

THE BROADCASTING ACT

of 29 December 1992

(Unofficial translation of the consolidated text)

CHAPTER 1

General Provisions

Article 1

1. The tasks of radio and television broadcasting are:
 - 1) to provide information,
 - 2) to ensure access to culture and the arts,
 - 3) to facilitate access to education, sport and scientific achievements,
 - 3a) to spread civic education,
 - 4) to provide entertainment,
 - 5) to promote the domestic production of audiovisual works.
- 1a. The tasks of radio and television broadcasting, as referred to in paragraph 1, are implemented by providing media services.
2. Broadcasts of domestic and foreign programmes and on-demand audiovisual media services, intended by media service providers for broadcast to the general public, will be unrestricted, subject to the requirements set out by the applicable law.

Article 1a

1. This Act applies to media service providers established in the Republic of Poland.
2. A media service provider is deemed to be established in the Republic of Poland if it meets at least one of the following criteria:
 - 1) it has its registered office in the Republic of Poland, and:
 - a) editorial decisions about the media service are taken in the Republic of Poland, or
 - b) a significant part of the workforce engaged in the provision of the media service on the basis of an employment contract or a contract for services operates in the Republic of Poland, while editorial decisions about the media service are taken in another Member State of the European Union, or
 - c) of the workforce engaged in the provision of the media service on the basis of an employment contract or a contract for services, a significant part operates in the Republic of Poland and a significant part operates in another Member State of the European Union,
 - 2) editorial decisions about the media service are taken in the Republic of Poland and a significant part of the workforce engaged in the provision of the media service on the basis of an employment contract or a contract for services operates in the Republic of Poland, while the media service provider has its registered office in another Member State of the European Union,

- 3) the media service provider began to provide the media service in the Republic of Poland, or pursuant to the law of the Republic of Poland, and maintains stable and effective business relations with the Republic of Poland, unless:
 - a) the media service provider's registered office is located in another Member State of the European Union and editorial decisions about the media service are taken in another Member State of the European Union, or
 - b) a significant part of the workforce engaged in the provision of the media service on the basis of an employment contract or a contract for services operates in another Member State of the European Union in which the media service provider has its registered office, or editorial decisions about the media service are taken in another Member State of the European Union.
3. A media service provider is deemed established in the Republic of Poland also if a significant part of the workforce engaged in the provision of the media service on the basis of an employment contract or a contract for services operates in the Republic of Poland, and if the provider:
 - 1) has its registered office in the Republic of Poland, while editorial decisions about the media service are taken in a state that is not a Member State of the European Union, or
 - 2) has its registered office in a state that is not a Member State of the European Union, while editorial decisions about the media service are taken in the Republic of Poland.
4. The Act also applies to a media service provider who:
 - 1) uses a satellite uplink station located in the Republic of Poland, or
 - 2) does not use such a station, but uses a satellite link that belongs to the Republic of Poland

- even if the provider does not meet the conditions specified in paragraphs 2 and 3, and has not been deemed a media service provider established in a Member State of the European Union under the laws of that State corresponding to the conditions set forth in paragraphs 2 and 3.

Article 2

1. Public radio and television broadcasting organisations have the right to transmit radio and television programme services, along with individuals, legal entities and partnerships that have received a relevant broadcasting licence or, in the case of television programme services transmitted exclusively in information and communication technology systems, that have been entered in the register of such programme services.
2. This Act does not apply to:
 - 1) programme services transmitted or retransmitted solely for reception within a single building,
 - 2) programme services transmitted or retransmitted in a system where the transmitting and receiving equipment belongs to the same person engaged in business operations or other registered public activity, and where the content of the programme service is limited to matters relating to that activity and addressed either to employees or another particular group of people connected to the broadcaster,

- 3) programme service retransmitted over a cable network with no more than 250 individual viewers/listeners,
- 4) radio programme services transmitted exclusively in information and communication technology systems, and to on-demand audio services,
- 5) correspondence exchanged with the use of means of electronic communications,
- 6) electronic versions of dailies and magazines, as well as the press accessible via an information and communication technology system, provided that audiovisual programmes do not constitute a prevailing part thereof,
- 7) games of chance and mutual bets, unless they form part of a media service programme.

Article 3

Unless otherwise provided for in the Act, the provisions of the Press Law apply to the transmission of radio and television programme services.

Article 3a

1. With a view to performing the obligations set out in this Act, in particular in Article 14a, Article 16b paragraph 3a, Article 18a, Article 47e and Article 47g, media service providers may develop and accede to codes of best practice, as defined in the Act on Counteracting Unfair Market Practices of 23 August 2007 (Journal of Laws of 2017, item 2070).
2. Acting in favour of on-demand audiovisual media services, the National Broadcasting Council, in cooperation with the minister responsible for information technology, will initiate, support and promote the development of codes of best practice as referred to in paragraph 1.

Article 4

For the purposes of this Act:

- 1) “media service” means a service in the form of a programme service or an on-demand audiovisual media service that is under the editorial responsibility of its provider, and the principal purpose of which is the provision of programmes, in order to inform, entertain or educate, to the general public by telecommunications networks; commercial communication is also a form of media service,
- 2) “programme” means a set of moving images with or without sound (audiovisual programme) or a set of sounds (radio programme) constituting, in terms of its content, form, purpose or authorship, a separate item within a programme service developed by the media service provider, or a catalogue of programmes made available to the public as part of an on-demand audiovisual media service, hereinafter the “catalogue”,
- 3) “editorial responsibility” means the exercise of effective control both over the selection of the programmes and over their organisation in a programme service or in a catalogue; this will not prejudice the principles of legal liability for the content of programmes or provision of the service,
- 4) “media service provider” means an individual, legal entity or partnership that has editorial responsibility for the choice of content of the media service and determines the manner in which it is organised, and is a broadcaster or a provider of an on-demand audiovisual media service,

- 5) “broadcaster” means an individual, legal entity or partnership that develops and organises a programme service and transmits it or has it transmitted by other entities,
- 6) “programme service” means a scheduled composition of programmes, commercial communications or other broadcasts, transmitted as a whole, in a manner that allows the simultaneous reception by viewers/listeners in a sequence determined by the broadcaster,
- 6a) “on-demand audiovisual media service” means a media service provided as part of business operations carried out for this purpose, consisting in the provision of audiovisual programmes to the general public in accordance with the catalogue of programmes created by the service provider;
- 7) “transmission” means broadcasting a programme service over the air or by wire for reception by viewers/listeners,
- 8) “retransmission” means the reception of a transmitted, complete and unchanged programme service, and its simultaneous, secondary transmission,
- 8a) “provision of on-demand audiovisual media service to the general public” is the provision of such a service in a manner enabling the general users to receive the programme of their choice, selected from a catalogue of programmes provided as part of the service, at the moment of their choice and at their individual request;
- 9) “provision of a media service” means the transmission of a programme service or provision of on-demand audiovisual media service to the general public,
- 10) “social broadcaster” means a broadcaster who:
 - a) in its programme service propagates learning and educational activities, promotes charitable deeds, respects the Christian system of values being guided by the universal principles of ethics, and strives to preserve national identity,
 - b) does not transmit programmes or other broadcasts referred to in Article 18 paragraph 5 within the programme service,
 - c) does not transmit commercial communications,
 - d) does not charge any fees for transmissions, retransmissions or the reception of its programme service,
- 11) ¹ “foreign entity” means a foreign entity as defined in Article 3 subparagraph 5 of the Act on the Principles of Foreign Business Operators and other Foreign Persons Participating in Business Trade in the Republic of Poland of 6 March (Journal of Laws, item 649),
- 12) “creative team” means a team of people who create programmes including, in particular: the director, script writer, set designer, operator, performers of lead characters and composer,
- 13) “thematic programme service” means a programme service where at least 70 per cent of the monthly transmission time during the hours of 06:00 and 23:00 is devoted to programmes and other broadcasts in line with the main theme of the programme service,
- 14) “programme originally produced in the Polish language” means a programme that meets the criteria of being a European work, as defined in this Act, which has been

¹ As amended by Article 28 paragraph 1 letter a of the Act with Provisions implementing the Entrepreneurs Act and other acts pertaining to economic activity of 6 March 2018 (Journal of Laws from 2018, item 650), which entered into force on 30 April 2018.

produced on the basis of a script written originally in the Polish language and first registered in the Polish language,

- 15) “children’s programme” means a programme that, in view of broadcasting hours and content, is addressed primarily at children,
- 16) “commercial communication” means any communication, including images with or without sound, or sounds only, that is designed to promote, directly or indirectly, the goods, services or reputation of an entity conducting business or performing a professional activity, accompanying or included in a programme in return for payment or similar consideration, or for self-promotional purposes, in particular advertising, sponsorship, teleshopping and product placement,
- 17) “advertising” means a commercial communication, originating from a public or private entity in connection with its business or professional activity, aimed at promoting the sale or use of goods or services in return for payment; self-promotion is also a form of advertising,
- 18) “sponsorship” means any contribution made by an entity not engaged in providing media services or in the production of programmes, to the financing of a media service or programme with a view to promoting its name, business name, reputation, operations, product or service, trade mark or any other proprietary identification,
- 19) “teleshopping” mean any commercial communication containing a direct offer of the sale of products or the supply of services in return for payment,
- 20) “surreptitious commercial communication” means the representation of goods, services, the name, business name, trade mark or operations of an enterprise that is a producer of goods or a provider of services in programmes, where the intention of the media service provider, in particular related to payment or another benefit, is to achieve an advertising effect, and where the public might be misled as to the nature of the communication,
- 21) “product placement” means a commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration, as well as by the free of charge provision of a product or service,
- 22) “thematic placement” means a commercial communication consisting of a reference to a product, a service or the trade mark thereof in a script or a dialogue list of a programme in return for payment or for similar consideration,
- 23) “self-promotion” means every broadcast originating from a media service provider that is intended to directly or indirectly promote its programmes, goods or services,
- 24) “teletext service” means a set of texts and motionless images transmitted by means of a television or radio signal simultaneously with the programme service,
- 25) “producer” means a natural person, legal entity or an organisational unit referred to in Article 33¹ § 1 of the Polish Civil Code, that initiates, actually organises and bears responsibility for the creative, organisational and financial process of producing audiovisual works,
- 26) “producer independent of a given broadcaster” means a producer who is not bound by an employment relationship with a given broadcaster, is not a broadcaster itself and holds no stake in the broadcaster’s organisation, and in which neither the broadcaster nor any of its subsidiaries, or any companies associated in the same group of companies hold a stake, and where the members of its governing bodies are not bound by an employment relationship with the given broadcaster and are not broadcasters themselves,

- 27) ² “business operator” means a business operator as defined in the Act on Business Operators of 6 March 2018 (Journal of Laws, items 646, 1479, 1629 and 2212),
- 28) ³ “aid for impaired persons” means an audio or visual element included in a programme or transmitted simultaneously with a programme, intended to allow visually impaired people and hearing impaired people to learn the content of the programme, in particular in the form of subtitles for deaf people, or audio descriptions, and also translation into sign language,
- 29) “information and communication technology system” means an information and communication technology system as defined in the Act on the Provision of Services via Electronic Means of 18 July 2002 (Journal of Laws of 2019, item 123),
- 30) “telecommunications network” means a telecommunications network as defined in the Telecommunications Law of 16 July 2004 (Journal of Laws of 2018, item 1954, 2245 and 2354).

CHAPTER 2

The National Broadcasting Council

Article 5

The National Broadcasting Council (hereinafter referred to as the “National Council”) is hereby established and will constitute the state authority for radio and television broadcasting.

Article 6

1. The National Council will safeguard freedom of speech in radio and television broadcasting, protect the independence of media service providers and the interests of viewers/listeners, and will ensure an open and pluralistic radio and television.
2. The tasks of the National Council are, in particular:
 - 1) to establish, in agreement with the Prime Minister, the directions of the State policy in respect of radio and television broadcasting,
 - 2) to determine, within the limits of the powers granted to it under this Act, the terms of conducting operations by media service providers,
 - 3) to make, within the scope set out in the Act, decisions concerning broadcasting licences to transmit programme services; to make entries into the register of programme services, hereinafter the “register”, and to keep the register,
 - 3a) to grant a broadcaster the status of a social broadcaster, or to revoke that status, on terms laid down in the Act,
 - 4) to supervise the operations of media service providers within the limits of powers granted to it under the Act,
 - 5) to organise research into the content and audience of radio and television programme services,

² As amended by Article 28 paragraph 1 letter b of the act indicated in reference 1.

³ As amended by Article 1 paragraph 1 of the Act on the Amendment of the Broadcasting Act of 22 March 2018 (Journal of Laws, item 915), which entered into force on 31 May 2018.

- 5a) to monitor the market of on-demand audiovisual media service for the purpose of identifying providers of on-demand audiovisual media services and evaluating their compliance with the obligations arising under the Act,
- 6) to determine fees for the award of broadcasting licences and registration,
- 6a) to determine licence fees in accordance with the principles set forth in the Licence Fees Act of 21 April 2005 (Journal of Laws of 2014, item 1204, of 2015, item 1324, and of 2018, item 1717),
- 7) to issue opinions on draft legal acts and international agreements relating to radio and television broadcasting or on-demand audiovisual media services,
- 7a) *(expired)*⁴,
- 8) to initiate research and technical development and training in the field of radio and television broadcasting,
- 9) to organise and initiate international co-operation in the field of radio and television broadcasting, including cooperation with regulatory bodies of Member States of the European Union competent for media services,
- 10) to co-operate with the relevant organisations and institutions in respect of protecting copyright, as well as the rights of performers, producers and media service providers,
- 11) *(repealed)*,
- 12) to initiate and support self-regulation and co-regulation in the area of provision of media services,
- 13) to promote media literacy (media education) and to cooperate with other state authorities, non-governmental organisations and other institutions in the area of media education.

Article 7

- 1. The National Council consists of five members, of which two will be appointed by the Sejm,⁵ one by the Senate and two by the President, from among individuals with a distinguished record of knowledge and experience in public media.
- 2. *(expired)*⁴.
- 2a. *(repealed)*.
- 2b. The Chairman of the National Council will be elected by the National Council from amongst its members; the Chairman is also dismissed by the Council members.
- 3. Upon a motion from the Chairman, the National Council will elect a Vice Chairman of the National Council from among its members.
- 4. The term of office of the members of the National Council is six years from the day on which the last member is appointed. Members of the National Council perform their functions until successors have been appointed.
- 5. Members of the National Council may not be appointed for a subsequent full term of office.
- 6. The body that is empowered to appoint a member of the National Council can only dismiss the member in the event that the person:
 - 1) has resigned,

⁴ As of 29 March 2006, on the basis of a judgement of the Constitutional Court of 23 March 2006, file ref. No K 4/06 (Journal of Laws, item 377).

⁵ TRANSLATOR'S NOTE: The "Sejm" is the proper name of the Lower House of the Polish Parliament.

- 2) has become permanently unable to perform his or her duties for reasons of ill health,
 - 3) has been convicted of a deliberate criminal offence by a valid judgement,
 - 3a) submitted an untruthful screening statement, as confirmed by a final and valid decision of the court,
 - 4) committed a breach of the provisions of the Act, and the breach has been confirmed by a decision of the State Tribunal.
7. In the case of the dismissal or death of a member prior to the end of the term of office, the appropriate body will appoint another member of the National Council for the remainder of the term of office.

Article 8

1. The employer of a member of the National Council will, at the member's request, grant that member a leave of absence, without pay, for the time of holding office. The time of the leave will be accounted towards the duration of the member's employment, on the basis of which other benefits resulting from the employment relationship are derived.
2. *(repealed)*.
3. During the term of office of members of the National Council, their membership in:
 - 1) *(expired)*,⁶
 - 2) governing bodies of associations, trade unions, employers' associations, as well as church or religious organisations,will be suspended.
4. Members of the National Council cannot hold shares or have any other involvement in an entity that is a media service provider or a radio or television producer, or have any other gainful employment, save for educational or academic positions as an academic tutor or lecturer, or performing creative work.

Article 9

1. The National Council will issue regulations and adopt resolutions on the basis of the existing legislation and for the purpose of implementing the law.
2. The National Council will adopt resolutions by a two-thirds majority of votes of the total number of members specified in the Act.
3. The National Council will adopt the internal rules of procedure binding upon the Council.

Article 10

1. The Chairman of the National Council will direct its work, represent the Council and perform the tasks specified in the Act.
2. The Chairman of the National Council may require a media service provider to provide materials, documentation and information to the extent necessary to supervise the provider's compliance with the provisions of the Act, the terms of the broadcasting licence or any self-regulatory instruments binding upon it.

