

Act ON OPERATING RADIO AND TELEVISION BROADCASTING

• CHAPTER ONE. GENERAL PROVISIONS	2
• Section 1. Applicability of the act	2
• Section 2. Definitions	2
• Section 3	3
• CHAPTER TWO. AUTHORIZATIONS AND DUTIES OF THE OPERATORS	3
• Section 4. Contents of the programs	3
• Section 5. The duties of the operators	4
• Section 6. Operators' duties in respect of the airing of commercials	5
• Section 6a	5
• Section 7. Time extent of the commercials aired	6
• Section 8. Operators' duties when airing sponsored shows	6
• Section 9. Special duties and authorizations of the operators under the law	6
• CHAPTER THREE. LICENSE PROCEEDINGS	7
• Section 10. Conditions for the license	8
• Section 11. License application	8
• Section 12. License-granting decision	9
• Section 13. The license's validity	9
• Section 14. Changes in the license	10
• Section 15. Revoking the license	10
• CHAPTER FOUR. REGISTRATION	11
• Section 16	11
• Section 17	12
• Section 18	13
• Section 19	13
• CHAPTER FIVE. THE FINES	13
• Section 20	13
• CHAPTER SIX. COMMON, TEMPORARY AND CLOSING PROVISIONS	15
• Section 21	15
• Section 22	15
• Section 23	15
• Section 24	15
• Section 25	15
• Section 25a	16
• Section 26	16
• Section 27	16
• Section 28	16
• Section 28a	16
• Section 29	17

No. 468/1991 Coll. of October 30, 1991

Amendment:

597/1992 Coll.

Amendment:

36/1993 Coll.

Amendment:

253/1994 Coll., 40/1995 Coll.

Amendment:

237/1995 Coll., 301/1995 Coll.

Amendment:

301/1995 Coll. (part)

Amendment:

135/1997 Coll.

Amendment:

135/1997 Coll. (part)

The Federal Assembly of the Czech and Slovak Federative Republic has passed the following act:

CHAPTER ONE. GENERAL PROVISIONS ➔

Section 1. Applicability of the act ➔

The act treats the rights and duties of legal entities and individuals and state bodies in the operation of radio and television broadcasting.

Section 2. Definitions ➔

(1) For the purposes of this act it is understood that:

a) radio and television broadcasting (hereinafter only "broadcast/ing) means diffusion of programs or picture and sound information by transmitters, cable, satellites and other means intended to be received by the public;

b) a program means an intentional time-wise arrangement of the individual radio or television shows;

c) a show means a contents-wise coherent, whole and time-defined portion of the broadcast;

d) a local program is a program created within a region-specific area and intended for this area;

e) a commercial means any public announcement intended to stimulate business or to achieve other effect pursued by the party placing the commercial who obtained the broadcast time for pay or another counter-value (hereinafter only the "commercial");

f) sponsoring means any contribution provided by an individual or a legal entity for direct or indirect funding of shows for the purpose of promoting a name, factory brand or trade mark, service brand, or the position of such an individual or legal person.

(2) Under this act, any diffusion of radio or television signal intended for the public by the means of a cable facility which the maximum of one-hundred participants are hooked to with receivers that are subject to reporting duty is not considered broadcasting. This number may be exceeded if the participants in the joint reception are located in one building or in a set of buildings that belong to each other space-wise or functionally, if the signal transmission is conducted in such a way that it does not cross any land communication, and if this joint reception is not exploited commercially.

Section 3 ➔

(1) A broadcasting operator (hereinafter only the "operator") is he who obtained an authorization to broadcast under the law (hereinafter only the "operator under the law" or by being granted a license pursuant to this act (hereinafter only the "licensed operator") or a registration pursuant to this act (hereinafter only the "registered operator").

(2) A legal entity may become a licensed operator or a registered operator if it has a registered office in the Czech Republic and if it is incorporated in the commercial register. If the legal entity has not its registered office in the Czech Republic it may become a licensed or registered operator of concurrent, complete and unaltered diffusion of the already-broadcast programs only.

(3) An individual may become a licensed or registered operator only if he has a permanent residence in the Czech Republic. If the individual is granted a license or a registration ruling pursuant to this act, he will be required to be incorporated in the commercial register.

