

Act No. 231/2001
of 17 May 2001
on Radio and Television Broadcasting Operation and on Amendments to Other Acts

Amendment: 309/2002
Amendment: 274/2003
Amendment: 341/2004
Amendment: 501/2004
Amendment: 626/2004
Amendment: 82/2005
Amendment: 127/2005

The Parliament has adopted the following Act of the Czech Republic:

PART ONE
GENERAL PROVISIONS

Article 1
Subject of regulation

This Act regulates the rights and obligations of juristic and natural persons in radio and television broadcasting operation.

Article 2
Basic terminology

(1) For the purposes of this Act the following terminology shall apply:

- a) radio and television broadcasting means primary dissemination of original radio and television programmes and teletext, both intended to be received by the public in encoded or unencoded form, through terrestrial transmitting radio equipment (hereinafter referred to as “transmitter”), cable systems and satellites, both in analogue and digital mode,
- b) radio and television retransmission means receiving the broadcasting of original radio and television programmes or of their substantial parts and their simultaneous, complete and unchanged dissemination for the public by means of transmitters, cable systems and satellites or other technical means; unchanged dissemination shall also mean the dissemination of the Czech version of a television programme, which was primarily broadcast in a foreign language,
- c) nation-wide broadcasting means radio and television broadcasting, which can be received by at least 70% of the population of the Czech Republic, according to the data resulting from the last census,¹⁾ unless otherwise provided in a special legal regulation^{1a)},
- d) programme network means joint preparation of programmes or of their substantial parts or mutual exchange of programmes or of their substantial parts and their simultaneous dissemination by several operators,

¹⁾ Article 12(2) of Act No. 89/1995, on the State Statistical Service.

^{1a)} Article 3(3) of Act No. 483/1991, as amended.

- e) local broadcasting means broadcasting of radio or television programmes intended, due to its reach, for a locally defined area and prepared for that area,
- f) radio and television broadcaster means a juristic or natural person that prepares the programme, bears responsibility for its content and uses a unique audio or visual identification, which guarantees no confusion, to disseminate the programme through own means or through third persons (hereinafter referred to as “broadcaster”),
- g) retransmission broadcaster means a juristic or a natural person that makes decisions on the composition of the programmes taken over from other sources and that disseminates such programmes through own means or through third persons completely and without any change (hereinafter referred to as “retransmission broadcaster”) on the basis of authorisation for the operation of retransmission (hereinafter referred to as “registration”) under this Act,
- h) basic programme specification means the definition of prevailing genres in the over-all composition of the programme,
- i) programme means an intentional time-based arrangement of individual units of radio or television programmes and other parts of broadcasting, including the flow of programme elements in radio broadcasting, within the framework of one broadcast programme,
- j) programme unit means a part of radio or television broadcasting, which is consistent and coherent in terms of content and structure and which is limited in time; in radio broadcasting programme unit shall also mean a programme element,
- k) teletext means a system of broadcasting of text or graphical information concurrently with the broadcasting of the television signal, while the aforementioned information can be only displayed on the screen of a television set equipped with appropriate decoding device,
- l) advertising means any public announcement broadcast in return for payment or another consideration or broadcast for the purpose of the broadcaster’s own promotion, intended to support the sale, purchase or lease of products or services, including real property, rights and obligations,
- m) surreptitious advertising means verbal or visual presentation of goods, services, trade name, trademark or activities of a manufacturer of goods or provider of services included by the broadcaster in a programme unit which is not of the nature of advertising or teleshopping, if such a presentation intentionally follows an advertising objective and if it may mislead the customer as to the nature of the presentation; such a presentation is considered as intentional when it is provided in return for payment or another form of consideration,
- n) teleshopping means a direct offer of goods, including real property, rights and duties, or services, which offer is meant for the public and which is included in radio or television broadcasting in return for payment or another form of consideration,
- (o) sponsoring means any contribution provided by a natural or juristic person who/which does not operate television broadcasting or production of audiovisual works, for the purpose of directly or indirectly financing radio or television programme units, in order to promote the name and surname of the natural person or name of the juristic person, the company name, pictorial symbol (logo) or trade mark, the sponsor or his services, products or other outputs,
- p) subliminal communication means audio, visual or audiovisual information, which is intentionally prepared to produce an influence on the subconscious of the listener or viewer, without leaving a possibility to perceive it consciously,
- r) basic programme offer means a set of programmes, which is provided by a cable system operator at the lowest price,

- s) cable system means a set of telecommunication equipment, which serves the broadcaster or the retransmission broadcaster for dissemination of programmes to subscribers at an agreed price; cable system includes television cable wiring, microwave systems of dissemination of programmes through transmitters or other technical means,
- t) set of technical parameters means in the case of terrestrial transmission the frequency, radiated power and site of transmission,
- u) repeated violation of duty means such violation as was penalised more than once during two consecutive calendar years.

(2) Radio and television broadcasting shall not mean

- a) provision of communication services focused on delivery of information or other messages on the basis of individual requirements,
- b) operation of telecommunication equipment and provision of telecommunication services pursuant to a specific legal regulation, ²⁾
- c) broadcasting radio and television programmes via satellite, if such programmes are disseminated by a broadcaster on the basis of authorisation to operate radio and television broadcasting (hereinafter referred to as “licence”), granted pursuant to Article 12, or if the broadcaster is as defined in Article 3(1)(a) and such broadcasting serves solely for the purpose of transmission of code signal to transmitters,
- d) communication of information related to the operation of technical means used for carrying out radio and television broadcasting.

(3) Retransmission shall not mean concurrent, complete and unchanged dissemination of radio and television programmes taken over from other sources, which are intended to be received by the public through a cable system, which covers a maximum of 100 participants with receiving sets subject to mandatory reporting; this number may be exceeded if the participants in a system of joint reception are located in a single building or in a complex of buildings belonging together in terms of space and function, provided that the signal transmission is led so that it does not cross a road and provided that such joint reception is not utilised commercially.

(4) Pursuant to this Act, network shall not mean

- a) an agreement of broadcasters on joint broadcasting of advertisements and teleshopping; or jointly preparing, or taking over from each other, such programme parts as are not significant from the point of view of their share in the total duration of broadcasting per day within the programme,
- b) broadcasting of programmes by two or more broadcasters on shared frequencies.

Article 3 Scope of the Act

(1) This Act shall apply to:

- a) broadcasters that operate on the basis of specific legal regulations, ^{3),4)} (hereinafter referred to as “statutory broadcaster”),

²⁾ Act No. 151/2000 on telecommunications and on change to other acts.

³⁾ Act No. 483/1991 on the Czech Television, as amended.

⁴⁾ Act No. 484/1991 on the Czech Radio, as amended.

- b) broadcasters that operate on the basis of licence granted pursuant to this Act (hereinafter referred to as “licensed broadcaster”),
- c) retransmission broadcasters that operate on the basis of registration pursuant to this Act.

(2) As to juristic or natural persons who operate television broadcasting or television retransmission without being among those referred to in Paragraph 1 above, this Act shall apply to such a juristic or natural person if such a juristic or natural person can be understood as established in the Czech Republic according to Paragraph 3, 4 or 5 below.

(3) It shall be understood that a juristic or natural person is established in the Czech Republic, if:

- a) it has its seat or site of business activities^{4a)} in the Czech Republic and makes decisions on the composition of the television programme in the Czech Republic, or
- b) it has its seat or site of business activities in the Czech Republic and makes decisions on the composition of the television programme in another Member State of the European Communities, or conversely, if
 1. a significant part of the employees of such a person carry out activities related to the operation of television broadcasting in the Czech Republic, or
 2. a significant part of the employees of such a person carry out activities related to the operation of television broadcasting both in the Czech Republic and in the given other Member State of the European Communities, provided that it has its seat or the site of its business activities in the Czech Republic, or
 3. it first started operating television broadcasting in the Czech Republic in compliance with the Czech law and is able to prove its being involved in economic life in the Czech Republic on a real and permanent basis, in case that a significant part of the employees of such a person do not carry out the activities related to the operation of television broadcasting in the Czech Republic, not even in the given other Member State of the European Communities, or
- c) it has its seat or site of business activities in the Czech Republic and makes decisions on the composition of the television programme in a state which is not a Member State of the European Communities, or conversely, if a significant part of the employees of such a person carry out the activities related to the operation of television broadcasting in the Czech Republic.

(4) If it is impossible to consider a juristic or natural person as established in the Czech Republic or in another Member State of the European Communities according to Paragraph 3 above, this Act shall apply to such a juristic or natural person provided that such a juristic or natural person uses for its television broadcasting or retransmission:

- a) a frequency allocated by the Czech Republic, or
- b) a satellite, whose position on the orbit belongs to the Czech Republic, unless such a juristic or natural person uses a frequency allocated by the Czech Republic or another Member State of the European Communities, or
- c) an ascending signal transmitted to the satellite from the territory of the Czech Republic, unless such a juristic or natural person uses either a frequency allocated by the Czech Republic or another Member State of the European Communities, or a satellite, whose position on the orbit belongs to the Czech Republic or another Member State of the European Communities.

^{4a)} Article 2(3) of the Commercial Code

(5) As to juristic or natural persons who operate television broadcasting or television retransmission without being among those that can be considered as established in the Czech Republic or in another Member State of the European Communities on the basis of Paragraph 3 above and without meeting in the Czech Republic or another Member State of the European Communities any of the conditions set out in Paragraph 4 above, this Act shall apply to such a juristic or natural person, provided that such a person is considered as being established in the Czech Republic in accordance with the Treaty Establishing the European Community^{4b)}.

Article 3a

Prerequisites for participation in the procedure for the granting of the broadcasting licence and in the procedure for the registration of retransmission broadcasting

- (1) To acquire a licence or registration, a juristic person must meet the conditions specified for business activities in the Czech Republic as set out in a specific legal regulation^{4c)}. If such a juristic person has the legal form of a joint-stock company its shares must be registered.
- (2) To acquire a licence or registration, a natural person must enjoy full legal capacity and meet the conditions required for business activities in the Czech Republic as set out in a specific legal regulation^{4c)}.
- (3) If the person referred to in Paragraph 2 above is a foreign person^{4d)} who does not have a subsidiary or residence in the Czech Republic, then such a person shall appoint its representative in the Czech Republic, who will be authorised to act on such a person's behalf in respect of matters regulated by this Act.

PART TWO COUNCIL FOR RADIO AND TELEVISION BROADCASTING

Article 4

Status of the Council for Radio and Television Broadcasting

(1) The Council for Radio and Television Broadcasting (hereinafter referred to as "the Council") with the seat in Prague shall hereby be established.

(2) The Council shall be an administrative authority which shall execute government administration in the area of radio and television broadcasting and retransmission and shall supervise the maintaining and further development of plurality in the programme portfolio offered and the information in the area of radio and television broadcasting and retransmission; it shall promote the independence of the content thereof and shall fulfil other tasks laid down by this Act and by other specific legal regulations.

Article 5

^{4b)} Article 43 *et seq.* of the Treaty Establishing the European Community, OJ C 340 of 10 November 1997

^{4c)} Commercial Code

^{4d)} Article 21 (1, 2, 4 and 5), Article 22 *et seq.* of Commercial Code

Powers and duties of the Council

The Council shall have the following powers and duties:

- a) supervise compliance with legal regulations in the area of radio and television broadcasting and the conditions stipulated in the decision on granting the licence or in the decision on registration,
- b) grant, change and withdraw licences for the operation of radio and television broadcasting,
- c) grant, change and cancel decisions on registration to operate retransmission,
- d) maintain records on broadcasters and retransmission broadcasters,
- e) publish on a regular basis – doing so in a manner allowing remote access – a list of licence and registration applications, list of licences granted and changes thereto, list of registrations granted and changes thereto, as well as overviews of the utilisation of frequencies within the range dedicated to radio and television broadcasting,
- f) impose sanctions pursuant to this Act,
- g) monitor the broadcasting,
- h) grant approval for the Czech Telecommunication Office to issue permits for the operation of transmitters for other radio communication services within the part of frequency range dedicated to radio and television broadcasting,
- i) prepare, in co-operation with the Czech Telecommunication Office, the part of allocation plan for the frequency range dedicated to radio and television broadcasting,
- j) determine the set of technical parameters which are included in the operating authorisations for broadcasters pursuant to Article 3(1)(a) and (b),
- k) prepare opinions and proposals, thus contributing to the development of principles of the government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development,
- l) issue Statutes and Rules of Procedure of the Council and Organisation Rules of the Council Office,
- m) submit its draft budget and final financial statement to the Ministry of Finance and to the appropriate body of the House of Deputies,
- n) publish Council resolutions, Council annual report, minutes of Council meetings, if not in contradiction with specific legal regulations, and other information as the case may be; the mode of publishing must allow remote access to the published items,
- o) publish court decisions on judicial remedies and on law suits against Council decisions; this shall not preclude the provisions of specific legal regulations⁵⁾,
- p) fulfil other tasks as laid down by this Act.

Article 6

Obligations of the Council

(1) Every year the Council shall submit to the House of Deputies an annual report on its activities and on the status of radio and television broadcasting (hereinafter referred to as the “Annual Report”), which shall contain in particular the following information:

- a) updated list of broadcasters and retransmission broadcasters,
- b) information on the situation in the area of radio and television broadcasting and in the area of radio and television retransmission,

⁵⁾ For instance Act No. 101/2000 on the protection of personal data and on the change to some acts, as amended; Act No. 513/1991, Commercial Code, as amended.