⁶ As of 15 May 2002, on the basis of a judgement of the Constitutional Court of 10 April 2002, file ref. No K. 26/00 (Journal of Laws, item 517).

3. The Chairman of the National Council may call upon a media service provider to cease practices in respect of providing media services if they infringe upon the provisions of the Act, a resolution of the National Council or the terms of the broadcasting licence.
4. Acting by virtue of the Council's resolution, the Chairman of the National Council may issue a decision ordering the media service provider to cease the practices referred to in paragraph 3.
- 4a. ⁷The Chairman of the National Council may ask the company referred to in Article 26 paragraphs 2 and 3 to present materials and documents, and to provide clarifications as necessary in order to evaluate the duty charter in the scope indicated in Article 21b paragraph 7, and the report referred to in Article 31b paragraph 1.
5. Paragraphs 2-4 apply respectively to the retransmission of radio and television programme services.

Article 11

1. The National Council will perform its tasks with assistance from the Office of the National Council.
2. The organisation and operational procedures of the Office of the National Council will be laid down in the internal rules of procedure adopted by the National Council.
3. The operating costs of the National Council and its Office will be borne by the state budget.
4. Regulations relating to employees of public institutions will apply to the employees of the Office of the National Council.

Article 12

1. ⁸ By the end of May of each calendar year, the National Council will present the Sejm, the Senate and the President with an annual report on its activities during the preceding calendar year, along with information concerning key issues in radio and television broadcasting.
2. Each year, the National Council will present the Prime Minister with information on its activities, along with information on key issues in radio and television broadcasting.
3. The Sejm and the Senate will issue resolutions accepting or rejecting the report referred to in paragraph 1. A resolution on accepting the report may contain remarks and reservations.
4. If the report is rejected by both the Sejm and the Senate, the term of office of all the members of the National Council will expire within 14 days from the date of the later resolution to this effect, subject to the reservation contained in paragraph 5.
5. The National Council's term of office will not expire unless so approved by the President of the Republic of Poland.

⁷ Added by Article 1 paragraph 1 of the Act on the Amendment of the Broadcasting Act and the Licence Fees Act of 20 July 2018 (Journal of Laws, item 1717), which entered into force on 1 January 2019.

⁸ As amended by Article 1 paragraph 2 of the act indicated in reference 7.

CHAPTER 3

Radio and Television Programme Services

Article 13

1. Broadcasters will enjoy full independence in determining the content of the programme service with a view to fulfilling the tasks referred to in Article 1 paragraph 1, and will be responsible for the contents thereof.
2. The provision of paragraph 1 will not prejudice the provisions on third party liability for the content of particular programmes, advertising or other broadcasts.

Article 14

1. An obligation to transmit a particular programme or broadcast, or to prevent it from being transmitted, may only be imposed upon a broadcaster by virtue of the Act.
2. Programmes and broadcasts coming from a source other than the broadcaster must be clearly distinguishable as such and recognisably separate from the other items of the programme service, leaving no doubt as to their origin from a source other than the broadcaster.

Article 14a

1. The broadcaster must ensure easy, direct and permanent access to information that allows the programme service and its broadcaster to be identified to viewers/listeners, in particular access to the following information:
 - 1) the name of the programme service,
 - 2) the last name, name or full business name of the broadcaster,
 - 3) the address of its registered office,
 - 4) contact details, including mailing address, email address and website.
2. The broadcaster must identify the National Council as the authority competent for issues connected with radio and television broadcasting.
3. The National Council may issue a regulation determining the manner in which broadcasters ensure access to information that allows the programme service and its broadcaster to be identified, as well as information other than listed in paragraph 1, taking into account the needs of viewers/listeners, the integrity of broadcasts, the manner of transmitting the programme service and the impact on the interests of viewers/listeners, while attempting not to impose upon providers any excessive burdens and costs in connection with the provision of information.

Article 15

1. Television broadcasters must reserve at least 33 per cent of their quarterly transmission time for programmes originally produced in Polish, excluding news, advertising, teleshopping, sports events, teletext services and game shows.
2. Broadcasters of radio programme services, excluding programme services produced entirely in the language of a national or ethnic minority, or in a regional language as defined in Article 19 of the Act on National and Ethnic Minorities and the Regional Language of 6 January 2005 (Journal of Laws of 2017, item 823), must reserve at least 33 per cent of their monthly transmission time for lyrical-musical works for works performed in Polish, of which at least 60 per cent must be between the hours of 05:00 and 24:00.

- 2a. When determining the transmission time between the hours of 05:00 and 24:00, as referred to in paragraph 2, the transmission time of a lyrical-musical work performed in Polish by a debutant and broadcast during these hours will count as 200 per cent of the transmission time of the work.
- 2b. A work performed by a debutant will be deemed to mean a lyrical-musical work performed in Polish and transmitted in a radio programme service in a given settlement period, where less than 18 months has passed since the date of the first transmission, with the reservation that a debutant will be deemed to mean exclusively an artist or a music band that released an album with lyrical-musical works, or a single recording of a lyrical-musical work for the first time during the above 18-month period.
3. Television broadcasters must reserve more than 50 per cent of their quarterly transmission time for European works, excluding news, advertising, teleshopping, sports events, teletext services and game shows.
- 3a. At the request of a broadcaster of a programme service transmitted exclusively in an information and communication technology system, the Chairman of the National Council may issue a decision determining a lower share of programmes referred to in paragraphs 1 and 3 in a television programme service, taking into consideration the number of viewers and the coverage of the programme service, as well as the ability to implement the obligations imposed upon the broadcaster.
- 3b. Article 33 paragraph 3 will apply to the decision referred to in paragraph 3a.
4. The National Council will issue a regulation in which it determines a lower share of the programmes referred to in paragraphs 1 and 3 in a television programme service, and of the works referred to in paragraph 2 in a radio programme service, for:
- 1) broadcasters during the first year of transmission of their programme service,
 - 2) thematic programme services for which there are an insufficient number of available programmes referred to in paragraphs 1 and 3, or works referred to in paragraph 2,
 - 3) programme services for which the issued broadcasting licence specifies that these programme services are intended for national or ethnic minorities and a community using a regional language,
 - 4) *(repealed)*,
- with due regard for the need to ensure that a proportion of programmes originally produced in Polish and of European works is maintained, as well as with due regard to the possibility to fulfil these obligations in given programme service categories.

Article 15a

1. Television broadcasters must reserve at least 10 per cent of their quarterly transmission time for European works produced by independent producers, excluding news, advertising, teleshopping, sports events, teletext services, and game shows. Programmes produced within the period of five years before being broadcast in the programme service must constitute at least 50 per cent of the time reserved for European works produced by independent producers.
2. With regard to the programmes and works referred to in Article 15 paragraphs 1 and 3 and paragraph 1 hereof, the National Council will issue a regulation determining:
 - 1) the manner in which the broadcasters keep records of the transmission time,
 - 2) the period of storage of such records, not less than one year,

3) the scope of information recorded, including information about the date of transmission of the programme, the actual duration of the programme, the title and producer of the programme,

- with due regard for the possibility of keeping such records in electronic form, the need to ensure the transparency and openness of recorded information, and refraining from imposing upon broadcasters any excessive burdens and costs related to keeping such records.

3. The National Council will issue a regulation determining a lower share of European works produced by independent producers within the period of five years before their transmission in the programme service with respect to television programme services for which there are an insufficient number of such works in view of the thematic nature of the programme service, with due regard for the impact of the nature of programme services on broadcasters' capabilities to fulfil these obligations.

Article 15b

1. A programme is deemed to be a European work, if it:
 - 1) originates in a Member State of the European Union, or
 - 2) originates in another state party to the European Convention on Transfrontier Television, concluded in Strasbourg on 5 May 1989 (Journal of Laws of 1995, item 160 and of 2004, item 250), hereinafter the "European Convention on Transfrontier Television", which does not apply discriminatory measures against any programmes originating in Member States of the European Union, or
 - 3) was co-produced within the framework of an agreement related to the audiovisual sector executed between the European Union and other third state, and meets the requirements defined in that agreement, if this state does not apply discriminatory measures against any programmes originating in Member States of the European Union.
2. A programme originates in the states referred to in paragraph 1 subparagraphs 1 and 2, if the majority of the creative team members have their permanent residence in one of those states, and provided at least one of the following conditions is met:
 - 1) the programme is produced by a producer whose registered office or permanent residence is in a state referred to in paragraph 1 subparagraphs 1 and 2,
 - 2) the production of the programme is supervised and controlled by an individual with permanent residence in a state referred to in paragraph 1 subparagraphs 1 and 2, or by a legal entity or an entity without legal personality with its registered office located in a state referred to in paragraph 1 subparagraphs 1 and 2,
 - 3) the co-producers with their registered office or permanent residence in a state referred to in paragraph 1 subparagraphs 1 and 2, make a majority contribution to the total production costs and the co-production is not under the control of co-producers that do not have their registered office or permanent residence in a state referred to in paragraph 1 subparagraphs 1 and 2.
3. *(repealed)*.
4. A programme is also deemed to be a European work if it was made pursuant to bilateral co-production agreements executed by Member States of the European Union and third parties, where the co-producers with their registered office or permanent residence in a State referred to in paragraph 1 subparagraph 1 make the majority contribution to the total production costs, and the co-production is not under the control of co-producers

that do not have their registered office or permanent residence in a State referred to in paragraph 1 subparagraph 1.

5. *(repealed)*.

Article 16

1. Commercial communications must be easily recognisable.
2. Advertising and teleshopping must be easily distinguishable from editorial content. Advertising and teleshopping must be kept quite distinct from other parts of the programme service, by using visual, acoustic or spatial means.
3. Advertising and teleshopping must not exceed 12 minutes in any given clock hour.
4. The limit set out in paragraph 3 does not apply to:
 - 1) announcements made by the broadcaster containing solely information on its programmes or extracts of such programmes,
 - 2) announcements made by the broadcaster containing solely information on ancillary products directly derived from the programme,
 - 3) the identification of commercial communications required by law, including the identification of sponsors.
5. The announcements referred to in paragraph 4 subparagraphs 1 and 2 will be broadcast between programmes and must not last for more than two minutes within any clock hour.
6. Teleshopping windows must be clearly identified as such by visual and acoustic means, and must be of a minimum uninterrupted duration of 15 minutes. The limit set out in paragraph 3 does not apply to such windows.
7. The National Council will issue a regulation determining the manner in which advertising and teleshopping may be conducted in radio and television programme services, including:
 - 1) the conditions of broadcasting, including the separation, identification and insertion, of advertising and teleshopping in programme services,
 - 2) the requirements with respect to anyone whose voice or image is used in advertising, including restrictions on their ability to host other programmes on radio and television programme services,
 - 3) the extent to which broadcasters may allot transmission time for advertising and teleshopping, including the maximum amount of time allotted per annum for one business operator or business group,
 - 4) the manner in which broadcasters keep and store a record of the duration of broadcast advertising and teleshopping, and the scope of data to be recorded,
 - 5) detailed requirements for the broadcasters' announcements, referred to in paragraph 4 subparagraphs 1 and 2, and the manner of their identification and insertion in programme services,

- guided by the need to protect the interests of viewers/listeners and the independence of broadcasters, and taking into consideration the developments in advertising technologies.

Article 16a

1. Advertising and teleshopping inserted during programmes must not prejudice the integrity of the programmes, taking into account natural breaks in the programme

concerned, and the duration and the nature of the programme, or the rights of the rightholders of programmes.

2. During coverage of sports events containing mandated intervals, and of other events containing intervals, advertising or teleshopping may only be inserted in those intervals.
3. Films made for television, excluding series, serials and documentaries, and cinematographic works may be interrupted by advertising or teleshopping only once for each scheduled period of full 45 minutes.
4. Programmes other than those specified in paragraph 2 may be interrupted by advertising or teleshopping if at least 20 minutes in a television programme service, and at least 10 minutes in a radio programme service, has elapsed between each successive break in the programme.
5. Any advertising or teleshopping inserted during a programme will be deemed the interruption of a programme.
6. The following programmes may not be interrupted by advertising or teleshopping:
 - 1) news programmes,
 - 2) programmes with a religious content,
 - 3) commentaries and documentaries with a duration of less than 30 minutes,
 - 4) children's programmes.
7. Programmes on a public radio and television programme service, with the exception of the programmes referred to in paragraph 2, must not be interrupted by advertising or teleshopping.

Article 16b

1. It is prohibited to broadcast commercial communications for the following goods and services:
 - 1) tobacco products, tobacco accessories, products imitating tobacco products or accessories and symbols related to the use of tobacco, to the extent regulated in the Act on the Protection of Health Against the Effects of Use of Tobacco and Tobacco Products of 9 November 1995 (Journal of Laws of 2018, item 1446 and 2227),
 - 2) alcoholic beverages, to the extent regulated in the Act on Upbringing in Sobriety and Counteracting Alcoholism of 26 October 1982 (Journal of Laws of 2018, item 2137 and 2244),
 - 3) health benefits, as defined in regulations on medical treatments provided only on prescription,
 - 4) medicinal products, to the extent regulated in the Pharmaceutical Law of 6 September 2001 (Journal of Laws of 2017, item 2211, as amended⁹),
 - 5) wheel games, card games, dice, mutual bets, slot machines, to the extent regulated in the Gambling Act of 19 November 2009 (Journal of Laws of 2018, items 165, 650, 723, 1629 and 2354),
 - 6) psychoactive drugs or narcotic drugs and foods or other products, to the extent governed by the Act on Counteracting Drug Addiction of 29 July 2005 (Journal of Laws 2018, item 1030, 1490 and 1669).

⁹ Amendments to the consolidated text of that act have been published in the Journal of Laws of 2018, item 650, 697, 1039, 1375, 1515, 1544, 1629, 1637, 1669, 2227 and 2429 and of 2019, item 60.

- 7) ¹⁰ services in the scope of the making available a sunbed, in the scope regulated by the Act on the Protection of Health against the Effects of Sunbed Use of 15 September 2017 (Journal of Laws, item 2111).
2. It is prohibited to broadcast commercial communications that:
- 1) directly exhort minors to purchase products or services,
 - 2) encourage minors to exert pressure upon their parents or other persons to persuade them to purchase the products or services being advertised,
 - 3) exploit the trust that minors place in parents, teachers or other persons,
 - 4) unreasonably show minors in dangerous situations,
 - 5) are of a subliminal nature.
3. Commercial communications must not:
- 1) violate human dignity,
 - 2) include any discrimination on the grounds of race, sex, nationality, ethnic origin, religion or belief, disability, age or sexual orientation,
 - 3) be offensive to religious or political beliefs,
 - 4) prejudice the physical, mental or moral development of minors,
 - 5) encourage behaviour prejudicial to health, safety or environmental protection.
- 3a. Children's programmes must not be accompanied by commercial communications for foods or beverages containing ingredients of which excessive intakes in the everyday diet are not recommended.
- 3b. After seeking the opinion of the minister in charge of health matters, the National Council may issue a regulation defining:
- 1) the types of foods or beverages containing ingredients of which excessive intakes in the everyday diet are not recommended,
 - 2) the manner of inserting commercial communications for these products in programme services so that they do not accompany children's programmes
- in an effort to encourage broadcasters to counteract the promotion of an unhealthy diet among children, and taking into account the nature of programme services, their impact on public opinion and the interests of viewers/listeners, without imposing unjustified obligations on broadcasters.
4. (*repealed*).

Article 16c

The following are prohibited:

- 1) surreptitious commercial communications,
- 2) product placement, subject to Article 17a,
- 3) thematic placement.

Article 17

1. Viewers/listeners must be clearly informed about sponsoring. Sponsored programmes or other broadcasts must be identified as such by sponsor credits at the start and the end of the programme, and when a programme resumes after an advertising or teleshopping break. Sponsor credits may specify only the sponsor's name, business

¹⁰ Added by Article 10 of the Act on the Protection of Health against the Effects of Sunbed Use of 15 September 2017 (Journal of Laws, item 2111), which entered into force on 16 February 2018.

name, trademark or contain some other identification of the business operator or its business operations, a reference to its products, services or their trademark.

