

**264/2022**

**ACT**

of 22 June 2022

**on media services and amending certain acts**

**(Media Services Act)**

Amended by: [264/2022](#)

Amended by: [351/2022](#)

Amended by: [264/2022](#)

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

Article I

**DIVISION ONE**

**INTRODUCTORY PROVISIONS**

TITLE ONE

SUBJECT-MATTER AND SCOPE

Section 1 [\[DS\]](#)

**Subject-matter of this act**

This act shall regulate

- a) the rights and obligations of a content service provider that is
  1. a broadcaster,
  2. an on-demand audiovisual media service provider,
  3. a retransmission operator,
  4. a multiplex provider,
  5. a video-sharing platform provider,
  6. a content service provider other than those referred to under points (1) to (5),
- b) the rights and obligations of a signal distributor,
- c) the rights and obligations of the multimodal access service provider,
- d) the status and competence of the Council for Media Services ("Regulator"),
- e) the competence of state administration bodies for the regulation of activities carried out under this act, and
- f) self-regulatory mechanisms and co-regulation in the provision of content services under this act.

**Scope of application of this act**

Section 2 [\[DS\]](#)

**Broadcaster of a radio programme service**

This act shall apply to a broadcaster of a radio programme service having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic.

Section 3 [\[DS\]](#)

**Broadcaster of a television programme service**

This act shall apply to a broadcaster of a television programme service having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic whose editorial decisions are

taken within the Slovak Republic.

This act shall also apply to a broadcaster of a television programme service having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic whose editorial decisions are taken

a) in another Member State of the European Union or a State party to the Agreement on the European Economic Area ("Member State"), if

1. the Slovak Republic is the place of work of a significant part of the workforce involved in the pursuit of programme-related activity for the television programme service, even if the ratio of employees involved in the pursuit of programme-related activity for the television programme service in the Slovak Republic and in the Member State in which editorial decisions are taken is approximately the same, or

b) a significant part of their workforce involved in the pursuit of programme-related activity for the television programme service are employed in neither of these states but the legal entity or natural person first began their activities in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic,

b) in a third country, if the Slovak Republic is the place of work of a significant part of their workforce involved in the pursuit of programme-related activity for the television programme service.

(3) This act shall also apply to a broadcaster of a television programme service having its head office, the office of an organisational unit, a business establishment or residence

a) in another Member State, if their editorial decisions are taken in the Slovak Republic, and

1. the Slovak Republic is the place of work of a significant part of their workforce involved in the pursuit of programme-related activity for the television programme service, or

2. a significant part of their workforce involved in the pursuit of programme-related activity for the television programme service are employed in neither of these states but the legal entity or natural person first began their activities in the territory of the Slovak Republic and they maintain a stable and effective link with the economy of the Slovak Republic,

b) in a third country, if their editorial decisions are taken in the Slovak Republic and the Slovak Republic is the place of work of a significant part of their workforce involved in the pursuit of programme-related activity for the television programme service.

This act shall also apply to a broadcaster of a television programme service outside the scope of paragraphs 1 to 3 or the jurisdiction of another Member State if the television programme service is broadcast using

a) a satellite up-link situated in the Slovak Republic or

b) satellite capacity appertaining to the Slovak Republic.

(5) If it is not possible to determine personal jurisdiction by application of paragraphs 2 to 4, the Slovak Republic shall have jurisdiction if the broadcaster of the television programme service is established in the Slovak Republic under an international treaty by which the Slovak Republic is bound.1)

(6) If it is not possible to determine personal jurisdiction by application of paragraph 5 and no other Member State has jurisdiction, personal jurisdiction may be determined for the purposes of this act in accordance with an international treaty by which the Slovak Republic is bound.2)

#### Section 4

##### **On-demand audiovisual media service provider**

(1) This act shall apply to the on-demand audiovisual media service provider having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic whose editorial decisions are taken within the Slovak Republic.

(2) This act shall also apply to the on-demand audiovisual media service provider having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic whose editorial decisions are taken

a) in another Member State, if

1. the Slovak Republic is the place of work of a significant part of the workforce involved in the pursuit of programme-related activity for the on-demand audiovisual media service, even if the ratio of employees involved in the pursuit of programme-related activity for the on-demand audiovisual media service in the Slovak Republic and in the Member State in which editorial decisions are taken is approximately the same, or

2. a significant part of their workforce involved in the pursuit of the programme-related activity for the on-demand audiovisual media service are employed in neither of these states, but the legal entity or natural person first began their activities in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic,

b) in a third country, if the Slovak Republic is the place of employment of a significant part of their workforce involved in the pursuit of the programme-related activity for the on-demand audiovisual media service.

(3) This act shall also apply to the on-demand audiovisual media service provider having its head office, the office of an organisational unit, a business establishment or residence

a) in another Member State, if their editorial decisions are taken in the Slovak Republic, and

1. the Slovak Republic is the place of work of a significant part of their workforce involved in the pursuit of programme-related activity for the on-demand audiovisual media service, or

2. a significant part of their workforce involved in the pursuit of the programme-related activity for the on-demand audiovisual media service are employed in neither of these states, but the legal entity or natural person first began their activities in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic,

b) in a third country, if editorial decisions are taken in the Slovak Republic and the Slovak Republic is the place of work of a significant part of their workforce involved in the pursuit of programme-related activity for the on-demand audiovisual media service.

This act shall also apply to the on-demand audiovisual media service provider outside the scope of paragraphs 1 to 3 or the jurisdiction of another Member State if the on-demand audiovisual media service uses

a) a satellite up-link situated in the Slovak Republic or

b) satellite capacity appertaining to the Slovak Republic.

(5) If it is not possible to determine personal jurisdiction by application of paragraphs 2 to 4, the Slovak Republic shall have jurisdiction if the on-demand audiovisual media service provider is established in the Slovak Republic under an international treaty by which the Slovak Republic is bound.<sup>1)</sup>

## Section 5 [\[DS\]](#)

### **Retransmission operator**

(1) This act shall apply to a retransmission operator having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic.

(2) This act shall also apply to a retransmission operator not covered by paragraph 1 if retransmission uses an electronic communications network<sup>3)</sup> ("network") or telecommunications equipment in the territory of the Slovak Republic.

## Section 6

### **Multiplex provider**

(1) This act shall apply to a multiplex provider having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic.

This act shall also apply to a multiplex provider who does not fall under paragraph 1 if the provision of the multiplex does not fall under the jurisdiction of another Member State and the multiplex provider uses a network or telecommunications equipment in the territory of the Slovak Republic.

## Section 7 [\[DS\]](#)

### **Video-sharing platform provider**

(1) This act shall apply to the video-sharing platform provider having its head office, the office of an organisational unit, a business establishment or residence in the Slovak Republic.

(2) This act shall also apply to the video-sharing platform provider not covered by paragraph 1 if the Slovak Republic is the location of

a) its parent media company

b) its subsidiary media company, if the parent media company does not have its head office in another Member State,

c) a company that is part of the same media group, if neither the parent media company nor a subsidiary media company has its head office in another Member State.

(3) This act shall also apply, under the conditions of paragraph 2 (b), to a video-sharing platform provider whose parent media company has more than one subsidiary media companies and at least one of these subsidiary media companies has its head office in the Slovak Republic first began its activity in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic.

(4) This act shall also apply, under the conditions of paragraph 2 (c), to a video-sharing platform provider that is part of a media group and at least one company in this media group has its head office in the Slovak Republic first began its activity in the territory of the Slovak Republic and maintains a stable and effective link with the economy of the Slovak Republic.

## TITLE TWO

### DEFINITION OF BASIC TERMS Section 8 [\[DS\]](#)

#### **Communications**

(1) 'Programme' means

a) an act of audio communication constituting, by virtue of its content, form and function, an individual item within a broadcaster's programme service or

2. an act of audiovisual communication made up of moving pictures with or without sound constituting, by virtue of its content, form or function, an individual item within a broadcaster's programme service or a catalogue compiled by the on-demand audiovisual media service provider,

(2) 'Ancillary broadcasting' means communication that is not a broadcast programme, which usually fills the broadcasting time of a programming service between programmes; it includes in particular videotext, advertising communication, teleshopping, means for indicating advertising and teleshopping and other programme breaks as well as announcements of the current time and programme announcements,

(3) 'User-generated video' means a set of moving images with or without sound constituting an individual item, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user.

(4) 'Current affairs programme' means a programme whose topic is related to the news and includes commentary on news and events, analyses of developments, political opinions on events or politicians' views on particular topics.

(5) 'Videotext' means on-screen text usually shown at the beginning of the broadcasting of a television programme service, at its end, or between individual programmes, which usually contains information about the broadcaster and the programme service; it also includes information communicated in text form in local broadcasting.

## Section 9

### **Content-sharing platform and content-sharing platform provider**

(1) 'Content-sharing platform' means an information society service the main purpose, one of the main purposes, or the essential function of which is to store a large number of works and other protected subject-matter within the meaning of separate legislation<sup>4)</sup> that are uploaded by its users, and to disseminate such content in accordance with applicable legislation.

(2) The following platforms are not content-sharing platforms:

a) an online encyclopaedia and an educational and scientific repository whose purpose is not to make a profit,

b) a platform for the development and sharing of open-source computer programs,

c) an online marketplace, an intercompany cloud service and a cloud service that allow users to upload content for

their own use or for the needs of the state.

(3) 'Content-sharing platform provider' means the person who provides a content-sharing platform and determines how it is organised and promoted for profit.

## Section 10

### **Editorial responsibility and editorial decision**

(1) 'Editorial responsibility' means the exercise of effective control over the selection of programmes and over their scheduling in a chronological sequence in the case of broadcast programme services or in a catalogue of programmes in the case of on-demand audiovisual media service.

(2) 'Editorial decision' means a decision which is taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of a broadcast programme service or an on-demand audiovisual media service.

## Section 11

### **Forms of interconnection**

(1) 'Cross ownership' means a holding of more than 25% in the share capital of other companies or more than 25% of the voting rights in other companies; in calculating this share, the total shall include the holdings of closely related persons,<sup>5)</sup> controlled companies and controlling companies.

(2) 'Personal ties' means participation in the management or control of another company including participation through closely related persons, co-owners of a commercial company, persons closely related to them.

(3) 'Parent media company' means a legal entity exercising a decisive impact<sup>6)</sup> in one or more subsidiary media companies.

(4) 'Subsidiary media company' means a legal entity in which a parent media company has a decisive impact, either directly or indirectly through any of its subsidiaries or through subsidiaries of its parent company.

(5) 'Media group' means a parent media company, all its subsidiary media companies and all other legal entities having economic, organisational and legal ties with them.

(6) 'Media market' means a common market in services consisting of content services and other media products providing services that can be considered substitutable or interchangeable due to their similar characteristics or purpose from the point of view of the users or end-users<sup>7)</sup> for whom the providers of these services compete in the territory of the Slovak Republic.

## Section 12

### **Some related terms**

(1) 'Frequency reservation' means the reservation of a digital frequency coordinated for a given territory based on international coordination, the outcome of which is binding for the Slovak Republic; a frequency reservation is the basic unit of a frequency layer.

(2) 'Frequency layer' means a set of frequency reservations whose coordinated territories do not overlap with each other, and whose common geographical reach forms a coherent whole covering, as a rule, the entire territory of the Slovak Republic.

(3) 'Economically bound frequency reservation' means a frequency reservation that is combined with another frequency reservation so as to support the appropriate development of digital broadcasting in each frequency reservation of a given frequency layer.

(4) 'Technically bound frequency reservation' means a frequency reservation that is bound with another frequency reservation by a shared digital frequency in a way that does not permit them be used separately; such frequency reservations are deemed to be a single frequency reservation.

(5) Parallel frequency reservations are frequency reservations with a comparable digital frequency range coordinated for the same territory of the Slovak Republic and the same digital reception standard in different frequency layers of the same frequency band; such frequency reservations are assessed separately.

(6) 'Individually coordinated frequency' means a frequency coordinated by the Regulatory Authority for

Electronic Communications and Postal Services (“Authority”) on its own initiative or at the request of a multiplex provider, broadcaster or other person; a digital frequency constituting a frequency reservation in a given territory is not an individually coordinated digital frequency.

(7) ‘Satellite’ means a telecommunications device located in a stationary Earth orbit or equivalent radio equipment that operates in the appropriate spectrum reserved for the transmission of a signal intended for reception by the public or for closed point-to-point communication.

(8) ‘Digital radio reception standard’ means a means of transmitting a data stream enabling signal reception on a digital radio device.

(9) ‘Digital television reception standard’ means a means of transmitting a data stream enabling signal reception on a digital television device.

(10) ‘Digital frequency’ means, for the purposes of this act, a frequency reserved for the Slovak Republic or in the territory of the Slovak Republic, which is coordinated for digital broadcasting.

## **DIVISION TWO**

### **CONTENT SERVICE**

#### Section 13 [\[DS\]](#)

##### **Definition of a content service**

(1) A content service is a service delivering content intended for reception by the public to an end-user or other user, in which such content is compiled by the provider in their own name and under their own responsibility, either on their own initiative or at the request of the user, and

a) in perceptible form, the content consists of time-ordered audio, video or audiovisual acts of communication or structured textual information (linear media services), in particular a programme service,

b) it is created as an offer of audio, video or audiovisual communications or structured textual information composed by the provider, to which the service provider grants a user access individually or together in the form of a set of contents (non-linear media services), in particular an on-demand audiovisual media service and an electronic programme guide,

c) an offer of content services under subparagraphs (a) or (b), which is composed by the provider and to which the content service provider grants a user access individually or collectively, in the form of a set of services (package media services), in particular the retransmission of programme services and a multiplex, or

d) it is the further unchanged public transmission of a multiplex or a part thereof provided by a person other than the original multiplex provider.

(2) A content-sharing platform, in particular a video-sharing platform, is also a content service.

(3) An ancillary broadcast service is also a content service.

(4) The following are not content services:

a) a service in which the provider, in their own name and under their own responsibility, provides a subscriber with a connection to the service only, without further influence of this provider on the content of the service and the content offer, in particular a voice service and an internet connection,

b) a service providing access to a content service, in particular the distribution of a content service signal and a service of conditional access to a content service,

c) public administration services provided through a network or telecommunication device (“e-government services”).

#### Section 14 [\[DS\]](#)

##### **Ancillary broadcast service**

(1) An ancillary broadcast service is a service that is directly related to a programme service, if the information or communications that constitute its content, jointly or individually, also constitute content that is

intended for reception by the public or the end user together with the programme service. Ancillary broadcast service include:

- a) a radio data service,
- b) teletext,
- c) an alternative language version of a programme service,
- d) multimodal access to a programme service,
- e) interactive access to a programme service,
- f) an ancillary online service and
- g) an electronic programme guide, where it is transmitted simultaneously with the relevant programme service on the same network or within the digital signal structure of the same multiplex and is synchronously linked to that programme service; where the content of the electronic programme guide thus transmitted is composed and offered to end-users by several broadcasters together or by a person other than the broadcaster, it shall be an ancillary broadcast service only in the parts where its content comes from the broadcaster.

(2) An ancillary broadcast service shall be deemed part of a programme service.

(3) A radio data service is an ancillary broadcast service broadcast in parallel with a given radio programme service through a telecommunications device for the transmission of digital ancillary information, aimed in particular at the two-dimensional display of information reconstructed from the transmitted data on a screen of a specially equipped radio receiver in the form of text information or an image.

(4) Teletext is an ancillary broadcast service broadcast in parallel with a given television programme service through a telecommunications device for the transmission of digital ancillary information, aimed in particular at the two-dimensional display of information reconstructed from the transmitted data on the screen of a specially equipped television receiver in the form of structured text information or an image.

(5) An alternative language version of a programme service is an ancillary broadcast service broadcast in parallel with a given television programme service, allowing end-user access to a language other than the language of broadcasting; the broadcasting of the original audio track of individual broadcast programmes in addition to broadcasting in the language of broadcasting is not an alternative language version of a programme service.

(6) Multimodal access to a programme service is an ancillary broadcast service broadcast in parallel with a given television programme service allowing the deaf or blind to access broadcast programmes or other components of a programme service, in particular through subtitles for persons with hearing impairments, interpretation into Slovak sign language and audio description.

(7) Interactive access to a programme service is an ancillary broadcast service broadcast in parallel with a given programme service, which extends the possibilities of using a programme service in combination with suitable terminal equipment and allows the end user to interact through a given interface.

(8) An ancillary online service is a service directly related to a broadcasting programme service which the broadcaster provides via the internet and it is

- a) simultaneous online broadcasting of programme services by the broadcaster (simulcasting),
- b) the online provision of programmes of a programme service for a defined period after their broadcast by a broadcasting organisation, and
- c) online communication supplementing broadcast communication.

## Section 15 [\[DS\]](#)

### **Liability for the content of a content service**

(1) A content service provider is liable for the content of a content service that they provide unless paragraphs 2 to 4 or separate legislation<sup>9)</sup> provide otherwise; the content service provider falling under Section 13 (1) (c) and (d) and (2) is responsible for such content only within the scope established by this act and separate legislation.<sup>8)</sup>

(2) A broadcaster is liable for the content of an electronic programme guide only in the scope established in

Section 14 (1) (g).

(3) A content service provider is not liable for the truthfulness of information contained in other forms of promotion and for misleading advertising<sup>9)</sup> or comparative advertising; this does not apply to content with which the content service provider promotes its person, activities, services or products.

(4) A content service provider is also not liable for the content of an act of communication broadcast or released for overriding reasons in the public interest, the content of acts of communication broadcast or released by order of a public authority, the content of third-party acts of communication broadcast or released under an obligation imposed by law, the content of information provided by a public official, a budgetary organisation or a subsidised organisation established by a public authority or a legal person established by law, and for content broadcast or released pursuant to Sections 212 and 213.

Section 16 [\[DS\]](#)

### **Content service and freedom of reception**

(1) The content service provider shall provide the content service freely and independently. Intervention in its content shall be permissible only on the basis of law and shall not exceed the limits laid down by law.

(2) Prohibition of the reception of a content service that is provided publicly shall be permissible only on the basis of law and within the limits laid down by law.

Section 17 [\[DS\]](#)

### **Protection of a source of information and the right to information**

(1) A content service provider and other persons who have been involved in the collection or processing of information from a source whose identity is to be kept secret for the purpose of its broadcast or posting in a content service ("person maintaining confidentiality") shall not disclose the source of the information obtained in the course of their activities and the content of that information in a way that enables the identity of the person who provided the information to be established; documents, printed matter and other data carriers, in particular visual recordings, sound recordings, audiovisual recordings and data carriers, in any form that would enable the identity of the person who provided the information to be established, shall be handled in a way that prevents the identity of the information source from being exposed.

(2) A person maintaining confidentiality can only be released from a duty under paragraph 1 with the consent of the natural person that provided the information. After the death of the person in question, the right to give consent shall pass to their closely related persons; consent shall be invalid if one closely related person makes a written statement refusing consent. If there are no closely related persons, the duty under paragraph 1 shall expire. The death of the person who provided the information or the termination of an information source does not void the right under paragraph 4 or the protection under paragraph 5.

(3) The duty under paragraph 1 shall also apply to an employee of the content service provider; this duty shall expire if the duty under paragraph 1 expires for the content service provider. The duty under paragraph 1 shall apply, under the same conditions, to another person who becomes acquainted with the source of the information or with information that could lead to the exposure of the identity of the information source.

(4) A person maintaining confidentiality has the right to refuse to provide to a court, other public authority, public administration body, local government body or any other person, information on the origin or content of information from a source whose identity is to be kept secret, including information on the source of such information and their identity, and the right to refuse to present or hand over things from which the origin or content of such information could be ascertained.

(5) For the purpose of source protection, special protection shall also apply to the location data of persons maintaining secrecy or similar data on their movement or residence, data on electronic communication or its contents and remote or shared data repositories belonging to persons maintaining secrecy to which persons other than the persons maintaining secrecy have access; in particular, such data shall not be disclosed to third parties in a way that jeopardizes the secrecy of information sources without the consent of the person maintaining secrecy.

(6) The obligation to maintain confidentiality and the right under paragraph 4 cannot be exercised if the legal duty to prevent a crime can only be fulfilled by revealing the source of information and the public interest in preventing crime clearly outweighs the interest in protecting the source.

(7) A person maintaining confidentiality shall not invoke a right under paragraph 4 or an obligation to maintain confidentiality in relation to a content service whose authorisation has been revoked due to a reason under Section 165 (3) (b) or whose registration has been revoked due to a reason under Section 185 (1) (d). The first



sentence shall also apply to a content service to which access is blocked under separate legislation<sup>10)</sup> or the provision of which is suspended pursuant to this act. The first sentence does not apply to information obtained by a person maintaining confidentiality before the revocation of authorisation, the revocation of registration, the blocking of access to a content service or the suspension of its provision.

(8) Public authorities, their budgetary and subsidised organisations and legal entities established by law shall inform a content service provider about their activities on the basis of equality for the purposes of truthful, timely and comprehensive public information without prejudice to requirements established by separate legislation.<sup>11)</sup>

## **DIVISION THREE**

### **PROGRAMME SERVICE BROADCAST**

#### **TITLE ONE**

#### **PROGRAMME SERVICE AND BROADCASTING**

##### **Section 18 [\[DS\]](#)**

##### **Programme service**

(1) A programme service is a service

- a) which is primarily of an economic nature,
- b) which is provided as a deliberate schedule of programmes and other components of this service forming an individual, simultaneously receivable unit,
- c) the primary purpose of which or of a dissociable section thereof is to enable the watching of programmes,
- d) for which the broadcaster is editorially responsible,
- e) which is provided through a network and
- f) which is provided for the purpose of informing, entertaining or educating the general public.

(2) A radio programme service is a programme service the broadcasting of which is protected by separate legislation<sup>12)</sup> and consists, in its perceptible form, of a series of consecutive sounds perceptible to hearing.

(3) A television programme service is a programme service the broadcasting of which is protected by separate legislation<sup>12)</sup> and consists, in its perceptible form, of a series of consecutive images perceptible to sight accompanied by corresponding sounds or without sound.

(4) A monothematic programme service is a programme service in which at least 80% of the programmes are of the same type or in which broadcasting is entirely reserved for components of a programme service other than programmes.

##### **Section 19 [\[DS\]](#)**

##### **Broadcaster and broadcasting**

(1) A broadcaster is the person who is editorially responsible for the content of a programme service and the scheduling of the individual components of the programme service which they broadcast or which is disseminated in full and unchanged form by a third party.

(2) For the purposes of this act, a broadcaster is

- a) a broadcaster established by law<sup>13)</sup> ("public service broadcaster"),
- b) a broadcaster that is required to apply for authorisation to broadcast a programme service ("broadcasting authorisation") under this act and is not a public service broadcaster ("eligible broadcaster").

(3) The broadcasting of a programme service via the internet is the dissemination of a programme service exclusively via the internet (webcasting).

(4) The broadcasting of a programme service is the distribution of an original coded or uncoded

programme service, namely:

a) a radio programme service, together with its ancillary broadcast service ("broadcasting of a radio programme service"), or

b) a television programme service, together with its ancillary broadcast service ("broadcasting of a television programme service").

(5) Local broadcasting of a programme service is broadcasting whose reception is limited to a smaller geographical area, usually a municipality or a city, and whose programmes focus on the local information environment or local information sources and on common interests that create and strengthen internal links in the community, thereby helping to maintain a sense of identity within the community.

(6) Broadcasting to other countries is broadcasting which can be received outside the territory of the Slovak Republic that does not naturally overlap with broadcasting from the territory of the Slovak Republic.

(7) Terrestrial broadcasting of a programme service is the analogue or digital broadcasting of a programme service or other distribution of a signal using radio equipment located on the earth's surface.

(8) The duration of broadcasting includes the total broadcast time of the individual programmes and ancillary broadcasting connected with a programme service; it does not include test card broadcasts, technical breaks and other announcements unconnected with the programme service.

(9) The language of broadcasting is the language in which the programme service is primarily broadcast in the territory of the Slovak Republic, including the official languages of the European Union and the languages of national minorities in accordance with separate legislation;<sup>14)</sup> the language of broadcasting is not the language of an alternative language version of the programme service, the language in which it is broadcast outside the territory of the Slovak Republic, or the language recorded on the original audio track of the broadcast programme, to which the broadcaster provides access to the end-user as an alternative or alongside other alternative language versions of the programme service.

## TITLE TWO

### BASIC OBLIGATIONS OF A BROADCASTER

#### Section 20 [\[DS\]](#)

#### **General obligations of a broadcaster**

(1) A broadcaster shall ensure easy, direct and permanent public access to the following information:

a) the name, business name or name and surname of the broadcaster,

b) the address of the head office, business establishment or residence of the broadcaster,

c) the telephone number, e-mail address or website of the broadcaster

d) the ownership structure of the broadcaster and the beneficial owner<sup>15)</sup> of the broadcaster,

e) information that the broadcaster is subject to the jurisdiction of the Slovak Republic and the competence of the Regulator and any other supervisory authority,

f) information that the broadcaster is subject to a self-regulatory mechanism and identification of the self-regulatory body that enforces this mechanism,

g) the broadcasting authorisation number assigned by the Regulator.

(2) The obligation of a broadcaster under paragraph 1 does apply to a broadcaster in respect of which information in the scope specified in paragraph 1 is made available in a media and audiovisual register ("Register") administered by the Ministry of Culture of the Slovak Republic ("Ministry of Culture").

(3) A broadcaster that is a legal person registering in the Business Register shall record activities under this act as a subject of activity in the Business Register; the broadcaster shall submit a proposal to record the activity within 60 days from the issue date of their broadcasting authorisation.

(4) A broadcaster shall

- a) ensure that use of the state language, the languages of national minorities and other languages in the broadcasting of programmes and other parts of a programme service complies with separate legislation,<sup>16)</sup>
- b) broadcast cinematographic works<sup>17)</sup> only within the time periods and subject to the conditions agreed with the owners of the rights to such works,
- c) ensure that programmes and other parts of a programme service broadcast during an election campaign comply with separate legislation,<sup>18)</sup>
- d) provide free of charge, in case of urgent public interest, at the request of state authorities, broadcasting time necessary to broadcast an important and urgent announcement, instruction or decision pursuant to separate legislation<sup>19)</sup> or to broadcast civil protection information<sup>20)</sup> at times and in scope that reduces the risk of delay to a minimum, and ensure that such information is broadcast with interpretation into Slovak sign language and at the same time subtitles for persons with hearing impairment or simultaneous transcription of the spoken word,
- e) to preserve continuous recordings of its broadcasting, including broadcasting with multimodal access, for 45 days from the date of broadcasting and in equivalent quality; a broadcaster shall provide a recording of a broadcasting to the Regulator in the electronic format specified by the Regulator in the broadcasting authorisation decision within 15 days of receipt of the Regulator's request to provide this recording of broadcasting.

(5) The broadcaster of a television programme service shall also

- a) continuously identify the programme service on screen during broadcasting of the television programme service by means of a distinctive pictorial symbol (logo); this does not apply to advertising communication and teleshopping,
- b) keep specific statistics on programmes broadcast on the television programme service for the evaluation of
  1. the percentage of programmes with multimodal access,
  2. the percentage of European works,
  3. the percentage of European independent productions, including an evaluation of the percentage of new works,
  4. the percentage of audiovisual works,
- c) deliver to the Regulator the specific statistics under (b) for a given calendar quarter within 15 days of the end of the calendar quarter in question, unless the broadcaster is an eligible broadcaster broadcasting its programme service by means other than terrestrial broadcasting, in which case statistics shall be delivered within 15 days of the delivery of the Regulator's request for such statistics,
- d) ensure the compliance of the audio component of its broadcast television programme service with the technical requirements issued by the Regulator in an act of general application.

(6) The broadcaster of a radio programme service shall also

- a) identify the programme service by means of a distinctive sound signal played at least once per hour during broadcasting of the radio programme service, provided that this does not interrupt the integrity of a programme,
- b) keep specific statistics of Slovak musical works in the broadcasting of the radio programme service, if it is subject to the provisions of Sections 215 and 216, and provide them to the Regulator within 15 days of the delivery of the Regulator's request for such statistics.

(7) A broadcaster shall not make the retransmission of a broadcast of its programme service or a substantial part thereof conditional on the retransmission of another of its programme services or a substantial part thereof.

(8) A programme service shall not be broadcast without authorisation.

## Section 21

### Reporting obligations of a broadcaster

(1) A broadcaster shall notify the Regulator of:

- a) the start of terrestrial broadcasting of a programme service, at the latest on the day on which the broadcaster commences broadcasting of its signal intended for an end-user; if terrestrial broadcasting takes place in several frequency reservations or multiplexes, the broadcaster shall declare the start of broadcasting in each frequency reservation and in each terrestrial multiplex, at the latest on the day on which the broadcaster commences broadcasting of its signal intended for an end-user on a given frequency,
- b) the termination of terrestrial broadcasting of a programme service, at the latest on the day on which the

broadcaster ends broadcasting of its signal intended for an end-user; if terrestrial broadcasting takes place in several frequency reservations or multiplexes, the broadcaster shall declare the termination of broadcasting in each frequency reservation and in each terrestrial multiplex, at the latest on the day on which the broadcaster ceases broadcasting of its signal intended for an end-user on a given frequency,

c) the start of the broadcasting of a programme service by satellite, at the latest on the day on which the broadcaster commences broadcasting of a signal intended for an end-user; if broadcasting is carried out by other technical means, the broadcaster shall declare the start of transmission by this means of public transmission,

d) termination of broadcasting of a programme service by satellite, as well as termination of broadcasting of a programme service by another technical means, at the latest on the day on which the broadcaster ceases transmission of its signal intended for an end-user by this means of public transmission,

e) the start of broadcasting to other countries on a per territory basis, indicating whether the broadcast is wholly or mainly aimed at an audience in another Member State, at the latest on the day on which the broadcaster commences broadcasting of its signal intended for an end-user in the given territory; if the broadcast takes place in several territories, the broadcaster shall declare the commencement of broadcasting in each territory,

f) termination of broadcasting to other countries on a per territory basis, at the latest on the day on which the broadcaster ceases broadcasting the signal intended for an end-user in the given territory; if the broadcast takes place in several territories, the broadcaster shall declare the termination of broadcasting in each territory,

g) the start of broadcast of an ancillary broadcast service, at the latest on the day on which the broadcaster commences broadcasting of the ancillary broadcast service intended for an end-user; if the broadcast of an ancillary broadcast service is not carried by all means of public transmission by which the signal of the broadcaster is broadcast, or in the entire territory in which the programme service is broadcast, the broadcaster shall also indicate in the report the territorial scope of provision of the ancillary broadcast service and the means by which it is transmitted to the end-user,

h) the termination of broadcasting of an ancillary broadcast service, at the latest on the day on which the broadcaster ceases broadcasting the signal of an ancillary broadcast service intended for an end-user,

i) a change in the broadcasting of an ancillary broadcast service, if it is a change in the territorial scope of its broadcasting or in the means by which it is broadcast to the end-user, at the latest on the day on which such a change occurs.

(2) The broadcaster of a radio programme service shall notify the Regulator of

a) the start of broadcasting of a radio programme service broadcast under a licence granted for the use of a frequency other than a digital frequency ("licence"), at the latest on the day on which the broadcaster starts broadcasting its signal intended for an end-user on the allocated frequency,

b) the termination of broadcasting of a radio programme service broadcast under a licence, at the latest on the day on which the broadcaster ceases broadcasting its signal intended for an end-user on the allocated frequency.

(3) A notification under paragraphs 1 and 2 shall also include the identification of the multiplex provider or the distributor of the broadcaster's signal and the geographical specification of the frequency reservation or other territorial scope of the broadcast of the programme service.

### TITLE THREE

#### PUBLIC ACCESS TO INFORMATION IN THE BROADCASTING OF A PROGRAMME SERVICE

##### Section 22 [\[DS\]](#)

##### **Public access to information on events**

Exercise of a broadcaster's exclusive rights to live coverage or deferred coverage of political, social, cultural or sports events shall not restrict public access to information on such events.

##### Section 23 [\[DS\]](#)

##### **The right to short news reports**

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

(2) The broadcaster that has exclusive rights to broadcast an event giving rise to increased public attention shall make it possible to record extracts from their signal for the purpose of creating content under paragraph 1 on a fair, proportionate and non-discriminatory basis and can request only reimbursement of costs reasonably incurred for this purpose.

(3) An extract under paragraph 1

a) can be broadcast solely in a regularly broadcast news programme that is broadcast in the same format also at times other than during the occurrence of the event giving rise to increased public attention,

b) shall not have a duration of more than 90 seconds,

c) shall not be broadcast before information about the event giving rise to increased public attention can be broadcast or presented in a news programme of the broadcaster with exclusive rights to broadcast it,

d) shall be broadcast with identification of the source that has exclusive rights to broadcast the event giving rise to increased public attention.

(4) Broadcast of an extract under paragraph 1 can be repeated at most twenty-four hours after the first broadcasting of the extract and only in a news programme. After this period the extract can be used again only if its content is directly connected with another important event that is the topic of a news report.

(5) If an event giving rise to increased public attention consists of several independent parts, each part is considered to be an event for the purposes of paragraph 1. If an event giving rise to increased public attention takes place over two or more days, at least one day is considered to be a separate part.

(6) A broadcaster of a television programme service that records an extract from an event giving rise to increased public interest for use in a news programme is obliged to reimburse relevant costs incurred by the organiser of the event relating to arrangements for the equipment and services for this activity.

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

(8) If a broadcaster having their head office, business establishment or residence in the Slovak Republic acquires exclusive rights to broadcast an event giving rise to increased public attention, a broadcaster having their head office, business establishment or residence in the Slovak Republic that wishes to exercise the right to make and broadcast an extract under paragraph 1 shall exercise this right preferentially with this rights-holding broadcaster.

## Section 24 [IDS](#)

### **Public access to events of major importance**

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

a) its outcome has a special and universal resonance and is a matter of interest also to that part of the public which does not usually follow such events,

b) it has unique cultural importance for the population and uniquely expresses elements of their cultural identity or

c) it is an important international event at which the country is represented.

(2) The Regulator shall safeguard public access to events of major importance through the broadcasting of a television programme service in co-operation with the Ministry of Culture and Ministry of Education, Science, Research and Sport of the Slovak Republic, rightsholders and broadcasters by preparing a list of such events. After this list of events is approved by the European Commission ("Commission"), the Regulator shall issue it as an act of general application.

(3) The Regulator shall prepare a list of all television programme services in which the broadcast television programme services are classified, considering the individual elements, character or technical parameters of their broadcasts, into the following groups

a) television programme services whose broadcasts can be accessed by more than 80% of the population without the payment of special fees or

b) television programme services to which public access is limited.

(4) The Regulator shall update the list under paragraph 3 on a regular basis, but at least once every two years.

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

(6) A broadcaster that broadcasts a television programme service falling under paragraph 3 (b) who acquires exclusive right to broadcast an event of major importance shall inform all broadcasters that broadcasts a television programme service falling under paragraph 3 (a) about the possibility to broadcast an event of major importance. This information shall be provided sufficiently in advance of the event and shall include information on the event, in particular the place and time of the event and the price that the broadcaster requires.

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

(8) A list of events declared by a Member State or by a Member State of the Council of Europe to be of major importance which is published in the Official Journal of the European Union or in an information bulletin of the Council of Europe, shall be published by the Regulator on its website and on its official notice board at its head office; it shall also deliver the list to the broadcasters concerned.

(9) If a broadcaster of a television programme service acquires the rights to broadcast events that are on the list of events of major importance in one of the Member States of the Council of Europe or Member States, they shall exercise them in accordance with the rules and regulations of that Member State of the Council of Europe or the Member State and in a way that does not prevent a substantial part of the public of the relevant Member State of the Council of Europe or Member State from accessing such an event via live coverage or deferred coverage.

#### Section 25 [\[DS\]](#)

##### **Public access to a pluralistic, objective and impartial information**

If a broadcaster is not subject to a self-regulatory mechanism registered under this act which includes regulation of the comprehensiveness of information, a plurality of opinions and the objectivity and impartiality of programmes, they shall

- a) ensure the comprehensiveness of information and plurality of opinions within the broadcast programme service,
- b) ensure the objectivity and impartiality of news programmes and current affairs programmes; opinions and evaluating commentaries shall be kept separate from news.

#### **DIVISION FOUR**

##### **PROVISION OF AN ON-DEMAND AUDIOVISUAL MEDIA SERVICE**

#### Section 26 [\[DS\]](#)

##### **On-demand audiovisual media service**

(1) An on-demand audiovisual media service is a service

- a) which is primarily of an economic nature,
- b) the primary purpose of which or of a dissociable section thereof is to enable the watching of programmes at a time of the user's choice,

- c) which is provided at the user's specific request on the basis of a catalogue of programmes compiled by the on-demand audiovisual media service provider,
- d) for which the on-demand audiovisual media service provider is editorially responsible,
- e) which is provided through a network and
- f) which is provided for the purpose of informing, entertaining or educating the general public.

(2) The provision of phonograms on demand is not an on-demand audiovisual media service.

#### Section 27 [\[DS\]](#)

##### **On-demand audiovisual media service provider**

The on-demand audiovisual media service provider is the entity that bears editorial responsibility for the selection of the content of the on-demand audiovisual media service and determines how it is organised.

#### Section 28 [\[DS\]](#)

##### **Basic obligations of the on-demand audiovisual media service provider**

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

- a) the name, business name or name and surname of the on-demand audiovisual media service provider,
- b) the address of the head office, business establishment, or residence of the on-demand audiovisual media service provider,
- c) the telephone number, e-mail address or website of the on-demand audiovisual media service provider,
- d) the ownership structure of the on-demand audiovisual media service provider and the beneficial owner of the on-demand audiovisual media service provider,
- e) information that the on-demand audiovisual media service provider is subject to the jurisdiction of the Slovak Republic and the competence of the Regulator and any other supervisory authority,
- f) information on whether the on-demand audiovisual media service provider is subject to a self-regulatory mechanism and identification of the self-regulatory body that enforces this mechanism,
- g) the authorisation number for provision of the on-demand audiovisual media service ("provider authorisation") assigned by the Regulator.

(2) The obligation under paragraph 1 does not apply to an on-demand audiovisual media service provider in respect of which information in the scope specified in paragraph 1 is published in a Register.

(3) the on-demand audiovisual media service provider shall

- a) provide audiovisual works only in the periods and subject to the conditions agreed with the owners of the rights to such works,
- b) ensure that programmes and other parts of the on-demand audiovisual media service provided during an election campaign comply with separate legislation,<sup>18)</sup>
- c) ensure that important and urgent announcements, instructions or decisions issued by state authorities in the urgent public interest pursuant to separate legislation<sup>19)</sup> or civil protection information<sup>20)</sup> made available through an on-demand audiovisual media service are accompanied by interpretation into Slovak sign language and at the same time subtitles for persons with hearing impairment or simultaneous transcription of the spoken word.

(4) The on-demand audiovisual media service provider shall keep specific statistics on the on-demand audiovisual media service provided for the evaluation of

- a) the percentage of European works, including the way they given prominence,
- b) the percentage of programmes with multimodal access.

(5) The on-demand audiovisual media service provider shall deliver to the Regulator the specific statistics on the on-demand audiovisual media service under paragraph 4 for a calendar month within 15 days of the delivery of the Regulator's request for such statistics.

(6) The on-demand audiovisual media service provider shall notify the Regulator of up-to-date data on the number of end-users of the on-demand audiovisual media service in aggregate once a year by 31 January based on the situation as of 1 January of the given calendar year.

## **DIVISION FIVE**

### **RETRANSMISSION OPERATION AND SIGNAL DISTRIBUTION**

#### Section 29 [\[DS\]](#)

##### **Retransmission and retransmission operator**

(1) Retransmission is the reception and simultaneous, full and unmodified transmission of an original broadcast of a programme service or a significant part thereof intended by the broadcaster to be received by the public carried out by means of a network; if retransmission is carried out by means of a cable distribution system or a microwave system it is cable retransmission.

(2) For the purpose of retransmission registration under this act, provision of retransmission shall not include the provision of retransmission that is carried out on a non-commercial basis and is retransmission

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

b) including only the programme services of a public service broadcaster,

c) the registration of which is precluded by separate legislation<sup>21</sup> or an international treaty by which the Slovak Republic is bound,

d) provided by one legal entity or one natural person in such a way that it cannot be received by more than 100 users; in the case of retransmission through multiple technological systems with up to 100 users, the total number of subscribers of all such systems shall not exceed 100,

e) provided via the internet, if it includes only programme services broadcast via the internet.

(3) A retransmission operator is a person that, in their own name, at their own expense and under their own responsibility provides retransmission as service to an end-user regardless of whether the signal of the retransmitted programme service is delivered to the user by the retransmission operator alone or via a third party.

#### Section 30 [\[DS\]](#)

##### **Basic obligations of a retransmission operator**

(1) A retransmission operator shall

a) ensure that the basic programme package includes, free of charge to either side, the programme services of the following:

1. a public service broadcaster,

2. eligible broadcasters that can be received by standard receiving equipment at the point of reception, excluding digital broadcasting,

b) ensure that the basic programme package includes, free of charge, the programme service of a broadcaster eligible for local digital broadcasting of a television programme service, for which public capacity was reserved in the local multiplex available at the place of reception pursuant to specific legislation if the broadcaster agrees with such inclusion; and if such inclusion is not possible, the retransmission operator shall ensure that one channel available to the public in the basic programme package is reserved for broadcasting community media free of charge; if public capacity in the local multiplex available at the place of reception was reserved for multiple programme services free of charge or for multiple programme services for none of which public capacity was reserved free of charge, the retransmission operator may decide which of them to include in the basic programme package, otherwise the operator shall include in the basic programme package the programme service for which public capacity in the local multiplex available at the place of reception was reserved free of charge,

c) provide retransmission of multimodal access to a programme service if it forms part of a television programme service broadcast,



d) register activity performed under this act as a subject of activity in the Business Register if the operator is a legal person having an entry in the Business Register; the retransmission operator shall submit a request for registration of the activity within 60 days from the date of retransmission registration.

(2) A basic programme package is a set of programme services provided by a retransmission operator for the lowest possible price.

(3) Duties under paragraph 1 do not apply to a retransmission operator in respect of retransmission under Section 29 (2). The obligations under paragraph 1 (a) and (b) do not apply to a retransmission operator in respect of retransmission that is not cable retransmission.

(4) The obligation under paragraph 1 (c) does not apply to the provision of multimodal access to a programme service by a retransmission operator to an end-user if, for technical reasons, this is not made possible by the technical equipment that the retransmission operator provides to the end-user for receiving the programme service. On receiving a written request from an end-user for technical equipment permitting reception of the retransmitted programme service with multimodal access, a retransmission operator shall provide such equipment within 30 days of receipt of such a request. The retransmission operator shall make such technical equipment available to the end-user under the same conditions as those under which the original technical equipment was made available to the end-user.