CHAPTER TWO. AUTHORIZATIONS AND DUTIES OF THE OPERATORS ➔

Section 4. Contents of the programs ➔

(1) The operators broadcast their programs freely and independently. The contents thereof may be interfered with only on the basis of law and within its boundaries.

(2) Operators provide objective and balanced information necessary for the free creation of

opinions.

Section 5. The duties of the operators ➔

(1) The operators are required:

a) to ensure that no shows are broadcast that are in contravention of the Czech Republic's Constitution and with the Bill of Human Rights and Freedoms;

Constitutional Act no. 100/1960 Coll., The Constitution of the Czech and Slovak Federative Republic, in the wording of the subsequent regulations.

The Constitutional Act no. 23/1991 Coll., which embodies the Bill of basic human rights and freedoms as a constitutional law of the Federal Assembly of Czech and Slovak Federative Republic

b) to ensure that the programs broadcast do not promote war or present cruel or other inhuman actions in such a manner which constitutes detraction, apology or approval of same;

c) to ensure that the programs broadcast do not include subliminal messages,

d) not to air from 6: 00 a.m. through 10:00 p.m. such shows that could jeopardize mental or moral development of children and minors;

e) to provide state bodies and public administration bodies with necessary broadcast time for important and urgent announcements that are of imperative public interest nature, and at such time that would minimize any risks caused by delay;

f) to store recordings of all aired shows for a period of at least 30 days from their airing;

g) to conclude agreements with organizations which possess authorization to exercise joint management of copyright and the laws related to copyright;

Section 2 of Act no. 237/1995 Coll., on joint management of copyright and the laws related to copyright and on amendments and supplements of certain acts.

h) regarding television broadcast operators, to show the designation (logo) of each television station.

(2) The operators are required to advise the license-granting body about the fact they have been granted authorization [Act no. 455/1991 Coll., on sole proprietorship (small business act), in the wording of the subsequent regulations] to publish periodicals or that their business has merged with the business of another individual/entity [Section 8 of Act no. 63/1991 Coll., on the protection of economic competition, in the wording of the subsequent regulations] that publishes periodicals.

(3) A radio broadcast operator is required to advise the license-granting body about the fact that its business has merged with the business of another individual/entity [Section 8 of Act no. 63/1991 Coll., on the protection of economic competition, in the wording of the subsequent regulations] that operates television broadcasting.

(4) A television broadcast operator is required to advise the license-granting body about the fact that its business has merged with the business of another individual/entity [Section 8 of Act no. 63/1991 Coll., on the protection of economic competition, in the wording of the subsequent regulations] that operates radio broadcasting.

Section 6. Operators' duties in respect of the airing of commercials ➔

(1) The operators are required to observe that the following are not included in the airing of commercials:

- a) commercials that are in support of behavior which endangers morals, consumer interests or health protection, safety or environmental interests;
- b) commercials intended for children, or featuring children, if they are in support of behavior that endangers their health, mental or moral development;
- c) commercials that feature announcers and moderators of news and political shows;
- d) religious or atheistic commercials or commercials by political parties and movements unless otherwise stated by a special act.

(2) The broadcasting operators are required to ensure that commercials:

- a) are discernible and distinctly separated sound-wise and picture-wise from the other shows;
- b) are not aired immediately prior to or immediately after divine services.

(3) The operators are required to ensure that the commercial-ordering party may not in any manner exercise influence over the contents of shows in the broadcasting or its program structure.

Section 6a ➔

The inclusion of commercials into the shows

(1) The broadcasting operators are required to ensure that commercials are included in between the individual shows with the exception of shows composed of separate, contents-wise complete and separable parts within a single show or sports events and broadcasts of events or performances which include intermissions, and save for audio-visual shows as per paragraph 2.

(2) Licensed television broadcast operators and registered television broadcast operators are required to ensure that when audio-visual shows are aired, commercials have to be included as follows:

- a) when airing a film work or a work expressed in a similar manner [Section 6 of Act no. 35/1965 Coll., on literary, scientific and artistic works (copyright act) in the wording of Act no. 89/1990 Coll.] only when this lasts, including the included commercial, for more than 45 minutes: not more than once in the course of each completed 45-minute segment; any further interruption is permissible if the duration of this film, including the commercial, is longer by at least 20 minutes than two or more completed 45-minute segments; at least 20 minutes must lapse between two interruptions in a row;

b) when airing other audio-visual shows, save for the provisions as per paragraph 3, only when the show, including the included commercial, lasts for more than 30 minutes: not more than once in the course of each completed 30-minute segment; at least 20 minutes must lapse between two interruptions in a row.