- 1a. Sponsor credits, or any component part thereof, may not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services.
2. Sponsor credits may not contain the name, business name, trademark or other individual identification of the business operator or its business operations, the image of a product or service, the advertising of which is prohibited by virtue of Article 16b paragraph 1.
3. The sponsor may not influence the content of the programme or any other broadcast, or their scheduling, in a manner that would prejudice the autonomy and editorial independence of the broadcaster. Sponsorship does not release the broadcaster from liability for the content of the programme.
4. Sponsored programmes or other broadcasts may not encourage the purchase or other use of the products or services of the sponsor or a third party.
5. Subject to the reservations contained in paragraph 6, programmes and other broadcasts may not be sponsored by:
 - 1) political parties,
 - 2) trade unions,
 - 3) employers' organisations,
 - 4) individuals or legal entities whose principal operations consist in the production or sale of products or the provision of services referred to in Article 16b paragraph 1.
6. Sports events coverage may not be sponsored by the entities referred to in paragraph 5 subparagraphs 1-3, or by business operators whose principal operations consist in the production, sale or other form of supply of products or services, the advertising of which is prohibited by virtue of Article 16b paragraph 1, subparagraphs 1 and 2, subject to the stipulations of Article 13¹ paragraphs 5 and 6, of the Act on Upbringing in Sobriety and Counteracting Alcoholism.
- 6a. Sponsorship of programmes or other broadcasts by entities conducting business in the area of wheel games, card games, dice, mutual betting and slot machines is prohibited.
7. Sponsorship of the following programmes is prohibited:
 - 1) news, with the exception of sports and weather forecasts,
 - 2) commentaries on social and political topics,
 - 3) consumer and practical advice programmes,
 - 4) electoral programmes or programmes directly related to electoral campaigns.
8. The National Council will issue a regulation determining the manner in which programmes or other broadcasts may be sponsored, with regard to the provisions of paragraphs 1-7, in particular the time of the broadcast, sponsor credits and manner of transmitting information about the sponsor in the opening announcement or trailer of the programme, or following the end of the programme or other broadcast, as well as during the programme or other broadcast. In that regulation, the National Council will determine the manner in which the broadcaster will keep and store a record of sponsored programmes or other broadcasts, and the scope of information to be recorded.

Article 17a

1. Product placement is admissible exclusively:
 - 1) in cinematographic works, films or serials made for audiovisual media services, sports programmes and light entertainment programmes, or
 - 2) where there is no payment, but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a programme- with the exception of children's programmes.
2. Programmes that contain product placement must be identified with a graphic sign in television programme services, and with an acoustic signal in radio programme services, informing about product placement, at the start and the end of the programme, and when a programme resumes after an advertising or teleshopping break.
3. Neutral information on the producer or seller of the placed product, or an entity providing the placed service, as well as on the product or the service will be inserted at the end of the programme referred to in paragraph 2, produced with the contribution of a broadcaster or commissioned by the broadcaster.
4. Product placement must not prejudice the autonomy and editorial independence of the broadcaster through its impact on contents or scheduling, and does not release the broadcaster from liability for the contents of the programme.
5. Programmes that contain product placement must not:
 - 1) give undue prominence to the product in question,
 - 2) directly encourage the purchase or rental of goods or services, in particular by making promotional references to those goods or services.
6. Product placement of the goods and services referred to in Article 16b paragraph 1 is prohibited.
7. The broadcaster must keep and store a register of programmes that contain product placement.
8. To the extent required to control compliance of the broadcaster's operations with the provisions of paragraphs 1–7, the Chairman of the National Council may ask the broadcaster to submit documentation related to product placement. The provision of Article 10 paragraph 2 applies accordingly.
9. The National Council will issue a regulation defining:
 - 1) the detailed conditions of identifying programmes that contain product placement by the broadcaster, including a specimen of the graphic sign and form of the acoustic signal referred to in paragraph 2,
 - 2) the manner of the broadcaster keeping and storing the register of programmes that contain product placement, and the scope of data subject to registration,- taking into account the interests of viewers/listeners and the capabilities of broadcasters to keep the register in an electronic format, without imposing excessive burdens and costs on the broadcasters.

Article 18

1. Programmes and other broadcasts must not promote actions contrary to law and Poland's national interest, or propagate attitudes and beliefs contrary to the moral

values and social interest. In particular, they may not include content inciting to hatred or discriminating on grounds of race, disability, sex, religion or nationality.

2. Programmes and other broadcasts must respect the religious beliefs of viewers/listeners, particularly the Christian system of values.
3. Programmes and other broadcasts must not encourage conduct prejudicial to health, safety or the natural environment.
4. The transmission of programmes and other broadcasts threatening the physical, mental or moral development of minors, in particular those containing pornography or exhibiting gratuitous violence are prohibited.
5. Programmes or other broadcasts containing scenes or content that may have an adverse impact upon the healthy physical, mental or moral development of minors, other than those referred to in paragraph 4, may only be transmitted between the hours of 23:00 and 6:00.
- 5a. Broadcasters are obliged to identify programmes and other broadcasts referred to in paragraph 5 by displaying an appropriate graphic symbol throughout their duration in the television programme service, or by a spoken announcement informing of the hazards arising out of their transmission on the radio.
- 5b. Broadcasters are obliged to identify programmes or broadcasts other than those referred to in paragraph 5, excluding news, advertising, teleshopping, sports events and teletext services, by displaying an appropriate graphic symbol throughout their duration in the television programme service, with due regard to the degree of harmful effect of the given programme or broadcast upon minors in a particular age group.
6. The National Council will issue a regulation determining:
 - 1) the features of programmes and detailed criteria for their classification, transmission and the manner of announcing programmes or other broadcasts referred to in paragraph 5,
 - 2) the classification of minors into age groups and detailed criteria for the classification and transmission of programmes and other broadcasts referred to in paragraph 5b, with due regard for the time of transmission of programmes or other broadcasts intended for a given age group,
 - 3) specimens of graphic symbols and forms of announcements referred to in paragraphs 5a and 5b, and the manner of presenting them,
 - with due regard to the degree of harmful effect of the given programme upon minors in a particular age group.
7. Broadcasters will ensure the proper quality of the Polish language in their programme services and will counteract its vulgarisation.

Article 18a ¹¹⁾

1. Broadcasters of television programme services will ensure the accessibility of programmes for the visually impaired and hearing impaired by introducing appropriate aids for impaired persons, so that such aids are provided during at least 50 per cent of the quarterly transmission time of the programme service, with the exception of advertising and teleshopping. Broadcasters will inform viewers/listeners about the date, time and duration of the programme with aids for impaired persons, and about the type of aid.
2. The National Council will issue a regulation defining:

¹¹ As amended by Article 1 paragraph 2 of the act indicated in reference 3; it entered into force on 1 January 2019

- 1) types of aids for impaired persons and the share of such aids in the total transmission time, depending on the air time, as well as the nature and type of the programme service, taking into account the needs of the visually impaired and hearing impaired, and the capabilities of broadcasters in this respect, as well as the development of techniques and aids for impaired persons;
- 2) type of programme services where broadcasters are not obliged to introduce aids for impaired persons, taking into account the number of inhabitants covered by the programme service;
- 3) a lower share of programmes with aids for impaired persons in the television programme service than the share set out in paragraph 1, with regard to the number of inhabitants covered by the programme service, the share of the programme in the audience, the types of applied aids for impaired persons, the manner of broadcasting and the main theme of the programme service, with regard to the needs of viewers/listeners and the capabilities of broadcasters;
- 4) the manner of informing viewers/listeners about the date, air time and duration of the programmes with aids for impaired persons, and about the type of such aids, with regard to the needs of viewers/listeners and the capabilities of broadcasters.

Article 19

1. Broadcasters' operations consisting in producing and organising programme services will be carried out in the form of editorial activity as defined in the press law.
2. The provisions concerning the production and transmission of radio and television programme services will apply respectively to teletext service.

Article 20

1. The broadcaster will record programmes, advertising and other broadcasts on suitable carriers and will store them for a period of 28 days from the date of their transmission. After that period, recordings of programmes, advertising and other broadcasts that are subject to proceedings before public authorities will be stored until the end of such proceedings.
- 1a. At the request of the Chairman of the National Council, an operator that retransmits a programme service will record the programme service identified in the request for the specified period, not longer than 14 days, and must immediately provide the recording thereof.
2. Recordings of a programme, advertising or other broadcast will be made available to any person claiming that the content of that programme, advertising or other broadcast infringed that person's rights, at the written request of that person and at the expense of the broadcaster, or will be delivered to the person at the persons' expense, within seven days from the date of the written request.
3. If the request to make available the recording of a programme, advertising or other broadcast is rejected, the person referred to in paragraph 2 may seek a court injunction ordering the broadcaster to make the recording available; the court of law with proper jurisdiction over such cases is the district court.
4. The National Council will issue a regulation determining the manner in which broadcasters record and store programmes, advertising and other broadcasts, including the scope of data to be provided about the stored materials.

Article 20a

1. At the written request of the President of the Office for Competition and Consumer Protection, the broadcaster will:
 - 1) disclose the data that allows the person who commissioned a programme or commercial communication to be identified,
 - 2) deliver, free of charge, the recording of the programme or commercial communication within seven days from the date of the request.
2. The provision of Article 20 paragraph 3 applies accordingly.

Article 20b

1. A television broadcaster may broadcast live coverage of an event of major importance for society, hereinafter referred to as a “major event” only:
 - 1) in a national programme service as defined in the Act or in the broadcasting licence, accessible entirely free of charge, excluding licence fees as defined in the Licence Fees Act of 21 April 2005 and basic fees charged by cable network operators, or
 - 2) if the same event is being transmitted by the broadcaster of a programme service meeting the conditions laid down in subparagraph 1, pursuant to a contract with the broadcaster who acquired the rights to provide the live coverage of the given event, or with any other authorised party, with the reservation of paragraph 6.
2. In view of its widespread social interest, major events include, among other things:
 - 1) summer and winter Olympic Games,
 - 2) semi-finals and finals of World Cup and European Football Championship, as well as all other matches within those events with the participation of the Polish national team, including qualifying games,
 - 3) other football matches involving the Polish national team in official tournaments, and matches involving Polish clubs within the Champions League and UEFA Cup.
3. The National Council may issue a regulation specifying a list of major events other than those listed in paragraph 2, given the degree of social interest in the event, and its significance to social, economic and political life.
4. If a major event is expected to be organised in parts, every such part will be deemed a major event.
5. The provision of paragraph 1 applies to deferred coverage, if the delay in transmitting the given major event does not exceed 24 hours and is due to important reasons, in particular if:
 - 1) the time, in which the given event takes place, falls between 00:00 and 6:00 of the official time in the Republic of Poland,
 - 2) major events, or parts thereof, overlap in time.
6. The provision of paragraph 1 does not apply if the given broadcaster can demonstrate that no broadcaster of a programme service meeting the requirements laid down in paragraph 1 subparagraph 1 was ready to execute a contract ensuring the coverage in accordance with paragraph 1 subparagraph 2.
7. Within the scope laid down by international agreements binding upon the Republic of Poland, the National Council may issue a regulation determining:
 - 1) the list of events deemed by other European states as being of major importance for society,

- 2) rules governing the exercise of exclusive rights to television coverage of the events referred to in subparagraph 1, so as to ensure that the exercise of those rights by broadcasters subject to the Act do not prevent viewers/listeners in a given state of from receiving those events under the rules laid down by the given state in accordance with the provisions of international law.

Article 20c

1. A broadcaster of a television programme service who has the right to transmit an event of high interest to the public, hereinafter the “event”, on an exclusive basis, must enable other television broadcasters to exercise the right to a short news report.
2. The right to a short news report is vested in any broadcaster established in:
 - 1) the Republic of Poland,
 - 2) another Member State of the European Union, or a state that is a party to the European Convention on Transfrontier Television, unless another broadcaster or entity in the state in which the broadcaster seeking access is established has the right to transmit the event and may ensure access to a short news report on the event.
3. The exercise of the right to a short news report is enabled by providing the broadcaster seeking access, with access to short excerpts from the transmitted event, selected by the broadcaster, with a total duration not exceeding 90 seconds, from the signal of the broadcaster referred to in paragraph 1, against payment of costs of provision of such access.
4. The broadcaster who exercises the right to a short news report may broadcast the excerpts that have been made accessible to it pursuant to paragraph 3, within 24 hours, in general news programmes or accompanying sports news services, three times in a given programme service, in the form of brief information on the event not exceeding 90 seconds, provided that the source is clearly identified.
5. The broadcaster referred to in paragraph 1 will be released from the obligation to enable the exercise of the right to a short news report in a manner specified in paragraph 3 if the broadcaster seeking to exercise that right may enter the venue of the event and prepare its own report. The provision of paragraph 4 applies accordingly.
6. Contractual arrangements preventing the exercise of the right to a short news report in accordance with paragraphs 1 – 4 are invalid.

CHAPTER 4

Public Radio and Television

Article 21

1. Public radio and television will carry out their public mission by providing, on terms laid down in this Act, all of society, and individual groups thereof, with diversified programme services and other services in the area of information, journalism, culture, entertainment, education and sports. These will be pluralistic, impartial, well-balanced, independent and innovative, marked by the high quality and integrity of broadcast.
- 1a. The tasks of public radio and television, resulting from the mission referred to in paragraph 1, include in particular:
 - 1) the production and transmission of national and regional programme services, programme services for reception abroad in Polish and in other languages, as well

as other programme services meeting democratic, social and cultural needs of local societies,

2)¹² the production and transmission of thematic programme services specified in the Act or the duty charter;

2a)¹³ the production and transmission through telecommunications networks of audio, audiovisual and text-based services other than programme services, connected with programme services, complementing, extending and enriching them, which satisfy democratic, social and cultural needs of the society, including on-demand audiovisual media services;

2b)¹³⁾ the development of contacts with the viewers/listeners referred to in subparagraphs 1 and 2, and the services referred to in subparagraph 2a, including through means of distance communication;

3)¹⁴ the construction or operation of broadcasting and relay radio or television stations, as well as other devices for the provision of the programme services referred to in subparagraphs 1 and 2, and the services referred to in subparagraph 2a, and developing contacts in accordance with subparagraph 2b;

4) (*repealed*)¹⁵;

5)¹⁶ work on the development of new techniques of production and transmission of radio or television programme services, production and transmission of services referred to in subparagraph 2a, and developing contacts in accordance with subparagraph 2b, as well as promoting the use of such techniques;

6)¹⁶⁾ activity in connection with the acquisition, preparation, production or co-production of programmes and other materials for the purposes of the programme services referred to in subparagraphs 1 and 2, and the services referred to in subparagraph 2a;

6a)¹⁷ activity in connection with keeping, protecting, maintaining and supplementing collections of programmes and other materials acquired or produced for the purposes of the programme services referred to in subparagraphs 1 and 2, and the services referred to in subparagraph 2a;

7) encouraging artistic, literary, scientific and educational and sporting activities,

8) spreading knowledge of the Polish language,

8a) taking into account the needs of national and ethnic minorities and communities speaking regional languages, including broadcasting news programmes in the languages of national and ethnic minorities and in regional languages;

9)¹⁸ the production and transmission of programme services and the production and transmission of services referred to in subparagraph 2a that present the Republic of Poland, its language, history or culture abroad, including for the benefit of people of Polish descent and Poles living abroad, or that contribute to the production, transmission or provision of such programme services or services;

10) ensuring the accessibility of programme services, or parts thereof, as well as of other services to the visually impaired and the hearing impaired;

11) the promotion of media education.

¹² As amended by Article 1 paragraph 3 letter a 1st tiret of the act indicated in reference 7.

¹³ Added by Article 1 paragraph 3 letter a 2nd tiret of the act indicated in reference 7.

¹⁴ As amended by Article 1 paragraph 3 letter a 3rd tiret of the act indicated in reference 7.

¹⁵ Under Article 1 paragraph 3 letter a 4th tiret of the act indicated in reference 7.

¹⁶ As amended by Article 1 paragraph 3 letter a 5th tiret of the act indicated in reference 7.

¹⁷ Added by Article 1 paragraph 3 letter a 6th tiret of the act indicated in reference 7.

¹⁸ As amended by Article 1 paragraph 3 letter a 7th tiret of the act indicated in reference 7.

1b.¹⁹ When implementing the tasks referred to in paragraph 1a, public radio and television broadcasting organisations may use various means of delivering media services and other services, as well as means of distance communication, including information and communication technology systems, to ensure the broadest possible access to media services and other services and for communication of viewers/listeners.

