, either accompanied by sound or not, perceivable by sight, and if they are accompanied by sound, perceivable also by hearing, 3) as well as work, which represents only an individual sound recording, if it is designated for public usage and dissemination by means of technical equipment, 4)
 - b) the Slovak audiovisual work is such an audiovisual work, the producer of which has or had at the time of its first public presentation permanent residence or domicile on the territory of the Slovak Republic according to para 2 letter a). A Slovak audiovisual work is also considered an audiovisual work in the creation of which the producer has shared at least 20 % of the entire budget for the work,
 - c) a carrier of an audiovisual work is the carrier of audio-pictorial recordings recorded by magnetic, optical or another form of record,
 - d) a recording of an audiovisual work is a copy of an audiovisual work on the carrier produced from the recording, on which the work was originally produced, including documentation material (an original master),
 - e) using and disseminating an audiovisual work is its sale, loan, presentation in public, and export and import for a price according to price regulations, 5)
 - f) an audiovisual presentation is putting on an audiovisual work in public by means of technical equipment. The audiovisual work is presented in public if it is presented in front of an individually, undesignated number of people,
 - g) a cinema is an open or closed space designated for the presentation of audiovisual

- works in public according to special regulations, 6)
- h) dubbing is a form of interpreting the original sound handling of an audiovisual work by means of words spoken into another language,
- i) Subtitles are the text explaining the individual pictures of an audiovisual work, which is in a language other than the original spoken sound.

(2) Next, for purposes of this law is understood that

- a) a producer of an audiovisual work is a person who has obtained rights to use the individual parts of an audiovisual work based on a contract and has produced the work,
- b) a distributor of an audiovisual work is a person who has obtained contractual rights from the producer to use and disseminate an audiovisual work for its further sale, public presentation or lending to the persons stated in letters c) to f) ,
- c) an operator of technical equipment is a person who presents audiovisual works in a publicly accessible operational place or in a place either free of charge or at a price according to price regulations, 5)
- d) an operator of a cinema is a person who presents audiovisual works in public 6) in cinemas at a price according to price regulations, 5)
- e) an operator of a lending office of audiovisual works is a person who lends recordings of audiovisual works at a price according to price regulations, 5)
- f) an operator of a shop of audiovisual works is a person who sells recordings of audiovisual works at a price according to price regulations, 5)

1) Law No. 468/1991 Coll. on the operation of radio and television broadcasting in the wording of subsequent regulations. Law of the Slovak National Council No. 254/1991 Coll. on Slovak Television in the wording of subsequent regulations.

2) Law No. 29/1984 on the system of basic and grammar schools (the school law) in the wording of subsequent regulations. Law of the Slovak National Council No. 279/1990 Coll. on universities in the wording of subsequent regulations.

Law No. 172/1990 Coll. on universities in the wording of Law of the National Council of the Slovak Republic No. 41/1994 Coll. Laws.

3) Art. 2 of the Agreement on international recording of audiovisual works (announcement of the Federal Ministry of Foreign Affairs No. 365/1992 Coll.)

§ 6 of Law No. 35/1965 Coll. on literary, scientific and art works (copyright law) in the wording of Law No. 89/1990 Coll.

4) § 22 of Law No. 35/1965 Coll. in the wording of Law No. 89/1990 Coll.

5) Law No. 526/1990 Coll. on prices in the wording of Law of the National Council of the Slovak Republic No. 58/1995 Coll. Laws.

6) Law of the Slovak National Council No. 96/1991 Coll. on public cultural events.

§ 3

Denomination of audiovisual works

(1) A producer of a Slovak audiovisual work is obligated to state on the original carrier of an audiovisual work or on a distribution letter:

- a) the title of the work
- b) the name and surname or pseudonym of the author (authors), if he is known and if he has not explicitly prohibited the stating of his name,
- c) the name and surname of the executive artist (executive artists), 7)
- d) the name and surname of the bearer of transferable copyrights and related rights, if he is not the author (authors) or an executive artist (executive artists), as well as to the extent of the rights obtained,
- e) the trade name of the producer; in case the producer does not have a trade name, his name and surname,
- f) the place and the year of the production of the work,
- g) the name and surname of an employee sharing in the production of the work, if the stating of this data is usual,
- h) the “C” sign in a circle - the copyright or “P” in a circle - producer, 8)
- i) the age limit of accessibility.