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

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

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

(6) The Regulator shall make a decision under paragraph 5, in particular if

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

b) the scope of the retransmission of programme service broadcasts is disproportionate to the capacity of the network through which the retransmission is delivered to end-users.

(7) If the Regulator decides pursuant to paragraph 5 that the duty under paragraph 1 (a) applies to a retransmission operator only in part, it shall include in its decision a list of the programme services that the duty applies to.

(8) The Regulator shall revoke an exemption under paragraph 5 should the reasons for which it was granted cease to apply.

## Section 31 [\[DS\]](#)

### **Signal distribution and signal distributor**

(1) Signal distribution is the technical transmission of a content service signal provided by a signal distributor or carried out by a broadcaster or other content service provider.

(2) A signal distributor is an electronic communications service provider<sup>22)</sup> that provides the technical transmission of a signal for a broadcaster or other content service provider unless the signal is transmitted directly by the broadcaster or other content service provider.

## Section 32 [\[DS\]](#)

### **Signal integrity protection**

(1) A retransmission operator and a signal distributor shall not, without the express consent of the broadcaster, interfere with a broadcast programme service or a component thereof, in particular:

a) through change or modification of its content or technical properties,

b) by interrupting it, or

c) overlaying, in whole or in part, its sound or image component for commercial purposes; in the case of the image component, also reducing the size in which it is displayed on a receiver screen for commercial purposes.

(2) The provisions of paragraph 1 do not apply to

a) an overlay reserved by an end-user for private use only which is not for the direct or indirect benefit of another person,

b) an overlay supplied by the relevant broadcaster, including subtitles or media commercial communication,

c) user interface controls necessary for the operation of the display device or for orientation in programmes, such as volume settings, search functions, navigation menus or an electronic programme guide.

(3) The provisions of paragraph 1 do not apply to data-flow compression techniques which reduce the size of a data stream and similar techniques necessary for adaptation to distribution systems, such as resolution or encoding, insofar as they do not alter in any way the content of a broadcast programme service or its individual components, if

a) a public service broadcaster has demonstrably not stipulated otherwise,

b) an eligible broadcaster has demonstrably agreed to it.

## **DIVISION SIX**

### **CONDITIONS FOR MULTIPLEX PROVISION AND OCCUPATION**

#### **TITLE ONE**

#### **MULTIPLEX PROVISION**

#### **Section 33 [\[DS\]](#)**

#### **Multiplex and multiplex provider**

(1) A multiplex is an aggregate data stream made up of the data streams of television programme services, radio programme services or other content services, including voice services adapted for combined transmission through the relevant telecommunications equipment.

(2) A terrestrial multiplex is a multiplex whose signal is transmitted, in whole or in part, by terrestrial broadcasting of a programme service on a digital frequency.

(3) A local multiplex is a terrestrial multiplex for local broadcasting, the signal of which is distributed on an individually coordinated digital frequency so that it can be received by no more than 15% of the population of the Slovak Republic, and the geographical reach of this individually coordinated digital frequency is smaller than 30% of the frequency reservation within which this geographical reach is for the most part located.

(4) A public service terrestrial multiplex is a terrestrial multiplex made up of the data streams of the television programme services of a public service broadcaster, the radio programme services of a public service broadcaster or other content services of a public service broadcaster, and, if relevant, other services of a public service broadcaster, including the voice services of a public service broadcaster, adapted for combined transmission.

(5) The public capacity of a multiplex is the total capacity of a terrestrial multiplex reduced by the capacity reserved by the multiplex provider for data transmission associated with the operation of the multiplex, which is not a content service and shall not exceed 10% of the total capacity of the terrestrial multiplex.

(6) A multiplex provider is a person who, in their own name and under their own responsibility, transmits or is entitled to transmit a multiplex signal intended for reception by the public in an uninterrupted transmission chain leading from the multiplexer to the user's terminal equipment or a network termination point; if there are multiple multiplexers in a network, the multiplex provider is the person who last introduced a multiplex signal into the uninterrupted transmission chain leading to the user's end device or network end point.

(7) A multiplexer is a telecommunications device used to combine data streams into an aggregate stream.

#### **Section 34 [\[DS\]](#)**

### **Freedom of signal dissemination**

(1) When building a network for the transmission of a terrestrial multiplex, the multiplex provider shall decide freely and independently on the number of transmitters and their location while respecting the technical parameters of the frequency reservation determined by the Authority; the same shall apply to the signal distributor of a multiplex provider. Restriction of the operation of a multiplex shall be permissible only on the basis of law and shall not exceed the limits laid down by law.

(2) In respect of the territory of a military district,<sup>23)</sup> territory used for state defence purposes under the management of the Ministry of Defence of the Slovak Republic or a legal entity in its founding or establishing competence, and real estate that is classified by decision of the government of the Slovak Republic as defence infrastructure in the category of objects of special importance or in the category of other important objects for the defence of the state under separate legislation<sup>24)</sup> and is owned by the state, the rights under paragraph 1 can be exercised by a multiplex provider and signal distributor only with written authorisation from the Ministry of Defence of the Slovak Republic or another real estate administrator.

### Section 35

#### **Use of the frequency spectrum for multiplex provision**

A terrestrial multiplex may be provided on frequencies from the frequency bands specified in the National Frequency Allocation Plan for the radio programme service and the television programme service, preferably for

- a) terrestrial broadcasting in line with the digital television reception standard ("TV band"),
- b) terrestrial broadcasting in line with the digital radio reception standard ("radio band"),
- c) analogue terrestrial radio broadcasting ("analogue band").

### Section 36

#### **Multiplex occupation**

(1) The occupation of a multiplex shall be determined by the multiplex provider, unless this act stipulates otherwise; this is without prejudice to the powers of public authorities.<sup>25)</sup>

(2) In determining the occupation of a multiplex, the multiplex provider shall guarantee content service providers non-discriminatory conditions for the distribution of the signal of their content service, in particular the price, payment and technical conditions for the distribution of the signal.

(3) In determining the occupation of a terrestrial multiplex, the multiplex provider shall comply with the conditions of Title Two of this division.

### Section 37

#### **General obligations of a multiplex provider**

(1) A multiplex provider shall not allow the transmission of

- a) a programme service of a broadcaster that is not eligible to broadcast it under this act; this does not apply to the retransmission of programme services,
- b) a community media signal or a content service that is not a programme service, without authorisation from their provider.

(2) A multiplex provider providing a terrestrial multiplex shall

- a) guarantee non-discriminatory access for content service providers and comply with the conditions for the occupation of a terrestrial multiplex under this act,
- b) provide access to the terrestrial multiplex signal for any terrestrial multiplex end-user who requests it and is located in the frequency reservation in which the service is provided by the content service provider, or within reach of a local multiplex transmitter, within the territorial scope agreed in the contract with the content service provider and under reasonable, non-discriminatory conditions for the end-user,
- c) allow a central state administration body to provide e-government services through a terrestrial multiplex at the

expense of that body, if the public capacity of the multiplex allows it; this does not apply to a multiplex provider in the case of a local multiplex,

d) not restrict a broadcaster unreasonably in the provision of ancillary broadcast service, in particular they shall enable them to provide multimodal access to their programme service.

(3) The rights and obligations of a retransmission operator under this act apply to a multiplex provider that also retransmits programme services.

(4) A multiplex provider providing a local multiplex shall allow a municipality that is within the geographical reach of a local multiplex signal to provide e-government services through that local multiplex at the municipality's own expense, if the public capacity of the multiplex allows it.

(5) A multiplex provider is subject to the obligations of an undertaking under separate legislation.<sup>26)</sup>

## TITLE TWO

### CONDITIONS FOR THE OCCUPATION OF A TERRESTRIAL MULTIPLEX

#### Television band

##### Section 38 [\[DS\]](#)

#### **Basic conditions for the occupation of a terrestrial multiplex in a television band**

(1) A terrestrial multiplex in a television band is primarily intended for broadcasting a television programme service.

(2) When filling the free capacity of a terrestrial multiplex in the television band, the multiplex provider shall proceed in such a way that the broadcasting of television programme services constitutes at least 70% of the public capacity of the multiplex.

(3) The multiplex provider shall not apply the conditions under paragraphs 1 and 2 if applying them would leave vacant capacity in the terrestrial multiplex or if it has not agreed with any or a sufficient number of broadcasters on the conditions for the broadcasting of their programme services in the terrestrial multiplex.

##### Section 39

#### **Public service terrestrial multiplex in a television band**

(1) A public service terrestrial multiplex shall be provided in one television band frequency layer designated for these purposes by the Authority in an act of general application; the frequency reservations constituting such a frequency layer shall be treated as an economically bound frequency reservation.

(2) A multiplex provider with a terrestrial operating permit for the provision of a public service terrestrial multiplex shall determine the occupation of a public service terrestrial multiplex in line with the request of a public service broadcaster, giving priority to the television programme services and other content services of that public service broadcaster; the extent of the necessary public capacity of the multiplex and the manner of its use by a public service broadcaster, including the compression of the data stream and coding of the signal, shall be decided by that public service broadcaster.

(3) If the public capacity of the multiplex is not fully occupied by application of paragraph 2, the multiplex provider shall notify the public service broadcaster in writing of the free public capacity of the multiplex and, at the request of the public service broadcaster, shall fill the free public capacity of the multiplex with broadcasts of the radio programme services of the public service broadcaster.

(4) The public capacity of the multiplex, which is not fully occupied by the application of paragraphs 2 and 3, may be offered to third parties by the multiplex provider, on its own account, in its own name and with the prior written consent of the public service broadcaster, but not for longer than a period agreed with the public service broadcaster. A public service broadcaster may withdraw its written consent under the first sentence, or a part thereof, at any time, but must do so in writing; for this reason, when concluding a contract with third parties on the conditions for the broadcasting of a service in the public capacity of the multiplex, the multiplex provider shall also agree on a notice period for the termination of the broadcast of their service of no more than nine months from the date of delivery of the public service broadcaster's written withdrawal of consent to the multiplex provider.

(5) A multiplex provider shall conclude with a public service broadcaster a contract on conditions for the broadcast of the public service broadcaster's services in the public service terrestrial multiplex if the public service

broadcaster requests this.

## **Radio band**

### Section 40 [\[DS\]](#)

#### **Basic conditions for the occupation of a terrestrial multiplex in a radio band**

- (1) A terrestrial multiplex in a radio band is primarily intended for broadcasting a radio programme service.
- (2) When filling the free capacity of a terrestrial multiplex in the radio band, the multiplex provider shall proceed in such a way that the broadcasting of radio programme services constitutes at least 70% of the public capacity of the multiplex.
- (3) The multiplex provider shall not apply the conditions under paragraphs 1 and 2 if applying them would leave vacant capacity in the terrestrial multiplex or if it has not agreed with any or a sufficient number of broadcasters on the conditions for the broadcasting of their programme services in the terrestrial multiplex.

### Section 41

#### **Mandatory offer for a public service broadcaster in the occupation of a terrestrial multiplex in a radio band**

- (1) A public service broadcaster shall have priority in applying for a place for the broadcasting of its radio programme services up to the public capacity of one terrestrial multiplex composed in a radio band frequency reservation; the right shall apply to the broadcasting of each of these programme services separately.
- (2) When filling a terrestrial multiplex in a radio band frequency reservation, the multiplex provider shall send an offer to the public service broadcaster for inclusion in the terrestrial multiplex within 30 days from the effective date of the decision granting a terrestrial operating permit or from the date on which the public service broadcaster's right under paragraph 1 arose again.
- (3) An offer under paragraph 2 shall include
  - a) the identification data of the multiplex provider,
  - b) the frequency reservation in which the terrestrial multiplex will be broadcast,
  - c) a list of content services already included in the terrestrial multiplex, if any,
  - d) the proposed terms and conditions, including a proposed price calculation for broadcasting in the terrestrial multiplex in the given frequency reservation,
  - e) the necessary technical conditions that the public service broadcaster shall meet in order to be included in the broadcast terrestrial multiplex.
- (4) A public service broadcaster may exercise the right under paragraph 1 with the multiplex provider up to 30 days from the date of delivery of the offer pursuant to paragraph 2; if, during this period, the multiplex provider delivers additional offers to the public service broadcaster pursuant to paragraph 2, the period shall not begin to run anew.
- (5) If a public service broadcaster wants to exercise the right under paragraph 1, it shall inform the multiplex provider thereof within 30 days from the date of delivery of the offer pursuant to paragraph 2, otherwise the right shall expire; the public service broadcaster need not accept the terms and conditions or the price calculation under paragraph 3 (d) or the technical conditions under paragraph 3 (e) if it proceeds pursuant to paragraph 13.
- (6) If a public service broadcaster has exercised the right under paragraph 1 to broadcast at least one radio programme service, it shall conclude, within 60 days of the date on which it informed the multiplex provider of the exercise of this right, a contract with the multiplex provider on the conditions for broadcasting of a radio programme service in the terrestrial multiplex, otherwise the right shall cease to exist; the right under paragraph 1 shall not expire for a public service broadcaster if it submits, within this period, an application for a judicial decision on the content of such a contract.
- (7) If a public service broadcaster submits an application pursuant paragraph 6, the multiplex provider may, in respect of the public multiplex capacity reserved for the public service broadcaster in the occupation of the terrestrial multiplex, to which the public service broadcaster has exercised the right pursuant to paragraph 1, fill such capacity at its discretion or leave it vacant, at most until the date of the final court decision.

(8) If a public service broadcaster does not exercise the right under paragraph 1, this right shall expire from the date on which it informed the multiplex provider thereof, but at the latest from the date on which the period under paragraph 4 expires.

(9) The right under paragraph 1 shall also expire if the contractual relationship between the multiplex provider and the public service broadcaster is terminated by mutual agreement or by a decision of the public service broadcaster.

(10) After the expiry of the right under paragraph 1, the multiplex provider shall offer the part of the public multiplex capacity formerly reserved for the public service broadcaster in the occupation of the terrestrial multiplex to an eligible broadcaster or other content service provider.

(11) If a public service broadcaster transmits one or two radio programme services in a terrestrial multiplex and the multiplex is also used by an eligible broadcaster that obtained a part of the public multiplex capacity based on paragraph 10, the public service broadcaster again acquires a right under paragraph 1 from the date when the eligible broadcaster ceases broadcasting of a radio programme service through the terrestrial multiplex covering at most the vacated multiplex capacity.

(12) If the situation referred to in paragraph 11 is not the case, the right under paragraph 1 which the public service broadcaster has ceased to enjoy will be restored from the date on which capacity reserved for broadcasting of a radio programme service is vacated in the terrestrial multiplex or on which another broadcaster ceases broadcasting of a radio programme service in the terrestrial multiplex.

(13) If a public service broadcaster uses its own multiplexer to compile an aggregate data stream whose signal it distributes to the multiplex provider, it may exercise a reservation pursuant to Article 32 (3) and other conditions to protect signal integrity pursuant to Article 32 (1).

### **Special cases in the occupation of a terrestrial multiplex**

Section 42 [\[DS\]](#)

#### **Mandatory offer for a public service broadcaster in the occupation of a terrestrial multiplex in an analogue band**

(1) A public service broadcaster is entitled to priority in applying for a place for one radio programme service in a terrestrial multiplex composed in an analogue band frequency reservation.

(2) When determining the occupation of a terrestrial multiplex in an analogue band frequency reservation, the multiplex provider shall send an offer to the public service broadcaster for inclusion in the terrestrial multiplex within 30 days from the effective date of the decision granting a terrestrial operating permit or from the relevant date under paragraph 11 on which the public service broadcaster's right under paragraph 1 arose again.

(3) An offer under paragraph 2 shall include

- a) the identification data of the multiplex provider,
- b) the frequency reservation in which the terrestrial multiplex will be broadcast,
- c) a list of content services already included in the terrestrial multiplex,
- d) the proposed terms and conditions, including a proposed price calculation for broadcasting in the terrestrial multiplex in the given frequency reservation,
- e) the necessary technical conditions that the public service broadcaster shall meet in order to be included in the broadcast terrestrial multiplex.

(4) A public service broadcaster may exercise the right under paragraph 1 with the multiplex provider up to 30 days from the date of delivery of the offer pursuant to paragraph 2; if, during this period, the multiplex provider delivers additional offers to the public service broadcaster pursuant to paragraph 2, the period shall not begin to run anew.

(5) If a public service broadcaster wants to exercise the right under paragraph 1, it shall inform the multiplex provider thereof within 30 days from the date of delivery of the offer pursuant to paragraph 2, otherwise the right shall expire; the public service broadcaster need not accept the terms and conditions or the price calculation under paragraph 3 (d) or the technical conditions under paragraph 3 (e) if it proceeds pursuant to paragraph 12.

(6) If a public service broadcaster has exercised the right under paragraph 1, it shall conclude, within 60

days of the date on which it informed the multiplex provider of the exercise of this right, a contract with the multiplex provider on the conditions for broadcasting of a radio programme service in the terrestrial multiplex, otherwise the right shall cease to exist; the right under paragraph 1 shall not expire for a public service broadcaster if it submits, within this period, an application for a judicial decision on the content of such a contract.

(7) If a public service broadcaster submits an application pursuant paragraph 6, the multiplex provider may, in respect of the capacity reserved for the public service broadcaster in the occupation of the terrestrial multiplex, fill such reserved capacity at its discretion or leave it vacant, at most until the date of the final court decision.

(8) If a public service broadcaster does not exercise the right under paragraph 1, this right shall expire from the date on which it informed the multiplex provider thereof, but at the latest from the date on which the period under paragraph 4 expires.

(9) The right under paragraph 1 shall also expire if the contractual relationship between the multiplex provider and the public service broadcaster is terminated by mutual agreement or by a decision of the public service broadcaster.

(10) After the expiry of the right under paragraph 1, the multiplex provider may, in respect of the capacity that was reserved for the public service broadcaster in the occupation of the terrestrial multiplex, fill such capacity at its discretion or leave it vacant.

(11) The right under paragraph 1 which a public service broadcaster has ceased to enjoy arises again from the date on which sufficient capacity of the terrestrial multiplex for broadcasting of a radio programme service is vacated in the terrestrial multiplex or on which another broadcaster ceases broadcasting of a radio programme service in the terrestrial multiplex, but only if it does not broadcast in the given terrestrial multiplex.

(12) If a public service broadcaster uses its own multiplexer to compile an aggregate data stream whose signal it distributes to the multiplex provider, it may exercise a reservation pursuant to Article 32 (3) and other conditions to protect signal integrity pursuant to Article 32 (1).

Section 43 [\[DS\]](#)

#### **Conditions for the occupation of a terrestrial multiplex provided in multiple frequency bands**

If the Authority decides that a terrestrial multiplex may be provided in multiple frequency bands at the same time, the Authority shall specify in the terrestrial operating permit which of the conditions for the occupation of a terrestrial multiplex under this title the multiplex provider is obliged to comply with; in making such a specification, the Authority shall consider which frequency bands the terrestrial multiplex will mainly be broadcast in.

Section 44 [\[DS\]](#)

#### **Conditions for the occupation of a local multiplex**

(1) Unless the Authority specifies otherwise in the terrestrial operating permit, a local multiplex is primarily intended for the broadcasting of a television programme service.

(2) When determining the occupation of a local multiplex, the multiplex provider shall reserve public capacity in the multiplex for one television programme service of local broadcasting or for the television broadcasting of community media up to at most 20% of this capacity.

(3) If a broadcast of community media under paragraph 2 is made available to the public with unconditional access, the multiplex provider shall provide the capacity pursuant to paragraph 2 free of charge.

(4) If there are several community media whose broadcasting meets the conditions under paragraph 3, the multiplex provider may decide for which of them it will reserve capacity for the purposes of paragraph 2 free of charge.

(5) The provisions of paragraphs 2 to 4 shall apply mutatis mutandis to radio broadcasting if the Authority stipulates in the terrestrial operating permit that a local multiplex is primarily intended for the broadcasting a radio programme service.

(6) The provisions of Sections 38 to 43 do not apply to the occupation of a local multiplex.

### **DIVISION SEVEN**

#### **PROVISION OF A VIDEO-SHARING PLATFORM**

## Section 45 [\[DS\]](#)

### **Video-sharing platform**

(1) A video-sharing platform is a service

- a) which is primarily of an economic nature,
- b) whose primary purpose or the purpose of a dissociable section thereof or the essential function of which is the provision to the public at large of user-generated programmes or videos for which the video-sharing platform provider is not editorially responsible,
- c) in which the organisation of the provided programmes or user-generated videos is determined by the video-sharing platform provider, including through automatic means or algorithms, especially in terms of displaying, labelling and organisation,
- d) which is provided through a network and
- e) whose main purpose is informing, entertaining or educating the general public.

(2) A video-sharing platform provider is a person who provides a video-sharing platform.

(3) The fulfilment of the essential functionality criterion under paragraph 1 (b) shall be assessed in accordance with the guidelines of the Commission, which the Regulator shall publish on its website.

## Section 46 [\[DS\]](#)

### **Responsibility of the video-sharing platform provider for the content of information**

(1) If the conditions laid down in separate legislation are met,<sup>27)</sup> the video-sharing platform provider is not responsible for the content of information provided through the video-sharing platform.

(2) A video-sharing platform provider is not obliged to monitor the content of a programme, a user-generated video or a media commercial communication which it does not market, sell or arrange.

(3) The video-sharing platform provider is responsible for the content that the video-sharing platform itself provides to the public. As regards such content, the video-sharing platform provider shall be subject to the rights and obligations of the on-demand audiovisual media service provider.

### **Obligations of the video-sharing platform provider**

## Section 47 [\[DS\]](#)

### **Obligation to provide information**

(1) The video-sharing platform provider shall provide information on its website in the following scope:

- a) the name, business name or forename and surname of the video-sharing platform provider
- b) the address of the head office, business establishment or residence of the video-sharing platform provider
- c) the e-mail address of the video-sharing platform provider,
- d) information that the video-sharing platform provider is subject to the jurisdiction of the Slovak Republic and the competence of the Regulator,
- e) information on whether the video-sharing platform is subject to a self-regulatory mechanism, and identification of the self-regulatory body that enforces this mechanism,
- f) the registration number of the video-sharing platform ("platform registration") assigned by the Regulator.

(2) The obligation under paragraph 1 does not apply to a video-sharing platform provider in respect of which information in the scope specified in paragraph 1 is published in a Register.

(3) The video-sharing platform provider shall provide the Regulator with up-to-date data on the number of users of the video-sharing platform in aggregate once a year by 31 January based on the situation as of 1 January



of the given calendar year.

## **Public protection**

### Section 48 [\[DS\]](#)

#### **Obligation to take public protection measures**

(1) The video-sharing platform provider is obliged to take appropriate measures to protect

- a) minors from programmes, user-generated videos and media commercial communication that may impair the physical, mental or moral development of minors in accordance with the conditions set out in Section 62 (1),
- b) the public from programmes, user-generated videos and media commercial communication that include promotion of violence or incite violence or hatred in an open or hidden form, denigrate or defame on the basis of gender, race, skin colour, language, faith and religion, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic characteristics, citizenship, membership of a nationality or ethnic group,
- c) the public from programmes, user-generated videos and commercial media communication which
  1. contain the constituent elements of the offence of dissemination of child pornography,<sup>28)</sup>
  2. publicly provoke the commission of any of the offences of terrorism or publicly condone any of the offences of terrorism,<sup>29)</sup>
  3. contain the constituent elements of any of the offences against humanity, offences of extremism or offences of war.<sup>30)</sup>

(2) The video-sharing platform provider shall take appropriate measures proportionate to the limited supervision exercised by the video-sharing platform provider over media commercial communication in order to ensure the compliance of media commercial communication not marketed, sold or arranged by the video-sharing platform provider with the provisions of Sections 72 (2), 73, 74, 75 (1) and (3), 76, 77 (1) and 78.

### Section 49 [\[DS\]](#)

#### **Public protection measures**

(1) Measures under Section 48 may include, as appropriate

- a) inclusion of the rules under Section 48 in the terms of use of the video-sharing platform and ensuring their application,
- (b) having a functionality for users who upload user-generated videos to declare whether such videos contain media commercial communication as far as they know or can be reasonably expected to know,
- c) establishing and operating a transparent and user-friendly mechanism through which users can report or flag content falling under Section 48 (1) if it is provided on a video-sharing platform,
- (d) establishing and operating a system informing the user of the effect of reporting or flagging content under (c),
- e) establishing and operating a user-friendly system enabling the user to rate content falling under Section 48 (1),
- (f) establishing and operating a transparent, user-friendly and effective procedure for the handling and resolution of users' complaints in relation to the implementation of the measures referred to in (c) to (e), (h) and (i);
- g) implementing effective media literacy measures and tools, and raising users' awareness of those measures and tools,
- h) providing for user-controlled parental control system to control content that may impair the physical, mental or moral development of minors,
- i) putting in place and operating a system for verifying the age of users for access to content that may impair the physical, mental or moral development of minors.

(2) A video-sharing platform provider shall take measures under Section 48 that are feasible and appropriate in terms of the scale and nature of the video-sharing platform considering

- a) the nature of the content provided,

- b) the harm that the content could cause,
- c) the group of persons to be protected,
- d) rights and legitimate interests, including the interests of the video-sharing platform provider and users who have uploaded or created content,
- e) the general public interest.

(3) Measures taken under Section 48 shall not lead to any ex-ante control measures or upload-filtering of content infringing separate legislation.<sup>31)</sup>

(4) Personal data of minors collected or otherwise generated by a video-sharing platform provider pursuant to paragraph 1 (h) and (i) shall not be processed for commercial purposes.

Section 50 [\[DS\]](#)

### **Assessment of the appropriateness of public protection measures**

(1) A video-sharing platform provider is obliged to submit to the Regulator, upon request, the information necessary to assess the appropriateness of the measures taken pursuant to Section 48.

(2) The Regulator shall assess the appropriateness of the measures taken based on the information provided pursuant to paragraph 1; if the Regulator finds that the information provided is insufficient for the assessment of the appropriateness of the measures taken, it may request additional information from the video-sharing platform provider.

Section 51 [\[DS\]](#)

### **Obligations in relation to media commercial communication**

(1) A video-sharing platform provider is subject to the obligations set forth in Sections 72 (2), 73, 74, 75 (1) and (3), 76, 77 (1) and 78 in relation to media commercial communication which it markets, sells or arranges.

(2) A video-sharing platform provider is obliged to inform end users in a comprehensible way that a program or a user-generated video contains media commercial communication if it has knowledge of this fact or if it has been notified of this fact in a manner pursuant to Section 49 (1) (b).

Section 52 [\[DS\]](#)

### **Settlement of disputes**

(1) A dispute between a user of a video-sharing platform and the video-sharing platform provider concerning the application of Section 48 and Section 49 (1) to (3) may be resolved out-of-court in accordance with separate legislation<sup>32)</sup> or through a procedure before the Regulator pursuant to paragraphs 2 and 3.

(2) A user of a video-sharing platform may submit a dispute settlement application to the Regulator if their complaint has not been handled by the video-sharing platform provider at all or in a manner set in advance by the video-sharing platform provider.

(3) The Regulator shall examine an application under paragraph 2 and propose a method of settling the dispute.

(4) The provisions of paragraphs 1 to 3 are without prejudice to the rights of a user of a video-sharing platform and a video-sharing platform provider to resolve disputes between them by filing a lawsuit.

## **DIVISION EIGHT**

### **MULTIMODAL ACCESS AND MULTIMODAL ACCESS SERVICES**

#### **TITLE ONE**

#### **MULTIMODAL ACCESS**

Section 53 [\[DS\]](#)

#### **Subtitles for persons with hearing impairments**

(1) Subtitles for persons with hearing impairments are visualised text in the language of a broadcast or programme which

- a) is synchronised with the audio track of an audiovisual work or programme,
- b) captures speech in an audiovisual work or programme in a way that enables persons with hearing impairments to understand its content, and
- c) does not have errors in writing or presentation that would significantly affect the overall comprehensibility of the captured speech in the audiovisual work or in the programme,
- d) is in compliance with the requirements established by an act of general application issued by the Ministry of Culture pursuant to paragraph 2.

(2) An act of general application issued by the Ministry of Culture shall establish the requirements to be met by subtitles for persons with hearing impairments accompanying audiovisual works, programmes of a television programme service and programmes of an on-demand audiovisual media service.

#### Section 54 [\[DS\]](#)

##### **Audio description**

Audio description is a spoken description of the visual parts of an audiovisual work or programme in the language of the broadcast or programme which

- a) is placed in passages of an audiovisual work or programme without the voice of the performers and delivered in a voice different from the original voices of the audiovisual work or programme,
- b) describes the non-verbal expressions and activities of the performers, the scene, situations, objects, clothing and other visual elements that are important for an overall understanding of the audiovisual work or programme.

##### **Multimodal access in television broadcasting**

#### Section 55 [\[DS\]](#)

##### **Obligation of a broadcaster to provide multimodal access**

(1) A public service broadcaster shall ensure multimodal access to its broadcast television programme services such that, in all of them,

- a) all programmes are accompanied by subtitles for persons with hearing impairments or interpreted into Slovak sign language or presented in Slovak sign language, and
- b) at least 50% of all broadcast programmes are accompanied by an audio description.

(2) The share of programmes referred to in paragraph 1 (b) shall be calculated as the share of the broadcasting time of programmes with multimodal access in the broadcasting of all the television programme services of the public service broadcaster in the total broadcasting time of programmes in the broadcasting of all the television programme services of the public service broadcaster in a calendar quarter.

(3) An eligible broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 25% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments or interpreted into Slovak sign language or presented in Slovak sign language, and
- b) 10% of all broadcast programmes are accompanied by an audio description.

(4) The share of programmes referred to in paragraph 3 shall be calculated as the share of the broadcasting time of programmes with multimodal access in the broadcasting of all the television programme services of the broadcaster in the total broadcasting time of programmes in the broadcasting of all the television programme services of the broadcaster in a calendar quarter.

(5) The broadcasting time referred to in paragraphs 2 and 4 shall not include the broadcasting time of programmes broadcast between 02.00 and 05.00, nor the broadcasting time of sports programmes, music programmes and programmes of which music is a major component. The obligation under paragraph 1 (a) shall not

apply to music programmes and programmes of which music is a major component.

(6) A broadcaster shall provide multimodal access to all broadcast parts of a programme that is a serial or a series if it has provided multimodal access to even one part of it.

(7) A broadcaster shall clearly identify all programmes that are accompanied by subtitles for persons with hearing impairments, audio description or that are interpreted into Slovak sign language or presented in Slovak sign language, and inform the Regulator of the means of identification used for such programmes. The broadcaster shall not use the same means of identification for other programmes.

(8) A broadcaster shall present the means of identification under paragraph 7 during programme broadcasts, in the broadcaster's own programme guide and in the schedule of programmes that it provides to third parties for publication.

(9) Paragraphs 1 to 8 do not apply to local broadcasting or broadcasting to other countries.

#### Section 56 [\[DS\]](#)

##### **Provision of data on programmes broadcast with multimodal access**

(1) A broadcaster shall, when so requested, provide the Regulator with the information needed to check fulfilment of the obligations laid down in Section (55), which is:

- a) information on the percentage, number and duration of broadcast programmes accompanied by subtitles for persons with hearing impairments, audio description, interpretation into Slovak sign language, or presentation in Slovak sign language,
- b) a list of broadcast programmes accompanied by subtitles for persons with hearing impairments, audio description, interpretation into Slovak sign language or presentation in Slovak sign language, stating the date of their broadcast within the programme service.

(2) A broadcaster shall deliver the information under paragraph 1 to the Regulator within 15 days from delivery of the Regulator's request for such information.

#### Section 57 [\[DS\]](#)

##### **Action plan to provide multimodal access in the broadcasting of a television programme service**

(1) An eligible broadcaster shall draw up an action plan for a period of three years aimed at permanently and progressively implementing compliance with this act in respect of multimodal access to the television programme service for persons with disabilities.

(2) The eligible broadcaster shall publish the action plan on the website of its programme service, if it has such a website, and then submit it to the Regulator by 31 December of the calendar year preceding the three-year period covered by the action plan. The Regulator shall publish the submitted action plan on its website.

(3) An eligible broadcaster shall submit an ex-post evaluation of the action plan to the Regulator by 31 March of the calendar year following the period of three years to which the action plan relates. Paragraph 2 shall apply mutatis mutandis to the publication of the ex-post evaluation of the action plan.

##### **Multimodal access to an on-demand audiovisual media service**

#### Section 58 [\[DS\]](#)

##### **Obligation of the on-demand audiovisual media service provider to provide multimodal access**

(1) The on-demand audiovisual media service provider shall ensure that across all the on-demand audiovisual media services that they supply at least

- a) 25% of the total number of programmes offered in all catalogues are programmes accompanied by subtitles for persons with hearing impairments or interpreted into Slovak sign language or presented in Slovak sign language,
- b) 10% of the total number of programmes offered in all programme catalogues are programmes that are accompanied by an audio description.

(2) The share of programmes referred to in paragraph 1 shall be calculated as the share of the total number of programmes with multimodal access offered in the catalogues of programmes of all on-demand

audiovisual media services offered by the on-demand audiovisual media service provider in the total number of programmes offered in the catalogues of all on-demand audiovisual media services provided by the on-demand audiovisual media service provider in a calendar month.

(3) For the purposes of calculating the share referred to in paragraph 1, programmes which were included in a programme catalogue before 1 August 2022 and lack multimodal access shall not count towards the total number of programmes offered in the catalogues of all on-demand audiovisual media services provided by an on-demand audiovisual media service provider per calendar month.

(4) When calculating the share referred to in paragraph 1, sports programmes, music programmes and programmes of which the musical component forms a substantial part will not count towards the total number of programmes offered in the catalogues of all on-demand audiovisual media services that a provider of on-demand audiovisual media services provides per calendar month.

(5) An on-demand audiovisual media service provider shall clearly identify all programmes that are accompanied by subtitles for persons with hearing impairments, audio description or that are interpreted into Slovak sign language or presented in Slovak sign language, and inform the Regulator of the means of identification used for such programmes.

(6) The on-demand audiovisual media service provider shall apply the means of identification under paragraph 5 in its programme catalogue.

(7) The provision of Section 14 (6) shall apply mutatis mutandis to multimodal access to an on-demand audiovisual media service.

#### Section 59 [\[DS\]](#)

##### **Provision of data on programmes with multimodal access provided as part of an on-demand audiovisual media service**

(1) For the purpose of monitoring the fulfilment of the obligations under Section 58, the on-demand audiovisual media service provider shall submit to the Regulator, on request

a) data on the percentage and number of programmes offered in the programme catalogue that are accompanied by subtitles for persons with hearing impairments, audio description, interpretation into Slovak sign language, or presentation in Slovak sign language,

b) a list of programmes offered in the programme catalogue that are accompanied by subtitles for persons with hearing impairments, audio description, interpretation into Slovak sign language or presentation in Slovak sign language, stating the period in which they were offered in the on-demand audiovisual media service.

(2) The on-demand audiovisual media service provider shall deliver data under paragraph 1 to the Regulator within 15 days from delivery of the Regulator's request for such data.

#### Section 60

##### **Action plan to provide multimodal access in the provision of an on-demand audiovisual media service**

(1) The on-demand audiovisual media service provider shall draw up an action plan for a period of three years aimed at permanently and progressively implementing compliance with this act in respect of multimodal access to the on-demand audiovisual media service for persons with disabilities.

(2) The provisions of Section 57 (2) and (3) shall apply mutatis mutandis to the submission and publication of the action plan and to the submission and publication of the ex-post evaluation of the action plan.

## TITLE TWO

### MULTIMODAL ACCESS SERVICES

#### Section 60a

##### **Definition of a multimodal access service**

A multimodal access service is a service providing access to a content service transmitted by electronic communication networks used to identify, select, receive information about, or view a programme service or an on-demand audiovisual media service, including all elements provided, in particular subtitles for persons with hearing impairments, audio description and interpretation into Slovak sign language, which are the result of the

implementation of measures for ensuring multimodal access pursuant to Sections 53 to 56; a multimodal access service includes, in particular, electronic programme guides, websites, online applications, set-top box applications, downloadable applications, services provided via mobile devices including mobile applications and related media players, as well as hybrid television services.

#### Section 60b

##### **Obligations of the multimodal access service provider**

(1) The multimodal access service provider shall ensure that

- a) there is an electronic programme guide that is perceivable, operable, understandable, reliable and provides information on its availability and accessibility for the deaf and the blind,
- b) the multimodal access is provided in full, at a level of quality sufficient for accurate display that is well synchronised with sound and image, while allowing the user to control the display and functionality.

(2) The multimodal access service provider shall prepare information for the assessment of compliance with the obligations under paragraph 1, including in particular:

- a) a general description of the multimodal access service in accessible formats,
- b) descriptions and explanations necessary to understand how the multimodal access service works, and
- c) a description of how the multimodal access service meets the requirements set forth in paragraph 1.

(3) The multimodal access service provider is obliged to make the information referred to in paragraph 2 available to the public in written and audio form, in a way that is also accessible to persons with disabilities. The multimodal access service provider shall keep this information for the entire duration of the provision of the service.

(4) The multimodal access service provider has the rights and obligations of a service provider under separate legislation.<sup>32a)</sup>

(5) Paragraphs 1 to 4 do not apply to a multimodal access service provider that is micro-enterprise.<sup>32b)</sup>

#### **DIVISION NINE**

##### **PROTECTION OF HUMAN DIGNITY AND HUMANITY AND PROTECTION OF MINORS**

#### Section 61 [\[DS\]](#)

##### **Protection of human dignity and humanity**

(1) A content service provided by a broadcaster or an on-demand audiovisual media service provider shall respect human dignity, in particular it shall not

- a) promote war or describe cruel or other inhumane behaviour in ways that inappropriately trivialise, excuse or condone such behaviour,
- b) disseminate or make available to the public information constituting public provocation to commit any of the offences of terrorism or public condoning of any of the offences of terrorism,
- c) promote violence or incite violence or hatred in an open and hidden form, denigrate or defame on the basis of gender, race, skin colour, language, faith and religion, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic characteristics, citizenship, membership of a nationality or ethnic group,
- d) depict, without justification, scenes of actual violence where the actual process of dying is highlighted in an inappropriate form, or depict persons subjected to physical or mental suffering, with special regard to victims of crime or their relatives, in a way which is considered a violation of human dignity.

(2) A content service provider that is a hosting service provider,<sup>33)</sup> shall

- a) take special measures to protect against the dissemination of terrorist content<sup>34)</sup> pursuant to separate legislation<sup>35)</sup> and declare them to the Regulator,
- b) remove terrorist content or disable access to terrorist content upon receipt of a removal order<sup>36)</sup> pursuant to

separate legislation.<sup>37)</sup>

(3) The content service provider shall ensure that it does not allow an end-user or the public to access, directly or through the content service that it provides, content or services whose provision to any natural or legal person, entity or body or their representatives or intermediaries is prohibited under separate legislation<sup>38)</sup>.

## Section 62 [\[DS\]](#)

### **Protection of minors**

(1) A broadcaster and the on-demand audiovisual media service provider shall ensure that programmes or other elements of their programme service or on-demand audiovisual media service which

a) may impair the physical, mental or moral development of minors are made available only in such a way that minors cannot normally hear or see such programmes or other components of a programme service or an on-demand audiovisual media service,

b) contain pornography or coarse, unjustified violence, are provided only where technical measures are in place to prevent access by minors, in particular coding or effective parental control.

(2) 'Minor', for the purposes of this act, means a person under 18 years of age.

(3) 'Depiction of unjustified violence', for the purposes of this act, means the dissemination of reports, verbal expressions or images where violent content is unnecessarily highlighted in relation to the context of such reports, verbal expressions or images.

(4) Personal data <sup>39)</sup> of minors collected or otherwise generated by a broadcaster or an on-demand audiovisual media service provider in carrying out obligations under paragraph 1 shall not be processed<sup>40)</sup> for commercial purposes.

(5) The inclusion of a programme in a broadcast between 10.00 and 18.00 fulfils the obligation under paragraph 1 (a).

(6) A broadcaster and the on-demand audiovisual media service provider shall determine the age suitability of a broadcast or provided programme and the types of potentially harmful content contained therein using the unified labelling system<sup>41)</sup> and apply that scheme consistently.

(7) Paragraph 6 shall not apply to a broadcaster or an on-demand audiovisual media service provider applying another accepted labelling system.<sup>42)</sup>

(8) If a broadcaster or an on-demand audiovisual media service provider applies another accepted labelling system and is the person placing the labelled act of communication on the market,<sup>43)</sup> the procedure and conditions laid down in separate legislation<sup>44)</sup> shall apply to the assessment of the age suitability of a broadcast or provided programme and the type of potentially harmful content contained therein.

(9) A broadcaster and an on-demand audiovisual media service provider shall publish an indication of the age suitability of a broadcast or provided programme and the type of potentially harmful content contained therein that has been identified by them pursuant to paragraph 6 or paragraph 8 or has been identified by another person placing the labelled act of communication on the market pursuant to separate legislation.<sup>43)</sup>

(10) A broadcaster shall present an indication of the age suitability of a broadcast programme and the type of potentially harmful content contained therein

a) during the broadcasting of the programme and the broadcasting of a trailer for the programme; the trailer for a programme is given the same label as the programme itself,

b) in the broadcaster's own programme guide,

c) in the schedule of programmes that it provides for publication to third parties.

(11) The on-demand audiovisual media service provider shall publish an indication of the age suitability of the programme provided and the type of potentially harmful content contained therein in the programme catalogue of the on-demand audiovisual media service.

(12) A broadcaster of a programme service shall schedule programmes or other parts of a programme service taking account of the specified age suitability of the programmes and the type of potentially harmful content contained therein.

(13) Detailed procedures for carrying out the duties under paragraphs 6 and 9 to 12 shall be laid down in an act of general application.<sup>45)</sup>

(14) The provisions of paragraphs 6 to 10 and 12 shall not apply to the local broadcast of a programme service or to programmes of local broadcasting which are provided as part of a catalogue of programmes of an on-demand audiovisual media service where the broadcaster of the programme service and the on-demand audiovisual media service provider are the same person.

## **DIVISION TEN**

### **EUROPEAN WORKS AND INDEPENDENT PRODUCTION**

Section 63 [\[DS\]](#)

#### **European work**

(1) 'European work', for the purposes of this act, means a work originating from

a) a Member State

b) one of the European states which is a contracting party to the European Convention on Transfrontier Television ("State Party"), if applies no discriminatory measures against works under (a) and the works fulfil the conditions of paragraph 2,

c) a co-production within the framework of agreements related to the audiovisual sector concluded between the European Union and third countries that fulfil the conditions defined in each of those agreements, if such third countries do not have discriminatory measures against works under (a).

(2) A work falling under paragraph 1 (a) and (b) is a work mainly made with authors and workers residing or having long-term residence in one or more Member States, or one or more European states that are States Party provided that

a) it is made by one or more producers whose head office, business establishment or residence is in one or more of those States, or

b) production of the work is controlled by one or more producers with their head office, business establishment or residence in one or more of those States, or

c) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers with their head office, business establishment or residence outside those States.

