

**Act No. 484/2001**  
of 7 November 1991

**on Czech Radio**

Amendment: 36/1993

Amendment: 253/1994

Amendment: 301/1995

Amendment: 135/1997

Amendment: 192/2002

Amendment: 127/2005

The Czech National Council has adopted the following Act of the Czech Republic:

**Article 1**

(1) Czech Radio with the seat in Prague shall hereby be established.

(2) Czech Radio is a juristic person managing its own assets, the basic part of which was transferred from the Czechoslovak Radio<sup>1)</sup>. Czech Radio shall assume rights and undertake obligations in its own capacity.

(3) The State is not responsible for any obligations of Czech Radio and Czech Radio is not responsible for any obligations of the State.

**Article 2**

(1) Czech Radio shall provide public service by creating and distributing radio programmes and prospectively also other multimedia content and supplemental services in the entire territory of the Czech Republic (hereinafter referred to as “public service in the radio broadcasting area”).

(2) The main tasks of public service in the radio broadcasting area include, without being limited to:

- a) providing objective, verified and generally balanced and comprehensive information as may be needed for opinions to be freely formed,
- b) contributing to legal awareness among the citizens of the Czech Republic,
- c) creating and disseminating programmes and providing a well-balanced offer of programme units for all groups of population with respect to the freedom of their faith and conviction, culture, ethnic or national origin, national identity, social origin, age or gender so that the programme units reflect the diversity of opinions and political, religious and philosophical orientations and artistic trends, with a view to promoting mutual understanding and tolerance and supporting coherence of the plurality society,
- d) developing cultural identity among the citizens of the Czech Republic, including members of national or ethnic minorities,

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<sup>1)</sup> Article 4 of Act No. 136/1991 on the division of authority between the Czech and Slovak Federative Republic and the Czech Republic and the Slovak Republic in respect of press and other media

- e) producing and broadcasting news and political programme units, documentaries, art, drama, sports, entertainment and educational programming, and programmes for minors.

### **Article 3**

(1) Czech Radio shall provide public service in the radio broadcasting area in the following major ways:

- a) operate analogue radio broadcasting using part of the frequency spectrum allowing to cover the territory of the Czech Republic by three nation-wide radio programmes within the frequency modulation band and by the radio programmes of regional studios, broadcast in the frequency modulation band or through other technical means; Czech Radio may also broadcast on the long and medium wave bands,
- b) operate digital terrestrial radio broadcasting of the three nation-wide radio programmes referred to in Clause 3(1)(a) through the public service multiplex<sup>1a)</sup>; in addition to these radio programmes, Czech Radio also has the right through the public service multiplex to disseminate other radio programmes and other multimedia content and supplemental services; the radio programmes, other multimedia content and supplemental services may also be digitally broadcast by Czech Radio via satellites and cable networks,
- c) operate digital terrestrial radio broadcasting so as to ensure that public service tasks in the area of radio broadcasting are fulfilled, reflecting the current state of development of broadcasting technology and services. To this end, Czech Radio uses, in particular, the part of the frequency spectrum allowing for covering the territory of the Czech Republic with radio programmes and other content within the band that is reserved, on the basis of the national frequency table, to terrestrial digital radio broadcasting, particularly in TV band III,
- d) establish its own network of reporters;
- e) build archive collections, maintain them and take part in the utilisation of those collections as part of the national cultural heritage,
- f) broadcast domestic and foreign works,
- g) provide 24-hour programme service on at least one channel, including latest news,
- h) develop activities in the area of new transmission technologies and services.

(2) Czech Radio uses one radio channel in the short wave band to operate radio broadcasting abroad through the terrestrial radio transmission equipment or through other technical facilities. Broadcasting abroad shall meet the conditions of Section 2(2)(a) and 2(2)(c) and must contribute to the promotion of the reputation of the Czech Republic.

(3) The State body responsible for the administration of the frequency spectrum on the basis of a specific legal regulation<sup>1b)</sup> shall, upon prior consent of the Council for Radio and Television Broadcasting, reserve for Czech Radio the radio frequencies that enable the operation of analogue radio broadcasting within the range specified in Article 1(a) and Article 2. Frequencies in the long and medium wave bands shall only be so reserved if Czech Radio so requests.

