

# Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

## Mapping of national legislation – Poland

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>I. General information about the national legal framework</b>		
<b>National legal act(s)</b> governing political advertising	<p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a></p> <p>Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe, Act of 26 January 1984 - Press Law  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf</a></p> <p>Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a></p>	<p>The term “political advertising” does not occur in Polish legislation. Activities close to the notion of political advertising are governed by the Election Code, the Broadcasting Act, and the Press Law. In addition, the Act on political parties lays down rules on the financing of political parties.</p> <p>The Election Code provides rules relevant for the political advertising in connection with elections. It contains several references to the Broadcasting Act (e.g., According to Article 119 par. 5 of the Election Code provisions on advertisements from the Broadcasting Act shall apply in the case of paid election broadcasts), and the Press law (e.g., the editor - within the meaning of the Press Law – is responsible for indicating the source of the election materials and who financed it).</p> <p>There are no specific or separate pieces of legislation or other regulations governing online political advertising. Rules laid down in the</p>

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	Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych, Act of 27 June 1997 on political parties <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf</a>	legal acts listed above apply to both traditional and online political advertising.
Legal and/or statutory <b>definition</b> of the notion of “political advertising” and “online political advertising” (if applicable)		Polish legislation does not define “political advertising” or “online political advertising”.
If not applicable, provide <b>other definitions/terms used in the legislation close to the notion of “political advertising”</b>	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 105, 109 par. 1 and 2, 116a <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	<p>The following definitions are relevant:</p> <p>Election agitation (electioneering) - public inducing or encouraging to vote in a specific manner, including, in particular, to vote for a candidate of a specific election committee. It can be carried out by election committees or voters after they receive a written permission from an electoral representative of a committee (Art. 105, Election Code).</p> <p>Election material - each published and recorded message from the election committee related to elections. Election materials should clearly identify the election committee that they come from (Art. 109 par. 1 and 2 Election Code).</p> <p>Election broadcast – a part of a radio or television broadcast that does not come from the broadcaster and constitutes a separate whole due to its content or form (Art. 116a Election Code). The definition applies to election committee.</p>

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<b>Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising</b>		No overall evaluation of the current legislative framework on political advertising has been carried out. There is no official draft legislation relevant for political advertising and/or online political advertising. A report “Who (really) targets you? Facebook in Polish election campaign” (2020) <sup>1</sup> has been recently published by Panoptykon Foundation, ePaństwo Foundation and SmartNet Research&Solution. It investigated whether Polish political parties used microtargeting in election campaigns (they did not). The authors recommend adoption of binding regulation of political microtargeting at the EU level. They state that “[w]hile European regulation is the best tool to increase transparency and accountability of online platforms in the context of PMT, new obligations that should be imposed on political parties will be left to Member States.” However, no specific recommendations towards national regulators were made.
<b>II. Political advertising rules during pre-election campaigns.</b>		
<b>Definitions of pre-election campaigns in the Member State (if applicable)</b>	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 104, 289 par. 1 <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>  Konstytucja Rzeczypospolitej Polskiej z 2 kwietnia 1997 r., The Constitution of the Republic	There is no legal definition of „pre-election campaign”. Polish law speaks of „election campaign”. There is no legal definition of the notion of the election campaign. The election campaign starts on the day when the announcement of the elections is published and finishes 24 hours before the day of the elections (Art. 104, Election Code).

<sup>1</sup> <https://panoptykon.org/political-ads-report>

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	of Poland, Art. 98, 128 <a href="http://www.sejm.gov.pl/prawo/konst/polski/kon1.htm">www.sejm.gov.pl/prawo/konst/polski/kon1.htm</a>	<p>The elections of the President are ordered not earlier than 7 months and not later than 6 months before the end of the term of office of the serving President. They are held on a day no sooner than 100 days and no later than 75 days before expiry of the term of office of the serving President. Elections to the Sejm and the Senate are ordered no later than 90 days before the expiry of the 4-year Sejm's and Senate's term of office. Elections are held on a day within the 30-day period before the end of the term.</p> <p>Election agitation is permitted during the election campaign.</p>
National rules on <b>paid political advertising</b> during pre-election campaigns	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 119, 135, 136, 144 par. 1 point 3a, <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	<p>Election committees are permitted to distribute paid election broadcasts in public and private radio and television broadcasters after they submit a notification about the creation of the committee to a relevant electoral body (Art. 119, Election Code).</p> <p>The Election Code sets out limits for the amounts that can be spent on election agitation (Art. 135 Election Code). The Election code provides formulas for establishing limits of the amounts that can be spent on election agitation in different types of elections. For example, on the basis of Art. 199 par. 1, the limit in elections to the Sejm is calculated by multiplying the number of voters in the country included in the voter registers by the amount of PLN 0.87 and by the total number of deputies elected in all constituencies in which the committee registered lists of candidates, and then dividing the result by 460. If the election committee exceeds the amount calculated on the basis of these provisions their financial report is rejected (art. 144 par. 1, point 3a, Election Code).</p> <p>According to Art.136 of the Election Code, expenses of an election committee on election agitation in the form and on the terms appropriate</p>

