



CHAIRMAN

of the National Broadcasting
Council
Poland

Maciej Świrski

Warsaw, 6 June 2024

Dear Sir or Madam,

I write to you with deep concern about the current situation in the Polish public media, which has unfolded due to the actions of the new government appointed on 13 December 2023. Since that day, significant personnel and institutional changes have been set in motion in almost every public institution in our country. The Polish public media (TVP, Polskie Radio, and the Polish Press Agency - PAP) have not been spared from these changes.

On 19 December 2023, the Sejm of the Republic of Poland, as the lower house of parliament, adopted a resolution (which is not an act of universally binding law) on public media. On its basis, contrary to the applicable legal order, the Minister of Culture and National Heritage decided to put into liquidation the Polish Television, Polish Radio and the Polish Press Agency. This was a further step by the Minister of Culture and National Heritage after an earlier unsuccessful illegal attempt to establish new management boards for public media companies in Poland, disregarding the applicable law.

The Polish Government's decision to liquidate public media companies violates the law. It strikes at freedom of speech, European values, rights, civil liberties, the right to diversity, media pluralism and the rule of law. For years, Polish public media have been operating based on the law and in accordance with the Polish legal framework, which does not allow liquidation of these entities. The decision of the Minister of Culture and National Heritage, which liquidates public media in Poland, is to the detriment of public media companies, the destruction of their market position and the destruction of Poland's cultural heritage.

Furthermore, the Polish public media have been instrumental in providing impartial information to foreign audiences, particularly on the situation beyond the eastern border of the European Union in view of Russia's aggression against Ukraine. The Polish government's ongoing liquidation of these media outlets could profoundly impact the availability of such crucial information.

According to the law, the Minister of Culture and National Heritage, who performs ownership functions, cannot put public media companies into liquidation. His action, therefore, constitutes an unauthorised extension of powers and a direct violation of the principle of legalism binding in the Republic of Poland under Article 7 of the Polish Constitution. This action, therefore, raises serious questions about the state of the rule of law in Poland as of 13 December 2023.

The legal battle continues; in January this year, the National Court Register refused to register the decision of the Minister of Culture to put public media such as TVP and Polskie Radio into liquidation. At the end of December, in my capacity as the Polish Regulator, I filed a notice to the court on the possibility of a crime being committed by the Minister of Culture and National Heritage and others acting to the detriment of the company by, among other things, liquidating the TVP Info channel. The inclusiveness and equality of citizens before the law was violated.

Lastly, the ruling coalition has initiated proceedings to bring me before the State Tribunal. The charges against me do not reflect the legal and factual state of affairs. This is unprecedented in the history of free, democratic Poland, i.e. since 1989. It constitutes political violence and an attack on an independent and apolitical constitutional body, namely the National Broadcasting Council. These actions are particularly alarming in the context of the war in Ukraine and the global spread of disinformation, especially from Russia.

Yours sincerely,

Maciej Świrski