



OPEN SOCIETY INSTITUTE
EU MONITORING AND ADVOCACY PROGRAM

NETWORK MEDIA PROGRAM

Television across Europe:

Follow-up Reports 2008

POLAND

Published by

OPEN SOCIETY INSTITUTE

Október 6. u. 12.
H-1051 Budapest
Hungary

400 West 59th Street
New York, NY 10019
USA

© OSI/EU Monitoring and Advocacy Program, 2008
All rights reserved.



TM and Copyright © 2008 Open Society Institute

EU MONITORING AND ADVOCACY PROGRAM

Október 6. u. 12.
H-1051 Budapest
Hungary

Website

<www.eumap.org>

<www.mediapolicy.org>

Design & Layout by Q.E.D. Publishing

Acknowledgements

This country report was prepared as part of a series of monitoring reports titled “Television across Europe: Follow-up Reports 2008”. The series presents an update of the situation in nine of the original twenty countries covered in the 2005 reports series “Television across Europe: regulation, policy and independence”. The countries included in the 2008 series are: Albania, Bulgaria, Czech Republic, Italy, Lithuania, Macedonia, Poland, Romania and Slovakia.

Both series of reports have been prepared by the EU Monitoring and Advocacy Program (EUMAP) of the Open Society Institute and by the Network Media Program (NMP) of the Open Society Foundation, in co-operation with local experts. EUMAP and NMP would like to acknowledge the primary role of the following individuals in researching and drafting this country report.

Final responsibility for the content of the reports rests with the Programs.

“Television across Europe – Follow-up Reports 2008, Poland”

Editors

Marius Dragomir (NMP)

Project Manager and Editor

Mark Thompson (NMP)

Editor

Country reporter

Andrzej Krajewski

Press Freedom Monitoring Centre

OSI Team

Gordana Janković (NMP)

Program Director

Biljana Tatomir (NMP)

Deputy Director

Miriam Anati (EUMAP)

Advocacy and Communications

Andrea Gurubi Watterson (EUMAP)

Program Coordinator

Csilla Tóth (EUMAP)

Program Assistant

Joost van Beek (EUMAP)

Website Manager

Sergey Shabanov (EUMAP)

Website Developer

Preface

Television across Europe: Follow-up Reports 2008 is a monitoring project of EUMAP (EU Monitoring and Advocacy Program) at the Open Society Institute and of the Network Media Program at the Open Society Foundation. The project updates and builds on the outcome of the original *Television across Europe: regulation, policy and independence* monitoring reports released in October 2005, which covered 20 countries.

The 2005 reports concluded that the pivotal role of television in supporting democracy in Europe was under threat. It showed that public service broadcasters were being forced to compromise quality to compete with commercial channels, and that many of them depended on Governments or political parties. Moreover, ever-larger concentrations were developing in the commercial sector, often with clear political affiliations. These developments jeopardised broadcasting pluralism and diversity, with the new democracies of Central and Eastern Europe most acutely at risk.

The original *Television across Europe* project and its linked advocacy activities ended in June 2006. Since then, the Network Media Program has funded a number of follow-up projects, carried out by partner organisations in selected countries, aimed at promoting and building on the reports' findings and conclusions.

There have been significant developments in many of the countries covered in the 2005 reports, with respect to many of the areas monitored. Launched in London in March 2008, *Television across Europe: Follow-up Reports 2008* monitors these developments in nine of the twenty countries that were originally monitored: Albania; Bulgaria; the Czech Republic; Italy; Lithuania; Poland; the Republic of Macedonia; Romania and Slovakia. These countries were selected because of the continuing significant changes in their broadcasting landscape.

Television across Europe: Follow-up Reports 2008 maps the main changes in broadcasting legislation, policy and market over the past three years and assesses the progress – or lack of – that these countries have made in improving the independence and pluralism of their broadcasting.

As with the original 2005 reports, these updates are addressed to policy makers, civil society activists and academics alike, as a contribution to bringing about change where it is needed.

The nine country reports were drafted by local experts with the support of partner NGOs. All country reports are based on the same methodology, thus allowing for a comparative analysis. OSI and OSF assume final responsibility for their content.

About EUMAP

EUMAP, the EU Monitoring and Advocacy Program of the Open Society Institute, monitors the development of selected human rights and rule of law issues in both the European Union and in its candidate and potential candidate countries.

EUMAP works with national experts and nongovernmental organizations (NGOs) to compile reports that are distributed widely throughout Europe and internationally. The reports are designed to encourage broader participation in the process of articulating the EU's common democratic values as well as in ongoing monitoring of compliance with human rights standards throughout the Union.

In addition to these monitoring reports on Television across Europe, EUMAP is currently focusing on access to Education for Roma and on the situation of Muslims in selected EU Cities.

Previous EUMAP reports include the 2005 Television across Europe series as well as reports on minority protection, the rights of people with intellectual disabilities, judicial independence, judicial capacity, corruption and anticorruption policy and equal opportunities for women and men.

All EUMAP reports as well as further information on the program are available at www.eumap.org.

About NMP

The Network Media Program seeks to promote independent, professional, and viable media and quality journalism, primarily in countries undergoing a process of democratization and building functioning media markets.

The Media Program supports initiatives aimed at helping media-related legislation conform to international democratic standards, increasing professionalism of journalists and media managers, strengthening associations of media professionals, and establishing mechanisms of media self-regulation. The Media Program also supports media outlets that stand for the values of open society, as well as efforts aimed at monitoring and countering infringements on press freedom, and promoting changes in media policy that ensure pluralism in media ownership and diversity of opinion in media.

Although traditionally the Media Program has focused on Central, Eastern, and South Eastern Europe, CIS, and Mongolia, during the past several years it has expanded to Western and Southern Africa, Southeast Asia, and Latin America.

Television across Europe:

Follow-up Reports 2008

Poland

By Andrzej Krajewski

Table of Contents

A. Executive Summary	11
B. Recommendations	12
1. Original recommendations from the 2005 report	12
1.1 Policy	12
1.2 Regulatory authorities (KRRiT)	13
1.3 Public broadcaster (TVP)	14
1.4 Private broadcasters	15
2. New recommendations based on the 2008 Report	15
2.1 Digitalisation	15
2.2 Public debate	15
2.3 Public Service Broadcasting	15
C. Main Findings of the Follow-up Monitoring	16
1. General broadcasting environment	16
1.1 Key developments in legislation and policy	16
1.2 EU legal provisions	16
1.3 Broadcasting market	17
2. Regulation and licensing of the television sector	19
2.1 Regulatory authorities and framework	19
2.2 Licensing system	21
3. Regulation and management of public service television broadcasting (PSB)	27
3.1 PSB legislation and policy	27
3.2 PSB governance structure	27
3.3 PSB funding	33
3.4 Editorial standards	36
4. Commercial broadcasting	39
4.1 Regulation and management	39
4.2 Ownership and cross ownership	39
4.3 The advertising market	41
4.4 Editorial standards and independence	42
4.5 Regional and local broadcasting	43

5. Programming	44
5.1 Output	44
5.2 General provisions on news	45
5.3 General programme production guidelines	46
5.4 Quotas	46
5.5 Obligations on PSB	46
5.6 Obligations on commercial broadcasters	48
6. Conclusions	49
ANNEX 1. Legislation cited in this report	51
ANNEX 2. Bibliography	52

Index of Tables

Table 1. Audience share of the main television channels in 2002–2006	18
Table 2. The digital channels of the largest private broadcasters in Poland	26
Table 3. TVP digital programmes	27
Table 4. TVP budget in 2004–2007 (breakdown by the source of revenue)	33
Table 5. Who does and does not pay the licence fee? (in thousands)	34
Table 6. Politicians on nationwide TVP news programmes 16 October–25 November 2006	37
Table 7. Advertising as percentage of programme time	41
Table 8. Share of TV advertising income in 2006 (as gross percentage)	42
Table 9. Shares of public and private broadcasters' output in 2006 (by genre)	45
Table 10. TVP programmes fulfilling general public broadcasting obligations in 2003–2006 (share of total programming as percentage)	48

List of Abbreviations

IPN	Institute of National Remembrance, <i>Instytut Pamięci Narodowej</i>
KRRiT	National Broadcasting Council, <i>Krajowa Rada Radiofonii i Telewizji</i>
LPR	League of Polish Families, <i>Liga Polskich Rodzin</i>
NSA	Supreme Administrative Court, <i>Naczelny Sąd Administracyjny</i>
OSCE	Organisation for Security and Co-operation in Europe

PAP	Polish Press Agency, <i>Polska Agencja Prasowa</i>
PiS	Law and Justice party, <i>Prawo i Sprawiedliwość</i>
PO	Citizens' Platform, <i>Platforma Obywatelska</i>
SDP	Polish Journalists' Association, <i>Stowarzyszenie Dziennikarzy Polskich</i>
SLD	Democratic Left Alliance, <i>Sojusz Lewicy Demokratycznej</i>
TVP	Polish Television, <i>Telewizja Polska</i>
UKE	Office of Electronic Communications, <i>Urząd Komunikacji Elektronicznej</i>
UOKiK	Office for Competition and Consumer Protection, <i>Urząd Ochrony Konkurencji i Konsumentów</i>

A. Executive Summary

Polish electronic media are at a crucial moment of their development. The public service broadcaster, Polish Television (TVP, *Telewizja Polska*) which still commands more than half of the country's audience and advertising revenue, is a grizzled political and commercial behemoth. With dwindling income from the licence fee, which the Government wants to abolish in any case by the end of 2008, fierce fighting for advertising revenue, and TVP losing its younger, more educated and wealthier viewers, the future looks bleak for Polish public service broadcasting.

The new Government badly wants to change the management of TVP, which was nominated by the previous Government. The future of TVP is at the heart of a heated debate. If the licence fee is indeed scrapped by Parliament, the public service broadcaster will be financed from the State budget through a Public Mission Fund. The sources for this fund would also include income from taxing private TV broadcasters, as compensation for TVP relinquishing part of its current share of advertising revenue.

Some politicians talk about privatising TVP 2, TVP Info and bestowing 16 TVP regional branches upon municipalities, however the government denies any privatisation of TVP. However, if such plans are implemented, it would lead to a halving of TVP's current staff of 4,600. The move would be expected to terminate hundreds of sinecures given to allies of the political parties that have ruled Poland since 1989 and even before. It is no surprise that the strongest opponents of mission-driven, depoliticised public service media are TVP's current managers. Today, in order to watch TVP's public service programmes (other than news, political talk shows and children's programming) viewers have to stay awake after midnight. In primetime, ratings prevail over the noble mission.

Private TV stations are flourishing, launching new channels and gearing up for the digital switch-over scheduled for 2012, the year when Poland and Ukraine will host the European Football Championships. TV Polsat and TVN are the strongest operators, running their own digital platforms. But the smaller TV Puls, strengthened by News Corporation investments, is also flexing its muscles. The process of analogue switch-off may happen gradually before 2012.

The plurality of the media market helps to keep up editorial standards. However, the politicisation of public service media and the commercialisation of all media outlets threaten journalistic ethics. The lack of strong professional organisations contributes to the politicisation of the media. At the same time, the lack of media trade unions makes journalists even more vulnerable to pressures from both owners and managers.

B. Recommendations

1. ORIGINAL RECOMMENDATIONS FROM THE 2005 REPORT¹

In general, despite some progress made by the KRRiT in various areas (such as the adoption of clear rules to make appointments to positions in the TVP’s Supervisory Board and Management Board conditional on professional experience and subject to effective conflict of interest provisions), the recommendations from the original OSI report have not been adopted and many of them remain pertinent.

1.1 Policy

<i>Digitalisation</i>	
1. The Government should clarify plans for the transition to digital television, including, in particular, a clear strategy for how broadcasters and viewers should be motivated to participate, as well as a clear conception of State financial involvement.	This recommendation has been partially adopted. However the State’s financial involvement in digital transition is still not clear, the choice of technical requirements was completed and the strategy to motivate broadcasters and viewers was presented by UKE. The process was delayed by shifting responsibilities from one regulatory agency, KRRiT, to another, UKE, but in 2008 it has picked up the speed.

¹ “Poland” in Open Society Institute, *Television across Europe: regulation, policy and independence*, Budapest, 2005 (hereafter OSI/Poland), pp. 1,146–1,147.