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		for advertising cannot exceed eighty percent of the amount calculated on the basis of art. 135. These rules apply to election agitation carried out both in traditional and online media.
<b>National rules on financing of political parties/candidates in relation to political adverts</b>		There is no specific legislation on financing of political parties/candidates in relation to political adverts, except Art. 136 of the Election Code quoted above. General rules on the financing of political parties apply.
National rules on <b>free political advertising (or free airtime)</b> during pre-election campaigns	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 117 par. 1 <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	Election committees are granted free airtime on public radio and television broadcasters. Election committees shall have the right to distribute election broadcasts free of charge on public radio and television at the expense of these broadcasters, from the 15th day before the election day to the end of the election campaign.
National rules on political advertising on <b>broadcast media</b> during pre-election campaigns (incl. public service and private broadcasters)	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 116 par. 1, 117 par. 1, 119, 252-254, 284-285, 326, 347-348, 411-412, 491-491a. <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	Rules on election agitation on broadcast media (television and radio) are laid down in the Election Code: <ul style="list-style-type: none"> <li>- Election committees have the right to conduct election campaigns in public and non-public radio and television broadcasters, in the form of election program.</li> <li>- Election committees whose candidates have been registered shall have the right to distribute election programs free of charge in the programs of public radio and television broadcasters at the expense of these broadcasters from the 15th day before election day to the end of the election campaign.</li> </ul>

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		<ul style="list-style-type: none"> <li>- Election committees are permitted to distribute paid election broadcasts in public and private radio and television broadcasters after they submit a notification of the creation of the committee to a relevant electoral body.</li> </ul> <p>Detailed rules on the right to distribute election broadcasts free of charge are laid down in the further provisions of the Election Code, separately for different types of elections (e.g., to Sejm, to Senate etc.) These rules specify whether the committees have access to nationwide or regional broadcaster (this depends on the number of the constituencies where a committee registered their candidates), the amount of time afforded to election committees, and the order in which election broadcasts are presented.</p> <p>With regard to the elections to the Sejm and Senate the time devoted to elections broadcasts by national broadcasters is divided equally among the election committees. As far as the regional broadcasters are concerned the time is divided among the committees proportionally to the number of candidates lists (Sejm) or candidates (Senate) they registered in an area covered by a given regional broadcaster. The order of broadcasting is determined by a draw.</p> <p>As far as the presidential elections are concerned the Election Code does not lay down an obligation to divide the time equally between the candidates. The disproportion of the time allocated to different</p>

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		candidates was pointed out by the Polish Ombudsman following the latest presidential elections <sup>2</sup> .
National rules on political advertising in <b>print media</b> during pre-election campaigns	<p>Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe, Act of 26 January 1984 - Press Law, Art. 36 par. 3  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf</a></p> <p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 109 par. 2, 112, 136, 495 par. 2 point 2.  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a></p>	<p>All advertisements published in the press, including political advertisements, regardless when they are published, must be marked in a way that makes it clear that they do not constitute editorial materials</p> <p>The limits on funds that can be spent on election agitation apply also to materials in print media. All election materials should clearly identify the election committee they come from. As far as information, announcements, appeals and election slogans published in the printed press and paid for by the election committees are concerned, it must be indicated the source and who paid for them. Editors of the press are responsible for including this information. If they fail to do that, he or she is subject to a fine.</p>
National rules on political advertising on <b>online media applicable to political parties</b> , during pre-election campaigns	<p>Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych, Act of 10 May 2018 on the protection of personal data  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf</a></p>	<p>There are no specific or separate rules on political advertising in online media. Rules on broadcasters and the press described in other sections of this report are applicable also in the case of online advertising. With regard to the processing of personal data rules laid down in the General Data Protection Regulation (e.g., the legal basis for the processing of personal data, rights of data subjects etc.) and the Act on the protection</p>

