

ACT
dated 17 May 2001

on radio and television broadcasting operation and on changes of other acts

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

PART ONE
GENERAL PROVISIONS

Article 1
Subject of regulation

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

Article 2
Basic terminology

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

- a. radio and television broadcasting shall mean primary dissemination of original radio and television programmes and teletext, both intended to be received by the public in encoded or unencoded form, through ground radio transmission facilities (hereinafter only "transmitters"), cable systems and satellites, both in analogue and digital form,
- b. radio and television retransmission shall mean receiving of 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 Czech version of a television programme, which was primarily broadcast in a foreign language,
- c. nation-wide broadcasting shall mean 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⁾
- d. programme network shall mean 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 broadcasters,
- e. local broadcasting shall mean a broadcasting of radio or television programme intended due its reach for a locally defined area and prepared for this area,
- f. radio and television broadcaster shall mean a legal or a natural person that prepares the programme, bears the responsibility for its content and uses a unique audio or visual identification, which guarantees no confusion, for dissemination of the programme through own means or through third persons (hereinafter only "broadcaster"),
- g. operator of radio and television retransmission shall mean a legal or a natural person that makes the 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 only "operator of retransmission") on the basis of authorisation for the operation of retransmission (hereinafter only "registration") pursuant to this Act,
- h. basic programme specification shall mean the definition of prevailing genres in the total programme composition,
- i. programme shall mean an intentional 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 shall mean a part of radio or television broadcasting which is consistent 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 shall mean a system of broadcasting of text or graphical information concurrently with broadcasting of television signal, while the aforementioned information can be only displayed on the screen of a television set, which is equipped with appropriate decoding device,
- l. advertising shall mean any public announcement, broadcast in return for payment or in return for other compensation or broadcast for the purpose of own promotion of broadcaster, designated for the support of marketing, purchase or rental of goods or services or for achieving other effect pursued by the client ordering the advertisement or by broadcaster,
- m. surreptitious advertising shall mean verbal or visual presentation of goods, services, business name, trade mark or activity of a manufacturer of goods or a provider of services, which is usually published in return for payment or in return for other compensation, within a programme unit, which neither advertisement nor

- teleshopping by its nature, provided this presentation is made intentionally for the purpose of promotion and is capable of misleading the public,
- n. teleshopping shall mean a direct offer of goods or services, which is meant for the public and which is included in radio or television broadcasting in return for payment or other compensation,
 - o. sponsoring means any contribution provided by a natural or legal person that does not operate television broadcasting or production of audiovisual works, for the purpose of direct or indirect financing of radio or television programme units, in order to promote name and surname of natural person or name of legal person, company name, trade mark, sponsor or his services, products or other outputs,
 - p. subliminal communication shall mean an audio, visual or audiovisual information, which is intentionally prepared to produce an influence on subconscious of the listener or viewer, without leaving a possibility to perceive it consciously,
 - r. basic programme offer shall mean a set of programmes, which is provided by cable system operator at the lowest price,
 - s. cable system shall mean a set of telecommunication equipment, which serve for broadcaster or for the operator of retransmission for dissemination of programmes for subscribers at 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 shall mean in case of ground transmission the frequency, radiated power and site of transmission,
 - u. repeated violation of duty shall mean such violation, which was penalised more than once during two consecutive calendar years.

(2) Radio and television broadcasting shall not mean

- a. providing of communication services focused on delivery of information or other messages on the basis of individual requirements,
- b. operation of telecommunication equipment and providing of telecommunication services pursuant to specific legal regulation,²⁾
- c. broadcasting radio and television programmes via satellite, if such programmes are disseminated by broadcasting operator on the basis of authorisation to operate radio and television broadcasting (hereinafter only "licence"), granted pursuant to Article 12, or in case of a broadcaster pursuant to Article 3(1)(a) when 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 the implementation of 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 cable system, which covers maximum 100 participants with receiving sets subject to mandatory reporting; this number may be exceeded if the participants in the system of joint reception are located in a single building or in a complex of buildings with spatial or functional relation provided the signal transmission is led so that it does not cross a road and provided this joint reception is not utilised commercially.

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

- a. an agreement of broadcasters on joint broadcasting of advertisements and teleshopping, joint preparation or mutual taking over of such parts of the programme that are not significant from the point of view of their share in the total duration of broadcasting per day,
- b. broadcasting of programmes by two or more broadcasters on shared frequencies.

Article 3 Scope of the Act

(1) This Act shall apply to the following persons:

- a. broadcasters that operate on the basis of specific legal regulations,^{3), 4)} (hereinafter only "statutory broadcaster"),
- b. broadcasters that operate on the basis of licence granted pursuant to this Act (hereinafter only "licensed broadcaster"),
- c. operators of retransmission that operate on the basis of registration pursuant to this Act.

(2) A legal person may become licensed broadcaster or operator of retransmission provided the seat of such legal

person in on the territory of the Czech Republic and its legal form is a company entered into the Register of Companies; if the seat of such person is out of the territory of the Czech Republic (hereinafter only "foreign legal person") a subsidiary of this legal person must be located in the Czech Republic and must be entered into the Register of Companies. If such legal person has the legal form of a joint-stock company its shares must be registered.

(3) A natural person may become licensed broadcaster or operator of retransmission provided he/she is fully eligible to perform legal acts and has the permanent residence on the territory of the Czech Republic; if the permanent residence of such person is out of the territory of the Czech Republic (hereinafter "foreign natural persons") a subsidiary of this natural person must be located in the Czech Republic and must be entered into the Register of Companies. If a natural person with permanent residence on the territory of the Czech Republic is granted licence or registration, then such person shall arrange its entry into the Register of Companies.