(3) No commercial breaks are permitted during news, religious and children shows.

(4) Rights protected by the Copyright Act [Act no. 35/1965 Coll., in the wording of the subsequent regulations] remain unaffected.

Section 7. Time extent of the commercials aired ➡

(1) As regards television-broadcast operators under the law, the total length of commercials aired during the television broadcasting may not exceed 1%, and 10% of the daily air time for licensed or registered operators; operators under the law may increase these allotments up to 10% while licensed or registered operators up to 20% in direct public bids to purchase, sell or lease products or to provide services provided these do not exceed one hour a day; commercial breaks may not exceed 12 minutes per one hour. As regards operators under the law, the time earmarked for commercials may not exceed 6 minutes per each hour between 7:00 and 10:00 p.m. Teletext service is excluded from the total air time from which the commercial-break percentage is computed.

(2) As regards radio-broadcast operators under the law, commercial break air time may not exceed three minutes of the daily air time per each nation-wide circuit, and five minutes of the daily air time per each regional circuit; and 20% of the daily air time for licensed or registered operators.

Section 8. Operators' duties when airing sponsored shows ➡

Operators are required:

a) to indicate distinctly by suitable opening or closing credits or announcement each show or a series of shows which are fully or partially sponsored;

b) to ensure that the contents of sponsored shows do not promote sale, purchase or lease of products or services by the sponsor or a third person, particularly by singularly mentioning the sponsor's products or services during these shows;

c) to ensure that the contents and time of the inclusion in the broadcast of a sponsored show may not be influenced by the sponsor;

d) to ensure that the shows are not sponsored by individuals and legal entities whose main business activity is production, sale or lease of products or provision of services whose advertising is prohibited;

e) to ensure that no news and political shows are sponsored.

Section 9. Special duties and authorizations of the operators under the law ➡

(1) The basic mission of the operators under the law is to serve the public interest, to contribute towards the shaping of a democratic society and to reflect its plurality of views

particularly by making sure that their broadcasts do not unilaterally favor only certain opinions, one religious denomination or Weltanschauung, or the single interests by one political party, movement, group or a segment of the society.

(2) The operators under the law are required:

a) to ensure diffusion of their programs for the populace of that regional unit their broadcasting is intended for in collaboration with relevant telecommunications bodies and organizations;

b) to ensure a heterogeneous structure of shows which as a whole are to satisfy the interests of all walks of life;

c) to furnish with hidden or visible subtitles for the hearing-impaired at least 25% of the shows aired;

d) to produce or contract out a significant share of the shows aired so that the cultural identity of nations, nationalities and ethnic groups within the Czech Republic is preserved and developed, and the development of domestic and European audio-visual creative activities is nurtured;

e) to marshal all its financial resources to underwrite the tasks set forth by this act.

(3) The television broadcast operator under the law is reserved transmission facilities (a portion of the range of frequencies) and a transmitter network that make it possible to cover the entire Czech Republic with a single television program, including picture and sound information, unless otherwise specified by a special act.

(4) The radio broadcast operator under the law is reserved transmission facilities (a portion of the range of frequencies) and a transmitter network that make it possible to cover the entire Czech Republic with two broadcast circuits in the medium wave band, two broadcast circuits in the ultra high frequency wave band, and one broadcast circuit in the long wave band.

(5) has been repealed

(6) Financial resources obtained from radio fees and television fees constitute income for the operators under the law.

[Footnote 5 missing]

[Footnote 6: the point of reference missing. Footnote 6 reads:] Section 5 of Federal Telecommunications Ministry Decree no. 51/1985 Coll., which enacts the Radio and Television Rules, in the wording of Decree no. 76/1987 Coll., Decree no. 39/1988 Coll., and Decree no. 315/1990 Coll.

CHAPTER THREE. LICENSE PROCEEDINGS ➔

Section 10. Conditions for the license ➡

(1) The license authorizes its operator to broadcast in the scope and under the conditions set forth by this act and other legal regulations.

(2) The license is not transferable.

