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NEW LEGAL REGULATION OF PUBLICATIONS IN SLOVAK MEDIA ENVIRONMENT

Ján VIŠŇOVSKÝ – Martin SOLÍK – Oľga DÚBRAVSKÁ

ABSTRACT:

The study deals with the legal regulation of publications in the Slovak Republic, noting the position of publishers and web portal operators in the context of the new law 'on publications'. This law specified publishers and operators as participants in the media market, defined community media, and established modern regulatory elements, including self-regulation, which have brought significant transparency to the ownership and financing of print and web media. In this study, we note the historical outline of the development of the press after 1989, the stabilisation of the situation within the legislative regulation of the press in 2008, while our primary objective is to define the current legal standards of the newly adopted Publications Act. We also reflect on the possible risks and problems that the new law entails, but our main aim is to present the fundamental and innovative changes that have resulted from several years of legislative process in the field of media law.

KEY WORDS:

legislation, legal regulation, media environment, media law, publications, publishers, web portals

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1 Introduction

The social and political changes brought about by November 1989 were strongly reflected in the system and structure of the Slovak press. The freedom of the press and the possibility of doing business in this area were accompanied by the growth in the number of publishers and titles of different content, but also by problems related to the new market conditions for publishing the press. In this context, the *Media Yearbook 1990 – 2000* stated: "In many cases, the press was changing before its political publishers, proclaiming its independence from them. In the euphoria that prevailed at the time, no one could say exactly when the political system would stabilise and the economy would approach the level of Western countries, when the institutions and mechanisms of democracy would begin to function fully, when the political system would crystallise, and

how long it would take for the system of the press and other media to begin to function smoothly.¹ On the other hand, however, it must be said that the removal of political restrictions and the ‘opening up’ of this business sector has significantly increased the number of periodicals. A similar situation has occurred in all the transition countries of Eastern Europe, where a wave of privatisation has created wealthy entrepreneurs who have begun to engage in the media space as well.²

The task of the legislative bodies after November 1989 was to bring the laws on freedom of expression and the right to information into line with international conventions and treaties, to transform the state media and create the conditions for the emergence of a dual system, and to establish a legal framework for media activity in the conditions of a market economy. In 1990, *Act No. 81/1966 Coll. on the Periodical Press and other Mass Media* was amended. The amendment abolished censorship and gave private individuals the right to publish press and to conduct business in this field. It also simplified the registration of the periodical press, which began to operate on a notification basis. A modern press law was not adopted even in the second half of the 1990s. In 2000, a group of deputies of the political party HZDS – I. Hudec, D. Jarjabek, P. Števec and M. Podhracká, introduced a draft of a new piece of legislation which was loosely based on earlier proposals of the Slovak Syndicate of Journalists (SSN). However, the draft contained some problematic provisions on correction, additional notice, the right to apology, press registration and media offences. It lacked guarantees for obtaining information, protecting the freedom of journalists or preventing them from being prosecuted in cases where they bring information from public deliberations. Following criticism from the SSN, the Association of Periodical Press Publishers of Slovakia and the Association of Independent Radio and Television Stations, the proposed act was withdrawn. Finally, the so-called modern press law was adopted in 2008, i.e., *Act No. 167/2008 Coll. on Periodical Press and Agency News and on Amendments and Additions to Certain Acts* (the ‘Press Act’) entered into force on 1st June 2008 and was in force until the end of July 2022.

In August 2022, a new *Act No. 265/2022 Coll. on Publishers of Publications and on the Media and Audiovisual Register and on Amendments and Supplements to Certain Acts* or the ‘Publications Act’ (hereinafter referred to as the Publications Act) came into force, the aim of which was to reflect current developments and new requirements in the field of the creation and management of the preservation fund, the digital deposit fund, and the dissemination of information, not only through the traditional press, but also through electronic publications and, in particular, through web portals.³ This was a logical and largely necessary outcome of legislative efforts in this area. As publications have undergone radical change in recent years, the classic term ‘print media’ has lost its justification. Today’s publications (both periodical and non-periodical) have long been published not only in print form but primarily electronically/digitally. The Government of the Slovak Republic committed itself to the amendment of media law as a corpus in its Programme Statement, where in the section Media Policy it stated: “*The Government of the Slovak Republic respects the indispensable role of the media and journalists in the control of public authority and governance. The Government of the Slovak Republic will therefore prepare a fundamental recodification of media law to ensure a functioning pluralistic media market with free, independent, transparent and competitive media, including fundamental guarantees for the independent exercise of the journalistic profession, in line with the values of civil society.*”⁴ The Government of the Slovak Republic thus sought to prepare a comprehensive reform of the media environment that meets the conditions and requirements of the present day.⁵