(4) If not stipulated otherwise by this Act or by an international agreement binding for the Czech Republic, this Act shall apply to radio and television broadcasting and retransmission, operated by legal persons with seat on the territory of the Czech Republic and by natural persons with permanent residence on the territory of the Czech Republic. It shall be understood that a legal person has the seat on the territory of the Czech Republic and a natural person has the permanent residence on the territory of the Czech Republic if such persons carry out television broadcasting and the following conditions are fulfilled:

- a. the seat of management bodies or the site of business activities is on the territory of the Czech Republic and the decisions on the composition of television programme are also made on the territory of the Czech Republic, or
- b. the seat of management bodies or the site of business activities is on the territory of the Czech Republic and the decisions on the composition of television programme are made in other Member State of the European Communities, or conversely, if
 1. a significant part of the employees of such persons carries out the activities related to the operation of television broadcasting on the territory of the Czech Republic, or
 2. a significant part of the employees of such persons carries out the activities related to the operation of television broadcasting both on the territory of the Czech Republic and in another Member State of the European Communities, and simultaneously the seat of the of management bodies or the site of business activities is on the territory of the Czech Republic, or
 3. a significant part of the employees of such persons does not carry out the activities related to the operation of television broadcasting either on the territory of the Czech Republic or in another Member State of the European Communities; however the operation of television broadcasting has been started on the territory of the Czech Republic in compliance with the requirements of Czech law and economically significant relations are permanently maintained with Czech economic subjects,
- c. the seat of management bodies or the site of business activities is on the territory of the Czech Republic but the decisions on the composition of television programme are made in a third country, or conversely, if a significant part of the employees of such persons carries out the activities related to the operation of television broadcasting on the territory of the Czech Republic,
- d. the said person is not a broadcaster pursuant to Article 3(1) and paragraphs (a) to (c), provided this person uses for television broadcasting the frequencies allocated by the respective government administration authority of the Czech Republic or a satellite which position on the orbit belongs to the Czech Republic, or an ascending signal transmitted to the satellite from the territory of the Czech Republic.

PART TWO COUNCIL FOR RADIO AND TELEVISION BROADCASTING

Article 4

Position of the Council for Radio and Television Broadcasting

(1) The Council for Radio and Television Broadcasting (hereinafter only "the Council") with the seat in Prague shall be hereby 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 maintaining and further development of plurality of programme offer and information in the area of radio and television broadcasting and retransmission, shall observe the independence of its content and shall fulfil other tasks laid down by this Act and by other specific legal regulations.

Article 5

Powers and duties of the Council

The Council shall have the following powers and duties:

- a. supervision over fulfilment of legal regulations in the area of radio and television broadcasting and of the conditions stipulated in the decision on granting the licence or in the decision on registration,
- b. granting, changing and withdrawing of licences for the operation of radio and television broadcasting,
- c. granting, changing and cancelling decisions on registration to operate retransmission,
- d. managing of records on broadcasters and operators of retransmission,
- e. regular publication of the list of licence and registration applications, list of granted licences and their changes, list of granted registrations and their changes, as well as the overviews of utilisation of frequencies within the range dedicated to radio and television broadcasting,
- f. imposing of sanctions pursuant to this Act,
- g. monitoring of broadcasting,
- h. granting the approval for the Czech Telecommunication Office for issuing permits for the operation of transmitters for other radio communication services within the part of frequency range dedicated to radio and television broadcasting,
- i. preparation in cooperation with the Czech Telecommunication Office of the part of allocation plan for the frequency range dedicated to radio and television broadcasting,
- j. determination of the set of technical parameters which are included in the operational authorisation for broadcaster pursuant to Article 3(1)(a) and (b),
- k. preparation of opinions and proposals for participation in the development of principles for government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development,
- l. issuing of Statutes and Rules of Procedure of the Council and Organisational Rules of Council Office,
- m. submitting of its draft budget and final financial statement to the Ministry of Finance and to the respective body of the House of Deputies,
- n. publication of Council resolutions, Council annual report, minutes of Council meetings, if not contradicted by specific legal regulations, and of other information as the case may be; the aforementioned publication must allow remote access to published items,
- o. publication of court decisions on judicial remedies and on law suits against Council decisions; this way the provisions of specific legal regulations⁵⁾ are not precluded,
- p. fulfilment of other tasks laid down by this Act.

Article 6 **Obligations of the Council**

(1) Each year the Council shall submit to the House of Deputies the annual report on its activities and on the status of radio and television broadcasting (hereinafter only "the Annual Report"), which shall contain in particular the following information

- a. updated list of broadcasters and operators of retransmission,
- b. information on the situation in the area of radio and television broadcasting and in the area of retransmission,
- c. information on the status of fulfilment of 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 for operators of retransmission,
- e. information on the licences that have been granted and on the criteria, which have been used as the base for granting the licences for 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 the support of European production and European independent production in television broadcasting, fulfilment of the proportion of European production (Article 42) and independent production (Article 43) and on the reasons for not attaining the stipulated proportions as the case may be,
- h. information on the utilisation of frequency range dedicated to radio and television broadcasting,
- i. proposals for the measures considering 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 the Annual Report to the House of Deputies for approval and simultaneously to the Prime Minister for expressing an opinion. Simultaneously the Council shall publish the Annual Report so that a remote access to the publication is made possible. The Annual Report is considered public as of the date of its approval by the Council. The Annual Report must contain this date. The House of Deputies shall be authorised to request the Council to provide explanations and additional information on the Annual Report. The Council shall provide 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 is not repeatedly 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 cooperate with the Council in all matters related to broadcasting; in particular they shall always request the opinion of the Council in the matters of broadcasting and provide appropriate cooperation 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 the 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) The citizens of the Czech Republic, who fulfil the following requirements, may be nominated and elected members of the Council

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

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

(5) Council membership shall originate as of the day mentioned in the letter of appointment.

