

ACT No 1/1996
ON AUDIOVISUALS
AS AMENDED BY LATER REGULATIONS

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

Article 1

Purpose of the law

(1) The purpose of this law is to regulate certain conditions of the production, use and propagation of audiovisual work.

(2) This law does not apply to audio-visual works:

produced for exclusive use by television broadcasting,
used and propagated exclusively by television broadcasting,¹
used in broadcasts, free of charge, for purposes of schools and educational establishments,² healthcare education and adult education institutions within their educational programmes,
not designated for use and propagation pursuant to § 2, paragraph (1), subparagraph (e) of this law.

Article 2

Definitions

(1) The following terms are defined as shown below for the purposes of this law:

Audiovisual work shall be understood as all work consisting of a series of recorded and mutually connected images whether or not accompanied with sound, perceivable visually and, if accompanied with sound, also accoustically,³ as well as work representing independent audio recordings if designated for public use and propagation by technical means,⁴

Slovak audiovisual work shall be understood as audiovisual work whose producer pursuant to paragraph (2), subparagraph (a) above has, or had at the time of first presentation, his site of business or his permanent residence in the territory of the Slovak Republic. Audio-visual works whose producers, defined as above, financially participated in their creation with at least 20% of the total budget shall be deemed Slovak audiovisual works,

Carrier of audiovisual work shall be understood as a carrier of audiovisual records made by magnetically, optical or other recording methods,

Records of audiovisual work shall be understood as duplicates of audiovisual work on a carrier, made by copying from the original recording of such work including its documentation material (original carrier),

Use and propagation of audiovisual work shall be understood as its sale, lending, public presentation, export and import against payment pursuant to price regulations,⁵

Audiovisual performance shall be understood as a public presentation of audio-visual work by technical means. Audiovisual work shall be deemed presented public if performed before and individually undefined number of persons,

Cinema shall be understood as an open or closed area, designated for public presentations of audiovisual work pursuant to separate legislation,⁶

Dubbing shall be understood as the verbal interpretation of the original sound of audiovisual works into a different language,

Subtitles shall be understood as the explanatory text of individual audio-visual work images, printed in a language different from that of the original verbal form.

(2) Additional terms shall be defined as shown below for the purposes of this law:

Producers of audiovisual work shall be understood as persons having acquired the contractual rights of use of individual audiovisual work components and produced such work,

Distributors of audiovisual work shall be understood as persons having acquired from the producer the contractual rights relating to the use and propagation of audiovisual work, including resale, public presentation or lending of such work to persons specified in subparagraphs (c) through (f),

Operators of technical means shall be understood as persons presenting audio-visual work, free of charge or against payment pursuant to price regulations 5, in their publicly accessible rooms or premises,

Cinema operators shall be understood as persons publicly presenting audio-visual works 6 in cinemas against payment pursuant to price regulations,5

Operators of audiovisual work lending libraries shall be understood as persons lending record copies of audiovisual work against payment pursuant to price regulations,5

Operators of audiovisual work sales outlets shall be understood as persons selling record copies of audiovisual work to the public against payment pursuant to price regulations.5

Article 3

Identification of audio-visual work

(1) Producers of Slovak audiovisual works shall identify such work on the original carrier or on the distribution label by showing the following:

Title of the work,

Full name and/or pseudonym of the author(s) if known, unless such identification by name was expressly forbidden by the author(s),

Full name(s) of the performing artist(s),^z

Full name of the holder of transferable copyright and similar rights in cases where such holder is not identical with the author(s) or performing artist(s), along with the range of such acquired rights,

Trade name of the producer, or his full name in the absence of a trade name,

Location and year of production of the work,

Full name of the person participating in the production of the work in cases when such data are customarily shown,

the circled letter C(©) for Copyright or the similarly circled letter P for Producer,^g

The age limit of access.

(2) Distributors of audio-visual work shall provide for the following:

identification of all copies of the audio-visual work or of the distribution label pursuant to paragraph (1) above,

marking of all promotion and information materials relating to the distribution of audio-visual work with the data specified by paragraph (1), sub-paragraphs (a) and (h) above, with data on its original language and language adaptation pursuant to § 2, paragraph (1), subparagraphs (h) or (i) and with data on its contextual characteristics, primarily on the presence of violence, brutality, pornography or similar contents potentially damaging in the psychical or moral sense, by adding the text "Potentially damaging for the human psyche or morality."

Article 4

Liabilities of producers, distributors and operators

(1) Producers of Slovak audio-visual works. The contents of which are potentially damaging for the psychical or moral development of minors below 15 years of age and adolescents below 18 years of age shall specify the age limit of access of such work.

