

✦ Broadcasting Law - Poland

Broadcasting Act

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CHAPTER I General provisions

Art. 1

1. The tasks of broadcasting shall be:

- 1) to provide information,
- 2) to provide access to culture and art,
- 3) to facilitate access to education and science,
 - 3a) to propagate education among citizens,
- 4) to provide entertainment,
- 5) to promote domestic audiovisual production.

2. Reception of domestic and foreign programmes, intended by broadcasters for reception by the general public, shall be free under the law.

Art. 2

1. Public broadcasting organizations and holders of licenses to broadcast shall be entitled to broadcast and television programme services.

2. The provisions of this Act shall not apply to:

- 1) programme services transmitted or retransmitted for reception solely in one building,
- 2) programme services transmitted or retransmitted in a system where transmitting and receiving equipment belongs to the same person engaged in economic activity or other registered public activity and where the broadcast concerns that activity and is addressed to employees or another specified group of people related to the broadcaster,
- 3) programme services retransmitted by a cable system, where the number of individual receivers does not exceed 250.

Art. 3

Provisions of the press law shall apply to broadcasting unless otherwise regulated by this Act.

Art. 4

For the purpose of this Act:

- 1) "broadcaster" means a person who produces or composes programme services and transmits them or passes them on to other persons for transmission in a complete and unchanged form,
- 2) "transmission" means:
 - a) over-the-air transmission of programme services for simultaneous reception by the general public (system of general reception),
 - b) introduction of programme services into a cable system (system of collective reception),
- 3) "retransmissions" means the reception and simultaneous transmission, without any alterations of the entire programme service transmitted by a domestic or foreign broadcaster, save for programme services transmitted by way of cable network,
- 4) "programme" means a schedule of radio or television programming items, advertising and other messages, regularly transmitted, by one broadcaster.
- 5) "programming item" means a part of radio or television programme, constituting a separate entity on account of its content, form, destination or authorship,
- 6) "advertising" means any message, originating from another person than the broadcaster and intended to promote the sale or any other form of use of products or services, to foster specific ideas or concerns or to bring about some other effect desired by the advertiser, broadcast in return for payment or other compensation,
- 7) "sponsorship" means direct or indirect financing or joint financing of the creation or transmission of programming items or other messages, by a person other than the broadcaster or producer of the programming item, with a view to increasing awareness, consolidating or enhancing the image of the name, company's name, trademark or other proprietary identification of an undertaking, its activities, product or service,
- 8) "radio or television receiver" is a technical device enabling the reception of programme services,
- 9) "text communication" means a set of texts and motionless images transmitted by means of a television signal simultaneously with the programme service.
- 10) "teleshopping" means any message containing a direct offer of sale of products or supply of services in return for payment,

11) "surreptitious advertising" means the representation in programming items of products, services, the name, the trademark or the activities of a producer of goods or a provider of services, if the broadcaster's intention, in particular when connected with payment or similar compensation, is to serve advertising and if the public may be misled as to the nature of the message.

CHAPTER II The National Broadcasting Council

Art. 5

The National Broadcasting Council (hereinafter referred to as "the National Council") is founded to constitute the state organ competent in matters of broadcasting.

Art. 6

1. It shall be the duty of the National Council to protect freedom of speech in broadcasting, the independence of broadcasters and the interests of receivers, and to safeguard the open and pluralistic nature of the broadcasting system.

2. The tasks of the National Council shall be, in particular:

1) to draw up, in consultation with the Prime Minister, directions of State policy in matters of broadcasting,

2) to determine on the basis of authority granted under the present Act the legal conditions of broadcasting activity,

3) to adopt resolutions, on the basis of authority granted under the present Act, concerning licences to transmit or retransmit programme services,

4) to supervise the activity of broadcasters on the basis of authority granted under the present Act,

5) to carry out analysis concerning the content and the audience of the radio and television programmes,

6) to determine licence fees, fees for granting broadcasting licences and registration,

7) to act as an advisory body in drafting legal acts and international agreements in the field of broadcasting,

8) to initiate research and technical development and training in the field of broadcasting,

9) to organize and initiate international cooperation in the field of broadcasting,

10) to cooperate with appropriate organizations and bodies in protecting copyright and corresponding rights, and the rights of producers and broadcasters.

Art. 7

1. The National Council shall consist of 9 members, 4 to be appointed by the Diet, 2 by the Senate and 3 by the President, from among people with knowledge and experience in the field of mass communications.

2. The Chairman of the National Broadcasting Council shall be appointed by and from among the members of the National Broadcasting Council.

2a. The National Broadcasting Council may recall the Chairman from his function by a two third (2/3) majority of votes of the statutory number of members of the Board.

3. The Council shall elect a Vice-Chairman from among the members on a motion from the Chairman. h

4. The members' term of office is six years from the day of appointment, with the terms staggered every two years. The members shall perform their functions until the appointment of their successors.

5. Members may not be appointed for another full term.

6. Bodies competent to appoint members of the National Council shall be entitled to recall them solely in cases when:

1) they have resigned,

2) they are seriously ill and become permanently unable to discharge their duties,

3) they have been sentenced for a criminal offence,

4) they have committed a breach of the provisions of the present Act and the said breach has been confirmed by the decision of the Tribunal of the State.

7. In the event of a member being recalled or his/her death before the end of the term, the appropriate organ shall appoint another member for the remainder of the term.

Art. 8

1. The employer of a member of the National Council shall, at his/her request, give him/her leave of absence without pay for the time he/she holds office. The time of leave counts as time of employment.

2. (deleted)

3. During the member's term of office, his/her membership on political parties and in the authorities of associations, trade unions, employers associations, and church and religious organizations shall be suspended.

4. A person shall be disqualified from being a member of the National Council so long as he/she is holds shares or stock or has any other engagement in radio and television broadcasting or production companies or carries out any other professional activity, save for holding the function of an academic tutor or lecturer or performing creative work.

Art. 9

1. The National Council shall issue regulations and adopt resolutions on the basis of existing legislation and with a view to its implementation.

2. The National Council shall adopt resolutions by an absolute majority of the statutory number of members.

3. The National Council shall adopt its rules of procedure.

Art. 10

1. The Chairman of the National Council shall direct its work, represent the Council and perform the tasks specified in this Act.

2. The Chairman of the National Council may require the broadcaster to provide any materials, documentation and information as may be necessary to supervise the broadcaster's activities in terms of their compatibility with the present Act and the terms of the licence.

3. The Chairman of the National Council may call upon the broadcaster to desist from practices in the sphere of transmission or retransmissions which are inconsistent with the Broadcasting Act or resolutions of the National Council or the terms of the licence.

4. The Chairman of the National Council may, on the basis of the Council's resolution, direct the broadcaster to cease practices referred to in para. 3.

