



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

Prepared for the European Commission
Directorate-General Information Society and Media
SMART 007A 2007-0002

by

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Final Report - Annex III

COUNTRY REPORTS

Czech Republic

Contract No.: 30-CE-0154276/00-76

Leuven, July 2009



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By the Commission of the European Communities
Directorate-General for Information Society and Media

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

5. Overview of legal and policy measures promoting/supporting media pluralism

[CZECH REPUBLIC]

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National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

- Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)
- Act No. 46/2000 coll. on rights and duties related to publishing periodical press and on amendment to several other acts (Press Act)
- Act No. 483/1991 coll. of 7 November 1991 on Czech Television (amended)
- Act No. 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)
- Act. No. 484/1991 coll. of 7 November 1991 on Czech Radio (amended)
- Act No. 2/1993 coll. (Charter of Fundamental Rights and Freedoms)
- Act No. 247/1995 coll. on Elections to the Parliament of the Czech Republic

- *General legislation*

- The 1993 Charter of Fundamental Rights and Freedoms
- Act No. 106/1999 coll. of 11 May 1999 on Free Access to Information
- Act No. 101/2000 coll. of 4 April 2000 on the Protection of Personal Data

- **Codes of conduct**

- The Code of Journalist's Ethics (Etický kodex novináře), adopted by the Union of Journalists of the Czech Republic (Syndikát novinářů České republiky) in 1998
- The Czech Television Code (Kodex České Televize), approved in 2003
- The Ethical Code of Advertising Practice (Etický kodex reklamy) adopted in 1994 by Council for Advertising - (Rada pro reklamu - RPR)
- The Code of internet advertisement's ethics (Etický kodex internetové reklamy) adopted by Section of Internet Periodical Publishers (*Sekce vydavatelů internetových titulů*) of The Czech Publisher Association (*Unie vydavatelů denního tisku*) in 2003

- **Other**

- Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition
- Act No. 273/2001 coll. of 10 July 2001 on rights of members of national minorities

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Article 17 The 1993 Charter of Fundamental Rights and Freedoms ¹	applies generally, including: PM + AAVM	Freedom of expression and the right to information are guaranteed. Everybody has the right to express freely his or her opinion by word, in writing, in the press, in pictures or in any other form, as well as freely to seek, receive and disseminate ideas and information irrespective of the frontiers of the State. (3) Censorship is not permitted.(...).
<i>Implementation problem: Although the Czech Constitutional Court and the Parliament acted (in 1994 and 1997, respectively) to reduce the number of articles in the penal code under which one may be convicted for speech offenses, there has been no discernable decrease over the past decade in the volume of cases threatened or actually brought under the remaining provisions of law which permit criminal prosecution for one's speech.²</i>			
1.2. Freedom of/right to information	Act No. 106/1999 coll. of 11 May 1999 on Free Access to Information The Law was amended in 2006 to make a number of improvements.	applies generally, including PM + AAVM	The law allows any natural or legal person to access information held by State authorities, communal bodies and private institutions managing public funds. Requests can be made in writing or orally. The public bodies are required to respond to requests within 15 days.
<i>Implementation problem: The Ombudsman received 19 complaints in 2004. The office found that the largest problem was a failure by public bodies to recognize and register requests, failure to respond and violation of procedures for denying information.³ The 2005 implementation report to the UNECE committee reported a number of problems with access rights including conflicts between the laws on access to information and the Administrative Procedures Act.⁴ The NGO Otevřená Společnost's (Open Society) Right to Information Project conducted studies in 2001 and 2002 and found that citizens have obtained access in a majority of cases and the authorities have not been overwhelmed by requests.⁵</i>			
	Act No. 101/2000 coll. of 4 April 2000 on the Protection of Personal Data	applies generally, including PM + AAVM	Allows individuals to access and correct their personal information held by public and private bodies.
<i>Are there specific rules dealing with journalists' access to events for news reporting?</i>	No rules, only internal instructions in particular offices (police, courts, big companies).		
1.3. Explicit recognition of media pluralism	Part Six Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	R and TV	The Securing of the Plurality of Information in Radio Broadcasting and Television Broadcasting (Articles 55 – 58) The part is devoted to limits on ownership (see also the section 6 of this report)

¹ The Charter is a part of the constitutional order of the Czech Republic.

² For instance: “On October 23, 2001, Frantisek Zamencnik, former editor-in-chief of *Nove Bruntalsko*, was sentenced to sixteen months in prison for criminal defamation in connection with his remarks regarding Bruntal Mayor Petr Krejci, Social Democrat Deputy Jaroslav Palas, and Ludmila Navarova, editor of a rival newspaper. Zamencnik had been convicted of criminal defamation twice before, but in those cases he was sentenced to suspended prison terms. The World Association of Newspapers has protested his most recent conviction and sentence.” OSCE (2002) United States Helsinki Commission: Criminal defamation and ‘insult’ laws: a summary of free speech developments in the Czech Republic, Articles Vol. 35 (1), [http://www.csce.gov/index.cfm?Fuseaction=UserGroups.Home&ContentRecord_id=20&Contentype=G&ContentRecordType=G&UserGroup_id=77&Subaction=ByDate&CFID=18849146&CFTOKEN=53](http://www.csce.gov/index.cfm?Fuseaction=UserGroups.Home&ContentRecord_id=20&ContentType=G&ContentRecordType=G&UserGroup_id=77&Subaction=ByDate&CFID=18849146&CFTOKEN=53)

³ The Online Network of Freedom of Information Advocates: <http://www.freedominfo.org/>.

