

**231/2001 Coll.**

**ACT**

of 17 May 2001

**on the operation of radio and television broadcasting and on amendments to other acts**

The Parliament has agreed on the following Act of the Czech Republic:

**PART ONE**

**GENERAL PROVISIONS**

Section 1

**Subject of the Act**

This Act transposes the relevant European Union regulations<sup>1)</sup> and regulates the exercise of state administration in the field of radio and television broadcasting.

Section 2

**Terms and Definitions**

(1) For the purposes of this Act:

- a) radio and television broadcasting means the provision of programme units and other broadcasts arranged within a programme, including services directly related to the programme by a broadcaster to the public via electronic communications networks<sup>1a)</sup> in a form protected or unprotected by conditional access<sup>1b)</sup> for the purpose of simultaneous watching of the programme units and other parts of broadcasts,
- b) radio and television rebroadcasting means receiving the broadcasting of original radio and television programmes or of their substantial parts, including services directly related to the programmes or their substantial parts, and their simultaneous, complete and unchanged distribution for the public via electronic communications networks<sup>1a)</sup>; unchanged distribution also means the distribution of the Czech version of a television programme which was primarily broadcast in a foreign language,
- c) nation-wide broadcasting means radio and television broadcasting of programmes which can be received within a defined territory in the case of radio broadcasting by at least 80% and in the case of television broadcasting by at least 70% of the population of the Czech Republic according to the data resulting from the last census<sup>1c)</sup>, unless otherwise provided for by specific legislation<sup>1d)</sup>,
- d) programme network means joint compilation of programmes or of their substantial parts or mutual exchange of programmes or of their substantial parts or their simultaneous distribution by several broadcasters,

e) regional broadcasting means radio and television broadcasting which can be received within a defined territory in the case of radio broadcasting by more than 1% and less than 80% and in the case of television broadcasting by more than 1% and less than 70% of the population of the Czech Republic according to the data resulting from the last census<sup>1c)</sup>,

f) local broadcasting means broadcasting of a radio or television programme intended, due to its reach, for a locally defined area and produced for that area; the locally defined territorial area must not cover more than 1% of the population of the Czech Republic according to the latest census<sup>1c)</sup>,

g) radio and television broadcaster means a legal entity or natural person that compiles a programme, including services directly related to the programme, determines the method of organising radio and television broadcasting, bears editorial responsibility for this broadcasting and uses a unique audio or visual identification, which guarantees no confusion in respect of the programme and services directly related thereto, primarily distributes the programme and the services directly related thereto or has them distributed by third parties (hereinafter referred to as the “broadcaster”),

h) rebroadcaster means a legal entity or natural person that makes decisions on the composition of the rebroadcast programmes, including services directly related to the rebroadcast programmes and that distributes such programmes and the services directly related thereto or has them distributed by third parties in a complete and unchanged form based on a rebroadcasting license (hereinafter referred to as the “registration”) pursuant to this Act,

i) basic programme specification means the definition of prevailing genres in the general programme structure,

j) programme means an intentional time arrangement of individual radio or television programme units and other broadcasts, and, in the case of radio broadcasting, also the flow of programme elements; other broadcasts include audio, visual or audiovisual parts of broadcasting which are not programme units by their nature and are inserted between programme units, or accompany or interrupt programme units, and include, without being limited to, advertising, teleshopping and the broadcaster’s communications concerning its own programme units and ancillary products directly derived from such programme units, announcement of programme units, audio and visual means used to announce or separate commercial communications, and other programming punctuation,

k) full-format programme means a television programme containing programme units with different focuses and on different themes, including, but not limited to, news, films, documentaries, music and educational programme units which are not aimed solely at a specific group of population with identical interests,

l) programme unit in radio broadcasting means a part of broadcasting which, in the terms of the content, form and function, constitutes a closed broadcasting unit or flow of programme elements and represents a separate item of a radio programme; programme unit in television broadcasting means a set of moving images with or without sound which, in the terms of content, form and function, constitutes a closed broadcasting unit and as such it represents a separate item of television programme,

m) teletext means a service directly associated with a programme which consists of the broadcasting of text or graphic information concurrently with the broadcasting of the television programme, whereas the such information can be only displayed on the screen of a television set equipped with the appropriate decoding device,

n) advertising means any public communication broadcast in return for payment or a similar consideration, or broadcast for the broadcaster's self-promotion, in order to promote the supply of goods or provision of services, including real property, rights and obligations in return for payment,

o) service directly related to a programme means a service consisting in distributing text, audio or visual information which either individually or as a whole creates content related to a programme and which is intended to be received by the general public along with the programme; the service directly related to a programme is also understood as being the creation and provision of data files for electronic programme guide content and the service that increases the programme utilisation options for the terminal equipment,

p) electronic programme guide content means text, audio or visual information on programmes distributed in the electronic communication networks<sup>1)</sup> which is transmitted by the same electronic communications networks and are synchronously associated with those programmes,

q) surreptitious commercial communication means the oral or visual presentation of goods, services, the name, trade mark or activity of a producer of goods or provider of services, included by the broadcaster in a programme unit, if such a presentation intentionally follows an advertising objective and if it may mislead the public as to the nature of the presentation; such a presentation is considered as intentional when it is provided in return for payment or similar consideration,

r) teleshopping means direct offer of goods, including real property, rights and obligations, or services which offer is meant for the public and which is included in radio or television broadcasting in return for payment or other consideration,

s) sponsoring means any contribution made by a natural entity or legal person not engaged in the operation of television broadcasting, does not provide the video-sharing platform services<sup>22)</sup> or on-demand audiovisual media services<sup>1e)</sup> or in the production of audiovisual works, for the purposes of direct or indirect financing of a radio or television programme or programme unit with a view to promote the sponsor's personal name or business name, trade mark, products, services, activities or public image,

t) subliminal technique means audio, visual or audiovisual information which is intentionally manipulated to produce an influence on the subconscious of the listener or viewer without leaving a possibility to perceive it consciously,

u) minimum programme listing means a set of programmes which is provided by a rebroadcaster at the lowest price,

v) cable system means an electronic communications network pursuant to specific legislation<sup>1)</sup>, by which broadcasters or rebroadcasters distribute prepaid programmes to the

subscribers for an agreed price; cable systems include cable television networks, microwave systems for terrestrial radio and television broadcasting or other technical equipment, except terrestrial radio transmission equipment,

w) set of technical parameters means in the case of analogue broadcasting via terrestrial radio transmission equipment using the radio frequencies reserved for the distribution and transmission of radio or television broadcasting (hereinafter referred to as “transmitters”) means the frequency, radiated power and site of transmission,

x) repeated breach of an obligation for which a penalty has been imposed more than once in two consecutive calendar years,

y) the broadcasting territory means the whole territory of the Czech Republic for nation-wide broadcasting distributed through transmitters; for regional or local broadcasting distributed through transmitters, it means the territory set out in the authorisation for radio and television broadcasting (hereinafter referred to as the “licence”) in compliance with the opinion of the Czech Telecommunication Office, defined by:

1. a set of technical parameters for analogue broadcasting,
2. radio frequency use diagram<sup>1a)</sup> for digital broadcasting.

(2) For the purposes of this Act:

a) commercial communication means advertising and sponsorship, and in the case of television broadcasting, it also includes product placement or another sequence of images with or without sound which are designed to promote, directly or indirectly, the goods, services or public image of a natural or legal person pursuing an economic activity. Such images accompany, or are included in, a programme in return for payment or for similar consideration or for self-promotional purposes,

b) product placement means any form of inclusion of a product, service or the trade mark related to the product or service or a reference to the product or service within a programme, in return for payment or for similar consideration,

c) editorial responsibility means the exercise of effective control over the selection of the programme units and other broadcasts and over their scheduling in the programme structure,

d) editorial decision means a decision that is made on a regular basis for the purposes of exercising the editorial responsibility and is associated with day-to-day radio and television broadcasting or with provision of on-demand audiovisual media service,

e) children’s programme means a program which is produced and intended for viewers or listeners under 12 years of age and whose content, the audiovisual and sound means of production used, the manner of narration, duration, manner and time of inclusion and presentation by the broadcaster make it clear that it is adapted to persons of that age category,

f) consumer affairs programme means a programme which provides viewers with advice on the purchase of goods or services or reviews thereof,

g) closed captioning means a form of making audiovisual programmes accessible to persons with hearing disability, consisting in an optionally adjustable text in the Czech language

which is synchronised with the soundtrack of the programme, captures the spoken speech, including meaningful sounds related to the plot not arising from the picture, and identifies the speaker outside the picture in a way that enables persons with hearing disability to orient themselves in the action of the programme,

h) audio description means a form of making audiovisual programmes accessible to persons with visual disability, consisting in an optionally adjustable verbal commentary on the visual component of the programme enabling persons with visual disability to perceive parts of the programme which are not expressed in sound or are difficult to discern from the sound,

i) Czech sign language means a communication system according to the Act regulating communication systems for deaf and deaf-blind persons<sup>23)</sup>,

j) a self-regulatory body means a legal entity established in accordance with the legal system of the Czech Republic through which broadcasters, on-demand audiovisual media services providers or video-sharing platform providers cultivate the services they provide by self-regulation and in their own interest into a form favourable to their further development and to this end agree in writing to comply with the rules set out in the Code of Conduct,

k) code of conduct means a set of rules for the implementation of self-regulation adopted by its main stakeholders, setting out, in particular, the objectives of self-regulation, procedures for regular, transparent and independent monitoring and evaluation of the achievement of those objectives, and a mechanism for the resolution of complaints, including a mechanism for the enforcement of reasonable sanctions for breaches of the rules set out,

l) the assessment periods means consecutive three-year periods.

### (3) Radio and television broadcasting shall not include

a) the provision of communication services aimed at the provision of information or other communications based on individual requests,

b) the provision of an electronic communications network and the provision of an electronic communications service pursuant to a special legal regulation<sup>1a)</sup>,

c) distribution of radio and television programmes and services directly related to the programmes if such distribution serves solely to carry the signals protected by the system of conditional access to transmitters,

d) communication of information related to the operation of technical means used for carrying out radio and television broadcasting.

(4) The distribution of radio programmes via transmission system described in Section 12(3)(c) shall not be regarded as radio broadcasting and rebroadcasting.

### (5) Television broadcasting shall not include

a) broadcasting not primarily of economic nature and not in competition with television broadcasting,

- b) broadcasting not intended for reception by the public,
- c) broadcasting the main purpose of which is not the provision of programme units and which is not the television broadcasting of programmes pursuant to Section 67(1) or (2), or
- d) broadcasting that cannot be received directly or indirectly by the public in Member States of the European Union with equipment technically capable of individually optional reproducing a television broadcast, which equipment is available in retail stores.

(6) Radio and television rebroadcasting shall not be considered to mean concurrent, complete and unchanged distribution of radio and television programmes, including services directly related to programmes, taken over from other sources, which are intended to be received by the general public via a cable system covering a maximum of 100 subscribers with receiving sets subject to mandatory reporting; this number may be exceeded if the subscribers to a joint reception system are located in a single building or in a complex of buildings belonging together in terms of space and function, provided that the signal transmission line does not cross a road and provided that such joint reception is not utilised commercially.

(7) A programme network shall not include

- a) an agreement of broadcasters on joint broadcasting of advertisements and teleshopping; or joint compiling of, or taking over from each other, such programme parts as are not significant in the terms of their share in the daily broadcasting time within the programme,
- b) broadcasting of programmes by two or more broadcasters on jointly shared frequencies.

### Section 3

#### **Scope of the Act**

(1) This Act applies to

- a) broadcasters that operate on the basis of specific legislation<sup>3),4)</sup> (hereinafter referred to as the “statutory broadcaster”),
- b) a radio broadcaster that operates such broadcasting on the basis of a licence granted under this Act,
- c) rebroadcasters who operates such a broadcast on the basis of a registration under this Act.

(2) This Act applies to a legal entity or natural person not listed in subsection 1 that operates a television broadcasting service, provided it can be regarded as established in the Czech Republic pursuant to subsection 3, or provided it fulfils the conditions pursuant to subsection 4 or subsection 5.

(3) A legal entity or natural person shall be deemed to be established in the Czech Republic,

- a) if it has its registered seat or place of business<sup>4a)</sup> in the Czech Republic and takes editorial

decisions in the Czech Republic,

b) if it has its registered seat or place of business in the Czech Republic, but takes editorial decisions in another Member State of the European Union, provided

1. a substantial part of its employees providing the television broadcasting related to the selection and broadcasting of programme units (hereinafter referred to as the “programme-related”) are based in the Czech Republic,
2. a substantial part of its employees providing the television broadcasting related to the programme units are based both in the Czech Republic and in that other Member State of the European Union, or
3. a substantial part of its employees providing the television broadcasting related to programme units do not operate in the Czech Republic or in that other Member State of the European Union, provided that it first started the television broadcasting in the Czech Republic under Czech law and maintains a continuous and effective involvement in the economic life of the Czech Republic, or

c) if it has its registered seat or place of business in the Czech Republic, but takes decisions on the television broadcasting related to programme units in a state which is not a Member State of the European Union or vice versa, provided that a substantial part of its employees providing the television broadcasting related to the programme units are based in the Czech Republic.

(4) Where a legal entity or natural person cannot be considered to be established in the Czech Republic pursuant to subsection 3, nor can it be considered to be established in another Member State of the European Union, this Act shall apply to it on the provision that it operates the television broadcasting or rebroadcasting with the use of

a) satellite up-link situated in the territory of the Czech Republic, or

b) the capacity of a satellite belonging to the Czech Republic if it does not use satellite up-link situated in the Czech Republic or in another Member State of the European Union.

This Act shall apply to a legal entity or natural person operating television broadcasting or television rebroadcasting that cannot be regarded as established in the Czech Republic pursuant to subsection 3 above, nor can it be considered based in another Member State of the European Union, and that does not meet any of the conditions as per subsection 4 in the Czech Republic or in another Member State of the European Community as per subsection 4, only if it can be regarded as established in the Czech Republic in accordance with the Treaty on the Functioning of the European Community<sup>4c</sup>.

### Section 3a

#### **Prerequisites for participation in the procedure for the granting of a broadcasting licence and in the procedure for the registration of rebroadcasting**

(1) To acquire a licence or registration, a legal entity shall meet the conditions specified for business activities in the Czech Republic as set out in specific legislation<sup>4d</sup>). If such a legal entity is a joint-stock company, the requirement to obtain a licence is that its shares are registered shares.

(2) To acquire a licence or registration, a natural person shall enjoy full legal capacity and meet the conditions required for business activities in the Czech Republic as set out in specific legislation<sup>4d)</sup>.

(3) If the person referred to in subsection 2 is a foreign person<sup>4e)</sup> which does not have an organisational unit or permanent residence in the Czech Republic, it shall appoint a representative in the Czech Republic authorised to act in its behalf in matters governed by this Act.

## **PART TWO**

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

#### **Section 4**

##### **Position of the Council for Radio and Television Broadcasting**

(1) The Council for Radio and Television Broadcasting (hereinafter referred to as the “Council”) with its seat in Prague is hereby established.

(2) The Council is an administrative authority for the areas of radio and television broadcasting and rebroadcasting, on-demand audiovisual media services and video-sharing platform services to the extent defined by this Act, other legal regulations<sup>24)</sup>, other directly applicable regulations of the European Union and international treaties which has been transposed into the legal system of the Czech Republic. The Council shall exercise its powers impartially and transparently in accordance with the objectives of this Act and other legal regulations which are, in particular, media pluralism, cultural and linguistic diversity, consumer protection, accessibility of broadcasting for handicapped persons, non-discrimination, proper functioning of the internal market and the promotion of fair competition.

(3) The Council shall act independently in its decision-making. It shall be governed only by the laws, international treaties that form a part of the legal system of the Czech Republic and directly applicable regulations of the European Union, whereas in its decision-making, it does not require or accept instructions from any public authority or any natural person or legal entity.

(4) The performance of the Council may only be interfered with on the basis of the law.

