

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Poland

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Poland	Terrestrial TV licence fee holders: 12 SatelliteTV licence fee holders: 71 Cable TV licence fee holders: 271 www.krrit.gov.pl/bip/Nadawcy/Nadawcykoncesjonowani/tabid/90/Default.aspx	Approx 25 (information not readily available)	25 in total National terrestrial TV channels: 2 Terrestrial TV channel composed of 16 regional programmes: 1 Satellite international TV channels: 2 Satellite universal TV channel: 1 Satellite specialist TV channels: 3 Information compiled from different sources available at: www.krrit.gov.pl

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Poland	Information requirements (art. 5 AVMS Directive)	Poland has not implemented yet the AVMS Directive. The main law implementing TVWF Directive is : Broadcasting Act (1992), consolidated after amendments: 1992 Broadcasting Act (Ustawa o Radiofonii i Telewizji) adopted on 29 December, 1992, <i>Official Gazette</i> No 7, item 34, 1993. Official English translation: www.krrit.gov.pl/bip/Portals/1/Documents/Broadca	KRRiT	N/A	KRRiT

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		sting_Act.pdf Other relevant laws include: 1984 Press Law (Ustawa Prawo Prasowe) adopted on 26 January 1984, Official Journal 1984 No 5, item 24, as amended. 2004 Act Telecommunications Law (Ustawa Prawo Telekomunikacyjne) adopted on 6 July 2004, Official Journal 2004, No 171, item 1800 www.en.uke.gov.pl/ukeen/index.jsp?place=Lead09&news_cat_id=17&news_id=490&layout=2&page=text 2005 Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (Ustawa o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych właściwych w sprawach łączności, radiofonii i telewizji) adopted on 29 December 2005, Official Journal 2005, No 267, item 2258 Below articles refer to provisions as formulated in TVWF:		Office of Electronic Communication (Urząd Komunikacji Elektronicznej – UKE) www.uke.gov.pl	
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	1992 Broadcasting Act: Provisions on sponsorship: Article 17	KRRiT	N/A	KRRiT
	Accessibility to people with a disability (Art. 7 AVMS Directive)	As Poland has not transposed yet the AVMS Directive into the national legislation, accessibility (to people with a disability) can mainly be referred to an access to telecommunication networks and services as laid down by Article 189 (2)	N/A	N/A	N/A
	Broadcasting of major events (Art. 14 AVMS Directive)	1992 Broadcasting Act: Article 20b Including among others <ul style="list-style-type: none"> conditions under which television broadcaster may broadcast live coverage of an event of 	KRRiT	N/A	KRRiT

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		major importance <ul style="list-style-type: none"> three examples of major events provisions entitling National Broadcasting Council to specify a list of major events. 			
	Access to short news reports (Article 15 AVMS Directive)	Not transposed	N/A	N/A	N/A
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	1992 Broadcasting Act: Promotion of European works: Article 15 Promotion of European works produced by independent producers: Article 15a Definition of European works: Article 15b	KRRiT	N/A	KRRiT
	Hate speech (Art. 12 and 6 AVMS Directive)	1992 Broadcasting Act: Article 18 (1) stating that programmes may not include any discrimination on grounds of race, sex or nationality	KRRiT	N/A	KRRiT
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	1992 Broadcasting Act: Provisions on advertising (limits): Article 16, 16a Prohibited advertising: Article 16b, 16c	KRRiT	N/A	KRRiT
	Protection of minors (Art. 27 AVMS Directive)	1992 Broadcasting Act: Article 18 (5), (5a), (5b), (6)	KRRiT	N/A	KRRiT
	Right of reply (Art. 28 AVMS Directive)	1984 Press Law (applies to both print and audiovisual media): Article 31 regulates the publication of a reply to false or untrue facts, or incomplete information or to statements endangering personal goods. Article 32 and 33 concern conditions under which a reply is published or denied publishing.	No information available	No information available	No information available
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	No information	No information available	No information available	No information available