1 See: BREČKA, S.: Tlač v nových podmienkach po novembri 1989. In MISTRÍKOVÁ, Z., ZMEČEK, A. (eds.): *Mediálna ročenka 1990 – 2000*. Bratislava: Mediálny inštitút, 2001, p. 96-98. [online]. [2023-06-03]. Available at: <<http://www.mi.sk/medialna%20rocenka/>>.

2 Compare to: VIŠŇOVSKÝ, J., MINÁRIKOVÁ, J., KAPEC, M.: *Slovenský mediálny priemysel*. Prague: Wolters Kluwer, 2022; SÁMELOVÁ, A., KRÍŠTOF, P., BELIANSKÁ, M.: *Osobná zodpovednosť v postmodernej verejnej komunikácii premeny zodpovednosti v politike, žurnalistike a médiách*. Bratislava: Comenius University, 2021; LINCÉNYI, M.: Právne a etické podmienky existencie dennej tlače na Slovensku v súčasnosti. In *Global Media Journal*, 2017, Vol. 5, No. 2, p. 36-40; MASLEN, M.: *Cultural and Natural Heritage – Legal Instruments of Its Preservation in the Slovak Republic*. Kraków: Towarzystwo Słowaków w Polsce, 2017; MATHIASOVÁ, A., SOLÍK, M., MINÁRIKOVÁ, J.: Paid Subscriptions and Premium Content: Online News Publishers’ Monetisation Strategies. In *Communication Today*, 2022, Vol. 13, No. 1, p. 19-27.

3 HEGER, E., MILANOVÁ, N.: *Dôvodová správa*. Released on 16th February 2022. [online]. [2023-05-05]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

4 *Programové vyhlásenie vlády Slovenskej republiky na roky 2020 – 2024*. [online]. [2022-09-07]. Available at: <<https://rokovania.gov.sk/RVL/Material/24756/1>>.

5 Remark by authors: In addition to the Publications Act, *Act No. 264/2022 Coll. on Media Services and on Amendments and*

2 Current Legal Regulation of Publishing Periodical Publications in Slovakia

Part of the Publications Act is also a regulation of the obligations of publishers of periodical publications and press agencies in the dissemination of information, which were previously regulated in the Press Act and to which the petitioner has included the operators of news web portals, as they are undoubtedly among the relevant players on the media market.⁶ Another novelty of the law is the obligation for publishers of non-periodical publications to publish mandatory data in relation to the dissemination of these publications. It also introduces a new obligation for the publisher of a periodical publication and the operator of a news website to register in the Register of Public Sector Partners.

In order to raise awareness of fundamental rights and freedoms, information pluralism of minorities, local communities or disadvantaged groups, the law also introduces the concept of “community media” and at the same time some obligations arising from their position in the market. The proposed legislation also regulates the transparency of funding, the distinctiveness of advertising and explicitly excludes the liability of the publisher for the truthfulness of published advertising or other forms of promotion. Sponsorship in relation to a non-periodical publication, a communication of a periodical publication or part of an agency service is specifically regulated.

After more than a decade of web portals and other digital forms of making content accessible, the legislation responded to the current situation in the electronic publishing sector. The previously valid *Act No. 167/2008 Coll. on Periodical Press and Agency News and on Amendments and Additions to Certain Acts*, as amended, known as the Press Act, could no longer respond flexibly to the dynamically evolving situation in the field of multiplatform publishing and digital journalism. It has also led to the specification of the players in the media market, in particular publishers and news website operators. Another reason for the adoption of this law was the fact that electronic publications and online news portals are amongst the most widely used information sources with a significant impact on society, and in recent years we have observed an increase in their use, which is also linked to the pandemic situation, as a result of which the Internet has become the most widely used source of information. Other obligations on the media include the obligation to register with the Register of Public Sector Partners, as well as the obligation to distinguish advertising from editorial content.⁷ The Publications *Act No. 265/2022 Coll.* regulates the following according to § 1:

- a. registration of periodical publications;
- b. the obligations of the publisher of a periodical publication, the operator of a news web portal and a news agency in disseminating information;
- c. the obligations of the publisher of a non-periodical publication in the dissemination of publications;
- d. advertising in publications;
- e. the obligations of the publisher of a publication in establishing and maintaining a preservation fund and a digital deposit fund;
- f. the media and audiovisual register;
- g. the exercise of supervision over compliance with the obligations laid down in this Act;
- h. self-regulatory mechanisms.