(2) A distributor of an audiovisual work is obligated to ensure:

- a) the stating of data according to para 1 on all recordings of an audiovisual work or on a distribution letter,
- b) the stating of data according to para 1 letter a) and h), data about the original language and language edition according to § 2 para 1 letter h) or i) and about the content direction of an audiovisual work, especially about the presence of violence, brutality, pornography or similar content capable of threatening morality with its text on all promotional and informational materials connected with the distribution of an audiovisual work,

7) § 36 para 1 of Law No. 35/1965 Coll. 8) Art. III of the Decree of the Minister of Foreign Affairs No. 134/1980 Coll. on General Agreement on Copyrights revised in Paris on July 24, 1981.

Art. 11 of the Decree of the Minister of Foreign Affairs No. 192/1964 Coll. on the International agreement on protection of executive artists, producers of sound recordings and radio organizations.

§ 4

Duties of producers, distributors and operators

(1) A producer of a Slovak audiovisual work, the contents of which might endanger the psychological or moral development of minors under the age of 15 years and juveniles under the age of 18 years, will determine the age limit of its accessibility.

(2) A distributor of an audiovisual work, the contents of which might endanger psychological or moral development of the minors or the juveniles, is obligated to limit the age limit of its accessibility to those reaching 15 years of age or 18 years of age in any contract with persons stated in § 2 para 2 letter c) to f). If this limit has been determined by the producer of an audiovisual work, he is obligated to take it into account.

(3) A distributor of an audiovisual work is obligated to mark the age limit of its accessibility (para 1) on a distribution letter or on the packing of a carrier of an audiovisual work.

(4) An operator of a cinema and an operator of technical equipment are obligated to make the age limit of the accessibility determined by the producer or the distributor of the audiovisual work public and to check its keeping during the audiovisual performance.

(5) An operator of a lending office or a saleshop of audiovisual works may not lend or sell a recording of an audiovisual work if it is not marked with the data according to § 3 para 1.

(6) An operator of a lending office or a saleshop of audiovisual works may not lend or sell a recording of a audiovisual work to persons younger than the age limit of the accessibility determined by the producer or distributor of the audiovisual work permits according to para 1 or 2.

(7) The persons stated in § 2 para 2 letter b) to f) may not use and disseminate audiovisual works with violent, brutal and pronographic contents, especially works that contain child pornography. The stated persons may use and disseminate an audiovisual work with such a content that is capable of endangering the psyché or morals only on the conditions provided by this law and special regulations, 9) if they do not commit a criminal act with these activities. 10)

(8) A distributor of an audiovisual work is obligated to prefer at least 30% of European audiovisual works, and at least 30 % of Slovak audiovisual works of all audiovisual works used and disseminate by him, for persons stated in § 2 para 2 letter c) to f).

(9) Persons stated in § 2 para 2 letter c) to f) are obligated to prefer them in using and disseminating audiovisual works according to para 8.

(10) A distributor of an audiovisual work is obligated to ensure that the Slovak language edition or other language edition fulfilling the requirement of basic understandability from the point of view of the state language for each Slovak audiovisual work, while at least 40% of all audiovisual works used and disseminate by him will be edited in Slovak dubbing or to a language edition fulfilling the requirement of basic understandability from the point of view of the state language and other ones with Slovak subtitles.

(11) A distributor is obligated to ensure exclusively Slovak dubbing for an audiovisual work designated for children under the age of 12 years.

(12) Persons stated in § 2 para 2 letter c) to f) are obligated to place in their operation room, facility or object the authorization for business activity in a place accessible to the public. 11) If they do not perform this activity in a stable operation room, facility or object, they are obligated to show the authorization to persons according to § 7 para 1.

9) E.g., Law of the Slovak National Council No. 445/1990 Coll., by which conditions of the sale and disseminating of printing matters and other matters capable of endangering morals are treated.

10) § 205 and § 260 of the Criminal Law in the wording of Law No. 557/1991 Coll. and findings of the Constitutional Court of the Czech and Slovak Federative Republic published in the Collection of Laws in section 93 of the year 1992.

11) Law No. 455/1991 Coll. on commercial enterprises (commercial law) in the wording of subsequent regulations.

§ 5

Promotion of audiovisual performance

(1) An operator of a cinema and an operator of technical equipment are obligated to ensure in the part of an audiovisual performance which is promotional, that the published promotion is distinguishable and clearly marked in sound or picture and separated from the rest of the contents of the performance, which cannot be interrupted with the promotion.

