official journal "Dz.U.2012.1370"

REGULATION
OF THE NATIONAL BROADCASTING COUNCIL

of 4 December 2012

concerning amounts of fees for awarding a licence to transmit radio and television programme services and the method of calculating the fees

(official journal "Dz. U." of 7 December 2012)

Pursuant to Article 40 paragraph 6 of the Broadcasting Act of 29 December 1992 (official journal "Dz.U." of 2011, No. 43, item 226, as subsequently amended[1]), it is hereby ordered as follows:

§ 1.

The fee for awarding a licence to transmit a radio programme service by means of analogue terrestrial broadcasting shall amount to:

Number of inhabitants within the reception area of the programme service	Fee in PLN	
	MF waves	VHF waves
up to 0.5 million	290 + 16 x K	5,710 + 314 x K
over 0,5 million to 5 million	8,570 + 31 x K	85,710 + 314 x K
over 5 million	22,860 + 31 x K	228,570 + 314 x K

where: K stands for the number of inhabitants within the reception area of the programme service, in full thousands.

§ 2.

The fee for awarding a licence to transmit a television programme service by means of analogue terrestrial broadcasting shall amount to:

Number of inhabitants within the reception area of the programme service	Fee in PLN
up to 0.5 million	12,000 + 660 x K
over 0,5 million to 5 million	180,000 + 660 x K
over 5 million	480,000 + 660 x K

where: - K stands for the number of inhabitants within the reception area of the programme service, in full thousands.

§ 3.

1. The fee for awarding a licence to transmit a radio programme service by means of digital terrestrial broadcasting in a Poland-wide multiplex shall amount to PLN 6,158,785 for all standards of digital terrestrial radio broadcasting.

2. The fee for awarding a licence to transmit a radio programme service by means of digital terrestrial broadcasting in a multiplex with a reception area smaller than the reception area of the signal of the Poland-wide multiplex shall, for all standards of digital terrestrial radio broadcasting, amount to:

Number of inhabitants within the reception area of the programme service	Fee in PLN
up to 0.5 million	2,855 + 157 x K
over 0,5 million to 5 million	42,855 + 157 x K
over 5 million	114,285 + 157 x K

where: K stands for the number of inhabitants within the reception area of the programme service, in full thousands.

3. The fee for changing a licence to transmit a radio programme service by means of analogue terrestrial broadcasting by extending the scope of the licence to cover transmission of a radio programme service by means of digital terrestrial broadcasting in a multiplex shall amount to:

PLN 157 x $(K_d - K_a)$

where:

K_d – stands for the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex, in full thousands,

K_a - stands for the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting, in full thousands.

4. The fee for changing the licence referred to in subparagraph 3 shall amount to PLN 0, if the difference between the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex and the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting is expressed in a negative number or equals zero.

§ 4.

1. The fee for awarding a licence to transmit a television programme service by means of digital terrestrial broadcasting in a Poland-wide multiplex in the DVB-T standard, in the standard definition system, shall amount to PLN 12,945,000.

2. The fee for awarding a licence to transmit a television programme service by means of digital terrestrial broadcasting in a multiplex in the DVB-T standard, in the standard definition system, with a reception area smaller than the reception area of the signal of the Poland-wide multiplex, shall amount to:

Number of inhabitants within the reception area of the programme service	Fee in PLN
up to 0.5 million	6,000 + 330 x K
over 0,5 million to 5 million	90,000 + 330 x K
over 5 million	240,000 + 330 x K

where: K stands for the number of inhabitants within the reception area of the programme service, in full thousands.

3. The fee for changing a licence to transmit a television programme service by means of analogue terrestrial broadcasting by extending the scope of the licence to cover transmission of a television programme service by means of digital terrestrial broadcasting in a multiplex in the DVB-T standard, in the standard definition system, shall amount to:

PLN 330 x (K_d - K_a)

where:

K_d – stands for the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex, in full thousands,

K_a - stands for the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting, in full thousands.