(3) A work produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall also be deemed to be a European work provided that the co-producers from Member States supply a majority share of the total cost of production and that the production is not controlled by one or more producers with their head office, business establishment or residence outside the territory of the Member States.

Section 64

#### **European works in the broadcasting of a television programme service**

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

Section 65

#### **Independent production**

(1) An independent production is a programme made by an independent producer<sup>46</sup> for the purpose of presentation in broadcasting.

(2) For the purposes of this act, a programme produced by an independent producer is defined as a



programme produced by an independent producer or for the production of which an independent producer has contributed at least 51% of the total cost of its production.

(3) A programme shall not be deemed an independent production if it is based on a principle of direct contact with the audience inseparable from the broadcasting itself, particularly news, live coverage of sports events, games, advertising communication and teleshopping.

#### Section 66

### **Independent production in the broadcasting of a television programme service**

(1) An eligible broadcaster shall reserve at least 10% of total broadcasting time in each calendar quarter for European works created by producers independent of broadcasters and a public service broadcaster shall ensure that European independent production represents at least 15% of total broadcasting time in each calendar quarter on each programme service individually; the calculation of the total broadcasting time shall exclude time dedicated to news, sports events, games, teletext and ancillary broadcasting including advertising communication and teleshopping.

(2) A broadcaster shall ensure that, within the broadcasting time allocated to European works produced by independent producers, the broadcasting of recent works accounts for at least 10%; a recent work is defined as a work broadcast within five years of production.

(3) The conditions laid down in paragraph 1 are also considered to be fulfilled if an eligible broadcaster has allocated at least 10%, and in the case of a public service broadcaster at least 15% of the programme budget for television broadcasting, including costs for the purchase and production of programmes, for European works created by independent producers.

#### Section 67

### **Restrictions on independent producer**

Cross ownership between the broadcaster of a television programme service and an independent producer is prohibited.

#### Section 68

### **Information duty of the broadcaster of a television programme service**

(1) The broadcaster of a television programme service shall assist the Regulator in checking compliance with the obligations laid down in Sections 64, 66 and 67 by supplying, on request, the following data:

- a) data on the percentage, number and duration of broadcast European works, their identification and the identification of their producers,
- b) data on the percentage, number and duration of broadcast European works made by independent producers including identification of such works and their producers or documentation on spending from the programme budget for production or purchase of European works made by independent producers, including identification of the producers,
- c) a list of broadcast European works made by independent producers, including the date of their creation.

(2) A broadcaster shall deliver the data under paragraph 1 to the Regulator within 15 calendar days from delivery of a request from the Regulator for data under paragraph 1.

#### Section 69

(1) The provisions of Sections 64 and 66 do not apply to

- a) local broadcasting of a television programme service and
- b) the broadcasting of a programme service where the Regulator has decided, pursuant to paragraph 2, to set a smaller quota of European works or independent productions, or has decided that the setting of a quota of European works and independent productions should be entirely eliminated.

(2) Based on a broadcaster's request and consideration of the thematic orientation of the programme service and the availability of European works or independent productions, the Regulator may issue:

a) a decision setting a smaller quota of European works or independent productions than the quota stipulated in Section 64 or Section 66, or

b) a decision entirely eliminating a quota of European works or independent productions.

(3) When applying for an exemption pursuant to paragraph 2, a Broadcaster shall prove or duly justify the impossibility of meeting the quota of European works stipulated in Section 64 or the share of independent productions stipulated in Section 66 due to the thematic orientation of the programme service and the availability of European works or independent productions.

(4) If there is a change in the facts justifying the reduction or exclusion of the quota of European works or independent productions, the Regulator shall, even on its own initiative, determine an increase in the quota for European works or independent productions.

## Section 70

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

(1) The on-demand audiovisual media service provider shall reserve at least 30% of the total number of programmes offered in the catalogue of programmes per calendar month for European works, in each on-demand audiovisual media service individually, and give appropriate prominence to such works.

(2) For the purposes of paragraph 1, giving prominence to audiovisual works means providing facilitated access to them, in particular through the presentation of a specific offer of European works in the programme catalogue or the possibility to search for European works in a search engine.

(3) Paragraph 1 shall not apply to an on-demand audiovisual media service where the Regulator has decided, pursuant to paragraph 4, to set a smaller quota of European works, or where the Regulator has decided that the setting of a quota of European works is entirely eliminated.

(4) The Regulator shall, at the request of the on-demand audiovisual media service provider, issue a decision setting a smaller quota of European works than the quota provided for in paragraph 1 or decide that setting a quota of European works is entirely eliminated due to

a) the low turnover of the on-demand audiovisual media service provider,

b) the low audience of an on-demand audiovisual media service, or

c) the thematic orientation of an on-demand audiovisual media service.

(5) In its request for an exemption pursuant to paragraph 4, the on-demand audiovisual media service provider shall prove or duly justify the facts pursuant to paragraph 4 (a) or (b) and the impossibility or lack of justification of the quota stipulated in paragraph 1 for a reason under paragraph 4 (c).

(6) If there is a change in the facts justifying the reduction or elimination of the quota of European works, the Regulator shall, even on its own initiative, determine an increase in the quota for European works.

(7) The fulfilment of the conditions of low turnover under paragraph 4 (a) and low audience under paragraph 4 (b) shall be assessed in accordance with the guidelines of the Commission, which the Regulator shall publish on its website.

(8) The on-demand audiovisual media service provider is obliged to deliver to the Regulator, within 15 days from the date of receipt of the Regulator's request, a list of information on European works that are included in its on-demand audiovisual media service, including information on the number of titles that are European works, their identification and the identification of their producers and information on other measures taken to give prominence to European works.

## **DIVISION ELEVEN**

### **MEDIA COMMERCIAL COMMUNICATION AND OTHER FORMS OF PROMOTION**

#### **TITLE ONE**

#### **GENERAL PROVISIONS ON MEDIA COMMERCIAL COMMUNICATION**

#### Section 71 [\[DS\]](#)

### **Media commercial communication**

(1) Media commercial communication is information in sound, pictures or audiovisual presentation designed to promote, directly or indirectly, the goods, services or reputation of a person pursuing an economic activity and which

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

b) is an advertising programme service.

(2) The main categories of media commercial communication are

a) advertising communication

b) teleshopping,

c) sponsorship,

d) product placement,

e) an advertising programme service and

f) an advertising programme.

Section 72 [\[DS\]](#)

### **Surreptitious media commercial communication**

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

(2) Surreptitious media commercial communication is prohibited.

Section 73 [\[DS\]](#)

### **Distinguishability of media commercial communication**

(1) Media commercial communication shall be readily distinguishable from other parts of a programme service or on-demand audiovisual media service.

(2) Media commercial communication exploiting human subliminal perception is prohibited.

### **Restrictions on media commercial communication**

Section 74 [\[DS\]](#)

### **General restrictions on media commercial communication**

Media commercial communication shall not

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

b) include or promote any discrimination based on sex, race, skin colour, language, faith and religion, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic characteristics, citizenship, membership of a nationality or ethnic group,

c) encourage behaviour prejudicial to health or safety,

d) encourage behaviour that is grossly prejudicial to the protection of the environment.

Section 75 [\[DS\]](#)

### **Restrictions on media commercial communication for medicinal products**

(1) Media commercial communication promoting a medicinal product subject to medical prescription or veterinary prescription and medical treatment paid for under public health insurance<sup>47)</sup> is prohibited.

(2) Media commercial communication for medicinal products containing narcotic or psychotropic substances and preparations,<sup>48)</sup> are prohibited.

(3) Media commercial communication for medicinal products shall not contain any element that

- a) gives the impression that a medical examination or medical procedure is unnecessary,
- b) offers a diagnosis or a method of treatment by correspondence,
- c) gives the impression that the effects of the medicinal product are guaranteed and are not accompanied by any undesirable effects or are better or the same as the effects of another medicinal product or other treatment,
- d) suggests that a person's good health could be improved by use of the medicinal product,
- e) suggests that a person's good health could be affected by non-use of the medicinal product,
- f) addresses exclusively or mainly children,
- g) contains a recommendation from scientists, healthcare professionals or well-known persons who, by virtue of their popularity, may encourage the consumption of medicinal products,
- h) likens the medicinal product to a foodstuff, cosmetic product or other consumer goods,
- i) gives the impression that the safety or efficacy of the medicinal product lies in its natural origin,
- j) may, by a description or detailed illustration of a medical case history, lead to mistaken self-diagnosis,
- k) refers in an excessive, threatening or deceptive manner to evidence of cured disease,
- l) uses an excessive, frightening or manifestly misleading way to depict changes in the human body caused by disease or injury and illustrate the effect of the medicinal product on these changes in the human body.

(4) Media commercial communication for medicinal products, with the exception of sponsorship and product placement, shall

- a) be composed in such a way that it is clear that the information is a media commercial communication and that the product that is the subject of the media commercial communication can be clearly identified as a medicinal product,
- b) contain
  1. the name of the medicinal product or active substance, only if it contains one active substance,
  2. information necessary for the proper use of the medicinal product,
  3. a definite and comprehensible warning to read carefully the instructions for the correct use of the medicinal product included in the written information for users of the medicinal product that it is packed with,
  4. the text: "traditional herbal medicinal product intended for use in specified indication(s) exclusively based upon long-standing experience", if the subject of the media commercial communication is a traditional herbal medicinal product.<sup>49)</sup>

(5) The restrictions referred to in paragraphs 1 and 2 and paragraph 3 (e) do not apply to a vaccination campaign organised by a marketing authorisation holder or their representative, which has been authorised by the Ministry of Health of the Slovak Republic pursuant to separate legislation.<sup>50)</sup>

Section 76 [\[DS\]](#)

### **Restrictions on media commercial communication for alcohol**

(1) Media commercial communication for alcoholic beverages<sup>51)</sup>

- a) shall not be aimed at minors,
- b) shall not encourage immoderate consumption of alcoholic beverages.

(2) Media commercial communication for alcoholic beverages in the broadcast of a programme service

and in an on-demand audiovisual media service, with the exception of sponsorship and product placement, shall not

- a) be specifically addressed to minors or depict minors consuming such beverages,
- b) link consumption of alcoholic beverages to enhanced physical performance or to driving a motor vehicle,
- c) claim that alcoholic beverages have therapeutic qualities, are a stimulant or sedative, or help to resolve personal problems,
- d) create the impression that consumption of alcohol contributes towards social and sexual success,
- e) depict abstinence or sobriety in a negative light,
- f) place emphasis on a beverage's alcohol content as a mark of its quality.

#### Section 77 [\[DS\]](#)

##### **Restrictions on media commercial communication for other products**

(1) Media commercial communication for cigarettes, other tobacco products, electronic cigarettes and refill containers for electronic cigarettes is prohibited. Evasion of this prohibition through the use of brand names, trademarks, emblems or other recognisable marks of such products is prohibited.

(2) Media commercial communication is prohibited in respect of the following:

- a) the need for or availability of organs, tissues and cells<sup>52)</sup> in connection with the offering or acquisition of financial gain or comparable advantages,
- b) initial infant formula,<sup>53)</sup>
- c) guns or ammunition.<sup>54)</sup>

#### Section 78 [\[DS\]](#)

##### **Media commercial communication and protection of minors**

Media commercial communication shall not cause physical, psychological or moral detriment to minors by

- a) directly exhorting minors to
  1. purchase or rent goods or services by exploiting their inexperience or credulity,
  2. purchase or rent goods or services that are prohibited from sale to such persons under applicable legislation,<sup>55)</sup>
  3. persuade their parents or other persons to purchase the goods or services being advertised,
- b) exploiting the special trust that minors place in parents, teaching staff or other persons or
- c) showing minors in dangerous situations without justification.

#### Section 79 [\[DS\]](#)

##### **Media commercial communication and its commissioning parties**

A broadcaster of a programme service and the on-demand audiovisual media service provider shall ensure that a party commissioning media commercial communication cannot in any way influence the content of programmes, a programme service or an on-demand audiovisual media service, nor the scheduling of programmes in the case of broadcasting or the listing of programmes in the catalogue of programmes in the case of an on-demand audiovisual media service, in any way that would compromise the editorial responsibility or editorial independence of the broadcaster or on-demand audiovisual media service provider .

#### Section 80 [\[DS\]](#)

##### **Special obligations of a broadcaster not subject to a self-regulatory mechanism**

A broadcaster not subject to any of the self-regulatory mechanisms registered under this act which regulate the area of media commercial communication shall ensure that media commercial communication, other than product placement, for

- a) spirits<sup>56)</sup> is not broadcast from 06.00 to 20.00,

- b) an erotic audiotext service, other erotic service or erotic goods is not broadcast between 06.00 and 22.00,
- c) conduct that leads to excessive indebtedness under unfavourable conditions, taking advantage of financial distress or insufficient financial literacy, or giving the impression that indebtedness is a solution to personal and financial problems and does not entail any risks, is not broadcast.

## TITLE TWO

### ADVERTISING COMMUNICATION AND TEleshopping IN BROADCASTING

#### **Advertising communication and teleshopping**

##### Section 81 [\[DS\]](#)

(1) 'Advertising communication' means any form of public communication broadcast in return for payment or for similar consideration, including for self-promotional purposes, intended to promote the sale, purchase or lease of goods or services, including immovable property, rights and obligations, or to achieve another effect pursued by the ordering party of the advertising communication or by the broadcaster.

(2) Teleshopping is a direct offer broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations in return for payment. Teleshopping can be in the following formats:

- a) a teleshopping spot,
- b) a teleshopping window with an uninterrupted duration of at least 15 minutes,

(3) A spot means a short commercial or teleshopping message placed in an advertising block or teleshopping window.

##### Section 82 [\[DS\]](#)

#### **General requirements for advertising communication and teleshopping**

(1) A broadcaster shall ensure that advertising communication and teleshopping in its broadcasting

- a) are fair and honest,
- b) do not prejudice the interests of consumers and does not misuse the consumer confidence,
- c) that are addressed to or use minors include nothing that could potentially harm their interests or take advantage of their special susceptibilities.

(2) A broadcaster shall ensure that all teleshopping in its broadcasting contains no exhortation for minors to order, sell or lease goods or services.

##### Section 83 [\[DS\]](#)

#### **Restrictions of the broadcasting advertising communication and teleshopping for medicinal products**

(1) Advertising communication for medicinal products shall be distinguishable and verifiable and meet the requirement of protecting an individual from harm.

(2) The broadcasting of teleshopping for medicinal products which are subject to a marketing authorisation under separate legislation, 33a) and teleshopping for medical treatment 33b) shall be prohibited.

##### Section 84 [\[DS\]](#)

#### **Form and presentation of advertising communication and teleshopping**

(1) Advertising communication and teleshopping shall be readily distinguishable and separated from other parts of the programme service in a way that prevents them being mistaken for other parts of the programme service; in the broadcasts of a radio programme service, acoustic means shall generally be used for separation, and in the broadcasts of a television programme service audiovisual, audio or spatial means may be used except in the case of a teleshopping window, for which audiovisual means shall be used.

(2) A television programme service shall broadcast advertising communication and teleshopping in advertising blocks separated from other parts of the programme service. Broadcasting of individual advertising spots or teleshopping spots is permissible specifically in the broadcasting of sports events, and in other cases only if they involve similarly structured events or if the broadcasting of an advertising block is impossible for objective reasons affecting the broadcaster.

(3) A broadcaster of a radio programme service that is not a public service broadcaster, may broadcast an advertising programme in the form of a programme for information purposes supporting the sale, purchase or lease of goods or services. The broadcaster shall clearly indicate the character of the programme at the start thereof.

#### Section 85 [\[DS\]](#)

A broadcaster shall ensure that newsreaders, hosts and reporters who appear in news programmes or current affairs programmes on its programme service do not appear in advertising communication or in teleshopping, either in pictures or in sound. The first sentence does not apply to self-promotion.

#### Section 86 [\[DS\]](#)

### **Insertion of advertising communication and teleshopping into broadcasting by a public service broadcaster**

(1) A public service broadcaster shall insert advertising communication and teleshopping into its television broadcasting only between individual programmes unless paragraph 2 provides otherwise. Interruptions of programmes by advertising communication or teleshopping are prohibited.

(2) Isolated broadcast advertising and teleshopping spots shall be inserted in the television broadcasts of a public service broadcaster only between individual parts or during breaks in programmes consisting of individual parts or during the transmission of public cultural events<sup>59)</sup> with breaks or during the transmission of sports events or similarly structured events.

#### Section 87 [\[DS\]](#)

### **Prohibition of programme interruption by advertising communication or teleshopping**

(1) To interrupt the broadcasting of religious services by advertising communication or teleshopping is prohibited.

(2) To interrupt the broadcasting of programmes intended for children by teleshopping is prohibited.

(3) To interrupt a television program intended for children, the planned duration of which is shorter than 30 minutes, by advertising communication is prohibited.

(4) To interrupt radio broadcasting of religious programmes by advertising communication or teleshopping is prohibited.

(5) To interrupt radio broadcasting by a public service broadcaster of programmes intended for children, news programmes, current affairs programmes, arts programmes and programmes about literature and drama by advertising communication or teleshopping is prohibited.

#### Section 88 [\[DS\]](#)

### **Interruption of the television programme by advertising communication or teleshopping**

(1) A broadcaster of a television programme service that is not a public service broadcaster shall ensure that the interruption of the broadcasting of programmes by advertising communication or teleshopping does not impair the integrity, value or character of the programme, including its natural internal breaks, while respecting the rights of rightsholders<sup>60)</sup> and complying with the conditions laid down in paragraphs 2 to 4.

(2) A broadcaster of a television programme service that is not a public service broadcaster may insert an interruption for advertising communication in a programme intended for children with a duration of over 30 minutes after each period of 30 minutes in the broadcasting of the programme.

(3) A broadcaster of a television programme service that is not a public service broadcaster may insert an interruption for advertising communication or teleshopping in a programme that is a serial, series or documentary and is not a programme intended for children without regard for the duration of the broadcast of such a programme.

(4) A broadcaster of a television programme service that is not a public service broadcaster may insert an

interruption for advertising communication or teleshopping in a programme that is a news programme or an audiovisual work<sup>(61)</sup> and not a programme intended for children or a series, serial or documentary film after each period of 30 minutes of broadcasting, even if the scheduled duration of the broadcast of such a programme does not exceed 30 minutes.

#### Section 89 [\[DS\]](#)

##### **Duration of advertising communication and teleshopping in the broadcasting of a public service broadcaster**

(1) The broadcast duration of advertising communication in the broadcasting of all television programme services of a public service broadcaster in a calendar day shall not exceed 0.5% of the total broadcasting time of all television programme services of the public service broadcaster in that calendar day. This share of broadcasting time may be increased to up to 2.5% of the total broadcasting time of all the television programme services of the public service broadcaster in a given calendar day by the time reserved for teleshopping spots.

(2) The broadcast duration of advertising communication in the broadcasting of a television programme service of a public service broadcaster shall not exceed eight minutes in a full hour between 19.00 and 22.00

(3) The restrictions laid down in paragraph 1 shall not apply to advertising communication broadcast in direct connection with the broadcast of sports or cultural events if the advertising communication is a necessary condition for obtaining the television broadcasting rights to the sports or cultural event. Advertising communication directly linked to the broadcast of a sports or cultural event under the previous sentence shall not exceed more than 15% of the daily broadcasting time of all the television programme services of the public service broadcaster.

(4) The broadcast duration of advertising communication and teleshopping broadcast in a radio programme service of a public service broadcaster shall not exceed 3% of its daily broadcasting time. The total broadcast duration of advertising communication and teleshopping in the broadcasting of all radio programme services of a public service broadcaster shall not exceed 20% of the total broadcasting time of all radio programme services of the public service broadcaster in a given calendar day.

#### Section 90 [\[DS\]](#)

##### **Duration of advertising communication and teleshopping in the broadcasting of an eligible broadcaster**

(1) The broadcast duration of advertising spots and teleshopping spots in broadcasting between 06.00 and 18.00 shall not exceed 20% of that period. The broadcast duration of advertising spots and teleshopping spots in broadcasting between 18.00 and 24.00 shall not exceed 20% of that period.

(2) The restrictions laid down in paragraph 1 shall not apply to the broadcasting of a teleshopping window.

(3) The broadcast duration of advertising communication and teleshopping in the broadcasting of a radio programme service shall not exceed 20% of daily broadcasting time.

#### Section 91 [\[DS\]](#)

##### **Exceptions from the broadcasting time rules for advertising communication and teleshopping**

The calculation of the broadcast duration of advertising communication and teleshopping for the purposes of Sections 89 and 90 shall not include time for

- a) self-promotion in the case of
  1. a trailer, a broadcaster's announcement of ancillary products directly derived from its own programmes, its own programme service or its own on-demand audiovisual media service, or
  2. a broadcaster's announcement of programmes, a programme service or an audiovisual media service at the request of other entities belonging to the same media group,
- b) a sponsorship announcement,
- c) product placement and its identification,
- d) an advertising programme,
- e) a warning to read carefully the instructions for the correct use of a medicinal product included in the written information for users of the medicinal product that it is packed with,
- f) information that the broadcaster of a radio programme service is obliged to broadcast together with a advertising



communication pursuant to separate legislation,62)

(g) a neutral frame between editorial content and advertising communication or teleshopping spots, and between individual spots.

### TITLE THREE

### SPONSORSHIP

#### Section 92 [\[DS\]](#)

#### **Definition of sponsorship**

(1) 'Sponsorship' means any direct or indirect contribution to the financing of a programme, programme service, on-demand audiovisual media service, video-sharing platform service or user-generated video with a view to promoting the name, business name, trademark, reputation, goods or activity of the provider of the contribution.

(2) Sponsorship shall not include a contribution under paragraph 1 provided by a person who is a broadcaster, the on-demand audiovisual media service provider or a video-sharing platform provider and who produced or created the given programme or video.

(3) Sponsorship shall not include contributions from persons participating in crowdfunding under Section 103.

(4) 'Sponsor' means the person who has provided a contribution falling under paragraph 1.

#### Section 93 [\[DS\]](#)

#### **Sponsorship of a programme, programme service or on-demand audiovisual media service**

(1) A broadcaster of a programme service and an on-demand audiovisual media service provider shall ensure that individual programmes and series of programmes that are sponsored in whole or in part are clearly identified by a sponsorship announcement at the start of each programme, in the opening credits of the programme, during the programme, after any interruption of the programme, in the closing credits of the programme or at the end of the programme.

(2) 'Sponsorship announcement' means

a) an indication of the name, business name or the name and surname of the sponsor who provided the contribution, or

b) display of the sponsor's logo or a reference to the sponsor's product or service.

(3) A broadcaster or an on-demand audiovisual media service provider shall ensure that a sponsored programme, sponsored programme service or sponsored on-demand audiovisual media service does not directly promote the sale, purchase or lease of the goods or services of the sponsor or a third party, in particular by making special promotional references to such products or services in the sponsored programmes, programme service or on-demand audiovisual media services; this is without prejudice to a sponsorship announcement in the broadcasting of a radio programme service.

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

#### Section 94 [\[DS\]](#)

#### **Restrictions on the sponsorship of a programme, programme service or on-demand audiovisual media service**

(1) A programme, programme service or on-demand audiovisual media service shall not be sponsored by a person whose main activity is the production or sale of cigarettes, other tobacco products, electronic cigarettes or refill containers for electronic cigarettes.

(2) A programme or programme service shall not be sponsored by a person whose main activity is the production, sale or lease of weapons or ammunition.

(3) 'Main activity', for the purposes of this act, means an activity giving rise to more than 51% of the total

income of a person in a financial year; it is an activity in which the person engages commercially and for which the person is known to the public.

(4) A programme, programme service or on-demand audiovisual media service sponsored by a person whose activities include the manufacture or sale of medicinal products or medical treatments shall not promote the sale of medicinal products or the provision of medical treatments covered by public health insurance.

(5) Sponsorship of news programmes and current affairs programmes shall be prohibited. Programmes containing only information about cultural events, sport, weather or the traffic situation shall constitute an exception.

(6) The showing of a sponsor's logo during the broadcast of programmes intended for children is prohibited.

(7) Sponsorship of ancillary broadcasting in a television programme service shall be prohibited.

(8) Sponsorship of ancillary broadcasting other than announcements of the current time in a radio programme service shall be prohibited; sponsorship of announcements of the current time shall be regulated by the provisions of paragraphs 1 to 4 and Section 93 mutatis mutandis.

## TITLE FOUR

### PRODUCT PLACEMENT

#### Section 95 [\[DS\]](#)

#### **Definition of product placement**

'Product placement' means the representation by sound, image or audiovisual presentation of goods, services or a trademark that is included in a programme or user-generated video in return for payment or for similar consideration.

#### Section 96 [\[DS\]](#)

#### **Restrictions on product placement in programmes**

(1) Product placement shall be prohibited in the following programme types:

- a) a news programme,
- b) a current affairs programme,
- c) a consumer affairs programme,
- d) a religious programme, or
- e) a programme intended for children.

(2) Product placement by a person whose main activity is the production or sale of cigarettes, other tobacco products, electronic cigarettes or refill containers for electronic cigarettes shall be prohibited.

(3) A broadcaster or an on-demand audiovisual media service provider shall ensure that a programme in which product placement is authorised complies with the following conditions:

- a) it does not directly promote the purchase, sale or lease of goods or services, in particular by making specific references to those goods or services,
- b) undue prominence shall not be given to the goods or services in question,
- c) viewers are clearly informed of the existence of product placement by means of identification at the start and the end of the programme, and when a programme resumes after an advertising break.

(4) Paragraph 3 (c) shall not apply to a programme that was not produced by the broadcaster or by the on-demand audiovisual media service provider nor produced to order for the broadcaster or the on-demand audiovisual media service provider broadcasting or providing the programme, as long as the public is clearly informed of the existence of product placement.

(5) The provisions of paragraph 3 (b) and (c) shall not apply to a programme of a radio programme service

if the public is clearly informed of the existence of product placement.

## TITLE FIVE

### ADVERTISING PROGRAMME SERVICE

#### Section 97 [\[DS\]](#)

(1) An advertising programme service is

- a) a programme service dedicated exclusively to self-promotion and
- b) a programme service intended exclusively for broadcasting advertising communication and teleshopping.

(2) An advertising programme service is a monothematic programme service.

(3) The broadcasting of a programme service intended exclusively for advertising communication and teleshopping shall not be subject to the provisions of Sections 89 and 90. In a programme service intended exclusively for self-promotion, other forms of advertising communication are allowed only within the specified broadcasting time limits for advertising.

## TITLE SIX

### OTHER FORMS OF PROMOTION

#### Section 98 [\[DS\]](#)

##### **Definition of other forms of promotion**

(1) Other forms of promotion are

- a) political promotion,
- b) a message promoting religion or atheism,
- c) a charity appeal,
- d) a public interest campaign,
- e) an information campaign,
- f) information about the broadcaster's or provider's own programme,
- g) private advertising.

(2) 'Political promotion' means public statements intended for

- a) promotion of a political party, political movement, a member of a party, or a member of a political movement, or a candidate, and/or messages supporting or opposing such organisations or persons during an election campaign,
- b) the popularisation of the name, mark or slogans of a political party, political movement or a candidate.

(3) A message promoting religion or atheism is an act of public communication intended to promote or popularise religion or atheism, broadcast or released for a consideration or at least against payment of reasonable costs incurred in connection with its broadcast or provision, which is not media commercial communication promoting events, goods or services related to religion or atheism.

(4) A charity appeal is a message or set of messages broadcast or released free of charge or without any similar consideration, which includes an appeal or request to help a natural person, group of natural persons, social or charitable institutions or charitable foundations established to support such objectives.

(5) A public interest campaign is an announcement or set of announcements placed by a non-political subject, broadcast or released, as a rule, free of charge, aimed at increasing social skills, knowledge of the law, road safety or consumer protection, health, nature, the environment, at raising awareness or at presenting and providing access to culture or sport.

(6) Content shall also be deemed to be broadcast or released free of charge if the ordering party

reimburses reasonable costs incurred for the broadcasting or provision of content for a campaign in the public interest or a charity appeal.

(7) An information campaign is a message or set of messages financed from public funds or by a non-political entity encouraging broader civic engagement, calling for the exercise of rights or providing information on the use of public funds,<sup>63)</sup> especially in connection with the use of European Union funds, vaccination, participation in an election or referendum.

(8) Private advertising is a message placed by a natural person that is not placed in connection with the ordering party's business, employment or profession.

(9) Restrictions under the first title of this division also apply to other forms of promotion.

Section 99 [\[DS\]](#)

### **Restrictions on other forms of promotion**

The broadcasting of political promotion and messages promoting religion or atheism shall be prohibited, if separate legislation does not provide otherwise.<sup>64)</sup>

## **DIVISION TWELVE**

### **PLURALITY OF INFORMATION AND TRANSPARENCY OF OWNERSHIP AND PERSONAL RELATIONS**

#### **Ensuring the plurality of information**

Section 100 [\[DS\]](#)

(1) A broadcaster shall not broadcast a radio programme service by terrestrial broadcasting and, at the same time, broadcast a television programme service.

(2) A broadcaster shall not be the provider of a terrestrial multiplex in the territory of the Slovak Republic.

(3) The provisions of paragraph 1 shall not apply to a public service broadcaster. The provisions of paragraph 2 shall not apply to the broadcaster of an advertising programme service.

(4) The same person shall NOT be the beneficial owner of more than one content service provider if the combined market share of these providers in the entire advertising market of the Slovak Republic exceeds 60%.

Section 101 [\[DS\]](#)

#### **Impact on the impairment of the plurality of information**

(1) The Regulator shall assess the impact of a content service provider or media group on the plurality of information in the media and advertising markets and assesses the risk of impairment of the plurality of information from the exercise of such impact.

(2) A provider with a decisive impact on the plurality of information is a content service provider whose market share, either alone or together with other content services in a media group, exceeds 60% of the entire advertising market of the Slovak Republic.

(3) A provider with a relevant impact on the plurality of information is a content service provider whose market share, either alone or together with other content services in a media group, exceeds 30% of the entire advertising market of the Slovak Republic.

(4) A provider with a low impact on the plurality of information is a content service provider whose market share, either alone or together with other content services in a media group, is less than 30% of the entire advertising market of the Slovak Republic.

(5) The Regulator shall not grant consent under this act, or shall refuse a request for consent under this act if it would result in the acquisition of decisive impact on the plurality of information. The Regulator shall proceed in the same way if the acquisition of a relevant impact on the plurality of information would be capable of causing immediate harm to the plurality of information provided to the public.

(6) Detailed procedures for assessing impact on the plurality of information in the media market, assessing the advertising market and detailed procedures for assessing the risk of an impairment effect on the plurality of information shall be laid down in an act of general application to be issued by the Regulator.

Section 102 [\[DS\]](#)

**Impact on ensuring plurality of information**

(1) The Authority shall assess impact on ensuring plurality of information and assess the risk associated with such impact for a terrestrial multiplex provider; in this, the Authority shall cooperate with the Regulator.

(2) A decisive impact on the ensuring the plurality of information includes, in particular, the provision of terrestrial multiplexes by a single terrestrial multiplex provider in all parallel frequency reservations.

(3) A relevant impact on ensuring the plurality of information is, in particular, the absence of terrestrial multiplex provision by more than one terrestrial multiplex provider in multiple frequency layers.

(4) The Authority shall take into account the risks associated with a decisive impact on the ensuring the plurality of information and a relevant impact on the ensuring the plurality of information when determining an evaluation criterion pursuant to Article 203 (3) (f).

**Transparency of ownership and personal relations**

Section 103 [\[DS\]](#)

**Transparency of financing**

(1) If a content service is financed by crowdfunding, for example in the form of donations or similar benefits, the content service provider shall publish a list of persons providing financial benefits in excess of EUR 2,000 through crowdfunding in a calendar year.

(2) If crowdfunding for a content service or a content service provider is managed by a third party, the content service provider shall publish a list of persons providing financial contributions in excess of EUR 2,000 through crowdfunding in a calendar year.

(3) The content service provider shall publish a list of persons who have provided it with a donation or similar benefit without adequate consideration in a total amount greater than EUR 2,000 in a calendar year.

(4) The content service provider shall keep a list of persons who participate in crowdfunding of the content service or who provide a similar benefit to the content service provider without adequate consideration. The list shall include the forename and surname or business name of the person who provided the performance, their place of residence or registered office, the date of receipt of the benefit and the amount of the benefit; this does not apply to cases of non-cash payments from natural persons if the amount of financial gifts of a natural person in the relevant calendar month did not exceed EUR 50 and the list shall include the bank account number from which the payment was debited in IBAN format, the date when payment was credited and the amount of the credited payment.

(5) A content service provider shall publish the list pursuant to paragraphs 1 to 3 for a completed calendar year on their website no later than 31 March of the following year. The published list shall show the name and surname or business name of the person who provided the benefit, the date of receipt of the benefit and the amount of the benefit.

(6) The content service provider shall not accept a donation, or other similar benefit without adequate consideration in an amount greater than EUR 2,000 in a calendar year without identifying the person providing the performance within the scope of the data pursuant to paragraph 4. A content service provider shall not enter into a silent partnership agreement.<sup>65)</sup>

(7) Crowdfunding does not include funding in the form of a subscription or a service fee.

(8) The information that a content service provider is obliged to publish pursuant to paragraphs 1 to 3 shall also be communicated to the Regulator within the same period.

Section 104 [\[DS\]](#)

**Ownership and personal relations of a content service provider**

The Regulator shall assess the ownership and personal ties of a content service provider in order to examine whether the ownership and personal ties meet the following conditions:

a) transparency is ensured in respect of ownership relations or transparency or credibility is ensured in respect of the sources of financing intended to finance the provision of the content service,

b) there is no apparent risk that the content service could be misused directly or in conjunction with a foreign power to threaten the constitutional order, national security or the democratic system of fundamental rights and freedoms guaranteed by the [Constitution of the Slovak Republic](#), or to incite discrimination, intolerance or violence,

c) there is no apparent risk that the plurality of information and media content could be impaired,

d) it is not financed, directly or indirectly, by a terrorist organisation or by a person or state which is on a United Nations or European Union sanctions list.

#### Section 105 [\[DS\]](#)

##### **Assessment of plurality of information and transparency of relations by the Regulator**

(1) A broadcaster or another person shall, on request, submit to the Regulator for assessment the documents necessary to demonstrate compliance with the conditions and restrictions under this division.

(2) If it is demonstrated that the content service provider, with the exception of a multiplex provider, does not meet the conditions laid down in this division, the Regulator shall give the provider reasonable time for corrective action and, where appropriate, shall also suggest corrective action to take. If the situation is not remedied within the given period, the Regulator shall cancel eligibility to provide the content service concerned or shall remedy the situation in another way.

#### Section 106 [\[DS\]](#)

##### **Assessment of plurality of information and transparency of relations by the Authority**

(1) A Multiplex provider or another person shall, on request, submit to the Authority for assessment the documents necessary to demonstrate compliance with the conditions and restrictions under this division.

(2) If it is demonstrated that a multiplex provider does not meet the conditions and restrictions under this division, the Authority shall give the multiplex provider reasonable time to take corrective action. If the situation is not remedied within the given period, the Authority shall revoke the multiplex provider's terrestrial operating permit.

### **DIVISION THIRTEEN**

#### **COMMUNITY MEDIA**

#### Section 107 [\[DS\]](#)

##### **Community media**

(1) This act shall apply to a community medium that is community broadcasting or a community video service.

(2) Community broadcasting is a linear media service provided by a person other than an entrepreneur, which is not primarily of an economic nature, in particular local broadcasting whose purpose is not to make a profit, either directly or indirectly.

(3) A community video service is a non-linear media service provided by a person other than an entrepreneur, which is not primarily of an economic nature and is created as an offer of audiovisual communications composed by the provider, to which the service provider grants the user access individually or together in the form of a set of content, in particular a catalogue of local broadcast programmes which is not provided for the purpose of making a profit directly or indirectly.

(4) Community broadcasting in which the duration of advertising communication does not exceed 1% of the broadcasting time in each calendar day shall also be considered a community medium that is not primarily of an economic nature.

(5) A community medium whose revenues from media commercial communication and other forms of promotion in a marketing year do not exceed 5% of the community media provider's costs for community broadcasting or the provision of a community video service, at most EUR 100,000, shall also be considered a community medium that is not primarily of an economic nature.

(6) A community medium shall be subject exclusively to the obligations under Section 20 (4) (e), Section 61 and Sections 212 to 214, unless paragraphs 7 and 8 provide otherwise.

(7) The provisions of Division Eleven shall also apply to a community medium that contains media commercial communication or other forms of promotion. Community media falling under paragraphs 4 and 5 are subject to the same obligations as a broadcaster of a local broadcasting programme service in the case of community broadcasting or the same obligations as an on-demand audiovisual media service provider, with the exception of Sections 59 and 70, in the case of a community video service.

(8) A community medium falling under paragraph 5 shall demonstrate to the Regulator the fulfilment of the condition referred to in paragraph 5 within 60 days after the end of the marketing year.

## **DIVISION FOURTEEN**

### **EXECUTION OF STATE ADMINISTRATION AND SELF-REGULATION MECHANISMS**

#### **TITLE ONE**

#### **GENERAL PROVISIONS ON EXECUTION OF STATE ADMINISTRATION**

##### **Section 108 [\[DS\]](#)**

##### **Execution of state administration**

(1) State regulatory functions in the area of broadcasting, retransmission, the provision of on-demand audiovisual media services and the provision of content-sharing platforms within the scope covered by this act shall be carried out by the Regulator.

(2) The Ministry of Culture shall issue acts of general application under this act, unless they are issued by the Regulator, and it shall maintain the Register and represent the Slovak Republic in the Standing Committee on Transfrontier Television of the Council of Europe.

(3) The Commission for the Protection of Minors shall carry out state administration functions for the protection of minors in the scope defined in this act.

(4) Execution of state administration in the field of digital broadcasting and retransmission are also carried out by

a) the Ministry of Transport and Construction of the Slovak Republic ("Ministry of Transport"),

b) the Authority.

(5) The Ministry of Transport shall coordinate the activities of state administration bodies in the field of digital broadcasting. For these purposes, the Ministry of Transport shall establish an interdepartmental group; the statute and rules of procedure of the group shall be approved by the Ministry of Transport.

Ministries, other central state administration bodies and other state administration bodies shall cooperate with the Regulator on matters relating to broadcasting, retransmission, the provision of on-demand audiovisual media services and content-sharing platforms, and provide it with necessary cooperation in the scope specified by this act and separate legislation.<sup>66)</sup>

(7) The Authority and the Regulator shall cooperate in the regulation of digital broadcasting and provide the Ministry of Transport with necessary cooperation in this field.

#### **TITLE TWO**

#### **REGULATOR**

##### **Section 109 [\[DS\]](#)**

##### **Regulator's standing and mission**

(1) The Regulator shall be a state budgetary organisation whose financial affairs are in the budget line of the general treasury administration. In state administration in the areas of broadcasting, retransmission, the provision of on-demand audiovisual media services, the provision of content-sharing platforms, the provision of multimodal access services, the publication of periodical publications,<sup>67)</sup> the operation of news websites<sup>68)</sup> and the provision of agency services<sup>69)</sup>, it shall have the status of a state administration authority on the national level in the scope defined by this act.

(2) The Regulator shall supervise compliance with legislation governing broadcasting, retransmission, the provision of on-demand audiovisual media services, the provision of content-sharing platforms and the provision of multimodal access services. The Regulator shall also supervise compliance with legislation governing the publication of periodical publications, the operation of news websites and the provision of agency service, unless supervision is carried out by another supervisory body pursuant to separate legislation.<sup>70)</sup>

(3) The Regulator's mission shall be to

- a) promote the public interest in broadcasting, retransmission, the provision of on-demand audiovisual media services and the provision of content-sharing platforms,
- b) protect freedom of expression, the right to information and the right of access to cultural values and education, and
- c) carry out state regulatory functions in the area of broadcasting, retransmission, the provision of on-demand audiovisual media services, the provision of content-sharing platforms and the provision of multimodal access services

(4) The Regulator shall carry out its activities independently and transparently in accordance with the objectives of this act, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition.

(5) The Regulator shall not be a service office within the meaning of applicable legislation<sup>71)</sup> and shall consist of the Council and the Office, which is divided internally into departments. The details of the Regulator's organisation shall be defined in its organisational rules.

(6) Detailed rules on the activities of the Regulator and its bodies shall be governed by the statute of the Regulator.

#### Section 110 [\[DS\]](#)

### **Competence of the Regulator**

(1) The competence of the Regulator in state administration shall include decision-making on

- a) authorisation,
- b) registration,
- c) licensing,
- d) compliance with obligations and sanctions imposed under this act and separate legislation,<sup>72)</sup>
- e) European works, independent productions and Slovak musical works,
- f) plurality of information and transparency of ownership and personal relations, except where the Authority has competence in decision-making,
- g) assessing the appropriateness of public protection measures taken by the video-sharing platform provider.

(2) The competence of the Regulator in execution of state administration shall include

- a) issuing acts of general application pursuant to this act,
- b) supervising compliance with obligations laid down in this act and separate legislation,<sup>72)</sup>
- c) requesting recordings of broadcasting from broadcasters if necessary,
- d) monitoring and evaluating the operation of self-regulatory mechanisms and the self-regulatory bodies that enforce such mechanisms,
- e) resolving disputes and handling requests and submissions under this act,
- f) cooperating with the Commission in applying certain provisions of this act, in particular in compiling and publishing a list of events of major importance to the public,
- g) drawing up a list of events of major importance in collaboration with the Ministry of Culture and the Ministry of



Education, Science, Research and Sport of the Slovak Republic, rightsholders and broadcasters,

h) keeping records relating to those content service providers and provided content services whose records are not kept by another person pursuant to separate legislation<sup>73)</sup>,

i) compiling statistics on broadcast programmes and programmes provided in the framework of on-demand audiovisual media services based on the documents provided by broadcasters and the providers of on-demand audiovisual media services,

j) analysing the media market, including plurality of information and the advertising market.