1.2 Regulatory authorities (KRRiT)

<i>Public debate</i>	
<p>2. The National Broadcasting Council (KRRiT), the parliamentary Culture and Mass Media Committee and media experts should organise a structured public debate on the future of broadcasting regulation in Poland and on the role and mission of TVP in particular. The debate should be defined as an attempt to achieve consensus on these issues and to yield specific policy recommendations that would then be pursued by the Government. It should involve former and current representatives of public and private television, politicians, media experts and civil society representatives, and allow input from the public.</p>	<p>This recommendation has recently begun to be adopted. No public debate has yet been organised and attempts to focus attention on changes in broadcasting regulation and the role and mission of public TV have failed. The Kaczyński Government politicised both issues to the extreme. After the 2007 elections, the Tusk Government worked on changes to shift more responsibilities from the KRRiT to the UKE and eliminate the licence fee. Broad debate on the organisation of public service media kicked off in 2008.</p>
<i>Independence</i>	
<p>3. The Government should initiate changes in the Broadcasting Act to alter the procedure for appointment (or nomination) of members of the KRRiT, in order to ensure its independence from both governing and opposition political parties. This could, for example, be done by ensuring that nominees of the Polish Parliament and President constitute a minority on the Council, inter alia, through the inclusion of nominees of civil society organisations and non-State media organisations. In addition, existing provisions requiring members to be experienced media professionals should be observed by Parliament and the President when making appointments.</p>	<p>This recommendation has been partly adopted with the 2008 amendments to the Broadcasting Law that included the appointment of seven KRRiT members by political bodies, but only from the list of candidates nominated by at least two civil society organisations or universities.</p>
<p>4. The KRRiT should implement measures to make licensing procedures more transparent; for example, through public hearings.</p>	<p>This recommendation has not been adopted. According to the latest proposed changes to the Broadcasting Act, licensing will be completely taken over by the UKE.</p>

1.3 Public broadcaster (TVP)

<i>Professionalisation</i>	
5. The KRRiT should adopt clear rules to make appointments to positions in the Supervisory Board and Management Board of TVP conditional on professional experience and subject to effective conflict of interest provisions.	This recommendation has been listened to. The Government's current proposals to reform the Broadcasting Law include the right of the KRRiT to appoint and dismiss (for important reasons) members of the Supervisory Board and Management Board of TVP, only from those who win a contest organised by the KRRiT.
6. TVP should undergo a fundamental structural audit and management review, in order to streamline its operations and increase its efficiency and transparency. This review could include recommendations on the privatisation of parts of TVP's activities (for example, TVP2) as well as remedies necessary to stop its negative impact on the advertising market.	The audit has been carried out at the request of the Minister of the Treasury, but its results are being kept secret by TVP's Supervisory Board. Despite a steady decline in the rate of licence fee payment, the privatisation of TVP, at least in part, has been taboo among top politicians from the ruling party. Further debate and changes of legislation may change this in 2008.
<i>Public service role</i>	
7. The Government and Parliament should clarify, through amendments to the Broadcasting Act or other relevant binding rules, the public service obligations of the public broadcaster. Such clarification should also include both the rules governing its commercial operations and the extent to which its commercial activities should be allowed.	This recommendation has not been adopted. The previous Council of the KRRiT made the same recommendation, but the current Council does not support it. The obligations of the public service broadcaster are part of the current debate on the public media bill, which is expected to be passed later in 2008.
<i>Funding</i>	
8. The Government and Parliament should reform the system for financing TVP in line with restrictions on its commercial activities in order to make funding transparent, predictable and sufficient for the public broadcaster to fulfil its remit. This might be done either by making the current licence fee into a tax, or by creating a special fund financed by payments from commercial broadcasters. However, consensus and consistency in reform are at least as important as the details of reform.	This recommendation has not been adopted. There is no political consensus over changes in the system. The ruling party has to anticipate the President's use of his veto by reaching a compromise with the leftist parties. The licence fee is likely to be abolished. Instead, TVP will be financed from the State budget through a fund supported also by private broadcasters. To ensure more independence for TVP, funding from the State budget should be based on long-term planning and its management depoliticised.

9. The KRRiT should commission an independent analysis of TVP's advertising practices, and provisions of the Competition and Consumer Protection Law should be applied strictly to prevent uncompetitive practices.	This recommendation has not been adopted. A general audit of TVP was carried out early in 2008, but its results are kept secret by TVP.
---	---

1.4 Private broadcasters

Professional ethics	
10. Private broadcasters should support the development of codes of ethics and professional standards for journalists and other media employees.	This recommendation has been partly adopted. Some private media organised public debates on the increasing political involvement of journalists. Some of them, such as TVN, adopted their own codes of ethics.

2. NEW RECOMMENDATIONS BASED ON THE 2008 REPORT

2.1 Digitalisation

1. Plans for digital transition, including a clear strategy for motivating broadcasters and viewers to participate, as well as a clear conception of State financial involvement, should be developed with professional organisations of broadcasters and experts.

2.2 Public debate

2. Government proposals to reform public service media financing should be presented for public discussion; the public, including listeners and viewers, professional organisations, broadcast unions and experts, should have a platform to express their opinions, ask questions and analyse the proposals. A committee of experts, professionals, KRRiT and Government representatives should prepare a proposal for the reform of the PSB; only then should it be formalised as a bill and discussed in Parliament.

2.3 Public Service Broadcasting

3. The upcoming amendments to Article 21 of the Broadcasting Act should define precisely the terms for fulfilling the public mission in information, opinion-making, education, entertainment, and sports programmes, including the required time quotas.

C. Main Findings of the Follow-up Monitoring

1. GENERAL BROADCASTING ENVIRONMENT

1.1 Key developments in legislation and policy

The parliamentary elections in autumn 2005 gave power to the right-wing Law and Justice Party (PiS, *Prawo i Sprawiedliwość*), led by Jarosław Kaczyński. A month later his twin brother, Lech Kaczyński was elected the country's President. One of the President's first moves at the end of 2005, only a week after his inauguration, was to sign an amendment to the 1992 Broadcasting Act² that reduced the National Broadcasting Council (KRRiT, *Krajowa Rada Radiofonii i Telewizji*) from nine to five members, with the transparent motive of removing representatives of opposition parties. All the KRRiT members were replaced. There have been no other major changes in legislation and policy over the past three years, but many changes are expected in 2008. They include amendments to the 1992 Broadcasting Act to increase the number of KRRiT members to seven and to transfer most of the regulatory tasks of the KRRiT to the Office of Electronic Communications (UKE, *Urząd Komunikacji Elektronicznej*). If signed by the President or if his veto is overruled, this will lead to changes in the KRRiT's staff.

1.2 EU legal provisions

Before acceding to EU membership in 2004, Poland agreed to harmonise its Broadcasting Act³ with the legal provisions of the Television Without Frontiers (TVWF) Directive, which was amended in 2007.⁴ However, only minor amendments to the Act have been passed. They included quota requirements for European and independent production. The KRRiT monitors broadcasters' compliance with these quotas.

Much broader changes are required to accommodate EU provisions on digital broadcasting, especially the "must-carry" rule as defined in the Universal Service

² Broadcasting Act of 29 December 1992, *Official Gazette* 1993, no. 7, item 34; amended in 1995, no. 66, item 335 and no. 142, item 701; 1996, no. 106, item 496; 1997, no. 88, item 554, and no. 121, item 770; 1999, no. 90, item 999; 2000, No. 29, item 356 and 358, No. 73, item 852.

³ Broadcasting Act of 2001, *Official Gazette* no. 101, item 1114; further amended by 2002, no. 25, item 253; 2002, no. 56, item 517; 2003, no. 96, item 874; 2004, no. 91, item 874 (hereafter Broadcasting Act).

⁴ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, *Official Journal of the European Union*, 18 December 2007, L 332/27.

Directive.⁵ According to a 2006 report by the KRRiT, operators which own at the same time broadcasters and digital multiplexes should be obliged to carry competing broadcasters on their multiplexes. “Therefore, it is so important to separate the positions of network operator and service provider,” the KRRiT report stated.⁶

Another important conclusion of the report was that TVP should participate in the competition for digital broadcasting licences (to be organised by the regulator), rather than automatically receive licences to operate on a certain multiplex. The KRRiT noted that if the newer MPEG-4 standard were to be used, TVP would have no chance of filling up a multiplex with its own programming. TVP says it can do this by setting up new thematic channels. The KRRiT stressed that if TVP does not win the contest, “must-carry” rules for its programming should be implemented, ensuring that TVP programming would be carried by multiplexes operated by other players. The Office of Electronic Communications, the telecom regulatory agency in Poland, was also given responsibilities for digital licensing.

1.3 Broadcasting market

Between 2005 and 2007, the broadcasting market has seen steady growth, mainly in the satellite TV sector. Both public and private broadcasters have launched thematic TV channels as part of their transition to digital broadcasting. The commercial success of the TVN24 news channel prompted TVP to transform its TVP3 local channel into a news channel, TVP Info, and Polsat to start its own news channel. In April 2008, Polsat received a broadcast licence for a new channel, Polsat24, which is slated to start in June 2008.⁷ There is also a growing market for High-Definition (HD) channels thanks to the rapid sales of flat screen HDTV sets.

Cable penetration has slightly increased year-on-year from 34.2 per cent in 2004 to 35.5 per cent in 2006. At the same time, satellite coverage has dropped from 21.4 per cent in 2004 to 20.3 per cent in 2006 when the percentage of TV households served only by terrestrial analogue broadcasting was above 46 per cent.⁸ Cable TV networks predominantly cover cities, leaving inhabitants of smaller communities only with the satellite TV option. Over 400 satellite channels are available, some 50 of which are in Polish. The aggregate audience share for satellite-only channels is below 2 per cent.

⁵ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services (Universal Service Directive).

⁶ “Działalność KRRiT w zakresie wprowadzania naziemnej telewizji cyfrowej w Polsce” (KRRiT activity on introduction of terrestrial digital TV in Poland), 5 April 2006, p. 39.

⁷ “Polsat 24 ma koncesję” (Polsat 24 has licence), *Gazeta Wyborcza*, 2 April 2008, p. 27.

⁸ Source: AGB Nielsen Media Research.

Despite a slight but steady drop in audience, TVP1 has maintained its supremacy in viewership. TVP2 saw a massive drop in its audience in 2005 when it lost second position in audience share to private TVN, which has seen the most spectacular increase in audience over the past three years. Although it still commands the largest part of the advertising market, TVP continues to lose audiences with its public service mission programmes. For example, the first three shows of renowned commentator Tomasz Lis’s political talk show, aired on Monday nights on TVP2 after the extremely popular *M jak miłość* (L for Love), had much lower ratings than its direct competitor, *The Szymon Majewski Show*, on private TVN.⁹

Table 1. Audience share of the main television channels in 2002–2006

Channel	Audience share (percentage)				
	2002	2003	2004	2005	2006
TVP1	25.9	25.8	25.1	24.7	24.1
TVN	13.7	14.0	15.0	22.3	20.6
TVP2	20.7	21.1	21.1	15.2	17.0
Polsat	17.4	15.7	15.6	16.2	15.7
TVP Regional/TVP3	4.8	5.8	5.4	5.3	5.2
TV 4	3.7	3.6	2.8	1.3	2.2
TVN7	2.4	2.0	2.1	2.3	2.1
TV Polonia	1.6	1.6	1.4	1.0	0.8
TVN24	0.5	0.8	1.0	1.6	1.5
Eurosport	0.6	0.7	0.7	0.7	0.6
Other	8.7	8.9	9.9	9.4	10.4

Source: IP International Marketing Committee and TNS OBOP¹⁰

⁹ Anna Nalewajk, Barbara Sowa, “TVN ogłasza zwycięstwo” (TVN proclaims victory), *Dziennik*, 14 March 2008, p. 5.

¹⁰ IP International Marketing Committee, *Television 2007. International Key Facts*, October 2007, p. 304, (hereafter, IP International Marketing Committee, *Television 2007*); IP International Marketing Committee, *Television 2006. International Key Facts*, October 2006, p. 298 (hereafter, IP International Marketing Committee, *Television 2006*); TNS OBOP.

2. REGULATION AND LICENSING OF THE TELEVISION SECTOR

2.1 Regulatory authorities and framework

Since 1993, in order to enhance the regulator's political independence, its membership terms were staggered; one third of the KRRiT's nine members were elected every two years. Four were chosen by the *Sejm* (the lower chamber of Parliament), two by the Senate (the upper chamber), and three by the President, all appointed for six-year terms. The Democratic Left Alliance (SLD, *Sojusz Lewicy Demokratycznej*), which ruled between 2001 and 2005, and Aleksander Kwaśniewski, the country's leftist President between 1995 and 2005, has secured a leftist majority in the KRRiT until 2009. The so-called "Rywingate" scandal of 2003,¹¹ in which TVP director Robert Kwiatkowski was implicated, greatly changed the political climate in Poland, paving the way for the appointment of Jan Dworak, from the right-centrist Citizens' Platform (PO, *Platforma Obywatelska*) opposition party, as TVP Director in February 2004.

