

REGULATION OF THE NATIONAL BROADCASTING COUNCIL

of 17 August 2004

CONCERNING DETAILED PROCEDURES AND MANNER OF KEEPING A REGISTER OF PROGRAM SERVICES IN CABLE NETWORKS, AS WELL AS MODEL REGISTER AND MODEL APPLICATION FOR REGISTRATION.

Under Article 46 of the Broadcasting Act of 29 December 1992 (Official Journal "Dz.U." of 2001, No. 101, item 1114; as further amended¹), the following is hereby ordered:

§ 1. Whenever a reference is made in this Regulation to:

- 1) cable network, it shall be understood to be the system of transmitting radio or television program service by cable to subscribers via telecommunication networks,
- 2) cable network operator, it shall be understood to be an entity holding a relevant telecommunications license or pursuing business operations in the area of telecommunications, registered by the President of the Telecommunications and Post Regulatory Office in the register of business operations in the area of telecommunications in accordance with provisions of the Act of 16 June 2004 – Telecommunications Law (Official Journal "Dz.U." of No. 171, item 1800);
- 3) registering body, it shall mean the Chairperson of the National Broadcasting Council.

§ 2. The register of program services in cable networks, hereinafter referred to as "the register", shall be kept in the form of register books compliant with the model attached as Appendix No 1 hereto.

§ 3.1. A separate register book shall be kept for each cable network operator.

2. Register documents shall be kept for each register book and shall include documents on registration proceedings for program service and all documents constituting the basis for entry in the register.

¹ The consolidated text of the above-mentioned Act was published in the official journal "Dz.U." of 2001, No. 101, item 1114 and the amendments to the consolidated text of the above-mentioned Act have been published in official journal "Dz.U." of 2002, No. 25, item 253 and No. 56, item 517; of 2003 No. 96, item 874 and of 2004, No. 91, item 874.

§ 4.1. Only a cable network operator may submit the application for registration.

2. A model notification form for program service attached as Appendix No 2 hereto shall be used in the registration proceedings.

3. The applicant shall attach the following documents to the notification form:

- 1) copy of a telecommunications license or certificate of registration by the President of the Telecommunications and Post Regulatory Office in the register of business operations in the area of telecommunications in accordance with provisions of the Act of 16 June 2004 – Telecommunications Law (Official Journal “Dz.U.” of No. 171, item 1800,
- 2) documents, in particular contracts, permits or authorizations, indicating that program service retransmission will not violate the rights of the broadcaster,
- 3) declaration on the order of introducing program services into the cable network, the receipt of which is possible by means of standard receiving equipment in a given area, and the retransmission of which is not subject to notification.

§ 5.1. The designation of the register book shall contain the entry number, indication of the cable operator and his address.

2. The register book shall consist of the following boxes:

- | | | |
|-------------|---|---|
| - box one | - | entry number, |
| - box two | - | date of entry, |
| - box three | - | program designation, |
| - box four | - | name and seat of the program broadcaster, |
| - box five | - | cable network designation, |
| - box six | - | telecommunication license designation, |
| - box seven | - | validity date of the entry, |
| - box eight | - | mention of the ban on program retransmission, |
| - box nine | - | mention of the reason for entry cancellation, |
| - box ten | - | remarks. |

§ 6.1. Entries in the register shall be made upon a decision of the registering body. In the decision concerning entry in the register, the registering body determines the text of the entry and the boxes in which the entry is to be made.

2. The provision of item 1 shall apply accordingly to amendments in the text of entry.

3. In the text of the entry the registering body may refer to a document filed with the registration records. The said document shall then be considered as included in the text of entry.

4. The entry is made for a specified or an unspecified period of time.
- § 7. 1. The registers shall be available to interested persons at the place where they are kept.
2. A register may be kept in a computer system.
- § 8. This Regulation shall take effect on the day of promulgation².

Chairperson
of the National Broadcasting Council
Danuta Waniek

² This regulation was preceded by Regulation dated 13 August 1993 Concerning Detailed Procedures for the Registration and Retransmission of Program Services in Cable Systems, Model Registers and Registration Fees (Official Journal "Dz.U." of 1993, No. 79, item 375), which becomes null and void on the date this Regulations comes into force.