

# POLICY BRIEF 30

14 October 2019

## State broadcasting in Poland: Urgent need for European action

*Karen Donders & Michal Glowacki*

Poland's Law and Justice Party was victorious in Sunday's elections. The conservative, nationalist party got a staggering result of over 40% of the votes and can thus increase its



majority in the lower house of Parliament, and in turn create a majority government. The Polish government has been criticised by the European institutions for not respecting the rule of law, failing to uphold fundamental rights and has a debatable position on the rights of LGBT communities. Public broadcaster TVP has been turned into a national broadcaster, that is instrumentalised by the ruling government to speak on its behalf. While the EU is

very critical of declining press freedom in countries such as Turkey, it fails to enforce crucial things such as an autonomous public broadcaster, no political influence on journalists and independent regulatory bodies in Member States such as Hungary and Poland. The application of Article 7 procedures might be too slow and inadequate to resolve a wide range of controversies over Poland. Professor Karen Donders and Dr. Michal Glowacki present their research findings on public service media in Poland. The research is based on extensive document analysis and numerous interviews with experts in the Polish media scene, including several TVP employees who choose to remain anonymous.

### 1. Public Service Media in Poland – Serving the public or the government?

Allowing a free press and the creation of a public broadcaster, instead of State broadcaster, was part of the massive social and political reforms that took place in Poland in the early 1990s. The Broadcasting Act approved in 1992 outlined the foundations of a public service broadcasting system that would be independent from government and focused on the impartial provision of news, high quality programming and social cohesion. Therefore, in a lot of ways, the regulatory framework was built on the 'Western' vision of media with a hope to create professional media supported by self-regulatory mechanisms, such as codes of professional conduct and ethics in broadcasting. However, since its creation, public service media in Poland have never been completely free from politics: management changed on regular occasions, most of the time after 'political earthquakes' after the parliamentary elections.

Similarly to this, when the Party of Law and Justice (*Prawo i Sprawiedliwość* – PiS) gained majority after the 2015 elections, the conservative government re-formed the public broadcaster into a national broadcaster. **The main mission of the 'national' broadcaster has been to rectify liberal bias in commercial media, advance content related to Polish culture, and to ensure**

**external pluralism in Poland's media market.** In 2016, in order to achieve the 'national' remit, changes to the governance structure of the public broadcasters have been made and a Council for National Media was created. A lot of these changes aimed to establish representativeness in regulatory bodies in line with political ties, *de facto* resulting in an omnipresence of the PiS party. In addition to this, in order to solve the problems with financing TVP's activities, the broadcaster received subsidies from the state budget, rather than opting for a more sustainable reform of the outdated licence fee systems. Commercial media seem to be less affected by the government of PiS, albeit that commercial television channel Polsat faces pressure to report less critically given its economic interests in other sectors such as telecommunications and energy, where a benign government is important. TVN, the commercial channel that is part of US group Discovery Communications, is in that sense regarded as a rather public interest driven company.

All people we talked to said political influence over public broadcaster TVP, and the other public broadcasters active at the regional level and in radio, is a kind of natural right. In other words, the political party that wins the elections has the privilege to be over-represented in the public media and control it to some extent. At the same time, experts argued that since 2015 the system of political parallelism (so, soft influence) has been changed into a situation of complete political capture. **TVP has become a full blown state broadcaster or a propaganda tool of the government.** For instance, TVP has taken a conservative path in news reporting, hired journalists from several right-wing and Catholic media companies, regularly attacks other media that do not support the PiS policies (see for instance *Gazeta Wyborcza*), and adopts a highly divisive language. Several experts talked about the lack of internal pluralism and populist discourse that is mostly visible in the news programmes. The presence of virulent anti-immigration and anti-LGBT discourses on television, also in soap opera and quiz programs, largely aims to protect some sort of unified Polish identity against outside enemies. The close ties between the Polish government and the Catholic Church have had a lot of attention in the recent election reporting and experts see it as a major concern for media independence too. The PiS government sees no issues and actually claims that this is the first time in Polish media history that 'true' public service media exists. When we asked for a discussion about our research, an official spokesperson of TVP, said that there was no reason to talk with researchers, who have no intention to uncover the real truth about public service media in Poland, but merely want to de-stabilise the political regime.

