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ACT

of 15 December 2010

on Radio and Television Slovakia and on the amendment of certain acts

The National Council of the Slovak Republic has adopted the following act:

Amendment: 397/2011
340/2012
397/2011, 340/2012
547/2011

Article I

Section 1
Scope of legislation

This act regulates the status, mission, functions and activities of Radio and Television Slovakia, its bodies and the management of the resources and the financing of Radio and Television Slovakia.

Section 2
Status of Radio and Television Slovakia

(1) Radio and Television Slovakia is hereby established as a public-legal, national, independent, information-providing, cultural and educational institution, which provides services to the public in the area of radio broadcasting and television broadcasting (hereinafter “the broadcasting”).

(2) Radio and Television Slovakia is a legal entity with its headquarters in Bratislava which is registered in the Companies Register and performs activities mainly through the following organizational units:

- a) Slovak Radio, through which it provides services to the public in the area of radio broadcasting,
- b) Slovak Television, through which it provides public services in the area of television broadcasting.

(3) The organizational units specified in subsection 2 are independently managed internal organizational units without legal personality.

Section 3
Mission of Radio and Television Slovakia

(1) Radio and Television Slovakia is a broadcaster, 1) whose mission is to provide a

public service in the area of broadcasting.

(2) A public service in the area of broadcasting is the provision of a programme service,²⁾ which is universal in its geographical coverage, offers a diverse range of programmes, prepared in line with principles of editorial independence by qualified staff with a feeling of social responsibility and which raises the cultural level of its listeners and viewers, provides space for contemporary cultural and artistic activities, presents the cultural values of other nations and is financed primarily from public funds.

(3) The programme service of Radio and Television Slovakia shall comprise news, current affairs, documentary, drama, music, sport, entertainment and educational programmes, programmes for children and young people and other programmes that

- a) are based on democratic, humanist principles and contribute to legal awareness, ethical awareness and environmental responsibility of the public,
- b) provide impartial, verified, undistorted, current, comprehensible and overall balanced and pluralistic information on happenings in the Slovak Republic and abroad to allow the free formation of opinions,
- c) develop the national awareness and cultural identity of the population of the Slovak Republic regardless of their gender, race, skin colour, language, age, faith or religious views, political or other opinions, national or social origin, membership of a nationality or ethnic group, property, ancestry or other status in a manner that ensures that the programmes reflect a diversity of opinions and political, religious, philosophical and artistic trends and promote the development of a civic and knowledge society,
- d) create conditions for social consensus in public affairs in order to strengthen mutual understanding, tolerance and to promote solidarity in a diverse society.

Section 4

Functions of Radio and Television Slovakia

(1) Radio and Television Slovakia carries out its activities in its own name, for its own account and on its own responsibility, and cannot transfer its rights and duties as a broadcaster of radio and television programme services by contract or other legal act to another legal entity or natural person.

(2) Radio and Television Slovakia shall protect and respect the independence of its programme workers and partners in accordance with the statutes of programme workers and partners of Radio and Television Slovakia [section 8(1)(f)].

(3) Radio and Television Slovakia shall provide archive documents in the area of broadcasting, including those created before 1 July 1991, to other legal entities for broadcasting or the creation of new works for a fee pursuant to specific legislation.³⁾ The conditions for the provision of archive documents shall be approved by the board of Radio and Television Slovakia (hereinafter “the board”) based on the proposal of the director general of Radio and Television Slovakia (hereinafter „the director general”).

(4) Radio and Television Slovakia shall perform the function of a legal depository pursuant to specific legislation. 4)

Section 5

Activities of Radio and Television Slovakia

- (1) The main activities of Radio and Television Slovakia are
 - a) broadcasting at least two television programme services on two national terrestrial analogue circuits⁵⁾ until the termination of its analogue television broadcasting in the territory of the Slovak Republic,
 - b) broadcasting at least four radio programme services, of which one is intended to broadcast programmes with balanced content and regional coverage in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic; If Radio and Television Slovakia broadcasts more than four radio programme services, at least four of them shall be broadcasted nationally ⁶⁾ and if it broadcasts only four radio programme services, at least three of them shall be broadcasted nationally,⁶⁾
 - c) the provision of content services through the public terrestrial multiplex,⁷⁾ of which at least two shall be television programme services,
 - d) providing the creation, production and purchase of programmes and their dissemination,
 - e) broadcasting programmes in the public interest⁸⁾ as the majority of programmes in each programme service,
 - f) providing regional broadcasting through radio and television studios; regional broadcasting of each studio shall contain balanced amount of contributions from the whole of the territory for which it is responsible,
 - g) broadcasting programmes with balanced content and regional coverage in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic in a time range proportionate to the national and ethnic structure of the population of the Slovak Republic; Radio and Television Slovakia shall establish separate organizational units of Slovak Radio and Slovak Television to provide the production and broadcasting of programmes for national minorities and ethnic groups,
 - h) taking into consideration the needs of the deaf and other social minorities in broadcasting,⁹⁾
 - i) providing space for the activities of registered churches and religious organizations¹⁰⁾ in broadcasting,
 - j) making broadcasts and recordings from selected socially significant events of a political, cultural, religious, artistic or sporting nature,
 - k) providing broadcasting time for the broadcasting of political advertising in accordance with other relevant legislation,¹¹⁾
 - l) providing necessary broadcasting time to state authorities for instructions in crisis situations and for other important public announcements,¹²⁾
 - m) radio broadcasting of cultural and information programmes abroad,
 - n) providing the activities of the archive of Radio and Television Slovakia,³⁾
 - o) ensuring protection of works and artistic performances in accordance with specific legislation,¹³⁾
 - p) participating in the activities of international broadcasting organizations,
 - q) establishing and managing artistic formations and groups,
 - r) forming a network of permanent correspondents and special correspondents in the Slovak Republic and abroad.

(2) Radio and Television Slovakia shall incorporate the national anthem of the Slovak Republic into its broadcasting at a time between 23:30 and 00:30 so that the playing of the

national anthem of the Slovak Republic forms the divide between parts of the programme service and is not part of a media commercial communication nor does it follow directly before or after it.

(3) Radio and Television Slovakia shall broadcast media commercial communication in accordance with specific legislation.¹⁴⁾

(4) Radio and Television Slovakia shall collect archive documents that it has produced in the area of broadcasting in the archive of Radio and Television Slovakia, protect such documents and facilitate access to them. Radio and Television Slovakia shall provide copies of archive documents in the area of broadcasting for a fee.

Section 6

Business activities of Radio and Television Slovakia

(1) Radio and Television Slovakia is entitled only to carry out business activities that relate to its main activities and which will not put at risk the fulfilment of its mission as defined in section 3 or its main activities as defined in section 5(1). Radio and Television Slovakia shall use funds obtained from its business activities only to carry out its main business activities.

(2) Radio and Television Slovakia is, except in the cases specified in subsection 3, entitled to participate in the establishment of companies or itself establish a company, to participate in the business activities of a company or to become the sole member or shareholder of a company if the business activities of the company are related to the mission and activities of Radio and Television Slovakia and if such ownership interests allow Radio and Television Slovakia to make more efficient use of its assets in the fulfillment of its functions.

(3) Radio and Television Slovakia may not enter into a silent partnership agreement¹⁵⁾ nor participate in the business activity of a company as a member with unlimited liability,¹⁶⁾ nor may it establish such a company.

Bodies of Radio and Television Slovakia

Section 7

The bodies of Radio and Television Slovakia are:

- a) the Board,
- b) the Director General.