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<sup>1a)</sup> Article 3(1)(b) of Act No. Act No. 483/1991 on Czech Television, as amended

<sup>1b)</sup> Act No. 127/2005 on electronic communications and on amendment to certain related acts (the Electronic Communications Act).

(4) For the purposes of this Act, a nation-wide programme means a radio programme whose broadcasting can be received by at least 95 of the population of the Czech Republic, based on information from the last population census<sup>1c)</sup>.

## Council of Czech Radio

### Article 4

(1) The Council of Czech Radio (hereinafter referred to as the “Council”) is the body through which the public exercises its right of inspection in relation to Czech Radio. The Council has nine members. The Chamber of Deputies of the Parliament of the Czech Republic (hereinafter referred to as the “Chamber of Deputies”) shall elect and remove the Council members and shall ensure that significant regional, political, social and cultural views and trends are represented on the Council.

(2) Nomination proposals for membership in the Council shall be submitted to the Chamber of Deputies by organisations and associations representing cultural, regional, trade union, employer, religious, educational, scientific, environmental and nationality interests. The proposed nominations shall be submitted in the manner defined by the resolution of the Chamber of Deputies within 15 days after the public announcement of the invitation by the Chairperson of the Chamber of Deputies to submit proposals.

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

- a) full legal capacity,
- b) permanent residence in the Czech Republic,
- c) integrity; this requirement is not considered as being fulfilled if the candidate has been effectively sentenced for a wilful offence, unless such a sentence has been annulled or unless there is any other reason to consider such a person as if not sentenced; furthermore, the person fails to fulfil the requirement of integrity if he/she does not comply with the requirements laid down by a specific act.<sup>1d)</sup>

(4) Council members shall be elected from among the candidates nominated in accordance with Article 4(2) above. The Council member’s term of office is 6 years, one-third of the members being elected every two years. Council members may be re-elected, but not for more than two terms in succession. To fill vacancies created in any manner other than by the expiration of the term of office, new members may only be elected for the remaining part of the term for the position that has been vacated; however, if such a remaining part of the term is shorter than 1 year, there is no such limitation of the possibility of re-election. In case when the entire Council is removed in accordance with Article 6(3) and all new members are then elected, the Council shall, at its first meeting, cast ballot to determine the 3 Council members for a term of 2 years, 3 Council members for a term of 4 years and 3 Council Members for a term of 6 years.

(5) The Council is responsible to the Chamber of Deputies for its activities.

(6) Council membership is public office<sup>2)</sup>. Council members are entitled to remuneration for exercising the functions related to Council membership. The amount of the remuneration shall be determined by resolution of the Chamber of Deputies.

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<sup>1c)</sup> Article 12(2) of Act No.89/1995 on State Statistical Service, as amended.

<sup>1d)</sup> 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.

<sup>2)</sup> Article 124(1) of the Labour Code.

(7) The Council shall elect, and may remove, its chairperson from among its members.

## **Article 5**

(1) 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, the Public Protector of Rights (Ombudsman), any position held in the public administration, member of the Council for Radio and Television Broadcasting, member of the Council of Czech Television, member of the Council of the Czech Press Agency, Director General of Czech Television, member of the Supervisory Commission of Czech Television or member of the Supervisory Commission of Czech Radio.

(2) A Council member may not assume functions in political parties or political movements, social organisations and associations, civic initiatives and other such organisations and may not, when exercising his functions in the Council, act on such organisations' behalf or act in their favour or in favour of any other group interests; further, he may not take part in any business in the area of mass media, nor may he represent any business interests that could be incompatible with his capacity or could affect his independence and objectivity in decision-making. With the exception of the payments provided to him in relation to the exercise of his functions on the basis of this Act, a Council member or any person closely related to him<sup>3)</sup> may not have any property benefit from radio broadcasting operation.

(3) A Council member and persons closely related to him<sup>3)</sup> may not be employed nor may he be in any similar relation to Czech Radio during his term of office and for two years afterwards.

## **Article 6**

(1) Membership in the Council shall expire as follows:

- a) with the expiration of the Council member's term of office,
- b) as at the date that immediately follows after the delivery of a letter of resignation to the Chairperson of the Chamber of Deputies,
- c) by removal of the Council member from his position,
- d) as at the date on which the Council member ceased to fulfil the conditions for election to the position of Council member as set out in Article 4(3),
- e) by the member's death.