2. Programme services and other services of public radio and television broadcasting organisations, as part of their public mission, should:²⁰

- 1) be guided by a sense of responsibility for the content of the message and by the need to protect the good reputation of public radio and television,
- 2) provide reliable information about the vast diversity of events and processes taking place in Poland and abroad,
- 3) encourage the unconstrained development of citizens' views and the formation of the public opinion,
- 4) enable citizens and their organisations to take part in public life by expressing diversified views and approaches, as well as exercising the right to social supervision and criticism,
- 5) assist the development of culture, science and education, with special emphasis on Polish intellectual and artistic achievements,
- 5a)²¹ facilitate social integration, which includes counteracting social exclusion,
- 6) respect the Christian system of values, being guided by the universal principles of ethics,
- 7) serve to strengthen family ties,
- 7a) advance the propagation of a pro-health attitude,
- 7b) serve to promote and popularise sport,
- 8) contribute to combating social pathologies,
- 9) *(repealed)*,
- 10) contribute to media education,

3. *(repealed)*,²²

4. *(repealed)*,²²

Article 21a.²³

1. Without prejudice to institutional autonomy, the freedom to shape programme services and editorial independence of public radio and television organisations, the duty charter indicates the manner of carrying out the public mission referred to in Article 21 paragraph 1, and the detailed scope of duties arising from that mission, along with an indication of financing, for the next five calendar years.

2. For public radio and television broadcasting organisations, the duty charter indicates:

- 1) the programme services referred to in Article 21 paragraph 1a subparagraph 1 and 2,
- 2) the services referred to in Article 21 paragraph 1a subparagraph 2a,

¹⁹ Added by Article 1 paragraph 3 letter b of the act indicated in reference 7.

²⁰ Introduced to the list by Article 1 paragraph 3 letter c 1st tiret of the act indicated in reference 7.

²¹ Added by Article 1 paragraph 3 letter c 2nd tiret of the act indicated in reference 7.

²² Under Article 1 paragraph 3 letter d of the act indicated in reference 7.

²³ Added by Article 1 paragraph 4 of the act indicated in reference 7.

- 3) the manners of implementing the tasks referred to in Article 21 paragraph 1a subparagraph 2b-11, and the duties referred to in Article 21 paragraph 2,
- 4) guidance on how to use the surplus referred to in Article 31 paragraph 7,
- 5) the minimum shares of programmes or works referred to in Article 15 paragraphs 1 to 3 and Article 15a paragraph 1, in the transmission time of individual programme services, at levels not lower than those referred to in those provisions,
- 6) the minimum shares of the main categories of programmes in specific programme services in the scope relevant to the nature of the given programme service, and how they will be offered as part of other media services of the given public radio and television broadcasting organisation,
- 7) the minimum shares of the aids referred to in Article 18a paragraph 1, in the transmission time of individual programme services, if they are higher than those specified in that provision,
- 8) the ways of promoting programmes and works referred to in Article 15 paragraphs 1 to 3 and Article 15a paragraph 1, in the services of a given public radio and television broadcasting organisation other than programme services
 - with an indication of the estimated costs of implementing specific tasks and sources of financing.
3. The duty charter also specifies the general rules for conducting activities not arising from the public mission referred to in Article 21 paragraph 1, and indicate the most important types of such activities.
4. An appendix to the duty charter specifies the methods for allocating revenues and related costs in respect of the activities referred to in Article 21 paragraph 1 and other activities.
5. The duty charter is established through an agreement concluded between the public radio and television broadcasting organisation and the Chairman of the National Council, acting on the basis of the resolution of the National Council.
6. The public radio and television broadcasting organisation will submit to the National Council a draft duty charter, along with the justification, by 30 April of the calendar year preceding the first year to be covered by the charter.
7. The National Council will publish the draft duty charter submitted by the public radio and television broadcasting organisation on its website within seven days of receiving it. For 30 days after the date of the National Council publishing the draft duty charter, comments may be submitted as part of open social consultations. After the end of social consultations, the National Council will publish a report on its website in which it presents the results.
8. The National Council will engage in consultations with the public radio and television broadcasting organisation concerning the draft duty charter, and may submit its comments in this respect during such consultations.
9. Before adopting a resolution authorising the conclusion of the agreement with the public radio and television broadcasting organisation, or refusing such an authorisation, the National Council will assess the compliance of the draft duty charter with the principles of the performing the public mission referred to in Article 21 paragraph 1. The resolution of the National Council will contain a statement of reasons.

10. On the basis of a resolution authorising the conclusion of the agreement, by 30 November of the calendar year preceding the first year covered by the charter, the Chairman of the National Council will conclude an agreement on the establishment of the duty charter with the public radio and television broadcasting organisation.
11. The National Council and the relevant public radio and television broadcasting organisation will publish the established duty charter on their websites.
12. The duty charter may be amended through an agreement concluded between the public radio and television broadcasting organisation and the Chairman of the National Council, acting on the basis of the resolution of the National Council. The provisions of paragraphs 6 to 11 will apply accordingly, with the exception of the time limits referred to in paragraphs 6 and 10. The agreement will be concluded within 30 days of the end of the consultations referred to in paragraph 7.
13. The National Council will issue a regulation defining a detailed procedure for consultations on the duty charter, taking into account the need to ensure transparent and efficient consultations, and in view of the need to ensure that public radio and television broadcasting organisations implement the public mission referred to in Article 21 paragraph 1, and their freedom in shaping programme services and other services.

Article 21b. ²³⁾

1. The provision of a new material service by the public radio and television broadcasting organisation as part of its public mission will require such a service to be covered by the duty charter.
2. A new material service is a service referred to in Article 21 paragraph 1a subparagraphs 1 to 2a that is essentially different from the services offered so far, with the total planned cost of its provision in the first full calendar year of its provision exceeding three per cent of the planned annual costs of implementing the public mission referred to in Article 21 paragraph 1 by the given public radio and television broadcasting organisation in that period.
3. If the total planned cost of provision of a new material service in the first full calendar year of its provision is lower than three per cent, but higher than two per cent of the planned annual costs of implementing the public mission referred to in Article 21 paragraph 1 by the given public radio and television broadcasting organisation in that period, the organisation will inform the National Council about the share of the total planned cost of providing that service in the planned annual costs of implementing the public mission by that organisation in each year of the first three full calendar years. A service will be considered a new material service if the total planned cost of its provision in one of the first three full calendar years exceeds three per cent of the planned annual costs of implementing the public mission by that public radio and television broadcasting organisation in the same calendar year.
4. An essential change to the service offered so far will also be considered a new material service, provided that the change leads to the development of a service essentially different from the services offered so far, with the total cost in the first full calendar year of providing the changed service exceeding three per cent of the planned annual costs of implementing the public mission referred to in Article 21 paragraph 1 by the given public radio and television broadcasting organisation in that period. The provision of paragraph 3 will apply accordingly, though the total cost of the change in the periods specified in paragraph 3 will be taken into account.

5. The following services meeting the criteria set out in paragraph 2, or the changes thereof referred to in paragraph 4, will not be considered new material services, in particular:
 - 1) the transmission, distribution or making available of existing programme services or other services offered so far, covered by the duty charter, by telecommunications networks or access platforms not used previously, or by using new technologies;
 - 2) aids for impaired persons referred to in Article 18a paragraph 1, Article 21 paragraph 1a subparagraph 10 and Article 47g and text or audio transmissions accompanying programme services covered by the duty charter
 - 3) those made available in information and communication technology systems of websites devoted to specific programme services covered by the duty charter, programme cycles, series or programmes published in such programme services, including websites extending the content of programme services;
 - 4) experimental services provided to a limited extent in order to test new innovative services by examining their feasibility and value, for no longer than a period of 12 months;
 - 5) periodic services offered for the time of social relevance of an event, not longer than for 12 months, connected with important cultural events and historical anniversaries or arising from the need to ensure public safety in circumstances like natural disasters, relevant threats to the environment or public health, as well as acts of terrorism or acts of war;
 - 6) the transmission of programme services for viewers/listeners abroad, if they are not available in the area of the Republic of Poland at the same time.
6. Prior to commencing the services referred to in paragraph 5 subparagraphs 4 or 5, the public radio and television broadcasting organisation must notify the National Council to this effect.
7. If the draft duty charter, or any amendments thereto, includes a new material service provided by a public radio and television broadcasting organisation, the National Council, prior to adopting a resolution authorising the conclusion of the agreement referred to in Article 21a paragraph 10, will:
 - 1) assess the value of the new material service for the democratic, social and cultural needs of the society and media pluralism, hereinafter referred to as the “public value”;
 - 2) analyse the impact of the new material service on competition in the relevant market referred to in Article 4 subparagraph 9 of the Act on the Protection of Competition and Consumers of 16 February 2007 (Journal of Laws of 2018, items 798, 650, 1637, 1669 and 2234, and of 2019, item 128), hereinafter referred to as the “market impact”.
8. The draft duty charter, or any amendments thereto, containing a new material service will include a description of the service and an analysis of its projected public value and market impact.
9. If the draft duty charter has deficiencies within the range specified in paragraph 8, the Chairman of the National Council will request the public radio and television broadcasting organisation to supplement them within 21 days.
10. The National Council will adopt a resolution refusing authorisation to conclude an agreement regarding the duty charter, or an amendment thereto, in the scope of providing a new material service if the service does not have sufficient public value,

considering its market impact. The resolution of the National Council will contain a statement of reasons.

11. Whenever a public radio and television broadcasting organisation offers a new material service not covered by the duty charter, in particular any services whose cost exceeds three per cent of the planned annual costs of implementing the public mission referred to in Article 21 paragraph 1 by the given public radio and television broadcasting organisation, and the services referred to in paragraph 5 subparagraphs 4 and 5, after the lapse of the time limits specified in these provisions, the Chairman of the National Council will request the organisation to submit a draft amendment to the duty charter relevant for the given service within 30 days of the delivery of the request, or to discontinue offering this service.
12. If the public radio and television broadcasting organisation fails to comply with the request referred to in Article 21 paragraph 11, or in the case of a refusal to conclude an agreement on the duty charter amendments, the Chairman of the National Council will issue a decision ordering the public radio and television broadcasting organisation to discontinue offering the service referred to in paragraph 11 as part of the public mission referred to in Article 21 paragraph 1.
13. The National Council will issue a regulation defining specific requirements to be met by the duty charter in the part pertaining to the description of the new material service and the analysis of the public value and the market impact of this service, taking into account the need to ensure transparent and complete information necessary for the analysis of the public value and market impact of such services, the need to ensure transparency and innovation in the activities of public radio and television organisations, and the need not to encumber such organisations with excessive obligations.

Article 21c. ²³⁾

1. The public radio and television broadcasting organisation will, not later than by 31 May of each calendar year, develop and submit to the National Council a draft of the programme and financial plan of the undertakings specified in the duty charter in the scope of implementing the tasks referred to in Article 21 paragraph 1a in the following calendar year.
2. The National Council will adopt a resolution approving or refusing to approve the programme and financial plan referred to in paragraph 1 by 15 December of each calendar year. Prior to adopting the resolution, the National Council will engage in consultations with the public radio and television broadcasting organisation, where it may request the public radio and television broadcasting organisation to explain, supplement or amend the plan in the scope as required by the Act or the duty charter.
3. In the event of a material change in the circumstances, in particular whenever the duty charter is amended, the plan referred to in paragraph 1 may be amended during its period of validity. The provisions of paragraphs 1 and 2 will apply accordingly.
4. The National Council will issue a regulation defining the detailed scope of programme and financial plans and the procedure for the consultations thereon, taking into account the need to ensure transparent and efficient consultations and with respect to the need to ensure that public radio and television broadcasting organisations implement the public mission referred to in Article 21 paragraph 1, and also their freedom in shaping programme services and other services.

Article 21d. ²³⁾

1. If an agreement regarding the duty charter is not concluded, the validity of the previous duty charter will be extended until the agreement is concluded.
2. In the case referred to in paragraph 1, the plan referred to in Article 21c paragraph 1 may not envisage revenue originating from the funds specified in Article 31 paragraph 1 subparagraph 1 and paragraph 2 in an amount exceeding the amount of funds originating from the sources envisaged in the plan for the previous calendar year.

Article 22

1. State authorities may take decisions concerning the functioning of public radio and television broadcasting organisations only in circumstances specified in the existing legislation.
2. Public radio and television broadcasting organisations will facilitate the direct presentation and explanation of the State policy by supreme State authorities.
3. The National Council will issue a regulation defining the procedure of action in respect of the matters referred to in paragraph 2.

Article 23

1. Public radio and television broadcasting organisations will enable political parties to present their position with regard to major public issues.
2. The provision of paragraph 1 applies correspondingly to national trade unions and employers' organisations.
3. The National Council will issue a regulation defining the procedure of action in respect of the matters referred to in paragraphs 1 and 2.

Article 23a

1. Public radio and television broadcasting organisations will enable public benefit organisations referred to in the Act on Public Benefit and Volunteer Work of 24 April 2003 (Journal of Laws of 2018, items 450, 650, 723 and 1365, and of 2019, item 37) to report, without payment, on the activities carried out for free by these organisations.
2. Paragraph 1 does not in any way exclude the broadcaster's right to provide more extensive information about the activities of public benefit organisations.
3. Acting in agreement with the minister in charge of social security matters, the National Council will issue a regulation determining the procedure of action in respect of reporting, without payment, on public benefit activities carried out free of charge by public benefit organisations, including the manner of preparing and broadcasting programmes, as well as their intended transmission time, with regard to the diversity of public tasks defined in Article 4 of the Act on Public Benefit and Volunteer Work, and their significance for the community.

Article 24

1. Entities participating in elections to the Sejm, the Senate, the local government and the European Parliament will be entitled to transmit election programmes in the public radio and television programme services on terms determined in separate provisions.

2. The provision of paragraph 1 will apply respectively to the election of the President of the Republic of Poland.
3. Entities entitled to take part in a referendum campaign launched in the radio and television programme services as defined in Article 48 paragraph 1 of the Act on Nationwide Referendums of 14 March 2003 (Journal of Laws of 2015, item 318, of 2017, item 850, and of 2018, item 1579) will be enabled to transmit referendum programmes in public radio and television programme services on terms laid down in separate provisions.

Article 25

1. ²⁴ Public radio and television broadcasting organisations may produce and transmit, with all available means, programme services in Polish and other languages for viewers/listeners abroad.
- 1a. ²⁵ Public radio and television broadcasting organisations may produce and provide through telecommunications networks, including information and communication technology systems, audio, audio-visual and text services other than programme services, including media services on demand, in Polish and other languages for viewers/listeners abroad.
2. Public radio and television broadcasting organisations will produce and transmit educational programmes for schools and other educational institutions.
3. Educational programmes will comply with the requirements of school curricula.
4. ²⁶ The costs of producing the programme services and programmes referred to in paragraphs 1 to 2 will be borne by the state budget, within the limits determined in the Budget Act.
5. ²⁶⁾ The scope and manner of conducting the operations referred to in paragraphs 1 to 2, as well as the principles of covering the costs of such operations, will be defined in agreements executed by the ministers in charge of foreign affairs matters and of national education matters respectively, with public radio and television organisations.

Article 26

1. Public radio and television broadcasting organisations must operate exclusively in the form of a sole-proprietor joint stock company of the State Treasury, hereinafter referred to as a “company”.
2. ²⁷ Public television will be formed by the company “Telewizja Polska - Spółka Akcyjna” established for the purpose of producing and transmitting:
 - 1) national general programme services I and II, thematic commentary and news programme service and cultural and artistic programme service;
 - 2) programme services addressed to viewers/listeners abroad;
 - 3) regional television programme services;
 - 4) other programme services and services implementing the public mission referred to in Article 21 paragraph 1 specified in the duty charter, including thematic programme services, other than those listed in subparagraph 1.
- 2a. Regional branches of the company "Telewizja Polska - Spółka Akcyjna" will have their registered offices in: Białystok, Bydgoszcz, Gorzów Wielkopolski, Gdańsk, Katowice,

²⁴ As amended by Article 1 paragraph 5 letter a of the act indicated in reference 7.

²⁵ Added by Article 1 paragraph 5 letter b of the act indicated in reference 7.

²⁶ With the amendment under Article 1 paragraph 5 letter c of the act indicated in reference 7.

²⁷ As amended by Article 1 paragraph 6 letter a of the act indicated in reference 7.

Kielce, Kraków, Lublin, Łódź, Opole, Olsztyn, Poznań, Rzeszów, Szczecin, Warszawa, Wrocław.

3. Public radio will be formed by:

- 1) the company “Polskie Radio - Spółka Akcyjna” established in order to produce and transmit national radio programme services and programme services for listeners abroad,
- 2) companies founded to produce and transmit regional radio programme services, hereinafter referred to as “regional radio companies”.

