



The Czech Republic's Broadcasting Law: Provisions, Problems and Expectations

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Chronology of Basic Events in the Transformation of the Czech Republic's Broadcast Media

November-December 1989--fall of the Communist regime in former Czechoslovakia is accompanied by the advent of press freedom. Parliament elects playwright Václav Havel as national president.

March 1990--amendment to the 1966 Press Law abolishes censorship and enables individuals to own newspapers and other periodicals.

June 1990--first free general elections are held in Czechoslovakia, with the Civic Forum in the Czech lands and Public Against Violence in Slovakia declared the winning political movements.

October 1991--Parliament adopts a new Broadcasting Law which includes provisions for both public and private broadcasters.

November 1991--the Czech Television and Czech Radio Laws are adopted and serve as a basis for the transformation of the former state-owned and operated broadcast media along the line of the BBC's public service model.

June 1992--second free general elections are held, with Václav Klaus' ODS Party in the Czech part and Vladimir Meciar's HZDS Party in Slovakia being declared the winners. The election results set the stage for the future separation of Czechoslovakia.

January 1, 1993--Czechoslovakia, which became an independent state following World War I in 1918, peacefully separates into two independent nations--the Czech Republic and Slovak Republic.

January 30, 1993--license for the first nation-wide commercial, former federal, television channel is awarded to the CET-21 company by the Broadcasting Council.

February 4, 1994--Television NOVA beginnings broadcasting as a private/commercial channel operated by the CNTS company, a joint venture of CME, CET-21 and the Czech Savings Bank.

December 8, 1995--Parliament adopts an amendment to the Broadcasting Law which, among other things, places indefinitely the original OK3 television channel in the public domain to continue to operate as Czech TV 2.

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Numerous significant changes have taken place, even if some expected modifications have not, since the downfall of the Soviet-styled regimes in East-Central Europe [1] during the course of 1989. In particular, the tight reins held by communist governments over the structure and content of the mass media have been dropped, leaving the newly-freed countries to adopt fresh, or borrowed, approaches to governing their media systems in general and broadcasting outlets in particular. The massive transformation was not a simple task, considering how vastly these countries' cultural histories and media differed from the models available to them to follow, particularly those of North America and Western Europe.

The former East bloc states had generally been left behind, it should be recalled, when the "technetronic" society blossomed in other parts of the world and, therefore, were not fully influenced "culturally, psychologically, socially and economically by the impact of technology and electronics." [2] They were faced, then, with building anew, or on the foundations of media regulations left by their former governments.

The new leaders in the post-communist countries of East-Central generally understood that "the relationship between the nature of any given political system and the structure of its communication systems is of great importance." [3] Many would have agreed that "[c]ommunications technologies are the causal forces, and cultural identities are the effects that are shaped and modified by the impact of the technologies." [4] The importance of adopting a media regulatory structure that would strike an effective balance between "commerce and culture," [5] and would be based on a proper determination of priorities related to "cultural identity" and "economic and industrial factors," [6] became apparent to the political elite of the newly-freed countries. As a result, most of the recently formed governments have adopted laws attempting to accomplish such purposes. [7] However, partisan politics, ethnic divisions and inexperience in dealing with private/commercial media concepts and practices often prevented governments from agreeing on the optimum approach to electronic media regulation, or led to constant changes in the legislation and structures they adopted due to unforeseen circumstances in the course of change and rapid media development. In some instances, the issue was further confounded by a reliance on media laws put in place by past communist governments and merely amended but not rescinded as part of the reconstituted political systems. An illustrative case in point is the Czech Republic, which has put in place both public and private electronic media but has not yet found a stable, well-defined regulatory structure to guide them.

Media Laws in the Czech Republic

On January 1, 1993, two independent states--the Czech Republic and Slovak Republic--were born within the territory of former Czechoslovakia. Each country began its existence with a new constitution, while inheriting virtually all remaining laws and regulations from the dissolved Czechoslovak federation's judicial and regulatory systems.

The Czech Republic's legal continuity was assured through a so-called "acceptance law," i.e., constitutional Act No. 4/1993, which brought the republic's legal system into compliance with the country's newly rearranged political structure resulting from the separation with Slovakia. Article 1 of the acceptance act states in part:

[A]ll the Czech and Slovak Federative Republic constitutional laws, all the acts and other legal regulations, being in force on the Czech Republic territory on the day the Czech and Slovak Federative Republic ceased to exist, continue to be valid in the future. The provisions preconditioned on the existence of the Czech and Slovak Federative Republic cannot be exercised. [8]

According to the provision, all laws and regulations pertaining to the Czech Republic's mass media system that were adopted following the political changes of November 1989 remain in force.

At the beginning of 1993, the basic set of media legislation consisted of a Press Law (initially adopted in 1966 and amended several times since, the most recent change being in March 1990) [9] and four broadcasting laws adopted during the winter months of 1991-1992 by either the federal or two state parliaments (Czech and Slovak) then in existence.

In December 1992, the Czech parliament passed one more broadcasting law, published as Act No. 36/1993. The law's adoption was dictated by a need to safeguard the legal succession of the former federal Czechoslovak Radio and Czechoslovak Television networks as national Czech media within the anticipated new Czech state. Further, this fifth broadcasting act collectively amended all the broadcasting laws adopted since the end of 1989. No significant changes to the Czech Republic's legal framework for broadcasting occurred during the next two years, until December 1995. [10]

Human Rights and Media Laws

The republic's media legislation has its foundation in the Czech version of the United States Bill of Rights, a document officially called "The List of Basic Rights and Fundamental Freedoms" (Listina zakladnich prav a svobod), initially adopted by the former Czechoslovak Federal Assembly on January 9, 1991. [11] The Czech Republic's constitution mentions the human rights agenda in broad and sketchy terms. For example, Article 1 of the constitution states in part that "the state respects human rights and freedoms," while Article 2 says "fundamental rights and freedoms are protected by the judicial power of government." This vagueness in wording arose through "The List of Basic Rights and Fundamental Freedoms," according to Article 3 of the Czech constitution, being incorporated into the nation's legal system as part of the country's constitutional order (Article 112), which explains the terms in detail.