Then, for almost two years, the KRRiT and the Minister of the Treasury on one side and TVP's director and Supervisory Board on the other were locked in legal wrangling. In September 2004, at Dworak's request, the station's Supervisory Board suspended Dworak's own deputy, Ryszard Paclawski, who was supported by the SLD. Dworak stated that he "lost confidence in him". In June 2005, TVP's other deputy director, Marek Hołyński, was suspended on the same pretext. In early 2005, to break the deadlock at the top of TVP, the KRRiT and the Ministry of the Treasury tried to change the TVP statute and install a new member on the station's Supervisory Board to replace its head, Marek Ostrowski, who had briefly worked for TVP. When Ostrowski refused to go, KRRiT started a lawsuit against him, and later in 2005 – before the court's verdict – it appointed Krzysztof Czeszejko-Sochacki to take his place. When the court confirmed Ostrowski in his position, both of TVP's Deputy Directors were suspended. They continued to be paid until May 2006, when the entire TVP management was changed as a result of the PiS victory in the autumn 2005 elections. This lengthy infighting helped to weaken the political control over TVP, which rebuilt its independence and journalistic standards after a long period when the station had openly supported the left wing, under the aegis of Dworak's predecessor, Robert Kwiatkowski.

On the eve of the presidential and parliamentary elections in 2005, it appeared that the only way to end the leftist domination over the KRRiT was to have the *Sejm*, the Senate and the President reject the KRRiT's Annual Report, which would compel the Council to resign within two weeks.¹² With its majority in the *Sejm* and Senate and an ally in the President, the PiS could have done this in spring 2006. However, instead of

¹¹ For detailed information of the "Rywingate" affair, see OSI/Poland, pp. 1,097–1,098.

¹² Broadcasting Act, Art. 16.

waiting for the report, the PiS amended the Broadcasting Act to replace the entire membership of the KRRiT immediately after the 2005 elections. The President signed the amended law on 30 December 2005. PiS justified this hurry on the grounds that the old KRRiT would have appointed new supervisory boards for public service radio and TV broadcasters. These boards, whose tenures were due to end in May 2006, could then nominate the stations' management.¹³ However, there was no evidence that the KRRiT had planned to do this.

In early 2006, the KRRiT officially ceased to exist, leaving a regulatory vacuum until new members were appointed between 27 and 31 January 2006: two by the *Sejm*, one by the Senate, and two by the President. Only one of these five, the media lawyer Wojciech Dziomdziora, nominated by the President, fulfilled the criteria required by law, namely "a distinguished record of knowledge and experience in mass media".¹⁴ The second presidential appointee was Lech Kaczyński's close associate, Elżbieta Kruk, who was appointed as chair of the KRRiT. The *Sejm*'s and Senate's appointees included two TVP editors, Witold Kołodziejewski and Tomasz Borysiuk (the former was Warsaw's PiS councillor and the latter was the son of an MP from the Samoobrona Party); and Lech Haydukiewicz, a geographer and anti-abortion activist.

In March 2006, the presidential prerogative to nominate the KRRiT's Chair was scrapped by the Constitutional Court, which also challenged both the privileged position of "social broadcasters" (in reality Radio Maryja) in the process of licence renewal, and also the KRRiT's ability to judge ethics in broadcast media. The Constitutional Court found that the amended Broadcasting Law conflicted with ten articles of the Constitution and asked the *Sejm* to revise it. After a six-week break in the spring of 2006, which was needed to change the Law, Elżbieta Kruk was re-elected Chair by the KRRiT's other members.

In January 2007, the KRRiT's appointment of two members of the TVP's Supervisory Board was linked with the appointment of the Director of the Polish National Bank. The regulator accepted the two Board members who had been proposed by the small ruling coalition parties only after these parties had backed the appointment of the Polish National Bank Director. (Before voting for the new Director, one of these parties, the League of Polish Families (*Liga Polskich Rodzin*, LPR), demanded an additional seat on the TVP Supervisory Board. LPR got this seat after a day of negotiations.) Following this trade-off, the KRRiT's Dziomdziora admitted that the "KRRiT should cease to exist in its present form and be replaced by a new media and

¹³ "Błyskawiczny druk ustawy medialnej" (Media law printed with lightning speed), *Gazeta Wyborcza*, 3 January 2006, p. 22.

¹⁴ Broadcasting Act, art. 7(1).

telecommunications regulatory body”.¹⁵ Three months later, he resigned as a protest against political machinations.

In June 2007, the *Sejm Committee* rejected the KRRiT 2006 Annual Report, only to reverse this decision after political manoeuvring.¹⁶ The *Sejm* has only once definitively turned down a KRRiT Annual Report, and that was in mid 2004, as a result of “Rywingate”.

2.2 Licensing system

One change in the broadcast licensing regime, introduced by the 2005 amendment to the Broadcasting Act, was the extension of broadcast licences to 10 years. Another change was the introduction of a simplified procedure for renewing a licence, with no competition involved.¹⁷ In 2006, the KRRiT granted 36 licences for satellite TV programmes, six of them generalist channels, five specialising in films, two in news and the rest focused on education, medical and religious issues. Among others, the KRRiT issued broadcast licences to four new TVP satellite channels (TVP Sport, TVP Rozrywka (Entertainment), TVP Historia and TVP Film), two new satellite channels from TVN (TVN Sport and TVN Lingua) and two channels from the satellite platform operator CANAL+ Cyfrowy (CANAL+ Sport 2 and Kuchnia TV). The ITI Group, which owns TVN, also received a broadcast licence for a new satellite platform, nHDTV, comprising seven TVN programmes. The first tabloid TV channel in the country, TV Superstacja, originally owned jointly by the Polish television production companies Astro and K&R Enterprises, also received a broadcast licence. In 2007, half of the stake in TV Superstacja was bought by the advertising sales house Ster, which belongs to the Polsat group.¹⁸

In 2006 and 2007, the KRRiT found that broadcasters generally complied with the licence conditions. However, in July 2006 the Supreme Administrative Court (NSA, *Naczelny Sąd Administracyjny*) ruled against imposing certain public obligations on private broadcasters. According to TV Polsat’s licence conditions, its programming should have a “generalist character”, and the station should air at least seven hours of information programmes and six hours of educational content every week. The

¹⁵ Agnieszka Kublik, Piotr Bernaś, “Dziomdziora: W takim kształcie KRRiT nie powinna istnieć” (KRRiT should not exist in such a form), *Gazeta Wyborcza*, 16 January 2007, p. 3.

¹⁶ “Sprawozdaniem KRRiT ponownie zajmie się komisja kultury” (Culture commission will take care of KRRiT report again), available at http://wirtualnemedial.pl/article/151016_Sprawozdaniem_KRRiT_ponownie_zajmie_sie_komisja_kultury.htm (accessed 30 June 2007).

¹⁷ Broadcasting Act, Art. 116.8, available at <http://www.krrit.gov.pl/angielska/index.htm> (accessed 1 March 2008).

¹⁸ Adrian Gąbka, “Wbrew regułom” (Against the rules), *Press monthly*, January 2008, p. 64.

“KRRiT could not arrogate the right to dictate the percentage of programmes in the licence,” said NSA judge Stanisław Biernat.¹⁹

The KRRiT was very active in the first months of 2006. Elżbieta Kruk issued 176 decisions before her appointment as Chair being questioned by the Constitutional Court. They included two fines in February 2006 worth PLN 500,000 each (€135,000) on TV Polsat. One of the fines was imposed for disrespecting religious beliefs: a talk show guest mocked Radio Maryja’s anchor. The second fine was imposed for the show *Fear Factor 3*, which in the KRRiT’s judgment had aired offensive, inappropriate content (participants were asked to eat worms). TV Polsat appealed both sanctions with the Administrative Court. It lost the first case in November 2007. A decision on the second case is still pending. In July 2006, the KRRiT issued a statement against TV Polsat’s planned show *Gay Army*, based on letters of complaint from angry viewers.²⁰ The station decided not to air the show.

TV Polsat has received severe treatment from the KRRiT in the past. In 2004, it was obliged to pay a fine of PLN 400,000 (€108,000) for the “cruel” content of the first series of *Fear Factor*. This fine was worth half the station’s annual fee for using its frequency. For a comparable offence by TVP, the KRRiT in 2004 fined TVP only PLN 10,000 (€2,700). TVP’s fine was for broadcasting the programme *Ballada o lekkim zabarwieniu erotycznym* (Slightly Erotic Ballad), a documentary about prostitution, on Sunday evenings for more than six months. In 2008, the KRRiT fined TVN for featuring the Polish national flag amongst faeces in a satirical programme. The broadcaster risks a fine of PLN 1 million (€291,000). It said that it would appeal such a decision in court.²¹

The KRRiT also imposed fines for breach of advertising and sponsorship provisions, mainly for exceeding advertising limits. However, these fines were not harsh. In 2006, they only amounted to PLN 21,000 PLN (€5,600). Monitoring of 73 broadcasters also revealed 22 cases of airing improper advertisements²² The KRRiT did not impose any financial penalty on Radio Maryja despite complaints about anti-Semitic remarks broadcast by right-wing journalist and politician Stanisław Michalkiewicz.

In 2006, the KRRiT started 14 cases of licence withdrawal. These included the renewal of the licence for TV 4, which is tied financially to TV Polsat. The KRRiT hesitated to

¹⁹ Danuta Frey, “W koncesji dla Polsatu było za dużo ograniczeń” (Too many restrictions on Polsat’s licence), *Rzeczpospolita*, 19 July 2006, available online at <http://new-arch.rp.pl/artukul/627970.html> (accessed 8 February 2008).

²⁰ “Stanowisko KRRiT z 11 lipca 2006 r.” (KRRiT Position from July 26, 2006), available online at www.krit.gov.pl (accessed 23 November 2007).

²¹ Anna Nalewajk, “Rada nakłada kary, stacje sie buntują” (Council fines, broadcasters are rebelling), *Dziennik*, 24 April 2008, p. 7.

²² KRRiT, 2007 Annual Report, p. 65, available online at www.krit.gov.pl/sprawozdania/spr2007/krit_spraw_2007.pdf (accessed 23 November 2007).

extend TV 4's licence as some big broadcasting companies were fighting for a few local terrestrial frequencies used by TV 4. They included Rupert Murdoch's News Corporation, which bought half of the stake in the religious station TV Puls in June 2006 and wanted more stations, and the German publisher Axel Springer, which purchased 25 per cent of Polsat a few months later, but then had to back out following legal objections from the Office for Competition and Consumer Protection (UOKiK, *Urząd Ochrony Konkurencji i Konsumentów*).²³ Rupert Murdoch's visit to Poland in June 2007 fuelled speculation about the KRRiT's preferential treatment of TV Puls. The regulator denied that Murdoch's and Springer's interests were behind its hesitation over TV 4. After considering the case for five months, the KRRiT decided to extend TV 4's licence. Other cases included stations that failed to air and one station whose licence holder died. Broadcast licences are not transferable. In February 2008, TV Puls also received terrestrial frequencies for the towns of Szczecin, Wrocław, Nowy Sącz and Leszno, doubling its coverage to 30 per cent.²⁴

The television sector in 2006 and 2007 showed obvious signs of constrained development due to both a lack of valuable frequencies and the need to preserve the existing frequency spectrum for digital terrestrial networks. Therefore, there was almost no economically viable room for expansion, particularly for regional broadcasters such as TV 4, TVN and TV Puls. Four available terrestrial TV frequencies were distributed among the stronger players on the regional market – TVN, TV 4 and TV Puls – to help them improve their reach. Their licences are valid until 2014, when the frequencies are to be used for digital broadcasting.

Digital terrestrial TV licensing has been the subject of debate since 2005. "This process is comparable to the licensing of private television stations in the early 1990s, which led to the formation of the current media empires in Poland," said Danuta Waniek, a former KRRiT Chair.²⁵ The 2005 amendments to the Broadcasting Act shifted responsibility for digital licensing from the KRRiT to the UKE. "For me the reasons [behind this move] were obvious. The tender for digital terrestrial broadcasting rights should not be run by an independent, collegial regulatory body, but by the Government office," Waniek commented ironically.²⁶

Before the law was amended, the KRRiT stated that the tender for digital terrestrial TV licences should only be launched after all decisions on the number of slots in multiplexes and timeframe for the start of broadcasting had been taken. Fees for digital

²³ Vadim Makarenko, "TV 4 na celowniku medialnych magnatów" (TV 4 targeted by media moguls), *Gazeta Wyborcza*, 30 November 2006, p. 29; Vadim Makarenko, "TV 4 ma wreszcie koncesje" (TV 4 has finally a licence), *Gazeta Wyborcza*, 1 December 2006, p. 35.

²⁴ Vadim Makarenko, "Murdoch bierze wszystko" (Murdoch takes all), *Gazeta Wyborcza*, 9 February 2008, p. 33.

²⁵ Danuta Waniek, "Telewizja dla wybranych" (TV for chosen ones), *Gazeta Wyborcza*, 30 December 2005, p. 17.

²⁶ *Ibid.*

licences should not be as high as for analogue licences, in order to promote pluralism on the market. Today, 95 per cent of terrestrial TV broadcasting is under the control of three groups: ITI, which runs TVN, TV7, TVN24 and other specialist channels; Polsat, which controls TV Polsat, TV4 and the channels on the Polsat digital satellite platform; and TVP, which airs TVP1, TVP2, TVP3, TVP Polonia and other thematic channels. These groups favour higher licence fees because this will keep smaller players out of the market.²⁷ As a first step, the regulator planned two free-to-air digital multiplexes, hosting existing terrestrial programmes. Later, it increased the number of multiplexes to six.