⁴ UNECE, Implementation Report - Czech Republic ECE/MP.PP/2005/18/Add.6, 12 May 2005.

⁵ See Open Society, b.a., Free Access to Information in the Czech Republic, August 2002. <http://www.otevrete.cz/index.php?id=142&akce=clanek>

1.4. Protection of journalistic sources	Article 16 Act No. 46/2000 coll. on rights and duties related to publishing periodical press and on amendment to several other acts (Press Act)	PM	Protection of source and contents of information. An individual or a legal entity who took part in gaining or processing information to be publicized or publicized in a periodical press shall have the right to refuse to provide a court, another state authority or a public administration authority with the information concerning the origin or contents of this information.
	Article 41 (1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	R and TV	Any natural person or juristic person who/which took part in obtaining or processing the information transmitted or to be transmitted in the radio or television broadcasting shall have the right to deny disclosure of the origin of such information or the contents thereof to the court or any other State authority or public administration authority. Exceptions: Article 41 (3): “The obligations laid down in a special legal regulation and requiring not to indulge offenders and to prevent or report criminal offence shall remain unaffected by the rights referred to in Articles 41(1) and 41(2) above, and so shall remain, in relation to such obligations laid down in a special legal regulation, any obligations as may be prescribed in the penal proceedings.”
	Articles 16 (11) – 16 (12) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall have the right to guarantee anonymity to persons that have provided information or background material for its recordings, if the topic to which the information relates concerns public interest and the provision of the aforementioned guarantee is justified by serious reasons.(...)
1.5. Right of reply	Articles 10 – 15 Act No. 46/2000 Coll. on rights and duties related to publishing periodical press and on amendment to several other acts (Press Act)	PM	Where it came to publishing and information in the periodical press containing a factual statement affecting the honour, dignity or privacy of certain individual or affecting the name or goodwill of certain legal entity, this person shall have the right to demand that the publisher publicize an answer. Exceptions from the duty to publicize the answer when the publication - would result in a crime or an administrative offence, - would be contrary to good manners, - when the a contested publication is a quote of a statement of a third person

	<p>Article 35 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)</p>	<p>R and TV</p>	<p>If any announcement containing any factual information affecting the honour, dignity or privacy of a natural person or the good name or reputation of any juristic person was made public in radio or television broadcasting, then such a natural person or juristic person shall have the right to request that a response be transmitted by the radio or television broadcaster.”</p> <p>Additional announcement (Art. 36)</p> <p>Submission of the application to transmit a reply and additional announcement and the requisites thereof (Art. 37)</p> <p>Conditions of the transmission of a response and additional announcement (Art. 38)</p> <p>Enforcement through a court of the right to the transmission of a reply and additional announcement (Art. 39)</p> <p>Exceptions to the duty to transmit response and additional announcement (Art. 40)</p> <p>The exceptions to the duty to transmit response and additional announcement include situations when:</p> <ul style="list-style-type: none"> -the transmission of the proposed text would involve the commitment of a criminal act, - the transmission of the proposed text would involve immoral offence, -the challenged communication or part thereof is quoted from a third party’s communication intended for the public, etc.
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<p>1.6. Ratification of international instruments: - CoE’s Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)</p>	<p>International legal instruments:</p> <p>CoE’s Framework Convention for the Protection of National Minorities</p> <p>-signed (28.04.1995) -ratified (18.12.1997)</p> <p>CoE’s European Charter for Regional and Minority Languages</p> <p>-signed (9.11.2000) -ratified (15.11.2006) -entered into force (1.03.1998)</p> <p>UNESCO Convention on the Protection of the Diversity of Cultural Expressions</p> <p>-accession by European community (18.12.2006)</p>		
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TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	Code of Journalist's Ethics (Etický kodex novináře) adopted by the Union of Journalists of the Czech Republic (Syndikát novinářů České republiky) in 1998 and amended in 1999	applies generally, including: PM + AAVM	Covers following: -the right of citizens to actual, fair and impartial information, -requirements of the high standards in journalistic profession, -credibility, fairness and reliability.
<p><i>Note: The Union set up the Ethical commission as an independent professional body of eleven members in 1998. The members of Ethical commission are volunteers from the media and academic environment. Several periodicals and newspapers adopted their own Codes of conduct, usually as an internal norm (e.g. wire agency ČTK, dailies MF Dnes, Lidové noviny, Hospodářské noviny, weekly Týden).⁶</i></p>			
	The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	The code's provisions apply to Czech Television and its employees, including those engaged on a contractual basis. Breaches of the code are treated as disciplinary offences and may result in dismissal of the employee or individual contractor concerned. The Code covers such issues as: -a viewer at the first place, -a special attention to children, -an open relation with licence-fee payers, -programme producers as a basic requirement for successful performance, - a special care for news and current affairs programming, -anti-discrimination practices, -discussions and pluralism, -religious issues, -critical situations, -etc.
<p><i>Note: The Code also establishes an Ethics Panel of the Czech Television, the members of which will be appointed by the Director General of Czech Television. Its tasks are to protect freedom of opinion and independence and to submit to the Council of the Czech Television reports on important programming issues, prepared on request of the Council of Czech Television and on request of the General Director of Czech Television.</i></p>			
	The Ethical Code of Advertising Practice (Etický kodex reklamy) adopted in 1994 by Council for Advertising - (Rada pro reklamu - RPR)	applies generally, including: PM + AAVM	The Code covers such issues as: -social responsibility of advertising, -unfair practices, -protection of privacy, -advertising targeting children, -advertising of alcohol beverages, tobacco products, pharmaceutical products, -hidden advertising, -etc.
<p><i>Note: Council for Advertising - (Rada pro reklamu - RPR) has the Arbitration Committee with an exclusive right to make decisions regarding complaints received by the RPR.</i></p>			

⁶ Vladimír Kroupa and Milan Šmíd (2005) Media System in the Czech Republic, report for the Study on Co-Regulation Measures in the Media Sector, commissioned by the European Commission, Directorate Information Society Unit A1 Audiovisual and Media Policies, Digital Rights, Task Force on Coordination of Media Affairs, DG EAC 03/04 to the Hans Bredow Institut.