(3) The Regulator's competence shall also include

a) participating in the drafting of acts of general application on broadcasting, retransmission, the provision of on-demand audiovisual media services and the provision of content-sharing platforms,

b) regularly submitting to the Commission

1. a report on the provision of programme services and on-demand audiovisual media services to persons with disabilities,

2. a report on the promotion of European works and independent productions in the broadcasting of a television programme service,

3. a report on the promotion of European works in the provision of on-demand audiovisual media services,

4. a report on support and measures taken for the development of media skills,

c) commenting on proposals to sign international treaties in areas regulated by this act, on their fulfilment, proposing the signing of international treaties or accession to them,

d) supervisory cooperation with the competent authorities designated by Member States for the enforcement of consumer rights protection legislation, with the Ministry of Economy of the Slovak Republic, the single liaison office and the Commission, where supervision and cooperation concerns media commercial communication and other forms of promotion under Division Eleven; in the exercise of supervision and cooperation, the Regulator shall proceed in accordance with separate legislation,<sup>74)</sup>

e) cooperating with the Authority regarding frequencies used for broadcasting,

f) warning the Council of Radio and Television Slovakia of any infringement of the duties of a public service broadcaster under this act,

g) initiating and conducting research and analytical activities in the media field for the purpose of monitoring and evaluating the situation in the media environment, in particular as regards the dissemination of hate speech, disinformation, content that may seriously impair the development of minors, cyberbullying, media literacy, media commercial communication, political promotion, internal and external media pluralism and the level of media freedom,

h) co-operating with self-regulatory bodies in areas regulated by this act,

i) creating co-regulatory mechanisms in areas regulated by this act,

j) initiating and carrying out activities promoting media literacy,

k) actively cooperating with partner regulatory authorities in Member States and their associations and organisations,

l) negotiating, in accordance with Sections 154 and 155, with the competent authority of another Member State,

m) co-operating with the Commission in areas regulated by this act,

n) taking part in the exchange of information and cooperating with international organisations or bodies of other countries with responsibilities in the areas regulated by this act,

o) participating in the work of the European Regulators Group for Audiovisual Media Services,

p) cooperating with the supervisory bodies of another Member State in dealing with a content service that does not fall within the competence of the Regulator or other state authorities of the Slovak Republic, although it operates in the territory of the Slovak Republic,

q) cooperating with online content-sharing platforms in the effective, proportionate and non-discriminatory

application of the rules for the provision of their services,

r) conducting statistical surveys of coverage of the territory of the Slovak Republic by radio signals and television signals, and of the population who receive the radio and television signals of eligible broadcasters,

s) acting as an online point of contact for providing information and making suggestions regarding multimodal access to a television programme service or on-demand audiovisual media service that is easily accessible and publicly available, also for persons with disabilities,

t) acting as a supervisory body for the implementation of special measures under separate legislation,<sup>75)</sup>

u) imposing sanctions under separate legislation<sup>76)</sup> for breach of the obligations under Section 61 (2),

v) imposing sanctions under separate legislation<sup>77)</sup> for breach of the obligations under Section 61 (3),

(4) The Regulator shall

a) submit to the National Council of the Slovak Republic ("National Council") an annual report on the situation in broadcasting and on its activities ("annual report"), within 90 days of the end of the calendar year,

b) submit information to the National Council on the situation in broadcasting and on its activities at the request of the National Council,

c) publish on its website a summary of valid authorisations, registrations and licences, the situation regarding use of the frequency spectrum and a summary of vacant broadcasting frequencies,

d) propose its budget and final accounts to the Ministry of Finance of the Slovak Republic ("Ministry of Finance"),

e) submit its budget and final accounts to the competent committee of the National Council,

f) to provide information in accordance with separate legislation.<sup>78)</sup>

(5) In the field of international cooperation, the Regulator shall

a) inform a Member State of the fact that a broadcaster covered by this act will provide television broadcasts wholly or mainly aimed at an audience in that Member State, if the Regulator has been notified of such fact in accordance with Section 21 (1) (e), or that the on-demand audiovisual media service provider covered by this act will provide an on-demand audiovisual media service wholly or mostly aimed at an audience in that Member State, if the Regulator has been notified of such fact; if the Member State concerned sends a request to the Regulator for information concerning the activity of such broadcaster or on-demand audiovisual media service provider, the Regulator shall, if possible, respond to it within 60 days of its receipt,

b) submit to the Commission a list of broadcasters, on-demand audiovisual media services providers and video-sharing platform providers covered by this act, indicating the criteria on which the jurisdiction of the Slovak Republic is based, as well as any updates thereto.

(6) The Regulator shall act and make its decisions in accordance with the principles of efficiency, objectivity, transparency, non-discrimination, proportionality and reasonableness. All its decisions, acts of general application and information contributing to an open and functionally competitive market, shall be published in easily accessible form on its website and kept up to date.

Section 111 [\[DS\]](#)

### **Bodies of the Regulator**

The bodies of the Regulator are

a) the Council,

b) the Chair of the Council,

c) the Director.

Section 112 [\[DS\]](#)

### **Competence of the bodies in administrative proceedings**

(1) The Council shall decide in plenary session

- a) on appeals,
- b) on matters of licensing,
- c) on the authorisation of the transfer or inheritance of eligibility,
- d) on objections under Section 153

(2) The Council shall decide in a panel session

- a) on first-instance administrative proceedings in matters of compliance with obligations and sanctions imposed under this act and separate legislation,<sup>72)</sup>
- b) on requests requesting an investigation of violations of this act (“request for investigation”),
- c) on requests to prevent the dissemination of illegal content on a content-sharing platform (“complaint concerning illegal content”),
- d) on objections to registration,
- e) on matters determined by the statute of the Regulator.

(3) In first-instance proceedings, the competent department of the Regulator shall be determined by the organisational rules, unless paragraphs 1 and 2 provide otherwise.

Section 113 [\[DS\]](#)

#### **Competence of the Council**

(1) The Council is the statutory body of the Regulator which

- a) elects and recalls the Director, determines the remuneration of the Director; the conditions and method of payment of the remuneration are regulated by the statute of the Regulator,
- b) deliberates on and approve the statute of the Regulator, the organisational rules of the Regulator and the rules of procedure of the Council,
- c) deliberates on and approves the proposed budget of the Regulator for the financial year in question, including its binding indicators, the financial statements,
- d) deliberates on and approves the annual report,
- e) deliberates on and approves transfers of ownership of excess immovable or movable property whose acquisition price was higher than EUR 20,000 and whose net book value under applicable legislation<sup>79)</sup> is higher than EUR 10,000, the lease of real estate for a period of more than one year or for an indefinite period and the securing of an obligation by means of a pledge or mortgage,
- f) receives information on the results of internal control and the results of inspections of the Regulator by third parties,
- g) carries out other activities within the competence of the Regulator pursuant to Section 110 in the extent determined by the statute of the Regulator.

(2) Amendments to the statute of the Regulator, the organisational rules of the Regulator and the rules of procedure of the Council may be made by the Council at the proposal of a member of the Council, but not earlier than three months after the proposal for amendment has been submitted and not earlier than one year after the last amendment was made. This does not apply if a change is necessitated by a change in acts of general application.

Section 114 [\[DS\]](#)

#### **Composition of the Council**

- (1) The Council shall have nine members, who shall be elected and recalled by the National Council.
- (2) The National Council shall elect the members of the Council after a public hearing with the candidates

nominated in accordance with paragraph 3. The public hearing with a candidate is organised by the competent committee of the National Council. The public hearing shall be broadcast live on the website of the National Council.

(3) Nominations for membership of the Council may be submitted to the competent National Council committee by professional institutions and civil associations operating in the areas of media, culture, science, education or sport, registered churches and religious societies<sup>80</sup>, and civil associations of citizens with disabilities through the advisory body of the government of the Slovak Republic for persons with disabilities.

(4) The Council shall elect its Chair and Vice-Chair from its members.

#### Section 115

#### **Council membership**

(1) An adult natural person who has full legal capacity and good repute may be elected as a member of the Council; for the purposes of this act, a person who has not been lawfully sentenced for an intentional criminal offence shall be deemed to have good repute. Good repute shall be demonstrated by an extract from the Criminal Record.<sup>81</sup> To verify having good repute, a natural person shall provide the data necessary to request an extract from the Criminal Record; in the case of a foreigner, the candidate shall submit an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national. The National Council shall send the data referred to in the previous sentence without undue delay in electronic form via electronic communication to the General Prosecutor's Office of the Slovak Republic to request an extract from the Criminal Record.

(2) The function of a member of the Council is incompatible with the function of

- a) president of the Slovak Republic,
- b) member of the National Council,
- c) member of the European Parliament,
- d) member of the Government of the Slovak Republic,
- e) state secretary,
- f) chair, head or director of another central state administration body or their statutory deputy,
- g) secretary-general of the service office of a ministry or other central state administration body,
- h) director or member of another body of the Audiovisual Fund,
- i) director or member of another body of the Arts Support Fund,
- j) director or member of another body of the Fund for the Promotion of the Culture of National Minorities,
- k) functionary in a state administration body,
- l) functionary in a territorial self-government body,
- m) judge of the Constitutional Court of the Slovak Republic,
- n) mayor,
- o) president of a self-governing region,
- p) judge,
- q) prosecutor,
- r) a legal representative or member of a body of Radio and Television Slovakia.

(3) A Council member shall not

- a) hold a function in a political party or a political movement, act on their behalf or for their benefit,
- b) be the publisher of a periodical publication, a broadcaster, retransmission operator, an on-demand audiovisual

media service provider or a video-sharing platform, or a member of the statutory body, managing body, control body, or the statutory representative of such persons; this restriction shall also apply to persons closely related to Council members,

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

d) provide consultation or professional services or assistance in return for payment or other consideration to broadcasters, retransmission operators, or on-demand audiovisual media services providers or video-sharing platforms.

(4) The function of a Council member is a public function. The function of the Chair of the Council is incompatible with any other employment or equivalent labour relationship; this restriction does not apply to research, pedagogical, journalistic, literary or artistic activity.

#### Section 116 [\[DS\]](#)

##### **Term of office of Council members**

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

(2) New Council members shall be elected to places vacated by expiry of terms of office. A Council member whose term of office has expired shall remain a Council member until a new Council member is elected to replace them.

(3) When places are vacated for a reason other than expiry of term of office, a new member shall be elected for the remainder of the term of office of the Council member whose place was vacated.

(4) The term of office of a Council member shall commence from the day following the expiry of the mandate of the Council member in whose place they were elected, at the earliest however on the day of the candidate's election by the National Council.

(5) If the term of office of all Council members is terminated, the new Council members shall, at the first meeting after the election of all Council members, appoint by lot three Council members whose term of office is two years and three Council members whose term of office is four years.

(6) Council members cannot be substituted.

#### Section 117 [\[DS\]](#)

##### **Termination of Council membership**

(1) Council membership shall be terminated

a) by expiration of the term of office,

b) by resignation; membership shall be terminated on the date of delivery of the Council member's resignation letter to the speaker of the National Council,

c) by the Council member's recall from their function,

d) by termination of function,

e) by the death of the Council member or by them being declared dead.

(2) The National Council shall recall a Council member on the basis of a proposal by the competent committee of the National Council if

a) the Council member performs a function or activity under Section 115 (3),

b) breaches the statute of the Council.

(3) The National Council may recall a Council member based on a proposal by the competent committee of the National Council if the Council member has not performed their function for more than six consecutive calendar months.

(4) The proposal of the competent committee of the National Council shall be duly justified, published and notified in advance to the Council member whose recall is proposed at least seven days before its deliberation in the National Council.

(5) The function of a Council member shall be terminated if

- a) the Council member performs a function or activity under Section 115 (2),
- b) the Council member has been lawfully convicted of an intentional criminal offence or a criminal offence for which they have received a non-suspended custodial sentence,
- c) the legal capacity of a Council member has been legally restricted.

(6) Should there occur a situation under paragraph 1 (a), (d) or (e) or a situation justifying a procedure under paragraphs 2 or 3, the chair of the Council shall report it to the speaker of the National Council without delay.

#### Section 118 [\[DS\]](#)

##### **Particulars of Council membership**

(1) A Council member shall be entitled to remuneration for the performance of their function in the amount of one half of the salary of a member of the National Council.<sup>82)</sup> The chair of the Council shall be entitled to remuneration equal to the salary of a member of the National Council for the performance of their function.

(2) Travel expenses that a Council member incurs while on Council business shall be reimbursed in accordance with separate legislation.<sup>83)</sup>

(3) A Council member shall be covered by health insurance<sup>84)</sup> in the same way as an employee in a labour relationship. Employment law<sup>85)</sup> shall apply to the relations resulting from Council membership.

#### Section 119

##### **Deliberation of the Council**

(1) The Council shall deliberate in plenary session or in panel sessions; decisions shall be made in a panel session only if so provided by Section 112 (2). A panel consists of three Council members.

(2) The Council shall have quorum if at least five of its members are present at a session, one of whom must be the Chair or Vice-Chair of the Council. The approval of a majority of all Council members is needed to make a valid decision.

(3) A Council panel has a quorum only if all its members are present. The approval of at least two of its members is needed for a valid resolution.

(4) The Council votes publicly. A secret ballot is used for the election of the Chair and Vice-Chair.

(5) The deliberations of the Council shall be open to the public. The Council shall always be mindful of the need to protect classified information, commercial secrets, bank secrets, tax secrets, postal secrets, telecommunications secrets or personal data and provide such protection.

(6) Details of the method and course of Council deliberations shall be governed by the rules of procedure of the Council.

#### Section 120

##### **Mandatory publication by the Regulator**

(1) Minutes of Council sessions, including voting records, shall be published on the Regulator's website within five working days of the end of the session of the Council, except for matters that are protected under separate legislation.<sup>86)</sup>

(2) Final decisions of the Regulator shall be published on its website in their full wording, excluding only matters that are protected under separate legislation.<sup>86)</sup>

#### Section 121 [\[DS\]](#)

### **Chair of the Council**

(1) The Chair of the Council is entitled to act independently on behalf of the Regulator. The Chair of the Council

- a) coordinates the activities of the Council and directs its deliberations,
- b) acts in the Council's name in external relations,
- c) determines the organisation and agenda of the Council panels,
- d) submits to the Council for approval the draft rules of procedure of the Council,
- e) submits a draft of the statute of the Regulator to the Council for approval,
- f) proposes to the Ministry of Finance the budget and final accounts of the Regulator,
- g) submits to the competent committee of the National Council the budget and final accounts of the Regulator,
- h) submits, together with the Director, the annual report to the competent committee of the National Council,
- i) carries out other activities in the extent determined by the Regulator's statute and organisational rules.

(2) If the chair of the Council is absent, they shall be deputised in the full extent of their rights and duties by the Vice-Chair of the Council, or another member of the Council authorized by the Chair of the Council if the Vice-Chair is unavailable.

(3) If a Chair is not elected, the Vice-Chair shall perform their activities in their full extent.

### Section 122 [\[DS\]](#)

#### **Director**

(1) The Director is the executive body of the Regulator, who is elected and recalled by the Council.

(2) The provisions of Sections 115 to 117 shall apply mutatis mutandis to the appointment of the director, the incompatibility of functions with the office of Director and to the termination of the director's function.

(3) The Director

- a) submits to the Council for approval
  1. the annual report
  2. the proposed budget of the Regulator for the financial year in question, including its binding indicators, which includes the proposed budget for the activities of the Council,
  3. the final accounts,
  4. the organisational rules,
- b) submits, together with the Chair of the Council, the annual report to the competent committee of the National Council,
- c) submits to the Council a report on the management and implementation of binding indicators of the Regulator's budget, always within 14 days from the date of the Council's written request,
- d) informs the Council of a plan to enter into a contractual obligation involving performance with a value exceeding EUR 20,000,
- e) carries out other activities in the scope determined by the Regulator's statute and organisational rules.

(4) The director acts in the name of the Regulator in labour-law relations with the Regulator's employees.

### Section 123 [\[DS\]](#)

#### **The Office of the Regulator and employees of the Regulator**

(1) Office activities shall be managed by the Director. The Office carries out

- a) tasks relating to the organisational, personal, administrative and technical needs of the Regulator's activity,
- b) implementation of decisions of the Council,
- c) other tasks laid down in the Regulator's statute and organisational rules.

(2) The labour-law relations of the Regulator's Director and employees and their pay shall be regulated by separate legislation.<sup>87)</sup>

#### Section 124 [\[DS\]](#)

##### **Annual report**

(1) The annual report shall contain all important information for the calendar year in question concerning the activities of the Regulator, the situation in broadcasting and retransmission, the provision of on-demand audiovisual media services and video-sharing platforms, in particular

- a) a list of members of the Council including the names of members, their functions in the Council and the start and end dates of their terms of office,
- b) an evaluation of the Regulator's activities in the calendar year in question, including identification of its main tasks and priorities,
- c) identification of the main tasks and priorities for the following calendar year,
- d) financial statements in accordance with applicable legislation,<sup>79)</sup>
- e) a report on the activities of the representative of the Slovak Republic in the European Regulators Group for Audiovisual Media Services (ERGA),
- f) a report on activities in international organisations in which the Regulator operates and on cooperation with bodies of other countries with responsibilities in the areas regulated by this act,
- g) the list of events of major importance for the public and a proposal for amending it,
- h) evaluation of the fulfilment of obligations to achieve targets for
  1. the share of programmes with multimodal access and the share of European works and independent productions in broadcast programmes, and
  2. the share of European works in the provision of on-demand audiovisual media services,
- i) an analysis of
  1. plurality of information and transparency of ownership and personal relations,
  2. the ownership structures of content service providers within the competence of the Regulator,
  3. self-regulatory mechanisms in the provision of content services under this act, including their effectiveness,
- j) an overview and brief description of
  1. broadcasting programme services,
  2. on-demand audiovisual media services,
  3. video-sharing platforms,
  4. the linguistic diversity of broadcast programmes, focussing in particular on the share of minority languages in broadcasting,
  5. submissions and complaints covered by this act,
  6. requests for access to information under applicable legislation,<sup>78)</sup>
  7. research and analytical activities undertaken,
- k) an evaluation and overview of the Council's activity as an administrative authority and an overview of sanctions that it has imposed,
- l) an overview and brief description of litigation in which the Regulator is involved,
- m) information on supervisory activities in relation to content service providers under separate legislation<sup>88)</sup>.

(2) The Regulator shall publish the information under paragraph 1 (g) in its annual report as follows: for each event it shall specify whether the event should be made available to the public via a full live coverage, a partial live coverage or a fully or partially deferred coverage from a recording in cases where there are objective reasons why this is necessary or appropriate in the public interest; the Regulator shall send this information to the Commission and the Ministry of Culture together with the proposed list of events of major importance for the public



and publish it together with the list after its approval by the Commission.

#### Section 125 [\[DS\]](#)

##### **Records relating to content service providers and provided content services and self-regulation**

(1) The Regulator shall keep and update records relating to the content service providers and provided content services within its competence and self-regulation, which shall form part of the Register ("records").

The records shall record

- a) licences and any changes to them,
- b) entries in the Register and any changes to them, including the registration of
  1. broadcasters falling under the competence of the Regulator, including information in the scope provided for in Section 20 (1) and their broadcast programme services, including information in the scope provided for in Section 161 (1) (a) to (e), (2) and (3),
  2. on-demand audiovisual media services providers falling under the competence of the Regulator, including information in the scope provided for in Section 28 (1) and their on-demand audiovisual media services, including information in the scope provided for in Section 177 (1) (a) to (c),
  3. retransmission operators falling under the competence of the Regulator, including information in the scope provided for in Section 180 (1) (a) and (b) and Section 182 (3),
  1. video-sharing platform providers falling under the competence of the Regulator, including information in the scope provided for in Section 47 (1) and their video sharing platforms, including information in the scope provided for in Section 187 (1) (a) to (c) and Section 188 (1) (a),
- c) information on self-regulation pursuant to Section 127,
- d) information on on-demand audiovisual media services providers providing an on-demand audiovisual media service exclusively through a video-sharing platform in the scope provided for in Section 226 (3).

(3) The records in the non-public part of the Register shall also include

- a) a list of licence applications,
- b) a list of applications for registration,
- c) a list of broadcasters, on-demand audiovisual media services providers and video-sharing platform providers falling under the competence of the Regulator, including the criteria on which the jurisdiction of the Slovak Republic is based,
- d) information reported pursuant to Section 174 (2).

(4) The information in the non-public part of the Register shall not be disclosed.

(5) Information in the non-public part of the Register may be accessed by the registry administrator, which is the Ministry of Culture, the Commission and any other person so authorised by law.

#### Section 126 [\[DS\]](#)

##### **Management of the Regulator**

(1) The Regulator manages its own budget in accordance with applicable legislation.<sup>89)</sup>

(2) Expenditure for the Regulator's activity shall be covered by the state budget and the Regulator's income shall be state budget income.

(3) The Regulator shall submit to the Ministry of Finance its budget proposal for the following year together with its justification in accordance with applicable legislation.<sup>89)</sup> The Regulator's budget shall be approved by the National Council after a hearing in the competent committee of the National Council.

### TITLE THREE

#### SELF-REGULATORY MECHANISMS IN THE PROVISION OF CONTENT SERVICES

#### Section 127 [\[DS\]](#)

### **Self-regulatory mechanism and self-regulatory body**

(1) 'Self-regulatory body', for the purposes of this act, means an initiative or body for self-regulation operating in the territory of the Slovak Republic enforcing a self-regulatory mechanism based on of a code of conduct or a similar self-regulatory system of rules of conduct in the provision of content services ("code").

(2) Supervision of compliance with obligations under this act may also be carried out through a code enforced by a self-regulatory body and registered by the Regulator in the Register or published by the Commission.

(3) A self-regulatory system of rules regulating conduct in the provision of content services over and above the obligations laid down by this act shall also be deemed to be a code if it applies to a person, area, activity or content service covered by this act, in particular inappropriate media commercial communication

a) relating to alcoholic beverages or

b) accompanying or featuring in programmes for children and relating to foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, which are not recommended as a major part of overall diet.

### **Section 128**

#### **Registration of self-regulatory mechanisms and bodies**

(1) Records shall be kept of

a) a code,

b) a self-regulatory body.

(2) The Regulator shall keep a record of a code,

a) which has been adopted by several content service providers falling under Section 1 (a) who constitute a significant part of the market in a defined type of content service considering the objectives pursued by the code,

b) which lays down rules for content services or acts of communication therein or rules of conduct for content service providers,

c) which establishes an effective enforcement mechanism for the rules under subparagraph (b), including appropriate sanctions,

d) which provides for regular, transparent and independent monitoring and evaluation of compliance with the code.

(3) An entry in the register under paragraph 1 shall be made by the Regulator based on a written application containing

a) the name of the self-regulatory body, the identification of the person who is authorised to act on behalf of the self-regulatory body, and the body entrusted with enforcing compliance with the code on behalf of the self-regulatory body if this function is entrusted, the correspondence address, the identification number of the organisation, its telephone number and e-mail address or website,

b) the name of the code and the type or types of content service that it applies to,

c) contact information for lodging a complaint about a violation of the code or the law ("complaint").

(4) The application pursuant to paragraph 3 shall be accompanied by a description of the mechanism for enforcing the rules of conduct, a description of effective and proportionate sanctions and a description of the mechanism for monitoring and evaluating compliance with the code. The application pursuant to paragraph 3 shall also be accompanied by the code and a list of persons who have undertaken to comply with the code. Any change in the application, code or list of persons who have undertaken to comply with the code shall be notified by the applicant to the Regulator within 30 days of the change.

(5) If the application is incomplete or the Regulator has reasonable doubts about the veracity of the information included therein, it shall instruct the applicant to complete the application or prove the veracity of the information included therein and shall set a reasonable time period for doing so; the time periods under paragraphs 8, 9 and 10 shall be paused in such a case.

(6) The Regulator shall reject an application for registration if

a) the applicant is not a self-regulatory body,

b) the code does not satisfy the conditions of paragraph 2,

c) the application does not meet the requirements set out in paragraphs 3 and 4, and the applicant has failed to remedy the deficiencies or prove the veracity of the information included in the application within the period set by the Regulator,

(7) If the Regulator does not reject the application or suspend the proceedings, it shall make an entry in the Register; no decision shall be issued concerning registration.

(8) The Regulator shall decide under paragraph 6 or 7 within 60 days from the initiation of proceedings, otherwise the date of registration shall be the date following the expiration of this period without result.

(9) The Regulator shall make a change in a Register entry at the request of the self-regulatory body within 45 days of the receipt of the notification of the change, or on its own initiative. The Regulator shall decide to change a Register entry on its own initiative if it finds that entered data are outdated or incomplete.

(10) The Regulator shall decide on the deletion of a Register entry within 30 days of delivery of an application from the self-regulatory body concerned or on its own initiative. The Regulator shall decide on the deletion of a Register entry on its own initiative if it finds that

a) the person registered is not or has ceased to be a self-regulatory body,

b) the registration or a change was made on the basis of false information,

c) the code has ceased to meet the conditions of paragraph 2.

(11) If the Regulator declares in its annual report that a specific self-regulatory mechanism is not effective and furthermore the self-regulatory body enforcing this self-regulatory mechanism does not take appropriate corrective action within three months of the publication of the annual report, the Regulator may initiate proceedings to delete the self-regulatory body from the Register.

(12) Paragraphs 5 to 8 shall apply mutatis mutandis to the change or deletion of a Register entry at the request of the self-regulatory body.

## Section 129

### **Mandatory publication by a self-regulatory body**

(1) A self-regulatory body shall submit to the Regulator a report on the activities of the self-regulatory body within 60 days of the end of the calendar year.

(2) The activity report shall contain the following information on the activities of the self-regulatory body in the calendar year in question:

a) a list of the persons who have undertaken to comply with the code,

b) information on the activities of the body enforcing compliance with the code including a statistical comparison with the previous period,

c) information on the number of complaints and manner in which they were handled,

d) information on sanctions imposed and their implementation.

(3) The self-regulatory body shall inform the Regulator of its decisions on compliance with obligations under this act and of any sanctions that have been imposed within five working days from the date of the final decision or imposition of the sanction. The self-regulatory body shall send to the Regulator a written justification of its final decision and a sanction imposed without undue delay after its preparation.

(4) The self-regulatory body publishes on its website

a) its code,

b) a list of the persons who have undertaken to comply with the code,

- c) the body enforcing compliance with the code,
- d) reports on the activities of the self-regulatory body,
- e) information on the manner in which complaints are filed,
- f) information on the mechanism for independent control of the implementation of sanctions imposed and enforcement of compliance with the code,
- g) final decisions on matters governed by this act and on sanctions imposed.

#### Section 130 [\[DS\]](#)

##### **Co-regulation**

(1) The Regulator does not act on a matter decided by a registered self-regulatory body. The Regulator may initiate proceedings if a decision of a self-regulatory body is in clear violation of the code or this law, or a sanction that it imposes is clearly disproportionate.

(2) If the Regulator has initiated proceedings on compliance with obligations under this act against a content service provider that is bound by a relevant code, it shall suspend such proceedings for a period of time pending a decision of the self-regulatory body. If the self-regulatory body does not reach a decision or does not notify the Regulator of its decision within 90 days of the initiation of proceedings before the Regulator or if the self-regulatory body issues a decision in clear violation of the code or this act, or imposes a sanction that is clearly disproportionate, the Regulator shall continue proceedings, otherwise it shall terminate the proceedings; the time limits for the imposition of a sanction by the Regulator under this act shall be paused during the suspension of proceedings.

(3) If the Regulator initiates proceedings pursuant to paragraph 1 or continues proceedings pursuant to paragraph 2, the self-regulatory body shall be a party to the proceedings.

(4) The Regulator shall refer a request for investigation to the competent self-regulatory body if the request for investigation concerns a content service provider that has undertaken to comply with a code enforced by a self-regulatory body. If the Regulator refers a request for investigation to a self-regulatory body, the Regulator shall initiate proceedings on compliance with obligations under this act no earlier than 90 days from the date of referral of the request; during this period, the deadline for the imposition of a sanction by the Regulator under this act shall be paused.

#### Section 131 [\[DS\]](#)

##### **Proceedings before a self-regulatory body**

(1) A self-regulatory body is entitled to decide on a complaint against a content service provider within the scope of its competence. The procedural rules of proceedings before a self-regulatory body shall be set by the self-regulatory body itself.

(2) For the purpose of assessing a complaint, the self-regulatory body shall be entitled to request a broadcast recording or other recording of a content service from the content service provider.

(3) If the content service provider does not provide a requested broadcast recording or other recording of the content service to the self-regulatory body within the specified period, the self-regulatory body shall be entitled to return the complaint to the Regulator.

(4) If a request is returned pursuant to paragraph 3, the Regulator shall assess and handle it as a request for investigation. If the Council initiates administrative proceedings on the basis of such a complaint, the self-regulatory body shall be a party to the proceedings.

(5) If a content service provider, despite having undertaken to comply with a code, does not comply with a sanction imposed by a self-regulatory body within the specified period, the self-regulatory body shall be entitled to request the initiation of proceedings before the Regulator; the provision of Section 130 (1) shall not apply. In administrative proceedings initiated on the basis of such a request, the self-regulatory body shall be a party to the proceedings. The period for imposing a sanction pursuant to this act begins to run anew upon delivery of the request to the Regulator.

(6) A self-regulatory body may also decide on a complaint against a content service provider that has not undertaken to comply with a code.

(7) If a content service provider that has not undertaken to comply with the code declares that it accepts the decision of the self-regulatory body pursuant to paragraph 6 and further complies with any sanction imposed, the Regulator shall not initiate proceedings pursuant to this act and shall suspend any proceedings thus initiated.

## **DIVISION FIFTEEN**

### **SUPERVISION AND SANCTIONS**

#### **TITLE ONE**

#### **SUPERVISORY BODIES**

##### **Section 132 [\[DS\]](#)**

(1) The supervisory bodies supervising compliance with obligations under this act are

- a) the Regulator,
- b) the Authority,
- c) the Commission for the Protection of Minors.

(2) The supervision of compliance with obligations under this act by the Authority shall be subject to the provisions of separate legislation on supervision.90)

##### **Section 133**

#### **Test purchases for the purpose of supervision**

(1) For the purposes of supervising compliance with obligations under this act, the Regulator is entitled to make a test purchase of a service through its employees. In making a test purchase, a designated employee is entitled to act indirectly under a secret identity.

(2) The Regulator shall draw up a written record of the test purchase and send it to the inspected person within 30 days of the test purchase. If the inspected person does not agree with the content of the record, they may lodge an objection to it in writing within three days from the date of its delivery. In the event of a potential breach of obligations under this act, the record of a test purchase together with the objections received shall be evidence in proceedings on compliance with obligations under this act.

(3) The inspected person shall return to the Regulator any amount paid as part of a test purchase within 15 days from the date of delivery of the record referred to in paragraph 2.

(4) If the Regulator finds a test purchase not to be a reasonable procedure, it may

- a) make visual, audio and audiovisual recordings in real time to document any deficiencies found in the service provided,
- b) carry out an on-site inspection and enter the premises of inspected persons related to the provision of their services without prior notice; upon entry, the Regulator's employee is obliged to present their identity card and a certificate of authorisation to perform an inspection.

(5) For the purpose of an on-the-spot check, the inspected person shall allow the Regulator's employee to enter premises related to the services provided by the inspected person and inspect them.

(6) Paragraph 2 shall apply mutatis mutandis to the performance of activities under paragraph 4.

#### **TITLE TWO**

### **SANCTIONS IMPOSED BY THE REGULATOR**

##### **Section 134 [\[DS\]](#)**

#### **Types of sanctions**

For infringements of this act, the Regulator shall impose the following sanctions:

- a) a warning on infringement of the act,
- b) public announcement of an infringement of the act,
- c) suspension of the broadcasting or provision of a programme or a part thereof,
- d) a fine,
- e) revocation of authorisation for a serious breach of an obligation.

#### Section 135

##### **Imposition of sanctions**

(1) The Regulator shall decide on the imposition of a sanction within six months of the date when it becomes aware of an infringement of a obligations but no more than 18 months after the date when the infringement of obligations took place; if the Council decides on an infringement of obligations, the date when the Regulator becomes aware of the infringement of obligations shall be deemed to be the date when the Council deliberates on the report on inspection of compliance with obligations.

(2) If an administrative complaint is lodged and a court does not revoke the decision of the Regulator, the sanction shall be executed after the entry into force of the court decision; this does not apply to sanctions under Section 134 (b), (c) or (e), if the Regulator has excluded a suspensory effect in the decision. If a court decision cancels the Regulator's decision and returns the case for new proceedings, the Council shall decide on a sanction no later than three months from the effective date of the decision of the administrative court.

(3) If a cassation complaint is filed against a court decision rejecting an administrative complaint and the court decides to reject the cassation complaint, the sanction shall be executed after the court decision on the cassation complaint enters into force; this does not apply to sanctions under Section 134 (b), (c) or (e), if the Regulator has excluded the suspensory effect of its decision. If the Regulator lodges a complaint against a court decision cancelling a decision of the Regulator and returning the case for new proceedings and the court rejects the Regulator's cassation complaint, the Regulator shall decide on a sanction no later than three months from the effective date of the court decision on the cassation complaint. If the plaintiff files a cassation complaint against the decision of the court to reject an administrative complaint and the court, in the cassation complaint proceedings, changes the contested decision by cancelling the decision of the Regulator and returning the case for new proceedings, the Regulator shall decide on a sanction no later than three months from the effective date of the decision of the court on the cassation complaint.

(4) During court proceedings or during proceedings conducted by the Regulator under paragraphs 2 and 3, the objective deadline pursuant to paragraph 1 shall be paused.

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

(6) When deciding on the imposition of a sanction for breach of the obligations under Section 61 (2), the Regulator shall also take into account criteria laid down in separate legislation.<sup>91)</sup>

#### Section 136

##### **Warning on infringement of the act**

The Regulator shall impose a sanction in the form of a warning on infringement of the act on a liable person who has infringed a specific obligation imposed by this act for the first time, or repeatedly if at least three years have elapsed since the last infringement of the obligation; if the obligation imposed by this act refers to a set of obligations under separate legislation, a repeated infringement of a specific obligation in the set of obligations under separate legislation shall be deemed to be a repeated infringement.

#### Section 137

##### **Public announcement of an infringement of the act**

(1) The Regulator may impose a duty to make a public announcement of an infringement of the act if a liable person broadcasts or releases programmes or other parts of their service contravening an obligation under Section (20) (4) (c), Section 25 (a) or (b), Section 61, Section 62 (1) (b) or Section 74 and it is useful and necessary for the public to be made aware of the infringement; the extent, form and a method of the public announcement shall be set by the Regulator.

(2) When imposing the obligation to make a public announcement of an infringement of the act, the Regulator shall also determine the amount of the fine to be imposed on the liable person in the event that the liable person does not make a public announcement in the extent, form or manner determined by the Regulator, which shall not exceed EUR 160,000. Together with the fine, the Regulator shall also determine a sanction for delay of up to a maximum of 0.1% for each day of delay, until the public announcement is made in the extent, form and manner determined by the Regulator.

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

#### Section 138

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

(1) If a broadcaster broadcasts a programme severely breaching the obligations laid down by Section 20 (4) (c), Section 25 (b), Section 61 or Section 62 (1) (b), the Regulator shall suspend the broadcasting of this programme or a part thereof for at most 60 days.

(2) When imposing an obligation to suspend the broadcasting of a programme or part thereof, the Regulator shall also determine the amount of a fine to be imposed on the broadcaster in the event that the broadcaster does not suspend the broadcasting of the programme or part thereof for the period of time determined by the Regulator, which shall not exceed EUR 320,000. Together with the fine, the Regulator shall also determine a sanction for delay of up to a maximum of 0.1% for each day of delay in proper and timely compliance with the obligation to suspend broadcasting of a programme or part thereof.

#### Section 139

### **Suspension of provision of a programme through an on-demand audiovisual media service**

(1) If the on-demand audiovisual media service provider provides a programme severely breaching the obligations laid down by Section 61 or Section 62 (1) (b), the Regulator shall suspend the provision of this programme.

(2) When imposing an obligation to suspend the provision of a programme through an on-demand audiovisual media service, the Regulator shall also determine the amount of a fine to be imposed on the on-demand audiovisual media service provider in the event that the on-demand audiovisual media service provider does not suspend the provision of the programme, which shall not exceed EUR 160,000. Together with the fine, the Regulator shall also determine a sanction for delay of up to a maximum of 0.1% for each day of delay in proper and timely compliance with the obligation to suspend a programme.

### **Fines**

#### Section 140

### **Imposition of fines**

(1) The Regulator shall impose a fine if, despite a warning of an infringement of the law, the liable person commits a repeated infringement of the same obligation. 'Repeated infringement of an obligation' shall mean an infringement occurring within a period of less than three years from the previous infringement of the same obligation.

(2) The Regulator may impose a fine even without prior warning

a) if an obligation under Section 20 (4) (c), Section 23, Section 61, Section 62 (1) (b) or Section 74 has been breached,

b) in the case of broadcasting or provision of an on-demand audiovisual media service without authorisation, or

c) in the case of a retransmission service or providing a video-sharing platform operating without registration.

(3) The amount of the fine shall be determined by the Regulator according to the severity of the case, the method, duration and consequences of the breach of the obligation and taking into account the size and reach of the content service, unjust enrichment obtained and sanction that have already been imposed by a self-regulatory body.

(4) A fine imposed under Sections 141 to 145a shall be payable within 30 days of the decision imposing the fine becoming final.

(5) Fines are income of the state budget. The administrator of state claims arising from fines imposed is the Regulator.

#### Section 141

##### **Fines imposed on retransmission operators and signal distributors**

(1) The Regulator shall impose a fine from EUR 100 to EUR 33,000 on a retransmission operator if they

- a) fail to comply with an obligation under Section 30 (1) and (4),
- b) failure to comply with an obligation under Section 61(3),
- c) fail to comply with an obligation under Section 103 (1) to (3), (6) or (8),
- d) fail to comply with an obligation under Section 105 (1),
- e) failed to report a change in information included in the application for retransmission registration by the deadline laid down in Section 183 (1), (5) and (6),

(2) The Regulator shall impose a fine from EUR 1,500 to EUR 160,000 on a retransmission operator that operates retransmission without registration.

(3) The Regulator shall impose a fine from EUR 100 to EUR 10,000 on a retransmission operator or a signal distributor if they have breached the obligation to protect signal integrity pursuant to Section 32.

#### Section 142

##### **Fines imposed on broadcasters**

(1) The Regulator shall impose a fine from EUR 150 to EUR 6,500 on the broadcaster of a television programme service and a fine from EUR 100 to EUR 1,500 on the broadcaster of a radio programme service in the event of

- a) failure to ensure easy, direct and permanent public access to information pursuant to Section 20 (1),
- b) failure to ensure the use of the state language, the languages of national minorities and other languages in the broadcasting of programmes and other parts of a programme service in accordance with Section 20 (4) (a),
- c) failure to keep continuous recordings of broadcasting and provide them to the Regulator in accordance with Section 20 (4) (e),
- d) failure to ensure the identification of a broadcast programme service in accordance with Section 20 (5) (a) or (6) (a),
- e) failure to keep special statistics in accordance with Section 20 (5) (b),
- f) failure to comply with the obligation to deliver statistics to the Regulator in accordance with Section 20 (5) (c),
- g) failure to comply with the reporting obligations under Article 21,
- h) breach of the rules on the broadcasting of short news reports under Section 23,
- i) failure to include in a broadcast the required proportion of European works under Article 64 and independent productions under Article 66,
- j) failure to provide the Regulator with information pursuant to Section 68 (2),
- k) failure to comply with an obligation under Section 103 (1) to (3), (6) or (8),
- l) failure to comply with an obligation under Section 105 (1),
- m) failure to report a change in the information included in their application or information relating to compliance with the conditions under which eligibility was granted which could be grounds for the change or withdrawal of their authorisation or licence,



n) failure to provide the Council with information on the results of measurement of the territory by covered by their signal in accordance with Section 208(5),

o) a breach of obligations under Section 216 (2).

(2) The Regulator shall impose a fine from EUR 650 to EUR 66,000 on the broadcaster of a television programme service and a fine from EUR 100 to EUR 20,000 on the broadcaster of a radio programme service in the event of

e) failure to ensure that programmes and other parts of a programme service broadcast during an election campaign comply with Section 20 (4) (c),

b) failure to provide broadcasting time for urgent public interest broadcasts in accordance with Section 20 (4) (d),

c) failure to provide the Regulator with information pursuant to Section 56 (2),

d) failure to comply with an obligation under Section 57,

e) a breach of a prohibition on broadcasting under Section 99

(3) The Regulator shall impose a fine from EUR 1,500 to EUR 100,000 on the broadcaster of a television programme service, if they breach the conditions for the broadcasting of events of major importance under Section 24 or the duty not to interrupt a programme under Section 87.

(4) The Regulator shall impose a fine from EUR 3,000 to EUR 160,000 on the broadcaster of a television programme service and a fine from EUR 500 to EUR 50,000 on the broadcaster of a radio programme service in the event of

a) failure to ensure that the audio component of their broadcast programme service complies with established technical requirements in accordance with Section 20 (5) (d),

b) broadcasting of programmes and other parts of a programme service with content contravening the provisions of Section 61,

c) broadcasting of programmes and other parts of a programme service with content conflicting with the protection of minors falling under Section 62 (1) (b),

d) a breach of the provisions on the broadcasting of media commercial communications including advertising communication and teleshopping.

(5) The Regulator shall impose a fine from EUR 3,000 to EUR 66,000 on the broadcaster of a television programme service if they fail to provide multimodal access to the programme service.

(6) The Regulator shall impose a fine from EUR 600 to EUR 45,000 on the broadcaster of a television programme service and a fine from EUR 200 to EUR 15,000 on the broadcaster of a radio programme service if they broadcast a programme service in breach of the conditions under which eligibility was granted.

(7) The Regulator shall impose a fine from EUR 100 to EUR 1,500 on the broadcaster of a radio programme service if they have breached the obligation to reserve broadcast time for Slovak musical works in accordance with Section 215 (1).

(8) The Regulator shall impose a fine from EUR 1,500 to EUR 160,000 on

a) a broadcaster who has violated the prohibition on broadcasting without authorisation under Section 20 (8),

b) a broadcaster who uses allocated frequencies without a licence or for purposes other than those for which they were allocated.

#### Section 143

#### **Fines imposed on on-demand audiovisual media services providers**

(1) The Regulator shall impose a fine from EUR 30 to EUR 1,000 on the on-demand audiovisual media service provider in the event of

a) failure to ensure easy, direct and permanent public access to information pursuant to Section 28 (1),

- b) failure to perform a duty laid down in Section 28 (3) or (6),
- c) failure to ensure the identification of programmes with multimodal access in accordance with Section 58 (5) and (6),
- d) failure to comply with an obligation under Section 60,
- e) failure to provide the Regulator with information pursuant to Section 70 (8),
- f) failure to comply with an obligation under Section 103 (1) to (3), (6) or (8),
- g) failure to comply with an obligation under Section 105 (1),
- h) failure to comply with a reporting obligation under Section 174 (2),

(2) The Regulator shall impose a fine from EUR 100 to EUR 5,000 on the on-demand audiovisual media service provider if they have breached their obligations to ensure multimodal access to an on-demand audiovisual media service pursuant to Section 58 (1).

