

484/1991 Coll.

**ACT
of the Czech National Council**

dated 7th November 1991

on Czech Radio

Amendment: 36/1993 Coll.
Amendment: 253/1994 Coll.
Amendment: 301/1995 Coll.
Amendment: 135/1997 Coll.
Amendment: 192/2002 Coll.
Amendment: 127/2005 Coll.

The Czech National Council has passed this Act:

Section 1

(1) Czech Radio is established with its registered office in Prague.

(2) Czech Radio is a legal entity managing its own property the basis of which is the property transferred from Czechoslovak Radio. 1) Czech Radio shall acquire rights and obligations as a result of its own acts.

(3) The State shall not be held responsible for the liabilities of Czech Radio and Czech Radio shall not be held responsible for the liabilities of the State.

Section 2

(1) Czech Radio shall provide a public service through creation and transmission of radio schedules or through other multi-media content and additional services in the whole territory of the Czech Republic and abroad (hereinafter referred to as "Public Service in the Field of Radio Broadcasting").

(2) The main tasks of the Public Service in the Field of Radio Broadcasting shall include in particular:

a) provision of objective, verified, generally balanced and comprehensive information for free creation of opinions,

b) contribution to legal knowledge of the population in the Czech Republic,

c) creation and transmission of radio schedules and provision of a balanced offer of programmes for all population groups with regard to the freedom of their religious belief and conviction, culture, ethnic or national origin, national identity, social origin, age or sex so that the radio schedules and programmes reflect the variety of opinions and political, religious, philosophical and artistic styles, namely with the aim of strengthening mutual understanding and tolerance and to promote cohesion of the pluralist society,

d) development of cultural identity of the population of the Czech Republic including members of national or ethnic minorities,

e) production and broadcasting of news, current affairs, documentary, artistic, dramatic, sport, entertaining and educational programmes and programmes for children and young people above all.

Section 3

(1) Czech Radio fulfils the function of Public Service in the Field of Radio Broadcasting above all via the following:

a) it operates analogue radio broadcasting with use of a part of the frequency spectrum enabling it to cover the territory of the Czech Republic with three nationwide radio schedules in the frequency modulation band and with radio schedules of regional studios broadcasted in the frequency modulation band, namely through terrestrial broadcasting radio devices or through other technical devices; Czech Radio may also broadcast in the long and medium wave bands,

b) it operates terrestrial digital radio broadcasting through transmission of 3 nationwide radio schedules specified in point a), through the public service multiplex; 1a) in addition to these radio schedules Czech Radio is entitled to transmit other radio schedules, other multi-media content and additional services through the public service multiplex; Czech Radio may also transmit radio schedules, other multi-media content and additional services digitally through satellites and cable networks,

c) it operates terrestrial digital radio broadcasting so that it ensures fulfilment of tasks of a Public Service in the Field of Radio Broadcasting, which corresponds to the level of development of broadcasting technologies and services. At the same time it makes use of part of the frequency spectrum enabling it to cover the Czech Republic territory with radio schedules and other content in the band reserved according to the national frequency table for terrestrial digital radio broadcasting, namely above all in the third television band,

d) it creates a network of its own reporters,

e) it creates archive funds, maintains them and participates in their use as a part of the national cultural wealth,

f) it broadcasts works from domestic and foreign production,

g) it provides a twenty-four-hour programme service at least within one broadcasted radio schedule, including current news reports,

h) it is active in development of new broadcasting technologies and services.

(2) Czech Radio operates radio broadcasting abroad within one radio schedule in the short-wave band through terrestrial radio broadcasting devices or through other technical devices. Broadcasting abroad shall comply with the conditions of Section 2 (2) (a) and (c) and shall assist in promoting the good position of the Czech Republic.

(3) The state authority that administers the frequency spectrum according to a special legal regulation, 1b) shall reserve frequencies for Czech Radio, after the prior consent granted by the Council for Radio and TV Broadcasting, enabling the operation of the analogue radio broadcasting in the scope stipulated in paragraph 1 (a) and in paragraph 2. The frequencies in the long and medium wave bands shall only be reserved if Czech Radio requests so.