5. Paras 2-4 apply accordingly to the retransmissions of radio and television programme services.

Art. 11

1. The National Council shall perform its functions with the assistance of its office.

2. The organization and functioning of the Office shall be regulated by statutes adopted by the National Council.

3. The cost incurred by the National Council and its Office shall be borne by the state budget.
4. Rules and regulations concerning civil servants shall apply to the employees of the office.

Art. 12

1. The National Council shall submit to the Diet, the Senate and the President an annual report on its activities during the preceding year as well as information on the basic issues of broadcasting.
2. The National Council shall present to the Prime Minister annual statements on its activities, as well as information on the topical issues of broadcasting.
3. By adopting appropriate resolutions, the Diet and the Senate shall accept or reject the reports referred to in para. 1. Resolutions accepting the reports may contain remarks and reservations.
4. In the event when both the Diet and the Senate reject the report, the National Council's term of office shall expire within 14 days of the adoption of the last resolution, with the reservation of para. 5.
5. The National Council's term of office shall not expire when it is not confirmed by the President of the Republic of Poland.

CHAPTER III Radio and Television Programme Services

Art. 13

1. The broadcaster shall enjoy full independence in determining the content of programming in accordance with Art. 1, para. 1 and shall bear responsibility for the contents.
2. The provision of paragraph 1 shall be without prejudice to the provisions on the responsibility of other persons for the content of particular programming items, advertising or other messages.

Art. 14

1. The broadcaster may only be put under an obligation to broadcast or not to broadcast a particular programme items or messages subject to the provisions of this Act.
2. Programme items and communications coming from a different source than the broadcaster should be clearly separated from the rest of programming and announced as such.

Art. 15

1. Broadcasters of television programmes shall reserve at least 30% of their quarterly programme transmission time (excluding news, advertising, teleshopping, sports events, text communication, games) to television programming items produced originally in Polish.
2. Broadcasters of radio and television programmes shall reserve at least 30% of their monthly programme transmission time for vocal compositions to compositions performed in Polish.
3. Broadcasters of radio and television programmes shall reserve at least 30% of their monthly programme transmission time for musical compositions to compositions related to the Polish culture by the person of the performer (performing group, soloist or conductor), composer or author of the arrangement.
4. Broadcasters of television programmes shall reserve, where practicable and having regard to the broadcaster's nature, at least half of their quarterly programme transmission time (excluding news, advertising, teleshopping, sports events, text communication, games) to television programming items produced by European producers.
5. The National Council may determine by way of regulation:
 - 1) a minimum share of television programming items originally produced in Polish in the quarterly television programme transmission time, higher than as laid down in paragraph 1,
 - 2) a minimum share of compositions executed in Polish in radio programmes in the monthly programme transmission time of vocal compositions and musical compositions, higher than as laid down in paragraphs 2 and 3,
 - 3) the conditions under which the minimum share laid down in sub-paragraph 1 may be increased,
 - having regard to the nature of each broadcaster and their programmes, including the territorial coverage or the population of the area covered by transmission. In its regulation, the National Council may determine how the broadcasters shall record the duration of the programming items and compositions and maintain evidence thereof, as well as documents confirming the achievement of conditions laid down in sub-paragraph 3.
6. A television programming item shall be deemed produced by a European producer if:
 - 1) the producer or co-producer of the programming item is a natural person residing in a European state, or a legal person or other legal entity without the status of a legal person having its head office in a European state,
 - 2) the majority of the creative team, including in particular the director, journalist, scenarist, stage designer, performers of the two main parts and the composer, resides in European states.

Art. 15a

1. Broadcasters of television programmes shall reserve at least 10% of their quarterly programme transmission time for television programming items (excluding news, advertising, teleshopping, sports events, text communications, games) produced by independent European producers, including preferential treatment of programming items produced within 3 years before being transmitted in the programme.

1a. Broadcasters of television and radio programmes shall reserve at least 10% of their quarterly programme transmission time for television programming items (excluding news, advertising, teleshopping, sports events, text communications, games) produced originally in Polish within 3 years before being transmitted in the programme.

2. A programming item shall be deemed produced by an independent producer if:

1) the joint participation of the producer, partners or shareholders of the producer's organisation, in the share capital of the broadcaster of the programming item does not exceed 10% and the joint participation of the broadcaster, partners or shareholders of the broadcaster's organisation in the share capital of the producer of the programming item does not exceed 10%,

2) persons being members of the management of the broadcaster's organisation should not be members of the management of the producer's organisation whereas persons being members of the management of the producer's organisation shall not be members of the management of the broadcaster's organisation.

3. The National Council shall determine by way of regulation the preferences for the way in which the duration of television programming items produced by independent European producers within 3 years before they are transmitted shall be counted in the quarterly transmission time of programming items produced by independent European producers referred to in paragraph 1, having regard to the nature of each broadcaster and their programmes.

Art. 15b

1. The National Council may determine by way of regulation the requirements concerning the share in radio programme of vocal compositions performed in Polish, applying to thematic and specialised programmes on a lower level than laid down in Article 15 paragraph 2 and 3, having regard to the nature of each broadcaster and their programmes.

2. The National Council may determine by way of regulation the requirements concerning the share in television programme of items produced originally in Polish, items produced by independent producers and items produced by independent European producers, applying to thematic and specialised programmes, on a lower level than laid down in Article 15 paragraphs 1 and 4 and in Article 15a paragraphs 1 and 1a, having regard to the nature of the particular programmes.

Article 16

1. Advertising shall be clearly separated in the programme and marked in a manner readily identifying them as advertising and not originating from the broadcaster. This provision applies as appropriate to teleshopping.
2. Advertising shall not exceed 15%, and advertising broadcast together with teleshopping, with the reservation of paragraph 3, shall not exceed 20% of the daily programme transmission time and shall not exceed 12 minutes in any given clock hour.
3. Windows devoted exclusively to teleshopping shall not exceed 3 hours in the daily programme transmission time; the minimum duration of such a window shall be 15 minutes and the number of such windows shall not exceed 8.
4. The National Council shall determine by way of regulation the manner in which advertising and teleshopping may be carried on in radio and television programmes, having regard to the provisions of this Act. In its regulation the National Council shall determine:
 - 1) the manner in which the daily programme transmission time referred to in paragraphs 2 and 3, shall be determined,
 - 2) the conditions under which advertising and teleshopping spots may be broadcast in the programmes,
 - 3) requirements with respect to persons whose voice or image is used in the advertising, including restrictions on their hosting other programming items in radio and television programmes,
 - 4) the range in which the broadcaster may reserve transmission time for advertising and teleshopping, including the maximum duration per year, for one undertaking or group of undertakings,
 - 5) the manner in which the broadcaster shall record and maintain evidence of the duration of advertising and teleshopping broadcast and the range of data to be recorded.