<sup>2</sup> See: <https://www.rpo.gov.pl/pl/content/rpo-do-krrit-dysproporcja-czasu-antenowego-tvp-dla-kandydatow-na-prezydenta>



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	<p>Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE, General Data Protection Regulation  <a href="https://eur-lex.europa.eu/eli/reg/2016/679/oj">https://eur-lex.europa.eu/eli/reg/2016/679/oj</a></p> <p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a></p>	<p>of personal data are applicable. The Election Code lays down rules on the processing of personal data by election committees.</p>
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during pre-election campaigns	<p>Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych, Act of 10 May 2018 on the protection of personal data  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf</a></p> <p>Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE (ogólne rozporządzenie o ochronie danych) (Dz. U. UE. L. z 2016 r. Nr 119, str. 1 z późn. zm.).</p>	<p>There are no particular rules applicable to online platforms or intermediaries during election campaigns. General rules governing the online platform and intermediaries laid down in the Act on electronic services, the General Data Protection Regulation, the Act on the protection of personal data apply.</p>



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	<p>General Data Protection Regulation <a href="https://eur-lex.europa.eu/eli/reg/2016/679/oj">https://eur-lex.europa.eu/eli/reg/2016/679/oj</a></p> <p>Ustawa z dnia 18 lipca 2002 o świadczeniu usług drogą elektroniczną, Act of 18 July 2002 on Electronic Services <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20021441204/U/D20021204Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20021441204/U/D20021204Lj.pdf</a></p>	
Specific rules relating to <b>“false information”, fake news” or “disinformation campaigns”</b> during pre-election campaigns	<p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy. Act of 5 January 2011 - Election Code, Art. 111 <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a></p>	<p>If election materials contain untrue information (understood as false information in general), the candidate or a representative of the relevant election committee has the right to submit a motion to the district court for a ruling and demand:</p> <ol style="list-style-type: none"> <li>1) prohibition of disseminating such information;</li> <li>2) forfeiture of election materials containing such information;</li> <li>3) ordering a rectification of such information;</li> <li>4) ordering publication of responses to statements that violate personal rights;</li> <li>5) ordering an apology to the person whose personal rights have been violated;</li> <li>6) ordering payment of an amount of up to PLN 100,000 to a public benefit organization.</li> </ol> <p>The district court recognizes the application within 24 hours in non-contentious proceedings. The decision of the court may be appealed within 24 hours to the court of appeal, which recognizes it within 24</p>

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		hours. The decision of the court of appeal is not subject to a cassation appeal and is immediately enforceable. A correction, reply or apology should be published not later than 48 hours at the expense of the defendant.
<b>III. Political advertising rules during elections period</b>		
Definitions of <b>elections period in the Member State (if applicable)</b>	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy. Act of 5 January 2011 - Election Code, art. 107 par. 1. <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	Polish law does not define “elections period”. The election day and the day preceding it are referred to as the “election silence” period.
National rules on <b>paid political advertising</b> during elections period	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, art. 107 par. 1. <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	The election agitation is prohibited during the election silence period. Any violation of the election silence is penalized under Art. 498 of the Election Code. According to this provision whoever carries out political agitation during the election silence period is subject to a fine of up to five thousand zlotys. According to a statement published by the National Electoral Commission election silence applies also to the Internet <sup>3</sup> . However, the applicability of election silence online and to actors registered abroad is contentious. In general, it is agreed that election silence applies on the Polish territory <sup>4</sup> . Based on an interpretation presented in the academic literature it could potentially apply to entities

<sup>3</sup> <https://pkw.gov.pl/aktualnosci/informacje/wybory-prezydenta-rp-2020-co-to-jest-cisza-wyborcza-poradnik-i-spot-pkw>

<sup>4</sup> S. J. Jaworski, J. Zbieranek [in:] K. W. Czaplicki, B. Dauter, A. Kisielewicz, F. Rymarz, S. J. Jaworski, J. Zbieranek, *Kodeks wyborczy. Komentarz, wyd. II*, Warszawa 2018, art. 498.

