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Complaints against TV Broadcasters Put in at Krajowa Rada Radiofonii i Telewizji (2005–2009)

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**COMPLAINTS AGAINST TV BROADCASTERS
PUT IN AT KRAJOWA RADA RADIOFONII
I TELEWIZJI (2005–2009)**

According to art. 5 of the 1992 Broadcasting Act, Krajowa Rada Radiofonii i Telewizji [National Broadcasting Council] (KRRiT), is a state organ responsible for issues related to radio and television broadcasting. As far as KRRiT's main responsibilities, the 1997 Constitution of the Polish Republic enumerates its duty to monitor freedom of speech, the right to public information and the pursuit of public interest in the area of radio and television broadcasting. Also, among KRRiT's tasks the aforementioned legal regulations mention, *inter alia*, exerting control over public media service providers' activities. Public media providers are supervised to determine whether they carry out their specific tasks and obligations as stipulated by art. 21 (public mission), art. 24 (transmission of election-related products provided by actors participating in elections held in Poland) and art. 25 (creating education-related products as well as the ones for receivers abroad) of the Broadcasting Act. KRRiT's controlling functions *vis-à-vis* licensed broadcasters involve checking whether and to what degree they carry out their programmatic obligations as defined in their respective licenses. In addition, KRRiT supervises implementation of legal requirements that are binding for both public and licensed (private) media service providers, *inter alia* the percentage shares of various types of media production in their broadcasting offers as evidenced by analyses based on three-month broadcasting periods; their compliance with regulations concerning protection of children and youth; their compliance with the ban on promotion in the media of products and other types of productions whose contents are not congruent with

the Polish law and Polish *raison d'état* or promote attitudes and views that are not compatible with public morality and public good – in particular if they contain contents that are discriminatory in terms of race, gender or nationality. Also, KRRiT supervises an obligation of broadcasters to respect their audiences' religious beliefs, and especially the Christian system of values. In addition, it monitors compliance with the ban on promoting activities that could be harmful from the vantage point of the public health or security as well as activities that constitute a threat to natural environment. Its systematic instruments to exert this kind of control over broadcasters include primarily media monitoring systems and annual activity reports supplied by the broadcasters. However, it is obvious that in recent years when the number of private radio and television stations alongside Polish-language editions of foreign tv channels has increased, the supervising capacities of KRRiT have become ever more limited. This is why the number of complaints put in at KRRiT is growing that concern the broadcasters' conduct. Therefore, the public complaints play a complementary role in the process of monitoring the contents broadcast by the television and radio stations.

In case an infringement upon the regulations included in the law has been identified on part of a broadcaster, KRRiT uses legal means at its disposal, such as notifying the broadcaster about its mistakes, issuing an admonition that is accompanied with a call to cease engaging in the future in the activities that infringe upon the regulations as well as applying the existing regulations that make the broadcaster legally responsible and imposing fines on media service providers (DzU 1993 nr 7, poz. 34: art. 10 ust. 3, art. 52–56).

KRRiT reports were the main source of information used in the present paper. However, comparing data included in the KRRiT reports raises some difficulties. Those documents do not have a pre-defined form, which means that each year the KRRiT's report takes a different shape. There are differences, inter alia, in thematic organization of the reports. Moreover, as far as chapters concerning complaints, their authors use variegated criteria to arrange them into categories and tables. Because of this, it was necessary to work out certain common, compound analytical categories that could be applied to all of the reports in the analyzed period.

Total number of complaints

Table 1. The number of complaints in particular years

	2005	2006	2007	2008	2009
Number of complaints	1144	1388	999	1132	1591
Number of persons who signed the complaints	3811	5352	1970	12 163	8408
Average number of persons per complaint	3,33	3,85	1,97	10,74	5,28

Source: Author's calculations (based on KRRiT reports).

In the analyzed period one could notice a relatively stable increase in the number of the complaints put in at KRRiT – with minor variations. As much as their small decrease in 2007 is difficult to explain, their rapid increase in 2008 has some identifiable reasons. Namely, in 2008 just one of the petitions had been signed by 10 453 individuals. This petition was related to the notorious case of a programme broadcast by TVN television station entitled „Kuba Wojewódzki” that had been broadcast on 25 March, in which invited guests were sticking miniature Polish flags in dogs' excrements.