(6) Council membership shall expire as follows

- a. due to expiry of the term of office of Council Member,
- b. as of the date of the next day after the delivery of letter of resignation to the Prime Minister,
- c. as of the date of the next day after the delivery of written decision of the Prime Minister on removal of the Council Member from his/her capacity, or alternatively as of the date mentioned in the written decision on removal of the Council Member from his/her capacity,
- d. as of the effective date of the judgment, which deprived the Council Member of the eligibility to perform legal acts or which limited his/her eligibility to perform legal acts,
- e. as of the effective date of the sentence whereby the Council Member was convicted of any of the offences listed in Article 7(3)(d),
- f. due to 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 due to following reasons:

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

(8) If proposed by the House of Deputies, the Prime Minister may 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 National Bank, with the membership in the Council of the Czech Press Agency, the Council of the Czech Television and 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 consultancy or other assistance in return for payment to broadcasters or operators of retransmission, neither directly nor through any mediation.

(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 challenging due discharge of the capacity of 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 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 absolute majority of its members is present and if simultaneously Council Chairperson or one of Vice-Chairpersons are present as well.

(2) The Council shall decide by 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 aforementioned cases 9 votes of Council Members are required for the decision.

(3) Those Council Members, in whom there are reasonable doubts that they might be biased with regard to their relation to the given matter, to the parties in the given procedure or to their representatives, shall be excluded from the decision-making process of the Council. Council Members shall notify the Council on the facts suggesting their exclusion from the procedure of consideration and decision-making in case of given matter as soon as they learn that such facts exist. The objection concerning bias shall be decided upon by the Council without any delay.

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

(5) The voting shall be recorded; the record shall include the way of voting of individual Council Members.

Article 9 Council Chairperson and Vice-Chairpersons

(1) The Council shall elect Chairperson and 3 Vice-Chairpersons out of 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 function has not been carried out for the period of more than 3 months, or
- b. if he/she does not comply with the prerequisites 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 function of Council Chairperson shall be terminated as follows

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

(5) During the period when Council Chairperson does not execute his/her function, the Council Vice-Chairperson appointed by Council Chairperson shall substitute him/her; the provisions of Articles 9(3) and 9(4) shall appropriately

apply to the removal and to the expiration of Vice-Chairperson's function.

(6) In case Council Chairperson or Council Vice-Chairperson have been removed, the Council shall elect new Council Chairperson or Vice-Chairperson within 30 days from the date of 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 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 specific legal regulation.⁷⁾

Article 11
Support and circumstances of Council activities

(1) The Council shall manage own budget pursuant to specific legal regulation⁸⁾ and its activities shall be covered by 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 shall be a body pertaining to the Council and which activity shall be covered by the budget of the Council.

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

(4) Other employees of Council Office shall be employed by Head of Council Office.

(5) Salary and compensation for the period of stand-by duty of the employees of Council Office shall be governed by specific legal regulation.⁹⁾

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

**PART THREE
LICENCES**

**Title I
Procedure for granting the licence for operating radio and television broadcasting disseminated through transmitters**

Article 12
Licence

(1) The licence shall be granted by the Council in the licence granting procedure (hereinafter only "licensing procedure"). The licence shall authorise broadcaster to carry out radio and television broadcasting and to disseminate teletext in the extent and under the conditions laid down in this Act and in other legal regulations. The licence shall become valid as of 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 broadcaster.

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

- a. transmitters,
- b. satellite and cable systems.

(4) There shall be no legal right to claim granting the licence if not stated otherwise below.

(5) The licence shall be granted for a definite period, namely for the maximum of

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

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

(7) The licence is not transferable to another person.

(8) Upon the request of licensed broadcaster the Council shall extend the validity of the licence. The period of licence validity may be extended twice; for radio broadcasting for the period of 8 years and for television broadcasting for the period of 12 years. Upon the request of licensed broadcaster the Council may extend the validity of the licence for a shorter period.

(9) The application to extend the validity of the licence, submitted by licensed broadcaster, may also contain a request for approval of change of legal form of the company. 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 as follows

- a. in case of nation-wide radio broadcasting during the period after the beginning of 36th month and before the end of 30th month prior to the expiration of validity of existing licence,
- b. in case of nation-wide television broadcasting during the period after the beginning of 48th month and before the end of 42nd month prior to the expiration of validity of existing licence,
- c. in case of local radio or television broadcasting during the period after the beginning of 36th month and before the end of 30th month prior to the expiration of validity of existing licence.

(11) The Council shall not extend the validity of the licence in case when the applicant does not fulfil the prerequisites pursuant to Article 13(3) or in case when the plan for utilisation of frequency range dedicated to radio or television broadcasting has been changed due to fulfilment of international agreement concerning frequency coordination and if such change would significantly prevent broadcasting of the licensed broadcaster; if the change of the plan 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 of the obligations listed below have been repeatedly imposed upon licensed broadcaster by means of final decision:

- a. broadcasting of programme units that promote war or display cruel or otherwise inhumane conduct by means of its trivialisation, apology or approval,
- b. broadcasting of programme units inciting to hatred due to race, sex, religion, ethnic origin or association with 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 children and youth by means of displaying gratuitous pornography or brutal violence,
- f. transfer of share in the company of broadcaster to third persons without prior consent by the Council violating thereby the obligation laid down in Articles 21(6) and 21(7).

Article 13

Participants in licensing procedure

(1) Participants in 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 legal persons or natural persons specified in Article 3(2) to (4).

