

The EU Audiovisual Media Services Directive and its transposition into national law – a comparative study of the 27 Member States

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Member State: Czech Republic

The On-demand Audiovisual Media Services Act

Important Notice

This text is an unofficial translation conducted at the University of Luxembourg in the framework of a research project on the transposition of the “**Audiovisual Media Services Directive**” in the Member States of the European Union.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, several national legal acts have been shortened to include only those provisions of relevance for the study. Subsequently, the modified acts were translated by a translation agency external to the university.

The translations only serve the purpose of being an information source; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at: www.medialaw.lu, where additional information on the comparative study may be found.

Member State: Czech Republic

Act 132 of 13 April 2010 on on-demand audiovisual media services and amending certain laws (the On-demand Audiovisual Media Services Act)

Official Journal: Sbirka Zakonu CR

Parliament has passed the following Act of the Czech Republic:

Part One

On-demand audiovisual media services

Section 1

Subject-matter

The present Act transposes the relevant legislation of the European Union¹ and regulates the conditions for the provision of on-demand audiovisual media services.

Section 2

Definitions

(1) For the purposes of the present Act

a) “**on-demand audiovisual media service**” means an information society service² which is under the editorial responsibility of an on-demand audiovisual media service provider and the principal objective of which is the provision of programmes to the public in order to inform,

¹ Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (89/552/EEC). Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

² Act No 480/2004 on certain information society services and amending certain laws (the Act on Certain Information Society Services), as amended.

entertain or educate, which allows for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes established by the on-demand audiovisual media service provider (hereinafter referred to as the “catalogue of programmes”);

b) “**programme**” means a set of moving images with or without sound constituting an individual item in the catalogue of programmes, and the form and content of which are comparable to the form and content of television broadcasting, including, without limitation, feature-length films, recordings of sports events, situation comedies, documentaries, children’s programmes and original television drama;

c) “**editorial responsibility**” means the exercise of effective control over the selection of programmes and over their organization in the catalogue of programmes;

d) “**on-demand audiovisual media service provider**” means a natural person engaged in business or a legal person who determines the manner in which an on-demand audiovisual media service is organized and has editorial responsibility for that service;

e) “**audiovisual commercial communication**” means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a person pursuing an economic activity, and which accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes; audiovisual commercial communications may take the form, in particular, of advertising,³ sponsorship or product placement;

f) “**surreptitious audiovisual commercial communication**” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the on-demand audiovisual media service provider to serve as advertising and might mislead the public as to its nature; such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;

g) “**sponsorship**” means any contribution made by a natural or legal person not engaged in the provision of an on-demand audiovisual media service, the operation of television broadcasting, or the production of audiovisual works to the direct or indirect financing of an on-demand audiovisual media service or programmes with a view to promoting its name, trade mark, products, services, activities or image;

h) “**product placement**” means any form of audiovisual commercial communication consisting of the inclusion of a product, a service or the trade mark thereof, or reference to a product or service, so that it is featured within a programme in return for payment or for similar consideration.

(2) The following shall not be regarded as an on-demand audiovisual media service:

a) a service which is primarily non-economic or which is not in competition with television broadcasting;

b) a service which is not intended for public reception;

c) a service whose principal purpose is not the provision of programmes; or

d) a service which cannot be received directly or indirectly by the public in any Member State of the European Union by means of a device technically capable of the individually selectable

³ Act No 40/1995 on the regulation of advertising and amending Act No 468/1991 on radio and television broadcasting, as amended, as amended.

reproduction of an on-demand audiovisual media service which is available in the retail network.

Section 3

Scope of the Act

(1) The present Act applies to on-demand audiovisual media service providers established in the Czech Republic pursuant to paragraph (2) or subject to paragraph (3).

(2) An on-demand audiovisual media service provider shall be regarded as established in the Czech Republic

a) if its registered office or place of business is in the Czech Republic and it takes decisions in the Czech Republic on the selection of programmes and their organization in the catalogue of programmes (hereinafter referred to as “editorial decisions”);

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

1. a significant part of its workforce involved in the pursuit of an on-demand audiovisual media service operates in the Czech Republic;

2. a significant part of its workforce involved in the pursuit of an on-demand audiovisual media service operates both in the Czech Republic and in that other Member State of the European Union; or

3. a significant part of its workforce involved in the pursuit of an on-demand audiovisual media service operates in neither the Czech Republic nor that other Member State of the European Union, on condition that it first began the provision of the on-demand audiovisual media service in the Czech Republic in accordance with Czech law and that it maintains a stable and effective link with economic life in the Czech Republic; or

c) if its registered office or place of business is in the Czech Republic but it takes decisions on the on-demand audiovisual media service in a State which is not a Member State of the European Union, or vice versa, on condition that a significant part of the workforce involved in the pursuit of the on-demand audiovisual media service operates in the Czech Republic.

(3) Where an on-demand audiovisual media service provider can be regarded neither as established in the Czech Republic pursuant to paragraph (2) nor as established in another Member State of the European Union, the present Act shall apply to it if, in the provision of an on-demand audiovisual media service, it uses

a) a satellite up-link situated in the Czech Republic; or

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

(4) The present Act shall apply to an on-demand audiovisual media service provider who can be regarded neither as established in the Czech Republic pursuant to paragraph (2) nor as established in another Member State of the European Union and who does not meet any of the conditions referred to in paragraph (3) in the Czech Republic or another Member State of

the European Union only if it may be regarded as established in the Czech Republic under the Treaty establishing the European Community.⁴

Section 4

Competence of the Council for Radio and Television Broadcasting

(1) The administrative authority responsible for the supervision of compliance with the present Act is the Council for Radio and Television Broadcasting (hereinafter referred to as the “Council”).

(2) The Council shall:

a) keep a Register of On-demand Audiovisual Media Service Providers;

b) impose penalties under the present Act;

c) monitor the content of on-demand audiovisual media services;

d) carry out supervision in cases of cross-border cooperation and proceed in this respect in accordance with directly applicable legislation of the European Union⁵ within the scope *ratione materiae* of other legislation transposing the Directives referred to in paragraph (4) of the Annex to such directly applicable legislation of the European Community;

e) cooperate with the institutions of the European Union and with the regulatory bodies of Member States of the European Union with similar competence *ratione materiae*, in particular in the transfer and acquisition of data and information prescribed by law, decisions issued under the law, or acts of the European Union, and shall perform other tasks in the regulation of on-demand audiovisual media services arising from the Czech Republic’s membership of the European Union;

f) cooperate in the regulation of on-demand audiovisual media services with the competent authorities of States which are not Member States of the European Union.

Section 5

Register of On-demand Audiovisual Media Service Providers

(1) An on-demand audiovisual media service provider shall deliver to the Council, within 30 days of the inception of its trade authorization, a written notification, which shall contain

a) the name of the on-demand audiovisual media service;

⁴ Articles 43 to 48 of the Treaty establishing the European Community.

⁵ Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

- b) information which the on-demand audiovisual media service provider is required to make accessible to recipients of the service in accordance with Section 6(1)(a) and (b);
- c) information about its incorporation by entry in the Commercial Register or other similar register, including the file number, if assigned;
- d) the identification of the electronic communications network through which the on-demand audiovisual media service is to be provided, and information about access to the on-demand audiovisual media service, including, without limitation, an Internet address; and
- e) the date on which the provision of the on-demand audiovisual media service is to commence.
- (2) If the notification of the information laid down in paragraph (1) is incomplete, the Council shall forthwith invite the person who made the notification to supplement the notification within 30 days of service of such invitation; failure by such a person to heed this invitation shall mean that the registration obligation has not been fulfilled.
- (3) The Council shall enter the information laid down in paragraph (1) in the Register of On-demand Audiovisual Media Service Providers within 30 days of service of the notification and shall simultaneously send confirmation of such registration to the person who made the notification.
- (4) An on-demand audiovisual media service provider shall notify the Council in writing of any change in the registered information or of the interruption or termination of its on-demand audiovisual media service within 30 days from the date of such change in the registered information or of the interruption or termination of the service. The Council shall enter this fact in the Register of On-demand Audiovisual Media Service Providers within 30 days of receipt of notification under the first sentence or of the date on which this fact is otherwise ascertained.
- (5) Where the provision of an on-demand audiovisual media service is not commenced within one year from the date of entry in the Register of On-demand Audiovisual Media Service Providers, or if such provision is interrupted for a period of longer than one year, the provision of the on-demand audiovisual media service shall be deemed to have been terminated on the last day of that period. The Council shall enter this fact in the Register of On-demand Audiovisual Media Service Providers and shall notify the on-demand audiovisual media service provider thereof.
- (6) Any person shall be entitled to inspect and to acquire extracts from or make copies of the Register of On-demand Audiovisual Media Service Providers.
- (7) The Council shall publish the information referred to in paragraph (1)(a) and (b) in a manner facilitating remote access.

