

# ACT No 160/1997 ON THE COUNCIL FOR RADIO AND TELEVISION BROADCASTING

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

## TITLE I

### Article 1

#### *Subject of the Act*

This Act regulates the position, purpose, responsibilities and activities of the Council of the Slovak Republic for Radio and Television Broadcasting (hereinafter only the "Council").

### Article 2

#### *The position and purpose of the Council*

- (1) The purpose of the Council is to secure and support the interests of the public in applying its right to information and freedom of expression in the area of radio and television broadcasting (hereinafter only "broadcasting").
- (2) The Council cares for the development of pluralist broadcasting and the independence of its operation. It supports domestic and European creative work in the radio, television and audiovisual areas.
- (3) The Council has the position of an organ of the state administration, when performing state administration in the area of broadcasting, to the extent defined by this act and other legal regulations.<sup>1</sup>
- (4) The Council is a legal person with its registered office in Bratislava.

### Article 3

#### *Responsibilities and activities of the Council*

(1) The responsibilities of the Council in the area of carrying out state administration include:

(a) to grant <sup>2</sup> and to cancel the licences of persons <sup>3</sup>, who:

1. have their registered offices in the territory of the Slovak Republic, or, in the case of physical persons, have their places of permanent residence in the territory of the Slovak Republic, and intend to broadcast to the Slovak Republic;
2. use frequencies assigned to the Slovak Republic;
3. use satellite capacity belonging to the Slovak Republic or use satellite communication equipment located within the territory of the Slovak Republic.

(b) to decide:

the licence conditions for a person to whom it granted a licence.<sup>2</sup>  
deadlines for correction in the event of violat regulations in the area of broadcasting and of the conditions under which the licence was granted.<sup>4</sup>

(c) to impose fines <sup>3</sup> on broadcasters and operators of cable networks, which obtained approval for broadcasting by the granting of a licence or on the basis of a legislative act <sup>5</sup>, and on those who broadcast without such authorization.

(d) to keep a record of an application for the granting of a licence and of granted licences, including changes to them, to regularly publish, by means of press agencies and other public information media, a review of granted licences and of changes to them and of the state of the plan for the use of broadcasting

frequencies, to produce statistical reviews of the coverage of territory and of the number of inhabitants with radio and television signal from granted licences.

(2) The responsibilities of the Council also include:

- (a) to participate in shaping the principles of the state policy of the Slovak Republic in relation to broadcasting, by means of its point of view and proposals,
- (b) to decide the conception for broadcasting in the area of use of frequencies for broadcasters on the basis of legislation, and for broadcasters on the basis of licences,
- (c) to work out, in cooperation with the organs of the state administration, plans for telecommunications and conceptions for the use of the frequency spectrum in the area of broadcasting,
- (d) to participate in the creation of legislation and other generally binding legal regulations in the area of broadcasting and concerning broadcasting,
- (e) to express its views on proposals to conclude international treaties connected with broadcasting, and about their fulfilment, to propose the conclusion of international treaties, international agreements and other international legal acts or accession to them,
- (f) to participate in exchange of information and to cooperate with international organizations, and with the authorities of other states responsible for the area of broadcasting.

(3) In matters belonging to its responsibilities, the Council shall supervise the observance of legal regulations concerning radio and television broadcasting and broadcasting through cable networks.<sup>6</sup>

(4) The Council is obliged:

- (a) to submit to the National Council of the Slovak Republic (hereinafter only the "National Council"), an annual report about the state of broadcasting and about its activity, within a deadline of 90 days from the end of a calendar year,
- (b) to submit to the National Council, information about the state of broadcasting and about its activity, whenever the National Council requests this.

(5) The details of the internal organization of the activity of Council shall be regulated by a statute, proposed by the Council and approved by the chairman of the National Council of the Slovak Republic (hereinafter only the "chair-man of the National Council").

#### **Article 4**

##### ***Composition of the Council***

(1) The Council shall have nine members, who shall be elected and dismissed by the National Council.