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		registered abroad, if these entities willfully sent materials and electioneered using information system located on Polish territory. However, there is no case law that would illustrate such a scenario.
<b>National rules on financing of political parties/candidates in relation to political adverts</b>		There are no specific national rules on financing of political parties/candidates in relation to political adverts. The Election Code sets out limits for the amounts that can be spent on election agitation (Art. 135 Election Code) as well as limits of expenditure on election agitation in the form of advertising (art. 136 Election Code). Expenses of the election committee on election campaign conducted in the form and on the typical appropriate for advertising may not exceed eighty per cent of the limit referred to in Art. 135.
National rules on <b>free political advertising (or free airtime)</b> during elections period		No political advertising is permitted during the election period understood as the day of the elections and the preceding day.
National rules on political advertising on <b>broadcast media</b> during elections period (incl. public service and private broadcasters)		No political advertising is permitted during the election period.
National rules on political advertising in <b>print media</b> during elections period		No political advertising is permitted during the election period

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National rules on political advertising on <b>online media applicable to political parties</b> , during elections period		No political advertising on online media is permitted during the election period. However, the feasibility of implementing election silence online is debatable.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during elections period		Polish law does not lay down any particular rules applicable to online platforms during elections period.
Specific rules relating to “ <b>false information</b> ,” “ <b>fake news</b> ” or “ <b>disinformation campaigns</b> ” during elections period	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 111 <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	The same rules as during the election campaign apply – see above.
<b>IV. Political advertising rules outside of elections period</b>		
National rules on <b>paid political advertising</b> outside of elections period	Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act, Art. 16 par. 6, 17 par. 1 point 1 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a>  Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe, Act of 26 January 1984 - Press Law, art. 36 par. 3 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/">http://isap.sejm.gov.pl/isap.nsf/download.xsp/</a>	Relevant rules on advertising are laid down in the Broadcasting Act and in the Press Law. Paid political advertising is not prohibited in Poland. General rules applicable to all advertisements are relevant. The Broadcasting Act prohibits, however, political parties from sponsoring programs or other broadcasts.  All advertisements published in the press must be clearly distinguished from editorial materials, and all advertisements on the radio or television have to be easily recognizable as advertisements.

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	<a href="#">WDU19840050024/U/D19840024Lj.pdf</a>	
<b>National rules on financing of political parties in relation to political adverts</b>		There are no specific or separate rules on financing of political parties in relations to political adverts. General rules on financing of political parties apply.
National rules on <b>free political advertising (or free airtime)</b> outside of elections period	Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act, Art. 23 par. 1 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a>	Polish law does not provide free airtime for political advertising outside of the elections campaign. Public radio and television broadcasters shall however provide political parties with an opportunity to present their position on key public issues. Details are laid down the regulation of the National Broadcasting Council of April 24, 2003. The regulation requires public broadcasters to submit to the Council quarterly reports on the performance of the obligation to broadcast programs presenting positions of political parties.
National rules on political advertising on <b>broadcast media</b> outside of elections period (incl. public service and private broadcasters)	Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act, Art. 16 par. 6, art. 23 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a>  Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 24 kwietnia 2003 r. w sprawie trybu postępowania w związku z przedstawianiem w programach publicznej radiofonii i telewizji stanowisk partii politycznych, związków zawodowych i związków pracodawców w	As outlined above, relevant rules on advertising on broadcast media are laid down in the Broadcasting Act. They apply to both public service and private broadcaster. All broadcast advertisements have to be easily recognizable, i.e., the audience has to know that it is an advertisement. Advertising and teleshopping should be clearly distinguishable from editorial material. Advertising and teleshopping may be distinguished within the program by visual, audio or spatial means (Art. 16)  Public radio and television broadcasters are obliged to provide political parties with an opportunity to present their position on key public issues (Art. 23) Public media have an obligation to present these positions in a pluralistic manner according to a regulation of the National