The growing number of the complaints as well as an increase in the number of individuals signing them (to compare, in 2002 there were 367 protests signed altogether by only 607 individuals) may evidence two things. Firstly, television, together with other media, makes ever deeper intrusions into our lives. Since 1960s the number of hours dedicated to work has been decreasing (according to K. Berg and Ch.M. Ridder's longitudinal studies, in 1964 it amounted to 7 hours 54 minutes, while in 2000 – to 5 hours 29 minutes), whereas the number of hours devoted to leisure and media consumption has been increasing (in 1964 it amounted to 3 hours and 8 minutes, while in 2000 – to 6 hours and 58 minutes) (Michalczyk 2008: 321–322). Poland has been affected by a similar trend. While the statistical Pole spent 3 hours and 19 minutes daily watching tv as of 2006 (TNS OBOP 2007 survey), in 2009 this amount of time increased up to 3 hours and 35 minutes (TNS OBOP 2010 survey). However, it is not only the fact we dedicate our time to television. It seems that television watches every single viewer ever more closely as well. In the past the role of the viewer and the listener in media products' reception was not emphasized as much as it is today. In the past when there was no competition between private media (in Poland), the members of the audience were not concep-

tualized in terms of consumers of the media products. That state of affairs had gradually changed after 1989, reaching its climax only in recent years. Legal changes that made frequencies available for private broadcasters, as well as the growth of cable and satellite television and of digital platforms have enabled access to ever more radio and television channels. Every year several new thematic channels are created that broadcast exclusively films, cuisine shows, sports and other types of audio and video productions. The viewer and his/her satisfaction becomes a priority because the satisfied viewer means good audience measurement, while good audience measurement means money from advertisers. The programmes are shaped with a viewer in mind so that to make him/her not want to stop watching television or listening to the radio. This explains so big an increase in the share of entertainment that is intellectually little demanding and the dominance of the tabloid culture in the media. Owing to the state of the art technologies, such contents are now accessible by just one click on a remote control owing to which the viewer can actually rearrange the stations' broadcast programming. However, having this enormous spectrum of choice, we are actually unable to choose because everything seems familiar to us and we have already seen everything. In such a situation we like to give vent to our frustration and one of the ways to do it is to make a complaint against the media service provider which is performing its tasks in an manner that we deem inappropriate.

Secondly, the viewer's awareness has grown as a result of changes that have occurred over the recent years. In the past the viewer had no motivation to make a complaint since s/he may not have been aware that there existed any alternative. Also, s/he was discouraged by the rules of the former political regime and the absence of freedom of speech, especially as far as ideological-political features of the media communication. The only „boxes”, into which one could put in one's complaints [in Poland at that time], were local party committees and Komitet ds. Radia i Telewizji (Radiokomitet) [Radiocommittee].

The emergence of new organs (KRRiT or Urząd Komunikacji Elektronicznej [Office of Electronic Communications]) and organizations (Rada Etyki Mediów [Board for Media Ethics], Rada Etyki Reklamy [Board for Commercial Ethics]) opened up new avenues for the viewer. Also, one should mention the growth of the Internet and electronic mail, which facilitate communication. Indeed, it has been by electronic mail that a significant majority of the complaints has reached

KRRiT for some time now.¹ The Net enables also the individuals who make complaints to coordinate their actions and to prepare collective complaints since as much as the majority of the complaints are authored by broadcasters against each other, collective complaints and protests occur too.

Complaints against specific broadcasters

In table 2 one may see the distribution of the number of the complaints by the media provider addressed. The major obstacle to present the data in a clear-cut manner was differences in model categories that had been adopted by the analysts who authored the discussed KRRiT reports. In the period 2005–2007, the part of the reports that included data related to the number of complaints made against specific broadcasters was titled „Zestawienie liczby wystąpień dotyczących oferty programowej niektórych nadawców” [A compilation of the number of interventions concerning the programme menu offered by some broadcasters]. The use of the phrase „some” lets one suppose that stations listed in the given year and numbers of the complaints that refer to them constitute only a fraction of the complete number of the complaints concerning media programs on offer. One may assume that the listed stations just „attracted” the most of the complaints. However, neither the distribution of the remaining complaints, nor the media providers to which they had applied are known. Categories that are found in the table but were not listed by the reports’ authors, have been marked with „(?)”. The broadcasting stations listed in the compilation do not exhaust the catalogue of the media service providers against whom complaints might have been filed. This is why only those broadcasters have been taken into account that have been mentioned in the reports year by year.