4. The fee for changing the licence referred to in subparagraph 3 shall amount to PLN 0, if the difference between the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex and the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting is expressed in a negative number or equals zero.

§ 5.

1. The fee for awarding a licence to transmit a television programme service by means of digital terrestrial broadcasting in the Poland-wide multiplex in the DVB-T standard, in the high definition system, shall amount to PLN 25,890,000.

2. The fee for awarding a licence to transmit a television programme service by means of digital terrestrial broadcasting in a multiplex in the DVB-T standard, in the high definition system, with a reception area smaller than the reception area of the signal of the Poland-wide multiplex, shall amount to:

Number of inhabitants within the reception area of the programme service	Fee in PLN
up to 0.5 million	12,000 + 660 x K
over 0,5 million to 5 million	180,000 + 660 x K
over 5 million	480,000 + 660 x K

where: K stands for the number of inhabitants within the reception area of the programme service, in full thousands.

3. The fee for changing a licence to transmit a television programme service by means of analogue terrestrial broadcasting by extending the scope of the licence to cover transmission of a television programme service by means of digital terrestrial broadcasting in a multiplex in the DVB-T standard, in the high definition system, shall amount to:

PLN 660 x (K_d - K_a)

where:

K_d – stands for the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex, in full thousands,

K_a - stands for the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting, in full thousands.

4. The fee for changing the licence referred to in subparagraph 3 shall amount to PLN 0, if the difference between the number of inhabitants within the reception area of the programme service transmitted by means of digital terrestrial broadcasting in a multiplex and the number of inhabitants within the reception area of the programme service transmitted by means of analogue terrestrial broadcasting is expressed in a negative number or equals zero.

§ 6

The fee for awarding a licence to transmit a programme service by means of digital terrestrial broadcasting in a multiplex in the DVB-H standard shall amount to:

1) for a radio programme service - PLN 500;
2) for a television programme service – PLN 10,000.

§ 7.

1. The fee for awarding a licence to transmit a programme service without any advertising shall be equal to 20% of the fee determined pursuant to § 1-5.
2. The fee for awarding a licence to transmit a programme service in which advertising does not exceed:
   1) 3 minutes per hour, shall be equal to 50% of the fee determined pursuant to § 1 - 5;
   2) 6 minutes per hour, shall be equal to 75% of the fee determined pursuant to § 1 -5.
3. Subparagraph 1 shall not apply, if the transmitted programme service contains sponsored programmes.
4. Subparagraphs 1 and 2 shall not apply, if the transmitted programme service contains teleshopping windows.

§8.

In case the total reception area of a radio programme service transmitted by means of analogue terrestrial broadcasting does not include a town with a number of inhabitants exceeding 200 thousand, the fee for awarding a licence to transmit the programme service shall be equal to 80% of the fee determined pursuant to § 1.

§ 9.

In case of a change of the licence that affects the amount of the fee for awarding the licence referred to in § 1-8, the fee shall be calculated in proportion to the time remaining until the expiry of the licence, rounded to the closest natural number indicating the number of years.

§ 10.

The Regulation shall come into force after the lapse of 14 days as from its promulgation[2].

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[1] Amendments to the consolidated text of the Act were promulgated in the official journal "Dz. U." of 2011, No. 85, item 459, No. 112, item 654, No. 153, item 903 and No. 160, item 963; as well as of 2012, item 1209 and 1315.

[2] This Regulation was preceded with the Regulation of the National Broadcasting Council of 4 February 2000 concerning the fees for awarding a broadcasting licence to transmit radio and television programme services (official journal "Dz. U." No. 12, item 153 and No. 90, item 1007; of 2002, No. 58, item 541; of 2007, No. 124, item 870; of 2009, No. 105, item 876; as well as of 2010, No. 215, item 1417), that became ineffective on 4 August 2012 by virtue of the judgment of the Constitutional Tribunal dated 19 July 2011, case file. no. P 9/09 (official journal "Dz. U." No. 160, item 963).