Supplements to Certain Acts (the ‘Media Services Act’), which replaced *Act No. 308/2000 Coll. on Broadcasting and Retransmission*, as amended, and *Act No. 220/2007 Coll. on Digital Broadcasting of Programme Services and the Provision of Other Content Services through Digital Transmission and on Amendments and Supplements to Certain Acts* (the ‘Digital Broadcasting Act’), as amended, entered into force on 1st August 2022.

6 See also: BUČKOVÁ, Z., RUSŇÁKOVÁ, L.: *Publicistika v periodickej tlači. Žurnalistické žánre*. Trnava: FMK UCM, 2017; GREGUŠ, L., KAČINCOVÁ PREDMERSKÁ, A.: The Foreign News and Media Image of the European Union in Current Television News Production. In *Communication Today*, 2020, Vol. 11, No. 2, p. 84-102; PANASENKO, N., GREGUŠ, L.: *Media Text in the Mirror of Linguistics*. Prague: Wolters Kluwer, 2022; CHLEBCOVÁ HEČKOVÁ, A.: *RESpublika: Politická komunikácia v mediálnej spoločnosti*. Nitra: Constantine the Philosopher University, 2015.

7 Remark by authors: The Publications Act also responded to the need, after almost 25 years of the effectiveness of *Act No. 212/1997 Coll. on Compulsory Copies of Periodical Publications, Non-Periodical Publications and Reproductions of Audiovisual Works*, as amended, to update the obligations that were previously regulated therein and which did not meet the criteria of modern times.

The current situation on the media market is also reflected in the terminology of the new law. It defines a publication as “*content or a set of content expressed in words, writing or images, publicly disseminated in the territory of the Slovak Republic or intended to be made available to the public in the territory of the Slovak Republic for the purpose of informing, entertaining or educating the general public.*”⁸ An audiovisual work, an audiovisual recording of an artistic performance and an audiovisual recording of a programme, a sound recording of an artistic performance of a musical work and a sound recording of a programme shall not be deemed to be a publication. Under the new legislation, the main defining feature of a publication is its public dissemination in the territory of the Slovak Republic or its being made available to the public from the territory of the Slovak Republic for the purpose of informing, entertaining or educating the public. Publications are divided into non-periodical publications and periodical publications, which are understood as periodicals, electronic periodicals and news websites. A periodical publication means a publication which is publicly distributed or made available to the public at least twice a year under the same title and identified by an international standard serial number (ISSN), if one has been assigned.

Legislative anchoring of the categories of scientific and professional publications, which predetermine to which depositories the obligatory deposits of such publications are to be handed over, is in the *Decree of the Ministry of Education, Science Research and Sport No. 397/2020 Coll. on the Central Register of Publication Activity and the Central Register of Artistic Activity*. The term “deposit” has replaced the terms “compulsory copy” of a periodical publication and “compulsory copy” of a non-periodical publication under *Act No. 212/1997 Coll. on Compulsory Copies of Periodical Publications, Non-periodical Publications and Reproductions of Audiovisual Works*, as amended.

The law also defines what is considered public dissemination and making available of a publication, thus responding in particular to the digital dissemination of publications. Public dissemination of a publication is the transfer of ownership of a copy of the publication and begins on the date on which the publisher or a person designated by the publisher first transfers ownership of a copy of the publication. For the purposes of this Act, dissemination of a digital copy of an electronic periodical publication or a digital copy of a non-periodical publication in electronic form shall also be deemed to be public dissemination of a publication. In such a case, the public dissemination of the publication shall commence on the date on which the digital copy is first sent to the end user by the publisher, or a person designated by the publisher. The Act further states that making a publication available to the public is the dissemination of an electronic periodical publication, a non-periodical publication in electronic form or the content of a news web portal in such a way that an individual can access it from a place and at a time of his or her own choosing. Public access to a publication shall commence on the date on which the publisher or a person designated by the publisher first makes the electronic periodical publication, non-periodical publication in electronic form or the content of a news web portal accessible to the public in the territory of the Slovak Republic.

