[PL] Freedom of Expression and Media

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Art. 54 of the Constitution of the Republic of Poland of 2 April 1997, last amended on 26 March 2001, guarantees everyone the freedom to express opinions and to acquire and disseminate information.

Under Art. 14 of the Constitution, freedom of the press and other means of social communication are guaranteed. Art. 54 para. 2 prohibits preventive censorship of the means of social communication.

Whereas the press does need authorisation according to Art. 14 of the Constitution, Art. 54 para. 2.2 stipulates that statutes may require the receipt of a permit for the operation of a radio or television station. Such a statute is the Broadcasting Act of 29 December 1992, last amended on 25 April 2006. According to Art. 33 no. 2 of the Broadcasting Act, the President of the National Radio and Television Council is responsible for distributing broadcasting licences. The *Krajowa Rada Radiofonii i Telewizji* (National Radio and Television Council - KRRiT) is mentioned in Art. 213 ff. of the Constitution and first met on 28 April 1993. Under Art. 213 of the Polish Constitution, it safeguards the freedom of speech, the right to information and the public interest regarding radio broadcasting and television. It is authorised to issue regulations and adopt resolutions in individual cases.

Recent amendments to the Broadcasting Act made on the basis of the Act on the amendment of the tasks and competencies of the state institutions responsible for communication and broadcasting of 29 December 2005 (see IRIS 2006-2: 18) triggered a lot of discussion in Poland. In April 2006, the Polish Constitutional Court ruled that various amendments were unconstitutional (see IRIS 2006-6: 18 and IRIS 2006-7: 17). These included a rule under which the President of the Broadcasting Council was appointed and dismissed by the President of the Republic of Poland. Under the latest amendment, this is now the task of the members of the Broadcasting Council.

Constitution of the Republic of Poland, 2 April 1997, last amended on 26 March 2001

http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm

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