The MPEG-2 standard is already present in Poland. By 2006, over 1.3 million households had set-top boxes with this standard, subscribing to the digital platforms CYFRA+, Cyfrowy Polsat and TVN's N. A few thousand households purchased MPEG-2 set-top boxes to receive TVP's digital signal outside Warsaw; those who wanted to watch digital TVP Sport bought over 30,000 set-top boxes.²⁸ Adopting the MPEG-4 standard would force all these households to buy new set-top boxes, but the Minister of Infrastructure is convinced the effort would be worthwhile.²⁹

Analogue switch-off will take place when at least 6–7 million households have set-top boxes. Some 4 million households connected to cable television will already have boxes from the cable companies.³⁰ Financial support for helping households go digital may be allocated from the licence fee or from the State budget. This should be decided by the middle of 2008. The UKE estimates that about 30 per cent of Poland's 13 million households will need financial support to buy set-top-boxes.³¹ Polski Operator Telewizyjny (Polish TV Operator), the joint company of TVN and Polsat funded in 2005 as a common platform for digital broadcasting, proposed to the UKE that they co-finance the purchase of set-top boxes for viewers on low incomes. According to them, there are only some 200,000 such households. They want in exchange the regulator to close the market to further competition until 2012 when three multiplexes are expected to be fully operational.³²

²⁷ KRRiT, "Działalność KRRiT w zakresie wprowadzania naziemnej telewizji cyfrowej w Polsce" (KRRiT activity in introducing terrestrial digital TV in Poland), 5 April 2006, p. 49.

²⁸ Elżbieta Kindler-Jaworska, "Czy zdążymy z TV cyfrową?" (Will we be on time with digital TV?), *Gazeta Wyborcza*, 21 January 2008, p. 30.

²⁹ Interview with Cezary Grabarczyk, Minister of Infrastructure, Warsaw, 10 March 2008.

³⁰ KRRiT, "Raport o stanie rynku RTV" (Radio and TV market report), 11 July 2006, p. 125, available at www.krrit.gov.pl/dokumenty/cyfryzacja/naz_tv_cyrfowa-pl.pdf (accessed 23 November 2007)

³¹ Vadim Makarenko, "Wszyscy milczą w sprawie telewizji cyfrowej" (General silence about digital TV), *Gazeta Wyborcza*, 22 January 2008, p. 28.

³² Vadim Makarenko, Przemysław Poznański "Telewizje chcą płacić za dekodery dla biednych" (TV want to pay for set-top boxes for poor), *Gazeta Wyborcza*, 17 April 2008, p. 31.

According to UKE plans, the first two multiplexes start in early 2009. Seven terrestrial channels are to be located on the first multiplex, the second one will be auctioned or channels set by the UKE, as broadcasters (TVP, TVN, Polsat and TV Puls) want. Finally there will be six multiplexes, one for TVP, TVN and Polsat, one for mobile TV, and two to be auctioned.³³ The KRRiT expressed the opinion that mobile phone broadcasters should be licensed in the same way as traditional broadcasters, which is against the UKE position on such matters.³⁴ DVB-H standard mobile TV was tested in Warsaw in 2008 with the aim of being introduced in 31 cities by 2012 by winners of a public tender announced in April.³⁵

Both TVN and Polsat have prepared their satellite TV channels to go digital. All three digital platforms (Cyfrowy Polsat, CYFRA+ and N) started to broadcast digital programs. TVP is in talks with SES Astra as it attempts to start its own digital satellite platform. Before the 2007 elections, TVP also signed a letter of intention to set up a digital platform in co-operation with Polish Radio and the State mobile phone company Polkomtel.³⁶ There have been no developments in this initiative.

³³ Magdalena Lemańska, Łukasz Dec “Nadawcy kontra UKE”, *Rzeczpospolita*, 24 April 2008, p.B2

³⁴ “Koncesje dla telewizji w komórkach?” (Mobile TV licensing?), *Gazeta Wyborcza*, 23 April 2008, p. 40.

³⁵ Przemysław Poznański, “Coraz bliżej telewizji w komórce” (Closer to mobile TV), *Gazeta Wyborcza*, 1 April 2008, p. 23.

³⁶ Magdalena Lemańska, “TVP znacznie bliżej platformy” (TVP much closer to a platform), *Rzeczpospolita*, 11 March 2008. p. B4.

Table 2. The digital channels of the largest private broadcasters in Poland

Broadcaster	Platform	Programme	Type of programme
TV Polsat	Cyfrowy Polsat (owned by Polsat)	Polsat Sport	Sports
		Polsat Sport 2	Sports
		Polsat International	Foreign News
		Polsat Zdrowie i Uroda	Health and beauty
		Playboy Polska	Erotic content
		TV Biznes	Business
TVN	N (owned by TVN)	TVN7	Movies and entertainment
		TVN24	News
		TVN Turbo	Cars
		TVN Meteo	Weather forecast
		TVN Style	Women's programming
		TVN Med	Health
		TVN Gra	Entertainment
		TVN Religia	Religion

Source: OSI research

In March 2007, the Government updated the calendar for digitalisation. It decided that the first and only multiplex in MPEG-4 standard would unfold in 2009 and carry all the current terrestrial TV programmes. The UKE will organise a tender to allot slots on future multiplexes.³⁷

The Ministry of Infrastructure published a new plan for digital switch-over, including projects for co-financing the purchase of set-top boxes to be implemented before 30 June 2008, and for launching digital broadcasting on mobile phones in 2009.³⁸ In January 2008, the new Government announced that the entire broadcast licensing process would be transferred from the KRRiT to the UKE in 2008.

³⁷ Jarosław Murawski, Magdalena Lemańska "Zielone światło dla cyfrowej rewolucji w telewizji" (Green light for digital revolution in TV), *Rzeczpospolita*, 8 February 2007, available online at <http://new-arch.rp.pl/artykul/664291.html> (accessed 2 March 2008).

³⁸ Vadim Makarenko, "Cyfrowa niemoc" (Digital impotence), *Gazeta Wyborcza*, 24 January 2008, p. 29.

3. REGULATION AND MANAGEMENT OF PUBLIC SERVICE TELEVISION BROADCASTING (PSB)

3.1 PSB legislation and policy

There has been no major change in the public service remit and obligations over the past three years. With digitalisation knocking at the door, TVP works diligently on developing more channels that could be hosted on one of the digital multiplexes.

Table 3. TVP digital programmes

Programme	Type of programme	Year of launch
TVP Kultura	Culture	2005
TVP Sport	Sports	2006
TVP Historia	History	2007
TVP Rozrywka	Entertainment	Received licence
TVP Film	Movies	Received licence
TVP Dokument	Documentaries	Planned
TVP Parlament	Parliamentary affairs	Planned 2009
TVP Wiadomości	News	Planned
TVP 5-10-15	Children	Planned
TVP Kino	Elderly people-targeted	Planned
TVP Sonda	Science and technology	Planned
TVP Edukacja.	Education	Planned

Source: OSI research

One or two of TVP's digital channels will be broadcast in high definition (HD) technology. TVP is also investing in interactive TV (iTVP), allowing viewers to decide what to watch on their home TV set, computer or mobile phone.³⁹

3.2 PSB governance structure

A month before the TVP Supervisory Board was changed in April 2006, Elzbieta Kruk tried to replace TVP's five-member Executive Board with a single manager, the TVP

³⁹ RRiT, "Raport o stanie rynku RTV" (Radio and TV market report), September 2004, p. 129, available at www.krrit.gov.pl/dokumenty/polityka/raport_o_stanie_rynku_caly.pdf (accessed 23 November 2007).

Director, Janusz Pietkiewicz, a person with known ties to Lech Kaczyński. Her plan failed.⁴⁰ Five members of the new TVP Supervisory Board came from the PiS and two from each of the coalition parties. They included the owner of a local hippodrome, a close associate of the mayor of Warsaw, a retired lawyer and the provider of herbal remedies to Kaczyński's mother. For ordinary decisions, five votes sufficed, but to remove the TVP Director, six votes were needed, which meant PiS had to shop for them.

Early in 2007, when two minority coalition parties gained control of five seats on the Supervisory Board, these parties removed TVP Director Bronisław Wildstein. The PiS blocked the removal process for some days by refusing to nominate the new representative of the Ministry of the Treasury to the Supervisory Board, but finally gave in. The TVP Executive Board has also been composed along party lines: Anna Milewska was supported by Samoobrona, Piotr Farfał was backed by the LPR and Sławomir Siwek by the PiS. Wildstein was not a party member, but his right-wing politics were well known.

As they lacked real influence over TVP and other public media – Polish Radio (*Polskie Radio*) and its local stations, and the Polish Press Agency (PAP, *Polska Agencja Prasowa*) – the Programming Boards were the only place where some political pluralism was allowed. Their members were picked by the KRRiT from candidates proposed by political factions in Parliament and by organisations of journalists, filmmakers and independent media producers.

In 2008, the new Government revealed its intention to change the TVP management structure. It wants all members on TVP and Polish Radio boards to be selected and nominated by the KRRiT from candidates recommended by universities or professional organisations. But the Minister of the Treasury, representing the State, which owns the public service media, will be authorised to dismiss them in case of mismanagement. The President said that he would oppose these changes. To override the President's veto, the ruling coalition will need the support of the leftist parties in the opposition. The left wants the Boards of public media to be nominated by the KRRiT and the UKE's Chair by the lower chamber of Parliament. They also want to enlarge the KRRiT Board from five to 11 members. The same parties demand introduction of programme licences for public media to be part of a separate bill.⁴¹ The Government is ready to negotiate, but the whole process may take several months within 2008.

According to a bill on public media to be submitted to Parliament in mid-2008, the Government will propose the restructuring of TVP into one non-commercial channel,

⁴⁰ Agnieszka Kublik, "PiS chce mieć prezesa TVP" (PiS wants to have TVP President), *Gazeta Wyborcza*, 22 March, 2006, p. 4.

⁴¹ Agnieszka Kublik, "Lewica nie pomoże PO w sprawie mediów" (The left will not help the PO in media case), *Gazeta Wyborcza*, 13 March 2008, p. 4.

fulfilling the public service mission and financed from the Public Mission Fund, and a second commercial channel. The same bill envisages ceding 16 local TVP branches to municipalities and financing TVP satellite channels through money from the Public Mission Fund and advertising.⁴²

History of politicisation

2005

TVP director Jan Dworak was accused by the parties that won the 2005 elections of favouring PO, the party to which he had belonged before his appointment in 2004. Dworak's appointment had been part of a carefully orchestrated political process after his predecessor Robert Kwiatkowski, supporter of the SLD, was investigated by Parliament on suspicion of belonging to the "power-holding group" involved in the 2003 "Rywingate" scandal. Kwiatkowski, however, was never convicted.⁴³

2006

In May 2006, Bronisław Wildstein replaced Dworak at the top of TVP without a contest. Wildstein was a journalist who in 2004 had copied from the files of the Institute of National Remembrance (IPN, *Instytut Pamięci Narodowej*)⁴⁴ a list of 170,000 opponents of the communist regime and former informants to the political police during communism, in order to speed up the lustration process. Wildstein admitted that he accepted the post following talks with PiS leader Jarosław Kaczyński.

During Wildstein's ten-month rule, several key positions were filled by close associates of the Kaczyński brothers.⁴⁵ "Professionals are being replaced by loyal mediocrities," said Robert Rynkun-Werner, a stern critic of Wildstein, nominated to TVP's

⁴² Anna Nalewajk "Ministrowie nie chcą abonamentu" (The ministers do not want licence fee), *Dziennik*, 28 April 2008, p. 5.

⁴³ Observers noted that during the televised debates in the 2005 electoral campaign, TVP journalists put tougher questions to Lech Kaczyński than to his rival in the presidential race, PO's Donald Tusk. Kaczyński was so frustrated by TVP's electoral coverage that he proposed to solve the problem by giving TVP1 to the Government and TVP2 to the opposition. (See Jarosław Murawski, "Nie jestem antyrządowy" (I am not anti-government), Interview with Maciej Grzywaczewski, TVP1 director, *Rzeczpospolita*, 28 November 2005, available at <http://new-arch.rp.pl/artykul/583864.html> (accessed 7 February 2008).

⁴⁴ IPN is a research institute set up by the Polish government in charge of carrying out legal provisions on lustration. The IPN has also prosecution powers.

⁴⁵ Małgorzata Raczyńska, a close friend of the Prime Minister, was appointed director of TVP1 and Wojciech Pawlak, of Kaczyński's PiS party election committee, was put at the helm of TVP2. The regional TVP3 network was given to Aleksandra Zawłocka, who worked with the weekly *Tygodnik Solidarność* when Jarosław Kaczyński was its editor-in-chief. There were no more contests for the directors of TVP regional stations. All were nominated by the TVP Board.