(3) The Regulator shall impose a fine from EUR 100 to EUR 10,000 on the on-demand audiovisual media service provider in the event of

- a) failure to keep special statistics in accordance with Section 28 (4) (b),
- b) failure to comply with the obligation to deliver statistics to the Regulator in accordance with Section 28 (5) (c),
- c) failure to provide the Regulator with information pursuant to Section 59 (2),
- d) failure to comply with the obligation to reserve the required space for European works in an on-demand audiovisual media service pursuant to Section 70 (1),
- e) a breach of the conditions for media commercial communication.

(4) The Regulator shall impose a fine from EUR 500 to EUR 40,000 on the on-demand audiovisual media service provider in the event of

- a) provide through the on-demand audiovisual media service programmes and other parts of the on-demand audiovisual media service with content breaching the obligations laid down by Section 61,
- b) provide through the on-demand audiovisual media service programmes and other parts of the on-demand audiovisual media service with content breaching the obligations laid down by Section Article 62 (1) (b),

#### Section 144

##### **Fines imposed on content-sharing platform providers and content service providers not requiring authorisation under this act**

(1) The Regulator shall impose a fine from EUR 2,500 to EUR 100,000 on the content-sharing platform provider in the event of

- a) failure to comply with an obligation under Section 61 (2) (a),
- b) failure to comply with an obligation under Section 61(3),
- c) failure to comply with an obligation under Section 105 (1),
- d) failure to comply with an obligation to restore deleted content to its condition prior to its removal in accordance with Section 152 (7).

(2) The Regulator shall impose a fine on the content-sharing platform provider up to 4% of the total turnover of the content-sharing platform provider for the previous financial year if they breach an obligation under Section 61 (2) (b).

(3) The Regulator shall impose a fine from EUR 2,500 to EUR 100,000 on the content-sharing platform provider or the content service provider not requiring authorisation under this act if they

- a) fail to comply with the obligation to provide the cooperation to the Regulator in accordance with Section 152 (8),

b) fail to remove illegal content and prevent its further dissemination within the period specified in a decision of the Regulator on prevention of the dissemination of illegal content under Section 153.

#### Section 145

##### **Fines imposed on video-sharing platform providers**

(1) The Regulator shall impose a fine from EUR 100 to EUR 10,000 on the video-sharing platform provider if they

- a) fail to comply with the obligation to publish the obligatory information under Section 47 (1) (c),
- b) fail to comply with the obligation to submit to the Regulator the data necessary to assess the appropriateness of public protection measures pursuant to Section 50.

(2) The Regulator shall impose a fine from EUR 2,500 to EUR 100,000 on the video-sharing platform provider if they

- a) fail to comply with the obligation to take appropriate public protection measures under Section 48,
- b) breach the prohibition on processing the personal data of minors under Section 49 (4),
- c) fail to comply with an obligation relating to media commercial communication under Section 51,
- d) fail to comply with an obligation under Section 103 (1) to (3), (6) or (8),

#### Section 145a

##### **Fines imposed on multimodal access service providers**

The Regulator shall impose a fine from EUR 100 to EUR 3,000 on the multimodal access service provider if they fail to comply with an obligation under Section 60b.

#### Section 146

##### **Revocation of authorisation for a serious breach of an obligation**

(1) If, despite the imposition of sanctions, a liable person commits repeated and serious breaches of breaches of the obligations under Section 61 (1) (a) to (c) or (3), the Regulator shall revoke their authorisation. A court shall not recognise any suspensory effect from an administrative complaint lodged against a decision of the Regulator revoking authorisation for a breach of obligations under Section 61 (3).

(2) If the Regulator revokes authorisation pursuant to paragraph 1, a new request for authorisation may be submitted no earlier than three years from the effective date of the decision revoking authorisation.

### TITLE THREE

#### SANCTIONS IMPOSED BY OTHER SUPERVISORY BODIES

##### Section 147 [\[DS\]](#)

##### **Fines imposed by the Authority**

(1) The Authority shall impose on a multiplex provider, for infringement of an obligation under

- a) Section 36 (2), a fine of up to EUR 6,500,
- b) Section 37 (1), a fine from EUR 330 to EUR 3,300,
- c) Section 37 (2) (a), a fine from EUR 330 to EUR 33,000,
- d) Section 37 (2) (b), a fine from EUR 30 to EUR 6,600,
- e) Section 37 (2) (c), a fine from EUR 660 to EUR 6,600,
- f) Section 37 (2) (d), a fine from EUR 660 to EUR 16,600,

g) Section 37 (4), a fine from EUR 330 to EUR 3,300.

(2) The Authority shall impose a fine from EUR 330 to EUR 160,000 on a person who breaches an obligation under Section 106 (1).

(3) A fine under paragraphs 1 and 2 may be imposed by the Authority within two years from the date of discovery of the infringement, but not later than four years from the date of the infringement.

#### Section 148

##### **Fines imposed by the Commission for the Protection of Minors**

(1) The Commission for the Protection of Minors shall impose a fine of up to EUR 100,000 on a broadcaster or an on-demand audiovisual media service provider for a breach of an obligation under Section 62, except for an obligation under Section 62 (1) (b).

(2) Proceedings for the imposition of a fine under paragraph (1) may be initiated within six months of the date when the Commission for the Protection of Minors becomes aware of a breach of an obligation, but no more than 18 months after the date when the breach of the obligation took place; the date when the Commission for the Protection of Minors becomes aware of a breach of an obligation under paragraph 1 shall be deemed to be the date when the Commission for the Protection of Minors deliberates on a report on the inspection of compliance with obligations under this act.

#### Section 149

##### **Common provisions on the imposition of fines by other supervisory bodies**

(1) When determining a fine, the supervisory body shall take into account the severity, method, extent and consequences of the breach of obligations and their duration, as well as the unjust enrichment obtained and any sanction that has already been imposed by a self-regulatory body.

(2) The imposition of a fine shall not cancel the obligation for breach of which it was imposed; the supervisory body may also impose a fine repeatedly, until the rectification of the illegal situation.

(3) A fine imposed under this act shall be payable within 30 days of the effective date of the decision imposing it.

(4) Fines are income of the state budget. The administrator of state claims arising from fines imposed under Section 147 is the Authority and the administrator of state claims arising from fines imposed under Section 148 is the Regulator.

### **DIVISION SIXTEEN**

#### **COMPLAINTS, RESOLUTION OF CROSS-BORDER DISPUTES AND CROSS-BORDER COOPERATION**

##### TITLE ONE

##### REQUEST FOR INVESTIGATION

##### Section 150 [\[DS\]](#)

##### **Lodging and handling of a request for investigation**

(1) A request for investigation shall be lodged with the Regulator in writing or in electronic form; a request for investigation is not a request to initiate administrative proceedings.

(2) A request for investigation shall clearly specify the alleged infringement of the act. If the request relates to an infringement of the act by the broadcasting or provision of a programme, another element of a programme service or another element of an on-demand audiovisual media service, the request must specify the date and approximate time of the broadcasting or provision of the programme, other element of a programme service or other element of an on-demand audiovisual media service, and the name of the programme service or on-demand audiovisual media service in which the infringement of the act is claimed to have taken place.

(3) The Regulator shall register a received request for investigation within five working days of receipt as an entry in a separate register of requests for investigation including the following information:

- a) the date of delivery of the request for investigation,
- b) the date of registration of the request for investigation,
- c) the name, surname and address of the complainant if the complainant is a natural person, or the business name and registered office of the complainant if the complainant is a legal person, or information that the request for investigation was submitted anonymously; if the request for investigation is forwarded to a self-regulatory body or other body, the identification data of the self-regulatory body or other body shall also be included,
- d) the subject-matter of the request for investigation,
- e) identification of the content service provider whose investigation is requested,
- f) an indication whether the request for investigation has led to the initiation of administrative proceedings or is unfounded, forwarded to a self-regulatory body or other authority or postponed; if the request for investigation is partially justified, the relevant part shall be identified,
- g) identification of any self-regulatory body or other body to which the request for investigation is forwarded,
- h) the outcome of proceedings on compliance with obligations under this act if the request for investigation leads to the initiation of such proceedings.

(4) The Regulator is not obliged to deal with an anonymous request for investigation; for the purposes of this act, an anonymous request for investigation is a request that does not include the name, surname and address of the person submitting the request for investigation if the complainant is a natural person, or the business name and the seat of the person submitting the request for investigation if the complainant is a legal person.

(5) The Regulator shall notify the complainant of registration of the request for investigation, unless it is an anonymous request, always using the same form as that in which the request for investigation was delivered.

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

(7) The Regulator shall put aside a request for investigation if

- a) the period for imposing a sanction pursuant to this act has expired,
- b) the request for investigation does not contain the mandatory formalities or cannot be investigated for other reasons,
- c) a decision on the matter in question has been taken by a self-regulatory body or other body.

(8) The Regulator may put aside a request for investigation if the request for investigation is

- a) anonymous,
- b) manifestly unjustified.

(9) If the subject-matter of a request for investigation is identical with the subject-matter of a request for investigation previously registered, the later request for investigation shall be added to the previously registered request for investigation with the same subject-matter, and a record shall be made of this addition; the later request for investigation shall not be dealt with separately.

(10) A panel of the Council shall familiarise itself with the content of the request for investigation and deliberate on the request for investigation in session no later than 90 days from the date of registration of the request for investigation by the Regulator.

(11) If the Regulator does not put aside or refer a request for investigation, it shall handle it in accordance in a procedure under paragraph 12 or 13. The Regulator shall notify the complainant of the putting aside or referral of the request for investigation.

(12) If investigation finds that the request for investigation contains facts indicating that a violation of this act may have occurred, the Regulator shall, on its own initiative, initiate proceedings on compliance with obligations under this act and notify the complainant; the complainant shall not be a party to proceedings on compliance with obligations under this act.

(13) If the investigation finds that the request for investigation does not contain facts indicating that a violation of this act may have occurred, the Regulator shall find the request for investigation to be unjustified and

notify the complainant.

## TITLE TWO

### COMPLAINT CONCERNING ILLEGAL CONTENT

#### Section 151 [\[DS\]](#)

##### **Submission of a complaint concerning illegal content**

(1) A complaint concerning illegal content shall be submitted to the Regulator in writing or in electronic form.

(2) 'Illegal content' means, for the purposes of this act, content that

- a) has the defining characteristics of child pornography<sup>92)</sup> or extremist material,<sup>93)</sup>
- b) provokes conduct constituting any of the offences of terrorism,
- c) condones conduct constituting any of the offences of terrorism, or
- d) constitutes a crime of denial and approval of the Holocaust, crimes of political regimes and crimes against humanity,<sup>94)</sup> a crime of defamation of nation, race or belief<sup>95)</sup> or a crime of incitement to national, racial or ethnic hatred.<sup>96)</sup>

(3) A complaint concerning illegal content shall include justification as to why the content in question may constitute illegal content and shall clearly identify the content it relates to. A complaint concerning illegal content shall also include the date of provision of the content and the name of the content-sharing platform or content service not requiring authorisation under this act, such as an electronic periodical publication, a news website or an agency service, where the illegal content was provided.

(4) The provisions of Section 150 (3) to (9) shall apply mutatis mutandis to a complaint concerning illegal content.

#### Section 152 [\[DS\]](#)

##### **Proceedings on prevention of the dissemination of illegal content**

(1) A panel of the Council shall familiarise itself with the content of a complaint concerning illegal content and deliberate on the complaint concerning illegal content in session no later than 45 days from the date of registration of the complaint concerning illegal content.

(2) Proceedings on prevention of the dissemination of illegal content on a content-sharing platform or through a content service not requiring authorisation under this act such as an electronic periodical publication, news website or in an agency service (hereinafter referred to as "proceedings on the prevention of illegal content") shall be initiated by the Regulator if, after examining a complaint concerning illegal content, it concludes that it relates to potentially illegal content whose dissemination could jeopardise the public interest or constitute significant interference with the individual rights or legitimate interests of a person under the jurisdiction of the Slovak Republic and, at the same time, the content service provider has been demonstrably informed about the existence of the potentially illegal content through its own designated mechanisms and, if they do not exist, in another appropriate way and the content service provider

- a) did not inform the complainant on how the situation would be dealt with within two days of receipt of their complaint,
- b) failed to remove the potentially illegal content in question within five days of receipt of the complaint, or
- c) notified the complainant that it would not remove the potentially illegal content in question.

(3) The Regulator shall also initiate proceedings on the prevention of illegal content if the Regulator obtains information on the existence of illegal content from its own activities and the matter cannot be delayed.

(4) The Regulator shall notify the content service provider of the initiation of proceedings on the prevention of illegal content. In the notice of initiation of proceedings on the prevention of illegal content, the Regulator shall, in addition to the information required under applicable legislation<sup>97)</sup>, also include

- a) information enabling the identification of the illegal content concerned,

b) justification as to why the content in question may constitute illegal content.

(5) The Regulator shall notify the complainant of the outcome of the proceedings on the prevention of illegal content.

(6) If the Regulator does not initiate proceedings on the prevention of illegal content and the complaint concerning illegal content is not put aside, the Regulator shall mark the complaint concerning illegal content as unjustified and notify the complainant.

(7) If a content-sharing platform provider removes content on its own initiative on the grounds that it considers such content to be illegal content, the Regulator shall be entitled to review such removal of content in separate proceedings. If such proceedings establish that the content in question is not illegal content, a decision to that effect shall be issued. If the illegality of the content was the sole or main reason for the removal of such content, the Regulator shall by its decision impose an obligation on the content-sharing platform provider to restore the situation prior to the content removal within a reasonable period of time. The provisions of paragraphs 1 and 3 to 6 shall apply *mutatis mutandis*.

(8) The content service provider is obliged to cooperate with the Regulator in particular in the performance of activities pursuant to Section 110 (3) (q); for this purpose, it shall provide information on request and enable access to its service to be established so that the performance of these activities is as effective as possible.

### Section 153

#### **Decision on prevention of the dissemination of illegal content**

(1) If, in the course of proceedings on the prevention of illegal content, it is found that the content in question constitutes illegal content and at the same time its dissemination jeopardises the public interest or constitutes a significant interference with the individual rights or legitimate interests of a person under the jurisdiction of the Slovak Republic, the Regulator shall issue a decision on the prevention of the dissemination of illegal content, ordering the content-sharing platform provider or the content service provider not requiring authorisation under this act to remove the illegal content in question and prevent its further dissemination.

(2) A decision under paragraph 1 shall include

a) information enabling the identification of the content concerned,

b) justification as to why the content in question constitutes illegal content.

c) justification as to why the dissemination of the illegal content jeopardises the public interest or constitutes a significant interference with the individual rights or legitimate interests of a person under the jurisdiction of the Slovak Republic,

d) the period within which the content service provider is to remove the illegal content in question and prevent its further dissemination.

(3) The Regulator shall provide information about the issuance of a decision under paragraph 1 on its website, or in another appropriate way.

(4) Anyone who feels affected by the effects of a decision pursuant to paragraph 1 may lodge an objection to it; lodging an objection shall not have suspensory effect and shall not be subject to the provisions of the Administrative Procedure Code.

(5) If the Regulator considers the objection to be fully or partially justified, it shall issue an amended decision replacing the original decision, otherwise it shall reject the objection, of which it shall inform the person who lodged the objection, and it shall also publish the decision on rejection on its website.

(6) The provisions of paragraphs 1 to 5 and Section 152 shall be without prejudice to the rights of a user of a content service to seek the protection of their rights and legally protected interests through litigation.

### TITLE THREE

#### RESOLUTION OF CROSS-BORDER DISPUTES AND CROSS-BORDER COOPERATION

##### Section 154 [\[DS\]](#)

#### **Suspension of retransmission of a programme service or provision of an on-demand audiovisual media**

## **service**

(1) In accordance with obligations established by international treaties by which the Slovak Republic is bound, the Regulator may suspend the retransmission of a television programme service or the provision of an on-demand audiovisual media service if their content

- a) manifestly, seriously and gravely endangers the physical, mental or moral development of minors,
- b) manifestly, seriously and gravely provokes violence or hatred on any of the grounds referred to in Section 61 (1) (c),
- c) prejudices or presents a serious and grave risk of prejudice to public health;
- d) public provocation to commit any of the offences of terrorism made in a manifest, serious and grave manner,
- e) prejudices or presents a serious and grave risk of prejudicing public security, national security or the defence of the state.

(2) The Regulator may suspend the retransmission of a television programme service or the provision of an on-demand audiovisual media service under paragraph 1 (a) to (c) if

- (a) a broadcaster or the on-demand audiovisual media service provider has committed an infringement of paragraph 1 (a) to (c) at least twice in the previous 12 months,
- b) prior to the suspension of the retransmission of the television programme service or the provision of the on-demand audiovisual media service, the Regulator sent a written notice about the alleged infringements to the broadcaster or the on-demand audiovisual media service provider, to the Member State in whose jurisdiction the broadcaster or the on-demand audiovisual media service provider falls and to the Commission, stating its intention to suspend the retransmission of the television programme service or the provision of the on-demand audiovisual media service in the territory of the Slovak Republic in the event of repeated infringements,
- c) the Regulator has given the broadcaster or the on-demand audiovisual media service provider the opportunity to express an opinion on the alleged infringements, and
- (d) negotiations with the Member State under whose jurisdiction the broadcaster or the on-demand audiovisual media service provider falls and with the Commission have not resulted in a settlement of the dispute within 30 days of the notification of the intention referred to in subparagraph (b), and the alleged infringement persists.

(3) The Regulator may suspend the retransmission of a television programme service or the provision of an on-demand audiovisual media service under paragraph 1 (d) and (e) if

- a) the broadcaster or the on-demand audiovisual media service provider has committed an infringement under paragraph 1 (d) and (e) in the previous 12 months,
- b) the conditions under paragraph 2 (b) and (c) are met.

(4) In urgent cases, no later than 30 days from the alleged breach referred to in paragraph 1 (d) and (e), the Regulator need not apply the procedure under paragraph 3. In such a case, the Regulator shall immediately notify the Commission and the Member State under whose jurisdiction the broadcaster or the on-demand audiovisual media service provider falls of the measures taken to suspend the retransmission of the television programme service or the provision of the on-demand audiovisual media service, indicating the reasons for which it considers the case to be urgent. If the Commission decides that measures taken are incompatible with European Union law, the Regulator shall cancel the measures.

(5) If the Commission decides, within three months of the notification of the measures taken to suspend the retransmission of a television programme service or the provision of an on-demand audiovisual media service, that those measures are incompatible with European Union law, the Regulator shall withdraw the measures suspending the retransmission of the programme service or the provision of the on-demand audiovisual media service.

(6) The provisions of paragraphs 2 to 4 shall be applied if proceedings under paragraph 1 relate to a broadcaster falling under the jurisdiction of a Member State.

(7) The provisions of paragraph 1 shall apply mutatis mutandis to the suspension of cross-border broadcasting of a radio programme service, retransmission of a radio programme service and the provision of a content service not requiring authorisation under this act; the provisions of paragraph 1 shall apply mutandis to the suspension of cross-border broadcasting of a television programme service and, where the conduct falling under paragraph 1 is committed by a person under the jurisdiction of a Member State, the provisions of paragraphs 2 to 5



shall apply mutatis mutandis.

## Section 155

### **Cross-border cooperation in the field of broadcasting and the provision of on-demand audiovisual media services**

(1) If a programme service or on-demand audiovisual media service in another Member State is wholly or mostly directed to the territory of the Slovak Republic and the television broadcasting or on-demand audiovisual media service does not comply with the provisions of this act, the Regulator shall send the Member State under whose jurisdiction the given broadcaster or the audiovisual media service provider falls a justified request to address the problems resulting from such television broadcasting or provision of an on-demand audiovisual media service.

(2) If a Member State sends a reasoned request to the Regulator concerning a broadcaster or on-demand audiovisual media service provider covered by this law that provides television broadcasting or an on-demand audiovisual media service which is wholly or mainly directed to the territory of that Member State, the Regulator shall ask the broadcaster or on-demand audiovisual media service provider concerned to comply with the rules of the Member State to whose territory the broadcaster or the on-demand audiovisual media service is wholly or mainly directed. The Regulator shall regularly inform the requesting Member State of the steps taken to address the problems identified. Within two months of the receipt of a request under the first sentence, the Regulator shall inform the Member State and the Commission of the outcome of its handling of the request and, where a solution could not be found, explain the reason why.

(3) If the results of actions taken in response to a request under paragraph 1 are unsatisfactory and the Regulator presents evidence showing that the broadcaster or the on-demand audiovisual media service provider referred to in the request under paragraph 1 has relocated to another Member State with the aim of avoiding stricter rules in force in Slovak Republic, the Regulator may take appropriate, objectively necessary and proportionate measures against the broadcaster or audiovisual media service provider in question on a non-discriminatory basis.

(4) The Regulator may adopt measures under paragraph 3, only if

a) it notifies the Commission and the Member State under whose jurisdiction the broadcaster or the on-demand audiovisual media service provider falls of its intention to take such measures and duly justifies them,

b) it has given the broadcaster or the on-demand audiovisual media service provider the opportunity to express an opinion on the alleged circumvention of the stricter rules in force in the Slovak Republic and on the measures that the Regulator intends to take, and

(c) the Commission has decided that the measures are in accordance with European Union law and that the adoption of such measures is justified; if the Commission decides that the measures are incompatible with European Union law, the Regulator shall not adopt the proposed measures.

## Section 156

### **Measures in cross-border disputes**

(1) The Regulator shall issue an act of general application establishing a list of content services whose broadcasting, retransmission or provision has been suspended by the Regulator pursuant to Section 154 or Section 155.

(2) The act of general application under paragraph 1 shall be identified as a measure and shall enter into force on the date of its publication in the Journal of the Government of the Slovak Republic; the act of general application pursuant to paragraph 1 shall not be subject to separate legislation on the creation and promulgation of legislation.<sup>98)</sup>

(3) The act of general application under paragraph 1 shall be considered an enforceable decision for the purposes of blocking under separate legislation<sup>99)</sup>.

## **DIVISION SEVENTEEN**

### **ELIGIBILITY**

#### **TITLE ONE**

#### **AUTHORISATION**

## **Broadcasting authorisation**

Section 157 [\[DS\]](#)

### **Broadcasting authorisation and its holder**

(1) Eligibility to broadcast a programme service is established by a broadcasting authorisation.

(2) The holder of a broadcasting authorisation shall exercise the rights and obligations arising from the broadcasting authorisation in their own name, on their own account and on their own responsibility.

(3) A broadcasting authorisation also entitles its holder to broadcast

- a) an ancillary broadcast service, if a clause on ancillary broadcast services is added,
- b) to other countries, if a clause on international broadcasting is added,
- c) by satellite or other technical means, including terrestrial broadcasting by another digital reception standard, if it is supplemented by a clause on other public transmission.

(4) The holder of broadcasting authorisation shall be a broadcaster.

Section 158

### **Applicant for broadcasting authorisation**

(1) Authorisation can be granted to a programme service to be broadcast by

- a) a natural person who
  1. has permanent or long-term residence in the territory of the Slovak Republic,
  2. has full legal capacity,
  3. has good repute, and
  4. is registered in the register of public sector partners,
- b) a public service broadcaster,
- c) a legal person which
  1. has its head office in the territory of the Slovak Republic,
  2. has good repute,
  3. is a commercial company entered in the Business Register; if this legal entity has the legal form of a joint-stock company, its shares must be registered shares entered in the central depository, or their owners must be entered in a list of shareholders kept by the central depository,
  4. is registered in the register of public sector partners.

(2) Authorisation may also be granted to a programme service to be broadcast by a person not falling under paragraph 1, if the provisions of Section 3 (3) to (6) apply.

(3) Community broadcasting may also be authorised under the conditions applicable to a local broadcaster; paragraph 1 (c) (3) shall not apply to a legal person.

Section 159 [\[DS\]](#)

### **Application for broadcasting authorisation**

(1) An application for broadcasting authorisation shall include

- a) the name, the identification number of the organisation, the address of its head office and legal form if the applicant for broadcasting authorisation is a legal person,
- b) first name and surname, date of birth, country of citizenship and permanent or long-term residence if the applicant for broadcasting authorisation is a natural person,
- c) information under subparagraphs (a) and (b) on the persons who are statutory bodies or members of a statutory body or control body, if the applicant for the broadcasting authorisation is a legal person; if the applicant for the broadcasting authorisation is not a commercial company, information under subparagraphs (a) and (b) shall also be

provided on all persons with voting rights in the management body of that person,

d) information under subparagraphs (a) and (b) on all owners and shareholders and information on the registered capital and the contributions of all owners and their ownership interests, with identification of the type and monetary value of any non-monetary contributions, or the distribution of shares amongst shareholders, if the applicant for broadcasting authorisation is a legal entity,

e) the required digital reception standard in the case of an application for authorisation of digital broadcasting and the required means of public transmission to be used as the primary method of distribution of the broadcasting signal ("primary means of public transmission"),

f) information on estimated broadcasting time and information on the proposed language or languages of broadcasting,

g) the proposed name of the programme service; the name of the programme service must not be defamatory, contrary to good morals or interchangeable with the name of another broadcaster's programme service and must not give rise to a misleading image of the content of the programme service,

h) the proposed programme structure of broadcasting,

i) in the case of an application for authorisation of local broadcasting or community broadcasting, specification of the programmes to be broadcast, demonstrating that the broadcasting service is focused on the local information environment or information sources and on the common interests that create and strengthen the internal links of the relevant community, and lead to the preservation of a sense of identity with the community,

j) information on whether the applicant is subject to a self-regulatory mechanism or a self-regulatory body that enforces such a mechanism,

k) the criteria under Section 3 establishing the jurisdiction of the Slovak Republic over the applicant,

l) indication of whether the applicant for broadcasting authorisation is part of a media group.

(2) An applicant for Broadcasting authorisation shall attach to their application

a) a document of a similar nature to an extract from the Business Register no more than 30 days old, if the applicant for broadcasting authorisation is a foreign legal entity,

b) a list of shareholders kept by the Central Depository, valid as of the date of submission of the application for broadcasting authorisation, in the case of a joint-stock company,

c) data necessary to request an extract from the Criminal Record; in the case of a foreigner, the candidate shall submit an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national,

d) a document proving permanent or long-term residence if the applicant for broadcasting authorisation is a natural person under Section 158 (1) (a),

e) a bona fide declaration of the applicant that all information given in the application and its annexes is complete, up-to-date and true.

(3) If the applicant for broadcasting authorisation is a broadcaster, the on-demand audiovisual media service provider, or a retransmission operator in another country, or the publisher of a periodical publication in the Slovak Republic or abroad, or has personal or ownership ties with a broadcaster, the on-demand audiovisual media service provider, a retransmission operator, or a publisher of a periodical publication in the Slovak Republic or abroad, the applicant shall also include information about such matters in the application for authorisation and support it with appropriate documents. The same obligation shall apply to an applicant for authorisation who provides a terrestrial multiplex in the territory of the Slovak Republic or has a personal or ownership connection with the multiplex provider that provides a terrestrial multiplex in the territory of the Slovak Republic.

(4) If the applicant for broadcasting authorisation is a public service broadcaster, it shall supplement the documents referred to in paragraph 2 with consent for the submitted application from the Radio and Television Slovakia Council.

(5) If the applicant for authorisation applies for broadcasting authorisation for several programme services, it may submit a joint application, on which the Regulator shall decide in combined proceedings.

### **Proceedings on broadcasting authorisation**

(1) The broadcasting of a programme service shall be authorised for an indeterminate period of time; the broadcasting of a programme service may be authorised for a fixed term if the applicant for authorisation so requests.

(2) The applicant for authorisation shall communicate to the Regulator all changes in the information provided in the application or included in the attached documents during proceedings on authorisation.

(3) The Regulator shall decide on the authorisation within 90 days of initiation of proceedings on broadcasting authorisation.

(4) The Regulator shall reject an application for authorisation if

- a) the applicant for authorisation does not meet the conditions laid down in Section 158,
- b) the application for authorisation does not meet the requirements laid down in Section 159, and the applicant for authorisation does not remedy the deficiencies within a set period,
- c) the applicant for authorisation does not comply with the conditions and restrictions under Division Twelve,
- d) the applicant for authorisation is applying for authorisation after withdrawal of previous authorisation and before expiry of the period laid down in this act,
- e) an applicant for authorisation of local broadcasting or community broadcasting fails to demonstrate that the programme service or community broadcasting is focused on the local information environment or information sources and on the common interests that create and strengthen the internal links of the relevant community, and lead to the preservation of a sense of identity with the community, or
- f) an applicant for community broadcast authorisation fails to demonstrate that it meets the criteria for community broadcasting.

(5) If the Regulator does not reject an application for authorisation for reasons under paragraph 4 or does not suspend the authorisation procedure within the period under paragraph 3, it shall issue a written authorisation decision within 60 days. If the Regulator fails to decide on authorisation within the period laid down in paragraph 3, the date of authorisation shall be the day following the expiry of this period; the Regulator shall immediately enter the authorisation in the register.

### **Section 161**

#### **Decision on broadcasting authorisation**

(1) A decision on broadcasting authorisation shall include

- a) the name of the programme service,
- b) identification of the digital reception standard in the case of an application for authorisation of digital broadcasting and identification of the primary means of public transmission,
- c) an indication if it is for local broadcast or community broadcasting, or if it is for a monothematic programme service, or if it is for the broadcasting of a programme service broadcast the internet,
- d) the language or languages of broadcasting,
- e) the broadcasting time of the programme service,
- f) the format in which the broadcaster is to provide the Regulator with recordings of the broadcasting of the programme service for purposes of supervision,
- g) identification of the beneficial owner if the applicant for broadcasting authorisation is a person under Section 158 (1) (a) or (c),
- h) information on whether the broadcaster is part of a media group, as well as information on persons who have a share of the registered capital of a broadcaster that is not a public service broadcaster, or a share of the voting rights in such a broadcaster,

- i) information on persons falling under Section 159(1) (c),
- j) the broadcasting authorisation number assigned by the Regulator.

(2) A decision authorising the broadcasting of a television programme service shall, in addition to the particulars referred to in paragraph 1, include an indication of the provisional classification of the broadcast television programme service for the purposes of public access to major events.

(3) If the applicant for broadcasting authorisation applies for a clause together with the application for broadcasting authorisation, the decision on broadcasting authorisation shall also contain the elements of the relevant decision on the clause.

(4) If the broadcasting authorisation is granted for a fixed term, the decision on the broadcasting authorisation shall also specify the period for which broadcasting of the programme service is authorised.

#### Section 162 [DSI](#)

### **Change in broadcasting authorisation**

(1) A broadcaster may request the Regulator to change their broadcasting authorisation.

(2) Authorisation for a change that may be implemented only after the issuing of a decision on a change in broadcasting authorisation shall be requested by the broadcaster at least 90 days before the change's planned implementation. The changes that require the issuing of a decision on a change in broadcasting authorisation are changes

- a) in the information on the type of broadcasting under Section 161 (1) (c),
- b) requiring a clause, or
- c) in clause information.

(3) A change in the broadcasting of a programme service that a broadcaster may implement only with the Regulator's consent shall be requested by the broadcaster only after obtaining the Regulator's prior consent; the Regulator shall grant consent in the form of a decision. A change that a broadcaster may implement only with the Regulator's consent shall be a change whose implementation without the prior consent of the Regulator will result in the revocation of the broadcasting authorisation.

(4) All changes, including changes under paragraph (3), which are not changes under paragraph (2) and which relate to the information provided in the application for broadcasting authorisation, shall be reported to the Regulator by the broadcaster within 15 days of their occurrence.

(5) A change in information under Section 161 (2) shall not constitute a change in broadcasting authorisation. The Regulator may also make such a change on its own initiative.

(6) Proceedings on a change in broadcasting authorisation shall commence from the date of submission of a request for a change in broadcasting authorisation or from the date of report, if the report relates to an item that is subject-matter for a decision on broadcasting authorisation; reports delivered to the Regulator pursuant to Section 21 shall constitute reports pursuant to paragraph 4 only if they prove that the broadcaster does not broadcast in accordance with the broadcasting authorisation. The broadcaster is a party to the proceedings on a change in broadcasting authorisation.

(7) Proceedings on a change in broadcasting authorisation shall not be initiated if the change is temporary, its duration does not exceed three months and concerns elements of the broadcasting authorisation under Section 161 (1) (d) and (e).

(8) The Regulator shall decide on a request for a change in broadcasting authorisation within 60 days from the initiation of proceedings.

(9) The Regulator shall reject a request for a change in broadcasting authorisation only if

- a) the request has deficiencies that prevent its assessment, and the broadcaster does not remedy these deficiencies within a period set by the Regulator,
- b) plurality of information is endangered or transparency of ownership and personal relations is not ensured, or
- c) the change would be contrary to the provisions of this act.

(10) If proceedings on a change in broadcasting authorisation are initiated based on a notification pursuant to paragraph 4 and the Regulator decides to refuse a change in broadcasting authorisation on grounds under paragraph 9, it shall set a period for the broadcaster to take corrective action. If the broadcaster does not remedy the situation within the specified period, the Regulator shall revoke the broadcasting authorisation.

(11) If the change concerns information that must be changed in several broadcasting authorisations, the Regulator shall decide on the change in combined proceedings.

(12) If the Regulator does not decide to refuse a change in broadcasting authorisation or reject a request for a change in broadcasting within the period under paragraph 8 and does not suspend the proceedings on a change in broadcasting authorisation, it shall issue a written decision on the change in broadcasting authorisation to the broadcaster within 30 days from the date when it decided on the change in broadcasting authorisation.

(13) The Regulator may change a broadcasting authorisation without the broadcaster's consent if it is necessary for compliance with obligations under international treaties by which the Slovak Republic is bound; the Regulator shall specify the broadcaster's obligations in such matters and the deadline for compliance in the decision on the change in broadcasting authorisation.

### **Transfer of broadcasting authorisation**

Section 163 [\[DS\]](#)

#### **General provisions on the transfer of broadcasting authorisation**

(1) A broadcasting authorisation shall not be transferable to another person; this shall not apply to the transfer of a broadcasting authorisation due to the sale of an undertaking or a part thereof<sup>100)</sup> that is engaged in the broadcasting of a programme service. The consent of the Regulator is needed for the transfer of a broadcasting authorisation in accordance with the first sentence, otherwise the transfer shall be invalid.

(2) A broadcasting authorisation shall not pass to the legal successor of the broadcasting authorisation holder; nor shall it be transferred even in the framework of an enforcement procedure carried out under separate legislation<sup>101)</sup> or by a procedure pursuant to separate legislation;<sup>102)</sup> this shall not apply to the transfer of a broadcasting authorisation belonging to an undertaking in the event of a division of a company or a merger of companies where the successor company carries out the activity of broadcasting a programme service. The consent of the Regulator is needed for the transfer of a broadcasting authorisation pursuant to the first sentence, otherwise the transition shall be invalid.

(3) The Regulator shall not grant consent under paragraphs 1 and 2 if

- a) the transfer will result in the infringement of the conditions and restrictions under Division Twelve, in particular under Sections 100, 101 and 104,
- b) the holder of a broadcasting authorisation whose broadcasting authorisation is to be transferred has not started broadcasting,
- c) the transfer is to take place within 12 months of the effective date of the decision on broadcasting authorisation,
- d) the broadcasting authorisation is to be transferred to a multiplex operator,
- e) the broadcasting authorisation is to be transferred to a person who cannot be an applicant for a broadcasting authorisation,
- f) the broadcasting authorisation is to be transferred to a person who has been declared bankrupt or is in liquidation.

(4) In the event of the closure of a public service broadcaster, its broadcasting authorisation shall be transferred to its legal successor if it is a legal entity that is a public service broadcaster, otherwise it shall cease to exist; the Regulator shall change the broadcasting authorisation on its own initiative.

Section 164

#### **Transfer of broadcasting authorisation in the event of death**

(1) If a natural person who is a broadcaster dies, the authorised broadcasting may be continued until the end of inheritance proceedings by

- a) legatees and a surviving spouse, even if they are not heirs, if they are co-owners of assets used for the

broadcaster's activities,

b) heirs by law, if there are no legatees,

c) a surviving spouse, even if he or she is not an heir, if he or she is a co-owner of assets used for the broadcaster's activities and the broadcaster's activities are not continued by the heirs, or

d) an estate administrator appointed by a court.103)

(2) The persons referred to in paragraph 1 may continue the broadcaster's activities only if they notify the Regulator of the continuation of the broadcaster's activities within one month from

a) the death of the broadcaster in the case of a person under paragraph 1 (a) to (c), or

b) appointment as an estate administrator by a court, in the case of a person under paragraph 1 (d).

(3) After the end of the inheritance proceedings, if the condition under paragraph 2 has been met, only a person under paragraph 1 (a) to (c) may continue to act as a broadcaster under a broadcasting authorisation granted to a broadcaster who has died, and only if, within one month of the end of the inheritance proceedings, they request a change in the broadcasting authorisation in respect of the person of the broadcaster and, in the case of an heir, only if they have also acquired an ownership interest in the assets used for the broadcaster's activities through inheritance proceedings.

## Section 165 [\[DS\]](#)

### **Revocation of broadcasting authorisation**

(1) The Regulator shall revoke broadcasting authorisation if

a) the broadcaster requests its revocation in writing,

b) a transfer has taken place without the consent of the Regulator, except in cases covered by Section 164,

c) the licence was granted on the basis of false information included in the application for broadcasting authorisation or the documents enclosed with an application pursuant to Section 46,

d) the broadcaster ceases to satisfy a prerequisite for broadcasting authorisation under Section 158,

e) the broadcaster has become a person, entity or body, or the representative or intermediary of a person, entity or body subject to a restriction or prohibition under separate legislation,<sup>38)</sup>

f) it is stipulated by this act.

(2) The Regulator shall also revoke the broadcasting authorisation if a share in the registered capital or voting rights of the broadcaster is transferred without the prior consent of the Regulator

a) in an amount exceeding 51% of the total value of the registered capital or voting rights of the authorised broadcaster during the term of the broadcasting authorisation,

b) within 12 months from the effective date of the decision on the authorisation of broadcasting of a radio programme service, or

c) within 24 months of the effective date of the decision on the authorisation of broadcasting of a television programme service.

(3) The Regulator shall also revoke broadcasting authorisation if

a) there is an immediate risk or a strong possibility that the content service, directly or in conjunction with a foreign power, could threaten the constitutional order, national security or the democratic system of fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic, or incite discrimination, intolerance or violence,

b) the content service or its provider is financed, directly or indirectly, by a terrorist organisation or by a person or state which is on a United Nations or European Union sanctions list.

(4) The Regulator may revoke broadcasting authorisation if

a) the broadcaster has breached an obligation under Section 157 (2) or does not broadcast in accordance with the

conditions of the granted broadcasting authorisation, or

b) the broadcaster is declared bankrupt or is in liquidation.

(5) If the broadcasting authorisation has been revoked by the Regulator for any reason other than at the request of the broadcaster, the broadcaster whose broadcasting authorisation has been revoked may reapply for broadcasting authorisation not earlier than one year from the effective date of the decision revoking the broadcasting authorisation; an administrative complaint lodged against the Regulator's decision to revoke broadcasting authorisation on grounds under paragraph 1 (e) or paragraph 3 shall not be recognised by a court as having suspensory effect.

#### Section 166 [\[DS\]](#)

##### **Expiry of broadcasting authorisation**

Broadcasting authorisation shall expire

- a) at the end of the period for which broadcasting of the programme service was authorised,
- b) on the winding up of the legal entity holding the broadcasting authorisation, unless this act stipulates otherwise,
- c) on the death of the natural person holding the broadcasting authorisation or the date on which the conditions for transfer of the broadcasting authorisation under Section 164 are not met,
- d) if a broadcaster who is a legal person fails to comply with an obligation under Section 20 (3),
- e) when a decision revoking the broadcasting authorisation becomes final,
- f) when the imposition of a sanction revoking the broadcasting authorisation for a grave breach of obligations under this act,
- g) when stipulated by this act.

#### **Clauses**

#### Section 167 [\[DS\]](#)

##### **Clause on ancillary broadcast service**

(1) A clause on ancillary broadcast service supplements broadcasting authorisation and entitles the broadcaster to provide ancillary broadcast service.

(2) The provision of an ancillary broadcast service shall be prohibited without a clause on ancillary broadcast service.

#### Section 168

##### **Granting of a clause on ancillary broadcast service**

(1) An application for a clause on ancillary broadcast service shall include

- a) the name of the ancillary broadcast service,
- b) specification of the ancillary broadcast service, and
- c) specification of the term of the clause, if the broadcaster is applying for a clause for a shorter period of time than the period for which broadcasting of a programme service was authorised.

(2) The broadcaster shall attach to the application an individual authorisation for the use of radio spectrum or an individual licence for the operation of gambling if provision of the ancillary broadcast service requires the broadcaster to have individual authorisation or an individual licence under separate legislation.104)

(3) If a clause on ancillary broadcast service is not granted together with a broadcasting authorisation, the procedure for granting a clause on ancillary broadcast service shall be the same as the procedure for changing broadcasting authorisation.



(4) A decision supplementing broadcasting authorisation with a clause on ancillary broadcast service shall include

- a) the name of the ancillary broadcast service; the name of the ancillary broadcast service shall be subject to the same conditions as the name of a programme service,
- b) specification of the ancillary broadcast service; if the ancillary broadcast service is a language version of a programme service, the specification shall also include identification of the language used, and
- c) the term of the clause, if the broadcasting authorisation is supplemented by this clause for a fixed term.

#### Section 169

##### **Clause on international broadcasting**

(1) A clause on international broadcasting supplements a broadcasting authorisation and authorises a broadcaster to broadcast a programme service and ancillary broadcast service to other countries.

(2) Broadcasting to other countries is prohibited without a clause on international broadcasting.

#### Section 170

##### **Granting of a clause on international broadcasting**

(1) An application for a clause on international broadcasting shall include

- a) the territory that the broadcasting is to cover,
- b) the language of broadcasting to other countries, if it is not the same as the language of broadcasting,
- c) identification of any ancillary broadcast service included in such broadcasting,
- d) specification of the term of the clause, if the broadcaster applies for a clause for a shorter period of time than that for which broadcasting of the programme service was authorised.

(2) A territory for the purpose of this act is the territory of

- a) Member States
- b) the Swiss Confederation,
- (c) states that are Contracting Parties to the European Convention on Transfrontier Television and which are not covered by subparagraphs (a) and (b), or
- (d) States other than those covered by subparagraphs (a) to (c).

(3) If a clause on international broadcasting is not granted together with a broadcasting authorisation, the procedure for granting a clause on international broadcasting shall be the same as the procedure for changing broadcasting authorisation.

(4) A decision supplementing broadcasting authorisation with a clause on international broadcasting shall include

- a) the territory,
- b) the language of international broadcasting, if it is not the same as the language of broadcasting,
- c) identification of any ancillary broadcast service included in such broadcasting,
- d) the term of the clause, if the broadcasting authorisation is supplemented by this clause for a fixed term.

#### Section 171

##### **Clause on other public transmission**

(1) A clause on other public transmission complements the broadcasting authorisation and entitles the broadcaster to broadcast a programme service, including ancillary broadcast service, by a means of public

transmission other than the primary means of public transmission or another digital reception standard.