Article 16a

1. Advertising and teleshopping spots shall be inserted between programming items, with the reservation of paragraphs 2-7.
2. A programming item may be interrupted by advertising or teleshopping spots, unless this prejudices the value of the item or infringes the rights of rights holders.
3. During transmissions of sports events comprising intervals pursuant to the playing rules, during transmissions of other events comprising intervals and during programming items consisting of autonomous parts, advertising or teleshopping spots shall be broadcast exclusively in the intervals or between the parts.

4. The National Council shall determine by way of regulation the detailed restrictions upon the interruption of feature films and films made for television by advertising or teleshopping spots.

5. programming items other than laid down in paragraph 3 may be interrupted by advertising or teleshopping spots if a period of at least 20 minutes in television programmes and 10 minutes in radio programmes has elapsed between each successive break in the item.

6. The following programming items may not be interrupted by advertising or teleshopping spots:

- 1) news and current affairs magazines,
- 2) programming items with a religious content,
- 3) commentaries, documentaries and items intended for children.

7. Programming items in public radio and television programmes, with the exception of items referred to in paragraph 3, shall not be interrupted by advertising or teleshopping spots.

Article 16b

1. Advertising for the following goods and services shall be prohibited:

- 1) tobacco products, tobacco accessories, products imitating tobacco products or accessories and symbols related with the use of tobacco,
- 2) alcoholic beverages,
- 3) medical services and medical products available only on prescription,
- 4) hazard games and mutual bets, with the exception of number games, lotteries and raffles.

2. It shall be prohibited to broadcast advertising which:

- 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 minors place in parents, teachers or other persons,
- 4) unreasonably show minors in dangerous situations,
- 5) surreptitiously affect the subconsciousness.

3. Advertising shall not:

- 1) prejudice respect for human dignity,
 - 2) include any discrimination on grounds of race, sex or nationality,
 - 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.
4. The provisions of paragraph 1-3 apply as appropriate to teleshopping.

Article 16c

Broadcasting of surreptitious advertising shall be prohibited.

Article 17

1. Sponsored television programming items or other messages shall be identified by indication of the sponsor at their beginning or end. Identification of the sponsor may contain his name, company's name, trademark or other individual identification of the undertaking, its activity, product or service.
2. Identification of the sponsor may not contain the name, trademark or other individual identification of undertaking, activity, product or service, the advertising of which is prohibited by Article 16b paragraph 1, sub-paragraph 1 and 3.
3. The sponsor may not influence the content of the programming item or any other message and their place in the programme in such a way as to limit the independence of the broadcaster. Sponsorship shall not free broadcaster from responsibility for the content of the item.
4. Sponsored television programming items or other messages may not encourage the purchase or other use of the products or services of the sponsor or a third party.
5. Sponsorship of programming items or other messages by the following persons shall be prohibited, with the reservation of paragraph 6:
 - 1) political parties,
 - 2) trade unions,
 - 3) employer organisations,
 - 4) natural or legal persons whose principal activity is the production or sale of products or the provision of services referred to in Article 16b paragraph 1.

6. Sponsoring of sports events shall be prohibited to entities referred to in paragraph 5 sub-paragraphs 1-3 and to undertakings whose principal activity is the production, sale or other form of supply of products or services, the advertising of which is prohibited by Article 16b paragraph 1, sub-paragraph 1.

7. Sponsorship of the following programming items shall be prohibited:

- 1) news, with the exception of sports and weather forecasts,
- 2) commentaries on social and political topics,
- 3) consumer and how-to items,
- 4) electoral items or programming items directly related to electoral campaigns.

8. The National Council shall determine by way of regulation the manner in which programming items or other messages may be sponsored, having regard to the provisions of paragraphs 1-7, in particular the time of broadcast, identification of sponsor and manner of transmission of information about the sponsor in the introduction to the programming item or following the end of the item or other message, as well as during the item or other message. In its regulation, the National Council shall determine the manner in which the broadcaster shall record and maintain evidence of the programming items or other messages sponsored and the range of information to be recorded.

Article 18

1. Programming items or other messages may not encourage activities contrary to law, the Polish *raison d'Etat* or attitudes and beliefs contrary to the morals and social interest; in particular, it may not include any discrimination on grounds of race, sex or nationality.
2. Programming items or other messages shall respect the religious beliefs of the public and especially the Christian system of values.
3. Programming items or other messages may not encourage behaviour prejudicial to health or safety or the natural environment.
4. Programming items or other messages likely to impair the physical, mental or moral development of minors, in particular those containing pornography or exhibit gratuitous and excessive violence, shall be prohibited.
5. Programming items or other messages likely to impair the physical, mental or moral development of minors, other than those referred to in paragraph 4, may not be transmitted between 6 and 23 o'clock.
6. The National Council shall determine by way of regulation detailed rules concerning the rating, classification, transmission and announcement of programming items or other messages referred to in paragraph 5.

7. Broadcasters shall ensure the correctness of language in their programmes and resist the vulgarisation of language.

Art. 19

1. Broadcasters' activity consisting in producing or assembling programme services shall be subject to the provisions of the press law.

2. Regulations concerning the transmission and retransmissions of text programme services shall apply correspondingly to text communications

Article 20

1. The broadcaster shall record television programming items, advertising or other messages on suitable carriers and store them for 28 days from the date of transmission of the item, advertising or other message. After the lapse of that period, recordings shall be stored of programming items, advertising or other messages subject to proceedings before public authorities until the end of such proceedings.

2. Recordings of a programming item, advertising or other message shall be made available to any person claiming that the content of such item, advertising or other message infringed his/her rights, at the written request of such person and at the expense of the broadcaster, or delivered to such person at his/her expense, within 7 days from the date of such written request.

3. Should the request to make available the recording of a programming item, advertising or other message be rejected, the person referred to in paragraph 2 may seek a court injunction ordering the broadcaster to make such a recording available; the legal venue shall be the district court.

4. The National Council shall determine by way of regulation the manner in which the programming items, advertising and other messages shall be recorded and stored by broadcasters, including the scope of data to be provided about the materials in store.

Article 20a

1. At the written request of the President of the Office for Competition and Consumer Protection, the broadcaster shall:

1) disclose data identifying the orderer of the programming item or advertising,

2) deliver free of charge the recording of the programming item or advertising within 7 days from the date of the request.

2. The provision of Article 20, paragraph 3 shall apply as appropriate.

Article 20b

1. The broadcaster of a television programme may broadcast a live transmission from an event of major social importance (a "major event"):

1) only in a nationwide programme as understood in the Act or in the licence, accessible entirely free of charge, with the exception of fees laid down in Chapter 7 and of the basic fees collected by the operators of cable networks, or

2) only if the same event is being broadcast by the broadcaster of a programme meeting the conditions laid down in sub-paragraph 1, pursuant to a contract with the broadcaster who had acquired the rights to transmit the given event live or any other authorised broadcaster, with the reservation of paragraph 6.