- c) information on the state of compliance with legal regulations in the area of radio and television broadcasting and on the sanctions that have been imposed,
- d) information on the results of audits dealing with the fulfilment of the obligations laid down by this Act and of the conditions stipulated for broadcasters and retransmission broadcasters,
- e) information on the licences that have been granted and on the criteria that have been used as the basis for granting the licences to the applicants and for rejecting the applications of all other participants in the procedure,
- f) information on changes of licence conditions for licensed broadcasters,
- g) information on support to European production and European independent production in television broadcasting, on securing the prescribed proportion of European production (Article 42) and independent production (Article 43) and on the reasons for not attaining the prescribed proportions, as the case may be,
- h) information on the utilisation of the frequency range dedicated to radio and television broadcasting,
- i) proposals for measures reflecting new technologies in the area of radio and television broadcasting.

(2) By the end of February of each calendar year at the latest, the Council shall submit its Annual Report to the House of Deputies for approval and simultaneously to the Prime Minister for expressing an opinion. At the same time, the Council shall publish the Annual Report so that remote access thereto is made possible. The Annual Report shall become public as at the date of its approval by the Council. The Annual Report must contain that date. The House of Deputies is entitled to request the Council to provide explanations and additional information on the Annual Report. The Council shall provide such explanations and additional information within a reasonable period of time, which shall be determined by the House of Deputies.

(3) In case the Council repeatedly and seriously infringes the obligations laid down in Article 5 and in Articles 6(1) and 6(2), or if the Annual Report fails repeatedly to be approved due to serious faults, the House of Deputies may propose to the Prime Minister to remove the Council.

(4) The government and the government administration authorities shall co-operate with the Council in all matters related to broadcasting and shall in particular always request the opinion of the Council in the matters of broadcasting and provide appropriate assistance to the Council within the framework of their powers and duties.

Article 7 Council membership

(1) The Council consists of 13 members who are appointed and removed by the Prime Minister based on proposal made by the House of Deputies; the appointment shall be carried out immediately after receiving the proposal.

(2) The term of office of Council Member is 6 years.

(3) Citizens of the Czech Republic can be elected members of the Council, if they meet the following requirements:

- a) full legal capacity,
- b) permanent residence in the Czech Republic,
- c) minimum age of 25 years,
- d) integrity; this requirement is not considered as being fulfilled if the candidate has been effectively sentenced for an offence committed in direct relation to the operation of radio or television broadcasting or retransmission or in direct relation to publishing periodical press, or for any other wilful offence, unless such a sentence has been annulled or unless there is any other reason to consider such a person as if not sentenced; furthermore, the person fails to fulfil the requirement of integrity if he/she does not comply with the conditions laid down by a specific act.⁶⁾

(4) A person, who was in the capacity of Council Member during two consecutive terms of office, including incomplete terms, may not be nominated and appointed again to the same capacity.

(5) Council membership shall expire as at the date indicated in the letter of appointment.

(6) Council membership shall also expire as follows:

- a) with the expiration of the Council Member's term of office,
- b) as at the date that immediately follows after the delivery of a letter of resignation to the Prime Minister,
- c) as at the date that immediately follows after the delivery of written decision of the Prime Minister on removal of the Council Member from his/her capacity, or alternatively as at the date indicated in the written decision on removal of the Council Member from his/her capacity,
- d) as at the date of finality of any judgment depriving the Council Member of his/her legal capacity or limiting his/her legal capacity,
- e) as at the date of finality of any judgment whereby the Council Member was convicted of any of the offences listed in Article 7(3)(d),
- f) with the death or declaration of death of the Council Member.

(7) The House of Deputies may propose to the Prime Minister to remove a Council Member from his/her capacity for the following reasons:

- a) if the functions pertaining to the capacity are not duly executed,
- b) if the conditions for assuming the capacity, as stipulated in this Act, are not fulfilled,
- c) if he/she commits such conduct that challenges his/her impartiality or independence or the impartiality of the Council.

(8) If proposed by the House of Deputies, the Prime Minister shall suspend the discharge of the function of the Council Member who was taken into custody in connection with criminal prosecution.

(9) The membership in the Council is incompatible with the capacity of the President of the Czech Republic, Deputy, Senator, Member of the Government, Judge, Public Prosecutor, Member of the Supreme Audit Office, Member of the Bank Council of the Czech

⁶⁾ Act No. 451/1991 whereby some additional prerequisites are laid down for eligibility to assume certain capacities in government authorities and organisations of the Czech and Slovak Federative Republic, Czech Republic and Slovak Republic, as amended.

National Bank, Member of the Council of the Czech Press Agency, Member of the Council of the Czech Television and Member of the Council of the Czech Radio.

(10) Council Members shall execute their functions personally; they shall not accept any directions or instructions for the execution of their functions.

(11) Council Members shall not assume functions in political parties or movements and act in their favour.

(12) Neither Council Members nor persons closely related to them may assume any capacities, including unpaid ones, in any statutory bodies of companies that carry out business in the area of mass media, audiovisual products and advertising. Furthermore, neither Council Members nor persons closely related to them may participate in the business of commercial companies that carry out their activities in the area of mass media or in the area of audiovisual products and advertising, or provide directly or through mediation any consultancy or other assistance to broadcasters or retransmission broadcasters in return for payment.

(13) If Council Members execute any paid employment or activity besides their capacity in the Council, they shall conduct such activity in a way not threatening to affect the appropriate discharge of their capacity as Council Member. Not even scientific, teaching, journalistic and artistic activities may be carried out by Council Members in a way which could damage or challenge the trust in the independence and impartiality of the Council.

Article 8 Council meetings

(1) If not stipulated otherwise by law (Article 8(2)), the Council shall have a quorum if an absolute majority of its members are present and if the Council Chairperson or one of the Vice-Chairpersons is simultaneously present.

(2) The Council shall decide by the absolute majority of votes of its members, except for the decisions on granting the licence pursuant to Article 18, extension of licence pursuant to Articles 12(8) to 12(12), or on licence withdrawal pursuant to Article 63 or on registration cancellation pursuant to Article 64. In all such cases 9 votes of Council Members are required for the decision to be passed.

(3) Those Council Members, in respect of whom there are reasonable doubts suggesting that they might be biased with regard to their relation to the given matter or to the parties in the given procedure or to their representatives, shall be excluded from the Council's decision-making process relating to the matter concerned. Council Members shall notify the Council of any facts suggesting their exclusion from the procedure of considering a given matter and making a decision thereon, as soon as they learn that such facts exist. The Council shall make its decision on the objection concerning bias without delay.

(4) Within the decision-making process the Council shall be governed by its Rules of Procedure, which shall stipulate in particular the system of voting and the way of recording and publishing the different opinions of Council Members, the procedures for the election and removal of the Council Chairperson and Vice-Chairpersons, as well as the rules for substituting the Chairperson.

(5) The voting shall be recorded; the record shall include information on how each individual Council Member voted.

Article 9 Council Chairperson and Vice-Chairpersons

(1) The Council shall elect its Chairperson and 3 Vice-Chairpersons from among its members.

(2) Council Chairperson shall manage the activities of the Council and shall act on its behalf.

(3) The Council shall remove the Chairperson in the following cases:

- a) if his/her functions have not been carried out for a period of more than 3 months, or
- b) if he/she does not comply with the conditions for assuming the capacity of Council Member, or
- c) if serious faults have repeatedly occurred in executing his/her functions.

(4) The execution of the functions of Council Chairperson shall be terminated as follows:

- a) as at the date of expiration of his/her Council membership, or
- b) after expiration of the period for which he/she was elected, or
- c) as at the date immediately following after the delivery of written decision on removal from the given capacity,
- d) as at the date immediately following after the delivery of letter of resignation to the Council, or
- e) due to death or declaration of death.

(5) During a period when Council Chairperson cannot officiate, the Council Vice-chairperson appointed by Council Chairperson shall substitute him/her; the provisions of Articles 9(3) and 9(4) shall apply *mutatis mutandis* to the removal of a Vice-chairperson from his/her position and to the expiration of Vice-chairperson's function.

(6) If the Council Chairperson or a Council Vice-chairperson has been removed, the Council shall elect a new Council Chairperson or Vice-chairperson within 30 days after the date of such removal.

(7) The Council shall act in a similar way in case of resignation or termination of the term of office of the Chairperson or any of Vice-Chairpersons.

Article 10 Occupational status of Council Member

(1) If not stipulated otherwise by this Act, the provisions of the Labour Code shall apply to Council Members.

(2) Council Chairperson, Council Vice-Chairperson and Council Members are entitled to receive salary, additional salary and severance pay pursuant to a specific legal regulation.⁷⁾

Article 11

Support and circumstances of Council activities

(1) The Council shall manage its own budget pursuant to a specific legal regulation⁸⁾ and its activities shall be covered by a separate chapter of national budget of the Czech Republic.

(2) The tasks related to professional, organisational and technical support for the activities of the Council shall be carried out by Council Office, which is a body pertaining to the Council. Its activities are financed from the budget of the Council. Employees that work in the Council Office are civil servants under a specific legal regulation^{8a)}.

(3) The Head of Council Office shall be appointed and removed by the Council. The Head of Council Office shall report to Council Chairperson.

(4) Employment contracts with other Council Office employees shall be concluded by the Head of Council Office.

(5) Details and organisation of the activities of the Council shall be regulated by the Rules of Procedure of the Council.

PART THREE LICENCES

CHAPTER I PROCEDURE FOR GRANTING THE LICENCE FOR OPERATING RADIO AND TELEVISION BROADCASTING DISSEMINATED THROUGH TRANSMITTERS

Article 12 Licences

(1) The licence shall be granted by the Council in the licence granting procedure (hereinafter referred to as “licensing procedure”). The licence shall authorise the broadcaster to carry out radio and television broadcasting and to disseminate teletext to the extent and under the conditions as laid down in this Act and in other legal regulations. The licence shall become valid as at the date when the decision of the Council becomes effective with the exception of the case described in Article 18(2).

(2) Separate licence for transmitting teletext may not be granted without the consent of the broadcaster.

⁷⁾ Act No. 236/1995 on salary and benefits related to the discharge of function of representatives of government powers and certain government bodies and judges, as amended.

⁸⁾ Act No. 218/2000 on budget rules and on change to some related acts (Budget Rules), as amended.

^{8a)} Act No. 218/2002 on the service of civil servants in administrative offices and on the remuneration of such employees and other employees in administrative offices (Civil Service Act).

(3) The Council is authorised to grant the licence for broadcasting disseminated through the following means:

- a) transmitters,
- b) satellites and cable systems.

(4) There shall be no legal right to claim granting the licence, unless stated otherwise below.

(5) The licence shall be granted for a fixed period of time, the maximum length of such a period being

- a) 8 years for radio broadcasting,
- b) 12 years for television broadcasting.

(6) Licensed radio broadcaster shall start the broadcasting at the latest within 180 days and licensed television broadcaster within 360 days after the effective date of the decision on granting the licence.

(7) The licence is not transferable to any other person.

(8) If so requested by a licensed broadcaster, the Council will extend the validity of the licence. The period of licence validity may be extended once: for radio broadcasting it may be extended by a period of 8 years and for television broadcasting by a period of 12 years. If the licensed broadcaster so requests, the Council may extend the validity of the licence by a shorter period.

(9) The application to extend the validity of the licence, submitted by the licensed broadcaster, may also contain a request for approval of change of the company's legal form. The Council shall approve the application if the legal form of the company is changed to joint-stock company with registered shares.

(10) Licensed broadcaster may request the Council in writing to extend the period of validity of the licence, on which basis the broadcasting is carried out. The request shall be delivered to the Council within the following periods:

- a) in case of nation-wide radio broadcasting: within the period between the beginning of the 36th month and the end of the 30th month remaining to the expiration of validity of the existing licence,
- b) in case of nation-wide television broadcasting: within the period between the beginning of the 48th month and the end of the 42nd month remaining to the expiration of validity of the existing licence,
- c) in case of local radio or television broadcasting: within the period between the beginning of the 36th month and the end of the 30th month remaining to the expiration of validity of the existing licence.

(11) The Council shall not extend the validity of the licence in case when the applicant does not fulfil the conditions pursuant to Article 13(3) or in case when the schedule for utilisation of frequency range dedicated to radio or television broadcasting has been changed in order to comply with an international agreement concerning frequency co-ordination and if such a change would significantly prevent the licensed operator's broadcasting; if the change in the schedule for utilisation of frequency range is not significant, the Council shall not extend the validity of the licence in the respective part only.

(12) Furthermore, the Council shall not extend the validity of the licence in case when sanctions for serious violations, as listed below, of the licensed broadcaster's obligations have been repeatedly imposed through an effective decision upon the licensed broadcaster:

- a) broadcasting of programme units that promote war or display cruel or otherwise inhumane conduct through of its trivialisation, apology or approval,
- b) broadcasting of programme units inciting to hatred relating to race, sex, religion, ethnic origin or association with a certain group of population,
- c) broadcasting of programme units that gratuitously show persons dying or exposed to severe physical or mental suffering in a way that affects human dignity,
- d) broadcasting of subliminal communications,
- e) broadcasting of programme units that may seriously affect physical, mental or moral development of minors by means of displaying gratuitous pornography or brutal violence,
- f) transfer of share in the broadcaster's company to third persons without prior consent by the Council, thus violating the obligation laid down in Articles 21(6) and 21(7).

