

NEGOTIATING POSITION OF THE SLOVAK REPUBLIC
CHAPTER 20 - CULTURE AND AUDIOVISUAL POLICY

I. SUMMARY OF THE NEGOTIATING POSITION

The Slovak Republic accepts and is prepared to fully implement the acquis under the chapter "Culture and Audiovisual Policy" by 1 January 2004, being set as the reference date of its accession to the EU.

The key legislation on the audiovisual in the Slovak Republic is the Act No. 468/1991 Coll. on Operating Radio and Television Broadcasting which is only partly compatible with the acquis. Full harmonisation will be reached with the adoption of a new broadcasting and retransmission law which will be effective on 1 October 2000. An independent body - the Council of the Slovak Republic for Radio and Television Broadcasting - is in charge of the supervision of the compliance with legal provisions governing radio and television broadcasting and cable retransmission.

The Slovak Republic does not request any derogation or transitional periods for the implementation of legislation under this chapter.

II. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

Culture

Title VII of the Europe Agreement Establishing an Association between the European Communities of the One Part and the Slovak Republic of the Other Part contains provisions on cultural co-operation between the European Union and the Slovak Republic. Under the Additional Protocol to the Europe Agreement the Slovak Republic has the right to participate in the Community cultural programmes, subject to the conditions and dates set by the European Commission.

Already in 1996 and in the later years, Slovak officials held discussions with the representatives of the European Union concerning the possibility of Slovakia's participation in the culture programmes (Ariane, Kaleidoscope and Raphael).

The Slovak Republic is interested in participating in the "Culture 2000" programme, which will replace all the existing programmes in the field of culture, and has concentrated its attention on preparing to enter this programme as soon as it is opened. In the context of the accession process at the Ministry of Culture a coordination unit, "Cultural Contact Point", will be set up. Its role will be the transfer of information about the programme "Culture 2000" towards the Slovak cultural public and to provide assistance in establishing partnerships on European level.

The Slovak Republic expects that, upon its accession to the European Union as a full-fledged member, the Slovak language will become an official language of the European Union. At the same time, it expects that the Slovak language will develop in harmony with the principles of the preservation of national identity and equality of European cultures.

Audiovisual Policy

HARMONISATION OF LEGISLATION WITH THE ACQUIS

The system of legal norms which are currently in force in the Slovak Republic in the

audiovisual area consists of, in particular:

- Act No. 254/1991 Coll. on Slovak Television, as amended
- Act No. 255/1991 Coll. on Slovak Radio, as amended
- Act No. 468/1991 Coll. on Radio and Television Broadcasting Operators, as amended
- Act No. 166/1993 Coll. on Measures in the Field of Radio and Television Broadcasting, as amended
- Act No. 1/1996 Coll. on Audiovisual as amended by Act No. 116/1998 Coll.,
- Act No. 220/1996 Coll. on Advertisement, as amended
- Act No. 169/1997 Coll. on the Council of the Slovak Republic for Radio and Television Broadcasting and on amending Act No. 468/1991 Coll. on Operating Radio and Television Broadcasting, as amended.

The draft new law on broadcasting and retransmission combines the entire area of broadcasting and cable retransmission into a single legal norm. It will be effective on 1 October 2000. This law will be fully compatible with the European legal norms, i.e. with EP and Council Directive No. 97/36/EC amending the Council Directive No. 89/552/EEC on the co-ordination of certain legal provisions, regulatory measures or administrative procedures of Member States relating to the activities in the area of television broadcasting "Television without Frontiers" and the European Convention on Transfrontier Television.

To ensure a majority proportion of the transmission time for European works, the new law on radio and television broadcasting will provide for the introduction of special support measures and for the creation of control mechanisms. The obligation to ensure a majority proportion of the transmission time for European works will be imposed on terrestrial broadcasters already from 1 October 2000, since the broadcasters are already fulfilling the criteria for the broadcasting of European works.

The Council of the Slovak Republic for Radio and Television Broadcasting conducted in November 1999 a monitoring of broadcasting of European production. European production have been evaluated according to the criteria set up in the European Convention on Transfrontier Television. From the public institutions STV1 (the Slovak Television - terrestrial broadcaster) broadcasted from the total broadcasting time 61,5% of European production and STV2 broadcasted 51% of European production. Commercial TV Markiza (terrestrial broadcaster) broadcasted 57% of European production and the commercial channel VTV (satellite broadcaster) broadcasted as well 57% of European production. The Council for Radio and Television Broadcasting will also in the future provide monitoring of the broadcast of European production. The Slovak Republic is assuming that the present percentage share of broadcasting of European production will be kept henceforward.

Implementation of the provisions of Directive No. 97/36/EC changing the Directive No. 89/552/EEC will considerably expand the range of activities of the Council of the Slovak Republic' for Radio and Television Broadcasting - supervision over compliance with other provisions of the law (European production, important events for the public, right to short news bulletins, protection of children and youth) and, at the same time, will create the prerequisites for supporting the European production, for introducing the system of marking the programmes, for drawing the lists of major events and for ensuring the exchange of information among individual countries and regulatory bodies.

Independent production with respect of Article 5 of Directive 97/36/EC changing the Directive No. 89/552/EEC has never been statistically monitored in the Slovak Republic and it is therefore presently difficult to analyse the developments to date and the current situation, and assess future developments. Neither the legislation that has been in force in the Slovak Republic thus far, nor the the European Convention on Transfrontier Television of which the Slovak Republic is a State Party define the concept of "independent production". The new draft law sets out the criteria for assessing

independent production, producers and their proportion in the overall transmission time of European works.

In order to ensure that a majority proportion of the transmission time is reserved for European works, including independent production, new legislation governing radio and television broadcasting will make it necessary to introduce special support measures and make certain interventions into this area. The process of structural changes in Slovakia will be affected by the limited availability of private capital on the market and by the limited language sphere for which independent production is designed.

In connection with ensuring that a majority of the transmission time is reserved for European works and with supporting the distribution and production of television programmes, the Slovak Republic expects that the Member States of the European Union will be supportive in this issue within OECD framework.

The participation of the Slovak Republic in the MEDIA II programme is conditional on full approximation of Slovak legislation concerning the audiovisual services with the corresponding European norms. The Slovak Republic expects that, as soon as it adopts a new law on broadcasting and retransmission, fully compatible with the *acquis*, it will be possible to accede to the EU programme in the area of audiovisual services MEDIA III, to be carried out in 2001 - 2005.

INSTITUTIONAL FRAMEWORK

Supervision over the compliance with legislation in the field of radio and television broadcasting is performed by an independent body - the Council of the Slovak Republic for Radio and Television Broadcasting, whose competencies and tasks are defined in the Act No. 160/1997 Coll. on Operating Radio and Television Broadcasting. The Council of the Slovak Republic for Radio and Television Broadcasting was set up in order to safeguard public interest in the freedom of expression and right to information. It oversees compliance with legal provisions in the area of broadcasting, promotes a plural character of broadcasting and independence of its operation, and supports domestic and European radio, television and audiovisual production. To a limited extent, it carries out State administration tasks in the area of radio and television broadcasting and cable retransmission. The Council is also in charge of the implementation of the European Convention on Transfrontier Television in the Slovak Republic.

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