(3) The license is granted to applicants by the Czech Republic Council for Radio and Television Broadcasting (hereinafter only the "Council"). There is no legal entitlement to being granted the license.

(4) In evaluating the application (Section 11), the license-granting bodies consider the manner the applicant has ensured the prerequisites of plurality, a balanced program offer, especially that of local programs, equitable accessibility of cultural values, information and views, as well as how the applicant has ensured the development of the indigenous culture of the Czech Republic's nations, nationalities and ethnic groups, and the applicant's business activities up to now in the area of mass communications media. In evaluating the application, the applicant's readiness to furnish hidden or visible subtitles for the hearing-impaired to a certain percentage of shows to be broadcast will also be considered.

(5) In evaluating the application, the license-granting bodies make sure that none of the applicants gain a dominant position in the mass communications media.

(6) In evaluating applications from companies with an out-of-state asset participation, the license-granting bodies consider the applicant's contribution to the developments in original domestic work, as well as the asset stakes by Czechoslovak individual/entities and their representation in the company's bodies.

(7) No operator under the law is allowed to be a partner of any commercial company which is applying for or which has already been granted the license.

Section 11. License application ➡

(1) The license proceedings are initiated by the submission of an application which must state the following particulars:

a) name, registered office, legal form of the legal entity and the name of the person authorized to act on its behalf or the name and permanent residence of an individual intending to be a broadcasting operator;

b) documents attesting the amount of registered capital; individual partners' deposits; amounts of their business shares; Memorandum of Association or Founding Charter; Articles of Association; a list of shareholders; bank details; similar particulars if the applicant is an individual;

c) broadcasting hours; broadcasting area and reach; technical and organizational details;

d) designation of the program (the station's name);

e) program structure of the broadcasting and a draft of broadcasting diagram;

f) the amount or the portion of expenditures the applicant will use every year to produce

shows domestically;

g) the share of air time dedicated to shows of domestic production;

h) the period which the license is requested for.

(2) If the applicant happens to be an operator or owner of another mass communications medium in the Czech Republic or abroad or a participant in a company operating another mass communications medium in the Czech Republic or abroad, the applicant will provide similar information as listed in paragraph 1 also on this mass communications medium to the license-granting body.

(3) The participant of the license proceedings is only that one who is filing for the license.

(4) If the applicant is an individual, a document attesting probity and permanent residence in the Czech Republic will accompany the application.

Section 12. License-granting decision ➡

(1) The license-granting body will rule on the license application within 90 days from the commencement date of the proceedings.

(2) The Council may determine that the particulars dealing with the program structure as listed by the applicant in the license application [Section 11, paragraph 1, letter e)] will be partially or in their entirety binding for the licensed radio or television operator. This decision will comprise part of the ruling that has granted the license.

(3) The ruling on the license granting is issued for radio broadcast for a period not to exceed 6 years, and for television broadcasts for a period not to exceed 12 years.

(4) The ruling on the license granting will be in force on the date when the license-granting body receives a written statement by the applicant that the applicant has accepted the license; this statement must include no reservations and has to be served within thirty days following the receipt of the license-granting body's ruling. Otherwise the ruling that has granted the license will be forfeited, and the license application will be considered as never submitted.

(5) Upon request by the founders or the bodies or persons eligible to file a petition for the incorporation of a Czech legal entity into the commercial register, a ruling may be promulgated granting the license prior to the incorporation in this register, if it is affirmed that the legal entity has been founded. The authorization to broadcast will have been established by these entities on the date of incorporation into the commercial register. Commensurate procedures will apply to entities not having a registered office in the Czech Republic.

Section 13. The license's validity ➡

The license will become invalid:

a) upon the expiration of the period it was granted for;

b) on the dissolution date of the legal entity that is a licensed operator;

- c) upon the lapse of 30 days from the death of the individual who is a licensed operator;
- d) upon the lapse of 60 days if the licensed operator fails to incorporate in the commercial register (Section 3, paragraph 3);
- e) by the license-granting body's decision to revoke the license (Section 15).

Section 14. Changes in the license ➡

(1) The operator is required to petition in advance the Council with changes relating to the particulars listed in the application (Section 11) or the fulfillment of the terms specified in the license-granting ruling (Section 12 paragraph 2).