Another weakness of the discussed reports lies in the fact that public television channels were mostly treated as a single whole, that is as a homogenous set. Only once, in 2008, they were treated separately. Polsat channels (Polsat, Polsat 2, Polsat Sport, Polsat News) and TVN channels (TVN, TVN 7, TVN 24, TVN TURBO) were homogenized in

¹ In the reports there are no detailed data indicating the shares of the complaints that were delivered by electronic or conventional mail. The reports use only phrases such as „the majority of interventions”, their „ever bigger scope” and a „clear dominance” of electronically delivered interventions.

a similar manner. In addition, in one of the reports (the one from 2008) the number of complaints was also calculated that did not concern any specific media productions but included general opinions about programs broadcast by one particular broadcaster. Those complaints were addressed at TVP (Polish Public Television), from which we might infer that those complaints were concerned with broadly understood public mission of the public broadcaster.

Therefore, it might be inferred and emphasized that a share of the complaints put in at KRRiT does not focus on any particular program but rather on general principles according to which television and radio providers operate in Poland – without mentioning any specific media providers. However, while compiling table 2 such complaints have been excluded.

Table 2. The distribution of the interventions by the broadcaster

Broadcasters		2005	2006	2007	2008	2009
Public	TVP 1	237	337	198	17	178
	TVP 2				25	
	TVP Info				14	
	Regional units of TVP SA				11	
	TVP Polonia				4	
	TVP thematic channels (TVP Sport, TVP Kultura)				3	
	General opinions about the program				125	
Licensed (private)	TVN	67	79	28	58	26
	TVN 7				0	3
	TVN TURBO				1	1
	TVN 24				14	4
	Polsat	36	124	19	42	16
	Polsat 2					2
	Polsat News [^]					4
	Polsat Sport					1
	TV 4	4	5	9	12	4
	TV Puls	(?)	(?)	(?)	3	0
	TV Trwam	(?)	(?)	(?)	1	2
	Superstacja [*]	–	(?)	(?)	4	5
	Others (including de-localized televisions)	(?)	(?)	(?)	19	11

^{*} – The station started to broadcast on 2 October 2006

[^] – The station started to broadcast on 7 June 2008

(?) – Possible complaints that had not been taken into account by the reports' authors

As concerns television, the most complaints are related to channels operated by Telewizja Polska [Polish Public Television]. In the analyzed period their number was never lower than 170, and in the years 2005 and 2006 it was well above 200. This is an amount several times as high as that “earned” by channels broadcast by TVN and Polsat which are the next in the ranking, to which several tens of complaints apply at the most. The only diversion here is the nearly quadruple growth – as compared with the previous year – of complaints against Polsat in 2006, when 124 of the complaints dealt with this media provider’s channels. This increase is explained by the case of the „Kuba Wojewódzki” program that hosted Kazimiera Szczuka. This single media production provoked 59 complaints.

One should not be surprised by the predominance of complaints made against TVP channels. Its most popular channels „Jedynka” and „Dwójka” are received by almost all inhabitants of Poland. The population coverage, that is the percentage of the country’s population that can watch those channels is, respectively 99,6% and 99,4% (*Informacja...* 2009). To compare, TVN which occupies the second position when evaluated by the number of complaints, has the coverage indicator of only 47,7% (*Informacja...* 2009). Note, however, that this indicator reflects terrestrial broadcasting only, whereas practically all of the broadcasting stations can be received through satellites or digital platforms. Even though TVN and its thematic channels (TVN 24, TVN TURBO) can be received in this manner too, the dominance of TVP in Polish households is undeniable. Especially in the countryside TVP 1 and TVP 2 are often the only available channels. Another fact that explains the top position of Telewizja Polska in the ranking of broadcasters against whom viewers complain the most is their share in audience measurement indicators: TVP 1, TVP 2, TVP Polonia and TVP Info together cover 41,4% of the Polish television market (*Informacja...* 2009), while „Jedynka” (TVP 1) is the most willingly watched channel – which is evidenced by its share of 20,9%.

