

Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Czech Republic

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	247/1995 Sb. Zákon o volbách do Parlamentu České republiky 275/2012 Sb. Zákon o volbě prezidenta republiky 62/2003 Sb. Zákon o volbách do Evropského parlamentu 231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz) 132/2010 Sb (rrtv.cz) 40/1995 Sb. Zákon o regulaci reklamy	<p>Please provide an overview of how political advertising is regulated in your Member State:</p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p>There is no specific piece of law governing political advertising. Such activities are regulated by three kinds of law. The first one – and the most general – is 40/1995 Col. Act on the regulation of advertising (most explicitly in §1[9] on anonymous communications during elections). The second one is legislation devoted to the various elections (parliamentary, presidential and EU). The second type is legislation on media, more specifically on the audio-visual media (231/2001 Col. Act on the radio and television broadcasting) a print media. In case of on-demand audio-visual service, there are no any restrictions on political advertising (132/2010 Col. Act on the on-demand audio-visual media services).</p> <p>In general, political advertising is prohibited in the audio-visual media (§48[1e] 231/2001 Col. Law on the radio and television broadcasting). The only exception represents elections and three important acts on them: a) 247/1995 Col. Act on the elections to the Parliament of the Czech Republic and its § 16 in particular, b) 275/2012 Col., Act on the</p>

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		<p>elections of the president of the republic, in particular §35[5], c) 62/2003 Col., Act on the elections to the European parliament in particular § 59[4].</p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>There is no such piece of legislation adopted or currently prepared in Czechia. The Bureau for Control of Funding of Political Parties and Movements (UDPHSP) in one of its explanatory statement argues that electoral legislation concern all “communication media” including on-line platforms. Self-regulatory framework in Czechia does not exist at all.</p>
Legal and/or statutory definition of the notion of “ political advertising ” and “ online political advertising ” (if applicable)	<p>231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz) 40/1995 Sb. Zákon o regulaci reklamy</p>	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p>No. There is no such explicit definition. As stated below, 231/2001 Col. Act on the radio and television broadcasting, more specifically by its §48[1e], uses only term “political commercial communication”. In print media, political advertising is non-regulated - 40/1995 Col. Act on the regulation of advertising does not mention political adverts at all only stating that no advert “can attack political beliefs” §2[2].</p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>No. There is no such definition. In general, online political advertising suffers in Czechia from non-existing regulatory framework.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	<p>231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)</p>	<p><i>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</i></p> <p>There is no legislative definition of political advertising. Instead of this, term “political commercial communication” is introduced by 231/2001</p>

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		<p>Col. Act on the radio and television broadcasting, more specifically by its §48[1e]: political parties' and movements' commercial communications and those of independent candidates standing for the posts of deputies, senators or members of a municipal or local council or council of a higher-level self-government unit, unless otherwise provided in specific legislation.</p> <p><i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i></p> <p>As mentioned above – in the context of radio and television broadcasting, it applies to political parties/movements and independent candidates.</p>
Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising		<p><u>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</u></p> <p>No.</p> <p><u>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</u></p> <p>No.</p>
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)	<p>247/1995 Sb. Zákon o volbách do Parlamentu České republiky</p> <p>275/2012 Sb. Zákon o volbě prezidenta republiky</p> <p>62/2003 Sb. Zákon o volbách do Evropského parlamentu</p>	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>The Czech law uses term “electoral campaign”. As such, it is defined by respective acts (on parliamentary elections, on presidential elections, on the EP elections). In all cases the campaign is launched when the term of the election is officially announced and it ends when the election’s official results are announced. In all cases, the elections have to be announced at least 90 days prior the first day of elections (all elections last two days in the Czech Republic). The elections are</p>

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		<p>announced by the president of republic and published in the Collection of Law.</p> <p>The law in all cases stipulates honesty and integrity in conduct of the election campaign and prohibits the publication of any untruthful information with regard to candidates, parties, movements, or coalitions.</p>
National rules on paid political advertising during pre-election campaigns	<p>231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)</p>	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p>In case of audio-visual media, political adverts in general (no matter if paid) are prohibited apart of time reserved for subjects running in the elections in public service media (Czech Television, Czech Radio). In case of print media, there are no such restrictions. In general, every feature of electoral campaign needs to carry an information on who paid for it and who produced it, and if made by subject standing for elections, advertisement must carry its name. This applies also to online environment and social media and also to the use of large-scale installations and to the (negative) promotion against any candidate political party, political movement or coalition or their candidate. Political parties, political movements or coalitions standing in elections are required to mark their electoral campaign with their name or abbreviation.</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p>See above. In case of audio-visual media, political adverts in general (no matter if paid) are prohibited apart of time reserved for subjects running in the elections in public service media (Czech Television, Czech Radio). In case of print media, there are no such restrictions.</p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p>

