[SK] Amendment to the Press Act

IRIS 2011-8:1/43

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On 1 September 2011 Act No. 221/2011 Coll. amending and supplementing Act No. 167/2008 Coll. on periodicals and news agency services (hereinafter referred to as the "Press Act") proposed by the Minister of Culture on 15 February 2011 shall come into force (hereinafter referred to as the „Amendment").

The attempt to improve the previous controversial Press Act, which had often been criticised by Slovak as well as European institutions, had also been welcomed by the International Press Institute (IPI) at a meeting of the Minister of Culture with representatives of the Executive Board of IPI in February 2011 (IRIS 2011-4/36).

The Amendment - repeatedly approved by the National Council of the Slovak Republic (hereinafter referred to as "NR SR"), after being vetoed by the President of the Slovak Republic - introduces several changes to the previous Press Act. Most importantly, it has restricted the right of reply of public officials with regard to statements concerning the performance of their functions (s. 8(2) of the Amendment). However, it is to be noted that such restriction shall not apply to statements of fact referring to a person performing the function of a public official as a private person.

In order to achieve exactness, the Amendment provides a clarification of the term "public official" and also refines the character of "a statement of fact", in relation to which persons concerned will have the right of reply, i.e., untrue, incomplete or distorting factual statements concerning the honour, dignity or privacy of a natural person or the name or good reputation of a legal entity. It is interesting to mention that according to the previous regulation any statement (i.e., either untrue or true relating to the particular natural person or legal entity) was subject to the right of reply and it was also possible for the person concerned to exercise the right of reply as well as the right of correction concurrently. However, according to the Amendment, by publishing a reply the right of correction relating to the same matter is extinguished.

Other important changes introduced by the Amendment include those regarding the extent of certain obligations relating to the publication of a correction, reply and additional announcement. The Amendment introduces a wider range of grounds on which publishers of periodicals and press agencies may refuse to

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publish such a correction. The common ground allowing the refusal to publish a correction, reply as well as additional announcement includes the case in which the publication thereof could cause the commitment of a crime, misdemeanour or other administrative offence or be contrary to good manners or the interests of a third party protected by law.

Moreover, under the Amendment the right of monetary compensation in the case where a correction, response or additional announcement is not published or some of the conditions necessary for its publication are not met, has been abolished.

As already mentioned above, the Amendment faced criticism from the Slovak President who vetoed it and returned it to the NR SR for further approval. The President had criticised the provision containing the term “good manners” since such term is not provided with a legal definition within the Slovak legal system.

However, the Amendment received the required number of votes of the MPs and shall come into force on 1 September 2011 even without the signature of the President.

Zákon z 29. júna 2011, ktorým sa mení a dopĺňa zákon č. 167/2008 Z. z. o periodickej tlači a agentúrnom spravodajstve a o zmene a doplnení niektorých zákonov (tlačový zákon) a ktorým sa mení zákon č. 308/2000 Z. z. o vysielaní a retransmisii a o zmene zákona č. 195/2000 Z. z. o telekomunikáciách v znení neskorších predpisov

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Act No. 221/2011 Coll. Of 29 June 2011 amending and supplementing Act No. 167/2008 Coll. on periodicals and news agency services

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