

MEDIA LAW IN THE CZECH REPUBLIC

ALEŠ ROZEHNAL



Wolters Kluwer
Law & Business

Media Law in the Czech Republic

Aleš Rozehnal

This book was originally published as a monograph in the International
Encyclopaedia of Laws/Media Law.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci

Volume Editor: Peggy Valcke

Associate Volume Editor: Eva Lievens



Wolters Kluwer

Law & Business

Published by:

Kluwer Law International
PO Box 316
2400 AH Alphen aan den Rijn
The Netherlands
Website: www.kluwerlaw.com

Sold and distributed in North, Central and South America by:

Aspen Publishers, Inc.
7201 McKinney Circle
Frederick, MD 21704
United States of America
Email: customer.service@aspenpublishers.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd.
Stratton Business Park
Pegasus Drive, Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
Email: kluwerlaw@turpin-distribution.com

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

Printed on acid-free paper.

ISBN 978-90-411-4730-1

This title is available on www.kluwerlawonline.com

© 2013, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Email: permissions@kluwerlaw.com

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

Table of Contents

The Author	3
List of Abbreviations	9
Preface	11
General Introduction	13
§1. GENERAL BACKGROUND OF THE COUNTRY	13
I. Political and Legal System of the Country	13
II. Geography and Population	14
III. Social and Cultural Values	15
§2. THE MEDIA LANDSCAPE	16
I. Overview of Media Markets and Main Actors	16
II. Broadcasting Infrastructure	21
III. Technological and Economic Developments on the Media Markets	22
§3. SOURCES OF MEDIA LAW	24
Part I. Freedom of Speech	27
Part II. Regulation of Printed Media	31
Chapter 1. The Journalists' Profession	36
Chapter 2. Journalists' Rights	37
§1. ROLE OF JOURNALISTS AS WATCH-DOGS OF THE SOCIETY	37
§2. JOURNALISTS' INDEPENDENCE	40
§3. PROTECTION OF JOURNALISTIC SOURCES	41
Chapter 3. Journalists' Liability	44

Table of Contents

§1. GENERAL INFORMATION ON THE LIABILITY SYSTEM	44
§2. (IS THERE A SPECIAL LIABILITY REGIME FOR JOURNALISTS? WHO WILL BE HELD LIABLE: ONLY THE JOURNALIST OR THE PUBLISHER AS WELL ... ?)	45
§3. DEFAMATION AND LIBEL	47
§4. PRIVACY	51
Chapter 4. Access to Public Information	56
§1. PUBLIC DOCUMENTS AND MEETINGS	56
§2. COURT HEARINGS AND DOCUMENTS	60
Chapter 5. Press Council	64
Part III. Regulation of Audiovisual Media (Broadcasting)	67
Chapter 1. Public Service Broadcasting	67
§1. THE CONCEPT AND MISSION OF PUBLIC SERVICE BROADCASTING	67
§2. THE ORGANIZATION OF PUBLIC SERVICE BROADCASTING	69
§3. THE FINANCING OF PUBLIC SERVICE BROADCASTING	76
Chapter 2. Private Broadcasting	80
§1. DIFFERENT CATEGORIES OF PRIVATE BROADCASTERS	80
§2. LICENSING REQUIREMENTS	85
Chapter 3. Programme Standards	107
§1. IMPARTIALITY	107
§2. CULTURAL DIVERSITY	109
§3. PROTECTION OF MINORS (INDECENCY AND VIOLENCE)	114
§4. HUMAN DIGNITY	117
§5. RIGHT TO REPLY	122

Table of Contents

Chapter 4. Political Broadcasting	127
§1. RULES OF POLITICAL INDEPENDENCE OF BROADCASTERS	127
§2. FAIR REPRESENTATION IN ELECTION PERIODS	127
§3. NEWS AND CURRENT AFFAIRS PROGRAMMES	129
§4. POLITICAL ADVERTISING	129
Chapter 5. Advertising Rules	131
§1. VARIOUS FORMS OF COMMERCIAL COMMUNICATIONS	131
§2. RESTRICTIONS OF CONTENT	136
§3. TIME AND FREQUENCY RESTRICTIONS	148
§4. SPONSORSHIP	150
§5. PRODUCT PLACEMENT	153
Chapter 6. Right to Information	156
§1. ACCESS TO MAJOR EVENTS	156
§2. SHORT NEWS REPORTING	157
Chapter 7. Access to Networks	158
§1. MUST-CARRY RULES	158
§2. OTHER ACCESS OBLIGATIONS FOR NETWORKS	159
Chapter 8. Standards and Interoperability	160
Part IV. Cross Ownership Regulation	163
Part V. Supervision: Media Regulator	168
Chapter 1. Organization	168
Chapter 2. Tasks	182

Table of Contents

Chapter 3. Sanctioning Powers	187
Selected Bibliography	195
Index	197

Media Law in the Czech Republic

Aleš Rozehnal

This book was originally published as a monograph in the International
Encyclopaedia of Laws/Media Law.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci

Volume Editor: Peggy Valcke

Associate Volume Editor: Eva Lievens



Wolters Kluwer

Law & Business

Published by:

Kluwer Law International
PO Box 316
2400 AH Alphen aan den Rijn
The Netherlands
Website: www.kluwerlaw.com

Sold and distributed in North, Central and South America by:

Aspen Publishers, Inc.
7201 McKinney Circle
Frederick, MD 21704
United States of America
Email: customer.service@aspenpublishers.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd.
Stratton Business Park
Pegasus Drive, Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
Email: kluwerlaw@turpin-distribution.com

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

Printed on acid-free paper.