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	węzłowych sprawach publicznych, Regulation of the National Broadcasting Council of April 24, 2003 on the procedure to be followed in connection with the presentation of positions of political parties, trade unions and employers' unions in key public matters in public radio and television programs, par. 1 point 3  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20030750679/O/D20030679.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20030750679/O/D20030679.pdf</a>	Broadcasting Council. They submit quarterly reports outlining how much time was allocated to different parties.
National rules on political advertising in <b>print media</b> outside of elections period	Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe, Act of 26 January 1984 - Press Law, Art. 36 par. 3 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf</a>	Relevant rules on advertising in print media are laid down in the Press Law. All advertisements published in the press must be clearly distinguished from editorial materials.
National rules on political advertising on online media <b>applicable to political parties</b> , outside of elections period		There are no specific or separate rules on political advertising on online media applicable to political parties outside of elections period.
<b>V. Rules and obligations applicable to online platform operators and intermediaries of political advertising</b>		
Particular rules <b>applicable to online platforms and intermediaries</b> such as social media for political advertising	Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych, Act of 10 May 2018 on the protection of personal data <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf</a>	There are no particular rules applicable to online platforms or intermediaries regarding political advertising. General provisions set out, for example, in the data protection legislation are applicable also in this context.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self/co-regulatory codes or guidelines</u>	Summary of the rules
	Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE, General Data Protection Regulation <a href="https://eur-lex.europa.eu/eli/reg/2016/679/oj">https://eur-lex.europa.eu/eli/reg/2016/679/oj</a>	
<b>VI. Transparency rules for political parties/candidates funding</b>		
Rules on <b>direct public funding<sup>5</sup> to political parties and/or candidates</b>	<p>Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych, Act of 27 June 1997 on political parties, Art. 28  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf</a></p> <p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Article 150 par. 1  <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/">https://isap.sejm.gov.pl/isap.nsf/download.xsp/</a></p>	<p>Rules on direct public funding for political parties are laid down in the Law on political parties and the Election Code.</p> <p>A political party who: (1) in elections to the Sejm, independently creating an election committee, received nationwide, at least 3 per cent of valid votes cast for its district lists candidates for deputies, or (2) in elections to the Sejm, became a part of an election coalition, whose regional lists of candidates for deputies nationwide received at least 6 per cent of validly cast votes, has the right to receive, during the term of office of the Sejm, subsidies from the state budget for statutory</p>

<sup>5</sup> **Public funding** refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules			
	<a href="#">WDU20110210112/U/D20110112Lj.pdf</a>	<p>activities. The amount of the annual subsidy for a given political party or electoral coalition is determined on the basis of gradual degression in proportion to the total number of valid votes cast on district lists of candidates for deputies of that party or electoral coalition, broken down into the number of votes corresponding to individual ranges specified as percentages, according to the following formula:</p> $S = W1 \times M1 + W2 \times M2 + W3 \times M3 + W4 \times M4 + W5 \times M5$ <p>where individual symbols refer to:</p> <p>S - the amount of the annual subsidy,</p> <p>W1-5 - the number of votes consecutively calculated for each line of the table below provided separately as a result of breaking the total number of valid votes cast nationally into district lists of candidates for deputies of a given political party or electoral coalition, according to the percentage range,</p> <p>M1-5 - amount in PLN for the following lines in the table below:</p> <table border="1"> <tr> <td>Row</td><td>Valid votes cast nation-wide jointly for district lists of candidates for deputies of a given political party or electoral coalition, broken down respectively for each bracket</td><td>Amount for one vote (M)</td></tr> </table>	Row	Valid votes cast nation-wide jointly for district lists of candidates for deputies of a given political party or electoral coalition, broken down respectively for each bracket	Amount for one vote (M)
Row	Valid votes cast nation-wide jointly for district lists of candidates for deputies of a given political party or electoral coalition, broken down respectively for each bracket	Amount for one vote (M)			

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules			
			Per cent	Numer of votes (W)	
		1	up to 5%		5 zlotys 77 groszy
		2	over 5% up to 10%		4 zlotys 61 groszy
		3	over 10% up to 20%		4 zlotys 4 grosze
		4	over 20% up to 30%		2 zlotys 31 groszy
		5	over 30%		87 groszy
		According to the Election Code: the political party, whose election committee participated in the elections, the political party participating in an election coalition committee, and the election committee of voters participating in elections to the Sejm and the Senate are entitled to a grant from the state budget, referred to as an “institutional subsidy”, for each mandate for deputy and senator obtained.			
Rules on <b>indirect public funding<sup>6</sup> to political parties and/or candidates</b>		There are no rules on indirect public funding to political parties except the rules on free airtime. Indirect public funding is not permitted.			