(2) The Chamber of Deputies may remove a member from the Council for the following reasons:

- a) if the functions pertaining to the capacity are not executed as set out in Article 5,
- b) if the Council member seriously compromised the dignity of Council member or his actions lead to doubts in respect of his independence or impartiality in exercising his functions as Council member,
- c) if the Member has failed to participate at Council meetings for longer than 3 months.

(3) The Chamber of Deputies may remove the entire Council if the Council has repeatedly failed to fulfil the functions set out herein or if the Chamber of Deputies has

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<sup>3)</sup> Article 116 of the Civil Code

refused to approve the Annual Report on the Activities of Czech Radio or the Annual Report on the Financial Management of Czech Radio twice in succession.

## Article 7

(1) The activities of the Council shall be governed by its Rules of Procedure, which the Council must adopt within thirty days after its first meeting.

(2) The Council shall take its decisions by the absolute majority of votes of all its members, except for decisions on the appointment or removal of the Director General of Czech Radio (hereinafter referred to as the “Director General”), for which the votes of at least 6 Council members are needed.

(3) The meetings of the Council shall be public. The public may be excluded from the meeting, or from any part thereof, on the basis of the Council’s resolution, if the agenda involves information protected in accordance with specific legal regulations<sup>3a)</sup>. A person that interferes with the public meeting may be admonished by the Chairperson of the meeting, and repeated improper interference with the meeting may result in ordering the offender out of the meeting room.

(4) Minutes shall be taken from the Council meetings. The Minutes shall not contain any information protected under specific legal regulations. The minutes of the meeting, the documents approved in accordance with Article 8, and – if such is the case – resolution on the exclusion of the public from the meeting shall be made public in a manner allowing for remote access not later than in 3 days after the date of the Council meeting.

## Article 8

- (1) The scope of the Council’s powers and responsibilities shall include the following:
- a) appoint and remove the Director General and, upon the Director General’s proposal, appoint and remove the directors of the radio studios of Czech Radio (hereinafter referred to as “radio studios”); the decision to remove the Director General shall be supported by a written justification and shall be made public by the Council in a manner allowing for remote access not later than 7 days after its being served on the Director General,
  - b) approve the budget and the closing account of Czech Radio and check compliance with Czech Radio’s budget,
  - c) approve the Statute of Czech Radio upon proposal by the Director General,
  - d) submit to the Chamber of Deputies for approval the Code of Czech Radio, setting out the principles of public service provision in the area of radio broadcasting; any breach of the Code of Czech Radio shall be treated as breach of work discipline on the basis of a specific Act<sup>3b)</sup>,
  - e) approve the proposals of the Director General on establishing or closing radio studios (Article 9(8) and proposals based on Article 9(7),
  - f) make decisions on complaints regarding the Director General;
  - g) supervise how public service tasks are accomplished in the area of radio broadcasting (Articles 2 and 3) and how the principles of the Code of Czech Radio are complied

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<sup>3a)</sup> For example, Articles 17 to 20 of the Commercial Code, Act No. 148/1998 on the protection of confidential information and on amendment to certain Acts, as amended, Act No. 101/2000 on the protection of personal data and on amendment to certain Acts, as amended.

<sup>3b)</sup> Act No. 65/1965, the Labour Code, as amended

- with; issue opinions and recommendations for that purpose, related to the portfolio of programmes offered,
- h) approve long-term development plans in the programme, technical and economic areas,
  - i) set up a supervisory commission (Article 8a) and determine remuneration for the members of the Supervisory Commission (Article 8a(7)),
  - j) determine the salary of the Director General.

(2) The Council shall submit to the Chamber of Deputies the Annual Report on the Activities of Czech Radio by 31 March of the immediately following calendar year and Annual Report on the Financial Management of Czech Radio by 31 August of the immediately following calendar year. These Annual Reports shall be published in a manner allowing for remote access within 3 days after their approval by the Council.

(3) Czech Radio's budget shall include a separate cost item to cover the costs of the activities of the Council and the remuneration to its members, and the costs of the activities of the Supervisory Commission and remuneration to its members.

