

## **KRRiT's Rules of Procedure**

**on the issuance of opinions for the Council's Chairman regarding applications (requests, petitions) for the allocation of radio and television channel frequencies, in connection with preparing applications for the URTiP's President for the completion of the frequency management plan, adopted by the National Broadcasting Council on 4 November 2004**

Following applications (requests, petitions) for the allocation of radio and television channel frequencies, which are submitted to the National Broadcasting Council by entities seeking to start or expand their activity in the field of distribution of radio and television programmes, the Council has laid down rules for issuing opinions on such applications.

Acting in line with Art. 112 section 2 of the Telecommunication Law dated 16 July 2004 in conjunction with Art. 6 section 1 of the Act on radio and television broadcasting dated 29 December 1992 and Art. 223 and 241 of the Polish Administrative Procedure Code, the National Broadcasting Council, bearing in mind the open and pluralistic nature of radio and television broadcasting and having regard for the need to satisfy the development needs of the audiovisual market in Poland, conducts a procedure aimed to determine the requirements of entities seeking to submit an application for awarding or extending a concession, and expresses its view on the validity of the frequency allocation by the URTiP President, which allows the Council's Chairman the publication of the announcement on the possibility of awarding or extending a concession.

An application for modification (completion) of the frequency management plan is submitted by the Council's Chairman to the URTiP President under the procedure provided in Art. 112 section 2 of the Telecommunication Law and based on the KRRiT's position. After obtaining the KRRiT's opinion on the detailed conditions of programme distribution, the Council's Chairman publishes an announcement on the possibility of awarding or extending a concession.

**I.** The application (request, petition) for allocation of radio or television channel frequency should contain:

For concession extension:

1. Identification of the concession concerned with the frequency allocation application;

2. Justification;
3. Information on any potential changes in the programme if concession is extended;
4. Initial estimation of the planned project costs with general information on the financing sources.

For concession award:

1. Identification of natural or legal person submitting the application;
2. Defining the area on which the programme is scheduled to be broadcast plus the location and ERP power of the transmitter;
3. Description of the planned programme and its profile, the share of spoken word in the programme, the target audience of the programme and the music format;
4. Information on the advertising restrictions or the planned application for the public service broadcaster status;
5. Initial cost estimate for the planned project with general information on the investment financing sources.

II. In order to enable the KRRiT to take position on the frequency allocation applications, the Office of the National Broadcasting Council prepares the following information:

1. Public broadcasters' requirements as to new frequencies on a given area (to be determined by the Technical Department based on the technical development strategy of public broadcasters);
2. Availability of radio or television programmes on the specific area (to be determined by the Concession Department with the Technical Department) with information on the profile of such programmes (to be determined by the Programming Department);
3. Condition of the advertising market, share in the advertising market and the existing broadcasters' auditorium (to be determined by the Advertising Department);
4. Technical possibilities of frequency allocation (to be determined by the Technical Department bearing in mind allocation requirements submitted in advance, in the following order: discontinuance of the working station operation, supplementing the reception coverage provided by the existing broadcasters, allocation reflecting the Council's strategic decisions);
5. Economic & financial situation prevailing on the specific broadcasting area (to be determined by the Concession Department based on financial statements data).

**III.** The Council's Office provides the KRRiT with information on the application content including:

1. information whether the frequency allocation requested by the interested party is required from the point of view of technical development of public broadcasters;
2. Information whether the programme stated in the application constitutes a new offer of programmes available on the specific area;
3. Economic & financial situation of broadcasters existing on that area;
4. Determining the potential target group of the programme taking into account social considerations;
5. Realistic technical possibility of the frequency allocation;
6. Information on the business activity conducted so far.

**IV.** The rules of procedure for frequency allocation are published in the KRRiT's Public Information Bulletin and on the Council's website.

**V.** Information on the rules of procedure for frequency allocation and regulations governing the concession award or extension are available from the Concession Department.

**VI.** If there is no sufficient data to prepare information on the frequency allocation application, the Concession Department requests that the interested entity complete the application.

**VII.** The Concession Department submits the application at the Council's meeting with the aim to have it considered, along with a complete set of information and materials as provided in points II and III.

**VIII.** The Concession Department informs the parties interested in frequency allocation forthwith about its the KRRiT's position on the submitted applications.

**IX.** The Technical Department prepares a draft request to the URTiP President, for signature by the KRRiT's Chairman, for modifying (completion) the frequency management plan if the Council takes a positive view.

**X.** Once the modification (completion) of the frequency management plan is done by the URTiP President and the frequency is provided to the KRRiT, the Concession Department presents the Council a draft announcement prepared in consultation with Programming Department, Advertising Department, Technical Department and Legal Department for its acceptance.

XI. These rules apply to frequency allocation applications that are not subject to announcement of the KRRiT' Chairman under Art. 34 of the Act on radio and television broadcasting. Those applications shall be processed under the procedure of Art. 247 in conjunction with Art. 238 of the Polish Administrative Procedure Code.

Chairwoman

National Broadcasting Council

Danuta Waniek