The constitutional order is made up of the constitution and all the constitutional acts. The significance of the Basic Rights' list adoption by the new Czech state's government was accentuated by its being published together with the new constitution as the constitutional Act No. 2/1993. The nation's constitution is Act No. 1/1993. Article 17 of The List of Basic Rights is constructed along the lines of Article 10 of the European Human Rights Convention, which maintains that, on the one hand, everyone is entitled to freedom of expression and has the right to information, and that censorship is inadmissible, while on the other hand, according to Paragraph 4 of Article 17, the exercise of these freedoms "may be restricted by law when such a measure is necessary in a democratic society for the protection of the rights and freedoms of others, in the interests of national security [and] public safety, [and] for the protection of public health and morals." [12]

The Czech Press Law, initially passed on September 25, 1966, was amended twice in 1968. The first amendment came during the nation's reform movement, commonly known as the Prague Spring, when censorship officially was abolished in June. [13] Later that year, following the August invasion by the Soviet-led Warsaw Pact troops, the Press Law was amended for the second time when censorship was "temporarily" re-instated on September 13. The reintroduction of censorship was one of the key conditions included in the so-called Moscow Protocols, which Alexander Dubcek was forced to sign in late summer 1968 under heavy pressure from Moscow. [14]

The most recent amendment to the Press Law was adopted on March 28, 1990. The document now states in part:

(1) Censorship is inadmissible.

(2) Censorship means the imposed infringement, by any state authority, of the freedom of expression in speech and/or in pictures, and of the dissemination of ideas through the media of mass information. Thereby, the judiciary of prosecutor and the courts are not affected. [15]

The 1990 amendment did not change the basic structure or scope of the original law because several useful principles, e.g., the right to rectification, were included in the original 1966 version, even though they were not applied in the politically biased legal system of former communist Czechoslovakia. In the field of print media, however, the 1990 amendment has changed the former licensing procedure of any publishing activity into a simple act of mere registration. According to the Press Law's current provisions, a publisher must be in conformity with the legal system as such, but no other duties exceeding these limits are prescribed.

When changing the Press Law, the Federal Assembly simultaneously amended Article 13 of the Civil Code (Act No. 87/1991), which concerns the respect for personal integrity. Two new paragraphs were added to the provision dealing with a citizen's right to seek redress from any unlawful deprivation of his or her right to personal integrity. The first declared a plaintiff's right for financial satisfaction or compensation if the damage in respect of honor or esteem in society's eyes has been particularly grave and harmful. The second paragraph empowered the courts to decide the sum of financial compensation. Despite the Czech Penal Code incorporating the offense of libel (*pomluva*), only a few citizens have used the Penal Code to initiate legal action. This may be because the law provides no financial compensation, only a prescribed penalty for the offender. Rather, nearly all so-called "press cases" since 1990 have been adjudicated under the Civil Code. This has resulted in the common practice of plaintiffs now to seek six to seven-digit sums as financial compensation.

In the early part of 1990, the judicial and journalistic communities believed that a new press law would be drafted shortly after the general elections in June of that year. When finally the former Czechoslovak federal government submitted a draft of a new press law to parliament in autumn 1992, the governing body strongly rejected it due to a wave of negative opinions that arose against the proposed law among the public and journalists. Also, the separation of Czechoslovakia was by then a *fait accompli*, and introduction of any important federal laws, including a press or media law, was construed as an intrusion into the internal affairs of the two future independent states.

As it applies to radio and television, the amended 1966 Press Law deals with information gathering and dissemination, especially with the content of news and current affairs programs. Although the Press Law is outdated and its wording obsolete in this regard, the right to rectification included in its provisions continues to be a useful tool for defending citizens' rights against alleged infringements by the mass media.

The Broadcasting Law: Radio and Television

Law No. 468/1991, on the Operation of Radio and Television Broadcasts (the Broadcasting Law), was passed by the Czechoslovak Federal Assembly on October 30, 1991. The law was the first of its kind to be adopted by a member state of the former Soviet commonwealth. [16] In drafting the bill, which laid down a new pattern for the country's entire broadcasting system, the

government tried to implement the European standards of a dual broadcasting system as described in various Council of Europe documents. [17]

Part I of the Broadcasting Law abolished the state monopoly of broadcasting and, instead, established prerequisites for the coexistence of public and private/commercial sectors in radio and television broadcasting. Initially, the law defined two categories of operators: (1) the public broadcaster, who is entitled to broadcast according to appropriate provisions of the law, and (2) the private broadcaster, who gains authority and legitimacy to broadcast through a granted license which may be awarded to corporations or individuals. Subsequently, a third category has been added. (See below)

In the former federal Czechoslovakia, the right to issue licenses to private operators was assigned to the Federal Broadcasting Council (FBC), as created and defined by the Broadcasting Law, and to the "authorities of the national republics," which later were to be constituted by the Czech and Slovak national governments, or parliaments.

Prior to separation, the FBC consisted of nine members, with three members each nominated by the Federal Assembly, Czech parliament and Slovak parliament. In the course of its one-year existence, the FBC awarded virtually no new licenses. The licenses for nationwide broadcasting issued to radio stations Radio Free Europe and BBC World Service in 1992 merely legalized the federal cabinet's decrees issued in 1990.

Although invalidated by Czechoslovakia's division into two countries, Part Four of the Broadcasting Law, concerning the FBC, had a significant impact on the pattern of subsequent national legislation concerning the national licensing body (Act No. 103/1992). The licensing procedure, described in Part Three of the law, remained more or less unaffected by Czechoslovakia's separation. As stated in the Broadcasting Law, companies applying for licenses must have their place of business within the country of the granting agency, namely the Czech Republic. Individuals may be granted licenses only if they are citizens and permanent residents of the Czech Republic and are officially registered in the country's registry of enterprises. Radio licenses may be issued for a period not to exceed six years, and television licenses for up to 12 years, as was the case with the license issued to the only existing commercial channel transmitting nationwide, NOVA-television. Commercial radio stations must begin broadcasting within 180 days after being issued a license, while television stations must begin operation within 360 days or face the possibility of having their licenses revoked.

In determining which applicants should be awarded licenses, the Broadcasting Council first must consider plurality and balance within the broadcasting system, and then examine the applicant's proposed contribution to the public's access to information, opinions and cultural values. No limits are currently in place on foreign investments in Czech broadcasting ventures. However, when evaluating applications, the licensing authority is required to prevent any single applicant from gaining "a dominant position in the mass media." The Broadcasting Law defines only basic procedural prerequisites for the granting of licenses, leaving open to the licensing authority's own interpretation a number of decision-making elements defined by vague criteria.

The law also was particularly vague regarding frequency management and cable system licensing until a significant amendment was passed in December 1995, which will be discussed later. There was no clear indication as to who actually was in charge of the frequency spectrum. The decision as to who will broadcast on a particular frequency was left to the exclusive responsibility of the licensing authority. The task of allocating frequencies as such, however, lies outside the licensing authority's power and is actually made "with the agreement of the respective telecommunications authority" and "in agreement with plans for the use of broadcasting frequencies."

