[PL] Act on Licence Fees Adopted by Seym

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On 3 March 2005 Seym, the lower chamber of Polish Parliament adopted an Act on licence feesfor the use of radio and television sets.The Act provides that persons possessing a radio or television set in a condition enabling an immediate reception of a programme service are deemed to use that set.

In general, licence fees shall be paid for every radio and television set. But under certain circumstances only one fee has to be paid, irrespective of the number of radio and television sets used. So several persons in the same household have to pay only once. This does not change if they have also a radio in a motor vehicle which constitutes their property. Alsopublic health care institutions, sanatoria, nurseries, public and private educational institutions, public and private higher education establishments and social welfare institutions have to pay only one fee.

Additionally, certain categories of citizens will be exempt from the obligation to pay a licence fee. Among them are invalids, senior citizens over 75, persons entitled to social welfare benefit or social pension, deaf persons and blind persons.

The Act specifies the amount of the monthly subscription fee in a given calendar year. The monthly fee for using the radio set was established at a level of 0,7% of a minimal remuneration ofan employee, stated according to the Act of 10 October 2002 on minimal remuneration ofthe employee.

The fee for using a television set, or radio and television set was established at a level of 2,2% of the aforementioned minimal remuneration ofthe employee.

Radio and television sets would be registered at post offices. The post office would collect the licence fees. It would also control the exercise of the duty of registering radio and television sets, as well as the regularity of the payments. The minister in charge of communications has the task of supervising the exercise of the aforementioned control.

At the moment the licence fees are regulated in a general way in the Broadcasting Act and more specifically in the regulation of the National Broadcasting Council of 27 June 1996 concerning the licence fees for the use of radio and television sets. The current version of the Broadcasting Act provides thatthe National Broadcasting Council determines, by a regulation, the amount of

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the licence fees, as well as the manner and procedure of payment of these fees. It may also exempt certaincategories of citizens from licence fees.

Since the Constitutional Tribunal in its judgment of 9 September 2004 found that establishing the amount of licence fees has to be done in an Act adopted by the Parliament, and not in the regulation, and that a regulation can only provide complementary rules to those provided in the Act, these rules had to be changed. The new Act is aimed at providing rules applicable to establishing and collecting licence fees, in the line with the judgment of the Constitutional Tribunal.

On 4 April 2005 the Senate, the upper chamber of the Parliament, presented its proposal for amendments to the draft Act, aimed at providing a clearer and more coherent redaction of the bill.

Ustawa z dnia 3 marca 2005 r. o opłatach abonamentowych

Draft Act on licence fees for the use of radio and television sets

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NBC's regulation concerning the licence fees for the use of radio and television sets

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