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		<p>Political advertising is allowed – or rather non-regulated – in the print media. It has to be only clearly identified in terms of processors and contracting authorities.</p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>Online “world” is not a subject of specific regulatory framework. The Bureau for Control of Funding of Political Parties and Movements (UDPHSP) in one of its explanatory statement argues that electoral legislation concern all “communication media” including on-line platforms.</p>
National rules on financing of political parties/candidates in relation to political adverts		<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>There are no such specific and detailed rules.</p>
National rules on free political advertising (or free airtime) during pre-election campaigns	247/1995 Sb. Zákon o volbách do Parlamentu České republiky 275/2012 Sb. Zákon o volbě prezidenta republiky 62/2003 Sb. Zákon o volbách do Evropského parlamentu	<p><i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i></p> <p>Yes, public service broadcasters (Czech Television – TV, Czech Radio – radio).</p>
National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	247/1995 Sb. Zákon o volbách do Parlamentu České republiky 275/2012 Sb. Zákon o volbě prezidenta republiky	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p>In period defined as starting 16 days prior the elections and ending 48 hours prior the elections, all subjects running in the elections are guaranteed equal amount of time in public broadcasters (Czech</p>

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	62/2003 Sb. Zákon o volbách do Evropského parlamentu 231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	Television, Czech Radio). Using other broadcasters (commercial in particular) is prohibited.
National rules on political advertising in print media during pre-election campaigns	247/1995 Sb. Zákon o volbách do Parlamentu České republiky 275/2012 Sb. Zákon o volbě prezidenta republiky 62/2003 Sb. Zákon o volbách do Evropského parlamentu	<i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i> The political advertising in print media is not regulated above provisions included in electoral acts. Any political advert (including print media) has to be visibly identified regarding its processor and contracting authority. These provisions are included in all three relevant electoral acts -) 247/1995 Col. Act on the elections to the Parliament of the Czech Republic and its § 16 in particular, b) 275/2012 Col., Act on the elections of the president of the republic, in particular §35[5], c) 62/2003 Col., Act on the elections to the European parliament in particular § 59[4].
National rules on political advertising on online media applicable to political parties , during pre-election campaigns		<i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> There is no such specific legislation.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns		<i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i> No.
Specific rules relating to “false information”, fake news” or “disinformation campaigns” during pre-election campaigns	247/1995 Sb. Zákon o volbách do Parlamentu České republiky 275/2012 Sb. Zákon o volbě prezidenta republiky	<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns?</i> No. The Czech law is in this sense confusing. Whereas it at least implicitly allows negative campaign – all electoral acts consider also negative promotion against any candidate political party/movement - it

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	62/2003 Sb. Zákon o volbách do Evropského parlamentu	also stipulates honesty and integrity in conduct of the election campaign and prohibits the publication of any untruthful information with regard to candidates, parties, movements, or coalitions.
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)		<p><i>How is the elections period defined in your Member State?</i></p> <p>The elections period starts somehow between 3 days (ban on opinion polls and forecast results announcement) and 2 days (end of political advertising in public service media) prior the first day of elections (all elections last two days in Czechia).</p>
National rules on paid political advertising during elections period	231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p>Prohibited.</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p>Public service broadcasters – the only broadcasters which may be used for the political advertising – have to end broadcasting such materials as TV spots.</p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p>NA.</p> <p><i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of ‘silence periods’ online)</i></p> <p>No.</p>
National rules on financing of political parties/candidates in relation to political adverts	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific</i>

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		<p><i>campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>There are no specific rules on such details – funding of political parties is defined in general terms in 424/1991 Col. Act on association in political parties and in political movements.</p>
National rules on free political advertising (or free airtime) during elections period		<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>No.</p>
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)	231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i></p> <p>Political advertising is prohibited during election period.</p>
National rules on political advertising in print media during elections period		<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p>There is no specific legislation on political advertising in print media in the Czech Republic.</p>
National rules on political advertising on online media applicable to political parties , during elections period		<p><i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i></p> <p>NA.</p>
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period		<p><i>Are there any particular rules to online platforms during elections period in your Member State?</i></p> <p>No.</p>
Specific rules relating to “false information”, “fake news” or “disinformation campaigns” during elections period		<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation campaigns” during elections period?</i></p> <p>No.</p>

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IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	<p><i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i></p> <p>Political advertising is prohibited in audio-visual media, allowed in print media.</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i> <i>If allowed, are there restrictions on paid political advertising?</i></p> <p>As mentioned above</p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>There are no specific rules for online activities.</p>
National rules on financing of political parties in relation to political adverts		<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>There are no specific rules on such details – funding of political parties is defined in general terms in 424/1991 Col. Act on association in political parties and in political movements. More specifically, § 17[8] of 424/1991 defines 10 various types of income a political party /movement is allowed to accept (e. g. membership fees, contribution from the State Budget of the Czech Republic to cover electoral costs, gifts, inheritances and free benefits, interest on deposits). In order to ensure transparency, parties and movements and political institutes use only funds held in accounts with a bank, payment institution or electronic money institution or at a branch of a foreign bank, payment institution or electronic money institution in the Czech Republic. This does not apply if the expenditure does not exceed CZK 5000; such</p>

