

Information provided by the Polish National Broadcasting Council.

Preliminary assessment of the election campaign for the office of the President of the Republic of Poland conducted in Poland, made by representatives of the Special Election Assessment Mission of ODHIR (Office for Democratic Institutions and Human Rights) which has been the basis for the publication of alert no 83/2020 (https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column-3&p_p_col_pos=1&p_p_col_count=11&sojdashboard_WAR_coesojportlet_alertPK=68783967&sojdashboard_WAR_coesojportlet_displayLink=SojPortlet.getDashboardPortletId%28%29) in view of the Polish authorities does not reflect the actual course of democratically conducted elections or their true image in the media.

Above-mentioned observations were based primarily on the critical opinions of only one of the journalists' organizations. Opinions presented by other organizations, including the position of the Press Freedom Monitoring Centre operating at the most representative industry organization - the Association of Polish Journalists were to large extent ignored.

Polish media market is fragmented and polarized, as a result of which recipients have access to pluralistic, diversified programming which also includes information. The National Broadcasting Council provided observers with independent analysis on media coverage during the campaign, which has been conducted by the academics from Public Discourse Monitoring Centre at the University of Nicolaus Copernicus in Toruń. However, these findings were also been largely ignored in the preliminary assessment. As the attention has focuses solely on the programming activities of the public broadcaster, it largely ignored the need to include assessment of the private media market.

In its research, the Public Discourse Monitoring Centre at the University of Nicholas Copernicus in Toruń emphasized that following the first round of elections, from 29 June to the day immediately preceding the second round i.e. 11 July, candidates for the office of the President of the Republic of Poland were presented in three main TV news broadcasts ("Events" in TV Polsat, "News" in TV Poland and "Facts" in TVN) with varying frequency and intensity.

Experts emphasized that differences in exposure between the two candidates in the second round (incumbent president seeking re-election, Mr Andrzej Duda and the Mayor of Capital City of Warsaw, Mr Rafał Trzaskowski) in each of the broadcasts were not significant. The three analyzed news bulletins devoted a considerable amount of time to the exposure of the candidates - a total of 4 hours, 46 minutes and 15 seconds. The difference in exposure time of both candidates in "News" was only 1 minute and 22 seconds. The difference in the presentation of Andrzej Duda and Rafał Trzaskowski in "Facts" was also small - about 1 minute and 17 seconds. During the two weeks preceding the voting in the second round of the presidential elections, "Events" spent 2.5 minutes less time presenting the image of the current President of the Republic of Poland than the candidate Rafał Trzaskowski.

According to experts, the analysis of the daily exposure of the candidates, which showed fluctuating increases and decreases in the airtime devoted to Andrzej Duda and Rafał Trzaskowski during the two weeks of the second round of the election campaign, did not indicate a constant trend. The key timelines were the first and last days of the campaign in the second round of the elections, when the exposure levels of both candidates were the highest.

The experts stated that the most neutral way of presenting both contestants was presented by the newscast of TV Polsat's "Events." The materials often featured alternating positive and negative statements concerning both candidates. Moreover, each of them was presented in the context of their political activities, not their personal or private life.

In TVN's "Facts," the predominance of Andrzej Duda's negative presentation, both in verbal and visual terms, was noticeable. The following interpretive baseline was noted: a "following party-line and subordinate president" or an "ideologist dividing Poles". With regard to the candidate of the Civic Coalition (Koalicja

Obywatelska; KO), the message focused on high social support, enthusiasm and positive character, independence from the party and standing up for the idea of self-government in Poland.

TVP's "News" more often than the above-mentioned news broadcasts focused on the positive aspects of the activities of the incumbent President of the Republic of Poland, pointing to his high social support and social sensitivity.

Before the second round of the presidential elections (period from 29 June till 12 July), the analysis of viewership in the main TV channels (the so-called Big Four: TVP1, TVP2, TVN, Polsat) confirmed the advantage of TVN's *Facts* over TVP's *News* and other broadcasts. At the same time, with regard to dedicated news channels (TVP INFO, Polsat News, TVN24 Business and World), public television had higher viewership results. These data confirm that Poles had access to a diverse and pluralistic offer and used it according to their preferences.

Pursuant to the Electoral Code, the National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji; KRRiT) which is broadcasting regulator in Poland, ensuring i.a. compliance with the law by broadcasters, does not have the competence to control and evaluate materials published during election campaigns by media service providers, including public radio and TV. These competences lay solely with the judiciary (independent courts). The National Broadcasting Council may only act as expressly provided for by generally applicable regulations. The Council has no legal grounds to initiate administrative proceedings based on the provisions of the Electoral Code. The basis for initiating such proceedings cannot be Art. 21.1 of the Broadcasting Act, which defines the mission of public media. In accordance with the principle of legality, NBC competences allowing it to impose a fine upon a broadcaster are listed in Art. 53 clause 1 of the Act of 29 December 1992 radio and television (Journal of Law, 1993, no 7 pos. 34 / Journal of Law, 2020, poz. 805). The National Broadcasting Council responds to complaints from viewers and listeners. As for the development of public debate standards, the National Broadcasting Council cooperates with various industry and academic centers, using their increasingly diverse and in-depth professional achievements in monitoring programme activities.

Taking the above into consideration, the National Broadcasting Council expects that in the report expected to be published in September, representatives of the SEAM ODHIR Mission will present a full, detailed justification of their position rather than just a few reflections without providing comprehensive arguments.