

Media System of the Czech Republic

report by our correspondent

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for the

Study on Co-Regulation Measures in the Media Sector

Study commissioned by the European Commission, Directorate Information Society
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The above study aims at providing a complete picture of co-regulatory measures taken to date in the media sector in all 25 Member States and in three non-EU-countries, as well as of the research already done. The study will especially indicate the areas in which these measures mainly apply, their effects and their consistency with public interest objectives. In this context, the study will examine how best to ensure that the development of national co- and self-regulatory models does not disturb the functioning of the single market by re-fragmenting the markets. This study started at the end of December 2004, the final report will be compiled by the end of December 2005.

More information on the study can be found at <http://co-reg.hans-bredow-institut.de>

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Czech Republic

Introduction

area: 78 886 square km, population**: 10,215,000 (September 2004)

number of households: 4,064,000 (“census” HH, i.e. independent economic units)

3,738,100 (“house” HH, i.e. more “census” HH living in a flat)

TV households*: 3,735,000

TV distribution in TVHH*: only terrestrial 71.8%, cable 19.3%, satellite 8.9%

TVHH connected to Internet**: 14.8 %

Internet users - % of individuals*: 30.0%

mobile telephone subscribers - % of individuals*: 71.7%

daily newspapers**: 96

weekly papers and magazines**: 92

bi-weekly and monthly magazines**: 722

data from* *Mediaresearch - Life Style Research 2003*, ** *Statistical Yearbook 2004*

The return of freedom of expression to the Czech society and the fast introduction of the market economy – these were two main elements that influenced media development in the Czech Republic after the political change in November 1989.

The rejection of the former totalitarian political system by Czech society was profound, and led to the long-lasting support for the concept of political and economic reform, in which the role of the state is to be as small as possible, and where free market forces are to govern society as a whole, including the mass media. That was the political climate in which the privatization of entire industries, including the media, took place.

In the course of two-three years the former centralized system of state media disappeared. All the Czech media are now in private hands. The only exceptions are the public broadcasting organizations *Český rozhlas* (Czech Radio), *Česká televize* (Czech television) and the news agency *ČTK* (Czech Press Agency), which are established by law, have a status of independent public corporations, and are controlled by the Parliament.

Print media - newspapers

The number of national daily newspapers is – with regard to the size of the Czech media market - rather high. All of them, with the exception of the former Communist Party daily *Rudé právo* (new name: *Právo*), are foreign owned.

Table 1 – Czech national newspapers in 2004 – average sold circulation

Name	Publisher	Owner	sold circulation Dec 2004x)
Blesk	Ringier ČR a.s.	Ringier Nederland B.V. – 100 percent	500,840
MF Dnes	MAFRA a. s.	Rheinisch-Bergische Verlagsgesellschaft – RBVG 74 percent, MaF a.s. 26 percent	311,609
Právo	Borgis a.s.	Zdeněk Porybný 91,4 percent small shareholders 8,6 percent	189,593
Lidové noviny	Lidové noviny a.s.	Pressinvest a.s. 96,93 percent (owned by the Rheinisch-Bergische Verlagsgesellschaft – RBVG) small shareholders 3,07 percent	70,593
Hospodářské noviny	Economia a.s.	HB-DJ Investments 77,5 percent ČTK 10,9 percent small shareholders 11,6 percent	66,024
Haló noviny	Futura a.s.	Central Committee of the Communist party KSČM (majority) + small shareholders	n.a. (estimation 30-40 000)
Sport	Čs.sport a.s.	Ringier ČR a.s. – 100 percent; the complete control was acquired at the end of 2003	65,044

x) Audit Bureau of Circulation ČR <http://www.abccr.cz>.

The characteristics of Czech national newspapers are: *Blesk (Flash)* - nationwide tabloid newspaper, *Mladá fronta Dnes* - a middle-brow daily of a center-right orientation, *Právo* - a center-left daily with political views close to those of the ruling Social Democratic Party, *Lidové noviny* - moderately right-of-center, trying to retain its reputation of a newspaper read by the "cultural elite", *Hospodářské noviny (The Economic Daily)* specializes in economic and business issues, *Sport* focuses fully on the sport events.

Besides national daily papers, about eighty regional and local papers are published in the Czech Republic, most of them by the publisher *Vltava-Labe-Press (VLP)*, owned by the German publishing house *Verlagsgruppe Passau*. *VLP* prints 51 regional newspapers in the Bohemia division, and 23 daily newspapers in the Moravia division. *VLP* prints also 17 weekly papers as supplements to a given regional daily, and 9 independent regional weeklies.