(4) For the purposes of this Act, the nationwide radio schedule shall mean a radio schedule the broadcasting of which may be received by at least 95 % of the population of the Czech Republic counted according to the data resulting from the last census. 1c)

Czech Radio Council

Section 4

(1) The Czech Radio Council is an authority through which the right of the general public to review the activities of Czech Radio is exercised (hereinafter referred to as the "Council"). The Council has nine members. The Council members are elected and removed by the Chamber of Deputies of the Parliament of the Czech Republic (hereinafter referred to as the "Chamber of Deputies") so that important regional, political, social and cultural streams of opinions are represented therein.

(2) Candidates to be elected members of the Council are proposed to the Chamber of Deputies by organisations and associations representing cultural, regional, social, trade-union, employer, religious,

educational, scientific, ecological and national interests. The proposals may be submitted within the period of 15 days after the invitation of the chairperson of the Chamber of Deputies to submit proposals in the manner specified by a resolution of the Chamber of Deputies is announced publicly.

(3) Any citizen of the Czech Republic may be elected a member of the Council if he/she

a) is competent to perform legal acts,

b) has a permanent residence in the territory of the Czech Republic, and

c) is morally irreproachable; a morally irreproachable person means nobody who has been sentenced for committing a wilful criminal act in a legally effective manner, unless his/her sentence has been expunged or he/she is regarded as a person not sentenced due to any other reason, and nobody who fails to comply with preconditions according to a special Act. 1d)

(4) Members of the Council shall be elected from the candidates proposed pursuant to paragraph 2, namely for the period of office of 6 years, at the same time one third of members shall be elected every two years; they may be elected repeatedly, nevertheless for not more than two consecutive periods of office. New members shall be elected for positions made vacant due to any other reason but for the expiration of a period in office, i.e. for the period remaining to the end of the period of office of the members whose position has become vacated; if this period is shorter than 1 year, the restriction of the possibility to be elected repeatedly shall not apply. If the Council is removed pursuant to Section 6 (3) and all members of the Council are elected subsequently, the Council shall appoint 3 members with the two-year period in office, 3 members with the four-year period in office and 3 members with the six-year period in office at its first meeting by drawing a lot.

(5) The Council shall be liable for its activities to the Chamber of Deputies.

(6) The membership in the Council is a public office. 2) In connection with performance thereof, the members of the Council shall be entitled to receive appropriate remuneration, the amount of which shall be determined by the Chamber of Deputies in its resolution.

(7) The Council shall elect its chairperson from among its members and shall remove him/her.

Section 5

(1) The membership in the Council shall be inconsistent with the office of the President of the Republic, a deputy or a senator, member of the government, judge, prosecuting attorney, member of the

Supreme Audit Office, member of the bank board of the Czech National Bank, Public Defender of Rights, with any office in the public administration, with the office of a member of the Council for Radio and TV Broadcasting, a member of the Czech Television Council, member of the Czech News Agency Council, with the office of the Director General of Czech Television and with the office of a member of the Supervisory Commission of Czech Television or with the office of a member of the Supervisory Commission of Czech Radio.

(2) A member of the Council must not hold any office in political parties or in political movements, social organisations or associations, civil initiatives etc. and must not act or operate for their benefit or for the benefit of any group interests while working in his/her office in the Council; furthermore he/she must not be a member in companies active in the branch of mass media, and must not represent any business interests that could be inconsistent with his/her work in the office or could unfavourably influence his/her impartiality or objectivity of decision-making. Except for monetary fulfilment provided in connection with his/her work in the office according to this Act, neither a member of the Council nor a person close to him/her 3) may have any property benefit from operation of radio broadcasting.

(3) A member of the Council or persons close to him/her 3) may not be in any labour-law or another similar relationship to Czech Radio, i.e. even for two years after his/her membership in the Council is terminated.

Section 6

(1) A membership in the Council shall cease to exist:

- a) at the moment the period of office expires,
- b) on the day immediately following the day a written letter of resignation is delivered to the chairperson of the Chamber of Deputies,
- c) upon removal from the office,
- d) on the day the member of the Council ceases to comply with the preconditions for his/her election to the office of a member of the Council stipulated in Section 4 (3),
- e) upon his/her death.