2.2. News / information programmes	Art. 5 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	
2.3. Other media content	Code of internet advertisement's ethics (Etický kodex internetové reklamy) adopted by Section of Internet Periodical Publishers (<i>Sekce vydavatelů internetových titulů</i>) of The Czech Publisher Association (<i>Unie vydavatelů denního tisku</i>) in 2003	Online advertising	The Code has only four sections concerning: -the erotic advertisement, -the deceiving (bluffing) advertisement, -the hidden advertisement -the aggressive advertising formats.
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)			

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies' bodies, structures...)			
3.1.1. Special representation requirements in media company structures	Article 13 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	See below
3.1.2. Special representation requirements in media advisory bodies	Article 4(2) Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Council of the Czech Television is comprised of 15 members is the body through which the public exercises its right of inspection in relation to Czech Television. Nomination proposals for membership in the Council shall be submitted to the Chamber of Deputies by organisations and associations representing cultural, regional, trade union, employer, religious, educational, scientific, environmental and nationality interests.
	Article 4 (2) Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	The Council of Czech Radio is the body through which the public exercises its right of inspection in relation to Czech Radio. The Council has nine members. Nomination proposals for membership in the Council shall be submitted to the Chamber of Deputies by organisations and associations representing cultural, regional, trade union, employer, religious, educational, scientific, environmental and nationality interests.
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	Article 13 (2) and Article 13 (5) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall not discriminate anyone in either its operation or its programme schedule on the grounds of sex, age, race, sexual orientation, nationality, ethnicity, religion or membership in any social group. Czech Television shall pay special attention to the equality of opportunities for men and women, both in the operation of Czech Television and in the composition of its schedule.
3.2. Representation of the various cultural groupings in the media	Article 13 (1) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	The schedule of Czech Television may not give rise to or confirm notions that the social status of people belonging to certain racial, national, ethnic or social groups is, for reasons of such group membership, different from the status of others. Czech Television is obliged to refrain from the use of stereotypes in portraying concrete groups or their members.

	Article 31 (4) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	R and TV	The statutory broadcaster shall prepare its programme structure so as to provide, in its broadcasting, a well-balanced portfolio offered to all the population with respect to their age, gender, colour of the skin, faith, religion, political or other opinions, ethnic, national or social origin, and membership of a minority.
3.2.1. Access to airtime for cultural groupings	Article 13 (3) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall also create opportunities for the participation of the physically handicapped in its programmes. In designing and constructing the stage and decorations for the recording of programmes with the participation of audience or supernumeraries, Czech Television must take into account the potential participation of physically handicapped persons.
3.2.2. Content obligations			
3.2.2.1. Promotion of European works	Article 42 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV	<p>The television broadcaster shall, where practicable, reserve more than a half of the total broadcasting time of each channel to European production.</p> <p>Exceptions (Art. 45):</p> <ul style="list-style-type: none"> - local broadcasting not involved in nation-wide television network, - programme broadcast exclusively in a language other than Czech or in a language other than any of the languages of the Member States - 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,. <p>The Council for Radio and Television Broadcasting is responsible for monitoring and supervising the fulfilment of European quota requirement</p>
3.2.2.2. Promotion of European independent works	Article 43 (1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV	<p>The television broadcaster shall, where practicable, reserve at least 10% of the total broadcasting time of each channel to European works produced by independent producers.</p> <p>Exceptions (Art. 45 as above)</p> <p>The Council for Radio and Television Broadcasting is responsible for monitoring and supervising the fulfilment of European independent works requirement</p>

3.2.2.3. Promotion of national/regional works	Article 8 (1) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall promote the development of culture and the arts in the Czech Republic.
	Article 3(1), e Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Czech Television shall provide public service in the television broadcasting area in the following major ways: in the area of news and political programme units, provide regional broadcasting via the TV studios of Czech Television (...). The regional broadcasting of every television studio must contain a balanced mix of contributions from the entire territory it covers.
	Article 3(1), g Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Czech Television shall provide public service in the television broadcasting area in the following major ways: promote Czech film production.
3.2.2.4. Language requirements	Article 9 (2) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Newscasters, moderators and editors of news and current affairs programmes shall use only standard codified language, unless they quote or interpret a statement of another person or unless the use of a non-standard expression seems necessary with regard to the given situation.
	Article 13 (2) Act No. 273/2001 coll. of 10 July 2001 on rights of members of national minorities	PM Public service media	For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.
3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	Article 13(3) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	On the basis of current demographic trends, Czech Television shall ensure, where possible, that the cast or the selection of supernumeraries for in-house programming would reflect the national and ethnic diversity of the population living in the Czech Republic, especially as regards programmes with audience participation in the studio. The viewers should be led to perceive the participation of the aforementioned persons as a commonplace.