(3) The applicant for licence fulfils the prerequisites for participation in licensing procedure provided the following requirements are complied with

- a. no bankruptcy was declared with regard to applicant's property, no bankruptcy procedure was started with regard to 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. applicant's licence or registration has not been cancelled during the period of last 5 years; this prerequisite does not apply to the cases when 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 legal person requests granting the licence, this prerequisite shall also apply to natural persons who are appointed as statutory body of the applicant or who are members of applicant's statutory or supervisory bodies,
- f. the applicant shall not be a partner of statutory broadcaster or a partner in commercial companies established by statutory broadcaster.

(4) The participant in licensing procedure shall not have the right to consult the parts of the files concerning other participant. The Council shall undertake appropriate measures ensuring that the participant in licensing procedure may not get acquainted with the data on technical, organisational and financial background for broadcasting of other participants.

Article 14 Licence application

(1) The licence application shall contain the following essential data:

- a. for legal 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 legal person; if the licence applicant is a foreign legal person, the information shall also contain data on location and identification of the subsidiary on the territory of the Czech Republic, name, surname and birth identification number (if applicable, if not applicable date of birth) of subsidiary manager and his/her residential address on the territory of the Czech Republic, if a deputy was appointed the information shall also contain his/her name, surname and place of permanent residence,
- b. for natural persons name, surname, birth identification number (if applicable, if not applicable date of birth), residence address, proof of permanent residence on the territory of the Czech Republic, furthermore company name, identification number (if applicable, if not applicable date of start of business activities) and residence address; if the licence applicant is a foreign person the residence address out of the territory of the Czech Republic shall be specified together with residence address on the territory of the Czech Republic if the residence has been permitted, furthermore data on location and identification of the subsidiary on the territory of the Czech Republic, name, surname and birth identification number (if applicable, if not applicable date of birth) of subsidiary manager and his/her residential address on the territory of the Czech Republic,
- c. data 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 legal person,
- d. if the licence applicant is legal person it is required to present data on the amount of equity, shares of voting rights and capital deposits of the partners, if they are mandatory, including the specification of type and financial evaluation of in-kind deposits,
- 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 other broadcaster,
- h. in case of application for operating television broadcasting it is required that the applicant presents a specification of proposed proportion of total broadcasting time, which should 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, statutes, list of shareholders, extract from the Register of Companies dated not earlier than 3 months 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 an operator of retransmission, developing the 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 specified requirements, 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 by means of licensing procedure announcement.

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

(3) The Council shall reject licence applications delivered after the specified period and the applications that do not comply with 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 beginning of licensing procedure.

(2) Public hearing shall serve for the discussion on the topics dealing with programme structure proposed by individual participants in licensing procedure.

(3) Public hearing organised within the framework of licensing procedure for other than local television broadcasting must concern 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 individual participants in licensing procedure for the operation of television broadcasting.

(4) In public hearing the participants of 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 made with the participant in licensing procedure.

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

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

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

(7) Public hearing shall be started, chaired and closed by Council Chairperson or by another Council Member appointed by the Chairperson.

(8) Besides the invited participants in licensing procedure only such persons, who have obtained for this purpose an express consent of 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 public hearing may result in an admonishment by Council Chairperson or by Council Member appointed by the Chairperson; repeated improper interference with public hearing may result in ordering the offender out of the meeting room for the 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 public hearing. Moreover minutes shall be taken from public hearing as well. The minutes shall contain the data on the course of public hearing, participation therein, texts of contributions, written proposals and opinions. The minutes are public. Three days after the date of public hearing the minutes shall be available for consulting 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 this area,
- b. transparency of ownership relations in the company of the applicant,
- c. benefits of 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 on the territory, which should be covered by radio or television broadcasting,
- d. in case of television broadcasting 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 hidden or open subtitles in a certain percentage of broadcast programme units for persons with impaired hearing,
- g. benefits provided by the applicant for the development of 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 past five years due to violation of law, or in case the person, who submits the extract from criminal record, was finally sentenced for a wilful offence.

Article 18

Decision on granting the licence

(1) Granting the licence shall be decided by the Council by voting. The voting on granting the licence shall take place at Council meeting, which is closed to the public.

(2) Upon the request of founding subjects or of the persons authorised to submit a proposal for the entry of a legal person with seat in the Czech Republic into the Register of Companies, it is possible to issue the decision on granting the licence prior to the appropriate entry into the Register of Companies if it is documented that the legal person has been duly founded. The authorisation to broadcast will then be granted to such persons as of the day of entry into the Register of Companies. Similar procedure shall be applied to the persons that do not have seat on the territory of 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 also contain a detailed explanation including the criteria, based on which the licence was granted to the applicant and the applications of all other participants were rejected, as well the 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 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 only "licence conditions").

(5) In justified cases the Council shall decide that the licence will not be granted to any of the applicants.

Article 19

Decision on rejecting the licence application

The statement contained in the decision of the Council may be appealed at the court within the period of 30 days from the delivery of the decision; the court shall decide upon the appeal within 60 days.

Article 20

Extension and change of geographical area of broadcasting

(1) The Council may limit the geographical area of broadcasting for licensed broadcaster and for statutory broadcaster, who after the start of the broadcasting has not been carrying out broadcasting activities on the given part of territory for more than 90 days during the calendar year or who has not been using efficiently the allocated frequency; the period when justified technical obstacles prevented the broadcaster from broadcasting shall not be included into the aforementioned time frame of 90 days.

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

(3) In cases when it is inevitable and with consent of 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 broadcaster or statutory broadcaster requesting the change of technical parameters, provided the change will not infringe any international agreement which is binding for the Czech Republic, neither 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 of licence conditions

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

- a. identification of programme name,
- b. change in time frame and geographical area of broadcasting and in the set of technical parameters,
- c. change in geographical area of broadcasting in cable systems,
- d. change in licence conditions,
- e. change in the amount of equity, way of distribution of voting rights, capital deposits of the partners (including the specification of type and financial evaluation of in-kind deposits) or of the members and 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 legal form of legal person, shall be announced to the Council by licensed broadcaster by 15 days from the date when the changes were made.

