[SK] First Amendment to the Act on Broadcasting and Retransmission

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Eleonora Bobáková
Department of International Relations Council for Broadcasting and Retransmission Slovakia

On 1 May 2001, the new zákon o reklame a doplnení niektor´ych zákonov (Act on Advertising and on Amendments of Certain Rules) was enacted. It replaces the zákon o reklame v znení neskorsích predpisov (Act on Advertising) of 1996 and it amends for the first time the zákon o vysielaní a retransmisii (Act on Broadcasting and Retransmission) of 2000.

The main change is the implementation of the new concept of comparative advertising into the new Act on Advertising of 2001. Comparative advertising was not allowed in the past and the incentive to deal with this type of advertising followed from efforts to harmonise the legislation of Slovakia with EC rules.

The general terms under which comparative advertising can be used are established by the Act on Advertising, e.g. that a comparative advertisement must not be misleading. The notion of a misleading advertisement is defined more precisely in the Act and it amends the relevant provision in the Obchodn´y zákonník (Business Code).

Concerning the division of competences, the Council for Broadcasting and Retransmission is not the body expected to supervise the compliance of comparative forms of advertising broadcast via radio or television with the terms set. Instead four other state authorities are charged with this duty, each taking over the powers according to the nature of advertised products. For this reason alimentary, cosmetics products and tobacco products are under the jurisdiction of Slovak Agricultural and Alimentary Inspection. The Medicine Control Authority supervises drugs, complementary food and suckling babies' food. The Veterinary Medicines and Bio-substantives State Control Authority will monitor the products relevant to its area. Finally, the Slovak Trade Inspection is the body responsible for supervising the compliance of comparative advertising of the different products mentioned above with the legal terms. Administrative procedures are laid down, whereby these bodies can decide on the breach of the relevant legal provisions and on the imposition of relatively high fines of up to SKK five Million (app. EURO 116,000).

Zákon o reklame a doplnení niektorých zákonov

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Act on advertising and on amendments of certain rules of 1 May 2001

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