

40/2015 Coll.

ACT

of 3 February 2015

on Audiovision and on the Amendment and Supplementation of Certain Acts

Amendment: [40/2015 Coll.](#), [278/2015 Coll.](#)

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

Art. I

PART ONE

GENERAL PROVISIONS

Section 1

Subject-matter of Legislation

(1) This Act shall govern:

- a) the rights and obligations of persons active in the area of audiovision,
- b) the register of Slovak audiovisual works, the register of persons active in audiovision and the register of independent producers,
- c) the unified labelling system,
- d) the position and competences of the Slovak Film Institute;
- e) the conditions for the professional preservation of original media of audiovisual works and audiovisual records constituting the audiovisual heritage of the Slovak Republic (hereinafter referred to as "audiovisual heritage").

(2) This Act shall apply to

- a) an audiovisual work¹⁾ presented publicly within the territory of the Slovak Republic by audiovisual performance, distributed²⁾ within the territory of the Slovak Republic on any media or made it available to the public for a charge³⁾ from the territory of the Slovak Republic;
- b) an audio recording⁴⁾ of an artistic performance⁵⁾ distributed within the territory of the Slovak Republic on any media or made it available to the public for a charge from the territory of the Slovak Republic;
- c) a multi-media work distributed within the territory of the Slovak Republic on any media or made it available to the public for a charge from the territory of the Slovak Republic;
- d) an audiovisual recording,⁶⁾ having an audiovisual value pursuant to Section 34 paragraph 4.

(3) This Act shall not apply to audiovisual work, audio recording of artistic performance nor to multi-media work which is a commercial,⁷⁾ or an advertisement.

Section 2

Definition of Certain Terms

(1) Audiovisual work intended only for adults is audiovisual work that, by its nature or content, may endanger the development of a natural person under the age of eighteen years (hereinafter referred to as "minor"), in particular audiovisual work that contains pornography or rough or unjustified violence; this applies accordingly to audio recording of an artistic performance intended only for adults and multi-media work intended only for adults.

(2) Audiovisual work intended for minors is an audiovisual work that does not endanger the development of minors by its content and nature.

(3) Audiovisual performance is a disclosure of an audiovisual work to the public by means of audiovisual technical equipment for an individually unspecified number of persons in a publicly accessible space.

(4) Audiovisual technical equipment is a technical equipment used to present the audiovisual work on the public in a form of audiovisual performance.

(5) Dubbing is the processing of the original audiovisual work by replacing the original verbal component by a recording in a different language; interpretation into sign language, a voice-over commentary for the sightless and simultaneous interpretation shall also be considered dubbing.

(6) Distributor of the audiovisual work is a person who publicly distributes copy of the audiovisual work or makes the audiovisual work accessible to the public for a charge; any person who publicly distributes copy of the audiovisual work solely in the form of transfer of title to the end consumer or via on-demand audiovisual media service⁸⁾ or the operator of a mediatheque shall not be considered a distributor of the audiovisual work.

(7) Distributor of a multi-media work is a person who publicly distributes copy of the multi-media work or makes the multi-media work accessible to the public for a charge; any person who publicly distributes copy of the multi-media work in the form of transfer of title to the end consumer or the operator of the mediatheque shall not be considered a distributor of a multi-media work.

(8) Distributor of an audio recording of an artistic performance is a person who publicly distributes copy of the audio recording of the artistic performance or makes the audio recording of the artistic performance accessible to the public for a charge; any person who publicly distributes copy of the audio recording of the artistic performance in the form of transfer of title to the end consumer or the operator of the mediatheque shall not be considered a distributor of the audio recording of the artistic performance.

(9) A cinematographic work shall be audiovisual work originally intended to be presented to the public by means of audiovisual performance.

(10) "Mediatheque" is a facility accessible to the public; by means of this facility, copy of audiovisual work, audio recording of the artistic performance or a multi-media work are temporarily provided for use to the user of the facility.

(11) Multi-media work is a multi-media audiovisual presentation, in particular a computer game or any work

- a) operated by a computer programme;
- b) allowing for searching or presenting in various media forms;
- c) transformed into the digital form, also allowing for the analogue presentation of information; and
- d) allowing the user to interactively participate in the presentation via a computer interface.

(12) Computer arcade shall be a facility accessible to the public equipped for the operation of computer games via gaming equipment or technical equipment operated directly by players.

(13) Slovak audiovisual work is an audiovisual work

- a) produced by the producer of the audiovisual work who has or had, at the time when the work was first disclosed to the public, a permanent residence, place of business or registered office within the territory of the Slovak Republic;
- b) the development of which was shared, by investments, technical or artistic contribution, by a the producer of the audiovisual work, as a co-producer, who has or had, at the time when the work was first presented to the public, a permanent residence, place of business or registered seat within the territory of the Slovak Republic, namely
 1. a share of at least 20% of the total production costs of the audiovisual work in bi-lateral co-production;
 2. a share of at least 10% of the total production costs of the audiovisual work in bi-lateral co-production, with the share in the form of a financial contribution; or
 3. a share of at least 10% of the total production costs of the audiovisual work in a multi-lateral co-production; or
- c) produced with public funds.⁹⁾

(14) Subtitling is the processing of the original audiovisual work by adding open subtitles, hidden subtitles or subtitles for hearing-impaired persons.^{9a)}

(15) Producer of audiovisual work is a person who ensured the creation of the audiovisual work and is the producer of the first audio-visual recording of the audiovisual work.

PART TWO

REGISTER

Register of Slovak Audiovisual Works

Section 3

List of Slovak Audiovisual Works

- (1) The list of Slovak audiovisual works is a publicly accessible register administered by the Slovak Film Institute.

(2) The list of Slovak audiovisual works shall contain the registration number of the Slovak audiovisual work assigned by the Slovak Film Institute, information on the registered Slovak audiovisual work as based on the application for the registration of the Slovak audiovisual work, and the date of registration into the list of Slovak audiovisual works.

Section 4

Application for the Registration of Slovak Audiovisual Work

(1) The application for the registration of a Slovak audiovisual work into the list of Slovak audiovisual works shall contain

- a) the original name of the Slovak audiovisual work and the Slovak name of the Slovak audiovisual work;
- b) the list of the authors¹⁰⁾ of the Slovak audiovisual work;
- c) the list of the performing artists¹¹⁾ in leading and supporting roles;
- d) the name, identification number of the organisation, if assigned, and the registered office of the producer of a Slovak audiovisual work, if it is a legal entity, the business name and place of business of the producer of a Slovak audiovisual work, if it is a natural person – entrepreneur, or the name, surname and permanent residence of the producer of a Slovak audiovisual work, if it is a natural person; if several producers were involved in the production of the Slovak audiovisual work, the above listed information is to be provided for each producer of the Slovak audiovisual work;
- e) information on the country of origin and the year of completion of the audiovisual work; the making of the original medium containing this work shall be deemed to be the completion of the audiovisual work;
- f) the annotation and genre classification of the Slovak audiovisual work;
- g) information on the language of the original of the Slovak audiovisual work;
- h) run-time of the Slovak audiovisual work;
- i) basic technical parameters of the Slovak audiovisual work, such as image format, method of sound recording and its reproduction, and information on the original medium used to record the work;
- j) International Standard Audiovisual Number (ISAN), if assigned;
- k) information on the date of the first public disclosure of the Slovak audiovisual work within the territory of the Slovak Republic;
- l) information on the method of the public disclosure of the Slovak audiovisual work within the territory of the Slovak Republic;
- m) total costs of production of the Slovak audiovisual work;
- n) percentage shares of individual producers in total production costs, artistic or technical participation in the Slovak audiovisual work.

(2) The Slovak Film Institute shall publish on its website the Application for Registration of Slovak Audiovisual Work.

Section 5

Registration of the Slovak Audiovisual Work

(1) The Slovak Film Institute shall register the Slovak audiovisual work into the list of Slovak audiovisual works on the basis of the application for registration of the Slovak Audiovisual Work submitted by the producer of the Slovak audiovisual work.

(2) The producer of the Slovak audiovisual work is required to apply for the registration into the list of Slovak audiovisual works within thirty days of the date when the Slovak audiovisual work was first publicly disclosed within the territory of the Slovak Republic. This obligation does not apply to the producer of the Slovak audiovisual work produced solely for television broadcasting purposes, which is publicly presented only via television broadcasting.

(3) The Slovak Film Institute shall perform the registration into the list of Slovak audiovisual works within fifteen days of having received the application for the registration of the Slovak audiovisual work which contains all the requirements pursuant to Section 4.

(4) If the application for the registration of the Slovak audiovisual work does not contain the requirements pursuant to Section 4, the Slovak Film Institute shall request the producer of the Slovak audiovisual work to complement them within a deadline that may not be shorter than five working days from the date of delivery of the request. The producer of the Slovak audiovisual work is required to complement the application for the registration of the Slovak audiovisual work within the stipulated deadline. If the producer of the Slovak audiovisual work does not complement the application for the registration of the Slovak Audiovisual Work within the stipulated deadline, the Slovak Film Institute will not register the Slovak audiovisual work into the list of the Slovak audiovisual works.

Register of Persons Acting in Audiovision

Section 6

List of Persons Acting in Audiovision

(1) The list of persons acting in audiovision shall be the list of those persons performing activities in audiovision within the territory of the Slovak Republic. The list of persons acting in audiovision is a publicly available register of

- a) producers of Slovak audiovisual works, with the exception of those producers of Slovak audiovisual works produced solely for the purposes of television broadcasting which are publicly presented only via television broadcasting;
- b) distributors of audiovisual works;
- c) persons providing technological and professional services in relation to the production of audiovisual works;
- d) operators of audiovisual technical equipments;
- e) operators of mediatheques.

(2) The Slovak Film Institute administers the list of persons acting in audiovision containing

- a) the designation of the person pursuant to (paragraph 1 subparagraphs (a) to e));
- b) the name, identification number of organisation, if assigned, and the registered office of the legal entity, business name and place of business of a natural person – entrepreneur, or the name, surname and permanent residence of a natural person;
- c) the date of the commencement of activities in audiovision.

(3) The Slovak Film Institute shall perform the registration into the list of persons acting in audiovision on the basis of a notification pursuant to Section 7 paragraph 1 and Section 43 paragraph 3.

(4) The Slovak Film Institute shall amend the registration in the list of persons acting in audiovision on the basis of a notification pursuant to Section 7 paragraph 4.

(5) The Slovak Film Institute shall delete a person from the list of persons acting in audiovision on the basis of a notification pursuant to Section 7 paragraph 2.

Section 7

Notification Obligation

(1) Persons pursuant to Section 6 paragraph 1 are obliged to notify to the Slovak Film Institute of the performance of activity in audiovision within thirty days of the date on which they began to perform the activity in audiovision.