4. The provisions of the Code of Commercial Companies and Partnerships, except for Articles 312 and 402, will apply to the companies referred to in paragraphs 2 and 3, subject to Articles 27-30 of the Act.

5. Acting in agreement with the Chairman of the National Council, the President of the Office of Electronic Communications will issue a decision reserving the frequencies required for the companies to perform their statutory tasks and will lay down the conditions of use of these frequencies. Any frequency reservations, modifications or withdrawals thereof will be governed by Articles 114 and 115 of the Telecommunications Law of 16 July 2004.

6.²⁸ Acting in agreement with the Chairman of the National Council, the President of the Office of Electronic Communications will allocate to companies producing and transmitting:

- 1) national television programme services – the frequencies required to cover the territory of the country by the programme services referred to in Article 26 paragraph 2 subparagraphs 1 and 4,
- 2) national radio programme services – the frequencies required to cover the territory of the country by programme services transmitted on the first, second, third and fourth channels, and frequencies needed to transmit radio programme services for listeners abroad, and also frequencies necessary for the transmission of programme services indicated in the duty charter,
- 3) regional television programme services – the frequencies required to transmit regional television programme services, including programme services indicated in the duty charter,
- 4) regional radio programme services – the frequencies required to transmit regional radio programme services, including programme services indicated in the duty charter.

7. The programme service on the TV Polonia channel will be transmitted by satellite.

8. The provisions of Article 115 paragraph 3 of the Telecommunications Law of 16 July 2004 will apply to the reservation of frequencies designated for the transmission and retransmission of digital programme services by terrestrial diffusion or by satellite.

Article 27

1. The management board of the company will consist of one to three members.

2. *(repealed)*.

3.²⁹ The National Media Council will appoint and recall members of the management board, including the president of the management board.

²⁸ As amended by Article 1 paragraph 6 letter b of the act indicated in reference 7.

²⁹ Considered incompatible with the Constitution, insofar as it excludes the participation of the National Broadcasting Council in the procedure for appointing and dismissing management board members of public radio and television

4. Members of the management board will be appointed from among individuals competent in the field of radio and television broadcasting and not convicted by a final and valid judgement of a deliberate criminal offence subject to public prosecution or of a fiscal offence.
5. *(repealed)*.
6. *(repealed)*.³⁰
7. Members of management boards and individuals who serve managerial functions in public radio and television organisations will, in their work and assessment of journalists and other creators subordinate to them, be guided by the principles of professionalism, honesty and reliability, as well as the guidelines set forth in Article 21 paragraphs 1a and 2 of the Act.

Article 28

1. ³¹ The supervisory board of the company will consist of three members.
 - 1a. *(repealed)*
 - 1b. *(repealed)*.
 - 1c. *(repealed)*.
 - 1d. *(repealed)*.³²
- 1e. The National Media Council will appoint and recall members of the supervisory board.
- 1f. Members of supervisory boards will be appointed from among individuals who meet the conditions laid down in regulations on privatisation and commercialisation for candidates for members of supervisory boards in companies, where the State Treasury is the sole shareholder
2. The supervisory board adopts resolutions with an absolute majority of votes cast in the presence of at least half of the board members.
3. The supervisory board elects a chairman from among its members.
4. The supervisory board adopts the internal rules of procedure regulating the functioning of the board.
5. *(repealed)*.
6. The supervisory board's approval is required in order to:
 - 1) employ or dismiss individuals holding executive positions specified in the company's statutes,
 - 2) execute or accede to a collective employment agreement with representatives of the employees,
 - 3) establish or accede to a company other than the company referred to in Article 26 paragraph 1, and to acquire or transfer shares or interest in such a company,

companies on the basis of a judgement of the Constitutional Court of 13 December 2016, file ref. No K 13/16 (Journal of Laws, item 2210).

³⁰ Article 1 paragraph 2 letter c of the Act on the Amendment of the Broadcasting Act of 30 December 2015 (Journal of Laws of 2016, items 25 and 929) became void insofar as it repeals Article 27 paragraph 6 of the Broadcasting Act of 29 December 1992 (Journal of Laws of 2015, items 1531 and 1830), on the basis of paragraph 4 letter b of the judgement of the Constitutional Court indicated in reference 29.

³¹ Considered incompatible with the Constitution, insofar as it excludes the participation of the National Broadcasting Council in the procedure for appointing and dismissing supervisory board members of public radio and television companies on the basis of paragraph 5 letter b of the judgement of the Constitutional Court indicated in reference 29.

³² Article 1 paragraph 3 letter b of the act indicated first in reference 30 became invalid insofar as it repeals Article 28 paragraph 1d of the act indicated second in reference 30 on the basis of paragraph 6 letter b of the judgement of the Constitutional Court indicated in reference 29.

- 4) transfer or encumber real estate.
7. *(repealed)*.

Article 28a

1. Programme councils of public radio and public television will consist of 15 members appointed by the National Media Council, of which 10 members will represent parliamentary groups. The remaining five members will be appointed from among individuals with a record of experience and achievement in culture and the mass media.
2. Programme councils will have a term of office of four years. The council members will represent public interests and expectations related to the company's programming activities.
3. The programme councils will adopt resolutions evaluating the level and quality of current programming, as well as of the programme schedule. The supervisory board is obliged to consider and act upon resolutions concerning programme matters that are adopted by a majority of votes cast in the presence of at least half of the members of the programme council.
4. Members of a programme council are entitled to receive an allowance paid out by the company in an amount determined by the National Media Council.
5. The management boards will provide the members of the programme council with the organisational and financial resources necessary to evaluate the level and quality of the transmitted programme service and its reception, and to commission independent audience research, as well as studies into the social impact of a programme service.

Article 29

1. *(repealed)*.
- 1a. Members of the National Media Council also have the right to participate in the general meetings of shareholders.
- 1b. Amendments to the company's statutes are made upon request or with the prior consent of the National Media Council.
2. Directions and prohibitions imposed by the general meeting of shareholders in respect of the contents of a programme service are not binding upon the management board.
3. *(repealed)*.³³

Article 30

1. The production and transmission of regional public television programme services is the task of the regional branches of the company referred to in Article 26 paragraph 2.
2. The company's statutes will determine the scope of operations and the tasks of the regional branch of the company.
3. The regional branch will be managed by a director appointed by the management board of the company, with consent of the National Media Council.
4. The programme council of the branch will serve as an advisory and consultative body of the director of the company's regional branch.

³³ Article 1 paragraph 4 of the act indicated first in reference 30 repealing Article 29 paragraph 3 of the act indicated second in reference 30 became invalid on the basis of paragraph 8 of the judgement of the Constitutional Court indicated in reference 29.

- 4a. When appointing programme councils of branches broadcasting programme services in the languages of national and ethnic minorities and in regional languages, branch directors will take into account candidates put forward by social organisations of national and ethnic minorities and communities speaking regional languages.
5. Upon a motion of the management board of the company, and after having consulted the directors of the regional branches, the National Media Council will determine the minimum share of programmes produced by the company's regional branches in the transmission time of particular national programme services.
6. *(repealed)*.

Article 30a

1. The provisions concerning programme services for viewers abroad apply respectively to the programme service transmitted by the "TV Polonia" channel.
2. The programme council of TV Polonia will serve as an advisory and consultative body in respect of the production and transmission of the programme service of the "TV Polonia" channel.

Article 31

1. The revenues of the companies referred to in Article 26 paragraphs 2 and 3 will be revenue from:³⁴
 - 1) licence fees, default interest on delays in their payment and fines for the use of unregistered radio and television sets, as defined in the provisions of the Licence Fees Act of 21 April 2005, subject to the reservation of Article 8 paragraph 1 thereof,
 - 2) trade in programme rights,
 - 3) ³⁵ commercial transmissions,
 - 4) other sources.
2. The revenues of these companies may also include grants from the State budget.
3. Shareholders in the companies referred to in Article 26 paragraphs 2 and 3 will not be entitled to a share in the companies' profits.
4. ³⁶ The revenue derived from the sources referred to in paragraph 1 subparagraph 1 and paragraph 2 will only be allocated towards implementing the public mission referred to in Article 21 paragraph 1.
5. ³⁶⁾ The annual revenue of the public radio and television broadcasting organisation derived from the sources referred to in paragraph 1 subparagraph 1 and paragraph 2 may not exceed the net cost of implementing the public mission referred to in Article 21 paragraph 1 by the given public radio and television broadcasting organisation.
6. ³⁶⁾ The net cost of implementing the public mission referred to in Article 21 paragraph 1 will be the difference between the total cost of implementing the public mission incurred by the public radio and television broadcasting organisation in the given calendar year, and the net income it obtained from other activities in that period.
7. ³⁶⁾ If in a given calendar year the public radio and television broadcasting organisation obtains revenue deriving from the sources referred to in paragraph 1 subparagraph 2 exceeding the net cost of implementing the public mission referred to in Article 21 paragraph 1, and the surplus amount is not greater than 10 per cent of the total cost of

³⁴ Introduced to the list by Article 1 paragraph 7 letter a 1st tiret of the act indicated in reference 7.

³⁵ As amended by Article 1 paragraph 7 letter a 2nd tiret of the act indicated in reference 7.

³⁶ Added by Article 1 paragraph 7 letter b of the act indicated in reference 7.

implementing the public mission envisaged in the approved plan referred to in Article 21c paragraph 1 for that year, the organisation will not be obliged to return that surplus insofar as it is allocated towards the implementation of the public mission in subsequent periods, in accordance with the principles specified in the duty charter.

8. ³⁶⁾ The surplus exceeding the limit referred to in paragraph 7, and also the surplus within that limit, but not allocated in accordance with paragraph 7, will be returned to the National Council if it is derived from the sources referred to in paragraph 1 subparagraph 1, or to the competent body of the public finance sector if it is derived from the sources referred to in paragraph 2. The surplus derived from the sources referred to in paragraph 1 subparagraph 1 will be returned through making reductions in the due income from those sources, in the calendar year of the surplus settlement.
9. ³⁶⁾ The decision on returning the surplus referred to in paragraph 8 will be issued by the Chairman of the National Council on the basis of a resolution of the National Council, taking into account an assessment of the report referred to in Article 31b paragraph 1, within 14 days from the date of adopting the resolution.
10. ³⁶⁾ At the request of the public radio and television broadcasting organisation, the Chairman of the National Council may issue a decision on the basis of a resolution of the National Council, authorising the organisation to retain the surplus exceeding the limit referred to in paragraph 7 insofar as that surplus is allocated, within the period indicated in the decision, to the specific costs indicated therein, necessary to implement the public mission referred to in Article 21 paragraph 1.
11. ³⁶⁾ The National Council will take into account the surpluses referred to in paragraphs 7, 8 and 10 obtained by the public radio and television broadcasting organisations when performing their powers specified in Article 3 paragraphs 5 and 6 and Article 8 paragraph 2 of the Licence Fees Act of 21 April 2005, and when concluding the agreement referred to in Article 21a paragraph 5, and when approving the plan referred to in Article 1.

Article 31a

1. The companies referred to in Article 26 paragraphs 2 and 3 are obliged to specify in the documents referred to in Article 10 of the Accounting Act of 29 September 1994 (Journal of Laws of 2018, item 395 as amended³⁷⁾, the accounting principles, including a company chart of accounts, in a manner ensuring that the accounting books report revenues and related costs separately for the operations referred to in Article 21 paragraph 1, and other activities, as well as methods of allocating revenues and costs to particular types of operations pursued.
2. The duty referred to in paragraph 1 will be without prejudice to the accounting and reporting requirements laid down in separate regulations.
3. ³⁸⁾ The National Council will issue a regulation setting out the manner of keeping the documents referred to in paragraph 1, and the manner of preparing the reports referred to in Article 31b subparagraphs 1-3, with due regard for the need to observe the principles of openness and transparency in the use of funds allocated for the pursuit of the tasks referred to in Article 21 paragraph 1 in a manner that would not distort market competition.³⁹⁾ The National Council will issue a regulation determining the manner of maintaining the documentation referred to in Article 10 of the Accounting Act of 29

³⁷⁾ Amendments to the consolidated text of that act have been published in the Journal of Laws of 2018, item 398, 650, 1629, 2212 and 2244, and of 2019, item 55.

³⁸⁾ In this form, it will remain valid until the amendment indicated in reference 39 enters into force.

³⁹⁾ As amended by Article 1 paragraph 8 of the act indicated in reference 7; it will enter into force on 1 January 2020.

September 1994, and the manner of drafting the report referred to in Article 31b paragraph 1, taking into account the need to ensure compliance with the principles of openness and transparency of utilisation of the resources allocated to the implementation of the public mission referred to in Article 21 paragraph 1.

Article 31b⁴⁰

1. The management boards of the companies referred to in Article 26 paragraphs 2 and 3, will file with the National Council:
 - 1) by 15 February, an annual report on the use of the funds referred to in Article 31 paragraphs 1 and 2 for the previous calendar year,
 - 2) by the 25th day of the month following the end of each quarter of a calendar year, quarterly reports on the use of funds allocated in accordance with Article 31 paragraph 1 subparagraph 1 and paragraph 2,
 - 3) by the 25th day of the month following the end of each quarter of a calendar year, quarterly reports on costs incurred in connection with the operations referred to in Article 21 paragraph 1, including the specification of their financing sources.
 - 4) *(repealed)*.
2. The reports referred to in paragraph 1, will also be made available to the National Media Council.

Article 31b.⁴¹

1. Public radio and television broadcasting organisations will be obliged to draw up and submit to the National Council, and to publish on their websites, by 30 April of the given calendar year, a report for the previous calendar year on the implementation of the public mission referred to in Article 21 paragraph 1, which includes:

- 1) information on the implementation of the tasks specified in the provisions of law and in the duty charter arising from the public mission referred to in Article 21 paragraph 1;**
 - 2) information about the amount and manner of using the funds from the various sources referred to in Article 31 paragraphs 1 and 2;**
 - 3) information on the manner of implementing the principles referred to in Article 31a paragraph 1;**
 - 4) information on the total cost of implementing the public mission referred to in Article 21 paragraph 1, with an indication of the costs of implementing individual tasks and the income from other activities;**
 - 5) the calculation of the net cost of implementing the public mission in accordance with Article 31 paragraph 6 and the surpluses referred to in Article 31 paragraphs 7 or 8, if any;**
 - 6) proposed utilisation of the surplus referred to in Article 31 paragraph 7, if any.**
- 2. On the basis of the assessment of the report referred to in paragraph 1, the National Council will, by 30 June of each calendar year, adopt a resolution on**

⁴⁰ In this form, it will remain valid until the amendment indicated in reference 41 enters into force.

⁴¹ As amended by Article 1 paragraph 9 of the act indicated in reference 7; it will enter into force on 1 January 2020.

accepting or rejecting it. Resolutions will be made available on the National Council's website.

3. In adopting the resolution referred to in paragraph 2, the National Council may determine recommendations for the manner of implementing the tasks indicated in the duty charter and the plan referred to in Article 21c paragraph 1, in the subsequent calendar year, and may order certain corrective measures, indicating the time limit for implementing the recommendations or the corrective measures.

4. The public radio and television broadcasting organisation to which the recommendations or corrective measures indicated in paragraph 3 are addressed, will be obliged to include information on their implementation in the report referred to in paragraph 1 for the subsequent calendar year.

Article 31c⁴²

By 15 March of each year, the management boards of the companies referred to in Article 26 paragraphs 2 and 3 will prepare and make publicly available, reports for the preceding calendar year on the use of proceeds from licence fees as defined in the Licence Fees Act of 21 April 2005, default interest on a delay in their payment, and fines for the use of unregistered sets, for carrying out the public mission referred to in Article 21 paragraph 1, with an indication of the funds allocated for implementing individual tasks set forth in Article 21 paragraph 1a.

Article 31c⁴³

The public radio and television broadcasting organisations will prepare and make available on their websites, by 30 April of the given year, a report for the previous calendar year on the utilisation of the proceeds from the licence fees within the meaning of the Licence Fees Act of 21 April 2005, interest for their late payment and penalties for the use of unregistered receivers for the implementation of the public mission referred to in Article 21 paragraph 1, with an indication of the funds allocated for the implementation of the specific tasks listed in Article 21 paragraph 1a.

Article 32

In order to implement the tasks of public radio and television broadcasting, the companies may, with the consent of the National Media Council, found new business operators as set out under the law.

CHAPTER 5

Broadcasting Licences

Article 33

1. The transmission of programme services other than those of public radio and television broadcasters requires a licence.

1a. The transmission of television programme services exclusively in information and communication technology systems does not require a licence, unless the programme service is to be retransmitted by terrestrial diffusion, satellite or cable networks.