<sup>6</sup> Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign,

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on free or subsidised access to media for political parties and/or candidates	<p>Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych, Act of 27 June 1997 on political parties, Art. 5</p> <p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 117par. 1</p> <p>Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 12 lipca 2011 r. w sprawie czasu oraz ramowego podziału czasu przeznaczanego na rozpowszechnianie nieodpłatnie audycji wyborczych, trybu postępowania dotyczącego podziału czasu, zakresu rejestracji oraz sposobu przygotowania i emisji audycji wyborczych w programach publicznej radiofonii i telewizji, Regulation of the National Broadcasting Council of 12 July 2011 on the time and the time frame for the free distribution of election broadcasts, the procedure for allocating time, the scope of recording and the method of preparing and broadcasting election programs in public radio and television programs</p>	<p>According to the law on political parties, political parties shall have access to public radio and television broadcasting on the terms specified in separate acts.</p> <p>Election committees whose candidates have been registered shall have the right to distribute election programs free of charge in the programs of public radio and television broadcasters at the expense of these broadcasters from the 15th day before election day to the end of the election campaign. The exact amount of time assigned to election committees in different elections is laid down in specific provisions of the Election code and in secondary legislation</p>

free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on <b>foreign contributions to political parties and political campaigns</b>	<p>Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych, Act of 27 June 1997 on political parties, Art. 25, 35, 36a</p> <p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy. Act of 5 January 2011 - Election Code, Art. 132, 134</p>	<p>Only Polish citizens who have permanent residence in the territory of Poland may transfer assets to a political party (Art. 25, Act on political parties). Consequently, financing of political parties by legal persons, by foreigners, and also by Polish citizens who do not have a permanent place of residence in the territory of the Republic of Poland is not permitted.</p> <p>The amount that may be donated by one person to a political party is limited. The total contribution from a natural person to a political party may not exceed in one year 15 times the minimum monthly wage. In 2021 it amounts to 2800 zlotys, which means that the maximum yearly contribution to a political party is 42 000 zlotys (ca. 9333 euro)</p> <p>Similar restrictions apply to funding of election committees. As far as election campaigns are concerned, according to provisions of the Election Code:</p> <ul style="list-style-type: none"> <li>- funds of an election committee formed by a political party may only come from the election fund established by that party.</li> <li>- funds of an election committee established by a coalition of political parties may only come from their election funds,</li> <li>- financial resources of (1) an organization's election committee and (2) an election committee of voters may come only from Polish citizens who have permanent residence in the territory of Poland and bank loans incurred only for purposes related to the elections,</li> <li>- financial resources of the election committee of a candidate for the President of the Republic of Poland may only come from</li> </ul>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>Polish citizens with permanent residence in the territory of Poland, from election funds of political parties and from bank loans taken out for purposes related to elections.</p> <p>The maximum amount donated for the election fund of given political party by a Polish citizen who has permanent place of residence in Poland is 15 times the minimum wage. If there are more than one national election or referenda in a given calendar year, the maximum donation for is increased to 25 times the minimum wage.</p> <p>In the case of candidates, they may donate to an election committee 45 times the amount of minimum monthly wage.</p>
<b>VII. Monitoring and enforcement of national rules on political advertising by national authorities</b>		
National (or regional/local if applicable) <b>authority or body responsible</b> for monitoring national rules on political advertising	<p>Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 160 par. 1 point 1)</p> <p>Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act (art. 6 par. 2 point 4)  <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a></p>	<p>There are no specific national rules on monitoring of the political advertising. In general, the National Electoral Commission oversees compliance with the Election Code (art. 160 par. 1 point 1)</p> <p>One of the tasks of the National Broadcasting Council is to exercise control over the activities of media service providers within the limits specified by the Broadcasting Act (art. 6 par. 2 point 4). In the past the National Broadcasting Council commissioned several election monitoring reports, however the last report was published in 2015<sup>7</sup>.</p>

<sup>7</sup> <http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/kontrola-nadawcow/kampanie-wyborcze/>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	Rozporządzenie Ministra Finansów z dnia 19 września 2011 r. w sprawie sprawozdania finansowego komitetu wyborczego, Regulation of the Minister of Finance of September 19, 2011 on the financial statements of the election committee <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111981173/O/D20111173.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111981173/O/D20111173.pdf</a>	Election committees are obliged to submit financial reports including information on the amounts they spend on: posters, advertising videos, leaflets d) other publications e) Internet advertising. The obligation is laid down in art. 142 of the Election Code, and the form listing the above categories is included in an executive act (Regulation of the Minister of Finance). The financial report is submitted to an electoral body that received the notification of the establishment of the election committee.
Particular measures for <b>supervising online political advertising</b> within and outside elections periods		There are no particular measures for supervising online political advertising within or outside elections periods.
<b>Sanctions, penalties and remedy measures</b> applicable in violation of the law	Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy, Act of 5 January 2011 - Election Code, Art. 496, 498 <a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>  Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act, Art. 10, 53 <a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a>	The Election Code contains in Section IX provisions penalizing violations of the Code. As far as campaign agitation is concerned, whoever, in connection with elections, does not include in the election materials a clear indication of the election committee from which they originate (Art. 496) or conducts election agitation during the election silence period (Art. 498), is liable to a fine of up to five thousand zlotys. These violations are qualified as minor offences.  National Broadcasting Council safeguards the freedom of speech, the right to information as well as the public interest regarding radio broadcasting and television (Article 213 of the Constitution). As far as provisions laid down in the Broadcasting Act are concerned, chairperson