(2) An operator of a cinema and an operator of technical equipment are obligated to ensure during an audiovisual performance that they will not publish advertisements which

- a) support behaviour endangering moral development or damaging the interests of health protection, security or living environment,
- b) are designated for children or in which children perform, if these advertisements support behaviour which endangers their health, psychological or moral development, 12)
- c) promoting human and veterinary medicines and drugs accessible only upon prescription, which are registered in the Slovak Republic, as well as medicines not yet registered in the Slovak Republic,
- d) promoting alcoholic drinks, narcotics, psychotropic and other addictive substances, 13) poisons and violence,
- e) breaching any prohibition provided by another legal regulation. 14)

12) Announcement of the Federal Ministry of Foreign Affairs No. 104/1991 Coll. on concluding the Agreement on children's rights.

13) Law of the Slovak National Council No. 46/1989 Coll. on protection against alcoholism and other toxicomanias.

14) E.g., § 20 of Law No. 634/1992 Coll. on consumer protection, Law of the Slovak National Council No. 445/1990 Coll.

§ 6

Financing of Slovak Audiovisual Works

The Ministry of Culture of the Slovak Republic (hereafter only "the Ministry") can share in financing the creation or distribution of home audiovisual works by means of the state fund of culture, Pro Slovakia. 15)

15) Law of the Slovak National Council No. 95/1991 Coll. on the state fund of culture, Pro Slovakia, in the wording of subsequent regulations.

§ 7

Supervision

(1) Supervision over maintaining the duties following from this law is performed by authorized employees of the ministry or by employees of state cultural facilities authorized by the Ministry who are authorized to enter the operation rooms, facilities and objects of persons stated in § 2 para 2 letter b) to f).

(2) Persons stated in § 2 para 2 letter b) to f) are obligated to permit the supervision of the employee authorized by the Ministry possible; special regulations are not affected by that. 16)

(3) Legal entities, the founder of which is the Ministry, are obligated to notify the Ministry during performances of each fact breaching the duty imposed by this law according to this law.

16) E.g., Law of the National Council of the Slovak Republic No. 39/1993 Coll. Laws concerning the Highest Supervisory Office of the Slovak Republic.

§ 8

Fines

(1) The Ministry will impose a fine for breaching the duties provided by this law, if it is not a criminal act or offence. 17)

(2) The Ministry will impose a fine of

- a) up to 250,000 Sk to the producer of a Slovak audiovisual work for breaching the duties according to § 3 para 1 and § 4 para 1,
- b) up to 300,000 Sk to an operator of a cinema and an operator of technical equipment for breaching the duties according to § 4 para 4, 7 and 12 and § 5,
- c) up to 500,000 Sk to an operator of a lending office or saleshop of audiovisual works for breaching the duties according to § 4 para 5 to 7 and 12,
- d) up to 250,000 Sk to a distributor of an audiovisual work for breaching the duties according to § 3 para 2 and § 4 para 2, 3, 7, 11 and 12,
- e) up to 100,000 Sk to persons stated in § 2 para 2 letter b) to f) and in § 7 para 3, if they do not allow supervision of employees authorized by the Ministry possible.

(3) In imposing fines the Ministry will take into account the weight, duration and consequences of illegal proceedings.

(4) The Ministry may impose a fine up until one year from the date of discovering any breach of the duties, but no later than three years from the breach of the duties.

(5) A fine, that may be imposed according to this law is due until thirty days from the date of the decision by which the fine was imposed comes into force. Proceedings on imposing a fine are treated according to the general regulations on administrative proceedings. 18)

(6) A fine imposed according to this law is the income of the Pro Slovakia state fund of culture. 15)

15) Law of the Slovak National Council No. 95/1991 Coll. on the state fund of culture, Pro Slovakia, in the wording of subsequent regulations.

17) § 152 of the Criminal Law. § 32 of Law of the Slovak National Council No. 372/1990 Coll. on offences.

18) law No. 71/1967 Coll. on administrative proceedings (administrative order).

§ 9

Repeal Provisions

Repealed are:

1. § 1 of the Decree of the President of the Republic No. 50/1945 Coll. on measures in the film sector,
2. decree of the Slovak National Council No. 56/1947 Coll. on measures in the film sector in Slovakia according to § 2 para 1 of the Decree of the President of the Republic No. 50/1945 Coll.

§ 10

Effectiveness

This law comes into effect on the date of its promulgation with the exception of the provisions of § 4 para 8, 9, 10, 11 and 12 and § 8, which come into effect on

January 1, 1997.

Michal Kováč in his own hand

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