Article 13

Participants in licensing procedure

(1) Participants in the licensing procedure are all licence applicants, whose applications were delivered to the Council within the period stipulated in the licensing procedure announcement as specified in Article 15 (2).

(2) Licence application may be submitted by juristic persons or natural persons specified in Articles 3(2) to 3(4).

(3) The applicant for licence shall be treated as fulfilling the prerequisites for participation in the licensing procedure provided that the following requirements are met:

- a) no bankruptcy was declared with regard to the applicant's property; no composition procedure was started with regard to the applicant's property; no liquidation was initiated,
- b) evidence that no unpaid tax is registered in taxation records,
- c) evidence that no unpaid premiums for public medical insurance, social security or contributions for the government employment policy are outstanding,
- d) the applicant's licence or registration has not been cancelled during the period of the last 5 years; this requirement does not apply to the cases where the licence or the registration was cancelled upon the request of the operator,
- e) no final sentence for wilful offence was declared with regard to the applicant; if a juristic person requests granting the licence, this prerequisite shall also apply to the natural persons who are appointed as statutory body of the applicant or who are members of the applicant's statutory or supervisory bodies,
- f) the applicant shall not be a partner of any statutory broadcaster or a partner in commercial companies established by a statutory broadcaster.

(4) The participant in the licensing procedure shall not be entitled to inspect the parts of the files concerning any other participant. The Council shall undertake appropriate measures ensuring that the participant in the licensing procedure may not get acquainted with

the data on the technical, organisational and financial background for broadcasting of other participants.

Article 14 Licence application

- (1) The licence application shall contain the following essential information:
- a) for juristic persons: registered company name, seat, legal form, identification number (if applicable), name, surname and birth identification number of the person authorised to act on behalf of the juristic person; if the licence applicant is a foreign juristic person, the information shall also contain data on the location and identification of the subsidiary in the territory of the Czech Republic, the name, surname and birth identification number or the date of birth of subsidiary manager and his/her residential address; if a deputy was appointed the information shall also contain the deputy's name, surname and place of residence,
 - b) for natural persons: name, surname, birth identification number (if applicable); if not applicable, then the date of birth; the residence address, proof of permanent residence in the territory of the Czech Republic; furthermore the company name, identification number (if applicable); if not applicable, then the date of start of business activities; and residence address. If the licence applicant is a foreign person the residence address outside the territory of the Czech Republic shall be specified together with residence address in the Czech Republic if the residence has been permitted; furthermore information must be given on the location and identification of the subsidiary entered in the Commercial Register on the basis of a specific legal regulation,^{9a)} and the name, surname and birth identification number or the date of birth of subsidiary manager and his/her residential address; if a deputy is appointed, the name, surname and residential address of such a deputy must also be indicated,
 - c) information pursuant to Articles 14(1)(a) and 14(1)(b) on all partners and persons who are statutory bodies or members of statutory or supervisory bodies in case the licence applicant is a juristic person,
 - d) if the licence applicant is a juristic person, it is required to present data on the amount of equity capital, shares of voting rights and capital contributions of the partners, if they are mandatory, including the specification of type and financial valuation of in-kind capital contributions,
 - e) identification (name) of the programme,
 - f) time frame and geographical area of broadcasting,
 - g) basic specification of the programme, including the information on the part of the programme take over from another broadcaster,
 - h) in case of applicant for operating television broadcasting it is required that the applicant presents a specification of the proposed proportion of total broadcasting time to be reserved for broadcasting European works and European works produced by independent producers,
 - i) data and proof of the amount of financial resources that are available to the applicant for spending in the operation of radio and television broadcasting.

(2) The essential data specified in Article 14(1) shall be documented by the applicant by presenting the memorandum of association or memorandum of foundation, the statutes, list of shareholders, extract from the Commercial Register dated not earlier than 3 months

^{9a)} Article 21 (4 and 5) of the Commercial Code

ago, and residence permit. Simultaneously the applicant shall append to the licence application the letters of the relevant authorities dated not earlier than 3 months ago confirming that the licence applicant has no unpaid taxes registered in taxation records and that he/she is not liable to pay any overdue premiums for public medical insurance, social security or contributions for the government policy of employment; furthermore a proof of no criminal record dated not earlier than 30 days ago of the licence applicant and of the members of applicant's statutory and supervisory bodies shall be submitted as well.

(3) If the applicant is also a broadcaster or a retransmission broadcaster, developing its activities in the Czech Republic or abroad, or a publisher of periodical press in the Czech Republic or abroad, or a partner in a company of another broadcaster or in a company publishing periodical press in the Czech Republic or abroad, similar information shall be presented on such activities as well.

(4) During the licensing procedure the applicant shall immediately report to the Council any changes in the data that occurred after submitting the application.

(5) If the application does not include the specified essentials, the Council shall request the participant to complete the data within a reasonable period, which shall not be shorter than 15 days. In case the missing data are not submitted within the period specified by the Council, the application shall be rejected. Licensing procedure shall not be suspended during the period specified for completing the application.

Article 15 Start of licensing procedure

(1) Licensing procedure shall be started on the own initiative of the Council through licensing procedure announcement.

(2) In the licensing procedure announcement the Council shall specify the period and the place for submitting the licence applications, the time frame, geographical area and set of technical parameters of the planned broadcasting; in licensing procedure for nation-wide broadcasting the Council shall set out its requirements for the basic programme specification of nation-wide broadcasting (hereinafter referred to as the "requirements"). Licensing procedure announcement shall be published by the Council on the official notice board, at least in two national newspapers, and in a manner that enables remote access.

(3) The Council shall reject licence applications delivered after the specified period and applications that are in contradiction with the announced requirements.

(4) A joint licensing procedure concerning the applications delivered to the Council within the period specified pursuant to Article 15(2) shall be carried out by the Council.

Article 16 Public hearing

(1) Council Chairperson shall order public hearing within the period of 90 days after the date of the beginning of the licensing procedure.

(2) The public hearing shall serve for discussing the topics relating to the programme structure proposed by the individual participants in the licensing procedure.

(3) A public hearing organised within the framework of the licensing procedure for broadcasting other than local television broadcasting must involve the matters of representation of European works, European works produced by independent producers and contemporary European works in the proposed programme structure of television broadcasting of the individual participants in the licensing procedure for the operation of television broadcasting.

(4) In the public hearing the participants of the licensing procedure shall propose the wording of licence conditions, which in case of granting the licence will become licence conditions pursuant to Article 18(4), with the exception of conditions pursuant to paragraph 18(4)(c), which shall be stipulated by the Council after an agreement has been reached with the participant in licensing procedure.

(5) The invitation to public hearing, which shall be sent by the Council to all participants of the licensing procedure 14 days before the date of public hearing at the latest, shall contain the following information:

- a) place and date of the public hearing,
- b) identification of all participants of the licensing procedure, including the addresses of their seats in case of juristic persons or residential addresses or current addresses or addresses of sites of business in case of natural persons,
- c) subject of the hearing, as defined with regard to individual participants in the licensing procedure.

(6) The information that a public hearing will take place shall be announced by the Council by displaying the invitation on the official notice board, through the mass media and in the manner that enables remote access; the announcement shall be made at the latest 14 days prior to the date of the public hearing.

(7) The public hearing shall be opened, chaired and closed by Council Chairperson or by another Council Member appointed by the Chairperson.

(8) Besides the invited participants in the licensing procedure only such persons, as have obtained for that purpose an express consent of the Council Chairperson or of another Council Member appointed by the Chairperson, may present contributions concerning the discussed matters, submit written proposals or express their opinions.

(9) The facts that are protected pursuant to specific legal regulations may not be subject of public hearing.

(10) An improper interference with the public hearing may result in an admonishment for the representatives of the public by the Council Chairperson or by the Council Member appointed by the Chairperson; repeated improper interference with the public hearing may result in ordering the offender out of the meeting room for a period extending at the maximum till the end of the day when this ordering out was executed.

(11) A sound record shall be made from the public hearing. In addition, minutes shall be taken from the public hearing. The minutes shall contain information on the course of the public hearing, participation therein, texts of contributions, written proposals and opinions. The minutes are public. Three days after the date of the public hearing the minutes shall be made available for inspection at the seat of the Council.

Article 17

Important facts for decisions on applications for licence granting

(1) In the process of decision-making for granting the licence the Council shall assess the following facts:

- a) level of economic, organisational and technical readiness of the applicant to support the broadcasting, including the results hitherto achieved by the applicant in the area of radio and television broadcasting, if the applicant has developed business in such an area,
- b) transparency of ownership relations in the company of the applicant,
- c) benefits of the programme structure as proposed by the applicant for licence with regard to the existing variety in the offer of programmes of radio or television broadcasting in the territory to be covered by radio or television broadcasting,
- d) in case that the licence for television broadcasting is involved: the representation of European production (Article 42), production of independent European producers and contemporary production (Article 43) in the programme structure of television broadcasting,
- e) benefits provided by the applicant for the development of original production,
- f) in case of television broadcasting: the readiness of the applicant to provide surreptitious or open subtitles in a certain percentage of broadcast programme units intended for persons with impaired hearing,
- g) benefits provided by the applicant for the development of the culture of ethnic and other minorities in the Czech Republic.

(2) The licence may not be granted to an applicant whose licence was withdrawn or whose registration was cancelled during the past five years due to violation of law, or in case the person submitting an extract from criminal record was effectively sentenced for a wilful offence.

Article 18

Decision on granting the licence

(1) The Council shall cast vote to make its decision on granting the licence. The voting on granting the licence shall take place at Council meeting, which is closed to the public.

(2) Upon the request of its founders or of the persons authorised to submit a proposal for the entry of a juristic person with seat in the Czech Republic into the Commercial Register, it is possible to issue the decision on granting the licence prior to the entry of such a juristic person in the Commercial Register if it is documented that the juristic person has been duly founded. The authorisation to broadcast will then become effective for such a person as at the date of entry into the Commercial Register. Similar procedure shall be applied to the persons that do not have their seat in the Czech Republic.

(3) The decision on granting the licence shall contain a statement on granting the licence to one of the applicants and rejecting the applications of other applicants; furthermore, the decision shall contain a detailed explanation, including the criteria on whose basis the licence was granted to the applicant and the applications of all other participants were rejected, as well information on the instruments of appeal.

(4) The decision on granting the licence shall furthermore contain the following information:

- a) identification of licensed broadcaster,
 - b) programme identification (name),
 - c) time frame and geographical area of broadcasting and a set of technical parameters,
 - d) period, for which the licence was granted,
 - e) essential programme specification and other programme conditions,
 - f) geographical area for broadcasting in cable systems,
- (hereinafter referred to as “licence conditions”).

(5) In justified cases the Council shall decide not to grant the licence to any of the applicants.

Article 19

Decision on rejecting the licence application

Action may be brought within 30 days from the delivery of the decision on the basis of a specific legal regulation^{9b)} against the statement contained in the decision of the Council to reject an application for licence.

Article 20

Restriction and change of the geographical area of broadcasting

(1) The Council may limit the geographical area of broadcasting for a licensed broadcaster and a statutory broadcaster if such a broadcaster, upon the start of the broadcasting, has failed to carry out broadcasting activities in the given part of the territory for more than 90 days during the calendar year or who has not been using the allocated frequency effectively; the period when justified technical obstacles prevented the operator from broadcasting or from effective utilize of the frequency shall not be included into the aforementioned time frame of 90 days.

^{9b)} Article 65 *et seq.* of Act No. 150/2002, Rules of Administrative Procedure.

(2) The Council may also change the geographical extent of broadcasting if it is required by an international agreement, which is binding on the Czech Republic.

(3) In cases when it is inevitable and with the consent of the licensed broadcaster or statutory broadcaster, the Council may change the set of technical parameters of broadcasting, provided the geographical area of broadcasting will remain essentially unchanged.

(4) The Council may approve written applications of licensed broadcasters or statutory broadcasters requesting exchange of technical parameters, provided the change is not in contradiction with any international agreement which is binding on the Czech Republic or any specific law.

(5) The geographical area of broadcasting shall not be changed by any other means.

Article 21

Changes in certain parameters and changes to licence conditions

(1) Licensed broadcaster shall ask the Council in advance for written consent with any change of the following facts specified in the licence application:

- a) identification of programme name,
- b) change in the time frame and geographical area of broadcasting and in the set of technical parameters,
- c) change in the geographical area of broadcasting in cable systems,
- d) change in licence conditions,
- e) change in the amount of equity capital, in the manner of distribution of voting rights, capital contributions of the partners (including the specification of the type and financial valuation of in-kind contributions) or of the members, and in the amount of their business share, memoranda of association or foundation, statutes and lists of partners or shareholders.

(2) Changes in other facts, specified in Articles 14(1) and 14(2), except for the change in the legal form of juristic person, shall be announced to the Council by the licensed broadcaster within 15 days from the date when the changes were made.

(3) The Council shall make its decision on any change in the facts specified according to Article 1 within 60 days from the date when the application of licensed broadcaster was delivered to the Council. If the Council makes no decision within that period, it is understood that the change has been approved. The Council may only withhold its consent if the change would cause the licence not to be granted on the basis of public hearing. The reasons for withholding the consent shall correspond to the criteria specified in Article 6(1)(e). The basic programme specification may not be changed. The Council may suspend the procedure if it is necessary to eliminate faults in the application for change within the stipulated period or if a procedure relating to a preliminary matter⁹⁾ has been started. In such a case the Council shall specify in its decision on discontinuation of the procedure, which matter is concerned; all periods shall be suspended while the procedure is suspended.