Table 2 – Regional dailies of the publishing house *Vltava-Labe-Press*

Name	average sold circulation, December 2004x)	readership in the 2004xx)
dailies South Moravia	43,616	115,000
dailies North Moravia	51,313	124,000
dailies Central Moravia	37,866	186,000
dailies Moravia Highlands	17,070	68,000
MORAVIA TOTAL	149,865	493,000
dailies East Bohemia	53,757	210,000
dailies North Bohemia	47,855	162,000
dailies West Bohemia	56,968	182,000
dailies South Bohemia	41,950	158,000
dailies Central Bohemia + <i>Večerník Praha</i>	63,492	145,000
BOHEMIA TOTAL	264,022	877,000
TOTAL	413,887	1,370,000

x) Audit Bureau of Circulation ČR <http://www.abccr.cz>.

xx) Media Projekt 2004 http://www.uvdt.cz/download.aspx?id_file=154.

The content production of *VLP* regional dailies is centralized. National news are uniform for all the *VLP* papers, whose total print run put them on the second place in the circulation chart, just after tabloid *Blesk* and ahead of the “quality paper” *MF Dnes*. The monopoly position of the *VLP* in regional press provoked an administrative procedure at the Office for the protection of competition in the nineties. The Office stopped the procedure with decision, according to which the relevant market of the daily press should be defined as a whole, and should not be divided into sub-markets of national and regional press.

If the relevant market is defined this way, then the *VLP* has the position of one of many competitors. A recent decision by the Office in a related media case has defined the publisher’s shares at the relevant market of the daily press in the following way: *VLP* 29 percent, *Maфра* 22 percent, *Ringier* 19 percent, *Borgis* 12 percent, *Lidové noviny* 5 percent, and others (*Economia*, *Haló noviny*, *Sport*) less than 5 percent.

With the exception of the communist *Haló noviny*, the daily press is independent of political parties and of any obvious particular interest groups. However, a slow but permanent decline of the daily papers circulation and the struggle for mass audience push media content toward “tabloidisation” or “boulevardisation” of Czech newspapers.

Print media - magazines

Also the magazine market is controlled by foreign investors. After 1989, foreign publishers mostly seized the opportunity to bring to the Czech magazine market clones of their home products (e.g. *Burda*, *Bravo*, *Tina*, *Readers Digest*, *Chip*, *Autotip* etc.).

Attempts to revive the respected news magazines (*Reportér*) or influential cultural magazines (*Literární noviny*) of the sixties, which perished after the Russian invasion in 1968, failed. While there is a plenty of lifestyle magazines for women, girls, family or home, only three or four magazines, launched after the Velvet Revolution, have some political ambition.

Respekt is the oldest one. It is a successor of an opposition samizdat paper *Informační servis* from 1989. It has a black and white newspaper format, which does not attract many advertisers. The publisher *R-PRESSE s.r.o.* is owned by Duke Karl Schwarzenberg, a Chancellor to the former Czech President, Václav Havel, whose investment to the unprofitable magazine with the circulation of about 18,000 sold copies is of a political nature: he wants to support an independent liberal paper, dedicated to the idea of civil society.

Contrary to *Respekt*, a weekly with a similar name, *Reflex*, launched by a group of Czech journalists in 1990, won the favor of readers and advertisers with its format, which stands on the borderline between a current affairs periodical and a “society” glossy. The magazine’s founder sold the weekly to *Ringier*. *Reflex* is not a typical news magazine, the political topics occupy a minor part of the magazine’s content. The average sold circulation varies between 50,000 and 55,000 copies.

The most popular Czech news magazine *Týden (Week)* with the format similar to the German weekly *Focus* sells about 50,000 copies. The publishing company *Mediacop* is owned by a Polish entrepreneur with Swiss citizenship Sebastian Pawlowski.

With the average circulation of 25,000 sold copies the *Ekonom* is the most popular economic periodical. The circulation data of his competitor, the weekly *Euro*, are contested by the claim, that *Euro* sells a large part of the 21,000 print run for discount prices. *Euro* is owned and subsidized by a mighty Czech financial group *PPF*.

Among the largest publishers at the magazine market are:

- Swiss company **Ringier** (*Blesk pro ženy* – Flash for women – 270,000, *Reflex* – 53,000, TV guides: *Týdeník televize* – 160,000, *TV Plus* – 120,000, *TV Revue* – 105,000, the magazine for teenager *ABC* – 58,000 etc.)
- Finnish publishing house **Sanoma** (family and lifestyle magazines *Týdeník Květy* – Weekly Flowers - 145,000, *Překvapení* – Surprise - 125,000, *Story* – 68,000, *Ring* – 42,000, women’s magazine *Vlasta* – 146,000, *Praktická žena* – Practical Woman – 78,000, *Vanessa* – 50,000, TV guide *TV Duel* – 70,000 etc.)
- German publisher **Bauer Verlag**, the owner of the *Europress Co.* (*Rytmus života* - Rhythm of Life – 280,000, *Chvilka pro tebe* – A Moment for You – 165,000, magazines for women and teenagers *Bravo* – 86,000, *Bravo Girl* – 76,000, *Žena a život* – Woman and Life – 65,000, *Claudia* – 195,000 etc.).