(2) Broadcasting by other than the primary means of public transmission or another digital reception standard is prohibited without a clause on other public transmission.

#### Section 172

##### **Granting of a clause on other public transmission**

(1) An application for a clause on other public transmission shall include

- a) the means of public transmission,
- b) identification of ancillary broadcast service incorporated in public transmission,
- c) specification of the term of the clause, if the broadcaster is applying for a clause for a shorter period of time than the period for which broadcasting of a programme service was authorised.

(2) The broadcaster shall attach to the application individual authorisation for the use of radio spectrum if the broadcaster is required to have individual authorisation for the use of radio spectrum for the means of communication referred to in paragraph 1 (a) under separate legislation.<sup>104</sup>

(3) If a clause on other public transmission is not granted together with a broadcasting authorisation, the procedure for granting a clause on other public transmission shall be the same as the procedure for changing broadcasting authorisation.

(4) A decision supplementing broadcasting authorisation with a clause on other public transmission shall include

- a) the means of public transmission,
- b) identification of ancillary broadcast service incorporated in public transmission,
- c) the term of the clause, if the broadcasting authorisation is supplemented by this clause for a fixed term.

(5) A clause on other public transmission may be granted for a method of public transmission that is not retransmission of a programme service, in particular for the dissemination of a programme service via the internet, if such dissemination occurs simultaneously with the broadcasting of a programme service (simulcasting); if a programme service is disseminated only by transmission via the internet (webcasting), this shall be the primary means of public transmission.

(6) A clause on other public transmission may also be granted for analogue broadcasting if such broadcasting takes place simultaneously with the primary means of public transmission and is not a retransmission of a programme service; if the programme service is disseminated only by analogue broadcasting, this shall be the primary means of public transmission.

#### Section 173

##### **Revocation and change of a clause**

(1) A clause on ancillary broadcast service, a clause on international broadcasting or a clause on other public transmission may be revoked or its content reduced or extended at the request of the broadcaster.

(2) Proceedings whereby a clause on ancillary broadcast service, a clause on international broadcasting or a clause on other public transmission is revoked, or its content is narrowed down or extended, shall apply the same procedure as proceedings on changing broadcasting authorisation.

##### **Provider authorisation**

#### Section 174 [\[DS\]](#)

##### **Provider authorisation and its holder**

(1) Eligibility to provide an on-demand audiovisual media service is based on provider authorisation.

(2) Paragraph 1 shall not apply to the provision of an on-demand audiovisual media service exclusively through a video-sharing platform if it is provided by an on-demand audiovisual media service provider who is a

natural person and who is not a video-sharing platform provider. The on-demand audiovisual media service provider under the first sentence shall deliver the information under Section 176 (1) to the Regulator no later than the date of commencement of the provision of the on-demand audiovisual media service.

(3) A holder of provider authorisation shall exercise the rights and obligations arising from provider authorisation in their own name, on their own account and on their own responsibility.

(4) A holder of provider authorisation shall be the on-demand audiovisual media service provider.

#### Section 175

##### **Applicant for provider authorisation**

(1) Authorisation may be granted for provision of an on-demand audiovisual media service by

a) a natural person who has permanent or long-term residence in the territory of the Slovak Republic, full legal capacity, good repute and registration in the register of public sector partners,

b) an on-demand audiovisual media service provider which is also a public service broadcaster,

c) a legal person having its head office in the Slovak Republic, good repute and registration in the register of public sector partners.

(2) Authorisation may also be granted for an on-demand audiovisual media service to be provided by a person who is not a person pursuant to paragraph 1, if the provisions of Section 4 (3) and (5) apply to them.

(3) A community video service may also be authorised.

#### Section 176

##### **Application for provider authorisation**

(1) An application for the provider authorisation shall include

a) the name, the identification number of the organisation, the address of its head office and legal form if the applicant for provider authorisation is a legal person,

b) first name and surname, date of birth, country of citizenship and permanent or long-term residence if the applicant for provider authorisation is a natural person,

c) information under subparagraphs (a) and (b) on the persons who are statutory bodies or members of a statutory body or control body, if the applicant for provider authorisation is a legal person; if the applicant for broadcasting authorisation is a trading company, information under subparagraphs (a) and (b) shall also be provided on all persons with voting rights in the management body of the person,

d) information under subparagraphs (a) and (b) on all owners and shareholders and information on the registered capital and the contributions of all owners and their ownership interests, with identification of the type and monetary value of any non-monetary contributions, or the distribution of shares amongst shareholders, if the applicant for provider authorisation is a legal entity,

e) the proposed name of the on-demand audiovisual media service; the name must not be defamatory, contrary to good morals or interchangeable with the name of another on-demand audiovisual media service provider and must not give rise to a misleading image of the content of the on-demand audiovisual media service,

f) the address of the website or specification of the application through which the audiovisual media service is to be accessed,

g) in the case of an application for authorisation of a community video service, information on programmes demonstrating that the on-demand audiovisual media service is focused on the local information environment or information sources and on the common interests that create and deepen the internal links of the relevant community and lead to the preservation of a sense of identity with the community,

h) information on whether the applicant is subject to a self-regulatory mechanism or a self-regulatory body that enforces such a mechanism,

i) the criteria under Section 4 establishing the jurisdiction of the Slovak Republic over the applicant,

j) indication of whether the applicant for provider authorisation is part of a media group.

(2) An applicant for provider authorisation shall attach to their application

a) a document of a similar nature to an extract from the Business Register no more than 30 days old, if the applicant for provider authorisation is a foreign legal entity,

b) a list of shareholders kept by the Central Depository, valid as of the date of submission of the application for provider authorisation, in the case of a joint-stock company,

c) data necessary to request an extract from the Criminal Record; in the case of a foreigner, the candidate shall submit an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national,

d) a document proving permanent or long-term residence if the applicant for Provider authorisation is a natural person under Section 175 (1) (a),

e) a bona fide declaration of the applicant that all information given in the application and its annexes is complete, up-to-date and true.

(3) If the applicant for provider authorisation is the on-demand audiovisual media service provider, a broadcaster, or a retransmission operator in another country, or the publisher of a periodical publication in the Slovak Republic or abroad, or has personal or ownership ties with the on-demand audiovisual media service provider, a broadcaster, a retransmission operator, or a publisher of a periodical publication in the Slovak Republic or abroad, the applicant shall also include such information in the application for authorisation. The same obligation shall apply to an applicant for authorisation who provides a terrestrial multiplex in the territory of the Slovak Republic or has a personal or ownership connection with the multiplex provider that provides a terrestrial multiplex in the territory of the Slovak Republic.

(4) If the applicant for provider authorisation is a person under Section 175 (1) (b), the applicant shall supplement the documents referred to in paragraph 2 with consent for the submitted application from the Radio and Television Slovakia Council; paragraph 1 (a) to (d), paragraph 2 (a) to (d) and paragraph 3 shall not apply to the application of a public service broadcaster.

(5) If an applicant for authorisation applies for provider authorisation for several on-demand audiovisual media services, it may submit a joint application, on which the Regulator shall decide in combined proceedings.

## Section 177

### **Decision on provider authorisation**

(1) A decision on provider authorisation shall include

the name of the on-demand audiovisual media service,

b) the address of the website or specification of the application through which the audiovisual media service is to be accessed,

c) an indication if it is a community video service,

d) information on the beneficial owner if the applicant for provider authorisation is a person under Section 175 (1) (a) or (c),

e) information on whether the on-demand audiovisual media service provider is part of a media group, as well as information on persons who have a share of the registered capital of the on-demand audiovisual media service provider if it is not a public service broadcaster, or a share of the voting rights in the on-demand audiovisual media service provider,

f) information on persons under Section 176 (1) (c),

g) the provider authorisation number assigned by the Regulator.

(2) If the provider authorisation is granted for a fixed term, the decision on provider authorisation shall also specify the period for which broadcasting of the on-demand audiovisual media service is authorised.

## Section 178

## **Proceedings on provider authorisation**

The provisions of Sections 160, 162 to 164, Section 165 (1), (2) (a) and (c), (3) and (5) and Section 166 shall apply mutatis mutandis to provider authorisation and proceedings relating to provider authorisation, unless Sections 174 to 177 provide otherwise.

### TITLE TWO

#### REGISTRATION

##### **Retransmission registration**

Section 179 [\[DS\]](#)

##### **Retransmission registration and its holder**

(1) Eligibility to carry out commercial activity in the field of retransmission provision is established by retransmission registration, by which a retransmission operator registers for such activity for an indeterminate period of time.

(2) A legal entity may be registered as a retransmission operator if it

- a) has its head office in the territory of the Slovak Republic,
- b) is registered in the Companies Register, and
- c) has good repute.

(3) A natural person may be registered as a retransmission operator if they have permanent or long-term residence in the territory of the Slovak Republic, full legal capacity and good repute.

Section 180

##### **Application for retransmission registration**

(1) An application for retransmission registration shall include

- a) the name, the identification number of the organisation, the address of its head office and legal form if the applicant for retransmission registration is a legal person,
- b) first name and surname, date of birth, country of citizenship and permanent or long-term residence if the applicant for retransmission registration is a natural person,
- c) specification of the network or telecommunication equipment used to provide retransmission or the method of providing retransmission if the network or telecommunication equipment cannot be specified,
- d) information on the planned number of end users or subscribers,105)
- e) information on the range of programme services that the applicant for retransmission registration intends to provide through retransmission; where this range of programme services is divided into several groups with different prices for the subscriber, information on the programme services included in the basic programme package shall also be provided,
- f) information under subparagraphs (a) and (b) on all owners or shareholders and persons who are statutory representatives or members of a statutory or control body, if the applicant for retransmission registration is a legal entity,
- g) information on the registered capital and the contributions of all owners and their ownership interests, with identification of the type and monetary value of any non-monetary contributions, or the distribution of shares amongst shareholders, if the applicant for retransmission registration is a legal person.

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

- a) data necessary to request an extract from the Criminal Record; in the case of a foreigner, the applicant shall submit an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national,

- b) a proof of permanent or long-term residence if the applicant for retransmission registration is a natural person,
- c) specification of the signal distributor, if the signal is not transmitted to end users by the retransmission operator,
- d) a bona fide declaration of the applicant that all information given in the application and its annexes is complete, up-to-date and true.

(3) If the applicant for retransmission registration is at the same time a retransmission operator, broadcaster, or on-demand audiovisual media service provider abroad, or the publisher of a periodical publication in the Slovak Republic or abroad, or has personal or ownership ties with a retransmission operator, broadcaster, on-demand audiovisual media service provider, or publisher of a periodical publication in the Slovak Republic or abroad, the applicant shall include such information in the retransmission registration application. The same obligation shall apply to an applicant for retransmission registration who provides a terrestrial multiplex in the territory of the Slovak Republic or has a personal or ownership connection with a multiplex provider providing a terrestrial multiplex in the territory of the Slovak Republic.

#### Section 181

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

- (1) The Regulator shall reject an application for retransmission registration if
- a) the applicant for retransmission registration does not fulfil the requirements laid down in Section 179(2) and (3)
  - b) the application does not meet the requirements set out in Section 180 and Section 225 (10), and the applicant for retransmission registration has failed to remedy the deficiencies within the period set by the Regulator,
- (2) The Regulator shall issue a decision rejecting an application for retransmission registration within 60 days of initiation of proceedings on retransmission registration.

#### Section 182

##### **Decision on retransmission registration**

- (1) If the Regulator does not reject an application for retransmission registration, it shall issue a decision on retransmission registration within 60 days of initiation of proceedings on retransmission registration.
- (2) If the Regulator fails to decide on retransmission registration within the set time limit, the date of retransmission registration shall be the day following the expiry of this period; the Regulator shall immediately enter the retransmission registration in the register.
- (3) A decision on retransmission registration shall include
- a) specification of the network or telecommunication equipment or the method of providing retransmission if the network or telecommunication equipment cannot be specified,
  - b) the territorial coverage or territory of retransmission,
  - c) the number of end users or subscribers,
  - d) the range of programme services offered,
  - e) the retransmission registration number assigned by the Regulator.
- (4) A retransmission operator shall notify the Regulator of the start of retransmission as specified in the registration within 15 days of commencing such retransmission.

#### Section 183

##### **Change of retransmission registration**

- (1) The retransmission operator shall communicate to the Regulator every change in the information provided in the application for retransmission registration, other than information under Section 180 (1) (d), within 15 days of its occurrence.
- (2) After receiving communication pursuant to paragraph (1), within 60 days from the date of its receipt, the

Regulator shall decide on the change of retransmission registration or, if there are grounds to cancel the retransmission registration pursuant to Section 185, it shall cancel the retransmission registration; if the Regulator does not decide within the given period, this shall be deemed approval of the change that the retransmission operator communicated to the Regulator.

(3) The Regulator shall decide on change of retransmission registration at the request of the retransmission operator within 60 days of initiation of proceedings; if the Regulator does not decide within this period, this shall be deemed approval of the change requested by the retransmission operator.

(4) The Regulator may change retransmission registration without the retransmission operator's consent if it is necessary for compliance with obligations under international treaties by which the Slovak Republic is bound; the Regulator shall specify the retransmission operator's obligations in respect of such a change and the deadline for compliance in the decision on the change in retransmission registration.

(5) A retransmission operator shall report to the Regulator up-to-date data pursuant to Section 180 (1) (d) and (e) in aggregate for the retransmission operator's entire territorial coverage once a year by 31 January based on the situation as of 1 January of the given calendar year. A retransmission operator shall also be obliged to comply with a request of the Regulator to provide up-to-date information under Section 180 (1) (d) and (e) for individual parts of the retransmission operator's territorial coverage, especially in connection with the checking of compliance with the provisions of Section 30 (1)(a) and (b).

(6) If a retransmission operator starts offering a radio programme service or television programme service that was not previously included in its programme package, it shall include information pursuant to Section 180 (2) (c) in its report pursuant to paragraph (5).

#### Section 184

##### **Expiration of retransmission registration**

Retransmission registration shall expire

- a) on the dissolution of the legal entity that was the retransmission operator without a legal successor,
- b) upon the death of the natural person who was the retransmission operator,
- c) upon expiration of 60 days from the effective date of a decision on retransmission registration if a retransmission operator that is a legal entity fails to apply to add retransmission operation to its registered activities in the Business Register,
- d) upon expiry of 12 months from the effective date of a decision on retransmission registration if the person to whom the decision was issued has not commenced retransmission operation within that period,
- e) when a decision revoking retransmission registration becomes final,

#### Section 185

##### **Revocation of retransmission registration**

(1) The Regulator shall revoke retransmission registration, if

- a) the retransmission operator requests it in writing,
- b) a decision on retransmission registration was issued for the retransmission operator based on false information included in the application for retransmission registration or in the documents attached to this application,
- c) the retransmission operator does not suspend, within the set period, retransmission of a programme service whose retransmission has been suspended,
- d) the retransmission or the retransmission operator is financed, directly or indirectly, by a terrorist organisation or by a person or state which is on a United Nations or European Union sanctions list,
- e) the retransmission operator has become a person, entity or body, or the representative or intermediary of a person, entity or body subject to a restriction or prohibition under separate legislation,<sup>38)</sup>
- f), the retransmission operator breaches an obligation under Section 61 (3) despite a sanction having been imposed.

(2) The Regulator may revoke retransmission registration if a retransmission operator who is a natural person is convicted of an intentional criminal offence.

(3) If the Regulator revokes retransmission registration for any reason other than at the request of the retransmission operator, the retransmission operator whose retransmission registration has been revoked may reapply for retransmission registration not earlier than one year from the effective date of the decision revoking the retransmission registration; an administrative complaint lodged against the Regulator's decision to revoke retransmission registration on grounds under paragraph 1 (c) to (f) shall not be recognised by a court as having suspensory effect.

## **Platform registration**

Section 186 [\[DS\]](#)

### **Platform registration and its holder**

(1) Authorisation to carry out commercial activity in the field of provision of a video-sharing platform is established by platform registration, by which a video-sharing platform provider registers for such activity for an indeterminate period of time.

(2) A person may be registered as the video-sharing platform provider if they are subject to the provisions of this act pursuant to Section 7 and they are

- a) a natural person having full legal capacity and good repute, or
- b) a legal person having good repute.

Section 187

### **Application for platform registration**

(1) An application for platform registration shall include

- a) the name, the identification number of the organisation, the address of its head office and legal form if the applicant for platform registration is a legal person,
- b) first name and surname, date of birth, country of citizenship and permanent or long-term residence if the applicant for platform registration is a natural person,
- c) the address of the website or specification of the application through which the video-sharing platform is to be accessed,
- d) information on the planned number of users,
- e) information under subparagraphs (a) and (b) on all owners or shareholders and persons who are statutory representatives or members of a statutory or control body, if the applicant for platform registration is a legal entity,
- d) information on the registered capital and the contributions of all owners and their ownership interests, with identification of the type and monetary value of any non-monetary contributions, or the distribution of shares amongst shareholders, if the applicant for platform registration is a legal entity,
- g) information on whether the applicant is subject to a self-regulatory mechanism or a self-regulatory body that enforces such a mechanism,
- h) indication of whether the applicant for platform registration is part of a media group.

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

- a) data necessary to request an extract from the Criminal Record; in the case of a foreigner, the applicant shall submit an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national,
- b) a bona fide declaration of the applicant for platform registration that all information given in the application and its annexes is complete, up-to-date and true,
- c) a bona fide declaration of the applicant for platform registration, stating which of the criteria under Section 7 establishes the jurisdiction of the Slovak Republic over the applicant.



## Section 188

### Decision on platform registration

(1) A decision on platform registration shall include

- a) the name of the video-sharing platform,
- b) the address of the website or specification of the application through which the video-sharing platform is to be accessed,
- c) information on whether the video-sharing platform provider is part of a media group, as well as information on persons who have a share of the registered capital of the video-sharing platform provider or a share of the voting rights in the provider,
- d) information on persons under Section 187 (1) (e),
- e) the platform registration number assigned by the Regulator.

(2) If provider authorisation is granted for a fixed term, the decision on provider authorisation shall also specify the period for which provision of the on-demand audiovisual media service is authorised.

## Section 189

### Proceedings on platform registration

The provisions of Sections 181 and 183 to 185 shall apply mutatis mutandis to platform registration and proceedings relating to platform registration, unless Sections 186 to 188 provide otherwise.

## TITLE THREE

## LICENCES

## Section 190 [\[DS\]](#)

### Granting of a licence

(1) A licence exclusively allocates radio spectrum to a broadcaster for the purpose of broadcasting a radio programme service by analogue terrestrial broadcasting.

(2) A licence may be granted to a person holding broadcasting authorisation if they have no recorded arrears to the tax authority, customs authority, registered arrears on social security contributions and the health insurance company does not record overdue receivables from them and they do not have arrears to the Regulator.

(3) Multiple frequencies may be allocated by a single licence. If the licence holder requests, additional frequencies can be added to a licence with one or several frequencies, and the content of a licence can likewise be reduced. A multi-frequency license is a network license.

(4) There shall be no legal claim to a licence.

(5) A licence shall be granted for eight years; this shall also apply to a network licence, in which case time shall run from the allocation date of the first frequency.

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

- a) the applicant for the licence so requests,
- b) it is necessary for compliance with obligations laid down in international treaties by which the Slovak Republic is bound,
- c) it is necessary for efficient utilisation of the frequency spectrum.

(7) The licence shall authorise the licence holder to use the radio spectrum within the extent and under the conditions laid down therein. The licence holder shall exercise the rights and obligations arising from the licence in their own name, on their own account and on their own responsibility.

## Section 191

### **Licence application**

(1) An application for a licence shall include

- a) the broadcasting authorisation number of the programme service for which the frequency is to be used,
- b) information and documents about the funds that the licence applicant has access to for broadcasting,
- c) the name of the programme service for which the frequency is to be used.

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

- a) documents proving the real capability to obtain the funds specified in paragraph (1) (b), their origin and composition,
- b) documents proving that the applicant satisfies the technical and organisational requirements for due commencement of broadcasting and continued operations,
- c) a bona fide declaration of the licence applicant that the information related to the broadcasting authorisation is up-to-date, complete and true,
- d) a bona fide declaration of the applicant that all information given in the application and its annexes is up-to-date, complete and true.

(3) The licence applicant shall communicate to the Regulator all changes to the information provided in the application or included in the attached documents that occur during licensing proceedings after the submission of the licence application.

(4) If the licence applicant is covered by the provisions of separate legislation,<sup>106)</sup> it shall submit audited financial statements for the previous financial year to the register of financial statements<sup>107)</sup> no later than five working days before the date of submission of the application if such financial statements are not already in the register of financial statements. If the applicant is not covered by such provisions, the applicant shall state this in the licence application. The Regulator is entitled to inspect the Applicant's documents in the register of financial statements.

## Section 192

### **Licensing criteria and conditions**

When deciding whether a licence should be granted, the Regulator shall assess and consider

- a) prerequisites necessary to maintain or strengthen plurality of information and media content,
- b) satisfaction of the conditions and restrictions under Division Twelve,
- c) the programme services currently available in the territory to be covered by the applicant's broadcasting, including linguistic diversity in language of broadcasting of the programme services broadcast in the territory in question,
- d) costs incurred by the broadcaster for individual frequency coordination.

## Section 193

### **Licensing proceedings**

(1) The Regulator shall initiate licensing proceedings twice a year on its own initiative; the proceedings shall commence on the date of publication of the licensing conditions on the Regulator's website.

(2) The Regulator shall initiate licensing proceedings no later than 30 April and no earlier than 1 October.

(3) The published licensing conditions shall include the period and the location for submission of licence applications, the technical parameters of the frequency and the date of the public hearing for licence applicants. In a crisis situation outside wartime and a state of war<sup>108)</sup>, the Regulator may amend the basic licensing conditions or cancel the licensing procedure at any time before the date of the public hearing for licence applicants.

(4) The Council shall reject any licence applications delivered to the Regulator after expiry of the period set in the basic conditions within 15 days of delivery.

(5) All licence applicants who deliver an application to the Regulator within the set period shall be parties to the licensing proceedings.

(6) A party to the proceedings shall be entitled to inspect only that part of the documentation of the proceedings relating exclusively to their application. The Regulator shall ensure that a party to the proceedings cannot become acquainted with data provided to the Regulator by another party to the proceedings for the purposes of the proceedings.

(7) A licence shall be issued by the Regulator in the form of a decision, the operative part of which shall contain provisions on the award of the licence to one of the parties to the proceedings and provisions on the rejection of the applications of the other parties to proceedings. In the reasoning, the Regulator shall set out the results of the evaluation of individual licence applications based on the fulfilment of the criteria laid down in Section 192.

(8) The decision granting a licence shall be delivered to all parties to the proceedings.

(9) The Regulator shall grant no licence to any of the parties to proceedings if no application satisfies the criteria and conditions that the Regulator is to assess and take into account under Section 192, or there are other reasons for rejecting applicants' applications pursuant to this act; in such cases, licensing proceedings shall end with the issuing of decisions rejecting applications.

#### Section 194

##### **Decision granting a licence**

(1) The Regulator shall decide on a licence application within 180 days of the initiation of proceedings.

(2) The Regulator shall reject a licence application if

- a) a person who submitted the licence application does not meet the conditions laid down in Section 190 (2),
- b) the requirements laid down in Section 191 (1) and (2) are not met, and the licence applicant fails to remedy the deficiencies within the period set by the Regulator,
- c) the criteria and conditions that the Regulator is to assess and take into account under Section 192 are not satisfied,
- d) within the framework of the licensing proceedings, the Regulator has made a choice from a number of licence applicants or
- e) conditions under Section 193 (9) apply.

(3) A decision granting a licence must be in accordance with the radio spectrum use plan as relating to the broadcasting of a radio programme service.

(4) A decision granting a licence shall include

- a) the technical parameters of the frequency by reference to the frequency sheet number,
- b) the period for which the licence is granted; if a frequency is allocated for a shorter period, the period for which the frequency is allocated shall also be indicated,
- c) the name of the programme service for which the frequency is granted
- d) information on the use of an ancillary broadcast service on the frequency concerned,
- e) the licence number.

(5) A frequency sheet shall be an integral part of the decision granting a licence.

(6) After the decision granting the licence becomes final, the Regulator shall record the licence number in a clause on other public transmission attached to the respective broadcasting authorisation even without a request.

(7) A decision granting a licence shall come into force on the date when the Council receives a written statement of acceptance from the licence applicant; this acceptance shall be without reservation and shall be delivered within 30 days from delivery of the Regulator's decision, otherwise the decision granting the licence shall not come into force and the entire licensing proceedings shall be looked upon as not having taken place.

#### Section 195

##### **Transfer of a licence**

(1) A licence shall be transferable only together with the transfer of the broadcasting authorisation to which the licence relates.

(2) A licence may pass to the legal successor of a licence holder only if it passes together with the broadcasting authorisation to which the licence relates.

#### Section 196

##### **Proceedings for the renewal of a licence**

(1) A licence holder may apply to the Regulator for renewal of their licence. The licence holder shall deliver this application to the Regulator not earlier than 20 months and not later than 19 months before the expiration of the licence.

(2) A licence can be renewed for eight years.

(3) In making a decision on the renewal of a licence, the Regulator shall consider

- a) the criteria and conditions laid down in Section 192,
- b) the ability to comply with the obligations arising from the legislation on broadcasting,
- c) the stable position of the licence holder on the media market.

(4) The Regulator shall not renew a licence or the Regulator shall limit the content of a network licence if

- a) the frequency allocation plan for the frequency bands allocated to terrestrial analogue radio broadcasting has changed,
- b) it is necessary for compliance with obligations laid down in international treaties by which the Slovak Republic is bound.

(5) The Regulator shall decide on the renewal of a licence within 60 days of the submission of the application.

#### Section 197

##### **Other change of a licence**

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

(2) A licence holder may apply for a change of a licence adjusting the technical parameters of a frequency or swapping the frequencies used by programme services that they broadcast, provided that the licence holder demonstrates to the Regulator that this contributes to efficient use of the frequency spectrum considering how the frequency spectrum is used or the quality of the programme which the applicant broadcasts.

(3) The Regulator shall decide on an application to change a licence within 60 days from the initiation of proceedings.

#### Section 198

##### **Expiry of a licence**

A licence shall expire

- a) at the end of the period for which it was granted,

- b) on termination of the broadcasting authorisation to which the licence relates,
- c) on expiry of 360 days after the entry into force of the decision granting the licence if the licence holder does not start using the frequency in question; this period shall not include proceedings before the Authority on the related individual authorisation for use of radio spectrum for terrestrial analogue radio broadcasting,
- d) upon expiry of 360 days after the entry into force of a decision suspending licence revocation proceedings, if the licence holder does not start using the frequency again,
- e) when a decision of the Regulator on revocation becomes final.

## Section 199

### **Licence revocation**

(1) The Regulator shall not extend a licence holder's licence or the Regulator shall reduce the scope of a network licence if

- a) they request this in writing,
- b) the licence was granted or its scope was extended based on false information included in the licence application or the documents attached to the application pursuant to Section 46,
- c) an obligation under Section 190 (7) is breached,
- d) the licence is transferred in a way contravening Section 195.

(2) The Regulator may revoke a licence holder's licence or the Regulator may reduce the scope of a network licence if

- a) within the calendar year after commencing use of the radio spectrum, there is a period of thirty consecutive days when it not used; periods when use of the radio spectrum is prevented by justified technical obstructions shall not count,
- b) the broadcaster is declared bankrupt or enters liquidation,
- c) the broadcaster is a natural person and has been convicted of a crime committed in direct connection with broadcasting, or for an economic crime, or for a crime against property,
- d) the radio spectrum is not used for the purposes for which it was awarded
- e) the permitted technical frequency parameters are not used through fault of the licence holder.

(3) If the Regulator has revoked the licence or reduced the scope of a network licence for reasons under paragraph 1 (b) to (d), it shall be possible to apply for a new licence or a new extension of the licence's scope no earlier than one year after the effective date of the decision revoking the licence or reducing its scope.

## Section 200

### **Short-term licence**

(1) 'Short-term licence' means a licence which entitles a broadcaster to broadcast in a delimited territory to provide a public information service during a time-limited event.

(2) A short-term licence may be granted based on an application; the applicant shall meet the conditions laid down in Section 190 (2).

(3) The Regulator shall issue a short-term licence only for a period of no more than 30 days in one calendar year.

(4) The Regulator shall decide on the granting of a short-term licence within 60 days of the delivery of an application.

(5) The provisions of this title shall apply mutatis mutandis to the particulars of an application, the particulars of a decision, the rejection of an application, and the transfer, the expiration and the revocation of a short-term licence.

## Section 201

### **Common provisions on licence proceedings**

(1) The provisions governing the granting of a licence shall also apply mutatis mutandis to the extension of a licence with additional radio spectrum at the request of the licence holder.

(2) Appeals against decisions of the Regulator under this title shall be inadmissible.

(3) The time limit for filing an administrative complaint<sup>109)</sup> is 15 days from the date of delivery of the Regulator's decision under this title.

## TITLE FOUR

### TERRESTRIAL OPERATING PERMIT

#### Section 202 [\[DS\]](#)

#### **Terrestrial operating permit and its holder**

(1) 'Terrestrial operating permit' means an individual authorisation for the use of radio spectrum issued under separate legislation,<sup>110)</sup> which entitles its holder to provide a terrestrial multiplex using a given digital reception standard.

(2) One frequency reservation or set of technically bound frequency reservations shall be allocated by means of one terrestrial operating permit; one local multiplex shall be allocated by means of one terrestrial operating permit.

(3) In the case of an economically bound frequency reservation, as many terrestrial operating permits shall be issued as the number of frequency reservations making up the economically bound frequency reservation.

(4) The holder of a terrestrial operating permit shall be a multiplex provider.

(5) Providing a terrestrial multiplex without a terrestrial operating permit shall be prohibited.

#### Section 203 [\[DS\]](#)

#### **Selection procedure before granting a terrestrial operating permit**

(1) The granting of a terrestrial operating permit shall be preceded by a selection procedure organised by the Authority; this does not apply to the granting of a terrestrial operating permit for a local multiplex.

(2) In the case of frequency allocations forming an economically bound frequency reservation, the Authority shall organise one combined selection procedure.

(3) In the call for tenders initiating the selection procedure, the Authority shall specify evaluation criteria enabling the selection committee to evaluate in particular

a) the applicant's ability to build a network within a specified time or provide for its construction through a signal distributor,

b) transparency and credibility of the sources of the financing for building or leasing the network,

c) obligations in relation to end-users that the applicant wishes to assume,

d) the applicant's ability to put a terrestrial multiplex into operation within the specified period,

e) the planned coverage of the terrestrial multiplex signal at the start of operation,

f) the applicant's interest in providing a terrestrial multiplex in several frequency allocations at the same time.

(4) In the call for tenders initiating the selection procedure referred to in paragraph 2, the Authority shall also state

a) the period for which frequency reservations are considered to be an economically bound frequency reservation,

b) the condition that all terrestrial operating permits are intended for a single multiplex provider.

(5) The offer submitted by the applicant for a terrestrial operating permit shall include a project setting out the obligations that the applicant wishes to assume in relation to end-users, in particular ensuring access to an electronic programme guide and other ancillary broadcast service, in particular multimodal access to the programme service.

Section 204 [\[DS\]](#)

#### **Circumstances precluding the granting or renewal of a terrestrial operating permit**

The Authority shall not grant or renew a terrestrial operating permit for an applicant who does not comply with the conditions and restrictions under Division Twelve.

Section 205

#### **Transfer of rights under a terrestrial operating permit**

The Authority shall not authorise any transfer of the rights of a multiplex provider arising from a terrestrial operating permit if

- a) the multiplex provider has not started providing a terrestrial multiplex in the given frequency reservation,
- b) rights to a frequency reservation rights forming part of an economically bound frequency reservation are to be transferred separately before the end of the period for which this frequency reservation is economically bound with another frequency reservation, or
- c) the rights are to be transferred to a broadcaster.

Section 206 [\[DS\]](#)

#### **Granting a terrestrial operating permit in an analogue band**

A terrestrial operating permit in an analogue band may be granted by the Authority only if no applicant has applied for a licence for the relevant frequency at least five times.

Section 207 [\[DS\]](#)

#### **Common provisions on terrestrial operating permit proceedings**

(1) Unless otherwise provided for in this act, proceedings under this title shall be governed by separate legislation.<sup>90)</sup>

(2) The provisions of separate legislation shall also apply to the transfer, renewal, amendment, revocation and expiry of a terrestrial operating permit.<sup>111)</sup>

(3) Multiplex providers may be issued an individual permit under separate legislation<sup>90</sup> for the trial operation of terrestrial broadcasting using a digital radio reception standard.

### **DIVISION EIGHTEEN**

#### **FREQUENCY SPECTRUM**

Section 208 [\[DS\]](#)

#### **Frequency spectrum for broadcasting**

(1) The frequency allocation plan for broadcasting shall be prepared by the Authority in cooperation with the Regulator; the Authority shall create conditions for the development of digital broadcasting and the Regulator shall ensure that conditions for dual broadcasting are maintained.

(2) The frequency allocation plan for broadcasting shall, as a rule, be updated every two years and when there are changes in relevant international agreements.

(3) The Regulator shall assess the situation in the use of frequencies in the annual report.

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

broadcasting.

(5) A broadcaster shall bear responsibility for the utilisation of the frequency parameters assigned for analogue broadcasting and its signal's territorial coverage; the broadcaster shall ensure individual measurement of the frequency's territorial coverage. The broadcaster shall report the results of this measurement to the Regulator.

#### Section 209

##### **Frequency spectrum for analogue terrestrial broadcasting by a public service broadcaster**

(1) In the very high frequency band (VHF II), three broadcasting networks for national broadcasting and one broadcasting network for the broadcasting of a programme service with regional versions shall be reserved for the public service broadcaster for the broadcasting of radio programme services.

(2) A public service broadcaster shall use the reserved part of the frequency spectrum assigned to it only for the performance of its duties under this act and separate legislation<sup>13)</sup> and it shall not allow a third party to use it.

(3) The Authority shall issue an act of general application laying down, without prejudice to the rights of other broadcasters, details of the broadcasting networks under paragraph 1 including a list of the frequencies making up the broadcasting networks and their technical parameters; the Regulator shall determine the specific use of a broadcasting network in the broadcasting authorisation for the programme service of the public service broadcaster broadcast on it.

#### Section 210

##### **Requests of a public service broadcaster for frequencies for analogue terrestrial broadcasting of a radio programme service**

(1) The Regulator shall decide in licensing proceedings on any additional requests of a public service broadcaster for frequencies for analogue terrestrial broadcasting of a radio programme service beyond what is laid down in Section 209.

(2) The Regulator may decide to grant a licence to a public service broadcaster only if, during a period of at least two years when the frequency is available for allocation, no authorised broadcaster has shown an interest in the frequency in at least three consecutive licensing proceedings, unless the frequency is the individually coordinated frequency of a public service broadcaster.

(3) Licensing proceedings for a frequency granted by the Regulator to a public service broadcaster pursuant to paragraph 2 shall be initiated by the Regulator not earlier than three years before the expiry of the licence granted and not later than two years before the expiry of the licence granted.

#### Section 211

##### **Use of frequency for other general interest purposes**

(1) If it is in the interest of the Slovak Republic, the Regulator shall, at the request of the Ministry, within 45 days from the date of delivery of the request, and without prejudice to the rights of other broadcasters, grant a licence for other general interest purposes to the Ministry or another entity identified in the request for a period specified therein, but for a maximum of two years from the issue date of the licence, allocating one or more unused frequencies in the medium wave (MW) or short wave (SW) bands.

(2) In an application under paragraph 1, the Ministry shall, in addition to identifying the entity to which the licence is to be granted for other general interest purposes, unless applying for a licence for itself, and the period for which it is to be granted, also identify the general interest and the reasons why it is applying for a licence in this way, in particular if it is for security reasons, humanitarian reasons, obligations arising from international cooperation or if the application pursues another interest of the Slovak Republic.

(3) A licence for other general interest purposes shall not be transferable and, unless terminated by expiry of time, shall expire on the Regulator's decision to revoke it; the Regulator shall revoke the licence at the request of the Ministry within 45 days from the date of delivery of such a request.

(4) No appeal or administrative complaint shall be filed against decisions of the Regulator granting a licence for other general interest purposes, on its amendment, on its revocation or on the rejection of a request for a change,<sup>109)</sup> nor may an appeal be filed against a decision of the Regulator rejecting a request of the Ministry pursuant to paragraph 1 or 3.

(5) A licence for other general interest purposes and its holder shall not be subject to the provisions of



Division Seventeen, except for Section 194 (3) to (5) and Section 197; a broadcaster broadcasting under a licence for other general interest purposes shall also be exempt from to the provisions of Section 20 (8) and Section 21.

(6) The provision of paragraph 1 shall be without prejudice to the obligation of a signal distributor operating a network to obtain an individual permit under separate legislation.<sup>110)</sup>

## **DIVISION NINETEEN**

### **SPECIAL PROVISIONS ON PUBLIC TRANSMISSION AND ON CERTAIN CLAIMS IN PRIVATE LAW**

#### **TITLE ONE**

#### **RIGHT OF REPLY AND RIGHT OF FOLLOW-UP NOTIFICATION**

#### **Section 212 [DS]**

#### **Right of reply**

(1) If a programme broadcasts false or incomplete factual claims that adversely affect the honour, dignity or privacy of a natural person or the reputation of a legal person and from which the person can be precisely identified, such a person shall be entitled to have their reply broadcast. The broadcaster shall broadcast a reply at the request of the person concerned.

(2) A request for broadcasting of a reply shall be delivered to the broadcaster within 30 days of the broadcasting of the factual claim in question, otherwise the right of reply shall expire. This is without prejudice to rights arising from separate legislation<sup>112)</sup>.

(3) The request for broadcasting of a reply shall be in writing, signed by the applicant and shall include

- a) identification of the programme in which the factual claim was broadcast,
- b) a description of the factual claim stating how the factual claim is false or incomplete and how it interferes with the honour, dignity or privacy of a natural person or the reputation of a legal person.

(4) A request for broadcasting of a reply shall be accompanied by the written text of the statement. The statement shall be limited to factual claims denying, supplementing, clarifying or explaining the contested factual claim and any evaluative opinion based thereon. The expression shall be proportionate in scope to the contested factual claim and any evaluative opinion based thereon.

(5) A broadcaster is obliged to broadcast a reply free of charge, identified as a "reply", with the forename and surname or name of the applicant for broadcasting of the reply and without related text expressing the broadcaster's evaluative opinion.

(6) A reply shall normally be broadcast or released within eight days of the date of receipt of the request for broadcasting of a reply or within another reasonable period of time which shall be no more than 60 days from the date of receipt of the request for broadcasting of the reply. If it is not possible to include the reply in a broadcast of the programme in which the relevant factual claim was made because such programme is no longer broadcast, the reply shall be broadcast in the programme which replaced it or at a time corresponding to the time of broadcast of the original programme containing the factual claim to which the request for broadcasting of the reply relates.

(7) A broadcaster shall not be obliged to broadcast a reply if

- a) they can prove the truth of the factual claim to which the request for broadcasting of a reply relates,
- b) the request for broadcasting of a reply does not include the required formalities,
- c) it is directed against a factual claim broadcast with the prior consent of the applicant for broadcasting of a reply or persons referred to in Section 214 (4),
- d) broadcasting of the reply would constitute a crime, an infraction or another administrative offense, or if its broadcasting would be contrary to good morals,
- e) broadcasting of the reply would constitute an unjustified infringement of the rights or legally protected interests of a third party.

#### **Section 213**

### **Right of follow-up notification**

(1) If a broadcast programme that includes communication of a journalistic nature or is communication of a journalistic nature contains a factual claim concerning proceedings before a public authority against a person on the basis of which the person concerned can be precisely identified, such a person shall have the right, after the proceedings are concluded by a final decision, to request the broadcasting of an follow-up notification of the final result of the proceedings.

(2) A request for broadcasting of a follow-up notification shall be delivered to the broadcaster within 30 days of the effective date of a decision terminating proceedings, otherwise the right to follow-up notification shall expire. This is without prejudice to rights arising from separate legislation<sup>112</sup>.

(3) The request for broadcasting of a follow-up notification shall be in writing, signed by the applicant and shall include

- a) identification of the programme in which the factual claim about the proceedings was broadcast,
- b) identification of the proceedings in question and identification of where the factual claim concerning the proceedings in question was made in the programme,
- c) a statement that the proceedings in question have been terminated with final effect and an indication of the final outcome of the proceedings.

(4) A request for broadcasting of a follow-up notification shall be accompanied by a written draft of its text, which shall be limited to information on the outcome of the proceedings in question.

(5) A broadcaster is obliged to broadcast a follow-up notification free of charge and in the wording in which it was proposed or agreed with the person requesting broadcasting of the follow-up notification, labelled as a "follow-up notification", with the forename and surname or name of the person requesting broadcasting of the follow-up notification and without related text expressing the broadcaster's evaluative opinion.

(6) A follow-up notification shall normally be broadcast within eight days of the date of receipt of the request for broadcasting of the follow-up notification or within another reasonable period of time which shall be no more than 60 days from the date of receipt of the request for broadcasting of the follow-up notification. If it is not possible to broadcast a follow-up notification in a broadcast of the programme in which the relevant factual claim was made because such programme is no longer broadcast, the notification shall be broadcast in the programme which replaced it or at a time corresponding to the time of broadcast of the original programme containing the factual claim to which the request for broadcasting of the follow-up notification relates.

(7) A broadcaster shall not be obliged to broadcast a follow-up notification if

- a) the contents of the draft text of the follow-up notification are not factually accurate or true,
- b) the request for broadcasting of a follow-up notification does not include the required particulars,
- c) it has broadcast a notification of the final outcome of the proceedings in question on its own initiative or at the request of one of the persons referred to in Section 214 (4),
- d) broadcasting of the follow-up notification would constitute a crime, an infraction or another administrative offense, or if its broadcasting be would contrary to good morals,
- e) broadcasting of the follow-up notification would constitute an unjustified infringement of the rights or legally protected interests of a third party.

### **Section 214**

#### **Common provisions on the right of reply and the right of follow-up notification**

(1) The right of reply and the right of follow-up notification shall not apply to a factual claim if the broadcaster is not responsible for the content or truthfulness of the information. The obligation to publish the reply or follow-up notification is not extinguished by a change of broadcaster.

(2) If a broadcaster does not broadcast a reply or a follow-up notification at all or if it does not fulfil any of the conditions relating to its broadcasting, a court shall decide on the obligation to broadcast a reply or a follow-up notification based on legal action brought by the person requesting broadcasting.

(3) Legal action pursuant to paragraph 2 shall be brought within 90 days from the broadcasting of the

factual claim to which the request for broadcasting of a reply relates or from the final decision to which the request for broadcasting of a follow-up notification relates, otherwise the right of judicial recourse in respect of a reply or follow-up notification shall expire.