A periodical publication, in addition to a printed publication distributed or made available to the public, is also considered to be an electronic publication and a news web portal. A news web portal is, according to Section 2(5) of the Publications Act, “*a periodical publication that communicates regularly updated communications of a journalistic nature to the general public through an application or website under a common second-level or lower-level web domain name, unless it is an appendix or special content.*”⁹ The explanatory memorandum to the law states that the purpose of such a specification is to cover, for example, holidays when it would not be objectively possible to maintain a shorter update interval, with the result that some portals would cease to fulfil the characteristics of a news web portal.¹⁰ An issue is defined as a set of identical or only regionally or linguistically distinct copies of a periodical, other copies of an electronic publication or updated versions of a news web portal.

8 Act No. 265/2022 Coll. on Publishers of Publications and on the Media and Audiovisual Register and on Amendments and Supplements to Certain Acts from 22nd June 2022. [online]. [2023-05-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZL/2022/265/20220801>>.

9 Legal Act on Publishers of Publications and Register of Media and Audiovision No. 265/2022 Coll., from 22nd June 2022. [online]. [2023-05-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZL/2022/265/20220801>>.

10 HEGER, E., MILANOVÁ, N.: *Dôvodová správa*. Released on 16th February 2022. [online]. [2023-05-05]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

3 Modern and Innovative Elements of the Publications Act

The Publications Act clarified the terms “publisher” and “news website operator”. The publisher of a periodical publication is the person who is editorially responsible for the content of a periodical or electronic periodical publication. The operator of a news web portal is the person who is editorially responsible for the content of the news web portal and who makes the content of the news web portal accessible to the public at their own expense. The law replaced the right of reply and the right of rectification with the right to make a statement, while the right to additional notice was retained. However, the law introduced the obligation to publish a statement, which has been criticised by the media and NGOs, even if the request for publication is made by a public official, the chairman of a political party or political movement, the vice-chairman of a political party or political movement or a legal entity in which they are active, and the statement is a factual allegation related to the exercise of their functions. The Explanatory Memorandum to the section in question states: “*Compared to the current legislation, only the case where the request for publication of a statement is made by a public official, i.e. a person holding the office of President, member of the Government, judge, Attorney General, etc., or a person active in politics, is added, if the contested statement relates to the exercise of his or her office.*”¹¹ The media should not be used by political and public figures as a means of self-presentation or reputational enhancement through unreasonable requests for comment whenever they disagree with published content.

In order to raise awareness of fundamental rights and freedoms, information pluralism of minorities, local communities or disadvantaged groups, the new law introduced the concept of “community periodical”. A community periodical is characterised by the Publications Act as a periodical publication which focuses on the local information environment or resources or on common interests creating and deepening internal community ties leading to the maintenance of a sense of identity with the community and which is publicly distributed or made available to the public by a person other than a business, provided that its public distribution or public availability is not primarily of an economic nature and the purpose of its public distribution or public availability is not, directly or indirectly, to make a profit. Community media as such have not previously been anchored in our geographical conditions by legislation, but nevertheless this issue has been addressed by authors who have also seen the potential of community media within the Slovak Republic.¹²

Modern regulatory elements, including self-regulation, have become part of the Publications Act, bringing significant transparency to the ownership and financing of print and web media. This move by the legislator can be described as innovative and progressive. Under the law, the publisher of a periodical publication and the operator of a news website are obliged, under the conditions defined in the law, to publish a list of investors, donors or other persons whose financial performance towards the publisher of a periodical publication or the operator of a news website exceeded 2,000 euros in a calendar year. Publishers and operators shall be obliged to keep a list of persons who participate in the crowdfunding of the publisher of a periodical publication, the operator of a news website or the publication of a periodical publication, or who have made a donation or other similar consideration to the publisher of a periodical publication or the operator of a news website without adequate consideration. Section 12 (Entry in the Register of Public Sector Partners) introduces a legal obligation for publishers and operators to enter and remain in the Register of Public Sector Partners before starting to publish or make available a periodical publication and to remain in the Register during the performance of those activities. The aim of these provisions was to ensure plurality of media content and to increase transparency in disclosure of media ownership and funding. With a similar