(2) Persons pursuant to Section 6 paragraph 1 are obliged to notify to the Slovak Film Institute of the termination of activity in audiovision within thirty days of the date on which they ceased performing activity in audiovision.

(3) The notification pursuant to paragraphs 1 and 2 shall contain

- a) the designation of the person pursuant to Section 6 paragraph 1 subparagraphs. (a) to (e);
- b) the name, identification number of organisation, if assigned, and the registered office of the legal entity, the business name and place of business of a natural person – entrepreneur, or the name, surname and permanent residence of a natural person;
- c) the date of the commencement of activity in audiovision or the date of the termination of this activity.

(4) A person charged with a notification obligation pursuant to paragraphs 1 and 2 is obliged to notify to the Slovak Film Institute of any change in data within thirty days of the date of the occurrence of this change.

Register of Independent Producers in Audiovision

Section 8

Independent Producer in Audiovision

(1) An independent producer in audiovision (hereinafter referred to as "independent producer") is the producer of audiovisual work registered in the list of independent producers who meets the following conditions:

- a) he is not a broadcaster;
- b) he is not personally¹²⁾ nor by property¹³⁾ connected with a broadcaster and
- c) the run-time of the audiovisual works produced by the independent producer originally for television broadcasting of one television broadcaster does not represent more than 90% of the total run-time of the audiovisual works, including cinematographic works produced by him.

(2) The independent producer is also the producer of the audiovisual work who is not personally or by commercially

connected with the broadcaster, and is deemed to be an independent producer in the EU Member State or in the state which is a contractual party to the European Convention on Cross-Border Television.¹⁴⁾

(3) An independent producer pursuant to paragraph 1 is entitled to use, together with his business name, the designation "independent producer" or the equivalent of this designation in foreign language.

Section 9

List of Independent Producers

The list of independent producers is a public register administered by the Audiovisual Fund¹⁵⁾ which contains:

- a) the registration number of the independent producer;
- b) the date of the registration of the independent producer into the list of independent producers;
- c) the name, identification number of organisation, if assigned, and the registered office of the legal entity, the business name and place of business of a natural person – entrepreneur, or the name, surname and permanent residence of a natural person.

Section 10

Registration into the List of Independent Producers

(1) The Audiovisual Fund shall perform the registration into the list of independent producers on the basis of the application of the producer of the audiovisual work for registration into the list of independent producers; the registration of the independent producer is optional.

(2) The application for the registration of the producer of the audiovisual work into the list of independent producers shall contain:

a) the name, identification number of organisation, if assigned, and the registered office of the producer of the audiovisual work, if it is a legal entity, the business name and place of business of the producer of the audiovisual work, if it is a natural person – entrepreneur, or the name, surname and permanent residence of the producer of the audiovisual work, if it is a natural person;

b) a declaration of honour of the producer of the audiovisual work that he is not a broadcaster, that he is not personally or by commercially connected with a broadcaster and that the run-time of the audiovisual works originally produced by him for the television broadcasting of one television broadcaster does not represent more than 90% of the total run-time of audiovisual works, including the cinematographic works produced by him.

(3) The Audiovisual Fund shall register the producer of the audiovisual work into the list of independent producers within fifteen days of the delivery of the application for registration into the list of independent producers which contains all requirements pursuant to paragraph 2. The registration into the list of independent producers is to remain valid for five years.

(4) If the application for registration into the list of independent producers does not contain all the requirements pursuant to paragraph 2, the Audiovisual Fund shall request the producer of the audiovisual work to complement them within a deadline which may not be shorter than five working days from the date of delivery of the request for complementation. If the producer of the audiovisual work does not complement the application for registration into the list of independent producers within the stipulated deadline, the Audiovisual Fund will not register the producer of the audiovisual work into the list of independent producers; the Audiovisual Fund shall instruct the producer of the audiovisual work of this in the request.

(5) The Audiovisual Fund shall amend the registration in the list of independent producers on the basis of the application for an alteration in the registration submitted by the independent producer.

Section 11

Deletion from the List of Independent Producers

(1) The Audiovisual Fund shall delete a producer from the list of independent producers upon the request of the independent producer for deletion or on its own initiative.

(2) The Audiovisual Fund shall delete a producer from the list on its own initiative upon expiration of the validity of the registration or if it finds out that:

- a) the registration of the independent producer was made on the basis of false information;
- b) the independent producer no longer meets the conditions under Section 8;
- c) the independent producer ceased to exist or passed away, or was declared to be deceased.

PART THREE

PROTECTION OF MINORS

Section 12

Unified Labeling System

(1) The unified labeling system is a system of classification of audiovisual works, audio recordings of artistic performances, multi-media works, programmes provided via the on-demand audiovisual media service and programmes or other components of the programme service¹⁶⁾ according to their age suitability in terms of barred access, unsuitability or suitability for a group of minors up to 7, 12, 15 or 18 years of age.

(2) The details of the unified labeling system and method of its application shall be determined by a generally binding regulation issued by the Ministry of Culture of the Slovak Republic (hereinafter referred to as "Ministry"). The generally legally binding regulation shall stipulate

a) evaluation criteria for barred access or unsuitability to be applied to the assessment the content regarding the protection of minors, in particular the level of physical, mental or verbal violence present, the sexual relations or scenes presented, nudity in a sexual context, vulgar language, the presentation of drug, gambling or other addictions, as well as the presence of images or other manifestations inducing the feelings of fear, depression, helplessness or otherwise inappropriate feelings with regard to a specific age category of minors;

b) the suitability evaluation criteria with regard to the specific age group of minors for which the content is recommended;

c) the method of labeling of audiovisual works, programmes provided via the on-demand audiovisual media service, audio recordings of artistic performances, multi-media works and programmes or other components of the programme service by age appropriateness in terms of barred access, unsuitability or suitability;

d) the details of the performance of obligations by persons required to apply the unified labeling system when evaluating the content, its classification based on age appropriateness, its labeling and public presentation;

e) the details of the performance of obligations as stipulated by the special law.¹⁷⁾

Section 13

Determination and Publishing of Age Suitability

(1) The distributor of the audiovisual work is obliged to determine the age suitability of the audiovisual work to be distributed, based on the unified labeling system, and display it in

a) a visible place on the packaging of the audiovisual work medium;

b) the distribution letter of the audiovisual work.

(2) The distributor of the audio recording of the artistic performance is obliged to determine the age suitability of the audio recording of the artistic performance to be distributed on the basis of the unified labeling system and display it in a visible place on the packaging of the medium of the audio recording the artistic performance.

(3) The distributor of the multi-media work is obliged to determine the age suitability of the multi-media work based on the unified labelingsystem and display it in

a) a visible place on the packaging of the multi-media work medium;

b) the distribution letter of the multi-media work.

(4) The operator of audiovisual technical equipment is obliged to ensure the publication of the age suitability as determined by the distributor of the audiovisual work pursuant to paragraph 1, during the audiovisual performance in a publicly accessible space.

(5) The operator of a mediatheque is obliged to ensure the publication of the age suitability as determined by the distributor of the audiovisual work pursuant to paragraph 1 in a catalogue of audiovisual works accessible to the public on the premises of the mediatheque or on the copies of the audiovisual works; this also applies accordingly to audio recordings of artistic performances and to multi-media works.

(6) The operator of a computer arcade is obliged to ensure the publication of age suitability as determined by the distributor of the multi-media work pursuant to paragraph 3 in a catalogue of audiovisual works accessible to the public on the premises of the computer arcade or on the copies of the multi-media works.

Section 14

Restriction of Access to the Audiovisual Work, Audio Recording of an Artistic Performance and Multi-Media Work

(1) An audiovisual work determined to be solely for adults shall be distributed and made available to the public only in such a way as to exclude the access of minors to such audiovisual work.

(2) When distributed, the audiovisual work determined to be solely for adults must be clearly labeled in a visible place using the following words: "Warning: This audiovisual work is intended only for persons older than eighteen years of age.", in particular on the outer packaging of the medium used in retail outlets; an additional transparent wrapper is also considered to be the outer packaging of the medium.

(3) When making the audiovisual work determined as being solely for adults available to the public, it must be distinctly labeled in a visible place using the following words: "Warning: This audiovisual work is intended only for persons older than eighteen years of age.", displayed on the offer used to make this work available to the public, or in any other similar way.

(4) The provisions of paragraphs 1 to 3 apply accordingly to the distribution of the audio recording of an artistic performance determined to be solely for adults or the multi-media work determined to be solely for adults, as well as to making it available to the public.

PART FOUR

SPECIAL PROVISIONS RELATING TO LANGUAGE VERSION

Section 15

(1) The distributor of the audiovisual work who publicly distributes the audiovisual work in the original language version other than the Slovak language version, if the audiovisual work is not in a language version meeting the requirement of basic comprehensibility with regard to the official state language, shall , also ensure the Slovak language version for the audiovisual work in question, namely by

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

(2) The distributor of the audiovisual work who publicly distributes the audiovisual work which, on the basis of the unified labelling system, is classified as suitable for the age group of minors up to twelve years of age, in an original language version other than the Slovak language version, if this audiovisual work is not in an original language version meeting the requirement of basic comprehensibility with regard to the official state language, is obliged to ensure the Slovak language version with dubbing in the Slovak language for this audiovisual work.

(3) The distributor of the multi-media work who publicly distributes the multi-media work which, on the basis of the unified labeling system, is classified as being suitable for the age group of minors up to twelve years of age, in an original language version other than the Slovak language version, if this audiovisual work is not in an original language version meeting the requirement of basic comprehensibility with regard to the official state language, is obliged to ensure the Slovak language version for this multi-media work.

(4) The operator of audiovisual technical equipment who publicly presents the audiovisual work which, on the basis of the unified labeling system, is classified as being suitable for the age group of minors up to twelve years of age, in an original language version other than the Slovak language version, if this audiovisual work is not in an original language version meeting the requirement of basic comprehensibility with regard to the official state language, is obliged to ensure the presentation of this work at a time suitable for the above minors, with dubbing in the Slovak language.

(5) The distributor of the audiovisual work who publicly distributes the Slovak audiovisual work or audiovisual work in the Slovak original language version shall also ensure this audiovisual work with subtitles for hearing-impaired persons^{9a)} and a voice-over commentary for the sight-impaired persons.

PART FIVE

ADVERTISEMENT AND PRODUCT PLACEMENT

Section 16

Advertisement at Audiovisual Presentation

(1) The operator of audiovisual technical equipment is obliged to ensure that an advertisement presented during an audiovisual presentation is recognisably and distinctly separated from the audiovisual presentation by an audio-visual means. It is forbidden to interrupt the audiovisual presentation with advertisement.