Other publishing companies are usually focusing on a particular segment of the magazine market. e.g. information technologies, computers (*Vogel Burda Communications*), car, real estate, construction business (*Springer Media*) etc.

Electronic media

There are four terrestrial nationwide television channels available: two public service channels *CT1*, *CT2* and two private commercial channels *TV Nova*, *TV Prima*. Besides, twelve local TV stations in the regions operate mainly as a local “window” program, sharing the frequencies with the overall frame of the *TV Prima* broadcast. Only two local stations, *TV Praha* and *TV Hradec Králové*, operate their own all-day frequencies. The data in Table 3 show that the dominant TV broadcaster in the Czech Republic is *TV Nova* with a viewership share between 40-50 percent.

Table 3 - Audience share of Czech TV channels in the years 1994-2004 – in %¹

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
TV NOVA	68,4	71,2	65,2	52,0	51,3	50,4	46,3	47,7	44,2	43,36	42,23
ČT1	24,2	20,6	24,9	27,9	26,7	25,2	23,8	21,5	21,2	22,07	21,21
ČT2	2,3	3,0	3,6	7,1	7,3	7,0	7,5	7,6	8,7	7,55	9,17
Prima TV	1,7	2,7	3,7	9,1	11,1	12,4	16,5	17,6	20,3	20,58	21,58
Others	3,4	2,5	2,6	3,8	3,6	5,0	5,8	5,6	5,6	6,44	5,81

The small audience (6 percent) share of other than four Czech terrestrial TV channels results from rather low penetration of cable and satellite TV, and from the fact, that the supply of Czech cable TV channel is not very large. Less than 20 percent of the Czech households are connected to the cable television. From nine percent of the satellite TV households about 7 per cent have a private dish (DTH), 2 percent are connected to a collective dish (SMATV).

The cable and satellite TV offers mainly the channels with a foreign content, which are localised by the Czech version (subtitles, voice-over) for the Czech public (*HBO*, *Hallmark*, *Eurosport*, *Discovery Channel*, *Animal Planet*, *Fox Kids*, *Romantika*, *Spektrum*).

Apart from five radio programs broadcasted by the public service broadcaster *Český rozhlas* (Czech Radio) there are 76 other radio stations, among them two – *Frekvence 1* and *Impuls* – with a nation-wide coverage. All the three national broadcasters top the chart of the most listened stations. All of them have nearly the same share of the listening public, between 10 and 12 percent. The rest of the audience share is dispersed among local stations, some of which are interconnected into co-operating mini-networks (e.g. *Evropa 2*, *Radio Kiss*, *Hey Radio*).

¹ Source: Media Projekt 94-96, ATO TN Sofres TV Projekt 1997-2002, Mediaresearch 2003-4. In: Annual Reports of the Czech Broadcasting Council 1994-1997, www.czech-tv.cz, www.ato.cz.

Online services

The population of the Czech Republic, similarly to the other Central East European countries with the exception of Estonia and Slovenia, is still lagging behind developed Europe in use of Internet. According to the Statistical Yearbook 2004, only 601 000 Czech households were connected to Internet in the end of 2003, e.g. about 15 percent. However, about fifty percent of Czech population is using Internet regularly, mainly at their working places and in offices.

The most popular and most visited Internet services offering their content for public can be divided in two categories:

- the portals launched by Czech telecommunications companies (*quick.cz* – Český Telecom) or internet companies funded by international investors (*tiscali.cz*, *centrum.cz*, *atlas.cz*), and
- the portals operated by the traditional Czech media and publishing companies (e.g. *idnes.cz* – publishing house *Mafra*, *ihned.cz* – publishing house *Economia*, *ceskenoviny.cz* – subsidiary *NERIS* of the CTK wire agency).

Some of the Internet portals operate as a joint venture of both publishing and communications companies (e.g. the most visited portal *seznam.cz* with more than 300 million “page views” per month merged its internet business with internet pages of the daily *Právo*). It is very common that each media outlet operates its own web page with a main purpose to promote its own content and product. The same goes for public broadcasters *Český rozhlas* and *Česká televize*, whose Internet pages refer to broadcast activities only.