Supervisory Council by Samoobrona, then a minor coalition partner of the PiS.⁴⁶ It was clear to observers that these staff changes impacted on TVP programming, but it was difficult to prove. Monitoring by the Stefan Batory Foundation, an independent private Polish foundation set up by US financier and philanthropist George Soros, showed that in the November 2006 local elections, TVP consistently favoured the ruling PiS party. (See 3.4 *Editorial standards*)

One of Wildstein's first decisions was to require all TVP employees to sign declarations that they had not co-operated with the communist secret police. Promotion depended on making this declaration. Journalists had to ask the IPN for their records to prove they had not been informants before 1990. This was in 2006, even before the passage of amendments to the Lustration Law that would include journalists among those who had to pass the lustration test.⁴⁷ Declarations by TVP employees were collected after the law was amended in April 2007. However, the process was not completed because the Constitutional Court found on 12 May 2007 that the changes to the Lustration Law were unconstitutional.

"In Wildstein's TVP, people with different opinions are treated as enemies, second or third class creatures," said Piotr Dejmek, TVP1's former Deputy Director, who was fired by Wildstein. "Destroying standards is easy, but rebuilding them takes years," he added.⁴⁸ A number of films and series, including *Ekipa* (The Team), a production by the well-known film director Agnieszka Holland about fairness in politics, and *War and Peace*, a European Broadcasting Union multinational co-production, were scrapped from TVP schedules.

2007

In February 2007, Wildstein was replaced by Andrzej Urbański, a former journalist and the first Chief of Staff to President Lech Kaczyński.⁴⁹ The reason given for Wildstein's removal was his resistance to the demands of the LPR and Samoobrona, two minor coalition parties, which wanted more coverage on TVP and more jobs there for their preferred journalists. "For months I have been confronted with an alternative: either Wildstein or the coalition," explained Prime Minister Jarosław Kaczyński.⁵⁰

⁴⁶ Robert Rynkun-Werner, "TVP potrzebuje świeżego powietrza" (TVP needs fresh air), *Gazeta Wyborcza*, 1 December 2006, p. 25.

⁴⁷ Ustawa z dnia 13 kwietnia 2007 r. o zmianie ustawy o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwa z lat 1944–1990 (13 April 2007 changes to Lustration Law), available (in Polish) at <http://isip.sejm.gov.pl/prawo/index.html> (accessed 16 March 2008).

⁴⁸ Piotr Dejmek, "Wildstein krzywdzi TVP" (Wildstein harms TVP), *Gazeta Wyborcza*, 20 December 2006, p. 19.

⁴⁹ Paweł Lisicki, Joanna Lichocka, "IV Rzeczpospolita warta jest dymisji Wildsteina" (The Fourth Republic is worth Wildstein's dismissal), interview with Jarosław Kaczyński, *Rzeczpospolita*, 8 March 2007, available at <http://new-arch.rp.pl/artykul/669473.html> (accessed 4 March 2008).

⁵⁰ *Ibid.*

“The way the government deals with public media raises fundamental doubts in my mind,” Wildstein replied, adding that “the Kaczyński brothers are unhealthily obsessed with the media and have allergic reactions to any criticism.”⁵¹

Urbański presented himself as a civil servant, but even PiS members agreed that through his nomination the President wanted to have more influence on TVP. One of Urbański’s first moves was to confirm Małgorzata Raczyńska as TVP1 director. Raczyńska had been ill for half a year since the autumn of 2006, when her clash with Wildstein began. Urbański also changed the station’s News Director. Criticising Urbański’s appointment, a few renowned TVP journalists resigned. The new TVP News Director, Jarosław Grzelak, called for a more positive approach to politics and politicians and for an end to competing with private stations to cover political disputes, scandals and incidents.⁵²

Only a few months later, on the eve of the 2007 parliamentary elections, *Wiadomości* was effectively the ruling party’s bulletin. The former PiS-affiliated Minister of Interior Janusz Kaczmarek revealed in a book published in 2008 that the Minister of Justice Zbigniew Ziobro recommended Patrycja Kotecka to Urbański, saying that she was an editor who “will work for us”.⁵³ In June 2007, Kotecka was promoted to Deputy Manager of TVP news. Kaczmarek wrote in his book that he witnessed conversations about TVP’s staff between Ziobro and President Lech Kaczyński in the presidential chancellery. Ziobro denied any wrongdoing, while the President declined to comment.⁵⁴

⁵¹ Joanna Lichočka, “Uznano mnie za obce ciało, które trzeba usunąć” (I was an alien whom they decided to remove), Interview with Bronisław Wildstein, *Rzeczpospolita*, 28 February 2007, <http://new-arch.rp.pl/artykul/667952.html> (accessed 4 March 2008).

⁵² Agnieszka Kublik, Robert Kowalewski, “Nie dostałem politycznych warunków” (I was not given political conditions), Interview with Jarosław Grzelak, *Gazeta Wyborcza*, 10–11 March 2007, p. 6. TVP journalists soon found out what this meant in practice. When the police forcibly removed nurses protesting outside the Prime Minister’s office in June 2007, it led the news on two private TV stations, Polsat and TVN. But TVP1’s news manager wanted to lead the station’s main news bulletin, *Wiadomości* (Information), with an item on an EU summit in Brussels, addressing the Union’s institutional reform, which was not at all newsworthy in the reporters’ terms at the time. Fighting back, the journalists managed to put the Prime Minister report first, winning the battle that time. Nevertheless, they knew an uphill battle was coming. (See “Reporterzy ‘Wiadomości’ oskarżają swoją szefową Dorotę Macieję o naciski polityczne” (*Wiadomości* reporters accusing their boss Dorota Macieję of political pressure), *WirtualneMedia.pl*, 27 June 2007 http://www.wirtualnemedia.pl/document,,2111344,Bunt_reporterow_Wiadomosci.html (accessed 30 June 2007).

⁵³ Kotecka was reported to have worked from Ziobro’s personal notebook. “Kotecka jest narzeczoną Ziobry” (Kotecka is Ziobro’s fiancée), Jacek Kurski in interview by Monika Olejnik, TVN24, 23 April 2008, available at <http://www.tvn24.pl/-1,1547232,wiadomosc.html>, (accessed 24 April 2008).

⁵⁴ “Kaczmarek: Ziobro załatwiał posady w TVP” (Kaczmarek: Ziobro was fixing jobs at TVP), *Gazeta Wyborcza*, 24 January 2008, p. 1.

“Formerly, TVP’s directors asked you as a favour to find a way of supporting a certain party or politician,” said a long-time TVP journalist.⁵⁵ “Today they just give you orders to follow, no matter what.” Kotecka was accused of having offered TVP news journalists additional money to show the new cars purchased by opposition politicians before 2007 elections.⁵⁶ Inevitably, the motto of *Wiadomości*, TVP’s most influential programme, became “All the news that’s fit to PiS”.

In parallel with the changes at TVP, the Kaczyński Government has boosted the role of TV Trwam, part of a religious media conglomerate encompassing Radio Maryja and the daily newspaper *Nasz Dziennik*, founded by the Catholic fundamentalist, Father Tadeusz Rydzyk. The ministers and right-wing politicians became frequent visitors to the city of Toruń, headquarters of Father Rydzyk’s media empire, which includes a media school. The signing of the February 2006 coalition agreement between the PiS, Samoobrona and the LPR was covered exclusively by TV Trwam, triggering unprecedented protests from other media, which were refused permission to cover the event. Father Rydzyk’s outlets have been so influential among conservative voters that his support became crucial for every right-wing party. In 2007, TVP signed a contract with TV Trwam, securing space on the Astra satellite temporarily not being used by the public broadcaster.⁵⁷

2008

After the 2007 early elections won by the opposition Civic Platform, TVP Director Urbański and the Director of public service Polish Radio, Krzysztof Czabański, became fervent supporters of the principle that public media must be independent of the Government and the licence fee. Tomasz Lis, a well-known critic of the PiS who had lambasted TVP for its pro-Kaczyński slant, was offered a two-year contract after the elections to moderate a talk show on TVP2. TVP1 director Małgorzata Raczyńska was transferred to another, lower position. Although Kotecka was under investigation by the state prosecutor, she was not removed from TVP1. The Civic Platform pledged to fire Urbański after amending the Broadcasting Law, and to appoint new KRRiT and TVP Boards. However, with the President expected to veto the move, and a lack of support from the left-wing parties to override the President’s veto, this is unlikely to happen soon.

⁵⁵ Interview by the author of the report with a TVP journalist, Warsaw, 16 September, 2007. Note: The journalist spoke on condition of anonymity fearing dismissal.

⁵⁶ Agnieszka Kublik, “Propozycja Koteckiej była nieetyczna?” (Was Kotecka’s proposal unethical?), *Gazeta Wyborcza*, 7 December 2007, p. 4.

⁵⁷ Vadim Makarenko, “Telewizja o Rydyka trwa przy TVP” (F. Rydzyk’s TV stays with TVP), *Gazeta Wyborcza*, 8 February 2008, p. 31.

3.3 PSB funding

The 2005 amendments to the Broadcasting Act had no positive impact on licence fee collection as the Polish Post company maintained its monopoly over the collection process. Indeed, it allowed more households to be exempt from paying the fee.

Table 4. TVP budget in 2004–2007 (breakdown by the source of revenue)

		2004		2005		2006		2007	
		PLN	€	PLN	€	PLN	€	PLN	€
Total revenue (million) ⁵⁸	Licence fee	531	132.8	526	131.5	541.5	135.4	515.8	147.4
	Advertising & sponsorship	938	234.5	1,132	283	1,171	293	1,287	367.7
	Other revenues	197	49.0	304	76.0	202.5	50.6	332.2	94.9
	Total	1,666	416.3	1,859	464.8	1,912	461	2,135	610
	Share of total income (per cent)								
	Licence fee	31.9		28.3		28.3		24.6	
	Advertising	56.3		55.3		57		55.1	
	Sponsorship	4.5		5.5		5.7		5.2	
	Other revenue	7.3		10.9		8.9		15.1	
	Total	100		100		100		100	

Source: KRRiT⁵⁹

⁵⁸ The rates of €1 = PLN 4 for 2004–2006 and €1 = PLN 3.5 for 2007 were used.

⁵⁹ KRRiT, “Informacja o podstawowych problemach radiofonii i telewizji 2008” (KRRiT information about basic problems of Radio and TV 2008), p. 20, available at <http://www.krrit.gov.pl/> (accessed 24 April 2008).

According to the 2006 census, there were about 13 million households in Poland, with 96 per cent (or 12.8 million) owning at least one TV set. Over 4.6 million households and 3.4 million companies did not register any radio or TV set and did not pay the licence fee in 2006. Out of 8.05 million households with registered radio or TV sets, 2.8 million (or 35 per cent of them) were exempt from paying the licence fee mainly because they were over 75 years of age or disabled. Another 1.81 million households with registered radio or TV did not pay the licence fee at all, or were late in doing so. The ensuing losses were estimated at PLN 120 million (€32.5 million) a year. The estimated value of the fee from non-registered TV and radio sets was PLN 1.5 billion (€407 million) a year.

“Increasing non-payment of the licence fee will put the whole system of public media financing in Poland into question within two or three years,” the KRRiT stated in a 2006 report.⁶⁰ The main cause for the low payment rate is the lack of sanctions. Even with the statutory seven days’ notice, householders and businesses can refuse to let the authorities check for possession of a TV set. In 2005, Poland’s 250 postal service controllers imposed fines totalling less than PLN 400,000 (€108,000), which represents 0.04 per cent of the total licence fee revenue.

Table 5. Who does and does not pay the licence fee? (in thousands)

	2004	2005	2006
Households with registered TV sets exempted from paying the licence fee	2,804	2,836	2,167
Households without registered TV sets	4,323	4,623	5,370
Households with registered TV sets paying the licence fee	6,211	5,879	5,801
Total number of households	13,338	13,338	13,338

Source: KRRiT⁶¹

There have been several proposals to increase the rate of payment and change how the fee is collected. In 2006, the PiS-majority government started work on a scheme to have the licence fee paid with income tax or electricity bills. Both options were criticised as unrealistic; the former would bypass farmers who do not pay income tax, while the latter was reckoned to be unconstitutional. Following the 2007 elections, the

⁶⁰ KRRiT, “Raport otwarcia: rynek radiowo-telewizyjny w Polsce” (Opening Report: Radio and TV Market in Poland), Warsaw, 2006, p. 17, available online at www.krrit.gov.pl/dokumenty/polityka/raport_otwarcia%20_071106.pdf (accessed on 23 November 2007).

⁶¹ KRRiT Annual Reports 2005, 2006.