11 HEGER, E., MILANOVÁ, N.: *Dôvodová správa*. Released on 16th February 2022. [online]. [2023-05-05]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

12 On the subject of community media, see: ŠKRIPCOVÁ, L., MISTRÍK, M.: *Komunitné médiá*. Trnava : FMK UCM, 2021; ŠKRIPCOVÁ, L.: Motivations and Incentives of Community Media Content Creators: A Case Study of SpodNás. In *Communication Today*, 2017, Vol. 8, No. 2, p. 30-41; BOTOŠOVÁ, L., BRNÍK, A., IMROVIČ, M.: The Role of Student Radio Stations in the Higher Education System. In *Media Literacy and Academic Research*, 2023, Vol. 6, No. 1, p. 174-187.

intention, the law in Section 15 (Distinguishability of Advertising and Responsibility for Its Content) sets out the requirement to distinguish advertising from editorial content. Thus, an advertisement is an announcement published in a publication or agency service for remuneration or other consideration; an advertisement is also an advertisement or other form of promotion published in a publication or agency service free of charge. At the same time, the obligation to clearly distinguish advertising from editorial content has been introduced.¹³ It has been established (as mentioned above) that the publisher of a publication and a press agency are not liable for the truthfulness of information published in an advertisement or other form of promotion, nor for misleading advertising or comparative advertising, as this is information and content that is provided to the publisher of a publication and the press agency by third parties and on the content of which the said entities have no real influence. The Explanatory Memorandum to the Act states that other forms of advertising are political advertising, charity appeals, public interest campaigns, information campaigns and private advertising within the meaning of the special regulation on media services.¹⁴ The information campaign includes, among other things, announcements on the use of public funds, in particular in the context of European Union funding, for example for programmes and projects in areas such as employment, agriculture, regional development, research and innovation, social inclusion and others.

The Act also defines Sponsorship in section 16 to mean a consideration intended to finance, directly or indirectly, a publication or agency service for the purpose of promoting the name or trade name, trade mark, reputation, goods or activities of the person who has provided such consideration.¹⁵ The rationale for this arrangement is that the recipient of the information should perceive the intention of the sponsor, who may be pursuing a personal interest or other benefit through the activity. At the same time, the sponsor cannot be a person whose main activity is the manufacture or sale of cigarettes, other tobacco products, electronic cigarettes or refill bottles for electronic cigarettes, nor a person whose main activity is the manufacture, sale or hire of weapons or ammunition.

Taking into account the current digitisation of cultural heritage, as well as anticipated technological developments and new forms of library services, the law provides for the creation of a preservation fund and a digital deposit fund. The depository is the legal entity to which the deposit of a publication is handed over. The task of the depository is to keep a professional record of the publication and to preserve it permanently in the preservation fund. Publishers of both periodicals and non-periodicals are obliged to hand over the deposit of the publication to the relevant institutions, including the digital copy. With regard to the creation of a digital depository fund (Section 20), *“the operator of a news web portal shall, for the purpose of collecting and preserving communications communicated to the public through the news web portal, enable the University Library in Bratislava to make a copy and store the content of its news web portal, without technological preservation measures, in a long-term digital depository fund of web cultural heritage”*.¹⁶

A new institute, regulated in Section 21 of the Publications Act, is the Register. It is a public administration information system in the field of media and audiovisual content, whose administrator is the Ministry of Culture of the Slovak Republic. Its function is to provide the public with comprehensive and transparent access to up-to-date information on providers, services and products in the field of media and audiovisual. According to the law, the register contains up-to-date data on:

- publishers of periodical publications and periodical publications published by them;
- operators of news web portals and news web portals operated by them;
- broadcasters of programme services and programme services broadcast by them,
- retransmission operators;
- multiplex providers;

13 *Legal Act on Publishers of Publications and Register of Media and Audiovision No. 265/2022 Coll. from 22nd June 2022*. [online]. [2023-05-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/265/20220801>>.