Film

After privatization of the Czech film industry in 1992, almost all film projects have been made by private producers. The number of movies produced by Czech producers fluctuates between 15 and 20 pictures in a year (e.g. in 2004 there were 21 Czech releases), what makes about 10 percent of all releases in a given year.

After a sharp decline in attendance which reached an all-time low in 1996 with less than one cinema attendance per citizen, the number of movie-goers since 2001 has been increasing, partly due to the building of dozens of multiplex cinema theaters in big cities.

Table 4 - Czech cinematography distribution²

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Film releases	145	165	151	131	167	173	150	158	164	173	196	208
showings (thds)	353	301	250	188	172	168	164	181	197	253	306	341
attendance (thds)	29898	21898	12870	9253	8999	9815	9252	8371	8719	10363	10693	12140
box-office (mil Kč)	430	433	303	254	304	437	509	496	593	818	946	1084

² Source: Ministry of culture www.mkcr.cz.

(mil.Kc)												
Screens (est.)	1346	1200	1070	800	750	720	720	710	690	665	665	623
avg. them multiplexes					1	1	1	2	5	10	14	15
screens in multiplexes					8	8	8	22	40	94	128	137

Constitutional law

The constitutional order is made up of the constitution and all the constitutional acts. The constitutional law in the Czech Republic is formed by the Constitutional Act No. 1/1993 Coll. of the Czech National Council of 16th December 1992 as amended by Acts No. 347/1997 Coll., 300/2000 Coll., 395/2001, Coll. 448/2001 Coll. and 515/2002 Coll.

Under Article 3 of the Constitutional Act No. 1/1993 Coll., an integral component of the constitutional system of the Czech Republic is the Charter of Fundamental Rights and Freedoms - Constitutional Act about the Declaration of Fundamental Rights and Freedoms (No 2/1993 Coll., as amended by Constitutional Act No. 162/1998 Coll.). Under Article 112 of Chapter 8 of the Czech Constitution the Constitution, the Declaration of the Charter General Human Rights and Freedoms, and the Constitutional Acts adopted by the Czech Parliament after 6 July 1992 comprise the constitutional system of the Czech Republic. Under the Article 10 of the Constitution

“promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied”.

This provision provides a legal basis for introduction of a co-regulatory, self-regulatory and compliance-control system as part of the media regulation, as such systems are envisaged by the respective provisions of the EU directives and in the European Council recommendations concerning the regulatory models in the sphere of media and in the new communication and information services.

The Charter of General Human Rights and Freedoms contains the catalogue of fundamental human rights and freedoms in line with Article 10 of the European Convention on Human Rights, and the relevant provisions on the media sector are contained in the Article 17 of the Charter

“Political Rights

Article 17

(1) Freedom of expression and the right to information are guaranteed.

(2) Everybody has the right to express freely his or her opinion by word, in writing, in the press, in pictures or in any other form, as well as freely to seek, receive and disseminate ideas and information irrespective of the frontiers of the State.

(3) Censorship is not permitted.

(4) The freedom of expression and the right to seek and disseminate information may be limited by law in the case of measures essential in a democratic society for protecting the rights and freedoms of others, the security of the State, public security, public health, and morality. “

The Charter also provides for a petition right and right to associate as an important part of the guaranteed exercise of the freedom of expression:

“Article 18

(1) The right of petition is guaranteed; everybody has the right to address himself or herself, or jointly with other individuals, organs of the State or of local self-government with requests, proposals and complaints in matters of public or other common interest.

Article 20

(1) The right to associate freely is guaranteed. Everybody has the right to associate with others in clubs, societies and other associations”

1. Broadcasting

1.1. Regulatory framework

1.1.1. Legal provisions

Article 79 of the Constitution stipulated that ministries and other administrative agencies and their jurisdiction may be established only by law. Under Article 8 the Act. No. 2/1969 Coll., on Establishment of Ministries and Other Central Governmental Agencies of the Czech Republic, as amended by the subsequent regulations, the Ministry of Culture is the central administrative Agency for issues in connection with the press, including publishing non-periodical press and other informational means and preparation of bills and legal regulations in the sphere of radio and television broadcasting, unless otherwise stipulated by a special law – i.e. by the Act No. 231/2001 Coll., on Radio and Television Broadcasting, as amended by the Act No. 274/2003 Coll. and Act No. 341/2004 Coll. and by the Act No. 40/1995 Coll., on the Regulation of Advertising, as amended by the Act No. 138/2002 Coll.