Government said that it wanted to scrap the licence fee completely or at least change the way it is collected, but postponed debate on this issue. According to the latest plans, the licence fee will finally be scrapped by the end of 2008.⁶²

Especially under Dworak's leadership, TVP tried to increase its funding from different, sometimes dubious, sources. In 2005, it demanded fees from cable TV operators and digital TV platforms for transmission of its programmes, but without success. TVP also looked for sponsorship of its public mission programmes. For example, *AAAbsolutnie każdą pracę* (AAabsolutely looking for work), a show giving advice to the unemployed, asked for money from the State employment offices and the European Social Fund.⁶³

Some experts say that one way to increase the rate of licence fee payment would be to bring in Conditional Access (CA) systems, which are used by cable and satellite TV operators. However, this would require paid-TV systems on digital multiplexes.

In 2006, the Przychodnia Association (*Stowarzyszenie Przychodnia*), a little-known organisation,⁶⁴ complained to the European Commission that TVP was receiving illegal State aid, meaning funds that were not being used to fulfil its public service mission. TVP claims that all its programmes serve to fulfil this mission, but Przychodnia argues the contrary.⁶⁵ In February 2008, TVN complained to the European Commission that TVP had illegally received PLN 600 million (€170 million) as “unwarranted public aid” between 2001 and 2006. TVN argued that the “public mission” remit in the Broadcasting Law is so vaguely defined that TVP can freely decide what mission to follow.⁶⁶ The former Head of the Office for Competition and Consumer Protection had already argued that Poland's public service broadcasters were receiving illegal forms of State aid,⁶⁷ contravening the European Council

⁶² “Wykańczanie abonamentu TV” (Finishing off the TV fee), *Gazeta Wyborcza*, 7 March 2008, p. 17.

⁶³ Krzysztof Katka, “AAAbsolutnie dajcie kasę” (AAAbsolutely give money), *Gazeta Wyborcza*, 9 August 2005, p. 4.

⁶⁴ The Przychodnia Association claims to strive for high ethical and moral standards in everyday life, politics and business. One of its members, Przemysław Schmidt leads Trigon Polska, a company advising to Polsat group. See: http://www.pfo.net.pl/index.php?option=com_content&task=view&id=106 (accessed 20 January 2008).

⁶⁵ See: http://www.dobrowol.org/przejrzystemedia/TV_abonament_briefing.pdf (accessed 17 September 2007) and Vadim Makarenko, “TVN pisze do Brukseli” (TVN writes to Brussels), *Gazeta Wyborcza*, 27 February 2008, p. 31.

⁶⁶ The TVN complaint was prepared by the same attorneys who successfully won a similar case in Denmark. See: Vadim Makarenko, “TVN pisze do Brukseli” (TVN writes to Brussels), *Gazeta Wyborcza*, 27 February 2008, p. 31.

⁶⁷ Anna Słojewska, Andrzej Krakowiak, “Wpływy z abonamentu bez zgody Brukseli” (Licence fee income without approval from Brussels), *Rzeczpospolita*, 16 July 2005, available at <http://new-arch.rp.pl/artykul/558760.html> (accessed 4 March 2008).

Directive 659/99.⁶⁸ It is not clear what the outcome of this pressure will be, but Przychodnia's complaint had been taken into account by the investigators of the European Commission in January 2007.

Amendments to the Broadcasting Act proposed by the ruling party (PO) in January 2008 make no mention of changes to licence fee rules and collection. However, following the debate on the future of the licence fee, TVP recorded a 30 per cent drop in the rate of payment. In an April 2008 bill, the Government proposed to exempt retired people from paying the licence fee and to scrap it completely from the law on PSB later in 2008. Many high-calibre intellectuals are against the elimination of the licence fee.⁶⁹ However, recent opinion polls show that Poles favour financing of the public service media from the State budget. Only 23 per cent of respondents want the licence fee in place.⁷⁰

3.4 Editorial standards

Political pressure and bias have been commonplace at TVP, but between 2004 and 2006, the levels of pluralism and professionalism increased, especially among the team producing the primetime newscast *Wiadomości*, which was led by a former BBC journalist, Robert Kozak. In spring 2006, TVP Director Wildstein fired Kozak, who then accused TVP1 director Maciej Grzywaczewski of having pushed for the promotion of PO's presidential candidate Donald Tusk on the station's programmes before the 2005 elections, by featuring Tusk's book in *Wiadomości*.

After the elections, Grzywaczewski switched loyalties and started to watch out for PiS interests, according to Kozak, who added that he had opposed Grzywaczewski's line.⁷¹ Kozak was convinced that the station achieved political independence with *Wiadomości*: "It was the period of this programme's greatest independence since 1989. I created conditions that made it futile to try to influence the programme. All decisions were made collectively. Even when I wanted to change something, I had to convince

⁶⁸ Council Regulation no. 659/1999 of 22 March 1999, laying down detailed rules for the application of Article 93 (now Art. 88) of the EC Treaty, *Official Journal*, L 83/1, 27 March 1999, pp. 1–9.

⁶⁹ An open letter to Donald Tusk signed by a group of intellectuals was published as a full page paid advertisement in the major Polish newspapers on 27 March 2008. See more at <http://www.publicznamedia.org.pl>, accessed 25 April 2008.

⁷⁰ "62% Polaków za finansowaniem publicznych mediów z budżetu" (62 per cent of Poles favor State budget financing of public media), *wirtualnemedi.pl*, 28 March 2008, available online (in Polish) at <http://www.wirtualnemedi.pl/article/2275545> (accessed 24 April 2008).

⁷¹ Agnieszka Kublik, Wojciech Surdziel, "Kozak: broniłem także PiS" (Kozak: I was also defending PiS), *Gazeta Wyborcza*, 30 May 2006, p. 34.

the producer of the programme and the journalists. There was simply no way to introduce political instructions.⁷²

In the autumn of 2006, when Kozak was no longer at TVP, the station's news programmes were found to be politically biased, according to an analysis of election coverage by the Stefan Batory Foundation. These programmes included TVP1's *Wiadomości*, TVP2's *Panorama* and the local news magazines aired by TVP3 in the capital Warsaw and the cities of Gdańsk, Białystok, Szczecin and Cracow. The main conclusion of the study was that in covering the local elections, TVP gave much more attention to the governing parties than to the opposition. In *Wiadomości*, the ruling party was given twice as much time as the main opposition party and three times more than any other party. In local TVP programmes, incumbents were given preferential coverage.⁷³

Table 6. Politicians on nationwide TVP news programmes 16 October–25 November 2006

	PiS	PMin.	Govt.	PO	Pres.	LPR	SLD	Sam.	Pres. Chanc.	PSL
Time (in hours)	3:25:54	2:55:05	2:41:19	1:12:15	1:06:31	0:55:44	0:28:58	0:25:18	0:12:47	0:08:53
Per cent	25	21	19	9	8	7	3	3	2	1

Source: TVP Programme Monitoring Unit

When State office-holders were included, the balance was even more skewed in favour of the ruling coalition. The combined share of the PiS and its coalition partners (the LPR and Samoobrona), the Prime Minister and his cabinet colleagues, the President and his chancellery accounted for nearly 85 per cent of the total time allotted to political coverage. On this count, the PiS beat the opposition PO by 3:1, and the SLD by 8:1 in terms of coverage time. There was also a tendency to push the opposition politicians into less attractive time slots, when the audience was minimal.

Wildstein responded to the Stefan Batory Foundation study: "Counting how much time a given party occupies in broadcasting is absurd because there is no way to prove

⁷² Jarosław Murawski, "Byłem jak aptekarz" (I was like a pharmacist), *Rzeczpospolita*, 27–28 May 2006, *op. cit.*

⁷³ "Report from monitoring of selected TVP information newscasts at the time of local elections 2006" available online at http://www.batory.org.pl/english/pre_election/index.htm (accessed 4 March 2008).

by numbers whom TVP is supporting. One may devote a lot of time to the government's deeds, but criticising them all the time."⁷⁴

However, the Foundation also carried out content analysis. It found that PiS politicians spoke on camera more often than politicians did from other parties; they were allowed to talk longer than the others and were the most frequently covered in the leading items of a given bulletin. The study also revealed that on TVP1's *Wiadomości*, the PiS had a major presence in 23 reports. The other parties, including the ruling coalition and opposition alike, were only covered in the same way in three reports. Out of the 23 reports on the PiS, six were "negative" and one "very negative"; six were judged as "positive" and two as "very positive". The remaining reports were neutral. In terms of how balanced the reports were, 16 were considered low- (5) and mid- (11) balanced. In such reports, the arguments of the other side were absent or insignificant. In 15 out of the 23 reports on the PiS, there was manipulation, including omission of important information.

In conclusion, it is fair to say that the PiS was disproportionately prominent on public television during the election campaign. Whether it worked out to the advantage of the ruling party is another matter, but the constant pressure by minority coalition parties to get rid of Wildstein proved that politicians wanted desperately to be on TV.

According to the KKRiT, during the 2007 parliamentary election campaign, the opposition PO party got the most coverage on TVP while the ruling PiS party was only covered by TVP. However, according to TVP's own monitoring, the PiS received the highest coverage ahead of the PO, without including the time devoted to the Government and Parliament officials or the President, all from the ruling coalition.⁷⁵ International observers from the Organisation for Security and Co-operation in Europe (OSCE), who followed the Polish media before elections, concluded that coverage of the PO on TVP news was mostly "neutral and negative" while coverage of the PiS was "balanced".⁷⁶

Journalists of the public media lost their battle for independence. In this war, they had to fight not only the State, but also their own managers. Only after going into opposition did Jarosław Kaczyński start to talk about journalists' independence. "Never before were media used by politicians so openly and on such a scale as in the period of Jarosław Kaczyński's mandate as Prime Minister," wrote journalist Tomasz Wołek. He

⁷⁴ Jarosław Murawski, "Nie jestem przyśrubowany" (I am not tied down), interview with Bronisław Wildstein, *Rzeczpospolita*, 21 November 2006, available online at <http://new-arch.rp.pl/artukul/650244.html> (accessed 2 March 2008).

⁷⁵ KRRiT, Monitoring, available online at [www.krrit.gov.pl/dokumenty i opracowania/monitoring](http://www.krrit.gov.pl/dokumenty_i_opracowania/monitoring) (accessed on 18 January 2008).

⁷⁶ Dominik Uhlig, "OBWE: prezydent był stronniczy przed wyborami" (OSCE: the President was one-sided before elections), *Gazeta Wyborcza*, 21 March 2008, p. 6.

called for public debate on this “sad period” in Polish journalism.⁷⁷ The Congress of the Polish Journalists’ Association (SDP, *Stowarzyszenie Dziennikarzy Polskich*), held in April 2008, was expected to tackle this issue, but instead wasted time on personal arguments. The right of journalists’ trade unions and associations to recommend candidates for the new KRRiT is being contested because of the weakness and politicisation of these organisations.

4. COMMERCIAL BROADCASTING

4.1 Regulation and management

There have been no significant changes in regulation and management of commercial broadcasters, which are regulated by the KRRiT, UKE and the Office for Competition and Consumer Protection. The last two bodies have had growing influence in regulating private broadcasters. As well as a mixture of entertainment targeted at a mass audience, these broadcasters compete with TVP in providing public service quality news and current affairs. Concentration and cross-ownership of broadcasters and other media ventures is not clearly regulated, partly as a result of the “Rywingate” affair.

4.2 Ownership and cross ownership

In a report for the European Parliament, Poland was listed as one of only six countries in Europe with no restrictions on media cross-ownership.⁷⁸ The April 2004 amendments to the Broadcasting Act lifted the 33 per cent capital restrictions on foreign ownership by entities based in EU countries. The only restriction on ownership is a limit of 49 per cent applying to investors from outside the EU, which in practice means mostly American investors and their European subsidiaries. Under the Broadcasting Act, a licence cannot be awarded if transmission of programming by an applicant could result in achievement of a dominant position in the mass media in the

⁷⁷ Tomasz Wołek, “Gdzieście byli dziennikarze” (Where were you, the journalists?), *Gazeta Wyborcza*, 2 February 2008, p. 19.

⁷⁸ Deirdre Kevin, Thorsten Ader, Oliver Carsten Fueg, Eleftheria Pertziniidou, Max Schoenthal, Final report of the study on “The Information of the Citizen in the EU: Obligations for the Media and the Institutions Concerning the Citizen’s Right to be Fully and Objectively Informed”, prepared on behalf of the European Parliament by the European Institute for the Media, Düsseldorf, 31 August 2004, available online at <http://www.pedz.uni-mannheim.de/daten/edz-ma/ep/04/pe358896-en.pdf> (accessed 8 April 2008).

given territory.⁷⁹ Since 1992, a broadcast licence could also be revoked on the same grounds.⁸⁰

Although the Broadcasting Act does not define exactly what is meant by a “dominant position”, the Act on Competition and Consumer Protection defines it as a situation when a business is able to prevent efficient competition on the relevant market. It is assumed that this can happen when the business’s share of the market exceeds 40 per cent.⁸¹ The KRRiT evaluates whether an applicant or existing player may achieve a dominant position, taking into account the “open and pluralistic nature of broadcasting”. No licence has yet been revoked for this reason. A decision by the antitrust watchdog preventing Axel Springer from purchasing 25 per cent of Polsat TV could create the base for defining such a position in the future. UOKiK argued that it did not give a green light to the deal because despite Springer’s ownership of only 25 per cent of the stake in Polsat TV, “some crucial decisions may not be made without its [Axel Springer’s] consent”.⁸²

The KRRiT’s “Polish State Strategy for Electronic Media for 2005–2020” calls for a 30 per cent limit in cross-media ownership, including both electronic and print media. Karol Jakubowicz, then Director of KRRiT’s Strategy Department, explained that the aim of these regulations is to ensure at least three independent TV and radio stations on national and local markets.⁸³ The concept of a 30 per cent threshold was immediately criticised by media owners who oppose any restrictions in this matter.