(2) The operator of audiovisual technical equipment is obliged to ensure that, at the audiovisual presentation of the audiovisual work intended for minors, no advertisement is presented that

- a) might endanger the physical, mental or moral development of minors or disturb their mental health or emotional state;
- b) might endanger the interests of minors or does not take into account their particular receptivity;
- c) promotes erotic services or erotic goods or
- d) promotes alcoholic beverages or other goods or services the sale of which is forbidden to minors.

(3) The operator of audiovisual technical equipment is obliged to ensure that, at the audiovisual presentation of an audiovisual work classified on the basis of the unified labelingsystem as being unsuitable for the age group of minors up to the age of seven years, unsuitable for the age group of minors up to the age of twelve years, suitable for the age group of minors up to the age of seven years, suitable for the age group of minors from the age of seven years or suitable for the age group of minors up to the age of twelve years, no advertisement of the audiovisual work is being presented which, based on the unified

labeling system, is classified as

- a) unsuitable for the age group of minors up to the age of fifteen years;
- b) suitable for the age group of minors from the age of fifteen years; or
- c) unsuitable and inaccessible for the age group of minors up to the age of eighteen years.

Section 17

Advertisement Publicly Distributed on a Medium Together with the Audiovisual Work or Multi-Media Work

(1) The distributor of the audiovisual work is obliged to ensure that any advertisement publicly distributed on the medium together with the audiovisual work is recognisably and distinctly separated from the audiovisual work by an audio-visual means. It is forbidden to interrupt the audiovisual work on the medium with the advertisement.

(2) The distributor of a multi-media work is obliged to ensure that any advertisement publicly distributed on the medium together with the multi-media work is recognisably and distinctly separated from the multi-media work by audio-visual or visual means.

(3) The provisions of Section 16 paragraphs 2 and 3 apply accordingly to advertisement publicly distributed on the medium together with the audiovisual work or multi-media work.

Section 18

Product Placement

(1) For the purposes of this Act, product placement shall refer to audio, visual or audio-visual information on the good, service or trademark included in the audiovisual work for payment or any other similar consideration which directly or indirectly promotes the good, service or goodwill of a natural person or legal entity performing economic activity.

(2) Product placement is permitted only under conditions stipulated by this Act.

(3) Product placement is permitted only if certain product or service, especially properties, have been provided free of charge. The conditions stipulated in paragraph 5 remain unaffected.

(4) Product placement, other than that free of charge pursuant to paragraph 3, is permitted in cinematographic works, films and TV shows.

(5) If products are placed pursuant to paragraphs 3 and 4, the producer of the Slovak audiovisual work is obliged to ensure that the Slovak audiovisual work he produced meets the following requirements:

- a) its content is not influenced in any way such as would affect the independence of the producer of the Slovak audiovisual work;
- b) it does not directly support the purchase, sale or lease of good and services, in particular by specific references to these goods or services;
- c) it does not attribute undue importance to the good or service in question;
- d) the public is explicitly informed of the existence of product placement by labeling at the beginning and at the end of the audiovisual work.

(6) It is forbidden to place products

- a) relating to medication¹⁹⁾ that is available only on medical prescription and medical procedures paid for on the basis of public health insurance pursuant to the special law;¹⁹⁾
- b) relating to cigarettes, other tobacco products, electronic cigarettes and refilling bottles for electronic cigarettes;
- c) associated with a natural person or legal entity having the production or sales of cigarettes, other tobacco products, electronic cigarettes or refilling bottles for electronic cigarettes as their main activities;
- d) in audiovisual works which, according to the unified labeling system, are classified as suitable for the age group of minors up to the age of twelve years.

(7) Product placement related to alcoholic beverages

- a) must not be focused toward minors;
- b) must not instigate the overindulgent consumption of alcoholic beverages.

PART SIX

THE SLOVAK FILM INSTITUTE

Section 19

Position of the Slovak Film Institute

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

(2) The Slovak Film Institute is a contributory organisation the financial relations of which are linked to the state budget via a budget chapter of the Ministry.

Section 20

The Mission of the Slovak Film Institute in the area of audiovision, the Slovak Film Institute shall

- a) participate in the preservation, protection, restoration, improvement of the audiovisual heritage and making it available as an inseparable part of the cultural heritage of the Slovak Republic with the aim to preserve audiovisual works as a form of cultural expression.
- b) participate in the promotion and presentation of audiovision;
- c) perform scientific and research activities.

Section 21

Activities of the Slovak Film Institute

(1) The Slovak Film Institute shall

- a) ensure the professional storage, treatment, preservation and restoration of the audiovisual heritage as the statutory depository;
- b) enable public access to the audiovisual heritage for study, educational and scientific purposes; for this purpose, it may also make copies of audiovisual works, audio-visual recordings and audio recordings which are part of the audiovisual heritage;
- c) search for, acquire, concentrate, catalogue, preserve and allow access to originals or copies of audiovisual works and audio-visual recordings, as well as documentation and informational materials relating to audiovisual works and audio-visual recordings;
- d) monitor and take part in the technological and technical progress in the area of the preservation of audiovisual works;
- e) perform theoretical-conceptual, scientific, research, documentary, coordinating, educational, bibliographic, retrieval, methodological-consultancy activities and editorial activities, including the issuance of periodical and non-periodical publications and media of Slovak audiovisual works;
- f) create and operate an information system for the processing, preservation, interconnection, organisation, searching for and presentation of information and knowledge which are acquired, created and used in the work of the Slovak Film Institute and which form part of the public administration information system;²⁰⁾
- g) operate a special library and mediatheque intended for study, technical, research and educational purposes;
- h) operate audiovisual technical equipment and a cinema for the public presentation of audiovisual works by audiovisual performance;
- i) cooperate with international organisations in audiovision and represent the Slovak Republic in these organisations;
- j) produce Slovak audiovisual works or take part in the production of audiovisual works by using the fund of audiovisual heritage;
- k) assign an international standard number to audiovisual works (ISAN) as a national agency for international standard numbering of audiovisual works;
- l) organise and take part in the organisation of cultural events, shows and festivals in the Slovak Republic and abroad;
- m) take part in the promotion of audiovision, including promotion of the audiovisual heritage;
- n) provide information on Slovak audiovision to foreign information centres and audiovisual databases;
- o) fulfil the tasks of the national filmotheque;
- p) maintain records of voluntary depositories and methodologically regulate procedures in the protection and restoration of the audiovisual heritage fund;
- q) collaborate with cinematographic funds;
- r) collaborate with technical and professional organisations and other persons active in audiovision;

- s) collaborate with producers of audiovisual works produced within the territory of the Slovak Republic;
- t) acquire, process, provide and evaluate information from audiovision;
- u) ensure the activities of the information offices of the European Union and the Council of Europe programmes for the support of audiovision;
- v) maintain a list of Slovak audiovisual works pursuant to Section 3;
- w) maintain a list of persons active in audiovision pursuant to Section 6;
- x) perform further activities in compliance with its mission.

(2) The Slovak Film Institute shall

- a) execute the rights of authors to those audiovisual works produced by state organisations operating in audiovision which executed these rights on the basis of generally binding legal regulations in effect prior to 1997, unless the broadcaster, established by law, broadcasting the television programme service²²⁾, executes the rights to these works in accordance with the special law²¹⁾;
- b) execute the rights of performing artists to artistic performances presented in the audiovisual work pursuant to subparagraph a);
- c) execute the rights of producers of audio recordings, producers of audio-visual recordings and broadcasters whose recordings or broadcasting were used in the audiovisual work pursuant to subparagraph a);
- d) is the producer the audio-visual recording of audiovisual works pursuant to subparagraph a);
- e) administer the media of audiovisual works pursuant to subparagraph a) and audio-visual recordings pursuant to subparagraph d) which are the property of the State;²³⁾
- f) in the performance of its activities valorise the property rights pursuant to subparagraphs a) to d); in particular, the Institute shall grants consent for the use of subjects of protection pursuant to subparagraphs a) to d) and shall also be entitled to a remuneration, equitable remuneration and compensation for remuneration pursuant to the special law,²¹⁾
- g) protect the interests of authors, performing artists and other holders of rights pursuant to subparagraphs a) to d); in particular, the Institute is entitled to claim the protection of rights pursuant to separate regulations.²⁴⁾

Section 22

Scope of Activities of the Slovak Film Institute in Protection of the Audiovisual Heritage

(1) The Slovak Film Institute shall perform the state administration in the area of the protection of the audiovisual heritage.

(2) In the area of protection of the audiovisual heritage, the Slovak Film Institute shall

- a) methodologically direct the cataloguing, protection and restoration of the audiovisual heritage fund;
- b) assess the audiovisual value of audiovisual works and audio-visual recordings.

Section 23

Bodies of the Slovak Film Institute

Bodies of the Slovak Film Institute are

- a) the Director General;
- b) the Council; and
- c) Audiovisual Heritage Commission.

Section 24

Director General

(1) Director General is a statutory body of the Slovak Film Institute, who manages its activities and acts on its behalf.

(2) In particular, the Director General shall

- a) submit to the Council for approval the draft long-term plans and concepts of development of the Slovak Film Institute;
- b) submit to the Council for discussion and approval the proposed budget;

- c) submit to the Council for approval the proposed binding Organisational Structure of the Slovak Film Institute;
- d) issue the Organisational Rules of the Slovak Film Institute on the basis of the binding Organisational Structure of the Slovak Film Institute approved by the Council;
- e) annually submit to the Council for approval the draft Annual Report on the Activities of the Slovak Film Institute;
- f) submit to the Council for approval the proposed business plans, pursuant to Section 32 paragraph 3, including proposals relating to the changes or termination thereof;
- g) based on a resolution of the Council, submit to the Council in writing
 1. information on the activities of the Slovak Film Institute;
 2. the basic documents required for the activities of the Council;
- h) based on a resolution of the Audiovisual Heritage Commission, submit to the Audiovisual Heritage Commission those basic documents required for its activities;
- i) submit to the Audiovisual Heritage Commission
 1. draft methodological guidelines for the cataloguing, protection, restoration and rendering available the audiovisual heritage fund;
 2. draft methodological guidelines for the performance of depository activities.

(3) The General Director shall be entitled to take part in all of the meetings of

- a) the Council, except for the election of the Director General and the determination of the remuneration for the Director General;
- b) the Audiovisual Heritage Commission.

(4) Only a person with professional knowledge and experience, meeting the general preconditions for the performance of such a post pursuant to the special law²⁵⁾ may be elected to the post of the Director General. A person with professional knowledge and experience is considered to be a natural person who has a minimum of three years of practice in a management position and has acquired a second-degree university education in audiovision or second-degree university education in another subject area and who also has a minimum of five years of experience in the area of audiovision.

(5) The Director General is elected by the Council on the basis of a public hearing and shall also be dismissed by the Council.

(6) The special law²⁶⁾ shall apply to the labour relations of the Director General and his salary.

(7) The term of office of the Director General is five years; the same person may be elected for repeat terms.