Under Article 18 of the Act. No. 2/1969 Coll., on Establishment of Ministries and other Central Governmental Agencies of the Czech Republic, as amended by the subsequent regulations, the Ministry of Informatics, established on 1 January 2003 is the central administrative organ for information and communication technologies and for telecommunications.

The Ministry of Informatics is responsible for drafting legislation and policy related to telecommunications and laying down principles and guidelines for the regulation of the telecommunications market, and approves the frequency band allocation plan also for broadcasting services.

The Czech Telecommunications Office (ČTÚ) that performed state administration including regulation related to telecommunications issues, was part of the Ministry of Economy until 1996 and then of the Ministry of Transport and Communications. By 1 July 2000, as the new

Telecommunications Act came into force (Act No. 151/2000 Coll.), it became an independent administrative body under the authority of the Government of the Czech Republic. Under the new Act No. 127/2005, on Electronic Communications and on Change in Some Related Acts (Electronic Communications Act), passed by the Parliamentary Chamber on February 22, 2005 which took effect as of May 1, 2005 (replacing the Act No. 151/2000 Coll., on Telecommunications and on Change in Other Acts, as amended) , the Czech Telecommunication Office has been abolished and it was replaced by a new regulatory body with the same name, i.e. the Czech Telecommunications Office. The new Czech Telecommunications office is an independent state administrative organ. A new collective governing body of the Office - Council of the Czech Telecommunications Office comprising of 5 Council Members . The members of the Council and its Chairman are appointed and recalled by the Government upon proposal of the Minister of Informatics. The term of office of Council members is 5 years. One member of the Council is appointed every year. The Chairman of the Council is appointed to his post for the period remaining to the end of his membership in the Council but not longer than 3 years.

The Office is entitled, under conditions specified by law, to impose by its decision special obligations on the natural person or legal entities performing communications activities, such obligations should be imposed outside the conditions specified in the general authorisation, and the Office shall do so upon consultation. Special obligations as referred to in above mean inter alia the obligations relating to the provision of universal service and the obligations concerning access to network and the obligations concerning the conditional access system.

So far, and until the Czech Telecommunications Office extends its competences also to networks of electronic communications used for public radio and TV broadcasting, if such networks are used by a significant number of end users as main means of radio and TV broadcasting reception, in public interest, i.e. to each electronic communications network used for public radio and TV broadcasting, must carry rules (as a programme content rules) for broadcasters and operators of retransmission systems are regulated by the Broadcasting Act. The must carry rules are part of the obligations of Licensed Broadcasters and Operators of Retransmission in the Cable System.

Under Article 54 of the Broadcasting Act there are two must carry rules:

Provision of Local Broadcasting and the Compulsory Minimum Programme Offer

(1) The licensed broadcaster in the cable system and the operator of retransmission in the cable system shall - if so requested by the municipality or voluntary association of municipalities - reserve one channel for an unpaid local information system serving exclusively for the purposes of the local community; without the consent of the licensed broadcaster in the cable system and the operator of retransmission a channel must not be used for advertising and teleshopping purposes.

(2) In providing the minimum programme offer, the operator of retransmission in the cable system shall ensure that the programme offer includes regional and non-encoded broadcasting of all nation-wide channels of statutory broadcasters and all nation-wide licensed broadcasters, including also local broadcasting on frequencies shared with a licensed nation-wide broadcaster, except programmes broadcast only in the digital manner.

(3) *The statutory broadcaster, the nation-wide licensed broadcaster and the broadcaster of local broadcasting on frequencies shared with a licensed nation-wide broadcaster shall provide their programmes free of charge to the operator of retransmission. The operator of retransmission shall include such programmes free of charge within its minimum programme offer.*

1.1.2. Administrative Regulations

The Act No. 231/2001 Coll. on Radio and Television Broadcasting as amended ("Broadcasting Act") repealed the Broadcasting Act (Act No. 468/1991 Coll. of 30 October 1991) and the Broadcasting Council Act (Act No. 103/1992 Coll. of 21 February 1992). The Broadcasting Council has no powers to initiate draft media legislation, it merely participates in the "preparation of opinions and proposals for participation in the development of principles for government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development".

The *Broadcasting Council* is vested with the state administration functions such as supervision over fulfilment of legal regulations in the sphere of radio and television broadcasting and of the conditions stipulated in the decision on granting the license or in the decision on registration, granting, changing and withdrawing of licenses for the operation of radio and television broadcasting, granting, changing and cancelling decisions on registration to operate retransmission services, managing of records on broadcasters and operators of retransmission services and imposing sanctions to broadcasters including public service broadcasters.

