

ACT
of 22 June 2016
on the National Media Council¹

Article 1

This Act defines the tasks, powers and organisation of the National Media Council, hereinafter referred to as the "Council", as well as the conditions and procedure for appointment of its members.

Article 2

1. The Council is a body that has the power to appoint and dismiss members of governing bodies of public radio and television broadcasting organisations and the Polish Press Agency, hereinafter referred to as the "Companies" and has competence in other matters laid down in the Act.
2. The tasks referred to in paragraph 1 shall be performed by the Council guided by the need to ensure that the Companies duly perform their statutory tasks and to protect their protect their autonomy and editorial independence.

Article 3

The Council shall consist of five members, of which three shall be appointed by the Sejm* and two by the President of the Republic of Poland.

Article 4

The term of office of the members of the Council shall be six years.

Article 5

1. A person who:
 - 1) is a citizen of Poland,
 - 2) stands out for his/her expertise and experience in matters relating to tasks and operation of the media,
 - 3) has not been convicted of a deliberate criminal offence by a final and valid judgement of a court,may be appointed member of the Council.

¹ The following Acts shall be amended by virtue of this Act: the Act of 26 July 1991 on Natural Persons' Income Tax, the Broadcasting Act of 29 December 1992, the Act of 31 July 1997 on the Polish Press Agency and the Act of 30 December 2015 amending the Broadcasting Act.

* *TRANSLATOR'S NOTE: The „Sejm” is the proper name of the Lower House of the Polish Parliament.*

2. Membership in the Council may not be combined with:
 - 1) functions in a body endowed with the executive power,
 - 2) membership in a body of the local self-government,
 - 3) employment in government or local self-government administration,
 - 4) employment in the Chancellery of the President of the Republic of Poland,
 - 5) membership in the National Broadcasting Council or employment in the Office of the National Broadcasting Council.
3. A holder of shares or interests in the Company or a person participating in a different way in an entity which is a media service provider or a radio or television producer may not be appointed member of the Council.

Article 6

1. The President of the Republic of Poland shall appoint members of the Council from amongst candidates nominated by parliamentary clubs or deputies' clubs formed by parties whose representatives are not members of the Council of Ministers (opposition clubs), with due regard for the principles laid down in paragraphs 2 to 7.
2. The President of the Republic of Poland shall set a 14-day time limit for nominating candidates to the Council, not earlier than 2 months and not later than 30 days prior to the expiry of the term of office of the Council member. In the event of dismissal of a Council member, the President of the Republic of Poland shall set a time limit for nominating candidates not later than 14 days after the dismissal of the Council member.
3. If there is just one opposition club, it shall have the right to nominate two candidates for each vacancy in the Council to be filled by a person appointed by the President of the Republic of Poland.
4. If there are two vacancies in the Council to be filled by persons appointed by the President of the Republic of Poland, then the right to nominate two candidates for these vacancies shall be vested respectively in two most numerous opposition clubs.
5. If the opposition club which has the right to nominate two candidates pursuant to paragraph 4 does not exercise this right within the time limit set in accordance with paragraph 2, this right shall pass to the most numerous of the opposition clubs that were not taken into account when applying this provision. The President of the Republic of Poland shall set a time limit for this club of 14 days after the lapse of the time limit for nominating the candidate pursuant to paragraph 4.
6. Paragraph 5 shall apply accordingly if the right to nominate candidates is not exercised pursuant to this provision.
7. If none of the parliamentary clubs exercised the right to nominate candidates for appointment as members of the Council, the President of the Republic of Poland shall appoint a member of the Council from amongst persons who meet the criteria specified in Article 5.

Article 7

1. Membership in the Council shall expire prior to the expiry of the term of office in the event of:
 - 1) death;

- 2) resignation;
 - 3) conviction of a deliberate criminal offence by a final and valid judgement of a court;
 - 4) submitting an untruthful screening statement, as confirmed by a final and valid decision of the court.
2. Expiry if membership in the Council shall be declared by:
 - 1) the Speaker of the Sejm in the case of members elected by the Sejm;
 - 2) the President of the Republic of Poland in the case of members appointed by the President.
 3. The body which elected or appointed a member of the Council shall dismiss the said member prior to the expiry of the term of office if the event of:
 - 1) breach of a constraint referred to in Article 5 paragraph 2 or 3;
 - 2) illness that makes the said member permanently unable to discharge of his/her duties.

Article 8

In connection with the expiry of the term of office of a member of the Council elected by the Sejm or appointed by the President of the Republic of Poland, the Speaker of the Sejm or the President of the Republic of Poland respectively may entrust the outgoing member with the task of continued performance of his/her duties until the election or appointment of a new member of the Council, however, no longer than for 60 days from the date of expiry of the term of office.

Article 9

1. When performing his/her functions, member of the Council shall be independent and guided by public interest.
2. A member of the Council must submit a financial disclosure statement to the Speaker of the Sejm on terms and conditions laid down in Article 10 of the Act of 21 August 1997 on Restraints on the Conduct of Business by Persons Performing Public Functions (official journal "Dz.U." of 2006 - no. 1584, of 2008 - no. 1458, of 2009 - item 1375, of 2010 - no. 1228 and of 2015 – no. 1635).

