

**Official journal „Dz.U.” 00.12.153**

January 1, 2001	amended by	Dz.U.00.90.1007	§ 1
June 1, 2002	amended by	Dz.U.02.58.541	§ 1
July 26, 2007	amended by	Dz.U.07.124.870	§ 1

**REGULATION  
OF THE NATIONAL BROADCASTING COUNCIL**

of February 4, 2000

**concerning the fees for awarding a broadcasting licence to transmit radio and television programme services.**

(official journal „Dz. U.” of February 23, 2000)

Pursuant to Article 40 paragraph 2 of the Broadcasting Act of December 29, 1992 (official journal “Dz.U.” of 1993, No. 7, item 34; of 1995, No. 66, item 335 and No. 142 , item 701; of 1996, No. 106, item 496; of 1997, No. 88, item 554 and No. 121, item 770; and of 1999, No. 90, item 999), it is hereby ordered as follows:

**§ 1.**

1. The awarding of a broadcasting licence to transmit a radio or television programme service shall be subject to a fee.
2. <sup>(1)</sup> Changes of a broadcasting licence referred to in § 9 subparagraphs 7 and 8 shall be subject to a fee.

**§ 2.**

<sup>(2)</sup> If a radio or television programme service is transmitted by different means (terrestrial diffusion, satellite, cable system), the fee shall be fixed as the sum total of the amounts due for the respective means of transmission.

**§ 3.**

- <sup>(3)</sup> 1. The number of inhabitants in the coverage area of a transmitted programme service shall serve as a basis for calculation of the fee for awarding a broadcasting licence to transmit a programme service by means of terrestrial diffusion.
2. The number of inhabitants in the coverage area of a transmitted radio or television programme services shall be calculated with the use of the Geographic Information System (GIS) based on computer software incorporating a map of the administrative division of the country, including the number of inhabitants attributed to respective communities (*gminas*).

3. In certain communities (*gminas*), the system attributes the number of inhabitants in proportion to the occupied area. The coverage area of a programme service transmitted by a station shall be calculated by the following methods:
- 1) for UHF radio broadcasting – a method compatible with the Final Acts of the Regional Administrative Conference for the Planning of VHF Sound Broadcasting – Geneva 1984, with the use of a digital map of the area and a database containing parameters of domestic and foreign stations, affecting the coverage area of the station. The assumed duration of uninterrupted reception assumed for purposes of calculations is 95%;
  - 2) for MF radio broadcasting – a method compatible with the Final Acts of the Regional Administrative LF/MF Conference – Geneva 1975, with the exclusion of interfering stations;
  - 3) for television – a method compatible with the Regional Agreement for the European Broadcasting Area concerning the use of frequencies by VHF/UHF Broadcasting, adopted at the European VHF/UHF Broadcasting Conference, Stockholm 1961, with the use of a method summing up the power of interfering stations and in accordance with the terms set forth in applicable ITU Recommendations, and using a digital map of the area as well as a database containing parameters of domestic and foreign stations affecting the coverage area of the station. The assumed duration of uninterrupted reception assumed for purposes of calculations is 99% in case of high-power stations (with radiated power exceeding 1 kW for meter waves and exceeding 10 kW for decimetre waves) and 90% in case of low-power stations (with radiated power lower or equal to 1 kW for meter waves and lower or equal to 10 kW for decimetre waves).

#### § 4.

<sup>(4)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service by terrestrial diffusion shall amount to:

Number of inhabitants	Fee in PLN		
	Radio		Television
	MF waves	UHF waves	
up to 0.5 million	$L \times (29 + 16 \times K)$	$L \times (571 + 314 \times K)$	$L \times (1,200 + 660 \times K)$
over 0.5 million up to 5 million	$L \times (857 + 31 \times K)$	$L \times (8,571 + 314 \times K)$	$L \times (18,000 + 660 \times K)$
over 5 million	$L \times (2,286 + 31 \times K)$	$L \times (22,857 + 314 \times K)$	$L \times (48,000 + 660 \times K)$

Where: K stands for the number of inhabitants in full tens of thousands,

L stands for the number of years for which the broadcasting licence is awarded.

#### § 5.

<sup>(5)</sup> (deleted).

**§ 6.**

<sup>(6)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service by satellite shall amount to:

- 1) for a radio programme service – PLN 500,
- 2) <sup>(7)</sup> for a television programme service – PLN 10,000.

