

Official response of the Government of Poland

In response to the media alert of 4 January 2016 on the Council of Europe Platform to promote the protection of journalism and safety of journalists entitled: “Polish Law on Public Service Broadcasting Removes Guarantees of Independence”, the Government of the Republic of Poland has a pleasure to submit the following.

Primarily, the Government would like to reiterate that it is fully committed to principles and values of the Council of Europe. In particular, we are deeply convinced that preservation of freedom of expression and promotion of free and pluralistic public service media significantly contribute to realising the ideas and principles embodied in the Statute of the Council of Europe.

Poland subscribes to the commitments made by the Committee of Ministers of the Council of Europe in 2012 in its Declaration on Public Service Media Governance, whereby it stated that Public Media Service must remain independent of political or economic interference and should be accountable and transparent.

In this context it is to be stressed that all the recent legislative changes introduced to the Polish law on public service broadcasting are lawful, legitimate and remain in conformity with this Declaration.

Having that in mind we consider the media alert of 4 January 2016 as unfounded, and in any case not based on actually most serious concerns about media freedom and journalists' rights.

What is more, vague and enigmatic nature of the arguments raised in the aforementioned alert makes it difficult, if not impossible, to comment upon it.

In particular it should be noted that:

1. The supposed “removal of guarantees for independence” of the public service media is not specified as to the exact “guarantee” which is claimed to be removed.
2. Alert does not specify which norms of the Council of Europe and in what way, are alleged to be broken.
3. Alert does not specify which provision (“mandate”) of the Polish Constitution was alleged to be infringed.

Noting the above and at the same time being committed to effective cooperation within the framework of the Platform, the Government wish to provide the following clarifications.

The State Treasury as the owner of public media companies is free to decide how its ownership is being managed and who is supervising the management process. This is the reason why the power to nominate management and supervisory boards was granted back to the Treasury. This is, however, only temporary solution taken in order to end improper situation, which was persisting in public media since 1992 and which allowed National Broadcasting Council (the media market regulator) to nominate management and supervisory boards of public service media companies. As the Council of Europe experts stressed in their opinion of 11 May 2012 on Hungarian Media Legislation (p. 32), the body which *“has overall regulatory responsibility for services ... should play no part in setting the contract terms or the appointment of senior managers to the services it regulates because this would undermine the necessary independence between regulator and*

regulated.” Unfortunately, it had been the case in Poland since 1992 until the present amendment which introduces the full compliance with the CoE standard in media regulation.

However, that legal solution is of temporary nature pending the adoption of a new legislation, which is to envisage a new comprehensive system of the functioning of public service media, similar to many other solutions applied in the CoE Member States, where the appointment for public media management remains within the powers of a new independent body and not the State administration.

It was never, nor will it be in the future, the intention of Polish authorities to renounce of the guarantees of independence of public service broadcasters. On the contrary, the primary intention guiding the Polish Government in its media related legislative initiatives, is to render public media services pluralistic and open to diversity of opinions and content. This has not always been the case in the past, provoking vivid critic of the Polish Journalists Association.

The said Polish Journalists Association at its last Extraordinary Assembly called upon quick and radical change in public service media. This was the reason why the new legislation was “hurriedly adopted”. Adoption of this amendment was very much welcomed by the Polish Journalists Association with the official statement (attached to this answer).

It is to be stressed, that competences of the National Broadcasting Council as provided in the Article 6 of the Public Broadcasting Service Act 1992 for ensuring media pluralism and freedom of expression, stay untouched by the amending statute. The only derogation refers to the Council power to determine composition of the management within public media companies, which has already been described. The National Broadcasting Council (*KRRiT*) will continue its media market-regulator function in the same way as before, including its supervisory powers ensuring pluralism in media.

The Government of the Republic of Poland wishes to express its astonishment with such stigmatising and biased claims against Poland, as exposed in the alert. It is to be regretted that the civil society mechanisms provided by the Council of Europe are being used in such an irresponsible and offensive way.