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Poland	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT) Responsible for: regulation of radio and television broadcasting (both private and public).	www.krrit.gov.pl	April 1993	Skwer Księdza Kardynała Stefana Wyszyńskiego Prymasa Polski 9 01-015 Warsaw Poland

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Poland	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT)	Yes	Yes	Yes	Yes	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Poland	National Broadcasting Council (KRRiT)	138	Around 130	KRRiT budgetary income as foreseen in the Budgetary Act of 2009 PLN 16.669m of (€4.167m) KRRiT operational budget as to be spent in 2009: PLN 14.682m (€3.6705m)	KRRiT budgetary income for 2009: PLN 25.4985m (€6.37m). The budget includes fees from granting licences (93.4 %), fines and other financial contributions. KRRiT operational expenses (the budget as spent): PLN 14.687m (€3.67m) For 2010: PLN 15.7m or €4m	2009 Annual Report (Sprawozdanie KRRiT z działalności w 2009 roku), p. 146 – 155, www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS8l%3d&tabid=61

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Poland	National Broadcasting Council (KRRiT)	1992 Broadcasting Act adopted on 29 December, 1992	Broadcasting Act (Ustawa o Radiofonii i Telewizji) adopted on 29 December, 1992 1997 Constitution of the Republic of Poland

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Poland	National Broadcasting	Independent supreme	Yes		KRRiT is a state organ recognised in the Constitution of the Republic of Poland (Articles 213	www.krrit.gov.pl

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
	Council (KRRiT)	state body charged with broadcasting matters			– 215)	

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Poland	National Broadcasting Council (KRRiT)	√ Independence of the regulatory body is not explicitly recognized as a guiding value in the relevant laws. It is recognized indirectly – especially as regards a balance of powers through the appointment procedures. These procedures enable to appoint KRRiT members by the two houses of the Parliament and President. In political practice, however, the composition of the regulatory reflects political structure of the Parliament and President institutions, and thus depends heavily on the actual political system		The Constitution of the Republic of Poland adopted on 2 April, 1997, Official Gazette No 78, item 483, 1997, Articles 213 – 215; 1992 Broadcasting Act, Article 7.

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Poland	National Broadcasting Council (KRRiT)	Tick boxes	No Only advisory function	√	√
		Areas		In all areas relating to radio and television broadcasting	In all areas relating to of radio and television broadcasting
		Source	1992 Broadcasting Act	1992 Broadcasting Act	General act 1992 Broadcasting Act

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Poland	National Broadcasting Council (KRRiT)	Quotas	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT
		Advertising	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT
		Protection of minors	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Poland	National Broadcasting Council (KRRiT)	Quotas (all sanctions are discretionary)	√	√ Fines can be imposed on the directors, which cannot exceed 6-month remuneration		√	√	The Chairman of KRRiT may issue a decision ordering the broadcaster to cease the practices infringing upon the provisions of the Act (1992 Broadcasting Act, Article 10)
	Source for all: 1992 Broadcasting Act, Article 10, 38 Articles 53 - 55	Advertising	√	√		√	√	Same as above
		Protection of minors	√	√		√	√	Same as above

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Poland	National Broadcasting Council (KRRiT)		√	√	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Poland	National Broadcasting Council (KRRiT)	√	√	N/A	√ Yes, in principle there are some cases when a licence can be revoked by KRRiT (for instance, when a broadcaster does not inform KRRiT about the change of ownership or merger.	√

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Poland	National Broadcasting Council (KRRiT)	Yes	www.krrit.gov.pl/bip/Wiadomo%C5%9Bci/Skargiwnioski/tabid/285/Default.aspx

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Poland	National Broadcasting Council (KRRiT)	Council	5	No	No	Yes 2 (40%) represent Lower House of the Parliament (Sejm) 1 (20%) represents Higher House of the Parliament (Senat)	No	No	Yes 2 (40%) represent the President	No information available	1992 Broadcasting Act, also: www.krrit.gov.pl