(4) Neither the Council, nor its members may directly intervene in the production and broadcasting of radio programmes.

### **Article 8a**

#### **The Supervisory Commission**

(1) The Supervisory Commission is an advisory body to the Council in matters related to inspection of the financial management of Czech Radio. Its purpose is to monitor whether the financial resources and assets of Czech Radio are used in an effective and efficient manner. The Supervisory Commission shall notify the Council in writing about any shortcomings identified and submit proposal for rectification,

(2) The Supervisory Commission shall have 5 members, elected (and removed) by the Council. Membership in the Supervisory Commission is a public office<sup>2)</sup>.

(3) Members of the Supervisory Commission shall be elected for a term of 2 years, and may be re-elected, but not for more than 2 terms in succession. The prerequisites for election as member of the Supervisory Commission and for exercising the office of member of the Supervisory Commission shall be, *mutatis mutandis*, as specified in Article 4(3) and Article 5. The provisions of Article 6(1) and 6(2) shall apply, *mutatis mutandis*, to the expiration and termination of membership in the Supervisory Commission.

(4) From among its members, the Supervisory Commission shall elect (and remove) its Chairperson and Vice-chairperson. The Vice-chairperson shall substitute for the Chairperson when necessary, including chairing the meetings of the Supervisory Commission. The Supervisory Commission shall adopt its rules of procedure.

(5) The Supervisory Commission shall meet when at least two of its members so request in writing, but not less frequently than once in a calendar month. The meetings of the Supervisory Commission shall be closed to the public and the Chair of the meeting shall take minutes of every meeting.

(6) The Supervisory Commission shall have quorum if its Chairperson or Vice-chairperson and at least another 2 members are present. The Supervisory Commission shall take its decisions by the absolute majority of votes of the members present and voting; in the case of equality of votes the Chair's vote shall prevail.

(7) The Council shall determine the level of remuneration for the members of the Supervisory Commission.

(8) Members of the Supervisory Commission may inspect any papers, documents related to accounting and records on the data carriers of Czech Radio, and may also request written explanations from Czech Radio employees. Czech Radio employees are obliged to provide the members of the Supervisory Commission with copies of any Czech Radio papers as well as any explanation as they may request.

(9) Members of the Supervisory Commission shall keep silent about any facts they may learn while performing the inspection activities, unless they are released from confidentiality by the Chairperson of the Council. This confidentiality clause shall remain in force even after the end of their term as members of the Supervisory Commission.

(10) The Supervisory Commission shall submit to the Council a written report on its activities for each calendar quarter before the tenth day of the second month after the end of the quarter. The Supervisory Commission shall submit to the Council its analysis of the financial management of Czech Radio as supporting material for the Annual Report on the Financial Management of Czech Radio, and shall do so before 30 June of the immediately following calendar year.

## **Article 9**

### The Director General

(1) The Director General is the statutory authority of Czech Radio. When the Director General is absent, his functions shall be exercised by a deputy authorised by him.

(2) The Director is responsible for his activities to the Council and is entitled to take part in the meetings of the Council.

(3) Provisions of the Labour Code shall apply to the Director General, unless otherwise provided herein.

(4) The Director General shall be appointed by the Council from among eligible candidates who fulfil the conditions specified in Article 4(3). The Director General is so appointed for a term of 6 years on the basis of the results of a tender.

(5) The position of the Director General is incompatible with membership of the Council. Provisions of Article 5 shall apply, *mutatis mutandis*, to exercising the position of Director General.

(6) The Council may remove the Director General from his position if Czech Radio fails repeatedly to fulfil the public service tasks in the area of radio broadcasting on the basis of this Act (Articles 2 and 3) or obligations resulting from a specific legal regulation<sup>3c)</sup> or if it fails with its programmes to apply the principles of the Code of Czech Radio. The Council shall remove the Director General from his position if he breaches his obligations set out in law or in the Statute of Czech Radio or if he no longer meets the qualifications for the office of Director General as set out herein.

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<sup>3c)</sup> For example, Act No. 468/1991 on radio and television broadcasting operation, as amended; Act No. 40/1995 on the regulation of advertising and on amendment to Act No. 468/1991 on radio and television broadcasting operation, as amended, as amended.