(2) On the basis of the petition as per paragraph 1 above, the Council, depending on the case's circumstances, on any changes in the license granted. The change may be carried out only after approved by the Council.

(3) The Council is under obligation to rule on the change as per paragraph 1 above within 60 days from the date it was served the operator's petition. If the Council does not rule by this deadline, it will stand that it has concurred with the change.

(4) Documents regarding the approved changes are required to be submitted by the operator to the Council within 30 days from the accomplishment of these changes. In the event of changes that are to be entered in the commercial register, the operator is required to submit to the Council a commercial register extract within 30 days from the date these changes were incorporated into the commercial register.

(5) The Council may alter the license terms without the operator's consent even in the case that it is necessary to uphold international commitments that are binding to the Czech Republic.

Section 15. Revoking the license ➡

(1) The body which has granted the license will revoke the licensed operator's license if:

a) the licensed operator no longer operator meets the prerequisites for license granting as specified in Section 10 paragraphs 6 and 7;

b) the licensed operator secured the license granting on the basis of untrue particulars stated in the application (Section 11);

c) the licensed operator requests it.

(2) The body which has granted the license may revoke it if:

a) the licensed operator violated in a grave manner the terms arising from the license-granting ruling (Section 12 paragraph 2); duties specified by this act or by other legal regulations;

b) the licensed operator has not commenced broadcasting after the license-granting ruling has become effective within the period of

- ba) 180 days for radio broadcasting,
- bb) 360 days for television broadcasting;
- c) the licensed operator has not met the duty specified in Section 5 paragraph 1 letter g) within the period after the license-granting ruling has become effective, namely:
 - ca) 180 days for radio broadcasting,
 - cb) 360 days for television broadcasting;
- d) after the commencement of broadcasting, the licensed operator has not been on air for a total of 30 days within the calendar year; the time of non-performance caused by reasonable technical obstacles will not be counted against this total;
- e) bankruptcy was declared or completed on the operator's assets.

[Part Two of Act no. 328/1991 Coll., on bankruptcy and settlement.]

- (3) If the license is revoked due to the reasons specified in paragraph 2, a new license may be applied for no sooner than one year from the effective date of the license-revoking ruling.
- (4) If the license is revoked, its operator is obliged to return the license without unnecessary delay to the body that granted it.

CHAPTER FOUR. REGISTRATION ➔

Section 16 ➔

[heading dropped]

- (1) An authorization to diffuse broadcasts by satellite, cable or by satellite and cable, will be established by registration.
- (2) A registration application must be filed no later than 60 days prior to the projected date to commence broadcasting as per paragraph 1 and it must include:
 - a) name, registered office, legal form of the legal entity; first and last names and permanent residence of the individual authorized to act on its behalf; a commercial register transcript; first and last names and permanent residence of an individual;
 - b) a police record transcript for the individual who wishes to operate broadcasting as per paragraph 1 above, or for the statutory body of the legal entity wishing to operate broadcasting as per paragraph 1 above. If the statutory body is a collective one, police records of all its members will be filed; the police record may not be older than six months;
 - c) broadcasting hours; broadcasting area and reach; technical and organizational details;
 - d) a document attesting that agreements have been concluded with organizations

possessing authorization to exercise joint management of copyright and the laws related to copyright; [Act. no. 237/1995 Coll.]

e) financing details on the broadcasting; in regard to legal entities also details on the individual partners' deposits and the amount of registered capital;

f) information on radio and television programs that are to be aired; if cable is to be used, state the planned use of channels and technical specifications of the cable transmission as per a special regulation. [Federal Telecommunications Ministry Decree no. 73/1974 Coll., on communal cable radio and television signal transmission installations, in the wording of Federal Telecommunications Ministry Decree no. 360/1991 Coll.]

Section 17 ➔

[heading dropped]

(1) It is the Council that registers. Registration proceedings commence on the date the Council received the application. If particulars as per Section 16 paragraph 2 are missing or incomplete in the application, the Council will notify without any delay but no later than 15 days from the application's receipt date the one who filed the application and set a deadline by which to remove the deficiencies.

(2) The Council is obliged to rule on the registration within 30 days from the registration proceedings' commencement.

(3) The Council will reject the application if the application deficiencies are not removed by the set deadline. Also, the Council will reject the registration if it follows from the application that by the act of broadcasting a violation of the legal regulations will occur or if the police record transcript submitted as per Section 16 paragraph 2 letter b) shows a sentence for a willful crime.

