

# **Act of October 30, 1991, on the Operation of Radio and Television Broadcasts**

The Federal Assembly of the Czech and Slovak Federative Republic has approved the following law:

## **PART ONE GENERAL PROVISIONS**

### Article 1

#### Jurisdiction of the Law

This law regulates the rights and obligations of legal entities and individuals concerning the operation of radio and television broadcasting.

### Article 2

#### Basic Terms

/1/ For the purposes of this law the following terms will be valid:

- a/ radio and television broadcasting (further to be referred to as "broadcasting"), is the diffusion of programs or of visual and audio information by means of transmitter, cable distribution networks, satellites and all other mediums destined for reception by the public;
- b/ programming is the intentional arrangement in time of individual radio or television programs;
- c/ program is a coherent, integral and temporally limited part of the broadcast;
- d/ local program is a program created in a local, limited area and intended for this area;
- e/ commercial is any type of public announcement destined for the support of entrepreneurial ventures or of the attainment of other effects, pursued by the sponsor of the commercial, who was allotted air time for payment or for any other type of counter-value (further to be referred to as "commercial");
- f/ sponsoring is any type of contribution granted by a legal entity or individual towards the direct or indirect financing of a program with the intent of promoting names, factory and commercial trade-marks, services, or the position of the entity or individual.

/2/ According to this law broadcasting is not understood to be the transmission of radio or television signals destined for the public by means of a cable network into which at most 100 participants are connected with receivers subject to registration. This number can be increased if the participants of a common receptor reside in one building or building complex spacially or functionally interconnected if the transmission of signals is done in such a way that it does not cross surface (road) communications, and if this common reception is not being used for business purposes.

### Article 3

/1/ The broadcasting operator (further to be referred to as "operator") is he who has received authorization for broadcasting on the basis of a law approved by the

Federal Assembly, by the Czech National Council or by the Slovak National Council (further to be referred to as "public radio or television operator") or through the granting of an operating licence according to this law (further to be referred to as "licence holder").

/2/ A legal entity may become a licence holder if it has established residence on the territory of the Czech and Slovak Federative Republic and has entered its name in the commercial registers; if it has not established residence on the territory of the Czech and Slovak Federative Republic it can only become a holder of a licence for the simultaneous, complete and unchanged diffusion of already broadcasted programming.

/3/ An individual may become a licence holder if he has permanent residence on the territory of the Czech and Slovak Federative Republic. If the individual is granted a licence according to this law, then he is obligated to enter his name into the Commercial Register.

## **PART TWO**

### **RIGHTS AND OBLIGATIONS OF THE OPERATOR**

#### Article 4

##### Program Content

/1/ Operators shall broadcast freely and independently. Their content can be intervened with only on the basis of law

/2/ Operators shall provide objective and balanced information necessary for the free development of ideas.

#### Article 5

##### Obligations of the Operator

Operators are obligated to:

- a) ensure that no programs are broadcasted which are in contradiction to the Constitution or with the Bill of Human Rights and Freedoms<sup>1)</sup>;
- b) ensure that the broadcasted programs do not promote war or depict cruel or otherwise inhumane behavior in such a way considered to facilitate, excuse or condone these activities;
- c) not to broadcast programs between 6 am and 10 pm which could threaten the physical or moral development of children and youth;
- d) provide state authorities and state administrative bodies the necessary air time for important and urgent announcements in emergencies of vital public importance and this at a time which would decrease the danger of delay to a minimum
- e) preserve the tapes of all broadcasted programs for the time period of at least 30 days after the day they are broadcasted;
- f) conclude an agreement with organizations which have been accorded exclusive privileges to represent authors or performing artists in the enforcement of rights<sup>2)</sup>.

#### Article 6

Obligations of Operators in the Broadcasting of Commercials:

/1/ Operators are to see to it that commercial air time shall not include.

a/ commercials which support behavior which threatens morality, the interests of the consumer or the interests of the protection of health, security or the living environment;

b/ commercials aimed at children or containing child-actors if they support behavior threatening their health or their physical or moral development;

c/ commercials in which act announcers or editors of news or current affairs programs;

d/ religious or atheistic commercials or commercials made by political parties or movements unless a separate law states otherwise.

/2/ Operators are obligated to ensure that the commercials:

a/ be identifiable and clearly audibly or visually separated from the rest of the programs;

b/ be aired neither immediately before religious services nor immediately following their broadcasting;

3/ Operators are obligated to ensure that the sponsor of the commercial is not able in any manner to influence program contents in the broadcasting or influence program composition.