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**Warsaw branch of Polish Journalists' Association
against disinformation and intimidation of society
by the media**

The board of the Warsaw branch of the Polish Journalists' Association protests against the practices of public and private media which lead to destabilization of Polish society through disinformation and building a distorted picture of our country's socio-political situation. We strongly object to the unprecedented increase in aggression among news journalists, who instead of impartially reporting on the work of the president, government and parliament, create manipulated and false coverage, the aim of which is to intimidate society.

It is especially reprehensible to use foreign media which replicate the one-sided and dishonest reporting. This becomes an illegitimate interference in Poland's internal affairs, and violates Poland's national interest.

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30 December 2015



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Statement by Main Board of Polish Journalists' Association

We are deeply surprised that serious European institutions are shaping their opinion about changes to the public media in Poland without knowledge of basic facts.

In recent years, public media have reached a state of pathology which is characterised, among other things, by political partisanship and lack of pluralism. In turn, this has led to manipulation and presenting a distorted picture of Poland. Public media are not fulfilling their mission or duties, which the Polish Journalists' Association has pointed out during its Extraordinary Assembly, calling upon radical change in this respect.

The law which Polish Sejm has adopted on 30 December can be regarded as only a first step towards building media that will create room for public debate in an honest and pluralistic manner. We expect that a new media law will be drafted and adopted over the coming months. We also expect that work on the law will bring together civic organizations and circles professionally involved in media.

We expect that the final shape of the public media legal regime will place them outside the influence of political parties, ensuring conditions in which public media will be able to conduct their information and cultural mission in a reliable way.

Main Board of the Polish Journalists' Association

31 December 2015



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SDP Warszawa przeciwko dezinformacji i zastraszaniu społeczeństwa przez media

Zarząd oddziału warszawskiego SDP protestuje przeciwko praktykom mediów publicznych i prywatnych prowadzącym do destabilizacji polskiego społeczeństwa poprzez dezinformację i budowanie fałszywego obrazu sytuacji społeczno – politycznej naszego kraju. Niespotykany wzrost agresji dziennikarzy informacyjnych, którzy zamiast rzetelnie informować o pracach prezydenta, rządu i parlamentu, tworzą zmanipulowany i nieprawdziwy przekaz, mający zastraszyć społeczeństwo, budzi nasz zdecydowany sprzeciw.

Szczególnie naganne jest wykorzystywanie zagranicznych mediów, które powielają jednostronne i nierzetelne przekazy. Staje się to nieuprawnioną ingerencją w wewnętrzne sprawy Polski i narusza polską rację stanu.

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<http://sdp.pl/informacje/12215,sdp-warszawa-przeciwko-dezinformacji-i-zastraszaniu-spoleczenstwa-przez-media,1451503711>



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Oświadczenie Zarządu Głównego Stowarzyszenia Dziennikarzy Polskich

Jesteśmy głęboko zdziwieni, że poważne instytucje europejskie kształtują swoją opinię na temat zmian w mediach publicznych w Polsce bez znajomości podstawowych faktów.

Media publiczne w ciągu ostatnich lat osiągnęły stan patologii charakteryzujący się między innymi jednostronnością polityczną i brakiem pluralizmu, co prowadziło do manipulacji i przedstawiania nieprawdziwego obrazu Polski. Media publiczne nie wypełniają swojej misji ani obowiązków, na co SDP wskazało w czasie swojego Nadzwyczajnego Zjazdu, domagając się radykalnych zmian.

Uchwalona 30 grudnia br. przez Sejm ustawa może być traktowana jedynie jako pierwsze posunięcie na drodze do budowy mediów, które będą tworzyć przestrzeń dla debaty publicznej w sposób rzetelny i pluralistyczny. Oczekujemy, że w ciągu najbliższych miesięcy zostanie przygotowana i uchwalona nowa ustawa medialna. Spodziewamy się też, że w pracach nad ustawą wezmą udział organizacje obywatelskie i środowiska zawodowo związane z mediami.

Oczekujemy, że ostateczny kształt ustroju mediów publicznych uniezależni je od wpływów partii politycznych zapewniając warunki dla pełnienia przez nie rzetelnie misji informacyjnej i kulturotwórczej.

Zarząd Główny SDP
31 grudnia 2015 r.

<http://sdp.pl/informacje/12219,oswiadczenie-zarzadu-glownego-stowarzyszenia-dziennikarzy-polskich-,1451576785>