	<p>Article 2 (2), d Act No. 483/1991 coll. of 7 November 1991 on Czech Television</p> <p>Act No. 484/1991 coll. of 7 November 1991 on Czech Radio</p>	<p>Public service television</p> <p>Public service radio</p>	<p>The main tasks of public service in the television/radio broadcasting area include, without being limited to: developing the cultural identity among the citizens of the Czech Republic, including members of national or ethnic minorities.</p>
3.2.4. Subsidies (apart from general PSB funding)	<p>Article 13 (2) Act No. 273/2001 coll. of 10 July 2001 on rights of members of national minorities</p>	<p>PM</p> <p>Public service media</p>	<p>As specified above under 3.2.2.4.</p>
<p>3.3. Accessibility <i>(i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)</i></p>	<p>Article 3(1) Act No. 483/1991 coll. of 7 November 1991 on Czech Television</p>	<p>Public service television</p>	<p>Czech Television shall provide public service in the television broadcasting area in the following major ways: provide hidden or open captions for the deaf in at least 70% of the programme units or ensure simultaneous interpretation into the sign language.</p>
	<p>Article 32 (2) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)</p>	<p>TV and R</p>	<p>Any nation-wide licenced television broadcaster shall provide surreptitious or open captions for the deaf in at least 15% of the programme units it broadcasts, and any nationwide Statutory television broadcaster shall provide surreptitious or open captions for the deaf in at least 70% of the programme units it broadcasts, unless otherwise provided in a special Act.</p>

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)			
4.1.2. Requirements of independence from political parties / politicians	Article 31(1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	Requirement of broadcaster's independence, indirectly from political parties. The broadcaster and retransmission broadcaster shall be entitled to broadcast programmes in a free and independent manner. Any intervention in the contents of the programmes is only admissible on the basis of law and within the limits thereof.
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council for Radio and Television Broadcasting (national regulatory body) The Council membership is incompatible with: -mandates of deputies, senators, members of government (Article 7 (9)) - assuming functions in political parties or movements and acting in their favour (Article 7(11))
	Art. 5 Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	The Council of Czech Television (supervisory body for the Czech public television) The Council membership is incompatible with: -mandates of deputies, senators, members of government - assuming functions in political parties or political movements, social organisations and associations, civic initiatives and other such organisations and acting, when exercising their functions in the Council, on such organisations' behalf or acting in their favour or in favour of any other group interests.

	Art. 5 Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	The Council of Czech Radio (supervisory body for the Czech public radio) The Council membership is incompatible with: -mandates of deputies, senators, members of government - assuming functions in political parties or political movements, social organisations and associations, civic initiatives and other such organisations and acting, when exercising their functions in the Council, on such organisations' behalf or acting in their favour or in favour of any other group interests.
4.1.4. Representation requirements in media companies' bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators			
4.2. Content rules (relating to media programmes, press articles, other content)			
4.2.1. Equal/proportionate access to airtime for political groupings	See 4.2.4	See 4.2.4	See 4.2.4
4.2.2. Government announcements	Article 6 Act No. 46/2000 coll. on rights and duties related to publishing periodical press and on amendment to several other acts (Press Act)	PM	Information in a pressing public interest: In a pressing public interest, the publisher must publicize in the periodical press important and urgent information of a state authority and authority of territorial self-administration; in particular, he must publicize a decision on the state of emergency, state of danger of the state or on state of war. This information must be publicized in the next issue of the periodical press following the delivery of the text thereof to the publisher; it must be published in a way pointing it up graphically and differing it from the other contents of the periodical press.
	Article 31(1), I Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	R and TV	In urgent public interest, if so requested by the State authorities and the local public administration authorities, provide such authorities with the broadcasting time needed for important and urgent announcements to promulgate the state of emergency or state of threat to the State, or to proclaim the state of war, or announce measures to protect public health; responsibility for the contents shall be borne by those who requested the broadcasting time to be provided.

4.2.3. Impartiality obligations	Article 31(2) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The broadcaster shall provide objective and balanced information as needed for opinions to be freely formed. Any opinions or evaluating commentaries shall be separated from information having the nature of news.
	Article 5.6 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	In its news and current affairs programmes, Czech Television shall pay attention to accuracy and impartiality of its broadcasting, which task consists primarily in the ascertaining and verification of facts.
4.2.4. Fair representation of political viewpoints; special rules in election periods	Article 2 (2), a Act No. 483/1991 coll. of 7 November 1991 on Czech Television Article 2 (2), a Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service television Public service radio	The main tasks of public service in the television/radio broadcasting area include, without being limited to: providing objective, verified and generally balanced and comprehensive information as may be needed for opinions to be freely formed.
	Article 31(3) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The broadcaster shall ensure that principles of objectivity and equilibrium are complied with in news and political programme units and that, in particular, no one-sided advantage is - within the broadcast programme as a whole - given to any political party or movement, or to their views, or the views of any groups of the public, taking account of their real position within the political and social life.
	Article 16 (3) Act No. 247/1995 coll. on Elections to the Parliament of the Czech Republic	Public service radio and public service television	From the sixteenth day prior to the day of the elections, until the forty-eighth hour prior to the opening of elections, Political Parties and coalitions nominating candidates to stand for elections to the Chamber of Delegates shall be allotted a total of fourteen hours of air time on broadcasting channels on Czech Radio, and fourteen hours of air time on broadcasting channels on Czech Television for the purpose of their election campaign. The broadcasting time shall be allotted free of charge and apportioned evenly among the Political Parties and coalitions involved. The time and hour when each Political Party and coalition shall be on air shall be determined by drawing lots. Liability and answerability for the contents of the television and radio programmes broadcasted shall rest with the Political Party and coalition that is canvassing.