(4) The licensed broadcaster shall submit the documents on approved changes to the Council within 30 days from their implementation. In case of changes that are entered in the

⁹⁾ Articles 29 and 40 of Act No. 71/1967 on administrative procedure (Code of Administrative Procedure).

Commercial Register the period shall be 30 days from the date of their entry in the Commercial Register.

(5) The Council may also change licence conditions in case when it is necessary to fulfil international obligations binding on the Czech Republic.

(6) A licensed radio broadcaster, which is a juristic person, or a partner within such juristic person, may transfer to third persons a share in the licensed radio broadcaster's company with prior consent by the Council. The consent may only be withheld if plurality of information pursuant to Articles 55 and 56 would be limited. The persons who were partners in the juristic person as at the date of issuing the decision on granting the licence shall remain holders of at least 66% of the stock or 66% of voting rights for the period of 2 years from granting the licence.

(7) A licensed television operator, which is a juristic person, or a partner within such juristic person, may transfer to third persons a share in the licensed television operator's company with prior consent by the Council. The consent may only be withheld if plurality of information pursuant to Articles 55 and 56 would be limited. The persons who were partners in the juristic person as of the day of issuing the decision on granting the licence shall remain holders of at least 66% of the stock or 66% of voting rights for the period of 2 years from granting the licence.

Article 22 Short-term licence

(1) Through its decision the Council may grant a short-term licence, including a licence for pilot broadcasting, for a period not exceeding 60 days during one calendar year. The application for short-term licence shall contain information as specified in Article 14.

(2) The Council shall decide upon granting short-term licence within 60 days after the delivery of the application.

Article 23 Reduced procedure

(1) Within the reduced procedure, based on application, without announcing licensing procedure, the Council shall make decisions on the following matters:

- a) extension of validity of the licence pursuant to Articles 12(8) to 12(12),
- b) approval of the change of legal form of the company,
- c) granting short-term licence to a single applicant.

(2) Within the framework of reduced procedure, the Council shall decide upon the applications in 60 days from their delivery at the latest.

Article 24 Expiration of licence validity

The licence shall lose validity:

- a) with expiration of the period for which it was granted,
- b) as at the date of dissolution of the juristic person to which the licence was granted,
- c) with the death of the natural person to whom the licence was granted,
- d) as of the date of finality of the Council decision on withdrawal of the licence due to the reasons specified in Article 63,
- e) as of the date of finality of a sentence whereby the licensed broadcaster, who is a physical person, was convicted of a particularly serious criminal offence or of an economic offence or of an offence against property,
- f) on the date as at which the licensed broadcaster requested for termination of broadcasting.

Article 24a

(1) Provisions of this Act relating to the set of technical parameters do not apply to terrestrial digital broadcasting.

(2) The geographical area of terrestrial digital broadcasting shall be determined by the Council in compliance with the opinion of the Czech Telecommunication Office by listing the geographical districts, or the districts of the City of Prague, entirely or partially covered by the broadcasting.

CHAPTER II

LICENSING PROCEDURE FOR THE OPERATION OF RADIO OR TELEVISION BROADCASTING DISSEMINATED THROUGH SATELLITES AND CABLE SYSTEMS

Article 25

(1) Licensing procedure for the operation of broadcasting disseminated through satellites and cable systems shall be started on the initiative of the licence applicant. The licence applicant is the only participant in the procedure.

(2) Besides the requirements determined in Article 14 above, the licence application shall also contain the following documents:

- a) written consent, issued by the person authorised to operate cable networks pursuant to a specific legal regulation, with placing the licence applicant's programme in the cable network, if the programme is planned to be broadcast through the cable network and if the participant in the procedure has no authorisation to build and operate a cable network,
- b) information on the countries where it is possible to receive the programme and the specification of the satellite, if the programme is planned to be broadcast via satellite.

(3) Within a period of 30 days from the date of start of the licensing procedure, the Council shall order verbal discussion with the participant in licensing procedure, wherein the participant shall propose the programme structure. The verbal discussion shall be recorded in minutes from verbal discussion.

(4) The decision on granting the licence shall contain the statement on granting the licence, explanation and information on the instruments of appeal.

(5) The Council may only refuse to grant the licence to an applicant if the applicant does not fulfil the conditions pursuant to Article 13(3) or if the proposed programme structure does not meet the requirements pursuant to Articles 31 and 32(1).

PART FOUR REGISTRATION

Article 26 Registration of retransmission

(1) Registration of an operator that carries out retransmission along a cable system or via satellites shall authorise the operator to disseminate retransmission along a cable system or via satellite.

(2) There shall be a legal right to claim the registration if the conditions specified in Article 27 are fulfilled.

(3) The registration shall commence as at the date when the Council decision on registration becomes effective.

Article 27 Application for registration

(1) The application for registration shall be submitted at least 60 days prior to the planned start of retransmission at the latest.

(2) The application for registration shall contain the data specified in Article 14(1) except Clauses (g) and (h), and shall also include the way in which the broadcasting is to be secured in technical, organisational and financial terms, information on the programmes planned to be disseminated by the applicant, and, possibly, also the planned distribution of channels and technical specifications of cable system.

Article 28 Provisions on the registration procedure

(1) The registration procedure shall commence once the written application is delivered to the Council. If the application fails to contain all information required pursuant to Article 27(2) or if the information is incomplete, the Council shall immediately (at the latest 15 days from the delivery of the application) grant the applicant a period to correct the faults.

(2) The Council shall reject registration in the case the faults of the application are not corrected within the period granted.

(3) The Council shall decide upon the application for registration within 30 days from the date of its delivery. If the Council does not decide upon the application for registration within the period specified in the preceding sentence, the applicant shall be registered as at the date immediately following the date of expiry of the specified period; the Council shall issue a certificate for the applicant verifying this fact.

(4) The Council shall reject the application for registration in the following cases:

- a) a licence has been withdrawn from the applicant or the applicant's registration has been cancelled due to violation of law during the period of past five years,
- b) the person who submits an extract from criminal record was effectively sentenced for a wilful offence, or
- c) it results from the application that through the retransmission, legal regulations would be infringed.

Article 29 Change in registration

(1) The retransmission broadcaster shall report to the Council in advance any changes in the following facts, specified in the application for registration:

- a) capital contributions of individual partners, amounts of their business shares and the system of distribution of voting rights,
- b) list of shareholders (partners),
- c) change in programme offer,
- d) geographical area of broadcasting.

(2) A change may only be carried out after its registration by the Council.

(3) Changes in other facts specified in the application for registration shall be announced by the retransmission broadcaster to the Council within 15 days from the date when the changes occurred.

(4) The provisions of Articles 28(1) to 28(3) shall apply in a similar way.

Article 30 Expiry of registration validity

The registration shall expire:

- a) as at the day of dissolution of the juristic person which was registered,
- b) with to the death of the natural person who was registered,
- c) with the Council's decision on cancellation of registration due to the reasons specified in Article 64,
- d) by cancellation of registration upon the request of the retransmission broadcaster,
- e) as at the effective date of the sentence, whereby the retransmission broadcaster was effectively convicted of a particularly serious criminal offence or of an economic offence or of an offence against property.

PART FIVE
RIGHTS AND DUTIES OF BROADCASTERS AND RETRANSMISSION
BROADCASTERS

CHAPTER I
RIGHTS AND DUTIES IN PROGRAMME BROADCASTING

Article 31
Programme contents

(1) The broadcaster and retransmission broadcaster shall be entitled to broadcast programmes in a free and independent manner. Any intervention in the contents of the programmes is only admissible on the basis of law and within the limits thereof.

(2) The broadcaster shall provide objective and balanced information as needed for opinions to be freely formed. Any opinions or evaluating commentaries shall be separated from information having the nature of news.

(3) The broadcaster shall ensure that principles of objectivity and equilibrium are complied with in news and political programme units and that, in particular, no one-sided advantage is - within the broadcast programme as a whole - given to any political party or movement, or to their views, or the views of any groups of the public, taking account of their real position within the political and social life.

(4) The statutory broadcaster shall prepare its programme structure so as to provide, in its broadcasting, a well-balanced portfolio offered to all the population with respect to their age, gender, colour of the skin, faith, religion, political or other opinions, ethnic, national or social origin, and membership of a minority.

Article 32
Basic duties of broadcasters and retransmission broadcasters

- (1) The broadcaster shall
- a) operate the broadcasting in its own name, for its own account and at its own responsibility, and bear responsibility for the contents of the programme units,
 - b) ensure that the broadcast programme units do not promote war or show brutal or otherwise inhumane behaviour in a manner which would involve its trivialisation, apology or approval,
 - c) ensure that the broadcast programme units do not arouse hatred for reasons relating to race, gender, religion, nationality or membership of a certain group of the population,
 - d) ensure that the broadcast programme units do not contain subliminal communications,
 - e) not include in the broadcasting any programme units that may seriously affect the physical, mental or moral development of minors by, in particular, involving pornography and gross violence as an end itself,
 - f) avoid showing, without justification, dying people or people exposed to heavy physical or mental torture, doing so in a manner detrimental to human dignity,

- g) avoid including in the programme during the period of 06,00 h to 22,00 h any programme units and announcements which might endanger the physical, mental or moral development of minors,
- h) ensure that the radio and television broadcasting of any programme unit to which the restriction referred to under letter g) above applies is immediately preceded by a verbal warning of the unsuitability of the programme unit for minors and that any programme unit that might endanger the physical, mental or moral development of minors should be labelled, in the case of television broadcasting, with a pictorial symbol warning of the unsuitability of the programme unit for minors; such a symbol shall remain on the screen throughout the time of broadcasting,
- i) in urgent public interest, if so requested by the State authorities and the local public administration authorities, provide such authorities with the broadcasting time needed for important and urgent announcements to promulgate the state of emergency or state of threat to the State, or to proclaim the state of war, or announce measures to protect public health; responsibility for the contents shall be borne by those who requested the broadcasting time to be provided,
- j) maintain records of all programme units for a period not shorter than 30 days from the date of broadcasting and make them available to the Council; the broadcaster shall be entitled to compensation, by the Council, for the necessary costs incurred to meet this duty,
- k) if as a result of the broadcasting of a certain programme unit the Council or any other body of the State initiated administrative procedure for the imposition of a penalty in compliance herewith or with a specific legal regulation, or initiated criminal procedure or civil procedure, the broadcaster shall, if so requested by an appropriate State body, maintain the record to which the procedure applies, the record being so maintained at a good technical quality until such a procedure is terminated by an effective decision,
- l) indicate the mark of the television programme (logo) in television broadcasting, except for the broadcasting of advertising and teleshopping,
- m) identify the radio programme at least once in an hour, provided that such identification does not affect the coherence of the programme unit being broadcast,
- n) notify the Council of any technical obstacles which hinder the broadcasting,
- o) ask the Council in advance to provide its consent to any interruption of broadcasting for any reason other than shown under in Article 31(1)(n).

(2) Any nation-wide licensed television broadcaster shall provide surreptitious or open captions for the deaf in at least 15% of the programme units it broadcasts, and any nation-wide statutory television broadcaster shall provide surreptitious or open captions for the deaf in at least 70% of the programme units it broadcasts, unless otherwise provided in a special Act.

(3) The retransmission broadcaster shall not be entitled to disseminate any programme that contains:

- a) any programme units as are broadcast in contradiction with the provisions of Article 31 (1)(b,c,e,f) above,
- b) any programme units as might endanger the physical, mental or moral development of minors, if broadcast in contradiction with the provisions of Article 32(1)(g,h) above.

Article 33 Obligations of the broadcaster

in respect of the broadcasting of events of major importance for society

(1) A television broadcaster may not exercise any exclusive rights in respect of the broadcasting of any event of a major importance for society in a manner that would deprive a substantial part of the public in the Czech Republic of the possibility of following that event via live coverage or via deferred coverage in nation-wide television broadcasting in non-encrypted form without any special charge.

(2) If an event of a major importance for society is - because of its nature - broadcast both live and via deferred coverage, then such a broadcasting shall represent a purposefully arranged and coherent whole. Broadcasting of an event of a major importance for society via deferred coverage may only take place if there simultaneously is a live coverage of another event for which the broadcasting of the record of the deferred coverage had to be delayed.

(3) The event of major importance for society shall be any event on the List of Events of Major Importance for Society which is set out by a Decree of the Ministry of Culture ("Ministry" hereinafter) upon consultation with the Council.

(4) Also treated as an event of major importance for society shall be any event declared as an event of major importance for society by any of the Member States of the European Communities and announced as such in the European Communities Official Journal. The television broadcaster may not exercise exclusive rights in respect of the broadcasting of any event of a major importance for society announced in the Official Journal of the European Communities in a manner which would, in contradiction with the legal regulations of the Member State of the European Communities where such an event was declared to be of a major importance for society, deprive a substantial part of the public in that Member State of the possibility to follow that event via live coverage or via deferred coverage on a freely accessible television channel. The list of events of a major importance for society, as made public in the Official Journal of the European Communities, shall be made available in a manner allowing for remote access.

