



37th EPRA MEETING, Kraków

Plenary Session 1 > The Protection of Minors in a Connected Environment



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Legal framework

- PS and commercial on-demand providers (including catch-up TV) must ensure that minors will not normally hear or see content that might seriously impair...
- No detailed definition of such content, however pornography and gratuitous violence are explicitly mentioned.
- Combination of the labelling system (in catalogue only) and qualified disclaimer.
- No real decision yet, the regulator's approach not contested so far.

Recent case

- Complaint against indecent exposures on the catch up TV, registered AVMS.
- Programmes recorded with BB FlashBack Standard Player.
- „Bonus“ video material available only on web.
- Nudity, close ups, obscenity etc. – mostly footage of people in shower, no symbol.
- Provider mostly challenged the quality of the evidence and the right of the regulator to record programmes in on-demand services.
- Unique „notary public“ argument.

- Before imposing a sanction the service was assessed again (if still AVMS).
- Provider was already sanctioned with warning (wrong classification of a programme with profane language).
- Fine 100 euro for failure to use adequate symbol in catalogue. Council concluded that one programme should have been rated 18+ and others 15+ but only due to their „as not seen on TV“ character.
- Court confirmed the fine and fully supported regulator’s right to monitor and record programmes in on-demand services.

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- **Thank you for your attention.**
 - For further information do not hesitate to contact me at **jpolak@rvr.sk**