2. On the grounds of important social interest, the following among others shall be deemed major events:

1) summer and winter Olympic Games,

2) semi-finals and finals of World and Europe Football Cup, as well as all other matches within those events with the participation of the Polish team, including selection matches,

3) other football matches with the participation of the Polish team within the official tournaments and matches with the participation of Polish clubs within the Champions League and UEFA Cup.

3. The National Council may lay down by way of regulation the list of other major events than those listed in paragraph 2, having regard to the degree of social interest in the given event and its meaning to the social, economic and political life.

4. Should a major event be expected to be organised in parts, every such part shall be deemed a major event.

5. The provision of paragraph 1 shall apply to transmissions of pre-recorded events, if the delay of the transmission of the given major event does not exceed 24 hours and is due to important reasons, in particular:

1) the time, in which the given event takes place, falls between 24 and 6 o'clock of the official time in the territory of the Republic of Poland,

2) major events or parts thereof overlap in time.

6. The provision of paragraph 1 shall not apply if the given broadcaster proves that no broadcaster of a programme meeting the requirements laid down in paragraph 1 sub-paragraph 1 expressed his willingness to conclude a contract ensuring broadcast of the transmission as under paragraph 1 sub-paragraph 2.

7. Within the scope laid down by international agreements in force in the Republic of Poland, the National Council may determine by way of regulation:

- 1) the list of events deemed major events by other European states,
- 2) rules for the execution of exclusive rights to television transmissions of events referred to in sub-paragraph 1, so as to ensure that the execution of those rights by the broadcasters subject to this Act will not deprive the public in a given state of the possibility of receiving those events under the rules laid down by the given state in accordance with the provisions of international law.

CHAPTER IV Public Radio and Television

Art. 21

1. The tasks of public radio and television shall be in particular:

- 1) to produce and transmit national and regional radio and television programme services;
- 2) to construct and operate radio and television transmitters and relay stations;
- 3) to transmit text communications;
- 4) to conduct work on new technologies of production and transmission of radio and television programme services;
- 5) to conduct production, services and commercial activities involved in audiovisual production, including exports and imports;
- 6) to encourage artistic, literary, scientific and educational activities;
- 6a) dissemination of knowledge of Polish language;
- 7) to produce educational programmes people of Polish descent and Poles living abroad.

2. Programme services of public radio and television should:

- 1) be guided by the sense of responsibility and the need to protect the good name and reputation of public broadcasting;
- 2) provide reliable information about the whole diversity of developments and processes in Poland and abroad;
- 3) promote the unconstrained development of citizens' views and of public opinion;
- 4) enable citizens and their organizations to take part in public life by expressing diversified views and orientations and exercising the right to supervision and social criticism;

5) serve the development of culture, science and education, with special emphasis on Polish intellectual and artistic achievements;

6) respect the Christian system of values, adopting as the basis the universal principles of ethics;

7) serve to strengthen the family ties;

7a) to serve the enhancement of pro-health attitude,

8) serve to combat social pathologies;

9) have regard for the ethnic groups and minorities.

Art. 22

1. State organs may only take decisions concerning the functioning of public broadcasting organizations subject to the provisions of parliamentary acts.

2. Public broadcasting organizations shall enable supreme authorities of the State immediately to present and explain the policy of the State.

3. The National Council shall by regulations determine the procedure of action in matters, referred in para. 2.

Art. 23

1. Public broadcasting organizations shall enable political parties to present their policies with regard to major public issues.

2. The provision of para. 1 shall apply accordingly to national trade union and employers' organizations.

3. The National Council shall regulate the manner of implementing provisions of paras. 1 and 2.

Art. 24

1. Political parties and other organizations contesting elections to the Diet, the Senate and local government shall be entitled to transmit election broadcasts in the programme services of public broadcasting organizations, under the provisions of separate regulations.

2. Provisions of para. 1 shall apply accordingly to the election of the President of the Republic of Poland.

Art. 25

1. Public broadcasting organizations may produce and transmit programme services in Polish and other languages for receivers abroad.
2. It shall be the duty of public broadcasting organizations to produce and transmit educational programmes for schools and other educational institutions.
3. Educational programmes shall comply with school curricula.
4. The costs of producing programmes and programme services mentioned in paras. 1 and 2 shall be borne by the state budget within the limits set forth in the budget law.

Art. 26

1. Public broadcasting organizations shall take the form solely of one-person joint stock company of the State Treasury, hereinafter called "company".
2. Public television is formed by Polish Television - Joint Stock Company established with the purpose of producing and transmitting national programme services I, II, TV Polonia and regional television programme services.
3. Public radio is formed by:
 - 1) Polish Radio S.A. formed in order to produce and transmit national radio programme services;
 - 2) companies formed to produce and transmit regional radio programme services, hereinafter called "regional radio companies".
4. Provisions of the Commercial Code, except for articles 313 and 369, shall apply to companies referred to in paras. 2 and 3, with the reservation of articles 27-30 of the present Act.
5. Acting in communication with the President of the Office of Telecommunications Regulation, the Chairman of the National Council shall reserve, by its decision the frequencies required for the companies to perform their statutory tasks and shall lay down the conditions of use of the frequencies. Any frequency reservations, modifications or withdrawals thereof within the scope provided for by Art. 37, paragraph 1, subparagraph 3 shall be governed by the provisions of Art. 22 and Art. 23 of the Act of ..., 2000 - "Telecommunications Law" (O.J. No ..., item ...) .
6. The President of the Office of Telecommunications Regulation shall turn over to the National Council for companies producing and transmitting:

- 1) national television programme services - frequencies needed to cover the territory of the country by programme services Polish Television I and Polish Television II;
 - 2) national radio programme services - frequencies needed to cover the territory of the country by the first, second, third and fourth programme services, and frequencies needed to transmit radio programme services for listeners abroad;
 - 3) regional television programme services - frequencies needed to transmit regional television programme services;
 - 4) regional radio programme services - frequencies needed to transmit regional radio programme services.
7. The programme services of TV Polonia are transmitted by satellite.
8. The provisions of Art. 22, paragraph 4 and Art. 23, paragraph 1, subparagraph 5 of the Telecommunications Law, shall apply, as appropriate, to the reservation of frequencies designed for digital broadcasting of programmes from earth or satellite broadcasting stations.

Art. 27

1. The Board of Management of the company shall consist of between one to five members.
2. Members of the Board, including the President, shall be appointed by the Board of Directors by two-thirds majority in the presence of at least three-fourths of its members.
3. The Board's term of office shall be four years.

