

No. 7440

**Law on Public Events and Audiovisual and
Printed Materials**

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NB: Regulations under this Law were issued in the form of Executive Decree No. 26937 of April 27, 1999.

GENERAL LAW ON PUBLIC EVENTS,
AUDIOVISUAL AND PRINTED MATERIALS

CHAPTER ONE

GENERAL PROVISIONS

ARTICLE 1.– Obligation of the State

This Law shall govern the activities which the State shall undertake to protect society, in particular minors and the family with regard to access to public events and audiovisual and printed materials, as well as regulating the circulation and marketing of such materials.

ARTICLE 2.– Public events

For the purposes of this Law, “public event” means any public function, performance, transmission or broadcast which brings together persons to attend or listen to it in any place.

ARTICLE 3.– Activities

This Law regulates the assessment of the contents of the following activities:

- (a) public events, in particular cinema and live performances;
- (b) radio;
- (c) television via VHF, UHF, cable, wireless means, satellite or any other form of transmission;
- (d) video games;
- (e) video rentals;
- (f) written material of a pornographic nature.

CHAPTER TWO
AUTHORITIES AND AGENCIES

ARTICLE 4.– Enforcing bodies

The National Council for Public Events and the Commission for the Control and Rating of Public Events shall be entrusted with the enforcement of this Law.

ARTICLE 5.– National Council for Public and other Related Events

A National Council for Public and other Related Events, hereinafter referred to as “the Council”, is hereby set up as a body attached to the Ministry of Justice and Pardons, and shall be composed of the following:

- (a) the Minister of Justice and Pardons or his representative, as Chairperson;
- (b) a delegate of the Minister of Culture, Youth and Sport;
- (c) a delegate of the Minister of Public Education;
- (d) the National Director for Prevention of the Ministry of Justice and Pardons;
- (e) the head of the Advertising Control Department of the Ministry of the Interior and Police;
- (f) a delegate from the National Women's Institute.

(subparagraph added by Article 27(a) of Law No. 7801 of April 30, 1998 on the National Women's Institute)

ARTICLE 6.– Functioning of the Council

Decisions by the Council shall be taken by absolute majority of the members present. In case of a tie, the Chairperson shall have two votes.

For any matters not covered by this Law, the Council shall be governed by the General Law of Public Administration.

ARTICLE 7.– Installation of Council members

The Minister of Justice and Pardons shall install and swear in the members of the Council, who shall not be entitled to an expense allowance.

ARTICLE 8.– Duties of the Council.

The duties of the Council shall be as follows:

- (a) to decide on requests for appeals lodged under this Law. Decisions by the Council shall exhaust administrative remedies;
- (b) to establish policies to achieve the aims of this Law and to produce the necessary decisions and agreements to implement such policies, which shall be binding.

ARTICLE 9.– Commission for the Control and Rating of Public Events.

The Commission for the Control and Rating of Public Events is hereby established as a body attached to the National Council for Public Events.

ARTICLE 10.– Composition of the Commission for the Control and Rating of Public events

The Commission shall be composed of the Executive Director of the Council, as Chairperson, and of 10 professionals in the field of psychology or psychiatry, education, sociology and law, appointed as follows:

- (a) four representatives of the Ministry of Justice and Pardons;
- (b) two representatives of the Ministry of Culture, Youth and Sport;
- (c) two representatives of the National Child Welfare Board;
- (d) one representative of the Ministry of Public Education;
- (e) one representative of the National Women's Institute.

During their terms as members of the Commission, these officials shall be on loan from their respective institutions, without prejudice to their replacement, as appropriate. For their participation in the Commission, they shall not receive any sum in addition to the salary paid by their institutions, and shall maintain their employment relationship with those institutions.

