

Markt/2006/09/E
Service Contract ETD/2006/IM/E2/69

**STUDY ON THE LIABILITY OF
INTERNET INTERMEDIARIES**

COUNTRY REPORT – Slovak Republic

Executive summary

November 12th, 2007

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Part 1: Legislation

The E-Commerce-Directive was implemented into the Slovak by the Electronic Commerce Act No. 22/2004 Z.z. This Act was later amended by the Act No. 160/2005 Z.z.. The Act No. 22/2004 Z.Z. does not empower any institution to issue secondary legislation that would further regulate the responsibility of information society intermediaries. In general, services of information society fall into the competences of the Ministry of Transports, Posts and Telecommunications and of the Governmental Plenipotentiary for Information Society. Supervision over the particular regulatory measures adopted by the Act No. 22/2004 Z.z. was consigned to the Slovak Commercial Inspection Authority.

The case-law of all the highest Slovak judicial institutions, i.e. the Supreme Court and the Constitutional court is available on-line. As mentioned in questionnaires and confirmed by research on the case-law databases, there is no existing relevant case-law concerning the responsibility of information society intermediaries. Neither the questionnaires nor the research revealed any significant co-regulatory provisions, normative or general self-regulatory measures or concerted practices of information society intermediaries.

The Slovak law adopts the definition of ISPs from the Directive No. 98/34/EC as amended by the Directive No. 98/48/EC. The legislation divides ISPs into three main groups, i.e. to the mere conduit providers, the caching providers and the storage providers.

The ISPs are relieved of monitoring obligations by *expressis verbis legis*. There is also no general information obligations for the ISPs. However, the providers of services of electronic communications have particular duties to store and reveal the identification data about mediated connections (data retention duties).

Part 2: National Case Law

The missing case law leaves relatively a lot of interpretational questions, namely on the field of classification on various information services and ISPs. In the case of

intermediaries of the 3rd type, i.e. storage service providers, it remains unclear, what is the required form of notice and takedown procedure.

Part 3: Notice and take down procedures

A. Regulation

B. Self-regulation

C. Co-regulation