Part Five of the law, which deals with distribution by cable, suffered from the absence of a clear definition of "broadcasting" in Article 2, paragraph 2. That provision neglected the specific nature of cablecasting. Since the law did not mention the differences between broadcast transmission and retransmission, all forms of television signals distributed through cable systems were considered to be subject to the licensing procedure. The initial intention that national laws and regulations would decentralize the responsibility over cable television was not realized until later.

Part Two of the Broadcasting Law has had a fundamental effect on the present pattern of the Czech Republic's broadcasting landscape by setting the standards and conditions for both public and private operators. This part of the law has been subject to several amendments. Article 4 declares the right of operators to "free and independent broadcasting" and articulates their responsibility to provide "objective and balanced information essential for the free formation of opinions." Article 5, which deals with operators' obligations in programming to respect human rights, avoid violence, protect youth and avoid copyright infringements, is binding on both public and private broadcasters.

Articles 6 to 8, which deal with standards of advertising and sponsorship, are basically compatible with those promulgated in the European Convention on Transfrontier Television. However, limits imposed on public and private sectors differ. The amount of advertising in private television programming may not exceed 10 percent of the daily transmission time (the European Convention provides for 15 percent), while public broadcasters are allowed to devote only three percent of their daily broadcast time to commercial advertising. The law sets a ceiling of five percent of daily transmission time for public radio broadcasters, while private radio stations may use up to 20 percent of their daily broadcasting time for commercials. Article 9 outlines the basic frame of reference for the public service broadcasting sector. Once again the European standards have been applied by stipulating that general duties of public broadcasters should be to "serve public interest, contribute to the creation of a democratic society and reflect its pluralism in opinion" and, in particular, that they emphasize nation-wide coverage, programming diversity and domestic production, and contribute to cultural identity.

Paragraphs 3 and 4 of Article 9 draw boundaries between the frequency spectrum space allotted to public and private broadcasting. In 1991 public television was authorized to use two of three nationwide sets of frequencies for broadcasting on two nationwide channels. Public radio, meanwhile, gained frequencies for six nationwide networks, three each for AM and FM radio stations. However, in 1993 this provision in Law No. 36/1990 was amended in favor of the private broadcasting sector.

Part Two of the Broadcasting Law also changed the designated recipient of broadcast license fees, the monthly sum paid by citizens for the use of television and/or radio sets. According to Paragraph 6, license fees no longer are part of the state income or general fund. Revenues derived from such fees now are forwarded directly to public broadcasters without first being funneled through the state budget. Collection of fees remains the domain of the state-owned Post Office.

Some of the transitional and closing provisions of the law in Part Seven are now outdated, since they were directly linked to Czechoslovakia's federative system or were of temporary relevance, such as decisions relative to the OK3 network, the sovereignty license fees regulation or the temporary licenses issued by the government to Radio Free Europe and the BBC.

Some of the provisions, however, continue to affect the broadcasting field. Article 21, for instance, remains essential for the applicability of the Administration Law to the licensing procedure. Article 26 abolished the compulsory license, reserved in the Czechoslovak copyright law, for radio and television broadcasting. [18] Furthermore, the Broadcasting Law prolonged the validity of dozens of "experimental" local FM radio licenses granted by an ad hoc government commission which existed prior to the creation of the initial Federal Broadcasting Council. Licenses originally issued to local FM stations were valid until the end of 1992. However, their extension until December 31, 1995, had been assured through a provision of the Broadcasting Law adopted in October 1991.

In the meantime, the situation for licenses expiring in 1995 was resolved by a means common to all licensing authorities. The Czech Broadcasting Council began the procedure for renewing licenses, or granting new ones effective January 1, 1996, during 1995. All existing operators concerned had the opportunity to reapply for licenses and nearly all were granted new ones for a six-year period. [19] The exception was in the city of Prague, where the licensing authority decided to limit the number of operators due to a lack of frequencies. As a result, the CBC decided not to start the licensing procedure in the area and informed the four operators affected accordingly. Of the four, only one operator, Zlata Praha (Golden Prague), did not accept the Council's decision and appealed the ruling. The station won the appeal and continues its broadcasting operation. The BBC, Radio Free Europe and Radio France International (RFI), meanwhile, all requested and were granted an extension of their respective licenses.

Public Broadcasting

Prior to Czechoslovakia's separation, the Czech National Council passed Laws Nos. 483 and 484/1991, on Czech Television and on Czech Radio, on November 7, 1991, only a week after the Federal Assembly finally adopted the Broadcasting Law. The laws established two new broadcasters in former Czechoslovakia after January 1992. Both laws, considered a necessary step on the road toward transforming the nation's broadcasting system, had two main objectives: 1) to decentralize the once monolithic pattern of broadcasting into a more pluralistic structure comprised of one federal and two national broadcasters, and 2) to replace the former state broadcasting organizations (Czechoslovak Television and Czechoslovak Radio) with public service corporations.

Since the Slovak National Council had already established Slovak Television and Slovak Radio in May 1991, there was a danger that in January 1992 one partner in the triangle of the Federal-Slovak-Czech broadcasters would be missing. (Hardly anyone imagined at the time that Czechoslovak Television and Czechoslovak Radio would never be transformed into public service entities and would survive as state-funded organizations for only one more year until Czechoslovakia's separation at the end of 1992.)

The wording of both Czech laws is nearly identical, with only the use of "Radio" and "Television" and the dissimilar structure of the regional stations making them different. Both Czech Television and Czech Radio are organized as independent public service corporations and financed by revenues derived from license fees and from their "own entrepreneurial activities."

The aims of Czech Television and Czech Radio are reflected in the way the Broadcasting Law defines the concept of public service in Article 9, paragraph 1, with a strong emphasis on promoting a national cultural identity and educational aims. Basically, all three primary functions of broadcasting--information, education and entertainment--are included in the definition.

For purposes of public oversight of Czech Television and Czech Radio, two separate laws established a single council, consisting of nine members, all of whom are elected by the Czech Parliament. Each law describes the Council as a body "through which the public exercises its right to control programming and broadcasting" where "relevant regional, political and cultural currents of opinion should be represented." Wording of this sentence is similar to Recommendation 1147 (1991) of the Council of Europe's Parliamentary Assembly. This illustrates the major impact exercised by European models on Czech broadcasting legislation.