The board

Section 8

Sphere of action of the board

- (1) The board is a supervisory body that
 - a) supervises compliance with this act and the fulfillment of the functions of Radio and Television Slovakia resulting from specific legislation,¹⁷⁾

- b) supervises the economy, efficiency and effectiveness of the use of public funds of Radio and Television Slovakia and performs the function of a collective body for the purposes of disposal of the assets of Radio and Television Slovakia in accordance with specific legislation,18)
- c) sets the remuneration of the director general in accordance with section 16(7), the conditions and method for the payment of remuneration shall be laid down in the statutes of the board,
- d) submits a motion to submit a proposal for the recall of the director general to the competent committee of the National Council of the Slovak Republic (hereinafter “the National Council”) in the cases specified in section 18(4),
- e) sets the remuneration of the deputies of the director general for performing the function of the director general pursuant to section 15(2),
- f) approves the statutes of Radio and Television Slovakia, the organizational regulations of Radio and Television Slovakia, the statutes of programme workers and partners of Radio and Television Slovakia referred to in section 4(2) and the conditions for providing archive documents referred to in section 4(3),
- g) discusses and adopts a standpoint on the Concept for the management and development of Radio and Television Slovakia and its programme services with an emphasis on the public interest, which is submitted by the director general in accordance with section 15(3)(a),
- h) discusses and approves the proposal for the budget of Radio and Television Slovakia19) for the relevant budget year including its obligatory indicators, financial statements and also proposals for the creation and use of a reserve fund,
- i) discusses and adopts a standpoint on the proposal for the agreement on the ensuring of services to the public in the area of radio broadcasting and television broadcasting (hereinafter “the agreement with the state”) and proposed annex to the agreement with the state for the relevant calendar year, which is identical with the financial year,
- j) discusses and adopts a standpoint on the annual report on the activity of Radio and Television Slovakia submitted by the director general pursuant to section 15(3)(f), the report of director general pursuant to section 15(3)(g) and information of the director general on a plan to enter into a contractual relationship pursuant to section 15(3)(h),
- k) discusses a final decision of the Council for Broadcasting and Retransmission on the imposition of a fine for a breach of duties established by specific legislation,17)
- l) approves proposed business plans in accordance with section 6(1) and (2) including proposals for their amendment or termination and proposals to pool resources in accordance with section 19(9) including proposals to amend or terminate such pools,
- m) approves a proposal of the director general to transfer ownership of unneeded real estate or moveable assets, which purchase price was higher than EUR 20 000 and which net book value as recorded in the accounts in accordance with specific legislation20) is higher than EUR 10 000, to lease real estate for a period longer than one year or for an unlimited period and to collateral in form of concluding a pledge agreement21) or collateral in form of a transferring an ownership rights 22) to the real estate,
- n) proposes candidates for membership of the supervisory bodies of companies in accordance with section 6(2), if a supervisory body is established for the company,

- o) discusses and deals with complaints addressed to the board and other comments on the activity of Radio and Television Slovakia and its bodies related to this act,
- p) decides on appeals against decisions of the director general pursuant to specific legislation.²⁴⁾

(2) The board is obliged to submit a report on its activities and the annual report on the activities of Radio and Television Slovakia in the previous year together with the board's standpoint thereon to the competent committee of the National Council by 31 May.

(3) In the course of their activities, board members are entitled to look into all accounting, economic, financial and other documents and legal documents relating to the management of Radio and Television Slovakia and the use of the property and funds of Radio and Television Slovakia.

(4) Board members must not disclose matters that they become aware of in the course of the activities referred to in subsection 3. This restriction shall not apply to findings of the board that are grounds for the submission of a motion to the competent committee of the National Council to propose the recall of the director general as referred to in subsection 1(d).

Section 9

Composition of the board

(1) The board has nine members. Board members are elected and recalled by the National Council by a majority of members present; board members are elected from candidates for board members proposed by the competent committee of the National Council so as to ensure that representation in the board is as follows:

- a) three experts in the area of radio broadcasting,
- b) three experts in the area of television broadcasting,
- c) two experts in economics and
- d) one expert in law.

(2) An expert shall be a natural person who has a master's degree, at least five years of professional experience in the relevant field and three years of managerial experience in the required area. Managerial experience as referred to in the first sentence is not required in the case of an expert in law.

(3) Nominations of candidates for membership of the board shall be submitted to the competent committee of the National Council by the legal entities under specific legislation 25) working in the audiovisual field, the media, culture, economics, law, industry, science, education, the development and protection of spiritual values, human rights and the environment, health protection, organizations promoting or representing the interests of national minorities or ethnic groups, other minorities or registered churches and religious organizations. 26) The competent committee of the National Council shall issue a call for nominations of board members via the broadcasting of Radio and Television Slovakia, on the website of Radio and Television Slovakia, on the website of the National Council and in at least one national daily newspaper.

Section 10

Membership of the board

(1) Board members must be citizens of the Slovak Republic, have full legal capacity and be irreproachable.

(2) A person shall be deemed irreproachable for the purposes of this act if he or she has not been finally convicted of a deliberate crime or a crime in which a custodial sentence was not suspended; irreproachability shall be documented by an extract from the register of crimes no more than three months old.

(3) The office of a board member is incompatible with the office of:

- a) a president of the Slovak Republic,
- b) a member of the National Council,
- c) a member of the government of the Slovak Republic,
- d) a state secretary,
- e) a head of a ministerial service office,
- f) a chairperson, head or director of any other central state administration body,
- g) a member of the Council for Broadcasting and Retransmission,²⁷⁾
- h) a member of the board of the Audiovisual Fund,²⁸⁾
- i) an officer in state administration bodies,
- j) an officer in local government bodies,
- k) a prosecutor,
- l) a judge,
- m) a judge of the Constitutional Court of the Slovak Republic.

(4) The office of a board member is incompatible with an employment relationship or any other legal relationship with Radio and Television Slovakia. This limitation shall also apply to a board member whose close person ²⁹⁾ is in a management of Radio and Television Slovakia.

(5) A board member must not hold an office in a political party or political movement, must not be an employee of a political party or political movement, act on behalf of such a party or movement or act on its behalf.

(6) A board member must not be the broadcaster of a programme service or a retransmission operator,³⁰⁾ the statutory body or a member of the statutory body, the managing body, control body or supervisory body or an employee of such a person, or do business in this area; this restriction shall also apply to close persons of a board member, with the exception of employees of such persons. A board member must not be the publisher of a periodical, ³¹⁾ the operator of a press agency, the statutory body or a member of the statutory body, the managing body, the control body or supervisory body of such persons, the owner, co-owner or the statutory body or a member of the statutory body, managing body, control body or supervisory body of a person who provides services relating to the production of programmes, media commercial communication, technical provision for the broadcasting of a programme service and the operation of retransmission, the production or distribution of audiovisual works, sound recordings or audio-visual recordings.

(7) A board member has to inform the chairperson of the board immediately of any change in circumstances relevant to subsections 1 to 6. The chairperson of the board is obliged to inform the speaker of the National Council of the change of circumstances referred to in the previous sentence immediately.

(8) In performing their functions, board members are obliged to act impartially and to refrain from actions that would give preference to their personal interest over the public interest. Membership of the board cannot be deputized.

Section 11 **The term of office of a board member**

(1) The term of office of a board member is six years. A board member can be re-elected for a maximum of two consecutive terms of office.

(2) Every two years a one third of the members of the board shall be replaced.

(3) If the term of office of all board members ends, the new members shall draw lots at the first meeting after the election of all the board members to choose three board members who will have a term of office of two years and three board members whose term of office will last four years.

(4) If a membership in the board ends before the end of his or her term of office for the reasons given in section 12(1)(b), (c) and (e), a new board member will be elected for the remainder of the term office of the member that he or she replaced.

(5) The term of office of a board member begins from the day following the end of the term office of the board member that he or she has been elected to replace though no sooner than the date of his or her election.

Section 12 **Termination of the office of a board member**

- (1) The office of a board member shall be terminated
 - a) on expiry of the term of office of the board member pursuant to section 11(1), (3) and (4),
 - b) by resignation of membership; the office shall be terminated on the date of delivery of notice of resignation of membership to the chairperson of the board, membership of the chairperson of the board shall be terminated on the date of delivery of notice of resignation of membership to the speaker of the National Council,
 - c) on the recall of the board member,
 - d) on the recall of all board members or
 - e) by the death of the board member.

- (2) The National Council shall recall a board member if he or she
 - a) performs a function or activity incompatible with the function of a board member pursuant to section 10(3) to (6),
 - b) is legally convicted of a deliberate crime or a crime for which a custodial sentence is not suspended,
 - c) is legally deprived of legal competence or if his or her legal competence is legally reduced, or
 - d) does not perform the function of a board member for at least three consecutive calendar months.

(3) On the occurrence of the circumstances referred to in subsection 1(b) and (e) or the circumstances referred to in subsection 2, the chairperson of the board shall immediately notify the speaker of the National Council of these circumstances.

(4) When a board member's term of office expires in accordance with subsection 1(a), the National Council shall be obliged to take all measures necessary to ensure the election of a new board member 15 days before the end of the current member's term of office.

(5) On the occurrence of the circumstances referred to in subsection 1(b) and (e), the speaker of the National Council shall add the election of a new board member to the agenda of the next meeting of the National Council following the date of delivery of the notice referred to in subsection 3, and if this is not possible, the election of a new board member shall be added to the agenda of the meeting following the next meeting of the National Council.