#### **Section 5**

##### **Competence of the Council**

(1) The Council shall

a) supervise over compliance with legal regulations in the field of radio and television broadcasting and the conditions stipulated in the decision on granting the licence or in the decision on registration,



- b) grant, change and withdraw licences for the operation of radio and television broadcasting,
- c) grant, change and cancel decisions on registration of rebroadcasting,
- d) keep and update the list of radio broadcasters, radio rebroadcasters and television rebroadcasters and separately keep and update a list of television broadcasters established or considered established in the Czech Republic (the “list of television broadcasters”), indicating for each of them which of the criteria as per Section 3(2) to (4) qualifies it for jurisdiction of the Czech Republic; the Council shall submit the list of television broadcasters and the updates thereof to the European Commission to publish it in the centralised database within the periods and by methods to be determined by the European Commission,
- e) publish, on a regular basis and in a manner facilitating remote access, a list of licence and registration applications, list of licences granted and revisions thereof, and list of registrations granted and revisions thereof,
- f) impose administrative penalties pursuant to this Act,
- g) monitor the content of radio and television broadcasts,
- h) grants consent to the Czech Telecommunications Office to issue individual authorisations for the use of radio frequencies for other radiocommunication services in the part of the radio spectrum reserved exclusively for radio and television broadcasting,
- i) request an opinion from the Czech Telecommunications Office containing coordinated frequencies for analogue radio broadcasting, including their technical parameters; in the request for an opinion, the Council shall indicate the territory to be covered by the broadcasting and the required location of the transmitter,
- j) for the purposes of the procedure for granting a licence to operate radio and television broadcasting or for the purposes of amending the licence conditions, request an opinion from the Czech Telecommunications Office<sup>1a)</sup>; in the request for an opinion, the Council shall indicate the territory to be covered by the broadcasting,
- k) determine the territory of broadcasting for a broadcaster pursuant to Section 3(1)(b) in accordance with the opinion of the Czech Telecommunications Office,
- l) cooperate with the Czech Telecommunications Office to the extent provided for in special legal regulations<sup>1a), 3), 4)</sup>,
- m) participate with its opinions and proposals in the development of the principles of the state policy of the Czech Republic in relation to broadcasting and the concept of its development and in relation to improving the level of media literacy,
- n) determine programmes and services directly related thereto to be mandatorily distributed in public interest and in order to support the internet enabled televisions and electronic programme guides over electronic communications networks for radio and television broadcasting, review, in 5-year intervals, whether the mandatory distribution of such programmes is still necessary and submit to the Czech Telecommunication Office binding opinions in respect of the imposition or lifting of such mandatory distribution under specific

legal regulation<sup>4f)</sup>,

o) issue the statutes and rules of procedure of the Council,

p) submit its draft budget and final financial statements to the Ministry of Finance and to the competent body of the Chamber of Deputies,

r) publish the resolutions of the Council, the annual report of the Council, the minutes of the meetings of the Council, unless prevented by special legislation, and, where appropriate, other information in a manner facilitating remote access,

s) publish the decision of the court on the appeal and action against the decision of the Council. This shall be without prejudice to the provisions of special legislation,<sup>5)</sup>

t) cooperate, within its competence, with the European Commission, other bodies of the European Union, regulatory authorities of the Member States of the European Union with similar subject matter competence and with bodies of international organisations whose subject matter concerns the competence of the Council, in transmitting and obtaining information, data and documents provided for by the Act or by a decision issued on the basis of the Act, and perform other tasks arising from the Czech Republic's membership in the European Union in the areas of regulation of radio and television broadcasting, on-demand audiovisual media services and video-sharing platform services, in particular

1. participate as a member of the European Regulators Group for Audiovisual Media Services, through its representatives, in the meetings of this group and participate in the exchange of experience and best practices with other members thereof,

2. participate as a member of the Contact Committee of the European Commission, through its representatives, in the activities of this Committee,

3. act as a point of contact for the European Commission, other European Union bodies, regulatory authorities of the Member States of the European Union and bodies of international organisations; and

4. requests the European Commission, in behalf of the Czech Republic, to issue an opinion identifying the Member State of the European Union under whose jurisdiction the person included in the list of television broadcasters, on-demand audiovisual media service providers or video-sharing platform service providers maintained by the Council and in a similar list maintained by the competent authority of another Member State of the European Union belongs, unless it resolves the matter by negotiating with the competent authority of another Member State of the European Union,

u) ensure the performance of the obligations arising from the European Convention on Transfrontier Television<sup>4b)</sup> and represent the Czech Republic in the Standing Committee established under Article 20 of the European Convention on Transfrontier Television,

v) cooperate in the field of television broadcasting regulation with the competent authorities of States which are not Member States of the European Union or Parties to the European Convention on Transfrontier Television,

w) assist in the development of self-regulation in its area of competence and cooperate with a self-regulatory body when the Council's cooperation with a self-regulatory body is requested in writing, in particular, in the establishment of effective self-regulatory systems and in the introduction of measures to promote media literacy; it shall publish a list of self-regulatory

bodies on its website,

x) at the request of the self-regulatory bodies, give opinions and make recommendations on their internal rules in so far as they lay down the obligations of television broadcasters, television rebroadcasters, on-demand audiovisual media service providers or video-sharing platform service provider, in particular, in the field of the protection of minors against programmes likely to impair their physical, mental or moral development, by means of a code of conduct; and

y) issue implementing legislation in the areas of radio and television broadcasting, rebroadcasting, on-demand audiovisual media services and video-sharing platform services on the basis of and to the extent provided for in this Act or other legislation.

(2) Further, the Council shall

a) promote the development of media literacy and report to the European Commission every three years on the measures taken in this area, the scope of which shall be determined by guidelines issued by the European Commission pursuant to Article 33a(3) of the Directive of the European Parliament and of the Council 2010/13/EU, so that it is available thereto within 3 years as of the date on which it received the previous similar report from the Council,

b) act as a publicly accessible on-line point of contact for providing information and receiving complaints regarding the provision of access to television programme units to persons with hearing or visual disability; the point of contact shall also be accessible to persons with disabilities,

c) monitor and regularly evaluate the performance of the commitments made by the television broadcasters and on-demand audiovisual media service providers in the action plans on providing access to programme units for persons with hearing or visual disability and submit a report on the measures taken in this area to the European Commission every 3 years, so that it is available to the Commission within 3 years as of the date on which it received the previous similar report from the Council,

d) monitor and regularly evaluate whether the on-demand audiovisual media service providers reserve at least 30% of the total number of programme units offered in their catalogues of programme units for the reference period for European works and report to the European Commission every 2 years on the measures taken in this area, so that it is available to the Commission within 2 years as of the date on which it received the previous similar report from the Council,

e) issue opinions expressing the legal opinion of the Council on matters which, under this Act or any other legal regulation, fall within its competence; and

f) perform other tasks provided for by this Act or by other legal regulation<sup>1e), 3), 4)</sup>.

## Section 6

### **Obligations of the Council**

(1) Every year the Council shall submit to the Chamber of Deputies an annual report

on its activities and on the situation in the field of radio and television broadcasting and in the field of the provision of on-demand audiovisual media services (hereinafter referred to as the “Annual Report”) which shall contain, in particular, the following information

a) updated register of broadcasters, rebroadcasters and on-demand audiovisual media service providers and video-sharing platform services providers,

(b) information about the situation in radio and television broadcasting, in radio and television rebroadcasting and in the provision of on-demand audiovisual media services and the video-sharing platform services,

c) information about the compliance with legal regulations in radio and television broadcasting and in the provision of on-demand audiovisual media services and video-sharing platform services, and information about the administrative penalties that have been imposed,

d) information about the results of audits dealing with the fulfilment of the obligations imposed by law on broadcasters, rebroadcasters and on-demand audiovisual media service providers and laid down by this Act, and information about compliance with the conditions stipulated for broadcasters and rebroadcasters,

e) information about the licences granted and criteria, based on which the licences were granted to applicants and applications of all other parties to the procedure rejected,

f) information about changes to the licence conditions of the licensed broadcasters,

g) information about support of the European production and European independent production, about securing the prescribed proportion of European production (Section 42) and independent production (Section 43) and about the reasons for not attaining the prescribed proportions in television broadcasting, as the case may be, including also information about support of the production of European works in the provision of on-demand audiovisual media services,

h) information about the state and level of self-regulation in the fields of radio and television broadcasting, rebroadcasting and provision of on-demand audiovisual media services and video-sharing platform services, and information about the results of cooperation with self-regulatory bodies,

i) information about the level of media literacy in relation to new communication technologies and about the measures taken by radio and television broadcasters, rebroadcasters, providers of on-demand audiovisual media services, providers of video-sharing platform services and self-regulatory bodies to promote media literacy.

(2) The Council shall submit the annual report to the Chamber of Deputies for approval no later than on 30 April of each calendar year. It shall also publish it in a manner facilitating remote access. The annual report shall be deemed public as of the date of its approval by the Council, which shall be indicated thereon. The Chamber of Deputies is entitled to request explanations and additional information concerning the annual report from the Council. The Council is required to provide explanations and additional information within a reasonable period of time to be determined by the Chamber of Deputies.

(3) The Government and the state administration authorities shall cooperate with the Council in broadcasting matters and shall, in particular, request the opinion of the Council in any and all cases concerning broadcasting matters and to provide the Council with the necessary assistance within the scope of their competence.

(4) The Ministry of Culture (hereinafter referred to as the “Ministry”) may request from the Council the data necessary for the purposes of fulfilling the obligations of the Czech Republic arising from its membership in the European Union and from international treaties<sup>4b)</sup>, or from its membership in international organisations. The Council shall provide this information to the Ministry.

(5) Should the Council receive information from a television broadcaster deemed to be established in the Czech Republic that its broadcasts will be wholly or mainly aimed at viewers in another Member State of the European Union, it shall inform the regulatory authority of the other Member State of the European Union concerned of this fact without undue delay. Should that regulatory authority of a Member State of the European Union send a request to the Council for information concerning the activities of the television broadcaster according to the first sentence, the Council shall, where practicable, process that request within 60 days as of the date of the receipt thereof

## Section 7

### **Council Membership**

(1) The Council has 13 members to be elected and removed by the Chamber of Deputies. The Council membership is a public service.

(2) The office term of the Council member shall be 6 years.

(3) Citizens of the Czech Republic may be nominated and appointed as members of the Council, provided they

a) are legally competent,

b) have a permanent residence in the Czech Republic,

c) have reached 25 years of age,

d) have integrity; this requirement is not considered as being fulfilled if the citizen has been convicted with finality for an offence committed in direct relation to the operation of radio or television broadcasting or rebroadcasting, or to the provision of on-demand audiovisual media services, or to publishing periodical press, or for any other wilful offence, unless such a conviction has been annulled or unless there is any other reason to consider such a person as not convicted. Furthermore, a citizen who does not meet the conditions laid down by a special law shall not be considered to have integrity.<sup>6)</sup>

(4) A person who was discharging the office of a Council member for two consecutive office terms, or a part thereof, may not be nominated and appointed again to discharge that office.

(5) The Council membership shall commence on the day immediately following the date of delivery of the resolution of the Chamber of Deputies on the election to the office of member of the Council to the elected member of the Council, or on a later date specified in the resolution of the Chamber of Deputies on the election to the office of member of the Council.

(6) The Council membership shall cease

- a) upon expiry of the office term a member of the Council,
- b) on the day immediately following the date of delivery of the written resignation to the President of the Chamber of Deputies,
- c) on the day immediately following the date of delivery of the resolution of the Chamber of Deputies on the removal of the Council member from office to the removed Council member, or a later date specified in the resolution of the Chamber of Deputies on the removal of the Council member from the office,
- d) on the effective date of the judgement by which the Council member's legal capacity was restricted,
- e) on the effective date of a judgement by which a member of the Council was convicted of any of the offences referred to in subsection 3(d),
- f) with death or declaration of death.

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

- a) if they do not attend the meetings of the Council for at least 6 consecutive calendar months in which the meetings of the Council were held,
- b) if they do not meet the conditions for the office discharging set out in this Act,
- c) if they have committed such conduct that challenges their dignity, impartiality or independence or disputes the impartiality of the Council.

(8) A resolution of the Chamber of Deputies on the removal of a member of the Council from office shall be duly substantiated. Before the Chamber of Deputies votes on the removal of a member of the Council from office, the President of the Chamber of Deputies shall notify the member of the Council concerned in writing of the draft resolution of the Chamber of Deputies pursuant to the first sentence and request their written opinion, setting a reasonable time limit for the delivery thereof, which shall not be less than 15 business days. The President of the Chamber of Deputies shall also publish the draft resolution on the website of the Chamber of Deputies. The President of the Chamber of Deputies shall distribute the opinion of the Council member concerned to all Members of the Chamber of Deputies as soon as it is received.

(9) The President of the Chamber of Deputies shall suspend a member of the Council who has been remanded in custody in connection with a criminal prosecution for the duration

of the remand, if the Chamber of Deputies so proposes.

(10) The office of the President of the Czech Republic, member of the Chamber of Deputies, senator, member of the Government, judge, state prosecutor, member of the Supreme Audit Office, member of the Board of the Czech National Bank, member of the Board of the Czech Press Agency, member of the Board of Czech Television, member of the Board of Czech Radio shall be incompatible with the office of a member of the Council.

(11) The members of the Council shall perform their functions in their personal capacity and shall not receive any instructions or directions for the performance thereof.

(12) Members of the Council may not hold positions in political parties or movements or speak in their favour.

(13) Neither members of the Council nor persons closely related to them may hold unpaid positions in any bodies of companies engaged in the field of mass media, audiovisual production and advertising. Furthermore, neither the members of the Council nor persons closely related to them may participate in the business of commercial companies that carry out their activities in the field of mass media or in the field of audiovisual production and advertising, or provide directly or through mediation any consultancy or other assistance to broadcasters, rebroadcasters and on-demand audiovisual media service providers in return for payment. The members of the Council may not be employed or otherwise engaged by any broadcaster, rebroadcaster and on-demand audiovisual media service provider.

(14) If they perform any paid employment or activity besides their capacity in the Council, they shall conduct such an activity in a way not prejudicial to proper performance of the office of a Council member. The members of the Council may perform scientific, pedagogical, literary, journalistic and artistic activities, provided that such activities are not prejudicial to the dignity of or confidence in the independence and impartiality of the Council.

## Section 8

### **Council Meetings**

(1) Unless otherwise provided for in law (subsection 2), the Council shall have a quorum if an absolute majority of its members are present and if the Council Chairman or one of the Vice-Chairmen is present at the same time.

(2) The Council shall decide by absolute majority of votes of its members, except for decisions on the granting of a licence pursuant to Section 18, the renewal of a licence pursuant to Section 12(8) to (12) or the withdrawal of a licence pursuant to Section 63 or the cancellation of a registration pursuant to Section 64, whereas the decision shall require 9 votes of the members of the Council.

(3) Those members of the Council, in respect of whom there are reasonable doubts suggesting 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 Council's decision-making process. A member of the Council shall notify the Council of facts indicating that they are excluded from consideration and decision-making as soon as they become aware of them. The Council shall decide on the objection concerning bias without undue delay.

(4) In its actions and deliberations, the Council shall be governed by its Rules of Procedure which shall stipulate, in particular, the system of voting and the way of recording and publishing the different opinions of Council members, the procedures for the election and removal of the Council Chairman and Vice-Chairmen, as well as the rules for substituting the Chairman.

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

(6) The Council members shall keep confidential any information they may learn during the performance of their functions, if such information needs to remain secret even after the termination of Council membership in order to ensure that public administration is duly exercised or interests of other persons are duly respected. The Council members are released from this obligation only for reasons stated in another Act or when the person whom the information concerns so agrees.

## Section 9

### **Council Chairman and Council Vice-Chairmen**

(1) The Council shall elect and remove a chairman and 3 vice-chairmen from among its members.

(2) The Chairman of the Council shall manage the activities of the Council and act in its behalf.

(3) The Council shall remove the Chairman from office when

- a) he/she has not discharged office for more than 3 months, or
- b) he/she does not fulfil the conditions for the discharging the office of the Council member, or
- c) there are repeated serious deficiencies in the discharging of the office.

(4) The office of Chairman of the Council shall cease

- a) on the date of termination of its Council membership,
- b) upon expiry of the term for which he/she was elected by the Council,
- c) on the day immediately following the date of delivery of the resolution of the Chamber of Deputies on removal from office, or on a later date specified in the resolution of the Chamber of Deputies on removal from office,
- d) on the day following the delivery of the written resignation to the Council; or
- e) with death or declaration of death.



(5) When the Chairman of the Council does not discharge the office, he-she is deputised by the assigned Vice-Chairman of the Council; subsections 3 and 4 shall apply *mutatis mutandis* to the removal and termination of the office of the Vice-Chairman.

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

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

## Section 10

### **Employment Relationship of the Council Member**

(1) Unless otherwise provided for in this Act, the provisions of the Labour Code shall apply to members of the Council.

(2) The Council Chairman, Council Vice-Chairmen and Council members are entitled to a salary and severance pay in accordance with a special legal regulation.<sup>7)</sup>

## Section 11

### **Organisation of the Council Performance**

(1) The Council shall manage its own budget in accordance with another Act<sup>8)</sup> and its activities shall be covered by a separate chapter of the state budget of the Czech Republic. The Council publishes its annual budget on its website.

(2) Tasks related to the professional, organisational and technical support of the Council's activities are provided by the Office of the Council, which is a body of the Council, and its activities are funded from the Council's budget.

(3) The Council Office shall be headed by the Head of the Council Office who shall be appointed and removed by the Council; the provisions of the Civil Service Act on the selection, appointment and removal of the head of a service office in another administrative authority with national competence shall apply accordingly. The Head of the Council Office shall be considered a separate level of officer and shall report to the Council Chairman.

(4) Employees engaged to work in the Office of the Council who perform activities listed in Section 5 of the Civil Service Act are civil servants under the Civil Service Act. The employment relationships of employees who are not civil servants shall be governed by the labour law.

(5) The Head of the Council Office shall be deemed to be a service authority under the Civil Service Act.

(6) The Council, the Council Chairman and the Council Vice-Chairman shall be empowered to instruct a civil servant to perform the public service under the Civil Service Act.

(7) The details and organisation of the Council's activities shall be governed by the Rules of Procedure of the Council.

(8) A non-civil servant assigned to work for the Council shall, in addition to the duty of confidentiality arising from the Labour Code, maintain secrecy with respect to facts which they learn in the course of their work, even after the employment termination; they may be released from the obligation of secrecy only by law or if the person who the fact in question concerns expresses the consents to the release. A similar obligation shall also apply to a natural person in another legal relationship with the Council under which he or she performs work for the Council.

## **PART THREE**

### **LICENCE**

#### **TITLE I**

#### **PROCEDURE FOR THE GRANTING OF THE LICENCE TO OPERATE RADIO AND TELEVISION BROADCASTING DISTRIBUTED VIA TRANSMITTERS**

##### **Section 12**

##### **Licenses**

(1) A licence shall be granted by the Council in a license granting procedure (hereinafter referred to as the "licensing procedure"). The licence entitles the broadcaster to operate radio and television broadcasting to the extent and under the terms and conditions set out in this Act and other legislation. The licence shall become valid on the date on which the Council's decision becomes effective, except in the case as per Section 18(2).

(2) Separate licences for the provision of services directly related to programmes shall not be awarded.

(3) The Council shall be entitled to issue a licence for broadcasting using

a) transmitters,

b) satellites and cable systems,

c) transmission systems not listed in points a) and b) (hereinafter referred to as the "special transmission system").

(4) There shall be no legal entitlement to the grant of a licence, unless otherwise provided below.

(5) The licence shall be granted for a fixed period of time, not exceeding

a) 8 years for radio broadcasting,

b) 12 years for television broadcasting.

(6) A licensed radio broadcaster shall commence the broadcasting within 180 days and licensed television broadcaster within 360 days as of the effective date of the decision on the granting of the licence, unless otherwise provided in law.

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

(8) At the request of a licensed broadcaster, the Council shall extend the validity of the licence. The license validity may be extended once for a period of 8 years for radio broadcasting and 12 years for television broadcasting. At the request of a licensed broadcaster, the Council may extend the license validity for a shorter period of time.