The Council consists of 13 members appointed and recalled by the Prime Minister, based on the proposal made by the Parliament. The Broadcasting Council and the Office of the Broadcasting Council are financed from the state budget, which includes a separate chapter for the Council. The Office of the Broadcasting Council consists of 34 permanent employees and fulfils the tasks related to professional, organizational and technical support for the activities of the Broadcasting Council, it is a body servicing to the Council and its activities are financed from the budget of the Council. The function of Council's Office departments is regulated by internal Organizational Rules and Ethical Code of the Employees of the Council Office.

The two public service broadcasters, *Czech Television* (established by the Act No. 483/1991 Coll., on the Czech Television, as amended) and *Czech Radio* (established by the Act No. 484/1991 Coll., on the Czech Radio, as amended) have their own "internal" supervisory bodies - *The Council of Czech Television* and the *Council of Czech Radio*.

The *Council of Czech Television* consists of 15 members, the *Council of Czech Radio* consists of 9 members. All of them are (likewise the members of the Broadcasting Council) appointed and recalled by the Parliament. Their supervisory powers do not include state administration functions such as imposing administrative sanctions.

The competencies of the Councils include among others the appointment and dismissal of the General Directors of the Czech Television and of the Czech Radio respectively, approval of the balance and the closing balance sheets.

1.1.3. Other provisions, especially co-regulatory and self-regulatory measures, codes of conduct

On 2 July 2003, the First Chamber of the Czech Parliament approved a code for the public service broadcaster Czech Television which, in accordance with Article 8 (1c) of the Act No. 483/1991 Coll., on the Czech Television, as amended, had been drawn up by the Director General of the Czech Television and approved by the Council of the Czech Television. The *Czech Television Code* is designed to set out and establish the principles for the operation of public service television and thus become an effective instrument for ensuring that the objectives of public service television are fulfilled.

The code's provisions apply to Czech Television and its employees, including those engaged on a contractual basis. Breaches of the code are treated as disciplinary offences and may result in dismissal of the employee or individual contractor concerned.

According to the law and the Code, Czech Television plays a part in the process of the free formation of opinion and is thus under an obligation to the general public. Its programs must, in accordance with the relevant program category, help to provide comprehensive information and contribute to the free formation of individual and collective opinions. They must provide education, advice and entertainment and fulfil the cultural remit of television. They should contribute to social cohesion and take into account in an appropriate manner the whole spectrum of views present in society. They should therefore include programs of interest to society which, under purely economic considerations, would not normally be broadcast. Czech Television must also lay down quality standards. This part of the remit of public service television is developed further in the code, which is to serve as a reference point for decisions taken in relation to practical questions and problems.

The Code also establishes an Ethics Panel of the Czech Television, the members of which will be appointed by the Director General of Czech Television. Its tasks are to protect freedom of opinion and independence and to submit to the Council of the Czech Television reports on important programming issues, prepared on request of the Council of Czech Television and on request of the General Director of Czech Television.

An initiative of Czech advertising agencies, media and advertisers, led to the foundation of the *Council for Advertising* - (Rada pro reklamu - RPR) on 23 August 1994 according to the British Advertising Standards Authority pattern, the functioning structure of which has therein been adopted. The RPR has 24 members: 7 professional associations such as the Association of Communications Agencies, Czech Association for Branded Products Association, Czech Publishers Association, Association of Czech Advertising Agencies and Marketing Communication, Czech Direct-Marketing Association, Association for Outdoors Advertising, Czech Forum for Responsible Drinking, public and private media, together with major companies from various industries.

The subject matter of the RPR activity is advertising in media both (broadcasting and non-broadcasting). Besides the General Assembly of all members, the RPR has three bodies: The Arbitration Committee, the Executive Committee and the Secretariat. The Secretariat deals with the everyday agenda of the RPR, sorts materials concerning particular complaints and

prepares documents for the meetings of the General Assembly, the Arbitration and the Executive Committees. The Executive Committee consisting of 7 members is headed by the Executive Director who is responsible for the proper function of the RPR in between the General Assembly sessions. Members of the Executive Committee are the representatives of advertising agencies, media and advertisers.

The Arbitration Committee has an exclusive right to make decisions regarding complaints received by the RPR. The Committee also reviews submitted materials and the recommendations made by the Secretariat. The Arbitration Committee meets once a month, and among its 13 members are 2 lawyers, 2 advertising agencies representatives, 2 advertisers' representatives and 4 media representatives. The last members of the Arbitration Committee are a psychologist, a sexologist and the President of the RPR who presides at the Committee's meetings.

The Code of Advertising Practice was agreed and adopted by the General Assembly at the meeting of 2 November 1994. Divided into two parts, general and special, the Code contains general rules of advertising in the former, and 6 particular and most controversial areas in the latter. The last version of the Code dates of October 2003. *The Council for Advertising* is a member of the [European Advertising Standards Alliance](#) (EASA).

