

Text of the Act sent to the Senate in accordance with Article 52 of the Sejm Rules of Procedure

Act

of 30 December 2015

amending the Broadcasting Act

Article 1. To the Broadcasting Act of 29 December 1992 (Journal of Laws 2015, item 1531 and 1830) the following changes shall be introduced:

1) Article 6 paragraph 2 subparagraph 11 shall be repealed;

2) in Article 27:

a) paragraph 2 shall be repealed,

b) paragraph 3 and 4 shall be amended to read as follows:

"3. The Minister of the Treasury shall appoint and dismiss members of the Board of Management, including the President of the Board of Management.

4. Members of the Board of Management shall comprise exclusively persons competent in management as well as radio and television broadcasting and who have not been convicted of a deliberate criminal offence subject to public prosecution or of a fiscal offence, by virtue of a valid court judgement.",

c) paragraph 5 and 6 shall be repealed;

3) in Article 28:

a) paragraph 1 shall be amended to read as follows:

"1. The Supervisory Board shall consist of three members.",

b) paragraph 1a–1d shall be repealed,

c) following paragraph 1d, paragraph 1e and 1f shall be added and shall read as follows:

"1e. The Minister of the Treasury shall appoint and dismiss members of the Supervisory Board.

1f. Members of the Supervisory Board shall be selected from among persons who have passed the examination specified in Article 12 paragraph 2 of the Commercialisation and Privatisation Act of 30 August 1996 (Journal of Laws 2015 item 747 and 978).",

d) paragraph 5 shall be repealed;

4) Article 29 paragraph 3 shall be repealed;

5) Article 30 paragraph 3 shall be amended to read as follows:

"3. The regional branch shall be managed by a director appointed by the Board of Management.".

Article 2. 1. On the date the Act enters into force, the terms shall be shortened and mandates shall expire for the current members of the Management and Supervisory Boards of "Telewizja Polska – Spółka Akcyjna" and „Polskie Radio – Spółka Akcyjna”, subject to paragraph 2.

2. The Board of Management, referred to in paragraph 1, shall operate with its current membership until a new Board of Management has been appointed on the basis of the regulations in Article 1 of the Act being amended in the wording of this Act, however, no actions falling outside the scope of normal management or actions within the scope of labour law, from which new company obligations would arise, shall be performed without the consent of the Minister of the Treasury.

3. The Management and Supervisory Boards of enterprises established with the aim of creating and disseminating regional radio programmes shall function with their current membership until the changes laid down in the regulations of Article 1 of the Act being amended in the wording of this Act have been made.

4. The Minister of the Treasury shall adapt the statutes of "Telewizja Polska – Spółka Akcyjna" and "Polskie Radio – Spółka Akcyjna" and of regional radio broadcasting enterprises to the regulations laid down in Article 1 of this Act, within 30 days of the day this Act enters into force.

5. Until the registration of the statutes mentioned in paragraph 4, adapted to the changes introduced in Article 1 of this Act, the provisions of the statutes at variance with the content of this Act shall not apply.

Article 3. 1. On the day of appointment, on the basis of the regulations in Article 1 of the Act being amended in the wording of this Act, of the new Board of Management, referred to in Article 2 paragraph 1, the legal relation forming the basis for employment of the current members of the Board of Management shall expire.

2. In the case of expiration of a legal relation in accordance with paragraph 1, the former member of the Board of Management shall be entitled to severance pay, equivalent to three times the amount of his or her remuneration for October 2015.

3. Should a person entitled to severance pay on the basis of paragraph 2 take a management position at a public radio and television entity before 31 March 2016, the severance amount shall be decreased by the amount of remuneration earned from this employment for the period until 31 March 2016.

4. The company referred to in Article 2 paragraph 1, may terminate, with a 14-day notice period, the non-competition agreement concluded with the former member of its Board of Management. The day on which the agreement shall expire shall be stipulated in the notice.

5. In the matters referred to in paragraphs 1–4, the provisions of agreements concluded before the date this Act enters into force shall not apply.

Article 4. This Act shall enter into force on the day following its publication, and shall expire on 30 June 2016.

SPEAKER OF THE SEJM

/ – / Marek Kuchciński