(9) In the application for renewal of the licence, the licensed broadcaster may also request consent to a change of the legal form of the company; the Council shall grant the request if the change is to a joint-stock company with registered shares.

(10) A licensed broadcaster may request the Council in writing for an extension of the validity of the licence under which it broadcasts. This request shall be delivered to the Council

a) in the case of nation-wide radio broadcasting within the period between the beginning of the 36th month and the end of the 30th month remaining to the expiration of the existing licence validity,

b) in the case of nation-wide television broadcasting within the period between the beginning of the 48th month and the end of the 42nd month remaining to the expiration of the existing licence validity,

c) in the case of local radio or television broadcasting within the period between the beginning of the 36th month and the end of the 30th month remaining to the expiration of the existing licence validity.

(11) The Council shall not renew a licence if the applicant fails to comply with the conditions under Section 13(3) or if the schedule for utilisation of the frequency spectrum dedicated to radio or television broadcasting has changed with respect to an international treaty on frequency coordination and if such a change would substantially prevent the licensed broadcaster's broadcasting; if the change in the schedule for utilisation of frequency spectrum is not significant, the Council shall not extent the license validity in the part concerned.

(12) Further, the Council shall not extend the licence validity in the event that administrative sanctions for serious breaches, as listed below, of the licensed broadcaster's obligations have been repeatedly imposed through an effective decision upon the licensed broadcaster:

a) broadcasting of programme units that promote war or depict cruel or otherwise inhumane conduct through its trivialisation, apology or approval,

b) broadcasting of programme units inciting violence or hatred towards a group of persons or

a member of the group relating to sex, race, colour of skin, language, faith and religion, political or other views, ethnic or social origin, genetic traits, belonging to a national minority, property, birth, family, handicap, age, sexual orientation or other status,

- c) broadcasting of programme units that encouraging commitment of a terrorist crime<sup>25)</sup>,
- d) broadcasting of programme units that gratuitously show persons dying or exposed to severe physical or mental suffering in a way that affects human dignity,
- e) broadcasting of subliminal communications,
- f) broadcasting of programme units that may seriously affect physical, mental or moral development of minors by displaying pornography or brutal violence,
- g) transferred a share in a company of a licensed broadcaster to third parties without the prior consent of the Council, thus breaching the obligation set out in Section 21(6) and (7).

(13) Extension of the license validity by the Council under subsection 8 shall have the same legal effect as a decision of the Council to grant a licence. Provisions of subsection 8 shall not be affected.

## Section 13

### **Parties to Licensing Procedure**

(1) The parties to the licensing procedure are all licence applicants, whose applications were delivered to the Council within the period stipulated in the licensing procedure announcement (Section 15(2)).

(2) A license application may be submitted by a legal entity or a natural person meeting the requirements as per Section 3a.

(3) A license applicant shall be deemed meeting the requirements for participation in the licensing procedure if

- a) no bankruptcy was declared with regard to the applicant's property and no liquidation was initiated,
- b) evidence is provided that no unpaid tax is registered in taxation records,
- c) evidence is provided that no unpaid premiums for public health insurance, social security or contributions for the government employment policy are outstanding,
- d) the applicant's licence or registration has not been cancelled during in last 5 years; this requirement shall not apply to the cases where the licence or the registration was cancelled upon the request of the broadcaster,
- e) be of good repute; an applicant who has been convicted of a deliberate criminal offence shall not be considered to be of good repute unless he is treated as if he had not been convicted; where the applicant for a licence is a legal entity, this condition shall also apply to

natural persons who are members of its statutory body or members of its statutory or supervisory body,

f) is not a shareholder of the statutory broadcaster or of business companies established by the statutory broadcaster,

g) is not a public official to whom is prohibited, pursuant to the Conflict of Interest Act, to operate radio or television broadcasting, nor a legal entity in which such public official is a shareholder, member or controlling person.

(4) Parties in the licensing procedure shall not be entitled to inspect the parts of the files concerning any other party. The Council shall take appropriate measures ensuring that the party to the licensing procedure cannot get acquainted with the data on the technical, organisational and financial background for broadcasting of other parties.

## Section 14

### **License Application**

(1) A licence application shall contain the following essential information:

a) for a legal entity, the business name, registered seat, legal form, entity identification number (hereinafter referred to as “registration number”) (if assigned), name, surname and birth registration No. of the person authorised to act for the entity. If the licence applicant is a foreign legal entity, the information shall also contain data on the location and identification of the subsidiary in the territory of the Czech Republic, the name, surname and birth registration number or the date of birth of subsidiary manager and his/her residential address; if a deputy was appointed the information shall also contain the deputy’s name, surname and place of residence,

b) in the case of a natural person, name, surname, birth registration No. (if assigned), otherwise date of birth, place of residence, proof of permanent residence in the Czech Republic, business name, registration number (if assigned), otherwise date of commencement of business and residential address. If the licence applicant is a foreign person, they shall state the residence address outside the territory of the Czech Republic and residence address in the Czech Republic, provided that residence in the Czech Republic has been permitted; information must also be provided on the location and identification of the subsidiary registered in the Commercial Register as per the specific legislation<sup>9b)</sup>, and the name, surname and birth registration number or the date of birth of subsidiary manager and his/her residential address; if a deputy is appointed, the name, surname and residential address of such a deputy must also be indicated,

c) data as per point a) or b) of all shareholders and persons who are the statutory body or a member of the statutory or supervisory body, if the licence applicant is a legal entity,

d) information about the registered capital amount, share in voting rights and investments of the shareholders, if required, including the type and monetary valuation of the non-monetary investments, if the license applicant is a legal entity,

e) identification (name) of the programme,

f) time schedule of broadcasting and the territory of broadcasting; in the case of broadcasting distributed via transmitters, the broadcasting territory shall be determined in accordance with Section 2(1(y); in the case broadcasting distributed via cable systems, the broadcasting territory shall be determined by the enumeration of the cadastral areas and districts; in the case of broadcasting distributed via satellites or special transmission systems, the broadcasting territory is not determined,

g) basic specification of the programme, including information on the part of the programme retransmitted from another broadcaster and information on any services directly related to the programme,

h) in the case of an applicant for operating television broadcasting, the proposed proportion of total broadcasting time to be reserved for the broadcasting of European works and European works produced by independent producers,

i) the business plan, including documentary evidence of the funds the applicant is able to spend on radio or television broadcasting,

j) in the case of television broadcasting, the main broadcasting language and an enumeration of the countries where the broadcasting is to be generally or primarily directed,

k) an indication of which of the criteria under Section 3(2) to (4) establishes the jurisdiction of the Czech Republic over the broadcaster, and the documents which prove it.

2) The basic data referred to in subsection 1 shall be documented by the applicant by the memorandum of association or articles of association, deed of foundation, the list of shareholders, an extract from the commercial register or similar register which must not be older than 3 months, and proof of residence. The applicant shall also append to the licence application the confirmations 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 health insurance, social security or contributions to the government policy of employment. If the applicant or a member of the applicant's governing or supervisory body is not a citizen of the Czech Republic, or the applicant that is a legal entity is not established in the Czech Republic, the application must also be accompanied by a proof of no criminal record or a similar document issued by a relevant body of the state of the origin of the applicant origin or member of the applicant's governing or supervisory body, whereas the document shall be dated not earlier than 3 months ago.

(3) If the applicant is a broadcaster or a rebroadcaster with activities in the Czech Republic or abroad, or a publisher of periodical press in the Czech Republic or abroad, or a member in a company of another broadcaster or in a company publishing periodical press in the Czech Republic or abroad, similar information shall also be presented on such activities.

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

(5) If the application does not contain the required details, the Council shall request, in

writing, the party to the licensing procedure to complete the data within a reasonable period of time, which shall not be less than 15 days. In case the missing data are not submitted within the period specified by the Council, the Council shall reject the application. The licensing procedure shall not be suspended during the period specified for completing the application.

## Section 15

### **Initiation of Licensing Procedure**

(1) The Council shall initiate the licensing procedure on its own initiative or at the licence applicant's initiative by announcing the licensing procedure. Before initiating the licensing procedure, the Council shall request the opinion of the Czech Telecommunications Office defining the broadcasting territory in accordance with subsection 2 and, in the case of a licensing procedure for the granting of one or more licences for the broadcasting of one or more programmes transmitted by digital-only transmitters, also the opinion of the Czech Telecommunications Office on the possibility of placing them on electronic communications networks; in the event of a complaint submitted by the license applicant, the Council shall request the necessary opinions from the Czech Telecommunications Office no later than in 15 days as of the date on which it receives the complaint. The Council shall announce the licensing procedure within 30 days as of the date on which it received the Czech Telecommunication Office's opinion enabling the licensing procedure to be initiated; should the Council request more than one opinion from the Czech Telecommunication Office for a given licensing procedure, the 30-day deadline for the announcement of the licensing procedure shall commence on the date on which the Council receives the last of the requested opinions, provided that the opinions enable the licensing procedure to be initiated.

(2) In its announcement of a licensing procedure, the Council shall set the deadline and location for submitting the requests for licences, the time schedule of the broadcasting, and the territorial area of the broadcasting determined by the set of technical parameters for analogue broadcasting or the schedule of radio frequency utilisation for digital broadcasting; for a licensing procedure in respect of nation-wide broadcasting, the Council shall set the requirements for the basic programme specifications of the nation-wide broadcasting (hereinafter referred to as the "requirements"). The licensing procedure announcement shall be notified by the Council on the official notice board, at least in two national newspapers, and in a manner facilitating remote access.

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

(4) Applications received by the Council within the time limit referred to in subsection 2 shall be subject to a joint licensing procedure.

(5) Where there are two or more electronic communications networks designated for digital broadcasting under subsection 1, the Council shall initiate the licensing procedure without determining the assignment of programmes to particular electronic communications networks. Further, the Council shall not determine the structure of the programmes on the individual electronic communications networks.

(6) To prove the applicant's integrity, the Council shall request from the Criminal Registry a no criminal record certificate on the basis of specific legislation<sup>9f)</sup>. The application

for the no criminal record certificate, as well as the no criminal record certificate itself, shall be delivered in electronic form in a manner facilitating remote access.

## Section 16

### **Public Hearing**

(1) If a licensing procedure involves broadcasting distributed via digital transmitters only, the Chairman of the Council shall call a public hearing within 30 days as of the date on which the deadline for the submission of license applications expires, such a deadline being set by the Council in accordance with § Section 15(2). In all other cases the Council Chairman shall call public hearings within a 90-day period as of the date of the licensing procedure initiation.

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

(3) In a public hearing held in the context of a non-local television broadcasting licensing procedure, the question of the representation of European works, European works produced by independent producers and works of contemporary European production in the proposed programming of the television broadcasts of each of the participants in the television broadcasting licensing procedure shall be discussed.

(4) In the public hearing, the parties to the licensing procedure shall propose the terms and conditions of the licence which, if granted, shall become the licence terms and conditions under Section 18(4), with the exception of the conditions referred to in point c) which shall be determined by the Council in agreement with the party to the proceedings in such a way as to be consistent with the opinion of the Czech Telecommunications Office.

(5) The invitation to public hearing, which shall be sent by the Council to all parties to the licensing procedure no later than 14 days before the date of the public hearing, shall contain the following information

a) the place and date of the public hearing,

b) the identification of all parties to the licensing procedure, including the address of their registered seat in the case of legal entities, or the address of their domicile or place of residence or place of business, in the case of natural persons,

c) the subject of the meeting.

(6) The Council shall announce the holding of the public hearing by posting an invitation on its official notice board and through mass media and in a manner facilitating remote access no later than 14 days before the public hearing.

(7) The public hearing shall be opened, chaired and closed by the Chairman of the Council or a member of the Council designated by him.

(8) Besides the invited parties to the licensing procedure, only such persons who have obtained for that purpose an express consent of the Council Chairman or of another Council



member appointed by the Chairman may present contributions concerning the matters being discussed, submit written proposals or express their opinions in the public hearing.

(9) The subject matter of the public hearing may not include facts protected under special legal regulations.

(10) An improper interference with the public hearing may result in an admonishment for the representatives of the public by the Council Chairman or by the Council member appointed by the Chairman, whereas repeated improper interference with the public hearing may result in ordering the offender out of the meeting room for a period not longer than until the end of the meeting day on which the offender was so ruled out.

(11) An audio recording shall be made of the public hearing. The minutes of the public hearing shall be taken, containing the details of the meeting place and date, participants, texts of the individual contributions, proposals and statements made in writing. The minutes are public and shall be provided for inspection in the Council's seat in three days as the date of the public hearing date.

## Section 17

### **Facts Relevant to Decision on Licence Applications**

(1) In deciding whether to grant a licence, the Council shall assess

a) the financial, organisational and technical preparedness of the applicants for the broadcasting, including the results achieved by the applicant to date in the field of radio and television broadcasting, if the applicant has been active in such business,

b) transparency of ownership in the applicant company,

c) benefits of the programme structure proposed by the licence applicant with regard to the existing diversity of radio or television programmes offered in the territory to be covered by the radio or television broadcasting,

d) representation of European production (Section 42), the work of European independent producers and contemporary work (Section 43) in the proposed programme structure of the television broadcast, where the television broadcasting licence is concerned,

e) the applicant's contribution to the development of original work,

f) in television broadcasting, the preparedness of the applicant to provide closed or open captioning in a certain percentage of the broadcast programme units intended for persons with impaired hearing,

g) the applicant's contribution to the development of the culture of national, ethnic and other minorities in the Czech Republic.

(2) In granting a digital broadcasting licence, the Council shall assess

a) the economic, organisational and technical readiness of the applicant to provide

broadcasting, the transparency of its ownership structure, the contribution of the programme offer proposed by the applicant to the diversity of the existing programme offer and the representation of European works (Section 42), the work of European independent producers and contemporary works (Section 43) in the proposed programming mix,

b) the applicant's contribution to the development of original work,

c) the applicant's preparedness to provide a certain percentage of the programmes broadcast with closed or open captioning for persons with impaired hearing,

d) the applicant's contribution to the development of the culture of national, ethnic and other minorities in the Czech Republic.

(3) A licence shall not be granted to an applicant whose licence was withdrawn or whose registration was cancelled during the past five years due to violation of law, or an applicant who does not meet the integrity condition.

## Section 18

### **Decision to Grant a Licence**

(1) The Council shall decide on the granting of a licence by voting. Voting on the granting of the licence shall take place in a closed session of the Council.

(2) Upon request by its founders or by the bodies or persons authorised to submit a proposal for registration of a legal entity established in the Czech Republic in the Commercial Register, it is possible to issue the decision on granting a licence prior to the registration in such register, provided there is evidence that the legal entity was founded. The authorisation to broadcast will then be granted to such a person as at the date of registration in the Commercial Register. A similar procedure shall be applied to the persons that do not have their registered office in the Czech Republic.

(3) The decision to grant a licence shall contain a statement on granting of a licence to one of the license applicants and on rejection of applications of the other applicants, justification including the criteria on whose basis the licence was granted to the successful applicant and the applications of all other parties were rejected, as well as information on the instruments of appeal.

(4) The decision to grant a licence shall further contain

a) identification of the licensed broadcaster, including the registration number provided by the administrator of the Basic Registry of Persons<sup>9)</sup>,

b) identification (name) of the programme and whether the programme will be distributed nationally, regionally or locally,

c) time schedule and territory of broadcasting,

d) the period for which the licence is granted,

e) basic programme specifications and other programme conditions, including indication of whether it is a full-format programme and the conditions concerning the provision of services, if any, directly related to the programme; and for digital broadcasting also the conditions related to the broadcaster's obligation to create and provide data files for electronic programme guide content,

f) the main broadcasting language and an enumeration of the countries towards whose territory the broadcasting is to be directed wholly or mostly, in the case of television broadcasting,

g) territory of broadcasting by cable systems as determined by the data referred to in Section 14(1)(f)(hereinafter referred to as the "license conditions").

(5) In justified cases, the Council shall decide that no licence shall not be granted to any applicant.

(6) The Council shall, in the framework of cross-border cooperation under Section 5(u), without delay inform the regulatory authority the Member State of the European Union referred to in the licence about the granting of the licence pursuant to subsection 4(f).

## Section 19

### **Decision to Reject a Licence Application**

The statement contained in the Council's decision to reject the license application may be appealed against within 30 days as of delivery of the decision pursuant to specific legal regulation<sup>9c)</sup>.

## Section 20

### **Change to the Set of Broadcasting Technical Parameters and Schedule**

(1) The Council may restrict the set of technical parameters of broadcasting of a licensed broadcaster or statutory broadcaster who, after commencing broadcasting, has not broadcast in the given territory, or has not used the allocated frequency band effectively, for more than 90 days in the course of a calendar year; this period shall not include periods when the failure to broadcast or to utilise the frequency band effectively was attributable to technical problems.

(2) The Council may change the set of technical parameters for analogue broadcasting and the schedule of radio frequency utilisation for regional and local digital broadcasting on the basis of decisions taken by the Czech Telecommunication Office in accordance with specific legislation<sup>1a)</sup> in order to meet the commitments arising from international treaties binding on the Czech Republic, which were promulgated in the Collection of Laws or Collection of International Treaties, or in a similar collection, or from memberships in the European Union or international organisations.

(3) The Council is not authorised to change the set of technical parameters or the radio frequency utilisation schedule without the broadcaster's consent in any way other than set out in subsection 1 or 2 above, unless otherwise provided by specific legislation<sup>9d)</sup>.

(4) The Council shall accommodate the written request from a licensed broadcaster for a change to the set of technical parameters for analogue broadcasting and radio frequency utilisation schedule for regional or local digital broadcasting, provided that the requested change does not lead to a breach of the commitments arising from an international treaty binding on the Czech Republic, which was promulgated in the Collection of Laws or Collection of International Treaties, or in any other previous collection, or from memberships of the Czech Republic in the European Union or international organisations, or to a breach of specific legislation, and further provided that such a change is in accordance with the opinion of the Czech Telecommunication Office to be requested by the Council before implementing the changes. The Council shall reject such a request if it appears that the requested change would cause the licence not to be granted on the basis of public hearing. The reasons for not granting consent shall be identical to the criteria set out in Section 6(1)(e). The Council shall make a decision on any change under this subsection within 60 days as of the date when the licensed broadcaster's request is received. Should the Council not decide within this period of time, it shall be deemed to have given its consent to the change. The Council may suspend this procedure if there is a need to remedy faults in the request during the deadline period or if a preliminary question procedure has been commenced<sup>10</sup>. In such a case, the Council shall specify in the decision to suspend the procedure what issue it concerns; time limits shall not run for duration of the procedure suspension.