Article 10

1. The Chairman of the Council shall direct the work of the Council.
2. The Chairman of the Council shall be elected by the members of the Council from amongst themselves.

Article 11

1. Meetings of the Council shall be convened by the Chairman of the Council.
2. The Council shall adopt resolutions by an absolute majority of votes cast in the presence of at least three members of the Council.
3. In urgent matters the Chairman of the Council may order voting by post. Paragraph 2 shall apply accordingly.
4. Detailed procedure of the Council's work shall be laid down in the Council by-laws.

Article 12

The Council may review the affairs of the Company. With regard to the foregoing, the Council shall have the powers that are vested in a supervisory board by virtue of law and the Company's statutes.

Article 13

1. By the 31st of March each year, the Council shall submit a written information on its operations in the past year to the Sejm, the Senate, the President of the Republic of Poland, the Prime Minister, the National Broadcasting Council and the general public.
2. The Sejm and the Senate shall examine the information referred to in paragraph 1 together with the annual report filed by the National Broadcasting Council pursuant to Article 12 paragraph 1 of the Broadcasting Act of 29 December 1992 (official journal "Dz.U." of 2016, no. 639).
3. The bodies referred to in paragraph 1 may submit their remarks to the information referred to in paragraph 1.
4. The Council must respond to the remarks referred to in paragraph 3 within 30 days from the date of delivery of the remarks to the Chairman of the Council by, accordingly, the Speaker of the Sejm, the Speaker of the Senate, the President of the Republic of Poland, the Prime Minister or the Chairman of the National Broadcasting Council. Each member of the Council may append a dissenting opinion to the position of the Council on the matter in question.

Article 14

1. A member of the Council shall be entitled to a monthly remuneration equal to the value of the average remuneration, and in the case of the Chairman of the Council – in the amount of one and a half times the average remuneration announced by the President of the Central Statistical Office on the basis of Article 20 subparagraph 2 of the Act of 17 December 1998 on Retirement Pensions and Disability Benefits from the Social Insurance Fund (official journal "Dz.U." of 2016, no. 887).
2. The value of the remuneration shall be subject to change starting from the month following the month of the announcement referred to in paragraph 1.
3. Members of the Council shall have the right to be reimbursed for reasonable costs of travel related to fulfilment of their duties in accordance with the principles laid down in regulations governing the value and the conditions for determining amounts due for business travel to employees of government or local self-government unit of the public sector.
4. In terms of their social and health insurance, the regulations concerning members of supervisory boards shall apply accordingly to members of the Council.

Article 15

1. The Chancellery of the Sejm provides administrative and organisational service to the Council.
2. The costs of the Council's operations including the expenses for the provision of all the benefits to which members of the Council are entitled under Article 14 and the costs of service referred

to in paragraph 1 shall be paid from the state budget from the pool of funds administered by the Head of the Chancellery of the Sejm.

Article 16

The following amendments shall be introduced to the Act of 26 July 1991 on Natural Persons' Income Tax (official journal "Dz.U." of 2012, no. 361, as further amended²):

- 1) In Article 13, subparagraph 7a in the following wording shall be added after subparagraph 7:
"7a) revenue received by members of the National Media Council;"
- 2) In Article 21, subparagraph 17a in the following wording shall be added after subparagraph 17:
"17a) amounts comprising reimbursement of costs to which members of the National Media Council are entitled;"

Article 17

The following amendments shall be introduced to the Broadcasting Act of 29 December 1992 (official journal "Dz.U." of 2016, no. 639):

- 1) In Article 27 paragraph 3, the phrase "the minister in charge of the State Treasury" shall be replaced with the phrase "the National Media Council";
- 2) In Article 28:
 - a) in paragraph 1e, the phrase "the minister in charge of the State Treasury" shall be replaced with the phrase "the National Media Council",
 - b) paragraph 1f shall have the following wording:
"1f. Members of Supervisory Boards shall be appointed from amongst persons who meet the conditions laid down in regulations on privatisation and commercialisation for candidates for members of Supervisory Boards in companies, where the State Treasury is the sole shareholder.";
- 3) In Article 28a:
 - a) in paragraph 1, the phrase "the National Council" shall be replaced with the phrase "the National Media Council",
 - b) in paragraph 4, the phrase "the National Council" shall be replaced with the phrase "the National Media Council";
- 4) In Article 29, subparagraphs 1a and 1b in the following wording shall be added after subparagraph 1:
"1a. Members of the National Media Council shall also have the right to participate in the general meeting of shareholders.
1b. Amendment of the company's statutes shall be effected upon request or upon a prior consent of the National Media Council.";

² Amendments of the consolidated text of this Act have been promulgated in the official journal "Dz.U." of 2012 – nos. 362, 596, 769, 1278, 1342, 1448, 1529 and 1540; of 2013 – nos. 888, 1027, 1036, 1287, 1304, 1387 and 1717; of 2014 – nos. 223, 312, 567, 598, 773, 915, 1052, 1215, 1328, 1563, 1644, 1662 and 1863; of 2015 – nos. 73, 211, 251, 478, 693, 699, 860, 933, 978, 1197, 1217, 1259, 1296, 1321, 1322, 1333, 1569, 1595, 1607, 1688, 1767, 1784, 1844, 1893, 1925, 1932, 1992 and 2299; and of 2016 – nos. 188, 195, 615, 780 and 823.

