

# Legal Bulletin

## **Sejm amends law on radio and television**

The Sejm has amended the law on radio and television. Under the amendment most of present powers of the Broadcasting Council (KRRiT) including license granting will be transferred to the Electronic Communication Office (UKE). The amendment change the way of appointing KRRiT as well as radio and television boards and supervisory boards. As a result said bodies' terms of office may be cut short.

The amendment considerably cuts KRRiT power including license granting, broadcasters' supervision (except for programme inspections), granting and revoking the status of social broadcaster which are to belong to the UKE. Besides, the law is to change the way of appointing Polish radio and TV board and supervisory board. Under the draft a candidate for public mass media authorities has to win a competition organized by KRRiT. Candidates selected this way will be appointed and fired by a national council resolution (until now members of supervisory board were appointed and dismissed by KRRiT and members of boards by the supervisory council. They could not be dismissed prior to the end of the tenure.

Members of boards or supervisory boards may be dismissed by the KRRiT before the end of their tenure on „serious grounds” i.e. in case of glaring violation of regulations, conflict of interests or actions to the detriment of a company. Under the amendment KRRiT will be authorised to notify the prosecutor's office about misdemeanour or crimes against the freedom of speech or the right to information.

The law changes the principles of electing UKE head who will be appointed by the Sejm, at a motion of the prime minister, for a five-year term of office (at present UKE head is appointed by the PM).

Said above regulation combined with a specified catalogue of reasons for dismissing UKE head is to provide for him

## **Sejm amends law on foreigner protection**

The Sejm has amended the law on the protection of foreigners in Poland. The lower chamber of the Polish parliament has introduced the so called supplementary protection for foreigners not entitled to the status of a refugee and who, therefore, are bound to become wronged in their country of origin. In line with the amendment said foreigners will be granted supplementary protection if their life and freedom could be seriously threatened upon return to the country of origin.

## **Sejm amends law on customs service**

The Sejm has amended the law on customs service specifying principles of procedure for suspended officers. The amendment revokes the controversial provision of compulsory termination of a contract with an officer under arrest or pending penal proceedings. Under the amendment said officers will be suspended not sacked and restored to service if pronounced not guilty.

## **Amendment to law on tax on commodities and services**

The government has adopted an amendment to the law on tax on commodities and services

EC-requested independence as media market regulator  
The law is still to be examined by the Senate.

### **Justice ministry for increasing children's rights**

Changes to the family and guardianship code, drafted by the justice ministry envisage more rights for children in their relations with parents and improvement in court procedure, secretary of the ministry's civil law codification commission Judge Robert Zegadło has said. The amendment to the first will be submitted to the Sejm by June to take effect in 2009.

„The draft comprises issues related to parental authority, contacts with children, custody and alimony,” Zegadło said. He stressed that work on amendments to the family and guardianship code had taken years and a related amendment was sent to the Sejm of the previous tenure.

In line with drafted regulations biology tests would ascertain a child's parents. „Today the child recognition is a testimony of a will which may be withdrawn on basis of a person involved acting under threat, false or wrong premises. We want the certificate to be the testimony of knowledge with incompatibility with the true state of issues being the only premise for declaring the certificate null, Judge Zegadło stressed.

He added that the draft (in line with a related verdict of the Constitutional Tribunal of July 2007) introduces mechanisms that allow for the child recognition after his/her death.

Besides, the new regulations entitle guardians of incapacitated or disabled people to remuneration from the state budget if the property of the person under custody is insufficient.

If parents are unable to reach an agreement on the child's last name the child shall bear the name of both, the father and the mother.

According to the draft the substitute mother if the proper mother of the child even if the fertilized egg was given by another woman.

Under the draft siblings cannot be separated if sent to foster families or orphanage. Sibling separation may take

whereby the rate of the lump sum VAT is raised from 5 to 6 pct. The amendment takes effect as of May 1, 2008.

### **Inland water router directory**

The government has adopted a draft amendment to the law on inland water traffic envisaging the introduction of inland water traffic directory. The information system, to cost 80 mn zloty will be published in 2013.

### **Publish assistance monitoring**

The Sejm has adopted an amendment to the law introducing a system of electronic monitoring of public assistance granting in line with de minimis principle. Under the amendment and the law on local taxes and payments de minimis assistance means assistance that does not require a consent of the EC. Such assistance may be granted to in case of elements.

### **MPs for possibility of Polish Post going bust**

Two Sejm committees have positively evaluated a government draft amendment to the law on Polish Post allowing for it to go bankrupt. Under the draft amendment, adopted by the government in December last year Polish Post is to be subject by provisions of the law on bankruptcy and restructuring.

place only “for the benefit of the child.” Until to-date this principle was included only in regulations on social assistance.

### **Polish-German School to open in Warsaw**

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The Willy Brandt Polish-German School of Meetings and Dialogue will open in Warsaw, Poland’s lower house of parliament (Sejm) decided Tuesday. The Sejm ratified an agreement between Poland’s and Germany’s governments establishing the School of Meetings and Dialogue. The School will be established on the premises of the current German Willy Brandt School operating at the German embassy in Warsaw. At present some 100 Polish students attend the school at the German embassy, accounting for some 40 pct of all students. The new elementary and secondary school will cover a German syllabus, with the Polish language taught additionally to German students, and the Polish language, history and geography taught to Polish students.