(5) Nation-wide broadcasters have no priority for a change in the set of technical parameters of broadcasting to meet the provisions of Section 2(1)(c).

## Section 21

### **Change to Certain Facts and Change of License Terms**

(1) A licensed broadcaster shall ask the Council in advance for written consent to any change in the following facts specified in the licence application:

- a) identification of the name of the programme,
- b) a change in the time schedule of broadcasting or the broadcasting territory pursuant to Section 2(1)(y),
- c) change of the broadcasting territory in the case of cable systems,
- d) change of the licence conditions,
- e) change of the registered capital amount, the method of distribution of voting rights, the contribution of individual shareholders (including the content specification and financial valuation of non-monetary investments) or members and the amount of their business shares, the articles of association or articles of incorporation, and the list of shareholders or partners.

(2) A change in other facts stated in Section 14(1) and (2) with the exception of a change in the legal form of a legal entity, shall be notified by the licensed broadcaster to the Council, submitting the evidence of the approved changes within 30 days as of the date on which the changes occurred. In the case of changes to be entered in the Commercial Register, within 30 days as of the date of entry of the changes in the Commercial Register.

(3) The Council shall decide on a change of facts pursuant to subsection 1 within 60 days as of the date on which it receives the request of the licensed broadcaster. The Council shall state the reasons for its decision if the procedure involves more than one party. Should the Council not decide within the time limit and the procedure not involve more parties, it is deemed to have consented to the change. The Council shall only withhold consent if the change would result in a licence not being granted based on a public hearing. The reasons for not granting consent shall be identical to the criteria set out in Section 6(1)(e). The basic program specification cannot be changed. The Council may suspend the procedure, in which case the Council shall state in the order suspending the proceedings the reason for which it is suspending the procedure; time limits shall not run for duration of the suspension<sup>10</sup>).

(4) The licensed broadcaster shall submit evidence of the approved changes to the Council within 30 days of the implementation thereof. In the case of changes to be entered in the Commercial Register, within 30 days of the date of entry of the changes in the Commercial Register.

(5) The Council may also change the licence conditions if such a change is necessary to meet the commitments arising from international treaties which are binding on the Czech Republic and were promulgated in the Collection of Laws and Collection of International Treaties, or other previous similar collection, or commitments arising from membership in the European Union or international organisations.

(6) A licensed radio broadcaster, which is a legal entity, or its shareholder, may transfer to third parties a share in the licensed radio broadcaster company with prior consent of the Council; the Council shall not grant consent only if this would restrict the plurality of information pursuant to Section 55 and 56. Persons who were shareholders of a legal entity as of the date of the decision to grant the licence shall retain at least 66% of share or 66% of the voting rights for a period of 5 years from the date of the grant of the licence; this does not apply if the shareholder was a public official that is, according to the Act on Conflict of Interests prohibited to operate broadcasting.

(7) A licensed broadcaster which is a legal entity or its shareholder may, with the prior consent of the Council, transfer to third parties a share in the licensed broadcaster's company. The Council shall not grant consent only if it would restrict the plurality of information under Section 55 and 56. Persons who were shareholders of a legal entity as of the date of the decision to grant the licence shall retain at least 66% of share or 66% of the voting rights for a period of 5 years from the date of the grant of the licence; this does not apply if the shareholder was a public official that is, according to the Act on Conflict of Interests prohibited to operate broadcasting.

(8) A legal entity or a natural person who is a shareholder of more than one legal entity - a licensed broadcaster with a 100 % shareholding may, with the prior consent of the Council, transform these legal entities or some of them by way of merger by acquisition or merger by a formation of new company into one successor company which shall take the form of a limited liability company or a joint-stock company.

(9) A natural person who is a licensed broadcaster or a rebroadcaster may request that the licence or registration, which was awarded to it, be transferred to a legal entity; the Council shall accord the request only in the case that the natural person has a 100% ownership

interest in such a legal entity.

(10) With a prior consent of the Council, a licensed radio broadcaster may rebroadcast the programme of another licensed broadcaster, including the identification of such a programme, provided that this does not lead to a change in the basic programme specification. A licensed broadcaster may not retransmit the programme or programme parts of a statutory broadcaster.

## Section 22

### **Short-Term Licence**

(1) The Council may, by its decision, grant a short-term licence, including a test broadcasting licence, for a period not exceeding 180 days. An application for a short-term licence shall contain the details set out in Section 14.

(2) The Council shall decide on the granting of a short-term licence within 60 days of receipt of the application.

## Section 23

### **Accelerated Procedure**

(1) On the basis of an application without a licensing procedure, the Council shall decide in an accelerated procedure

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

(2) The Council shall decide on the applications in the accelerated procedure within 60 days of the delivery thereof.

## Section 24

### **Expiry of the Licence**

The licence shall expire

- a) upon the expiry of the period for which it was granted,
- b) on the date of the dissolution of the legal entity which the licence was granted to,
- c) with the death of the natural person that the licence was granted to,
- d) on the date on which the Council's decision to withdraw the licence on the grounds set out in Section 63,

e) on the effective date of a judgement by which a licensed broadcaster was sentenced to the penalty of dissolution of a legal entity or to the penalty of prohibition of radio and television broadcasting,

f) on the date on which the licensed broadcaster requested the termination of the broadcast.

## TITLE II

### LICENSING PROCEDURES FOR RADIO OR TELEVISION BROADCASTING DISTRIBUTED VIA SATELLITES, CABLE SYSTEMS AND SPECIAL TRANSMISSION SYSTEMS AND FOR TERRESTRIAL DIGITAL RADIO OR TELEVISION BROADCASTING DISTRIBUTED VIA TRANSMITTERS

#### Section 25

(1) Licensing procedure for the operation of broadcasting distributed via satellites, cable systems and special transmission systems and for the operation of terrestrial digital broadcasting distributed via transmitters shall be initiated on the initiative of the licence applicant. Licensing procedure, as described in the first sentence, shall not be initiated on the initiative of the Council. The licence applicant is the only party to the procedure.

(2) In addition to the general details for the submission and the license application, the license application shall contain the following pursuant to Section 14(1) to (4)

a) written consent, issued by the person authorised to operate a cable network pursuant to specific legislation, to placing the licence applicant's programme in the cable network, if the programme is planned to be broadcast via the cable network and if the party to the procedure has no authorisation to build and operate a cable network,

b) information about the countries in which the programme can be received and the satellite specification if the programme is broadcast by satellite,

c) identification of the transmission system and information about access to the broadcast if the programme is broadcast via a special transmission system,

d) information about the technical, organisational and financial support of the broadcasting in the case of terrestrial digital broadcasting programmes distributed via transmitters.

(3) Within a period of 30 days as of the commencement date of the licensing procedure, the Council shall order a verbal procedure with the party to the licensing procedure, wherein the party shall propose the programme structure. Minutes shall be taken of the verbal procedure.

(4) The decision to grant a licence shall contain a statement of the licence granting, the reasons for the decision and instructions concerning the appeal procedure.

(5) The Council shall not grant a licence to the license applicant if the applicant does not meet the conditions under Section 13(3) or if the proposed programme structure does not meet the requirements under Section 31 and § Section 32(1) or the granting of the licence

would be contrary to obligations arising from an international treaty to which the Czech Republic is bound and which has been published in the Collection of Laws and International Treaties or in a previous similar collection.

(6) The licensing procedure under subsections 1 to 5 shall not be subject to the provisions of Section 13(1), Sections 15, 16, Section 17(1) and (2) and Section 18(3) and (5).

## **PART FOUR**

### **REGISTRATION**

#### **Section 26**

##### **Registration of Rebroadcasting**

(1) The registration of a rebroadcaster via an electronic communications network shall entitle the broadcaster to operate rebroadcasting via an electronic communications network to the extent and under the conditions set out in this Act.

(2) Registration is a legal entitlement if the conditions set out in Section 27 to Section 28a are met.

(3) Registration shall commence on the effective date of the Council's decision on registration.

#### **Section 27**

##### **Application for Registration**

(1) An application for registration shall be filed no later than 60 days before the intended commencement of rebroadcasting.

(2) The application for registration shall contain the details set out in Section 14(1)(a) to (f) the technical, organisational and financial arrangements for the broadcasting, information about the programmes which the applicant intends to distribute and identification of the electronic communications network through which the rebroadcasting will be distributed, and information on access to rebroadcasting. The application for registration shall be accompanied by a document proving the authorisation under which the rebroadcast programme is originally broadcast; if the rebroadcast programme is originally broadcast under an authorisation issued in a Member State of the European Community or in a State which is a party to the European Convention on Transfrontier Television, the application for registration shall be accompanied only by:

a) programme name,

b) basic programme specification,

c) the date of the authorisation under which the programme is originally broadcast and the period of validity of such authorisation,



d) details of the regulatory authority which issued the authorisation under which the programme is originally broadcast.

(3) If the applicant or a member of the applicant's statutory or supervisory body is not a citizen of the Czech Republic, or the applicant that is a legal entity is not established in the Czech Republic, the application shall also be accompanied by a proof of no criminal record or a similar document issued by a relevant body of the country of origin of the applicant or member of the applicant's statutory or supervisory body, whereas the document shall not be issued more than 3 months ago.

## Section 28

### **Certain Provisions on the Registration Procedure**

(1) The registration procedure shall be initiated upon the delivery of a written application to the Council. If the application does not contain the details as per Section 27(2) or if the details are incomplete, it shall give the applicant a period of time to remedy the defects without delay, but not later than in 15 days as of the receipt thereof.

(2) The Council shall reject the registration in the event that the faults in the application are not corrected within the period granted

(3) The Council shall decide on the application for registration within 30 days as of its receipt by the Council. Should the Council not decide on the application for registration within the period specified in the preceding sentence, the applicant shall be deemed registered as of the date immediately following the expiry of the specified period; the Council shall issue a certificate for the applicant to this effect.

(4) The Council shall reject an application for registration if

a) the applicant's licence was withdrawn or registration cancelled within the preceding five years for breach of the Act; or

b) the applicant is not of good repute. An applicant who has been finally convicted of a deliberate criminal offence shall not be deemed to be of good repute unless he is treated as if he had not been convicted. If the applicant is a legal entity, this condition shall also apply to natural persons who are its statutory body or members of its statutory or supervisory body, or

c) it appears from the application that the rebroadcasting would cause infringement of legal regulations.

(5) For the purpose of proving the integrity of the applicant, the Council shall request an extract from the Criminal Register in accordance with a specific legal regulation<sup>9f)</sup>. The application for the no criminal record certificate, as well as the no criminal record certificate itself, shall be delivered in electronic form in a manner facilitating remote access.

## Section 28a

### **Special Conditions for Rebroadcasting via Transmitters**

(1) The operator of rebroadcasting via transmitters shall release the transmission capacity of the electronic communications network through which the broadcasting is distributed to the broadcaster who has concluded a contract with the undertaking providing this electronic communications network for the distribution of its broadcast through this network.

(2) Should a rebroadcaster fail to make the electronic communications network transmission capacity available as set out in the preceding subsection 1 within 90 days as of the date of delivery of a notice to that effect from the broadcaster, the Council shall, within 5 calendar days as of the receipt of a request to that effect from the broadcaster, urge such a rebroadcaster in writing to make the transmission capacity available.

(3) For the purposes of the licensing procedure announcement, rebroadcasting via transmitters shall not be deemed to be a restriction on the possibility of placing it on electronic communications networks under Section 15(1).

## Section 29

### **Change in Registration**

(1) The rebroadcaster shall notify the Council in advance of any changes in the following facts, specified in the application for registration:

- a) investments of the individual shareholders, the amount of their business shares and the method of distribution of voting rights,
- b) list of shareholders (partners),
- c) change to the programme range offered, provided the change relates to a rebroadcast television programme from a broadcaster from a country which is not a Member State of the European Union or party to the European Convention on Transfrontier Television, or a rebroadcast radio programme from a radio broadcaster from a country other than the Czech Republic,
- d) broadcasting territory.

(2) An amendment may be made after the Council registered the change.

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

(4) Provisions of Section 28(1) to (3) shall apply accordingly.

## Section 30

### **Expiry of Registration**

(1) The registration shall expire

- a) on the date of dissolution of the legal entity that was registered,
- b) with the death of the natural person who was registered,
- c) by a decision of the Council to cancel the registration for the reasons set out in Section 64,
- d) upon cancellation of registration upon the request of the rebroadcaster,
- e) on the effective date of a judgement by which the rebroadcaster was sentenced to the penalty of dissolution of a legal entity or penalty of prohibited performance of a broadcaster.

(2) Should a rebroadcaster via transmitters fail to release the electronic communications network transmission capacity within 3 days as of the date of delivery of a written notice from the Council under Section 28a(2), the registration of such a rebroadcaster shall cease upon the expiry of such period of time.

## **PART FIVE**

### **RIGHTS AND OBLIGATIONS OF BROADCASTERS AND REBROADCASTERS**

#### **TITLE I**

#### **BROADCASTING RELATED RIGHTS AND OBLIGATIONS**

##### **Section 31**

##### **Content of programmes**

(1) A broadcaster and rebroadcaster shall be entitled to broadcast programmes in a free and independent manner. Any intervention in the contents of the programmes is only admissible in accordance with law and within the limits thereof.

(2) The broadcaster shall provide objective and balanced information necessary for the free formation of opinions. Opinions or evaluating comments shall be separated from information of a news nature.

(3) A broadcaster shall ensure that principles of objectivity and balance 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) A 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 belonging to a minority.

(5) A radio or television broadcaster shall be entitled to simultaneously include programmes, programme elements and other parts of the broadcast, in particular, advertising and teleshopping, with regionally distinct content. A licensed nation-wide radio and television

broadcaster shall broadcast in a nation-wide scope without including programme units and other broadcast parts, programme elements and advertising with regionally varying content for at least 85% of the weekly broadcasting time.

(6) No person shall make a broadcast programme available to the public or distribute it for any other purpose without the express consent of the relevant broadcaster.

(7) No person shall interfere with the broadcast programme or parts thereof, including services directly related to the programme, without the express consent of the relevant broadcaster, in particular

a) alter or modify the broadcast programme or its individual parts in terms of content or technical aspects,

b) interrupt the audio or visual component of a broadcast programme or the individual parts thereof; or

c) overlay, in whole or in part, the audio or visual component of the broadcast program or the individual parts thereof, including commercial communications and other communications; in the case of the visual component of the broadcast programme, including reduction of the extent to which it is displayed on the receiver screen.

(8) The provisions of subsection 7 shall not apply to

a) overlays reserved by the broadcaster exclusively for private use and which are not intended for direct or indirect economic advantage of another person,

b) user interface controls necessary for the operation of the display receiver or for navigating through programmes, such as volume settings, search functions, navigation menus or lists of available programmes,

(c) overlays supplied by the relevant broadcaster, including subtitles or commercial communications,

d) notifications and measures pursuant to Section 32(1)(k) and

e) data compression techniques which reduce the data file size and similar techniques necessary to adaptation to the distribution instruments, such as resolution or encoding, provided that they do not alter in any way the content of the broadcast programme or the individual parts thereof.

## Section 32

### **Basic Obligations of Broadcasters and Rebroadcasters**

(1) The broadcaster shall

a) operate the broadcasting in its own name, its own account and at its own responsibility for the content of broadcasting,

b) ensure that the broadcast programme units do not promote war or depict brutal or otherwise inhumane behaviour in a manner which would involve trivialisation, apology or approval thereof,

c) ensure that the broadcast programme units do not encourage violence or hatred towards a group of persons or a member of a group for reasons relating to gender, race, colour of skin, language, faith and religion, political or other opinions, ethnic or social origin, genetic traits, citizenship, belonging to a national minority, property, birth, family, handicap, age, sexual orientation, or other status,

d) ensure that the broadcast programme units do not contain subliminal communications,

e) ensure, by choosing appropriate measures, that programme units which are likely to seriously impair the physical, mental or moral development of minors, in particular, by containing pornography or gross self-inflicted violence, cannot normally be seen or heard by minors; such measures shall include age verification tools or other technical measures which make it possible to prevent minors from having access to the broadcast,

f) not show persons dying or subjected to severe physical or mental suffering in a way that diminishes human dignity without justification,

g) not to include in broadcasts between 06.00 and 22.00 hours programme units which could impair the physical, mental or moral development of minors; this obligation shall not apply to the broadcaster if the broadcast is available to the end user under a written contract with a person over 18 years of age and a technical measure is provided to enable that person to restrict access to the broadcast to minors,

h) ensure that radio broadcasts of programme units which are subject to restrictions under subsection g) are immediately preceded by a verbal warning of the unsuitability of the programme for minors,

i) not include programme units that could promote prejudicial stereotypes of ethnic, religious or racial minorities,

j) not include programme units and advertisements that contain vulgarisms or swearing, except for artistic spots where it is necessary considering the context; such programme units or advertisements may only be broadcast between 22.00 h and 06.00 h of the following day,

k) in urgent public interest, provide the state authorities and the local public administration authorities with the broadcasting time needed for important and urgent announcements relate to promulgation of the state of emergency, or state of threat to the state, to proclaim the state of war, status of cybercrime threat, announcement of existence and ending of an obstacle preventing from publishing an Act in the Collection of laws and international treaties using the electronic system of the Collection of Laws and international treaties, or to announce measures for the protection of public health, and ensure such announcements or measures are made accessible also to persons with hearing and visual disabilities; responsibility for the contents shall be borne by those to whom the broadcasting time was provided,

l) keep records of all programme units, including other parts broadcasts, in the as-broadcast form and in the required technical quality, and make the programme units available to persons

with visual and hearing disabilities for a minimum period of 30 days as of the date of broadcasting and lend them to the Council upon the Council's written request; the broadcaster shall be entitled to compensation, by the Council, for the necessary costs associated with the lending of the records of the programme units and other broadcasts,

m) if, as a result of the broadcasting of a certain programme unit or other part of broadcasts, a procedure is initiated before a public authority, the broadcaster shall, if so requested by the relevant public authority, maintain a record of the programme unit, or other part of broadcasts, in the as-broadcast form and in the required technical quality until the final and effective decision in the matter,

n) indicate the mark of the television programme (logo) in television broadcasting, except for the broadcasting of advertising and teleshopping,

o) identify the radio programme at least once in an hour, provided that such identification does not affect the coherence of the programme unit being broadcast,

p) notify the Council of any technical impediments to its broadcasting,

r) seek prior approval from the Council for any interruption of broadcasting for reasons other than those set out in point p),

s) notify the Council of the commencement or termination of the broadcasting of a programme and any service directly related to the programme, and also notify the Council about the electronic communications network<sup>1a)</sup> via which the programme is transmitted digitally, no later than on the date of commencement or termination of the broadcasting; the Council shall make this information public in a manner facilitating remote access.

t) ensure that programme units broadcast do not encourage commission of a terrorist crime<sup>25)</sup>; and

u) identify programme units on television which are subject to the restrictions referred to in point g) with the graphic symbol "18+", indicating the potential harmfulness of their content for minors throughout their duration, and provide sufficient information about the content harmful to minors in relation to those programmes so that it is accessible easily and free of charge.

