[SK] Promotion of EU Works in On-demand Audiovisual Media Services

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On 18 October 2012 the Slovak Parliament passed an Amendment (No. 342/2012 Coll., hereinafter “Amendment”) of Act. No 308/2012 Coll. on broadcasting and retransmission (hereinafter “Broadcasting Act”). Its main purpose is the implementation of the Audiovisual Media Services Directive (2010/13/EU - hereinafter “AVMSD”) in view of the regulations concerning the promotion, distribution and production of television programmes (Art. 16-18 AVMSD). The Amendment was signed by the President of the Slovak Republic on 7 November 2012 and came into effect on 1 January 2013.

The official reasons for the Amendment state that the necessity for another change of the Broadcasting Act arose from the European Commission’s reviewing process of the AVMSD transposition. The main area that needed to be changed for a completion of the AVMSD transposition was the promotion of EU works in video-on-demand services. The original legislation did not impose any obligation in this respect since the original idea was to avoid any regulatory obstacles to the development of this sector.

Hence, the Amendment introduces a minimum monthly quota of 20% for European works for video-on-demand service providers. The calculation is based on the combined length of all provided programmes (not the number of programmes) excluding the programmes covering news, sports events and entertainment games. The providers are obliged to keep records about the European works provided in their service and must submit these records to the Rada pre Vysielanie a Retransmisiu (Council for Broadcasting and Retransmission - RVR) upon request. The RVR imposes sanctions such as warnings and fines in case of any falling below the stipulated quota. In this respect, the RVR is also entitled to temporarily lower the quota of European works due to the economic situation of the service provider, availability of European works or the nature of the service.

The Amendment also clarifies the timeframe in which the quotas must be achieved. In the past, there were uncertainties among the broadcasters due to the unclear legislation in this respect. Even though the reports submitted to the European Commission outline yearly proportions for each service, the legislator chose that the quotas must be attained within each calendar month. This applies to the promotion of European works in both linear and non-linear services and

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also for the quotas to increase the accessibility to AV media services for people with visual or hearing disability (Art. 7 AVMSD). The reason for this narrow time frame is the prevention of circumventions by broadcasting European works with sign language, subtitling or audio-description primarily during the “unattractive” months e.g. during the summer holidays.

Zákon z 18. októbra 2012, ktorým sa mení a dopĺňa 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

http://www.zbierka.sk/sk/predpisy/342-2012-z-z.p-34900.pdf

Act. No 342/2012 Coll. Amendment of Act. No 308/2012 Coll. on broadcasting and retransmission, 18 October 2012

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