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Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty

Passed 16.12.1997
RT I 1998, 2, 42
Entry into force 01.05.1998

Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
12.03.2008	RT I 2008, 15, 108	01.11.2008
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.

Chapter 1 PROHIBITIONS AND REQUIREMENTS

§ 1. Prohibitions related to dissemination and exhibition of works

(1) Dissemination and exhibition to minors of works which contain pornography or promote violence or cruelty is prohibited.

(2) For the purposes of this Act:

- 1) “dissemination of works” means the sale, rental or transfer in any other manner of works or copies of works produced in any form;
- 2) “exhibition of works” means presentation of works or copies of works either directly or by technical means;

- 3) “pornography” means a manner of representation in which sexual acts are brought to the foreground in a vulgar and intrusive manner and other human relations are disregarded or relegated to the background;
- 4) “promotion of violence or cruelty” means depiction of violence or cruelty which exceeds the limits of justified self-defence in an approving manner for the purpose of promoting violent or cruel behaviour among people.

(3) Transmission of television or radio broadcasts which contain pornography or promote violence or cruelty, by persons who have the right to transmit television or radio broadcasts in Estonia, is prohibited.

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 2. Dissemination and exhibition of works in specialised places of business

(1) The presence of minors in shops, cinemas, video theatres or on the premises of other places of business (hereinafter specialised places of business) which are licensed to disseminate or exhibit works which contain pornography or promote violence or cruelty, is prohibited.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended - RT I, 22.12.2013, 1)]

(2) Specialised places of business shall display a sign “prohibited to minors”.

(3) Works which contain pornography or promote violence or cruelty may only be exhibited in specialised places of business.

§ 3. Dissemination of works outside of specialised places of business

Upon dissemination outside of specialised places of business of works which contain pornography or promote violence or cruelty:

- 1) they shall be offered in a manner which prevents examination of the works by minors;
- 2) the works shall not be displayed in a visible place.

§ 4. Compliance with requirements for dissemination and exhibition of works

(1) A natural or legal person who disseminates or exhibits works (hereinafter undertaking) shall ensure compliance with the requirements provided for in §§ 2 and 3 of this Act.

(2) In the case of doubt whether a person is a minor, an undertaking or person in an employment relationship with an undertaking has the right to check the identification of such person.

§ 5. Requirements for specialised places of business

(1) Specialised places of business shall not be located in the proximity of schools or child care institutions.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended - RT I, 22.12.2013, 1)]

§ 5¹. Notification obligation

An undertaking shall submit a notice of economic activities for the exhibition of works which contain pornography or promote violence or cruelty.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended - RT I, 22.12.2013, 1)]

§ 6. [Repealed - RT I 2008, 15, 108 – entry into force 01.11.2008]

Chapter 2 DETERMINATION OF CONTENT OF WORKS

§ 7. Determination of content of works

(1) For the purposes of this Act, determination of the content of works means a decision on whether or not a work contains pornography or promotes violence or cruelty and, therefore, whether or not the provisions of Chapter 1 of this Act apply.

(2) An undertaking shall determine the content of a work prior to dissemination or exhibition of the work. If the content of a work is ambiguous, the undertaking has the right to request a review of the work and determination of its content by the expert committee on works (hereinafter expert committee).

(3) Upon dissemination and exhibition of works which are being reviewed by the expert committee, it shall be presumed that such works contain pornography or promote violence or cruelty.

(4) If a work has been reviewed by the expert committee, the content of the work shall be considered as determined in all cases by the decision of the expert committee, except if the minister responsible for the area reverses the decision of the expert committee pursuant to § 11 of this Act.

§ 8. Expert committee

(1) The expert committee operates within the Ministry of Culture.

(2) The expert committee comprises representatives of the Ministry of Culture, educational and cultural institutions, health protection and law enforcement agencies, artistic associations, health protection associations and other associations of people who disseminate and exhibit works. The minister responsible for the area shall approve the composition and procedure of the expert committee by a directive.

(3) The function of the expert committee is to determine the content of works in the cases specified in subsection 7 (2) and clause 13 (1) 4) of this Act.

(4) Members of the expert committee shall be remunerated for contributing to expert analyses pursuant to the procedure established by the minister responsible for the area.

(5) The expert committee is provided with support services and financed by the Ministry of Culture.

§ 9. Submission of application

An undertaking shall submit an application for determination of the content of a work to the Ministry of Culture. The work the content of which is to be determined shall be included with the application.

§ 10. Expert committee decision

(1) The expert committee shall make a decision on the content of a reviewed work no later than within 30 days after receipt of the application. The Ministry of Culture shall inform the undertaking of its decision within three days.

(2) The terms for making a decision and informing an undertaking thereof provided for in subsection (1) of this section also apply in the cases where a work is submitted to the expert committee by a supervisory official pursuant to clause 13 (1) 4) of this Act.

(3) The Ministry of Culture shall make the decisions of the expert committee public in a national newspaper.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 11. Submission of challenges against expert committee decision

(1) An undertaking may file a challenge against a decision of the expert committee with the minister responsible for the area within 15 days after receipt of the decision.

(2) The minister responsible for the area shall review a challenge within 15 days as of the receipt thereof.
[RT I 2002, 61, 375 – entered into force 01.08.2002]

Chapter 3 STATE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 12. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

State supervision over compliance with this Act and the requirements of legislation established on the basis thereof shall be exercised by the Ministry of Culture.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 13. Special state supervision measures

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

For the execution of state supervision provided for in this Act, the law enforcement agency may apply the special state supervision measures provided for in §§ 30, 32, 49 and 50 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 13¹. Specifications of state supervision

If an undertaking violates the requirements of this Act at least twice, the rural municipality government or city government shall suspend the validity of operating licence of the undertaking for up to one year or revoke such licence. Upon revocation of an operating licence, the undertaking shall not be issued a new operating licence before one year has passed from the date of revocation of the licence.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 14. Limit of penalty payment

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
In the event of failure to comply with a precept, the upper limit of penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act shall be 640 euros.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 15. [Repealed - RT I 2002, 63, 387 – entry into force 01.09.2002]

Chapter 3¹ LIABILITY

[Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 15¹. Violation of requirements for dissemination or exhibition of works which contain pornography or promote violence or cruelty

[Repealed - RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 4 IMPLEMENTATION OF ACT

§ 16.–§ 19.[Omitted from this text.]