(5) Also treated as an event of major importance for society shall be any event declared as an event of major importance for society by any of the Member States of the Council of Europe and publicly announced as such in the determined manner on the basis of an international treaty by an appropriate body of the Council of Europe ("Event Published by a Body of the Council of Europe"). The television broadcaster may not exercise exclusive rights in respect of the broadcasting of any event published by the body of the Council of Europe in a manner which would, in contradiction with the legal regulations of the Member State of the Council of Europe where such an event was declared to be of a major importance for society, make it impossible for a substantial part of the public in that Member State to follow that event via live coverage or via deferred coverage on free television. The List of Events of a Major Importance for Society, as made public by an appropriate body of the Council of Europe, shall be made available by the Council in a manner allowing for remote access.

Article 34

The Broadcasting of Brief Information

(1) The television broadcaster possesses the right to broadcast - as part of a regular

news programme unit - brief topical information on any event of increased public interest though exclusive broadcasting rights in relation to such an event may be held by another television broadcaster, provided, however, that such an event is publicly accessible. The total time of broadcasting of such brief information on any such event shall not exceed 3 minutes daily.

(2) The television broadcaster which exercises, in the Czech Republic, exclusive rights in respect of any event referred to in Section 34(1) shall provide a recording of such an event to the television broadcasters who were not allowed to be present at the site of the event for reasons of danger to public security or public order or to undisturbed course of the event, or for technical reasons or for reasons of lack of space on the organiser's side, and shall do so without undue delay against reimbursement for the costs relating to the copying of the record of the event.

CHAPTER II PROTECTION OF PERSONS AFFECTED BY THE CONTENTS OF RADIO OR TELEVISION BROADCASTING

Article 35 The Right of Reply

(1) If any announcement containing any factual information affecting the honour, dignity or privacy of a natural person or the good name or reputation of any juristic person was made public in radio or television broadcasting, then such a natural person or juristic person shall have the right to request that a response be transmitted by the radio or television broadcaster. The radio or television broadcaster shall transmit such a reply upon such a natural person's or juristic person's request.

(2) The reply shall be limited to a factual assertion through which any assertion referred to in Article 35(1) above is rectified or through which any incomplete or otherwise distorting assertion is complemented or put more precisely. The reply shall be adequate to the extent of the announcement concerned; in the event that the reply only applies to part of such an announcement the reply shall be adequate to the extent of such a part. The reply shall also indicate by whom the reply is made.

(3) The natural person or juristic person upon whose request the radio or television broadcaster transmitted a reply in accordance herewith may not request that a further reply to such a reply be made public.

(4) Upon the death of the natural person concerned, the right referred to in Article 35(1) above shall be held by such a person's spouse and minors and, if there are no spouse and minors, then such a right shall be held by such a person's parents.

(5) Provisions of a special regulation on the protection of personality and on the protection of good name or reputation of juristic person shall remain unaffected by the provisions referred to Sections 35(1) to (4).

Article 36

Additional announcement

(1) If the radio or television broadcasting makes public any announcement of criminal proceedings or proceedings in respect of petty offences which proceedings were taken against a natural person, or proceedings in respect of administrative tort which proceedings were taken against a natural person or juristic person, whereby the natural person or juristic person can be identified from such proceedings, and if such an action or proceedings have not been terminated by an effective decision, then such a person shall have the right to request that information on the result of such proceedings be transmitted as an additional announcement by the broadcaster. The broadcaster shall transmit information on such an effective decision as additional announcement upon such a person's request.

(2) Upon the death of the natural person concerned, the right referred to in Article 36(1) above shall be possessed by such a person's spouse and minors and, if there are no spouse or minors, then such a right shall be possessed by such a person's parents.

(3) Provisions of a special regulation on the protection of personality and on the protection of good name or reputation of juristic persons shall remain unaffected by the provisions referred to in Articles 36(1) and 36(2) above.

Article 37

Submission of the application to transmit a reply and additional announcement and the requisites thereof

(1) The application to transmit a reply and additional announcement shall be made in writing.

(2) The application to transmit a reply shall clearly indicate what in the transmitted announcement was the actual information affecting the honour, dignity or privacy of the natural person or the good name or reputation of the juristic person. Such an application shall also contain the proposed wording of the reply or additional announcement.

(3) The application to transmit a reply shall be delivered to the broadcaster no later than 30 days of the date on which the challenged announcement was made public in radio or television broadcasting, otherwise the right to the transmitting of the reply shall lapse.

(4) The application to transmit an additional announcement shall be delivered to the radio or television broadcaster no later than 30 days of the effective date of the decision by which the proceedings were effectively terminated, otherwise the right to the transmitting of the additional announcement shall lapse. In the event that the effective decision was cancelled the above provision shall apply *mutatis mutandis*.

Article 38

Conditions of the transmission of a response and additional announcement

- (1) A reply or additional announcement shall be made public by the broadcaster
- a) in the same programme unit in which the challenged announcement was made public and if that is not possible, then in a broadcasting time of the same value as that at which the challenged announcement was made public. In terms of form the new

announcement shall be on a par with, and in terms of extent it should be adequate to, the challenged announcement,

- b) with express indication of “Response” or “Additional Announcement”,
- c) at the broadcaster’s own expenses,
- d) in the same language in which the challenged announcement was transmitted,
- e) with indication of the name and surname of the natural person or name of the juristic person who or which applied for the reply or additional announcement to be transmitted, if such a person so requests.

(2) The broadcaster shall transmit such reply or additional announcement within 8 days after the delivery of the application for transmission of such a reply or additional announcement.

(3) In the event that the broadcaster’s radio and television broadcasting authorisation terminates, such a broadcaster shall, at its expense and under conditions laid down herein, provide the transmission of the reply or additional announcement in another broadcaster’s radio or television broadcasting covering a similar number of listeners or viewers in the same region in which the challenged announcement was made public.

Article 39

Enforcement through a court of the right to the transmission of a reply and additional announcement

(1) If the broadcaster fails to transmit a reply or additional announcement or if the broadcaster fails to meet the conditions of transmitting the reply or additional announcement as referred to in Article 38 above, then a Court shall decide on the obligation to transmit such a reply or additional announcement, doing so upon proposal submitted by the person who asked for such a reply or additional announcement to be transmitted.

(2) Such a proposal shall be lodged with the Court no later than 15 days upon expiry of the period required for the publication of the reply or additional announcement, otherwise the entitlement to enforce the publication of a reply or additional announcement through the Court shall lapse.

Article 40

Exceptions to the duty to transmit response and additional announcement

- (1) The broadcaster shall not be obliged to transmit a reply or additional announcement if
- a) the transmission of the proposed text would involve the commitment of a criminal act or administrative tort,
 - b) the transmission of the proposed text would involve immoral offence,
 - c) the challenged communication or part thereof is quoted from a third party’s communication intended for the public, or is a true interpretation thereof, and was marked or presented as such.

(2) The broadcaster shall not be obliged to transmit a reply if the application for the transmission of the reply challenges a text transmitted on the basis of a conclusive prior consent of the person who submits such an application.

(3) The broadcaster shall not be obliged to transmit an additional announcement if prior to the delivery to such a broadcaster of the request for publication of such an additional announcement such a broadcaster had made public, upon its own initiative, an announcement corresponding to the additional announcement, provided that the conditions laid down herein were met.

Article 41

Protection of the information source and contents

(1) Any natural person or juristic person who/which took part in obtaining or processing the information transmitted or to be transmitted in the radio or television broadcasting shall have the right to deny disclosure of the origin of such information or the contents thereof to the court or any other State authority or public administration authority.

(2) Any natural person or juristic person who/which took part in obtaining or processing the information transmitted or to be transmitted in radio or television broadcasting shall have the right to deny submission or delivery, to the court or another State authority or public administration authority, of any items from which the origin or contents of such information might be derived.

(3) The obligations laid down in a special legal regulation and requiring not to indulge offenders and to prevent or report criminal offence shall remain unaffected by the rights referred to in Articles 41(1) and 41(2) above, and so shall remain, in relation to such obligations laid down in a special legal regulation, any obligations as may be prescribed in the penal proceedings.

CHAPTER III

PROMOTION OF EUROPEAN PRODUCTION AND INDEPENDENT EUROPEAN PRODUCTION

Article 42

The television broadcaster shall, where possible, reserve more than a half of the total broadcasting time of each channel to European production. The total broadcasting time on the basis of which the proportion of European works is determined shall not be deemed to include the time of broadcasting news and reporting programme units, sports events, contests, teletext, advertising and teleshopping.

Article 43

(1) The television broadcaster shall, where possible, reserve at least 10% of the total broadcasting time of each channel to European works produced by independent producers. The total broadcasting time on the basis of which the proportion of European works produced

by independent producers is determined shall not be deemed to include the time of broadcasting news and reporting programme units, sports events, contests, teletext, advertising and teleshopping.

(2) The obligation referred to in Article 43(1) above shall be deemed to be met if the television broadcaster incurs at least 10% of its programming budget in the production or purchase of European works created by independent producers.

(3) Treated as an independent producer shall be any juristic person or natural person which or who is not a television broadcaster or whose deliveries of works to a single television broadcaster do not exceed 90% of its total production over 3 years.

Article 44

(1) Where possible, the television broadcaster shall ensure that the broadcasting of the works first made public less than 5 years ago represents at least 10% of the broadcasting time reserved for the broadcasting of European works produced by independent producers.

(2) The television broadcaster which meets the obligations in respect of promotion of European independent production in accordance with the provisions of Article 43(2) by incurring at least 10% of its programme budget in the production and purchase of European works created by independent producers shall spend at least 10% of such an amount on works which were first made public 5 years ago or sooner.

Article 45

(1) The obligations of the television broadcaster set out in Articles 42 to 44 hereof shall not apply to the operators of

- a) local broadcasting not involved in nation-wide television network,
- b) programme broadcast exclusively in a language other than Czech or in a language other than any of the languages of the Member States of the European Communities; however, if only a substantial part of the programme is broadcast in a language other than Czech or in a language other than any of the languages of the Member States of the European Communities, then the non-applicability of the duties of the television broadcaster laid down in Articles 42 to 44 shall only relate to such a substantial part.

(2) The obligations of the television broadcaster set out in Articles 42 to 44 hereof shall not apply to television broadcasters whose broadcasting is intended exclusively for reception outside the Czech Republic and outside the territory of the Member States of the European Communities, which television broadcasting is not directly or indirectly received by the public in the Czech Republic or in any of the Member States of the European Communities.

Article 46 European works

- (1) Treated as European works for the purposes hereof shall be
- a) works originating in the Member States of the European Communities,

- b) works originating from European states which are not Member States of the European Communities but are parties to Council of Europe's European Transborder Television Convention, and meeting the conditions specified in Article 46(2) below,
- c) works originating from European states not referred to in Articles 46(1)(a) and (b) above, meeting the conditions specified in Article 46(3) below,
- d) works originating from the Czech Republic.

Provisions in Articles 47(1)(b) and (c) may only be applied unless measures discriminating against works originating from the Member States of the European Communities are in force in the European states concerned.

(2) Works referred to in Article 46(1)(a) or (b) shall be deemed to include works mainly made with authors and workers having permanent residence in one or more States indicated in Article 46(1)(a) or (b), provided that

- a) such works were created by one or more producers established in one or more such States,
- b) the production of the works is supervised and actually controlled by the producer or several producers established in one or more such States, or
- c) the contribution of co-producers from such States to the total co-production costs prevails and the co-production is not controlled by one or more producers established outside the territory of such States.

(3) The works referred to in Article 46(1)(c) shall be understood to be works created by producers established in one or more European States with which the European Communities have entered into agreements in the audio/video area provided that such works are mainly made with authors and workers residing in one or more European States. Such works shall also include the works produced by such producers within co-production schemes with producers established in one or more Member States of the European Communities.

(4) Works that are not European works within the meaning of Article 46(1) but were produced under bilateral co-production agreements concluded between the European Communities Member States and the European States which are not Member States of the European Communities shall be deemed to be European works provided that co-producers from the European Communities Member States supply a majority share of the total costs of production and provided also that their production is not controlled by one or more producers established outside the territory of the European Communities Member States.

(5) Works that are not European works within the meaning of Article 46(1) and 46(4) but were produced mainly with authors and workers residing in one or more Member States of the European Communities shall be considered to be European works to the extent corresponding to the proportion of the contribution of co-producers from the Member States of the European Communities to the total costs of production of such works.

Article 47

Monitoring the promotion of European production and European independent and contemporary production

(1) The Council shall supervise the discharge of the duties as referred to in Articles 42 to 44 hereof. For each period of such supervision, the television broadcaster shall submit to

the Council

- a) information on the number and length of the European works being broadcast, including identification thereof and their producers,
- b) information on the number and length of the broadcast European works created by independent producers, including identification of such works and their producers, and/or documents to prove that such a television broadcaster spent at least 10% of its programming budget on the production or purchase of European works created by independent producers, including identification of the producers of such works,
- c) lists of the broadcast European works created by independent producers which were produced 5 years ago or sooner.

(2) If it follows from the information submitted to the Council in accordance with the provisions of Article 47(1) that the obligations referred to in Articles 42 to 44 were not fulfilled during the period of supervision, the television broadcaster shall inform the Council about the reasons why the said obligations were not fulfilled.

(3) The period of supervision (monitoring) for the purposes of Articles 47(1) and 47(2) above shall be one calendar year.

