[PL] Digital Terrestrial Television in Poland - New Developments

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At the beginning of 2010 the Ministry of Infrastructure conducted public consultations on the Draft Act on launching digital terrestrial television (DVB-T), in which major industry stakeholders took part. After the results of the consultations had been published, the Draft was to be sent for intergovernmental consultations in March 2010.

The aim of the Draft Act is to facilitate the complex process of launching DVB-T by providing for a legal framework. The emphasis has been put on the first phase of this process, within which all present analogue terrestrial TV broadcasters would start digital terrestrial transmissions. The Draft Act establishes the date of the switch-off of analogue TV, the procedure of choosing the transmission networks' operator that would provide services for the DVB-T multiplex operator, the duties of the DVB-T multiplex operator, the duties of TV broadcasters referring to an information campaign on the switchover to digital terrestrial television.

The Draft Act takes into account former developments in this field. On 30 September 2009 the Office of Electronic Communications issued a decision on frequency reservations for the five broadcasting companies (Telewizja Polska SA, Telewizja Polsat SA, TVN SA, Polskie Media SA and Telewizja Puls Sp. z o.o) granting them the right to co-use the frequencies in the first digital terrestrial multiplex (making them in fact together an operator of MUX 1). The aim was to reflect the current analogue terrestrial TV offer, having nation-wide or cross-regional character at the digital multiplex and to establish clear conditions when analogue frequencies might be freed. The time limit for co-using these frequencies has been established differently for public and commercial broadcasters: Telewizja Polska has gained the right to co-use the frequencies in MUX 1 until 31 July 2013 (the end of the transition period). It was agreed that after that date Telewizja Polska would broadcast its TV programme services on its own multiplex (MUX 3). The commercial broadcasters have been granted the right to co-use the frequencies of MUX 1 until 29 September 2024.

The above-mentioned decision was possible, because on 31 July 2009 the Chairman of the National Broadcasting Council signed a decision amending the licenses for terrestrial broadcasting of TV programmes; broadening the scope of existing analogue terrestrial TV licenses by providing for the possibility of

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broadcasting also on MUX 1 (on the new additional frequencies), while simulcasting by analogue means would be also possible for some time. The four commercial terrestrial TV programme services (nation-wide and cross-regional using no fewer than seven transmitting stations) are broadcast on the basis of amended licenses, while the three public TV programme services are broadcast directly under the provisions of the Broadcasting Act and do not require a licence.

The Draft Act announces that the switch-off of the analogue TV signal should take place until 31 July 2013. Broadcasters have been obliged in the Draft to cover by digital transmission 95% of the area indicated in the aforementioned frequency reservation decision. The Draft provides detailed obligations of the MUX 1 operator, the procedure of choosing a network provider in 3 different options. A special chapter of the Draft has been devoted to the information campaign on DVB-T. Broadcasters that obtained a frequency reservation for MUX 1 would be obliged to broadcast until 31 July 2013 information on the transition to the DVB-T standard within their own programme services. The Draft also provides technical requirements for TV-sets to be sold after 1 April 2010. Moreover, it provides numerous amendments to the Telecommunication Law of 16 July 2004. These changes establish new rules on the equal, non-discriminatory, clear and transparent rules on access to multiplex, multiplex operator duties in this respect, the minimum requirements of agreement on the access to multiplex (between multiplex operator and broadcasters). The Draft also provides amendments to the Broadcasting Act of 29 December 1992 (referring to the licensing process).

The preparations to launch MUX 1 faced some troubles, notably because of difficulties with the appropriate procedure of choosing the network operator; while commercial broadcasters have already agreed on one, the public broadcaster can do so only after completing a tender procedure as envisaged in the Public Procurement Law. In order to find a workable solution to this problem, broadcasters recently expressed a view that public and commercial broadcasters should be placed on separate multiplexes (MUX 1 and 3 for public broadcasters, MUX 2 for commercial ones). Broadcasters said they were considering proposing appropriate motions to the regulatory authorities.

A great number of households in Poland already have access to digital TV offers, through digital satellite and cable TV platforms, and the amount of households with access to such digital platforms is growing. Still, the digital switchover of terrestrial TV is considered important.

Projekt ustawy o wdrożeniu naziemnej telewizji cyfrowej DVB-T

http://bip.mi.gov.pl/pl/bip/projekty_aktow_prawnych/projekty_ustaw/ustawy_telekomunikacja/proj_ust_wdrozenie_dvb_t

Draft Act on launching digital terrestrial television (DVB-T)

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Rozpoczęcie cyfryzacji telewizji naziemnej w Polsce

http://www.uke.gov.pl/uke/index.jsp?place=Lead07&news_cat_id=19&news_id=4673&layout=2&page=text

Launching of digitisation of terrestrial television in Poland

Plan wdrażania telewizji cyfrowej w Polsce

http://www.mi.gov.pl/2-482be1a920074-1791824-p_1.htm

Plan to implement digital television in Poland

Ogłoszenie Przewodniczącego KRRiT z dnia 3 lutego 2009 r. o możliwości uzyskania koncesji na rozpowszechnianie programu telewizyjnego

http://www.krrit.gov.pl/bip/Portals/0/koncesje/ogloszenia/ogloszenia_mp/og_090227_mux1.pdf

Announcement of the President of the National Broadcasting Council of 3 February 2009 on the possibility to obtain licence to television broadcast.

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