The third important factor that could also come into play in this case is the fact that TVP is made responsible for public mission. This might be evidenced by the contents of the category „Ogólne uwagi odnośnie programu” [General opinions about the program] which contains exclusively complaints made against the public media provider. However, only in 2008 one could ascertain unequivocally that the majority of the complaints were related to the general shape of the program on offer, that is the presence or absence of certain types of productions in

the program or to program scheduling. Finding out the shares of this type of complaints in the remaining years in the analyzed period would involve a detailed perusal of all of the complaints from that period. In any case, the viewers' opinions stating that certain types of media productions should be presented in TVP's programs, such as sit-coms or films promoting specific values, demonstrate that the viewers treat TVP as an institution that is obliged to format its offer in a specific manner. In fact, this kind of TVP's "exceptionalism" has been envisaged by the legislative as well. In art. 21 of the Broadcasting Act a wide-ranging catalogue of tasks is listed that should be carried out by the public television and radio stations and those tasks constitute their so called mission. Those include, inter alia, programs produced for and about national and ethnic minorities, programs promoting democracy, programs about social and cultural affairs of local communities and the ones that present in a reliable manner various events and phenomena found in the country and abroad.

This particular status of TVP creates an exceptional challenge for this broadcaster. On the one hand, it must comply with the regulations inherent in the law, which means shaping its program in such a way that it complies with the legislative's intentions. On the other hand, it must fend for its position in the market where it competes with ever stronger commercial stations. TVN and Polsat jointly have already won a more than 30-percent share in the television market (15,9% and 14,8% respectively). The model of entertainment television that they promote makes ever more viewers to opt for them at the disadvantage of TVP. The battle for the viewer and, which is coupled with it, for the advertisers' money, forces TVP ever more frequently to forsake its ideals related to its public mission and pander for baser tastes, especially that its revenue from subscription fees has been dwindling (*Informacja...* 2009, 2010). Some viewers certainly find this situation not acceptable. They think of the public television provider as a *sui generis* role model for the other stations, with some room for an ambitious film, an interesting documentary or an interview and with the biggest share of the program scheduling dedicated to so called high culture. Meanwhile Telewizja Polska surrenders its more ambitious programmes to the benefit of mass entertainment that allows it to compete with commercial stations.

The main objections raised against TVP that were identified in the analyzed five year period included, inter alia, changes in its channel TV3's program scheduling that resulted in the removal of many

productions dedicated to local communities, national and ethnic minorities and specific social groups, such as „Magazyn Beskidzki”, „Telenowiny” (a production for the Ukrainian minority), „Integracja i „W-skersi” (addressed at the disabled), „Rodnô Zemia” and „Kaszëbë” (productions for the Kashubian minority), „Panorama Litewska”. The complaints included also general comments focusing on the fact that TVP had been broadcasting these types of media productions at such times of the day that do not suit the complaining viewers at all since, as a result, they are unable to watch their preferred productions (which are usually broadcast either very early in the morning or very late in the evening). In the majority of cases the broadcaster excused itself with an argument pointing out to insufficient financial means that were necessary to prepare such productions and/or with declaring its readiness to bring them back into its program scheduling – provided that it would manage to collect adequate funds. Another frequently mentioned issue was the fact that the public broadcaster had not met the viewers’ expectations regarding the quality of the productions presented in TVP SA’s channels. Those complaints targeted productions such as „Gwiazdy tańczą na lodzie” [Stars dance on ice] (and inappropriate conduct of its female participants) and transmission from „Róże Gali” award-granting event (awards granted by „Gala” magazine; one of the awards had been granted to a homosexual couple – Tomasz Raczek and Marcin Szczygielski).

In general, the hierarchy of the three broadcasters that „attracted” the most of the complaints reflects popularity of the channels that they offer. A similar pattern was visible in the previous years. In table 3 data reflecting audience measurement of the biggest broadcasters have been compiled and compared with the numbers of complaints against those broadcasters over the period 2007–2009.