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>of the National Broadcasting Council may request a media service provider to submit materials, documents and explanations to the extent necessary to control the provider's compliance with the provisions of the Broadcasting Act. The chairperson may demand that the provider refrains from actions that violate the Act, resolutions of the National Council or terms of the provider's license. Finally, the chairperson may issue a decision ordering the media service provider to refrain from activities that violate the provisions of the Act, resolutions of the National Council or terms of the license (Art. 10, Broadcasting Act). Media provider may be fined for violating provisions of the Broadcasting Act listed in art. 53 par. 1. This list includes the obligation to clearly distinguish advertisements from other programs, as well as prohibition for political parties to sponsor broadcasts.</p>



## Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Konstytucja Rzeczypospolitej Polskiej z 2 kwietnia 1997 r.	<a href="http://www.sejm.gov.pl/prawo/konst/polski/kon1.htm">www.sejm.gov.pl/prawo/konst/polski/kon1.htm</a>	Constitution of the Republic of Poland
Ustawa z dnia 5 stycznia 2011 r. - Kodeks wyborczy	<a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20110210112/U/D20110112Lj.pdf</a>	Act of 5 January 2011 - Election Code
Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19840050024/U/D19840024Lj.pdf</a>	Act of 26 January 1984 - Press Law
Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001414/U/D20171414Lj.pdf</a>	Act of 29 December 1992 on radio and television broadcasting - Broadcasting Act
Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych	<a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20180001000/U/D20181000Lj.pdf</a>	Act of 10 May 2018 on the protection of personal data
Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2016/679 z dnia 27 kwietnia 2016 r. w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych i w sprawie swobodnego przepływu takich danych oraz uchylenia dyrektywy 95/46/WE	<a href="https://eur-lex.europa.eu/eli/reg/2016/679/oj">https://eur-lex.europa.eu/eli/reg/2016/679/oj</a>	General Data Protection Regulation
Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970980604/U/D19970604Lj.pdf</a>	Act of 27 June 1997 on political parties
Ustawa z dnia 18 lipca o świadczeniu usług drogą elektroniczną	<a href="https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20021441204/U/D20021204Lj.pdf">https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20021441204/U/D20021204Lj.pdf</a>	Act of 18 July 2002 on electronic services
Rozporządzenie Ministra Finansów z dnia 19 września 2011 r. w sprawie sprawozdania finansowego komitetu wyborczego	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111981173/O/D20111173.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111981173/O/D20111173.pdf</a>	Regulation of the Minister of Finance of September 19, 2011 on the financial statements of the election committee

Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 12 lipca 2011 r. w sprawie czasu oraz ramowego podziału czasu przeznaczanego na rozpowszechnianie nieodpłatnie audycji wyborczych, trybu postępowania dotyczącego podziału czasu, zakresu rejestracji oraz sposobu przygotowania i emisji audycji wyborczych w programach publicznej radiofonii i telewizji	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111540915/O/D20110915.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111540915/O/D20110915.pdf</a>	Regulation of the National Broadcasting Council of 12 July 2011 on the time and the time frame for the free distribution of election broadcasts, the procedure for allocating time, the scope of recording and the method of preparing and broadcasting election programs in public radio and television programs
Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 24 kwietnia 2003 r. w sprawie trybu postępowania w związku z przedstawianiem w programach publicznej radiofonii i telewizji stanowisk partii politycznych, związków zawodowych i związków pracodawców w węzłowych sprawach publicznych	<a href="http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20030750679/O/D20030679.pdf">http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20030750679/O/D20030679.pdf</a>	Regulation of the National Broadcasting Council of April 24, 2003 on the procedure to be followed in connection with the presentation of positions of political parties, trade unions and employers' unions in key public matters in public radio and television programs