14 HEGER, E., MILANOVÁ, N.: *Dôvodová správa*. Released on 16th February 2022. [online]. [2023-05-05]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

15 See also: RADOŠINSKÁ, J., KVETANOVÁ, Z., RUSŇÁKOVÁ, L.: *Globalizovaný filmový priemysel*. Prague : Wolters Kluwer, 2020; SEDLÁK, J., LANČARIČ, P., JONISOVÁ, E.: The Issue of Gallery as a Public and School Space. In *European Journal of Media, Art and Photography*, 2022, Vol. 10, No. 1, p. 56-65.

16 *Legal Act on Publishers of Publications and Register of Media and Audiovision No. 265/2022 Coll. from 22nd June 2022*. [online]. [2023-05-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/265/20220801>>.

- on-demand audiovisual media service providers and on-demand audiovisual media services provided by them;
- video sharing platform providers and video sharing platforms provided by them;
- producers of Slovak audiovisual works and their Slovak audiovisual works;
- distributors of audiovisual works;
- persons providing technological and professional services related to the production of audiovisual works;
- operators of audiovisual technical equipment;
- operators of media centres;
- persons providing public cultural events, educational or presentation activities;
- in the field of audiovisual culture and industry;
- independent producers in the audiovisual sector.

4 Other Changes and Issues Brought about by the Publications Act

In its eighth part, entitled Supervision and Self-Regulation, the Act provides for supervisory authorities (§ 22), compliance authorities and administrative offences (§ 23 et seq.). The Ministry of Culture of the Slovak Republic, the Slovak Trade Inspectorate, the Media Services Council and other supervisory bodies under the Advertising Act are the supervisory authorities for compliance with the obligations under this Act. At the same time, the Ministry of Culture of the Slovak Republic is authorised to decide on the imposition of fines in the event of a breach of legal obligations. It can be stated that the law has introduced mechanisms that will allow the public to have easier access to information about media owners and the legislator has thus created conditions for increasing the transparency of the financing of the press and news web portals. It has also increased the protection of sources, since, as a result of the new legislation, a journalist cannot be forced by public institutions to disclose his or her source. A significant change compared to the previous legislation is that, in the context of source protection, the obligation of confidentiality has been extended to locational data of confidentiality holders or similar data on their movements or whereabouts, data on electronic communications or their content, and remote or shared data repositories of data of confidentiality holders to which persons other than confidentiality holders have access. Overall, it is considered that a more transparent, professional and open approach has been reflected in the Publications Act. As mentioned above, the Act also introduced the concept of “community media” into Slovak media legislation. The obligation to separate editorial content from advertising can also be considered a positive development. The law also prohibits the financing of a publication or publisher by a terrorist organisation or a person or state on the United Nations or European Union sanctions list. Unlike the previous Press Law, the Publications Act does not grant the person concerned the right to demand, in addition to the publication of a statement or additional notice, payment of appropriate monetary compensation, which under the Press Law could be awarded in the amount of between 1,660 and 4,980 euros.

One of the most debated and criticised provisions of the law is the right of expression for politicians, who should be able to withstand a greater degree of criticism. Journalist S. Ruppeltdtová of the daily *Pravda* stated in her commentary that *“in the current situation, there has been no discussion and no legislative process, but the changes have been inserted directly into the law in parliament so that no one can effectively challenge them ex post”*.¹⁷ The editor of *Denník N*, F. Struhárik, was equally critical of this right: *“The new legislation is certainly a step forward, but the coalition has nevertheless squeezed in safeguards for politicians. They have retained the right to respond to media content in the form of the right of expression, although they have plenty of other ways of disseminating their views. In this respect, the coalition has therefore merely preserved what the political party Smer has promoted in the past. They used to criticise it, but today they have put it forward and approved*

17 RUPPELDTTOVÁ, S.: *Podraz na novinároch*. Released on 23rd June 2022. [online]. [2023-04-07]. Available at: <<https://nazory.pravda.sk/komentare-a-glosy/clanok/631551-podraz-na-novinaroch/>>.

it themselves.¹⁸ The President of the Slovak Republic Z. Čaputová, according to whom the granting of the right of expression to public officials and politicians contradicts the focus publicly presented by the government¹⁹ with its emphasis on freedom of expression and its publicly declared support for journalists. “An important goal of the law is to ensure effective regulation at a time of extraordinary importance of the media operating on the Internet and, on the other hand, sufficient freedom for business and dissemination of information.”²⁰ It should be recalled that the Publications Act replaced the original *Act No. 167/2008 Coll. on Periodical Press and Agency News and on Amendments and Additions to Certain Acts* (the Press Act), effective from 1st June 2008, valid until the end of July 2022. However, as the theorist M. Lincényi has stated, “the most controversial right of reply or right of correction, which were supposed to protect people’s privacy and reputation, were more likely to serve politicians”,²¹ and Lincényi is, of course, referring to the now-expired Press Act. Opinions vary on the scope of legislation regulating the press, but their regulation is more liberal compared to electronic media. However, effective self-regulation mechanisms and ethical standards should be introduced.