The Council's most important responsibility is to appoint and dismiss the two public organizations'--television and radio--general directors. The Council has the power to approve the budgets, the organizations' internal and operating rules and the creation of new branches (studios). The management of each public broadcasting organization is free to make all other decisions, with the Council limited to issuing or to "decid[ing] about complaints relating to the directors." There is no clarification of what action the Council could take in respect to such complaints.

The Czech Parliament de facto amended the Broadcasting Law merely a week after its promulgation by designating, for both public television and radio, a limit of only one percent of advertising time. This was an obvious attempt by Parliament to create favorable conditions for future private broadcasters to dominate the advertising market. This tendency to favor the private sector has emerged as an inseparable link between the Czech Parliament and the country's future media policy.

The framing of Czech Television and Czech Radio as public service corporations has caused several problems because legislation pertaining to public corporations in the Czech commercial law is nonexistent. On the one hand, Czech Television and Czech Radio, as public service organizations, have an assured income. The Broadcasting Law exempts them from the necessity of being included in the Commercial Company Register. On the other hand, each is considered, according to commercial law, as another company pursuing normal and legal commercial

activity. Since even the tax legislation of January 1993 does not contain a category for non-profit or public corporations, ad hoc solutions had to be found. For example, the Value Added Tax Act of November 24, 1992, exempted "radio and television broadcasting operated by public service operators from the liability to pay the VAT with exception of advertising and sponsored programs." Other tax exceptions have been arranged in mutual agreement with the Ministry of Finance which, after months of hesitation, finally accepted the wording in the law assigning to Czech Television and Czech Radio obligations of public service.

Czech Broadcasting Council

The Broadcasting Law did not predetermine any pattern or nature of future licensing bodies in the Czech or Slovak parts of Czechoslovakia, describing each only as a "licensing authority of the national republics." From the very beginning, the Czech government--in contrast to its Slovak counterpart which has been playing with the idea of a governmental commission for some time--decided on an independent regulatory body shaped according to the model of the FBC as defined by the Broadcasting Law. Law No. 103/1992, on the Czech Broadcasting Council (CBC), or more precisely, the Council of the Czech Republic for Radio and Television Broadcasting, was passed on February 21, 1992, four months after the Broadcasting Law's adoption.

When comparing Law No. 103/1992 with Part Four of the Broadcasting Law, which deals with the FBC, similarities of the structure and wording are striking. The CBC and FBC each have (or had) nine members appointed by parliamentary bodies. The criteria or prerequisites for membership in both councils are virtually identical.

The CBC was originally intended to be an authority complementary to the Federal Council. Following Czechoslovakia's separation, when the FBC ceased to exist, the Czech Broadcasting Council became the supreme authority within the broadcasting field in the Czech Republic. Its basic responsibility is described in Article 1, paragraph 3: "The Council shall exercise--within its jurisdiction--the state administration in the field of broadcasting."

Thus, the CBC also was projected as the administrative authority *sui generis*, that is a body outside the state administration but equipped with administrative competency. The intent was to keep the Council as independent as possible from any governmental influence or connection in a similar vein as other European independent broadcasting authorities are separated, including for example the French Conseil Supérieur de l'Audiovisuel (CSA), British Independent Television Commission (ITC) or the Landesmedienanstalten in Germany.

In contrast to these foreign models, with accountability distributed among various entities (different chambers of parliament, the cabinet, president, political parties, or relevant social groups), the accountability of the CBC is directed exclusively to the Czech Parliament. The Parliament elects all nine Council members. Furthermore, the CBC is required to submit to Parliament at least once a year, or as often as Parliament dictates, an activities report. According to Law No. 103/1992, the Czech Broadcasting Council as a whole may be recalled by Parliament. This was not possible in the case of the Federal Council, where only individual members were able to be removed as defined by law.

The CBC's evident dependency on Parliament stems from the belief, which prevailed in many post-Communist East-Central European countries during the early days of political change, that the public's best and only representative body was the parliament because the legitimacy of democratically elected deputies was indisputable. However, this state of affairs raises doubts as to the Broadcasting Council's future independence and impartiality. The pertinent legislation not only does not protect the Council sufficiently, but also enables the independent and professionally minded CBC to be easily transformed into a quasi-parliamentary commission controlled by party politics and special interests.

In terms of specific duties, the Council's most important task is issuing and withdrawing licenses for radio and television broadcasting. In line with its licensing duties, the Council must keep records of all license holders and assure they adhere to and fulfill all conditions of their respective licenses. In reviewing license applications, Council members must consider the general broadcasting principles to guarantee that the Broadcasting Law's intended purpose and aim are achieved.

Law No. 103/1992 refers only superficially to the problem of managing the frequency spectrum because the basic tool for controlling this domain--the "plans for the use of broadcasting frequencies"--was originally to have been elaborated under the guidance and authority of the Federal Council. Nonetheless, in September 1992, when the division of Czechoslovakia was imminent, the Czech Parliament, through Law No. 474/1992, reorganizing the structure of ministries and state administration for the anticipated independent Czech state, decided that "the state administration in the area of the frequency spectrum allocated for broadcasting" should be added to the Broadcasting Council's responsibilities.

This shift in responsibility for the allocation of frequencies from the PTT authorities to the CBC was only a weak declaration of intent, since the Council had neither the personnel nor material means to exercise this right. Finally, in August 1993, the CBC and the Czech Telecommunication Office (CTO) reached an agreement which specified the rules of conduct in the management of frequencies. The CTO retained its authority as guarantor for the use of frequencies, in line with international agreements, while handing over to the Czech Broadcasting Council the responsibility of administering frequencies as part of a plan developed in mutual cooperation between the Telecommunication Office and the Council.

Originally, the CBC's funding came from the Czech government under Article 8, which states in part, "The activities of the Council are covered from the budget of the Czech Republic." However, hesitant to finance any office not subordinated to its authority, the Czech state government later amended Article 8. According to Law No. 36/1993, the CBC became independent from the state budget and was financed by revenues gained from license fees, i.e., 0.3 percent of the total amount paid by owners of television and radio sets to public broadcasters. Later, that figure was amended to 0.7 percent under Law No. 331/1993. Subsequently, however, Parliament reverted the Council's manner of funding to the original source, [20] namely from the state budget.

On December 22, 1992, only nine days before Czechoslovakia as a nation-state ceased to exist, the Czech Parliament, then still known as the Czech National Council, approved legislation that

later was published as Law No. 36/1993, pertaining to Some Arrangements in the Field of Broadcasting. The fundamental law essentially assured the legal continuity of broadcasting in the new republic. Among reasons for the law's adoption was a need to determine the successors of the former federal media organizations, Czechoslovak Television and Czechoslovak Radio. But the law also changed, in some aspects very profoundly, the concept of broadcasting outlined in the previous broadcasting laws.