Section 6

Obligations of On-demand Audiovisual Media Service Providers

- (1) An on-demand audiovisual media service provider shall ensure easy, direct and permanent access for recipients of the service at least to

a) basic information on the on-demand audiovisual media service provider, i.e. its name and registered number, if assigned, the address of the registered office, if a legal person, or residence, if a natural person, and, in the case of foreign persons, also the address of the undertaking or organizational unit in the Czech Republic, if established;

b) the details of the on-demand audiovisual media service provider, including, without limitation, its postal address for service, telephone number, or address for the delivery of electronic mail, which allow it to be contacted rapidly in a direct and effective manner; and

c) information that the authority supervising the provision of on-demand audiovisual media services is the Council.

(2) An on-demand audiovisual media service provider shall ensure that an on-demand audiovisual media service does not contain any communication intentionally processed in order to affect the subconscious of a natural person without consciously being perceived by that person, and that it does not incite hatred on grounds of sex, race, colour, language, faith and religion, political or other opinion, national or social origin, nationality or ethnicity, property, birth or other status.

(3) An on-demand audiovisual media service provider shall ensure that an on-demand audiovisual media service, the contents of which might seriously impair the physical, mental or moral development of minors, in particular by containing pornography and gross gratuitous violence, is made available only in such a way that ensures that minors will not normally see or hear the content of such an on-demand audiovisual media service.

(4) An on-demand audiovisual media service provider shall, where appropriate, provide a programme with open or closed captioning⁶ or with interpreting into Czech sign language⁷ for persons with hearing impairments, and with a sound track for persons with visual impairments, if available, or shall otherwise ensure that certain programmes provided via an on-demand audiovisual media service are accessible to persons with hearing impairments and persons with visual impairments.

(5) An on-demand audiovisual media service provider shall ensure that recordings of all programmes and audiovisual commercial communications accompanying programmes or included in programmes and broadcast as part of an on-demand audiovisual media service are stored at an appropriate technical quality at least for 30 days from the completion of the provision of the programme or for 30 days from the completion of the broadcasting of the audiovisual commercial communication, and shall lend them to the Council upon written request; an on-demand audiovisual media service provider shall be entitled to compensation from the Council for necessary costs associated with the lending of recordings of programmes and audiovisual commercial communications.

(6) If proceedings are brought before a public authority in respect of a specific programme or audiovisual commercial communication, the on-demand audiovisual media service provider, at the written request of the competent public authority, shall store the recording of the programme or audiovisual commercial communication in the form in which it was provided and at an appropriate technical quality until a final decision is reached in the case.

(7) An on-demand audiovisual media service provider shall, upon written request, provide the Council with observations and information necessary for the Council to discharge its duties under Section 4(2)(d) to (f) and Section 15.

⁶ Section 1(k) of Act No 273/1993 on certain conditions for the production, distribution and archiving of audiovisual works and amending certain laws and certain other regulations, as amended.

⁷ Act No 155/1998 on communication systems for the deaf and the blind, as amended by Act No 384/2008.

Section 7

Promotion of European Works

(1) An on-demand audiovisual media service provider shall, where practicable, reserve for European works⁸ at least 10% of the total number of programmes offered in its service's catalogue of programmes during a reporting period. The total number of programmes forming the basis when determining the proportion of European works shall not include news programmes, recordings of sports events, or competitive programmes.

(2) The obligation under paragraph (1) shall be regarded as satisfied if an on-demand audiovisual media service provider spends at least 1% of total revenues generated by the service in a reporting period on

a) the production of European works; or

b) the paid acquisition of rights to use European works through the on-demand audiovisual media service.

(3) An on-demand audiovisual media service provider shall, within 30 days of the end of the reporting period, submit a report to the Council on how it has complied with the obligation under paragraph (1) or (2) in the reporting period, in which it indicates the method selected for the promotion of European works and provides specific data on compliance with the obligation under paragraph (1) or (2).

(4) For the purposes of paragraphs (1) to (3), "reporting period" means the calendar year.

Section 8

Obligations of On-demand Audiovisual Media Service Providers Related to Audiovisual Commercial Communications

(1) An on-demand audiovisual media service provider shall ensure that audiovisual commercial communications contained in the on-demand audiovisual media service it provides

a) are readily recognizable as such;

b) do not prejudice respect for human dignity;

c) do not contain or do not promote discrimination on grounds of sex, race, colour, language, faith and religion, political or other opinion, national or social origin, nationality or ethnicity, property, birth or other status;

d) do not encourage behaviour prejudicial to health or to safety;

e) do not encourage behaviour seriously prejudicial to the protection of the environment.

(2) The following shall be prohibited:

⁸ Section 46 of Act No 231/2001 on radio and television broadcasting and amending other laws, as amended.

- a) surreptitious audiovisual commercial communications;
- b) audiovisual commercial communications for cigarettes or other tobacco products;
- c) audiovisual commercial communications for medicinal products or medical treatment available only on prescription in the Czech Republic.

(3) Audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages.

(4) Audiovisual commercial communications shall not cause physical or moral detriment to minors by

- a) directly exhorting minors to buy or hire a product or service by exploiting their inexperience or credulity;
- b) directly encouraging minors to persuade their parents or others to purchase the goods or services being offered;
- c) exploiting the special trust minors place in parents, teachers or other persons; or
- d) unreasonably showing minors in dangerous situations.

Section 9

Obligations of On-demand Audiovisual Media Service Providers Related to Sponsored On-demand Audiovisual Media Services and Programmes

(1) On-demand audiovisual media services and programmes that are sponsored shall meet the following requirements:

- a) their content shall not be influenced in such a way as to affect the editorial responsibility and independence of the on-demand audiovisual media service provider;
- b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.

(2) On-demand audiovisual media services and programmes shall not be sponsored by persons whose principal activity is the manufacture or sale of cigarettes or other tobacco products.

(3) The sponsorship of on-demand audiovisual media services and programmes by persons whose activities include the manufacture or distribution of medicinal products and medical treatment may promote the name or image of the sponsor, but shall not promote medicinal products or medical treatments available only on prescription in the Czech Republic.

(4) An on-demand audiovisual media service provider shall clearly identify any fully or partially sponsored programme at the beginning and subsequently during or at the end of the programme by the name, visual symbol (logo) or any other symbol of the sponsor, including, without limitation, a reference to its products, services or their characteristics. Where an on-demand audiovisual media service is sponsored, the service provider shall notify the existence of the sponsorship contribution in the offer of the catalogue of programmes, identify the sponsor's name and specify its principal activity; such notification shall be clearly indicated in the offer of the catalogue of programmes for at least 30 days.

(5) News and current affairs programmes shall not be sponsored.

Section 10

Obligations of On-demand Audiovisual Media Service Providers Related to Product Placement

(1) Product placement in programmes shall be admissible only

a) in cinematographic works, films and series made for on-demand audiovisual media services or for television broadcasting, and in sports and entertainment programmes, provided that they are not children's programmes; or

b) where there is no payment but only the provision of certain goods or services free of charge, including, without limitation, production props and prizes for competitors, with a view to their use in a programme.

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

a) their content shall not be influenced in such a way as to affect the editorial responsibility and independence of the on-demand audiovisual media service provider;

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

c) they shall not give undue prominence to the product in question.

(3) Programmes containing product placement shall be clearly identified as programmes containing product placement at the start and end of the programme and when a programme resumes after an advertising break in order to avoid any confusion on the part of the viewer as to the nature of these programmes. The obligation under the first sentence shall not apply to programmes which have not been produced or commissioned by the on-demand audiovisual media service provider or a person affiliated to the on-demand audiovisual media service provider as a controlling or controlled entity under other legislation.⁹

(4) Programmes shall not contain product placement of

a) cigarettes or other tobacco products or product placement from persons whose principal activity is the manufacture or sale of cigarettes or other tobacco products; or

b) medicinal products or medical treatments available only on prescription in the Czech Republic.

Section 11

Corrective Action

⁹ Section 66a of Act No 513/1991, the Commercial Code, as amended.

(1) Where an on-demand audiovisual media service provider infringes the obligations laid down in the present Act, the Council shall draw that provider's attention to the infringement of the present Act and set it a time limit in which to take corrective action.

(2) The time limit for corrective action under paragraph (1) shall be proportionate to the nature of the infringement.

(3) If corrective action is taken in the set time limit, the Council shall not initiate proceedings on an administrative offence.

(4) The provisions of paragraphs (1) to (3) shall not apply if an on-demand audiovisual media service provider infringes any of the obligations set out in Section 6(2) and (3) and Section (8) in a particularly serious manner.