(3) The Council shall decide upon the change of the facts specified according to Article 1 by 60 days from the date when the application of licensed broadcaster was delivered to the Council. If the Council makes no decision within this period, it is understood that the change has been approved. The consent shall not be granted by the Council only if the change would cause a failure of granting the licence on the basis of public hearing. The reasons for not granting the consent shall be identical to the criteria specified in Article 6(1)(e). 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 on preliminary matter¹⁰⁾ has been started. In such case the Council shall specify in the decision on discontinuation, which matter is concerned; during the period of suspension of the procedure the other periods are suspended too.

(4) The broadcaster shall submit the documents on approved changes to the Council within 30 days from their implementation. In case of changes that are entered into the Register of Companies the period shall be 30 days from the date of their entry into the Register of Companies.

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

(6) A licensed radio broadcaster, which is a legal person, or a partner within such legal person, may transfer to third

persons a share in the company of licensed radio broadcaster with prior consent by the Council. The consent shall not be granted only in the case if plurality of information pursuant to Articles 55 and 56 would be limited. The persons who were partners in the legal 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.

(7) A licensed television broadcaster, which is a legal person, or a partner within such legal person, may transfer to third persons a share in the company of licensed television broadcaster with prior consent by the Council. The consent shall not be granted only in the case if plurality of information pursuant to Articles 55 and 56 would be limited. The persons who were partners in the legal 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 the period not exceeding 60 days during one calendar year. The application for short-term licence shall contain the information specified in Article 14.

(2) The Council shall decide upon granting short-term licence within 30 days after the delivery of the application.

Article 23 **Reduced procedure**

(1) Within the framework of reduced procedure on the basis of application without announcing licensing procedure the Council shall decide upon 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 by 60 days from their delivery at the latest.

Article 24 **Expiration of licence validity**

Licence validity shall expire in the following cases:

- a. expiration of the period for which it was granted,
- b. as of the day of dissolution of the legal person to which the licence was granted,
- c. death of natural person to whom the licence was granted,
- d. as of the day when the Council decision on withdrawal of the licence due to the reasons specified in Article 63 becomes effective,
- e. as of the effective day of a sentence whereby the licensed broadcaster, who is a physical person, was convicted of a particularly serious offence or of an economic offence or of an offence against property,
- f. on the day as of which the licensed broadcaster requested for termination of 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 licence applicant. Licence applicant is the only participant in the procedure.

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

- a. written consent by the person authorised to operate cable networks pursuant to specific legal regulation with placing the programme of the licence applicant into the cable network, if the programme is planned to be

- broadcast through cable network and if the participant in the procedure has no authorisation to establish and to operate a cable network,
- b. an 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 the period of 30 days from the date of start of licensing procedure the Council shall order verbal discussion with the participant in licensing procedure, wherein the participant shall propose 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 shall not grant the licence for the applicant only if the applicant does not fulfil the conditions pursuant to Article 13(3) or if the proposed programme structure does not fulfil the requirements pursuant to Articles 31 and 32(1).

PART FOUR REGISTRATION

Article 26 Registration of retransmission

(1) Registration of operator of retransmission in cable system or via satellites shall authorise the operator to disseminate broadcasting taken over from other sources through 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 of the day when the Council decision on registration became effective.

Article 27 Application for registration

(1) The application for registration shall be submitted 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 for paragraphs (g) and (h), and furthermore the way of technical, organisational and financial support for retransmission, information on programmes, which are planned to be disseminated by the applicant, and if possible also the planned distribution of channels and technical specification of cable system.

Article 28 Provisions on registration management

(1) Registration procedure shall be started with the delivery of written application 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 by 15 days from the delivery) provide to the applicant a period to correct the faults.

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

(3) The Council shall decide upon the application for registration within 30 days from the day 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 of the day 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. during the period of past five years either the licence of the applicant was withdrawn or the registration of the applicant was cancelled due to violation of law, or
- b. the person, who submits the extract from criminal record, was finally sentenced for a wilful offence, or
- c. it results from the application that the legal standards will be infringed through the retransmission.

Article 29
Change of registration

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

- a. deposits of individual partners, amounts of their business shares and way of distribution of voting rights,
- b. list of shareholders (partners),
- c. change in programme offer,
- d. geographical area of retransmission.

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

(3) Changes in other facts, specified in the application for registration, shall be announced by operator of retransmission 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 of the day of dissolution of the legal person which was registered,
- b. due to the death of natural person, who was registered,
- c. due to Council decision on cancellation of registration due to the reasons specified in Article 64,
- d. by cancellation of registration upon the request of the operator of retransmission,
- e. as of the effective date of the sentence, whereby the operator of retransmission was finally convicted of a particularly serious offence or of an economic offence or of an offence against property.

PART FIVE
RIGHTS AND DUTIES OF BROADCASTERS AND OPERATORS OF retransmission

Chapter I
Rights and Duties in Programme Broadcasting

Article 31
Programme Contents

(1) The broadcaster and operator of retransmission 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 Operators of Retransmission.**

(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 programmes,
- b. ensure that the programme units do not promote war or show brutal or otherwise inhumane behaviour in a manner detracting from such behaviour, apologising or approving it,
- c. ensure that the 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 programme units do not contain subliminal communications,
- e. not include in the programme any programme unit which might seriously affect the physical, mental or moral development of minors by, in particular, involving pornography and gross gratuitous violence,
- f. not show, without justification, dying people or people exposed to heavy physical or mental torture, doing so in a manner detrimental to human dignity,
- g. not include in the programme during the period of 06,00 h to 22,00 h any programme unit and announcements which might endanger the physical, mental or moral development of minors,
- h. ensure that any programme unit to which the restriction referred to under letter g) 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 and is broadcast outside the period referred to under letter g) above should be labelled 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 self-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; 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 the termination of such a procedure by an effective decision,
- l. give 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 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 letter n).