In its first document of 2006, released after its new members were appointed, the KRRiT stated: “Our experience proves that without a system of special protection, local radio and TV stations cannot withstand market competition and have to join the large networks, losing programming independence and ability to create a programme tied to local community life.”⁸⁴ According to the KRRiT, local radio stations could remain independent if there were legal provisions preventing them from being swallowed by large networks. This could be done if local electronic media were

⁷⁹ Broadcasting Act, Art. 36(2.2).

⁸⁰ Broadcasting Act, Art. 38(2).

⁸¹ Act on Competition and Consumer Protection of 15 December 2000, *Official Gazette*, no. 86, item 804, Art. 4(9).

⁸² Vadim Makarenko, “UOKiK przystopował Springera” (UOKiK’s stop over for Springer), *Gazeta Wyborcza*, 21–22 April 2007, p. 34.

⁸³ Personal interview with Karol Jakubowicz, September 2004.

⁸⁴ KRRiT, “Raport otwarcia: rynek rtv w Polsce” (Opening Report: Polish radio and TV market), Warsaw, 2006, pp. 38–39, available at www.krrit.gov.pl/dokumenty/polityka/raport_o_stanie_ryнку_caly.pdf (accessed on 26 November 2007).

compelled to promote the “public interest” in their programming, especially in terms of pluralism and diversity.⁸⁵

The only major change in ownership took place in 2006 when 25 per cent of the religious station TV Puls, owned by the Franciscan Brothers, was purchased by News Corporation. Once the deal was completed, the KRRiT allowed the new owners to change the station’s programming into generalist.

Issues of concentration and cross-ownership came to the fore during the “Rywingate” affair. An example of cross-ownership between electronic and print media is the Agora group, which owns the leading daily *Gazeta Wyborcza* and 29 local radio stations, including the news/talk-format radio station Tok FM, operating in nine cities. At the end of 2006, the German Bauer Publishing Group, owner of over 30 glossy magazines in Poland, bought RMF FM, a private radio station with the largest audience in the country. The UK’s Mecom Group, owned by David Montgomery, formerly of the Mirror Group, owns 51 per cent of the daily newspaper *Rzeczpospolita* (with the remainder owned by the State), and stakes in 12 local dailies and five radio stations.

4.3 The advertising market

The maximum advertising time set by law on commercial broadcasters is 12 minutes per hour and 15 per cent of the total daily amount of broadcasting. Teleshopping programs are the fastest growing advertising vehicle; their maximum daily time is set as three hours.

Table 7. Advertising as percentage of programme time

	2005	2006
TVP1	7.6	7.35
TVP2	7.0	7.25
Polsat TV	14.52	14.54
TVN	12.52	12.68
TV 4	14.68	14.53

Source: AGB Nielsen Media Research

The total TV advertising market in 2006 was PLN 7.83 billion (€2.04 billion), which exceeded 50 per cent of the total advertising spend in the country. The private station TVN took the largest share of the TV advertising spend.

⁸⁵ KRRiT, “Raport otwarcia: rynek rtv w Polsce”, *op. cit.*, p. 28.

Table 8. Share of TV advertising income in 2006 (as gross percentage)

Station	Share
TVN	26.2
Polsat TV	24.4
TVP1	17.2
TVP2	13.3
TV 4	2.1
MTV Polska	2.1
Tele 5	1.8
TVN 24	1.6
TVN7	1.5
Discovery Channel	1.1
Other	8.7

Source: Expert Monitor⁸⁶

According to the media buying agency Starlink TV, the advertising market grew by 16.5 per cent in the first half of 2007. TVN was the most dynamic player, enjoying growth of some 17 per cent, thanks mainly to its TVN24 news channel. TVP's advertising revenues grew by 14 per cent, reaching a net of PLN 584 million (€170 million) during this period. Polsat TV saw the slowest growth, of only 8 per cent. Specialist channels had the fastest audience growth, however, albeit from a smaller base. They still enjoy a modest audience share. The four most popular were the news channels TVN24 and Eurosport, and the children's channels Cartoon Network/TCM and Jetix.⁸⁷ The prospects for 2008 are good; the price of TV advertising is expected to rise by about 15 per cent, doubling the growth of previous years.⁸⁸

4.4 Editorial standards and independence

Editorial independence has continued to suffer also in the private sector in Poland, however political interference here has been much less visible than in public media.

⁸⁶ IP International Marketing Committee, *Television 2007. International Key Facts*, October 2007, p. 307, (hereafter, IP International Marketing Committee, *Television 2007*).

⁸⁷ KRRiT, "2006: The Broadcasting Landscape in Poland", p.19, av. at www.krrit.gov.pl/angielska/index.htm (accessed on 24 January 2008).

⁸⁸ Vadim Makarenko, "Gotowanie żaby, czyli szklany ekran porządzi" (Boiling a frog or how a glass plate rules), *Gazeta Wyborcza*, 4 January 2008, p. 32.

Broadcasters continued to fight to gain as much freedom as possible from political and business interests.

“Political commentators cannot accept positions from political parties,” said Jacek Żakowski, a well-known print and TV journalist. “If they do so, one may suspect that the party pays them back [for their ideological support of the party] or sends them out as political commissars.” Żakowski added that by stating before the 2005 elections that he would vote for SLD, he was aware that this would bar him from accepting any future public positions from this party. After the 2005 elections, “high-level public media positions were distributed by the PiS to those political commentators who supported the party during the electoral campaign. For me it was a classic case of political corruption.”⁸⁹

Czabański replied:

In all mass media, private and public alike, there is the same problem: the relationship between the owner or the manager and the editorial team. Does a Chinese Wall, to use Adam Michnik’s expression, really exist between the publisher and the editors? I guarantee that the situation is the same in both private and public media: the editorial [department] has as much independence as they are able to win. For Springer, [Jan] Wejchert (TVN), [Zygmunt] Solorz (Polsat) and other media moguls, the temptation to use their own media as a weapon is no less attractive than for politicians.⁹⁰

4.5 Regional and local broadcasting

Local TV stations have been gradually losing their editorial and financial independence because of the ownership concentration process and their ties with larger broadcasters. In 2006, Niezależna Telewizja Lokalna Radomsko was included in TVN’s network and Telewizja ODRA, which airs two hours of local programming in nine municipalities in west Poland (Wrocław, Opole, Świdnica, Głogów, Legnica, Lubin, Gorzów Wielkopolski, Jelenia Góra and Zielona Góra) joined TV 4. “The whole idea of local TV broadcasting failed because local TV broadcasters lost their independence,” the KRRiT stated.⁹¹

The KRRiT also called for an end to the centralising trend at TVP3, which is a network of local stations. TVP3 has cut down on local production, favouring programmes produced by the central Warsaw-based station. In the years 2000–2005,

⁸⁹ Jacek Żakowski, “Dziennikarze politycznie skorumpowani” (Politically corrupted journalists), *Rzeczpospolita*, 30 October 2006, available online at <http://new-arch.rp.pl/artykul/646670.html> (accessed 25 February 2008).

⁹⁰ Krzysztof Czabański, “Mikrofon dla obywateli” (Microphone for citizens), *op. cit.*

⁹¹ KRRiT, Informacja 2007, p. 27, available at www.krrit.gov.pl/sprawozdania (accessed 4 March 2008).

the share of programmes made by the 14 local TVP branches feeding TVP3's programming shrank from 23.4 to 18.3 per cent. This meant that their combined programming was no more than 3.5 hours a day.⁹²

In 2008, the Government announced plans to dismantle TVP3 into 16 local public TV stations, financed in part by local authorities. The opposition, TVP and the KRRiT are against this idea.⁹³ Local news found some room on the news programmes of cable operators licensed by the KRRiT. At the end of 2006, there were 360 licensed cable operators. Those who produce their own programmes air from 30 minutes to several hours a day.⁹⁴

5. PROGRAMMING

5.1 Output

Some genres, such as drama, classical music and documentaries are so expensive to produce and relatively unappealing to the public that only TVP can afford to show them. TVP1 and TVP2 air such programmes. Combined with news, information, education and religion programming, such programming makes up about 35 per cent of TVP1's output. However, these programs are difficult to find at peak time, from 5 p.m to 11 p.m, with the exception of news and political programmes. In the first week of 2008, the documentary series *Notacje* (Notes) was shown on TVP1 twice after 2 a.m.; cultural magazine *Loskot* was aired once at midnight and a French documentary about Russian oligarchs was scheduled after midnight.

Only political interviews and some investigative reporting programs such as *Autografy* (Autographs) and *Misja Specjalna* (Special Mission) made it to primetime. "In TVP low quality of programmes and lack of standards are more painful than the one-sidedness of its news programmes because the news viewers have an alternative on private TV. They do not have a choice for real cultural [programming]," said Agnieszka Holland.⁹⁵

⁹² KRRiT, Opening report, *op. cit.*, p. 26.

⁹³ "Stanowisko KRRiT dotyczące poselskiego projektu ustawy o zmianie ustawy o radiofonii i telewizji i innych ustaw", (KRRiT standpoint versus MPs' project to change radio and television and other laws), p. 15, available online at www.krrit.gov.pl/ accessed 24 January 2008.

⁹⁴ KRRiT, Informacja 2007, p. 29, *op. cit.*

⁹⁵ Tadeusz Sobolewski, "Ratujmy w TVP, co się da" (Let's save in TVP what we can), *Gazeta Wyborcza*, 15–16 March, 2008 p. 16.

Table 9. Shares of public and private broadcasters' output in 2006 (by genre)

Per cent of yearly broadcast	TVP1	TVP2	TVP3	TV Polsat	TVN	TV 4	TV Puls
News	7.3	5.3	33	3.9	2.5	1.1	1.2
Commentaries	13.1	5.4	20.7	2.0	5.4	9.8	15.1
Films	43.2	43.2	11.4	38.8	29.2	24.7	21.5
Documentaries	6.3	8.5	12.8	0.6	0.5	1.6	15.4
Entertainment	1.2	8.2	1.0	25.8	30.7	14.8	0.0
Education	4.9	6.2	1.6	0.7	5.3	1.1	5.8
Sport	5.5	4.7	5.8	5.7	2.0	5.6	5.8
Religion	2.6	0.7	1.9	0.2	0.0	0.2	10.3
Classical music	0.3	0.5	0.0	0.1	0.0	0.2	1.9
Theatre	0.4	0.3	0.0	0.0	0.0	0.0	0.0
Pop music	2.9	4.3	0.2	1.8	0.4	8.7	0.5
Self-promotion	3.3	3.7	5.0	5.3	5.5	6.8	4.5
Advertising	9.1	9.0	6.7	15.3	18.5	15.5	21.1

Source: KRRiT⁹⁶

5.2 General provisions on news

In May 2006, the Senate adopted a resolution that included the most important issues that the KRRiT should follow. These were: protecting minors effectively against violence and immorality, taking action against the increasing concentration of ownership on the local radio market, and securing more pluralism and impartiality in public service broadcasting. The Senate also called on the KRRiT to regulate the editorial and organisational independence of TVP's regional stations.⁹⁷ The KRRiT produced two extensive reports on these issues.⁹⁸ No major provisions on news have been introduced in the past three years.

⁹⁶ KRRiT, "Informacja o podstawowych problemach radiofonii i telewizji 2007" (KRRiT information about basic problems of Radio and TV 2007", p. 103 and 108, *op. cit.*

⁹⁷ "Uchwała Senatu RP w sprawie sprawozdania KRRiT z działalności w 2005 r." (Senate resolution concerning KRRiT yearly report for 2005), available at www.senat.gov.pl/arch.htm, (accessed 24 January 2008).

⁹⁸ KRRiT, "Defence of locality and local democracy: KRRiT strategy of actions to defend local character and programme pluralism in local electronic media", December 2005, "KRRiT position on children presentations in TV", January 2008.

5.3 General programme production guidelines

Broadcasters' independence in determining programme content is guaranteed in general terms by the Broadcasting Act, which states that a television broadcaster may broadcast live coverage of an event of major importance for society only on a nationwide free-to-air channel, or on an encrypted or paid TV service if the event is also free-to-air.