Section 12

Administrative Offences

(1) An on-demand audiovisual media service provider shall commit an administrative offence by

a) failing to comply with notification requirements under Section 5(1) or (2) or Section 19(1);

b) failing to comply with any of the obligations laid down in Section 5(4);

c) failing to comply with any of the obligations laid down in Section 6(1), (4), (5), (6) or (7);

d) failing to comply with any of the obligations laid down in Section 6(2) or (3);

e) failing to comply with any of the obligations laid down in Section 7(1), (2) or (3);

f) failing to comply with any of the obligations laid down in Section 8(1), (2), (3) or (4);

g) failing to comply with any of the obligations laid down in Section 9(1), (2), (3), (4) or (5);

h) failing to comply with any of the obligations laid down in Section 10.

(2) A fine of up to CZK 1,000,000 shall be imposed for an administrative offence under paragraph (1)(a), (b), (c), (e), (g) or (h); a fine of up to CZK 2,000,000 shall be imposed for an administrative offence under paragraph (1)(d) or (f).

Section 13

Common Provisions on Administrative Offences

(1) Administrative offences under the present Act shall be considered by the Council.

(2) A legal person shall not be held liable for an administrative offence if it proves that it made all efforts that could reasonably be expected of it to prevent the infringement of the legal obligation.

(3) In determining the amount of a fine to be imposed on a legal person, the Council shall take into account the seriousness of the administrative offence, including, without limitation, the manner in which it was committed, its consequences and the circumstances under which it was committed, and the opinion of the self-regulatory body with physical jurisdiction in the case as referred to in the register of collaborating self-regulatory bodies,¹⁰ if this opinion is received in writing within 10 working days from the date of initiation of proceedings on an administrative offence.

(4) A legal person shall not be held liable for an administrative offence if the administrative body fails to initiate proceedings within one year of the date on which it learned of the administrative offence, but no later than three years as of the date on which the administrative offence was committed.

(5) The provisions of the law on the liability and penalization of legal persons shall apply to conduct in or directly related to the business practices of a natural person.¹¹

(6) The bringing of an action against a decision to impose a fine shall have suspensive effect.

Section 14

The Council, upon discovering an infringement within the European Union under directly applicable legislation of the European Union¹² which has been committed by an on-demand audiovisual media service provider in the territory of the European Union or in another State in the European Economic Area and which harms or could harm the collective interests of consumers,¹³ shall issue a decision prohibiting such conduct.

Common and Transitional Provisions

Section 15

The Ministry of Culture may seek information from the Council necessary to comply with the Czech Republic's commitments under international treaties or arising from its membership of

¹⁰ Section 5(x) of Act No 231/2001, as amended by Act No 132/2010.

¹¹ Section 2(2) of the Commercial Code.

¹² Article 3(b) of Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

¹³ Article 3(k) of Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

international organizations. The Council shall provide such information to the Ministry of Culture.

Section 16

Unless otherwise provided in the present Act, the Rules of Administrative Procedure shall be followed, except for the provisions therein on appellate procedure, procedure for appeals on a point of law, review procedure and revision.

Section 17

Unless otherwise provided in the present Act, the regulation of advertising and sponsorship shall be subject to Act No 40/1995 on the regulation of advertising and amending Act No 468/1991 on radio and television broadcasting, as amended, as amended.

Section 18

Unless otherwise provided in the present Act, the rights and obligations provided for under Act No 480/2004 on certain information society services and amending certain laws (the Information Society Services Act), as amended, shall not be prejudiced.

Section 19

(1) A legal or natural person who, on the date on which the present Act enters into effect, provides a service which, on the date on which the present Act enters into effect, is regarded as an on-demand audiovisual media service, shall notify the Council, within 60 days from the date on which the present Act enters into effect, of the information for the Register of On-demand Audiovisual Media Service Providers as set forth in Section 5(1) and (2).

(2) The provisions of Section 10 shall not apply to programmes produced up to the end of 2009.

Part Two

Amendment to the Radio and Television Broadcasting Act

Section 20

Act No 231/2001 on radio and television broadcasting and amending certain laws, as amended by Act No 309/2002, Act No 274/2003, Act No 341/2004, Act No 501/2004, Act No 626/2004, Act No 82/2005, Act No 127/2005, Act No 348/2005, Act No 235/2006, Act No 160/2007, Act No 296/2007, Act No 304/2007, Act No 124/2008, Act No 384/2008, Act No 41/2009, Act No 196/2009 and Act No 227/2009, is amended as follows:

1. Section 1, including the heading and footnote 1), reads:

Section 1

Subject-matter

The present Act transposes the relevant legislation of the European Union¹⁾ and regulates State administration in radio and television broadcasting.

1) Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (89/552/EEC).

Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities”.

The current footnotes 1) to 1c) are renumbered as footnotes 1a) to 1d), including the footnote references, respectively.

2. In Section 2(1), subparagraph (a) reads:

“a) ‘radio and television broadcasting’ means the provision of programmes and other elements of broadcasting organized within a channel, including services directly related to the channel, by a public broadcaster via electronic communication networks^{1a)} in a form

protected or unprotected by conditional access^{1b)} for the simultaneous viewing of programmes and other elements of broadcasting.”.

3. In Section 2(1)(g), the words “is responsible for their contents” are replaced by the words “designates the method for the organization of radio and television broadcasting and carries editorial responsibility for such broadcasting,”, the words “as well as” are replaced by the word “and”, and the word “primarily” is inserted after the words “the channel and services directly related to that channel”.

4. In Section 2(1), at the end of the text of subparagraph j) the words “; ‘other elements of broadcasting’ means audio, visual or audiovisual elements of broadcasting which are not a programme by nature and which are included between programmes or accompany or interrupt programmes, including, without limitation, advertising, teleshopping, the broadcaster’s notifications concerning its own programmes and ancillary products derived directly from those programmes, the announcement of programmes, audio and visual resources announcing or separating the broadcast of commercial communications and other programming punctuation”.

5. In Section 2(1), subparagraph (l) reads:

“l) ‘programme in radio broadcasting’ means an element of broadcasting which, by content, form and function, creates a self-contained unit of broadcasting or stream of programme elements and constitutes a standalone component of a radio channel; ‘programme in television broadcasting’ means a moving set of images with or without sound which, by content, form and function, creates a self-contained unit of broadcasting and constitutes a standalone component of a television channel.”.

6. In Section 2(1), subparagraph (m) reads:

“m) ‘teletext’ means a service directly related to a channel which consists of the broadcasting of text or graphical information simultaneously with the broadcasting of the television channel; this information may be accessed only on the screen of a television which is equipped with an appropriate decoding device.”.

7. In Section 2(1)(n), the word “different” is replaced by the word “similar” and the words “intended to promote the sale, purchase or rental of products or services” are replaced by the words “to promote the supply of goods or the provision of services in return for payment”.

8. In Section 2(1), subparagraph (o) reads:

“o) ‘service directly related to a channel’ means a service consisting of the distribution of text, visual and audio information which, individually or taken together, forms content related to a channel which is intended for public reception along with the channel; ‘service directly related to a channel’ also means the creation and provision of a set of data for the content of an electronic programme guide and a service expanding the possibilities for the use of a channel in relation to terminal equipment.”.

9. In Section 2(1)(q), the words “surreptitious advertising” are replaced by “surreptitious commercial communication”, the words “company name” are replaced by the word “name”, the words “not having the nature of advertising and teleshopping,” are deleted and the word “different” is replaced by the word “similar”.

10. In Section 2(1)(r), the words “or different” are replaced by the words “or similar”.

11. In Section 2(1), subparagraph (s) reads:

“s) ‘sponsorship’ means any contribution made by a person not engaged in radio or television broadcasting, in the provision of an on-demand audiovisual media service,^{1e)} or in the production of audiovisual works to the direct or indirect financing of a radio or television channel or programme with a view to promoting its name, trade mark, products, services, activities or image.”.

Footnote 1e) reads: “1e) Act No 132/2010 on on-demand audiovisual media services and amending certain laws (the On-demand Audiovisual Media Services Act).”.

12. In Section 2(1)(u) the words “cable system” are replaced by the words “retransmission”.

13. In Section 2(1)(w), the words “using radio frequencies reserved for the distribution and transmission of radio or television broadcasting” are inserted after the word “equipment”.

14. In the introductory part of Section 2(1)(y), the words “distributed by transmitters” are inserted after the words “nationwide broadcasting” and the words “distributed by transmitters” are inserted after the words “local broadcasting”.

15. In points 1 and 2 of Section 2(1)(y), the words “distributed by transmitters” are deleted.

16. In Section 2, the following paragraph (2) is added after paragraph (1):

“(2) Further, for the purposes of the present Act

a) ‘commercial communication’ means advertising, teleshopping, and sponsorship and, in the case of television broadcasting, product placement or a different set of images with or without sound which is designed to promote, directly or indirectly, the goods, services or image of a person pursuing an economic activity, and which accompanies or is included in a programme in return for payment or for similar consideration or for self-promotional purposes;

b) ‘product placement’ means any form of inclusion of a product, a service or trade mark related to a product or service, or reference to a product or service, so that it is featured within a programme in return for payment or for similar consideration,

c) ‘editorial responsibility’ means the exercise of effective control over the selection of programmes and over other elements of broadcasting and their organization in a chronological schedule.”.