It is clear from table 3 that the biggest broadcasters, which attract most of the viewers, are also the ones against which most complaints are made. The longer a viewer watches the given production, the highest the probability that s/he should identify in it an element that s/he does not like and will be inclined to make a complaint about it. Theoretically, it could be expected that the stations against which complaints are most frequently made, should see their audience measurement drop as a result of the complaining viewers’ rejection of their offer. In reality, we witness a kind of a paradox – despite the number of complaints, which has stabilized at a more or less the same level, the stations’ audience measurement indicators have remained similar as before (some

minor drop in the audience measurement of all of the established stations could be simply explained by emerging ever new channels since those new channels intercept some of the viewers from the previous leaders). It thus appears that people watch tv even though they do not like some aspects of its operation. This ambivalent attitude towards television was aptly captured by a well-known film director Orson Welles who stated: „I hate television. I hate it as much as peanuts. But I can't give up eating peanuts” (Godzic 1999: 23).

Table 3. Market shares and complaints against the biggest television broadcasters

Broadcaster	2007		2008		2009	
	Market share*	No. of complaints	Market share	No. of complaints	Market share	No. of complaints
TVP (TVP 1, TVP 2, TVP Info, TVP Sport, TVP Kultura, TVP Polonia)	46,9%	198	43,8%	199	41,4%	178
TVN (TVN, TVN 7, TVN 24, TVN Style, TVN Turbo, TVN Meteo)	21,8%	42	21,9%	63	21,7%	34
Polsat (Polsat, Polsat 2, Polsat Sport, Polsat News)	18,1%	19	17,1%	42	16,9%	23

* percent of time spent in front of a tv set and dedicated to watching channels of the given broadcaster (data quoted from KRRiT's documentation and based on an AGB NMR survey carried out on a representative sample of the Polish population aged 4 plus).

Source: Author's own calculations (based on KRRiT reports).

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The remaining television stations have become objects of complaints only rarely – their amount is just several complaints a year. At this point we may raise the problem of complaints against de-localized broadcasters, meaning those media service providers which broadcast their programs in Poland without any license – that is taking advantage of the European Convention on Transfrontier Television. Such broadcasters have licenses which had been granted by foreign media regulators. KRRiT may not have any direct influence on such broadcasters but it has to act through the respective organs responsible for radio and television broadcasting in the country from which the given broadcaster transmits. As of 2009, there were 73 Polish-language programs of that type available in Poland (*Informacja...2009*). Their number is likely to grow. Gradually, a share of this kind of programs in the television market is also increasing, which might translate into more complaints made against them in the future. Therefore, the issue of efficient and fruitful cooperation between KRRiT and its foreign counterparts is gaining ever more prominence. In the case of complaints against de-localized broadcasters, KRRiT seeks first to use ways available in Poland – it approaches Poland-based representatives of the broadcasters. Only when such a representative is missing, it passes the case on to the regulator which has issued the license under which the given broadcaster operates. The case of this type of complaints is regulated in detail by a directive concerning audio-visual media services that has been implemented in all of the EU Member States (DzU UE, L 95 z 15.04.2010, p. 1–24).

Concluding remarks

Even a superficial overview of the complaints made against television broadcasters lets one state that their authors are focused in particular on the public television provider and its channels. This state of af-

fairs results primarily from a responsibility that the Polish law has imposed on this particular broadcaster, requiring that it should fulfill some public mission. This mission is something that the authors of the complaints have in mind; they expect that it will be manifest in the productions by the public broadcaster. That means that the viewers' expectations *vis-a-vis* TVP programs are bigger than those *vis-a-vis* programs transmitted by private broadcasters.

It needs to be stressed that the present paper has been based only on quantitative data concerning the complaints. The next step should involve a review of individual complaints in more detail, including problems raised and arguments presented in the complaints by their authors. Also, it should include an analysis of KRRiT's reactions to this kind of correspondence. These steps would allow for determining whether complaints constitute a mechanism to exert some control over broadcasters, whether this mechanism is used by citizens appropriately and whether it really helps to eliminate and punish infringements upon the Polish Broadcasting Act.

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