[PL] Controversial Awarding of Frequencies to TV Puls

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In 2007, *Krajowa Rada Radiofonii i Telewizji* (National Broadcasting Council - KRRiT) announced competitions for the last five free terrestrial television frequencies in Wrocław, Szczecin, Katowice, Nowy Sącz and Leszno. According to the announcement, the competition concerned only broadcasters with a licence for a general ("universal") programme service. The applications of TVN, TV4, TV Puls and TV Odra were accepted.

Just prior to this, in November 2006, TV Puls had filed an application concerning the changes of the terms of its licence as regards the nature of its channel: from a specialised programme to a general programme service. TV Puls is mainly owned by a Franciscan Order (60 percent) and Rupert Murdoch's News Corporation (35 percent). In 2004, TV Puls had been granted a licence for a specialised social-religious programme. According to the terms of its licence, it was obliged to devote 70 percent of the weekly transmission time for the programmes from "an area of specialisation". When applying for a "universal" licence it argued that such a licence similar to those of Polsat and TVN would help to offer a wider variety of programmes. Preserving the social-religious (family and Christian) character of the programme, a richer offer with news, commentary and entertainment programme services would allow it to reach a wider range of audience. In January 2007, KRRiT unanimously took a resolution approving the changes to the terms of the TV Puls licence.

As a result of the competitions for frequency assignment in 2007, KRRiT recently awarded the regional station TV Puls new terrestrial frequencies: on 15 January 2008, KRRiT decided to expand the TV Puls licence to the regions Wrocław and Szczecin, and on 7 February 2008, TV Puls received frequencies for Nowy Sącz and Katowice – Bytków. KRRiT justified its decision on the basis of a need to support the smallest television broadcasters. TVN for instance has its transmitters in Szczecin and Wrocław, and TV4 its transmitters in Szczecin, while TV Puls is not present in any of these areas.

TVN protested against KRRiT's decisions. It argued that the KRRiT resolution of January 2007 concerning the change to the terms of the TV Puls licence from a specialised programme to a "universal" constituted a "serious infringement of the law" because the statutorily required licence procedure had not been correctly applied. As frequencies should only have been granted to channels licensed to

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offer a general programme service, TV Puls would not have been authorised to take part in the competition and hence, of course, to be awarded new frequencies.

KRRiT does not share the position of TVN. TV Puls estimates that under the current situation with new transmitters it could reach 30 percent of the Polish audience (formerly it was only 16%).

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