(2) The broadcaster, in consultation with organisations established in the country which the broadcasts are to be wholly or mainly directed to, associating persons with hearing disabilities and persons with visual disabilities, shall generate an action plan for the reference period for the provision of television programmes to persons with hearing disabilities and persons with visual disabilities (hereinafter referred to as the "Action Plan"), committing to increase the overall proportion of programmes made accessible to persons with hearing disabilities and persons with visual disabilities through appropriate measures compared to the immediately preceding evaluation period. The Action Plan shall be generated on a programme-by-programme basis for each broadcaster and for each current year from 1 July to 30 June. The evaluation periods of the Action Plans shall always begin on 1 July of the first calendar year of their duration and end on 30 June of the last calendar year of their duration. The total share of programmes made available is calculated from the broadcasting time. The broadcaster shall submit a new Action Plan to the Council by 30 June of the calendar year

when the preceding assessment ended.

(3) The broadcaster shall submit to the Council an evaluation of the implementation of the Action Plan, including the identification and broadcasting time of the individual programmes made available, always by 30 September of each calendar year in which the relevant assessment period ends.

(4) The obligations under subsections (2) and (3) shall not apply to programmes the majority of which do not consist of programme units and to programmes the majority of which consist of programme units which, by their nature, cannot be or is not practical to be made accessible to persons with hearing or visual disabilities, in particular

a) music television programmes,

b) programmes aimed exclusively at the promotion of its own television broadcasting and of products, services and other activities related to the operation of its own television broadcasting (Section 67(1)),

c) programmes consisting solely of television graphics or video text without accompanying spoken word; or

d) local broadcasting programmes.

(5) A rebroadcaster may distribute a programme containing programme units or other parts of broadcasts that might endanger the physical, mental or moral development of minors on the conditions stipulated in subsection 1(g); the minimum programme range offered shall not include any programme consisting primarily of programme units that might endanger the physical, mental or moral development of minors.

(6) A rebroadcaster that retransmits a television programme of a television broadcaster from a state which is not a Member State of the European Union or a contracting party to the European Convention on Transfrontier Television, or a radio programme of a radio broadcaster from a state other than the Czech Republic, shall not be entitled to distribute any programme that contains:

a) programme units or other parts of broadcasts which are broadcast inconsistently with the provisions of subsection 1(b), c), f) or t),

b) programmes or other parts of broadcasts which may impair the physical, mental or moral development of minors if they are broadcast inconsistently with the provisions of subsection 1(e).

(7) The obligations set out in subsection 1 in relation to programme units shall also be fulfilled by the broadcaster in relation to any other parts of the broadcast, unless otherwise provided by law.

(8) A broadcaster and rebroadcaster shall, if so requested in writing by the Council, provide the Council with the opinions and information necessary for it to exercise its authority under Section 5(t) to (v) or Section 6(1) and (5).

(8) A broadcaster and rebroadcaster shall, if so requested in writing by the Council, provide the Council with the statement and information necessary for it to exercise its authority under Section 5(t) to (v) or Section 6(1) and (4).

(9) A television broadcaster shall ensure that viewers have easy, direct and permanent access mainly to:

a) essential information about the broadcaster, including the name or registered company name, company registration No., if any, address of the registered seat if the broadcaster is a legal entity, or residence address if the broadcaster is a natural person; if the broadcaster is a foreign legal entity, the information shall also contain the address of the undertaking or organisational unit, if any, in the territory of the Czech Republic,

b) information enabling prompt, direct and effective communication with the television broadcaster, including, but not limited to, the postal address, telephone number, website address and possibly also electronic mail address, and

c) information that the Council is the supervisory authority for television broadcasting.

c) information that its activities are governed by the law of the Czech Republic and that the Council is the supervisory authority for television broadcasting.

(10) The personal data of minors collected or otherwise obtained by the television broadcaster for the purpose of complying with subsection 1(e) shall not be processed for commercial purposes, in particular, for direct marketing, profiling and behavioural advertising.

### Section 33

#### **Obligations of Broadcasters in Broadcasting of Events of Major Importance for Society**

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

(2) If the event of major importance for society is, due to its nature, broadcast both live and via deferred coverage, such broadcasting shall represent a purposefully and clearly arranged unit. An event of major importance for society can only be broadcast via deferred coverage if another event of major importance for society is being broadcast live for which the broadcasting of the record of the deferred coverage had to be delayed.

(3) An event of major importance for society means any event on the List of Events of Major Importance for Society, issued as public decree by the Ministry upon consultation with the Council.

(4) Events of major importance for society shall also include any event declared as an event of major importance for society by any of the Member States of the European Communities and announced as such in the European Communities Official Journal. A



television broadcaster shall not exercise exclusive rights in respect of the broadcasting of any event of major importance for society announced in the Official Journal of the European Communities in a manner which would deprive a substantial part of the public in that Member State of European Communities, which declared it the event of major importance for society, inconsistently with the legal regulations thereof, of the possibility to watch that event live or via deferred coverage on a freely accessible television programme. The List of Events of Major Importance for Society, as published in the Official Journal of the European Communities, shall be made public by the Council in a manner facilitating remote access.

(5) Events of major importance for society shall also include any event declared as an event of major importance for society by any of the Member States of the Council of Europe and announced as such by the respective body of the Council of Europe under an international treaty in a determined (hereinafter referred to as the “event published by a body of the Council of Europe”). A television broadcaster shall not exercise exclusive rights in respect of the broadcasting of any event published by a body of the Council of Europe in a manner which would deprive a substantial part of the public in that Member State of the Council of Europe, which declared it the event of major importance for society, inconsistently with the legal regulations thereof, of the possibility to watch that event live or via deferred coverage on a freely accessible television programme. The List of Events published by the body of the Council of Europe shall be made public by the Council in a manner facilitating remote access.

#### Section 34

### **Broadcasting of Short News Extracts**

(1) A television broadcaster that has acquired exclusive broadcasting rights for an event classified as being of high interest to the public (hereinafter referred to as the “event of high interest to the public”) shall provide access to the transmission signal for other television broadcasters established in the Member States of the European Union upon their request, or provide them with a recording of such an event, for the purpose of making short extracts of their own choice to be included in their general news programme units. If exclusive broadcasting rights for an event of high interest to the public are acquired by a television broadcaster established in the Czech Republic, the other television broadcasters established in the Czech Republic shall address the request referred to in the first sentence to such a television broadcaster.

(2) Duration of the short news extract within a general news programme unit shall not exceed 90 seconds. A short news extract shall contain identification of the source from which it was taken, unless this is impossible for reasons of practicality.

(3) In the provision of on-demand audiovisual media services, the short news extract made pursuant to subsection 1 can be used on the provision that the general news programme unit which it forms a part of is offered deferred by the same broadcaster which broadcast it.

(4) A general news programme unit is a programme unit consisting of news, reports and interviews focusing on the current course of events in domestic and foreign politics, culture, public life, culture, crime or sports, including a special news block, which regularly follows after such a programme unit.

(5) A television broadcaster that has acquired exclusive broadcasting rights for an

event of high interest to the public shall lay down the terms and conditions, under which other television broadcasters can have access to the transmission signal or can acquire a recording of the event (hereinafter referred to as the “accreditation terms”), sufficiently in advance and in a manner facilitating remote control. The accreditation terms shall be fair and reasonable and shall not be discriminatory. For the provision of access to the transmission signal or delivery of a recording of an event of high interest to the public, the television broadcaster that has acquired exclusive broadcasting rights for such an event may charge an amount equal to the additional costs directly related to the provision of access to the transmission signal or delivery of the recording.

## TITLE II

### PROTECTION OF PERSONS AFFECTED BY THE CONTENT OF RADIO OR TELEVISION BROADCASTING

#### Section 35

#### **Right of Reply**

(1) If any communication 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, such natural person or legal entity shall have the right to request that a reply be broadcast by the radio or television broadcaster. The broadcaster shall broadcast such a reply upon such a natural person’s or legal entity’s request.

(2) The reply shall be limited to a statement of fact correcting the statement made under subsection 1, or supplementing or specifying the incomplete or true-distorting statement. The reply shall be adequate to the scope of the contested communication, and if only a part of it is contested, of that part then; the reply shall make it clear who is making it.

(3) The natural person or legal entity upon whose request a reply was broadcast by the broadcaster under this Act shall not request that a further reply to such a reply be broadcast.

(4) Upon the death of a natural person, the right under subsection 1 appertains to his or her spouse and children and, if there are none, to his or her parents.

(5) The provisions of a special legal regulation on the protection of personality and the protection of the name or reputation of a legal entity shall remain unaffected by the provisions of subsections 1 to 4.

#### Section 36

#### **Additional Announcement**

(1) If the radio or television broadcasting publishes any announcement of criminal proceedings or proceedings in respect of offences conducted against a natural person, legal entity or natural person - entrepreneur that can be identified from such an announcement, and if such proceedings have not been finalised by a final decision, then such a person shall have the right to request that information on the result of such proceedings be broadcast as an additional announcement by the broadcaster. The broadcaster shall publish the information

about the final decision upon the request of that person.

(2) Upon the death of a natural person, the right under subsection 1 appertains to his or her spouse and children and, if there are none, to his or her parents.

(3) The provisions of a specific legal regulation on the protection of personality and the protection of the name or reputation of a legal entity shall remain unaffected by the provisions of subsections 1 and 2.

### Section 37

#### **Submission and Formalities of Request to Publish the Reply and Additional Announcement**

(1) A request for publication of a reply or additional announcement shall take a written form.

(2) The request for publication of a reply shall clearly indicate what in the published 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. The request shall also contain the proposed wording of the reply or additional announcement.

(3) The request to publish a reply shall be delivered to the broadcaster no later than in 30 days as of the date on which the contested announcement was made public in radio or television broadcasting, otherwise the right of reply shall cease to exist.

(4) The request to publish the additional announcement shall be delivered to the broadcaster no later than in 30 days of the effective date of the decision by which the proceedings were effectively finalised, otherwise the right to the additional announcement shall cease to exist. Where the effective decision has been annulled, the preceding provisions shall apply *mutatis mutandis*.

### Section 38

#### **Conditions for Publication of the Reply and Additional Announcement**

(1) The broadcaster shall publish the reply or additional announcement

a) in the same programme unit in which the contested announcement was broadcast and should it be impossible, in a broadcasting time of the same value as that at which the contested announcement was broadcast; in a manner ensuring that the new announcement has an equal form and the scope thereof is adequate to the contested announcement,

b) with express indication of “Reply” or “Additional Announcement”,

c) at their own expenses,

d) in the same language in which the contested announcement was published,

e) indicating the first name and surname of the person who requests the publication of the

reply or additional announcement, if the person has made such a request.

(2) The broadcaster shall broadcast such a reply or additional announcement within 8 days as of delivery of the request for such a reply or additional announcement to be published.

(3) In the event that a broadcaster's radio and television broadcasting authorisation expires, the broadcaster shall, at its own expenses and under the terms and conditions laid down herein, ensure that the reply or additional announcement is broadcast in another broadcaster's radio or television broadcasting, covering a similar number of listeners or viewers in the same region in which the contested announcement was made public.

### Section 39

#### **Exercise of Right to Publication of the Reply and Additional Announcement through the Court**

(1) If the broadcaster fails to publish a reply or additional announcement at all or fails to comply with the conditions for publication of the reply or additional announcement set out in Section 38, the court shall decide on the obligation to publish the reply or additional announcement upon the request of the person who requested the publication thereof.

(2) Such a request shall be filed with the Court no later in 15 days as of expiry of the period required for the publication of the reply or additional announcement, otherwise the entitlement to enforce the broadcasting of a reply or additional announcement through the court shall cease to exist.

### Section 40

#### **Exceptions to the Obligation to Publish the Reply and Additional Announcement**

(1) A broadcaster shall not have the obligation to publish a reply or additional announcement if

- a) the publication of the proposed text would constitute a criminal offence or misdemeanour,
- b) publication of the proposed text would be contrary to good morals,
- c) the contested announcement or a 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 have the obligation to publish a reply if the relevant request challenges the text published on the basis of a conclusive prior consent of the person who submits such a request.

(3) The broadcaster shall not have the obligation to publish the additional announcement if prior to the delivery to the broadcaster of the request for publication, the broadcaster had published, upon its own initiative, the additional announcement in compliance with the conditions stipulated in this Act.

## Section 41

### **Protection of the Information Source and Content**

(1) Any natural person or legal entity engaged in obtaining or processing the information to be published or published in radio or television broadcasting shall have the right to deny disclosure of the origin or content of such information to the court or any other state authority or public administration authority.

(2) Any natural person or legal entity engaged in obtaining or processing the information to be published or published in radio or television broadcasting shall have the right to deny submission or delivery, to a court or a State authority or public administration authority, of any items from which the origin or content of such information might be derived.

(3) The rights under subsections 1 and 2 shall be without prejudice to the obligations laid down by specific legislation not to favourite the offenders and to prevent or report the criminal offence and, in relation to those obligations laid down by the specific legislation, to the obligations laid down in criminal procedure.

## TITLE III

### **PROMOTION FOR EUROPEAN PRODUCTION AND INDEPENDENT AND CONTEMPORARY EUROPEAN PRODUCTION**

## Section 42

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

## Section 43

(1) The television broadcaster shall, where practicable, allocate at least 10% of the total broadcasting time of each programme for European works produced by independent producers. The total broadcasting time on the basis of which the proportion of European works produced by independent producers is determined shall not be deemed to include the time of broadcasting news and reporting programme units, sports events, contests, teletext, advertising and teleshopping.

(2) The obligation under subsection 1 shall be deemed to be fulfilled if the broadcaster spends at least 10% of its programming budget on the production or purchase of European works produced by independent producers.

(3) An independent producer means any legal entity or natural person which are not a television broadcaster and are not affiliated with a television broadcaster in property terms, or whose supply of works to a single television broadcaster does not exceed 90% of its total production over 3 years. A person affiliated with a television broadcaster in property terms

means a person holding a share in the voting rights or an registered capital of such television broadcaster or a person in which a television broadcaster holds a share in voting rights or registered capital.

#### Section 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 allocated for the broadcasting of European works created by independent producers.

(2) A television broadcaster which fulfils the obligation to promote European independent production in accordance with the provisions of Section 43(2) by spending at least 10% of its programming budget on the production or purchase of European works produced by independent producers, shall spend at least 10% of the amount so determined on works which were first published within less than 5 years.

#### Section 45

(1) The obligations of a television broadcaster set out in Sections 42 to 44 shall not apply to a broadcaster

- a) of a local broadcast that is not a party to a nationwide television network,
- b) a programme broadcast exclusively in a language other than Czech or in a language other than one 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 one of the languages of the Member States of the European Communities, the obligations of the television broadcaster set out in Sections 42 to 44 shall not apply to that part only.

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

#### Section 46

### **European Work**

(1) The European work means

- a) a work originating from the Member States of the European Union,
- b) a work originating from a country that is not a Member State of the European Union, however, which is a contracting party to the European Convention on Transfrontier Television<sup>4b)</sup>, if that work fulfils the conditions under subsection 3, or
- c) works co-produced under the contract related to the audiovisual sector concluded between the European Communities and third countries and fulfilling the conditions defined in the

contract, under which it was produced.

(2) The provisions under subsection 1(b) and (c) shall apply only if the third countries concerned do not apply discriminatory measures against works from the Member States of the European Union.

(3) The work referred to in subsection 1(a) and (b) shall include a work created principally by authors and personnel residing in one or more of the countries referred to in subsection 1(a) and (b), provided that

a) such works are made by one or more producers established in one or more of those countries,

b) the production of such works is supervised over and actually controlled by one or more producers established in one or more of those countries, or

c) the contribution of co-producers of those countries to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those countries.

(4) A work which shall not be considered a European work under subsection 1, but which has been produced under a bilateral co-production contract concluded between Member States of the European Union and a third country, may be considered a European work on the provision that the contribution of co-producers from Member States of the European Union in the total production costs is predominant and the production was not controlled by a producer or several producers established outside the territory of the Member States of the European Union.

#### Section 47

### **Monitoring of Promotion of European Production and European Independent and Contemporary Production**

(1) The performance of the obligations under Sections 42 to 44 shall be supervised over by the Council, to which the broadcaster shall submit the following data for the reference period

a) information on the number and duration of the European works being broadcast, including identification of such works and the producers thereof,

b) information on the number and duration of the European works being broadcast which were created by independent producers, including identification of such works and the producers thereof, and possibly also documents to prove that such producer 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 thereof,

c) lists of broadcast European works produced by independent producers which were produced within less than 5 years,

d) information on the number and duration of Czech works broadcast.

(2) Should the data submitted to the Council under subsection 1 indicate that the obligations under Sections 42 to 44 have not been complied with in the reference period, the broadcaster shall communicate to the Council the reasons for the non-compliance.

