[SK] Re-instatement of Second Watershed

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On 14 March 2013, the Minister of Culture signed the amendment of the Decree No. 589/2007 Coll. laying down details on a single labelling system for audiovisual works, audio recordings of artistic performances, multimedia works, programmes and other components of programme services (“labelling system”). The amendment came into force on 1 April 2013 and by this date the second watershed (15+ programmes only after 8 pm) was revived in Slovakia.

The second watershed was part of the original labelling system that applied to television programmes only. In 2008, this labelling system was replaced by a new one that covered not only television programmes, but also radio programmes, cinemas, video and DVD rentals, CD and DVD distributors and, since 15 December 2009, (transposition of AVMS Directive), also on-demand audiovisual media services.

After dropping the second watershed in 2008 the Council for Broadcasting and Retransmission of the Slovak republic (“CBR”) recorded an increased amount of viewers’ complaints against the broadcasting of films clearly aimed at the 15+ audience during daytime (e.g., midday on Sunday or weekday afternoons). The final impulse for the re-installment of the second watershed in Slovakia was the re-runs of reality shows with clearly “conflicting” and offensive content i.e., offensive language, sexual behaviour etc., (e.g., reality shows where female/male contestants chose each week other contestants with whom to share a room and a bed) that were broadcast in the afternoon (4:30 pm). The Minister of Culture opened a public consultation on this matter and asked the industry to present realistic safeguards that would prevent broadcasting of such content during daytime.

Since the industry failed to provide mechanisms that would guarantee socially responsible programme scheduling it was decided that the watershed at 8 pm for programmes not suitable for minors under 15 years of age will be re-introduced in Slovakia. The broadcasters and the legislator reached an agreement on a small modification of some classification criteria e.g., expressive or aggressive language may appear in 12+ programmes (may be broadcast all day long) but only in the form and intensity suitable for minors aged 12 and over. The practical assessment of these criteria is, however, exclusively within the competence of CBR, therefore the upcoming regulatory activity in this matter will be decisive for the final “shape” of legal daytime TV programme scheduling in the Slovak republic.

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50/2013 Z.z. Vyhláška Ministerstva kultúry Slovenskej republiky, ktorou sa mení a dopĺňa vyhláška Ministerstva kultúry Slovenskej republiky č. 589/2007 Z. z., ktorou sa ustanovujú podrobnosti o jednotnom systéme označovania audiovizuálnych diel, zvukových záznamov umeleckých výkonov, multimediálnych diel, programov alebo iných zložiek programovej služby a spôsobe jeho uplatňovania v znení vyhlášky Ministerstva kultúry Slovenskej republiky č. 541/2009 Z. z.

http://www.zbierka.sk/sk/predpisy/vyhlaska-50-2013-z-z.p-35082.html?aspi_hash=NTAvMjAxMyBaLnou

Decree No 589/2007 Coll. as amended on 14 March 2013

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