[PL] Proposed Amendments to Broadcasting Act

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Katarzyna B. Masłowska
Warsaw

On 13 June 2001, the Polish Committee for European Integration adopted amendments to the Broadcasting Act, which were accepted by the Council of Ministers on 29 June 2001. The draft is designed to transpose Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by the Directive 97/36/EC (The Directive "Television Without Frontiers"), in the scope of jurisdiction, definition of European works and European quotas. The Broadcasting Act had been amended in 2000 (see IRIS 2000-6: 9).

Since this amendment did not provide for the full compliance of Polish law with the provisions stipulated in the Directive, a subsequent amendment to the aforementioned act was deemed necessary. The Republic of Poland, in view of its commitments, is obliged to implement European Community provisions into national law not later than on the date of accession. The last round of negotiations in this field was held in the end of 2000 and the chapter 20 "Culture and audiovisual policy" was provisionally closed on 4 December 2000. Nonetheless, certain provisions included in Polish Broadcasting Act in force do not fully comply with those of the Directive.

In order to fulfil the aforementioned commitments the draft law provides for changes in the scope of jurisdiction, as stipulated in Art. 2 of the Directive Television without Frontiers. Art.1 para. 1 of the Draft separately establishes jurisdictional criteria, e.g. a permanent seat of a broadcaster as well as some additional technical criteria, which should be applied to the Member States of European Union and Non-Member States.

The draft establishes new criteria concerning the promotion of European works, including independent European works as indicated in Art. 4 and 5 of the Directive. It redefines the notion of "European work" in accordance with the guidelines of Art. 6 of the Directive. It also states that broadcasters reserve at least ten per cent of their transmission time for independent European works.

The document introduces changes regarding the amount of share capital that can be held by foreign shareholders, establishing a limit of 49% instead of 33%.

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Generally, drafted proposals will be binding from the date the Republic of Poland becomes a member of the EU.

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