(2) Distributors of audiovisual works, the contents of which are potentially damaging for the psychical or moral development of minors or adolescents shall, in contracts concluded with persons as stipulated in § 2, paragraph (2), subparagraphs (c) through (f) specify the age limit of access of such work as being 15

or 18 years of age, respectively. In cases where such age limit was specified by the producer of the audio-visual work, distributors shall take such limits into consideration.

(3) Distributors of audio-visual work shall mark the age limit of access (paragraph (1)) on the distribution list or on the wrapper of the audiovisual work carrier.

(4) Operators of technical means and cinema operators shall publish the age limit of access as specified by the producer or distributor of the audio-visual work and control compliance with such limit in the course of its presentation.

(5) Operators of lending libraries or sales outlets of audio-visual work shall not lend or sell copies of records of audio-visual work, unless such work is properly marked with data pursuant to § 3, paragraph (1) above.

(6) Operators of lending libraries or sales outlets of audiovisual work shall not lend or sell copies of records of audio-visual work to persons below the limit age of access as specified by the producer or distributor of such work pursuant to paragraphs (1) or (2), respectively.

(7) Persons specified in § 2, paragraph (2), subparagraphs (b) through (f) shall not use and distribute audiovisual work containing violence, brutality and pornographic contents, particularly work containing child pornography. Such persons may only use and distribute potentially psychically or morally damaging audio-visual work under conditions as stipulated by this law and other legislation,⁹ unless such use or distribution constitute criminal activities.¹⁰

(8) The Distributor of audiovisual work shall, of all audiovisual work used and distributed by them to persons specified in § 2, paragraph (2), subparagraphs (c) through (f) prefer at least 30% of European audio-visual work, of which at least 30% shall be Slovak audio-visual work.

(9) Persons specified in § 2, paragraph (2), subparagraphs (c) through (f) shall in their course of activities involving use and distribution of audiovisual work give preference to such work in compliance with paragraph (8) above.

(10) Distributors of audio-visual work shall ensure for Slovak language adaptation or a different language adaptation meeting the condition of essential understand ability from the state language aspect of all verbal audiovisual work, whereby at least 40% of all audiovisual work used and distributed by them shall be provided with Slovak dubbing or with a language adaptation meeting the condition of essential understand ability from the state language aspect and the rest shall be provided with subtitles in Slovak.

(11) Distributors shall provide for dubbing of audio-visual work designated for children up to 12 years of age exclusively in the Slovak language.

(12) Persons specified in § 2, paragraph (2), subparagraphs (b) through (f) shall display their trade licences ¹¹at a publicly accessible location of their respective objects, rooms or premises of operations. In cases where their activities are not performed in a permanent object, rooms or premises, such persons shall present their respective licences to supervisors pursuant to § 7, paragraph (1).

Article 5

Advertisement

(1) Cinema operators and operators of technical means shall, in audio-visual performances containing advertisement, provide for the distinguish ability, clear identification by sound or image and separation of such advertisement from other parts of the presentation which must remain uninterrupted by such advertisement.

(2) Cinema operators and operators of technical means shall in the course of audiovisual performances prevent presentation of advertisement:

supporting conduct which represents a potential threat against moral development or against interests of protection of health, safety or the environment,

designated for children or displaying children and supporting conduct which represents a potential threat against their health, mental or moral development,¹² promoting human and veterinarian drugs and formulations registered in the Slovak Republic and only available on prescription, as well as promoting drugs not registered in the Slovak Republic, promoting alcoholic beverages, narcotic, psychotropic and other habit-forming substances,¹³ poisons and violence, violating restrictions imposed by other legislation.¹⁴

Article 6

Financing of Slovak audio-visual works

The Ministry of Culture of the Slovak Republic (hereinafter referred to as "the Ministry") may participate in the financing of the creation or distribution of domestic audiovisual work through the Pro Slovakia state cultural fund.¹⁵

Article 7

Supervision

(1) Supervision over compliance with liabilities derived from this law is executed by employees of the Ministry, or by employees of state cultural establishments appointed by the Ministry who are authorised to enter objects, rooms or premises of persons specified in § 2, paragraph (2), subparagraphs (b) through (f).

(2) Persons specified in § 2, paragraph (2), subparagraphs (b) through (f) shall enable execution of supervision to appointed Ministry employees. The stipulation shall not constitute a waiver of other applicable legislation.¹⁶

(3) Juridical persons established by the Ministry shall, while executing activities pursuant to this law, notify the Ministry on any facts violating this law.

Article 8

Fines

(1) In cases of violation of obligations derived from this law the Ministry shall, unless such violation constituted a criminal act or trespass,¹⁷ impose fines.