	<p>Article 5.3 The Czech Television Code (Kodex České Televize) approved in 2003</p>	<p>Public service television</p>	<p>The primary task of the current affairs programmes of Czech Television is to offer a critical reflection of reality (...) Investigative current affairs programmes examining serious breaches of law, corruption and the protection of rights and interests of the citizens play an indispensable monitoring role in the development of a democratic society.(...).</p>
	<p>Article 6.2 The Czech Television Code (Kodex České Televize) approved in 2003</p>	<p>Public service television</p>	<p>The fulfilment of the provisions of Article 6.1 also requires the broadcasting of political discussions in the framework of the democratic competition of political parties and movements. The broadcasting time allowances provided to individual political parties and movements must be well balanced. The balancing must take into account especially the relative importance of individual political parties, estimated primarily from the results 19 of the elections in the principal bodies of representative democracy. At the same time, however, Czech Television must make sure that the ratio of discussion appearances of government and opposition politicians is balanced, i.e. the total time provided to each of the blocs should be approximately the same. Czech Television shall also create conditions for an adequate participation of non-parliamentary political parties and movements in the aforementioned discussions.</p>

TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media			
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)	Article 54 (1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	Cable operators	The licensed broadcaster in the cable system and the retransmission broadcaster in the cable system shall - if so requested by the municipality or voluntary association of municipalities - reserve one channel for an unpaid local information system serving exclusively for the purposes of the local community (...).
5.3. Content obligations: requirements to cover local events, etc.	Article 3(1), e Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Czech Television shall provide public service in the television broadcasting area in the following major ways: in the area of news and political programme units, provide regional broadcasting via the TV studios of Czech Television (...). The regional broadcasting of every television studio must contain a balanced mix of contributions from the entire territory it covers.
5.4. Regional State Aids	Act No. 360/2007 coll. on the state budget of the Czech Republic for the year 2008, Appendixes, Budget Chapter of the Ministry of culture (No. 334)		For the support for national minority culture was allocated 42 000 000 CZK, from that 10 000 000 CZK for promoting the cultural activities of national minorities, 2 000 000 CZK for support of projects dealing with social inclusion of Roma community, and 30 000 000 CZK for distribution and receiving of information in the national minority languages.
5.5. Rules on national minorities	Article 13 (2) Act No. 273/2001 coll. of 10 July 2001 on rights of members of national minorities	PM Public service media	For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.
5.6. Rules on social inclusion of remote areas (Aménagement du territoire)	Act No. 360/2007 coll. on the state budget of the Czech Republic for the year 2008, Appendixes, Budget Chapter of the Ministry of culture (No. 334)		<i>Supra</i>

TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
6.1.1. Moment of intervention			
6.1.1.1. <i>At moment of market entry (licensing procedure)</i>	Article 55 (1-4) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	<p>(1) No single juristic person, nor any single natural person, may be a holder of more than one licence for nation-wide television broadcasting.</p> <p>(2) No single juristic person, nor any single natural person, may be a holder of more than one licence for nation-wide radio broadcasting.</p> <p>(3) No nation-wide radio broadcaster may possess any ownership interest in the business of any other nation-wide radio broadcaster.</p> <p>(4) No nation-wide television broadcaster may possess any ownership interest in the business of any other nation-wide television broadcaster.</p> <p>(5) No nation-wide statutory television broadcaster may consolidate with any other nation-wide television broadcaster, such a consolidation being based on the fact that their statutory bodies or members of statutory bodies are the same persons or related parties, or are partners in the same business entity or are related parties.</p> <p>(6) No nation-wide statutory radio broadcaster may consolidate with any other nationwide radio broadcaster, such a consolidation being based on the fact that their statutory bodies or members of statutory bodies are the same persons or related parties, or are partners in the same business entity or are related parties.</p> <p>(7) No nation-wide television broadcaster may consolidate with any other nation-wide television broadcaster in any other manner (Article 58).</p> <p>(8) No nation-wide radio broadcaster may consolidate with any other nation-wide radio broadcaster in any other manner (Article 58).</p>

			(9) Duties referred to in Articles 55(1) and 55(2) shall not apply to digital broadcasting and to radio and television broadcasting disseminated over cable systems and via satellites. (10) Provisions in Articles 55(7) and 55(8) shall not apply to persons involved in the canvassing and sale of advertising services, sponsorship- and teleshopping-related services, market surveying services and services relating to the purchase of programme units, except news programme units.
6.1.1.2. <i>At the moment of mergers & acquisitions</i>	Article 58 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council should be notified about consolidation between radio and TV broadcasters.
6.1.1.3. <i>Other (constant monitoring/supervision)</i>			
6.1.2. <i>Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)</i>			
6.1.2.1. <i>Monomedia</i>	Article 55 (1-8) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	No nation-wide television broadcaster may possess any ownership interest in the business of any other nation-wide television broadcaster.
6.1.2.2. <i>Crossmedia</i>	Article 58 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council should be notified about consolidation between radio and TV broadcasters.
6.1.2.3. <i>Vertical integration with networks</i>	Article 57 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	No programme network may cover by radio or TV broadcasting more than 70% of the total population of the Czech Republic, counted on the basis of the information from the last population census.
6.1.2.4. <i>Integration with advertising sector</i>			
6.1.2.5. <i>Integration with other (e.g. energy) sectors</i>			
6.1.2.6. <i>Control over both commercial and public media</i>			
6.1.3. <i>Criteria used to define thresholds for maximum ownership and/or control</i>			
6.1.3.1. <i>Number of licences</i>	Article 55 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	E.g. 55(1): No single juristic person, nor any single natural person, may be a holder of more than one licence for nation-wide television broadcasting.
6.1.3.2. <i>Market shares</i>			

