# MEDIA LAW IN SLOVAKIA

THIRD EDITION

ANDREJ ŠKOLKAY



# Media Law in Slovakia

#### Third Edition

# Andrej Školkay

This book was originally published as a monograph in the International Encyclopaedia of Laws/Media Law.

General Editors: Roger Blanpain, Frank Hendrickx Volume Editor: Peggy Valcke Associate Volume Editor: Eva Lievens



Published by: Kluwer Law International B.V. PO Box 316 2400 AH Alphen aan den Rijn The Netherlands Website: www.wklawbusiness.com

Sold and distributed in North, Central and South America by:
Wolters Kluwer Legal & Regulatory U.S.
7201 McKinney Circle
Frederick, MD 21704
United States of America
Email: customer.service@wolterskluwer.com

Sold and distributed in all other countries by: Turpin Distribution Services Ltd. Stratton Business Park Pegasus Drive, Biggleswade Bedfordshire SG18 8TQ United Kingdom Email: kluwerlaw@turpin-distribution.com

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

Printed on acid-free paper

ISBN 978-90-411-6759-0

This title is available on www.kluwerlawonline.com

© 2016, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal & Regulatory U.S., 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Website: www.wklawbusiness.com

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

The Author	3
List of Abbreviations	11
General Introduction	13
§1. GENERAL BACKGROUND  I. Political and Legal System II. Geography and Population III. Social and Cultural Values	13 13 20 21
§2. THE MEDIA LANDSCAPE  I. Overview of Media Markets and Main Actors II. Television Broadcast III. Print Media IV. Radio Broadcast V. Online Media VI. Broadcasting Infrastructure VII. Technological and Economic Developments on the Media Markets	29 29 30 34 41 44 45 46
§3. SOURCES OF MEDIA LAW  I. Introduction  II. Overview of the Different Sources of Media Rules	47 47 57
Part I. Freedom of Speech	67
Chapter 1. Cases Radio Viva (Radio Twist)	73
Chapter 2. Case Martin Klein	74
Chapter 3. The Case of Judges and Cartoons	75
Chapter 4. The Political Cases	77
Chapter 5. Taking Photos from the City Council Meeting	80

Chapter 6. The Case: Taking Pictures from Official Act of a Police Officer	82
Chapter 7. The Case: Right to Information of Participants in Court Cases	83
Chapter 8. The Case of the Ministry of Agriculture	84
Chapter 9. Ringier Axel Springer Slovakia, a.s. v. Slovakia	85
Chapter 10. The Case of Arpád Soltész	86
Part II. Regulation of Print Media	89
Chapter 1. The Journalists' Profession	92
Chapter 2. Journalists' Rights	94
§1. Role of Journalists as Watchdogs of Society	95
§2. Journalists' Independence	98
§3. Protection of Journalistic Sources	101
Chapter 3. Journalists' Liability	103
§1. GENERAL INFORMATION ON THE LIABILITY SYSTEM	103
§2. Defamation and Libel	103
§3. Privacy	112
Chapter 4. Right to Reply	113
Chapter 5. Access to Public Information	115
§1. PUBLIC DOCUMENTS AND MEETINGS  I. The Case of Governmental Minutes  II. Information about Foreign Language Course of a Mayor  III. Access to the Information about Environment  IV. Investment Treaties of Hyundai and Kia Companies	119 119 119 119 120
V. Information about the Loan for the Slovak Railways	121

Slovakia	122
VII. Recording Session of the Local Municipal Council	124
§2. Court Hearings and Documents	12
Chapter 6. Press Council	120
Part III. Regulation of Audiovisual Media (Broadcasting)	129
Chapter 1. Public Service Media	139
§1. THE CONCEPT AND MISSION OF PUBLIC SERVICE MEDIA (PSM) I. Introduction II. Public Service Mission	139 139 14
§2. The Organization of PSM	143
§3. The Financing of PSM	148
Chapter 2. Private Broadcasting	150
§1. DIFFERENT CATEGORIES OF PRIVATE BROADCASTERS	150
§2. LICENSING REQUIREMENTS	15
Chapter 3. Programme Standards	16
§1. Impartiality	162
§2. Cultural Diversity	164
§3. PROTECTION OF MINORS (INDECENCY AND VIOLENCE)	165
§4. Human Dignity	167
§5. RIGHT OF CORRECTION	168
Chapter 4. Political Broadcasting	170
§1. Rules on Political Independence of Broadcasters	17
§2. FAIR REPRESENTATION IN ELECTIONS	17
§3. News and Current Affairs Programmes	17