(8) The term of office of the Director General starts to run on the date following the termination of the execution of post of the Director General who he was elected to replace; however, at the earliest on the date of his election by the Council.

(9) The execution of the post of Director General shall end upon

- a) expiration of the term of the Director General;
- b) relinquishment of the post of the Director General; the execution of the post shall terminate on the date of the delivery of a written notification of relinquishment of the post to the Council, unless a later date of termination is determined in the notification;
- c) removal of the Director General; the execution of the post shall terminate on the date of the delivery of the written notification of removal to the Director General, unless a later date of termination is determined in the notification; or
- d) the death of the Director General or the Director General being declared dead.

(10) The Council shall remove the Director General if he has ceased to meet the general requirements for the execution of the post pursuant to the special law.²⁵⁾

(11) The Council may remove the Director General if

- a) over the course of six consecutive calendar months, it states by its resolution at least twice that the Slovak Film Institute has failed to perform its mission and activities as stipulated by this Act;
- b) the relevant body discovers a substantive violation of the special law²⁷⁾ by the Slovak Film Institute;
- c) the Director General violated any of the obligations indicated in this Act; or
- d) the Director General has failed to execute his post for at least three consecutive months.

The Council

Section 25

(1) The Council is a supervisory body which shall

- a) supervise the observance of the mission and the activities which ensue for the Slovak Film Institute from this Act;
- b) supervise the use of the public funds of the Slovak Film Institute in an economic, efficient and purposeful manner;
- c) supervise the use of state property administered by the Slovak Film Institute;
- d) elect and remove the Director General;
- e) approve the long-term plans and concepts of the Slovak Film Institute's development;
- f) approve the draft budget of the Slovak Film Institute;
- g) approve the binding Organisational Structure of the Slovak Film Institute;
- h) approve the draft Annual Report of the Slovak Film Institute's activities;
- i) approve any proposed business plans, including proposed changes and the termination thereof;
- j) determine the remuneration of the Director General; the sum of the remunerations awarded in a calendar year must not exceed by six-fold his average monthly salary;
- k) approve the Council's Rules of Procedure;
- l) elect from among its members the Chairman and Deputy Chairman of the Council for a two-year term.

(2) The members of the Council are entitled to inspect all documents related to the use of public funds and the use of state property administered by the Slovak Film Institute.

(3) The Council has five members who are appointed and removed by the Minister of Culture of the Slovak Republic (hereinafter referred to as "Minister") with the following structure of representation:

- a) two civil servants from the Ministry;
- b) one expert in audiovision promotion and presentation;
- c) one expert in protection, restoration and making the cultural heritage available; and
- d) one expert in scientific and research activities.

(4) The Minister shall appoint members of the Council according to paragraph 3 subparagraph a) without proposals. The Minister appoints members of the Council pursuant to paragraph 3 subparagraphs b) to d) upon proposals made by

- a) the respective section of the Ministry;
- b) the Slovak Film Institute; or
- c) the professional, educational, scientific or research organisations active in audiovision.

(5) A natural person with a university degree and at least five years of experience in the area required shall be deemed to be an expert.

(6) A natural person of moral integrity with full legal capacity may be appointed as a member of the Council. For the purposes of this Act, a natural person of moral integrity shall be deemed to be a natural person who has not been lawfully convicted of a wilful criminal offence; moral integrity is proven by submitting an extract from the criminal records not more than three months old.

(7) The term of a member of the Council is four years and starts on the date of the appointment to office; a member of the Council may also be re-appointed.

(8) The execution of the post of a Council member shall terminate by

- a) expiration of the term of the Council member;
- b) resignation of the Council member; the execution of the post of Council member shall terminate on the date of the delivery of a written notification of resignation to the Minister, unless a later termination date is specified in the notification;
- c) removal of the Council member from the post; the execution of the post of Council member shall terminate on the date of the delivery of a written notification of the removal of Council member, unless a later termination date is specified in the notification;
- d) lawful conviction of the Council member for a wilful criminal offence;

e) lawful abridgement of the legal capacity of the Council member, or if the legal capacity of the Council member was lawfully restricted;

f) death of the Council member or the Council member being declared dead; or

g) termination of the civil service at the Ministry, if the Council member has been appointed pursuant to paragraph 3 subparagraph a).

(9) The Minister may remove a member of the Council if he fails to perform his function over a minimum of three consecutive calendar months. The Minister may also remove a member of the Council appointed pursuant to paragraph 3 subparagraph a) without stating a reason.

Section 26

Requirements Relating to Membership in the Council

(1) The execution of the post of Council member shall be considered to be another act in the general interest.²⁸⁾

(2) A Council member shall be entitled to a compensation of the costs associated with the execution of this post pursuant to the special law.²⁹⁾

(3) For the execution of this post, the Council member shall be entitled to remuneration amounting to one eighth of the average monthly nominal wage of an employee in the Slovak economy as published by the Statistical Office of the Slovak Republic for the previous calendar year.

(4) For the execution of this post, the Chairman of the Council shall be entitled to functional extra pay for each meeting amounting to one half of the remuneration pursuant to paragraph 3. If the Deputy Chairman of the Council represents the Chairman at the meeting, the functional extra pay amounting to the sum specified in the first sentence shall accrue to the Deputy Chairman of the Council.

Section 27

Meeting of the Council

(1) The Council shall be deemed to have a quorum if a majority of all its members are present at the meeting.

(2) A resolution of the Council shall be adopted if the majority of all Council members vote in favour of it.

(3) The Chairman of the Council shall summon a meeting of the Council at least four times per calendar year on the basis of a schedule of meetings approved in advance. The Deputy Chairman of the Council shall represent the Council Chairman during his absence within the extent of his rights and duties. The Council Chairman or Deputy Chairman shall govern the Council meeting. The Council Chairman shall summon an extraordinary meeting of the Council within three working days whenever at least two Council members or the Director General so request it in writing.

(4) The Council meetings are non-public.

(5) Minutes shall be made of each meeting and must be published on the website of the Slovak Film Institute within five working days at the latest from the end of the Council meeting.

(6) The Rules of Procedure of the Council shall regulate the details of the Council's activities.

The Audiovisual Heritage Commission

Section 28

(1) The Audiovisual Heritage Commission is a specific body for the protection of audiovisual heritage.

(2) The Audiovisual Heritage Commission shall, in particular:

a) approve the methodological guidelines for the cataloguing, protection, restoration and making available of the audiovisual heritage fund;

b) approve methodological guidelines for execution of the depository obligation;

c) determine the audiovisual value criteria;

d) make decisions on the audiovisual value of Slovak audiovisual works and audio-visual recordings;

e) determine the accompanying documents for the individual types of audiovisual materials constituting the audiovisual heritage fund;

f) approve the Rules of Procedure of the Audiovisual Heritage Commission;

g) elect from among its members the Chairman of the Audiovisual Heritage Commission for a two-year term.

(3) The Audiovisual Heritage Commission shall consist of five members. The Director of the National Film Archive

shall be one of the members of the Audiovisual Heritage Commission; the further four members of the Audiovisual Heritage Commission shall be appointed and removed by the Minister so as to have the following members in the Audiovisual Heritage Commission:

- a) one representative of Radio and Television of Slovakia;
- b) one representative of independent producers;
- c) two experts in the protection and restoration of cultural heritage.

(4) A natural person with second-degree university education and a minimum of five years of experience in protection and restoration of cultural heritage shall be regarded as an expert in this area.

(5) A natural person with moral integrity and full legal capacity may be appointed as a member of the Audiovisual Heritage Commission.

(6) The term of a member of the Audiovisual Heritage Commission appointed by the Minister shall be four years and shall commence on the date of appointment; a member of the Cultural Heritage Commission may be re-appointed.

(7) The execution of the post of the member of the Audiovisual Heritage Commission who is the Director of the National Film Archive shall end by termination of his post of Director of the National Film Archive.

(8) The execution of the post of a member of the Audiovisual Heritage Commission appointed by the Minister shall end upon

- a) the expiration of the term of a member of the Audiovisual Heritage Commission;
- b) the resignation of a member of the Audiovisual Heritage Commission; the execution of the term shall end on the date of the delivery of a written notification of resignation to the Minister, unless a later date of termination is specified in the notification;
- c) the removal of a member of the Audiovisual Heritage Commission from post; the execution of the post shall end on the date of the delivery of a written notification of removal of the member of the Audiovisual Heritage Commission, unless a later date of termination is specified in the notification;
- d) the lawful conviction of a member of the Audiovisual Heritage Commission for a wilful criminal offence;
- e) the lawful abridgement of the legal capacity of a member of the Audiovisual Heritage Commission, or if the legal capacity of the member of the Commission was lawfully restricted; or
- f) the death of a member of the Audiovisual Heritage Commission or upon the member of the Audiovisual Heritage Commission being declared dead.

(9) The Minister may remove a member of the Audiovisual Heritage Commission if they fail to perform their function over a minimum of three consecutive calendar months.

Section 29

Requirements Relating to Membership in the Audiovisual Heritage Commission

(1) The execution of the post of a member of the Audiovisual Heritage Commission shall be regarded as another act in the general interest.²⁸⁾

(2) A member of the Audiovisual Heritage Commission shall be entitled to a reimbursement of the costs associated with the execution of this post pursuant to the special law.²⁹⁾

(3) For the execution of this post, the member of the Audiovisual Heritage Commission shall be entitled to remuneration amounting to one eighth of the average monthly nominal wage of an employee in the Slovak economy as published by the Statistical Office of the Slovak Republic for the previous calendar year.

(4) For the execution of this post, the Chairman of the Audiovisual Heritage Commission shall be entitled to functional extra pay for each meeting amounting to one half of the remuneration pursuant to paragraph 3. If another entrusted member of the Audiovisual Heritage Commission represents the Chairman at the meeting, the functional extra pay amounting to the sum specified in the first sentence shall accrue to the entrusted member of the Audiovisual Heritage Commission.

Section 30

Meeting of the Audiovisual Heritage Commission

(1) The Audiovisual Heritage Commission shall be deemed to have a quorum if a majority of all its members are present at the meeting.

(2) A resolution of the Audiovisual Heritage Commission shall be adopted if the majority of all Commission members vote in favour of it.

(3) The Chairman of the Audiovisual Heritage Commission shall summon a meeting of the Audiovisual Heritage Commission at least four times per calendar year based on a schedule of meetings approved in advance. Another entrusted

member of the Audiovisual Heritage Commission shall stand in for the Commission Chairman during his absence within the extent of his rights and duties. The Commission Chairman shall manage the meeting of the Audiovisual Heritage Commission. The Chairman of the Audiovisual Heritage Commission shall summon an extraordinary meeting of the Audiovisual Heritage Commission within three working days whenever at least two Commission members or the General Director so request it in writing.

(4) The meetings of the Audiovisual Heritage Commission shall be non-public.

