

*With reference to alert published on the Council of Europe Platform for the Protection of Journalism and Safety of Journalists on the 23 of March 2021 entitled “Minister of Justice Sues Gazeta Wyborcza Editor-in-chief Adam Michnik”, Polish authorities wish to provide information on the matter prepared by the Ministry of Justice of the Republic of Poland.*

*In accordance with correspondence from the District Court of Warsaw of the 20<sup>th</sup> of April 2021, there are currently two proceedings (case number I C 1215/21 and case number I C 1214/21) before this court in which Minister of Justice and Prosecutor General Mr Zbigniew Ziobro is a plaintiff against the Editor-In-Chief of Wyborcza.pl, website information service of Gazeta Wyborcza daily newspaper. In both of these cases, the plaintiff demands a rectification from the defendant.*

*In the case I C 1214/21 the District Court in Warsaw has issued a pending verdict on the 12<sup>th</sup> of April 2021 in which the demand for rectification has been partially recognized and partially rejected. In the case I C 1215/21 no verdict has been issued by the Court so far.*

*In this context, it needs underlining that the legal basis for a demand for rectification is embedded in the provisions Press Law of 26<sup>th</sup> of January 1984 (Journal of Law of 2018, pos. 1914.*

*Article 31a para 1 and 2 of this Act state that upon the motion of an interested natural or legal person, or of an entity which is not a legal person, the editor-in-chief of the concerned newspaper or magazine is obliged to publish free of cost a rectification which corrects inaccurate or untrue information which had been published. Apart from the aggrieved person him/herself, the right to call for rectification is also attributed to the next of kin described in the Article 115 para 11 of the Criminal Code in case the aggrieved person is deceased, as well as to legal successor of a legal person or of an entity which is not a legal person. Article 32 of the Press Law specifies the place and date of publication of such rectification. Article 33 regulates terms of refusal of publishing a rectification by the media outlet.*

*In accordance with Article 39 para 1 and 2, if the editor-in-chief rejects the call for publication of rectification or the rectification has not been published within the timeframe described in Article 32 para 1-3 of the Press Law or has been published in breach of Article 32 para 4 or 5, the aggrieved party as described above can file a lawsuit demanding a public rectification. Right to file a such case before a court expires after one year from the publication of the material. Article 52 para 1 of the Press Law states that cases described in Article 39 para 1 are being recognized within maximum timeframe of 30 days by a District Court competent with regard to the seat of the editor of the media outlet concerned, provided the complaint does not have any formal shortcomings.*

*With regard to both cases on rectification which triggered publication of the alert of the Platform, the court proceedings are still ongoing. Positions, reasoning and argumentations of both sides remains under the consideration of an independent court.*