(4) If the Council does not rule on the registration by the deadline as per the previous paragraphs, the registration date will be the day that follows the expiration of the deadline.

(5) A registered operator who has commenced broadcasting is required to notify the Council within 30 days of this fact.

(6) Registered operators are required to advise the Council of each change in the particulars included in the application. Changes may be implemented only after they have been taken notice of by this body. The previous paragraphs' provisions will apply commensurably.

(7) The Council may cancel the registration if the registered operator stated untrue particulars in its registration application or has repeatedly violated this act or other legal regulations related to broadcast operating. The Council will cancel the registration if a registered operator so requests or if there are reasons to reject the registration as per paragraph 3.

(8) The registration ceases:

a) upon the lapse of 30 days from the individual's death,

b) the legal entity's demise,

c) if the registered operator fails to incorporate into the commercial register (Section 3 paragraph 3) by the time the broadcasting commences,

d) upon the Council's ruling as per paragraph 7 above.

Section 18 ➔

has been repealed

Section 19 ➔

[heading dropped]

(1) When assigning channels, a cable installation operator is required to ensure that the programs by the operators under the law and by licensed operators received by usual receiver devices at the point of the cable transmission installation are included, and mutually free of charge.

(2) One advertising channel may be reserved in a cable transmission installation. Restrictions on the airing of commercials as per Section 7 hereunder and on concurrent, complete and unaltered diffusion of the already-broadcast programs will not apply.

(3) The cable operator is required to provide free of charge one channel to serve the broadcasting needs of a location-specific area covered by the cable transmission installation. This channel must not be commercially exploited without the operator's consent.

(4) The cable operator is required to provide to the operator under the law when so requested the data, related to the radio and television fee remittances, on the participants in the cable transmission installation.

[Footnote 9: the point of reference missing. Footnote 9 reads:] 9) Federal Telecommunications Ministry Decree no. 360/1991 Coll., amending and supplementing Federal Telecommunications Ministry Decree no. 73/1974 Coll. on communal cable radio and television signal transmission installations

CHAPTER FIVE. THE FINES ➔

Section 20 ➔

(1) If the Council encounters an operator violates its duties specified by this act or the terms of the license granted, it will set a reasonable deadline for the operator to remedy the matter. If the matter is not remedied by the set deadline, the Council will impose a fine.

(2) The amount of the fine will be commensurate with the gravity of the matter, the degree of fault and in consideration of the extent and reach of the broadcast, and with the amount

of the unreasonable enrichment gained.

(3) A fine ranging from CZK 1,000 to 500,000 may be imposed on an operator who

a) does not provide necessary broadcast time for important and urgent announcements that are of imperative public interest nature [Section 5 paragraph 1 letter e)];

b) destroys recordings of the aired shows prior to the lapse of 30 days from their airing [Section 5 paragraph 1 letter f)];

c) in the cable transmission installation, does not ensure the placement of programs by the operator under the law and by licensed operators (Section 19 paragraph 1);

d) in the cable transmission installation, does not provide free of charge one channel to serve the broadcasting needs of a location-specific area (Section 19 paragraph 3);

e) does not provide the operator under the law with the data on cable subscribers (Section 19 paragraph 4).

(4) A fine ranging from CZK 10,000 to 2,000,000 may be imposed on an operator who has violated the duties specified by this act or the terms of the license granted by:

a) airing a show whose content is in violation of the operator duties specified in Section 5 paragraph 1 letters a) and b) hereunder;

b) airing prior 10:00 p.m. a show that could jeopardize mental or moral development of children and minors;

c) not sticking to the set time and area-wise scope of the broadcast;

d) not observing the set program structure;

e) not observing the duties specified for the airing of commercials and sponsored shows;

f) not observing the duties specified for the domestic production of shows or for the airing of such shows or for the portion of shows provided by other operators;

g) without the Council's consent, executing changes in the particulars listed in the application or changes related to the fulfillment of conditions conferred by the license that could constitute reasons for alteration of or revoking the license (Sections 14 and 15) or did not meet the duty specified in Section 25a;

h) not advising of changes in the particulars listed in the registration application (Section 17 paragraph 6);

i) not meeting the obligation as per Section 5 paragraph 1 letter g).