(5) Minutes shall be made of each meeting of the Audiovisual Heritage Commission and must be published on the website of the Slovak Film Institute within five working days at the latest from the end of the Commission meeting.

(6) The Rules of Procedure of the Audiovisual Heritage Commission shall regulate the details of the Commission's activities.

Section 31

Organisation of the Slovak Film Institute

(1) The National Film Archive shall be the basic organisational unit of the Slovak Film Institute for the protection and restoration of Audiovisual Heritage headed by the Director of the National Film Archive, and the National Cinematographic Centre shall be the basic organisational unit of the Slovak Film Institute for public access to cinematic art and audiovisual heritage, headed by the Director of the National Cinematographic Centre. The Rules of Procedure of the Slovak Film Institute issued by the General Director on the basis of the binding Organisational Structure of the Slovak Film Institute, as approved by the Council, shall regulate the details of the organisation of the Slovak Film Institute, including the scope of tasks of the individual organisational units of the Slovak Film Institute.

(2) The special law²⁶⁾ shall apply to the labour relations of the staff of the Slovak Film Institute and their salaries.

Section 32

Specificities of Use of the State Property Administered by the Slovak Film Institute

(1) An audiovisual medium and document which constitute part of the audiovisual heritage fund shall be inalienable hence no right of lien may be established on them nor may they be encumbered in any other way, they are not subject to distraintment performed pursuant to the special law³⁰⁾ nor to any other procedure pursuant to the special law.³¹⁾

(2) The Slovak Film Institute can establish a right of lien neither on the rights pursuant to Section 21 paragraph 2 subparagraphs a) to c), nor on the rights of the Slovak Film Institute as the producer of the audio-visual recording of audiovisual works pursuant to Section 21 paragraph 2 subparagraphs d); the Slovak Film Institute can transfer neither these rights nor their execution to another party. The rights specified in the first sentence shall not be subject to distraintment performed pursuant to the special law³⁰⁾ nor to a procedure pursuant to the special law.³¹⁾

(3) The Slovak Film Institute shall be authorised to perform only such business activities as relate to its mission pursuant to Section 20 or to activities pursuant to Section 21.

PART SEVEN

PROTECTION OF AUDIOVISUAL HERITAGE

Section 33

Audiovisual Heritage

(1) The audiovisual heritage shall be deemed to be part of the cultural heritage of the Slovak Republic.

(2) The audiovisual heritage shall consist of collection of audiovisual materials and other components of the audiovisual heritage fund documenting the history of the Slovak Republic, as well as the inception and development of Slovak audiovision.

Section 34

Audiovisual Heritage Fund

(1) The audiovisual heritage fund shall consist of audiovisual materials and accompanying documents relating to the production, distribution or presentation of audiovisual materials in public.

(2) An audiovisual material shall be regarded as a Slovak audiovisual work which is

a) a cinematographic work;

b) a programme³²⁾ of the television programme service³³⁾ of a broadcaster established by law,²²⁾ which is not a news, political-publicist, entertainment, music or music-entertainment programme;

c) distributed by the distributor of the audiovisual work, if the Slovak audiovisual work is not an audiovisual material pursuant to

subparagraph a) or b).

(3) Audiovisual material shall also be

a) a Slovak audiovisual work which is a programme of the television programme service of a broadcaster established by law and is a news, political-publicist, entertainment, music or music-entertainment programme if it has an audiovisual value;

b) a Slovak audiovisual work which is a programme of the television programme service of a broadcaster and which is not audiovisual material pursuant to subparagraph a) if it has an audiovisual value;

c) an audio-visual recording if it has an audiovisual value.

(4) The audiovisual value shall be a summary of significant historical, social, scenic, artistic, scientific or technical values.

Section 35

Statutory Depository

(1) The statutory depository shall be

a) a broadcaster established by law,²²⁾ which deposits its own Slovak audiovisual works pursuant to Section 34 paragraph 2 subparagraph b) and paragraph 3 subparagraph a) and its own audio-visual recordings pursuant to Section 34 paragraph 3 subparagraph c);

b) the Slovak Film Institute which deposits audiovisual materials pursuant to Section 34 paragraph 2 and 3, with the exception of those which are deposited by the statutory depository pursuant to subparagraph a).

(2) In performing the tasks coming from depositing audiovisual materials, the statutory depository pursuant to paragraph 1 subparagraph a) is required to

a) deposit the original medium of the audiovisual material in such a manner as not to expose it to a risk of theft, damage or destruction;

b) abide by the methodological guidelines pursuant to Section 22 paragraph 2 subparagraph a);

c) collaborate with the Slovak Film Institute, in particular, to allow the Slovak Film Institute to check the conditions of the deposition and handling of audiovisual materials.

(3) The statutory depository pursuant to paragraph 1 subparagraph a) is required to hand over to the Slovak Film Institute the original media of audiovisual materials and any accompanying documents to them, which it shall stop depositing, at the latest on the date of the termination of this activity, or if a fine was imposed in relation to these materials for violation of the obligation under paragraph 2, within five working days at the latest from delivery of the decision on imposition of a fine.

(4) The Slovak Film Institute is required to professionally deposit and treat the audiovisual materials that it maintains as the statutory depository.

Section 36

Deposit Obligation

(1) The producer of the Slovak audiovisual work is obliged to hand over to the free depository of the Slovak Film Institute the audiovisual material pursuant to Section 34 paragraph 2 on an original medium, including the accompanying documents within sixty days at the latest from the date of the first public presentation of the Slovak audiovisual work in the Slovak Republic; this does not apply to the producer of the Slovak audiovisual work which is the statutory depository.

(2) The producer of the Slovak audiovisual work and owner of the audio-visual recording are obliged to hand over to the free depository of the Slovak Film Institute the audiovisual material pursuant to Section 34 paragraph 3 on an original medium, including the accompanying documents within thirty days at the latest from the date when the Audiovisual Heritage Commission made a decision on the audiovisual value of the Slovak audiovisual work or audio-visual recording; this does not apply to the producer of the Slovak audiovisual work and the owner of the audio-visual recording which are the statutory depository.

(3) The obligations pursuant to paragraphs 1 and 2 shall not apply to the producer of the Slovak audiovisual work and owner of the audio-visual recording if they notify the Slovak Film Institute within the deadlines stipulated in paragraphs 1 and 2 that they are a voluntary depository or demonstrate to the Slovak Film Institute that the original medium of the audiovisual material is deposited by another voluntary depository or statutory depository of another contracting party to the respective international agreement.

(4) If the producer of the Slovak audiovisual work or owner of the audio-visual recording is not obliged to hand over the original medium of the audiovisual material pursuant to paragraph 3, they are obliged to hand over to the Slovak Film Institute, within the deadlines stipulated in paragraphs 1 and 2, for free deposition a medium of the audiovisual material on which the recorded Slovak audiovisual work or audio-visual recording achieve the quality of the original.

(5) The ownership rights to the object to be deposited pursuant to paragraphs 1, 2 and 4 shall not be affected. The special law³⁴⁾ applies to the deposition agreement concluded pursuant to paragraphs 1 and 4.

Section 37

Voluntary Depository

(1) A voluntary depository shall be a depository which is not a statutory depository and deposits the original medium of the audiovisual material pursuant to Section 34 paragraph 2 or paragraph 3.

(2) For the purposes of Section 36 paragraph 3, a foreign film archive or other foreign person protecting the audiovisual heritage shall also be deemed to be a voluntary depository.

(3) Unless otherwise stipulated by Section 36 paragraph 3, the voluntary depository is obliged to notify the Slovak Film Institute of the deposition of the original medium of the audiovisual material within thirty days from the start of the deposition or within a different deadline agreed with the Slovak Film Institute.

(4) While depositing audiovisual materials, the voluntary depository is obliged to

a) deposit the original medium of the audiovisual material in such a way as not to expose it to a risk of theft, damage or destruction;

b) abide by the methodological guidelines pursuant to Section 22 paragraph 2 subparagraph a);

c) collaborate with the Slovak Film Institute, in particular, permit the Slovak Film Institute to control the conditions of the deposition and handling of audiovisual materials.

(5) The voluntary depository is obliged to hand over to the Slovak Film Institute all the original media of the audiovisual materials and accompanying documents if, in relation to these,

a) it terminated the activities of the voluntary depository and did not ensure the deposition thereof at another voluntary depository, at the latest on the date of the termination of these activities; or

b) a fine was imposed on it for the violation of obligations pursuant to paragraph 4 subparagraph a) or b), at the latest within five working days from the delivery of the decision on imposition of a fine.

Section 38

Acquisition Activities

(1) The producer of a Slovak audiovisual work, which is an audiovisual material pursuant to Section 34 paragraph 2 produced by means of public funds⁹⁾, is obliged to hand over, free of charge, to the Slovak Film Institute this audiovisual material on a medium on which the recorded Slovak audiovisual work achieves the quality of the original, including any accompanying documents to this audiovisual material, and shall do so at the latest within sixty days from the date when the audiovisual work was first publicly presented in the Slovak Republic; this does not apply to the producer of the Slovak audiovisual work which is a statutory depository.

(2) The producer of a Slovak audiovisual work, which is an audiovisual material pursuant to Section 34 paragraph 3 subparagraph a) or b), produced by means of public funds⁹⁾ and the owner of an audio-visual recording which is an audiovisual material pursuant to Section 34 paragraph 3 subparagraph c), produced by means of public funds⁹⁾, are obliged to hand over, free of charge, to the Slovak Film Institute this audiovisual material on a medium on which the recorded Slovak audiovisual work or the audio-visual recording achieves the quality of the original, including any accompanying documents to this audiovisual material, and shall do so at the latest within thirty days from the date at which the Audiovisual Heritage Commission made a decision on the audiovisual value of this Slovak audiovisual work or audio-visual recording; this does not apply to the producer of the Slovak audiovisual work and owner of the audio-visual recording which is a statutory depository.

(3) The producer of the Slovak audiovisual work, which is an audiovisual material pursuant to Section 34 paragraph 2 or paragraph 3 subparagraph a) or b) and the owner of the audio-visual recording, which is an audiovisual material pursuant to Section 34 paragraph 3 subparagraph c), to which the obligations under paragraphs 1 and 2 do not apply, are obliged to offer for purchase to the Slovak Film Institute, within the deadlines stipulated in paragraphs 1 and 2, a medium of the audiovisual material, on which the recorded Slovak audiovisual work or the audio-visual recording achieve the quality of the original, for a price not exceeding reasonable costs of the production of such a reproduction of a Slovak audiovisual work or audio-visual recording.

(4) The obligation stipulated in paragraph 3 shall be deemed to be performed even if the Slovak Film Institute does not accept the offer to purchase the medium of the audiovisual material pursuant to paragraph 3 within six months from the date of the delivery of the offer to the Slovak Film Institute.