(4) After the death of a natural person, the right to broadcasting of a reply or follow-up notification may be exercised by their spouse or children or, in their absence, their parents.

(5) The provisions of paragraphs 1 to 4, Section 212 and 213 shall apply mutatis mutandis to an on-demand audiovisual media service provider exclusively in relation to a programme which contains communication of a journalistic nature or is communication of a journalistic nature.

## TITLE TWO

### PUBLIC TRANSMISSION OF MUSICAL WORKS IN RADIO BROADCASTING

#### Section 215 [\[DS\]](#)

##### **Quotas of Slovak musical works**

(1) In the broadcasting of radio programme services, an eligible licensed broadcaster shall reserve at least 25% of the broadcasting time of musical works between 06.00 and 24.00 in each calendar month for Slovak musical works and a public service broadcaster shall likewise reserve at least 35% of the broadcasting time of musical works between 06.00 and 24.00 in each calendar month; these quotas shall apply to each of a broadcaster's radio programme services individually.

(2) For the purposes of calculating the share referred to in paragraph 1, the time of broadcasting of musical works in a calendar month shall mean the total time reserved for the broadcasting of musical works in a radio programme service in a calendar month between 06.00 and 24.00.

(3) The share referred to in paragraph 1 shall not include Slovak musical works that are ancillary broadcasts or are for the most part accompanied by the spoken word.

(4) Of the broadcasting time reserved for Slovak musical works pursuant to paragraph 1, the broadcaster of a radio programme service shall reserve at least 20% for the broadcasting of new Slovak musical works; 'new Slovak musical work' means a musical work broadcast within five years of its publication.113)

(5) For the purposes of this act, a Slovak musical work is a musical work

a) at least one of whose composers or songwriters has or had permanent residence in the territory of the Slovak Republic, or

b) which has lyrics in Slovak.

#### Section 216

##### **Information on the fulfilment of quotas of Slovak musical works**

(1) The broadcaster of a radio programme service shall assist the Regulator in checking compliance with the obligations laid down in Section 215 by supplying, on request, the following information:

a) data on the duration of broadcasting of musical works,

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

c) a list of broadcast Slovak musical works indicating the date and time of their broadcast within the programme service, information as to whether it is a musical work with lyrics in Slovak or, for musical works without lyrics and musical works whose lyrics are not in Slovak, identification of the composer or songwriter establishing grounds for the musical work to be considered a Slovak musical work.

(2) A broadcaster of a radio programme service shall deliver the information under paragraph 1 to the Regulator within 15 days from delivery of a request from the Regulator for information under paragraph 1.

#### Section 217

##### **Exceptions from the quotas of Slovak musical works**

(1) The provisions of Sections 215 and 216 do not apply to the broadcasting of a radio programme service broadcast by a public service broadcaster if it is intended exclusively for the broadcasting of programmes for

national minorities and ethnic groups living in the territory of the Slovak Republic.

(2) The provisions of Section 215 (4) shall not apply to the broadcasting of a radio programme service focussing on musical works published earlier than in the last five years.

### TITLE THREE

#### PUBLIC TRANSMISSION AND CERTAIN SPECIAL ENTITLEMENTS

##### Section 218 [\[DS\]](#)

###### **Special provision on parallel broadcasting**

Parallel broadcasting of a radio programme service by digital terrestrial broadcasting in addition to analogue terrestrial broadcasting shall not be considered as a further use of protected subject-matter under separate legislation.<sup>4)</sup>

###### **Special provisions on public transmission by satellite**

##### Section 219 [\[DS\]](#)

###### **Broadcasting of a programme service by satellite**

'Broadcasting of a programme service by satellite' means broadcasting of a programme service which is carried out using a satellite as a means of public transmission.

##### Section 220

###### **Public transmission by satellite**

(1) Public transmission by satellite takes place when, under the control of the broadcaster and under their responsibility, a signal is introduced into the uninterrupted transmission chain leading to a satellite and from the satellite to the ground carrying the content of a programme service or part of its content consisting of audio, video or audiovisual communication, and, if relevant, an ancillary broadcast service forming part of a programme service, and this signal is intended for reception by the public; in the case of closed point-to-point communication, the conditions under which individual reception of a signal takes place shall be comparable to the conditions under which the reception of a signal intended for the public takes place.

(2) Public transmission by satellite also takes place when the signal transmitting the content of a programme service or part of its content consisting of audio, video or audiovisual communication, and, if relevant, an ancillary broadcast service forming part of a programme service, or a part of this signal is encoded, provided that the broadcaster provides the public with the means to decode the signal or such means are provided with the broadcaster's consent.

(3) Public transmission by satellite takes place in the territory of the Slovak Republic if

a) a signal carrying the content of a programme service or part of its content consisting of audio, video or audiovisual communication, and, if relevant, an ancillary broadcast service is introduced into the uninterrupted transmission chain leading to a satellite and from the satellite to the ground in the territory of the Slovak Republic and under the control of a broadcaster having their head office, the office of an organisational unit, a business establishment or residence in the same territory.

(b) telecommunications equipment located in the territory of the Slovak Republic is used to beam up to a satellite the content of a programme service or part of its content consisting of audio, video or audiovisual communication, and, if relevant, an ancillary broadcast service; or

c) a signal is introduced into the uninterrupted transmission chain leading to a satellite and from a satellite to the ground carrying the content of a programme service or part of its content consisting of an audio, video or audiovisual communication, and, if relevant, an ancillary broadcast service, under the control and responsibility of a broadcaster having its head office, a business establishment or residence in the Slovak Republic, even if a telecommunications device located outside the territory of the Slovak Republic is used to beam the signal up to the satellite.

##### Section 221

###### **Special claims related to public transmission by satellite**

Rights under separate legislation<sup>114)</sup> and claims arising from such rights in respect of public transmission

by satellite shall be exercised by authorised persons against the broadcaster, except in the case referred to in Section 220 (3) (b), where they shall be exercised against the broadcaster's signal distributor operating the telecommunications equipment.

### **Special provisions on public transmission by means of direct injection**

Section 222 [\[DS\]](#)

#### **Public transmission by means of direct injection**

(1) 'Direct injection' means a technical process by which a broadcaster transmits their programme service to a content intermediary in such a way that the programme service is not accessible to the public during such transmission. The transmission of a programme service by its direct injection from a broadcaster and subsequent public transmission by a content intermediary shall be considered a single public transmission in accordance with the provisions of separate legislation,<sup>115)</sup> if the broadcaster does not carry out broadcasting at the same time.

(2) A content intermediary is a person other than a broadcaster who communicates a programme service to the public on their own account.

(3) If a broadcaster simultaneously carries out broadcasting and transmits a programme service by direct injection to a content intermediary, the content intermediary is considered to be a retransmission operator under this act.

Section 223

#### **Special claims related to public transmission by means of direct injection**

(1) Rights in works and other protected subject-matter contained in a broadcaster's programme service that is communicated to the public by direct injection to a content intermediary pursuant to Section 222 (1) shall be cleared by the broadcaster and the content intermediary through a collective management organisation in accordance with separate legislation;<sup>116)</sup> this does not apply in the case of public transmission of broadcasting by means of direct injection, for which the content intermediary obtains consent directly from the broadcaster in accordance with separate legislation.<sup>117)</sup>

(2) Rights in works and other protected subject-matter contained in a broadcaster's programme service communicated to the public by direct injection to a content intermediary pursuant to Section 222 (3) shall be cleared in accordance with separate legislation<sup>118)</sup> as the retransmission of works and other protected subject-matter contained in the programme service.

Section 224 [\[DS\]](#)

#### **Special claims related to an ancillary online broadcasting service**

The use of protected subject-matter that is content in an ancillary online service by making a copy and communicating it to the public shall be cleared in accordance with separate legislation.<sup>119)</sup> The provisions of separate legislation shall apply to protected subject-matter that is content in an ancillary online service when providing

a) programmes of a radio programme service, or

(b) programmes of a television programme service which are news programmes, current affairs programmes or other programmes of a broadcaster financed in full by the broadcaster, with the exception of the broadcasting of a sporting event and the protected subject-matter contained therein.

## **DIVISION TWENTY**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **TITLE ONE**

#### **COMMON PROVISIONS**

Section 225 [\[DS\]](#)

(1) Proceedings under this act shall be governed by the Administrative Procedure Code, except for the provisions of Section 23 as regards the non-disclosure of voting records and [Section 9 \(2\)](#), [Section 49](#), [Section 57](#), [Sections 61 to 68 of the Administrative Procedure Code](#).

(2) Unless otherwise provided for in this act, a first-instance decision of the Regulator may be appealed.

(3) The resolution of disputes pursuant to Section 52, the complaint procedure pursuant to Section 131 and the complaint procedure pursuant to Sections 150 and 151 shall not be subject to separate legislation on complaints.120)

(4) Media commercial communication covered by this act shall not be regulated by general legislation on advertising.121)

(5) A public service broadcaster shall not be subject to the provisions of Section 20 (1) (d), Section 28 (1) (d), Sections 103 and 104, Section 159 (1) (c) and (d), (2) (a) to (d) and (3), Section 191 (1) (b) and (2) (a) and (b).

(6) The News Agency of the Slovak Republic shall not be subject to the provisions of Section 20 (1) (d), Section 28 (1) (d), Section 103, Section 104, Section 159 (1) (c) and (d), (2) (a) to (d) and (3), Section 176 (1) (c) and (d), (2) (a) to (d) and (3), Section 191 (1) (b) and (2) (a) and (b).

(7) The Swiss Confederation shall, for the purposes of this act, be treated in the same way as a Member State.

(8) The provision of on-demand audiovisual media services shall be subject to separate legislation,50a) except where this act stipulates otherwise.

(9) The fulfilment of the conditions laid down in Section 190 (2) shall be verified by the Regulator in accordance with separate legislation<sup>122)</sup>.

(10) Documents submitted to the Regulator pursuant to Divisions Fifteen to Seventeen shall be submitted in the form of originals or certified photocopies. Documents issued abroad shall be accompanied by an official translation into the state language; this does not apply if such a document is issued in a language that meets the requirement of basic mutual comprehensibility with the state language.

(11) The Regulator shall send applicants' data necessary to request an extract from the Criminal Record for purposes under Division Seventeen without undue delay in electronic form via electronic communication to the General Prosecutor's Office of the Slovak Republic to request an extract from the Criminal Record.

(12) Before issuing a decision or act of general application pursuant to Section 156 (1), the Regulator may request the opinion or other assistance of the National Security Authority, the Ministry of Foreign and European Affairs of the Slovak Republic, the Ministry of Economy of the Slovak Republic, the Ministry of Interior of the Slovak Republic and the Ministry of Defence of the Slovak Republic, which shall provide their opinion or other assistance to the Regulator within five working days of receipt of such a request in writing.

## Section 226

### Personal data

(1) Personal data obtained under this act shall be protected under separate legislation<sup>123)</sup> and may be used only for purposes under this act.

(2) An authorised person shall collect and process the personal data of a data subject obtained pursuant to this act by copying, scanning or otherwise recording official documents to the extent necessary to achieve the purpose of processing pursuant to Section 21 (3), Section 41 (3) (a), Section 42 (3) (a), Section 49 (4), Section 50 (1), Section 62 (4), Sections 103, Sections 120 and 125, Section 128 (3) and (4), Section 129 (2) and (3), Section 159 (1) (b) to (d) and (2) (b), Section 161 (1) (g) to (i), Section 176 (1) (b) to (d) and (2) (b), Section 177 (1) (d) to (f), Section 180 (1) (f), Section 187 (1) (b) and (e), Section 188 (1) (c) and (d), Section 228 (5) and (6).

(3) For the purposes of this act, the public part of the register discloses the following categories of personal data on a natural person: name and surname, place of residence or business establishment and telephone number or e-mail address.

## Section 227

(1) The provisions on product placement shall apply only to programmes produced after 19 December 2009.

(2) The provisions of this act shall not apply to the publisher of a non-periodical publication.

(3) The provisions of this act shall apply to a press agency, the operator of an internet news portal and the

publisher of a periodical publication, if this is stipulated in separate legislation.

(4) Wherever the term “licensed broadcaster” is used in acts of general application, it shall be understood as “eligible broadcaster”.

(5) Where an act of general application uses the term “Council for Broadcasting and Retransmission”, it shall be understood as “Council for Media Services”.

## TITLE TWO

### TRANSITIONAL PROVISIONS

#### Section 228 [\[DS\]](#)

##### **Broadcaster and broadcasting authorisation**

(1) A licensed broadcaster under the legislation in force until 31 July 2022 shall be an eligible broadcaster under this act.

(2) In the period from 1 August 2022 to 30 June 2023, an eligible broadcaster that broadcasts a programme service via the internet shall not be subject to the prohibition on broadcasting a programme service without authorisation. An eligible broadcaster that broadcasts a programme service via the internet is obliged to apply to the Regulator for broadcasting authorisation.

(3) Decisions granting a licence issued under the legislation in force until 31 July 2022 that are in force at the effective date of this act shall remain in force until 30 June 2023 and shall be deemed to be decisions authorising broadcasting; in the part relating to an allocated frequency, they shall be deemed to be a decision granting a licence under this act.

(4) The terms and conditions set out in a decision granting a licence issued under the legislation in force until 31 July 2022, which are not part of a broadcasting authorisation decision under Section 161 or a decision granting a licence under Section 194, shall expire on 1 August 2022.

(5) A broadcaster that has been issued a decision granting a licence under the legislation in force until 31 July 2022 shall notify the Regulator by 31 December 2022 of the information that is not part of a licence application under the legislation in force until 31 July 2022 but is part of the application for broadcasting authorisation under Section 159.

(6) A broadcaster that has been issued a decision granting a licence under the legislation in force until 31 July 2022 that entitles the broadcaster to use a frequency shall notify the Regulator by 31 December 2022 of data that is not part of a decision granting a licence issued under the legislation in force until 31 July 2022 but is part of a decision granting a licence under Section 194.

(7) The Regulator shall issue a broadcasting authorisation decision under Section 161 if the broadcaster meets the conditions under Section 158 and issue a licence decision under Section 194 if the broadcaster meets the conditions under Section 190 (2). Such a decision shall be based on the data provided by the broadcaster under paragraphs 5 and 6 and shall be issued by 30 June 2023. On the issuing of a decision under the first sentence, the decision granting a licence issued under the legislation in force until 31 July 2022 shall expire and be replaced by this new decision.

(8) By a decision granting a licence under paragraph 7, the Regulator shall grant a licence for a period equal to the period of time from the issuance of that decision granting a licence until the expiry of the period for which the original licence was issued. In respect of licences granted under the legislation in force until 31 July 2022 without a time limit, the Regulator shall grant a licence without a time limit by a decision granting a licence under paragraph 7, unless this is prevented by a reason under Section 196 (4).

#### Section 229

##### **Broadcasting in the medium wave band**

In the period from 1 August 2022 until the end of the public service broadcaster’s broadcasting in the medium wave band, two broadcasting networks for national broadcasting shall be reserved for the public service broadcaster in the medium wave band for the broadcasting of a radio programme service. For the purposes of this act, broadcasting under the first sentence shall be deemed to be broadcasting for which a licence has been granted.

#### Section 230

## **On-demand audiovisual media service provider and provider authorisation**

An on-demand audiovisual media service provider that provides an on-demand audiovisual media service on 1 August 2022 shall apply to the Regulator for provider authorisation or notify the Regulator of data in accordance with Section 174 (2) by 31 December 2022.

### Section 231

#### **Retransmission operator and retransmission registration**

(1) A person registered as a retransmission operator under the legislation in force until 31 July 2022 shall be deemed to be a person registered as a retransmission operator under this act if they meet the conditions under Section 179 (2) or (3).

(2) A decision on retransmission registration issued under previous legislation shall be deemed a decision on retransmission registration issued under this act; if a decision on registration was issued to a person who does not meet the conditions under Section 179 (2) or (3), this decision shall expire on 1 August 2022. A decision on an exemption from the basic obligations of a retransmission operator issued under previous legislation shall be considered a decision on an exemption from the basic obligations of a retransmission operator issued under this act.

(3) In the period until 31 December 2022, a retransmission operator subject to the obligation under Section 30 (1) (a) (1), shall not be obliged to ensure that the basic programme package includes, free of charge, the programme services of a public service broadcaster in the case of a monothematic programme service, the broadcasting of a programme service via the internet, the broadcasting of a programme service to a foreign country or the digital broadcasting of a radio programme service.

(4) The terms and conditions set out in a retransmission registration decision under paragraph 2 which are not part of a retransmission registration decision issued under this act shall expire on 1 August 2022.

(5) A retransmission operator that has been issued a decision on retransmission registration under the legislation in force until 31 July 2022 shall notify the Regulator of the data under Section 182 (3) by 31 December 2022.

(6) The Regulator shall, on its own initiative, change retransmission registration on the basis of a notification pursuant to paragraph 5 within 90 days from the date of data notification.

### Section 232

#### **Terrestrial operating permit**

(1) A terrestrial operating permit for the provision of a terrestrial multiplex granted under the legislation in force until 31 July 2022 which is valid as of the effective date of this act shall remain valid for the period for which it was granted.

(2) A terrestrial operating permit for the provision of a public terrestrial multiplex granted under the legislation in force until 31 July 2022, valid on the effective date of this act, shall be considered a terrestrial operating permit for the provision of a public terrestrial multiplex under this act from 1 August 2022.

(3) The restrictions on the reception and reach of a local multiplex under Section 33 (3) shall not apply to a local multiplex in the radio band for the provision of which a terrestrial operating licence was granted before the entry into force of a terrestrial operating permit for the provision of a terrestrial multiplex in a radio band frequency reservation within the geographical reach of the local multiplex concerned.

### Section 233

#### **Video-sharing platform provider and platform registration**

The video-sharing platform provider shall apply to the Regulator for registration of the platform by 31 December 2022.

### Section 234

#### **Proceedings**

(1) Proceedings in matters of licensing and the change or revocation of granted licenses begun and not



completed with final effect before 1 August 2022 shall be completed in accordance with the legislation in force on 31 July 2022.

(2) Proceedings in matters of retransmission registration and change of retransmission registration begun and not completed with final effect before 1 August 2022 shall be completed in accordance with the legislation in force on 31 July 2022.

(3) Compliance proceedings begun and not completed with final effect before 1 August 2022 shall be completed in accordance with the legislation in force on 31 July 2022.

#### Section 235

### **Right of correction**

Requests for broadcasting of a correction submitted before 1 August 2022 shall be assessed under the legislation in force until 31 July 2022.

#### **Regulator**

#### Section 236

(1) The Council for Broadcasting and Retransmission established under the legislation in force until 31 July 2022 is the Regulator under this act.

(2) Property of the state that was under the administration of the Council for Broadcasting and Retransmission on 31 July 2022 shall be under the administration of the Regulator from 1 August 2022. The property of the Council for Broadcasting and Retransmission passes to the Slovak Republic under the administration of the Regulator from 1 August 2022.

(3) Employment relations and other legal relations of employees of the Council for Broadcasting and Retransmission shall be employment relations and other legal relations of employees of the Regulator from 1 August 2022.

#### Section 237

### **Membership of the Council of the Regulator**

(1) Members of the Council for Broadcasting and Retransmission elected under the legislation in force until 31 July 2022 shall be deemed to be members of the Council of the Regulator elected under this act and their term of office shall continue without interruption.

(2) The persons performing the function of Chair and Vice-Chair of the Council for Broadcasting and Retransmission on 31 July 2022 shall be considered Chair and Vice-Chair of the Council.

#### Section 238

### **The Office**

(1) The Office of the Council for Broadcasting and Retransmission under the legislation in force until 31 July 2022 shall be the Office under this act.

(2) The function of the Director of the Regulator shall be performed from 1 August 2022 by the person who, on 31 July 2022, performed the function of the Director of the Office of the Council for Broadcasting and Retransmission.

### **Multimodal access**

#### Section 239

### **Public service broadcaster**

(1) In the period from 1 August 2022 to 31 December 2022, a public service broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

a) 50% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments,

- b) 3% of all broadcast programmes are interpreted into Slovak sign language or presented in Slovak sign language,
- c) 20% of all broadcast programmes are accompanied by an audio description.

(2) In the period from 1 January 2023 to 31 December 2024, a public service broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 55% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments,
- b) 5% of all broadcast programmes are interpreted into Slovak sign language or presented in Slovak sign language,
- c) 25% of all broadcast programmes are accompanied by an audio description.

(3) In the period from 1 January 2025 to 31 December 2025, a public service broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 65% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments,
- b) 10% of all broadcast programmes are interpreted into Slovak sign language or presented in Slovak sign language,
- c) 35% of all broadcast programmes are accompanied by an audio description.

(4) In the period from 1 January 2026 to 31 December 2026, a public service broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 90% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments or interpreted into Slovak sign language or presented in Slovak sign language,
- b) 45% of all broadcast programmes are accompanied by an audio description.

(5) In the period from 1 August 2022 to 31 December 2026, a public service broadcaster shall ensure that within the set share of programmes broadcast with multimodal access under paragraphs 1 to 4

a) at least 25% of all broadcast news programmes and current affairs programmes are accompanied by subtitles for persons with hearing impairments, interpreted into Slovak sign language or presented in Slovak sign language, at least 15% all broadcast children's programmes are accompanied by subtitles for persons with hearing impairments, and at least 15% all broadcast children's programmes are interpreted into Slovak sign language or presented in Slovak sign language,

b) at least 25% of all broadcast children's programmes and current affairs programmes are accompanied by an audio description.

(6) The provisions of Section 55 (2) and (5) to (9) and Section 56 shall apply mutatis mutandis to the provision of multimodal access to a television programme service pursuant to paragraphs 1 to 5.

#### Section 240

##### **Eligible broadcaster**

(1) In the period from 01 August 2022 to 31 December 2022 an eligible broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 10% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments, interpreted into Slovak sign language or presented in Slovak sign language,
- b) 3% of all broadcast programmes are accompanied by an audio description.

(2) In the period from 1 August 2022 to 31 December 2022, an eligible broadcaster broadcasting a programme service exclusively via the internet shall not be subject to the obligation to ensure multimodal access to a television programme service under paragraph 1 or under Section 55 (3).

(3) In the period from 01 January 2023 to 31 December 2023 an eligible broadcaster shall ensure multimodal access to its television programme services such that, in all of them, at least

- a) 13% of all broadcast programmes are accompanied by subtitles for persons with hearing impairments or

interpreted into Slovak sign language or presented in Slovak sign language,

b) 5% of all broadcast programmes are accompanied by an audio description.

(4) In the period from 1 January 2024 to 31 December 2026, an eligible broadcaster shall, on the basis of the multimodal access action plan that it has adopted, annually increase the minimum percentage of programmes with multimodal access under paragraph 3 compared to the previous period.

(5) An eligible broadcaster shall increase the minimum percentage of programmes referred to in paragraph 3 so that the broadcaster ensures the minimum percentage of programmes with multimodal access referred to in Section 55 (3) in the broadcasting of all its television programme services no later than 1 January 2027.

(6) The provisions of Section 55 (4) to (9) and Section 56 shall apply mutatis mutandis to the provision of multimodal access to a television programme service pursuant to paragraphs 1 and 3 to 5.

#### Section 241

##### **Supervision related to the protection of minors**

(1) In the period from 1 August 2022 until the entry into effect of an act of general application establishing a list of accepted labelling systems,<sup>124)</sup> broadcasters and on-demand audiovisual media services providers shall use the indication of the age suitability of a programme they broadcast or provide and the indication of the type of potentially harmful content contained therein stipulated for broadcasters and on-demand audiovisual media services providers pursuant to Section 62 (6).

(2) In the period from 1 August 2022 to 31 December 2022, the Regulator shall supervise compliance with the obligations laid down in Section 62.

(3) The Regulator shall impose a fine of up to EUR 100,000 on a broadcaster or the on-demand audiovisual media service provider for infringement of an obligation laid down in Section 62.

#### Section 242

##### **Implementing legislation**

(1) Until the entry into force of an act of general application issued under Section 53 (2) of this act, Decree of the Ministry of Culture of the Slovak Republic No [12/2016](#) on subtitles for persons with hearing impairments shall remain in force and effect.

(2) An act of general application issued under Section 53 (2) shall apply to audiovisual works, programmes of a television programme service and programmes of an on-demand audiovisual media service first made available after the entry into force of this act of general application; audiovisual works, programmes of a television programme service and programmes of an on-demand audiovisual media service first made available before the entry into force of the act of general application pursuant to Section 53 (2) shall be subject to this act of general application only if they do not meet the requirements of the act of general application in force before the entry into force of the act of general application pursuant to Section 53 (2).

(3) Until the entry into force of an act of general application issued under Section 20 (5) (d) of this act, Decree of the Ministry of Culture of the Slovak Republic No [468/2013](#) on technical requirements for the audio component of a programme service shall remain in force and effect.

(4) Until the entry into force of an act of general application issued under Section 209 (3) of this act, broadcasting networks reserved for a public service broadcaster under Section 209 (1) of this act shall be deemed to be broadcasting networks reserved for a public service broadcaster in the very high frequency band under existing regulations.

#### Section 242a

##### **Transitional provisions on the amendments effective from 28 June 2025**

(1) The multimodal access service provider may continue to provide that service until 28 June 2030 using products that it used for the provision of that service before 28 June 2025.

(2) Contracts for the provision of a multimodal access service concluded before 28 June 2025 may continue unchanged until their expiry date or until 28 June 2030, whichever is earlier.

#### TITLE THREE

## FINAL PROVISIONS

### Section 243

#### Transposition provision

This act transposes binding legislation of the European Union as specified in the annex.

### Section 244

#### Repealing provision

The following acts are repealed:

1. Act No [308/2000](#) on broadcasting and retransmission and amending Act No [195/2000](#) on telecommunications as amended by Act No [147/2001](#), Act No [206/2002](#), Act No [289/2005](#), Act No [95/2006](#), Act No [121/2006](#), Act No [13/2007](#), Act No [220/2007](#), Act No [343/2007](#), Act No [654/2007](#), Act No [167/2008](#), Act No [287/2008](#), Act No [516/2008](#), Act No [77/2009](#), Act No [318/2009](#), Act No [498/2009](#), Act No [532/2010](#), Act No [221/2011](#), Act No [397/2011](#), Act No [547/2011](#), Act No [342/2012](#), Act No [352/2013](#), Act No [373/2013](#), Act No [40/2015](#), Act No [278/2015](#), Act No [91/2016](#), Act No [125/2016](#), Act No [177/2018](#), Act No [221/2019](#), Act No [314/2019](#), Act No [129/2020](#), Act No [322/2020](#), Act No [394/2020](#) and Act No [532/2021](#),
2. Act No [220/2007](#) on the digital broadcasting of programme services and the provision of other content services via digital transmission and amending certain acts, as amended by Act No [654/2007](#), Act No [498/2009](#), Act No [532/2010](#), Act No [556/2010](#), Act No [204/2011](#), Act No [373/2013](#), Act No [278/2015](#), Act No [91/2016](#), Act No [125/2016](#), Act No [177/2018](#), Act No [221/2019](#) and Act No [394/2020](#)

### Article II

Act of the National Council of the Slovak Republic No [145/1995](#) on administrative fees, as amended by Act of the National Council of the Slovak Republic No [123/1996](#), Act of the National Council of the Slovak Republic No [224/1996](#), Act No [70/1997](#), Act No [1/1998](#), Act No [232/1999](#), Act No [3/2000](#), Act No [142/2000](#), Act No [211/2000](#), Act No [468/2000](#), Act No [553/2001](#), Act No [96/2002](#), Act No [118/2002](#), Act No [215/2002](#), Act No [237/2002](#), Act No [418/2002](#), Act No [457/2002](#), Act No [465/2002](#), Act No [477/2002](#), Act No [480/2002](#), Act No [190/2003](#), Act No [217/2003](#), Act No [245/2003](#), Act No [450/2003](#), Act No [469/2003](#), Act No [583/2003](#), Act No [5/2004](#), Act No [199/2004](#), Act No [204/2004](#), Act No [347/2004](#), Act No [382/2004](#), Act No [434/2004](#), Act No [533/2004](#), Act No [541/2004](#), Act No [572/2004](#), Act No [578/2004](#), Act No [581/2004](#), Act No [633/2004](#), Act No [653/2004](#), Act No [656/2004](#), Act No [725/2004](#), Act No [5/2005](#), Act No [8/2005](#), Act No [15/2005](#), Act No [93/2005](#), Act No [171/2005](#), Act No [308/2005](#), Act No [331/2005](#), Act No [341/2005](#), Act No [342/2005](#), Act No [468/2005](#), Act No [473/2005](#), Act No [491/2005](#), Act No [538/2005](#), Act No [558/2005](#), Act No [572/2005](#), Act No [573/2005](#), Act No [610/2005](#), Act No [14/2006](#), Act No [15/2006](#), Act No [24/2006](#), Act No [117/2006](#), Act No [124/2006](#), Act No [126/2006](#), Act No [224/2006](#), Act No [342/2006](#), Act No [672/2006](#), Act No [693/2006](#), Act No [21/2007](#), Act No [43/2007](#), Act No [95/2007](#), Act No [193/2007](#), Act No [220/2007](#), Act No [279/2007](#), Act No [295/2007](#), Act No [309/2007](#), Act No [342/2007](#), Act No [343/2007](#), Act No [344/2007](#), Act No [355/2007](#), Act No [358/2007](#), Act No [359/2007](#), Act No [460/2007](#), Act No [517/2007](#), Act No [537/2007](#), Act No [548/2007](#), Act No [571/2007](#), Act No [577/2007](#), Act No [647/2007](#), Act No [661/2007](#), Act No [92/2008](#), Act No [112/2008](#), Act No [167/2008](#), Act No [214/2008](#), Act No [264/2008](#), Act No [405/2008](#), Act No [408/2008](#), Act No [451/2008](#), Act No [465/2008](#), Act No [495/2008](#), Act No [514/2008](#), Act No [8/2009](#), Act No [45/2009](#), Act No [188/2009](#), Act No [191/2009](#), Act No [274/2009](#), Act No [292/2009](#), Act No [304/2009](#), Act No [305/2009](#), Act No [307/2009](#), Act No [465/2009](#), Act No [478/2009](#), Act No [513/2009](#), Act No [568/2009](#), Act No [570/2009](#), Act No [594/2009](#), Act No [67/2010](#), Act No [92/2010](#), Act No [136/2010](#), Act No [144/2010](#), Act No [514/2010](#), Act No [556/2010](#), Act No [39/2011](#), Act No [119/2011](#), Act No [200/2011](#), Act No [223/2011](#), Act No [254/2011](#), Act No [256/2011](#), Act No [258/2011](#), Act No [324/2011](#), Act No [342/2011](#), Act No [363/2011](#), Act No [381/2011](#), Act No [392/2011](#), Act No [404/2011](#), Act No [405/2011](#), Act No [409/2011](#), Act No [519/2011](#), Act No [547/2011](#), Act No [49/2012](#), Act No [96/2012](#), Act No [251/2012](#), Act No [286/2012](#), Act No [336/2012](#), Act No [339/2012](#), Act No [351/2012](#), Act No [439/2012](#), Act No [447/2012](#), Act No [459/2012](#), Act No [8/2013](#), Act No [39/2013](#), Act No [40/2013](#), Act No [72/2013](#), Act No [75/2013](#), Act No [94/2013](#), Act No [96/2013](#), Act No [122/2013](#), Act No [144/2013](#), Act No [154/2013](#), Act No [213/2013](#), Act No [311/2013](#), Act No [319/2013](#), Act No [347/2013](#), Act No [387/2013](#), Act No [388/2013](#), Act No [474/2013](#), Act No [506/2013](#), Act No [35/2014](#), Act No [58/2014](#), Act No [84/2014](#), Act No [152/2014](#), Act No [162/2014](#), Act No [182/2014](#), Act No [204/2014](#), Act No [262/2014](#), Act No [293/2014](#), Act No [335/2014](#), Act No [399/2014](#), Act No [40/2015](#), Act No [79/2015](#), Act No [120/2015](#), Act No [128/2015](#), Act No [129/2015](#), Act No [247/2015](#), Act No [253/2015](#), Act No [259/2015](#), Act No [262/2015](#), Act No [273/2015](#), Act No [387/2015](#), Act No [403/2015](#), Act No [125/2016](#), Act No [272/2016](#), Act No [342/2016](#), Act No [386/2016](#), Act No [51/2017](#), Act No [238/2017](#), Act No [242/2017](#), Act No [276/2017](#), Act No [292/2017](#), Act No [293/2017](#), Act No [336/2017](#), Act No [17/2018](#), Act No [18/2018](#), Act No [49/2018](#), Act No [52/2018](#), Act No [56/2018](#), Act No [87/2018](#), Act No [106/2018](#), Act

No [108/2018](#), Act No [110/2018](#), Act No [156/2018](#), Act No [157/2018](#), Act No [212/2018](#), Act No [215/2018](#), Act No [284/2018](#), Act No [312/2018](#), Act No [346/2018](#), Act No [9/2019](#), Act No [30/2019](#), Act No [150/2019](#), Act No [156/2019](#), Act No [158/2019](#), Act No [211/2019](#), Act No [213/2019](#), Act No [216/2019](#), Act No [221/2019](#), Act No [234/2019](#), Act No [356/2019](#), Act No [364/2019](#), Act No [383/2019](#), Act No [386/2019](#), Act No [390/2019](#), Act No [395/2019](#), Act No [460/2019](#), Act No [165/2020](#), Act No [198/2020](#), Act No [310/2020](#), Act No [128/2021](#), Act No [149/2021](#), Act No [259/2021](#), Act No [287/2021](#), Act No [310/2021](#), Act No [372/2021](#), Act No [378/2021](#), Act No [395/2021](#), Act No [402/2021](#), Act No [404/2021](#), Act No [455/2021](#), Act No [490/2021](#), Act No [500/2021](#), Act No [532/2021](#), Act No [540/2021](#), Act No [111/2022](#), Act No [114/2022](#), Act No [122/2022](#), Act No [180/2022](#), Act No [181/2022](#), Act No [246/2022](#), Act No [249/2022](#) and Act No [253/2022](#) is amended as follows:

1. In the Schedule of Administrative Charges of Division I, GENERAL REPORT, item 13 is replaced by the following:

“Item 13

a) Broadcasting authorisation 14)	
1. application for broadcasting authorisation	150 to 660
euro	
2. request for a change in broadcasting authorisation	30 to 160
euro	
b) Provider authorisation 14a)	
1. application for provider authorisation	260 euro
2. request for a change in provider authorisation	30 to 160 euro
c) Retransmission registration 14b)	
1. application for retransmission registration	150 to 660
euro	
2. request for a change in retransmission registration	30 to 160
euro	
d) Licence 14c)	
1. application for granting or extension a licence	260 euro
2. application for renewal of a licence	30 to 160 euro
3. request for a change in a licence	30 to 160 euro
4. application for a short-term licence	30 euro

Exemption

An exemption from the fees under this item shall be granted for an application for a change in the identification data of the applicant, in the data of persons who are beneficial owners or who have a share of the registered capital or a share of the voting rights in the applicant, or in the data of statutory bodies or members of statutory bodies or control bodies or persons with voting rights in the management body of the applicant.

Authorisation

Fees shall be determined within the range set under this item by the competent administrative authority.”.

Footnotes 14 to 14c are inserted as follows:

“14) Section 157 of Act No 264/2022 on media services and amending certain acts, as amended.

14a) Section 174 of Act No 264/2022.

14b) Section 179 of Act No 264/2022.

14c) Section 190 of Act No 264/2022.

2. In the Schedule of Administrative Charges of Division I, GENERAL REPORT, item 13a is deleted.

Act of the National Council of the Slovak Republic No [270/1995](#) on the state language of the Slovak Republic as amended by Judgement of the Constitutional Court of the Slovak Republic No [260/1997](#), Act No [5/1999](#), Act No [184/1999](#), Act No [24/2007](#), Act No [318/2009](#), Act No [35/2011](#), Act No [204/2011](#), Act No [373/2013](#) and Act No [125/2016](#) is amended as follows:

1. Section 5(3) is replaced by the following:

"(3) The provisions of paragraphs (1) and (2) shall not apply to a broadcaster of a radio programme service authorised under separate legislation, 11b) which broadcasts in the language of national minorities or in an official language of the European Union which is not the state language of the Slovak Republic."

Footnote 11b is inserted as follows:

"11b) Sections 157 to 173 of Act No 264/2022 on media services and amending certain acts, as amended.

2. In Section 5, paragraph 5 and footnotes 11c to 11e are deleted.

Paragraphs 6 to 9 are renumbered 5 to 8.

3. In Section 9 (1), the words "Section 5 (4), (5) (b), (6) to (8)" are replaced by the words "Section 5 (4), (5) to (7)".

4. Section 11c, with heading, is inserted after Section 11b as follows:

"Section 11c

**Transitional provision for the duration of the emergency situation declared in connection with the mass influx of foreigners into the territory of the Slovak Republic caused by armed conflict on the territory of Ukraine and after its lifting**

During the emergency situation declared in connection with the mass influx of foreigners into the territory of the Slovak Republic caused by armed conflict on the territory of Ukraine and for a period of 12 months after its lifting, the provisions of Section 5 (1) and (2) shall not apply to the broadcasting of programmes in the Ukrainian language."

Article IV

Act of the National Council of the Slovak Republic No [350/1996](#) on the rules of procedure of the National Council of the Slovak Republic as amended by Judgement of the Constitutional Court of the Slovak Republic No [77/1998](#), Act No [86/2000](#), Act No [138/2002](#), Act No [100/2003](#), Act No [551/2003](#), Act No [215/2004](#), Act No [360/2004](#), Act No [253/2005](#), Judgement of the Constitutional Court of the Slovak Republic No [320/2005](#), Act No [261/2006](#), Act No [199/2007](#), Act No [400/2009](#), Act No [38/2010](#), Act No [153/2011](#), Act No [187/2011](#), Act No [69/2012](#), Act No [79/2012](#), Act No [236/2012](#), Act No [296/2012](#), Act No [330/2012](#), Act No [309/2013](#), Act No [402/2013](#), Act No [375/2015](#), Act No [399/2015](#), Act No [1/2017](#), Act No [55/2017](#), Act No [217/2018](#), Act No [314/2018](#), Act No [318/2018](#), Act No [6/2019](#), Act No [241/2020](#), Act No [423/2020](#), Act No [288/2021](#) and Act No [252/2022](#) is amended as follows:

After section 59 shall be inserted section 59a as follows:

"Section 59a

The competent committee shall establish a Commission for the election of the Director General of Radio and Television Slovakia as its expert advisory and consultative body, and approve its statute, which shall regulate the details of its composition tasks and procedure."

Article V

Act No [553/2003](#) on remuneration of employees in the public sector and amending certain acts, as amended by Act No [369/2004](#), Act No [81/2005](#), Act No [131/2005](#), Act No [628/2005](#), Act No [231/2006](#), Act No [348/2007](#), Act No [519/2007](#), Act No [385/2008](#), Act No [474/2008](#), Act No [317/2009](#), Act No [400/2009](#), Act No [102/2010](#), Act No [151/2010](#), Act No [390/2011](#), Act No [62/2012](#), Act No [438/2012](#), Judgement of the Constitutional Court of the Slovak Republic No [288/2013](#), Act No [462/2013](#), Act No [325/2014](#), Act No [32/2015](#), Act No [392/2015](#), Act No [217/2016](#), Act No [243/2017](#), Act No [63/2018](#), Act No [318/2018](#), Act No [138/2019](#), Act

No [224/2019](#), Act No [381/2019](#), Act No [470/2019](#), Act No [395/2021](#) and Act No [414/2021](#) is amended as follows:

Section 1 (1) (g) is replaced by the following:

"g) Council for Media Services,".

#### Article VI

Act No [516/2008](#) on the Audiovisual Fund and amending certain acts, as amended by Act No [532/2010](#), Act No [547/2011](#), Act No [340/2012](#), Act No [352/2013](#), Act No [374/2013](#), Act No [40/2015](#), Act No [138/2017](#), Act No [177/2018](#), Act No [211/2018](#), Act No [221/2019](#), Act No [304/2019](#), Act No [129/2020](#), Act No [300/2020](#), Act No [310/2021](#) and Act No [92/2022](#) is amended as follows:

1. In Article 5 (2) and Article 10 (2), subparagraphs (a) and (b) are deleted.

Subparagraphs (c) to (f) are renumbered as subparagraphs (a) to (d).

2. Section 14 (1) (b) is replaced by the following:

"b) has full legal capacity,

3. In Section 22 (3), subparagraph (f) is inserted after subparagraph (e), as follows:

"(f) a statement of the applicant's commitment to remunerate the authors, co-authors and performers involved in the project fairly and respect the principles of fair remuneration established in separate legislation,29aaa)".

Subparagraphs (f) and (g) are renumbered as subparagraphs (g) and (h).

Footnote 29aaa is inserted as follows:

"29aaa) Section 69 of Act No 185/2015, the Copyright Act, as amended by Act No 71/2022".

4. In Section 22 (4), the words "subparagraph (g)" are replaced by the words "subparagraph (h)".

5. In section 24(2), the word "advertising" is replaced by the words "advertising communication".

6. Section 25, with heading, is replaced by the following:

#### Section 25

##### **Contribution of a television broadcaster eligible to broadcast under authorisation**

(1) A television broadcaster eligible to broadcast under authorisation granted pursuant to a separate legislation 34) shall pay a contribution to the Fund if the share of audiovisual works in a television programme service that it broadcasts is greater than 15%.

(2) The obligation under paragraph 1 does not apply to a broadcaster eligible to broadcast under authorisation in respect of a television programme service in local broadcasting, 35) community broadcasting 36) or a programme service intended solely for self-promotion. 36a)

(3) The base for calculating the contribution under paragraph 1 shall be the total revenues of the television broadcaster eligible to broadcast under authorisation from advertising communication and teleshopping broadcast for remuneration under separation legislation 36b) in the last calendar year.

(4) The contribution of a television broadcaster eligible to broadcast under authorisation shall be 2% of the base pursuant to paragraph 3."

Footnotes 34 to 36b are inserted as follows:

"34) Section 157 of Act No 264/2022 on media services and amending certain acts, as amended.

35) Section 19 (5) of Act No 264/2022.

36) Section 107 (2) of Act No 264/2022.

36a) Section 97 (1) of Act No 264/2022.

36b) Section 81 of Act No 264/2022.”

7. In Section 33 (4), the words “Section 5 (2) (d) and Section 10 (2) (f)” are replaced by the words “Section 5 (2) (b) and Section 10 (2) (d)”.

