[PL] Repeal of the highest administrative penalty in the history of Polish media

IRIS 2026-5:1/19

Agnieszka Grzesiok-Horosz
University of Silesia in Katowice

The Circuit Court in Warsaw, Commercial Court, in its judgment of 27 March 2026 set aside in its entirety the decision of the former Chairman of the National Broadcasting Council (KRRiT), Maciej Świrski, of 4 March 2024. This decision had found a violation by the Company TVN SA of the provisions of the Broadcasting Act and imposed a financial penalty of PLN 550 000 on the broadcaster. This was the highest administrative penalty in the history of Polish media. In the opinion of KRRiT, the broadcaster had transmitted a programme promoting content contrary to the law and societal interest, offending the religious feelings of Catholics and misinforming the public.

It should be noted that the case concerned a programme from the *Czarno na białym* (In Black and White) series, entitled *Bielmo. Franciszkańska 3*, broadcast on 6 March 2023. KRRiT received an unprecedented number of viewer complaints (over 6 058 with almost 40 000 signatures) about blasphemies and violations of the cult of memory of the deceased John Paul II and Cardinal Adam Stefan Sapieha, as well as incitement of hatred towards the Catholic Church. In the complaints submitted to KRRiT, it was argued that the authors of the programme had resorted to lies, slander and manipulation, and had failed to assess the historical sources used in the broadcast. In the evidentiary procedure, three expert opinions were adduced according to which the materials did not live up to the criteria of a reportage or standards of journalistic ethics when it came to in-depth research or verification of sources, and the narrative was subordinated to the main thesis, which misled the public about paedophilia cases among Polish clergy and the role played in those events by Cardinals Karol Wojtyła (John Paul II) and Adam Stefan Sapieha.

The Chairman of KRRiT found a violation of Article 18(1) and (2) of the Broadcasting Act, which was a basis for initiating *ex officio* the proceedings for the imposition of a penalty on the broadcaster under Article 53(1) of the Broadcasting Act.

Under Article 18(1) of the Broadcasting Act, broadcasts or other transmissions may not promote activities contrary to the law, or attitudes or opinions contrary to societal interest. In the opinion of KRRiT, the programme *Bielmo. Franciszkańska 3* was transmitted in violation of the provisions of press law and

© European Audiovisual Observatory (Council of Europe) 2026

the Broadcasting Act as it did not give effect to the rights of citizens to reliable information; it presented the discussed phenomena untruthfully and inconsistently, and manipulated the facts. The facts were presented in a biased manner and incompletely (selectively), and the journalists did not show the required level of due diligence and journalistic integrity when gathering and making use of the press materials. In the opinion of KRRiT, the programme also violated Articles 23 and 24 of the Civil Code (by objectively infringing personal interests) and Article 212 of the Criminal Code, as the programme was slanderous to the persons covered. Under Article18 (2) of the Broadcasting Act, programmes and other transmissions should respect the religious beliefs of the recipients, and especially the Christian system of values.

KRRiT considered disinformation activities as the promotion of attitudes contrary to societal interest, false information being used to denigrate objects of worship and activities being undertaken without due respect to the viewers' religious beliefs.

The amount of the penalty imposed ty the Chairman of KRRiT, acting as single member body, was justified by the seriousness of the violation of the obligation to provide reliable, true information obtained according to the standards of professional art and with due respect to the recipients' religious feelings. KRRiT took into account the high number of protests relating to the protection of interests infringed by the programme and the number of persons involved in the protests, as well as the special respect enjoyed, in Polish society, by John Paul II. The amount of the penalty was also affected by such factors as previous imposition of fines on the broadcaster (34 such situations in total since 1997) as well as the very good and stable financial position of TVN.

However, KRRiT's decision had not become final as a result of the appeal filed by the broadcaster itself with the Circuit Court in Warsaw, Commercial Court, on 10 April 2024.

The judgment in the case was delivered on 27 March 2026. In the oral justification of the decision, the court held that the programme *Bielmo. Franciszkańska 3* could not be held responsible for promoting attitudes contrary to the law or for violating the Christian system of values. In the opinion of the court, the broadcast of material about the past of Karol Wojtyła was not an assault on the Church, John Paul II or Christian values, and coverage by journalistic materials of such socially important topics as the protection of minors against trusted institutions, such as churches and religious associations, is a foundation of democracy. The Circuit Court did not share the opinion about the lack of journalistic integrity and due diligence, and, in the opinion of the court, the reportage was based on diverse sources, including multiple witness testimonies, analysis of documents and records.

© European Audiovisual Observatory (Council of Europe) 2026

KRRiT declared its intention to appeal the matter. Taking into account that the judgment of the court of first instance was delivered three years after the programme's transmission, a long court battle can be expected in the case, touching upon such fundamental questions, from the point of view of the press, as freedom of expression and the right to express one's opinions, enshrined in the European Convention on Human Rights and the Constitution of the Republic of Poland.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026