(5) The medium of the audiovisual material acquired pursuant to paragraphs 1 to 3 shall become the property of the Slovak Republic and it shall be administered by the Slovak Film Institute.

(6) The Slovak Film Institute may use the medium of the audiovisual material acquired pursuant to paragraphs 1 to 3 only within the extent of its mission and activities pursuant to Sections 20 and 21.

PART EIGHT

SUPERVISION

Section 39

Supervisory Bodies

Under this Act, the supervisory bodies shall be

- a) the Ministry;
- b) the Slovak Film Institute;
- c) the Slovak Trade Inspection.

Section 40

Execution of Supervision

(1) The supervisory body may mandate a natural person (hereinafter referred to as “authorised person”) with the exercise of supervision; the authorised person is obliged to identify himself with the authorised person’s identity card when exercising supervision.

(2) Those who have the obligation under this Act are obliged to collaborate with the supervisory bodies and permit the authorised person to perform supervision, in particular, they are obliged to identify themselves to the authorised person, to afford the authorised person entry onto the business premises and provide the authorised person with the necessary documents, information and explanations.

(3) The supervisory body shall impose a fine of up to € 165 on those who do not collaborate pursuant to paragraph 2 for the violation of this obligation.

Section 41

Administrative Offences

(1) The Ministry shall impose pursuant to Section 13, a fine ranging from € 663 to € 33,193 on the obliged person for the violation of the obligation to determine the age suitability based on the uniform designation system.

(2) The Slovak Film Institute shall impose the following fines on the obliged person for the violation of one of the obligations pursuant to

- a) Section 5 paragraph 2 or paragraph 4, Section 7 paragraphs 1, 2 and 4 and Section 43 paragraph 3 a fine from € 33 to € 165;
- b) Section 35 paragraphs 2 and 3 a fine from € 331 to € 3,319;
- c) Section 36 paragraphs 1, 2 and 4 and Section 37 paragraphs 3 to 5 a fine from € 331 to € 66,387;
- d) Section 38 paragraphs 1 to 3 a fine from € 66 to € 1,825.

(3) The Slovak Trade Inspection shall impose on the obliged person the following fines for the violation of the obligation

- a) to specify or publish the age suitability pursuant to Section 13, a fine from € 331 to € 33,193;
- b) pursuant to Section 14, a fine from € 165 to € 16,596;
- c) pursuant to Section 15, a fine from € 165 to € 663;
- d) pursuant to Section 16, a fine from € 331 to € 16,596;
- e) pursuant to Section 17, a fine from € 165 to € 3319;
- f) pursuant to Section 18, a fine from € 100 to € 10,000.

(4) In determining the fine, the supervisory body shall take into account of the gravity, method and extent of the violation of the obligation, the implications of such a violation and the duration of these implications.

(5) The fine may be imposed up to three years from the date when the supervisory body learned of the violation of the obligation, albeit within five years at the latest of the date on which the obligation was violated.

(6) A fine imposed under this Act shall be payable within thirty days of the date of the decision imposing the fine entering into effect.

(7) Fines shall be deemed to represent a revenue of the national budget.

PART NINE

JOINT, TRANSITIONAL AND FINAL PROVISIONS

Section 42

Joint Provisions

(1) The general regulation on administrative procedure³⁵⁾ shall not apply to the register under Part Two of this Act.

(2) Protection pursuant to a separate regulation³⁶⁾ shall apply to the audio-visual recording which was made or published fifty years ago or less and which, pursuant to Section 21 paragraph 2 subparagraph d), was produced by the Slovak Film Institute.

(3) The provisions of Section 18 shall not apply to Slovak audiovisual works produced prior to 15 December 2009.

Section 43

Transitional Provisions

(1) The Ministry shall hand over to the Slovak Film Institute by 10 July 2015

a) a list of Slovak audiovisual works pursuant to [Section 3 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act);

b) the applications for entry of a Slovak audiovisual work which was delivered to the Ministry by 30 June 2015 pursuant to [Sections 4 and 5 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act);

c) information on persons performing activities in audiovision who are operators of audiovisual technical equipment with a permanent cinema or any other business premises or are operators of video rentals that municipalities have provided to the Ministry up to 31 January 2015 pursuant to [Section 11 paragraph 6 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act).

(2) The Ministry shall provide to the Audiovisual Fund by 10 July 2015

a) information from the register of independent producers pursuant to [Section 38 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act);

b) the applications for entry of a producer of an audiovisual work into the register of independent producers delivered to the Ministry by 30 June 2015 pursuant to [Section 39 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act).

(3) Persons pursuant to Section 6 par. 1 performing activities in audiovision who started to perform these activities prior to 1 July 2015 are required to notify the Slovak Film Institute of the fact that they are performing such activities in audiovision in compliance with Section 7 par. 3 at the latest by 30 September 2015. The obligation specified in the first sentence shall not apply to persons who

a) in relation to the Slovak Film Institute have performed their obligation to notify in compliance with [Section 11 paragraphs 1 and 2 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act);

b) in relation to the municipality where they have established business premises, have performed their obligation to notify in compliance with [Section 11 paragraphs 3 and 4 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act).

(4) The producer of an audiovisual work with a valid certificate of registration of the independent producer issued pursuant to [Section 39 of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act) shall be deemed to be an independent producer entered into the list of independent producers pursuant to Section 10 of this Act from 1 July 2015 until the expiration of this certificate.

(5) The Slovak Film Institute pursuant to Act no. [343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the

Amendment and Supplementation of Certain Acts (the Audiovisual Act) as amended shall be the Slovak Film Institute under this Act.

(6) Under this Act, the post of the Director General of the Slovak Film Institute shall be executed from 1 July 2015 by a person who as at 30 June 2015 executes the post of the Director General of the Slovak Film Institute pursuant to Act no. [343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act) as amended. The term of this General Director shall be five years from the date of his election to the post.

(7) The Council of the Slovak Film Institute established pursuant to Act no. [343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act) as amended shall be abolished and the term of all its members shall terminate as at 1 July 2015.

(8) The Minister shall appoint the first members of the Council under this Act by 15 August 2015.

(9) The Director General shall convene the first meeting of the Council by 31 August 2015; the Director General shall manage the meeting of the Council until the Council Chairman is elected. The Council shall elect its Chairman and Deputy Chairman and approve the Council Rules of Procedure at its first meeting.

(10) The Minister shall appoint the first members of the Audiovisual Heritage Commission under this Act by 15 August 2015.

(11) The Director General shall convene the first meeting of the Audiovisual Heritage Commission by 31 August 2015; the Director General shall manage the meeting of the Audiovisual Heritage Commission until the Commission Chairman is elected. The Audiovisual Heritage Commission shall elect its Chairman and approve the Rules of Procedure of the Audiovisual Heritage Commission at the first meeting.

(12) Proceedings started and lawfully not concluded prior to 1 July 2015 shall be concluded pursuant to the Act effective up to 30 June 2015.

(13) Until the generally binding regulation issued on the basis of this Act enters into effect, the Decree of the Ministry of Culture no. [589/2007 Coll.](#) shall remain in force and in effect; this Decree stipulates the details of the uniform system of designation of audiovisual works, audio recordings of artistic performances, multi-media works, programmes or other components of the programme service and the method of its application, as amended.

Section 43a

Transitional Provision to the Regulations Effective from 1 January 2016

The provision of Section 15 paragraph 5 shall not apply to an audiovisual work which the distributor of the audiovisual work started to publicly distribute prior to 1 January 2016 and which is not an audiovisual work over which the Slovak Film Institute exerts rights pursuant to Section 21 paragraph 2.

Section 43b

Transitional Provision to the Regulations Effective from 20 May 2016

The provision of Section 18 paragraph 6 subparagraphs b) and c) in the wording effective from 20 May 2016 shall apply only to those audiovisual works produced from 20 May 2016.

Section 44

Repealing Provision

[Art. I of Act no. 343/2007 Coll.](#) on the Conditions of Registration, Public Distribution and Preservation of Audiovisual Works, Multi-media Works and Audio Recordings of Artistic Performances and on the Amendment and Supplementation of Certain Acts (the Audiovisual Act) as amended by Act no. [498/2009 Coll.](#), Act no. [532/2010 Coll.](#) and Act no. [373/2013 Coll.](#) shall be repealed.

Art. II

The Act of the National Council of the Slovak Republic no. [145/1995 Coll.](#) on Administrative Fees as amended by the Act of the Slovak National Council no. [123/1996 Coll.](#), Act of the Slovak National Council no. [224/1996 Coll.](#), Act no. [70/1997 Coll.](#), Act no. [1/1998 Coll.](#), Act no. [232/1999 Coll.](#), Act no. [3/2000 Coll.](#), Act no. [142/2000 Coll.](#), Act no. [211/2000 Coll.](#), Act no. [468/2000 Coll.](#), Act no. [553/2001 Coll.](#), Act no. [96/2002 Coll.](#), Act no. [118/2002 Coll.](#), Act no. [215/2002 Coll.](#), Act no. [237/2002 Coll.](#), Act no. [418/2002 Coll.](#), Act no. [457/2002 Coll.](#), Act no. [465/2002 Coll.](#), Act no. [477/2002 Coll.](#), Act no. [480/2002 Coll.](#), Act no. [190/2003 Coll.](#), Act no. [217/2003 Coll.](#), Act no. [245/2003 Coll.](#), Act no. [450/2003 Coll.](#), Act no. [469/2003 Coll.](#), Act no. [583/2003 Coll.](#), Act no. [5/2004 Coll.](#), Act no. [199/2004 Coll.](#), Act no. [204/2004 Coll.](#), Act no. [347/2004 Coll.](#), Act no. [382/2004 Coll.](#), Act no. [434/2004 Coll.](#), Act no. [533/2004 Coll.](#), Act no. [541/2004 Coll.](#), Act no. [572/2004 Coll.](#), Act no. [578/2004 Coll.](#), Act no. [581/2004 Coll.](#), Act no. [633/2004 Coll.](#), Act no. [653/2004 Coll.](#), Act no. [656/2004 Coll.](#), Act no. [725/2004 Coll.](#), Act no. [5/2005 Coll.](#), Act no. [8/2005 Coll.](#), Act no. [15/2005 Coll.](#), Act no. [93/2005 Coll.](#), Act no. [171/2005 Coll.](#), Act no. [308/2005 Coll.](#), Act no. [331/2005 Coll.](#), Act no. [341/2005 Coll.](#), Act no. [342/2005 Coll.](#), Act no. [473/2005 Coll.](#), Act no. [491/2005 Coll.](#), Act no. [538/2005 Coll.](#), Act no. [558/2005 Coll.](#), Act no. [572/2005 Coll.](#), Act no. [573/2005 Coll.](#), Act no. [610/2005 Coll.](#), Act no. [14/2006](#)