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Poland	National Broadcasting Council (KRRiT)	<ul style="list-style-type: none"> Maps out the orientations of the state policy in the broadcasting area (in consultation with the Prime Minister) Develops the conditions to be met by broadcasters in their activities Controls broadcasters' activity within the framework of the law Sets subscription fees, license charges and registration fees Issues opinions on draft legislative acts and international agreements on broadcasting 	Adoption of resolutions requires a two-thirds majority of votes (1992 Broadcasting Act, Article 9)	Yes and no. KRRiT does not publish regularly agendas and minutes of its meetings. These are available at the KRRiT offices. Previously, Biuletyn KRRiT was regularly published on the KRRiT webpage. The Biuletyn summarised main activities of KRRiT and developments on broadcasting markets in a given period. KRRiT ceased to publish the Biuletyn for financial reasons. Also, short communications (mainly	KRRiT does not regularly publish agendas and minutes of its meetings. It regularly publishes short summaries of major decisions.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> Grants radio and television broadcasting licences Appoints members of supervisory boards and programme councils in individual public radio and television channels 		for the press) were available on the KRRiT webpage until 2008.	

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Poland	National Broadcasting Council (KRRiT)	Chairman	No	n/a	Chairman is elected by KRRiT among its members	n/a	1992 Broadcasting Act, Article 7
		Board members	No	n/a	Sejm (Lower House of the Parliament) Senat (Higher House of the Parliament) President	n/a	1992 Broadcasting Act, Article 7

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Poland	National Broadcasting Council (KRRiT)	Chairman of the board	6 years	Yes	No	1992 Broadcasting Act, Article 7
		Board members	6 years	Yes	No	1992 Broadcasting Act, Article 7

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Poland	National Broadcasting Council (KRRiT)	Chairman of the board	A distinguished record of knowledge and experience in mass media		1992 Broadcasting Act, Article 7 (1)
		Board members			1992 Broadcasting Act, Article 7 (1)

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		A member of the KRRiT shall not belong to a political party	A member of the KRRiT shall not belong to a political party	A member of the KRRiT cannot hold an interest or shares or have any other involvement in an entity which is radio and television broadcaster or producer	Membership in the KRRiT cannot be combined with any other gainful employment, save for educational or academic positions of an academic tutor or lecturer or performing creative work.	A member of KRRiT cannot be a member of governing bodies of associations, trade unions, employers' associations, as well as church or religious organisations, A member of the KRRiT shall not perform public activities incompatible with the dignity of his function.	The Constitution of the Republic of Poland, Article 214 (2) www.sejm.gov.pl/prawo/konst/angielski/kon1.htm 1992 Broadcasting Act, Article 8 www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf
		Board members	Yes		No information available	Same as above	Same as above	Same as above	Same as above	
		Senior staff		No specific rules other than for public administration						

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		No explicit rule but a member of the KRRiT shall not belong to a political party	Yes A member of the KRRiT shall not belong to a political party	Yes A member of the KRRiT cannot hold an interest or shares or have any other involvement in a radio and television broadcaster or producer, as well as any other gainful employment, save for educational or academic positions or for performing creative work.	The Constitution of the Republic of Poland, Article 214 (2) www.sejm.gov.pl/prawo/konst/angielski/kon1.htm 1992 Broadcasting Act, Article 8 www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf
		Board members	Yes		Same as above	Same as above	Same as above	The Constitution of the Republic of Poland, Article 214 (2) www.sejm.gov.pl/prawo/konst/angielski/kon1.htm 1992 Broadcasting Act, Article 8 www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf
		Senior staff		No specific rules other than for public administration				

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Poland	National Broadcasting Council (KRRiT)	Chairman		No <i>Except general public administration rules.</i>		
		Board members		No Same comment as above		
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		The body which is empowered to appoint a KRRiT member (The Council itself, the Sejm, the Senat, the	These include: <ul style="list-style-type: none"> resignation health problems sentence for a deliberate criminal offence untruthful screening statement breach of the provisions of the Act 	In a case of rejection of the annual report by both Sejm and the Senate, the term of office of all the KRRiT members shall expire within 14 days from the date of the last resolution to this effect.	1992 Broadcasting Act, Articles 7 and 12

