[SK] New Audiovisual Media Services to Be Regulated

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An amendment to Act No. 308/2000 Coll. on Broadcasting and Retransmission and to Act No. 195/2000 Coll. on Telecommunications from 14 September 2000 ("Amendment") was proposed by the Ministry of Culture on 29 May 2009. The Amendment was required following Slovakia's commitment to implementing Directive 2007/65/EC (AVMSD).

Slovakia as a Member State shall bring into line laws, regulations and administrative provisions necessary to comply with the AVMSD by 19 December 2009 at the latest. The amended Act No. 308/2000 Coll. shall also apply to Internet broadcasting and providing on-demand audiovisual media services which differ from TV broadcasting with regard to the choice and control the user can exercise and with regard to the impact they have on society. This justifies imposing more lenient regulation on on-demand audio-visual media services which should comply only with the basic rules provided for in the Directive.

Hence the Amendment on the one hand concerns such Internet services which are considered to constitute broadcasting of TV programme service, i.e., broadcasting with a fixed time schedule of programmes, available to the general public and aimed at providing information, entertainment or education. The Amendment relates inter alia to the broadcasting of TV advertisements and sponsorship. The abolition of the daily limit on broadcasting of TV advertising and the maintaining of the hourly limit only could be seen as the most significant change. Furthermore, product placement can only be permitted after having fulfilled all the requirements defined by law aimed mainly to protect viewers from undesirable advertising effects. Product placement is prohibited in programmes which are intended for minors of less than 12 years of age. On the other hand, the Amendment strengthens the protection of minors as the current legal regulation shall also apply to providing on-demand audiovisual media services: the providers of such services are obliged to take appropriate measures to ensure that minors will not have access to such on-demand audiovisual media services the contents of which might seriously impair their physical, mental or moral development.

Generally, the Amendment, if approved, will be less strict on providers of Internet programmes than traditional broadcasters. For instance, it will neither oblige them to ensure the objectivity, impartiality and plurality of news programmes and political and current affairs programmes, nor to use the State language,

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languages of national minorities and foreign languages in line with special regulations.

Immediately after being approved by the Government on 15 July 2009 the Amendment was criticised. The Ministry received 241 comments on the Amendment among which it was also demanded that the regulations should only apply to providers of Internet programmes whose audiences account for more than 30 percent of the Slovak population. Despite these objections the Amendment is expected to be approved by the Parliament and is in the first reading at the moment.

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