[Coll.](#), Act no. [15/2006 Coll.](#), Act no. [24/2006 Coll.](#), Act no. [117/2006 Coll.](#), Act no. [124/2006 Coll.](#), Act no. [126/2006 Coll.](#), Act no. [224/2006 Coll.](#), Act no. [342/2006 Coll.](#), Act no. [672/2006 Coll.](#), Act no. [693/2006 Coll.](#), Act no. [21/2007 Coll.](#), Act no. [43/2007 Coll.](#), Act no. [95/2007 Coll.](#), Act no. [193/2007 Coll.](#), Act no. [220/2007 Coll.](#), Act no. [279/2007 Coll.](#), Act no. [295/2007 Coll.](#), Act no. [309/2007 Coll.](#), Act no. [342/2007 Coll.](#), Act no. [343/2007 Coll.](#), Act no. [344/2007 Coll.](#), Act no. [355/2007 Coll.](#), Act no. [358/2007 Coll.](#), Act no. [359/2007 Coll.](#), Act no. [460/2007 Coll.](#), Act no. [517/2007 Coll.](#), Act no. [537/2007 Coll.](#), Act no. [548/2007 Coll.](#), Act no. [571/2007 Coll.](#), Act no. [577/2007 Coll.](#), Act no. [647/2007 Coll.](#), Act no. [661/2007 Coll.](#), Act no. [92/2008 Coll.](#), Act no. [112/2008 Coll.](#), Act no. [167/2008 Coll.](#), Act no. [214/2008 Coll.](#), Act no. [264/2008 Coll.](#), Act no. [405/2008 Coll.](#), Act no. [408/2008 Coll.](#), Act no. [451/2008 Coll.](#), Act no. [465/2008 Coll.](#), Act no. [495/2008 Coll.](#), Act no. [514/2008 Coll.](#), Act no. [8/2009 Coll.](#), Act no. [45/2009 Coll.](#), Act no. [188/2009 Coll.](#), Act no. [191/2009 Coll.](#), Act no. [274/2009 Coll.](#), Act no. [292/2009 Coll.](#), Act no. [304/2009 Coll.](#), Act no. [305/2009 Coll.](#), Act no. [307/2009 Coll.](#), Act no. [465/2009 Coll.](#), Act no. [478/2009 Coll.](#), Act no. [513/2009 Coll.](#), Act no. [568/2009 Coll.](#), Act no. [570/2009 Coll.](#), Act no. [594/2009 Coll.](#), Act no. [67/2010 Coll.](#), Act no. [92/2010 Coll.](#), Act no. [136/2010 Coll.](#), Act no. [144/2010 Coll.](#), Act no. [514/2010 Coll.](#), Act no. [556/2010 Coll.](#), Act no. [39/2011 Coll.](#), Act no. [119/2011 Coll.](#), Act no. [200/2011 Coll.](#), Act no. [223/2011 Coll.](#), Act no. [254/2011 Coll.](#), Act no. [256/2011 Coll.](#), Act no. [258/2011 Coll.](#), Act no. [324/2011 Coll.](#), Act no. [342/2011 Coll.](#), Act no. [363/2011 Coll.](#), Act no. [381/2011 Coll.](#), Act no. [392/2011 Coll.](#), Act no. [404/2011 Coll.](#), Act no. [405/2011 Coll.](#), Act no. [409/2011 Coll.](#), Act no. [519/2011 Coll.](#), Act no. [547/2011 Coll.](#), Act no. [49/2012 Coll.](#), Act no. [96/2012 Coll.](#), Act no. [251/2012 Coll.](#), Act no. [286/2012 Coll.](#), Act no. [336/2012 Coll.](#), Act no. [339/2012 Coll.](#), Act no. [351/2012 Coll.](#), Act no. [439/2012 Coll.](#), Act no. [447/2012 Coll.](#), Act no. [459/2012 Coll.](#), Act no. [8/2013 Coll.](#), Act no. [39/2013 Coll.](#), Act no. [40/2013 Coll.](#), Act no. [72/2013 Coll.](#), Act no. [75/2013 Coll.](#), Act no. [94/2013 Coll.](#), Act no. [96/2013 Coll.](#), Act no. [122/2013 Coll.](#), Act no. [144/2013 Coll.](#), Act no. [154/2013 Coll.](#), Act no. [213/2013 Coll.](#), Act no. [311/2013 Coll.](#), Act no. [319/2013 Coll.](#), Act no. [347/2013 Coll.](#), Act no. [387/2013 Coll.](#), Act no. [388/2013 Coll.](#), Act no. [474/2013 Coll.](#), Act no. [506/2013 Coll.](#), Act no. [35/2014 Coll.](#), Act no. [58/2014 Coll.](#), Act no. [84/2014 Coll.](#), Act no. [152/2014 Coll.](#), Act no. [162/2014 Coll.](#), Act no. [182/2014 Coll.](#), Act no. [204/2014 Coll.](#), Act no. [262/2014 Coll.](#), Act no. [293/2014 Coll.](#), Act no. [335/2014 Coll.](#) and Act no. [399/2014 Coll.](#) shall be amended as follows:

Item 12a shall be omitted in the schedule of administrative fees Part I, General Administration.

Footnotes 13a and 13b shall be omitted.

Art. III

Act no. [308/2000 Coll.](#) On Broadcasting and Retransmission and on the Amendment of Act no. [195/2000 Coll.](#) on Telecommunications as amended by Act no. [147/2001 Coll.](#), Act no. [206/2002 Coll.](#), Act no. [289/2005 Coll.](#), Act no. [95/2006 Coll.](#), Act no. [21/2006 Coll.](#), Act no. [13/2007 Coll.](#), Act no. [220/2007 Coll.](#), Act no. [343/2007 Coll.](#), Act no. [654/2007 Coll.](#), Act no. [167/2008 Coll.](#), Act no. [287/2008 Coll.](#), Act no. [516/2008 Coll.](#), Act no. [77/2009 Coll.](#), Act no. [318/2009 Coll.](#), Act no. [498/2009 Coll.](#), Act no. [532/2010 Coll.](#), Act no. [221/2011 Coll.](#), Act no. [397/2011 Coll.](#), Act no. [547/2011 Coll.](#), Act no. [342/2012 Coll.](#), Act no. [352/2013](#) and Act no. [373/2013 Coll.](#) shall be amended as follows:

The second sentence in Section 24 shall be:

“For the purposes of this Act, a programme with at least a 51% share of the independent producer in the total costs for the production of the programme shall be deemed to be a programme produced by the independent producer.”

Art. IV

Act no. [516/2008 Coll.](#) On the Audiovisual Fund and the Amendment and Supplementation of Certain Acts as amended by Act no. [532/2010 Coll.](#), Act no. [547/2011 Coll.](#), Act no. [340/2012 Coll.](#), Act no. [352/2013 Coll.](#) and Act no. [374/2013 Coll.](#) shall be amended and supplemented as follows:

1. Section 1 shall be supplemented by paragraph 3 with the following wording:

“(3) For the purposes of this Act, the Fund shall be a financial institution for the implementation of financial instruments pursuant to a separate regulation. ¹⁾”.

Footnote 1 shall be:

“1) Arts. 37 to 46 of Regulation (EU) No. 1303/2013 of the European Parliament and Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No. [1083/2006](#) (EU Official Journal L 347, 20.12.2013).

Arts. 4 to 14 of the Commission Delegated Regulation (EU) No. 480/2014 of 3 March 2014 supplementing Regulation (EU) No. 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (EU Official Journal L 138, 13.5.2014).”.

The current reference 1 shall be designated as reference 1a and the current footnote 1 shall be designated as footnote 1a.

2. The numeral “28” in Section 2 subpar. a) shall be replaced by “28a”.

3. Section 2 shall be complemented by subpar. o) with the following wording:

“o) shall maintain a list of independent producers in audiovision pursuant to a separate regulation. ^{3a)}”.

The footnote to reference 3a shall be as follows:

"3a) [Section 9](#) of Act no. [40/2014 Coll.](#) on Audiovision and on the Amendment and Supplementation of Certain Acts."

4. The numeral "28" in Section 7 par. 2 subpar. c) shall be replaced by "28a".
5. The numeral "28" in Section 23 par. 1 subpar. a) shall be replaced by "28a".
6. The words "€ 0.03 for each ticket sold" in Section 26 par. 2 shall be replaced by "1% of each ticket sold".
7. Section 28a shall be inserted after Section 28 with the following wording:

"Section 28a

Contribution of the Provider of the On-Demand Audiovisual Media Service

(1) The provider of the on-demand audiovisual media service ^{37a)} is required to pay a monetary contribution to the Fund.

(2) The total income of the provider of the on-demand audiovisual media service shall serve as the basis for the calculation of the contribution pursuant to paragraph 1 for the provision of the on-demand audiovisual media service for the previous calendar year.

(3) The contribution of the provider of the on-demand audiovisual media service shall be 0.5% of the basis pursuant to paragraph 2."

Footnote 37a shall contain the following wording:

"37a) [Section 3 subpar. c\)](#) of Act no. [308/2000 Coll.](#) as amended."

8. The numeral "28" in Section 29 par. 2, Section 30 pars. 1, 2 and 4 and Section 31 par. 1 shall be replaced by "28a".
9. The words "and 28" in Section 30 par. 3 shall be replaced by "to 28a".

Art. V

Act no. [103/2014 Coll.](#) on Theatre and Music Activities and on the Amendment and Supplementation of Certain Acts shall be amended and supplemented as follows:

1. A new paragraph 3 shall be inserted in Section 2 below paragraph 2 with the following wording:

"(3) A Slovak audio recording of an artistic performance shall be an audio recording of an artistic performance

a) produced by the producer of the audio recording, ¹⁾ who has or had at the time of the first issue a permanent residence, place of business or registered seat in the Slovak Republic; or

b) which was made using public funds. ^{1a)}"

Current paragraphs 3 to 5 shall be designated as paragraphs 4 to 6.

Footnotes 1 and 1a shall have the following wording:

"1) [Section 5 par. 20](#) of Act no. [618/2003 Coll.](#) on Copyright and Rights Related to Copyright (Copyright Act) as amended by Act no. [84/2007 Coll.](#)

1a) [Section 2 subpar. a\)](#) of Act no. [523/2004 Coll.](#) on Budgetary Rules for Public Administration and on the Amendment and Supplementation of Certain Acts."

The current reference 1 shall be designated as reference 1b and the current footnote to reference 1 shall be designated as a footnote to reference 1b.

2. Subpar. b) in Section 3 par. 2 shall contain the following wording:

"b) shall maintain records of theatres, records of music institutions and records of Slovak audio recordings of artistic performances;"

3. Sections 3a and 3b shall be inserted after Section 3 and will contain the following wording:

"Section 3a

List of Slovak Audio Recordings of Artistic Performances

(1) The list of Slovak audio recordings of artistic performances shall be a publicly accessible register maintained by the Ministry.