⁴² In this form, it will remain valid until the amendment indicated in reference 43 enters into force.

⁴³ As amended by Article 1 paragraph 10 of the act indicated in reference 7; it will enter into force on 1 January 2020.

2. Broadcasting licences are awarded by the Chairman of the National Council.
3. The Chairman of the National Council will take decisions as regards broadcasting licences on the basis of a resolution of the National Council. Decisions on this issue will be final.

Article 34

1. Having sought the opinion of the President of the Office of Electronic Communications to the extent defined in paragraph 1a subparagraph 3, the Chairman of the National Council will publish an announcement in the Official Gazette of the Republic of Poland "Monitor Polski" concerning the availability of broadcasting licences to transmit radio and television programme services by terrestrial diffusion, and determine the time-limit, which will not be less than 45 days from the date of the announcement, for filing licence applications.
 - 1a. The announcement referred to in paragraph 1 will specify:
 - 1) the subject of the procedure,
 - 2) the programming conditions of transmitting the programme service, including in particular the type and nature of the programme service,
 - 3) the frequencies or channels, as well as the maximum radiated power and location of transmitters intended for transmitting the programme service or the area over which the frequencies may be used, unless the transmission of the programme service does not require the reservation of a frequency;
 - 4) the number of broadcasting licences,
 - 5) the period for which the broadcasting licence may be awarded,
 - 6) the time-limit and location for filing applications.
 - 1b. Within 14 days from the date of the announcement referred to in paragraph 1, the Chairman of the National Council will publish information on the announcement in at least two printed national daily newspapers.
 - 1c. Only licence applications in connection with the announcement referred to in paragraph 1 will be examined.
2. The Chairman of the National Council will publish a list of applicants participating in the licensing procedure. In the event of a large number of applications that exceed the existing capacity for the programme service transmission, such applications will be examined within the framework of a single procedure.

Article 35

1. Broadcasting licences may be awarded to individuals of Polish nationality who permanently reside in the Republic of Poland, legal entities or partnerships with their registered offices in the Republic of Poland.
2. Companies with foreign shareholders may be awarded a broadcasting licence if:
 - 1) the equity stake held by foreign shareholders in the company, or the stake held by foreign shareholders in the share capital of the company, does not exceed 49 per cent,
 - 2) the company's articles of association or statutes contain a clause providing that:
 - a) individuals of Polish nationality who permanently reside in Poland constitute a majority of the individuals authorised to represent the company or manage its affairs, or of members of the management board of the company,

- b) the share of votes exercised by foreign entities and subsidiaries, as defined by the Code of Commercial Companies and Partnerships, of foreign shareholders may not exceed 49 per cent of votes in a meeting of shareholders or a general meeting,
 - c) foreign entities may not hold, directly or indirectly, a majority in excess of 49 per cent of votes in a partnership,
 - d) individuals with Polish nationality who permanently reside in Poland constitute a majority of the members of the supervisory board of the company.
3. A licence may also be awarded to:
- 1) a foreign entity, or
 - 2) a subsidiary, as defined by the Code of Commercial Companies and Partnerships, of a foreign entity,
 - with its registered office or permanent residence in a Member State of the European Economic Area, with the exclusion of restrictions imposed by virtue of paragraph 2.

Article 35a

- 1. A broadcaster may file an application for a broadcasting licence for a successive period not later than 12 months before the expiry of the licence held.
- 2. If a broadcaster files the application referred to in paragraph 1, the broadcasting licence for a successive period may only be refused if any of the circumstances indicated in Article 38 paragraphs 1 or 2 occurs in respect of the broadcaster.
- 3. If a broadcaster files the application referred to in paragraph 1, the provisions of Articles 34 and 36 paragraphs 1 and 2 will not apply to the licensing procedure.

Article 36

- 1. In the licensing procedure, the following criteria will particularly apply:
 - 1) the degree of compliance of the proposed programming activities with the tasks of broadcasting laid down in Article 1 paragraph 1 of the Act, taking into account the degree of their implementation by other broadcasters in the area covered by the broadcasting licence,
 - 2) the applicant's ability to make the necessary investments and ensure financing for the programme service,
 - 3) the planned share of programmes produced or commissioned by the broadcaster or co-produced by the broadcaster jointly with other broadcasters, in the programme service,
 - 4) the planned share of the programmes referred to in Article 15 paragraphs 1 and 3, in a television programme service, or of works referred to in Article 15 paragraph 2, in a radio or television programme service,
 - 5) past compliance with regulations governing radio communications and the mass media.
- 2. A broadcasting licence will not be awarded if the transmission of a programme service by the applicant could result in:
 - 1) a threat to the interests of national culture, a transgression of the standards of public decency and proper conduct, a danger to national security and defence or a threat to the security of classified information,
 - 2) the applicant achieving a dominant position in mass media in the given area.

3. A broadcasting licence is awarded for 10 years.

Article 36a. ⁴⁴⁾

If, as a result of the evaluation of applications in the procedure specified in Article 36, the number of applicants is greater than the number of broadcasting licences to grant, a tender will be ordered concerning the award of a broadcasting licence.

Article 36b. ⁴⁴⁾

1. The Chairman of the National Council will announce in the Official Gazette of the Republic of Poland "Monitor Polski" that it is necessary to carry out the tender among the applicants referred to in Article 36a.

2. The announcement will also specify:

- 1) the minimum fee for the award of a broadcasting licence – not lower than the fee envisaged for the award of the broadcasting licence specified in the provisions;
- 2) the place and date for the submission of tenders;
- 3) the amount, form and time for lodging the bid bond;
- 4) the date of the decision.

3. The tender will be conducted by the Chairman of the National Council.

4. A bid, drawn up in Polish, will be submitted at the time, place and in the form determined pursuant to paragraphs 1 and 2, in sealed envelopes.

5. The bid will include:

- 1) the designation of the applicant and its office and address or the place of residence and address, and the address of the principal place of business;
- 2) the declared amount of the fee for granting the licence.

6. Once submitted, bids may not be withdrawn.

Article 36c. ⁴⁴⁾

1. The Chairman of the National Council will select the number of bids corresponding to the number of broadcasting licences referred to in Article 34 paragraph 1a subparagraph 4, based on the amounts of the declared fees for the award of a broadcasting licence.

2. If several applicants declare a fee in the same amount, the applicants will be requested to re-declare the amount, and the applicant that declares the highest fee will be selected.

3. The Chairman of the National Council will deliver a written notice of the result of the tender immediately after the decision, and:

- 1) will return the bid bond to applicants whose bids have not been selected;
- 2) will include the bid bond towards the fees for applicants whose bids have been selected.

4. A broadcasting licence will be granted to the applicants whose bids have been selected.

Article 36d. ⁴⁴⁾

1. An applicant who provides information in the proceedings for the award of the broadcasting licence that is a company secret in the meaning of the provisions on combating unfair competition, may request that this information be covered by a confidentiality clause.

2. Information will be covered by a confidentiality clause as long as the applicant:
- 1) when providing information, gives a comprehensive justification for the request;
 - 2) prepares a summary of the information that may be made available to other participants.
3. Information that has been covered by a confidentiality clause may not be made available to other participants without the consent of the applicant providing this information.

Article 37

1. The broadcasting licence will specify in particular:
- 1) the broadcaster, its registered office or place of residence,
 - 2) the nature of the operations covered by the broadcasting licence,
 - 3) the method of transmitting the programme service (by analogue terrestrial diffusion, digital terrestrial diffusion in multiplex, satellite or by other telecommunications networks than the networks used for by terrestrial or satellite transmission) and:
 - for analogue terrestrial diffusion:
 - a) the location of the station,
 - b) the height at which the antenna is located,
 - c) the maximum radiated power,
 - d) the antenna radiation pattern,
 - e) the frequency,
 - 44) Added by Article 28 paragraph 2 of the act indicated in reference 1.
 - for transmission by digital terrestrial diffusion in multiplex:
 - g) the multiplex,
 - h) the area of transmission,
 - i) the signal parameters – IDs,
 - for transmission by satellite:
 - j) the name of the satellite used,
 - k) the position of the satellite on the orbit,
 - l) the frequency,
 - m) the location of the uplink station.
 - for transmission in other telecommunications networks than the networks used for terrestrial or satellite transmission:
 - n) the location of the system head station,
 - o) the area covered by the telecommunications network.
 - 4) the nature of programme service to be transmitted and the time of its transmission,
 - 5) the date of the initial transmission of the programme service,
 - 6) the date of expiry of the licence,
2. The licence may specify other aspects of the broadcaster's operations, if so required to implement the provisions of the Act.
3. Within the scope stipulated in paragraph 1 subparagraph 3, the broadcasting licence will be awarded in agreement with the President of the Office of Electronic Communications, who takes a position in view of the performance of conditions defined in Article 114 paragraph 3 of the Telecommunications Law of 16 July 2004.

- 3a. Where the transmission of a radio or television programme service requires the reservation of a frequency, the President of the Office of Electronic Communications will immediately reserve a frequency for a broadcaster who has been awarded a licence, unless the programme service is to be transmitted by a multiplex operator by digital terrestrial diffusion. Any frequency reservations, modifications and withdrawals thereof will be governed by Articles 114 and 115 of the Telecommunications Law of 16 July 2004, and the provisions of Article 116 thereof will not apply.
4. Following consultation with the President of the Office of Electronic Communications, the National Council will issue a regulation specifying the essential information to be provided in the application form, as well as the detailed procedure for awarding or revoking broadcasting licences.

Article 37a

A media service provider will, on an annual basis, deliver to the National Council its financial statements prepared in the form specified in the Accounting Act of 29 September 1994.

Article 37b ⁴⁵⁾

The broadcaster will notify the Chairman of the National Council of any changes to the data provided in the application for a broadcasting licence, within 14 days of their occurrence.

Article 38

1. The broadcasting licence will be revoked if:
- 1) a final decision has been issued prohibiting the broadcaster from conducting business operations covered by the broadcasting licence,
 - 2) the broadcaster blatantly violates the conditions set forth in the Act or the broadcasting licence,
 - 3) the activities covered by the broadcasting licence are conducted in breach of the Act or the terms of the broadcasting licence, and the broadcaster, despite having been requested by the Chairman of the National Council, has not eliminated the state of facts or the legal status incompliant with the conditions set forth in the broadcasting licence or the Act within the prescribed time-limit,
 - 4) despite a request from the Chairman of the National Council, the broadcaster has failed to commence transmitting the programme service within the time-limit set in the broadcasting licence, or has permanently ceased to transmit it via all or some transmitters – unless the broadcaster proves that the delay in commencing the transmission of the programme service, or the cessation of transmitting the programme service resulted from circumstances beyond its control. The permanent cessation of transmission of a programme service will be deemed to mean the non-transmission of the programme service for a period of three consecutive months.
2. The broadcasting licence may be revoked if:
- 1) the transmission of the programme service threatens the interests of national culture, security and defence, or if it transgresses the standards of public decency,
 - 2) *(repealed)*,
 - 3) by transmitting the programme service, the broadcaster gains a dominant position in mass media on the given relevant market, as defined in regulations on the protection of competition and consumers,

- 4) another entity takes over direct or indirect control of the operations of the broadcaster.
3. The Chairman of the National Council will make public the information on opening the procedure for revoking a broadcasting licence.
4. In the event that the decision revoking the broadcasting licence becomes final, the Chairman of the National Council will immediately announce the availability of a licence within the scope covered by the revoked licence.

Article 38a

1. The rights under the broadcasting licence are inalienable, subject to paragraphs 3-5.
2. The rights referred to in paragraph 1 do not transfer onto the purchaser of a bankrupt enterprise.
3. In the case of a merger, division or other transformation of a commercial company, the rights referred to in paragraph 1 may transfer onto another entity with the consent of the National Council, expressed in the form of a resolution. Consent will be refused if:
 - 1) the broadcaster gains a dominant position in the mass media on the given relevant market, as defined in regulations on protection of competition and consumers,
 - 2) another entity takes over direct or indirect control over the operations of the broadcaster.
- 3a. An individual may transfer the rights under the licence, subject to the consent of the National Council expressed in a resolution, onto a company of which the individual is a shareholder, and which meets the conditions referred to in Article 35. Consent may be refused for the reasons referred to in Article 36 paragraph 2.
4. The Chairman of the National Council will issue a decision, on the basis of a resolution of the National Council, granting, or refusing to grant, the consent referred to in paragraphs 3 and 3a.
5. The provisions of the Telecommunications Law of 16 July 2004 will apply to the rights arising from a frequency reservation.

Article 39

The broadcasting licence to transmit a television programme service will also cover the use of the television signal to transmit teletext services.

Article 39a

1. A broadcasting licence may be awarded for the transmission via cable networks or via satellite of a programme service devoted exclusively to:
 - 1) teleshopping,
 - 2) self-promotion.
2. The provisions of the Act, with the exception of the provisions of Articles 15-15b, will apply appropriately to the programme services referred to in paragraph 1.
3. The following will not apply to the programme services referred to in paragraph 1 subparagraph 1:
 - 1) the limitation on the admissible duration of advertising and teleshopping spots per clock hour, as laid down in Article 16 paragraph 3,
 - 2) the provisions of Article 16 paragraph 6 and Article 16a.

Article 39b

1. The following may apply to the National Council to be granted the status of a social broadcaster:
 - 1) an association, within the framework of implementing its statutory objectives,
 - 2) a foundation, within the framework of implementing its statutory objectives,
 - 3) a church or a religious legal entity of a given church, or a religious organisation whose status is regulated by an Act of Parliament.
2. Social broadcasters will be exempt from fees payable for awarding or amending the licence.
3. In the event that a social broadcaster breaches the requirements specified in Article 4 paragraph 10, the licensing authority will issue a decision revoking its status as a social broadcaster and imposing the obligation to pay the fees referred to in paragraph 2, along with legal interest on a delay, charged as from the date of awarding or amending the broadcasting licence.

Article 40

1. A fee will be charged for awarding a broadcasting licence for the transmission of a radio or television programme service, irrespective of the annual fees for the use of a frequency, provided for in the Telecommunications Law of 16 July 2004. Awarding a broadcasting licence will also be understood as amending such a licence.
2. The fee for granting a licence will not be higher than:
 - 1) in the case of transmitting a radio programme service by analogue terrestrial diffusion – PLN 12 317 570;⁴⁴
 - 2) in the case of transmitting a television programme service by analogue terrestrial diffusion – PLN 25 890 000;⁴⁶⁾
 - 3) in the case of transmitting a radio programme service by digital terrestrial diffusion in multiplex – PLN 6 158 785;⁴⁶⁾
 - 4) in the case of transmitting a television programme service by digital terrestrial diffusion in multiplex – PLN 25 890 000.⁴⁶⁾
3. The fee for granting a licence will be:
 - 1) in the case of transmitting a radio programme service by satellite broadcast – PLN 500;⁴⁶⁾
 - 2) in the case of transmitting a television programme service by satellite broadcast – PLN 10 000;⁴⁶⁾
 - 3) in the case of transmitting a radio programme service in telecommunications networks other than those used for terrestrial diffusion broadcasting or satellite broadcasts – PLN 500;⁴⁶⁾
 - 4) in the case of transmitting a television programme service in telecommunications networks other than those used for terrestrial diffusion broadcasting or satellite broadcasts – PLN 2000.⁴⁶⁾
4. If the radio or television programme service is transmitted by different means, the licence fee will be fixed as the sum total of the amounts due for the respective means of transmission.

⁴⁴ The current fee for granting a broadcasting licence will be announced in the Official Gazette of the Republic of Poland "Monitor Polski" by the Chairman of the National Broadcasting Council, under Article 40 paragraph 9.