(2) The Ministry shall impose a fine of up to SK:

250 000 to producers of Slovak audio-visual works violating an obligation pursuant to § 3, paragraph (1) and § 4 (1),
300 000 to cinema operators and operators of technical means violating an obligation pursuant to § 4, paragraphs (4), (7), (12) a § 5,
500 000 to operators of audio-visual works lending libraries or selling outlets violating an obligation pursuant to § 4, paragraphs (5) through (7) and paragraph (12),
250 000 to distributors of audio-visual work violating an obligation pursuant to § 3, paragraph (2) and § 4, paragraphs (2), (3), (7), (11) and (12),
100 000 to persons specified in § 2, paragraph (2), subparagraphs (b) through (f) failing to enable the execution of supervision to appointed employees of the Ministry.

(3) While imposing a fine the Ministry shall take the gravity, duration and consequence of the contravention of the law into particular account.

(4) The Ministry may impose a fine within one year from being first informed on a violation of obligations but within three years latest from such violation.

(5) Fines imposed pursuant to this law shall be payable within 30 days from the date of legal force of the corresponding decision. The General Rules of Administrative Proceedings shall apply.¹⁸

(6) Fines imposed pursuant to this law represent revenue of the Pro Slovakia state cultural fund.¹⁵

Article 9

Cancelling stipulations

The following is hereby cancelled:

(1) § 1 of the No. 50/1945 of Coll. Decree of the President of the Republic on the implementation of measures in the field of the cinema.

(2) No. 56/1947 of Coll. Decree of the Slovak National Council on the implementation of measures in the field of the cinema in Slovakia pursuant to § 2 of the No. 50/1945 of Coll. Decree of the President of the Republic.

Article 10

Effectiveness

This Act comes into effect on May 1st, 1998.

The Act No 116/1998 Coll. came into force on April 1st 1998

1 Act No. 468/1991 of Coll. Law on the operation of radio and television broadcasting as amended by later legislation.

2 Act No. 254/1991 of Coll. Law of the Slovak National Council on television, as amended by later legislation. No. 29/1984 of Coll. Law on the system of primary and secondary schools (the Education Act), as amended by later legislation. No. 279/1993 of Coll. Law of the National Council of the Slovak Republic on educational establishments. No. 172/1990 of Coll. Law on universities, as amended by the No. 41/1994 of Coll. Law of the national Council of the Slovak Republic.

3 Article No. 2 of the Convention on international recording of audio-visual work (Notice No. 365/1992 of Coll. of the Federal Ministry of Foreign Affairs)

4 § 6 of Act No. 35/1965 of Coll. on literary, scientific and art works (the Copyright Act), as amended by Act No. 89/1990 Coll. § 22 of Act No. 35/1965 of Coll. as amended by Act No 89/1990 of Coll.

5 Act No. 526/1990 of Coll. Law on prices, as amended by Act No. 58/1995 of Coll. of the National Council of the Slovak Republic

6 Act No. 96.1991 of Coll. of the Slovak National Council on public cultural events.

7 § 36 paragraph (1) of the Act No. 35/1965 of Coll.

8 Article III. of the No. 134/1980 of Coll. Decree of the Minister of Foreign Affairs on the general Agreement on Copyrights as revised on July 24, 1981 in Paris; Article 11 of the No. 192/1964 of Coll. Decree of the Minister of Foreign Affairs on the International convention on the protection of performing artists, producers of audio recordings and radio organisations.

9 For example, the Act No. 445/1990 of Coll. of the Slovak National Council on the conditions of sale and distribution of press and other things potentially damaging morality.

10 § 205 and § 260 of the Penal Code, as amended by Act No. 557/1991 of Coll. and examined by the Constitutional Court of the Czech and Slovak Federative Republic, published in No. 93 of the Digest (1992)

11 Act No 455/1991 of Coll. on trade, as amended by the later legislation

12 Notice No. 104/1991 of Coll. of the federal Ministry of Foreign Affairs on the Agreement of Children's Rights.

13 Act No 46/1989 of Coll. of the Slovak national Council on prevention of addiction to alcohol and other toxic substances.

14 For example § 20 of Act No. 634/1992 of Coll. on the protection of consumers, Act No. 445/1990 of Coll. of the Slovak National Council.

15 Act No 96/1991 of Coll. of the Slovak National Council on the Pro Slovakia state cultural fund, as amended by later legislation.

16 For example Act No. 634/1992 of Coll. the National Council of the Slovak Republic on the supreme Control Office of the Slovak Republic.

17 § 152 of the Penal Code, § 32 of Act No. 372/1990 of Coll. of the Slovak National Council on trespass.

18 Act No 71/1967 of Coll. on administrative proceedings.