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		expenses may be paid in cash. §18[2] sets maximum donation stating that parties and movements shall not accept a gift or other gratuitous fulfillment if the sum of all cash gifts or money sums corresponding to the usual price of a gift or other gratuitous fulfillment received from one and the same person exceeds CZK 3000000 in one calendar year. For one and the same person is also considered a legal entity. If the donor or provider of another gratuitous fulfillment is a member of a party or movement, a membership fee of more than 50000 CZK is considered to be a gift or other gratuitous fulfillment."
National rules on free political advertising (or free airtime) outside of elections period		<i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i> No.
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	<i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i> Prohibited by the legislation.
National rules on political advertising in print media outside of elections period		<i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i> There are no such rules. The political adverts have to be clearly labelled in terms of their processor and contracting authority.
National rules on political advertising on online media applicable to political parties , outside of elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> NA.
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and		<i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i>

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intermediaries such as social media for political advertising		No. <i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i> NA. <i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i> NA.
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding ¹ to political parties and/or candidates	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i> Direct public funding is specified in §17a of 424/1991 Col. Act on association in political parties and in political movements. A party can be funded by state funding (permanent subsidy was introduced and made available to political parties which had qualified for reimbursement of their election expenses + per seat subsidy), membership fees, gifts and legacies, loans and other items.
Rules on indirect public funding ² to political parties and/or candidates	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i> Each party running in an election has to set up specific transparent account for such election. That means that the electoral campaigns

¹ **Public funding** refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

² **Indirect** public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

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		have to be funded transparently and directly – no indirect funding is allowed.
Rules on free or subsidised access to media for political parties and/or candidates	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i> As already explained – parties running in parliamentary elections are granted free access to public service broadcasters in a specific period prior the elections. Outside the pre-elections period, there are no such provisions.
Rules on foreign contributions to political parties and political campaigns	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i> Yes, but it applies to political parties' funding as such - §18j and k of 424/1991 Col. Act on association in political parties and in political movements prohibit any abroad funding (there are two exceptions – a political party or a political foundation). More specifically, parties and movements shall not accept a gift or other gratuitous fulfilment h) from a foreign legal entity, except for a political party and a foundation established for public benefit, i) from a natural person who is not a citizen of the Czech Republic; this does not apply if it is a person who has the right to vote in the Czech Republic to the European Parliament.
VII. Monitoring and enforcement of national rules on political advertising by national authorities		
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	<i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i> Indirectly, this is a responsibility of Bureau for Control of Funding of Political Parties and Movements (UDHPSH) – but in general, the capacity of this institution is limited and its activities are targeted elsewhere (in particular towards funding issues).
Particular measures for supervising online political		<i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the</i>

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advertising within and outside elections periods		<p><i>enforcement powers of the relevant authority/body, as well as procedural safeguards?</i></p> <p>That is very difficult to say in general terms. As obvious from this report, agenda of political advertising is in terms of legislation very fragmented and (in particular) underdeveloped. Depending on specific issue (type of media where a problem occurs, for example), different institutions are involved because they play a role on the basis of different legal acts (UDHPSH, Council for Radio and Television Broadcasting [RRTV], Ministry of Interior). In general, the most used tool are fines. For example, in 2019, UDHPSH finally closed a total of 68 administrative proceedings for parliament elections (including those initiated in 2018), for which it imposed a total of 36 fines totalling CZK 761 500 and 13 remissions. In 3 cases, the proceedings were stopped. In case of RRTV, in 2019, it imposed (not necessarily related to political advertising) 25 fines of average value of CZK 88 000.</p>
Sanctions, penalties and remedy measures applicable in violation of the law		<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>That is very difficult to say in general terms. As obvious from this report, agenda of political advertising is in terms of legislation very fragmented and (in particular) underdeveloped. Depending on specific issue (type of media where a problem occurs, for example), different institutions are involved because they play a role on the basis of different legal acts (UDHPSH, Council for Radio and Television Broadcasting [RRTV], Ministry of Interior). As explained above, the most used and typical tool are fines.</p>

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Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Zákon o sdružování v politických stranách a hnutích	424/1991 Sb. Zákon o sdružování v politických stranách a v politických hnutích	Act on association in political parties and in political movements
Zákon o volbě prezidenta republika	275/2012 Sb. Zákon o volbě prezidenta republiky	Act on the elections of the president of the Czech republic
Zákon o volbách do Parlamentu České republiky	247/1995 Sb. Zákon o volbách do Parlamentu České republiky	Act on the parliamentary elections
Zákon o audio-vizuálních službách na vyžádání	132/2010 Sb (rrtv.cz)	On-demand Audiovisual Media Services Act
Zákon o rozhlasovém a televizním vysílání	231/2001 Sb. Zákon o provozování rozhlasového a televizního vysílání NEOFICIÁLNÍ KONSOLIDOVANÝ TEXT (rrtv.cz)	Act on on Radio and Television Broadcasting
Zákon o regulaci reklamy	40/1995 Sb. Zákon o regulaci reklamy	Act on the regulation of advertisement