

[PL] Dispute over TVN fine intensifies

IRIS 2018-2:1/28

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Poland's National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji - KRRiT) has refuted concerns expressed by the US State Department in relation to a fine imposed against the broadcaster TVN. TVN is owned by the American company Scripps Networks Interactive, which is soon to be taken over by Discovery Communications.

The disagreement follows the KRRiT's decision to fine TVN around EUR 352 000 for allegedly biased and distorted reporting on demonstrations outside the Polish Parliament. The US State Department expressed concern about how the fine might affect the Polish media landscape. Department spokesperson Heather Nauert said that Poland was a close ally and fellow democracy whose media freedom could be undermined by the KRRiT's decision; free and independent media were essential to a strong democracy. Societies built on good governance, strong civil society, and an open and free media were more prosperous, stable and secure, she added. Nevertheless, she remained confident in the strength and ability of Poland's democracy to ensure Poland's democratic institutions were fully functioning and respected.

The KRRiT refuted this criticism, stressing that the fine was based on a thorough, long-term analysis of six TV channels for which TVN was responsible. Although many of the programmes monitored had contained fierce criticism of the government majority, this criticism was not, as had been alleged, the reason for the fine; rather, in the KRRiT's opinion, TVN's reporting had infringed the Polish Broadcasting Act. It pointed out that the KRRiT rarely punished broadcasters. TVN was entitled to express sympathy with the opposition; however, in the present case, there had been a danger that the reporting concerned could have fuelled aggression and jeopardised public security and order. In order to exercise freedom, society also needed to take responsibility. The KRRiT also stated that the punishment had been very mild, amounting to only 0.1% of the broadcaster's annual revenue and 1% of the maximum possible penalty.

However, the KRRiT also said that its legal department had, when reviewing the decision, not found anything illegal in TVN's conduct. It was therefore seeking the advice of an outside expert for a definitive assessment of the decision.

Following discussions between TVN and the KRRiT, the fine has now been withdrawn. At the same time, the KRRiT announced plans to set up a media round

table in order to develop self-regulatory mechanisms in consultation with broadcasters and journalistic and scientific organisations.

Uzasadnienie kary dla TVN 24, 13.12.2017

<http://www.krrit.gov.pl/krrit/aktualnosci/news,2582,uzasadnienie-kary-dla-tvn-24.html>

Grounds of the KRRiT's decision, 13 December 2017