(7) For leasing any real property for a period longer than 3 months, or transferring or encumbering such property or any part thereof, the Director General needs a prior consent of the Council, otherwise such a transaction shall be ineffective.

(8) The Director General may establish and disestablish radio studios with the previous consent of the Council, except abolishing the studios in regional capitals.

(9) In cases defined by the Statute of Czech Radio, the Director General shall appoint and remove members of the managerial staff of Czech Radio after discussing such appointments and removals with the Council.

(10) The Directors of the radio studios and the persons referred to in Article 9 above shall meet the requirements set out in Article 4(3).

(11) If the Director General resigns or is removed from his position, or if the position of Director General is vacated after expiration of the term or office or due to the Director General's death, the Council shall appoint an interim Director General of Czech Radio (hereinafter referred to as "provisional Director General") to officiate until a new Director General is appointed. The Council shall appoint a new Director General not later than 3 months after the day when the position of Director General is vacated.

(12) Provisions of Articles 9(1) to 9(9) shall apply, *mutatis mutandis*, to the provisional Director General during the period until the appointment of a new Director General.

#### **Article 9a**

Repealed.

#### **Article 10**

##### Financing of Czech Radio

The sources of financing Czech Radio include, without being limited to:

- a) radio fees, based on a specific legal regulation<sup>3d)</sup>,
- b) income from Czech Radio's own business activities.

(2) The costs associated with Czech Radio broadcasting as referred to in Article 3(2) shall be paid by the Czech Republic from the state budget.

#### **Article 11**

(1) Czech Radio is entitled, under conditions set out in legal regulations, to carry out business activities related to its line of business; in this, Czech Radio shall ensure that such activities do not affect the fulfilment of its tasks (Article 2 hereof).

(2) Czech Radio shall use its funds to fulfil its tasks set out in Articles 2 and 3.

#### **Article 12**

##### Radio studios

(1) Radio studios in regional capitals and radio studios established in accordance with Article 9(8) of this Act constitute part of Czech Radio.

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<sup>3d)</sup> Act No. 252/1994 on radio and television fees, as amended.

(2) The Director of a radio studio is entitled on behalf of Czech Radio to enter into legal acts related to the radio studio, except for transferring or encumbering any real property. The Director of a radio studio shall be responsible for the work of the studio to the Director General.

(3) Within the scope of their activities, the radio studios shall have authorisations as set out in Article 3(1), except 3(1)(a) and (e).

(4) The share of broadcasting from the radio studios on the nation-wide broadcasting circuits, except the news and political circuits, shall be at least 30% of the total monthly broadcasting time of Czech Radio.

### **Article 13**

Czech Radio may only use its technical and production facilities in compliance with this Act (Articles 2 and 3).

#### Joint and final provisions

### **Article 14**

(1) The Czech National Council shall elect the Council within a month after the effective date of this Act. The Council shall appoint, within a month after their election, the Director General.

(2) A provisional Director, elected by the Czech National Council, shall manage Czech Radio before the Director General is appointed. The provisional Director shall not have the authorisations based on Article 8(1) hereof.

### **Article 15**

This Act shall enter into effect on 1 January 1992.

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## **Selected provisions of amendments**

### Article II of Act No. 192/2002

#### Transition Provisions

1. The Council of Czech Radio established on the basis of the previous legal regulations shall be treated as Council based on this Act. Within 6 months from the effective date hereof, the Council members shall put their situation in compliance with this Act.

### Article II of Act No. 127/2005

#### Transition Provisions

1. Digital broadcasting of the radio programmes referred to in Article 3(1)(b) of Act No. 484/1991 on Czech Radio, as amended to come into effect as at the effective date hereof, shall be launched by Czech Radio in a stepwise manner, depending on its readiness in economic, organisational and technical terms.

2. The terms and conditions of the dissemination of Czech Radio's programmes (and other multimedia content and supplemental services, if any), through the public service multiplex shall be agreed between Czech Radio and Czech Television on a contractual basis. The Director General of Czech Radio shall submit the draft contract, confirmed by both parties, for information to the Council of Czech Radio at least 30 days before the agreed date on which Czech Radio's terrestrial digital radio broadcasting is to be launched.