(6) The speaker of the National Council shall add a motion on the recall of a board member pursuant to subsection 2 to the agenda of the next meeting of the National Council. If the National Council decides to recall the board member, the speaker of the National Council shall add the election of a new board member to the agenda of the next meeting of the National Council following the recall decision, and if this is not possible, the election of a new board member shall be added to the agenda of the meeting following the next meeting of the National Council.

- (7) The National Council shall recall all board members if
- a) two resolutions adopted by it within six months state that the board does not fulfil the duties laid down by this act, or
 - b) its voting did not decide on the recall of the director general on the grounds referred to in section 18(4)(f).

(8) If all members of the board are recalled pursuant to subsection 7, the election of the new board members shall take place, *mutatis mutandis*, in accordance with the provisions of the second sentence of subsection 6.

Section 13

Particulars of board membership

(1) Performance of the function of a board member is deemed to be another activity in the public interest.³²⁾

(2) A board member is entitled to the payment of expenses associated with the performance of this function in accordance with specific legislation.³³⁾

(3) A board member shall be entitled to monthly pay for the performance of this function equal to the average nominal monthly wage of an employee in the economy of the Slovak Republic published by the Statistical Office of the Slovak Republic for the previous calendar year.

(4) A person holding the office of chairperson of the board shall be entitled to an additional payment equal to half the amount set in subsection 3.

(5) A person holding the office of vice-chairperson of the board shall be entitled to an additional payment equal to one third of the amount set in subsection 3.

(6) Tasks for the fulfilment of the organizational, personnel, administrative and technical requirements of the board's activities shall be performed by the secretary of the board.

Section 14 **Procedure of the board**

(1) After the termination of the function of all members of the board, the first meeting of the new members of the board shall be convened by the speaker of the National Council, who shall also appoint a board member to chair the meeting until the election of a chairperson of the board. The speaker of the National Council shall convene the first meeting of the board within 30 days of the election of at least six new members of the board. At its first meeting after the election of all the board members, the board shall elect its chairperson and vice-chairperson.

(2) The board shall have a quorum if more than half of all its members are present.

(3) A resolution of the board shall be adopted if more than half of all board members vote for it, unless this law stipulates otherwise.

(4) The following resolutions shall require the votes of two thirds of all board members cast in a secret ballot:

- a) the election of the chairperson of the board and the vice-chairperson of the board for a term of office of two years,
- b) the recall of the chairperson of the board and the vice-chairperson of the board,
- c) a resolution to submit a motion to the competent committee of the National Council to propose the recall of the director general in accordance with section 18(4).

(5) The chairperson of the board shall convene meetings of the board at least twelve times per calendar year according to a schedule of meetings agreed in advance. When the chairperson of the board is absent, he or she shall be deputized in the scope of his or her rights and duties by the vice-chairperson of the board. Meetings of the board shall be chaired by the chairperson of the board or the vice-chairperson of the board. The chairperson of the board shall convene an extraordinary meeting of the board within three working days of any submission of a written request by at least three board members.

(6) Meetings of the board shall be public. If the board discusses matters that are protected under specific legislation, 34) the board shall take measures to prevent the disclosure of protected information.

(7) Minutes shall be taken of every board meeting. Adopted resolutions must be published on the website of Radio and Television Slovakia within 24 hours of the end of the meeting, and the minutes of each board meeting, including standpoints adopted by the board, must be published on the website of Radio and Television Slovakia no more than five working days after the end of each board meeting. Standpoints of the board referred to above shall not be published if they contain matters that are protected under specific legislation and

the board is obliged to put in place measures to protect such information.

(8) More specific regulations on the activities of board shall be laid down by statutes of the board, which shall include the rules of procedure of the board. The statutes of the board shall be approved by the speaker of the National Council taking into consideration the standpoint of the competent committee of the National Council on the text proposed by the board.

The director general

Section 15

Status of the director general

(1) The director general is the statutory body of Radio and Television Slovakia, who directs its activities and acts in its name. The director general makes decisions on all questions affecting Radio and Television Slovakia that are not in the exclusive competence of the board pursuant to this act.

(2) The director general shall appoint two deputies, one for Slovak Radio and one for Slovak Television. In the period from the end of the term of office of director general to the election of a new director general the function of director general shall be performed by the deputies, who shall perform all legal acts of Radio and Television Slovakia jointly and jointly sign all documents creating obligations for Radio and Television Slovakia. If the term of office of one of the deputies ceases during such performance of the function of the director general, the other deputy shall perform the function of the director general until a new director general is elected. The board may set the monthly pay of a deputy for performing the function of the director general

- a) at most equal to one half of the monthly wage of the director general, if the function of the director general is performed by two deputies until the election of a director general,
- b) at most equal to the monthly pay of the director general, if the function of the director general is performed by one deputy until the election of a director general as a result of the end of the term of office of the other deputy.

(3) The director general

- a) submits to the board for discussion the Concept for the management and development of Radio and Television Slovakia and its programme service with an emphasis on the public interest, which shall be based on the project for the management and development of Radio and Television Slovakia referred to in section 16(2)(a), on the basis of which the general director was elected by the National Council,
- b) submits to the board for the adoption of a standpoint the proposal for the agreement with the state and the proposal for the annex to the agreement with the state for the relevant calendar year,
- c) submits to the Ministry of Culture of the Slovak Republic the proposal for the agreement with the state and the proposal for the annex to the agreement with the state for the relevant calendar year, together with the standpoints of the board,
- d) concludes the agreement with the state and the annex to the agreement with the state for the relevant calendar year,

- e) submits to the board the proposal for the budget of Radio and Television Slovakia for the relevant budget year including its binding indicators, a component of which is the proposal for the budget for providing the activities of the board and the programming concept for the broadcasting of Radio and Television Slovakia for the relevant budget year; the programming concept shall include in particular
1. a proposal of overall broadcasting time for each programme service,
 2. a proposal of the weekly distribution of broadcasting time for each programme service,
 3. a proposal for the proportion of programme types in the broadcasting of the individual programme services,
 4. a proposal for determining the proportion of production and broadcasting for programmes produced by Radio and Television Slovakia in each programme type,
 5. a proposal for the minimum proportion of broadcasting time reserved for the first broadcast of Slovak audiovisual works³⁵⁾ within the broadcasting time of each television programme service and for the planned total broadcasting time of first broadcast television programmes,
 6. a proposal for the minimum proportion of broadcasting time reserved for independent productions ³⁶⁾ in each television programme service,
 7. proposal for the minimum proportion of production and broadcasting of audiovisual works produced by independent producers ³⁷⁾ with the seat in the Slovak Republic or produced by partnerships between Radio and Television Slovakia and such subjects,
 8. a proposal for the minimum proportion of broadcasting time reserved for the first broadcasting of Slovak works within the broadcasting time of each radio programme service,
 9. a proposal for the proportion of broadcasting time reserved for programmes in languages of national minorities and ethnic groups living in the territory of the Slovak republic within the broadcasting time of each radio programme service and television programme service under section 5 (1) (g),
 10. a proposal for the share of domestic music production in the planned overall broadcasting time of each radio programme service within the relevant period,
- f) submits to the board no later than 30 April the annual report on the activities of Radio and Television Slovakia in the previous calendar year in accordance with section 19(13),
- g) submits to the board a report on financial management and the fulfilment of binding indicators of the budget of Radio and Television Slovakia no later than 14 days after the board requests such a report in writing, at most once every quarter,
- h) informs the board in writing of any intention to enter into a contractual relationship involving payment in excess of EUR 100 000,
- i) submits to the board business plans in accordance with section 6(1) and (2) including proposals for their amendment or termination and proposals to pool resources in accordance with section 19(9) including proposals to amend or terminate such pools, and proposals pursuant to section 8(1)(f) and (m).

(4) In the absence of the director general, he or she shall be deputized by one of the

deputies referred to in subsection 2 or another employee of Radio and Television Slovakia empowered to act as a deputy in writing if it is not possible for either of the deputies appointed pursuant to subsection 2 to deputize.

(5) The director general has the right to take part in all meetings of the board.