(2) Candidates to be members of the Council can be proposed to the National Council by members of the National Council and other constitutional figures, the Council, professional and civic associations concerned with the audio-visual area and with other public information media.<sup>7</sup>

(3) The Council shall elect the chairman of the Council and the deputy chairman of the Council from among its members.

(4) The Council is able to pass resolutions if at least seven of its members are present at a session. The Council shall reach its decisions by voting. A decision is valid if at least five members of the Council vote for it.

#### **Article 5**

##### ***Membership of the Council***

(1) A citizen of the Slovak Republic, who has reached the age of 21 years, is responsible for his legal actions, blameless and has his place of permanent residence within the territory of the Slovak Republic, can be elected to be a member of the Council.

(2) Membership of the Council is incompatible with the functions of president of the Slovak Republic, member of the National Council of the Slovak Republic, state secretary of the main office of a ministry, head of another central organ of the state administrative or his deputy, and with the function of member of the Council or Slovak Television 8 or member of the Radio Council. 9

(3) A member of the Council cannot:

- (a) perform functions in political parties and political movements either in the name of these parties and movements or to act in their favour,
- (b) be a member of the organs or an employee of a company active in the area of the public information media,
- (c) represent commercial interests, which could be in conflict with the performance of his function or indirectly influence his impartiality when taking decisions.

(4) A member of the Council and persons close to him 10 cannot have a share in the operation of broadcasting, or a share in its technical provision.

(5) Membership of the Council is a public function. The function of chairman of the Council is incompatible with other employment, with the exception of academic, educational, literary or artistic activity. The other members of the Council can perform their function as their only activity, or along side other employment, while observing the limitations mentioned in paragraphs (1) to (3).

(6) The members of the Council shall be paid for performance of their function. The statute of the Council shall decide the level of pay. The travelling expenses of a member of the Council, which arise in connection with the performance of his function in the Council, shall be paid in accordance with special regulations. 11

(7) A member of the Council shall participate in health insurance 12, in medical insurance and in pension insurance 13 in the same way as an employee in regular employment. The labour law regulations apply to situations deriving from the performance of the function of a member of the Council. 14

## **Article 6**

### ***The term of office of members of the Council***

(1) The term of office of a member of the Council is six years, and is not renewable. One third of the members of the Council shall be replaced every two years.

(2) New members of the Council shall be elected to occupy places made vacant by completion of the term of office. In the case of a place made vacant for another reason, a new member of the Council shall be elected for the remaining time to the end of the term of office of the member of the Council whose place has become vacant.

(3) The term of office of a member of the Council begins to elapse on the day following the expiration of the mandate of the member of the Council he was elected to replace, but not before the day of his election by the National Council.

## **Article 7**

### ***Expiration of membership***

(1) Membership of the Council expires:

- (a) by completion of the term of office,
- (b) by resignation from membership of the Council, on the day of delivery of the resignation from membership of the Council to the chairman of the National Council,
- (c) by dismissal from the position of member of the Council,
- (d) by limitation or deprivation of responsibility for legal actions,
- (e) by death.

(2) In the case of expiration of membership of the Council according to paragraph (1) subparagraphs (a), (d) and (e), the chairman of the board is obliged to inform the chairman of the National Council without excessive delay.

(3) The National Council shall dismiss a member of the Council on the proposal of a member of the National Council:

- (a) if he violated the conditions for performing the function of a member of the Council mentioned in article 5.
- (b) if he was legally convicted for a deliberate criminal act or for a criminal act connected with membership of the Council.

(4) The National Council can dismiss a member of the Council, if he did not perform his function in the Council for at least six months. The chairman of the Council is obliged to inform the chairman of the National Council of this fact without excessive delay.

## **Article 8**

### ***Organization of activity and economic running of the Council***

(1) The chairman of the Council shall coordinate the activity of the Council and act in its name. The deputy chairman of the Council shall perform the duties of the chairman of the Council during the absence of the chairman of the Council or on the basis of his authorization.

(2) The Office of the Council of the Slovak Republic for Radio and Television Broadcasting shall secure the organizational and technical activity of the Council and the implementation of its decisions.