The initial concept of a dual system of broadcasting drafted in the Broadcasting Law provided that public service broadcasters operate two nationwide television networks and up to six nationwide radio networks. Passage of Law No. 36/1993, which concomitantly amended Article 9, paragraphs 3 and 4 of the Broadcasting Law, changed this general structure. The Czech legislature decided that public service broadcasters in the Czech Republic should operate only one nationwide television channel and three nationwide radio stations. Moreover, the wording of the provisions implied that the first of the television channels to be privatized should not be the third channel, OK3, as originally planned, with limited coverage of the Czech Republic, but the nationwide Channel F1, or the former First, so-called, Federal Channel. The OK3 channel was temporarily "entrusted to the administration of Czech Television until December 31, 1995," unless some later law would decide otherwise. [21] Although the government initially intended to privatize the OK3 (now the CT2) channel, the intended policy was altered once and for all with the passage of an amendment to the Broadcasting Law in December 1995.

The December 1995 Amendment

The most important amendment to the Czech Broadcasting Law since December 1992 was adopted by the Czech Parliament on Friday, December 8, 1995. The Parliament decided that the second public television nation-wide channel, CT2, would be allotted to the public service broadcaster, Czech Television, for an indefinite period. According to Law No 36/1993, passed in December 1992, Czech Television has been the channel's temporary caretaker, because the then Czech legislature had decided that the public TV broadcaster should be entitled to operate only one nation-wide terrestrial channel, with the remaining frequencies gradually allocated to the commercial broadcasting sector.

Consequently, the prolonged debate between supporters of public broadcasters on the one side and lobbyists for commercial broadcast interests on the other ended in a compromise. While Czech Television received the second nationwide outlet for good, opponents of the allocation were rewarded for their yes votes by the far-reaching concessions regarding licensing of cable and satellite ventures.

As of January 1, 1996, would-be cable or satellite operators will not be required to apply to the regulatory authority, the CBC, for a license because, according to the latest amendment, merely registering with the Council will be sufficient. This means the CBC lost its authority to set conditions for programming by any cable or satellite operator. However, such operators, before being able to register with the Broadcasting Council, will require clearances from the telecommunications authority (for technical standards of equipment), and by the municipality in which they plan to operate (for a construction permit).

From the legal viewpoint, the amended Broadcasting Law now defines three distinct types of operators: operator authorized by law (provozovatel ze zakona), the licensed operator (provozovatel s licenci) and the registered operator (provozovatel s registraci). The original wording of the law defined only two types of operators. These were the public broadcaster, entitled to operate according to the relevant law (provozovatel ze zakona), and the private broadcaster, who gained authority and legitimacy to broadcast through the granting of a license (drzitel license). Indications are that the liberalization of satellite and cable broadcasting came about partly as a result of heavy lobbying by Home Box Office (HBO), which was afraid of programming quotas the CBC attempted to place on cable operators carrying the HBO film channel. The lobbying coincides with current free market (Thatcherist) concepts which prevail in the Czech Parliament.

The amendment to the Broadcasting Law is regarded as a victory for the prospective cable industry which constantly fears Europe's excessive regulations. Recent investments in cable in the Czech Republic by U.S. companies have been considerable. While HBO launched a pay cable channel in November 1994, US West Communications Inc. announced on May 25, 1995, that it had paid \$87 million for a 28.6 percent stake in Kabel Plus, [22] the largest cable TV operator in the Czech Republic, thus moving US West deeper into the European market.

The change in the government's media policy did not come suddenly. It had its roots in the Czech government's declaration of July 1992, which came one month after the national elections. Their outcome brought victory to Vaclav Klaus's ODS (Obcanska demokraticka strana--Civic Democratic Party) in the Czech Republic and to Vladimir Meciar's HZDS (Hnutie za demokraticke Slovensko--Movement for a Democratic Slovakia) in the Slovak Republic. As it turned out, the end result of the 1992 elections began the process of dissolving the Czechoslovak state. As to mass media policy, the declaration said in part:

[T]he government will promote the plurality in the mass media field, since competition in the marketplace of information is a guarantee of its quality and objectivity. The government will encourage the process of privatization and support private enterprise also in the field of mass media. [23]

The passage explicitly expressed the media policy of Klaus's new cabinet, oriented along the Thatcherist concept of government. That is, government should interfere or intervene as little as possible in the business affairs of media, if not in their operations or content. The declaration also reflected the belief that free competition in the marketplace, in this case the marketplace of mass communication, means an automatic guarantee of better quality and objectivity in the dissemination of information. At the same time, the cabinet announced its full support of privatization within the mass media landscape, including broadcasting.

This frame of mind on the part of the Klaus cabinet elucidates its evident support of the private sector in broadcasting, at the detriment of the public service broadcasting sector, as expressed in Law No. 36/1993. The government's preferential treatment of the private sector at the time was reinforced by limiting public broadcasters to one percent of advertising, with virtually no barriers for private broadcasters. For example, according to Article 3, paragraph 3, and Article 5,

paragraph 3, private broadcasters, as "third persons," shall have free access to all copyrighted works produced by Czechoslovak Television and Czechoslovak Radio during their existence.

Several provisions of the Broadcasting Law have had only limited impact. For example, Article 4, paragraph 4, which regulated the conduct of Czech Television prior to the privatization of the first channel, stipulated that Czech Television establish--for the sake of plurality--independent news departments for both its nationwide channels. Czech Television complied with the provision from February 1, 1993, to the end of the year. Because the commercial television station NOVA commenced broadcasting at the onset of February 1994, the question of plurality in news programming by the public broadcaster ceased to be valid.

Other provisions of the law have had a more lasting effect, notably those included in Article 3 which amended the law concerning the Czech Broadcasting Council. In addition to the way in which the CBC is funded, as stipulated in Article 3, paragraph 3, and the Council's dependence on Parliament, which may "recall the [entire] Council if the Council does not fulfill its duties according to article 2, [paragraph 2,] of this act," a provision of considerably greater importance is formulated in Article 3, paragraph 2, that modifies preconditions for abolishing the CBC. Law No. 36/1993 amended the provision dealing with the CBC's recall by adding the words, "or if the Czech National Council [Czech Parliament] repeatedly does not approve the report on CBC activities." While the original wording enabled the recall of the CBC only when the Council would prove not to be accountable to the legislature, the new version empowers Parliament to recall the CBC any time a majority of deputies chooses, by vote, to do so, notwithstanding the quality of the CBC's activities report. This amendment was a blow to the original concept surrounding the Council's independence from both the broadcasters and government. The regulatory body was intended to represent, first of all, all the relevant cultural, professional and regional, and later also political, currents of opinion reflected in society. Subsequent developments confirmed the fears concerning the CBC's future independence.

