Subject: Poland’s failure to implement the provisions of Directive (EU) 2018/1808 on audiovisual media services

The Audiovisual Media Services Directive (EU) 2018/1808 requires Member States to ensure that national authorities responsible for media market regulation are legally distinct from the government and functionally independent from their governments and from any other public or private entity.

In Poland, the National Broadcasting Council (KRRiT) does not comply with these requirements. Nor are they being met by the National Media Council, which, by virtue of the Act of 2015, took over KRRiT’s powers to influence the staffing of the management and supervisory boards of Polish public service media companies.

The provisions of Directive (EU) 2018/1808 should have been transposed by the Member States by 19 September 2020.

Poland has yet to comply with these provisions.

In its July 2021 Rule of Law Report, the European Commission stated that it still expected Poland to implement the provisions of this directive.

An independent media market regulator is essential to ensure media freedom and pluralism and to guarantee citizens’ rights to information.

I would therefore like to ask the Commission:

1. Does it intend to take specific legal steps to force Poland to transpose Directive (EU) 2018/1808, which it is entitled to do under the Treaties, including by referring the case to the European Court of Justice?

2. Does it consider that the lack of independence of the Polish media regulator jeopardises the impartial awarding of licences for the broadcasting of audiovisual content?