Under Article 8 paragraph 7 of the Act No. 40/1995 Coll., on the Regulation of Advertising, as amended by the Act No. 138/2002 Coll., the *Broadcasting Council* may (when deciding on the imposition of a sanction against entities acting in breach of the provisions on the regulation of advertising) request the expert opinion of the professional associations in the sphere of advertising. This gives the professional associations active in the sphere of advertising such as the *Council for Advertising* the possibility to intervene and thus indirectly enforce the self-regulation of advertising, adopted in their Code for Advertising.

2. Press

2.1. Regulatory framework

The basic legal norm, which regulates the periodical press, is the Act No. 46/2000, Coll. (The Act on Rights and Duties in Publishing the Periodical Press), on Rights and Obligations in Publishing of Periodical Press (Press Act). The Press Act was passed after a long negotiation between political parties only in 2000, ten years after the Velvet Revolution. The Press Act has no connection or does not relate to any internet publishing activity. The Press Act 46/2000, Coll. pertains only to the printed media. The Act does not stipulate any content regulations or requirements.

Till March 2000, the old Press Act from the Communist era (No. 81/1966, Coll., on the Periodical Press and Other Information Media), still remained in force, with several amendments adopted in March 1990. The amendments of 1990 removed all the provisions, which had restrained private legal or natural person from publishing activities, and eliminated also all the articles, which could have been used as a censorship tool.

2.1.1. Legal provisions

The provisions of the new Press Act are strictly limited to the rights and obligation of publishers, there are no stipulations concerning the content of periodicals. All the periodical press shall be registered at the registry maintained by the Ministry of Culture. Anybody who intends to publish the periodical press must submit to the Ministry of Culture a written notification within 30 days before the start of a newspaper or a magazine.

2.1.2. Administrative regulation

Each copy of the periodical press shall contain the identification data of the publisher, who is also obliged to send “compulsory copies” to the libraries prescribed by law. The Act stipulates the right to reply for anybody offended by factual statement (not by opinion) published in the periodical press. The institute of “subsequent statement” is reserved for the persons involved in criminal proceedings, who are entitled for publishing of the final outcome of the proceeding, if the case has been published by the press earlier.

2.1.3. Other provisions

No other regulations are prescribed for the press, which must observe the general legal norm, which includes the Civil Code (protection of personality, Art.11-17) or Penal Code (e.g. Art.206 on “defamation”, or Art.260 on inciting national, racial, class or religious hatred).

2.2. Regulatory authorities

2.2.1. Authority, competencies

There is no regulatory authority for publishing of the periodical press laid down by the law in the Czech Republic. Municipal authority in the district, where a publisher has a seat, is authorized to penalize violation of law by publishers, e.g. either by not observing the duties of sending the compulsory copies to libraries, or by publishing a periodical without registration.

2.2.2. Self-regulation

The issue of press self-regulation has not been in the center-point of the attention of the Czech society for several years. The freedom of the press has had a priority in the turbulent post-revolutionary years and the public attitude to any kind of regulation was hostile.

The first codes of conducts emerged at the end of the nineties only. *The Union of Czech Journalists* (Syndikát novinářů ČR), the professional association of Czech journalists, set up the Ethical commission as an independent professional body of eleven members in 1998. The members of Ethical commission are volunteers from the media and university world approved by the Union board.

In the same year, the general meeting of the Union approved the Code of journalist’s ethic, which is applicable till now. The Code replaced the similar document of the *International*

Federation of Journalists (IFJ), which the Union of Czech journalists applied as its own norm since 1990.

At the same time (October 1998) the weekly *Týden* published its own Code of ethic. In the meantime also the other print media adopted their own Codes of conduct, usually as an internal norm (e.g. wire agency *ČTK*, dailies *MF Dnes*, *Lidové noviny*, *Hospodářské noviny*).

3. Online Services

3.1. Regulatory framework

Publishing activities on the Internet are covered by general law only. In September 2004 the Czech legislation adopted the Act No. 480/2004 Coll., on some services of the information society, which implements the rules set by the Directive 2000/31/EC “on certain legal aspects of information society services, in particular electronic commerce”.

3.1.1. Legal provisions, administrative regulations

The provisions of this law apply mainly to the general responsibility of service providers for transmitted content, and to the unsolicited commercial communication. The Act is known as the “anti-spam law”.