The current paragraphs (2) to (4) are renumbered as paragraphs (3) to (5) respectively.

17. In Section 2(3)(c), the words “by satellite, if distributed by a broadcaster under a licence granted pursuant to Section 12 or in the case of a broadcaster pursuant to Section 3(1)(a), and such broadcasting” are replaced by the words “if such distribution”.

18. In Section 2(3), at the end of subparagraph (d) the comma is replaced by a full-stop and subparagraph (e) is deleted.

19. In Section 2, the following new paragraphs (4) and (5) are inserted after paragraph (3):

“(4) The distribution of radio channels via the transmission system referred to in Section 12(3)(c) shall not be regarded as radio broadcasting or radio retransmission.

(5) The following shall not be regarded as television broadcasting:

a) broadcasting which is primarily non-economic or which is not in competition with television broadcasting;

b) broadcasting which is not intended for public reception;

c) broadcasting whose main purpose is not the provision of programmes and does not constitute the television broadcasting of channels pursuant to Section 67(1) or (2); or

d) broadcasting which cannot be received directly or indirectly by the public in any Member State of the European Union by means of a device technically capable of the individually selectable reproduction of television broadcasting which is available in the retail network.”.

The current paragraphs (4) and (5) are renumbered as paragraphs (6) and (7) respectively.

20. In Section 3(2), the words “paragraphs (3), (4), or, where appropriate, (5)” are replaced by the words “paragraph (3), or if it meets the conditions under paragraph (4) or paragraph (5)”.

21. In Section 3, paragraphs (3), (4) and (5), including footnote 4b), read:

“(3) A legal or natural person shall be regarded as established in the Czech Republic

a) if its registered office or place of business^{4a)} is in the Czech Republic and it takes decisions in the Czech Republic on the selection of programmes and other elements of broadcasting and their organization in a schedule (hereinafter referred to as “editorial decisions”);

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

1. a significant part of its workforce involved in the pursuit of television broadcasting operates in the Czech Republic;

2. a significant part of its workforce involved in the pursuit of television broadcasting operates both in the Czech Republic and in the other Member State of the European Union; or

3. a significant part of its workforce involved in the pursuit of television broadcasting operates in neither the Czech Republic nor the other Member State of the European Union, provided

that it first began television broadcasting in the Czech Republic in accordance with Czech law and that it maintains a stable and effective link with economic life in the Czech Republic; or

c) if its registered office or place of business is in the Czech Republic but it takes decisions on television broadcasting in a State which is not a Member State of the European Union, or vice versa, provided that a significant part of its workforce involved in the pursuit of television broadcasting operates in the Czech Republic.

(4) Where a legal or natural person can be regarded neither as established in the Czech Republic pursuant to paragraph (3) nor as established in another Member State of the European Union or in a State party to the European Convention on Transfrontier Television,^{4b)} the present Act shall apply to it if, in television broadcasting or in television retransmission, it uses

a) a satellite up-link situated in the Czech Republic; or

b) satellite capacity appertaining to the Czech Republic, although it does not use a satellite up-link situated in the Czech Republic, in another Member State of the European Union or in a State party to the European Convention on Transfrontier Television.

(5) The present Act shall apply to a legal or natural person who operates television broadcasting or television retransmission and can be regarded neither as established in the Czech Republic pursuant to paragraph (3) nor as established in another Member State of the European Union or in a State party to the European Convention on Transfrontier Television, and who does not meet one or more of the conditions under paragraph (4) in the Czech Republic, another Member State of the Union, or a State party to the European Convention on Transfrontier Television, only if that person may be regarded as established in the Czech Republic under the Treaty establishing the European Community.^{4c)}

4b) European Convention on Transfrontier Television, as amended by the Protocol amending the European Convention on Transfrontier Television, published under number 57/2004 in the Collection of International Agreements.”.

The current footnotes 4b) to 4e) are renumbered as footnotes 4c) to 4f), including the footnote references, respectively.

22. In Section 4(2), the words “and retransmission” are replaced by the words “, retransmission and in the field of on-demand audiovisual media services provided under other legislation,^{1e)}”.

23. In Section 5, the words “and in relation to increasing the standard of media literacy” are added at the end of the text of subparagraph (m).

24. In Section 5, the following new subparagraphs (u) to (y) are inserted after subparagraph (t):

“u) cooperate with the institutions of the European Union and with the regulatory bodies of Member States of the European Union with similar competence *ratione materiae*, in particular in the transfer and acquisition of data and information prescribed by law, decisions issued under the law, or acts of the European Union, and shall perform other tasks in the

regulation of television broadcasting arising from the Czech Republic's membership of the European Union;

v) ensure compliance with obligations arising from the European Convention on Transfrontier Television^{4b)} and shall represent the Czech Republic in the Standing Committee set up in accordance with Article 20 of the European Convention on Transfrontier Television;

w) cooperate in the regulation of television broadcasting with the relevant authorities of States which are not Member States of the European Union or States parties to the European Convention on Transfrontier Television;

x) cooperate, within the scope its competence, with legal persons formed in accordance with the laws of the Czech Republic, whose activities include self-regulation in an area governed by the present Act or special legislation^{1e)} and where contributions to such self-regulation are actively made by broadcasters, retransmitters or on-demand audiovisual media service providers (hereinafter referred to as "self-regulatory bodies"), if cooperation is requested in writing by a self-regulatory body, especially with regard to the creation of effective self-regulatory systems and in the introduction of measures to promote media literacy; it shall publish a register of cooperating self-regulatory bodies (hereinafter referred to as the "register of self-regulatory bodies") in a manner facilitating remote access;

y) issue opinions expressing the Council's legal view on matters falling within its competence under the law,".

The current subparagraph (u) is renumbered as subparagraph (z).

25. In Section 5, subparagraph (z) reads:

"z) perform other tasks prescribed by the present Act or other legislation.^{1e), 3), 4)}."

26. In the introductory part of Section 6(1), the words "and in the provision of on-demand audiovisual media services" are inserted after the word "broadcasting".

27. In Section 6(1)(a), the words "and retransmitters" are replaced by the words " , retransmitters and on-demand audiovisual media service providers,".

28. In Section 6(1)(b) the words "and in radio and television retransmission" are replaced by the words " ,in radio and television retransmission and in the provision of on-demand audiovisual media services".

29. In Section 6(1)(c), the words "and the provision of on-demand audiovisual media services" are inserted after the word "broadcasting".

30. In Section 6(1)(d), the words "the present Act and" are replaced by the words "the law to broadcasters, retransmitters and on-demand audiovisual media service providers and on the observance of".

31. In Section 6(1)(g) the words “in television broadcasting” are replaced by the word “, on” and at the end of the text of the subparagraph the words “in television broadcasting, including information on the promotion of European works in the provision of on-demand audiovisual media services” are added.

32. In Section 6(1), subparagraph (h) reads:

“h) information on the situation and standard of self-regulation in radio and television broadcasting, retransmission and the provision of on-demand audiovisual media services, and on the results of cooperation with self-regulatory bodies.”.

33. In Section 6, the following subparagraph (i) is added at the end of paragraph (1):

“i) information on the standard of media literacy in relation to new communication technologies and on the measures taken to promote media literacy by radio and television broadcasters, retransmitters, on-demand audiovisual media service providers and self-regulatory bodies.”.

34. In Section 6, the following paragraph (5) is added:

“(5) The Ministry of Culture (hereinafter referred to as the ‘Ministry’) may seek information from the Council necessary to comply with the Czech Republic’s commitments under international treaties^{4b)} or arising from its membership of international organizations. The Council shall provide such information to the Ministry.”.

35. In Section 7(3)(d), the words “or the provision of on-demand audiovisual media services” are inserted after the word “retransmission”.

36. In Section 7(12), the words “and retransmitters” are replaced by the words “, retransmitters and on-demand audiovisual media service providers,” and, at the end of the text of the paragraph, the words “, retransmitters and on-demand audiovisual media service providers” are added.

37. In Section 8, the following paragraph (6) is added:

“(6) A Council member shall keep confidential facts of which he learns in the course of his duties and which, in the interests of ensuring sound public administration or in the interests of other persons, need to remain confidential, even after he ceases to be a Council member. Council members shall be exempted from this obligation only on grounds specified by another law or if the person whom a fact concerns gives consent.”.

38. In Section 11, the following paragraph (7), including footnote 9a), is added:

“(7) An employee assigned to work within the Council shall, in addition to the obligation of confidentiality under special legislation,^{9a)} keep confidential facts of which he learns in the performance of this activity, even after the termination of his employment; he may be exempted from the obligation of confidentiality only on the basis of the law or if the person whom a fact concerns gives consent to exemption from that obligation. A similar obligation

shall also apply to a natural person in a different legal relationship with the Council, on the basis of which he performs activities for the Council.