#### Article 6a

##### Placement of Advertisements in Programmes

(1) The broadcasters are obliged to ensure that advertisements are placed between individual programmes except for programmes composed of independent and separable parts with self-contained contents within the framework of an individual programme, or sporting live broadcasts and broadcasts of events and performances containing intervals, and with the exception of audiovisual programmes pursuant to [paragraph 2](#).

(2) The licence holders for television broadcasting are obliged to ensure that advertisements are placed as follows during broadcasting of audiovisual programmes:

a) during broadcasting of a film work or a work expressed in a similar way<sup>3)</sup> only if it lasts over 45 minutes including advertisements, no more than once during every completed 45-minute time sequence; further interruption is permissible, if the duration of such film including advertisements is longer by at least 20 minutes than two or more completed 45-minute time sequences; at least 20 minutes must pass between two subsequent interruptions;

b) during broadcasting of other audiovisual programmes except for provision of [paragraph 3](#)) only if the programme including advertisements lasts over 30 minutes, and no more than once in the course of every completed 30-minute time sequence; at least 20 minutes must pass between two subsequent interruptions.

(3) Interruption of news and religious programmes and programmes for children with advertisements is not permitted.

(4) The rights protected by the Copyright Act<sup>4)</sup> remain untouched.

#### Article 7

##### Commercial Air Time

/1/ In television broadcasting time devoted to commercials may not exceed 3% for public television operators, 10% of daily air time for licence holders; the public

television operator may increase this share to 10% and the licence holder to 20% and this if it includes direct offers to the public to buy, sell or lease products or enlist services, which may, however, not exceed 1 hour a day; in the course of 1 hour time devoted to commercials may not exceed 12 minutes. For public television operators commercial time between the hours of 7 pm and 10 pm cannot exceed 6 minutes in 1 hour.

/2/ In radio broadcasting time devoted to commercials may not exceed 5% for public radio operators, 20% of daily air time for licence holders.

#### Article 8

##### Obligations of Operators in the Broadcasting of Sponsored Programs

Operators are obligated:

a/ to clearly indicate every program and series of a program which is sponsored in part or in full at its beginning or at its end with the appropriate credits or announcements;

b/ to ensure that the content of the sponsored programs does not promote the sale, purchase or leasing of the sponsor's products or services or those of a third party, and particularly that the sponsor's products or services not be specially mentioned;

c/ to ensure that the content and time of broadcasting of the sponsored program not be influenced by the sponsor;

d/ to ensure that a program not be sponsored by a legal entity or individual whose main activity is the production, sale or leasing of products or the rendering of services whose commercial is not allowed ([article 6, paragraph 1, letter c](#));

e/ to ensure that news and current affairs programs are not sponsored.

#### Article 9

##### Special Obligations and Rights of Public Television and Radio Operators

/1/ The main obligation of the public television and radio operator is to serve public interest, contribute to the creation of a democratic society and reflect its pluralism in opinions particularly by not one-sidedly paying regard to individual opinion orientations, individual religious affiliations or world outlooks, the interests of one political party, movement, group or part of society.

/2/ Public television and radio operators are obligated:

a/ to ensure, with the appropriate communications bodies and organizations, the dissipation of their programs to the population of the territorial entity for which their broadcasts are destined;

b/ to ensure a diverse composition of programs which in their entirety caters to the interests of all strata of the population;

c/ to produce or order produced a significant share of the broadcasted programs in such a way that the cultural identity of nations, nationalities and ethnic groups of the Czech and Slovak Federative Republic be preserved and developed and that the development of domestic and European audiovisual creation be supported;

d/ to render possible mutual exchange of information and cultural values between the republics of the federation;

e/ to use all their financial sources to secure the attainment of objectives stipulated by this law.

/3/ Public television operator has reserved for a part of the frequency spectrum and a network of transmitters rendering it possible to cover the territory of the Czech Republic with television channel.

/4/ Public radio operator have reserved for him a part of the frequency spectrum and a network of transmitters rendering it possible to cover the territory of the Czech and Slovak Federative Republic with a total of 3 networks for radio broadcasting, from which 2 are FM.

/5/ Public television and radio operators shall secure broadcasting particularly by means of a uniform telecommunications network<sup>5)</sup>.

/6/ Financial revenues obtained through the collection of monthly fees shall be the profits of the public television or radio operator.