(4) The Ministry may request the Council to provide the Ministry with any information as may be needed to discharge obligations following for the Czech Republic from an international agreement and/or from the Czech Republic's membership of international organisations. The Council shall provide the Ministry with any such information.

CHAPTER IV ADVERTISING, TEleshopping AND SPONSORING OF PROGRAMME UNITS

Article 48

The duties of broadcasters in respect of the broadcasting of advertising and teleshopping

- (1) Broadcasters may not include in the broadcasting
- a) advertising and teleshopping that encourage conduct which endangers morality, customer interests or interests relating to health, safety or environment protection,
 - b) advertising and teleshopping which are intended for minors or in which minors appear, insofar as such advertising and teleshopping encourage conduct which endangers minors' physical, mental or moral development,
 - c) advertising and teleshopping in which newscasters, moderators or editors of news and political programme units appear,
 - d) religious and atheist advertisements and teleshopping and political parties' and movements' advertisements and teleshopping, including those of independent candidates standing for the posts of deputies, senators or members of a city or local council or council of a higher-level self-government unit, unless otherwise provided in a special act,
 - e) advertising and teleshopping concerning therapeutic preparations and medical products the issue of which is bound to medical prescription in the Czech Republic,
 - f) advertising and teleshopping in respect of tobacco and the products thereof,
 - g) surreptitious, deceptive and subliminal advertising and deceptive teleshopping,
 - h) advertising and teleshopping containing subliminal communication,
 - i) advertising and teleshopping affecting the respect to human dignity,

- j) advertising and teleshopping which challenges faith and religion, or political or other convictions,
- k) advertising and teleshopping, which involves discrimination with respect to gender, race, colour of the skin, language, national or social origin, or membership of a national or ethnic minority.

(2) When broadcasting advertising, television broadcasters may not

- a) directly exhort minors to buy a certain product or service by exploiting their inexperience or credulity,
- b) directly encourage minors to persuade their parents or any other person to buy the goods or services being advertised,
- c) make use of minors' specific trust to their parents or other persons,
- d) gratuitously show minors in dangerous situations.

(3) The television broadcaster shall ensure that teleshopping is in compliance with the requirements referred to in Article 48(2) and that teleshopping does not exhort minors to contract for the sale or rental of goods and services.

(4) The television broadcaster shall ensure that

- a) advertising and teleshopping are recognisable from any other parts of the programme structure and are clearly separated therefrom by acoustic means in the case of a radio broadcaster and by acoustic or combined acoustic/optical means in the case of a television broadcaster,
- b) advertising and teleshopping spots are always broadcast in blocks between individual programme units; isolated advertising and teleshopping spots may be included in broadcasting only exceptionally; this shall not apply to radio broadcasting,
- c) advertising and teleshopping in respect of erotic services and products are not included in broadcasting during the period of 06,00 h and 22,00 h,
- d) advertising and teleshopping do not immediately precede or follow the broadcasting of liturgical services.

(5) The advertiser who/which ordered the advertising and teleshopping shall be responsible for the truthfulness of the information contained in the advertising and teleshopping; the broadcaster shall be so responsible if the advertiser who/which ordered advertising and teleshopping cannot be identified.

(6) The broadcaster shall eliminate any influence that might be exerted on the contents of the programme units by the advertiser who/which ordered the advertising or the teleshopping.

Article 49

Duties in respect of the inclusion of advertising and teleshopping in the programme

(1) The television broadcaster may include advertising and teleshopping spots in programme units consisting of separate parts, or in sports programme units, or in other similarly structured programme units, or those containing intervals, but may only do so between such separate parts or in such intervals.

(2) The licensed television broadcaster may, under the conditions described in Articles 49(3) and (4), interrupt television broadcasting by advertising and teleshopping spots unless such interruptions affect the coherence and worth of the programme units; doing so, the licensed television broadcaster must respect the nature, duration and internal structure of the programme unit; doing so, the licensed television broadcaster may not infringe on the rights of the owners of the programme units which rights were vested in such owners according to a special law.

(3) The licensed television broadcaster may interrupt by advertising and teleshopping spots the broadcasting of audiovisual works such as feature films and television films (excluding series, light entertainment and documentaries) where their scheduled duration is longer than 45 minutes, and may not do so more frequently than once in 45 minutes. A further interruption is only admissible where their scheduled duration is at least 20 minutes longer than two or more 45minute periods of time, provided however, that a period of at least 20 minutes must have always elapsed between any two successive interruptions of such a programme unit by advertising or teleshopping spots.

(4) The licensed television broadcaster may only interrupt by advertising or teleshopping spots the broadcasting of programme units to which the provisions of Article 49(3) do not apply where the scheduled duration of the programme unit is longer than 30 minutes, but may not do so more frequently than once in 30 minutes, provided that a period of at least 20 minutes must have elapsed between any two successive interruptions of the programme unit by advertising or teleshopping spots.

(5) News and political programme units, documentaries and religious programme units, and programme units for minors broadcast by the licensed broadcasters may not be interrupted advertising or teleshopping, unless their scheduled duration is longer than 30 minutes.

(6) Advertising and teleshopping shall not interrupt liturgical services.

(7) The scheduled duration of the programme unit as referred to in the previous paragraphs shall be deemed to comprise the included advertising and teleshopping and the announcement of the broadcast.

Article 50

The time volume of advertising and teleshopping in television broadcasting

(1) For the statutory television broadcaster, the time reserved to advertising shall not exceed 1% of the daily broadcasting time; the television statutory broadcaster may increase this proportion up to 10% of the daily broadcasting time by the broadcasting of teleshopping. For the statutory broadcaster, the broadcasting of advertising and teleshopping spots shall not exceed 6 minutes in one hour of broadcasting during the period of 19.00 h to 22.00 h.

(2) For the licensed television broadcaster the time reserved to advertising shall not exceed 15% of the daily broadcasting time; the licensed television broadcaster may increase this proportion up to 20% of the daily broadcasting time by the broadcasting of teleshopping spots.

(3) During each hour of television broadcasting by a broadcaster the time reserved to advertising and teleshopping spots shall not exceed 12 minutes.

(4) The time of the broadcasting of teletext shall not be deemed to belong in the broadcasting time for the purposes of the provisions under Article 50(1) to (3).

(5) Announcements given by a television broadcaster in respect of such a broadcaster's own programme units and the goods and services derived from such programme units, as well as announcements broadcast free of charge in public interest and for public benefit, shall not be deemed to be subject to the time restriction of advertising in broadcasting as referred to in the preceding paragraphs.

(6) Coherent teleshopping programme units shall last at least 15 minutes without interruption. In a programme not focused exclusively on teleshopping the licensed television broadcaster may broadcast such coherent teleshopping programme units beyond the time restrictions on advertising and teleshopping spots as laid down in Articles 50(2) and 50(3).

(7) During one day the licensed television broadcaster may broadcast 8 coherent teleshopping programme units at the maximum but the aggregate duration of such coherent teleshopping programme units during the day shall not be longer than 3 hours. The individual coherent teleshopping programme units must have a clear acoustic and optical marking and at least 15 minutes must elapse between the broadcasting of any two successive coherent teleshopping programme units.

Article 51

The time volume of advertising and teleshopping in radio broadcasting

(1) For the statutory radio broadcaster the time reserved for advertising and teleshopping shall not exceed 3 minutes of the daily broadcasting time on a nation-wide broadcasting circuit and 5 minutes of the daily broadcasting time on a local broadcasting circuit.

(2) For other broadcasters the time reserved for advertising and teleshopping shall not exceed 25% of the daily broadcasting time.

(3) The time reserved for advertising and teleshopping which the statutory radio broadcaster failed to spend within any one of its channels may not be used for the broadcasting of advertising and teleshopping beyond the scope defined by the restrictions on advertising and teleshopping broadcasting on any other channel of the same broadcaster.

(4) The announcements given by the radio broadcaster in respect of such a broadcaster's own programme units and the goods and services derived from such programme units, as well as announcements broadcast free of charge in public interest and for public benefit, including also charity announcements, shall not be deemed to be subject to the time restriction of advertising in broadcasting as referred to in the preceding paragraphs.

Article 52

Special provisions on advertising and teleshopping in respect of alcoholic beverages

- Advertising and teleshopping in respect of alcoholic beverages shall not
- a) be specially focused on minors or depict minors drinking alcohol beverages,
 - b) link the consumption of alcohol to enhanced physical performance or to driving,
 - c) create the impression that the consumption of alcohol contributes to social or sexual success,
 - d) assert that alcohol has therapeutic qualities or a stimulating or sedative action or is a means to resolve personal conflicts,
 - e) encourage immoderate consumption of alcoholic beverages or present abstinence or moderation in an unfavourable light,
 - f) emphasise a high content of alcohol as a positive quality of the beverage.

Article 53
Obligations of broadcasters
in respect of the broadcasting of sponsored programme units

(1) The broadcaster shall mark any partially or fully sponsored programme unit by the trade name, visual symbol (logo), trade mark or brand name of the sponsor's services specifically at the beginning or at the end of such a programme unit.

(2) News and political programme units and reporting programme units may not be sponsored; the only exception are programme units of separate service information including especially weather forecasts, traffic situation, time in sports programme units and exact time information.

(3) Programme units may not be sponsored by persons whose key activity is the production or sale of tobacco or tobacco products¹¹⁾.

(4) The broadcaster shall ensure that the contents and scheduling of inclusion of a sponsored programme unit cannot be influenced by the sponsor.

(5) The broadcaster shall ensure that the contents of sponsored programme units do not promote the sale, purchase or lease of the products or services of the sponsor or any third party through, in particular, specially mentioning such products in such programme units.

CHAPTER V
SPECIAL AUTHORISATIONS AND DUTIES OF BROADCASTERS AND
RETRANSMISSION BROADCASTERS IN THE CABLE SYSTEM

Article 54
Provision of local broadcasting and the compulsory minimum programme offer

(1) The licensed broadcaster in the cable system and the retransmission broadcaster in the cable system shall - if so requested by the municipality or voluntary association of municipalities - reserve one channel for an unpaid local information system serving

¹¹⁾ Article 2(v) of Act No. 110/1997, on foodstuffs and tobacco products and on amendment to certain related acts, as amended in Act No. 166/1999, Act No. 119/2000, Act No. 306/2000 and Act No. 146/2002.

exclusively for the purposes of the local community; without the consent of the licensed broadcaster and the retransmission broadcaster, such a channel must not be used for advertising and teleshopping purposes.

(2) In providing the minimum programme offer, the retransmission broadcaster in the cable system shall ensure that the programme offer includes terrestrial and non-encoded broadcasting of all nation-wide channels of statutory broadcasters and all nation-wide licensed broadcasters, including also local broadcasting on frequencies shared with a licensed nation-wide broadcaster, except programmes broadcast only in the digital manner.

(3) The statutory broadcaster, the nation-wide licensed broadcaster and the local broadcaster on frequencies shared with a licensed nation-wide broadcaster shall provide their programmes free of charge to the retransmission broadcaster. The retransmission broadcaster shall include such programmes free of charge within its minimum programme offer.

PART SIX

THE SECURING OF THE PLURALITY OF INFORMATION IN RADIO BROADCASTING AND TELEVISION BROADCASTING

Article 55

The securing of plurality of information in nation-wide radio and television broadcasting

(1) No single juristic person, nor any single natural person, may be a holder of more than one licence for nation-wide television broadcasting.

(2) No single juristic person, nor any single natural person, may be a holder of more than one licence for nation-wide radio broadcasting.

(3) No nation-wide radio broadcaster may possess any ownership interest in the business of any other nation-wide radio broadcaster.

(4) No nation-wide television broadcaster may possess any ownership interest in the business of any other nation-wide television broadcaster.

(5) No nation-wide statutory television broadcaster may consolidate with any other nation-wide television broadcaster, such a consolidation being based on the fact that their statutory bodies or members of statutory bodies are the same persons or related parties, or are partners in the same business entity or are related parties.

(6) No nation-wide statutory radio broadcaster may consolidate with any other nation-wide radio broadcaster, such a consolidation being based on the fact that their statutory bodies or members of statutory bodies are the same persons or related parties, or are partners in the same business entity or are related parties.

(7) No nation-wide television broadcaster may consolidate with any other nation-wide television broadcaster in any other manner (Article 58).

(8) No nation-wide radio broadcaster may consolidate with any other nation-wide radio broadcaster in any other manner (Article 58).

(9) Duties referred to in Articles 55(1) and 55(2) shall not apply to digital broadcasting and to radio and television broadcasting disseminated over cable systems and via satellites.

(10) Provisions in Articles 55(7) and 55(8) shall not apply to persons involved in the canvassing and sale of advertising services, sponsorship- and teleshopping-related services, market surveying services and services relating to the purchase of programme units, except news programme units.

Article 56

The securing of plurality of information in local radio and television broadcasting

(1) If any single juristic person or any single natural person is a holder of more licences to operate radio broadcasting other than nation-wide radio broadcasting, or to operate television broadcasting other than nation-wide television broadcasting, then the total coverage of the Czech Republic by such a juristic person's or natural person's broadcasting, counted as the sum of all such licences for the operation of radio broadcasting other than nation-wide radio broadcasting or the sum of all such licences for the operation of television broadcasting other than nation-wide television broadcasting, shall not exceed 70% of the total number of population of the Czech Republic, based on information from the last population census.