The Press Council was established in April 2002 and consists of public, cultural and social figures who are not active journalists or publishers and do not represent any political party. In February 2017, the Assembly of Representatives of the Association for the Protection of Journalistic Ethics (AONE) approved the entry of the largest association operating on the Slovak digital market – the Interactive Advertising Bureau Slovakia (IAB Slovakia) into the AONE in the Slovak Republic. The entry of a new member representing the digital media started the process of transformation of the Press Council of the Slovak Republic into the *Press and Digital Council of the Slovak Republic* (TR SR).²² The Council currently has eight members, and its Chairperson is A. Pániková. The annual report of the TR SR for 2021²³ states that the Council dealt with a number of complaints that drew attention to breaches of journalistic ethics, provided advice on issues of journalists’ copyright, labour law problems and assessed articles that complainants identified as problematic. The Council also managed to approve a new version of the Journalist’s Code of Ethics, updated to take account of the digital environment, but also potential risks arising from changes in the media environment caused by social media.

5 Conclusion

The Slovak media market is quite concentrated. Understandably, the impact of digital media on the functioning of ‘traditional’ media cannot be underestimated. Today, it is mainly young people and the middle generation whose primary source of information is no longer television, but various online platforms and social media. The ‘traditional’ media have recently lost the ability to control publicly disseminated information and set a public agenda, and this fragmentation can be observed particularly in the online environment. Today, it is not uncommon to hear about important political media, but from the profiles of politicians and public figures on social networking sites. Over the last two decades, the periodical press sector has had to cope with a number of problems, whether it was politicians’ efforts to influence the economic functioning of the media or their content, the consequences of the financial crisis, the increasing competition from online media or the coronavirus pandemic. In the second half of 2022, new media laws came into force, including the Publications Act. The legislative regulation thus finally included the electronic publishing sector, namely publishers of electronic publications and operators of news web portals. It also added the obligation for media to register

18 STRUHÁRIK, F.: *MediaBrifing: Nové mediálne zákony sú krokom vpred, zvýšia transparentnosť aj dezinformačných webov*. Released on 24th June 2022. [online]. [2023-04-08]. Available at: <<https://denikn.sk/2907856/mediabrifing-nove-mediálne-zakony-su-krokom-vpred-zvyšia-transparentnosť-aj-dezinformačných-webov/?ref=list>>.

19 Remark by authors: It was originally about the government of I. Matovič, who was forced to move the Prime Minister’s seat, so to speak, to his then party colleague E. Heger, and later this government also ended its term prematurely and in 2023 the President appointed a temporary caretaker government.

20 *Prezidentka odobrila mediálne zákony, no má voči nim vážne výhrady*. Released on 12th July 2022. [online]. [2023-07-01]. Available at: <<https://strategie.hnonline.sk/news/media/96029937-prezidentka-odobrila-mediálne-zakony-no-ma-voci-nim-vazne-vyhrady>>.

21 LINCÉNYI, M.: Právne a etické podmienky existencie dennej tlače na Slovensku v súčasnosti. In *Global Media Journal*, 2017, Vol. 5, No. 2, p. 39.

22 *O nás*. [online]. [2023-04-07]. Available at: <<https://trsr.sk/o-nas/>>.

23 *Výročná správa 2021*. [online]. [2023-04-07]. Available at: <https://trsr.sk/wp-content/uploads/2016/05/TR_SR_VS_2021.pdf>.

with the Register of Public Sector Partners, as well as the obligation to distinguish advertising from editorial content. The law replaced the right of reply and the right of rectification with the right of reply, but the right of additional notice was retained. At the same time, however, the media and NGOs criticised the obligation to publish a statement even if a public official makes a request for its publication. The law also introduced modern regulatory elements, including self-regulation, which, in the field of print and web media, bring considerable transparency to their ownership and financing compared to the previous legislation.

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