(2) The Chamber of Deputies shall remove a member of the Council from his/her office if he/she

- a) has ceased to comply with the preconditions for work in the office of a member of the Council stipulated in Section 5,

b) has diminished the dignity of the office of a member of the Council in a serious manner, or if he/she has committed such an act that casts doubts on his/her independence or impartiality while working in the office of a member of the Council,

c) has not performed his/her office for a period longer than three months.

(3) The Chamber of Deputies may remove the Council if the Council has repeatedly failed to fulfil its duties stipulated by this Act or if the Chamber of Deputies fails to approve annual reports on the activities performed by Czech Radio or annual reports on economic results of Czech Radio in two cases following one another.

Section 7

(1) The activities of the Council shall be regulated by the rules of procedure, which the Council adopts within thirty days after the commencement of the period of office.

(2) The Council shall adopt its resolutions by an absolute majority of votes of all its members, except for resolutions on appointment and removal of the director general of Czech Radio (hereinafter referred to only as the "Director General"), for which at least 6 votes of the members of the Council are necessary.

(3) The meeting of the Council is open to the general public. The general public may be excluded from the whole meeting of the Council or from a part thereof on the basis of a resolution made by the Council if facts protected in accordance with special legal regulations are to be dealt with. 3a) The chairperson may reprimand a person disturbing a discussion open to the general public or order them to leave the meeting premises in the case of repeated disturbance of the meeting.

(4) The chairperson shall always prepare minutes of any meeting of the Council, which does not include facts protected in accordance with special legal regulations. The minutes of the meeting of the Council, the documents approved in accordance with Section 8, or a resolution made by the Council on exclusion of the general public from its meeting shall be published in a manner enabling remote access within 3 days after the meeting of the Council.

Section 8

(1) Competences of the Council shall include:

a) appointing and removing the Director General and, upon his/her proposal, directors of radio studios of

Czech Radio (hereinafter referred to as the “Radio Studios”); a decision to remove the Director General shall be justified in writing and published by the Council in a manner enabling remote access no later than 7 days after it is delivered to the Director General,

b) approving the budget and the final account of Czech Radio, and reviewing fulfilment of the Czech Radio budget,

c) approving the Statutes of Czech Radio upon a proposal submitted by the Director General,

d) submitting the Czech Radio Code for approval to the Chamber of Deputies; the Code shall stipulate the principles for fulfilment of the public service in the field of radio broadcasting; any breach of Czech Radio Code shall be qualified as a breach of the working discipline according to a special Act, 3b)

e) approving the Director General’s proposals to establish or terminate Radio Studios (Section 9 (8)) and proposals according to Section 9 (7),

f) making decisions on complaints concerning the Director General,

g) supervising fulfilment of tasks of the Public Service in the Field of Radio Broadcasting (Section 2 and 3) and fulfilment of principles arising from the Czech Radio Code, and issuing recommendations concerning the programme offer for this purpose,

h) approving long-term plans of programme, technical and economic development,

i) establishing a Supervisory Commission (Section 8a) and determining the amounts of remuneration for the Supervisory Commission members (Section 8a (7)),

j) determining the Director General’s salary.

(2) The Council shall submit the Annual Report on activities of Czech Radio to the Chamber of Deputies by 31 March of the next calendar year and the Annual Report on economic results of Czech Radio by 31 August of the next calendar year. These reports shall be published in a manner enabling remote access no later than 3 days after they are approved by the Council.

(3) The costs of the Council’s activities and the remuneration of its members as well as the costs for the activities of the Supervisory Commission and remuneration of its members shall be paid from a special expense item of the Czech Radio budget (hereinafter referred to as the “Budget”).

(4) Neither the Council nor its members may directly interfere with creation and broadcasting of radio programmes.

Section 8a

Supervisory Commission

(1) The Supervisory Commission is an advisory body of the Council in all matters of reviewing Czech Radio economic results. Its purpose is to monitor whether the financial funds and property of Czech Radio are used in a purposeful and economical manner. The Supervisory Commission shall notify the Council of any imperfections found and shall submit proposals to the Council for removal thereof.

(2) The Supervisory Commission shall have 5 members who are elected and removed by the Council. Membership in the Supervisory Commission is a public office. 2)

(3) The Supervisory Commission members shall be elected for a two-year period of office, even repeatedly, but not for more than 2 consecutive periods of office. The preconditions stipulated in Section 4 (3) and Section 5 shall apply to election of Supervisory Commission members and to work in this office with necessary modifications. Section 6 (1) and (2) shall apply for termination of office of a Supervisory Commission member with necessary modifications.

