

Warsaw, 22 July 2025

Maciej Świrski

address for service.

The National Broadcasting Council

Office of the National Broadcasting Council Skwer

kard. Wyszyńskiego 9, 01-015 Warsaw

European Parliament

European Parliament Office in Poland ul.

Jasna 14/16a

00-041 Warsaw

PETITION TO THE EUROPEAN PARLIAMENT

to investigate the infringement by the Sejm of the Republic of Poland of Article 30 of Directive 2010/13 of the European Parliament and of the Council of 10 March 2010, on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 095, 15.4.2010, p. 1).

in the case of further proceedings **by the Sejm of the Republic of Poland on the basis of Article 11(1) of the Act of 26 March 1982 on the State Tribunal (Journal of Laws of 2022, item 762, with Z.m.)**

I, the undersigned Maciej Świrski, a Polish citizen, residing in Czersk, acting as the Chairman of the National Broadcasting Council - which is the national independent regulator of the audiovisual media market, as well as in the area of the Union's activity which affects me directly, on the basis of Article 227 of the Treaty on the Functioning of the European Union, I request the European Parliament to deal with the European Union law and in particular with the Directive 2010/13 of the European Parliament and of the Council of 10 March 2010 on the coordination of audiovisual media services in the Member States. on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Official Journal of the EU L 95 of 15 April 2010, p. 1), i.e. Article 30 thereof, in particular paragraph 5:

Member States shall lay down in their national law the conditions and procedures for the nomination and removal of the head of the national authority or regulator or of the members of the collegiate body performing those functions, including the length of the term of office. The procedures are to be transparent, non-discriminatory and to guarantee the required level of independence. The head of a national authority or regulator or the members of a collegiate body exercising that function within a national authority or regulator may be dismissed if they no longer fulfil the conditions necessary for the performance of their duties, which have been defined in advance at national level.

national level. The decision to dismiss must be duly substantiated, notified in advance and made public,

in a situation where Article 11(1), second sentence, of the Act of 26 March 1982 on the Tribunal of State (Journal of Laws of 2022, item 762, as amended) provides that:

'A resolution of the Sejm on the indictment of the State Tribunal results in the q-suspension of the person concerned',

which, in conjunction with Article 13(la) of the Tribunal of State Act specifying the majority needed for the above:

"A resolution to hold persons (...) liable before the State Tribunal shall be passed by the Sejm by an absolute majority of votes in the presence of at least a majority of the number of MPs".

results in the possibility of arbitrary suspension of members and the head of the national audiovisual media regulator by the state authority, and thus leads to the possibility of influencing the regulator's decisions, in violation of the EU principle of the independence of the regulator from political influence.

It should be emphasised that the adoption of the above and the suspension of the Chairman of the KRRiT (as well as any other member of the KRRiT) from his duties as a member of the Council **on shuteh only act, which is a resolution of the Sejm** of the Republic of Poland on bringing an indictment by the Sejm to the Tribunal of State on the conditions set out in the Act on the Tribunal of State - i.e. by a resolution of the Sejm of the Republic of Poland, not even by a qualified majority, and in view of the fact that this decision comes from a body of a political nature, as well as that the duration of the proceedings before the Tribunal of State is not specified, which may lead to an actual premature shortening of the term of office of a member / chairman of the KRRiT, in a situation, when they are entitled to the presumption of innocence and therefore their responsibility is not established until the final decision by the judgment of the State Tribunal, such a solution should be considered to be contrary to the principle of independence of the KRRiT as a Polish regulatory authority on the media market, including personal independence of its chairperson and members, of which is mentioned in Art. 30(5) of the Audiovisual Media Services Directive.

I request that the matter be urgently addressed and that I be informed of the outcome.


Maciej Świrski

Expertiza on the incompatibility of the suspension under national law of a member of the NCRJ, including its President, with EU law, in particular Article 30 of Directive 2010/13 of the European Parliament and of the Council of 10.03.2010 on the coordination of the laws, regulations and administrative provisions of the Member States relating to the provision of audiovisual services. regulations and administrative provisions of the Member States for the provision of atidivisual ushig medial.