

**REGULATION**  
**OF THE NATIONAL BROADCASTING COUNCIL**  
of 20 September 2005

concerning the manner of keeping record by the broadcaster of transmission time of programmes originally produced in the Polish language, European works and European works produced by independent producers as well as the duration of storage period of such records

Under Article 15a paragraph 2 of the Broadcasting Act of 29 December 1992 (official journal Dz. U. of 2004 No. 253 item 2531, of 2004 No. 91, item 874 of 2005 No. 17, item 141 and No. 85, item 728), it is hereby ordered as follows:

§ 1

This Regulation lays down:

- 1) the manner of keeping record of transmission time by the broadcaster,
- 2) the duration of storage period of such records, however, not less than 1 year,
- 3) the scope of recorded information, including information about the date of transmission of the programme, actual duration of the programme, title and producer of the programme,

§ 2

1. Broadcasters of television programme services shall keep record of transmission time in an electronic format for:
  - 1) programmes originally produced in the Polish language referred to in Article 4 subparagraph 5a of the Broadcasting Act of 29 December 1992 – hereinafter referred to as the “Act”;
  - 2) European works referred to in Article 15b of the Act;
  - 3) European works produced by independent producers referred to in Article 4 subparagraph 13 of the Act, with an indication of programmes produced not later than 5 years before their transmission in the programme service.
2. The record of transmission time referred to in item 1 shall be kept separately for each programme service transmitted by the broadcaster.

§ 3

1. The record of transmission time of programmes originally produced in the Polish language referred to in Article 4 subparagraph 5a of the Act shall include programmes produced on the basis of a script originally written in the Polish language and originally registered in the Polish language.
2. Programmes produced in the Polish language but under foreign licences related to programmes that were originally registered in a language other than the Polish language or produced on the basis of a script originally written in a language other than the Polish language shall not be included in the record of transmission time of programmes originally produced in the Polish language.
3. Quarterly transmission time of a programme service determined for the purposes of calculating the share of programmes originally produced in the Polish language, European works and European works produced by independent producers referred to in § 2 item 1 shall be the total transmission time of a broadcaster’s programme

service with the exclusion of time allocated for the transmission of news, advertising, teleshopping, sports events, teletext services, and quiz games as well as transmission time of the test image.

4. The actual duration of a programme shall be the duration of the programme from opening titles (screens) till end titles including those titles (screens), with the exclusion of the duration of advertising, self-promotion, trailers and other broadcasts not forming part of that programme, transmitted during the programme.
5. In the case of programmes referred to in Article 15b paragraph 5 of the Act, the record shall include solely the part of the actual duration of the programme proportionately to the contribution of co-producers having a seat or permanent residence in a member state of the European Union to the total production costs of the programme.
6. Programmes produced not later than 5 years before their transmission in the programme service shall be deemed to mean programmes produced not later than 5 calendar years preceding their transmission in the broadcaster's programme service, including the year of transmission.

#### § 4

The record of transmission time shall comprise the following information:

- 1) name of the programme service in which the programme was transmitted;
- 2) name of the broadcaster;
- 3) title of the programme;
- 4) date of transmission of the programme in the programme service: day, month, year and exact hour of its transmission: from – till;
- 5) actual duration of the programme expressed in minutes, with due regard to § 3 item 5;
- 6) year of production of the programme;
- 7) name of the state or states on the territory of which the majority of members of the creative team of the programme, including in particular: the director, script writer, set designer, operator, performers of lead characters and composer, have their permanent residence;
- 8) name of the producer or co-producers of the programme;
- 9) information indicating whether the producer or co-producers of the programme are producers independent of a given broadcaster in accordance with Article 4 subparagraph 13 of the Act;
- 10) name of the state or states in which the producer or co-producers of the programme have a seat or permanent residence;
- 11) in the event the producer or co-producers of the programme do not have a seat or permanent residence in the states referred to in Article 15b paragraph 1 sub-paragraph 1 and 2 of the Act – the name of the state in which a natural or legal person or an entity without a legal personality that supervises and controls the production of the programme has a seat or permanent residence;
- 12) in respect of programmes produced by co-producers, also:
  - a) contribution of co-producers having a seat or permanent residence in the states referred to in Article 15b paragraph 1 sub-paragraph 1 and 2 of the Act to the total production costs of the programme, indicated as the proportion of those costs;
  - b) name of the state or states in which co-producers controlling the co-production of the programme have a seat or permanent residence;
- 13) in respect of programmes registered and transmitted in the Polish language, not translated from a foreign language and not dubbed:
  - a) language of the original registration of the programme,
  - b) language in which the original script of the programme was written,
  - c) if the programme has been produced under a licence – description of the state of facts as regards the origin of the licence and a possible adaptation of the programme for Polish viewers;
- 14) type of the programme:
  - a) factual programmes, with the exclusion of news,