(4) The Supervisory Commission shall elect and remove its chairperson and vice-chairperson, who acts on behalf of the chairperson including management of Supervisory Commission meetings. The Supervisory Commission shall also adopt its rules of procedure.

(5) The Supervisory Commission shall meet at any time if at least 2 of its members require this in writing, but at least once in every calendar month. The Supervisory Commission meetings are not open to the general public and the person chairing the meeting shall draw up the minutes of each meeting.

(6) The Supervisory Commission shall have a quorum if the chairperson or vice-chairperson and at least two other members are present; it shall make decisions through a majority of present members' votes, in the case of equality of votes, the vote of the person chairing the meeting shall be decisive.

(7) The Council shall determine the amount of remuneration of the Supervisory Commission members.

(8) The Supervisory Commission members may inspect any and all written documents, accounting documents connected with book-keeping and records on data carriers of Czech Radio, and

may also require written explanations from Czech Radio employees. Czech Radio employees shall provide the Supervisory Commission members with copies of the required written documents of Czech Radio as well as with required explanations.

(9) The Supervisory Commission members shall keep confidential any facts found out while performing a review unless they have been released from this duty by the chairperson of the Council. The duty of confidentiality shall survive even after the office in the Supervisory Commission is terminated.

(10) The Supervisory Commission shall provide the Council with a written report of its activities for each calendar quarter of the year, always by the tenth day of the second month following the relevant quarter of the year. The Supervisory Commission shall provide the Council with its analysis of economic results of Czech Radio as a source of information for the Annual Report on economic results of Czech Radio always by 30 June of the next calendar year.

Section 9

Director General

(1) The Director General shall be an authorised body of Czech Radio. When absent, the Director General shall be represented by a deputy empowered by him/her.

(2) The Director General shall be responsible for his/her activities to the Council and shall be entitled to take part in its meetings.

(3) The provisions of the Labour Code shall apply to the Director General unless otherwise stipulated by this Act.

(4) The General Manager shall be appointed by the Council from among candidates meeting the preconditions according to Section 4 (3) on the basis of results of a selection procedure for the six-year period in office.

(5) The Director General's office shall be inconsistent with a membership in the Council; the preconditions stipulated in Section 5 shall apply to his/her office accordingly.

(6) The Director General may be removed from the office by the Council, especially if Czech Radio repeatedly fails to perform tasks of a Public Service in the Field of Radio Broadcasting according to this Act (Section 2 and Section 3) or duties arising from special legal regulations 3c) or if it fails to fulfil Czech Radio Code principles with its radio schedules. The Council shall remove the Director General from

his/her office if the Director General breaches his/her duties stipulated by law or by the Statutes of Czech Radio or if he/she ceases to meet the preconditions for performance of his/her office stipulated by this Act.

(7) The Director General needs the prior consent granted by the Council to lease real estate for a period longer than 3 months or to alienate or reimburse real estate or any part thereof, otherwise the legal act shall be invalid.

(8) The Director General shall establish and dissolve Radio Studios with the prior consent granted by the Council, except for dissolution of Radio Studios in regional capitals.

(9) In the case stipulated by the Statutes of Czech Radio, the Director General shall appoint and remove Czech Radio senior officials after this is discussed with the Council.

(10) The directors of the Radio Studios and persons referred to in paragraph 9 shall meet the preconditions according to Section 4 (3).

(11) If the Director General resigns from his/her office or is removed from the office, or if the office of the Director General becomes vacant after termination of his/her period of office or after his/her death, the Council shall appoint an interim director of Czech Radio (hereinafter referred to as the "Interim Director"), who acts in the office of the Director General until the moment a new Director General is appointed. The Council shall appoint the new Director General no later than 3 months following the date the office of the Director General becomes vacant.

(12) Paragraphs 1 to 9 shall apply to the Interim Director.

Section 9a

cancelled

Section 10

Financing of Czech Radio

(1) Financial sources of Czech Radio shall be above all:

a) radio fees collected according to a special legal regulation, 3d)

b) revenues from its own business activities.