Section 16

Conditions for performance of the function of director general

- (1) A natural person is eligible for election as director general if he or she
 - a) registers as a candidate for the function of director general (hereinafter “the candidate”) in response to a call issued by the competent committee of the National Council; a candidate cannot be a member of the board,
 - b) has full legal capacity and is irreproachable,
 - c) has a master’s degree,
 - d) has at least five years of professional experience as a manager and
 - e) satisfies the conditions laid down in section 10(2) to (6).
- (2) A candidate shall enclose with his or her application
 - a) a project for the management and development of Radio and Television Slovakia,
 - b) an extract from the criminal register not more than three months old; if the candidate is not a citizen of the Slovak Republic, he or she shall submit proof of irreproachability equivalent to an extract from the criminal register issued by a competent authority of his or her country of permanent residence or the country in which he or she habitually resides no more than three months old,
 - c) a curriculum vitae,
 - d) master’s level degree certificate,
 - e) a bona fide declaration of full legal capacity,
 - f) a bona fide declaration of fulfilment of the requirement for professional experience in management, stating the person for whom the relevant work was performed,
 - g) a bona fide declaration of fulfilment of the conditions laid down in section 10(3) to (6) or a bona fide declaration that these conditions will be satisfied within 30 days of his or her election.

(3) The candidate shall submit the enclosures referred to in subsection 2(a), (c), (e) to (g) in the state language. The candidate shall submit original documents or officially certified copies for the enclosures referred to in subsection 2(b) and (d); if the enclosures referred to in subsection 2(b) and (d) are not in the state language the candidate shall submit them together with an official translation into the state language.

(4) The term of office of the director general begins from the day following the end of the term office of the director general that he or she has been elected to replace though no sooner than is the date of his or her election by the National Council; and it shall last for five years. The director general can be re-elected for a maximum of two consecutive terms of office.

(5) The director general is obliged to inform the competent committee of the National Council in writing of any change in the circumstances referred to in subsection 1(b) and (e).

(6) The director general shall be entitled to monthly wage for the performance of this function equal to four times the average nominal monthly wage of an employee in the economy of the Slovak Republic published by the Statistical Office of the Slovak Republic for the previous calendar year. On leaving the office of director general in accordance with section 18(1)(a) the director general shall be entitled to severance pay equal to three times his or her average monthly wage.³⁸⁾ The director general shall not be entitled to severance pay if he or she is re-elected to the function of director general.

(7) The director general may be awarded a reasonable bonus, the amount of which shall be set by the board, whereas annual total bonuses may not exceed an amount equal to the director general's annual wage; a bonus may not be awarded to the director general if the binding indicators approved for the budget of Radio and Television Slovakia for the relevant calendar year are not fulfilled.

Section 17

Election of the director general

(1) The director general is elected by the National Council from candidates proposed by the competent committee of the National Council based on public hearing of the registered candidates. A public hearing of a candidate shall be organized by the competent committee of the National Council and shall include presentation of the project for the management and development of Radio and Television Slovakia referred to in section 16(2)(a). Public hearing shall be broadcast live on the website of the National Council.

(2) The competent committee of the National Council shall issue a call for registration of candidates via the broadcasting of Radio and Television Slovakia, on the website of Radio and Television Slovakia, on the website of the National Council and in at least one national daily newspaper no later than 90 days before the end of the term of office of the director general.

(3) If the director general leaves office before the end of his or her term, the competent committee of the National Council shall publish a call for registration of candidates in accordance with subsection 2 within 15 days of the director general's departure from office.

(4) The competent committee of the National Council shall invite a candidate to a public hearing if he or she satisfies the conditions laid down in section 16(1) and his or her application includes the enclosures specified in section 16(2); the invitation shall be sent at least seven days before the start of the hearing and include the date, location and time of the public hearing.

(5) After the public hearing of all candidates, the competent committee of the National Council shall adopt a standpoint and submit a complete proposal for the election of the director general together with its standpoint to the National Council no later than 120 days after the publication of the call.

(6) The speaker of the National Council shall add the vote on the election of the director general to the agenda of the next meeting of the National Council.

(7) A candidate shall be elected if he or she gain the votes of more than half of the

members of the National Council present.

(8) If none of the candidates is elected in accordance with subsection 7 a second round of voting shall take place. The second round will be contested by the two candidates who obtained the largest number of votes. If there is a tie in the number of votes, all candidates who achieved this number of votes shall participate.

(9) A second round shall not take place if only one candidate was voted on and was not elected due to failure to achieve the necessary number of votes.

(10) If a director general is not elected, a new election shall take place.

(11) The competent committee of the National Council shall issue a call for candidates to enter the new election for the director general within five working days of the unsuccessful second round of the election by the same method as referred to in subsection 2.

Section 18 **Termination of the office of director general**

(1) The office of director general shall terminate on

- a) the expiry of the term of office of the director general pursuant to section 16(4)
- b) the resignation from office of the director general,
- c) the recall of the director general from the office or
- d) the death of the director general.

(2) The director general may resign from office by means of written notice to speaker of the National Council; the performance of the office shall terminate from the date of the delivery of notice of resignation to the speaker of the National Council.

(3) The National Council shall recall the director general at the proposal of the competent committee of the National Council if he or she

- a) is legally convicted of a deliberate crime or a crime for which a custodial sentence is not suspended,
- b) is legally deprived of legal capacity or if his or her legal capacity is legally restricted, or
- c) holds an office or performs activities incompatible with the office of director general according to section 10(3) to (6) more than 30 days after his or her election.

(4) The National Council may recall the director general at the proposal of the competent committee of the National Council if he or she

- a) does not perform the duties of the office for at least three consecutive calendar months,
- b) the board adopts two or more resolutions within six consecutive months declaring that Radio and Television Slovakia is not performing the duties laid down by this act or duties laid down by specific legislation,¹⁷⁾ of which it has been notified two or more times by the Council for Broadcasting and Retransmission, and the director general has taken no corrective measures despite the board's resolutions,
- c) has not performed the duty laid down by section 15(3)(e), the duty laid down

- by section 15(3)(h) or the duty laid down by section 15 (3)(i) before beginning to act in the matters that are the subject-matter of the relevant proposals,
- d) has not performed the duty laid down by section 15 (3)(f),
 - e) has not fulfilled the binding indicators of the approved budget for Radio and Television Slovakia for the relevant budget year,
 - f) the board has not approved a proposal of the director general pursuant to section 15(3)(e) at least three times in a row and submitted a request to the competent committee of the National Council to propose the recall of the director general pursuant to section 8(1)(d).

(5) A decision on the submission of a motion for the recall of the director general by the competent committee of the National Council shall be adopted by a resolution of the competent committee of the National Council in accordance with specific legislation.40)

(6) The National Council shall decide on the recall of the director general by a majority of members present.

Section 19

Management of the resources of Radio and Television Slovakia

(1) Radio and Television Slovakia shall compose a budget of incomes and expenditures for the calendar year and manage its affairs in accordance with it.

(2) Radio and Television Slovakia shall dispose of its assets in accordance with this act and specific legislation.41)

(3) The property of Radio and Television Slovakia shall mean all assets including real estate, moveable assets, receivables and other property rights.

(4) Radio and Television Slovakia shall dispose of public funds in accordance with this act and specific legislation.19)

(5) The funds that Radio and Television Slovakia has at its disposal, can be used only for the purposes laid down in this act and to the extent necessary.

(6) Radio and Television Slovakia cannot use public funds pursuant to section 20(1)(a) and (b) for business activities pursuant to section 6. The costs of business activities and income from the business activities of Radio and Television Slovakia are not included in the budget. The costs of business activities must be covered by revenues from them. If this condition is not fulfilled, the business activities must cease and the loss resulting from them can be settled from the reserve fund. Separate analytic records shall be kept in the accounts for business activities and funds from them shall be kept in a separate account in a bank or branch of a foreign bank, 42) except if this act stipulates otherwise.

(7) Radio and Television Slovakia shall provide its activities for a charge.43)

(8) The financial resources and property of Radio and Television Slovakia cannot be used to finance political party, political movement or for the benefit of candidates for elected office.

(9) Radio and Television Slovakia may use real estate, moveable assets or financial resources for the purposes of an association agreement, 44) only if the agreed purpose of association relates to the main activities of Radio and Television Slovakia.

(10) Radio and Television Slovakia is obliged to use the property referred to subsection 3 to perform the duties laid down by this act, to maintain the property in proper condition, to use all legal means for its protection and to make efforts to prevent its damage, loss or misuse.

(11) The enforcement of judgements in accordance with specific legislation⁴⁵⁾ shall not apply to

- a) funds on the accounts of Radio and Television Slovakia that come from incomes pursuant to section 20(1)(a) and also receivables resulting from claims for such funds,
- b) property of Radio and Television Slovakia that was formerly property of the Slovak Republic managed by Slovak Radio and that was transferred to the ownership of Slovak Radio on 1 January 2004,
- c) property of Radio and Television Slovakia that was formerly property of the Slovak Republic managed by Slovak Television and that was transferred to the ownership of Slovak Television on 1 February 2004.