## **PART THREE**

### **LICENSING PROCEDURES**

#### Article 10

##### Pre-conditions for the Issuing of a Licence

/1/ The licence authorizes its holder to broadcast within the jurisdiction and under the conditions stipulated therein.

/2/ The licence is non-transferable.

/3/ The licence is issued to applicants mentioned in [Article 17, paragraph 1, letter c/](#) by the Federal Council. Other applicants are issued licences by authorities of the national republics ( further to be referred to as "licencing authorities"; the issuing of a licence is not guaranteed by law

/4/ When considering an application the licencing authorities shall take into account the ensuring of conditions for the pluralism and balance of the program offering, particularly local programs, the equal accessibility of cultural values, information and opinions as well as the ensuring of the development of the culture of nations, nationalities and ethnic groups in the Czech and Slovak Federative Republic and the extent of the hitherto business ventures of the applicant in the sphere of mass media.

/5/ When evaluating applications licencing authorities shall take into account that no applicant may gain a dominant position in the field of mass media.

/6/ When evaluating the applications of companies with foreign participation licencing authorities shall take into account the contribution of the applicant to the production of original domestic programs as well as the property share of Czechoslovak entities and their representation in the governing bodies of the company.

/7/ A commercial society which is applying for or has been issued a licence cannot have as its partner a public television or radio operator.

#### Article 11

##### Application for a Licence

/1/ The licencing procedure shall begin with the filing out of an application which shall include the following;

- a/ name, seat and legal form of the legal entity and the name of the person authorized to represent it or name and permanent residence of the individual planning to operate the broadcasting;
  - b/ documents on the amount of assets and investment of individual participants, information on bank statements; similar information if the applicant is an individual;
  - c/ temporal and territorial extent of the broadcasting and manner of its technical and organizational ensuring;
  - d/ specification of program (name of station);
  - e/ program composition with a draft of a broadcasting schedule;
  - f/ Share or amount of expenses the applicant will use towards the production of programs within this country annually
  - g/ amount of air time devoted to domestically produced programs;
  - h/ time period for which the applicant is requesting the licence.
- /2/ If the applicant is an operator or owner of any other mass communications system in the Czech and Slovak Federative Republic or abroad or a participant in a society operating any other mass communications system in the Czech and Slovak Federative Republic or abroad he shall give licencing authorities similar information on that mass communications system as stated in [paragraph 1](#).
- /3/ The participant in the licencing procedure shall be he who is applying for the licence.
- /4/ If the applicant is an individual he shall enclose with the application a document on a background check and a document on his permanent residential status on the territory of the Czech and Slovak Federative Republic.

## Article 12

### Decision on the Issuing of a Licence

- /1/ The licencing authorities shall decide on the application and issuing of a licence within 90 days of the initiation of the proceedings.
- /2/ The decision on the issuing of a licence is made with the agreement of the respective telecommunications authority on the allocation of frequencies and other technical conditions of broadcasting which shall be in agreement with the plans for the use of frequencies for radio and television broadcasts ([Article 17, letter b/](#)).
- /3/ In addition to the pre-conditions stated in [paragraph 2](#) a part of the decision on the issuing of a licence are the conditions stipulated by the licencing authorities towards the broadcasting operator.
- /4/ The permit on the issuing of a licence shall be given for radio broadcasting for a maximum of 6 years and for television broadcasting for a maximum of 12 years.
- /5/ The permit on the issuing of a licence shall take effect on the day the licencing authorities receive a written statement from the applicant that he accepts the licence; this statement may not contain any reservations and shall be delivered to the licencing authority who issued the permit within 30 days of the delivery of the permit. Otherwise the permit on the issuing of a licence becomes invalid and the application for the granting of a licence is regarded as never having been submitted.

/6/ At the request of the founders or the authorities or persons authorized to present a proposal for the registration of a Czechoslovak legal entity in the Commercial Register it is possible to issue a permit for the licence before registration in this Register if it is proven that a legal entity was established. These persons are authorized to begin broadcasting on the day of registration in the Commercial Register. Similar procedures shall apply to entities that do not have residence on the territory of the Czech and Slovak Federative Republic.

/7/ If the permit on the licence was issued by an authority other than the Federal Council, that authority is obligated under law to inform the Federal Council about the terms under which the licence was issued within 15 days. The same procedure shall apply in cases involving changes in the terms of the licence or in cases specified in [Article 13](#).