Art. 28

1. The Board of Directors shall consist of between five to nine persons. Members shall be appointed by the National Council, with the exception of one who shall be appointed by the Minister of State Treasury.
2. The Board of Directors shall adopt resolutions by an absolute majority in the presence of at least a half of board members.
3. The Board of Directors shall elect its chairman from among its members.
4. The Board of Directors shall adopt its standing orders.
5. The Board of Directors' term of office shall be three years.
6. The Board's approval shall be required in order to:

- 1) employ and dismiss persons holding executive positions specified in the company's statutes;
 - 2) conclude or accede to a collective agreement with representatives of the employees;
 - 3) form or accede to a company other than companies referred to in Art. 26, para. 1, and to purchase or sell shares or stocks in such a company.
- 7.(deleted)

Art. 28a

1. The programme councils for radio and television shall consist of 15 members appointed by the National Council; 10 members of the programme council shall represent parliamentary groups. The remaining 5 members shall be appointed from among persons who have a track records and experience in the field of media and culture.
2. The term of office of programme councils shall last 4 years, while its members shall represent social interests and expectations related to the programming activities of the broadcasting establishment.
3. The programme council shall adopt resolutions assessing the level and quality of current programme service items as well as the programme service schedule. The resolutions concerning programme matters which are adopted by way of majority of votes cast by at least half of the members of the programme council, shall be subject to discussion and decision by the Board of Directors.
4. The members of programme council shall be entitled to receive daily allowance paid out by the broadcasting establishment in such amount as fixed by the National Council.
5. The Board of Management shall provide to the members of the programme council the organizational and financial resources necessary to evaluate the level and quality of transmitted programme services, their reception and subcontracting independent research on the perception of the programme services as well as their social consequences".

Art. 29

1. The State Treasury shall be represented in the company's general meeting of shareholders by the Minister of State Treasury.
2. Decisions of the general meeting regarding the content of programming shall not be on the Board of Management.
3. A change in the company's statutes shall require the prior consent of the National Council.

Art. 30

1. Production and transmission of regional television programme services shall be the duty of regional subsidiaries of the company referred to in Art. 26, para. 2
2. The company's statutes shall determine the tasks and scope of activities of the regional subsidiary.
3. The regional subsidiary shall be run by a general manager appointed by the Board of Directors at the proposal of the Board of Management.
4. The programme council of the subsidiary shall serve as an advisory and consultative body of the subsidiary's general manager.
5. The National Council shall, on a motion of the company's Board of Management and after consulting the general managers, determine the minimum share of programme items produced by subsidiaries in the company's particular national programme services.
6. The National Council shall determine the minimum share of revenues referred to in Art. 48 and 49 to be allotted to the subsidiaries.

Art. 30a

1. The provisions concerning programme services for viewers abroad shall apply correspondingly to the programme service of TV Polonia.
2. The opinion forming and advisory authority with regard to the production and transmission of the programme services of TV Polonia shall be the programme council of TV Polonia

Art. 31

1. Companies referred to in Art. 26, paras. 2 and 3 shall derive their revenues from the following sources:
 - 1) licence fees, interest for delay in their payment and fines for using unregistered radio and television sets, with the reservation of Art. 50, para. 1;
 - 2) the sale of rights to programme items;
 - 3) advertising and sponsorship;
 - 4) other sources.
2. Companies may also receive grants in aid from the state budget.

3. Shareholders of companies referred to in Art. 26, paras. 2 and 3 shall not be entitled to a share of the companies' profits.

Art. 32

In order to pursue the tasks of public broadcasting, companies may, with the consent of the National Council, establish economic entities provided for by the law.

Chapter V Broadcasting Licences

Art. 33

1. With the exception of public stations, a licence to broadcast shall be required to transmit radio and television programme services.
2. Licences shall be granted by the Chairman of the National Council.
3. The Chairman shall take decisions as regards licences to broadcast on the basis of resolutions of the National Council. Those decisions are final.

Art. 34

1. The Chairman of the National Council shall, with the consent of the President of the Office of Telecommunications Regulation, advertise in the printed press the availability of licences to broadcast and set a time limit of not less than one month for applying for them.
2. The Chairman of the National Council shall publish the list of applicants for a licence. If more than one apply for one licence, their applications shall be considered as part of the same procedure.

Art. 35

1. Licences may be granted to Polish citizens resident in Poland or legal persons with a seat in Poland.
2. Companies which have foreign shareholders may be granted a licence if :
 - 1) foreigners do not hold more than 33 per cent of the opening capital or stock of the company;
 - 2) the agreement or the statutes of the company specifies the following:

a) Polish citizens resident in Poland constitute a majority of the Board of Directors and the Board of Management of the particular company;

b) foreign legal persons or persons controlled by foreign legal persons have not more than 33 per cent of the votes in the meeting of partners or the general meeting of shareholders.

Art. 36

1. In considering the application, the following criteria shall apply in particular:

1) the degree to which proposed programming complies with the tasks of broadcasting laid down in Art. 1, para. 1, taking into account the fulfilment of those tasks by other stations in the given area;

2) the applicant's ability to make the necessary investments and finance the station;

3) the share of programming produced or commissioned by the broadcaster or produced by the broadcaster in conjunction with other broadcasters;

4) the planned share of the programming items referred to in Article 15 paragraphs 1 and 4, in television programmes, or of compositions referred to in Article 15 paragraphs 2 and 3, in radio or television programmes,

5) past observance of regulations concerning radio communications and the mass media.

2. Licence shall not be granted if the applicant's programming could:

1) infringe into the interests of the national culture, public decorum, national security and defence or violate state secrets;

2) give the applicant a dominant position in mass communications in the given area.

3. Licences shall be granted for periods of not less than three years and not more than ten years in the case of television stations and seven years in the case of radio stations.

Art. 37

1. The licence shall specify in particular:

1) the identity of the broadcaster, his seat and domicile;

2) the form of activity covered by the licence;

3) method of transmission of programming (terrestrial transmitter, satellite, cable system) and:

- for terrestrial transmitters:

- a. the location of the station,
- b. the height of the antenna,
- c. the power of the transmitter and the maximum transmission power,
- d. antenna pattern,
- e. frequency,
- f. polarization.

- for satellites:

- g. the name of the satellite used,
- h. the satellite's position on orbit,
- i. frequency,
- j. the power of the transponder.

- for cable system:

- k. the location of the system head station,
- l. area covered by the cable system.

4) the nature of programming to be transmitted and the time of its transmission;

5) the date by which transmission shall begin;

6) the date of expiry of the licence;

7) the share of domestically produced programme items in transmission time.

2. The licence may determine other aspects of the broadcaster's activity required to implement the provisions of the present Act.

3. Within the scope stipulated in paragraph 1, subparagraph 3 the licence shall be awarded in communication with the President of the Office of Telecommunications Regulation.

3a. Where the distribution of radio or television programming should require a frequency reservation, such reservation shall be made in conjunction with the licence. Frequency reservations, modifications and withdrawals shall be governed by Art. 22 and Art. 23 of the Act - Telecommunications Law.

4. The National Council shall, in consultation with the President of the Office of Telecommunications Regulation, specify by means of a regulation essential data to be included on the application form and detailed procedures on granting and withdrawing of the licences.