9a) Section 303(2)(b) of the Labour Code.”.

The current footnotes 9a) to 9d) are renumbered as footnotes 9b) to 9e), including the footnote references, respectively.

39. In Section 12(1), the words “and to distribute teletext in analogue television broadcasting” are deleted.

40. In Section 12(2), the words “broadcast teletext in analogue television broadcasting and to” and the words “in digital broadcasting” are deleted.

41. In Section 12, at the end of paragraph (3) the full-stop is replaced by a comma and the following subparagraph (c) is added:

“c) transmission systems not specified in subparagraphs (a) and (b) (hereinafter referred to as a ‘special transmission system’).”.

42. In Section 12(12)(b), the words “race, sex, religion, nationality or membership of a certain population group” are replaced by the words “sex, race, colour, language, faith and religion, political or other opinion, national or social origin, nationality or ethnicity, property, birth or other status”.

43. In Section 14(1), the words “; where broadcasting is distributed by transmitters, the territorial scope of broadcasting shall be determined in accordance with Section 2(1)(y), where broadcasting is distributed by cable systems, the territorial scope of broadcasting shall be determined by means of a list of cadastral communities and districts; where broadcasting is distributed by satellites or special transmission systems, no territorial scope shall be indicated” are added at the end of the text of subparagraph (f).

44. In Section 14, at the end of paragraph (1) the full-stop is replaced by a comma and the following subparagraph (j) is added:

“j) the principal language of broadcasting and a list of the States towards whose territory broadcasting is to be directed wholly or mostly where this is television broadcasting.”.

45. In Section 17, paragraphs (4) and (5) are deleted.

46. In Section 18(4)(c) the comma after the words “broadcasting timeframe” is replaced by the word “and” and the words “pursuant to Section 2(1)(y)” are deleted.

47. In Section 18(4), the following new subparagraph (f) is inserted after subparagraph (e):

“f) the principal language of broadcasting and a list of the States towards whose territory broadcasting is to be directed wholly or mostly where this is television broadcasting.”.

The current subparagraph (f) is renumbered as subparagraph (g).

48. In Section 18(4)(g), the words “in respect of cable systems” are replaced by the words “by cable systems determined by the information pursuant to Section 14(1)(f)”.

49. In Section 18, the following paragraph (6) is added:

“(6) The Council, in the framework of cross-border cooperation under Section 5(u), shall forthwith notify the granting of a licence to the regulatory body of the Member State of the European Union referred to in the licence pursuant to paragraph (4)(f).”.

50. In Section 22(1) the number “60” is replaced by the number “180” and the words “over the course of one calendar year” are deleted.

51. In Part Three, in the heading of Title II, the words “and cable systems” are replaced by the words “, cable systems and special transmission systems”.

52. In Section 25(1), the words “and cable systems” are replaced by the words “, cable systems and special transmission systems”.

53. In Section 25(2), the following new subparagraph (c) is inserted after subparagraph (b):

c) the identification of the transmission system and information about access to broadcasting constituting the broadcasting of a channel by a special transmission system,”.

The current subparagraph (c) is renumbered as subparagraph (d).

54. In Section 27(2), the words “and technical specifications” are replaced by the word “identification” and the words “, and information on access to retransmission” are inserted after the word “distributed”.

55. In Section 29(1), at the end of the text of subparagraph (c) the words “if the change concerns a television channel retransmitted from a television broadcaster from a State which is not a Member State of the European Union or a State party to the European Convention on Transfrontier Television, or a radio channel retransmitted from a radio broadcaster from a State other than the Czech Republic” are added.

56. In Section 32(1)(a) the word “channels” is replaced by the word “broadcasting”.

57. In Section 32(1)(c), the words “grounds of race, sex, religion, nationality or membership of a certain population group” are replaced by the words “grounds of sex, race, colour,

language, faith and religion, political or other opinion, national or social origin, nationality or ethnicity, property, birth or other status”.

58. In Section 32(1), at the end of the text of subparagraph (g), the words “; this obligation shall not apply to broadcasters where broadcasting to the end user is available under a written contract concluded with a person aged over 18 years and is accompanied by the provision of a technical measure which allows that person to restrict minors’ access to broadcasting”.

59. In Section 32(1)(l), the words “in the form broadcast and at the appropriate technical quality” are inserted after the word “store”, the words “broadcast programmes for at least” are replaced by the words “programmes, including other elements of broadcasting, for at least”, the words “provide them” are replaced by the words “lend them further to a written request”, and the words “with the fulfilment of obligation” are replaced by the words “with the lending of recordings of programmes and other elements of broadcasting”.

60. In Section 32(1), subparagraph (m) reads:

“m) if, as a result of broadcasting a specific programme or other elements of broadcasting, proceedings are initiated before a public authority, the broadcaster, at the written request of the competent public authority, shall store the recording of the programme or other elements of broadcasting in the form in which they were broadcast and at an appropriate technical quality until a final decision is reached in the case.”.

61. In Section 32, paragraph (2) reads:

“(2) A licensed nationwide television broadcaster shall provide at least 15% of its broadcast programmes with closed or open captioning for persons with hearing impairments and shall make at least 2% of its broadcast programmes accessible to persons with visual impairments. The statutory nationwide television broadcaster shall provide at least 70% of its broadcast programmes with closed or open captioning and shall produce at least 2% of its broadcast programmes in Czech sign language or simultaneously translate them into Czech sign language for persons with hearing impairments, and shall make at least 10% of its broadcast programmes accessible to persons with visual impairments.”.

62. In Section 32, the following paragraph (3) is added after paragraph (2):

“(3) A retransmitter may distribute a channel containing programmes or other elements of broadcasting which might endanger the physical, mental or moral development of minors under the conditions laid down in paragraph (1)(g); no channel consisting predominantly of programmes which endanger the physical, mental or moral development of minors may be included in the lowest programme range.”.

The current paragraph (3) is renumbered as paragraph (4).

63. In the introductory part of Section 32(4), the words “of a television channel retransmitted from a television broadcaster from a State which is not a Member State of the European Union or a State party to the European Convention on Transfrontier Television, or a radio channel retransmitted from a radio broadcaster from a State other than the Czech Republic” are inserted after the word “broadcasting”.

64. In Section 32(4)(a), the words “or other elements of broadcasting” are inserted after the word “programmes” and the words “Section 31 and paragraph” are replaced by the word “paragraph”.

65. In Section 32(4)(b), the words “or other elements of broadcasting” are inserted after the word “programmes” and the words “(g) and” are deleted.

66. In Section 32, the following paragraphs (5) to (7) are added:

“(5) The obligations set out in paragraph (1) in relation to programmes shall also be met by a broadcaster in relation to all other elements of broadcasting, unless the law provides otherwise.

(6) A broadcaster and a retransmitter shall, upon written request, provide the Council with observations and information necessary for the Council to discharge its duties under Section 5(t) to (w) or Section 6(1) and (5).

(7) A broadcaster shall ensure easy, direct and permanent access for viewers in particular to

- a) basic information on the broadcaster, i.e. its name and registered number, if assigned, the address of the registered office, if a legal person, or residence, if a natural person, and, in the case of foreign persons, also the address of the undertaking or organizational unit in the Czech Republic, if established;
- b) the details of the broadcaster, including, without limitation, its postal address for service, telephone number, or address for the delivery of electronic mail, which allow it to be contacted rapidly in a direct and effective manner; and
- c) information that the authority supervising the television broadcasting is the Council.”.

67. In Section 33(3), the words “Ministry of Culture (hereinafter referred to as the ‘Ministry’)” are replaced by the word “Ministry”.

68. Section 34, including the heading, reads:

Section 34

Broadcasting of Short News Extracts

(1) A television broadcaster who has acquired exclusive rights to broadcast an event which is the subject of heightened public interest (hereinafter referred to as an ‘event of heightened public interest’) shall grant other television broadcasters established in Member States of the European Union, on request, access to the transmission signal or shall provide a recording of the event for the purposes of acquiring a short news extract of their own choice for their

general news programmes. If a television broadcaster established in the Czech Republic acquires exclusive rights to broadcast an event of heightened public interest, other television broadcasters established in the Czech Republic shall be required to submit the request under the first sentence to that television broadcaster

(2) The duration of a short news extract in a general news programme shall not exceed 90 seconds. A short news extract shall be marked with an indication of the source from which it is taken, unless such specification is impracticable.

(3) In the provision of on-demand audiovisual media services, a short news extract acquired pursuant to paragraph (1) may be used on condition that the general news programme of which it is a part is offered, as a recording, by the same television broadcaster which broadcast it.

(4) A general news programme is considered to be a programme consisting of news, reports and interviews about current events in internal and foreign policy, public life, culture, crime or sport, including any block of special news regularly following up on that programme.