(12) Radio and Television Slovakia shall keep accounts in accordance with specific legislation on accounting for accounting units that are not established for business purposes. 46) The final account must be verified by an auditor and after approval by the board it must be published in the Business Gazette 47) no later than the end of the fourth month of the current accounting period.

(13) The annual report on the activities of Radio and Television Slovakia must include in addition to the statutory requirements 20) the following:

- a) an overview and evaluation of fulfilment of the mission of Radio and Television Slovakia and the duties of Radio and Television Slovakia laid down by this law and other specific legislation,¹⁷⁾
- b) the board's assessment of the broadcasting of the television and radio programme services,
- c) the standpoint of the board on the financial performance of Radio and Television Slovakia with particular reference to the use of funds provided to Radio and Television Slovakia under the agreement with the state,
- d) an evaluation of the fulfilment of obligations resulting from the agreement with the state,
- e) changes in the membership of the bodies of Radio and Television Slovakia that took place in the previous year,
- f) other important information on the activities of Radio and Television Slovakia.

(14) Radio and Television Slovakia shall publish the annual report on its activities on its website within ten working days of its submission to the National Council.

(15) The management of the resources of Radio and Television Slovakia shall be audited in accordance with specific legislation. 48)

Section 20

Financing of Radio and Television Slovakia

- (1) The incomes of Radio and Television Slovakia are:
- a) payments for public service broadcasting provided by Radio and Television Slovakia pursuant to specific legislation, 49)
 - b) a grant from the state budget pursuant to the act on the state budget for the relevant budget year provided based on the agreement with the state for the purposes of making programmes in the public interest, for carrying out specific investment projects or to cover expenditure on providing broadcasting to foreign countries pursuant to section 5(1)(m),
 - c) incomes from broadcast advertising,14)
 - d) sponsorship payments in accordance with specific legislation50) intended for direct or indirect financing of programmes,
 - e) incomes from the rental and sale of assets of Radio and Television Slovakia,
 - f) revenues from deposits in a bank or branch of a foreign bank42) and from financial investments; revenues from the deposit of income pursuant to point b) shall be income of the state budget,
 - g) gifts from natural persons and legal entities that are not sponsorship payments as referred to in point d),
 - h) inheritance for the benefit of Radio and Television Slovakia,
 - i) grants from natural persons and legal entities for the performance of public interest tasks which are not sponsorship payments as referred to in point d),
 - j) other incomes not referred to in points a) to i).

(2) The financial resources of Radio and Television Slovakia shall be kept on accounts in a bank or branch of a foreign bank.42) If Radio and Television Slovakia becomes a client of the State Treasury, the financial resources of Radio and Television Slovakia shall be governed by the specific legislation.51)

(3) The financial resources of Radio and Television Slovakia and the assets of Radio and Television Slovakia can be used only for the activities defined by this act.

(4) Radio and Television Slovakia shall cover expenditures associated with the activities of the board from its budget.

(5) Radio and Television Slovakia shall pay a contribution to the Audiovisual Fund in accordance with specific legislation. 52)

Section 21

The agreement with the state

(1) The agreement with the state is concluded between Radio and Television Slovakia and the Slovak Republic, represented by the Ministry of Culture of the Slovak Republic for a period of five years. The agreement with the state shall be concluded in written form and include

- a) an obligation of Radio and Television Slovakia to make a given quantity programmes in the public interest and to carry out specific investment projects or to provide broadcasting to foreign countries pursuant to section 5(1)(m),
- b) an obligation of the Slovak Republic to provide a certain grant from the state budget in accordance with the act on the state budget for the relevant budgetary

year for the purposes of making programmes in the public interest, for carrying out specific investment projects or to cover expenditure on providing broadcasting to foreign countries pursuant to section 5(1)(m).

(2) The exact and final extent and character of the mutual obligations resulting from the agreement with the state for a given year shall be determined by an annex to the agreement with the state. An annex to the agreement with the state is concluded in written form for one calendar year.

Section 22

The reserve fund

(1) Radio and Television Slovakia shall create a reserve fund.

(2) The reserve fund shall be created from profits

- a) from the activities of Radio and Television Slovakia specified in section 5, after tax,
- b) from the business activities of Radio and Television Slovakia, after tax.

(3) The reserve fund can be used in the following order to

- a) cover losses from the activities specified in section 5,
- b) cover losses resulting from business activities,
- c) overcome the time mismatch between incomes and expenditures during the budget year.

Transitional provisions

Section 23

(1) Slovak Radio and Slovak Television, as established under previous legislation, shall be repealed with effect from 1 January 2011. With effect from 1 January 2011 Radio and Television Slovakia shall become the legal successor of Slovak Radio and Slovak Television and take over all their rights and duties in force as at 1 January 2011.

(2) Financial resources and assets owned by Slovak Radio and financial resources and assets owned by Slovak Television shall become financial resources and assets of Radio and Television Slovakia with effect from 1 January 2011.

(3) The property of Slovak Radio and the property of Slovak Television that was transferred to the ownership of Slovak Radio and Slovak Television from the ownership of the Slovak Republic shall be deemed property of Radio and Television Slovakia that was transferred to the ownership of Radio and Television Slovakia from the ownership of the Slovak Republic with effect from 1 January 2011.

(4) Incomes of Slovak Radio and Slovak Television including incomes of Slovak Radio and Slovak Television from payments pursuant to specific legislation 48) shall be deemed incomes of Radio and Television Slovakia, though Radio and Television Slovakia may only use such income until the end of the year 2011 in accordance with the approved budget and in a way that preserves the separate management of the organizational units specified in section 2(2).

(5) Rights and duties resulting from labour law relations and other legal relations with the employees of Slovak Television and Slovak Radio shall transfer to Radio and Television Slovakia with effect from 1 January 2011.

(6) The radio board and the board of Slovak Television shall be wound up and the term of office of all members shall expire from 1 January 2011.

(7) The Supervisory Commission of Slovak Radio and the Supervisory Commission of Slovak Television shall be repealed and the term of office of all members shall expire from 1 January 2011.

(8) The office of the director general of Slovak Radio and the office of the director general of Slovak Television shall cease to exist with effect from 2011.

(9) The function of director general of Radio and Television Slovakia as defined in this act shall be performed from 1 January 2011 by the deputy statutory body, appointed by the speaker of the National Council; a person may be appointed to the position of deputy statutory body if he or she has performed the function of director general of Slovak Radio as at 31 December 2010 or the function of director general of Slovak Television as at 31 December 2010. If both persons referred to in the first sentence reject appointment to the function of deputy statutory body, the speaker of the National Council shall appoint an employee of Radio and Television Slovakia to perform the function of deputy statutory body.

(10) The deputy statutory body shall appoint two deputies in accordance with section 15(2) and authorize one of them in writing to perform the function of director general if the deputy statutory body ceases to perform the function of deputy statutory body while performing the function of the director general.

(11) The term of office of the deputy statutory body shall cease no later than the date when the first director general takes office in accordance with this act. If the deputy statutory body ceases to perform the function of deputy statutory body while performing the function of the director general, the function of deputy statutory body shall be performed by the deputy authorized in writing pursuant to subsection 10. If the deputy ceases to perform the function of the director general in place of the deputy statutory body whose function was terminated, the speaker of the National Council shall immediately appoint an employee of Radio and Television Slovakia to perform the function of deputy statutory body, whose term of office shall cease as at the date when the director general takes office in accordance with this act.

(12) A person performing the function of the director general pursuant to subsections 9 and 11 shall be entitled to remuneration for the performance of the function as follows:

- a) the monthly wage of the director general of Slovak Radio according to previous legislation, in the case of a person holding the office of director general of Slovak Radio under previous legislation,
- b) the monthly wage of the director general of Slovak Television according to previous legislation, in the case of a person holding the office of director general of Slovak Television under previous legislation.

(13) Frequencies allocated to Slovak Radio for terrestrial analogue broadcasting shall be deemed frequencies allocated to Radio and Television Slovakia with effect from 1 January

2011.

(14) No later than 28 February 2011, Radio and Television Slovakia shall request a change in the conditions of the digital broadcasting licences that were transferred with effect from 1 January 2011 from Slovak Radio and Slovak Television to Radio and Television Slovakia in order to bring them into line with the provisions of this act.