Art. 38

1. The licence may be withdrawn if:

- 1) the transmission of programme services infringes into the interest of the national culture, security or defence and public decorum,
- 2) the transmission of programme services gives the broadcaster a dominant position in mass communications in the given area,
- 3) another subject gains direct or indirect control over the broadcaster,
- 4) the activity covered by the licence is performed in a way contrary to the provisions of the present Act or the terms of the licence,
- 5) the licensee does not begin operation within the time limit specified in the licence or there is a break in his/her activity lasting more than three months, unless the delay in commencing the transmission or the break are caused by factors beyond the broadcaster's control,
- 6) the licensee does not make the payment of the entire amount of the licence fee within the time limit provided for in the licence.

Art. 39

The licence to transmit a television programme service shall also cover the use of the television signal to transmit text communications.

Article 39a

1. Licence may be granted for the transmission in a cable network or by satellite of a programme devoted exclusively:

- 1) to teleshopping,
- 2) to self-promotion of the broadcaster's activity.

2. The provisions of the Act, with the exception of the provisions of Articles 15 - 15b, shall apply as appropriate to programmes referred to in paragraph 1.

3. The following shall not apply to programmes referred to in paragraph 1 sub-paragraph 1:

1) limitation of the admissible duration of advertising and teleshopping spots per clock hour as laid down in Article 16 paragraph 2,

2) the provisions of Article 16 paragraph 3 and Article 16a.

Art. 40

1. A fee shall be charged for the granting of a licence, separate from the fee for the use of radiocommunications equipment or the use of a frequency, provided for in the Post and Telecommunications Act.

2. The National Council shall, in consultation with the Minister of Telecommunications, determine, by means of a regulation, the fees referred to in para. 1, taking into account the nature of the particular broadcasting establishment and its programming, and may specify subjects exempt from the fee.

Article 40a

1. The purchase or take-over of shares or the acquisition of rights on shares in a company holding a licence to transmit a programme service, by a foreign person, shall require approval by the Chairman of the National Council; the provisions of Article 33 paragraph 3, Article 35 paragraph 2, Article 36 paragraph 2 and Article 38, shall apply thereto as appropriate.

2. The actions referred to in paragraph 1, performed by a person dependent from a foreign person, shall be deemed performed by the dominating entity in the sense of Article 4 sub-paragraph 16 of the Act of 21 August 1997 r - the Act on Public Trading in Securities (Official Journal "Dziennik Urzędowy" No. 118, sub-paragraph 754, and No. 141, sub-paragraph 945; Official Journal of 1998, No. 107, sub-paragraph 669 and No. 113, sub-paragraph 715).

3. The Chairman of the National Council shall issue and cancel the approvals referred to in paragraph 1, on the basis of a resolution by the National Council.

4. Actions performed without a valid approval shall be null and void.

CHAPTER VI Retransmissions of program services in cable systems

Art. 41

1. Retransmissions of programme services shall be subject to registration.

2. The provision of para. 1 shall not apply to the retransmissions of national programme services of public radio and television and other programme services of domestic broadcasters receivable within the coverage area by means of receivers for use by the general public.
3. The Chairman of the National Council shall perform the registration referred to in para. 1.
4. The Code of Administrative Procedure shall apply to the registration process, unless otherwise stated in the present Act.
5. The register shall be open to the public.

Art. 42

1. A fee shall be charged for performing the registration.
2. The National Council shall, with the consent of the Minister of Finance, determine the fee referred to in para. 1 by means of a regulation and specify subjects exempted from it.

Art. 43

1. The cable operator shall introduce programme services into his system in the following order:
 - 1) national programme services of public radio and television,
 - 2) regional programme services of public radio and television which are received in the given area,
 - 3) programme services of other domestic broadcasters which are received within the given area,
 - 4) programme services of other domestic and foreign broadcasting establishments.
2. The Chairman of the National Council may in justified cases issue a decision changing the order of introducing programme services into a cable system referred to in para. 1.

Art. 44

1. The Chairman of the National Council shall register the retransmissions of a programme service on the basis of notification by a cable operator.
2. The cable operator shall provide notification of the retransmissions of a programme service at least 2 months in advance.

3. The notification referred to in para. 1 shall:

- 1) specify the applicant, his seat or domicile;
- 2) specify the programme service intended for retransmissions and its original broadcaster;
- 3) specify the area to which it is to be retransmitted;
- 4) show that the applicant is legally entitled to use the requisite equipment and telecommunication lines needed to retransmit and operate the programme service;
- 5) (deleted).

4. Retransmissions may begin if the Chairman of the National Council has not refused to register the programme service within two months of notification.

5. The cable operator shall notify the Chairman of the National Council, within 14 days, regarding any changes of a legal nature otherwise in the registered activity or which arose after the act of registration. The notification of any changes shall accordingly comply with the regulations on retransmissions registration.

6. (deleted)

Art. 45

1. The Chairman of the National Council shall refuse to register the retransmissions of a programme service if:

- 1) the applicant has no authorization to use transmitting equipment or telecommunications networks,
- 2) the broadcaster transmits the programme service contravening the law,
- 3) the retransmissions of the programme service would contravene the law,
- 4) (deleted).

2. The Chairman of the National Council shall ban the retransmissions of a programme service if:

- 1) it contravenes the provisions of the present Act;
- 2) the operator introduces changes to the programme service or does not retransmit it complete or simultaneously;
- 3) the operator does not comply with provisions regarding the order of introducing programme services into his cable system.

3. The decisions referred to in paras. 1 and 2 shall take the form of administrative decisions. Art. 33 para. 3 shall apply accordingly.

4. When a ban is imposed under para. 2, the Chairman of the National Council shall ex officio strike off the cable system or the programme service covered by the ban from the register.

5. A cable system shall be struck off from the register ex officio when the cable operator loses the right to operate transmitters and telecommunication network used for the purpose of retransmissions of programme services.

Art. 46

The National Council shall determine by means of a regulation detailed procedures for maintaining the register of programme services retransmitted in cable systems and shall set the form of the register.

Art. 47

Provisions of the present Act regarding the transmission of programme services shall apply accordingly to the wireless retransmissions of programme services.

CHAPTER VII Licence fees

Art. 48

1. Licence fees shall be charged for the use of radio and television sets.

2. Persons possessing a radio and television set enabling immediate reception of programme services shall be deemed to use that set.

3. The National Council shall determine by means of 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, 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 installments. The National Council may, for social reasons, grant a reduction or relief from payment of the licence fees to certain categories of persons.

4. License fees shall be paid for the use of every radio and television set, with the reservation of para. 5.

5. Irrespective of the number of radio and television sets used by:

1) natural persons in the same household or car which constitutes their property;

2) public health care institutions, sanatoria, nurseries, public educational institutes, state institutions of higher education and social welfare institutions - in the same building, or in cars used by these institutions- they pay only one of the fees referred to in para. 3.