#### Article 13

##### Validity of the Licence

The licence shall become invalid:

- a/ at the end of the time period for which the licence was issued;
- b/ the day of the dissolution of the legal entity which is the licence holder;
- c/ 30 days after the death of the individual who is the holder of a licence;
- d/ 60 days after the failure of a licence holder to enter his name in the Commercial Register ([Article 3, paragraph 3](#));
- e/ if the licencing authorities decide to revoke the licence ([Article 15](#)).

#### Article 14

##### Alteration of Licence

/1/ Operators are obligated to announce to the authority which issued the licence all changes related to the information in their applications for a licence and to the fulfilling of conditions stipulated in the licence and to present documents about these changes within 15 days of their origination. In the cases of [Article 13, paragraph 1, letters b/ and c/](#) this obligation falls on the legal representation of the licence holder.

/2/ On the basis of the announcements mentioned in [paragraph 1](#) the authority which issued the licence shall decide on a change in the licence or shall revoke the licence subject to the circumstances of the case ([Article 15](#)).

/3/ The authority which issued the licence can change the terms of the licence without the consent of the licence holder also in the case that it is necessary for the upholding of international obligations to which the Czech and Slovak Federative Republic is bound.

#### Article 15

##### Revocation of a Licence

/1/ The authority which issued the licence shall revoke it if:

- a/ the licence holder no longer fulfills the pre-conditions for the issuing of a licence stipulated in [Article 10, paragraphs 6 and 7](#);
- b/ the licence holder was issued the licence on the basis of untruthful statements given in the application for a licence ([Article 11](#));
- c/ the licence holder has instituted changes which render impossible the fulfilling of the conditions stipulated in the licence;
- d/ the licence holder requests it.



/2/ the authority which issued the licence can revoke it if:  
a/ the licence holder seriously violates the terms stipulated in the licence, the obligations stipulated by this law or by other generally binding legal regulations;  
b/ the licence holder did not begin broadcasting after the permit took effect within the time period of;  
ba/ 180 days for radio broadcasting;  
bb/ 360 days for television broadcasting;  
c/ the licence holder did not fulfill the obligation stated in [Article 5, paragraph 6](#) after the permit took effect within the time period of;  
ca/ 180 days for radio broadcasting;  
cb/ 360 days for television broadcasting;  
d/ after the begin of broadcasting the licence holder, in contradiction with the conditions of the licence, did not broadcast for a total of 30 days during the calendar year; this time period shall not include time during which broadcasting was not possible due to proven technical difficulties;  
e/ the property of the licence holder goes into bankruptcy<sup>7)</sup>  
/3/ If the licence is revoked due to the reasons stated in [paragraph 2](#) a new licence may be applied for no sooner than 1 year after the decision on the revocation of the licence took effect.  
/4/ If a licence is revoked its holder is obligated to return the licence without unnecessary delay to the authority which issued the licence.

## **PART FOUR**

### **FEDERAL COUNCIL FOR RADIO AND TELEVISION BROADCASTING**

#### Article 16

Purpose of the Federal Council for Radio and Television Broadcasting

/1/ In the support of the public interest for realizing free speech and the right of obtaining information a Federal Council shall be established for radio and television broadcasting (further to be referred to as "Federal Council"). Its activity shall be covered by the budget of the Federal Assembly.

/2/ The Federal Council shall see to the upholding of this law, the development of pluralism in broadcasting and to the development of domestic and European audio-visual production.

/3/ The Federal Council shall exercise state administration within its jurisdiction<sup>8)</sup> ([article 17](#)).

#### Article 17

Activities of the Federal Council

The Federal Council:

a/ in cooperation with the authorities for radio and television broadcasting established by the laws of the Czech National Council and the Slovak National Council (further to be referred to as "authorities of the republics") shall have a



share, with its stances and proposals, in the formulations of principles of state policy in relation to broadcasting and the conception of its development;

b/ in cooperation with the authorities of the republics shall have a share in the working out of plans for the use of frequencies for radio and television broadcasting and shall publicize these plans;

c/ upon agreement with the authorities of the republics shall issue and revoke licences for radio and television broadcasting if it is dealing with entities active on the whole territory of the Federation or if this activity considerably exceeds the territory of one of the republics, or in the case of a licence for broadcasting from the territory of the Czech and Slovak Federative Republic destined for abroad.

d/ shall send out warnings and impose fines ([Article 20](#)) to licence holders to whom it granted the licence, and to entities broadcasting without a licence and falling under its jurisdiction;

e/ in cooperation with the authorities of the republics shall express itself on proposals and the fulfilling of international agreements which are related to broadcasting, and present its stances to the Government of the Czech and Slovak Federative Republic;

f/ shall keep country-wide records of issued licences and alterations therein;

g/ at least once a year shall present to the Federal Assembly a report on the state of radio and television broadcasting and on its own activities.