5. In the case of a licence fee for a simultaneous transmission of a radio programme service by analogue terrestrial diffusion and by digital terrestrial diffusion in multiplex, the fee is equal to the fee for granting a licence to transmit a radio programme service by digital terrestrial diffusion in multiplex.
6. Acting in agreement with the minister in charge of the public finance sector, the National Council will issue a regulation determining the amount of the fee for granting the licence, which will not be higher than the fee referred to in paragraph 2, and the method of calculating the fee, taking into account the following factors:
 - 1) the time of advertisements broadcasts;
 - 2) for the programme services referred to in paragraph 2 subparagraph 1:
 - a) the number of inhabitants covered by the programme service,
 - b) the radio wave reach,
 - c) the number of inhabitants in cities covered by the programme service,
 - 3) for programme services referred to in paragraph 2 subparagraph 2, the number of inhabitants covered by the programme service;
 - 4) for programme services referred to in paragraph 2 subparagraph 3:
 - a) in the case of granting a licence for coverage less than the range of the Polish national multiplex signal, which is deemed to cover the territory of the whole country – the number of inhabitants covered by the programme service,
 - b) the standard of the terrestrial digital radio service,
 - c) in the case of a change to the licence for transmitting the programme service by terrestrial diffusion, consisting in granting the right to transmit a digital programme service – the number of inhabitants covered by the analogue programme service;
 - 5) for programme services referred to in paragraph 2 subparagraph 4:
 - a) in the case of granting a licence for coverage less than the range of the Polish national multiplex signal, which is deemed to cover the territory of the whole country – the number of inhabitants covered by the programme service,
 - b) the standard of the terrestrial digital television service,
 - c) in the case of a change to the licence for transmitting the programme service by terrestrial diffusion, consisting in granting the right to transmit a digital programme service – the number of inhabitants covered by the analogue programme service;
 - 6) proportionally until the expiry of the licence in the event of a change to the licence that affects the value of the broadcasting fee.
7. The National Broadcasting Council will issue a regulation setting out the technical methods of determining the coverage of the programme service on the territory where the programme service is transmitted by terrestrial diffusion, taking into account the advancement of science and technology in this field.
8. The value of the fees referred to in paragraphs 2 and 3, and the fees referred to in regulations issued on the basis of paragraph 6, will be indexed every year in line with the average annual value of the consumer goods and services price index for the past calendar year, announced by the President of the Central Statistical Office. If that index is negative, the value of the broadcasting fees will not be changed.
9. By 31 October of each year at the latest, the Chairman of the National Broadcasting Council will announce in the Official Gazette "Monitor Polski" of the Republic of Poland the value of fees for the next year, referred to in paragraphs 2 and 3, and in regulations issued on the basis of paragraph 6, with due regard to paragraph 8 thereof, rounding them up to the next whole Polish Zloty.

10. The broadcasting fee will be paid as a lump sum or in equal annual instalments payable over successive years during the term of the licence. The manner of paying the licence will be stated in the decision on granting the licence, based on the application.
11. The first fee, or the first instalment of the fee, as referred to in paragraph 10, will be paid within 60 days from the date of receiving the decision on granting the licence. If the payment is split into instalments, the decision on granting the licence will determine the payment extension fee based on the Tax Ordinance of 29 August 1997 (Journal of Laws of 2018, item 800, as amended⁴⁵).
12. In the event that the licence is withdrawn or annulled, the entire fee referred to in paragraph 1, will become due and payable to the extent it has not been paid, and must be paid within 60 days from the date of receiving the decision on the withdrawal or annulment of the licence.
13. The licence fees constitute the income of the State budget.

Article 40a

1. For a foreign entity to purchase or acquire shares or interest, or to acquire rights in shares or interest in a company holding a broadcasting licence to transmit a programme service, the consent of the Chairman of the National Council is required; the provisions of Article 33 paragraph 3, Article 35 paragraph 2, Article 36 paragraph 2 and Article 38, will apply thereto as appropriate.
2. The actions referred to in paragraph 1, performed by an entity controlled by a foreign entity will be deemed performed by the controlling entity, as defined by the Code of Commercial Companies and Partnerships.
3. The Chairman of the National Council will grant and withdraw the consent referred to in paragraph 1 on the basis of a resolution of the National Council.
4. The actions referred to in paragraph 1, if performed without the consent, will be invalid.
5. The provisions of paragraphs 1 - 3 will not apply to foreign entities or subsidiaries, as defined by the Code of Commercial Companies and Partnerships, of foreign entities with their registered office or permanent residence in a Member State of the European Economic Area.

Article 40b ⁴⁶

The provisions of Chapter 5 of the Business Operators Law of 6 March 2018 will apply to the control of business operations, as referred to in Article 33.

CHAPTER 6

Transmission of Certain Television Programme Services and Retransmission of Programme Services

Article 41

1. The following programme services are subject to registration:
 - 1) retransmitted programme services,

⁴⁵ Amendments to the consolidated text of that act have been published in the Journal of Laws of 2018, item 650, 723, 771, 1000, 1039, 1075, 1499, 1540, 1544, 1629, 1693, 2126, 2193, 2244 and 2354, and of 2019, item 60.

⁴⁶ As amended by Article 28 paragraph 4 of the act indicated in reference 1.

- 2) television programme services transmitted exclusively in an information and communication technology system.
2. The obligation set out in paragraph 1 subparagraph 1 does not apply to the programme services referred to in Article 43 paragraph 1.
3. The register will be kept by the Chairman of the National Council.
4. The Code of Administrative Procedure applies to the registration procedure, unless otherwise provided for in the Act.
5. The register is open to the public.

Article 42

1. An entity applying for registration of a programme service in the register of television programme services transmitted exclusively in information and communication technology systems and retransmitted programme services will pay a fee of PLN 100 for each programme service.⁴⁷
2. The fee referred to in paragraph 1 will constitute the income of the State budget.
3. Article 40 subparagraphs 8 and 9 will apply to the indexation and announcement of the value of the fee.

Article 43

1. An operator that retransmits a programme service, with the exception of an entity that retransmits a programme service by digital terrestrial diffusion in multiplex, will retransmit the programme services “Telewizja Polska I”, “Telewizja Polska II” and one regional television programme service transmitted by Telewizja Polska S.A. as well as the programme services transmitted on the date of entry into force of the Act on the Launch of Digital Terrestrial Television of 30 June 2011 (Journal of Laws of 2016, item 649) on the basis of the licence to transmit these programme services by analogue terrestrial diffusion by Telewizja Polsat S.A., TVN S.A., Polskie Media S.A., Telewizja Puls Sp. z o.o. In the case of an operator that retransmits programme services in telecommunications networks other than the networks used for transmission by terrestrial diffusion or by satellite, the obligation to retransmit a regional television programme service will apply to a regional television programme service relevant for a given area.
2. A broadcaster that transmits the programme service referred to in paragraph 1 may not refuse an operator that retransmits the programme service in the telecommunications network referred to in paragraph 1 consent for the retransmission of this programme service, and may not make such consent conditional upon payment of any remuneration, including in particular any fee for the award of a licence for the use of the broadcast.
3. The Chairman of the National Council will assess the fulfilment of the obligation referred to in paragraph 1 at least once every two years, being guided by social interest with regard to the provision of information, ensuring access to culture and art, facilitating access to learning, sport and scientific achievements, as well as the dissemination of civic education.
4. The Chairman of the National Council will submit the results of the assessment to the minister in charge of culture and national heritage matters, who will take the actions

⁴⁷ The current fee for the entry to the register of television programme services will be announced in the Official Gazette of the Republic of Poland “Monitor Polski” by the Chairman of the National Broadcasting Council, under Article 42 paragraph 3.

necessary to ensure that the obligations referred to in paragraph 1 are proportionate and transparent, and that they are only imposed when required for the purposes of meeting the objectives set out in paragraph 3.

Article 43a

1. A broadcaster that transmits the programme service referred to in Article 43 paragraph 1 must make this programme accessible free of charge upon an application of the operator retransmitting the programme service, within 14 days from the submission of the application.
2. If the broadcaster fails to perform the obligation to make the programme service accessible free of charge, the Chairman of the National Council, acting at the motion of the operator retransmitting the programme service, will request the broadcaster to make the programme service accessible to this operator, within 14 days from service of the request.
3. The operator retransmitting the programme service will:
 - 1) retransmit and offer the programme service made accessible to it free of charge,
 - 2) report in its offer that the programme service is intended for general and free of charge reception, including by digital terrestrial diffusion.

Article 44

1. The registering authority will register a programme service referred to in Article 41 paragraph 1 subparagraph 1 on the basis of a notification.
2. An operator retransmitting a programme service will notify a programme service for registration at least one month prior to the commencement of its retransmission.
3. The notification referred to in paragraph 1 will:
 - 1) specify the applicant, its registered office or place of residence, mailing address, including email address, in order to ensure effective and fast contact,
 - 2) specify the programme service intended for retransmission and its broadcaster,
 - 3) define the area over which the programme service is to be retransmitted.
4. A cable network operator will enclose with the notification:
 - 1) documents stating that the retransmission of the programme service will not infringe upon the rights of the programme service broadcaster,
 - 2) documents stating that the programme service is transmitted, and in the case of a programme service provided to the operator by the broadcaster – a contract with the programme service broadcaster.
5. *(repealed)*.
6. The entry in the register will in particular contain the details referred to in paragraph 3, with the exception of residential address, if different from the address of the registered office.
7. The retransmission of the programme service may commence if the registering authority has not refused the registration within one month from the date of notification, on the condition that the operator pays the fee referred to in Article 42 paragraph 1.
8. The registering authority may request the operator retransmitting the programme service to complete the notification within 14 days from receipt of the request. If the registering authority has requested the operator to complete the notification, the time-limit referred to in paragraph 7 will run from the day of receiving a completed notification.

9. The operator retransmitting a programme service will notify the registering authority, within 14 days, of any changes in the legal or factual status subject to registration, which arose after the act of registration. The provisions governing registration will apply accordingly to the notification of changes.

Article 44a

1. The registering authority will register a programme service referred to in Article 41 paragraph 1 subparagraph 2 on the basis of a notification.
2. A broadcaster of a television programme service transmitted exclusively in an information and communication technology system will notify a programme service for the purpose of its registration not later than one month prior to the commencement of its transmission.
3. The notification referred to in paragraph 1 will:
 - 1) specify the broadcaster, its registered office or place of residence, mailing address, including email address, in order to ensure effective and fast contact,
 - 2) contain basic information on the programme service intended for transmission,
 - 3) specify the manner of transmission of the programme service.
4. The entry in the register will in particular contain the details referred to in paragraph 3, with the exception of residential address, if different from the address of the registered office.
5. The transmission of the programme service may commence if the registering authority has not refused the registration within one month from the date of notification.
6. The registering authority may request the broadcaster to complete the notification within 14 days from receiving the request. If the registering authority has requested the broadcaster to complete the notification, the time-limit referred to in paragraph 5 will run from the day of receiving a completed notification.
7. The broadcaster will notify the registering authority, within 14 days, about any changes in the state of facts, or the legal status subject to registration, that arose after the act of registration. The provisions governing registration will apply accordingly to the notification of changes.

Article 45

1. The registering authority will remove the programme service referred to in Article 41 paragraph 1 subparagraph 2 from the register if contents in serious breach of the provisions of Article 18 paragraphs 1, 4 and 5 were inserted at least twice in the programme service during the last 12 months.
2. The registering authority will refuse to register the programme service referred to in Article 41 paragraph 1 subparagraph 1 if contents in serious breach of the provisions of Article 18 paragraphs 1, 4 and 5 were inserted at least twice in the programme service during the last 12 months.
3. The registering authority will remove a retransmitted programme service from the register, if:
 - 1) contents in serious breach of provisions of Article 18 paragraphs 1, 4 and 5 were inserted at least twice in the programme service during the last 12 months,
 - 2) the operator, without the broadcaster's approval, introduces changes to the programme service or does not retransmit it complete or simultaneously,

- 2a) ⁴⁸ in this programme service, the operator fails to provide the viewers/listeners with aids for impaired persons in the transmitted programmes,
- 3) *(repealed)*.
4. A refusal to register or the removal from the register, as referred to in paragraphs 1-3, will be made in the form of an administrative decision; the provisions of Article 33 paragraph 3 will apply accordingly to such a decision.

Article 46

The National Council will issue a regulation determining in detail the procedure for keeping the register of programme services transmitted exclusively in an information and communication technology system, and of retransmitted programme services, including:

- 1) the template of the register,
 - 2) the template of notification for registration
- with due regard to the possibility of keeping the register and filing applications in the information and communication technology system, the need to ensure transparency and the completeness of information recorded in the register, and the efficiency of the registering procedure, as well as the prevention of impediments affecting the operations of media service providers.

Article 46a

1. If a broadcaster of a programme service referred to in Article 45 paragraph 3 subparagraph 1 is established in another Member State of the European Union, the National Council will notify this broadcaster and the European Commission of the identified infringements, and of the intention to remove the retransmitted programme service from the register. The programme service will be removed from the register if, following consultations held by the National Council with the State in which the broadcaster is established and with the European Commission, the infringements are not discontinued within two months from the notification.
2. The measures referred to in paragraph 1 must be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives they pursue, and may be taken only if the following conditions are met:
 - 1) the National Council has notified the European Commission and the Member State in which the broadcaster has its registered office of its intention to take such measures, while substantiating the grounds on which it bases its assessment; and
 - 2) the Commission has decided that the measures are compatible with the law of the European Union.

Article 46b

1. If a programme service of a broadcaster established in another Member State of the European Union is wholly or mostly directed towards the Republic of Poland, the Chairman of the National Council may request the State in which the broadcaster of this programme service is established to apply a suitable solution in this programme service, including in particular a solution that ensures the rules of the protection of public interest are respected, as set out in the Act and separate provisions.
2. If a suitable solution is not applied within two months following the request referred to in paragraph 1, and the broadcaster of the programme service concerned is

⁴⁸ Added by Article 1 paragraph 3 of the act indicated in reference 3.

established in another Member State of the European Union in order to circumvent the provisions of law applicable in the Republic of Poland, the Chairman of the National Council may notify the European Commission and the State in which the broadcaster is established of its intention to refuse to register the programme service, or to remove the programme service from the register, or of its intention to apply another necessary non-discriminating and proportionate measure provided for in the law. The notification must be substantiated.

3. When assessing whether the programme service referred to in paragraph 1 is wholly or mostly directed towards the Republic of Poland, the National Council may refer to indicators such as the origin of the television advertising or subscription revenues, the main language of the service or the existence of programmes or commercial communications targeted specifically at the public in the Member State where they are received.
4. The Chairman of the National Council may issue a decision on the refusal to register or on the removal from the register of the programme service referred to in paragraphs 1 and 2, or on another measure, only if the European Commission does not issue a decision stating that it would be contrary to the European Union law, within three months following the notification referred to in paragraph 2.
5. The Chairman of the National Council will make the request referred to in paragraph 1, and the notification referred to in paragraph 2, on the basis of a resolution of the National Council.

Article 47

(repealed)

CHAPTER 6a

On-Demand Audiovisual Media Service

Article 47a

The provider of on-demand audiovisual media services will individually create a catalogue of programmes and will be liable for the content thereof, without prejudice to regulations on the liability of other persons for the content of individual programmes, advertisements or other broadcasts.

Article 47b

An obligation to provide, or a ban on providing, a certain programme or broadcast to the general public may be imposed upon the provider of the on-demand audiovisual media service exclusively by virtue of the Act.

Article 47c

1. The provider of on-demand audiovisual media services will provide users with easy, direct and permanent access to personal information enabling the identification of the service and the provider of the on-demand audiovisual media service, in particular the following information:
 - 1) name of the on-demand audiovisual media service,
 - 2) last name, name or business name of the service provider,
 - 3) the address of its registered office,
 - 4) contact information, including the postal address, e-mail address and website.
2. The provider of on-demand audiovisual media services will name the National Broadcasting Council as the regulator competent in matters relating to the provision of on-demand audiovisual services.
3. The National Broadcasting Council may issue a regulation determining how the provider of on-demand audiovisual media services presents the information enabling the identification of the service and the provider of this service, taking into account the integrity of broadcasts, the manner of provision of the service to the general public, the impact on the interests of users, and seeking not to encumber the providers with excessive constraints and costs associated with the provision of the information.

Article 47d

Product placement in programmes and sponsorship of programmes made available as part of on-demand audiovisual media services may not affect the autonomy and editorial independence of the provider of the on-demand audiovisual media service, in particular by affecting the content or place of programmes in the catalogue, and will not release the provider from liability for the content of programmes.

Article 47e

1. It is forbidden to provide on-demand audiovisual media services to the general public that contain, as part of the catalogue of services, programmes or other broadcasts referred to in Article 18 paragraph 4, without applying technical security measures or other appropriate measures to prevent minors from reception thereof.
2. Taking into account the degree of harmfulness of the programme or other broadcast to minors in different age groups, the provider of the on-demand audiovisual media service must appropriately qualify and mark programmes and other broadcasts in such a way that the user can easily see the mark, both at the time of selecting the programme and throughout its duration.
3. In consultation with the minister responsible for information technology matters, the National Broadcasting Council will issue a regulation determining the detailed conditions to be met by the technical security measures or other appropriate measures aimed at preventing minors from receiving the programmes or other broadcasts, referred to in Article 18 paragraph 4, driven by the need to ensure effective protection of minors against content that is harmful for them, with due consideration for the technical feasibility and the degree of harmfulness of the programme or other broadcasts to minors in different age groups, as well as the specific features of on-demand audiovisual media services.
4. The National Broadcasting Council will issue a regulation determining the characteristic features and the specific conditions of qualifying and marking programmes and other broadcasts, as well as appropriate graphic symbols, taking into account the degree of

harmfulness of the programme to minors in different age groups, as well as the specific features of on-demand audiovisual media services.