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					President)			
		Individual board members	Yes		The body which is empowered to appoint a KRRiT member (Sejm, Senat, President)	These include: <ul style="list-style-type: none"> • resignation • health problems • sentence for a deliberate criminal offence • untruthful screening statement • breach of the provisions of the Act 		1992 Broadcasting Act, Articles 7 and 12

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Poland	National Broadcasting Council (KRRiT)	2009	Chairman		No		
			Individual board members		No		
		2008	Chairman		No		
			Individual board		No		

Country	Body	Year	Dismissal before term		Reasons	Comment	
			Yes	No			
			members				
		2007	Chairman		No		
			Individual board members	Yes: Elżbieta Kruk Wojciech Dziomdziora	One other board members	Member's resignation (she became an active politician) Member's resignation (he became a commercial lawyer)	In 2006, the KRRiT's Chairwoman Elżbieta Kruk resigned from the position due to the decision of the Constitutional Court: She was appointed as the KRRiT Chairwoman by the President (then Lech Kaczyński). The Constitutional Court regarded this practice as unconstitutional and thus, Elżbieta Kruk had to resign from the position. A year later, in 2007 Elżbieta Kruk resigned from the position of the KRRiT member due to political aspirations: she was elected as an MEP for the Law and Justice party in 2007 parliamentary elections. In 2006, the KRRiT's member Wojciech Dziomdziora resigned from his position to become a commercial lawyer.
		2006	Chairman	Yes Elżbieta Kruk		Chairman's resignation (The Constitutional Court found her appointment by President Lech Kaczyński unconstitutional)	
			Individual board members	No	No other board members		
		2005	Chairman	Yes		Change in the law	The Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (2005) stipulated that the term of office of the current nine members expired by the day of the law enactment (January 14, 2006). The Act reduced the number of KRRiT members from nine to five.
			Individual board members	yes – all board members		Change in the law	The Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (2005) stipulated that the term of office of the current nine members expired by the day of the law enactment (January 14, 2006). The Act reduced the number of KRRiT members from nine to five.

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Poland	National Broadcasting Council (KRRiT)	No	State budget Net budgeted agency – all income is transferred to state budget	No	PLN 23.821m 93.4% (€5,7m) <i>Note: all the National Broadcasting Council income goes to state budget.</i>	PLN 1.278m (€306k) <i>Note: all the National Broadcasting Council income goes to state budget.</i>	PLN 399k (€95k) <i>Note: all the National Broadcasting Council income goes to state budget.</i>	2009 Annual KRRiT Report www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS8l%3d&tabid=61

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Poland	National Broadcasting Council (KRRiT)	The annual budget of KRRiT is defined by the Budgetary Act. Finance Minister has strategic powers during the proposal of the budget. The Budgetary Act is passed and enacted by the Parliament.	KRRiT prepares a draft and is consulted in this process, but does not have any decisive powers	The adjusting of the budget is an ongoing procedure – it depends on authorisation licence fees payments (a most substantial part of the budget, see above), on fines and other sources of income.	Yes	2009 Annual KRRiT Report www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS8I%3d&tabid=61

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Poland	National Broadcasting Council (KRRiT)	Yes	Annual	Yes, national audit office (the Supreme Chamber of Control - NIK) regularly controls KRRiT's financial accountability	No	No	Sources: http://bip.nik.gov.pl Legal basis: Public Finances Act of 30 June 2005, Official Gazette, No 249, item 2104 The Constitution of the Republic of Poland, Articles 202 – 207 Act on Supreme Chamber of Control 23 December 1994, Official Gazette No 13, item 59.

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Poland	National Broadcasting Council	Parliament	Yes	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting, 1992 Broadcasting Act, Article 12 (1). By way of resolutions, the Sejm and the Senate accept or reject the annual report. Article 12(3). In a case of rejection of the report by both the Sejm and the Senate, the term of office of KRRiT members shall expire within 14 days from the date of the last resolution to this effect. Article 12 (4).	1992 Broadcasting Act
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Prime minister. Each year, the KRRiT is obliged to present to the Prime Minister an annual account of its activities as well as information on key issues in radio and television broadcasting, 1992 Broadcasting Act, Article 12 (2).	1992 Broadcasting Act
		Public at large	No except customary practice	N/A	N/A
		President	Yes	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting, Article 12	1992 Broadcasting Act

Country	Body	Body accountable to		Accountability means	Legal basis
				(1). KRRiT's term of office shall not expire unless so approved by the President. Article 12(5).	