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

(3) The operator of retransmission shall not be entitled to disseminate any programme which contains:

- a. any programme units which are broadcast in contradiction with the provisions of Article 31 (1)(b,c,e,f) above,
- b.** any programme units which 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 a 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 proportion of the public in the Czech Republic of the possibility of following that event via live coverage or via deferred coverage 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 transmission of another event for which the broadcasting of the record 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 published 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 proportion of the public in that Member State of the possibility 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 in the Official Journal of the European Communities, shall be made available by the Council 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 published 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, deprive a substantial part of the public in that Member State 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 by a 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, the exclusive rights in respect of any event referred to in Para 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.

Title 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 legal entity was made public in radio or television broadcasting, then such a person or legal entity shall have the right to request that a reply be transmitted by the radio or television broadcaster. The radio or television broadcaster shall transmit such a reply upon such a person's or legal entity's request.

(2) The reply shall be limited to a factual assertion through which any assertion referred to in Paragraph 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 person or legal entity 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, the right referred to in Paragraph 1 above shall be held by such a person's spouse and children and, if there are no spouse and children, 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 legal entity shall remain unaffected by the provisions referred to in Paragraph 1 to Paragraph 4 above.

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 legal entity, whereby the natural person or legal entity 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 or entity 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 or legal entity's request.

(2) Upon the death of the natural person, the right referred to in Paragraph 1 above shall be possessed by such a person's spouse and children and, if there are no spouse or children, 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 legal entities shall remain unaffected by the provisions referred to in Paragraph 1 and Paragraph 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 for transmission of a reply shall clearly indicate what in the previously transmitted announcement was the actual information affecting the honour, dignity or privacy of the natural person or the good name or reputation of the legal entity. 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 of 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 transmission 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 Reply and Additional Announcement

(1) A reply or additional announcement shall be made public by the broadcaster

- a. in the same broadcast 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 "Reply" 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 legal entity who or which applied for the reply or additional announcement to be transmitted, if such a person/entity 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 radio and television broadcaster's 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
Reply and Additional Announcement**

(1) The broadcaster shall not be obliged to transmit a reply or additional announcement if

- a. the publication of the proposed text would involve the commitment of a criminal act or administrative tort,
- b. the publication 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 publication 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 legal entity 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 legal entity 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 Paragraph 1 and Paragraph 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.

**Title III
Promotion to European Production and Independent European Production**

Article 42

The television broadcaster shall, where practicable, 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 broadcasts, sports events, games, teletext, advertising and teleshopping.

Article 43

(1) The television broadcaster shall, where practicable, 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 broadcasts, sports events, games, teletext, advertising and teleshopping.

(2) The obligation referred to in Paragraph 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 legal entity 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 practicable, 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 support to European independent production in accordance with the provisions of Article 43(2) by incurring at least 10% of its programming 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 broadcasters of

- a. a local channel 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 the television broadcasting 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 from 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 Transfrontier Television Convention, and meeting the conditions specified in Para 2 below,
- c. works originating from European states not referred to under Letters a) and b) above, meeting the conditions specified in Paragraph 3 below,
- d. works originating from the Czech Republic.

Provisions under Letters 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) The 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 referred to 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 one or more 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 Para 1 Letter 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 audiovisual 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 Para 1 above 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 Paragraphs 1 and 4 above but made 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 of the Support to 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 thereof and the 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 Paragraph 1 above 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 Paragraphs 1 and 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.

Title IV

Advertising, Teleshopping and Sponsorship of Programme Units

Article 48

The Duties of the Broadcasters in Respect of the Broadcasting of Advertising and Teleshopping

(1) Broadcasters may not include in the broadcasting

- a. advertising and teleshopping supporting 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 support conduct which endangers minors' physical, mental or moral development,
- c. advertising and teleshopping in which newscasters, moderators or editors of news and political broadcasts 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 to promote tobacco and the products thereof,
 - g. surreptitious and subliminal advertising,
 - h. advertising and teleshopping affecting the respect to human dignity.

(2) When broadcasting advertising, television broadcasters may not

- a. directly exhort minors to buy a certain product or service by exploiting their inexperience or credibility,
- 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. show minors in dangerous situations without justification.

(3) The television broadcaster shall ensure that teleshopping is in compliance with the requirements referred to in Paragraph 2 above 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 advertising and teleshopping

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

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

(6) The broadcaster shall eliminate any influence that might be exerted on the contents of the broadcasts by the persons or entities who or which ordered the advertising or the teleshopping.

(7) Provisions on the regulation of advertising shall remain unaffected.

Article 49
**Duties in Respect of the Inclusion of Advertising and Teleshopping
in the Programme**

(1) The television broadcaster may include advertising and teleshopping in broadcasts consisting of separate parts, or in sports broadcasts, or in other similarly structured broadcasts, 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 Paragraphs 3 and 4 below, interrupt television broadcasting by advertising and teleshopping, unless such interruptions affect the coherence and worth of the broadcasts; doing so, the licensed television broadcaster must respect the nature, duration and internal structure of the broadcast; doing so, the licensed television broadcaster may not infringe on the rights of the owners of the broadcasts which rights were vested in such owners according to a special law.

(3) The licensed television broadcaster may interrupt by advertising and teleshopping 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 broadcast by advertising or teleshopping.