(2) Costs connected with Czech Radio broadcasting according to Section 3 (2) shall be paid by the Czech Republic from the state budget.

Section 11

(1) Czech Radio shall be entitled to carry out, under the conditions stipulated by legal regulations, business activities that are related to the subject of its activities and that must not endanger its tasks (Section 2 of this Act).

(2) Czech Radio shall use its financial resources to perform its tasks according to Section 2 and 3.

Section 12

Radio Studios

(1) The Radio Studios in regional capitals or Radio Studios established on the basis of Section 9 (8) of this Act shall especially constitute a part of Czech Radio.

(2) The director of a Radio Studio shall be entitled to perform legal acts on behalf of Czech Radio related to the Radio Studio, except for alienation and reimbursement of real estate. The director of a Radio Studio shall be responsible for the activities carried out by the Radio Studio to the Director General.

(3) Within their activities, the Radio Studios shall have rights similar to those according to Section 3 (1) except for points a) and e).

(4) The share of all Radio Studios' broadcasting in the nationwide broadcasting circuits – except for news and current affairs circuits – must be at 30 % of the total broadcasting time of Czech Radio in the monthly total.

Section 13

Czech Radio may only use its technical and production base in accordance with this Act (Section 2 and 3).

Common and final provisions

Section 14

(1) The Czech National Council shall elect the Council within one month after this Act becomes effective. The Council shall appoint the director within one month after it is elected.

(2) Until the moment the director is appointed, Czech Radio shall be managed by an interim director elected by the Czech National Council. The interim director shall not have the rights according to Section 8 (1) of this Act.

Section 15

This Act shall become effective on 1 January 1992.

Burešová, signed in person

Pithart, signed in person

Selected provisions of amendments

Art. II of Act No. 192/2002 Coll.

Transitional provisions

The Czech Radio Council appointed according to the currently valid regulations shall be deemed to be a Council according to this Act. The members of the Council shall cause that their relationships are in accordance with this Act within 6 months after this Act becomes effective.

Section 178 of Act No. 127/2005 Coll.

Transitional provisions

(1) Czech Radio shall commence digital broadcasting of radio schedules referred to in Section 3 (1) (b) of Act No. 484/1991 Coll., on Czech Radio, in the wording effective from the day this Act becomes effective, gradually according to its economic, organisational and technical preparedness.

(2) Czech Radio shall agree with Czech Television on the conditions for transmission of its schedules or other multi-media content and complementary services through the public service multiplex. The Director General shall submit the draft of the contract authenticated by both parties for information to the Czech Radio Council at least 30 days before the day agreed for commencement of the terrestrial

digital radio broadcasting of Czech Radio.

1) Section 4 of Act No. 136/1991 Coll., on division of competences between the Czech and Slovak Federative Republic and the Czech Republic and the Slovak Republic in the issues of press and other information media.

1a) Section 3 (1) (b) of Act No. 483/1991 Coll., on Czech Television, as amended by later regulations.

1b) Act No. 127/2005 Coll., on electronic communications and on modification of some related laws (Act on electronic communications).

1c) Section 12 (2) of Act No. 89/1995 Coll., on state statistical service, as amended by later regulations.

1d) Act No. 451/1991 Coll., which lays down some other preconditions for work in some offices in state authorities and organisations of the Czech and Slovak Federative Republic, Czech Republic and Slovak Republic, as amended by later regulations.

2) Section 124 (1) of the Labour Code.

3) Section 116 of the Civil Code.

3a) E.g. Section 17 to 20 of the Commercial Code, Act No. 148/1998 Coll., on protection of secret facts and on modification of some acts, as amended by later regulations, Act No. 101/2000 Coll., on protection of personal data and on modification of some laws, as amended by later regulations.

3b) Act No. 65/1965 Coll., Labour Code, as amended by later regulations.

3c) E.g. Act No. 468/1991 Coll., on operation of radio and television broadcasting, as amended by later regulations, Act No. 40/1995 Coll., on regulation of advertising and on modification and amendment to Act No. 468/1991 Coll., on operation of radio and television broadcasting, as amended by later regulations, as amended by later regulations.

3d) Act No. 252/1994 Coll., on radio and television fees, as amended by later regulations.