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Poland	National Broadcasting Council	Parliament and President	Annual	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting, 1992 Broadcasting Act, Article 12 (1).	No (no legal requirement) Note: Statistical information is in fact always included in the annual report. The 1998 Broadcasting Act states that it should give "information concerning key issues in radio and television (article 12.1) which can be interpreted as statistical data being necessary.	Yes	Yes In 2008 both Sejm and Senate disapproved the annual report, but the President did not support this disapproval. Also, in 2004 Sejm disapproved the KRRiT annual report, but the report was accepted by the Senate. In sum, the term of KRRiT has never been shortened as a result of reports' disapproval.	1992 Broadcasting Act www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf
		Prime Minister	Annual	Each year, the KRRiT is obliged to present to the Prime Minister an annual account of	As above	No	As above	As above

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
				its activities as well as information on key issue in radio and television broadcasting, 1992 Broadcasting Act, Article 12 (2),				

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Poland	National Broadcasting Council	Yes	Annual	Yes Financial accountability of KRRiT is controlled by the national audit office (Supreme Chamber of Control - NIK). For more details, see the country report on Poland.	No	No	Public Finances Act of 30 June 2005, Official Gazette, No 249, item 2104 The Constitution of the Republic of Poland, Articles 202 – 207 Act on Supreme Chamber of Control 23 December 1994 (Official Gazette No 13, item 59)

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Poland	National Broadcasting Council	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Poland	National Broadcasting Council	Internal	1	no internal appeal body	No	Entities which are subjects of the decisions	1992 Broadcasting Act
		External	1	Appeal to Voivodship Court			Art. 56 of the Broadcasting Act
			2	Appellation Court			
			3	Appeal to Supreme Administrative Court			

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Poland	National Broadcasting Council			√	District Court may subject to motion submitted by party suspend execution of the decision of regulator

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Poland	National Broadcasting Council	√	√	√ Only in respect to District and Appellation Court proceedings	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Poland	National Broadcasting Council	1 Voivodship Court	√		N/A
		2 Appeal Court	√		
		3 Supreme Administrative Court	√		

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Poland	National Broadcasting Council	Yes	€25,000 /draft budget 2009	Yes, if the service costs more than €14,000 (standard for all public administration bodies)	-	Yes, it does. Especially as regards concrete fields of action, such as media literacy, etc.

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Poland	National Broadcasting Council	There is no legal obligation to held public consultations but KRRiT does hold some according to its own rules. (source: research of the consortium). According to the regulator, KRRiT carries out public consultations in line with the guidelines on public consultations procedure.	No	Not specified but usually 30 days with extended period possible	Not specified but the regulator does publish responses	Same as previous column	KRRiT's own rules

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Poland	National Broadcasting Council	2009	0 But in 2010, KRRiT organised a conference about transposition of AVMSD rules.
		2008	1 (stakeholder consultation) KRRiT initiated a stakeholder consultation on July 2, 2008. Involved entities were asked to send their responses by 19 September 2008. The list of invited entities included: government and industry institutions, consumer organisations, think tanks, broadcasters, new media providers, producers, representatives of advertising agencies, academics and independent experts. 6 issue papers were distributed to discuss problem-oriented areas of AVMSD. 15 respondents sent 13 position responses. KRRiT noticed that a vast majority of responses was sent by industry and commercial institutions, while consumer organisations and independent experts were scarcely represented. KRRiT prepared a report from consultations available at www.krrit.gov.pl/bip/Portals/0/komunikaty/Raport_z_konsultacji_dyrektywa2007_65_ec.pdf