(15) From 1 January 2011 until the date of approval of the proposal for the budget of Radio and Television Slovakia for 2011 by the board, Radio and Television Slovakia shall be managed according to a stopgap budget. The stopgap budget shall apply to the period from 1 January until the approval of a new budget for 2011 in accordance with this act, during this period expenditure in each calendar month must not exceed one twelfth of the actual incomes achieved by Slovak Radio and Slovak Television during 2010. Budgetary incomes and expenditures taking place under the stopgap budget shall be incorporated into the budget for 2011 after its approval by the board.

(16) Expenditures in each calendar month when a stopgap budget is in force pursuant to subsection 15 may be exceeded by the amount of insurance premiums and insurance contributions for employees.

(17) The proposal for the budget of Radio and Television Slovakia for 2011 shall be prepared by the director general separately for Radio and Television Slovakia as a whole and separately for Slovak Radio and Slovak Television, which will be in accordance with the approved budget for public administration for the year 2011.

(18) Wherever existing legislation uses the term "Slovak Television" in any grammatical form or the term "Slovak Radio" in any grammatical form or the combined term "Slovak Radio and Slovak Television" in any grammatical form or the combined term "Slovak Radio or Slovak Television", this shall be deemed to mean "Radio and Television Slovakia" in the corresponding grammatical form.

(19) Rights to television programmes produced by Czecho-Slovak Television in Slovakia which were exercised by Slovak Television under previous legislation shall be exercised by Radio and Television Slovakia. The right to use television programmes produced by Czecho-Slovak Television before 1 July 1991 belonging to Slovak Television under previous legislation shall belong to Radio and Television Slovakia. Radio and Television Slovakia shall take over the right belonging to Slovak Television under previous legislation to use television programmes produced by Czecho-Slovak Television after 1 July 1991 in the scope set by the agreements between Czecho-Slovak Television and Czech Television. Copyrights, rights of performing artists and related property rights managed under previous legislation in accordance with the agreements between Czecho-Slovak Television and Czech Television shall be governed according to these arrangements; if these agreements do not stipulate otherwise, Radio and Television Slovakia shall acquire the right to use television programmes to which Czecho-Slovak Television acquired use rights from foreign subjects and which passed to Slovak Television under previous legislation.

(20) Rights to radio programmes produced by Czecho-Slovak Radio in Slovakia, which were exercised by Slovak Radio under previous legislation shall be exercised by Radio and Television Slovakia. Rights to use radio programmes produced by Czecho-Slovak Radio before 1 July 1991 that were exercised by Slovak Radio under previous legislation shall be

exercised by Radio and Television Slovakia. Radio and Television Slovakia shall exercise the rights to use radio programmes produced by Czecho-Slovak Radio after 1 July 1991 in the scope set by the agreements between Czecho-Slovak Radio and Czech Radio that were exercised by Slovak Radio under previous legislation. Copyrights, rights of performing artists and related property rights managed under previous legislation in accordance with the agreements between Czecho-Slovak Radio and Czech Radio shall be governed according to these arrangements; if these agreements do not stipulate otherwise, Radio and Television Slovakia shall acquire the right to use radio programmes to which Czecho-Slovak Radio acquired use rights from foreign subjects and which passed to Slovak Radio under previous legislation.

Section 24

Election of the first director general

(1) The competent committee of the National Council shall publish a call for registration by candidates till 10 January 2011 via broadcasting of Radio and Television Slovakia and on the website of the National Council.

(2) In the call the competent committee of the National Council shall set a fifteen-day period for candidates to submit applications, which shall be deemed fulfilled if the application is delivered to the competent committee of the National Council on the closing date of the period.

(3) The competent committee of the National Council shall verify that the candidate satisfies the conditions laid down in section 16(1) and whether the application includes the enclosures laid down in section 16(2). Any candidate who does not satisfy the conditions laid down in section 16(1) or whose application does not include the enclosures laid down in section 16(2) or whose application was delivered after the end of the set period shall not be added to the short list.

(4) The competent committee of the National Council shall invite the short-listed candidates for a public hearing. An invitation including the date, location and time of the public hearing shall be sent within five working days of the closing date for applications, it shall be delivered at least five days before public hearing.

(5) The public hearing shall be broadcast live on the website of the National Council.

(6) After the public hearing of every candidate, the competent committee of the National Council shall adopt a standpoint and submit a complete proposal for the election of the director general together with its standpoint to the National Council no later than two working days after the public hearing of the last candidate.

(7) The speaker of the National Council shall add the vote on the election of the director general to the agenda of an ongoing meeting of the National Council or the next meeting of the National Council.

(8) The election of the first director general shall be governed by the provisions of section 17(7) to (10) *mutatis mutandis*.

Section 25

Election of the first board members

(1) The competent committee of the National Council shall publish a call for nominations of candidates for board members till 10 January 2011 via broadcasting of Radio and Television Slovakia and on the website of the National Council.

(2) The legal entities referred to in section 9(3) may submit nominations pursuant to subsection 1 up to fifteen days after the issuing of the call. The deadline shall be deemed fulfilled if a nomination for a candidate is delivered to the competent committee of the National Council on the closing date.

(3) The competent committee of the National Council shall verify that the nomination includes all particulars and shall not put forward incomplete or late nominations for election.

(4) The competent committee of the National Council may invite the submitter of the nomination or the nominated person to attend a meeting of the committee and ask them to clarify, specify or supplement information and documentation. The competent committee of the National Council shall send invitations to the meeting within five working days of the closing date for the submission of nominations and shall ensure that it is delivered at least five days before the meeting takes place.

(5) After discussing the nominated candidates, the competent committee of the National Council shall adopt a standpoint and submit the complete proposal for the election of board members and its standpoint to the National Council no later than two working days after its discussion of the nominations.

(6) The speaker of the National Council shall add the vote on the election of board members to the agenda of an ongoing meeting of the National Council or the next meeting of the National Council.

(7) The election of the first board members shall be governed by the provisions of sections 9 and 10 *mutatis mutandis*.

Section 26

The first meeting of the board

The first meeting of the board after the first election of board members in accordance with this act shall be convened by the speaker of the National Council, who shall also appoint a board member to chair the meeting until the election of a chairperson of the board. The speaker of the National Council shall convene the first meeting of the board within 30 days of the election of at least six members of the board. At the first meeting after the election of all board members, the members shall election their chairperson and vice chairperson and the board members shall draw lots to choose three board members who will have a term of office of two years and three board members whose term of office will last four years.

Section 27

(1) The first director general elected after the coming into effect of this act shall be obliged to submit the following documents to the board for approval within 60 days of his or her election:

- a) a proposal for the budget of the Radio and Television Slovakia for 2011,
- b) the statutes of Radio and Television Slovakia,
- c) the organizational regulations of Radio and Television Slovakia,
- d) the statutes for programme workers and partners of Radio and Television Slovakia,
- e) conditions for the provision of archive documents.

(2) The first director general elected after this act comes into effect shall be obliged, within 60 days of taking office, to begin negotiations with employee representatives to review the content of the concluded collective agreements.

(3) The internal regulations referred to in subsection 1(b) to (e) adopted under previous legislation shall be applied until the date of approval of new internal regulations by the board in accordance with this act.

(4) The board whose members are first elected after this act comes into force shall be obliged to submit the statutes of the board, including the rules of procedure of the board to the speaker of the National Council for approval no later than 30 days after the first meeting of the board.

Section 28 Repeal

The following are repealed:

1. Act no. 619/2003 on Slovak Radio as amended by Act no. 587/2006, Act no. 220/2007, Act no. 343/2007, Act no. 68/2008, Act no. 70/2008, Act no. 312/2009, Act no. 200/2010
2. Act no. 16/2004 on Slovak Television as amended by Act no. 588/2006, Act no. 220/2007, Act no. 343/2007, Act no. 68/2008, Act no. 70/2008, Act no. 516/2008, Act no. 312/2009, Act no. 200/2010.

Article II

Act no. 308/2000 on broadcasting and retransmission and on the amendment of Act no. 195/2000 on telecommunications as amended by Act no. 147/2001, Act no. 206/2002, Act no. 289/2005, Act no. 95/2006, Act no. 121/2006, Act no. 13/2007, Act no. 220/2007, Act no. 343/2007, Act no. 654/2007, Act no. 167/2008, Act no. 287/2008, Act no. 516/2008, Act no. 77/2009, Act no. 318/2009 and Act no. 498/2009 shall be amended as follows:

1. Footnote 1 shall read:

“1) Act no. 532/2010 on Radio and Television Slovakia and on the amendment of certain acts.”.

2. In section 5(2)(f) the words “the Board of Slovak Television 9) and the Radio board 10)” shall be replaced by the words “the board of Radio and Television Slovakia 9)”.