§4. POLITICAL ADVERTISING  I. Political Campaign before National Parliamentary Elections and	171
Elections to the European Parliament II. Political Campaign before Elections to Self-Administrative Regions	172
and to Municipalities  III. Political Campaign before Referendum	175 175
IV. Political Campaigns before Presidential Elections	176
Chapter 5. Advertising Rules	177
§1. Various Forms of Commercial Communications	177
§2. RESTRICTIONS ON CONTENT	178
§3. Time and Frequency Restrictions	180
§4. Sponsorship	181
§5. PRODUCT PLACEMENT	182
Chapter 6. Right to Information	184
§1. Access to Major Events	184
§2. SHORT NEWS REPORTING	185
Chapter 7. Access to Networks	186
§1. MUST CARRY RULES	186
§2. Other Access Obligations for Networks	187
Chapter 8. Standards and Interoperability	189
Part IV. Cross-Ownership Regulation	191
Part V. Supervision: Media Regulator	193
Chapter 1. Organization	193
§1. THE COUNCIL FOR BROADCASTING AND RETRANSMISSION	195
Chapter 2. Tasks	197
§1. Council for Broadcasting and Retransmission	197

	Table of Contents
Chapter 3. Sanctioning Powers	200
Selected Bibliography	207
Index	209

# Media Law in Slovakia

Third Edition

# Andrej Školkay

This book was originally published as a monograph in the International Encyclopaedia of Laws/Media Law.

General Editors: Roger Blanpain, Frank Hendrickx Volume Editor: Peggy Valcke Associate Volume Editor: Eva Lievens



Published by:

Kluwer Law International B.V.

PO Box 316

2400 AH Alphen aan den Rijn

The Netherlands

Website: www.wklawbusiness.com

Sold and distributed in North, Central and South America by:

Wolters Kluwer Legal & Regulatory U.S.

7201 McKinney Circle Frederick, MD 21704

United States of America

Email: customer.service@wolterskluwer.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd.

Stratton Business Park

Pegasus Drive, Biggleswade Bedfordshire SG18 8TQ

United Kingdom

Email: kluwerlaw@turpin-distribution.com

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

Printed on acid-free paper

ISBN 978-90-411-6759-0

This title is available on www.kluwerlawonline.com

© 2016, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal & Regulatory U.S., 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Website: www.wklawbusiness.com

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

# The Author



Dr Andrej Školkay is a director of the School of Communication and Media in Bratislava, Slovakia. Dr Školkay has previously published a book on Media and Globalization (Bratislava, 2009).

#### The Author

The Author	3
List of Abbreviations	11
General Introduction	13
§1. GENERAL BACKGROUND  I. Political and Legal System П. Geography and Population III. Social and Cultural Values	13 13 20 21
§2. THE MEDIA LANDSCAPE  I. Overview of Media Markets and Main Actors II. Television Broadcast III. Print Media IV. Radio Broadcast V. Online Media VI. Broadcasting Infrastructure VII. Technological and Economic Developments on the Media Markets	29 29 30 34 41 44 45 46
§3. SOURCES OF MEDIA LAW I. Introduction II. Overview of the Different Sources of Media Rules	47 47 57
Part I. Freedom of Speech	67
Chapter 1. Cases Radio Viva (Radio Twist)	73
Chapter 2. Case Martin Klein	74
Chapter 3. The Case of Judges and Cartoons	75
Chapter 4. The Political Cases	77
Chapter 5. Taking Photos from the City Council Meeting	80