(5) A fine imposed in the amount determined by paragraph 4 will apply to those broadcasting without an authorization (Section 3) or those who did not meet obligations as per Section 5 paragraphs 2 through 4.

(6) The fine may be imposed up to one year from the date the Council learned about the

infraction of the duties, but no later than two years from the date the infraction of duties occurred.

(7) The payment of the fine imposed as per the previous paragraphs does not affect the provisions by special regulations regarding indemnification [The Civil Code. Act no. 65/1965 Coll., The Labor Code, in the wording of the subsequent regulations], nor the duties, specified by this act, cease.

(8) The fine imposed per paragraphs 1 through 5 is due within 30 days from the date when the ruling imposing it has come in force.

(9) Revenues from the fines imposed by the Council comprise income to the state treasury of the Czech Republic.

CHAPTER SIX. COMMON, TEMPORARY AND CLOSING PROVISIONS



Section 21 ➔

Unless otherwise stated by law, Act no. 71/1967 Coll., on administrative proceedings (the administrative rules), save for Sections 49 and 53 through 69, will apply to the rulings. The rulings on denying license applications (Section 12), changes in the license (Section 14), revoking the license (Section 15), registration rejections (Section 17), registration changes (Section 17), registration cancellation (Section 17) and on fine imposition (Section 20) may be court-appealed. [The Civil Rules of Court]

Section 22 ➔

If needed, the Council is entitled to request a recording of an aired show.

Section 23 ➔

(1) repealed

(2) repealed

(3) The holder of the appropriate license is required to advise the current operators under the law of the commencement date of its broadcast, no later, however, than 90 days prior to this date.

Section 24 ➔

Should the law mention the Federal Council for Radio and Television Broadcasting, it is actually the Czech Republic Council for Radio and Television Broadcasting which is meant.

Section 25 ➔

(1) Legal entities and individuals who were entitled to broadcast on the basis of a resolution by the presidium of the Government of the Czech and Slovak Federative Republic or on the basis of a ruling by the republic bodies, are required to harmonize their activities with this

act and within 30 days after the establishment of the Federal Council, and of the republic bodies, respectively, for broadcasting to apply for their license (Section 11). These legal entities or individuals will be considered broadcast operators under this act until the time when the Federal Council or the relevant republic bodies have ruled.

(2) Licenses issued by inter-ministerial commission of the Government of the Czech and Slovak Federative Republic and by the Czech Republic Ministry of Culture commission for the selection of non-state broadcasting will be considered licenses granted under this act. Their validity will expire on 31.12.1995.

(3) The deadline as per Section 15 paragraph 2 letter b) will commence for the holders of licenses issued per paragraphs 1 and 2 on the date of their being assigned a transmission path (a portion of the frequency range).

(4) Until 31.12.1992, the time earmarked for commercials may account for 5% of daily air time of the program as regards television broadcasts by the operators under the law.

Section 25a ➔

The radio or televisions operators in possession of licenses issued pursuant to the regulations in force up to now will be required to provide additional information regarding the application as per Section 11 paragraph 1 letter b) by 31.12.1997.

Section 26 ➔

Act no. 35/1965 Coll., on literary, scientific and artistic works (copyright act) in the wording of Act no. 89/1990 Coll. (complete version in no. 247/1990 Coll.) is hereby amended as follows:

1. Section 16 paragraph 1 reads:

"(1) A separate utilization of a work, save for its being broadcast by radio or television, is any other public diffusion of the work thus broadcast by the means of any device for the transmission of sounds or pictures, provided that such diffusion is done by another entity than the original-broadcast organization."

2. Section 16 paragraph 3 is dropped.

Section 27 ➔

has been repealed

Section 28 ➔

Act no. 424/1991 Coll., on associating in political parties and political movements, is hereby amended thus:

In Section 17 paragraph 4 letter a), the words "of radio and television stations," are dropped.

Section 28a ➔

The license-granting body will rule upon the proposal by a radio-broadcast operator under the law on equipping the broadcasting circuits as per Section 9 paragraph 4 with frequencies and on freeing up further frequencies designed for regional broadcasts.

Section 29 →

This act will be effective on the date of its promulgation.

Havel by own hand

Dubcek by own hand

Calfa by own hand