

Council of Europe: Expert Opinion on the three draft acts regarding Polish public service media

IRIS 2016-7:1/2

*Sophie Valais
European Audiovisual Observatory*

Within the framework of an expert dialogue with the Polish authorities, the Council of Europe (CoE) entrusted two experts, Ms Eve Salomon and Mr Jean-François Furnémont, with the task of preparing an expert opinion on three draft bills regarding Polish public service media (the draft “Media Law package”). These draft bills were submitted to the Sejm (lower chamber of Polish Parliament) on the 20 of April 2016 for discussion (see also IRIS 2016-2/22).

The expert opinion focuses on how the proposed provisions (the draft Act on National Media, draft Act on Audiovisual Contribution and draft Act on Provisions introducing the Act on National Media and Act on Audiovisual Contribution) affect the democratic governance and control mechanisms of the public broadcaster in alignment with CoE standards; notably editorial independence and institutional autonomy to public service institutions.

The Council of Europe experts are of the opinion that improvements are required in the following areas:

- Governance: the procedure for the selection and appointment of members of the National Media Council should be transparent, set out in law and should ensure that those appointed are properly qualified for the job, are independent from political influence, and represent the diversity of Polish society;
- Content and public mission: a number of provisions in the new legislation affect media content and may result in reduced pluralism and editorial independence. Editorial control should be the responsibility of the directors and editors-in-chief. Content issued by public service media must reflect the diversity of Polish society, and should remain impartial and balanced.
- Protection of journalists: the current proposal for collective dismissal of middle management employees should be abandoned.
- The licence fee system: greater certainty should be provided over funding, but the reforms to the system should be more proportionate, with greater clarity given to the provisions relating to enforcement and the assessed adequacy of the funding and in order to realise the remit. A full impact assessment is recommended.

A meeting took place on 17 May between Council of Europe experts and the Polish Deputy Minister of Culture and National Heritage, who has responsibility for the Reform of Public Media. The meeting was in order to discuss the issues underlined by the experts, including possible amendments to the draft legislation. The Council of Europe welcomed the readiness of the Polish authorities to enter into a constructive dialogue, and outlined the need to make the new system of public media operate effectively, without undue political interference and in conformity with European standards.

Council of Europe, DGI (2016) 13, Opinion of Council of Europe Experts, Mr Jean-François Furnémont and Dr Eve Salomon on the three draft acts regarding Polish public service media, 6 June 2016

<https://rm.coe.int/CoERMPublicCommonSearchServices/sso/SSODisplayDCTMContent?documentId=090000168065e7a4&ticket=ST-349767-UWSxHxK0h4NSwp6uloYq-cas>

Press release of the Council of Europe, Conclusions of an expert dialogue between the Polish Government and the Council of Europe, 6 June 2016

http://www.coe.int/en/web/freedom-expression/home/-/asset_publisher/RAupmF2S6voG/content/communique-on-conclusions-of-an-expert-dialogue-between-the-polish-government-and-the-council-of-europe?inheritRedirect=false&redirect=http%3A%2F%2Fwww.coe.int%2F

