

Cooperation and Exchange of Information

Memorandum of Understanding

THIS Memorandum of Understanding on Cooperation and Exchange of Information is made on the 10th day of December 2009, by and between, the Council for Radio and Television Broadcasting (Czech Republic), the National Radio and Television Commission (Hungary), the National Broadcasting Council (Poland), the National Audiovisual Council (Romania), the Republic Broadcasting Agency (Serbia) and the Council for Broadcasting and Retransmission of the Slovak Republic (Slovakia), hereinafter called signatory (collectively signatories) to this Memorandum.

BACKGROUND

1. Council for Radio and Television Broadcasting is the regulator of the Czech audiovisual domain. In particular it has responsibility for overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under Czech jurisdiction, including those receivable in other Member States of the European Union.
2. The National Radio and Television Commission is the official regulator of Hungarian audiovisual domain. In particular it has responsibility for overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under Hungarian jurisdiction, including those receivable in other Member States of the European Union.
3. The National Broadcasting Council of Poland is the State regulator in the field of radio and television broadcasting. In particular it has responsibility for overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under Polish jurisdiction, including those receivable in other Member States of the European Union.
4. The National Audiovisual Council is the autonomous regulatory authority of audiovisual media services in Romania. It has responsibility for, among other things, overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under the jurisdiction of Romania, including those receivable in other Member States of the European Union.
5. The Republic Broadcasting Agency is the official regulator of the Serbian audiovisual domain. It has responsibility for, among other things, overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under the jurisdiction of Serbia, including those receivable in Member States of the European Union.

6. Council for Broadcasting and Retransmission is the regulator of the Slovak audiovisual domain. In particular it has responsibility for overseeing the content of, and the amount and scheduling of advertising in television and radio services provided by broadcasters falling under Slovak jurisdiction, including those receivable in other Member States of the European Union.
7. Signatories recognise that under the Directive 89/552/EEC of 3 October 1989 of the European Parliament and of the Council concerning the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Service Directive), a broadcaster once established in a Member State in accordance with the Directive must comply with the rules of the system of law applicable to broadcasts intended for the public in that Member State, subject to limited exceptions acknowledged in the Directive.
8. Each Member State remains free to require television broadcasters under its jurisdiction to comply with more detailed or stricter rules in the areas covered by the Directive. The rules which a broadcaster is subject to may vary in different Member States. Under the Directive, a broadcaster may be established in one Member State, but direct its programme service towards the territory of the other country.
9. The signatories declare their willingness to discuss ways in which they may cooperate informally to: increase mutual understanding about each other's applicable laws and rules concerning the content of television services and the amount and scheduling of advertising; exchange information and, assist each other in handling of the complaints concerning programme services provided by broadcasters established in another signatory to this Memorandum.

LEGAL STATUS

10. The signatories agree that this document is not intended to create any legal relations between them nor any legal entitlements or obligations. They however declare their willingness to use all reasonable endeavours in good faith to bring into practice arrangements in respect of consultation and exchange of information described in the Memorandum of Understanding.
11. This Memorandum shall be without any affect to other documents signatories may have signed prior to this Memorandum as for instance the Memorandum of Understanding on enhanced cooperation signed by the Romanian and Hungarian regulator.

LAWS, CODES AND GUIDANCE

12. Each signatory shall prepare for the other a brief summary of laws and regulations relevant in their country for regulating the content of, and advertising in, television and radio broadcasts. The purpose of these summaries is, among others, to identify material differences between applicable rules in the countries party to this agreement. If requested by a signatory, the signatory may discuss these differences with a view to improve their understanding of the other signatory's national legal regimes in the spirit of the recital 66 of the preamble and article 23b of the Audiovisual Media Services Directive.

COMPLAINTS

13. If a signatory receives a complaint about a television programme broadcast by a company licensed by another signatory, the signatory may forward that complaint to the signatory from the country having the jurisdiction for consideration. The signatory from a country having the jurisdiction will then deal with the complaint in accordance with its published procedures.
14. In addition, a signatory may forward the result of its monitoring report on the content of foreign broadcast to the signatory from the country having the jurisdiction for consideration. Signatories declare also to send complaint they receive about such programme service to the signatory from the country having the jurisdiction as soon as possible. A signatory may supply its own copy of the programme to the signatory from the country having the jurisdiction.
15. The signatory from the country having the jurisdiction should send a copy of response to such complaint in English to the other signatory.
16. If a signatory receives a complaint concerning a television programme broadcast by a company licensed by it, whose television broadcast is wholly or mostly directed towards the territory of the country of another signatory and this other signatory is not already aware of the complaint, the signatory from the country having the jurisdiction should inform the signatory to whose country's territory television broadcast is wholly or mostly directed to (later described as „the other signatory“). The other signatory may then, if it wishes, provide the relevant information or clarification to the signatory from the country having the jurisdiction about the complaint. The signatory from the country having the jurisdiction agrees to give due consideration to any of such submissions. As it considers appropriate, the signatory from the country having the jurisdiction undertakes to keep the other signatory informed of the progress of the examining the complaint. The other signatory may provide clarification or opinion on the matter in question, to the signatory from the country having the jurisdiction. The signatory from the country having the jurisdiction deals with such complaint in accordance with its own national law.
17. Each signatory may designate relevant expert from its own staff in order to facilitate exchange of information and consultation process in the spirit of article 23b and the recital 66 of the Audiovisual Media Service Directive.

ADVICE AND COOPERATION

18. Signatories may give advices to each other on a timely basis about the laws and regulations relevant to regulating television programme services under their jurisdiction. Depending on the circumstances, this advice may or may not be in writing.
19. This advice may include how such laws and regulations are interpreted in the signatories's countries in light of their respective national cultures and heritage, and local sensitivities.
20. Signatories may inform each other on their position pertaining to the binding legal instruments .
21. Signatories also agree to organize at least one meeting annually to discuss the most important issues arising from this agreement. Signatories shall inform each other on major conferences, forums to be held in their countries in the audiovisual field, and also endeavour to organize study trips for their staff.
22. If the signatories agree, this cooperation may be extended to the regulators from the other countries that express their interest.

SIGNATURES

CZECH REPUBLIC

Signed by: _____

(Kateřina Kalistová) for and on behalf of the Council for Radio and TV Broadcasting

HUNGARY

Signed by: _____

(Annamária Szalai) for and on behalf of the National Radio and Television Commission

POLAND

Signed by: _____

(Witold Kołodziejski) for and on behalf of the National Broadcasting Council of Poland

ROMANIA

Signed by: _____

(Răsvan Popescu) for and on behalf of the National Audiovisual Council

REPUBLIC OF SERBIA

Signed by: _____

(Bishop of Jegar Porfirije Peric) for and on behalf of the Republic Broadcasting Agency

SLOVAKIA

Signed by: _____

(Miloš Mistrík) for and on behalf of the Council for Broadcasting and Retransmission

Place and date of signature: Prague, Czech Republic, December 10,2009