6. Provisions of paras. 3-5 shall not affect exemptions from licence fees under different laws.

Art. 49

1. Radio and television sets shall - for the purpose of collecting licence fees for their use be subject to registration in units supervised by the Minister of Telecommunication.

2. Persons found using an unregistered radio or television set shall be liable to a fine equivalent to thirty times the monthly licence fee in force on the day of committing the offence.

3. Payment of the fine referred to in para. 2 shall not release the person concerned from the duty to pay the current licence fee from the day of being found to be using an unregistered set.

4. Statutory interest shall be charged for any delay in paying licence fees.

5. Units referred to in para. 1 collect licence fees and interests for the delay in paying them, and remit them, after deducting the contractual remuneration for these services, to a separate account of the National Council, earmarked for purposes referred to in Art. 50, para. 1.

6. The Minister of Telecommunications shall appoint, by means of a regulation and with the consent of the Chairman of the National Council, the body responsible for keeping the register referred to in para. 1, and the manner and procedure of registering radio and television sets.

Art. 50

1. Receipts referred to in Art. 48, para, 1 and Art, 49, paras. 2 and 4, with the exclusion of monies deducted under Art. 49, para. 5 and Art. 51 para. 5, shall be earmarked in their entirety for public broadcasting organizations.

2. The National Council shall determine by June 30 of every year, the manner of apportioning the receipts to different public broadcasting organizations for the following calendar year, including the minimum share of the local subsidiaries of companies.

3. The President of the National Council shall without delay transfer to particular public broadcasting organizations their share of the receipts.

Art. 51

1. The Minister of Telecommunications shall be responsible for enforcing observance of the duty to register radio and television sets.

2. The Minister of Telecommunications shall determine, by means of a regulation:
 - 1) bodies supervised by him whose employees may, when authorised to do so, carry out inspections referred to in para. 1 and whose top executives may take decisions referred to in para. 4, and their area of operation.
 - 2) the form of authorization to carry out such inspections and the manner and procedure of issuing them.
3. The provisions of the Code of administrative procedure shall apply accordingly to inspections referred to in para. 1.
4. On establishing that a person uses an unregistered radio or television set, the organ conducting the inspection shall issue a decision obliging that person to register it and set a fine for committing the offence referred to in Art. 49, para. 2.
5. Half the receipts from fines for using unregistered sets shall constitute the revenue of bodies enforcing observance of the duty to register radio and television sets.
6. Receipts from the source mentioned in para. 4 shall, after deducting the share referred to in para. 5, be remitted to a special account of the National Council for purposes referred to in Art. 50, para. 1.
7. Decisions referred to in par. 4 shall be carried out within 14 days from the day of delivering the decision. In case of failure to comply with the decision, regulations concerning administrative execution procedure shall apply.

CHAPTER VIII Legal responsibility

Art. 52

1. Transmission of a radio or television programme services without a licence shall be punishable by imprisonment of up to 2 years, restricted liberty or a fine.
2. Retransmissions of a radio or television programme without registration shall be punishable by imprisonment of up to 1 year, restricted liberty or a fine.

Art. 53

1. Broadcaster failing to comply with their obligations under Article 15 paragraphs 1-4, Article 15a paragraph 1, Article 16 paragraphs 1-3, Article 16a paragraphs 1-3 and paragraphs 5 and 6, Article 16b, Article 16c, Article 17 paragraphs 1-7, Article 20 paragraph 1, Article 20b paragraphs 1 and 6 or under the provisions issued pursuant to Article 15 paragraph 5, Article 15a paragraph 3, Article 15b, Article 16 paragraph 4, Article 16a paragraph 4, Article 17 paragraph 8 and Article 18 paragraph 6, shall be liable to a fine imposed by decisions of the Chairman of the National Council in the amount of 50% of the annual fee for the use of

frequency allocated for the transmission of their programme, and broadcasters who do not pay the frequency fee shall be liable to a fine of up to 10% of the receipts achieved by the broadcaster in the preceding fiscal year.

2. The Chairman of the National Council may impose the fine referred to in para. 1 also in a decision issued on the basis of Art. 10, para. 4.

3. The fine is paid from income after tax or from another surplus of income over expenses, after tax.

4. The fine may not be imposed after more than one year following the violation of obligations referred to in para. 1.

Art. 54

1. If the person who directs the broadcaster's work fails to carry out the decisions issued on the basis of Art. 10, para. 4, the Chairman of the National Council may impose a fine not exceeding the person's six month's income.

2. The same penalty may be imposed on the person who directs the broadcaster's activity for failure to furnish information, or for providing inaccurate information requested by the Chairman of the National Council under Art. 10, para. 2.

3. A fine may not be imposed after more than two years following the decision referred to in para. 1.

Art. 55

Fines referred to in Art. 53 and 54 shall be paid into the state budget.

Art. 56

1. Decisions by the Chairman of the National Council issued under Art. 10, para. 4 and Arts. 53 and 54 may be appealed against to the Voivodship Court in Warsaw.

2. The procedure of appealing against the decisions referred to in para. 1 is regulated by the code of civil procedure pertaining to actions designed to curtail monopolistic practices.

3. If a person appeals against a decision of the Chairman of the National Council, he/she shall not have recourse to the legal means of reversing the decision provided for in the code of administrative procedure, particularly as regards renewal of the procedure, rescinding, change or ascertainment of the invalidity of the decision.

CHAPTER IX Amendments to existing legislation, transitional and final provisions

Art. 57

In the act of December 30, 1950 on the publication of the "Dziennik Ustaw" of the Polish Republic and the "Monitor Polski" of the Polish Republic (Dz.U..No. 58, item 524 and No. 94, 1991, item 420) in Art. 1, para. 1, sub-paragraph 2, after the words "and ministers" omit the coma and insert the words "and the National Broadcasting Council".

Art. 58

In Art. 1, para. 2 of the Tribunal of State Act of March 26, 1982 (Dz.U..No. 11, item 84), substitute a coma for the period at the end of the sentence and insert item 5: "5) members of the National Broadcasting Council".

Art. 59

In Art. 48 of the. act of May 17, 1989, on relations between the State and the Roman Catholic Church in the Republic of Poland (Dz.U. No. 29, 1990, item 154, and No 51, item 297, No 55, item 312, and No. 86, item 504, and No. 95, 1991, item 425 and No. 107, item 459), the following changes shall be introduced

1) change para. 2 to read:

"2. The manner of exercising entitlements referred to in para. 1 is regulated by agreements between the Secretariat of the Conference of the Polish Episcopate and public broadcasting organizations".

2) in para. 3 omit the period at the end of the sentence and insert "according to the provisions of the Broadcasting Act"

3) omit para. 4.

Art. 60

Art. 25, para. 4 of the Act of May 107, 1989 on guarantees of freedom of conscience and religion (Dz.U., No 29, item 155, and No. 51, 1990, item 297, No. 55, item. 321, and No. 86, item 504) shall be changed to read: "4. Churches and other religious organizations shall be entitled to broadcast on radio and television religious, moral, social and cultural programme items, in accordance with an agreement reached between the authorities of the particular Church or religious organization and public broadcasting organizations".