#### Article 18

##### Composition of the Federal Council

/1/ The Federal Council shall be made up of 9 members from among experts, prominent personalities and public figures out of whom 3 shall be elected by the Federal Assembly, 3 by the Czech National Council and 3 by the Slovak National Council. The members of the Federal Council shall be elected for a term of 6 years.

/2/ The chairman and vice-chairman shall be elected from among the members of the Federal Council by the Federal Assembly. If a citizen of the Czech Republic is elected as chairman of the Federal Council a citizen of the Slovak Republic shall be elected as its vice-chairman, and vice versa.

/3/ The members of the Federal Council (further to be referred to as "members") may not have functions in any political parties or political movements and may not actively and publicly appear in the name of any political parties or act to their advantage; further, they may not be members of boards of companies operating in the area of the mass media, nor may they represent business interests which could be in contradiction with the performance of their functions or which could unfavorably influence their impartiality and objectivity in decision-making. They may not have any financial interest in the operation of broadcasting through ownership or employment or through a business relationship.

/4/ Membership in the Federal Council shall expire:

- a/ at the end of the term for which a member is elected;
- b/ with the resignation of a member from the function;
- c/ upon the death of a member;
- d/ through recall.

/5/ The body which elected a member must remove the member if it discovers that the member is engaging in the activities mentioned in [paragraph 3](#) or if the member is convicted by a court of any other intentional criminal act and as a result is given an unconditional jail sentence.

/6/ The body which elected a member may recall the member if he does not perform his function for at least 6 months.

/7/ After the first election of members lots shall be drawn for 3 names of members whose term shall end after the time period of two years, and 3 names of members whose term shall end after the time period of 4 years.

/8/ New members shall be elected for a term of 6 years to fill the seats vacated by members due to the end of their terms. In the case of seats vacated due to other reasons new members shall be elected for the remainder of the term of the replaced member. The new member shall always be elected by the body which elected the member who has vacated his seat.

/9/ The Federal Council shall be lead by and represented by its chairman.

/10/ The decisions of the Federal Council shall be valid if they are taken by the majority vote of all its members.

/11/ The function of a member of the Federal Council is a public function. In connection with the function's execution the members of the Federal Council shall be given appropriate salaries. Travel expenses of the members of the Federal Council shall be covered according to general legal regulations.

/12/ The details of the internal administration of the Federal Council and the salaries of its chairman, vice-chairman and members shall be specified by a statute which on the proposal of the Federal Council shall be presented to the Federal Assembly for approval.

## **PART FIVE**

### **CABLE DISTRIBUTION NETWORKS**

#### Article 19

/1/ In addition to the statements stipulated in [Article 11 paragraphs 1](#) and [2](#), an applicant for broadcasting on cable distribution networks shall include in his application for a licence:

a/ the territorial extent of the cable distribution network;

b/ information on radio and television programs which he is planning to transmit on the cable distribution network and on the planned use of the channels;

c/ an explanation of the manner in which the cable distribution system will serve the interest of the community, city or region;

d/ a technical specification of the cable distribution network approved according to pertinent regulations<sup>9)</sup>;

e/ information on the manner in which he will ensure that the rights of third parties, particularly copyrights, shall not be in contradiction with broadcasting on the cable distribution network.

/2/ The operator of a cable distribution network is obligated when using channels to ensure that the cable distribution network includes the broadcasting of

programs belonging to public radio and television operators which may be received by standard receivers in the place of the cable distribution network. A licence shall not be necessary for the simultaneous, complete and unchanged broadcasting of this program

/3/ It is possible to reserve one channel of the cable distribution network for the broadcasting of commercials. The time limitations for commercial air time stipulated in [Article 7](#) shall not be applicable to this channel or to the simultaneous, complete and unchanged transmission of the already broadcasted program.

/4/ The operator of the cable distribution network shall reserve free of charge 1 channel for the needs of a given limited area covered by the cable distribution network. This channel may not be used for commercial purposes without the consent of the operator.

