

POLAND

Name of Regulatory Authority : Krajowa Rada Radiofonii I Telewizji (KRRiT) – National Broadcasting Council of Poland

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Basis for operation

Legal framework : The Constitution of the Republic of Poland, adopted by the National Assembly on 2nd April 1997

Broadcasting Act adopted by the Polish Parliament on December 29, 1992 (with further amendments)

General remit : ☒ TV ☒ radio ☐ networks and infrastructures
☐ others (please specify)

Funding mechanismsⁱ : ☐ licence fee ☐ industry fee ☒ state budget
☐ mixed funding (please specify):
☐ other (please specify):

Composition

Number of members: **5** Term of office: **6 years** Re-election possible: ☐

Proposal of members: *According to the rules of procedure adopted by the Sejm, candidates for the members could be proposed by the Marshal of the Sejm or group of at least 35 Members of the Sejm.*
According to the rules of procedure adopted by the Senate, candidates for the members could be proposed by the group of at least 7 Senators

Appointment of members: The National Council shall consist of 5 members, of which 2 shall be appointed by the Sejm, 1 by the Senate and 2 by the President from amongst persons with a distinguished record of knowledge and experience in mass media.

Revocation of mandate possible: ☒ based on: *According to Art. 12 (4) of Broadcasting Act In case of rejection of the Council's annual report by both the Sejm and the Senate, the term of office of all the members of the National Council shall expire within 14 days from the date of the resolution to this effect. However the National Council's term of office shall not expire unless so approved by the President of the Republic of Poland.*

*According to Art.7(6) of the Broadcasting Act:
The body which is empowered to appoint a
member of the National Council shall dismiss
such a member solely in cases when the said
person:*

- has resigned,*
- has become permanently unable to
discharge his/her duties for reasons of ill health,*
- has been sentenced for a deliberate
criminal offence and the said sentence is valid
and enforceable,*
- has submitted false lustration
statement and this fact has been confirmed by
the valid and enforceable sentence of the court*
- has committed a breach of the
provisions of the Act and the said breach has
been confirmed by the decision of the Tribunal
of State.*

Number of staff: 136 (141 including
the Members)

Chairperson: Ms. Agnieszka Glapiak, PhD

Deputy Chair: Ms. Hanna Karp, Assoc. Prof.

Competences

		national	regional	local
Granting of licences ⁱⁱ	terrestrial analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	terrestrial digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	satellite analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	satellite digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	cable analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	cable digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	others(please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	in the areas where your authority is not competent to grant licences, please specify the authority in charge:			
	<i>Please add any other relevant information:</i>			
Granting of declarations	terrestrial analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	others (please specify): Cable operators, VoD and VSP providers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	In the areas where your authority is not competent to grant declarations, please specify the authority in charge:			

Please add any other relevant information:

Frequency allocation ☒

Supervision of	private broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	public broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Handling complaints ☒

Sanctioning	<input checked="" type="checkbox"/> issue warning	<input checked="" type="checkbox"/> impose fine	<input type="checkbox"/> demand to broadcast announcement
	<input checked="" type="checkbox"/> revoke licence	<input type="checkbox"/> suspend licence	<input type="checkbox"/> reduction in the licensing period
	<input type="checkbox"/> suspend a programme / broadcast		
	<input type="checkbox"/> other (please specify):		

Rule making	<input type="checkbox"/> codes	<input checked="" type="checkbox"/> rules (please specify): executive regulations
	<input type="checkbox"/> other (please specify):	

Consultative powers ☒ please specify the areas covered: broadcasting, spectrum management, drawing up, in agreement with the Prime Minister, the directions of the State policy in respect of radio and television broadcasting, taking part in cooperation with respect to drafting legislation and international agreements related to radio and television broadcasting, co-operate with appropriate organisations and institutions in respect of protecting copyright and neighbouring rights as well as the rights of performers, producers and broadcasters of radio and television programme services.

Power of nomination (e.g. chairman of PSB) ☐ Please specify:

Monitoring ☒ programming
☐ financial performance
☐ others (please specify):

others

☒ Please specify:

According to art. 3.2 and 3.5 of Licence fees Act:

„2. By May 31 each year, the National Broadcasting Council shall announce amounts of licence fees for the following calendar year calculated in accordance with paragraph 1, subject to the provision of paragraph 5, in the official journal of the Republic of Poland "Monitor Polski".

(...)

5. By May 31 each year, the National Broadcasting Council may define, by a regulation, lower amounts of licence fees for the following calendar year than the amounts specified in paragraph 1, with due regard for:

1) projected costs of carrying out the mission of public radio and television referred to in Article 21 paragraph 1 of the Broadcasting Act, assessed on the basis of reports and programme & financial guidelines referred to in Article 31b thereof;

2) capabilities to finance the costs of carrying out the mission referred to in subparagraph 1 with proceeds specified in Article 31 paragraph 1 subparagraphs 2-4 of the Broadcasting Act;

3) the degree and manner in which the funds referred to in Article 2 paragraph 1 were utilized in the preceding year.”

According to art. 8.1 and 8.2:

1. The proceeds referred to in Article 2 paragraph 1, Article 5 paragraph 3 and Article 7 paragraph 4, with the exclusion of the deductions provided for in Article 6 paragraph 2 and Article 7 paragraph 8, shall be earmarked exclusively for the carrying out of the mission of public radio and television referred to in Article 21 paragraph 1 of the Broadcasting Act by broadcasters, in the amount that shall not exceed expenditure incurred in connection with the carrying out of that mission.

2. Following an analysis of programme & financial plans referred to in Article 21 subparagraph 3 of the Broadcasting Act and of reports referred to in Article 31b subparagraph 3 of the Broadcasting Act, for the preceding calendar year, and an analysis of costs specified therein, the National Broadcasting Council shall determine on an annual basis, by June 30 at the latest, the method of distributing the proceeds referred to in paragraph 1 amongst the public radio and television broadcasting organizations in the following calendar year, including the minimum share of the regional branches of the company referred to in Article 26 paragraph 2 of the Broadcasting Act.

Please add any information you deem important:

ⁱ By “licence fee” we refer to the public service licence fee usually paid by the entire population, whereas the term “industry fee” implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.

ⁱⁱ According to Art. 33 of Broadcasting Act:

1. Transmission of programme services other than those of public radio and television broadcasters shall require a licence to broadcast.

2. Broadcasting licences shall be awarded by the Chairman of the National Council.

3. The Chairman of the National Council shall take decisions as regards broadcasting licences on the basis of a resolution of the National Council. The decision on this issue shall be final.