Footnote 9 shall read:

“9) section 8 of Act no. 532/2010”.

Footnote 10 shall be deleted.

3. In first point of section 6a(1)(j), section 17(1)(a), section 56 (4)(b), the title of section 69 and section 69(5) the words “broadcasters established by law” in all grammatical forms shall be replaced by the words “broadcaster established by law” in the corresponding grammatical form.

4. In section 7(2) the words “of the Board of Slovak Television 9) and a member of the Radio board 10)” shall be replaced by the words “of the board of Radio and Television Slovakia 9)”.

5. New subsections 4 to 6 shall be added to section 11 as follows:

”(4) Meetings of the board shall be public unless the purpose of the meeting is to discuss matters as referred to in parts eleven or twelve. If the board discusses matters that are protected under specific legislation,18a) the board shall take measures to prevent the disclosure of protected information.

(5) Minutes of meetings of the board, including voting records must be published on the website of the board no later than five working days after the end of the meeting of the board except for matters involving protected information in accordance with specific legislation and the minutes of meetings pursuant to parts eleven and twelve.

(6) A final decision of the board must be published on the website in a manner that prevents the disclosure of information that is protected pursuant to specific legislation.”.

Footnote 18a shall read:

“18a) For example section 17 to 20 of the Commercial Code, Act no. 428/2002 on personal data protection as amended, Act no. 215/2004 on the protection of official secrets and on the amendment of certain acts, as amended.”.

6. In section 25(3) after the words “programming budget” the words “for television broadcasting” shall be inserted.

7. In section 71(1) after the words “provisions of section” the following words shall be inserted “23 in the part relating to the non-publication of voting records and section”.

8. The words “web page” in all grammatical forms throughout the text of the act shall be replaced by the words “website” in the corresponding grammatical form and the phrase “its web page” in all grammatical forms shall be replaced by the phrase “its website” in the corresponding grammatical form.

Article III

Act no. 220/2007 on digital broadcasting of programme services and on provision of other content services through digital transmission and on the amendment of certain acts (the Digital Broadcasting Act) as amended by Act no. 654/2007 and Act no. 498/2009 shall be amended as follows:

1. Footnote 1 shall read:

“1) Act no. 532/2010 on Radio and Television Slovakia and on the amendment of certain acts.”.

2. In footnote 4 the following references “Act no. 619/2003 Act no. 16/2004” shall be replaced by the reference “Act no. 532/2010”.

3. In section 2(12), throughout, the phrase “public broadcasters” shall be replaced by the phrase “public broadcaster”.

4. In section 30, subsection 5 shall be added, reading as follows:

“(5) The digital broadcasting licence of a public broadcaster shall pass to its legal successor, which is a legal entity that is a public broadcaster; the council shall change the person of broadcaster on the digital broadcasting licence.”.

5. In section 32(b) the following words shall be added to the end: “unless this act stipulates otherwise.”.

6. In section 41(2) the following text shall be deleted throughout “of a television programme service”.

7. Section 41(3) shall read:

“(3) If the public capacity of the multiplex is not fully occupied in accordance with subsection 2, the operator of the multiplex shall inform the public broadcaster in writing of the free public capacity of the multiplex and at the request of the public broadcaster the operator shall fill the remaining free capacity of the multiplex with broadcasts of the radio programme services of the public broadcaster.”.

8. In section 44, including the title, the phrase “of a radio programme service” shall be deleted where it follows the phrase “public broadcaster” in any grammatical form.

9. In section 45(1) and (2)(d) the words “of a radio programme service” shall be deleted.

10. In section 46, including the title, the phrase “of a radio programme service” shall be deleted where it follows the phrase “public broadcaster” in any grammatical form.

Article IV

Act no. 343/2007 on conditions for the registration, public dissemination and storage of audiovisual works, multimedia works and sound recordings of artistic performances and on the amendment of certain acts (the Audiovisual Act) as amended by Act no. 498/2009 shall be amended as follows:

1. In footnote 18 the reference to “Act no. 16/2004 on Slovak Television” shall be replaced by the reference “Act no. 532/2010 on Radio and Television Slovakia and on the

amendment of certain acts.”.

2. Section 33(1) shall read:

“(1) The following shall be deemed to be legal depository:

- a) a broadcaster established by law broadcasting a television programme service and a radio programme service, 18) that acts as a depository
 - 1. of its own Slovak audiovisual works in accordance with section 32(2)(b) and (3)(a)
 - 2. its own sound recordings of artistic performances in accordance with section 32(2)(d) and (3)(b),
 - 3. its own sound recordings in accordance with section 32(2)(d) and (e) and (3)(b) and (c),
- b) The Slovak film institute, which acts as a depository of audiovisual works in accordance with section 32(2) and (3) except those deposited with a legal depository according to point a).”.

Footnotes 28 to 31 shall be deleted.

3. In section 33(2) and (3) the words “subsection 1(a) and (b)” shall be replaced by the words “subsection 1(a)”.

4. In section 34 and 35 throughout, the words “section 33(1)(b)” shall be replaced by the words “section 33(1)(a)”.

Article V

Act no. 68/2008 on the fee for public services provided by Slovak Television and Slovak Radio and on the amendment of certain acts, shall be amended as follows:

1. In section 1 the words “provided in the area of television broadcasting by Slovak Television 1) and in the area of radio broadcasting by Slovak Radio 2)” shall be replaced by the words “provided by Radio and Television Slovakia 1) in the area of radio broadcasting and television broadcasting”.

In footnote 1 the reference to “Act no. 16/2004 on Slovak Television” shall be replaced by the reference “Act no. 532/2010 on Radio and Television Slovakia and on the amendment of certain acts.”.

Footnote 2 shall be deleted.

2. In section 2 the words “provided in the area of television broadcasting by Slovak Television and in the area of radio broadcasting by Slovak Radio” shall be replaced by the words “provided in the area of radio broadcasting and television broadcasting by Radio and Television Slovakia”.

3. Section 4(1) and (2) shall read:

”(1) The beneficiary of the fee is Radio and Television Slovakia. From every payment of the fee, 70% will be used to provide for the programme service in the area of television broadcasting and 30% will be used to provide for the programme service in the area of radio

broadcasting.

(2) Radio and Television Slovakia will keep incomes from fees in a separate account in a bank or branch of a foreign bank. 9) If Radio and Television Slovakia is a client of the State Treasury, 10) incomes from fees will be kept in a separate account in the State Treasury. Radio and Television Slovakia shall keep analytic accounts for fee incomes separately from other income in its accounts.”.

4. Section 4(3) shall read:

“(3)Radio and Television Slovakia shall use fee incomes and incomes from fines pursuant to this act, besides the purposes specified in subsection 4, only to provide for public services in the area of radio broadcasting and television broadcasting.”.

5. In section 6(3)(a) the amount “SKK 140” shall be replaced by the amount “EUR 4,64”.

6. In section 6(3)(b) the amount “SKK 560” shall be replaced by the amount “EUR 18,58”.

7. In section 6(3)(c) the amount “SKK 2 400” shall be replaced by the amount “EUR 79,66”.

8. In section 6(3)(d) the amount “SKK 6 000” shall be replaced by the amount “EUR 199,16”.

9. In section 6(3)(e) the amount “SKK 14 000” shall be replaced by the amount “EUR 464,71”.

10. In section 10(1) the words “Slovak Television and Slovak Radio” shall be replaced by the words “Radio and Television Slovakia”.

11. Section 10(2)(a) to (c) shall read:

“a) whose sole member is Radio and Television Slovakia; no security interest may be established in the this ownership interest,

b) whose statutory body shall be two directors who shall act jointly in the name of the company; the general meeting shall appoint directors at the proposal of Radio and Television Slovakia,

c) which has a supervisory board; the members of this board will be elected by the general meeting from candidates proposed by the board of Radio and Television Slovakia, 28)”.

Footnote 28 shall read:

“28) section 8 of Act no. 532/2010”.

Footnote 29 shall be deleted.

12. Section 10(5) and (6) shall read:

”(5) Costs of the fee collector for the collection of fees, inspection of the payment of fees and the enforcement of the fee and fines pursuant to this act shall be settled by Radio and Television Slovakia from fee payments up to a maximum of 4% of such incomes.

(6) The fee collector shall be obliged to transfer incomes from the fee and incomes from fines regularly, at least once a week, to the beneficiary of the fee.”.