6.1.3.3. <i>Circulation and audience shares</i>	Article 56 (1-2) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	Limits on coverage for holders of more than one licence to 70% of population.
6.1.3.4. <i>Capital shares</i>	Article 58 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)		<i>Infra</i>
6.1.3.5. <i>Voting shares</i>	Article 58 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)		<p>Consolidation of broadcasters or retransmission broadcasters</p> <p>(1) The broadcaster or retransmission broadcaster shall notify the Council about any of the following circumstances:</p> <ul style="list-style-type: none"> a) radio broadcasters consolidated and television broadcasters consolidated, such a consolidation taking the form of merger of two juristic persons or sale of the undertaking or a substantial part thereof; b) a consolidation occurred between radio broadcasters and between television broadcasters wherein <ul style="list-style-type: none"> 1. their statutory bodies or members of statutory or other bodies, or employees under direct management authority of such a statutory body or member thereof or under direct management authority of the managing clerk, are identical natural persons or persons who are related parties, 2. they run a joint business on the basis of a partnership deed, or 3. are related parties; c) a consolidation of radio broadcasters occurred whereby one juristic person or one natural person exerts a substantial influence on two or more radio broadcasters; d) a consolidation of television broadcasters occurred whereby one juristic person or one natural person exerts a substantial influence on two or more television broadcasters. <p>(2) A juristic person or natural person shall be regarded as having a substantial influence on a broadcaster insofar as</p> <ul style="list-style-type: none"> a) it possesses, directly or indirectly, a share of voting rights greater than 34%; indirect holding means holding through a controlled party, <p>[...]</p>

			<p>[...]</p> <p>b) it makes decisions regarding the majority of employees of the broadcaster who are under the direct managing authority of the statutory body or a member thereof, or makes decisions on the persons that provide, on the basis of a mandate agreement or any other agreement, significant administrative, managing or trading activities for the broadcaster,</p> <p>c) it has opportunities to exercise controlling influence on the management of the broadcaster upon the basis of a contract, a special provision in the Statutes, Articles of Partnership or Founder’s Deed or agreement with persons who are partners to or shareholders of the broadcaster regardless of the validity or non-validity of such an agreement.</p>
6.1.3.6. Advertising revenues			
6.1.3.7. Involvement in number of media sectors			
6.2. Sector specific rules preventing cooperation between media companies			
6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership			
6.4. General competition rules	Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition	Industry in general	
<p><i>Note: The relevant regulatory authority is the Office for the Protection of Economic Competition. The competence of the Office is specified in Act No. 273/1996 Coll., on the competence of the Office for the Protection of Economic Competition.</i></p>			
6.4.1. Antitrust	Articles 3 -7 Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition	Industry in general	<p>Article 3 (1)</p> <p>All agreements between undertakings, decisions by associations of undertakings and concerted practices (hereinafter referred to as “agreements”) which result or may result in the distortion of competition shall be prohibited and null and void, unless this Act or a special act provides otherwise, or unless the Office for the Protection of Competition (hereinafter referred to as “the Office”) grants an exemption from this prohibition by its implementing regulation.</p>

			<p>Article 6 (1) The prohibition of agreements pursuant to Article 3(1) shall not apply to: a) a horizontal agreement where the combined share in the relevant market of the parties to the agreement does not exceed 10%, b) a vertical agreement where the combined share in the relevant market of the parties to the agreement does not exceed 15%.</p>
	Act No. 143/2001 coll. on the Protection of Economic Competition		<p>Definition of the dominant position and the abuse of dominance.</p> <p>The basic limit for a non-dominant position on the relevant market was set to 40 percent. (Article 10(3) company or companies in joint dominance shall be deemed not to be in dominant position, if its/their share in the relevant market achieved during the examined period does not exceed 40%). However, this limit serves only as an orientation point, because the evaluating of the dominant position proceeds according many different criteria. The dominant position is defined in Article 10(1) following way: „(1) One or more companies jointly (joint dominance) are deemed to have a dominant position on relevant market, if their market power enables them to behave to significant extent independently of other companies or consumers.” Among the criteria for deciding on dominant position are for instance „ascertained volume of supplies or purchases on the relevant market for the goods in question (market share)“ „the economic and financial power of the company“, „vertical integration level of the company“, or „market structure and size of the market shares of their immediate competitors.“</p>
6.4.1.1. Specific provisions for media sectors (e.g. public interest test...)	Not defined		
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)	Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition	Industry in general	<p>For example: <i>Mediaprint & Kapa Pressegrasso:</i> The Decision Ref. No. S 238/02-OK-2222/03-ORP dated 24 April 2003. The Antimonopoly Office issued a preliminary measure against publishing houses (the companies RINGIER R, MAFRA, Borgis, Československý sport and ASTROSAT). [...]</p>