Recent Developments in the Broadcasting Field

Since December 1992, following 14 months of hectic activity in broadcasting legislation, no further amendments to the existing broadcasting laws occurred until the end of 1995. However, the more peaceful the legal landscape of broadcasting became, the more dramatic became developments within the electronic media field during the implementation of the legislation.

The Czech Broadcasting Council, nominated by the Czech National Council in April 1992, began its licensing activity in October 1992 by organizing public hearings for new broadcasting license applications. At the time, 35 local FM radio "experimental" licenses had already been issued by former governmental commissions, and a majority of the radio license holders were already on the air.

On January 30, 1993, within a month of Czechoslovakia's separation, the CBC awarded the first license for nationwide commercial television broadcasting on CT2 (formerly F1) to Central European Television for the 21st Century, or CET-21. In June of the same year, CET-21 established a joint venture called the Czech Independent Television Society (Ceska Nezavisla Televizni Spolecnost) whose main financial supporter became the Central European

Development Corp. (CEDC), an American-Canadian investment fund. The Czech Savings Bank (Ceska sporitelna) joined as minor partner in the venture. In May 1993, the CEDC's media activities were relocated to Central European Media Enterprise Ltd. (CME), which went public during summer of the following year and is quoted on the NASDAQ as CETV. Thus, CME is currently a partner, along with Central European Television for the 21st Century and Czech Savings Bank, in the NOVA-television operation.

On February 4, 1994, the new private television channel, NOVA-television, began broadcasting in the Czech Republic. While NOVA-television became the first commercial station to broadcast nationwide, the Czech-Italian joint venture, PREMIERA television station, had been on the air in the Prague region since June 1993. However, in contrast to PREMIERA, NOVA-television used the transmission network of the former F1 (Federal) channel and its broadcasting covered the whole territory of the Czech state. Thus, NOVA-television became the first commercial nationwide program service not only in the Czech Republic, but also among states comprising the former East bloc.

NOVA-TV's existence was a milestone of sorts in the transformation of broadcasting in the Czech Republic because it proved that a dual broadcasting system had been implemented in the country 27 months after the system had been enacted by the Broadcasting Law, No. 468/1991. Regardless of later amendments affecting the initial equilibrium established between public and private broadcasting sectors, the law's basic aim--to abolish the monopoly which had existed in electronic media prior to 1990--had been realized in both radio and television broadcasting.

The issuance of a license to CET-21 also became a milestone in respect to the relationship between the CBC and Parliament. From the date the license was issued, the CBC and its activities became sources of a lively debate, a natural outcome of one applicant being selected at the cost of all the other applicants. The unsuccessful candidates launched a campaign against the CBC. They questioned the political responsibility, professional qualifications and even the honesty and integrity of CBC members. Many politician and journalists joined in the ongoing controversy.

The sharpest attacks came from the party apparatus of the ODS, winner in the June 1992 elections. The Party's deputy chair, Petr Cermak, in response to the CBC's choice of applicant for the first nationwide television license, said that "it is absolutely unacceptable that so mighty and important a medium as television should be controlled by bankrupt politicians, who have caused so much trouble in the past," and that he "will do [his] best to change this decision." [24] As is now evident, the deputy chairman failed in his intent to do so.

His indignation stemmed from the fact that some of the CET-21 owners were well-known personalities associated with the former government and Civic Movement, loser in the June 1992 elections. Granting a license to CET-21 involved a power struggle between the ruling coalition parties in Parliament and the CBC's independent status. Ultimately, the law and democracy proved to be stronger forces than party interests. Despite all the controversy surrounding the event as reflected in the media, especially in the country's right-wing press, the validity of the CBC's decision stood.

Nevertheless, the price for the Council's independence was paid later. On May 27, 1993, the Council's chairman, Daniel Korte, resigned. His controversial actions had provoked continued attacks from Parliament and, according to his expressed belief, he did not wish to be a roadblock on the path to mutual cooperation between the two bodies. Despite the resignation, clashes between Parliament and the CBC erupted anew during spring 1994 when the CBC rejected a recommendation made by the parliamentary commission on the mass media concerning licensing procedure for AM radio stations.

In July 1994 the CBC's annual report was repeatedly rejected by deputies in the Czech Parliament. The Parliament used the rejections as a legal reason for recalling the Council's existing members and selecting new members during the same session. The selection of new council members proved to be more along party lines and allegiances to the dominant political groupings in Parliament than based on qualifications or expertise of those elected.

In spite of the change in character of the nine-member licensing body and the recidivistic attempts to use the broadcast media as instruments to support particular political or economic interests, the primary goals of the transformation in the broadcasting field have been achieved. The broadcast media in the Czech Republic no longer are the state-controlled monolithic institutions they were prior to November 1989. However, it is unclear what the long-range impact of commercialization will be on the diversity and quality of future broadcast programming in the country.

In 1994, apart from public service Czech Television and Czech Radio corporations, the private broadcasting sector consisted of 59 local and three nationwide, privately owned commercial and fully operational radio stations. Additionally, one regional channel (PREMIERA) and one nationwide television channel (NOVA) were in operation. Numerous other licenses have been granted for cable and satellite broadcasting operations now in various stages of development. The CBC's report for July 9, 1994, to January 31, 1995, listed a total of 167 licenses for different kinds of broadcasting ventures in the Czech Republic. [25] Of this number, however, 25 licenses had not yet "gained legal power" and 44 license holders had not begun broadcasting.

Problems Awaiting Solutions in the Broadcasting Sphere

Implementation of the Broadcasting Law and rapid privatization of broadcast frequencies, accompanied by the fast pace of political, economic and social changes in former Czechoslovakia and the Czech Republic, have shown that the broadcast regulatory scheme was inadequate. Moreover, numerous unanticipated and intractable problems were ignored during the drafting of the broadcasting and associated laws because agreement upon specific issues had not been reached at the time.

Some of the problem issues--cable distribution, collection of license fees and frequency management, for example--dealing primarily with the technical aspects of broadcasting, were caused mainly because the broadcast legislation was not fully synchronized with modernizing and amending the Telecommunications Law, a process which came about at the end April 1992 after the four main laws pertaining to broadcasting already had been promulgated.