(2) Any single juristic person or any single natural person may only hold an ownership interest in the business of more than one operator of radio broadcasting other than nation-wide radio broadcasting or in the business of more than one operator of television broadcasting other than nation-wide television broadcasting insofar as the total coverage of the population of the Czech Republic by the broadcasting of all operators of radio broadcasting other than nation-wide radio broadcasting or all operators of television broadcasting other than nation-wide television broadcasting in whose businesses such a legal or natural person has an interest remains under or at 70% of the total population of the Czech Republic, counted on the basis of the information from the last population census.

(3) The duties referred to in Articles 56(1) and 56(2) shall not apply to digital broadcasting and to radio and television broadcasting disseminated over cable systems or via satellites.

Article 57

Formation of programme networks

No programme network may cover by radio or TV broadcasting more than 70% of the total population of the Czech Republic, counted on the basis of the information from the last population census.

Article 58

Consolidation of broadcasters or retransmission broadcasters

(1) The broadcaster or retransmission broadcaster shall notify the Council about any of the following circumstances:

- a) radio broadcasters consolidated and television broadcasters consolidated, such a consolidation taking the form of merger of two juristic persons or sale of the undertaking or a substantial part thereof;
- b) a consolidation occurred between radio broadcasters and between television broadcasters wherein
 - 1. their statutory bodies or members of statutory or other bodies, or employees under direct management authority of such a statutory body or member thereof or under direct management authority of the managing clerk, are identical natural persons or persons who are related parties,
 - 2. they run a joint business on the basis of a partnership deed, or
 - 3. are related parties;
- c) a consolidation of radio broadcasters occurred whereby one juristic person or one natural person exerts a substantial influence on two or more radio broadcasters;
- d) a consolidation of television broadcasters occurred whereby one juristic person or one natural person exerts a substantial influence on two or more television broadcasters.

(2) A juristic person or natural person shall be regarded as having a substantial influence on a broadcaster insofar as

- a) it possesses, directly or indirectly, a share of voting rights greater than 34%; indirect holding means holding through a controlled party,
- b) it makes decisions regarding the majority of employees of the broadcaster who are under the direct managing authority of the statutory body or a member thereof, or makes decisions on the persons that provide, on the basis of a mandate agreement or any other agreement, significant administrative, managing or trading activities for the broadcaster,
- c) it has opportunities to exercise controlling influence on the management of the broadcaster upon the basis of a contract, a special provision in the Statutes, Articles of Partnership or Founder's Deed or agreement with persons who are partners to or shareholders of the broadcaster regardless of the validity or non-validity of such an agreement.

(3) Duties specified in Articles 56 and 57 shall not apply to statutory broadcasters or broadcasters possessing a short-term licence.

PART SEVEN

PENALTY PROVISIONS

Article 59 Corrective measures

(1) If the broadcaster or retransmission broadcaster breaches any duties set out herein or any conditions stipulated in the licence granted to such a broadcaster, then the Council shall warn such a broadcaster of the breach and shall grant such a broadcaster a grace period to remedy the breach.

(2) The length of the grace period to remedy the breach as referred to in Article 59(1) shall be adequate to the nature of the duty so breached.

(3) If the breach is remedied within the prescribed period the Council shall not impose any penalty.

(4) Provisions of Articles 59(1) to 59(3) shall not apply if the broadcaster or retransmission broadcaster breaches the duties referred to in Article 32(1)(c,d,e) in a particularly serious manner, and shall not apply for the reason referred to in Article 63(1) and Article 64(1).

Article 60 Fines

(1) The Council shall impose a fine of CZK 5,000 to CZK 2,500,000.- upon any broadcaster and any retransmission broadcaster in the event that such a broadcaster

- a) includes in broadcasting any programme unit which gratuitously shows dying people or people exposed to heavy physical or mental suffering, doing so in a manner detrimental to human dignity,
- b) fails to fulfil the duties specified in Article 31(2) and (3),
- c) fails to provide broadcasting time as may be needed for important notices in urgent public interest as referred to in Article 32(1)(i),
- d) destroys the records of the programme units that have been broadcast and does so before expiry of the period referred to in Article 32(1)(j),
- e) fails to provide the Council with the record of any requested programme unit within 15 days of the date of delivery of the request under Article 32(1)(j),
- f) breaches the obligations relating to the marking of the programmes in accordance with Article 32(1)(l, m),
- g) fails to provide scope in the cable network for a nation-wide broadcaster, as required by Article 54(2),
- h) fails to notify the Council, as required by Article 32(1)(n), of any technical obstacles which hinder the broadcasting,
- i) breaches the duties or fails to meet the conditions for the broadcasting of events of major importance for society under Article 33(1) and 33(2),
- j) fails to provide record of the broadcasting of an event which is a subject of major importance for society if there is a simultaneous live coverage of another event of major importance for society in accordance with Article 33(2),
- k) breaches the ban on the sponsoring of news programme units and political programme units, as referred to in Article 53(2).
- l) fails to meet the duties prescribed for the broadcasting of advertising, teleshopping and sponsored programme units,
- m) fails to provide the Council with the information needed for inspection of the proportion of European production and independent production as referred to in Article 47(1),
- n) fails to state the reasons of not fulfilling the duty as to the required proportions of European production and independent production as referred to in Article 47(2),
- o) fails to comply with the provisions of Article 32(2).

(2) The Council shall impose a fine of CZK 10,000.- to CZK 5,000,000.- upon any broadcaster and retransmission broadcaster in the event that such a broadcaster

- a) fails to reserve the required proportion of broadcasting time for European works and for European works created by independent producers in accordance with Articles 42 to 44,
- b) fails to notify the Council of any change in the information contained in the licence application in accordance with Article 21(2),
- c) fails to apply in advance for the Council's consent to any change in the scheduling and territorial coverage of broadcasting and change in the set of technical parameters according to Article 21(1)(b),
- d) fails to apply in advance for the Council's consent to any change in the technical parameters and fails to apply in advance for the Council's consent to any change in the territorial coverage of broadcasting in the cable systems,
- e) fails to maintain the schedule or territorial coverage of broadcasting and the set of technical parameters,
- f) fails to maintain the basic programme specification,
- g) fails to meet the licence conditions,
- h) fails to inform the Council in advance about any changes in the information indicated in the application for registration as referred to in Article 29(1),
- i) fails to reserve one channel for the broadcasting of programmes for meeting the needs of the delineated local area covered by the cable network, as referred to in Article 54(1),
- j) fails to maintain the territorial coverage of broadcasting in the cable systems.

(3) The Council shall impose a fine of CZK 20,000.- to CZK 10,000,000.- upon any broadcaster or retransmission broadcaster, if such a broadcaster

- a) includes in its broadcasting structure any programme units that promote war or show brutal or otherwise inhumane behaviour in a manner involving its trivialisation, apology or approval,
- b) includes in its broadcasting structure any programme units that contain subliminal communication,
- c) includes in its broadcasting structure any programme units that may seriously affect the physical, mental or moral development of minors, especially where such programme units contain pornography and gross gratuitous violence,
- d) includes in its broadcasting structure in the period of 06,00 to 22,00 hours programme units and captions that might affect the physical, mental or moral development of minors,
- e) breaches duties as stipulated in Article 32(1)(a),
- f) breaches duties as stipulated in Article 32(1)(c),
- g) breaches duties as stipulated in Article 32(1)(o).

(4) The Council shall impose a fine of CZK 50,000.- to CZK 5,000,000.- on any person if such a person intervenes in the contents of the programme of a broadcaster or retransmission broadcaster in a manner which is in contradiction with the provisions of Article 31(1) and if such a person breaches the duties regarding the production and broadcasting of programme units referred to in special Acts.^{3), 4)}

(5) The Council shall impose a fine of up to CZK 10,000,000.- on any natural or juristic person who/which operates broadcasting without being entitled to do so on the basis hereof or on the basis of a special Act.

(6) The Council shall impose a fine of CZK 20,000.- to CZK 5,000,000.- on any broadcaster or retransmission broadcaster in the event that such a broadcaster

- a) breaches the restrictions on certain ways of conduct as indicated in Article 21(6) and 21(7),
- b) breaches the notification duty as referred to in Article 58,
- c) commits a gross breach of the licence conditions.

Article 61

Joint provisions on the imposition of fines

(1) Any fine may be imposed within one year of the date on which the Council first learned about the breach of obligations but not later than 2 years after the commitment of the breach. Administrative proceedings in respect of the imposition of a fine may at the latest be initiated 3 months after the date on which the record required according to Article 32(1)(j) hereof was delivered. The procedure of imposition of the fines shall be based on the Rules of Administrative Procedure.

(2) When imposing a fine for a breach of any duty hereunder, the Council shall take into account the nature of the programme being broadcast and the position on the media market of the broadcaster or retransmission broadcaster with respect to its informational, educational, cultural and entertainment responsibility to the viewer public.

(3) The Council shall determine the amount of the fine according to the materiality of the case and the degree of blame and with respect to the extent and coverage of the faulty programme unit and to the financial benefit, if any.

(4) The fine shall be payable and paid within 30 days after the date of finality of the decision on its imposition. The imposition of a fine shall be without prejudice to the provisions of special regulations on compensation for damage and shall not be deemed as relieving the penalised person of any obligations under this Act.

(5) The proceeds from the fines shall be treated as receipts of the Revenue Authority of the Czech Republic.

(6) Action may be brought against the decision on the imposition of any fine on the basis of a specific legal regulation^{9b)}. The filing of the action has a suspensive effect. The court must make a decision in respect of the action within 90 days.

Article 62
Suspension of retransmission broadcasting

(1) In compliance with the commitments resulting from an international agreement, the Council may decide to suspend the dissemination of a programme of television broadcasting taken over from another State the contents whereof are in obvious and gross breach with the provisions of Article 32(3) hereof.

(2) The Council may only decide to suspend the dissemination of a programme of television broadcasting taken over from a Member State of the European Communities if the Council has notified the retransmission broadcaster in writing at least twice within the past 12 months about the obvious and gross breach of the provisions of Article 32(3) hereof; if such a breach occurs repeatedly, the dissemination thereof may be suspended.

Article 63
Withdrawal of the licence

(1) The Council shall withdraw the licence of a licensed broadcaster if the licensed broadcaster

- a) attained the granting of the licence on the basis of false information in the licence application or such a broadcaster breached the duty specified in Articles 55 and 56,
- b) repeatedly commits a particularly serious breach of the obligation set out in Article 32(1)(a,c,d,e) hereof and a fine has repeatedly been imposed upon the broadcaster for such breaches,
- c) repeatedly commits a particularly serious breach of the licence conditions.

(2) The Council may withdraw the licence of a licensed broadcaster if such a licensed broadcaster

- a) failed to start radio broadcasting within 180 days of the date of finality of the decision to grant the licence or the broadcaster failed to start television broadcasting within 360 days of the date of finality of the decision to grant the licence,
- b) the broadcaster failed for 30 days in total to do any broadcasting within the calendar year following the start of broadcasting; the time of failure to broadcast shall not be deemed to include the time for which the broadcasting was impeded by justified technical hindrances,
- c) bankruptcy proceedings were adjudged in respect of the assets of the broadcaster.

Article 64
Cancellation of registration

(1) The Council shall cancel the registration, or any part thereof, of a retransmission broadcaster if such a broadcaster:

- a) provided false information in the application for registration,
- b) repeatedly breaches the duties referred to in Article 32(3) and has already been fined for that.

(2) The Council may cancel the registration, or any part thereof, of a retransmission broadcaster if such a broadcaster

- a) committed a serious breach of this Act or an international agreement binding on the Czech Republic,
- b) bankruptcy proceedings were adjudged in respect of the assets of the broadcaster.

Article 65

Joint provisions on the withdrawal of the licence and cancellation of registration

(1) Action may be brought against the Council's decision based on Sections 63 and 64 on the basis of a specific legal regulation^{9b)} within 30 days of the delivery of the decision. The filing of the action has a suspensive effect. The court must make a decision in respect of the action within 90 days.

(2) Once the licence was withdrawn or registration cancelled, the licensed broadcaster and retransmission broadcaster shall terminate the broadcasting within the period prescribed by the Council.

PART EIGHT JOINT AND TRANSITION PROVISIONS

Joint provisions

Article 66

Unless otherwise provided herein, any proceedings shall be as stipulated in the Rules of Administrative Procedure, except the provisions concerning appellate procedure, remonstrance procedure, review procedure, retrial procedure and new decision procedure^{9c)}. Action may be brought on the basis of a specific legal regulation^{9b)} against the award of the decision to reject an application for licence, decision on a change in licence, decision on the withdrawal of licence, decision not to extend licence, decision to reject registration, decision on cancellation of registration and decision on penalty. The filing of the action has a suspensive effect. The court must make a decision in respect of the action within 90 days.

Article 66a

Unless otherwise provided herein, the procedure in the regulation of advertising shall be as provided in Act No. 19/1995 on the regulation of advertising and on amendment to Act No. 468/1991 on radio and television broadcasting operation, as amended.

Article 67

(1) Provisions of Articles 42 to 47 shall not apply to the television broadcasting of a programme exclusively focused on the promotion of the own television broadcasting and the products, services and other activities associated with the operation of the own television broadcasting. Advertising may only be broadcast within such a programme insofar as it meets the conditions defined in this Act.

(2) Provisions of Article 49 shall, *mutatis mutandis*, apply to the television broadcasting of a programme exclusively focused on teleshopping. Advertising may only be broadcast within such a programme insofar as it meets the conditions defined in this Act. Provisions of Articles 42 to 47 shall not apply to the broadcasting of such a programme.