3.2. Regulatory authorities

3.2.1. Authority, competencies

The responsibility for observing the rules promulgated by the anti-spam law is designated to the *Office for personal data protection* and to the boards of the regulated professions set up by particular acts, among them the Act No. 254/2000 Coll., on auditors, Act. No. 523/1992 Coll., on tax consultancy and the Chamber of Tax Advisors of the Czech Republic, Act No. 220/1991 Coll., on the Czech Medical Chamber, Czech Dental Chamber and Czech Pharmacists’ Chamber, or Act. No. 85/1996 Coll., on the legal profession.

3.2.2. Self-regulation

The Czech Publisher Association (*Unie vydavatelů denního tisku*) established the special Section of Internet Periodical Publishers (*Sekce vydavatelů internetových titulů*) in November 2001. The “section on internet periodical publishers” is a part (a department, a sub-association) of the Czech Publishers Association (CPA). More than half of its 17 members are the big publishing houses, the CPA members, whose basic business consists of publishing the printed periodicals (newspapers and magazines, eg. *Economia*, *Ringier*, *Springer Media*, *Vltava Labe Press*, *Sanoma Magazines* etc.). The internet publishing is for them only an additional activity. Beside them, several members of the “internet section” are operating the internet portals only (*centrum.cz*, *atlas.cz*, *reality.cz*, CD-R server), however, in a close cooperation with some CPA member.

The Section adopted the Code of internet advertisement’s ethic in March 2003. The reason of adopting of the “Code of internet advertisement’s ethics“ was to fill the gap in the legislation

(the Act No. 40/1995, Coll., on advertisement regulation), which does not cover some specific peculiarity of the internet advertisement. The Code has only four sections concerning:

- the erotic advertisement,
- the deceiving (bluffing) advertisement,
- the hidden advertisement and
- the aggressive advertising formats.

4. Film/Interactive games

4.1. Regulatory framework – film

The Act No. 273/1993 Coll., on Some Conditions of Production, Dissemination and Archiving of Audiovisual Works, on Changes and Amendments of Certain Acts and other Provisions (further referred to as "Act on Cinematography") contains some definitions related to activities in the audiovisual sector, obliges the Ministry of Culture to keep records of persons which obtained Trade License for activities defined by the Act on Cinematography, contains provisions for identification of audiovisual works and obliges makers and distributors of audiovisual works to establish and observe public availability of audiovisual works as regards protection of moral development of minors. The protection is specified in the article 4 of the Act called "The accessibility of audiovisual works to the public". The clause 1 stipulates that

"Audiovisual works, whose content could endanger the moral development of minors, should be identified as to their accessibility by the limit of 15 or 18 years of age."

The identification (assessment) is made by the producer together with the distributor of the audiovisual work. The movie theatres and the video rental shops are responsible for not distributing or selling the audiovisual work to the minors in accordance with the limit set up by producer and distributor. The Act does not specify criteria, according to which the age limit shall be determined. The Article 4 refers only to the UN Convention on the Rights of the Child, that was adopted as a part of the Czech legislation in February 1991.

In addition, this act defines the National Film Archive as an organization established and subsidized by the Ministry of Culture and obliges makers of Czech audiovisual works to offer a copy of their audiovisual works.

The Ministry of Culture is the supervisory body for ensuring compliance with the provisions of the Act on Cinematography and may impose sanctions.

The Act No. 241/1992 Coll., on State Fund of the Czech Republic for Support and Development of the Czech Cinematography (further referred to as "Fund Act") created institutional basis for financial support of Czech cinematography. The Fund is administered by Ministry of Culture. The Council of the Fund, composed of independent personalities nominated by the Czech National Council at the proposal of the Minister of Culture decides

on selective funding in the form of subsidies and repayable loans to creation of scripts, development, production, distribution, promotion and technical development.

4.2. Regulatory framework – interactive games

There is no specific law regulating the protection for minors in the field of interactive games in the Czech Republic. The definition of an audiovisual works in the above mentioned “Audiovisual Act 273/1993” does not apply to interactive games.

The Penal Code can be applied to the content of interactive games with regard to the paragraphs 198 (incitement of the racial hatred) 198a (incitement of the nationalistic hatred and threatening basic human rights and freedoms) and 205 (pornography).

5. Summary

The self- or co-regulatory systems are only being introduced in the media and communications legislation in the Czech Republic especially as a result of recent transposition of the EU Directives and European Council recommendations. A number of ethics codes has been adopted, both internally by the bodies concerned and also by professional associations especially in the sphere of advertising. Their scope of activities remains limited and the professional associations are only gradually developing. This is especially the case of professional associations in the sphere of providing commercial communications.

A more detailed description of the individual self- or co-regulatory and compliance-monitoring systems may be delivered in the second phase of the study.