- b) news and current affairs magazine, with the exclusion of letter c,
- c) sports magazine,
- d) discussion or debate in the studio without the participation of the audience,
- e) discussion or debate in the studio with the participation of the audience and current affairs talk-show,
- f) report, with the exclusion of programmes specified in letter g,
- g) intervention programme, including intervention report,
- h) educational, popular science, school programme,
- i) practical advice programme or educational and practical advice programme,
- j) religious programme, including broadcasts of masses, church services and religious ceremonies, religious instruction, information, education and current affairs programmes on religious issues,
- k) light entertainment programme: show, game shows, contests, with the exclusion of quiz games,
- l) satirical programme, cabaret, entertainment talk-show,
- m) other light entertainment programme, with the exclusion of quiz games,
- n) feature film made for cinema,
- o) feature film and serial made for television, with the exclusion of sitcom,
- p) sitcom, comedy serial,
- r) cartoon film or serial for children,
- s) other cartoon film or serial,
- t) documentary film or serial,
- u) theater performance, poetic show, poetic and music show,
- w) opera performance,
- y) musical, vaudeville, operetta,
- z) ballet performance, modern dance performance, pantomime,
- za) classical music: concerts in the studio, broadcasts of concerts, music programmes,
- zb) pop music: concerts in the studio, broadcasts of concerts, video-clips, music programmes, top charts,
- zc) other type of programme – to be specified,

15) classification of European works according to the following criteria:

- a) the majority of members of the creative team have permanent residence on the territory of the states referred to in Article 15b paragraph 1 sub-paragraph 1 and 2 of the Act (i.e. on the territory of the member states of the European Union or the states being a party to the European Convention on Transfrontier Television done in Strasbourg on May 5, 1989 that do not apply discriminatory measures against any programmes originating from the member states of the European Union), and the programme has been produced by a producer having a seat or permanent residence in those states, or
- b) the majority of members of the creative team have permanent residence on the territory of the states referred to in Article 15b paragraph 1 sub-paragraph 1 and 2 of the Act and the production of the programme is supervised and controlled by a natural person having permanent residence in those states, or by a legal person or an entity without a legal personality having a seat in those states, or
- c) the majority of members of the creative team have permanent residence on the territory of the states referred to in Article 15b paragraph 1 sub-paragraph 1 and 2 of the Act and the contribution of co-producers having a seat or permanent residence in those states to the total production costs of the programme is preponderant and the co-production is not under control of co-producers that do not have a seat or permanent residence in those states, or
- d) the majority of members of the creative team have permanent residence on the territory of a European state, and the programme has been produced independently by a producer having a seat or permanent residence in the state referred to in Article 15b paragraph 1 sub-paragraph 3 of the Act that has entered into an agreement concerning audiovisual matters with the European Community, or

- e) the majority of members of the creative team have permanent residence on the territory of a European state, and the programme has been produced – in co-production with a producer having a seat or permanent residence in one of the member states of the European Union – by a producer having a seat or permanent residence in the state referred to in Article 15b paragraph 1 sub-paragraph 3 of the Act that has entered into an agreement concerning audiovisual matters with the European Community, or
  - f) the programme has been produced under bi-lateral co-production agreements entered into between the member states of the European Union and third countries, and the contribution of co-producers having a seat or permanent residence on the territory of the member states of the European Union to the total production costs of the programme is preponderant and the co-production is not under control of co-producers that do not have a seat or permanent residence on the territory of the member states of the European Union, or
  - g) the programme referred to in Article 15b paragraph 5 of the Act – i.e. the programme that does not meet the requirements specified in Article 15b paragraph 1-4 of the Act, but whose majority of members of the creative team have permanent residence in the member states of the European Union, and the programme has been produced in co-production with co-producers having a seat or permanent residence in the member states of the European Union;
- 16) in respect of programmes referred to in item 15 letter g: - the proportion of contribution of co-producers having a seat or permanent residence in a member state of the European Union to the total production costs of the programme.

#### § 5

1. The broadcaster shall store the record of transmission time of programmes and documents confirming compliance with prerequisites specified in Article 4 sub-paragraph 5a, sub-paragraph 12 and 13 and Article 15b of the Act, in accordance with § 2 item 1, for the period of 3 calendar years, starting from the beginning of the year following the year of transmission of the programme.
2. The broadcaster shall, upon the request of the Chairman of the National Broadcasting Council, submit documents confirming that the programmes included in the record of transmission time referred to in § 2 item 1 meet the requirements specified in Article 4 subparagraph 5a, subparagraph 12 and 13 as well as Article 15b of the Act.
3. Within 14 days as from the end of each quarter, the broadcaster shall submit to the Chairman of the National Broadcasting Council an excerpt from the record referred to in § 2 in a paper and electronic format, containing information on recorded programmes transmitted in the broadcaster's programme service during a given quarter.
4. The excerpt from the record referred to in item 3 shall be drawn up by the broadcaster in accordance with models specified in Appendixes No. 1, 2A, 2B, 2C, 3A, 3B, 3C and 4 to the Regulation and according to the guidelines contained in Appendix No. 5 to the Regulation.

#### § 6

This Regulation shall enter into force after 2 months as from the date of its promulgation.

Chairperson  
of the National Broadcasting Council  
Danuta Waniek