			[...] Reasoning: during September and October 2002, the above mentioned companies terminated distribution contracts concluded with the company Mediaprint & Kappa Pressegrasso. More cases described in: Institute of European Media Law (EMR) (2005) <i>Media Market Definitions: A Comparative Legal Analysis, Final Report.</i>
<i>Note: In Mediaprint & Kapa Pressegrasso case the Antimonopoly Office provided a complex analysis of the relevant markets. For instance, the Office concluded that the national news dailies and regional news dailies are mutually substitutable. The regional titles also include news which is not limited only to a particular region, while most Czech national dailies include a regional enclosure.⁷ At the same time, the nation-wide network of regional news dailies is controlled by the company VLTAVA-LABEPRESS, subsidiary of German Verlagsgruppe Passau. In other words, VLTAVA-LABEPRESS has a monopolistic position on the regional daily newspaper market, as there are no other competitors.</i>			
6.4.2. Merger control	Art. 10, 12-19 Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition	Industry in general	Articles 12 – 19: concentrations of undertakings Article 10 (3): “(...) an undertaking or undertakings in joint dominance shall be deemed not to be in dominant position, if its/their share in the relevant market achieved during the examined period does not exceed 40%. “
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)			
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)	Act No. 143/2001 Coll. of 4 April 2001 on the Protection of Economic Competition	Industry in general	For example: Assessment of the merger in the <i>Kabel Plus</i> case - Decision Ref. No. S 79/99-230 dated 16 August 1999: The Office defined the relevant product market of services based on the supply of a TV signal through a cable network, thus: cable TV is not substitutable with other kinds of TV as it requires maintenance of the cable network and does not require customers to install special devices. Institute of European Media Law (EMR) (2005) <i>Media Market Definitions: A Comparative Legal Analysis, Final Report.</i>

⁷ See: Institute of European Media Law (EMR) (2005) *Media Market Definitions: A Comparative Legal Analysis, Final Report.*

6.5. Transparency obligations			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	Article 32(1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	l) indicate the mark of the television programme (logo) in television broadcasting, except for the broadcasting of advertising and teleshopping, m) identify the radio programme at least once in an hour, provided that such identification does not affect the coherence of the programme unit being broadcast.
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	Article 58 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The article obliges broadcasters to notify the Council about different types of consolidation on the broadcasting market.

TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
7.1. Minimum service in a number of programme strands for commercial / community / public service media			
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Article 33 (3) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The event of major importance for society shall be any event on the List of Events of Major Importance for Society which is set out by a Decree of the Ministry of Culture (“Ministry” hereinafter) upon consultation with the Council.
7.3. Short news reporting	Article 34 (1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The television broadcaster possesses the right to broadcast - as part of a regular news programme unit - brief topical information on any event of increased public interest though exclusive broadcasting rights in relation to such an event may be held by another television broadcaster, provided, however, that such an event is publicly accessible. The total time of broadcasting of such brief information on any such event shall not exceed 3 minutes daily.
7.4. Fixed book price			
7.5. Public service media			
7.5.1. Structural rules - organization	Article 2 (1) Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Czech Television shall provide public service by creating and distributing television programmes and prospectively also other multimedia content and supplemental services in the entire territory of the Czech Republic (...).
	Article 2(1) Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	Czech Radio shall provide public service by creating and distributing radio programmes and prospectively also other multimedia content and supplemental services in the entire territory of the Czech Republic (...).
<i>7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)</i>			
<i>7.5.1.2. Election of management, composition of board members... (government? Parliament? Other?)</i>	Article 9 (4) Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	The Director General shall be appointed by the Council (The Council of Czech Television – added) from among eligible candidates who fulfil the conditions specified in Article 4(3) (...).

	Article 9 (4) Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	The Director General shall be appointed by the Council (The Council of Czech Radio – added) from among eligible candidates who fulfil the conditions specified in Article 4(3). The Director General is so appointed for a term of 6 years on the basis of the results of a tender (...).
7.5.1.3. <i>Specific representation requirements for board of directors, other bodies</i>			
7.5.1.4. <i>Advisory bodies: ensured broad representation of cultural, political and geographic groupings</i>	Article 4(2) Act No. 483/1991 coll. on Czech Television	TV	Nomination proposals for membership in the Czech Television Council (15 members) shall be submitted to the Chamber of Deputies by organisations and associations representing cultural, regional, trade union, employer, religious, educational, scientific, environmental and nationality interests. The proposed nominations shall be submitted in the manner defined by the resolution of the Chamber (House) of Deputies within 15 days after the public announcement of the invitation by the Chairperson of the Chamber (House) of Deputies to submit the proposals.
	Article 4(2) Act No. 484/1991 coll. on Czech Radio		Nomination proposals for membership in the Czech Radio Council (9 members) shall be submitted to the Chamber of Deputies by organisations and associations representing cultural, regional, trade union, employer, religious, educational, scientific, environmental and nationality interests. The proposed nominations shall be submitted in the manner defined by the resolution of the Chamber (House) of Deputies within 15 days after the public announcement of the invitation by the Chairperson of the Chamber (House) of Deputies to submit proposals.
7.5.1.5. <i>Employment: ensured broad representation of cultural, political and geographic groupings</i>	Article 13 (2) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall not discriminate anyone in either its operation or its programme schedule on the grounds of sex, age, race, sexual orientation, nationality, ethnicity, religion or membership in any social group.
	Article 13 (5) The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall pay special attention to the equality of opportunities for men and women, both in the operation of Czech Television and in the composition of its schedule.
7.5.2. Structural rules - funding			