ISBN 978-90-411-4730-1

This title is available on www.kluwerlawonline.com

© 2013, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Email: permissions@kluwerlaw.com

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

The Author



JUDr. Aleš Rozehnal, Ph.D. was born in 1970 in Trebic, Czechoslovakia. He graduated at the Faculty of Law of the Charles University in Prague in 1993 and at the Charles University with a PhD in private law. He is the author of the publications *Credits Secured by Mortgages*, several issues of *Media Law*, *Media Laws - Commentary*, *Media Law Services - Commentary*. He is co-author of the publication *Corruption in the Czech Way* and *Media, Communication and Culture*. He works at the Faculty of Law of the Charles University in Prague, is Head of the Department of Law at Bank Institute/ College of Banking in Prague and works at the Faculty of Humanities of the Charles University. He was the executive of biggest private TV broadcaster in the Czech Republic,

NOVA TV. Aleš Rozehnal is the member of the Czech Bar Association from 1996 and carries his practice in Prague.

The Author

Table of Contents

The Author	3
List of Abbreviations	9
Preface	11
General Introduction	13
§1. GENERAL BACKGROUND OF THE COUNTRY	13
I. Political and Legal System of the Country	13
II. Geography and Population	14
III. Social and Cultural Values	15
§2. THE MEDIA LANDSCAPE	16
I. Overview of Media Markets and Main Actors	16
II. Broadcasting Infrastructure	21
III. Technological and Economic Developments on the Media Markets	22
§3. SOURCES OF MEDIA LAW	24
Part I. Freedom of Speech	27
Part II. Regulation of Printed Media	31
Chapter 1. The Journalists' Profession	36
Chapter 2. Journalists' Rights	37
§1. ROLE OF JOURNALISTS AS WATCH-DOGS OF THE SOCIETY	37
§2. JOURNALISTS' INDEPENDENCE	40
§3. PROTECTION OF JOURNALISTIC SOURCES	41
Chapter 3. Journalists' Liability	44

Table of Contents

§1. GENERAL INFORMATION ON THE LIABILITY SYSTEM	44
§2. (IS THERE A SPECIAL LIABILITY REGIME FOR JOURNALISTS? WHO WILL BE HELD LIABLE: ONLY THE JOURNALIST OR THE PUBLISHER AS WELL ... ?)	45
§3. DEFAMATION AND LIBEL	47
§4. PRIVACY	51
Chapter 4. Access to Public Information	56
§1. PUBLIC DOCUMENTS AND MEETINGS	56
§2. COURT HEARINGS AND DOCUMENTS	60
Chapter 5. Press Council	64
Part III. Regulation of Audiovisual Media (Broadcasting)	67
Chapter 1. Public Service Broadcasting	67
§1. THE CONCEPT AND MISSION OF PUBLIC SERVICE BROADCASTING	67
§2. THE ORGANIZATION OF PUBLIC SERVICE BROADCASTING	69
§3. THE FINANCING OF PUBLIC SERVICE BROADCASTING	76
Chapter 2. Private Broadcasting	80
§1. DIFFERENT CATEGORIES OF PRIVATE BROADCASTERS	80
§2. LICENSING REQUIREMENTS	85
Chapter 3. Programme Standards	107
§1. IMPARTIALITY	107
§2. CULTURAL DIVERSITY	109
§3. PROTECTION OF MINORS (INDECENCY AND VIOLENCE)	114
§4. HUMAN DIGNITY	117
§5. RIGHT TO REPLY	122

Chapter 4. Political Broadcasting	127
§1. RULES OF POLITICAL INDEPENDENCE OF BROADCASTERS	127
§2. FAIR REPRESENTATION IN ELECTION PERIODS	127
§3. NEWS AND CURRENT AFFAIRS PROGRAMMES	129
§4. POLITICAL ADVERTISING	129
Chapter 5. Advertising Rules	131
§1. VARIOUS FORMS OF COMMERCIAL COMMUNICATIONS	131
§2. RESTRICTIONS OF CONTENT	136
§3. TIME AND FREQUENCY RESTRICTIONS	148
§4. SPONSORSHIP	150
§5. PRODUCT PLACEMENT	153
Chapter 6. Right to Information	156
§1. ACCESS TO MAJOR EVENTS	156
§2. SHORT NEWS REPORTING	157
Chapter 7. Access to Networks	158
§1. MUST-CARRY RULES	158
§2. OTHER ACCESS OBLIGATIONS FOR NETWORKS	159
Chapter 8. Standards and Interoperability	160
Part IV. Cross Ownership Regulation	163
Part V. Supervision: Media Regulator	168
Chapter 1. Organization	168
Chapter 2. Tasks	182

Table of Contents

Chapter 3. Sanctioning Powers	187
Selected Bibliography	195
Index	197

List of Abbreviations

API	Application Programme Interfaces
CCTV	Closed Circuit Television
CD-ROM	Compact Disc Read-Only Memory
DVB-C	Digital Television Broadcasting by Means of Cable Television
DVB-S	Digital Television Broadcasting by Means of Satellite,
DVB-T	Terrestrial Digital Television Broadcasting (DVB-T),
EU	European Union
GDP	Gross Domestic Product
IPTV	Television Broadcasting by Means of IP Protocol
NATO	The North Atlantic Treaty Organization
OECD	Organisation for Economic Co-operation and Development
STD	Sexually Transmitted Diseases
UNESCO	United Nations Educational, Scientific and Cultural Organization

List of Abbreviations