



Chairman
National Broadcasting Council of Poland
Maciej Świrski

Warsaw, 20 December 2023

**European Commission DG CONNECT
and ERGA Members**

Dear Sirs

On 20 December 2023, the Polish government made changes in the authorities of public service media (Management Boards and Supervisory Boards). These changes were made on the basis of the resolution of the Sejm (the lower house of Parliament), which contradicts the Polish legal framework, as such changes can be made on the basis of legal acts.

It should be stated that the government's action, contrary to the literal wording of the provisions of the Polish Broadcasting Act and the Act on the National Media Council, concerning the appointment and dismissal of the members of the Management Boards and Supervisory Boards of public service media is a gross excess of powers and an infringement of the Polish Constitution.

Without questioning the right to introduce changes to the legal system by the parliamentary majority, it should be emphasised that a political goal cannot constitute an excuse for infringement or circumventing constitutional and law regulations. All public authorities in Poland are obliged to act on the basis and within the limits of the law - as set out in Article 7 of the Polish Constitution.

The public broadcaster performs a public mission, i.e. public interest objectives. Therefore, this institution must be independent from any influence of government administration, which is guaranteed by the Polish legal system through the designation of the National Broadcasting Council as the constitutional body responsible for protecting the public interest in the media. The Polish legal system of the media also guarantees independence through special rules for the election of members of the bodies of public broadcasting companies, which constitute *lex specialis* to other rules governing State Treasury companies. Today, these rules have been violated. The decision to change the authorities of public broadcasting companies means making them dependent on government administration. Such interference in the operations of public media is a violation of the rule of law.

I will keep you informed of further developments.

Yours sincerely,


Maciej Świrski