Article 47f

1. Providers of on-demand audiovisual media services will promote European works, including works produced originally in Polish, in particular by:
 - 1) properly identifying the origin of programmes available in the catalogue of programmes, as well as providing the option to search for European works, including works originally produced in Polish, or
 - 2) placing information and materials promoting European works, including works originally produced in Polish.
2. Providers of on-demand audiovisual media services will allocate at least 20 per cent of the content in their catalogue for European works, including works produced originally in Polish, and will provide adequate visibility to such programmes in the catalogue.
3. The percentage referred to in paragraph 2, will be calculated based on the total duration of the programmes multiplied by the total broadcasting time of the programmes in the catalogue during a given calendar quarter.
4. Paragraph 2 will not apply to the catalogues in which only audiovisual programmes other than European works are provided to the general public.

Article 47g⁴⁹⁾

Providers of on-demand audiovisual media services will aim at gradually ensuring the availability of programmes provided for the visually impaired and hearing impaired through the introduction of appropriate tools for impaired persons.

Article 47h

Programmes provided as part of on-demand audiovisual media services cannot contain contents inciting to hatred or discriminating on grounds of race, disability, sex, religion or nationality.

Article 47i

Providers of on-demand audiovisual media services will retain copies of programmes provided to the general public for a period of not less than 28 days from the date of their removal from the catalogue, and will present them to the Chairman of the National Broadcasting Council upon receipt of the request referred to in Article 10 paragraph 2.

Article 47j

1. Providers of on-demand audiovisual media services will submit annual reports to the National Broadcasting Council on compliance with the duties referred to in Article 47e and Article 47f.
2. The report will contain:
 - 1) details of the provider, as defined in Article 47c paragraph 1, together with a description of the manner of providing the audiovisual media service to the general public;
 - 2) a description of the types of technical security measures or other appropriate measures applied by the provider to prevent minors from the reception thereof;

⁴⁹⁾ As amended by Article 1 paragraph 4 of the act indicated in reference 3.

- 3) a description of the manner of promoting European works, including works originally produced in Polish, applied by the given provider, including the share of these programmes in the catalogue in terms of volume and time.
3. The report will be submitted by 31 March for the previous year.

Article 47k

The provisions of Article 16 paragraph 1, Article 16b paragraphs 1-3a, Article 16c, Article 17 paragraphs 1-2, 4, 5, 6a and 7, Article 17a paragraphs 1-3, 5 and 6 as well as regulations issued based on Article 16b paragraph 3b, Article 17 paragraph 8, except for the provisions relating to the registration of sponsored programmes or other broadcasts, as well as regulations issued pursuant to Article 17a paragraph 9 on the special conditions of marking programmes with product placement with a special graphic mark by the broadcaster, will apply to on-demand audiovisual media services.

CHAPTER 7

(repealed)

CHAPTER 8

Liability under the Law

Article 52

1. The transmission of a radio or television programme service without a licence is:
 - punishable by a fine, the restriction of liberty or imprisonment for up to two years.
2. The retransmission of a radio or television programme service without registration is:
 - punishable by a fine, the restriction of liberty or imprisonment for up to one year.

Article 53

1. If a broadcaster fails to comply with the obligations laid down in Article 14a paragraphs 1 and 2, Article 15 paragraphs 1, 2 and 3, Article 15a paragraph 1, Article 16 paragraphs 1-6, Article 16a, Article 16b paragraphs 1-3, Article 16c, Article 17 paragraphs 1-7, Article 17a paragraphs 1-7, Article 18 paragraphs 1-5b, Article 18a paragraph 1, Article 20 paragraph 1, Article 20b paragraphs 1 and 6, Article 20c paragraphs 1-5, Article 43 paragraph 2, Article 43a paragraph 1, or under the provisions issued pursuant to Article 14a paragraph 3, Article 15 paragraph 4, Article 15a paragraphs 2 and 3, Article 16 paragraph 7, Article 16b paragraph 3b, Article 17 paragraph 8, Article 17a paragraph 9, Article 18 paragraph 6 and Article 18a paragraph 2, or fails to comply with the notice referred to in Article 43a paragraph 2, the Chairman of the National Council will issue a decision imposing a fine upon that broadcaster in the amount of up to 50 per cent of the annual fee for the right to use the frequency allocated for providing the programme service, while broadcasters who fail to pay for the right to use the frequency will be liable to a fine of up to 10 per cent of the revenues generated by the broadcaster in the preceding tax year, with due consideration for the degree of harmfulness of the breach, the former operations of the broadcaster and its financial capacity.
2. The Chairman of the National Council may impose the fine referred to in paragraph 1 also by virtue of a decision issued under Article 10 paragraph 4.

3. The fine will be paid from net income after tax, or from another surplus of revenues over expenditure after tax.
4. The fine may not be imposed if one year has elapsed since the breach of the obligations referred to in paragraph 1.

Article 53a

1. If a media service provider transmits a television programme service in an information and communication technology system without registration, the Chairman of the National Council will issue a decision imposing upon the broadcaster a fine amounting up to 10 per cent of the broadcaster's revenue generated in the preceding tax year. The provisions of Article 53 paragraphs 3 and 4 apply accordingly.
2. In the first year of pursued operations, the fine referred to in paragraph 1 will not exceed ten times the average monthly remuneration in the enterprises sector in the quarter preceding the issue of the decision imposing the fine, including payments from profit, announced by the President of the Central Statistical Office in the Official Gazette "Monitor Polski" of the Republic of Poland.

Article 53b

1. If an operator that retransmits a programme service breaches the obligation referred to in Article 43 paragraph 1 or Article 43a paragraph 3, the Chairman of the National Council will issue a decision imposing a fine of up to 10 per cent of the revenue generated by this operator in the preceding tax year, with consideration given to the scope and degree of harm caused by the breach, the operator's actions to date and its financial capabilities.
2. In the event that the operator referred to in paragraph 1 has operated for less than one calendar year, the assessment basis for the fine will be PLN 500 thousand.
3. The Chairman of the National Council may request the operator referred to in paragraph 1 to provide explanations and submit documents, in particular the annual financial statements for the preceding tax year, with regard to the fulfilment of the obligation referred to in Article 43 paragraph 1 or Article 43a paragraph 3.

Article 53c

1. If a provider of on-demand audiovisual media services fails to comply with Article 16 paragraph 1, Article 16b paragraphs 1-3a, Article 16c, Article 17 paragraphs 1-2, 4, 5, 6a and 7, Article 17a paragraphs 1-3, 5 and 6, Article 47a, Article 47b, Article 47c paragraphs 1 and 2, Article 47d, Article 47e paragraphs 1 and 2, Article 47f, Article 47h and Article 47i, or provisions issued under Article 16b paragraph 3b, Article 17 paragraph 8, except for the provisions relating to registration of sponsored programmes or other broadcasts, Article 17a paragraph 9 as regards special conditions of marking programmes with product placement with a special graphic mark by the broadcaster, as well as provisions issued on the basis of Article 47c paragraph 3 and Article 47e paragraphs 3 and 4, and fails to cease the violations within 14 days from receiving the notice referred to in Article 10 paragraph 3, the Chairman of the National Broadcasting Council will issue a decision imposing a fine upon the provider in an amount of up to twenty times the average monthly remuneration in the corporate sector, including profit distributions, in the quarter preceding the issue of the decision on the fine, announced by the President of the Central Statistical Office in the Official Gazette of the Republic of Poland "Monitor Polski".

2. When determining the value of the imposed fine, the Chairman of the National Broadcasting Council will take into account the degree and extent of the harmfulness of the breach and the former operations of the provider of the on-demand audiovisual media services.
3. The fine may be imposed again after the lapse of 30 days from the expiry of the deadline for paying the previous fine, if the provider of the on-demand audiovisual media services has failed to cease the violations.
4. The decision on the fine may not be issued if two years has elapsed since the breach of the obligations referred to in paragraph 1.

Article 53d

1. In the case of a failure to deliver the report within the time limit referred to in Article 47j paragraph 3, following an ineffective notice referred to in Article 10 paragraph 2 to file the report within a time limit of 14 days from the date of receiving the notice, the Chairman of the National Broadcasting Council may issue a decision imposing a fine upon the person who manages the operations of the provider of the on-demand audiovisual media service in an amount not exceeding PLN 1,000.
2. The fine may be imposed again after the lapse of 30 days from the expiry of the deadline for the payment of the previous fine in the case of continued non-compliance with the obligation to deliver the report by the provider of the on-demand audiovisual media services.
3. The decision on the fine may not be issued if a year has elapsed since the time limit referred to in Article 47j paragraph 3.

Article 54

1. If a person who manages the media service provider's operations fails to carry out the decisions issued under Article 10 paragraph 4, the Chairman of the National Council may issue a decision imposing a fine upon that person; however, the fine will not exceed the equivalent of six months' remuneration of that person.
2. The same fine may be imposed upon a person who manages the media service provider's operations for a failure to provide the information requested by the Chairman of the National Council under Article 10 paragraph 2, or for providing inaccurate information.
- 2a.⁵⁰ If the public radio and television broadcasting organisation fails to comply with the recommendations or corrective measures in the scope of the public mission referred to in Article 31b paragraph 3, the Chairman of the National Council may issue a decision imposing on the person in charge of the activities of public radio and television broadcasting organisation a fine not exceeding ten times the amount of the average monthly remuneration in the corporate sector, including profit sharing, in the quarter preceding the decision imposing the penalty, announced by the President of the Central Statistical Office in the Official Gazette of the Republic of Poland "Monitor Polski".
3. A decision imposing a fine may not be issued if two years have elapsed since the date of issuing the decision referred to in paragraph 1.

Article 55

The fines referred to in Articles 53 and 54 will be payable to the state budget.

⁵⁰ Added by Article 1 paragraph 11 of the act indicated in reference 7; it will enter into force on 1 January 2020.

Article 56

1. The decisions of the Chairman of the National Council issued under Article 10 paragraph 4 and Articles 53 and 54 may be appealed against to the Regional Court in Warsaw – the Commercial Court.
2. The provisions of the Code of Civil Procedure on counteracting monopolistic practices will apply as appropriate to the procedure in cases involving appeals against the decisions referred to in paragraph 1.
3. If a decision of the Chairman of the National Council is appealed against to the court, the appealing person will not have recourse to the remedies provided for in the Code of Administrative Procedure for the purpose of appealing against the decision, particularly regarding the resumption of the procedure, the reversal, change or declaration of invalidity of the decision.

CHAPTER 9

Amendments to the Applicable Legislation, Transitional and Final Provisions

Articles 57-62 (omitted)

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Article 63

1. The Committee for Radio and Television “Polish Radio and Television” (hereinafter referred to as the “Committee”) is hereby dissolved. The President of the Committee will direct the operations of the state organisational unit “Polish Radio and Television” until the registration of the companies referred to in Article 26 paragraphs 2 and 3.
2. The tasks of the Committee and its President, defined in the existing legislation with regard to the production and transmission of radio and television programme services, will be transferred to public radio and television broadcasting organisations, to be implemented in accordance with the tasks defined in their statutes and by the applicable legislation.
3. The tasks of the Committee and its President, defined in the existing legislation and relating to state administration, will be transferred to the National Council.
4. The functions of the founding body of state-owned enterprises and supervisory functions over research and development units subordinate to the Committee will be transferred to the Chairman of the National Council.
5. Permits to use telecommunications equipment for broadcasting radio and television programme services will expire on the day on which a broadcaster who has been assigned the frequency previously used for broadcasting a programme service commences operations in the same area, but not later than within a year from the date on which the Act comes into force.
6. The provision of paragraph 5 does not apply to permits issued under the act referred to in Article 59.
7. The provision of Article 52 does not apply to broadcasters holding the permits referred to in paragraph 5, or broadcasters holding permits issued under the act referred to in Article 59.

8. Entities that retransmit programme services in cable networks will adjust their operations in order to comply with the provisions of Chapter 6 within six months from the date on which the Act comes into force.

Article 64

1. The minister in charge of the State Treasury will establish:
 - 1) the company referred to in Article 26 paragraph 2, with its registered office in Warsaw and regional branches in Bydgoszcz, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warsaw and Wrocław,
 - 2) the company referred to in Article 26 paragraph 3 subparagraph 1 with its registered office in Warsaw, as well as the companies referred to in Article 26 paragraph 3 subparagraph 2 with their registered offices in Białystok, Bydgoszcz, Gdańsk, Katowice, Kielce, Kraków, Koszalin, Lublin, Łódź, Opole, Olsztyn, Poznań, Rzeszów, Szczecin, Warsaw, Wrocław and Zielona Góra.
2. The minister in charge of the State Treasury may establish regional radio companies with their registered office in towns other than those referred to in paragraph 1 subparagraph 2.
3. The minister in charge of the State Treasury will agree the statutes of the companies referred to in paragraphs 1 and 2 with the National Council. The statutes of the company referred to in Article 26 paragraph 2 may provide for regional branches in locations other than those referred to in paragraph 1 subparagraph 1.
4. The first management boards of the companies referred to in paragraphs 1 and 2 will be appointed by the National Council.

Article 65

1. The minister in charge of the State Treasury will transfer the property remaining after the liquidation of the state organisational unit "Polskie Radio i Telewizja"⁵¹ hereinafter referred to as PRTV, to the companies referred to in Article 64 paragraph 1.
2. Within one month from the date on which this Act comes into force, the Council of Ministers will issue a regulation determining the detailed procedure of taking an inventory of the property referred to in paragraph 1, its division and transfer, as well as the settlement of any disputes in this regard.
3. Actions executed with a view to implementing Article 64 paragraphs 1 and 2 will be exempt from court fees and stamp duties; regulations governing the transformation of state enterprises into companies will apply accordingly to notary's fees for establishing the companies.

Article 66

1. Land owned by the State Treasury and administered by PRTV on the date of this Act entering into force will, on the date of registering the companies, be transferred to them to be held under the title of perpetual usufruct by operation of the law. The provisions of Article 41 paragraph 1 of the Act on Land Management and Expropriation of Real Property of 29 April 1985 (Journal of Laws of 1991, item 127, item 446 and item 464)⁵² will not apply in respect of the first fee for perpetual usufruct.

⁵¹ TRANSLATOR'S NOTE: "The Polish Radio & Television".

⁵² Currently, the Act on Real Property Management of 21 August 1997 (Journal of Laws of 2018, items 2204 and 2348).

2. Buildings, other facilities and premises located on land owned by the State Treasury and administered by PRTV on the date that the Act comes into force will, on the date of registering the companies, become their property by operation of the law. The acquisition of ownership rights will be free of all charge.
3. The acquisition of the rights of perpetual usufruct to the land referred to in paragraph 1, and the ownership title to the buildings, other facilities and premises referred to in paragraph 2, will be carried out by virtue of a decision of the Voivod. The decision will also determine the conditions of the perpetual usufruct of land, in accordance with the provisions of Article 236 of the Polish Civil Code.

Article 67

1. Employees of PRTV will, by the operation of law, become employees of the respective company, subject to the provision of paragraph 2.
2. The employment relationship of executive officers, determined by the National Council, will cease, by the operation of law, on the date of registering the companies in the commercial register. The cessation of the employment relationship will be equivalent, in terms of its legal consequences, to the termination of the employment relationship as a result of the termination of the employment contract by the employer. These employees may be employed in the company on terms agreed upon by the parties.
3. The companies will be responsible for liabilities arising out of the employment relationship that arose prior to the companies being entered in the commercial register.

Article 68

1. The rights and liabilities of the Committee and PRTV arising out of administrative decisions will, by the operation of law, be transferred to the companies.
2. *(omitted)*.
3. *(omitted)*.
4. *(omitted)*.

Article 70

1. The Act on the Committee for Radio and Television “Polskie Radio i Telewizja” of 2 December 1960 (Journal of Laws, item 307, and of 1984, item 275) will hereby be repealed.
2. *(omitted)*.

Article 71

The Act comes into force within a month of its publication,⁵³ with the exception of Article 52, which comes into force on 1 July 1993.

⁵³ The Act was announced on 29 January 1993.