(as amended by Law No. 8186 of December 17, 2001)

ARTICLE 11.– Duties of the Commission

The duties of the Commission shall be as follows:

- (a) to deliver judgments at first instance on the classification and regulation of the activities covered by this Law. Requests for setting aside and subsidiary appeals may be lodged against its decisions with the Council within five working days following notification of such decision;
- (b) to regulate, for the common good and on the basis of the principle that freedom of expression does not include freedom of exhibition, the activities mentioned in Article 2, and to prohibit those that constitute a danger to society, due to their exclusively pornographic or violent content, their potential for incitement to crime or vice, or because they degrade the status of human beings;
- (c) to encourage the showing of films of high artistic, social, cultural and educational value and other events;
- (d) to make technical recommendations to the Council that can serve as a basis for drafting policies with regard to radio, cinema, television, videos and public events of any nature;
- (e) to enforce compliance with this Law;
- (f) to perform other duties laid down in this Law and the Regulations thereunder.

Before issuing the decisions mentioned in subparagraph (a) of this Article, the Commission shall hear those parties which may be affected by such decisions, in accordance with the procedure laid down in the Regulations under this Law.

ARTICLE 12.– Appeals

Natural persons or legal entities whose subjective rights or legitimate interests are affected shall be entitled to lodge requests for setting aside or subsidiary appeals against the decisions of the Commission and requests for review of acts issued by the Council.

The Ombudsman shall also be entitled to take such action to protect the general interests of the community.

ARTICLE 13.– Limitations

It shall not be possible to prohibit or restrict one of the activities listed in Article 2 on account of its underlying ideas, except where the activity incites subversion, vice, crime, hatred on grounds of religion, race or nationality, or where its content is exclusively pornographic.

ARTICLE 14.– Executive Director

The Executive Director shall be part of the regular staff of the Ministry of Justice and Pardons, and his appointment shall be subject to the Civil Service Statutes. He shall further be a professional in the field of law, social sciences or psychology.

ARTICLE 15.– Duties of the Executive Director

The duties of the Executive Director shall be as follows:

- (a) to ensure compliance with the decisions of the Council and the Commission for the Control and Rating of Public Events;
- (b) to be in charge of proceedings, where necessary;
- (c) to chair the Commission for the Control and Rating of Public Events;
- (d) to act as Secretary of the National Council for Public and other Related Events, with the right to speak but not to vote;
- (e) to procure and administer the material resources enabling the optimal functioning of the oversight bodies established by this Law.
- (f) to be part of the Commission for the Control and Rating of Public Events.

ARTICLE 16.– Auxiliary cantonal commissions

These commissions shall be auxiliary bodies of the Commission for the Control and Rating of Public Events. Each of the country's cantons shall have a commission composed of three inhabitants of the canton.

ARTICLE 17.– Duties of the auxiliary cantonal commissions

The auxiliary cantonal commissions shall be responsible for supporting policy dissemination efforts in respect of this Law, detecting any violation of the regulations imposed by the Commission and the Council, and immediately informing the Executive Director.

ARTICLE 18.– Appointment of the auxiliary cantonal commissions

Commission members shall be appointed by the respective municipality for a three-year term, but shall be eligible for reelection for successive terms. When they take up office, they must follow the training course to be given by the Ministry of Justice. If they fail to do so, the municipality shall make a new appointment.

ARTICLE 19.– Identification card

The members of the Council, the Commission and the auxiliary cantonal commissions and the Executive Director of the Council may attend any kind of public event free of charge, for which purpose they shall be accredited by means of an identification card issued by the Minister of Justice and Pardons.

ARTICLE 20.– Obligations of promoters

Any natural person who, on his own behalf or on behalf of a legal entity, distributes, presents, transmits or receives, for commercial disclosure or free of charge, films in a movie theater or in video format, video games, radio or television programs or live events, shall be obliged to make such material available to the competent authorities and help them ensure that this material complies with the respective agreements. In addition, he shall provide the Council free of charge with the necessary premises to inform the public as to the rating and restrictions on events and indicate this in the respective advertising.