(3) For the purposes of subsections 1 and 2, the reference period means 1 calendar year.

## TITLE IV

### COMMERCIAL COMMUNICATIONS

#### Section 48

#### **Obligations of Broadcasters in Broadcasting Commercial Communications**

(1) Broadcasters shall not include in their broadcasts

- a) commercial communications that are not readily recognisable as such,
- b) commercial communications that encourage behaviour prejudicial to health or to safety, or behaviour seriously prejudicial to the protection of the environment,
- c) commercial communications in which newscasters, moderators or editors of news and political programme units appear,
- d) religious and atheistic commercial communications,
- e) commercial communications of political parties and movements and commercial communications of independent candidates for deputies, senators, the President of the Czech Republic or members of the local government council, unless a specific law provides otherwise,
- f) commercial communications concerning medicinal products or medical treatments available in the Czech Republic only on prescription, teleshopping concerning medicinal products which require registration under a specific legal regulation<sup>10a)</sup>, and teleshopping concerning medical treatments,
- g) commercial communications concerning cigarettes, other tobacco products, electronic cigarettes or refills,
- h) surreptitious commercial communications,
- i) commercial communications containing subliminal messages,
- j) commercial communications prejudicial to human dignity,
- k) commercial communications attacking faith or religion or political or other opinions,
- l) commercial communications containing discrimination towards a group of persons or a



member of the group on the grounds of sex, race or ethnic origin, citizenship, faith and religion, disability, age or sexual orientation.

m) a commercial communication indicating that the country of origin of the food is the Czech Republic, unless the requirements laid down in Act on Food and Tobacco Products<sup>21</sup>) are complied with.

(2) Commercial communications shall not cause physical or moral detriment to minors by

a) directly encouraging minors to purchase or hire a product or service by exploiting their inexperience or credulity,

b) directly encouraging minors to persuade their parents or other persons to purchase the goods or services offered,

c) exploiting the special trust minors place in parents, teachers or other persons, or

d) unreasonably showing minors in dangerous situations.

(3) The veracity of information contained in a commercial communication shall be the responsibility of the party ordering the commercial communication; where the party ordering the commercial communication cannot be identified, responsibility shall lie with the broadcaster. The party ordering a commercial communication means a legal entity or natural person placing a purchase order for the commercial communication with another legal entity or natural person.

## Section 49

### **Obligations Related to the Inclusion of Advertisements, Teleshopping and Sponsor Identification in Broadcasting**

(1) The broadcaster shall ensure that

a) advertising and teleshopping are readily recognisable as such; with a radio broadcaster this shall be clearly distinguishable by audio means, and for a television broadcaster it shall be clearly distinguishable by audio, visual or audiovisual means or by spatial means separated from other broadcasts,

b) isolated advertising and teleshopping spots are included in broadcasting only in exceptional cases, except for live transmissions of sports events; this shall not apply to radio broadcasting,

c) commercial communications relating to erotic services, erotic products and human medicinal products or food supplements to support sexual performance are not included in the broadcast between 06.00 and 22.00; this obligation shall not apply to the broadcaster if the broadcast is available to the end-user on the basis of a written contract concluded with a person over 18 years of age and a technical measure is provided to enable that person to restrict access to the broadcast to minors,

d) advertisements and teleshopping are not included immediately before or immediately after

the broadcast of church services.

(2) A television broadcaster shall ensure that the inclusion of advertising or teleshopping spots in a programme unit does not prejudice the integrity of the programme unit or the rights of right-holders by failing to take into account natural breaks in, and the duration and the nature of, the programme unit.

(3) The broadcaster shall ensure that advertisements, teleshopping and sponsor identification are broadcast in such a way that the volume level of their broadcast is in accordance with the technical specification laid down by the public decree to be issued by the Council pursuant to the provisions of Section 5(y). Such a method of broadcasting shall also apply to the broadcasting of audio or audio-visual means separating advertising and teleshopping from the other parts of the broadcast according to subsection 1(a).

(4) A licensed television broadcaster shall not interrupt the broadcasting of films made for television, cinematographic works and news programme units with advertising or teleshopping spots more than once in each scheduled time period of at least 30 minutes. A licensed radio broadcaster shall not interrupt the broadcasting of news programme units with advertising or teleshopping spots more than once per scheduled period of at least 30 minutes. The scheduled period of broadcasting of films made for television, cinematographic works and news programmes includes advertising and teleshopping spots.

(5) Should the scheduled period of a children's programme units without advertising included exceed 30 minutes, the radio or television broadcasting of that programme unit may be interrupted by advertising no more than once for each scheduled segment of at least 30 minutes. Advertising cannot be shown on a split screen during television broadcasting a children's programme unit. Teleshopping spots shall not be included in television broadcasting of children's programme units.

(6) The radio and television broadcasting of religious services shall not be interrupted by advertising or teleshopping. During the television broadcasting of religious services, advertising and teleshopping spots shall not be shown on a split screen.

(7) Restrictions under subsection 4 shall not apply to films made for television if they have a nature of documentaries or if they form separate parts of series or series of programme units.

(8) A statutory broadcaster shall include advertising and teleshopping spots only between programme units or in natural breaks in programme units.

## Section 50

### **Duration of Advertising and Teleshopping in Television Broadcasting**

(1) The time reserved for advertising in the statutory broadcaster's television broadcasting on the programmes CT 2 and CT 4 shall not exceed 0.5% of the daily broadcasting time on each of these programmes, whereas the broadcasting of advertising shall not exceed 6 minutes per broadcasting hour on any of these programmes between 19.00 and 22.00. A statutory broadcaster shall not include advertising on other programmes, except for advertising included in a programme broadcast in direct connection with the broadcast of a

cultural or sports event, if the broadcast of such advertising is a necessary condition for obtaining the rights for television broadcasting of the sports or cultural event. Where advertising is included in the broadcasts of a statutory television broadcaster, as referred to in the second sentence, the time allocated to such advertising shall not exceed 0.5% of the daily broadcasting time and shall not exceed 6 minutes per broadcasting hour between 19.00 and 22.00. A statutory television broadcaster shall not include teleshopping in its broadcasts.

(2) The time reserved for advertising and teleshopping spots in the television broadcasting of broadcasters shall not exceed 20% of this time between 06.00 and 18.00 hours. The time reserved for advertising and teleshopping spots in broadcaster's television broadcasting shall not exceed 20% of this time between 18.00 and 24.00 hours.

(3) For the purposes of the provisions of of subsections 1 and 2, the transmission of teletext shall not be included in the broadcasting time.

(4) Subsections 1 and 2 shall not apply to announcements by a broadcaster concerning its own programmes and accompanying products or services directly derived from those programme units, or programmes and audiovisual media services of entities belonging to the Group the same controlling entity<sup>26</sup>). Subsections 1 and 2 shall further not apply to sponsorship or product placement announcements, to announcements broadcast free of charge in the public interest or for the benefit of a charitable cause, to notices of charitable events broadcast free of charge, and to neutral interstitials between editorial content and advertising or teleshopping spots or between the individual spots.

(5) The time allocated to advertising and teleshopping that was left unused in any of the statutory television broadcaster's programmes may not be used for the broadcasting of advertising and teleshopping beyond the time restrictions set for advertising and teleshopping in any other of its programmes.

(6) Coherent teleshopping windows shall last without interruption for at least 15 minutes and shall be clearly identified by visual and acoustic means. A licensed television broadcaster may, on a programme which is not dedicated exclusively to teleshopping, broadcast teleshopping windows beyond the time limits for the broadcasting of advertising and teleshopping spots pursuant to subsection 2.

## Section 51

### **Duration of Advertising and Teleshopping in Radio Broadcasting**

(1) For the statutory radio broadcaster, the time allocated to 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. The statutory radio broadcaster shall not include commercial communications in a programme exclusively focused on news, journalism and educational programmes<sup>20</sup>), except for commercial communications included in the programme broadcasts in direct connection with the broadcasting of a cultural or sporting event, if the broadcasting of such commercial communications is a necessary condition for obtaining the rights to the radio broadcast of the cultural or sporting event. The second sentence shall not apply to announcements as per subsection 4.

(2) For other radio broadcasters, the time allocated to advertising and teleshopping shall not exceed 25% of the daily broadcasting time.

(3) The statutory radio broadcaster shall not use the daily broadcasting time reserved for advertising and teleshopping which it has not used on one of its programmes to broadcast advertising and teleshopping beyond the time limits for the broadcasting of advertising and teleshopping on another programme of that broadcaster.

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

## Section 52

### **Special Provisions on Commercial Communications Concerning Alcoholic Beverages and Foods and Beverages Containing Nutrients and Substances the Excessive Intake of Which Is Not Recommended**

(1) Commercial communications relating to alcoholic beverages shall not

- a) focus primarily on minors or show children and minors consuming alcohol,
- b) link the consumption of alcohol to enhanced physical performance or to driving a motor vehicle,
- c) create the impression that the consumption of alcohol contributes towards social or sexual success,
- d) claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflict,
- e) encourage immoderate consumption of alcoholic beverages or present abstinence or moderation in drinking alcohol in an unfavourable light;
- f) emphasise the high alcohol content as a positive quality of the alcoholic beverage.

(2) Codes of conduct of self-regulatory bodies shall lay down more detailed requirements for commercial communications relating to alcoholic beverages. Their aim shall be to achieve effective restrictions on the exposure of minors to commercial communications concerning alcoholic beverages.

(3) The codes of ethics of the self-regulatory bodies shall lay down more detailed requirements for commercial communications accompanying or contained in children's programme units concerning foods and beverages containing nutrients and substances with nutritional and physiological effects, in particular, fat, saturated fat, trans-fatty acids, salt or sodium and sugars, the excessive intake of which in the diet is not recommended. Their aim must be to ensure that commercial communications do not emphasise the positive nutritional aspects of those foods and beverages and to effectively limit the exposure of minors to

commercial communications concerning those foods and drinks.

### Section 53

#### **Obligations of Broadcasters Related to Broadcasting of Sponsored Radio or Television Programmes and Programme Units**

(1) Sponsored radio or television programmes and programme units shall meet the following requirements:

a) their content and the scheduling of programme units and other parts of broadcasts shall not be influenced in such a way as to affect the editorial responsibility and independence of the broadcaster,

b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.

(2) Radio or television programmes and programme units shall not be sponsored by persons whose principal activity is the manufacture or sale of cigarettes, other tobacco products, electronic cigarettes and refills.

(3) The sponsorship of radio or television programmes and programme units by persons whose activities include the manufacture or distribution of medicinal products and medical treatment procedures may promote in public the name or image of the sponsor, but shall not promote medicinal products or medical treatment available only on prescription in the Czech Republic.

(4) The broadcaster shall clearly identify any fully or partly sponsored programme unit at the beginning and subsequently during, or at the end of, the programme unit by the name, visual symbol (logo) or any other symbol of the sponsor, including, without limitation, a reference to its products, services or their characteristics.

(5) The broadcaster of a sponsored programme shall announce the existence of the sponsorship, clearly indicate the sponsor's name and specify its principal activity. The announcement of sponsorship shall not be broadcast in trailers for the programme unit, during the course of the programme unit, immediately before it or immediately after its end.

(6) News and current affairs programme units shall not be sponsored.

(7) It is impossible to sponsor programmes where programme units that are not allowed to be sponsored make more than half of the daily broadcasting time.

### Section 53a

#### **Obligations of Television Broadcasters in Product Placement**

(1) Product placement is not permitted in news and current affairs programme units, consumer publicity programme units, religious programme units and children's programme units. A product placement is not considered to be a case where no payment is made, but only where some goods or services, in particular, props or prizes, are provided free of charge to

contestants for inclusion in the show.

(2) Programmes containing product placement shall comply with the following requirements:

- a) their content and scheduling shall not be influenced in such a way as to affect the editorial responsibility and independence of the television broadcaster,
- b) they shall not directly encourage the purchase or rental of goods or services, in particular, by making special promotional references to those goods or services,
- c) shall not unduly emphasise the product placed.

(3) Programme units containing product placement shall be clearly identified as such at the start and end of the programme unit and when a programme unit resumes after an advertising or teleshopping break in order to avoid any confusion on the part of the viewer as to the nature of these programme units. The obligation under the first sentence shall not apply to programme units which have not been produced or ordered by the television broadcaster itself or a person affiliated to the television broadcaster as a controlling or controlled entity under the specific legislation<sup>11a)</sup>.

(4) Programme units shall not contain product placement of:

- a) cigarettes, other tobacco products, electronic cigarettes, refills, or product placement from persons whose principal activity is the manufacture or sale of cigarettes, other tobacco products, electronic cigarettes or refills; or
- b) medicinal products or medical treatments available only on prescription in the Czech Republic.

## TITLE V

### OBLIGATIONS OF BROADCASTERS AND REBROADCASTERS IN A CABLE SYSTEM

#### Section 54

#### **Operation of Local Broadcasting**

(1) A licensed broadcaster and rebroadcaster in a cable system shall, upon the request of a municipality or voluntary association of municipalities, allocate one channel free of charge for an unpaid local information system serving exclusively to meet the needs of the local community which shall not be used for advertising and teleshopping purposes without the consent of the licensed broadcaster and rebroadcaster.

(2) When creating its minimum programme range, a cable rebroadcaster shall ensure that the programme range includes the terrestrial broadcasts of all programmes not protected by conditional access systems of the statutory broadcaster, which can be received by standard end-user equipment, through the cable lines, irrespective of whether they are transmitted by analogue or digital means, upon consent of the statutory broadcaster<sup>3), 4)</sup>.

(3) Statutory broadcasters shall provide the above-mentioned programmes to cable rebroadcasters free of charge, and rebroadcasters shall include these programmes in their minimum programme range also free of charge.

## TITLE VI

### ISSUING OF OPINIONS ON THE OBLIGATION OF ELECTRONIC COMMUNICATIONS NETWORK OPERATOR TO DISTRIBUTE PROGRAMMES AND DIRECTLY RELATED SERVICES IN PUBLIC INTEREST

#### Section 54a

When assessing whether there is public interest or whether public interest continues, the Council shall, in particular, take into account the proportion of programme units in public interest and own produced programme units, multimodal access to programme units that are broadcast for persons with visual and hearing disabilities (sound descriptions, Czech sign language, closed captioning, easy navigation) and the suitability of the broadcasters' programme for broadcasting of urgent notifications pursuant to Section 32(1)(k).

## PART SIX

### PROVIDING OF INFORMATION PLURALITY IN RADIO AND TELEVISION BROADCASTING

#### Section 55

#### **Providing of Information Plurality in Nation-Wide Radio and Television Broadcasting**

(1) One legal entity or one natural person shall not hold more than one licence for nation-wide analogue television broadcasting.

(2) One legal entity or one natural person shall not hold more than one licence for nation-wide analogue radio broadcasting.

(3) A nation-wide analogue radio broadcaster shall not participate in the business of another nation-wide analogue radio broadcaster.

(4) A nation-wide analogue television broadcaster shall not participate in the business of another nation-wide analogue television broadcaster.

(5) A nation-wide statutory television broadcaster shall not merge with any nation-wide analogue television broadcaster, such a merger being based on the fact that their statutory bodies or members of statutory bodies are the same parties or affiliated parties, or are members in the same business company or are affiliated parties.

(6) A nation-wide statutory radio broadcaster shall not merge with any nation-wide analogue radio broadcaster, such a merger being based on the fact that their statutory bodies or members of statutory bodies are the same parties or affiliated parties, or are members in the same business company or are affiliated parties.

(7) A nation-wide analogue television broadcaster shall not merge with any other nation-wide analogue television broadcaster in any other manner (Section 58).

(8) A nation-wide analogue radio broadcaster shall not merge with any nation-wide analogue radio broadcaster in any other manner (Section 58).

(9) Provisions of subsections 1, 2, 3, 4, 7 and 8 shall not apply to radio and television broadcastings transmitted by cable systems and satellites.

(9) Provisions of subsections 1, 2, 3, 4, 7 and 8 shall not apply to radio and television broadcasting transmitted by cable systems, satellites and special transmission systems.

(10) Provisions of subsections 7 and 8 shall not apply to persons engaged in the promotion and sale of advertising services, services related to sponsorship and teleshopping, services related to market research and services related to purchasing of programme units, except for news programme units.

#### Section 55a

### **Providing of Information Plurality in Nation-Wide Digital Radio and Television Broadcasting**

(1) One legal entity or one natural person shall not be a holder of more than two licences for nation-wide digital television broadcasting, authorising the distribution of full-format programmes.

(2) One legal entity or one natural person shall not be a holder of more than two licences for nation-wide digital radio broadcasting, authorising the distribution of nation-wide digital radio broadcasting.

(3) A nation-wide digital television broadcaster shall not hold an ownership interest in the business of another nation-wide television broadcaster.

(4) A nation-wide digital radio broadcaster shall not hold an ownership interest in the business of another nation-wide radio broadcaster.

(5) A nation-wide statutory television broadcaster shall not merge with any nation-wide digital television broadcaster, such a merger being based on the fact that their statutory bodies or members of statutory bodies are the same parties or affiliated parties, or are members in the same business company or are affiliated parties.

(6) A nation-wide statutory radio broadcaster shall not merge with any nation-wide digital radio broadcaster, such a merger being based on the fact that their statutory bodies or members of statutory bodies are the same parties or affiliated parties, or are members in the same business company or are affiliated parties.

(7) A nation-wide digital television broadcaster shall not merge with a nation-wide digital television broadcaster in any other way (Section 58).



(8) A nation-wide digital radio broadcaster shall not merge with a nation-wide digital radio broadcaster in any other way (Section 58).

(9) Provisions of subsections 1, 2, 3, 4, 7 and 8 shall not apply to radio and television broadcasting transmitted by cable systems, satellites and special transmission systems.

(10) Provisions of subsection 3 shall not apply to agreements of digital television broadcasters distributed through transmitters concerning the joint operation of an electronic programme guide. Provisions of subsections 7 and 8 shall not apply to persons engaged in the promotion and sale of advertising services, services related to sponsorship and teleshopping, services related to market research and services related to purchasing of programme units, except for news programme units.