Chapter 6. The Case: Taking Pictures from Official Act of a Police Officer	82
Chapter 7. The Case: Right to Information of Participants in Court Cases	83
Chapter 8. The Case of the Ministry of Agriculture	84
Chapter 9. Ringier Axel Springer Slovakia, a.s. v. Slovakia	85
Chapter 10. The Case of Arpád Soltész	86
Part II. Regulation of Print Media	89
Chapter 1. The Journalists' Profession	92
Chapter 2. Journalists' Rights	94
§1. Role of Journalists as Watchdogs of Society	95
§2. Journalists' Independence	98
§3. Protection of Journalistic Sources	101
Chapter 3. Journalists' Liability	103
§1. GENERAL INFORMATION ON THE LIABILITY SYSTEM	103
§2. Defamation and Libel	103
§3. Privacy	112
Chapter 4. Right to Reply	113
Chapter 5. Access to Public Information	115
§1. PUBLIC DOCUMENTS AND MEETINGS  I. The Case of Governmental Minutes  II. Information about Foreign Language Course of a Mayor  III. Access to the Information about Environment  IV. Investment Treaties of Hyundai and Kia Companies  V. Information about the Loan for the Slovak Railways	119 119 119 119 120

VI. The Case of a Successful Release of an EIB Loan Contract in	
Slovakia VII. Recording Session of the Local Municipal Council	122
§2. Court Hearings and Documents	124
Chapter 6. Press Council	120
Part III. Regulation of Audiovisual Media (Broadcasting)	129
Chapter 1. Public Service Media	139
§1. THE CONCEPT AND MISSION OF PUBLIC SERVICE MEDIA (PSM)  I. Introduction  II. Public Service Mission	139 139 14
§2. The Organization of PSM	143
§3. THE FINANCING OF PSM	148
Chapter 2. Private Broadcasting	150
§1. DIFFERENT CATEGORIES OF PRIVATE BROADCASTERS	150
§2. LICENSING REQUIREMENTS	15
Chapter 3. Programme Standards	16
§1. Impartiality	162
§2. Cultural Diversity	164
§3. PROTECTION OF MINORS (INDECENCY AND VIOLENCE)	16:
§4. Human Dignity	16
§5. Right of Correction	168
Chapter 4. Political Broadcasting	170
§1. RULES ON POLITICAL INDEPENDENCE OF BROADCASTERS	17
§2. FAIR REPRESENTATION IN ELECTIONS	17
§3. News and Current Affairs Programmes	17

<ul> <li>§4. POLITICAL ADVERTISING         <ul> <li>I. Political Campaign before National Parliamentary Elections and Elections to the European Parliament</li> <li>II. Political Campaign before Elections to Self-Administrative Regions and to Municipalities</li> <li>III. Political Campaign before Referendum</li> <li>IV. Political Campaigns before Presidential Elections</li> </ul> </li> </ul>	171 172 175 175 176
Chapter 5. Advertising Rules	177
§1. VARIOUS FORMS OF COMMERCIAL COMMUNICATIONS	177
§2. RESTRICTIONS ON CONTENT	178
§3. TIME AND FREQUENCY RESTRICTIONS	180
§4. Sponsorship	181
§5. PRODUCT PLACEMENT	182
Chapter 6. Right to Information	184
§1. Access to Major Events	184
§2. SHORT NEWS REPORTING	185
Chapter 7. Access to Networks	186
§1. MUST CARRY RULES	186
§2. OTHER ACCESS OBLIGATIONS FOR NETWORKS	187
Chapter 8. Standards and Interoperability	189
Part IV. Cross-Ownership Regulation	191
Part V. Supervision: Media Regulator	193
Chapter 1. Organization	193
§1. THE COUNCIL FOR BROADCASTING AND RETRANSMISSION	195
Chapter 2. Tasks	197
§1. Council for Broadcasting and Retransmission	197

	Table of Contents
Chapter 3. Sanctioning Powers	200
Selected Bibliography	207
Index	209