(4) The licensed television broadcaster may only interrupt by advertising or teleshopping the broadcasting of broadcasts to which the provisions of in Paragraph 3 do not apply where the scheduled duration of the broadcast 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 broadcast by advertising or

teleshopping.

(5) Advertising and teleshopping shall not interrupt news and political broadcasts, religious broadcasts and broadcasts for minors, unless their scheduled duration is longer than 30 minutes.

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

(7) The scheduled duration of the broadcast as referred to in the previous paragraphs shall be deemed also 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 statutory television broadcaster may increase this proportion up to 10% of the daily broadcasting time by the broadcasting of teleshopping. During the period of 19.00 h to 22.00 h the broadcasting of advertising and teleshopping shall not exceed 6 minutes in one hour of broadcasting.

(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, with the exception of the broadcasting of coherent teleshopping broadcasts.

(3) During each hour of television broadcasting by a broadcaster the time reserved to advertising and teleshopping 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 Paragraphs 1 to 3 above.

(5) The announcements given by the television broadcaster in respect of such a broadcaster's own programme units and the goods and services derived from such broadcasts, 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 broadcasts lasting at least 15 minutes without interruption may be broadcast by the licensed television broadcaster beyond the time restrictions on advertising and teleshopping as laid down in Paragraphs 1 and 3 above.

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

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 programmes 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 programme of the same broadcaster.

(4) The announcements given by the radio broadcaster in respect of such a broadcaster's own broadcasts and the goods and services derived from such broadcasts, 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.

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 aimed at minors or, in particular, depict minors consuming 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. claim 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. If the sponsor is a producer or distributor of therapeutic preparations the issue of which is bound to medical prescription, the sponsor's message may only contain the sponsor's trade name and/or logo.

(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 broadcasts and exact time information.

(3) Programme units may not be sponsored by persons whose key activities include the manufacture or lease of products or provision of services which, as law stipulates, may not be the subject of advertising.

(4) The broadcaster shall ensure that the content and scheduling 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 a third party through, in particular, specially mentioning such products in such programme units.

**Title V
Special Authorisations and Duties of Broadcasters and Operators of Retransmission 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 operator of retransmission 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 exclusively for the purposes of the local community; without the consent of the licensed broadcaster in the cable system and the operator of retransmission a channel must not be used for advertising and teleshopping purposes.

(2) In providing the minimum programme offer, the operator of retransmission in the cable system shall ensure that the programme offer includes regional 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 broadcaster of local broadcasting on frequencies shared with a licensed nation-wide broadcaster shall provide their programmes free of charge to the operator of retransmission. The operator of retransmission 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 legal entity, nor any single natural person, may be a holder of more than one licence for nation-wide television broadcasting.
- (2) No single legal entity, 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 television broadcaster in any other manner (Article 58).
- (9) Duties referred to in Paragraphs 1 and 2 above shall not apply to digital broadcasting and to radio and television broadcasting disseminated over cable systems and via satellites.
- (10) Provisions in Paragraphs 7 and 8 above shall not apply to persons involved in the canvassing and sale of advertising services, sponsorship-related services, market surveying services and services relating to the purchase of broadcasts, except news broadcasts.

Article 56
**The Securing of Plurality of Information
in Local Radio and Television Broadcasting**

- (1) If any single legal entity 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 legal entity'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 legal entity or any single natural person may only hold an ownership interest in the business of more than one broadcaster of radio broadcasting other than nation-wide radio broadcasting or in the business of more than one broadcaster 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 broadcasters of radio broadcasting other than nation-wide radio broadcasting or all broadcasters of television broadcasting other than nation-wide television broadcasting in whose businesses such an entity or 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 Paragraphs 1 and 2 above 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 Operators of Retransmission**

- (1) The broadcaster or operator of retransmission 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 legal entities or sale of the enterprise 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 legal entity or one natural person possesses a substantial interest in two or more radio broadcasters;
 - d. a consolidation of television broadcasters occurred whereby one legal entity or one natural person possesses a substantial interest in two or more television broadcasters.

- (2) A legal entity or natural person shall be regarded as having a substantial influence on a broadcaster insofar as
- a. it possesses a direct or indirect interest greater than 34% of the voting stock, an indirect interest being an interest held 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/entities who/which provide, on the basis of a mandate 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 operator of retransmission 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 Paragraph 1 above 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 Paragraphs 1 to 3 shall not apply if the broadcaster or operator of retransmission 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 operator of retransmission in the event that such a broadcaster

- a. includes in broadcasting any programme unit which shows, without justification, 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 broadcasting records 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 according to Article 32(1)(j),
- f. breaches the obligation to mark the programmes according to 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 according to Article 33(1) and (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 broadcasting of another event of a major importance for society according to Article 33(2),
- k. breaches the ban on the sponsorship 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 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 operator of retransmission 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 according to Articles 42 to 44,
- b. fails to notify the Council of any change in the information contained in the licence application according to Article 21(2),
- c. fails to apply in advance for the Council's consent to any change in the time and territorial coverage of broadcasting and changes in the set of technical parameters according to Article(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 time 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 operator of retransmission, 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 detracting from such behaviour, apologising or approving it,
- b. includes in its broadcasting structure any programme unit that contain subliminal information,
- c. includes in its broadcasting structure any programme unit 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 announcements 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/entity who/which intervenes in the contents of the programme of a broadcaster or operator of retransmission in a manner which is in contradiction

with the provisions of Article 31(1) and if it breaches the duties regarding the production and broadcasting of programmes referred to in special Acts.^{3), 4)}

(5) The Council shall impose a fine of up to CZK 10,000,000.- on any person/entity 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 operator of retransmission in the event that such a broadcaster

- a. breaches the restrictions on certain ways of conduct as indicated in Article 21(6) and (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 the 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 operator of retransmission with respect to its informational, educational, cultural and entertainment responsibilities to its viewing 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 broadcast and to the financial benefit if any.