## **PART SIX FINES**

### Article 20

/1/ If the Federal Council discovers that the operator or entity specified in [Article 17, letter d/](#), is not complying with the obligations stipulated in this law or with the terms stipulated in the issued licence, the Federal Council shall establish a deadline for the rectification of these violations. If rectification does not take place until the deadline, a fine shall be imposed by the Council. In all other cases the authorities of the republics shall establish deadlines for the rectification of violations in accordance with this law.

/2/ The amount of the fine shall be determined by the seriousness and extent of the violation and with regard to the extent and range of the broadcasting as well as the extent of acquired, unjustified profits.

/3/ Fines in the amount ranging from 1,000 to 500,000 Kcs may be imposed on operators who:

a/ do not give the necessary air time for important and urgent announcements in emergencies of vital public importance ([Article 5, paragraph 4](#));

b/ destroy the tapes of broadcasted programs before the time period of 30 days after their broadcasting ([Article 5, paragraph 5](#));

c/ do not ensure that their cable distribution networks include the programming of public radio and television operators ([Article 19, paragraph 2](#));

d/ do not reserve free of charge one channel in their cable distribution network for the needs of a given limited area ([Article 19, paragraph 4](#)).

/4/ Fines in the amount ranging from 5,000 to 1,000,000 Kcs may be imposed on operators who:

a/ broadcast a program which is in contradiction to the operators' obligations stipulated in [Article 5, paragraphs 1](#) and [2](#) of this law;

b/ broadcast a program which could threaten the physical or moral development of children and youth before 10 pm;

/5/ Fines in the amount ranging from 10,000 to 2,000,000 Kcs may be imposed on operators who violate their obligations stipulated in this law or in the terms of the issued licence by

a/ not adhering to the approved temporal and territorial extent of their broadcasting;

b/ not adhering to the approved program content;

c/ not complying with the obligations stipulated for the broadcasting of commercials and sponsored programs;

d/ not complying with the obligations as regards the production of programs in this country or the broadcasting of these programs, or the share of programming obtained from other operators;

e/ not announcing changes in the statements given in their applications or changes concerning the fulfilling of the terms of the issued licence which could justify the alteration or revocation of the licence ([Articles 14](#) and [15](#)).

/6/ A fine in the amounts stipulated in [paragraph 5](#) shall also be imposed on operators who broadcast without the necessary authorization ([Article 3](#)).

/7/ Fines may be imposed until 12 months after the day the authorities stated in [Article 16](#) discovered the violation of obligations, but not after 2 years after the day the violation of obligations took place.

/8/ The payment of fines according to the Foregoing paragraphs shall not affect the provisions of special regulations on damages[10](#)), nor shall it invalidate the obligations stipulated in this law.

/9/ Fines imposed according to [paragraphs 1](#) through [6](#) shall be paid within 30 days from the day the decision of their imposition takes effect.

/10/ Fines imposed by the Federal Council shall be the receipts of the state budget of the Czech and Slovak Federative Republic; fines imposed by the authorities of the republics shall be the receipts of the state budget of the Czech Republic or of the Slovak Republic. Revenues acquired from fines shall be purposefully used For the support of the broadcasting of licence holders, with priority being given to the needs of local broadcasts.

## **PART SEVEN COMMON, TRANSITIONAL AND CLOSING PROVISIONS**

### **Article 21**

If this law does not stipulate otherwise decision-making shall take place according to Procedural Law number 71/1967 with the exception of Article 49 and Articles 53 through 69. It is possible to appeal to a court of justice against decisions which deny requests for the issuing of a licence ([Article 12](#)), decisions on the alteration of a licence ([Article 14](#)), decisions on the revocation of a licence ([Article 15](#)) and decisions on the imposition of fines[11](#)) .

### **Article 22**

If the case warrants so, the Federal Council and the authorities of the republics shall have the right to request tapes of the broadcasted programs.

#### Article 23

/1/ deleted

/2/ deleted

/3/ The holders of the respective licences shall advise the existing public television operators of the day of the commencement of broadcasting, but 90 days before this day at the latest.

#### Article 24

deleted

#### Article 25

/1/ Legal entities and individuals who were enabled to broadcast under a resolution of the Presidium of the Government of the Czech and Slovak Federative Republic or on the basis of a decision by the republic authorities shall put their activities in compliance with this law, and within 30 days after the establishment of the Federal Council and the republic broadcasting authorities ([Article 16](#)) they shall submit an application for the issuing of a licence ([Article 11](#)). Until the time of a decision by the Federal Council or by the respective republic authorities these legal entities and individuals shall be considered as broadcasters according to this law.