(5) A television broadcaster who has acquired exclusive rights to broadcast an event of heightened public interest shall set the conditions under which other television broadcasters may have access to the transmission signal or the supply of a recording of the event (hereinafter referred to as 'accreditation conditions') sufficiently in advance and shall publicize them in a manner facilitating remote access. Accreditation conditions shall be fair and reasonable and shall not be discriminatory. A television broadcaster who has acquired exclusive rights to broadcast an event of heightened public interest shall be entitled to charge a maximum sum for granting access to the transmission signal transmission or supplying a recording of the event corresponding to the coverage of additional costs directly associated with the provision of access to the transmission signal or the supply of a recording.

69. In Section 43, paragraph (3) reads:

“(3) An independent producer is considered to be a legal person or natural person who does not engage in television broadcasting and is not affiliated with a television broadcaster, or whose supplies of works for any single television broadcaster do not exceed 90% of that person’s total production over a period of three years. A person affiliated with a television broadcaster means a person who participates in the voting rights or registered capital of a television broadcaster, or a person in whom a television broadcaster participates in voting rights or registered capital.”.

70. Section 46, including the heading, reads:

“Section 46

European Works

(1) “European work” means

a) a work originating in Member States of the European Union;

b) a work originating in a State which is not a Member State of the European Union but which is a State party to the European Convention on Transfrontier Television,^{4b)} provided that such a work satisfies the conditions under paragraph (3); or

c) a work co-produced within the framework of a contract related to the audiovisual sector concluded between the European Community and third countries, provided that such a work satisfies the conditions defined in the contract under which it is produced.

(2) Paragraph (1)(b) and (c) shall apply only if discriminatory measures against works from Member States of the European Union are not applied in the relevant third countries.

(3) A work referred to in paragraph (1)(a) and (b) is regarded as a work mainly made with authors and workers residing in one or more States referred to in paragraph (1)(a) and (b), provided that

a) it is made by one or more producers established in one or more of those States; or

b) production of the work is supervised and actually controlled by one or more producers established in one or more of those States; or

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

(4) A work which cannot be regarded as a European work under paragraph (1) but which is produced on the basis of a bilateral co-production contract concluded between Member States of the European Union and a third country may be regarded as a European work if the contribution of co-producers from Member States of the European Union to the total production costs is preponderant and production is not controlled by one or more producers established outside Member States of the European Union.”.

71. In Section 47, paragraph (4) is deleted.

72. In Part Five, the heading of Title IV reads: “Commercial Communications”.

73. Sections 48 and 49, including the headings, read:

“Section 48

Obligations of Broadcasters Related to the Broadcasting of Commercial Communications

(1) Broadcasters shall not include in their broadcasting

a) commercial communications which are not readily recognizable as such;

b) commercial communications which encourage behaviour prejudicial to health or to safety or behaviour grossly prejudicial to the protection of the environment;

c) commercial communications involving announcers, presenters and reporters from news and current affairs programmes;

d) religious and atheistic commercial communications;

e) the commercial communications of political parties and movements and commercial communications of independent candidates seeking office as deputies, senators or members of the assembly of a local government unit, unless a special law provides otherwise;

f) commercial communications for medicinal products or medical treatment available only on prescription in the Czech Republic;

- g) commercial communications for cigarettes or other tobacco products;
 - h) surreptitious commercial communications;
 - i) commercial communications using subliminal techniques;
 - j) commercial communications prejudicing respect for human dignity;
 - k) commercial communications attacking a faith or religion, or a political or other opinion;
 - l) commercial communications containing discrimination on grounds of sex, race, colour, language, faith and religion, political or other opinion, national or social origin, nationality or ethnicity, property, birth or other status.
- (2) Commercial communications shall not cause physical or moral detriment to minors by
- a) directly exhorting minors to buy or hire a product or service by exploiting their inexperience or credulity;
 - b) directly encouraging minors to persuade their parents or others to purchase the goods or services being offered;
 - c) exploiting the special trust minors place in parents, teachers or other persons; or
 - d) unreasonably showing minors in dangerous situations.
- (3) The veracity of information contained in a commercial communication shall be the responsibility of the party commissioning the commercial communication; where the party commissioning the commercial communication cannot be determined, responsibility shall lie with the broadcaster. The party commissioning a commercial communication is a legal or natural person placing an order for the commercial communication with another legal or natural person.

Section 49

Obligations Related to the Inclusion of Advertisements and Teleshopping in Broadcasting

- (1) A broadcaster shall ensure that
- a) advertising and teleshopping are readily recognizable as such; with a radio broadcaster this shall be clearly distinguishable by audio means, and for a television broadcaster it shall be clearly distinguishable by audio, visual or audiovisual means or by spatial means separated from other elements of broadcasting;
 - b) isolated advertising and teleshopping spots are included in broadcasting only in exceptional cases, except for live transmissions of sports events; this shall not apply to radio broadcasting;
 - c) advertising and teleshopping for erotic services and erotic products is not included in broadcasting in the period from 6:00 a.m. to 10:00 p.m.; this obligation shall not apply to broadcasters where broadcasting to the end user is available under a written contract concluded with a person aged over 18 years and is accompanied by the provision of a technical measure which allows that person to restrict minors' access to broadcasting;
 - d) advertising and teleshopping is not included immediately prior to or immediately after the broadcasting of religious services.
- (2) A television broadcaster shall ensure that the insertion of advertising or teleshopping spots in a programme does not prejudice the integrity of the programme or the rights of right-

holders by failing to take into account natural breaks in, and the duration and the nature of, the programme.

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

(4) The radio and television broadcasting of children's programmes shall not be interrupted by advertising or teleshopping spots more than once for each scheduled time period of at least 30 minutes, provided that the scheduled duration of the children's programme, excluding the advertising and teleshopping spots, is greater than 30 minutes. During the television broadcasting of a children's programme, advertising and teleshopping spots shall not be shown on a split screen.

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

(6) The restrictions under paragraph (3) shall not apply to films made for television if they are documentary in nature or if they are separate episodes of serials or series of programmes.

(7) A statutory broadcaster may insert advertising and teleshopping spots only between programmes or in natural breaks in programmes.”.

74. In Section 50, paragraph (2) is deleted.

The current paragraphs (3) to (8) are renumbered as paragraphs (2) to (7) respectively.

75. In Section 50(3), the words “(1) to (3)” are replaced by the words “(1) and (2)”.

76. In Section 50, the following paragraph (4) is added after paragraph (3):

“(4) Paragraphs (1) and (2) shall not apply to a broadcaster's notification concerning its own programmes and ancillary products or services directly derived from such programmes, to any notification of sponsorship or product placement, to any public service announcements or announcements in favour of generally beneficial objectives broadcast free of charge, or to charity appeals broadcast free of charge.”.

The current paragraphs (4) to (7) are renumbered as paragraphs (5) to (8) respectively.

77. In Section 50, paragraph (6) is deleted.

The current paragraphs (7) and (8) are renumbered as paragraphs (6) and (7) respectively.

78. In Section 50, paragraph (6) reads:

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

79. In Section 50, paragraph (7) is deleted.

80. The heading of Section 52 reads: “Special Provisions on Commercial Communications for Alcoholic Beverages”.

81. In the introductory part of Section 52, the words “Advertising and teleshopping for alcoholic beverages” are replaced by the words “Commercial communications for alcoholic beverages”.

82. In Section 52(a), the word “children” is inserted after the words “especially for” and the words “children and” are inserted after the word “depict”.

83. Section 53, including the heading, reads:

“Section 53

Obligations of Broadcasters Related to the Broadcasting of Sponsored Radio or Television Channels and Programmes

(1) Radio and television channels and programmes that are sponsored shall meet the following requirements:

a) their content and the chronological organization of programmes and other elements of broadcasting shall not be influenced in a way as to affect the editorial responsibility and independence of the broadcaster;

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

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

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

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

(5) A broadcaster of a sponsored channel shall announce the sponsorship of the channel and clearly identify the name of the sponsor and indicate the sponsor’s principal activity.

Announcements of the sponsorship of a channel shall not be broadcast in spots for a programme, during a programme or immediately before or after a programme.

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

(7) Channels where more than half of the daily transmission time consists of programmes which may not be sponsored shall not be sponsored.”.

Footnote 11) is deleted.

84. After Section 53, the following new Section 53a, including the heading and footnote 11a), reads:

“Section 53a

Obligations of Television Broadcasters Related to Product Placement

(1) Product placement in programmes shall be admissible only

a) in cinematographic works, films and series made for television broadcasting or for on-demand audiovisual media services, and in sports and entertainment programmes, provided that they are not children’s programmes; or

b) where there is no payment but only the provision of certain goods or services free of charge, including, without limitation, production props and prizes for competitors, with a view to their inclusion in a programme.