(3) The expenses of the activity of the Council shall be paid from the state budget. The revenue of the Council is revenue of the state budget.

(4) The Ministry of Finance of the Slovak Republic shall supervise the economic activity of the Council, if no other act decides otherwise.

## **Article 9**

### ***Common, transitional and concluding regulations***

The organs of the state administration shall cooperate with the Council in broadcasting matters and provide the necessary cooperation.

## **Article 10**

The term of office of the members of the Council elected before this act becomes effective shall be decided in accordance with the regulations in force up to now.

## **Article 11**

Act of the Slovak National Council no.294/1992 Coll. about the Council of the Slovak Republic for Radio and Television Broadcasting, as amended by Act of the Slovak National Council no.453/1992 Coll., Act of the National Council of the Slovak Republic no.166/1993 Coll. and Act of the National Council of the Slovak Republic no.257/1995 Coll., is repealed.

## **TITLE II**

Act no.468/1991 Coll. about the operation of radio and television broadcasting, as amended by later regulations, is amended as follows:

In Article 21, in the second sentence, the word "court" shall be replaced by the words "Supreme Court of the Slovak Republic,<sup>11</sup>", the full stop at the end of the sentence shall be replaced by a semicolon, and the following shall be added: "in this decision, the delaying effect of appeal proceedings may be excluded, if the nature of the matter requires this.<sup>12</sup>"

Notes 11 and 12 shall read:

"11. Article 246 paragraph 2 subparagraph (c) of the Civil Judicial Code.

12. Article 55 paragraphs 2 and 3 of Act no.71/1967 Coll. about administrative proceedings (Administrative Code).".

### TITLE III

This Act shall become effective on 1st July 1997.

Act No 160 from 21st May 1997 about the Council of the Slovak Republic for Radio and Television broadcasting and about amending Act no.468/1991 Coll. about radio and television as amended by later regulations:

1 For example Act no.468/1991 Coll. about the operation of radio and television broadcasting as amended by later regulations, Act of the National Council of the Slovak Republic no.166/1993 Coll. about measures in the area of radio and television broadcasting as amended by later regulations, Act of the National Council of the Slovak Republic no.220/1996 Coll. about advertising.

2 Article 12 of Act no.468/1991 Coll. as amended by later regulations.

3 Article 3 paragraph (2) of Act no.468/1991 Coll. as amended by later regulations.

4 Article 20 of Act no.468/1991 Coll. as amended by later regulations.

5 - Act of the Slovak National Council no.254/1991 Coll. about Slovak Television as amended by later regulations.

- Act of the Slovak National Council no.255/1991 Coll. about Slovak Radio as amended by later regulations

6 For example Act no.468/1991 Coll. as amended by later regulations, Act of the Slovak National Council no.254/1991 Coll. as amended by later regulations, Act of the Slovak National Council no.255/1991 Coll. as amended by later regulations, Act of the National Council of the Slovak Republic no.166/1993 Coll. as amended by later regulations, Act of the National Council of the Slovak Republic no.220/1996 Coll.

7 Article 2 subparagraph (a) of constitutional act of the National Council of the Slovak Republic no.119/1995 Coll. about limiting conflicts of interest during the performance of the functions of constitutional figures and higher state functionaries.

8 Act of the Slovak National Council no.254/1991 Coll. as amended by later regulations,

9 Act of the Slovak National Council no.255/1991 Coll. as amended by later regulations

10 Article 116 of the Civil Code.

11 Act no.119/1992 Coll. about travelling expenses as amended by Act of the National Council of the Slovak Republic no.53/1996 Coll. and Act of the National Council of the Slovak Republic no.323/1996 Coll.

12 Act of the National Council of the Slovak Republic no.273/1994 Coll. about health insurance, financing of health insurance, establishment of the General Insurance Company and about the establishment of industry, profession, company and civil insurance companies, as amended by later regulations.

13 Act of the National Council of the Slovak Republic no.274/1994 Coll. about the social insurance company, as amended by later regulations.

14 Articles 100 to 110c of the Labour Code as amended by later regulations