Other defects and intricacies in the Broadcasting Law stem from Czechoslovakia's past, when the federal sovereignty in the area of broadcasting was not precisely divided or defined. As a direct result, the Broadcasting Law's drafting was accompanied by a tendency to use vague language in framing some of the provisions and terms with the intent that national legislation, Czech and Slovak, would take up the slack. In brief, the initial intent was not to infringe, through the federal law, on the carefully guarded broadcasting sovereignty of the two states which comprised Czechoslovakia prior to its division. Without this federal history, the whole set of the five broadcasting laws might have been reduced, in theory at least, to only two legal documents: the law on broadcasting, including the licensing authority segment, and the law establishing the public service broadcasting corporations.

Czechoslovakia's separation brought about a temporary administrative vacuum in broadcasting legislation because the main office responsible for the governmental media policy was, as a part of the federal bureaucracy, dissolved without being replaced by any equivalent office in the Czech government.

On April 22, 1993, the Czech Parliament created the Mass Media Commission, comprised of 13 members of various political parties, which declared its intention to initiate new media legislation or amendments to existing laws. However, without sufficient administrative backing and necessary expertise, the commission's declared intentions were never actually realized, despite the urgent demands by the CBC and public and private broadcasters for adjusting existing laws to the demands and needs of day-to-day operations of broadcast outlets. Only in 1994, when the Czech cabinet decided that the governmental responsibility for media policy should be assigned to the Ministry of Culture, did the group of experts prepare sets of principles for the future development of media legislation in general, supplemented by concrete suggestions.

Considering Parliament's response to the initiative, the amending of current broadcasting laws seems of greater importance than the drafting of a new mass media or press law which has been discussed intermittently since 1991. The reason is simple. While newspapers and other print media have managed successfully to adapt in their transformation to present-day political and economic realities, in spite of outdated but rather loosely worded legal regulations, the electronic media are continually being confronted with new problems and conflicts emerging among various interests, be they political, economic or social. And while some problems have been resolved, especially by the December 1995 amendment to the Broadcasting Law, there are others that require immediate attention, including:

- management of frequencies must be defined more clearly;
- CBC's status within government, its financing and method by which members are elected or appointed deserve to be reviewed;
- licensing procedures should be more clearly defined and accommodate the peculiarities of broadcasting;
- advertising limits placed on public broadcasters deserve to be reevaluated, i.e., advertising on Czech Television should be preserved but removed from prime time.

It is possible that the scheduled 1996 national elections may bring sensitive media issues into the political arena and, as a result, may delay any thorough overhaul in the near future by forcing a

pattern of minor, step-by-step amendments of existing laws. In the meantime, several of the unsolved issues have acquired a sense of urgency, with concerned parties insisting on their solutions. For example, in autumn 1994 Parliament discussed two drafts of bills designed to regulate "emergency cases," notably the definition of license fees in the changing environment of state administration and the issue of advertising. Both cases have since been settled by appropriate legislation. Of the two issues--the administration and collection of license fees and the placement of ads in television programming--the more important concerns the placement or insertion of commercials in television programming which has been an on-going subject of quarreling between the public-minded and commercially oriented deputies in Parliament.

Article 9 of Law No. 40/1995, [26] concerning the regulation of advertising, amended Article 6 of the Broadcasting Law, thus permitting the insertion of commercials in film presentations and TV dramas. The practice, however, is allowed only by the private/commercial sector. Czech Television, which is supported in the main by license fees, is legally prevented from employing the practice of insertion. Because rules and provisions concerning advertising are included in several, often contradictory, laws, the Czech government has drafted a proposal containing specific rules for advertising four principal items, i.e., tobacco products, alcoholic beverages, medicines, including medical treatments, and weapons. The proposed law has been approved, and thus amends several existing laws, among them the Broadcasting Law. Nevertheless, the overriding and highly charged controversy surrounding the apportionment of advertising revenues between public and private broadcasters remains unsettled, despite passage of Law No. 40/1995. This piece-meal approach illustrates that small improvements in the existing broadcasting laws might be more likely in the near future than a sweeping transformation of the present legislative format.

However, the possibility of a thorough reorganization of all existing broadcasting laws and, thus, a major change in the nation's media policy cannot be totally discounted in this atmosphere of continuing change which permeates not only the Czech Republic but also all the other East-Central and East European nations which constituted the former Soviet commonwealth. The post-Communist transitional period for all former East bloc nations has not been simple, as exemplified by undertakings such as the deregulation and demonopolization of the electronic media, where technological innovations and developments constantly have changed the media landscape and where expertise has been lacking. For the outside observer, it may prove difficult to follow all the on-going changes, especially the subtle modifications and peculiar complexities of East-Central European affairs.

One special peculiarity must be taken into account when assessing the overall transformation process in general and the changes taking place in the electronic media field in particular. The pertinent media legislation alone is not the decisive factor in fully understanding the emerging media policies in the post-Communist world. In the case of the Czech Republic, specifically, one also must consider the prevailing political will, the ever-fluctuating public opinion and the views of various decision-makers, whether they are members of parliament, the administration or within the broadcasting field itself. This includes the Broadcasting Council, media operators and the emerging lobby representing the media and advertising industries.

For example, the decision to privatize the first federal channel was made during the strained period when partitioning of former Czechoslovakia was under consideration, several months prior to the promulgation of Law No. 36/1993, the Broadcasting Law. That is the reason why the Broadcasting Council awarded the license for NOVA-TV so quickly, creating the dual system of broadcasting and allocating F1 channel, as opposed to OK3 channel, to the private sector. Thus, applicants were made aware, as early as the fall of 1992, that F1 and not OK3 would be made available to the private/commercial sector, postponing the decision on the status of the latter channel until some three years later.

To assess a particular East-Central European state's media policy, and to try to foretell its future course, the analyst must pay close attention and follow not only the legal developments in the media field but also--perhaps even foremost--the prevailing political mood, and economic and social atmospheres that exist. For all these factors affect and help to shape each country's media policy as the reconstructed states strive to return to, or begin on, the new path toward democracy and the eventual full integration within Western Europe, including becoming members of the European Union and the new North Atlantic Treaty Organization.

Endnotes

[1] For the purpose of clarification, East-Central Europe includes all the former Soviet satellites in Europe: Bulgaria, Czechoslovakia (now the Czech and Slovak republics), Hungary, Poland and Romania, as well as East Germany prior to unification.

[2] Zbigniew Brzezinski, *Between Two Ages: America's Role in the Technetronic Era* (New York: Viking Press, 1970), p. 9.

