

POLAND

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

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Basis for operation

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

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

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

Funding mechanisms¹ : licence fee industry fee state budget
 mixed funding (please specify):
 other (please specify):

Composition

Number of members: 9 Term of office: 6 years Re-election possible:

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

According to the rules of procedure adopted by the Senate, candidates for the members could be proposed by the group of at least 7 Senators

Appointment of members: The National Council shall consist of 9 members, of which 4 shall be appointed by the Sejm, 2 by the Senate and 3 by the President from amongst persons with a distinguished record of knowledge and experience in mass media.

Revocation of mandate possible: based on: *According to Art. 12 (4) of Broadcasting Act In case of rejection of the Council's annual report*

by both the Sejm and the Senate, the term of office of all the members of the National Council shall expire within 14 days from the date of the resolution to this effect. However the National Council's term of office shall not expire unless so approved by the President of the Republic of Poland.

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

- has become permanently unable to discharge his/her duties for reasons of ill health,

- has been sentenced for a deliberate criminal offence and the said sentence is valid and enforceable,

- has committed a breach of the provisions of the Act and the said breach has been confirmed by the decision of the Tribunal of State.

Number of staff: 153 (162 including the Members)

Chairman:

As. Prof. Danuta Waniek

Vice Chairman: Prof. Aleksander Luczak

Please describe your authority's structure if it doesn't have a board:

Competences

| | | national | regional | local |
|------------------------------------|-----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Granting of licences ⁱⁱ | terrestrial analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | terrestrial digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | satellite analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | satellite digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | cable analogue broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | cable digital broadcasters | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | others(please specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

in the areas where your authority is not competent to grant licences, please specify the authority in charge:

Please add any other relevant information:

| | | | | |
|---------------------------|---|-------------------------------------|-------------------------------------|-------------------------------------|
| Granting of registrations | terrestrial analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | terrestrial digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | satellite analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | satellite digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | cable analogue broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | cable digital broadcasters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | others(please specify): Cable operators | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

in the areas where your authority is not competent to grant registrations, please specify the authority in charge:
Please add any other relevant information:

Frequency allocation

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

Handling complaints

Sanctioning

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

Rule making

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

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

Power of nomination (e.g. chairman of PSB) please specify: The Supervisory Council of Public Television (Telewizja Polska S.A.) and Supervisory Council of Public Radio (Polskie Radio - Spółka Akcyjna).
Supervisory Councils of regional public TV and radio companies.
Programme Councils of public radio and public television.

Monitoring programming
 financial performance
 others (please specify):

others Please specify:
According to art. 48.3 of Broadcasting Act :
The National Council shall determine, by a regulation, the amount of licence fee payable for the use of a radio set and the licence fee payable for the use of a television set, or both as well as the manner and procedure of payment of these fees. The National Council may also specify cases in which the payment of licence fees in arrears shall be annulled or repayment divided into instalments. The National Council may, for social reasons, grant to certain groups of persons a reduction or exempt them from payment of the licence fees.
According to art.50 of Broadcasting Act:
Revenues referred to in Article 48 paragraph (...), shall be earmarked in their entirety for public radio and television broadcasters.
The National Council shall determine on an annual basis, by June 30 every year, the method of distributing revenues amongst the public radio and television broadcasting organisations for the following calendar year, including the minimum share of the local branches of companies.

Please add any information you deem important:

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

ⁱⁱ According to Art. 33 of Broadcasting Act:

1. Transmission of programme services other than those of public radio and television broadcasters shall require a licence to broadcast.
2. Broadcasting licences shall be awarded by the Chairman of the National Council.
3. The Chairman of the National Council shall take decisions as regards broadcasting licences on the basis of a resolution of the National Council. The decision on this issue shall be final.