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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{20/12/2022}20.12.2022</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0559/2020 by Katarzyna Iwulska (Polish) on artistic censorship on Polish public radio</TITRE>

1. Summary of petition

The petitioner complains that censorship was applied to a live broadcast aired on Polish public radio. She claims that on request of the director a song with a political statement was taken off the charts despite the fact that it won the most votes from the audience. She explains that the recording of the broadcast was removed from the internet and the result of the vote was changed. Consequently, a journalist, who did not want to sign off the manipulation, was fired and other renowned journalists left the station in protest against the censorship and the dismissal. The petitioner would like the Commission to make a statement about the censorship of the broadcast based on the fact that the freedom of speech, liberty of thought and expression are fundamental rights of the EU.

2. Admissibility

Declared admissible on 30 July 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 20 December 2022

The petitioner claims that the director of Polish public radio intervened to order the removal from the schedule of a popular song with a political theme critical of a figure in the ruling party. The petitioner states that one journalist who refused to accept the decision was fired while other journalists left the station in protest against these decisions.

Article 11 of the Charter of Fundamental Rights of the European Union enshrines the right to freedom of expression and information and states that the freedom and pluralism of the media shall be respected. The right to freedom of expression includes the right to receive and impart information and ideas without interference by public authority.

The European Commission has embedded media freedom and pluralism in its annual rule of law report and has embarked on an ambitious action plan to bolster media freedom across Europe under its European Democracy Action Plan and Media and Audio-visual Action Plan.

The European Commission has recently proposed a European Media Freedom Act (EMFA) Regulation to safeguard media pluralism and independence in the EU internal market. According to the proposal, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions. The accompanying Commission Recommendation sets out a number of voluntary best practices geared at promoting editorial independence in the media sector.

However, under the EU Treaties, the Commission has no general powers to intervene with the Member States in the area of fundamental rights. It can only do so if an issue of Union law is involved. Similarly, the provisions of the Charter are, according to its Article 51 paragraph 1, addressed to the Member States only when they are implementing EU law.

In matters falling outside the scope of EU law, it is thus for the Member States to ensure compliance with their constitutional order and their obligations under international law and use all legal instruments available to them to guarantee that fundamental rights are complied with.

The present case concerns an instruction of management of a media service provider not to broadcast specific national/local content. This is currently not regulated by EU law.

Conclusion

In view of the above, in particular the absence of currently applicable European Union law regulating the matter in the case in question, it is not possible for the Commission to follow up on the specific issue raised by the petition.