13. In section 11(3) the amount “SKK 500” shall be replaced by the amount “EUR 16,59”.

14. In section 11(4)(a) the amount “SKK 1 000” shall be replaced by the amount “EUR 33,19”.

15. In section 11(4)(b) the amount “SKK 2 000” shall be replaced by the amount “EUR 66,38”.

16. In section 11(4)(c) the amount “SKK 3 000” shall be replaced by the amount “EUR 99,58”.

17. In section 11(4)(d) the amount “SKK 4 000” shall be replaced by the amount “EUR 132,77”.

18. In section 11(4)(e) the amount “SKK 5 000” shall be replaced by the amount “EUR 165,96”.

19. In section 11(6) the words “the director general of Slovak Television and the director general of Slovak Radio” shall be replaced by the words “the director general of Radio and Television Slovakia”.

20. After section 13, section 13a shall be inserted as follows:

“Section 13a

Transitional provisions for changes with effect from 1 January 2011

The statutory body and the members of the supervisory board of the fee collector appointed and elected to office under previous legislation who perform an office specified in this act after 1 January 2011 shall be deemed the statutory body and members of the supervisory board appointed and elected to office by the general meeting of the fee collector.”.

Article VI

Act no. 516/2008 on the Audiovisual Fund and on the amendment of certain acts shall be amended as follows:

Section 24 including the title shall read:

"Section 24

Contribution of a broadcaster established by law

(1) A broadcaster established by law 6) shall be obliged to pay a contribution to the fund.

(2) The base for the contribution pursuant to subsection 1 shall be the total income of the broadcaster established by law from advertising and teleshopping shown for a charge in television broadcasts in the last calendar year.

(3) The contribution of the broadcaster established by law shall be 5% of the base defined in subsection 2.”.

In footnote 6 the reference to “Act no. 16/2004 on Slovak Television, as amended” shall be replaced by the reference “Act no. 532/2010 on Radio and Television Slovakia and on the amendment of certain acts.”.

Article VII

This act shall come into force on 1 January 2011.

Richard Sulík, in his own hand

Iveta Radičová, in her own hand

1) Section 3(7) Act no. 220/2007 on digital broadcasting of programme services and on provision of other content services through digital transmission and on the amendment of certain acts (the Digital Broadcasting Act).

2) Section 3(1) to (4) of Act no. 220/2007 as amended by Act no. 498/2009.

3) Act no. 395/2002 on archives and registries and on the amendment of certain acts, as amended.

4) Section 33 of Act no. 343/2007 on conditions for the registration, public dissemination and storage of audiovisual works, multimedia works and sound recordings of artistic performances and on the amendment of certain acts (the Audiovisual Act).

5) Section 69 of Act no. 308/2000 on broadcasting and retransmission and on the amendment of Act no. 195/2000 on telecommunications as amended by Act no. 220/2007.

6) Section 3(p) of Act no. 308/2000 as amended by Act no. 498/2009.

7) Section 41 of Act no. 220/2007.

8) Section 3(k) of Act no. 308/2000 as amended by Act no. 498/2009.

9) For example, Section 4(c) of Act of the National Council of the Slovak Republic no.

149/1995 on sign language for deaf persons, section 18(2) and (3) Act no. 308/2000 as amended by Act no. 220/2007.

10) The agreement between the Slovak Republic and the registered churches and religious societies (no. 250/2002).

11) For example, Act of the Slovak National Council no. 346/1990 on elections to the bodies of self-governing municipalities, as amended, Act of the National Council of the Slovak Republic no. 564/1992 on the procedure for referendums, as amended, Act no. 46/1999 on the method of election of the president of the Slovak Republic, on voting by the people for his or her recall and on the amendment of certain other acts, as amended, section 32(10) of Act no. 308/2000 as amended, Act no. 303/2001 on elections to the bodies of self-governing regions and on the amendment of the Code of Civil Procedure as amended by Act no. 335/2007, Act no. 331/2003 on elections to the European Parliament, as amended, Act no. 333/2004 on elections to the National Council of the Slovak Republic, as amended.

12) For example, section 16(5) of Act of the National Council of the Slovak Republic no. 42/1994 on civil defence of the population, as amended, section 5 of Act no. 170/2001 on emergency supplies of oil and oil products and methods for dealing with oil crises, as amended by Act no. 240/2006, section 3 of Act no. 319/2002 on the defence of the Slovak Republic, as amended by Act no. 570/2005, section 4 of Act no. 414/2002 on economic mobilization and on the amendment of Act of the National Council of the Slovak Republic no. 274/1993 defining the competence of bodies in matters relating to consumer protection, as amended, as amended.

13) Act no. 618/2003 on copyright and rights related to copyright (the Copyright Act), as amended.

14) Sections 32 to 39a of Act no. 308/2000 as amended.

15) Sections 673 to 681 of the Commercial Code.

16) For example, section 86 of the Commercial Code.

17) For example, Act no. 346/1990 as amended, Act no. 564/1992 as amended, Act no. 46/1999 as amended, Act no. 308/2000 as amended, Act no. 303/2001 as amended, Act no. 331/2003 as amended, Act no. 333/2004 as amended.

18) section 13(1) of Act no. 176/2004 on the use of the property of public institutions and on the amendment of Act of the National Council of the Slovak Republic no. 259/1993 on the Slovak Forestry Chamber as amended by Act no. 464/2002.

19) Act no. 523/2004 on budgetary rules for public administration and on the amendment of certain acts, as amended.

20) Act no. 431/2002 on accounting, as amended.

21) Sections 151a to 151g of the Civil Code.

22) Section 553 of the Civil Code.

24) Act no. 211/2000 on free access to information and on the amendment of certain acts (the Freedom of Information Act), as amended.

25) Section 20f – 21 of the Civil Code.

Act no. 83/1990 on the association of citizens, as amended.

Act no. 147/1997 on non-investment funds and on the amendment of the Act of the National Council of the Slovak republic no. 207/1996, as amended.

Act no. 213/1997 on non-profit organizations providing community services, as amended.

Act no. 34/2002 on foundations and on the amendment of the Civil Code, as amended.

26) Act no. 308/1991 on the freedom of religious belief and the status of churches and religious societies, as amended.

27) Section 7 of Act no. 308/2000 as amended by Act no. 498/2009.

28) Section 5 of Act no. 516/2008 on the Audiovisual Fund and on the amendment of certain acts.

29) Section 116 of the Civil Code.

30) Section 3(e) of Act no. 308/2000, as amended.

31) Section 2(3) of Act no. 167/2008 on periodicals and news agencies and on the amendment of certain acts (the Press Act).

32) Sections 136 and 137(1) of the Labour Code.

33) Act no. 283/2002 on travel costs, as amended.

34) For example, sections 17 to 20 of the Commercial Code, Act no. 428/2002 on personal data protection, as amended, Act no. 215/2004 on the protection of official secrets and on the amendment of certain acts, as amended.

35) Section 2(1) of Act no. 343/2007.

37) Section 37 of Act no. 343/2007.

32) Sections 134 and 135 of the Labour Code.

39) Section 10 of Act no. 552/2003 on the performance of work in the public interest, as amended by Act no. 490/2008.

40) Section 52 of Act of the National Council of the Slovak Republic no. 350/1996 on the rules of procedure of the National Council of the Slovak Republic, as amended by Act no. 86/2000.

41) Act no. 176/2004 as amended by Act no. 581/2004.

42) Section 2(1), (5) and (8) of Act no. 483/2001 on banks and on the amendment of certain

acts, as amended.

43) Act of the National Council of the Slovak Republic no. 18/1996 on prices as amended.

44) Sections 829 to 841 of the Civil Code.

45) For example, section 57(1)(d) and section 114 of Act of the National Council of the Slovak Republic no. 233/1995 on court executors and execution activities (Code of procedure for execution), and on the amendment of certain acts, as amended.

46) Measure of the Ministry of Finance of the Slovak Republic of 14 November 2007 no. MF/24342/2007-74, laying down the particulars of accounting procedures and accounting classifications for accounting units that are not established for business purposes as amended (notice no. 601/2007).

47) Regulation of the government of the Slovak Republic no. 42/2004 on the Business Gazette, as amended.

48) Act of the National Council of the Slovak Republic no. 39/1993 on the Supreme Audit Authority of the Slovak Republic, as amended.

Act no. 502/2001 on financial control and internal audits and on the amendment of certain acts, as amended.

Act no. 523/2004 as amended.

49) Act no. 340/2012 on the fee for public services provided by Radio and Television Slovakia

50) Section 38(1) of Act no. 308/2000 as amended.

51) Act no. 291/2002 on the State Treasury and on the amendment of certain acts, as amended.

52) Section 24 of Act no. 516/2008.