(2) The list of Slovak audio recordings of artistic performances shall bear the registration number of the Slovak audio recording of an artistic performance, information on the registered Slovak audio recording of an artistic performance based on the application for entry of the Slovak audio recording of an artistic performance and the date of entry into the list of Slovak audio recordings of artistic performances.

(3) A Slovak audio recording of an artistic performance shall not be entered into the list of Slovak audio recordings of artistic performances if

- a) it is a commercial ^{1c)} or advertisement; or
- b) it was produced exclusively for
 - 1. purposes of radio broadcasting and it is publicly presented only via radio broadcasting; or
 - 2. it was made available to the public free of charge. ^{1d)}

Section 3b

Entry of a Slovak Audio Recording of an Artistic Performance

(1) The Ministry shall enter a Slovak audio recording of an artistic performance into the list of Slovak audio recordings of artistic performances on the basis of an application for entry of a Slovak audio recording of an artistic performance submitted by the producer of the audio recording of an artistic performance.

(2) The application for entry of a Slovak audio recording of an artistic performance into the list of Slovak audio recordings of artistic performances shall contain

- a) the name of the Slovak audio recording of an artistic performance;
- b) the list of authors ^{1e)} of the recorded literary or music work;
- c) the list of the main performing artists; ^{1f)}
- d) the name, identification number of organisation, if assigned, and the registered office of the producer of the Slovak audio recording of an artistic performance if it is a legal entity, the business name and place of business of the producer of the Slovak audio recording of an artistic performance if it is a natural person – entrepreneur, or the name, surname and permanent residence of the producer of the Slovak audio recording of an artistic performance if it is a natural person;
- e) the country of origin and year of the Slovak audio recording of an artistic performance being entered on a medium;
- f) the content and genre characteristic of the Slovak audio recording of an artistic performance;
- g) the run-time of the Slovak audio recording of an artistic performance;
- h) the basic technical parameters of the format of the Slovak audio recording of an artistic performance;
- i) the international standard music number (ISMN), if assigned;
- j) the anticipated date of the first public presentation of the Slovak audio recording of an artistic performance in the Slovak Republic;
- k) the method of public presentation of the Slovak audio recording of an artistic performance in the Slovak Republic.

(3) The producer of the Slovak audio recording of an artistic performance is required to apply for entry into the list of Slovak audio recordings of artistic performances at the latest thirty days prior to the first public presentation of the Slovak audio recording of an artistic performance in the Slovak Republic.

(4) The Ministry shall make the entry into the list of Slovak audio recordings of artistic performances within fifteen days from the date of delivery of the application for entry of the Slovak audio recording of an artistic performance which contains all the requirements pursuant to paragraph 2.

(5) If the application for entry of a Slovak audio recording of an artistic performance does not contain all the requirements pursuant to paragraph 2, the Ministry shall request the producer of the Slovak audio recording of an artistic performance to complement them within a deadline which must not be shorter than five working days from the date of delivery of the request. The producer of the Slovak audio recording of an artistic performance is required to complement the application for entry of the Slovak audio recording of an artistic performance within the deadline stipulated. If the producer of the Slovak audio recording of an artistic performance does not complement the application for entry of the Slovak audio recording of an artistic performance within the stipulated deadline, the Ministry shall not enter the Slovak audio recording of an artistic performance into the list of Slovak audio recordings of artistic performances.

(6) The general regulation on administrative procedure ^{1g)} shall not apply to maintenance of the list of Slovak audio recordings of artistic performances”.

Footnotes 1c to 1g shall bear the following wording:

^{1c)} For instance [Section 32](#) of Act no. [308/2000 Coll.](#) on Broadcasting and Retransmission and on the Amendment of Act no. [195/2000 Coll.](#) on Telecommunications as amended, [Section 2 par. 1 subpar. a\)](#) of Act no. [147/2001 Coll.](#) on Advertising and on the Amendment

and Supplementation of Certain Acts as amended by Act no. [102/2014 Coll.](#)

- 1d) [Section 5 par. 11](#) of Act no. [618/2003 Coll.](#);
 - 1e) [Section 6](#) of Act no. [618/2003 Coll.](#);
 - 1f) [Section 5 par. 18](#) of Act no. [618/2003 Coll.](#);
 - 1g) Act no. [71/1967 Coll.](#) on Administrative Proceedings (Code of Administrative Procedure) as amended.”.
4. Section 14a shall be inserted after Section 14 with the following wording including the title:

“Section 14a

Administrative Offences

(1) The Ministry shall impose a fine of from € 33 to € 165 on the producer of the Slovak audio recording of an artistic performance for violation of the obligation pursuant to Section 3b par. 3 or par. 5.

(2) In determining the amount of the fine, the Ministry shall take account of the gravity, method and extent of the violation of the obligation, the implications of such a violation and the duration of these implications.

(3) The fine may be imposed up to three years from the date when the Ministry learned of the violation of the obligation, albeit within five years at the latest of the date on which the obligation was violated.

(4) A fine imposed under this Act shall be payable within thirty days of the date of the decision imposing the fine entering into effect.

(5) Fines shall be deemed to represent a revenue of the national budget.”.

Art. VI

This Act shall come into effect on 1 July 2015 except for Art. IV, points 2, 4 to 9 which shall come into effect on 1 January 2016.

Act no. [278/2015 Coll.](#) came into effect on 1 January 2016 except for Art. IV, points 9, 10 and 11 (Section 43b), which came into effect on 20 May 2016.

Andrej Kiska as signed

Peter Pellegrini as signed

Robert Fico as signed

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- 1) [Section 5 par. 2 of Act no. 618/2003 Coll.](#) on Copyright and Rights Related to Copyright (Copyright Act) as amended by Act no. [84/2007 Coll.](#)
 - 2) [Section 5 par. 10 of Act no. 618/2003 Coll.](#) as amended by Act no. [220/2007 Coll.](#)
 - 3) [Section 5 par. 11 of Act no. 618/2003 Coll.](#)
 - 4) [Section 5 par. 25 of Act no. 618/2003 Coll.](#) as amended by Act no. [84/2007 Coll.](#)
 - 5) [Section 5 par. 13 of Act no. 618/2003 Coll.](#)
 - 6) [Section 5 par. 24 of Act no. 618/2003 Coll.](#)
 - 7) For instance [Section 32 of Act no. 308/2000 Coll.](#) on Broadcasting and Retransmission and on the Amendment of Act no. [195/2000 Coll.](#) on Telecommunications as amended, [Section 2 par. 1 subpar. a\) of Act no. 147/2001 Coll.](#) on Advertising and on the Amendment and Supplementation of Certain Acts as amended by Act no. [102/2014 Coll.](#)
 - 8) [Section 3 subpar. c\) of Act no. 308/2000 Coll.](#) as amended.
 - 9) [Section 2 subpar. a\) of Act no. 523/2004 Coll.](#) on Budgetary Rules of Public Administration and on the Amendment and Supplementation of Certain Acts.
 - 9a) [Section 18aa of Act no. 308/2000 Coll.](#) as amended by Act no. [278/2015 Coll.](#)
 - 10) [Section 6 of Act no. 618/2003 Coll.](#)
 - 11) [Section 5 par. 18 of Act no. 618/2003 Coll.](#)
 - 12) [Section 3 subpar. v\) of Act no. 308/2000 Coll.](#) as amended by Act no. [498/2009 Coll.](#)
 - 13) [Section 3 subpar. u\) of Act no. 308/2000 Coll.](#) as amended by Act no. [498/2009 Coll.](#)
 - 14) The European Convention on Cross-Border Television (notification of the Ministry of Foreign Affairs of the Slovak Republic no. [168/1998 Coll.](#)) as amended by the Protocol Amending the European Convention on Cross-Border Television (notification of the Ministry of Foreign Affairs of the

Slovak Republic no. [345/2002 Coll.](#)).

- 15) Act no. [516/2008 Coll.](#) on the Audiovisual Fund and on the Amendment and Supplementation of Certain Acts as amended.
- 16) [Section 3 pars. 1 to 3 of Act no. 220/2007 Coll.](#) on Digital Broadcasting of Programme Services and on the Provision of Other Content Via Digital Transmission and on the Amendment and Supplementation of Certain Acts (Digital Broadcasting Act) as amended by Act no. [498/2009 Coll.](#)
- 17) [Section 20 pars. 3 to 5 of Act no. 308/2000 Coll.](#) as amended.
- 18) Act no. [362/2011 Coll.](#) on Drugs and Medical Aids and on the Amendment and Supplementation of Certain Acts as amended.
- 19) Act no. [577/2004 Coll.](#) on the Scope of Healthcare Reimbursed from Public Health Insurance and Payments for Services Connected with the Provision of Healthcare as amended.
- 20) Act no. [275/2006 Coll.](#) on Public Administration Information Systems and on the Amendment and Supplementation of Certain Acts as amended.
- 21) Act no. [618/2003 Coll.](#) as amended.
- 22) Act no. [532/2010 Coll.](#) on the Radio and Television of Slovakia and on the Amendment and Supplementation of Certain Acts as amended.
- 23) Act of the Slovak National Council no. [278/1993 Coll.](#) on the Administration of State Property as amended.
- 24) For instance the [Civil Code](#), [Section 57 of Act no. 618/2003 Coll.](#) as amended by Act no. [84/2007 Coll.](#)
- 25) [Section 3 of Act no. 552/2003 Coll.](#) on Works Performed in Public Interest as amended.
- 26) Act no. [552/2003 Coll.](#) as amended.
Act no. [553/2003 Coll.](#) on the Remuneration of Certain Employees for Works Performed in Public Interest and on the Amendment and Supplementation of Certain Acts as amended.
- 27) For instance Act no. [431/2002 Coll.](#) on Accounting as amended, Act no. [523/2004 Coll.](#) as amended.
- 28) [Section 136](#) and [Section 137 par. 1 of the Labour Code](#) as amended by Act no. [210/2003 Coll.](#)
- 29) Act no. [283/2002 Coll.](#) on Travel Allowances as amended.
- 30) Act of the Slovak National Council no. [233/1995 Coll.](#) on Court Distrainers and Distraint (Code of Distraint Procedure) and on the Amendment and Supplementation of Certain Acts as amended.
- 31) Act no. [7/2005 Coll.](#) on Bankruptcy and Restructuring and on the Amendment and Supplementation of Certain Acts as amended.
- 32) [Section 3 subpar. i\) of Act no. 308/2000 Coll.](#) as amended.
- 33) [Section 3 par. 3 of Act no. 220/2007 Coll.](#)
- 34) [Sections 747 to 753 of the Civil Code.](#)
- 35) Act no. [71/1967 Coll.](#) On Administrative Proceedings (Code of Administrative Procedure) as amended.
- 36) [Sections 66, 67](#) and [69 to 71 of Act no. 618/2003 Coll.](#) as amended.