#### Article VII

Act No [532/2010](#) on Radio and Television Slovakia and amending certain acts, as amended by Act No [397/2011](#), Act No [547/2011](#), Act No [340/2012](#) and Act No [177/2018](#) is amended as follows:

1. Section 5 (1) (a) to (c) is replaced by the following:

“a) broadcasting at least two television programme services that can be received by more than 90% of the population in the territory of the Slovak Republic (“nationwide coverage”),

b) broadcasting at least four radio programme services, of which at least three have nationwide coverage; if Radio and Television Slovakia broadcasts more than four radio programme services, at least four of them shall have nationwide coverage,

c) provision of on-demand audiovisual media services, 7)”

Footnote 7 is inserted as follows:

“7) Section 26 of Act No 264/2022 on media services and amending certain acts, as amended (the Media Services Act).”.

2. Section 5 (1) (e) is replaced by the following:

“e) broadcasting a majority share of public interest programmes in the broadcasting of each programme service; ‘public interest programme’ means a programme intended to satisfy the informational and cultural needs of listeners or viewers in the territory covered by the broadcaster’s signal, in particular

1. a programme suitable for minors intended for educational, upbringing or informational purposes,

2. news,

3. a programme on education or science and technology,

4. a programme which provides legal and other information, promotes a healthy lifestyle, the protection of nature, the protection of the environment, the protection of life, health and property, and road safety,

5. a programme which presents culture, with an emphasis on the Slovak national culture or the culture of national minorities and ethnic groups, their life and opinions,

6. a programme which presents religious activities,

7. a programme intended for disadvantaged groups of people,

8. a programme presenting major international sporting events, sporting events in which athletes are representing the country, national sporting events and youth sporting events.”.

Footnote 8 is deleted.

3. Section 5 (1) (g) is replaced by the following:

“g) broadcasting programmes with a balanced content and regional focus for national minorities and ethnic groups in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic with broadcasting time proportionate to the national and ethnic composition of the population of the Slovak Republic according to the results of the latest population and housing census carried out in the territory of the Slovak Republic; Radio and Television of Slovakia shall establish independent organisational units of Slovak Radio and Slovak Television to provide for the production and broadcasting of programmes for national minorities and ethnic groups.”.

4. Subparagraphs (k) and (l) are inserted after Section 5 (1) (j) as follows:

“k) real-time streaming of multimedia content through its websites and applications,

l) providing information and content that are in accordance with the mission of Radio and Television Slovakia defined in Section 3, through its websites and applications.”.

Subparagraphs (k) to (r) are renumbered as subparagraphs (m) to (t).

5. In Section 5 (1) (m), the words “for broadcasting political advertising” are replaced by the words “during



the election campaign to the extent of”.

6. Subparagraph (u) is added to Section 5 (1) as follows:

“u) terrestrial broadcasting of at least one television programme service pursuant to subparagraph (a).”.

7. Paragraph (3) is inserted after Section 5 (2) as follows:

“(3) Radio and Television Slovakia may not place on its website advertising communication 13a) that are not for self-promotion, part of a programme provided as part of an on-demand audiovisual media service or real-time streaming of multimedia content.”.

Paragraphs 3 and 4 are renumbered 4 and 5.

Footnote 13a is inserted as follows:

“13a) Section 81 of Act No 264/2022.”.

8. Sections 5a and 5b, with heading, are inserted after Section 5 as follows:

**“Special obligations of Radio and Television Slovakia in providing for its main activity**

Section 5a

**Programmes for national minorities and ethnic groups living in the territory of the Slovak Republic**

Radio and Television Slovakia shall provide programmes of balanced content and regional coverage for national minorities and ethnic groups pursuant to Section 5 (1) (g)

a) in radio broadcasting by means of a radio programme service dedicated exclusively to the broadcasting of programmes for national minorities and ethnic groups living in the territory of the Slovak Republic,

b) in television broadcasting so that there is an average of at least 120 minutes of daily broadcasting time on weekdays and a total of at least 500 hours of such broadcasting annually in all television programme services jointly,

c) as part of a separate website.

Section 5b

**Fair remuneration**

Radio and Television Slovakia shall uphold fair remuneration for authors, co-authors and performers and respect the principle of fair remuneration established in separate legislation. 14a)”.  
Footnote 14a is inserted as follows:

Footnote 14a is inserted as follows:

“14a) Section 69 of Act No 185/2015, the Copyright Act, as amended by Act No 71/2022”.

9. In Section 17 (1) the words “in a public vote” are inserted after the words “members of the National Council present” and a new sentence is added to the end of the paragraph as follows: “The competent committee of the National Council shall invite the members of the Commission established under separate legislation 39) to a public hearing of the nominated candidates.”.

Footnote 39 is inserted as follows:

“39) Section 59a of Act of the National Council of the Slovak Republic No 350/1996 on the Rules of Procedure of the National Council of the Slovak Republic, as amended by Act No 264/2022.”

10. In Section 20 (1) (b) and Section 21 (1) (a) and (b), the words “subparagraph (m)” are replaced by the word “subparagraph (o)”.

11. Section 27a, with heading, is inserted after Section 27 as follows:

“Section 27a

**Transitional Provisions Effective from 1 August 2022**

Radio and Television Slovakia shall broadcast television programmes with a balanced content and regional coverage for national minorities and ethnic groups in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic,

a) in the period until 31 December 2022, with broadcast time of at least 240 hours per year and in shares corresponding to the national and ethnic composition of the population of the Slovak Republic according to the results of the latest population and housing census carried out in the territory of the Slovak Republic,

b) in the period from 1 January 2023 to 31 December 2023 with broadcast time of at least 360 hours per year and in shares corresponding to the national and ethnic composition of the population of the Slovak Republic according to the results of the latest population and housing census carried out in the territory of the Slovak Republic.”.

#### Article VIII

Act No [181/2014](#) on election campaigns and amending Act No [85/2005](#) on political parties and political movements, as amended, as amended by Act No [125/2016](#), Act No [69/2017](#), Act No [73/2017](#), Act No [344/2018](#), Act No [208/2019](#), Act No [413/2019](#), Judgement of the Constitutional Court of the Slovak Republic No [501/2019](#), Act No [280/2020](#), Judgement of the Constitutional Court of the Slovak Republic No [281/2021](#), Act No [512/2021](#) and Act No [185/2022](#) is amended as follows:

1. Throughout the text of the act, the words “political commercials” in all forms are replaced by the words “political promotion” in their respective forms.

2. In Section 12 (4), the words “for commercials” are replaced by the words “for advertising communication” and the words “commercials broadcast” are replaced by the words “advertising communication broadcast”.

#### Article IX

Act No [284/2014](#) on the Art Support Fund and amending Act No [434/2010](#) on the provision of subsidies within the competence of the Ministry of Culture of the Slovak Republic, as amended by Act No [79/2013](#) as amended Act No [354/2015](#), Act No [91/2016](#), Act No [138/2017](#), Act No [177/2018](#), Act No [211/2018](#), Act No [221/2019](#), Act No [129/2020](#), Act No [300/2020](#), Act No [310/2021](#), Act No [41/2022](#) and Act No [92/2022](#) is amended as follows:

1. Subparagraph (k) is added to Section 18 (1) as follows:

“k) support for the creation, development and production of musical works primarily intended for radio broadcasting.”.

2. In Section 22 (3), subparagraph (i) is inserted after subparagraph (h), as follows:

“(l) a statement of the applicant’s commitment to remunerate the authors, co-authors and performers involved in the project fairly and respect the principles of fair remuneration established in separate legislation,20aa)”.

Subparagraphs (i) and (j) are renumbered as subparagraphs (j) and (k).

Footnote 20aa is inserted as follows:

“20aa) Section 69 of Act No 185/2015, the Copyright Act, as amended by Act No 71/2022”.

3. In Section 22 (4), the words “subparagraph (j)” are replaced by the words “subparagraph (k)”.

#### Article X

Act No [40/2015](#) on Audiovision and amending certain acts, as amended by Act No [278/2015](#), Act No [177/2018](#), Act No [211/2018](#) and Act No [304/2019](#) is amended as follows:

1. Section 2(2) is replaced by the following:

“(2) An audiovisual work intended for children is an audiovisual work whose content and character are intended for minors under 12 years of age.”.

2. In Section 2, paragraph 16 is added as follows:

“(16) A person placing a labelled act of communication on the market is the producer of a Slovak audiovisual work, the distributor of an audiovisual work, the distributor of a multimedia work, the broadcaster of a television programme service, the on-demand audiovisual media service provider, or any other person who produced, publicly distributed, made available to the public, broadcast, provided or otherwise placed an audiovisual work, multimedia work or programme on the market for the first time in the territory of the Slovak Republic.”

3. In Section 8 (2), a comma and the words “in a State party to the Agreement on the European Economic Area,” are inserted after the word “Union”.

4. Section 12(1) is replaced by the following:

“(1) A unified labelling system is a system of classification for audiovisual works, multimedia works, programmes of a television programme service and programmes of an on-demand audiovisual media service (hereinafter referred to as “labelled act of communication”) in terms of

- a) age suitability, indicating their unsuitability or suitability for age groups of minors in line with another accepted labelling system pursuant to Section 12a, otherwise for age groups of minors up to 7, 12, 15 or 18 years of age; and
- b) a descriptor of which type or types of potentially harmful content they contain.”.

5. In Section 12 (2), the words “based on a proposal from the Commission for the Protection of Minors (hereinafter referred to as “the Commission”) are inserted at the end of the second sentence.

6. Section 12 (2) (c) is replaced by the following:

“c) the method of labelling a labelled act of communication to indicate its age suitability in terms of its unsuitability or suitability,”.

7. Subparagraphs (d) and (e) are inserted after Section 12 (2) (c) as follows:

“d) the evaluation criteria that are to be taken into account when evaluating the content of a labelled act of communication for the presence of a type of potentially harmful content, especially depictions of violence, sex, fear, discrimination, addiction or vulgar language,

e) the method of labelling a labelled message for the presence of a type of potentially harmful content,”.

Subparagraphs (d) and (e) are renumbered as subparagraphs (f) and (g).

8. In Section 12 (2) (f), the words “and type of potentially harmful content” are inserted after the word “suitability”.

9. Sections 12a and 12b, with headings, are inserted after Section 12 as follows:

“Section 12a

#### **Other accepted labelling systems**

(1) An accepted labelling system is a system for evaluating and labelling the content of a labelled communication that is included in the list of accepted content labelling systems established by an act of general application issued by the Ministry.

(2) The act of general application issued by the Ministry on the basis of a proposal from the Commission shall lay down

- a) a list of accepted labelling systems broken down by individual groups of persons placing labelled acts of communication on the market,
- b) detailed rules for the performance of the obligations of persons placing labelled communications on the market,
- c) detailed rules for the performance of obligations laid down by separate legislation. 17a)

Section 12b

#### **Determination of age suitability and type of potentially harmful content**

(1) The person placing a labelled act of communication on the market shall determine the age suitability of the labelled act of communication and the types of potentially harmful content by applying the unified labelling system or an accepted labelling system.

(2) Labelling pursuant to paragraph 1 shall expire 20 years after the placing on the market of the labelled act of communication.

(3) The first person to broadcast or release a labelled act of communication after the expiry of the period referred to in paragraph 2 shall reassess the age suitability of the labelled act of communication and the types of potentially harmful content before its broadcast or release; this person shall be considered to be the person placing the labelled act of communication on the market pursuant to paragraph 1.

(4) The age suitability of a labelled act of communication and the types of potentially harmful content may be reassessed before the expiry of the period referred to in paragraph 2 only if the Commission decides that age suitability has been determined incorrectly.

(5) If an automated information system is used to assess the age suitability and type of potentially harmful content, the person placing the labelled act of communication on the market shall, in determining age suitability and type of potentially harmful content, provide complete and true information about the labelled act of communication and determine the age suitability and type of potentially harmful content of the labelled act of communication according to the results generated by the automated information system.”.

Footnote 17a is inserted as follows:

“17a) Sections 62 (6) and (9) to (12) of Act No 264/2022 on media services and amending certain acts, as amended (the Media Services Act).”.

10. Section 13, with heading, is replaced by the following:

#### Section 13

#### **Disclosure of age suitability and type of potentially harmful content**

(1) The distributor of an audiovisual work shall disclose the age suitability of the audiovisual work and the type of potentially harmful content contained therein, determined pursuant to Section 12b, and shall indicate them on

- a) a visible place on the packaging of the carrier of the audiovisual work, if the carrier of the audiovisual work has packaging,
- b) the distribution sheet of the audiovisual work.

(2) The distributor of a multimedia work shall disclose the age suitability of the multimedia work and the type of potentially harmful content contained therein determined pursuant to Section 12b and shall indicate them on

- a) a visible place on the packaging of the carrier of the multimedia work, if the carrier of the multimedia work has packaging,
- b) the distribution sheet of the multimedia work.

(3) During an audiovisual performance in a publicly accessible space, the operator of the audiovisual technical equipment shall disclose an indication of the age suitability of the audiovisual work and the type of potentially harmful content contained therein determined pursuant to Section 12b, and publish them on the website of the operator of audiovisual technical equipment, if such exists.

(4) The operator of a mediatheque shall disclose in the catalogue of audiovisual works accessible to the public on the premises of the mediatheque or on copies of audiovisual works an indication of the age suitability of the audiovisual work and the type of potentially harmful content contained therein determined pursuant to Section 12b; this duty of disclosure shall also apply to multimedia works mutatis mutandis.

(5) The operator of a computer arcade is obliged to publish in the catalogue of multimedia works accessible to the public on the premises of the computer arcade or on copies of multimedia works an indication of the age suitability of the multimedia work and the type of potentially harmful content contained therein determined pursuant to Section 12b.”.

11. Sections 14a to 14f, with heading, are inserted after Section 14 as follows:

## **“Commission**

### Section 14a

#### **Competence of the Commission**

(1) The Commission shall be established as a special co-regulatory body for the protection of minors in the application of

- a) the unified labelling system pursuant to Section 12 and
- b) another accepted labelling system pursuant to Section 12a.

(2) The Commission's competence shall also include:

- a) preparing a draft act of general application establishing the particulars of a unified labelling system and the procedure for its implementation, which it shall submit to the Ministry of Culture,
- b) preparing a draft act of general application establishing a list of accepted labelling systems and details of how they are applied, which it shall submit to the Ministry of Culture,
- c) supervising compliance with the obligations laid down in Sections 12b, 13 and 14 of this act and obligations laid down in separate legislation, 17a)
- d) providing methodological guidance for persons carrying out age suitability assessments regarding procedures for determining age suitability.

(3) Detailed procedures for the activities of the Commission shall be laid down in the rules of procedure of the Commission, which shall be approved by the Commission.

### Section 14b

#### **Membership of the Commission**

(1) The Commission shall have nine members and shall be composed as follows:

- a) one member nominated by the Council for Media Services 17b) (hereinafter referred to as “Regulator”),
- b) one member nominated by the Ministry of Culture,
- c) one member nominated by the Slovak Trade Inspection,
- d) one member nominated by the professional organisation of distributors of audiovisual works representing the majority of the cinema distribution market,
- e) one member nominated by the professional organisation of television broadcasters representing the majority of the advertising market,
- f) one member nominated by the professional organisation of operators of audiovisual technical equipment representing the majority of the market,
- g) one member nominated by Radio and Television Slovakia,
- h) one member nominated by the Ministry of Education, Science, Research and Sport of the Slovak Republic for the field of child psychology or education,
- i) one member nominated by the Ministry of Labour, Social Affairs and Family of the Slovak Republic for the field of social and legal protection of children.

(2) In the event that the entities referred to in paragraph 1 (d) to (f) do not nominate a new member of the Commission within 30 days after the end of the term of office of a member of the Commission they previously nominated, the entities referred to in paragraph 1 (a) to (c) shall nominate a member of the Commission for a post vacated after the end of the term of office of the member of the Commission. The Regulator shall be the first to nominate a member of the Commission for a vacancy, followed by the Ministry of Culture and finally the Slovak Trade Inspection, whereas each entity shall be entitled to nominate only one member for a vacancy following the termination of the function of a nominated member of the Commission under paragraph 1 (d) to (f).

(3) A member of the Commission shall be a natural person who has good repute and full legal capacity. Good repute shall be proved by an extract from the Criminal Record. 17c) In the case of a foreigner, their good repute shall be demonstrated by an extract from the Criminal Record or a similar document no more than three months old issued by the competent authority of the country of which they are a national.

#### Section 14c

##### **Term of office of members of the Commission**

(1) The term of office of a member of the Commission shall be four years starting the date of delivery of their nomination to the Commission; a member of the Commission may also be re-appointed. The term of office of a member of the Commission shall be terminated

a) by expiry of the term of office of the member of the Commission,

b) by resignation from the Commission; duties shall terminate on the date of delivery of a written resignation letter to the Chair of the Commission, if a member of the Commission who is also its Chair resigns, on the date of delivery of a written resignation letter to the Vice-Chair, if no later date of termination is specified in the letter,

c) by the recall of the member of the Commission by their nominator; the performance of duties shall end on the date of delivery of written notice of recall of a member of the Commission to its Chair, if the recalled member of the Commission is also its Chair, the date of delivery of written notice of recall of the member of the Commission to the Vice-Chair, unless a later date of termination is specified in the notice,

d) by the entry into force of the conviction of the member of the Commission for an intentional criminal offence,

e) by entry into force of a decision restricting the legal capacity of the member of the Commission, or

f) by the death or declaration as dead of the member of the Commission.

(2) If a member of the Commission fails to attend a meeting of the Commission three times in a row, their membership of the Commission shall cease on the date of the third meeting of the Commission. The Commission shall notify the member of the termination of their membership. The Chair of the Commission may grant an exception to this rule in a specific case.

(3) The members of the Commission shall elect and recall the Chair and Vice-Chair of the Commission by an absolute majority of all members of the Commission in a secret ballot.

#### Section 14d

##### **Formalities related to Commission membership**

(1) A member of the Commission shall be entitled to reimbursement of expenses related to the performance of this function in accordance with separate legislation. 29)

(2) A member of the Commission shall be entitled to remuneration for the performance of this function in the amount of one half of the average monthly nominal wage of an employee in the economy of the Slovak Republic published by the Statistical Office of the Slovak Republic for the previous calendar year.

(3) The Chair of the Commission shall be entitled to additional remuneration in the amount of one half of the remuneration referred to in paragraph 2 for the performance of this function. If the Vice-Chair of the Commission deputises for the Chair of the Commission at a meeting, the Vice-Chair of the Commission shall be entitled to the additional remuneration referred to in the first sentence.

#### Section 14e

##### **Meetings of the Commission**

(1) The Commission shall have a quorum if an absolute majority of all its members are present at the meeting.

(2) A resolution of the Commission shall be adopted if an absolute majority of all its members vote in favour.

(3) Meetings of the Commission shall be convened and chaired by the Chair of the Commission. In the absence of the Chair of the Commission, the Vice-Chair of the Commission shall deputise for the Chair of the

Commission with all the Chair's rights and obligations. The Chair of the Commission shall convene an extraordinary meeting of the Commission within three working days whenever at least two members of the Commission so request in writing.

(4) Meetings of the Commission shall not be open to the public.

(5) Minutes of each meeting shall be drawn up and published on the Regulator's website within five working days of the end of a meeting of the Commission. The minutes shall be published on the Regulator's website for a period of at least five years.

(6) Final decisions of the Commission shall be published on the Regulator's website in a manner that ensures information subject to protection under separate legislation is not disclosed. 17d)

#### Section 14f

##### **Provision for the activities of the Commission**

(1) Costs for the Commission's activities shall be covered by the Regulator's budget.

(2) Activities of the Commission within the scope of its competence shall be carried out by the members of the Commission. The Regulator shall provide for the administrative and organisational activities of the Commission.”.

Footnotes 17b to 17d are inserted as follows:

“17b) Section 109 of Act No 264/2022.

17c) Sections 10 to 12 of Act No 330/2007 on the Criminal Record and amending certain acts, as amended.

17d) Act No 18/2018 on the protection of personal data and amending certain acts, as amended.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, as amended.”.

12. The heading of Division Five is replaced by the following:

**“ADVERTISING”.**

13. In section 16(2), the words “for minors” are replaced by the words “for children”.

14. Section 18, with heading, is replaced by the following:

#### Section 18

##### **Product placement**

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

(2) The producer of a Slovak audiovisual work shall ensure that the Slovak audiovisual work that they produce meets the following requirements:

a) its content is not influenced in a way that would affect the independence of the producer of the Slovak audiovisual work,

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

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

d) viewers are clearly informed of the existence of product placement by means of identification at the start or the end of the audiovisual work.

(3) Product placement is prohibited

a) for medicinal products 18) available only on prescription and medical treatments paid from public health insurance under separate legislation, 19).

b) for cigarettes, other tobacco products, electronic cigarettes and refill containers for electronic cigarettes.

(4) Product placement for alcoholic beverages

a) shall not be aimed at minors,

b) shall not encourage immoderate consumption of alcoholic beverages.”.

Footnote 19 is inserted as follows:

“19) Sections 2, 3 and 7 of Act No 577/2004 on the scope of healthcare covered by public health insurance and payments for services connected with the provision of health care, as amended.”.

15. Section 18a, with heading, is inserted after Section 18 as follows:

“Section 18a

### **Sponsorship**

(1) Sponsorship, for the purposes of this act, is any contribution to the direct or indirect financing of the production, distribution or performance of an audiovisual work in an audiovisual performance with a view to promoting the name, business name, trade mark, reputation, goods or activities of the provider of the contribution.

(2) Sponsorship shall not include a contribution under paragraph 1 provided by a person who is a producer of a given audiovisual work, a distributor of a given audiovisual work or an operator of audiovisual technical equipment through which an audiovisual work is presented to the public.

(3) A sponsor is a person providing a contribution falling under paragraph 1.

(4) A producer of an audiovisual work, a distributor of an audiovisual work and an operator of audiovisual technical equipment through which an audiovisual work is presented to the public shall ensure that

a) the sponsored audiovisual work is clearly identified by a sponsorship announcement at the beginning or the end;

b) the sponsored audiovisual work does not promote the sale, purchase or lease of the goods or services of the sponsor or a third party, in particular by making special promotional references to such goods or services in such audiovisual works.

(5) A sponsor shall not be a person whose main activity 19a) is

a) the production or sale of cigarettes, other tobacco products, electronic cigarettes or refill containers for electronic cigarettes, or

b) the production, sale or lease of weapons or ammunition.”.

Footnote 19a is inserted as follows:

“19a) Section 94 (3) of Act No 264/2022.”.

16. In section 39 (a), the word “ministry” is replaced by the word "Commission".

17. Section 41(1) is replaced by the following:

“(1) The Commission shall impose a fine of up to EUR 30,000 on

a) a person placing a labelled act of communication on the market in breach of an obligation under Section 12b (1) and (3) to (5),

b) the distributor of an audiovisual work for a breach of an obligation under Section 13 (1),

c) the distributor of a multimedia work for a breach of an obligation under Section 13 (2),



- d) an operator of audiovisual technical equipment for a breach of an obligation under Section 13 (3),
- e) the operator of a mediatheque for a breach of an obligation under Section 13 (4),
- f) the operator of a computer arcade for a breach of an obligation under Section 13 (5),
- g) an obliged person for a breach of any of the obligations under Section 14."

18. In Section 41 (3), subparagraphs (a) and (b) are deleted.

Subparagraphs (c) to (f) are renumbered as subparagraphs (a) to (d).

19. In section 41 (4) a comma and the following words are added at the end: "any unjust enrichment and any sanction that has already been imposed by a self-regulatory body in an area covered by this law within its own self-regulatory system".

20. Paragraph (5) is inserted after Section 41 (4) as follows:

"(5) Proceedings shall decide on the imposition of a fine within six months of the date when the Commission became aware of the breach of obligations but no more than one year after the date when the breach of obligations took place. The date when the Commission becomes aware of a breach of an obligation under paragraph (1) shall be the date when a report on inspection of compliance with obligations under this act is deliberated on in a meeting of the Commission."

Paragraphs 5 to 7 are renumbered 6 to 8.

21. In section 41(6), the words "under paragraphs 2 and 3" shall be inserted after the word "fine".

22. In section 41 (8) the following sentence is added at the end: "The administrator of state claims arising from fines imposed under paragraph 1 shall be the Regulator."

23. Section 43d, with heading, is inserted after Section 43c as follows:

"Section 43d

#### **Transitional provisions on the amendments effective from 1 August 2022**

(1) Until the entry into effect of an act of general application issued under Section 12(2) of this act, there shall remain in force and effect Decree of the Ministry of Culture of the Slovak Republic No 589/2007 laying down details on a unified labelling system for audiovisual works, audio recordings of artistic performances, multimedia works, programmes and other components of programme services, and on the means of its application.

(2) The obligation of the person placing a labelled act of communication on the market to identify the type of potentially harmful content contained in the labelled act of communication and the obligation to disclose its labelling shall not apply to acts of communication which were placed on the market before 1 August 2022 and are disseminated publicly without interruption after 1 August 2022.

(3) Until the entry into force of an act of general application issued under Section 12 (2) of this act and an act of general application issued under Section 12a of this act, when exercising supervision under Section 39 and when imposing fines under Section 41, the legislation in force until 31 July 2022 shall apply.

(4) In proceedings commenced before 1 August 2022 which have not been completed with final effect, the rules in force until 31 July 2022 shall apply."

#### Article XI

Act No [138/2017](#) on the Fund for the Promotion of the Culture of National Minorities and amending certain acts, as amended by Act No [177/2018](#), Act No [211/2018](#), Act No [221/2019](#), Act No [129/2020](#), Act No [300/2020](#), Act No [297/2021](#), Act No [310/2021](#) and Act No [126/2022](#), is amended as follows:

1. In Section 19 (3), subparagraph (h) is inserted after subparagraph (g), as follows:

"(l) a statement of the applicant's commitment to remunerate the authors, co-authors and performers involved in the project fairly and respect the principles of fair remuneration established in separate legislation,26aa)".

Subparagraphs (h) and (i) are renumbered as subparagraphs (i) and (j).

Footnote 26aa is inserted as follows:

“26aa) Section 69 of Act No 185/2015, the Copyright Act, as amended by Act No 71/2022”.

2. In Section 19 (4), the words “subparagraph (i)” are replaced by the words “subparagraph (j)”.

#### Article XII

Act No [95/2019](#) on information technology in public administration and amending certain acts, as amended by Act No [134/2020](#), Act No [423/2020](#), Act No [287/2021](#) and Act No [395/2021](#), is amended as follows:

In Section 1, paragraph 5 is added as follows:

“(5) The websites and mobile applications of the management body pursuant to separate legislation<sup>4a</sup> shall not be subject to the standards relating to the accessibility and functionality of websites and mobile applications, nor the minimum requirements for the content of websites.”

Footnote 4a is inserted as follows:

“4a) Act No 532/2010 on Radio and Television Slovakia and amending certain acts, as amended.”.

#### Article XIII

Act No [299/2020](#) on the provision of subsidies under the competence of the Ministry of Culture of the Slovak Republic, as amended by Act No [310/2021](#), is amended as follows:

In section 6 (2) the following sentence is added at the end: “The method for removing deficiencies of the application for the purpose pursuant to Section 2 (1) (e) shall be specified by the Ministry of Culture in the call; the provisions of the first to third sentences shall not apply.”

#### Article XIV

This Act shall take effect on 1 August 2022, except for Article I, Sections 101 and 148, and Article X (11) Section 14a (2) (c) (16) to (18), and (20), which shall take effect on 1 January 2023, and Article I, Sections 58 and 59, which shall take effect on 1 January 2027.

Act No [351/2022](#) entered into force on 28 June 2025.

**Zuzana Čaputová, in her own hand**

**Boris Kollár, in his own hand**

**Eduard Heger, in his own hand**

#### **ANNEX**

##### **List of binding acts of the European Union hereby transposed**

1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Codified version) (OJ L 95, 15.4.2010).

2. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018).

3. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001; OJ Special edition, Ch.13/vol.27), as amended by Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 (OJ L 33, 8.2.2003; OJ Special edition Ch.15/vol.7), Commission Directive 2003/63/EC of 25 June 2003 (OJ L 159, 27.6.2003; OJ Special edition, Ch.13/vol.31), Directive 2004/24/EC of the European Parliament and of the Council EC of 31 March 2004 (OJ L 136, 30.4.2004; OJ Special edition, Ch. 13/vol. 34), Directive 2004/27/EC of

the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004; OJ Special edition, Ch. 13/vol. 34), Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 (OJ L 378, 27.12.2006), Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 (OJ L 324, 10.12.2007), Directive 2008/29/EC of the European Parliament and of the Council of 11 March 2008 (OJ L 81, 20.3.2008), Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 (OJ L 168, 30.6.2009), Commission Directive 2009/120/EC of 14 September 2009 (OJ L 242, 15.9.2009), Directive 2010/84/EU of the European Parliament and of the Council of 15 December 2010 (OJ L 348, 31.12.2010), Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 (OJ L 174, 1.7.2011), Directive 2012/26/EU of the European Parliament and of the Council of 25 October 2012 (OJ L 299, 27.10.2012), Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 (OJ L 117, 5.5.2017), Regulation (EU) 2019/5 of the European Parliament and of the Council of 11 December 2018 (OJ L 4, 7.1.2019) and Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019).

4. Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ L 401, 30.12.2006) as amended by Commission Directive 2013/26/EU of 8 February 2013 (OJ L 158, 10.6.2013).

5. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ L 102, 7.4.2004; Special edition OJ, Chapter 15/Volume 8), as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 (OJ L 188, 18.7.2009).

6. Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (OJ L 207, 6.8.2010).

7. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019).

8. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.4.2014), as amended by Commission Delegated Directive 2014/109/EU of 10 October 2014 (OJ L 360, 17.12.2014).

9. Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ L 248, 6.10.1993, OJ Special edition, Ch.17/vol.1).

10. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018).

11. Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (OJ L 130, 17.5.2019).

12. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, OJ Special edition, Ch. 13/ vol. 25)

13. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 establishing the European Electronic Communications Code (Recast) (OJ L 151, 17.12.2018).

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1) Articles 49 to 55 of the Treaty on the Functioning of the European Union (Consolidated version) (OJ C 202, 7.6.2016), as amended.

2) European Convention on Transfrontier Television (Notice of the Ministry of Foreign Affairs of the Slovak Republic [No 168/1998](#)), as amended by the Protocol amending the European Convention on Transfrontier Television (Notice of the Ministry of Foreign Affairs of the Slovak Republic [No 345/2002](#)).

3) [Section 2 \(1\) of Act No 452/2021](#) on electronic communications.

4) [Section 3 of Act No 185/2015](#). Copyright Act.

- 5) [Section 116 of the Civil Code](#).
- 6) [Section 22 \(3\) of Act No 431/2002](#) on accounting, as amended.
- 7) [Section 3 \(i\) of Act No 452/2021](#).
- 8) E.g. Act No [452/2021](#).
- 9) [Section 45 of the Commercial Code](#).
- 10) E.g. [Section 27b of Act No 69/2018](#) on Cyber Security and amending certain acts, as amended by Act [No 55/2022](#).
- 11) E.g. Act No [215/2004](#) on the protection of classified information and amending certain acts, as amended, Act No [211/2000](#) on free access to information and amending certain acts (Freedom of Information Act), as amended, [Section 20 of Act of the National Council of the Slovak Republic No 198/1994](#) on Military Intelligence, [Section 80 of Act of the National Council of the Slovak Republic No 171/1993](#) on the Police Force as amended, [Section 23 of Act of the National Council of the Slovak Republic No 46/1993](#) on the Slovak Information Service.
- 12) [Section 28 of Act No 185/2015](#).
- 13) Act [No 532/2010](#) on Radio and Television Slovakia and amending certain acts, as amended.
- 14) [Section 1 \(2\) of Act No 184/1999](#) on the use of the languages of national minorities, as amended by Act [No 204/2011](#).
- 15) [Section 6a of Act No 297/2008](#) on the prevention of money laundering and terrorist financing and amending certain acts, as amended, and amending and supplementing certain acts.
- 16) [Section 5 of Act of the National Council of the Slovak Republic No 270/1995](#) on the State Language of the Slovak Republic, as amended.  
[Section 5b of Act No 184/1999](#), as amended by [Act No 204/2011](#).  
[Section 15 of Act No 40/2015](#) on Audiovision and amending certain acts, as amended by Act No [278/2015](#).
- 17) [Section 2 \(9\) of Act No 40/2015](#).
- 18) [Sections 10 to 12 of Act No 181/2014](#) on election campaigns and amending Act No [85/2005](#) on political parties and political movements, as amended.
- 19) E.g. [Article 11 \(1\) of the Constitutional Act No 227/2002](#) on national security in wartime, a state of war, a state of emergency and a state of crisis, as amended, [Section 10 \(9\) of Act No 321/2002](#) on the armed forces of the Slovak Republic, as amended.
- 20) [Section 16 \(4\) of Act of the National Council of the Slovak Republic No 42/1994](#) on civil protection of the population, as amended.
- 21) E.g. [Section 3 of Act No 22/2004](#) on electronic commerce and amending Act No [128/2002](#) on state control of the internal market in matters relating to consumer protection and amending certain acts, as amended by Act No [284/2002](#), as amended by Act No [160/2005](#).
- 22) [Section 2 \(18\) of Act No 452/2021](#).
- 23) [Section 5 of Act No 281/1997](#) on military districts and amending act of the National Council of the Slovak Republic No [222/1996](#) on the organisation of local state administration and amending certain acts, as amended.
- 24) [Section 6 \(f\)](#) and [Section 27 \(1\)](#) and [\(2\) of Act No 319/2002](#) on the defence of the Slovak Republic, as amended.
- 25) E.g. [Article 2 \(3\) \(i\), \(j\) and \(r\)](#), [Article 3 \(3\) \(i\), \(j\) and \(p\)](#), [Article 4 \(4\) \(j\)](#) and [\(k\)](#) and [Article 5 \(3\) \(i\) and \(j\) of Constitutional Act No 227/2002](#) as amended by Constitutional Act No [414/2020](#).
- 26) [Section 86 of Act No 452/2021](#).
- 27) [Section 6 of Act No 22/2004](#).

- 28) [Section 369 of the Criminal Code](#).
- 29) [Section 140b of the Criminal Code](#).
- 30) [Title Twelve of Division Two of the Criminal Code](#).
- 31) Act No [22/2004](#), as amended.
- 32) E.g. Act No [420/2004](#) on Radio and Television Slovakia and amending certain acts, as amended.
- 32a) Act No [351/2022](#) on the requirements for accessibility of products and services for persons with disabilities and amending certain acts.
- 17) [Section 2 \(3\) of Act No 351/2022](#).
- 33) Article 2 (1) of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online (OJ L 172, 17.5.2021).
- 34) Article 2 (7) of Regulation (EU) 2021/784.
- 35) Article 5 (1) to (3), (5) and (6) of Regulation (EU) 2021/784.
- 36) Article 3 (3) of Regulation (EU) 2021/784.
- 37) Article 3 of Regulation (EU) 2021/784.
- 38) E.g. Articles 2f and 12 of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014), as amended.
- 39) [Section 2 of Act No 18/2018](#) on the protection of personal data and amending certain acts.
- 40) [Section 5 \(e\) of Act No 18/2018](#).
- 41) [Section 12 of Act No 40/2015](#), as amended by Act No 264/2022.
- 42) [Section 12a of Act No 40/2015](#), as amended by Act No 264/2022.
- 43) [Section 2 \(16\) of Act No 40/2015](#), as amended by Act No 264/2022.
- 44) [Section 12b of Act No 40/2015](#), as amended by Act No 264/2022.
- 45) [Section 2 \(2\) of Act No 40/2015](#) and [Section 12a of Act No 40/2015](#), as amended by Act No 264/2022.
- 46) [Section 8 \(1\) and \(2\) of Act No 40/2015](#).
- 47) [Section 2](#), [Section 3](#) and [Section 7 of Act No 577/2004](#) on the scope of healthcare covered by public health insurance and on payments for services connected with the provision of health care, as amended.
- 48) Act No [139/1998](#) on Radio and Television Slovakia and amending certain acts, as amended.
- 49) [Section 64 to 66 of Act No 362/2011](#) on medicinal products and medical devices and amending certain acts, as amended by Act No [383/2019](#).
- 50) [Section 128 \(1\) \(g\) of Act No 362/2011](#), as amended by Act No [383/2019](#).
- 51) [Section 1 of Act of the National Council of the Slovak Republic No 219/1996](#) protection against the abuse of alcoholic beverages and on the establishment and operation of alcoholic detoxification rooms.
- 52) Act No [317/2016](#) on the requirements and procedures for the collection and transplantation of human organs, human tissues and human cells and amending certain acts (Transplantation Act).
- 53) Article 2 (2) (c) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and

Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013), as amended.

54) [Section 2 \(1\) \(a\) and \(g\) of Act No 190/2003](#) on firearms and ammunition and amending certain acts, as amended by Act No [92/2010](#).

55) E.g. [Section 5 of Regulation of the Government of the Slovak Republic No 70/2015](#) on making pyrotechnic articles available on the market.

56) Article 2 of Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019), as amended.

57) [Sections 46](#) and [84 of Act No 362/2011](#), as amended.

58) [Section 2 \(2\) of Act No 576/2004](#) on health care, services related to the provision of health care and amending certain acts, as amended.

59) [Section 1 \(1\) of Act of the Slovak National Council No 96/1991](#) on public cultural events.

60) [Section 13 \(4\) of Act No 185/2015](#).

61) [Section 82 \(1\) of Act No 185/2015](#).

62) E.g. [Section 3 \(1\) and \(2\) of Act No 129/2010](#) on consumer credits and other credits and loans for consumers and amending certain acts, as amended by Act No [438/2015](#), [Section 3 \(3\) of Act No 90/2016](#) on housing credits and amending certain acts.

63) [63\) Section 2 \(a\) of Act No 523/2004](#) on budgetary rules in public administration and amending certain acts, as amended by Act No [368/2021](#)

64) [Sections 10](#) and [11 of Act No 181/2014](#), as amended.

65) [Sections 673 to 673 of the Commercial Code](#).

66) E.g. Article 14 of Regulation (EU) 2021/784.

67) [Section 2 \(4\) of Act No 265/2022](#) on publishers of publications and on the register in the field of media and audiovisual and amending certain acts (Publications Act).

68) [Section 2 \(5\) of Act No 265/2022](#).

69) [Section 2 \(17\) of Act No 265/2022](#).

70) E.g. [Sections 22, 23](#) and [25 of Act No 265/2022](#).

71) [Section 15 of Act No 55/2017](#) on the civil service and amending certain acts, as amended.

72) [Sections 22](#) and [24 of Act No 265/2022](#).

73) [Section 3 of Act No 265/2022](#).

74) Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws, and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017), as amended.

75) Article 5 of Regulation (EU) 2021/784.

76) Article 18 of Regulation (EU) 2021/784.

77) E.g. Article 8 (1) of Council Regulation (EU) No 833/2014, as amended.

78) Act No [211/2000](#) on free access to information and amending certain acts (Freedom of Information Act), as amended.

- 79) Act No [431/2002](#) on accounting, as amended.
- 80) [Section 4 \(1\) of Act No 308/1991](#) on freedom of religious belief and the status of churches and religious societies, as amended by Act No [394/2000](#).
- 81) [Sections 10 to 12 of Act No 330/2007](#) on the Criminal Record and amending certain acts, as amended.
- 82) [Section 2 \(1\) of Act of the National Council of the Slovak Republic No 120/1993](#) on the salaries of certain constitutional officials of the Slovak Republic, as amended.
- 83) Act No [283/2002](#) on travel expenses, as amended
- 84) Act No [580/2004](#) on health insurance and amending Act No [95/2002](#) on insurance and amending certain acts, as amended.
- 85) [The Labour Code](#), as amended.
- 86) E.g. [Sections 17 to 20 of the Commercial Code](#), Act No [215/2004](#), as amended.
- 87) Act No [552/2003](#) on the performance of work in the public interest, as amended.  
Act No [553/2003](#) on remuneration of employees in the public sector and amending certain acts, as amended.
- 88) Article 8 of Regulation (EU) 2021/784.
- 89) Act No [523/2004](#), as amended.
- 90) [Act No 452/2021](#).
- 91) Article 18 (2) of Regulation (EU) 2021/784.
- 92) [Section 132 \(4\) of the Criminal Code](#).
- 93) [Section 130 \(7\) of the Criminal Code](#).
- 94) [Section 422d of the Criminal Code](#).
- 95) [Section 423 of the Criminal Code](#).
- 96) [Section 424 of the Criminal Code](#).
- 97) Act No [71/1967](#) on administrative procedure (Administrative Procedure Code), as amended
- 98) Act No [400/2015](#) on legislative activity and on the Collection of Laws of the Slovak Republic and amending certain acts, as amended.
- 99) [Section 27c \(2\) \(e\) of Act No 69/2018](#) as amended by Act No [55/2022](#).
- 100) [Sections 476 to 488 of the Commercial Code](#).
- 101) Act of the National Council of the Slovak Republic No [233/1995](#) on bailiffs and enforcement activities (Execution Procedure Code) and amending certain acts, as amended.  
Act No [563/2009](#) on tax administration (Tax Code) and amending certain acts, as amended.
- 102) Act No [7/2005](#) on bankruptcy and restructuring and amending certain acts, as amended.
- 103) [Sections 182 to 186 of the Code of Civil Non-Dispute Procedure](#).
- 104) E.g., [Section 35 of Act No 452/2021](#), [Section 35 \(b\) of Act No 30/2019](#) on gambling and amending certain acts.
- 105) [Sections 3 \(i\) and \(j\) of Act No 452/2021](#).
- 106) [Sections 35 to 40 of the Commercial Code](#).  
[Section 19 of Act No 431/2002](#), as amended.
- 107) [Section 23 of Act No 431/2002](#), as amended.

- 108) [Section 2 \(a\) of Act No 387/2002](#) on state management in crisis situations outside wartime and a state of war.
- 109) [Sections 177 to 193 of the Administrative Procedure Code](#), as amended by Act No [187/2021](#).
- 110) [Section 35 of Act No 452/2021](#).
- 111) [Sections 35, 36, 42, 43 and 46 of Act No 452/2021](#).
- 112) E.g. [Sections 13 to 16 of the Civil Code](#).
- 113) [Section 6 \(1\) of Act No 185/2015](#).
- 114) [Section 27 of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 115) [Section 27 \(3\) of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 116) [Section 146 \(2\) \(h\) of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 117) [Section 125 \(3\) \(g\) of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 118) [Section 146 \(2\) \(g\) of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 119) [Section 80 \(1\) \(k\) of Act No 185/2015](#), as amended by Act No [71/2022](#).
- 120) Act No [9/2010](#) on complaints, as amended.
- 121) Act No [147/2001](#) on advertising and amending certain acts, as amended.
- 122) Act No [177/2018](#) on certain measures to reduce administrative burdens by using public administration information systems and amending certain acts (the Bureaucracy Act), as amended.
- 123) Act No [18/2018](#) as amended, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016), as amended.
- 124) [Section 12a \(2\) of Act No 40/2015](#), as amended by Act No 264/2022.