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

a) their content and the duration of their inclusion shall not be influenced in such a way as to affect the editorial responsibility and independence of the television broadcaster;

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

c) they shall not give undue prominence to the product in question.

(3) Programmes containing product placement shall be clearly identified as programmes containing product placement at the start and end of the programme and when a programme resumes after an advertising or teleshopping break in order to avoid any confusion on the part of the viewer as to the nature of these programmes. The obligation under the first sentence shall not apply to programmes which have not been produced or commissioned by a television broadcaster or a person affiliated to the television broadcaster as a controlling or controlled entity under special legislation.^{11a)}

(4) Programmes shall not contain product placement of

a) cigarettes or other tobacco products or product placement from persons whose principal activity is the manufacture or sale of cigarettes or other tobacco products; or

b) medicinal products or medical treatments available only on prescription in the Czech Republic.

Footnote 11a) Section 66a of the Commercial Code.”.

85. In Section 54a, the words “visually and hearing impaired” are replaced by the words “persons with visual and hearing impairment” and the words “description, Czech sign

language, subtitling, easy navigation” are replaced by the words “image description, Czech sign language, subtitling with indications of nonverbal audio elements, easily understandable range of programmes”.

86. In Section 55(9), Section 55a(9) and Section 56(5), the words “and satellites” are replaced by the words “, satellites and special transmission systems”.

87. Section 55b is deleted.

88. In Section 59(4), the words “the obligations referred to” are replaced by the words “any of the obligations referred to” and the words “and, further, for the reason referred to in” are deleted.

89. In Section 59a, the word “infringement¹²⁾” is replaced by the words “infringement within the European Union under directly applicable legislation¹²⁾”.

90. In Section 60(1)(a) the words “or other elements of broadcasting” are inserted after the word “programmes”.

91. In Section 60(1)(d) the words “or other elements of broadcasting” are inserted after the word “programmes”.

92. In Section 60(1)(e) the words “shall not provide” are replaced by the words “shall not lend”, and the words “or other elements of broadcasting” are inserted after the word “programme”.

93. In Section 60(1), subparagraph (k) reads:

“k) infringe any of the obligations set for the sponsorship of channels or programmes, or infringe any of the obligations set for product placement,”.

94. In Section 60(1)(l), the words “broadcasting of advertising, teleshopping and sponsored programmes” are replaced by the words “commercial communications and surreptitious commercial communications”.

95. In Section 60, at the end of paragraph (1) the full-stop is replaced by a comma and the following subparagraphs (p) to (u) are added:

“p) fails to comply with Section 32(3);

r) fails to comply with Section 32(4);

s) fails to comply with Section 32(5);

t) fails to provide the Council with observations and information pursuant to Section 32(6);

u) fails to ensure easy, direct and permanent access to information for viewers pursuant to Section 32(7).”.

96. In Section 60(3)(a), (b) and (c), the words “or other elements of broadcasting” are inserted after the word “programmes”.

97. In Section 60(3)(d), the words “and spots” are replaced by the words “, spots or other elements of broadcasting”, and the words “and this is not broadcasting to the end user available under a written contract concluded with a person aged over 18 years accompanied by the provision of a technical measure which makes it possible to restrict minors’ access to broadcasting” are inserted after the word “minors”.

98. In Section 60, at the end of paragraph (3) the full-stop is replaced by a comma and the following subparagraphs (h) and (i) are added:

“h) breaches the obligation laid down in Section 62(4);

i) breaches any of the conditions laid down in Section 67(3) for the provision of a service directly related to a channel.”.

99. In Section 60, the following paragraph (7) is added:

“(7) The Council shall impose a fine of between CZK 1,000 and CZK 1,000,000 on a television broadcaster who fails to fulfil any or all of the obligations under Section 34.”.

100. In Section 61(1), the words “up to two years” are replaced by the words “up to three years”.

101. In Section 61, paragraph (3) reads:

“(3) The Council shall set the amount of a fine with due consideration for the seriousness of the case, the degree of culpability, the scope, type and reach of the defective broadcasting, the amount of any financial gain, and the opinion of the self-regulatory body with physical jurisdiction in the case as referred to in the register of self-regulatory bodies, if this opinion is received in writing within 10 working days from the date of initiation of proceedings on an administrative offence.”.

102. Section 62, including the heading and footnotes 14) to 18), reads:

“Section 62

Suspending of the Retransmission of a Television Channel from a State which is a State Party to the European Convention on Transfrontier Television or from a Member State of the European Union

(1) The Council may decide to suspend the distribution of a television channel retransmitted from a State which is a State party to the European Convention on Transfrontier Television and is not a Member State of the European Union if the Council rules that the content thereof has repeatedly infringed Section 32(4) and this infringement is clear, serious and grave,¹⁴⁾ or that the content thereof otherwise infringes rights under the European Convention on Transfrontier Television¹⁵⁾ in the Czech Republic.

(2) The Council may decide to suspend the distribution of a television channel retransmitted from another Member State of the European Union if

a) it considers that the content of a retransmitted television channel manifestly, seriously and gravely infringes Section 32(4) and the broadcasters of the channel from another Member State of the European Union and the retransmitter have been warned in writing at least twice in the previous 12 months of this fact and of the fact that the distribution of the retransmitted television channel could be suspended in the Czech Republic if the infringement were to persist or be repeated;

b) it notifies in writing its duly justified intention to suspend the distribution of the television channel in the Czech Republic to the European Commission and to the competent regulatory body of the Member State of the European Union in which the broadcaster from whom the television channel was retransmitted is established (hereinafter referred to as the 'regulatory body of the Member State of the European Union'), together with a request for consultations; and

c) it considers that the consultations with the European Commission and the regulatory body of the Member State of the European Union failed to reach an amicable settlement within 15 days from the start of the consultations and that the infringement persists.

(3) Except in the cases referred to in paragraph (2), the Council may decide to suspend the distribution of a television channel retransmitted from a Member State of the European Union, the content of which infringes legal provisions which, in areas coordinated within the European Union in accordance with European Union law, lay down more detailed or stricter rules¹⁶⁾ (hereinafter referred to as 'special rules'), if

a) it considers that the broadcasting of a television channel retransmitted from a Member State of the European Union is wholly or mostly directed towards the territory of the Czech Republic;

b) it considers that a broadcaster of a television channel retransmitted in accordance with subparagraph (a) is established in another Member State of the European Union in order to circumvent special rules to which it would subject if it were established in the Czech Republic;

c) it notifies in writing its duly justified intention to suspend the distribution of a television channel retransmitted in accordance with subparagraph (a) in the Czech Republic to the European Commission and the regulatory body of the Member State of the European Union;

d) it considers that the results achieved through collaboration with the regulatory body of the Member State of the European Union or with the authority designated under European Union law,¹⁷⁾ if invited to collaborate, are not satisfactory;¹⁸⁾ and

e) it receives a written decision from the European Commission that the implementation of the intention under subparagraph (c) is compatible with European Union law

(4) The Council shall notify a decision to suspend distribution of a retransmitted television channel to each retransmitter. A retransmitter shall not distribute the channel identified in the

Council's decision in the Czech Republic from the day following the date of service of the Council's decision until the date on which the Council's decision expires

(5) A decision to suspend the distribution of a retransmitted television channel shall expire at the end of the period for which the Council restricted the validity thereof in the operative part of the decision, but no later than six months from the date of entry into force. A decision to suspend the distribution of a retransmitted television channel which is issued pursuant to paragraph (2) shall be voided if the European Commission decides that it is incompatible with European Union law, such being on the date on which the Council publishes notification thereof on its official board and in a manner facilitating remote access; the Council shall publish such notification no later than on the first working day following the date on which it receives a written copy of the European Commission's decision.

(6) The Council shall forthwith send the Ministry of Foreign Affairs a copy of documents dispatched under the procedure laid down in paragraph (1) to the competent regulatory body of a State which is a State party to the European Convention on Transfrontier Television and is not a Member State of the European Union, or to an authority designated by the European Convention on Transfrontier Television. For documents sent by the Council under the procedure laid down in paragraphs (2) or (3) to the European Commission, to the regulatory body of the Member State of the European Union or to a body designated under European Union law, the first sentence shall apply *mutatis mutandis*.

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

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

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

Footnote reads 17) Article 23a of Directive 89/552/EEC of 3 October 1989 of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive 97/36/EC of the European Parliament and of the Council and Directive 2007/65/EC of the European Parliament and of the Council.

Footnote reads 18) Article 3(2) and (3) of Directive 89/552/EEC of 3 October 1989 of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive 97/36/EC of the European Parliament and of the Council and Directive 2007/65/EC of the European Parliament and of the Council.”.

103. In Section 66, the words “and the new decision” are deleted, the words “, decision to suspend the distribution of a retransmitted television channel” are inserted after the words “decision on a fine”, and the word “consumers^{9e)}” is replaced by the word “consumers^{5a)}”.