Country	Body	Year	Number of public consultations
		2007	0
		2006	1
		2005	3

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Poland	National Broadcasting Council	<p>Under the Article 12 of the 1992 Broadcasting Act KRRiT is obliged to submit the annual report on its activities to the Sejm, Senate and President. The report summarises decisions of KRRiT in the area of licensing, programme monitoring, fines, international co-operation (mainly with focus on EU law) and supervision of the public media.</p> <p>The Chairman of the KRRiT is obliged to publish in the official journal of the Republic of Poland an announcement concerning availability of broadcasting licences to transmit radio and television programme services (Article 34, 1992 Broadcasting Act).</p> <p>The Chairman of the KRRiT is obliged to publish a list of applicants participating in the licensing procedure (Article 34 (2)).</p> <p>The Chairman of the KRRiT is obliged to make public information</p>	<p>Under the Article 12 of the 1992 Broadcasting Act KRRiT is obliged to submit the annual report on its activities to the Sejm, Senate and President. The report summarises decisions of KRRiT and in many cases also their justification, in the area of: licensing, programme monitoring, fines, international co-operation (mainly with focus on EU law) and supervision of the public media.</p> <p>(source: research of the consortium)</p> <p>According to KRRiT, all administrative decisions under the Code of Administrative Procedure have to be justified, so all KRRiT decisions are justified and motivated.</p>	No	No

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
		<p>on opening of the procedure for revoking the broadcasting licence (Article 38 (3)).</p> <p>The Chairman of the KRRiT is obliged to announce availability of a licence in case the decision revoking the broadcasting licence becomes final (Article 38 (4)).</p> <p>(source: research of the consortium).</p> <p>According to KRRiT, KRRiT publishes statements as well as its important decisions. There is no obligation to publish meeting minutes.</p>			

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Poland	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT)	In general, the KRRiT is responsible for the regulation of TV and radio broadcasting, thus also for issuing broadcasting licences, programme services supervision, etc. UKE on the other hand, is responsible for setting the conditions of frequency use and tenders for frequency reservation. Other duties involve keeping registers of telecommunications undertakings with respect to the provision of conditional access systems, electronic programme guides and multiplexing of digital signals, and also relevant market analysis.	<p>Under the Article 6(2) of the 1992 Broadcasting Act, KRRiT has a task to co-operate with appropriate organisations and institutions in respect of protecting copyright as well as the rights of performers, producers and broadcasters.</p> <p>Under the Articles, 34, 37, KRRiT has a task to co-operate with the Office of Electronic Communications (UKE). In a greater detail, the competence division and a form of co-operation between the KRRiT and UKE is set in 2005 Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting adopted on 29 December 2005, Official Journal 2005, No 267, item 2258.</p> <p><i>Note: Also applies: Broadcasting Act of December 29, 1992; The Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland; The Act of 27th September 1990 on Election of the President of the Republic of Poland</i></p>	Yes - as regards the conditions of frequency use and technological parameters.	<p>The regulator has added the following elements:</p> <ol style="list-style-type: none"> 1) Broadcasting licences are awarded in agreement with the President of the Office of Electronic Communications 2) consultation of the President of the Office of Electronic Communication on procedure for awarding or revoking broadcasting licences 3) any announcement in the official journal on the availability of broadcasting licences to transmit radio and television programme services is done in agreement with the President of the Office of Electronic Communications 4) consultation with Ministry of Finance on licence fees 5) agreement with The National Electoral Commission on the regulations on election of the President and of elections to the Parliament.

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Poland	National Broadcasting Council	<p>KRRiT regularly co-operates with other national bodies in and outside EU (e.g regulatory authorities from Czech Republic, Hungary, Romania, Serbia and Slovakia;</p> <p>with CSA (France); with Ukrainian regulatory authority)</p> <p>It is also a member of EPRA. The department of European policy and international relations is a part of KRRiT's organisational structure. The Department publishes regularly the International Review, an online newsletter summarising selected issues related to audiovisual policy and regulation.</p>	<p>Broadcasting Act of December 29, 1992</p> <p>The Act of April 12, 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland</p> <p>The Act of September 27, 1990 on Election of the President of the Republic of Poland</p>	