5.4 Quotas

In June 2005, the KRRiT issued a bylaw on the use of labels for broadcasts that may have a negative impact on minors.⁹⁹ Weekly round-the-clock monitoring of TVP1, TVP2, Polsat TV and TVN by the KRRiT in March 2006 showed that the new system was more or less respected. The KRRiT judged that TVP1's programmes for children were the best. (TVN paid no attention to the young audience.) TV 4 is the leading commercial station for youth programming. The KRRiT concluded that there was a general lack of educational programmes on TV.¹⁰⁰

5.5 Obligations on PSB

The main tasks of public service broadcasting are to strengthen family ties, support a pro-health attitude, contribute to combating "social pathologies" and respect the needs of ethnic groups and minorities.¹⁰¹ (see Table 8) Programs that fulfilled general public broadcasting obligations accounted for above one third of total programming in 2003 and for less than 30 per cent of the main TVP1 channel in 2006, a drop of 5 per cent. Public service programmes were moved to the less popular TVP2 and to specialist channels, above all TVP Kultura, which is only available by subscription to satellite or cable channels and has a marginal viewership of 0.15 per cent.¹⁰²

Critics of TVP say that the station's "public mission programmes", including educational, religious, children's programming, drama, European production and

⁹⁹ "Rozporządzenie KRRiT w sprawie kwalifikowania audycji lub innych przekazów mogących mieć negatywny wpływ na prawidłowy fizyczny, psychiczny lub moralny rozwój małoletnich oraz audycji lub innych przekazów przeznaczonych dla danej kategorii wiekowej małoletnich, stosowania wzorów symboli graficznych i formuł zapowiedzi" (KRRiT order for broadcast labelling of programmes, which might have negative impact on correct physical, psychological and moral development of a certain age category of minors, using appropriate graphic symbols and announcements), available at www.krrit.gov.pl/ (accessed on 24 January 2008).

¹⁰⁰ KRRiT, "Informacja o podstawowych problemach radiofonii i telewizji 2007", p. 135, *op. cit.*

¹⁰¹ Broadcasting Act, Art. 21. (The law does not clearly define these tasks).

¹⁰² Donata Subbotko, "Misja dla 0,15 proc. widzów" (Mission for 0.15 per cent of viewers), *Gazeta Wyborcza*, 23 April 2008 p. 20.

classical music, account for no more than 6.5 per cent of the station's total airtime, pulling in no more than 2.5 per cent of TVP's viewers.¹⁰³

Programmes for ethnic minorities and in languages other than Polish were not shown on TVP1 and TVP2, due to "the nationwide character of these channels".¹⁰⁴ They were shown instead on TVP3, accounting for 0.3 per cent of the channel's annual broadcast time. Broadcasting for ethnic minorities is done in Polish: *Tydzień Białoruski* (Belorussian Week); *Przegląd Ukraiński* (Ukrainian Review); *Panorama Litewska* (Lithuanian Panorama); *Rosyjski Głos* (Russian Voice); *My Romowie* (We, Roma); and *Podlaski Orient* (Orient of Podlasie, Tatar magazine). TVP programmes in minority languages are: *Telenowyny* in Ukrainian (TV News, cancelled in 2007); *Schlesische Journal* in German, aired weekly; and *Rodno Zemla* (Native Country) in Kashubian, which is not aired regularly.

The general opinion is that TVP is being increasingly commercialised.

For many years, TVP has been criticised for its lack of a public service mission in broadcasting. The lack of programmes for children and young people, educational and high culture programmes is of special concern. The new Article 21 [of the Broadcasting Act] should define precisely the fulfilment of the public mission in information, opinion-making, education, entertainment, and sport programmes, including the required time quotas.¹⁰⁵

¹⁰³ Jakub Bierzyński, "Spór o media publiczne" (Public media debate), *Rzeczpospolita*, 7 January 2008, p. 12.

¹⁰⁴ KRRiT, "Informacja o podstawowych problemach radiofonii i telewizji 2007", p. 88, *op. cit.*

¹⁰⁵ KRRiT, Opening Report, p. 25, *op. cit.*

Table 10. TVP programmes fulfilling general public broadcasting obligations in 2003–2006 (share of total programming as percentage)

Type of programme	2003		2006	
	TVP1	TVP2	TVP1	TVP2
Culture, science and education development	17.4	17.4	19.8	25.6
Family strengthening	13.4	12.1	5.8	10.4
Pro-health	1.5	1.8	2	1.5
Against “social pathologies”	1.8	1.1	1.5	0.9
National minorities and ethnic groups	0.2	0.4	0	0
Total	34.3	32.8	29.1	38.4

Source: KRRiT¹⁰⁶

5.6 Obligations on commercial broadcasters

In the broadcast licences granted to some private broadcasters, the KRRiT specified additional conditions or the broadcasters agreed to fulfil a set of conditions going beyond legal provisions.¹⁰⁷ However, the Supreme Administrative Court (NSA) declared this practice to be illegal in its judgment on the Polsat licence case, in July 2006. “The KRRiT could not arrogate from the Broadcasting Act its right to dictate the percentage of certain programmes in the licence [contract],” said NSA judge, Stanisław Biernat, explaining the decision.¹⁰⁸

The KRRiT, however, continued to monitor private broadcasters to check fulfilment of their licence conditions. Most of them fulfilled their licence requirements. According to the KRRiT’s monitoring in March 2006, TV Polsat fulfilled such conditions as to air at least seven hours a week of news, six hours a week of education, economy and health programmes, and 1.5 hours a week of documentary films. It has to air also cultural events, drama formats and concerts of classical and pop music.¹⁰⁹ According to KRRiT’s monitoring in October 2006, TVN fulfilled its requirements to air at least seven hours a week of news and at least three hours a week of educational programmes and how-to-do magazines. Similar monitoring in September 2006

¹⁰⁶ KRRiT, 2003 Annual Report, p. 46 and KRRiT, Opening Report, *op. cit.*, p. 25.

¹⁰⁷ Broadcasting Act, Art. 37(2).

¹⁰⁸ Danuta Frey, “W koncesji dla Polsatu było za dużo ograniczeń” (Too many restrictions in the Polsat licence), *Rzeczpospolita*, 19 July 2006, available online at <http://new-arch.rp.pl/artykul/627970.html> (accessed 5 March 2008).

¹⁰⁹ KRRiT, 2007 Annual Report, Informacja, p. 119, *op. cit.*

showed that TV 4 complied with requirements to air news for at least 6 per cent of monthly broadcasting time, educational and children programming for at least 3 per cent and art on at least 2 per cent. Monitoring of TV Puls in November and December 2006 showed that they fulfilled their requirements to air mostly social and religious programming.¹¹⁰ The only station that did not comply with its licence requirements, according to KRRiT monitoring, was local Telewizja Odra, airing in eight municipalities in western Poland.

6. CONCLUSIONS

Since the collapse of communism in Poland in 1989, every political party coming to power has been tempted to take control of the public service media and carry out reform of these media according to their own vision. But in reality, there has been no reform of the public service media. Only their management changed following the results in elections.

With the falling rate of licence fee payments and the advent of digitalisation after 2000, reform of public service broadcasting has become pressing. The “Polish State Strategy on Electronic Media for the years 2005–2015”, released along with the 2005 KRRiT Annual Report, advanced a series of reform proposals. These included creating a single governing structure composed from representatives of the State and civil society, the gradual reduction of advertising time, and the establishment of a fund for financing regional and local broadcasters from a tax on broadcasting advertising on private media.

The same strategy proposed to introduce a system of better monitoring of the licence conditions for all broadcasters, particularly those related to local news and information and a system of measures against concentration of ownership at both national and local levels. At the same time, professional organisations and civil society groups have called countless times for the broadcast regulatory bodies to be depoliticised.

After the 2007 elections, the ruling PO party stressed the need for real changes in the public service media, but nothing has been done in practice. More than six months after elections, the bill on the reform of the public service media is still being drafted by the Government. Another bill on broadcasting, which was adopted by Parliament, but is likely to be vetoed by the President, has not brought any changes in this direction. The new law envisages contests for the seat of KRRiT members and TVP management, allowing civil society organisations to participate in the process. It foresees dropping the licence fee and replacing it with funding from both the State budget and taxes on private broadcasters, which would create the Public Mission Fund.

¹¹⁰ KRRiT, 2007 Annual Report, Informacja, p. 120–122, *op. cit.*

If the reform is carried out, the ecology of the public service media will be substantially changed. It remains to be seen if the changes will be for the good of the public service media. But without reform, these media, increasingly commercial and heavily politicised, are likely to alienate listeners and viewers, and finally advertisers.

ANNEX 1. LEGISLATION CITED IN THIS REPORT

Act on Competition and Consumer Protection of 15 December 2000, *Official Gazette*, no. 86.

Broadcasting Act of 29 December 1992, *Official Gazette* 1993, no. 7, item 34; amended in 1995, no. 66, item 335 and No. 142, item 701; 1996, no. 106, item 496; 1997, no. 88, item 554, and no. 121, item 770; 1999, no. 90, item 999; 2000, no. 29, item 356 and 358, no. 73, item 852.

Broadcasting Act of 2001, *Official Gazette* no. 101, item 1114; further amended by 2002, no. 25, item 253; 2002, no. 56, item 517; 2003, no. 96, item 874; 2004, no. 91, item 874.

Ustawa z dnia 13 kwietnia 2007 r. o zmianie ustawy o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwa z lat 1944–1990 (13 April 2007 changes to Lustration Law).

Council Regulation n. 659/1999 of 22 March 1999, laying down detailed rules for the application of Article 93 (now Art. 88) of the EC Treaty, *Official Journal* L 83/1, 27 March 1999.

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, *Official Journal of the European Union*, 18 December 2007, L 332/27.

Council Regulation no. 659/1999 of 22 March 1999, laying down detailed rules for the application of Article 93 (now Art. 88) of the EC Treaty, *Official Journal*, L 83/1, 27 March 1999.

ANNEX 2. BIBLIOGRAPHY

In Polish

KRRiT, 2005 Annual Report.

KRRiT, 2006 Annual Report.

KRRiT, 2007 Annual Report.

KRRiT. “Działalność KRRiT w zakresie wprowadzania naziemnej telewizji cyfrowej w Polsce” (KRRiT activity on introduction of terrestrial digital TV in Poland), 5 April 2006.

KRRiT. “Raport o stanie rynku RTV” (Radio and TV market report), September 2004.

KRRiT. “Raport o stanie rynku RTV” (Radio and TV market report), 11 July 2006.

KRRiT. “Raport otwarcia: rynek radiowo-telewizyjny w Polsce” (Opening Report: Radio and TV Market in Poland), 2006.

KRRiT. “Stanowisko KRRiT dotyczące poselskiego projektu ustawy o zmianie ustawy o radiofonii i telewizji i innych ustaw”, (KRRiT standpoint versus MPs’ project to change radio and television and other laws).

KRRiT. “Stanowisko KRRiT z 11 lipca 2006 r.” (KRRiT Position from July 26, 2006).

“Rozporządzenie KRRiT w sprawie kwalifikowania audycji lub innych przekazów mogących mieć negatywny wpływ na prawidłowy fizyczny, psychiczny lub moralny rozwój małoletnich oraz audycji lub innych przekazów przeznaczonych dla danej kategorii wiekowej małoletnich, stosowania wzorów symboli graficznych i formuł zapowiedzi” (KRRiT order for broadcasts labelling of programmes, which might have negative impact on correct physical, psychological and moral development of a certain age category of minors, using appropriate graphic symbols and announcements).

“Uchwała Senatu RP w sprawie sprawozdania KRRiT z działalności w 2005 r.” (Senate resolution concerning KRRiT yearly report for 2005).

KRRiT. “Informacja o podstawowych problemach radiofonii i telewizji 2007” (KRRiT information about basic problems of Radio and TV 2007).

KRRiT. “Informacja o podstawowych problemach radiofonii i telewizji 2008” (KRRiT information about basic problems of Radio and TV 2008).

KRRiT. “Raport otwarcia: rynek rtv w Polsce” (Opening Report: Polish radio and TV market), Warsaw, 2006.

In English

Kevin, Deirdre, Thorsten Ader, Oliver Carsten Fueg, Eleftheria Pertziniidou, Max Schoenthal. Final report of the study on “The Information of the Citizen in the EU: Obligations for the Media and the Institutions Concerning the Citizen’s Right to be

Fully and Objectively Informed”, prepared on behalf of the European Parliament by the European Institute for the Media, Düsseldorf, 31 August 2004.

KRRiT. “2006: The Broadcasting Landscape in Poland”.

KRRiT. “Defence of locality and local democracy: KRRiT strategy of actions to defend local character and programme pluralism in local electronic media”, December 2005

“KRRiT position on children presentations in TV”, January 2008.

IP International Marketing Committee. *Television 2006. International Key Facts*, October 2006.

IP International Marketing Committee. *Television 2007. International Key Facts*, October 2007.

Stefan Batory Foundation. “Report from monitoring of selected TVP information newscasts at the time of local elections 2006”.