Art. 61

Art. 24 of the Telecommunications Act of November 23, 1990 (Dz.U., No. 86, item 504, and No. 69, item 293 and No. 105, item 451) shall be changed to read:

1) "Art. 24. Assignment of frequencies for the purpose of transmitting radio and television programme services for reception by the general public shall proceed according to the provisions of the Broadcasting Act".

2) Art. 80 shall be numbered as para. 1. Para. 2 shall be added to read:

"2. The provisions of para. 1 shall not apply to allowances in licence fees for using radio and television sets."

Art. 62

Art. 36, para. 2 of the Act of July 4, 1991 on relations between the State and the Polish Autocephalic Orthodox Church (Dz.U., No. 66, item 287, and No. 95, item 425), shall be changed to read:

"2. The manner of exercising entitlements referred to in para. 1 is regulated by agreements between the Sacred Synod of Bishops and public broadcasting organizations".

Art. 63

1. The Committee for Radio and Television "Polish Radio and Television" (hereinafter called "the Committee") is hereby dissolved. The President of the Committee shall direct the operation of the state organizations unit "Polish Radio and Television" until the registration of companies referred to in Art. 26, paras. 2 and 3.

2. The tasks of the Committee and its President defined in other acts with regard to the production and transmission of radio and television programme services shall be transferred to public broadcasting organizations, in accordance with their statutory tasks.

3. The tasks of the Committee and its President defined in other acts in the sphere of state administration shall be transferred to the National Council.

4. The functions of the founding organ with regard to state enterprises and supervisory functions with regard to research and development units subordinated to the Committee shall be transferred to the Chairman of the National Council.

5. Permits for the use of telecommunications apparatus serving the transmission of radio and television programme services shall expire on the day of inauguration of operation in the same area of a broadcaster who has been assigned the frequency heretofore used for the transmission of a programme service, but later than within a year of the entry of the present Act into force.

6. The provisions of para. 5 shall not apply to broadcasters holding permits issued under the act referred to in Art. 59.

7. The provisions of Art. 52 shall not apply to broadcasters holding permits referred to in para. 5 and broadcasters holding permits issued under the Act referred to in Art. 59.

8. Subjects who retransmit programme services in cable systems shall comply with the provisions of Chapter VI within 6 months of the entry of the present Act into force.

Art. 64

1. The Minister of State Treasury shall establish:

1) the company referred to in Art. 26, para. 2 with a seat in Warszawa and with subsidiaries in Bydgoszcz, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warszawa and Wrocław.

2) the company referred to in Art. 26 para. 3, sub-paragraph 1 with seat in Warszawa and companies referred to in Art. 26, para. 3, sub-paragraph 2 with seats in Białystok, Bydgoszcz, Gdańsk, Katowice, Kielce, Kraków, Koszalin, Lublin, Łódź, Opole, Olsztyn, Poznań, Rzeszów, Szczecin, Warszawa, Wrocław and Zielona Góra.

2. The Minister of Finance may establish regional radio companies with seats in towns other than those referred to in para. 1, sub-paragraph 2.

3. The Minister of Finance shall refer draft statutes of the companies referred to in paras. 1 and 2 to the National Council for approval.

4. The first Boards of Management of the companies referred to in paras. 1 and 2 shall be appointed by the National Council.

Art. 65

1. The Minister of State Treasury shall transfer property, rights and liabilities remaining after the dissolution of the state organizational unit "Polish Radio and Television", hereinafter referred to as PRTV, to companies referred to in Art. 64, para. 1.

2. The Council of Ministers shall, within 1 month of entry of the present Act into force, determine by means of a regulation the detailed procedure of taking an inventory of the property, rights and liabilities referred to in para. 1, their division and transfer, and for settling any disputes in this regard.

3. Operations conducted under Art. 64, paras. 1 and 2 shall be exempt from legal fees and revenue duties; notary's fees for establishing the companies shall be subject to regulations

pertaining to the transformation of state enterprises into companies.

Art. 66

1. Real estate belonging to the State Treasury and administered by PRTV on the date of entry of the present Act into force shall, on the date of registration of the companies, be given to them for permanent use in accordance with provisions of Art. 236 of the Civil Code. Provisions of Art. 41, para. 1 of the Act of April 29, 1985 on real estate and expropriation and land and buildings (Dz.U. No. 30, 1991, item 127, No. 103, item 446 and No. 107, item 464) in regard of first payment shall not apply.
2. Buildings and other facilities and premises located on real estate belonging to the State Treasury and administered by PRTV on the date of entry of the present Act into force shall, on the date of registration of the companies, become their property free of all charge.
3. Acquisition of property rights to real estate, under para. 1, and to buildings, other facilities and premises under para. 2, shall be certified by decision of the voivod. The decision shall determine the conditions of the permanent use of real estate, under para. 1, and buildings, other facilities and premises under para. 2, in accordance with the provisions of Art. 236 of the Civil Code.

Art. 67

1. Employees shall by law become employees of the appropriate company, with the reservation of para. 2.
2. Employment of executives, determined by the National Council, shall cease by law on the date of registration of the companies. This shall be equivalent in legal terms to termination of contract in consequence of a dismissal by the employer. Their renewed employment in the company may take place on terms agreed upon by both parties.
3. The companies shall be responsible for liabilities arising out of employment contracts which became effective before their registration.

Art. 68

1. The rights and liabilities of the Committee and PRTV arising out of administrative decisions shall by law be transferred to the companies.
2. The Minister of Telecommunications shall with the consent of the Chairman of the National Council assign to companies referred to in Art. 26, paras. 2 and 3 frequencies used by PRTV on the date of entry of present Act into force for the transmission of radio and television programme services.

3. The right to use frequencies referred to in para. 2 conferred on other subjects on the basis of previous regulations, shall expire on the date of assignment of these frequencies to the companies.

4. The assignment of frequencies referred to in para. 2 shall be free of charge.

Art. 69

1. The organs empowered to appoint members of the National Council for the first term of office after the entry of the present Act into force shall specify which members have been appointed for two and four years respectively.

2. The first meeting of the National Council shall be convened by the Speaker of the Senate, who shall also chair it.

3. The first Chairman of the National Council is appointed from among all the members serving the first term of office.

Art. 70

1. The Act of December 2; 1960 on the Committee for Radio and Television "Polish Radio and Television" (Dz.U. No. 54, item 307, and No. 54, 1984, item 275) is hereby repealed.

2. Prior to the issue of regulations provided for in the present Act, but not longer than for six months, the provisions of the Act referred to in para. 1 shall remain in force in so far as they are incompatible with the present Act.

Art. 71

The present Act shall enter into force within a month of publication, with the exception of Art. 52, which shall enter into force on July 1, 1993.