/2/ Licences issued by the Inter-Agency Commission of the Government of the Czech and Slovak Federative Republic and the Commission of the Ministry of Culture of the Czech Republic for the selection of applicants or non-state broadcasting shall be considered as licences issued according to this law. Their validity shall expire on the 31st of December 1995.

/3/ The deadline stipulated in [Article 15, paragraph 2, letter b/](#), shall begin the day of the allocation of a part of the Frequency spectrum to the holders of licences issued according to [paragraphs 1](#) and [2](#).

/4/ Through the 31st of December 1992, for public television operators air time allotted to commercials may reach 5% of daily air time.

#### Article 26

Law number 35/1965, on literary, scientific and artistic works (Copyright Law) as amended by law number 89/1990 (full form number 247/1990) shall be amended in the following ways:

1. Article 16, paragraph 1 shall read:

"/1/ Individual use of works, in addition to their radio or television broadcasting, includes also all other public transmission of the broadcasted works with the help of any other medium of audio or visual transmission if this transmission is done by any entity other than the original broadcaster."

2. Article 16, paragraph 3 shall be deleted.

#### Article 27

deleted

#### Article 28

Law number 424/1991, on Membership in Political Parties and in Political Movements shall be amended in the following way:

In Article 17, paragraph 4, letter a/ the words "radio and television stations" shall be deleted.

Article 28 a

Licencing authority will decide on proposal of the Public Radio Operator on providing broadcasting networks according to [article 9 par. 4](#) with frequency's and on disengaging other frequency's assigned to the local broadcasting.

President of the Czech and Slovak Federative Republic

Chairman of the CSFR Government/Chairman of the Federal Assembly

Verifiers

1) Constitutional Act number 100/1960, the Constitution of the Czech and Slovak Federative Republic as amended in subsequent regulations, Constitutional Act number 23/1991, which quotes the Bill on Basic Human Rights and Freedoms as a constitutional Act of the Federal Assembly of the Czech and Slovak Federative Republic.)

2) Article 44, paragraph 1, law number 35/1965, on literary, scientific and artistic works (Copyright Law), as amended by law number 89/1990, complete form under number 247/1990.

3) Czechoslovak Pharmaceutical Law, 4th edition, jurisdiction in the Czech Republic determined by decree of the Ministry of Health of the Czech Republic, number 10/1987, on the binding character to the Czechoslovak Pharmaceutical Law 4th edition in the Czech Republic, as amended by the decree of the Ministry of Health and Social Affairs of the Czech Republic, number 62/1990, on the binding character of the Corrections and Changes of the Czechoslovak Pharmaceutical Law 4th edition in the Czech Republic; decree of the Ministry of Health of the Slovak Republic number 32/1987, on the binding character to the Czechoslovak Pharmaceutical Law 4th edition in the Slovak Republic, as amended by the decree of the Ministry of Health of the Slovak Republic number 181/1991, Czechoslovak Pharmaceutical Law, as amended by the decree of the Ministry of Health of the Slovak Republic, on the binding character to the corrections, changes and supplements of the Czecho-Slovak Pharmaceutical Law - fourth edition.

4) By decree of the Ministry of Health of the Czech Republic from 20.11.1990 number LS-721-7.11.1990 on pre-clinical testing and clinically evaluated medicaments, registered under number 539/1990.

5) Law number 110/1964 on Telecommunications.

6) Article 5 of the decree of the Federal Ministry of Communications number 51/1985, by which is published the Radio and Television Regulation as amended

by decree number 76/1987, decree number 39/1988, and decree number 315/1990.

7) Part 2 of law number 328/1991, on Bankruptcy and Settlement.

8) Article 1, letter c, law number 136/1991 Sb., on the division of activity between the Czech and Slovak Federative Republic and the Czech Republic and the Slovak Republic in all newspapers and other mediums of information.

9) Decree of the Federal Ministry of Communications number 360/1991, which is altered and amended by decree of the Federal Ministry of Communications number 73/1974, on Joint Distribution of Radio and Television Signals on Cables.

10) Law number /1991, which alters and amends the Civil Code, law number 65/1965, the Labor Code as amended by later regulations.

11) Law number /1991, which alters and amends the Civil Code.