[PL] Amendment of Broadcasting Law Passed

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The bill amending the Broadcasting Act, aimed at the transposition of European Community legal standards into national law (see IRIS 2003-10: 9), was finally been adopted by the Parliament on 2 April 2004.

The draft bill sent to Parliament on 7 November 2003 by the Government, has been amended by the Sejm (lower chamber of the Parliament) and the Senat (upper chamber of the Parliament). The changes made to the governmental proposal are of minor importance and the main objective of the bill harmonisation with EC law is kept intact.

The amendment contains inter alia specific criteria to identify the jurisdiction over broadcasters in compliance with the "Television without Frontiers" directive. It also contains provisions referring to European quotas, and includes a detailed definition of "European programmes". The obligation to allocate most of the broadcasting time to European programmes has been adopted in a normative formula that will facilitate its effective observance. The notion of European programmes was incorporated into a concept of the quota of audiovisual works of independent producers. The deadline by which it will be obligatory to give preference to most recent productions within this quota has been changed and now it is 5 instead of 3 years. The amending law proposes changes that will allow foreign entities from the European Economic Area to enjoy full capital liberalization as from 1 May 2004. The law also proposes that from that date the share of foreign capital in Polish broadcasting companies would be raised to 49% for other foreign entities (outside the EEA). The law also includes provisions on the protection of minors, advertising and teleshopping, as well as provisions concerning the interruption of feature films and films made for television. This amended rule obliges the registering authority to impose upon cable network operators a ban on retransmiting programme services which seriously and gravely infringe the provisions on protection of minors and public order contained in Article 22 (1) or (2) and/or Article 22a of the Directive. To implement the newest developments of the EC state aid law, the amendments embrace provisions aimed at achieving compliance with the acquis communitaire referring to compensation for services provided in the general interest (see IRIS 2003-10:4), including the definition of the public service remit and provisions aimed at guaranteeing the principle of proportionality.

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Ustawa z dnia 2 kwietnia 2004 r. o zmianie ustawy o radiofonii i telewizji

http://orka.sejm.gov.pl/opinie.nsf/nazwa/2213_u/$file/2213_u.pdf

Law of 2 April 2004 on the amendment of the Law on Broadcasting

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