**§ 7.**

<sup>(8)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service by a cable system shall amount to:

Number of subscribers to the cable network	Fee in PLN	
	Radio	Television
Up to 5,000	$100+0.15 \times P$	$500+0.45 \times P$
5,000 to 20,000	$500+0.15 \times P$	$1,000+0.45 \times P$
Over 20,000	$1,000+0.15 \times P$	$1,500+0.45 \times P$

Where P stands for the number of individual subscribers to the cable network programme service.

**§ 8.**

<sup>(9)</sup> The fee for awarding a broadcasting licence for over-the-air retransmission of radio or television programme services by satellite shall amount to:

Fee in PLN	
Radio	Television
$3,000+500 \times L$	$10,000+1,000 \times L$

Where L stands for the number of retransmitted programme services covered by the broadcasting licence.

**§ 8a.**

<sup>(10)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service in a tendering procedure referred to in Article 52 paragraph 2 of the Freedom of Business Activity Act of July 2, 2004 (official journal “Dz.U.” No. 173, item 1807, as further amended) shall be the highest amount declared during the tendering procedure by an entrepreneur winning the tender.

## § 9.

1. <sup>(11)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service without any advertising or sponsored programmes shall be equal to 20% of the fee determined on the basis of provisions of § 1-4.
2. <sup>(12)</sup> The fee for awarding a broadcasting licence to transmit a radio or television programme service in which advertising does not exceed:
  - 1) 2% of the daily transmission time of the programme service and 3 minutes per hour shall be equal to 50% of the fee determined on the basis of provisions of § 1-4;
  - 2) 7% of the daily transmission time of the programme service and 6 minutes per hour shall be equal to 75% of the fee determined on the basis of provisions of § 1-4.
- 2a. <sup>(13)</sup> The fees for awarding broadcasting licences referred to in subparagraphs 1 and 2 shall not be reduced if the transmitted programme service contains programming blocks devoted exclusively to teleshopping.
- 3-5. <sup>(14)</sup> (repealed).
6. <sup>(15)</sup> In case of allocation of the same frequency to be shared by separate broadcasters for purposes of transmission of their radio or television programme services by terrestrial diffusion, the fees for broadcasting licences awarded to those broadcasters shall be proportional to the time they may utilise the frequency for the purpose of transmission of the programme service.
7. <sup>(16)</sup> In case the period for which the broadcasting licence to transmit a radio or television programme service by terrestrial diffusion was awarded is changed to the period referred to in Article 36 paragraph 3 of the Broadcasting Act of December 29, 1992, the fee for such a change shall be determined on the basis of provisions of § 1-4 and § 9 subparagraphs 1-2a and 6, it being assumed that L stands for the number of years by which the period of the broadcasting licence validity is extended, rounded up to the full number of years, including the number of inhabitants in the coverage area of the transmitted programme service as of the date of changing the broadcasting licence.
8. <sup>(17)</sup> In case of a change of the broadcasting licence consisting in:
  - 1) lifting the restriction referred to in subparagraphs 1 or 2, or
  - 2) lifting the restriction that pertains to the daily transmission time of a radio or television programme service, arising from allocation of the same frequency to be shared by separate broadcasters for purposes of transmission of their programme services by terrestrial diffusion, or
  - 3) extension of the broadcasting licence to cover another means of transmission, or
  - 4) increasing the coverage area of a transmitted radio or television programme service (increase of the number of inhabitants in the coverage area of the programme service)
    - the fee for such a change of the broadcasting licence shall be reduced in proportion to the period remaining until the expiry of the broadcasting licence validity, rounded up to the full number of years.
9. <sup>(18)</sup> (repealed).
10. <sup>(19)</sup> (repealed).

11. <sup>(20)</sup> In case the total coverage area of a transmitted radio programme service does not include a town with a number of inhabitants exceeding 200 thousand, the fee for awarding a broadcasting licence or increasing the coverage area thereof shall be equal to 80% of the fee determined pursuant to the provisions of § 1-7 and §9 subparagraphs 1-8.

**§ 9a.**

<sup>(21)</sup> In case of filing an application for revocation of a broadcasting licence prior to the expiry of its validity, upon the broadcaster's request, the paid broadcasting licence fee shall be credited towards the fee for awarding a new broadcasting licence in proportion to the period remaining until the expiry of the validity of the previous broadcasting licence.

**§ 10.**

The broadcasting licence fees shall constitute the income of the State budget.

**§ 11.**

The Regulation of the National Broadcasting Council of June 3, 1993 concerning fees for awarding a broadcasting licence to transmit radio and television programme services (official journal „Dz. U.” No. 50, item 232; of 1994, No. 69, item 304; of 1995, No. 79, item 404; and of 1998, No. 67, item 443) shall become null and void.

**§ 12.**

The Regulation shall come into force after the lapse of 14 days as from its promulgation.