



OPERATING EUROVISION AND EURORADIO

DATE

18 December 2015

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Prime Minister of the Government of
the Republic of Poland
Kancelaria Prezesa Rady Ministrów
Al. Ujazdowskie 1/3
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Poland

SUBJECT

Announced changes for TVP and PR

Dear Prime Minister,

We write to you as President and Director General of the European Broadcasting Union, to share with you our grave concern at the reports we have read of developments in relation to public service media in Poland.

Our concern, and that of the entire EBU community, is that, if the reports are correct, the envisaged structural changes in Poland will have a serious and deleterious effect upon public service media in Poland and reduce, rather than enhance the independence of its governance and its editorial output.

As you will know, TVP and Polish Radio are long-standing and respected members of the European Broadcasting community. Despite a systemic lack of public funding, the Polish public service media system has been among the most successful transformation models in Central and Eastern Europe, overseen by a media regulator (KRRiT) whose independent status is enshrined in the Polish constitution. Apart from the positive role of KRRiT, this is certainly also due to the stability of the legal media framework in Poland, in particular the Broadcasting Act. This goes hand in hand with the excellent track record of Poland in terms of freedom of the media, which ranks in the top class of the Reporters without Borders World Press Freedom Index 2015, and in the 2015 Freedom House report with regard to political rights and civil liberties. At the same time, Polish PSM are able to keep a significant position on the broadcasting market. TVP has a market share of 30%, which is significantly higher than the average market share of public service media in Europe. TVP reaches more than 90% of the Polish population every week. This illustrates that TVP is relevant, has a diverse programme and fulfils the value of providing a universal service.

We fully support plans by the Polish government to strengthen sustainable public funding of TVP and PR. On the other hand we do not see a need to change the legal form of both organisations. A legal transformation from a joint stock company owned by the State (as present) to an institution of public law (as envisaged) could be a complicated and lengthy process, and examples in other countries have shown that models built on private and public law can produce genuine, non-commercial, sustainable and competitive public service media (see the examples of private-law France Télévisions in France and public-law ARD and ZDF in Germany).

Our main concerns however relate to press reports that the government plans to hastily impose structural and personnel changes regarding the governance of TVP and PR without a proper

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democratic debate and consultation of all relevant stakeholders. Such measures would clearly spell a step back for the Polish media ecosystem and reverse what has so far been a positive trend since the fall of communism in Poland.

The way supervisory and management boards are appointed is a crucial factor to ensure the independence of PSM organisations. Pluralism and independence from political powers are key principles of public service media in a democratic society, in line with Article 10 of the European Convention on Human Rights. These principles have also been upheld by the European Court of Human Rights (e.g. in the Manole case) and the Council of Europe in its recommendations and declarations on public service media. They should not be at the disposal of politicians. Examples of such practices can unfortunately be found in other countries, and they are usually a sign of weaknesses or malfunctioning of the democratic institutions.

We therefore urge the Polish Government to resist any temptation to use structural changes to the public service broadcasting system as a means to strengthen political control over the media

If there is any need for changes in the governance system of TVP and PR, such measures should be taken after a thorough analysis and impact assessment and should be the result of an open democratic debate.

On behalf of all the members of the EBU Executive Board please let me reiterate that the EBU, through its Permanent Services led by Mrs Deltenre, our Director General, stands ready to assist and provide expert legal advice if the Polish Government should wish to call upon us.

Yours sincerely,

Jean-Paul Philippot
President

Ingrid Deltenre
Director General