## Section 56

### **Providing of Information Plurality in Local and Regional Radio and Television Broadcasting**

(1) If one legal entity or one natural person is a holder of more than one licence to operate television broadcasting other than nation-wide television broadcasting, the total coverage of the Czech Republic by such legal entity's or natural person's broadcasting shall not in aggregate exceed 70% of the total population of the Czech Republic, based on information from the most recent census, whereas each citizen of the Czech Republic so covered shall always be counted in the total population of the Czech Republic only once.

(2) If one legal entity or one natural person is a holder of more than one licence to operate radio broadcasting other than nation-wide radio broadcasting, the total coverage of the Czech Republic by such legal entity's or natural person's broadcasting shall not in aggregate exceed 300 % of the total population of the Czech Republic, based on information from the most recent census, whereas each citizen of the Czech Republic so covered shall always be counted in the total population of the Czech Republic as many times as many programmes broadcast under the licenses held by the legal entity or natural person to operate nation-wide radio broadcasting other than nation-wide such citizen may receive.

(3) One legal entity or one natural person may only hold an ownership interest in the business of several broadcasters of other than nation-wide radio 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 in whose businesses such a legal entity or natural person holds, shall not exceed 300% of the total population of the Czech Republic, counted on the basis of the information from the most recent census, whereas each citizen of the Czech Republic so covered shall always be counted in the total population of the Czech Republic as many times, as many programmes broadcast by broadcasters of radio broadcasting other than nation-wide, the person holds the ownership interest in, can receive.

(4) One legal entity or one natural person may participate in the business of more than one broadcaster of broadcasting other than nation-wide television broadcasting only if the total coverage of the population of the Czech Republic by the broadcasts of broadcasters of other than nation-wide television broadcasting, whose business they participate in, does not

exceed 70% of the total population of the Czech Republic, calculated according to the data resulting from the last census, whereby each citizen covered shall be included in the total population of the Czech Republic only once.

(5) The obligations referred to in subsections 1 to 4 shall not apply to radio and television broadcasting distributed by cable systems, satellites and special transmission systems.

## Section 57

### **Program Networking**

(1) A programme network shall not cover by radio broadcasting more than 80% and by television broadcasting more than 70% of the total population of the Czech Republic, counted on the basis of the information from the most recent census, whereas each citizen covered shall be included in the total population of the Czech Republic only once.

(2) Broadcasters that were or are distributing their broadcasting within a programme network may not change the programme network nor may they change the broadcaster from which they take over the programme, during the period of validity of the license granted or renewed.

(3) Provisions of subsection 2 shall also be binding on any legal successors of the broadcasters.

## Section 58

### **Mergers of Broadcasters or Rebroadcasters**

(1) A broadcaster or rebroadcaster shall notify the Council about any of the following circumstances:

a) radio broadcasters have merged and television broadcasters have merged in the form of a merger of legal entities or a sale of the enterprise or a substantial part thereof,

b) there has been a merger between radio broadcasters and television broadcasters such that

1. their statutory bodies or members of statutory or other bodies or employees under direct management authority of the statutory body or a member thereof or authorised officer, are identical or affiliated parties,
2. they carry out a joint business under a partnership deed, or
3. are related parties;

c) there has been a merger of radio broadcasters where one legal entity or one natural person has substantial influence over two or more radio broadcasters;

d) there has been a merger of television broadcasters where one legal entity or one natural person has substantial influence over two or more television broadcasters.

(2) A legal entity or natural person shall be deemed having a substantial influence if

a) the has a direct or indirect share in voting rights exceeding 34%, whereas the indirect share means an interest held indirectly through a controlled person,

b) decides on a majority of its employees who are under the direct management of the statutory body or a member thereof, or decides on persons who, under a mandate or other contract, carry out significant administrative, management or commercial activities of the broadcaster,

c) has opportunities to exercise a controlling influence on the management of the broadcaster under a contract, a special provision contained in the Statutes, Articles of Association or Deed of Foundation, or agreement with persons who are shareholders or partners of the broadcaster regardless of the validity or invalidity of such an agreement.

(3) The obligations referred to in Sections 56 and 57 shall not apply to statutory broadcasters and broadcasters with a short-term licence.

## **PART SEVEN**

### **PENALTY PROVISIONS**

#### Section 59

##### **Corrective Measures**

(1) If a broadcaster or rebroadcaster breaches any obligations set out herein or any conditions stipulated in the licence granted, the Council shall notify them of such breach of the Act and shall grant a grace period to take corrective action.

(2) The duration of the grace period for corrective action as referred to in the preceding paragraph shall be adequate to the nature of the obligation so breached.

(3) If corrective action is taken within the prescribed period, the Council shall not impose any penalty.

(4) Provisions of subsections 1 to 3 shall not apply if the broadcaster and the rebroadcaster breaches in a particularly serious manner any of the obligations set out in Section 32(1)(c), (d) and (e), Section 63(1) and Section 64 (1).

#### Section 60

##### **Offences**

(1) A broadcaster or rebroadcaster commits an offence by

a) including in broadcasting any programme units or any other parts of broadcasts which show, without justification, dying people or people exposed to heavy physical or mental suffering, in a manner diminishing human dignity,

b) failing to fulfil the obligations under Section 31(2) and (3),

- c) contrary to Section 32(1)(k), failing to provide broadcasting time as may be needed for important and urgent notices and measures in public interest, or failing to make sure such announcements and measures are made accessible to persons with hearing and visual disabilities,
- d) destroying the records of the programme units or other parts of broadcasts that have been broadcast before the expiry of the period of time referred to in Section 32(1)(l),
- e) failing to provide the Council with the requested recording of the programme unit or other parts of the broadcast within 15 days as of the date of receipt of the request pursuant to Section 32(1)(l),
- f) breaching the obligations relating to the identifying the programme under Section 32(1)(n) and (o),
- g) failing to ensure inclusion of a nation-wide broadcaster in the cable distribution system in accordance with Section 54(2),
- h) failing to notify the Council that there are technical obstacles to broadcasting which prevent it from broadcasting in accordance with Section 32(1)(p),
- i) breaching the obligations or failing to comply with the conditions for broadcasting events of major importance to society under Section 33(1) and (2),
- j) failing to provide a recording of a broadcast of an event which is an event of major importance to society if another event of major importance to society is broadcast live pursuant to Section 33(2),
- k) breaching any of the obligations set out for the sponsorship of programmes or programme units or breaching any of the obligations set out for product placement,
- l) failing to comply with the obligations laid down for commercial communications and surreptitious commercial communications,
- m) failing to provide the Council with the data necessary for the purpose of monitoring the share of European production and independent production under Section 47(1),
- n) failing to justify compliance with the required proportion of European production and independent production under Section 47(2),
- o) contrary to Section 32(2), failing to submit an Action Plan for a new assessment period to the Council within the prescribed time limit,
- p) contrary to Section 32(3), failing to submit to the Council, within the prescribed time limit, an evaluation of the implementation of the Action Plan for the completed assessment period,
- q) contrary to Section 32(2), failing to meet the commitment to increase the overall proportion of programme units made accessible to persons with hearing and visual disabilities which it has made in the Action Plan for the finished assessment period,

- r) contrary to Section 32(5), distributing a programme containing programme units or other parts of broadcasts likely to impair the physical, mental or moral development of minors without complying with the conditions laid down in Section 32(1)(g), or including a programme containing predominantly programme units likely to impair the physical, mental or moral development of minors in the minimum programme offer,
- s) distributing a programme taken over from a broadcaster from a country which is not a Member State of the European Union or a contracting party to the European Convention on Transfrontier Television, or a programme taken over from a broadcaster from a country other than the Czech Republic which contains programme units or other parts of broadcasts which are broadcast inconsistently with Section 32(6)(a) or (b),
- t) contrary to Section 32(7), failing to fulfil the obligations laid down in relation to the programme units in Section 32(1) also in relation to all other parts of the broadcast, without being permitted by law,
- u) contrary to Section 32(8), failing to provide the Council with any statement or information necessary for the exercise of its powers under Section 5(t) to (v) or Section 6(1) and 4,
- v) failing to provide viewers with easy, direct and sustained access to data or information under Section 32(9),
- w) contrary to Section 32(10), failing to ensure that the personal data of minors which it obtains for the purpose of complying with Section 32(1)(e) or (g) are not processed for commercial purposes,
- x) contrary to Section 32(1)(h), failing to ensure that the radio broadcast of a programme unit likely to impair the physical, mental or moral development of minors is immediately preceded by a verbal warning that the programme is unsuitable for minors; or
- y) contrary to Section 32(1)(u), failing to identify programmes in television broadcasts subject to restrictions under Section 32(1)(g), with the graphic symbol “18+”, or failing to provide sufficient information about the content harmful to minors contained in those programme units to make that information easily and free of charge available.

(2) Further, a broadcaster or rebroadcaster shall commit an offence by

- a) failing to reserve a specified proportion of the broadcasting time for European works and for European works produced by independent producers pursuant to Sections 42 to 44,
- b) failing to notify the Council of a change to the information provided in the licence application in accordance with Section 21(2),
- c) failing to seek prior approval from the Council for a change in the temporal and territorial coverage of the broadcast and the set of technical parameters pursuant to Section 21(1)(b),
- d) failing to seek prior approval from the Council for a change in the technical parameters, failing to seek prior approval from the Council for a change in the territorial coverage of broadcasting for cable systems,

- e) failing to comply with the temporal or territorial coverage of the broadcast and the set of technical parameters,
- f) failing to comply with the basic programme specification,
- g) failing to comply with the licence conditions,
- h) failing to notify the Council in advance of a change in the facts stated in the application for registration under Section 29(1),
- i) failing to reserve one channel to broadcast a programme for the needs of a locally limited area covered by a cable system under Section 54(1),
- j) failing to maintain with the territorial coverage of broadcasting for cable systems; or
- k) breaching the obligations under Section 49(3).

(3) Further, a broadcaster or rebroadcaster shall commit an offence by

- a) including programmes or other parts of broadcasts which promote war or depict cruel or otherwise inhuman acts in a way involving its trivialisation, apology or approval,
- b) contrary to Section 32(1)(d), failing to ensure that programme units and other parts of broadcasts do not contain subliminal techniques,
- c) contrary to Section 32(1)(e), failing to ensure, by choosing appropriate measures, that programme units which are likely to seriously impair the physical, mental or moral development of minors cannot be seen or heard by them,
- d) including in the broadcast between 06.00 and 22.00 hours the programme units which could impair the physical, mental or moral development of minors without complying with the conditions laid down in Section 32(1)(g),
- e) breaching the obligations under Section 32(1)(a),
- f) contrary to Section 32(1)(c), failing to ensure that the programme units broadcast do not encourage violence or hatred against a group of persons or a member of a group on grounds of sex, race, colour of skin, language, religion or belief, political or other opinion, ethnic or social origin, genetic traits, citizenship, membership of a national minority, property, birth, family, disability, age, sexual orientation or other status,
- g) breaching the obligations under Section 32(1)(r),
- h) breaching an obligation under Section 62(7),
- i) failing to comply with any of the conditions laid down in Section 67(3) for the provision of a service directly related to the programme,
- j) contrary to Section 32(1)(t), failing to ensure that the programmes broadcast do not

encourage the commission of a terrorist crime.

(4) A natural person, legal entity or natural person engaged in business commits an offence by

- a) interfering in the content of the broadcaster's and rebroadcaster's programme inconsistently with Section 31(1) and breaching obligations relating to the production or broadcast of programmes referred to in special laws<sup>3),4)</sup>,
- b) interfering unlawfully in the content of services directly related to the programme,
- c) conducting broadcasting or rebroadcasting without being authorised to do so under this Act or a specific law; or
- d) breaching any of the obligations under Section 31(6) or (7).

(5) A broadcaster or rebroadcaster commits an offence by

- a) breaching the restrictions on certain acts set out in Section 21(6) and (7),
- b) breaching the notification obligation under Section 58, or
- c) substantially breaching the licence conditions.

(6) A television broadcaster commits an offence by failing to comply with any of the obligations under Section 34.

(7) The following penalties may be imposed for an offence

- a) from CZK 5,000 to CZK 2,500,000 in the case of offence as per subsection 1,
- b) from CZK 10,000 to CZK 5,000,000 in the case of offence as per subsection 2,
- c) from CZK 20,000 to CZK 10,000,000 in the case of offence as per subsection 3,
- d) from CZK 50,000 to CZK 5,000,000 in the case of offence as per subsection 4(a), (b) or (d),
- e) up to CZK 10,000,000 in the case of offence as per subsection 4(c),
- f) from CZK 20,000 to CZK 5,000,000 in the case of offence as per subsection 5,
- g) from CZK 1,000 to CZK 1,000,000 in the case of offence as per subsection 6.

## Section 61

### **Common Provisions on Offences**

(1) Offences under this Act shall be discussed by the Council.

(2) When determining the type and amount of the administrative penalty for the breach of any obligation hereunder, the Council shall also take into account the nature of the programme being broadcast and the position of the broadcaster or rebroadcaster in the media market with respect to its obligations towards the viewing public in the terms of informations, education, culture and entertainment. It shall also take into account the opinion of the competent self-regulatory body listed in the list of self-regulatory bodies, should it receive that opinion in writing within 20 business days as of the date of procedure initiation.

(3) The Council shall issue a decision on the offence no later than in 270 days as of the date of the procedure initiation.

(4) An action may be brought against the decision on penalty in accordance with a special legal regulation<sup>9c)</sup>. The action submission shall have a suspensive effect. The court shall decide on the action within 90 days.

## Section 62

### **Suspension of Rebroadcasting from Country that Is a Party to the European Convention on Transfrontier Television and Suspension Broadcasting from a Member State of the European Union**

(1) The Council may decide to suspend the distribution of a television programme taken from a country that is not a party to the European Convention on Transfrontier Television and which is not also a Member State of the European Union, should it believe that its content repeatedly breaches Section 32(4) and that such breach is obvious, substantial and of a gross nature<sup>14)</sup>, or that its content otherwise violates the rights under the European Convention on Transfrontier Television in the territory of the Czech Republic<sup>15)</sup>.

(2) The Council may decide to suspend the distribution of a television programme under the jurisdiction of another Member State of the European Union if

a) the television broadcaster manifestly, seriously and substantially infringed at least twice in the preceding 12 calendar months Section 32(1)(e) or (g) or the content of its programme was prejudicial public health or presented a serious and substantial risk of such prejudice,

b) they notified the European Commission and the regulatory authority of the Member State of the European Union to whose jurisdiction the broadcaster belongs (hereinafter referred to as “the competent regulatory authority of the Member State of the European Union”) in writing of the breach of this Act, including a duly substantiated intention to suspend the distribution of the television programme in the Czech Republic, along with a request for consultations,

c) it gave the television broadcaster an opportunity to comment on the matter; and

d) it believes that consultations with the European Commission and the competent regulatory authority of a Member State of the European Union within 30 days as of the date on which the European Commission received the notification referred to in point b) have not resulted in an amicable solution.

(3) The Council may decide to suspend the distribution of a television programme



under the jurisdiction of another Member State of the European Union if

- a) it believes that the content of the television programme was manifestly, seriously and substantially breached Section 32(1)(t) or the content of the programme is prejudicial to public security, including national security and defence, or presents a serious and substantial risk of such prejudice, provided such offence has already been committed at least once during the preceding 12 calendar months,
- b) it notified the broadcaster and rebroadcaster, the European Commission and the competent regulatory authority of a Member State of the European Union in writing of the breach of this Act, including the duly substantiated intention to suspend the distribution of that television programme in the Czech Republic; and
- c) it gave the broadcaster and rebroadcaster the opportunity to comment on the matter.

(4) The Council may, in cases of urgency, within 30 days as of the date on which, in its opinion, this Act was breached, derogate from the procedure referred to in subsection 3(a) and (b), provided that it communicates the measure taken without delay to the European Commission and to the competent regulatory authority of the Member State of the European Union in which the television broadcaster is established, stating the grounds on which it believes that the case is urgent.

(5) Should the content of a television programme belonging to the jurisdiction of another Member State of the European Union violate the legislation of another Member State of the European Union which lays down more detailed or stricter rules in areas coordinated within the European Union and in accordance with European Union law (hereinafter referred to as the “specific rules”), and the programme is directed wholly or mainly to the territory of the Czech Republic, the Council may request the competent regulatory authority of the other Member State of the European Union to resolve such violation. The Council shall cooperate expeditiously with the competent regulatory authority of a Member State of the European Union in this matter with a view to reach a satisfactory solution.

(6) The Council may decide to suspend the distribution of a television programme which belongs to the jurisdiction of another Member State of the European Union and the content of which violates specific rules if

- a) they introduced evidence that the broadcaster has established itself in another Member State of the European Union in order to evade the specific rules which would apply to it if it were established in the Czech Republic, without the need to prove the broadcaster’s intention to evade the specific rules,
- b) they notified the duly substantiated intention to suspend the distribution of the television programme referred to in point a) in the Czech Republic in writing to the European Commission and the regulatory authority of the Member State of the European Union whose jurisdiction the television programme belongs to, stating the grounds on which it assessed the situation,
- c) they gave the broadcaster an opportunity to comment on the violation and the intention to suspend its broadcasting,

d) they believe that the results obtained by cooperating with the competent regulatory authority of a Member State of the European Union, if requested to do so, are not satisfactory; and

e) they received a written decision from the European Commission that the implementation of the intention referred to in point b) is compatible with European Union law and the Council's decision to suspend the broadcasting is duly substantiated.

(7) The Council shall notify each rebroadcaster of the decision to suspend the distribution of a rebroadcast television programme. The rebroadcaster shall not distribute the programme designated in the Council's decision on the territory of the Czech Republic as from the day following the date of delivery of the Council's decision until the date on which the Council's decision expires.

(8) A decision to suspend the distribution of a rebroadcast television programme shall expire upon the expiry of the period for which the Council limited the validity thereof in the operative part of the decision, however, no later than 6 months as the effective date. The decision to suspend rebroadcasting that was issued pursuant to subsection 2 shall cease to have effect if the European Commission decides that it is incompatible with European Union law, on the date on which the Council publishes a notice to that effect on its official notice board and in a manner facilitating remote access; the Council shall publish the notice no later than the first business day following the day on which it receives a written copy of the European Commission's decision.