- 5) In Article 30:
 - a) w paragraph 3, the phrase “upon consent of the National Media Council” shall be added after the phrase “the Board of Management”,
 - b) in paragraph 5, the phrase “the National Council” shall be replaced with the phrase “the National Media Council”;
- 6) In Article 31b, the former wording of this Article shall now constitute paragraph 1 thereof and paragraph 2 in the following wording shall be added:

“2. The annual reports referred to in paragraph 1, shall also be made available to the National Media Council.”;
- 7) In Article 32, the phrase “the National Council” shall be replaced with the phrase “the National Media Council”.

Article 18

The following amendments shall be introduced to the Act of 31 July 1997 on the Polish Press Agency (official journal “Dz.U.” no. 687 and of 2007, no. 47):

- 1) w Article 4:
 - a) in paragraph 3, the phrase “Until the date the shares are made available to third parties, the revenues” shall be replaced with the phrase “The revenues”,
 - b) paragraph 7a having the following wording shall be added after paragraph 7:

“7a. The reports referred to in paragraph 6 subparagraph 3 and the accounting statement referred to in paragraph 7 shall also be made available to the National Media Council.”;
- 2) In Article 6 paragraph 1, a second sentence with the following wording shall be added:

“Amendment of the statutes shall be effected upon request or upon consent of the National Media Council.”;
- 3) In Article 7:
 - a) paragraph 1 shall have the following wording:

“1. The State Treasury retains all the shares in the Company.”,
 - b) paragraphs 2 and 3 shall be repealed,
 - c) paragraph 5 shall have the following wording:

„5. Members of the National Media Council shall also have the right to participate in the general meeting of shareholders.”,
 - d) paragraph 6 shall be repealed;
- 4) In Article 8:
 - a) in paragraph 2, the phrase “the Supervisory Board by a majority of votes cast in the presence of at least 2/3 of its members” shall be replaced with the phrase “the National Media Council”,
 - b) paragraph 3 shall be repealed;

- 5) In Article 9:
- a) paragraph 1 shall have the following wording:
“1. The Supervisory Board appointed by the National Media Council shall comprise 3 members.”;
 - b) paragraph 1a having the following wording shall be added after paragraph 1:
“1a. Members of Supervisory Boards shall be appointed from amongst persons who meet the conditions laid down in regulations on privatisation and commercialisation for candidates for members of Supervisory Boards in companies, where the State Treasury is the sole shareholder.”;
 - c) paragraph 3 shall be repealed;
- 6) In Article 10 paragraph 1, a second sentence having the following wording shall be added:
“Members of the Programme Council shall be appointed and dismissed by the National Media Council.”.

Article 19

Article 4 of the Act of 30 December 2015 amending the Broadcasting Act (official journal “Dz.U.” of 2016, no. 25) shall have the following wording:

„Article 4. The Act shall come into force on the day following the date of its publication.”.

Article 20

The Council shall hereby be established.

Article 21

1. The Speaker of the Sejm shall convene the first meeting of the Council within a time limit of 14 days from the date of election or appointment of the last member of the Council.
2. The remuneration referred to in Article 14 paragraph 1 shall be due beginning from the month in which the Council held its first meeting.

Article 22

The President of the Republic of Poland hereby sets a 14-day time limit for opposition clubs to nominate their candidates for Council members, no later than 30 days following the entry into force of this Act.

Article 23

Prior to the first meeting of the Council, the minister in charge of State Treasury affairs shall be in charge of urgent matters which are reserved for the powers of the Council by virtue of the Act.

Article 24

1. Promptly after the first meeting of the Council, the minister in charge of State Treasury affairs shall convene an extraordinary general meeting of shareholders of companies to adjust their statutes to the amendments introduced by virtue of this Act.
2. The governing bodies of the companies shall continue to operate in their composition existing as at the date of entry into force of this Act until changes based on Broadcasting Act of 29 December 1992 and the Act of 31 July 1997 on the Polish Press Agency or the amended statutes of the company are introduced.
3. The mandates of the existing programme councils of companies shall expire upon the entry into force of this Act, subject to paragraph 4.
4. The programme councils of companies shall continue to operate in their present composition until the appointment of programme councils pursuant to the act amended by virtue of Article 17 in the wording as stated herein.

Article 25

The Act shall come into force within 7 days from the date of its publication, with the exception of Article 19, which shall come into force on the date of publication.

President of the Republic of Poland: *A. Duda*