7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	Article 10 Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	The sources of financing Czech Television include, without being limited to: a) television fees, based on a specific legal regulation, b) income from Czech Television's own business activities.
	Article 10 Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	The sources of financing Czech Radio include, without being limited to: a) radio fees, based on a specific legal regulation, b) income from Czech Radio's own business activities.
7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)			
7.5.3. Definition of public service remit	Preamble The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	The Czech Television Act provides for the adoption of a Czech Television Code that should lay down principles of public service provision in the area of television broadcasting.
7.5.3.1. Obligation to provide a varied and pluralistic offer	Articles 5, 6, 7, 8, 10, 13 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	
	Article 2.2 Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	The main tasks of public service in the television broadcasting area include, without being limited to: a) provision of objective, verified and generally balanced and comprehensive information as may be needed for opinions to be freely formed (...).
	Article 2.2 Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	The main tasks of public service in the radio broadcasting area include, without being limited to: a) providing objective, verified and generally balanced and comprehensive information as may be needed for opinions to be freely formed (...).
7.5.3.2. Obligation to engage in new media activities	Article 3.1 Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	Czech Radio shall provide public service in the radio broadcasting area in the following major ways: (...) h) develop activities in the area of new transmission technologies and services.
	Article 3.1, I Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	Czech Television shall provide public service in the television broadcasting area in the following major ways: (...) develop activities in the area of new transmission technologies and services.

7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)	Article 1.17 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall endeavour to ensure that, within individual genres making up the schedule, significant proportion of broadcasting time 10 would be devoted to in-house programmes or programmes produced by other domestic producers.
	Article 2.1 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	Czech Television shall approach young viewers primarily with the aim to help them discover and internalise the values of decency, education, hard work and respect for the environment. The range and character of programmes targeted at children will thus be influenced by the aforementioned aim (...).
	Article 2.4 The Czech Television Code (Kodex České Televize) approved in 2003	Public service television	In its programming for children and teenagers, Czech Television shall present examples of integrated co-existence of healthy and physically handicapped children (...).
7.5.5. Universal coverage obligations	Article 3 Act No. 484/1991 coll. of 7 November 1991 on Czech Radio	Public service radio	
	Article 3 Act No. 483/1991 coll. of 7 November 1991 on Czech Television	Public service television	

TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)	Article 72 (1) Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	The Office is entitled through its decision to impose the obligation to distribute designated radio or television programme and provide services associated thereto on an undertaking through whose public communications network the broadcasting distribution service is provided (...).
	Article 54(1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	Cable operators	The licensed broadcaster in the cable system and the retransmission broadcaster in the cable system shall - if so requested by the municipality or voluntary association of municipalities - reserve one channel for an unpaid local information system serving exclusively for the purposes of the local community (...).
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)			
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission	Volume 7 – Section 51-53 Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	Definition of Relevant Markets and Definition of an Undertaking with Significant Market Power.
8.3.1. Implementation of market analysis procedure in ECNS Directives	Section 51 Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	Analysis of Relevant Markets
8.3.2. Result of (first) round of market analysis of market 18			
8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'			
8.4.1. Conditional access	Section 83 Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	Conditions of Access to Digital Television and Radio Broadcasting Services
8.4.2. EPG (or other search tools)			
8.4.3. API			
8.4.4. Other	Section 43 Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	Special Measures for Disabled Persons

8.5. Interoperability requirements	Volume 4 – Sections 78-79 Act No 127/2005 coll. of 22 February 2005 on Electronic Communications and on Amendment to Certain Related Acts (Electronic Communications Act)	Electronic communication	Interconnection of Electronic Communications Networks and Associated Facilities and Access Thereto
8.6. Specific rules for distribution systems in print media			
8.7. General competition law			
8.8. Policies fostering distribution systems (libraries, broadband networks...)			
8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National)			

TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority			Council for Radio and Television Broadcasting (http://www.rtv.cz/en/)
	Article 4 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	
9.1.1. Structure/ organisation	Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council has 13 members appointed by the Prime Minister based on proposal of the House of Deputies
9.1.1.1. Guarantees for independence	Article 4(2) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council shall be an administrative authority which shall execute government administration in the area of radio and television broadcasting and retransmission and shall supervise the maintaining and further development of plurality in the programme portfolio offered and the information in the area of radio and television broadcasting and retransmission; it shall promote the independence of the content thereof and shall fulfil other tasks laid down by this Act and by other specific legal regulations. Article 5.
<i>Note: The 2002 Regular Report monitoring progress of the Czech Republic towards accession observed that there was “a little progress in transparency and stability in the television sector” and that “the Council for Radio and TV Broadcasting should maintain its political independence.</i>			
9.1.1.2. Representation requirements	Article 7 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council consists of 13 members who are appointed and removed by the Prime Minister based on proposal made by the House of Deputies.
9.1.2. Credibility and efficiency			
9.1.2.1. Sufficient resources	Article 11 (1) Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	The Council shall manage its own budget pursuant to a specific legal regulation and its activities shall be covered by a separate chapter of national budget of the Czech Republic.

9.1.2.2. <i>Tasks and duties</i>	Article 5 Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	<ul style="list-style-type: none"> - supervision of compliance with legal regulations in the area of radio and television broadcasting, - grant, change and withdrawal of licences for the operation of radio and television Broadcasting, - maintaining records on broadcasters and retransmission broadcasters, -imposing sanctions pursuant to the Broadcasting Act, -monitoring broadcasting, - and others.
9.1.2.3. <i>Effective sanctioning powers</i>	Act No. 231/2001 coll. of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts (Broadcasting Act)	TV and R	Penalty provisions include: <ul style="list-style-type: none"> -Article 59 - corrective measures, - Article 60 - fines, - Article 62 - suspension of retransmission broadcasting, - Article 63 - withdrawal of the licence, - Article 64 - cancellation of registration.
9.1.3. Cooperation with other regulators			
9.2. Press Council			
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
9.3. Competition Authority			
9.3.1. Structure/ organization <i>(What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)</i>			
9.3.2. Cooperation with other regulators			



Independent Study on
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