Transition provisions Article 68

(1) The licences for broadcasting and the registrations for retransmission granted on the basis of the legal regulations hitherto in force shall be treated as licences for broadcasting and registrations for broadcasting based hereon. The cable system operator or a broadcaster operating via a satellite shall apply for licence in respect of any programmes which are not taken over from other sources; an application for licence may also be submitted by a supplier of the programme to the cable system or to the satellite; such an application shall be submitted within 12 months of the effective date hereof, otherwise the authorisation to disseminate such a programme shall lapse. Unless this Act contains provisions to the contrary, the Council shall meet the application within 30 days of the date of delivery of the application to the Council.

(2) Any proceedings in respect of the granting of licences and proceedings for registration, which proceedings were initiated before the effective date hereof, shall be suspended for 3 months starting from the effective date hereof; the validity of the existing licences shall be extended accordingly, provided that the validity was to be terminated at that time. Parties to the proceedings shall within that period complete the application for the granting of a licence for broadcasting or application for registration of broadcasting according to the requirements of this Act. Proceedings according to the preceding sentence shall then be completed in accordance with this Act under conditions defined herein.

(3) The period for submission of applications for extension of the licence as referred to in Article 12(10) shall be maintained, provided that the licensed broadcaster submits such an application no later than within 1 month of the effective date hereof.

(4) The decisive time for the application of the provisions of Article 12(12) shall start from the effective date hereof.

(5) In the event that the licence conditions of the licensed broadcaster contain no basic programme specification the licensed broadcaster shall propose the formulation of such a specification within 6 months of the effective date hereof and the Council shall then incorporate such a specification in the licence terms and conditions. The proposed formulation shall be in compliance with the licensed broadcaster's practice over the last year before the effective date hereof.

(6) Any natural person who is a licensed broadcaster or an retransmission broadcaster may within 6 months of the effective date hereof request that the licence or registration which was granted to him/her be transferred to a juristic person; the Council shall only meet such a request in the event that the juristic person concerned is 100%-owned by the natural person concerned.

(7) Any proceedings in respect of the imposition of fines, which proceedings were started prior to the effective date hereof, shall be completed in accordance with the legal regulations hitherto in force.

(8) The Czech Republic Council for Radio and Television Broadcasting set up according to Act No. 103/1992, on Czech Republic Council for Radio and Television Broadcasting, as later amended, shall be treated as Czech Republic Council for Radio and Television Broadcasting based hereon. Within 6 months of the effective date hereof, the Council Members shall put their situation in compliance with Article 7.

(9) The licensed broadcaster shall adjust its legal situation to the requirements hereof within 1 year of the effective date hereof. If the licensed broadcaster fails to fulfil this duty, then such a licensed broadcaster's licence lapses with the expiry of that 1-year period. The Council shall approve any changes that are not in contradiction with the requirements referred to in Articles 55 to 58.

(10) For the purposes hereof, European works shall be understood to be audio-visual works created, produced or co-produced under the control of a Czech juristic person or Czech natural person, or a juristic person or natural person having its seat, domicile or residence in any of the Member States of the Council of Europe, unless otherwise provided in an international agreement.

Revoking provisions Article 69

This is to revoke:

1. Act No. 468/1991 on radio and television broadcasting operation, as amended in Act No. 597/1992, Act No. 36/1993, Act No. 253/1994, Act No. 40/1995, Act No. 237/1995, Act No. 301/1995, Act No. 135/1997, Act No. 46/2000, Act No. 121/2000 and Act No. 39/2001.
2. Act No. 103/1992, on the Council of the Czech Republic for Radio and Television Broadcasting, as amended in Act No. 474/1992, Act No. 36/1993, Act No. 331/1993, Act No. 253/1994, Act No. 301/1995, Act No. 135/1997 and Act No. 151/2000.

PART NINE

Amendment to Act No. 236/1995, on salaries and other items related to the discharge of the office of representatives of state power and certain state bodies, and of judges

Article 70

Act No. 236/1995, on salaries and other items related to the discharge of the office of representatives of state power and certain state bodies and if judges, as amended in Act No. 138/1996, Act No. 287/1997 and Act No. 155/2000, shall be amended as follows:

1. A new letter f) shall be inserted after the letter e) in Article 1, the new letter f) being as follows:

"f) Member, Vice-chairperson and Chairperson of the Council for Radio and Television Broadcasting,".

The existing letters f) and g) shall be renumbered to g) and h).

2. In Part Two a new Chapter Five A shall be inserted after Chapter Five. The new Chapter Five A, including the heading thereof, shall be as follows:

**“CHAPTER FIVE A
DETAILS RELATED TO MEMBER, VICE-CHAIRPERSON AND CHAIRPERSON
OF THE COUNCIL FOR RADIO AND TELEVISION BROADCASTING**

**Salary and Additional Salary
Article 24a**

(1) Member of the Council for Radio and Television Broadcasting shall be entitled to salary assessed from the salary base with a pay coefficient of 1.00.

(2) Member of the Council for Radio and Television Broadcasting shall be entitled to additional salary.

Article 24b

(1) Vice-chairperson of the Council for Radio and Television Broadcasting shall be entitled to salary assessed from the salary base with a pay coefficient of 1.10.

(2) Vice-chairperson of the Council for Radio and Television Broadcasting shall be entitled to additional salary.

Article 24c

(1) Chairperson of the Council for Radio and Television Broadcasting shall be entitled to salary assessed from the salary base with a pay coefficient of 1.20.

(2) Chairperson of the Council for Radio and Television Broadcasting shall be entitled to additional salary.”.

PART TEN

Amendment to Act No. 99/1963, Law of Civil Procedure,
as later amended

Article 71

Act No. 99/1963, Law of Civil Procedure, as amended in Act No. 36/1967, Act No. 158/1969, Act No. 49/1973, Act No. 20/1975, Act No. 133/1982, Act No. 180/1990, Act

No. 328/1991, Act No. 519/1991, Act No. 263/1992, Act No. 24/1993, Act No. 171/1993, Act No. 117/1994, Act No. 152/1994, Act No. 216/1994, Act No. 84/1995, Act No. 118/1995, Act No. 160/1995, Act No. 238/1995, Act No. 247/1995, Constitutional Court award No. 31/1996, Act No. 142/1996, Constitutional Court award No. 269/1996, Act No. 202/1997, Act No. 227/1997, Act No. 15/1998, Act No. 91/1998, Act No. 165/1998, Act No. 326/1999, Act No. 360/1999, Constitutional Court award No. 2/2000, Act No. 27/2000, Act No. 30/2000, Act No. 46/2000, Act No. 105/2000, Act No. 130/2000, Act No. 155/2000, Act No. 204/2000, Act No. 220/2000, Act No. 227/2000, Act No. 367/2000, Act No. 370/2000, Act No. 120/2001 and Act No. 137/2001, shall be amended as follows:

1. In Article 9 the full stop at the end of Paragraph 2 shall be replaced by a coma and a letter j) shall be added, which, including footnote No. 1a shall read:

“j) in proceedings against a decision of the Council for Radio and Television Broadcasting based on a special Act.^{1a)}

^{1a)} Article 66 of Act No. 231/2001, on the Operation of Radio and Television Broadcasting and on Amendment to Other Acts of Law.”.

2. In Article 250m, a Paragraph 4 shall be added at the end, which, including footnote No. 57b, shall read:

“(4) Decision on a proposal submitted on the basis of a special Act^{57b)} shall be made by the court not later than 60 days of the date of submission.

^{57b)} Article 19 and Article 5(1) of Act No. 231/2001”.

PART ELEVEN Amendment to the Act on regulation of advertising

Article 72

Act No. 40/1995 on regulation of advertising and on amendment to Act No. 468/1991 on radio and television broadcasting operation, as later amended, as amended in Act No. 258/2000, shall be amended as follows:

1. In Article 3, Paragraph 1, including footnote No. 3, shall read as follows:

“(3) Advertising of tobacco and the products thereof in television and radio broadcasting is prohibited.³⁾

³⁾ Article 48(1)(f) of Act No. 231/2001, on radio and television broadcasting operation and on amendment to other acts.”.

2. In Article 7(a) the words “Czech Republic Council for Radio and Television Broadcasting⁷⁾ for advertising disseminated in radio and television broadcasting⁸⁾” shall be replaced by the words “Council for Radio and Television Broadcasting⁷⁾ for advertising disseminated in radio and television broadcasting⁷⁾”.

3. Footnote No. 7) shall read:

⁷⁾ “Act No. 231/2001.”.

4. The existing footnote No. 8) shall be cancelled.

PART TWELVE
Amendment to Act No. 483/1991, on Czech Television,
as later amended

Article 73

Act No. 483/1991, on Czech Television, as amended in Act No. 36/1993, Act No. 253/1994, Act No. 301/1995 and Act No. 39/2001, shall be amended as follows:

In Article 3, Paragraph 2 shall read:

“(2) The State body responsible for the management of the frequency spectrum on the basis of a special legal regulation^{1a)} shall, with prior consent of the Council for Radio and Television Broadcasting, reserve frequencies for the Czech Television, which frequencies shall allow for the operation of television broadcasting within the range defined in Article 3(1)(a).”.

PART THIRTEEN
Amendment to the Act on administrative charges

Article 74

The Schedule of Administrative Charges, contained in the Annex to Act No. 368/1992 on Administrative Charges, as amended in Act No. 10/1993, Act No.85/1994, Act No.273/1994, Act No.36/1995, Act No.301/1995, Act No.305/1997, Act No.149/1998, Act No.157/1998, Act No.167/1998, Act No.63/1999, Act No.166/1999, Act No.167/1999, Act No.326/1999, Act No.352/1999, Act No.357/1999, Act No.360/1999, Act No.363/1999, Act No.46/2000, Act No.62/2000, Act No.117/2000, Act No.133/2000, Act No.151/2000, Act No.153/2000, Act No.154/2000, Act No.156/2000, Act No.158/2000, Act No.227/2000, Act No.242/2000, Act No.307/2000, Act No.365/2000, and Act No. 140/2001, shall be amended as follows:

1. The heading over item 65 shall read: “Authorisation to Operate Radio and Television Broadcasting and Authorisation to Operate Retransmission Broadcasting”.

2. Item 66, including the note, shall read:

“Item 66

- | | | |
|----|---|--------------|
| a) | Submission of application | |
| | - for authorisation to operate television broadcasting | CZK 50,000.- |
| | - for extension of validity of the authorisation to operate television broadcasting | CZK 50,000.- |
| b) | Submission of application | |
| | - for authorisation to operate radio broadcasting | CZK 15,000.- |

- | | | |
|----|--|-------------------|
| | - for extension of validity of the authorisation to operate radio broadcasting | CZK 15,000.- |
| c) | Submission of application to operate retransmission broadcasting in a cable system or through satellites | CZK 50,000.- |
| d) | Submission of application to change the information indicated | |
| | - in the application for authorisation to operate television broadcasting | CZK 10,000.- |
| | - in the application for authorisation to operate radio broadcasting | CZK 3,000.- |
| | - in the application for the operation of retransmission broadcasting in a cable system or through satellites | CZK 10,000.- |
| e) | Decision of the Council for Radio and Television Broadcasting to extend the period of validity of the authorisation to operate nation-wide television broadcasting | CZK 200,000,000.- |

Note:

The charge as indicated under letter d) of this Item shall not be collected by the administrative body for changes that are also performed in the form of entry in the Commercial Register [Article 14(1)(a) to 14(1)(d) of Act No. 231/2001, on radio and television broadcasting operation and on Amendments to Other Acts].”.

PART FOURTEEN

Change to Act No. 252/1994, on Radio and Television Licence Fees,
as amended in Act No. 135/1997

Article 75

Act No. 252/1994, on Radio and Television Licence Fees, as amended in Act No. 135/1997, shall be amended as follows:

1. In Article 5, Paragraph 1 shall read:

“(1) The licence fee payer shall pay the radio licence fee to the Czech Radio and the television licence fee to Czech Television through Czech Mail or any other person as the statutory broadcaster may appoint. In the event that the licence fee payer fails to pay by the end of the calendar month following after the month in which the licence fee was due for payment, the payer shall pay the outstanding amount of the fee directly to the Czech Radio or directly to the Czech Television, unless otherwise provided herein.”.

2. In Article 5, a new Paragraph 2 shall be inserted after Paragraph 1, which Paragraph 2 shall read:

“(2) The payer shall pay the radio licence fee directly to the Czech Radio and the television licence fee directly to the Czech Television if so requested by the statutory broadcaster.”.

The hitherto existing Paragraphs 2 to 4 shall be designated as Paragraphs 3 to 5.

3. The heading under Article 6 shall read “Payers recording”.

4. In Article 6, Paragraph 1 shall read:

“(1) Records of the payers shall be maintained by the Czech Mail in its Post Offices appropriate to the permanent residence or seat of the payer, or by the statutory broadcaster.”.

PART FIFTEEN
EFFECT

Article 76

(1) This Act shall come into effect on the date of its promulgation, except for the provisions of Articles 33(4), 33(5) and 46, which shall come into effect as at the effective date of the Treaty of Accession of the Czech Republic to the European Union.

(2) Provisions of Article 68(10) shall lapse as at the date of entry into force of the Treaty of Accession of the Czech Republic to the European Union.

Klaus

Zeman