104. In Section 66a, the words “and sponsorship” are inserted after the words “in the regulation of advertising”.

105. In the first sentence of Section 67(1), the words “, Section 49(2) and (3) and Section 50(2)” are inserted after the words “Sections 42 to 47”.

106. In Section 67, paragraphs (2) and (3) read:

“(2) In the broadcasting of a channel dedicated exclusively to advertising and teleshopping, advertising and teleshopping may be broadcast only if it satisfies the conditions laid down by the present Act. The provisions of Sections 42 to 47, Section 49(2) and (3) and Section 50(2) shall apply mutatis mutandis to the broadcasting of such a channel.

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

107. In Section 67a, the words “47 and 49 to 51” are replaced by the words “47, 50 and 51”.

Section 21

Transitional Provisions

(1) A legal or natural person who, as at the date on which the present Act enters into effect, provides a service consisting of the offering of a television channel via a transmission system referred to in Section 12(3)(c) of Act No 231/2001, in the wording effective as of the date on which the present Act enters into effect (hereinafter referred to as a “person providing a television channel”), where that service, on the date on which the present Act enters into effect, is regarded as television broadcasting, shall submit an application for a television broadcasting licence in accordance with Section 25 of Act No 231/2001, in the wording effective as of the date on which the present Act enters into effect, to the Council for Radio and Television Broadcasting (hereinafter referred to as the “Council”) within 60 days from the date on which the present Act enters into effect. If a person providing a television channel fails to comply with the obligation under the first sentence, it shall terminate the provision of the television channel no later than the day following the date on which the deadline for compliance with the obligation ends. A person providing a television channel who complies with the obligation under the first sentence, but whom the Council decides not to grant a television broadcasting licence, shall terminate the provision of the television channel within 30 days from the date on which the Council’s decision is served to it.

(2) A television broadcaster broadcasting by cable system whose licence does not specify the territorial scope of broadcasting with the information under Section 14(1)(f) of Act No

231/2001, in the wording effective as of the date on which the present Act enters into effect, shall deliver such information to the Council within 60 days from the date on which the present Act enters into effect; failure to comply with this obligation shall be deemed an infringement of the licensing conditions. The Council shall supplement the licence of a television broadcaster broadcasting by cable system with the information under the first sentence within 60 days from the date on which such information is delivered.

(3) A licensed television broadcaster whose broadcasting is not directed solely entirely or mostly towards the territory of the Czech Republic, or whose principal broadcasting language is not Czech, shall deliver the information under Section 14(1)(j) of Act No 231/2001, in the wording effective as of the date on which the present Act enters into effect, to the Council within 60 days from the date on which the present Act enters into effect; failure to comply with this obligation shall be deemed an infringement of the licensing conditions. The Council shall supplement a licensed television broadcaster's licence with the information under the first sentence within 60 days from the date on which that information is delivered, and shall forthwith inform the regulatory body of the Member State of the European Union towards whose territory the television broadcasting is entirely or mostly directed.

(4) Proceedings initiated before the present Act enters into effect shall be completed in accordance with legislation applicable thus far.

(5) Section 53a of Act No 231/2001, in the wording effective as of the date the present Act enters into effect, shall not apply to programmes produced up to the end of 2009.

Part Three

Amendment to the Radio and Television Fees Act

Section 22

Act No 348/2005 on radio and television fees and amending certain laws, as amended by Act No 112/2006, Act No 235/2006, Act No 304/2007, Act No 7/2009 and Act No 227/2009, is amended as follows:

1. In Section 2(1) the words "irrespective of the method of reception" are replaced by the words ", if distributed by terrestrial radio transmitters using radio frequencies reserved for the distribution and transmission of radio or television broadcasting, satellites or cable systems".

2. In Section 2(2) the words "irrespective of the method of reception" are replaced by the words ", if distributed by terrestrial radio transmitters using radio frequencies reserved for the distribution and transmission of radio or television broadcasting, satellites or cable systems".

3. In Section 2, at the end of paragraph (4) the full-stop is replaced by a comma and the following subparagraph (d) is added:

“d) a device technically capable of the individually selectable reproduction of radio or television broadcasting only if distributed via the transmission system referred to in Section 12(3)(c) of Act No 231/2001 on radio and television broadcasting, as amended.”.

4. In Section 2, at the end of paragraph (4) the full-stop is replaced by a comma and the following subparagraph (e) is added:

“e) radio or television receivers which are an integral part of terminal mobile telecommunication devices.”.

5. In Section 5(6), the words “such changes occurred” are replaced by the words “such changes were notified to the statutory broadcaster”.

6. In Section 7(5), the words “such change occurred” are replaced by the words “such changes were notified to the statutory broadcaster”.

Part Four

Amendment to the Advertising Regulation Act

Section 23

Act No 40/1995 on the regulation of advertising and amending Act No 468/1991 on radio and television broadcasting, as amended, as amended by Act No 258/2000, Act No 231/2001, Act No 256/2001, Act No 138/2002, Act No 320/2002, Act No 132/2003, Act No 217/2004, Act No 326/2004, Act No 480/2004, Act No 384/2005, Act No 444/2005, Act No 25/2006, Act No 109/2007, Act No 160/2007, Act No 36/2008, Act No 296/2008 and Act No 281/2009, is amended as follows:

1. In Section 1(3), the word “broadcasting” is replaced by the words “broadcasting,^{3a)} on-demand audiovisual media services,^{3b)}”.

Footnotes 3a) and 3b) read: “3a) Act No 231/2001 on radio and television broadcasting and amending other laws, as amended. 3b) Act No 132/2010 on on-demand audiovisual media services and amending certain laws (the On-demand Audiovisual Media Services Act).”.

2. In Section 2, the following paragraph (7) is added:

“(7) Product placement in an audiovisual work or other audiovisual recording shall not be regarded as surreptitious advertising if it satisfies the conditions laid down in other legislation^{3a), 3b)}.”.

3. In Section 7(1)(a), the words “television broadcasting²⁸⁾” are replaced by the words “television broadcasting^{3a)}”, the words “and in on-demand audiovisual media services” are inserted after the words “for advertising distributed in radio and television broadcasting”, and the words “and in on-demand audiovisual media services” are inserted after the words “for sponsorship in radio and television broadcasting”.

Footnote 28) is deleted.

Part Five

Amendment to the Administrative Charges Act

Section 24

Act No 634/2004 on administrative charges, as amended by Act No 217/2005, Act No 228/2005, Act No 357/2005, Act No 361/2005, Act No 444/2005, Act No 545/2005, Act No 553/2005, Act No 48/2006, Act No 56/2006, Act No 57/2006, Act No 81/2006, Act No 109/2006, Act No 112/2006, Act No 130/2006, Act No 136/2006, Act No 138/2006, Act No 161/2006, Act No 179/2006, Act No 186/2006, Act No 215/2006, Act No 226/2006, Act No 227/2006, Act No 235/2006, Act No 312/2006, Act No 575/2006, Act No 106/2007, Act No 261/2007, Act No 269/2007, Act No 374/2007, Act No 379/2007, Act No 38/2008, Act No 130/2008, Act No 140/2008, Act No 182/2008, Act No 189/2008, Act No 230/2008, Act No 239/2008, Act No 254/2008, Act No 296/2008, Act No 297/2008, Act No 301/2008, Act No 309/2008, Act No 312/2008, Act No 382/2008, Act No 9/2009, Act No 41/2009, Act No 141/2009, Act No 197/2009, Act No 206/2009, Act No 227/2009, Act No 281/2009, Act No 291/2009, Act No 301/2009, Act No 346/2009 and Act No 420/2009, is amended as follows:

In Item 67 of Part IV of the Annex, the List of Charges, the provision “The following shall not be subject to a charge.” reads:

“The following shall not be subject to a charge:

1. The receipt of an application for a television broadcasting authorization under subparagraph (e) of this item, if the application is submitted in accordance with Section 21(1) of Act No 132/2010 on on-demand audiovisual media services and amending certain laws (the On-demand Audiovisual Media Services Act).

2. The receipt of an application to change information under subparagraph (d) of this item, if such a change is entered in the Commercial Register.”.

Part Six

Amendment to the Czech Television Act

Section 25

In Section 3(1) of Act No 483/1991 on Czech Television, as amended by Act No 39/2001, Act No 127/2005 and Act No 384/2008, in subparagraph (k) the words “for the hearing impaired or by simultaneous interpreting into Czech sign language” are replaced by the words “and shall produce at least 2% of broadcast programmes in Czech sign language or provide simultaneous interpreting into Czech sign language for persons with hearing impairments and shall make at least 10% of broadcast programmes accessible to persons with visual impairments”.

Part Seven

Effect

Section 26

The present Act shall enter into effect on the first day of the calendar month following the date of its promulgation, with the exception of Section 6(4), Section 20(61) and Section 25, which shall enter into effect on 1 January 2011.