## 2. Problems that need to be tackled

It is crucial to understand that the issues addressed above are important, but do not fully explain the issues that public broadcasting in Poland faces. There are very persistent problems that European policy-makers need to be aware of in case they want to effectively address the Polish issue.

1. Firstly, there is **little political willingness** in Poland to actually work on something that is remotely close to the idea of public service media. Most experts said that even the opposition parties would re-claim TVP in case they would win the elections. There is a common conviction among politicians that when you win the elections, control over the public broadcaster is part of the prize, albeit that PiS is rather extreme in its transposition of that idea into reality.
2. Secondly, appointments to **key bodies** such as the Council for National Media and the National Broadcasting Council need to be **de-politicised** again or, alternatively, removed from government's competencies. The current politicisation of these bodies and the replacement of independent academics, reinforces government politics instead of contributing to a checks and balances system.
3. Thirdly, the **funding system of TVP** reinforces its dependence on government. Fewer than 30% of Polish population pays the license fee. Polish citizens need to register their

radio or television set with the post office, after which they receive an invitation to pay the license fee. In practice, only a small part of the population does this. There is little to no enforcement of payment. That makes that TVP relies heavily on ad-hoc subsidies of the Polish government, which again increases the dependence of the public broadcaster on government.

4. Fourthly, Polish citizens have lost **faith in public broadcasting**. Also experts were very pessimistic on the chances of success for TVP. They see a very limited added value for society. Some even argued for abolishing the system or making it smaller, merely as a recipe for damage control in case things go wrong. One of the people we talked to explicitly said “*if you want public interest media, the public broadcaster is not the place to start: bomb it and start from scratch*”.

### 3. Plea for more forceful EU policies

While both Hungary and Poland face an Article 7 infringement procedure, more urgent action is necessary to ensure all Polish citizens have access to independent media, public and private. We highlight 6 necessary actions:

1. Start a procedure for the **European Court of Justice**, making use of the manifold resolutions on the independence of public service service. That at least will raise awareness on the issue and will strengthen the many civil society actors in Poland that try to resolve the issues at hand to the best of their abilities.
2. Include a **provision on the importance of independent public service media in the Audiovisual Media Services directive**. That provides a more solid legal basis for EU action against Member States that *de facto* evolve into competitive authoritarian states.
3. Foster a **State aid procedure** looking into the ad-hoc grants that are given to TVP, investigating the remit of the public broadcaster, the entrustment of it, the independence of control, and proportionality of funding.
4. Provide **additional grants to independent emerging media organisations** in Poland. These should focus not only on the urban, but increasingly on rural populations that often cannot receive channels from Polsat or TVN.
5. Organise a **multistakeholder debate**, involving (young) audiences, NGO's, creatives, start-ups, commercial media, etc. **on the future of public service media in Poland** and other countries in Central and Eastern Europe.
6. Finally, Didier Reynders, European Commissioner in charge of the EU's Justice Department, needs to live up to the intention he expressed in the European Parliament to intensify the work on Poland. The **rule of law** must be respected in the EU. That is crucial to stimulate trust of EU citizens in the European project.

---

*The **SMIT Policy Brief** is a publication of the Center for Studies on Media Innovation and Technology's Media & Society Research Program, managed by Prof. Dr. Karen Donders. It consists of 45 researchers that are specialist in policy, market, and user research on different types of mediated communication. Their work spans the fields of national and European media and competition policy, cultural diversity, public broadcasting, the sustainability of creative industries, immersive media, data and valorisation, privacy, media literacy, and digital inclusion.*

***Prof. Dr. Karen Donders** teaches on media policy, media markets and political economy of journalism at the Faculty of Social Sciences and Solvay Business School, Department of Communication Studies, Vrije Universiteit Brussel. She specialises in public service media, the interplay between media economics and policy, EU competition policy, and platform policies.*

***Dr. Michal Glowacki** teaches at the Faculty of Journalism, Information and Book Studies, University of Warsaw, Poland. His latest research areas are media policy, media and democracy, innovation culture and public service media.*