(4) The fine shall be payable and paid within 30 days of the date on which the decision on its imposition entered into affect. 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/entity 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) Judicial remedy in respect of the decision on the imposition of any fine shall be admissible.

Article 62

Suspension of Retransmission

(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 of which are in obvious and gross breach with the provisions of Article 32(3) hereof,

(2) The Council may only so decide if the operator of retransmission taken over from another State disseminating such a programme has been at least twice notified in writing by the Council within the past 12 months about the obvious and gross breach of the provisions of Article 32(2) 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 such a 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 entry into force of the decision to grant the licence or the broadcaster failed to start television broadcasting within 360 days of entry into force 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 an operator of retransmission if such an operator:
 - a. provided false information in the application for registration,
 - b. repeatedly breaches of 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 an operator of retransmission taken over from other sources if such an operator
 - 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 operator.

Article 65
Joint Provisions on the Withdrawal of the Licence and Cancellation of Registration

- (1) Remedy may be lodged with a court against any decision based on Articles 63 and 64 hereof within 30 days of delivery of the respective decision. The court shall decide on the remedy within 60 days.
- (2) Once the licence was withdrawn or registration cancelled, the licensed broadcaster and operator of retransmission shall terminate the broadcasting within the period prescribed by the Council.

PART EIGHT
joint and transient provisions

Joint Provisions
Article 66

Unless otherwise provided herein, any proceedings shall be as stipulated in Act No. 71/1967, on Administrative Procedure (Rules of Administrative Procedure), as amended, except Articles 53 to 69 of the Rules of Administrative Procedure. Remedy may be lodged with a court 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.

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 meet the conditions defined in this Act. Provisions of Articles 42 to 47 shall not apply to the broadcasting of such a programme.

Transient Provisions
Article 68

- (1) The licences for broadcasting and registrations for retransmission granted on the basis of the existing legal regulations in force as of the effective date hereof shall be treated as licences for broadcasting and registrations for

retransmission based hereon. The cable system broadcaster or the broadcaster broadcasting 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 started 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 until that time provided that their 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 according to the requirements of this Act. Proceedings according to the preceding sentence shall then be completed according to 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 operator of retransmission 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 legal entity; the Council shall only meet such a request in the event that the legal entity 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 Council of the Czech Republic for Radio and Television Broadcasting set up according to Act No. 103/1992, on the Council of the Czech Republic for Radio and Television Broadcasting, as later amended, shall be treated as 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 which 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 legal entity or Czech natural person, or a legal entity or natural person having its head office, domicile or residence in any of the member countries 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. 40/1994, Act No. 237/1992, 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 Circumstances Relating to the Discharge of the Office of Representatives of State Power and Certain State Bodies and Judges

Article 70

Act No. 236/1995, on Salaries and other Circumstances Relating to the Discharge of the Office of Representatives of State Power and Certain State Bodies and 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 of the Czech Republic for Radio and Television Broadcasting".

The existing letters f) and g) shall change 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
REQUISITES OF A 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 1.00.

(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 1.00.

(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 and Act No. 120/2001, 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./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. 57a, shall read:

"(4) Decision on a proposal submitted on the basis of a special Act^{57a)} shall be made by the court no later than 60 days of the date of submission.

^{57a)} Article 19 and Article 65(1) of Act No./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. /2001, on Radio and Television Broadcasting and on Amendment to other Acts."

2. In Article 7(a) the words "Council of the Czech Republic for 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. /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 television broadcasting within the range defined in Article 3(2)(a)."

PART THIRTEEN

Amendment to the Act on Administrative Charges

Article 74

The Tariff 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 and Act No.365/2000, shall be amended as follows:

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

Authorisation to Operate Broadcasting Taken Over from Other Sources".

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 CZK 15,000.-

c) Submission of application to operate retransmission

- 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 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 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 (d) of Act No. /2001, on the Operation of Radio and Television Broadcasting 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 entity as the statutory broadcaster may appoint. In the event that the licence fee payer fails to pay by the end of the calendar year in which the licence fee was due for payment the payer shall pay the radio licence fee directly to the Czech Radio and the television licence fee directly to the Czech Television, unless otherwise provided herein."

2. In Article 5, a new Paragraph 2 shall be inserted, which 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 broadcaster which is a statutory broadcaster."

The hitherto existing Paragraphs 2 to 4 shall be denoted 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 licence fee payers shall be maintained by the Czech Mail in its Post Offices appropriate to the permanent residence or head office of the licence fee payer, or by the statutory broadcaster."

PART FIFTEEN EFFECT

Article 76

(1) This Act shall enter into force and effect on the date of its promulgation (*note: 4 July 2001*), except for the provisions of Article 33(4) and (5) and Article 46, which shall enter into force and effect as at the date 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 accession of the Czech Republic to the European Union.

¹⁾ Article 12(2) of Act No. 89/1995 on the state statistical service.

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

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

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

⁵⁾ For instance Act No. 101/2000 on the protection of personal data and on the change of some acts in the wording of Act No. 227/2000, Act No. 513/1991 Commercial Code as amended.

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.

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

⁸⁾ Act No. 218/2000 on budget rules and on the change of some related acts (Budget Rules) in the wording of Act No. 490/2000.

⁹⁾ Act No. 143/1992 on salary and compensation for the period of stand-by duty in the organisations budgeted by government and in some other organisations and bodies as amended.

¹⁰⁾ Article 29 and 40 of Act No. 71/1967 on administrative procedure (Code of Administrative Procedure).