[3] Monroe E. Price, "Comparing Broadcast Structures: Transnational Perspectives and Post-Communist Examples," *Cardozo Arts & Entertainment Law Journal*, 11:2 (Winter, 1993), p. 278.

[4] Kevin Robins and David Morley, "Euroculture: Communications, Community, and Identity in Europe," *Cardozo Arts & Entertainment Law Journal*, 11:2 (Winter, 1993), p. 389.

[5] "The Problem of the 'Public' in Public Broadcasting Domestically and Globally," a colloquium presentation by Willard D. Rowland, Jr., University of Colorado (Boulder, Colorado), Nov. 7, 1995.

[6] Richard Collins, "The Screening of Jacques Tati: Broadcasting and Cultural Identity in the European Community," *Cardozo Arts & Entertainment Law Journal*, 11:2 (Winter, 1993), p. 361.

[7] See, for example, Anne Moebes, "Channels of Communication Are Opening in Eastern Europe," *University of Miami Entertainment & Sports Law Review*, 10:1 (Fall, 1993), pp. 18-25.

[8] Ustavni zakon Ceske narodni rady c. 4/1993, Sb. o opatrenich souvisejicich se zanikem Ceske a Slovenske Federativni Republiky, ze dne 15. prosince 1992.

[9] For a comprehensive discussion of the 1966 press law, see: Frank L. Kaplan, "Czechoslovakia's Press Law, 1967-68: Decontrolling the Mass Media." *Journalism Quarterly*, 52:3 (Autumn, 1975), pp. 450-57.

[10] The following laws currently govern broadcasting in the Czech Republic:

Press Law:

- Act No. 81/1966, on the Periodical Press and the Other Mass Information Media, amended by Acts No. 84/68, 127/68, 99/69 146/71, and by Act No. 86/90.

Broadcasting Laws:

- Act No. 468/1991, on the Operation of Radio and Television Broadcasting, October 30, 1991.
- Act No. 483/1991, on Czech Television, November 7, 1991.
- Act No. 484/1991, on Czech Radio, November 7, 1991.
- Act No. 103/1992, on the Czech Republic's Council for Radio and Television Broadcasting, February 21, 1992.
- Act No. 36/1993, on some Arrangements in the Field of Broadcasting, December 22, 1993.

[11] The List of Basic Rights document was contained in a resolution of the Czech National Council of December 16, 1992, as part of Constitutional Order of the Czech Republic, published as Act No. 2/1993.

[12] The complete text of Article 17 reads:

- (1) Freedom of expression and the right to information shall be guaranteed.
- (2) Everyone shall have the right to express his opinion either orally, in writing, in print, in picture or through any other means, as well as to seek, receive and disseminate ideas and information free and regardless of the state frontiers.
- (3) Censorship is inadmissible.
- (4) Freedom of expression and the right to seek and impart information might be restricted by law only when such a measure is necessary in a democratic society for the protection of the rights and freedoms of others, in the interests of national security, public safety, and for the protection of public health and morals.
- (5) The state and communal authorities shall provide information on their activities in an adequate way. Conditions and exercise shall be provided by law. List of the Basic Rights and Fundamental Freedoms (Listina zakladnich prav a svobod), Act No. 2/1993, in *Sbirka zakonu Ceske republiky* [Collection of Laws of the Czech Republic] Human Rights and Fundamental Freedoms, Section 2, Political Rights, Article 17, p. 20.

[13] For all practical purposes censorship of the mass media ceased in March 1968 but the practice was not formally and legally confirmed until the press law's amendment in June. See Frank L. Kaplan, *Winter Into Spring: The Czechoslovak Press and the Reform Movement, 1963-*

1968. Boulder, Colo.: East European Quarterly, 1977 (distributed by Columbia University Press), p.114.

[14] *Ibid.* See especially, "Epilogue: The Consequences," pp. 148-62.

[15] Sbirka zakonu, c. 86/1990, p. 375.

[16] By contrast, the Hungarian parliament did not approve a media bill until December 1995 after more than six years of political infighting and numerous drafts of the document.

[17] See, for example, Recommendation 1147/1991 of the Parliamentary Assembly, Europe Convention on Transfrontier Television. A dual system has been suggested by numerous experts in various documents such as those provided by the European Institute for the Media and Trans-Atlantic Dialogue on European Broadcasting.

[18] The Czechoslovak copyright law of 1965 (Law No. 35/1965 concerning literary, scientific and artistic works) stated in Article 16 that radio and television organizations--which were then stated-operated monopolies--may use or broadcast works already made public without the consent or approval of the authors concerned according to certain conditions: the work, such as a play for example, had to have been already published or publicly performed and the playwright had to be identified and compensated. Abolishing the compulsory license contributed to better protecting artists' copyrights in the post-communist demonopolizing environment. Besides, the action complied with the European Union's recommendation that all such types of compulsory licenses be eliminated by the end of 1999.

[19] Legally speaking, all licenses granted are considered new licenses, even though, in practical terms, licenses granted to existing operators are actually extensions of old license.

[20] When asked about the reason for the change, no one in the CBC Office could or would provide a direct answer. The prevailing opinion in Parliament seemed to be that the Council was "too independent" and should, instead, be more conscious of its responsibilities as a "state administrative body."

[21] Toward the end of 1995, the consensus among Parliament, cabinet and the Czech Broadcasting Council seemed to be that the old OK3 (today's CT2) will for the indefinite future remain a public service channel operated by Czech Television. This consensus was confirmed when the Czech Parliament adopted the December 1995 amendment to the Broadcasting Law.

[22] Telephone interview with Bruce Amundson, director of financial communications for US West Media Group, Denver, Colo., Jan. 25, 1996. Initially, a news brief published in *The New York Times*, Late Edition, May 26, 1995 Section D, p. 2, gave the investment figures of \$100 million for a 28.5 percent stake in the Czech cable company. *Communications Daily*, meanwhile, reported the investment figure as "about \$18 million" in its May 26, 1995, issue, Vol. 15, No. 102, p. 5.

[23] *Hospodarske noviny*, [Economic News] July 23, 1992.

[24] *Denni Telegraf*, [Daily Telegraph] February 2, 1993.

[25] ZPRAVA o stavu vysilani a cinnosti Rady Ceske republiky pro rozhlasove a televizni vysilani (9.7.1994--31.1.1995) [Report about the state of broadcasting and activity of the Council of the Czech Republic for Radio and Television Broadcasting (July 9, 1994-January 31, 1995)], Prague: February 29, 1995, p. 6.

[26] Law No. 40/1995 was promulgated on February 9.

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