CHAPTER THREE

ADMINISTRATIVE SANCTIONS

ARTICLE 21.– Unauthorized distribution of material

Any natural person who, on his own behalf or that of a legal entity, distributes or displays, in commercial form or free of charge, material regulated by this Law, without the prior rating or authorization of the Commission, shall be liable to a fine equivalent to seven times the basic salary of a Category 1 office worker, established in the National Budget, for each unit distributed or displayed. Where such infringements are committed more than once, this fine shall be doubled.

ARTICLE 22.– Unauthorized previews

Any natural person who, on his own behalf or that of a legal entity, displays, in a film with access limited to a certain age category, a preview or portion of a film which is not authorized for persons of that age, shall be liable to a fine equivalent to two times the basic salary of a Category 1 office worker, as stipulated in the National Budget. The fine shall be imposed for each showing. Where such infringements are committed more than once, this fine shall be doubled.

ARTICLE 23.– Material displayed for an unauthorized audience

Any natural person who, on his own behalf or that of a legal entity, displays material regulated by this Law to minors younger than the age authorized for such showing shall be liable to a fine equivalent to the basic salary of a Category 1 office worker, as stipulated in the National Budget. The fine shall be imposed for each showing.

Where such infringements are committed more than once, the fine shall be doubled.

ARTICLE 24.– Closure of premises

Where such infringements are committed more than once, the judicial authorities shall order the closure of the premises where the infringement was committed and suspend the operations of the person or company, as follows:

- (a) for one month, if the infringement is committed for the second time;
- (b) for three months, if the infringement is committed for the third time;
- (c) where the infringement is committed for the fourth time, the judicial authorities shall order the definitive closure of the establishment and shall notify the respective municipality, which shall cancel the patent, or the Ministry of the Interior, so that it may cancel the allocations of television or radio frequencies, or the competent authorities, so that they may revoke the respective license or authorization.

The Executive Director shall keep a well-documented register of infringements established by the courts and of the persons and companies responsible.

ARTICLE 25.– Action on behalf of a legal entity

In all cases where a natural person is acting on behalf of a legal entity, that entity shall be jointly responsible for the payment of fines.

CHAPTER FOUR

COURT PROCEEDINGS

ARTICLE 26.– Competent authorities

The lower courts for misdemeanors and minor offenses shall have jurisdiction for the infringements described by this Law.

ARTICLE 27.– Proceedings

Proceedings shall be initiated following a complaint by the Executive Director, filed either on his own behalf or through the Office of the Attorney General of the Republic, or the auxiliary cantonal commissions, with the lower court for misdemeanors and minor offenses of the corresponding territorial jurisdiction.

Where the complaint has been lodged by a private individual, it shall be transferred to the Executive Director of the Council so that, where appropriate and possible, he may substantiate the complaint in person or through the Office of the Attorney General of the Republic.

ARTICLE 28.– Action by the Office of the Attorney General of the Republic

Irrespective of the complainant, the Office of the Attorney General of the Republic shall act as a party in all cases.

ARTICLE 29.– Grounds for proceedings

The rules established for complaints involving misdemeanors and minor offenses shall apply in respect of the conduct of the trial.

ARTICLE 30.— Payment of fines

In the case of judgments against defendants, a period of eight days shall be granted for payment of the respective fine.

If the infringer fails to pay such a fine, the lower court shall order the provisional closure of the establishment and shall suspend the authorization for conducting the business activity until such time as the fine is paid, without prejudice to the sanctions of closure and suspension for repeat offenses.

CHAPTER FIVE

FINAL PROVISIONS

ARTICLE 31.— Proceeds from fines

The proceeds from fines flowing from the application of this Law shall go to the State Treasury, from where they shall be transferred to the National Council for Public Events, which shall earmark them for the procurement of the necessary goods and services to ensure the enforcement of this Law.

ARTICLE 32.— Public policy law.

This Law shall constitute public policy and shall repeal any provisions that are incompatible with its application.

ARTICLE 33.— Entry into force of this Law

In force from the time of its publication.