(9) The Council shall provide documents which are to be sent, in the course of a procedure under sub-section 1, to the competent regulatory authority of a country which is a party to the European Convention on Transfrontier Television and is not a Member State of the European Union, or to a body designated by the European Convention on Transfrontier Television, immediately with a copy to the Ministry of Foreign Affairs. The first sentence shall apply accordingly to the documents sent by the Council in accordance with subsection 2 or 3 to the European Commission, to a regulatory authority of a Member State of the European Union or to a body designated under European Union law.

## Section 63

### **License Withdrawal**

(1) The Council shall withdraw the licence from 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 obligation specified in Section 55, 55a and 56,

b) repeatedly commits a particularly serious breach of the obligations set out in Section 32(1)(a), (c), (d) and (e) and a fine has repeatedly been imposed upon the broadcaster for such breaches,

c) repeatedly commits a particularly serious breach of the licence conditions,

d) has become a public official that is prohibited to operate radio or television broadcasting

under the Act on Conflict of Interests , or such public official has become a partner, member or controlling party thereof.

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

- a) failed to start the radio broadcasting within 180 days and the television broadcasting within 360 days as of the effective date of the decision to grant the licence, or in any other period of time defined in law,
- b) having started the broadcasting, failed to broadcast for 30 days; this time shall not include the time when the broadcasting was impeded by justified technical impediments,
- c) insolvency proceedings have been adjudicated in respect of the assets of the broadcaster; or
- d) was finally convicted of an intentional offence, unless it is treated as if he had not been convicted.

#### Section 64

##### **Cancellation of Registration**

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

- a) provided false information in the application for registration,
- b) repeatedly infringes the obligations set out in Section 32(3) and has already been fined for such infringement.

(2) The Council shall cancel the registration, or any part thereof, of a rebroadcaster if such a rebroadcaster

- a) has seriously violated this Act or an international agreement binding on the Czech Republic,
- b) insolvency proceedings have been adjudicated in respect of the assets of the rebroadcaster,
- c) has been finally convicted of an intentional offence, unless it is treated as if he had not been convicted.

#### Section 65

##### **Common Provisions on License Withdrawal Cancellation of Registration**

(1) The Council's decision under Section 63 and 64 can be appealed against within 30 days as of delivery of the decision as per a specific legal regulation<sup>9c)</sup>. The filing action shall have a suspensive effect. The court shall decide on the action within 90 days.

(2) If the licence is withdrawn or registration cancelled, the licensed broadcaster and

rebroadcaster shall terminate the broadcasting within the period prescribed by the Council.

## **PART EIGHT**

### **COMMON AND TRANSITIONAL PROVISIONS**

#### **Common Provisions**

##### **Section 66**

Unless otherwise provided for by this Act, the procedure shall be in accordance with the Code of Administrative Procedure, with the exception of the provisions on appeal procedure, remonstrance procedure, review procedure and retrial procedure<sup>9c)</sup>. The decision rejecting the application for license, decision on license change, decision on license withdrawal, decision not to renew a licence, decision to refuse registration, decision to cancel registration, decision to impose a penalty and decision to suspend television rebroadcasting can be appealed against in accordance with a specific legal regulation<sup>9c)</sup>. The appeal shall have suspensory effect, except for the Council's decision pursuant to Section 20(4) and Section 21(3). The court shall decide on the action within 90 days.

##### **Section 66a**

Unless otherwise provided for herein, advertising and sponsorship regulation shall be regulated in accordance with the Act No. 40/1995 Coll. on the Regulation of Advertising and on amendment to the Act No. 468/1991 Coll. on Radio and Television Broadcasting, as amended, as amended.

##### **Section 67**

(1) Television broadcasting of a programme aimed exclusively at the promotion of its own television broadcasting and of products, services and other activities related to the operation of its own television broadcasting shall not be subject to the provisions of Sections 42 to 47, Section 49(2) and (4) and Section 50(2). Other advertising may be broadcast within such a programme only if it meets the conditions laid down in this Act.

(2) In the broadcasting of a programme exclusively aimed at advertising and teleshopping, advertising and teleshopping may be broadcast only provided that they meet the conditions laid down in this Act. Provisions Sections 42 to 47, Section 49(2) and (4) and Section 50(2) shall not apply to the broadcasting of such a programme.

(3) Services directly related to the programme are subject to the provisions of Section 32(1)(b) to (g), as well as the provisions of Sections 35 to 41. If, within the scope of services directly related to a programme and within the content of an electronic programme guide, advertising and teleshopping are broadcast, the obligations under Section 48, 49 and 52(1) shall apply to broadcasting of advertising and teleshopping.

##### **Section 67a**

The content of services directly related to the programme shall not be subject to the provisions of Sections 42 to 47, 50 and 51.

## **Transitional Provisions**

### **Section 68**

(1) Broadcasting licences and rebroadcasting registrations issued under current legislation shall be treated as broadcasting licences and rebroadcasting registrations under this Act. A cable system broadcaster or a satellite broadcaster shall apply for licence in respect of any programmes which are not rebroadcast; a licence application may also be submitted by a supplier of programme for the cable system or the satellite; such an application shall be submitted within 12 months as of the effective date hereof, otherwise the authorisation to distribute such a programme shall cease to exist. Unless this Act contains provisions to the contrary, the Council shall grant the application within 30 days as of the date of delivery of the application to the Council.

(2) Any licence-granting or registration procedures that were commenced before the effective date hereof shall be suspended for 3 months commencing on the effective date hereof; the validity of the existing licences shall be extended accordingly, provided this validity is to expire within such period of time. Parties to the procedure shall within that period update their applications for broadcasting licence or applications for broadcasting registration according to the requirements of this Act. The procedures based on the previous sentence shall then be completed in accordance with this Act under conditions defined herein.

(3) The time limit under Section 12(10) for the submission of applications for the renewal of a licence shall be complied with if the licensed broadcaster submits an application for the license renewal within 1 month as of the effective date of this Act.

(4) The period of time critical for the application of the provisions of Section 12(12) shall commence on the effective date of this Act.

(5) Should the licence conditions of the licensed broadcaster contain no basic programme specification, the licensed broadcaster shall draft the formulation of such a specification within 6 months as of the effective date hereof and the Council shall then incorporate such a specification in the licence terms and conditions. The draft formulation shall be in compliance with the licensed broadcaster's practice over the last year prior the effective date hereof.

(6) A natural person who is a licensed broadcaster or rebroadcaster may, within 6 months as of the effective date of this Act, request that the licence or registration granted is transferred to a legal entity; the Council shall grant the request only if it is a legal entity in which the natural person has a 100% ownership interest.

(7) The penalty procedure commenced before the effective date of this Act shall be completed in accordance with the existing regulations.

(8) The Council of the Czech Republic for Radio and Television Broadcasting established pursuant to the Act No. 103/1992 Coll. on the Council of the Czech Republic for Radio and Television Broadcasting, as amended, shall be deemed to be the Council under this Act. Within 6 months as of the effective date of this Act, the members of the Council shall make their relationships compliant with Section 7.

(9) A licensed broadcaster shall make its legal situation compliant with this Act within 1 year as of the effective date hereof. Should a licensed broadcaster fail to comply with this obligation, its licence shall expire upon the expiry of that period. Changes not inconsistent with the requirements set out in Sections 55 to 58 shall be approved by the Council.

### **Repealing Provisions**

#### Section 69

This is to repeal:

1. Act No. 468/1991 Coll. on the operation of radio and television broadcasting, as amended by the Act No. 597/1992 Coll., Act No. 36/1993 Coll., Act No. 253/1994 Coll., Act No. 40/1995 Coll., Act No. 237/1995 Coll., Act No. 301/1995 Coll., Act No. 135/1997 Coll., Act No. 46/2000 Coll., Act No. 121/2000 Coll. and Act No. 39/2001 Coll.

2. Act No 103/1992 Coll. on the Council of the Czech Republic for Radio and Television Broadcasting, as amended by the Act No. 474/1992 Coll., Act No. 36/1993 Coll., Act No. 331/1993 Coll., Act No. 253/1994 Coll., Act No. 301/1995 Coll., Act No. 135/1997 Coll. and Act No. 151/2000 Coll.

### **PART FIFTEEN**

### **EFFECTIVENESS**

#### Section 76

(1) This Act shall become effective on the date of its promulgation, except for the provisions of Section 33(4) and (5) and Section 46 which shall enter into force on the date on which the Treaty of Accession of the Czech Republic to the European Union enters into force.

(2) Provisions Section 68(10) shall cease to have effect on the date on which the Treaty of Accession of the Czech Republic to the European Union enters into force.

**Klaus, personal signature**

**Zeman, personal signature**

### **Selected Provisions of Amended Legislation**

Section 16 of the Act No. 242/2022 Coll.

### **Transitional Provisions**

(1) Proceedings commenced before the effective date of this Act shall be completed

and the rights and obligations relating thereto shall be assessed in accordance with the Act No. 231/2001 Coll., as in force before the effective date of this Act.

(2) The first report on media literacy development measures under Section 5(2)(a) shall be submitted by the Council for Radio and Television Broadcasting to the European Commission so that they have it available by 19 December 2022.

(3) The first report on measures aimed at making the television programme units and programme units offered in the provision of on-demand audiovisual medial services to person with visual and hearing disabilities pursuant to Section 5(2)(a) shall be submitted by the Council for Radio and Television Broadcasting to the European Commission so that they have it available by 19 December 2022.

(4) The first report on measures taken in relation to reserving a 30% share of the European works in the catalogue of programme units offered in the provision of on-demand audiovisual media services pursuant to Section 5(2)(a) shall be submitted by the Council for Radio and Television Broadcasting to the European Commission so that they have it available by 19 December 2021.

(5) Provisions Section 53a of the Act No. 231/2001 Coll., as amended as of the effective date of this Act, shall not apply to programme units produced before the end of 2009.

(6) A licensed television broadcaster with a license issued pursuant to the Act No. 231/2001 Coll., as amended before the effective date of this Act, shall submit documents demonstrating that its broadcasts are subject to the jurisdiction of the Czech Republic under one of the criteria under Section 3(2) to (4) of the Act No 231/2001 Coll., as amended as of the effective date of this Act, to the Council for Radio and Television Broadcasting within 6 months as of the effective date of this Act; whereas it shall specify the relevant criterion, assign it to a specific provision of the Act and give reasons. Should the television broadcaster fail to comply with the obligations under the first sentence within the time limit set or should the Council for Radio and Television Broadcasting find the submitted documents insufficient, it shall invite the television broadcaster to eliminate the identified deficiencies and shall set a reasonable additional time limit for the broadcaster to do so. The television broadcaster shall remedy the identified deficiencies within an additional period of time. The Radio and Television Broadcasting Council shall enter the information proving that the broadcaster is subject to the jurisdiction of the Czech Republic in the list of television broadcasters within 30 days as of receiving it, and also send to the relevant broadcaster a confirmation of such entry, indicating the date on which the entry was made.

(7) The nation-wide television broadcaster shall, after consultation with the organisations based in the State to the territory of which the broadcasting is to be wholly or mainly directed, associating persons with hearing disability and persons with visual disability, submit to the Action Plan for the provision of programmes for persons with hearing disability and persons with visual disability to the Council for Radio and Television Broadcasting for the period from 1 July 2023 to 30 June 2025 (hereinafter referred to as the “short-term Action Plan“) by 30 June 2023, committing itself to increase the overall proportion of programmes made accessible to the persons with hearing disability and persons with visual disability through proper measures during that period compared to the proportion of programmes made accessible to the extent as per Section 32(2) of the Act No 231/2001 Coll., as in force before

the effective date of this Act. The short-term Action Plan shall be generated on a programme-by-programme basis for each nation-wide television broadcaster and for each current year from 1 July to 30 June. In the short-term Action Plan, the licensed broadcaster shall commit itself to providing closed captioning or open captioning for the persons impaired hearing in at least 30% of its programme units in the period from 1 July 2024 to 30 June 2025. The total share of programmes made available is calculated from the broadcasting time. The broadcaster shall submit an evaluation of the implementation of the Action Plan for the shortened assessment period to the Council for Radio and Television Broadcasting by 30 September 2025.

(8) A licensed broadcaster shall, during the period from the effective date of this Act until 30 June 2023, maintain the proportion of programmes made available to persons with hearing and visual disabilities in accordance with Section 32(2) of the Act No 231/2001 Coll., as in force before the effective date of this Act, as if it were an Action Plan. A broadcaster licensed for the period until 30 June 2023 shall not submit any Action Plan to the Council for Radio and Television Broadcasting, otherwise the provisions relating to Action Plans shall apply mutatis mutandis for the period until 30 June 2023.

(9) The first Action Plan under Section 32(2) of the Act No. 231/2001 Coll., as amended as of the effective date of this Act, shall be drawn up by the nation-wide television broadcaster following the short-term Action Plan.

(10) By 30 June 2023, the operator of a television broadcasting other than nation-wide shall submit to the Council for Radio and Television Broadcasting an Implementation Plan for making television programmes accessible to persons with hearing disabilities and persons with visual disabilities for the period from 1 July 2023 to 30 June 2025 (hereinafter referred to as the 'Roll-out Plan for the short-term assessment period'), committing to launch accessibility of television programmes for persons with hearing disabilities and persons with visual disabilities through reasonable measures during this period. The roll-out plan for the short-term assessment period shall be prepared on a programme-by-programme basis for television broadcaster other than nation-wide. The television broadcaster other than nation-wide shall submit an evaluation of the Implementation Plan for the short-term assessment period to the Council for Radio and Television Broadcasting by 30 September 2025.

(11) The first Action Plan under Section 32(2) of the Act No 231/2001 Coll., as in force as of the effective date of this Act, shall be drawn up by the television broadcaster other than nation-wide following its Implementation Plan for a short-term assessment period.

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1) Directive of the European Parliament and of the Council 2010/13/EU of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

Directive of the European Parliament and of the Council (EU) 2018/1808 of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of



audiovisual media services (Audiovisual Media Services Directive) in the light of the changing market situation.

1a) Act No. 127/2005 Coll. on electronic communications and on amendments to certain related acts (Act on Electronic Communications), as amended.

1b) Act No. 206/2005 Coll. on the protection of certain services in the field of radio and television broadcasting and information society services.

1c) Section 12(2) of the Act No. 89/1995 Coll. on the State Statistical Service.

1d) Section 3(3) of the Act No. 483/1991 Coll., as amended, and Section 3(4) of the Act No. 484/1991 Coll., as amended.

1e) Act No. 132/2010 Coll. on on-demand audiovisual media services and amending certain acts (Act on on-demand audiovisual media services).

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

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

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

4a) Section 2(3) of the Commercial Code.

4b) European Convention on Transfrontier Television, as amended by the Protocol amending the European Convention on Transfrontier Television, promulgated under No. 57/2004 Coll.

4c) Article 49 *et seq.* of the Treaty on the Functioning of the European Union.

4d) Section 21(1), (2), (4) and (5), Section 22 *et seq.* of the Commercial Code.

4e) Section 21(1), (2), (4) and (5), Section 22 *et seq.* of the Commercial Code.

4f) Section 72 of the Act No. 127/2005 Coll.

5) For example, Act No. 101/2000 Coll., on the protection of personal data and on amendments to certain acts, as amended, Act No. 513/1991 Coll., Commercial Code, as amended.

6) Act No. 451/1991 Coll., laying down certain other prerequisites for the performance of certain functions in state bodies and organisations of the Czech and Slovak Federative Republic, the Czech Republic and the Slovak Republic, as amended.

7) Act No. 236/1995 Coll. on the salary and other benefits related to the performance of the duties of public officials and certain state bodies and judges, as amended.

8) Act No. 218/2000 Coll., on budgetary rules and amending certain related acts (budgetary rules), as amended.

9) Act No. 111/2009 Coll. on basic registers.

Section 29 and 40 of the Act No. 71/1967 Coll. on administrative proceedings (the Code of Administrative Procedures).

9b) Section 65 *et seq.* of the Act No. 150/2002 Coll., the Code of Administrative Procedure.

9b) Section 21(4) and (5) of the Commercial Code.

9c) Section 65 *et seq.* of the Act No. 150/2002 Coll., the Code of Administrative Procedure.

9d) Article VIII of the Act No. 153/2010 Coll., amending the Act No. 127/2005 Coll. on electronic communications and amending certain related acts (the Electronic Communications Act), as amended, and certain other acts.

9e) Sections 81 to 102 a Section 152 of the Code of Administrative Procedure.

9f) Act No. 269/1994 Coll. on the Criminal Register, as amended.

10) Sections 64 and 65 of the Act No. 500/2004 Coll., the Code of Administrative Procedure.

10a) Section 25 *et seq.* of the Act No. 378/2007 Coll. on medicinal products and on amendments to certain related acts, as amended.

11a) Section 66a of the Commercial Code.

14) Article 24 of the European Convention on Transfrontier Television, as amended by the Protocol amending the European Convention on Transfrontier Television.

15) Article 24 of the European Convention on Transfrontier Television, as amended by the Protocol amending the European Convention on Transfrontier Television.

16) Article 3(1) of the Directive of the European Parliament and of the Council 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive of the European Parliament and of the Council 97/36/EC and Directive of the European Parliament and of the Council 2007/65/EC.

20) Section 3(1)(b) of the Act No. 484/1991 Coll., as amended.

21) Section 9b of the Act No. 110/1997 Coll. on food and tobacco products and on amending and supplementing certain related acts, as amended.

22) Section 2(1)(a) of the Act No. 242/2022 Coll. on video sharing platform services and amending certain related acts (Act on video-sharing platform services).

23) Act No. 155/1998 Coll. on communication systems for deaf and deaf and blind persons, as amended.

24) For example, the Act No. 132/2010 Coll., as amended, and Act No. 242/2022 Coll.

25) Section 312e(1) of the Act No. 40/2009 Coll., Criminal Code, as amended by the Act No. 455/2016 Coll.

26) Section 2(1)(f) of the Act No. 242/2022 Coll.