

Marzena BARAŃSKA

Jagiellonian University in Crakow

Advisory bodies and their role in the organizational structure of the public broadcaster

Abstract: Governance of a media company, particularly a public broadcaster, is subject to the applicable legal solutions, the economic situation of the company, the accepted management concept of this type of organization. Also of significance is the issue of the broadcaster's organizational structure, division of powers and the terms of reference of individual divisions. A specific characteristic of the organizational structure of public radio and television in Poland is the existence of Programme boards, as units empowered by the authorities to actively participate in the company management. Referring to the activities of the Polish Television SA, this paper discusses issues related to institutional models of public media and the mutual relationships between the governing bodies of the company. Considering the subject of the publication, special attention was paid to the roles, significance and practices utilized by the programme boards in performing their tasks.

Key words: television, media management, program board, advisory bodies on television

Introduction

The dual system of functioning of the media market in Europe is the basis for the parallel conduct of business of public and private broadcasters. In principle it can be stated that the subject covers the same areas of activity, ie. the provision of audio-visual services, the creation and distribution of broadcasting material. Differences exist between the subject's organizational structures, methods of financing, the catalogue of objectives, which must be performed the public broadcaster to fulfill their mission statement. In the institutional dimension, programme boards are a characteristic feature of the public media. Their duties and the role they play in public broadcaster's companies, terms of reference, way of conducting business, relations with other company divisions, the structure and selection method of the collegial body, allow to conclude that they are involved in the management and governance of a public broadcaster, influencing the decisions the company's bodies, as well as participate in shaping of public opinion. The activity and commitment of people representing different environments – as members of the programme boards – is perceived as the participation of a social factor in the decision-making process of the public broadcaster. The standard terms of reference defining the activities of television operations was assessed from a practical point of view. It was considered important to discuss the role and significance of the programming boards as subjects actively participating in the governance of a media company – Polish Television SA (TVP SA) and to clarify the mutual relationships between the governing bodies of the company, with a focus on the methods and means utilized by programme boards in the governance of the company. This issue was previously described by experts, lawyers, cultural experts, political scientists, economists, however, due to changes in the sphere of

law, politics, and taking into account the public opinion it was considered important to discuss the current status quo. The interdisciplinary dimension of the issue under analysis, its significance, requires discussion, publication of research results, reflection on the range of proposed solutions, concepts, as well as a critical assessment of achievements to date. It is another objective of this publication, which is the starting point for further inquiry and scientific studies and consequently also a critical evaluation of the scientific output. This paper was designed as a study covering matters relating to the characteristics of the media market in Poland (selected issue), clarifications of basic concepts, such as 'governance', 'management', progressing later to discussion of the position and terms of reference of programme boards in the organizational structure of TVP SA. In view of the fact that one of the objectives of the organization is the meeting of customers' needs, in this case the audience, it was deemed important to describe how society participates in directing of public television and by what means and mechanisms does it influence the decisions of the company authorities.

It follows that in practice the standard terms of reference of programme boards are subject to verification in view of, among others, the involvement of the body as such, as well as of the individuals it is composed of. For this reason, it was deemed essential to answer the question, "To what extent does the decision autonomy of programme boards of the public broadcaster TVP SA affect the governance of the company, and by what means do they fulfill the expectations and needs of the public opinion broadcaster?" Answering the above question requires the selection of appropriate research methods. It was considered purposeful to use the following methods: exegesis (analysis and interpretation) of the legal text, participant observation, comparison. As a result, the current Polish legal solutions were critically evaluated with reference to personal experience and practice relating to the functioning of these organizational units of the structure of TVP SA. The discussion of issues in this paper is not comprehensive or exhaustive in its manner, but it constitutes a contribution to further analysis.

The organizational structure of the public broadcaster in Poland

Election of the members of the seventh term programme boards prompted the consideration of the significance and role of programme boards as part of the organizational structure of public service broadcasters in Poland. Considering the experience resulting from practices to date and changes taking place in the market, the fundamental question appears to be regarding the terms of reference, mode of action and the importance of the positions of these institutions in the decision-making and the management process of the public broadcaster.

It should be noted at the outset that the current system of organization of broadcasters in Poland was established in 1993, i.e. at the time of introduction of the Bill on Radio and Television (The Broadcasting Act of 29 December 1992). Not only did the technological, social and economic changes contribute to the sequence of changes introduced in the system of functioning of the broadcasters, but the European Union legislation also had a significant influence. The directives (Directive 2010/13/EU...), recommendations (Recommendation CM/Rec (2007)3...) and other legal acts, empha-

sized the role of social bodies and their participation in the decision-making process of broadcasters.

The technological progress made in recent years in respect of the activities of the media market in the world contributes to the change of applicable legislation in this regard. The transnational character of the audiovisual media, as evidenced by the experience of recent years, is reflected in the normative solutions of transnational dimension. International, European, national, as well as internal regulations create systemic solutions in the field of audiovisual market. Their practical dimension creates the need for institutional solutions empowered to legislate as a result of consensus positions presented by individual countries. In the era of media convergence, compression and interoperability, many new issues arise, areas requiring fast and consistent response on the part of legislators and creation of solutions adequate to the needs. The internal regulations enacted by the institutions and organizations are intended to specify, clarify the rules governing the activities of created management units. Despite the dissemination of theories on multi-level governance, it is worth noting the stabilization in ensuring the participation of the social factor in directing, supervising the media. Directing should be understood as: “the impact of one subject (the director) on another (directed) aimed at achieving the behaviour (work, functioning) of the directed towards the achieving its objective” (*Advertising and marketing in practice...*). Governance is “the exercise of power by legal coercion. The source of power in this case the legal entitlement of persons to govern” (*Advertising and marketing in practice...*). Control is an activity designed for verification of existing state of affairs against a legally specified standard (see. Borowiec, 2007; Ploskonka, 2006, pp. 3–28). A special role is attributed to the concept of management control. With regard to the audiovisual market, it can be assumed to be the activity of an entitled authority undertaken in order to achieve the set development directions. Their activity is based, among other factors, on dialogue, experience, confidence, participation in the decision making process, but it need not take the form of decision-making (see. Izdebski, 2010). Control can also be described in external terms. In this context, it takes the form of verification carried out by entitled authorities or it has a social dimension, e.g. the possibility of lodging complaints and addressing requests to eligible institutions, e.g. The National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT).

In Poland, systemic solutions for the audiovisual market confirm the parallel and equivalent functioning of television broadcasters – with the status of public and private broadcaster. In this situation, the starting point for further considerations is to establish the concept of the broadcaster. The Bill on Radio and Television Broadcasting recognizes as such: an individual, a legal entity or personal commercial company “that creates and compiles the programming material and distributes it, or transmits it to others in order to disseminate” (The Broadcasting Act of 29 December 1992). Both public and private broadcasters have the organizational structure of commercial companies. This concept was developed in the early nineteen nineties. Although the legal regulatory framework was adopted in 1992, the first signs of erosion of the state monopoly was the start of the program broadcasting emissions by Poland’s first private station – “Echo” in 1990 (Świętochowicz, 2000, pp. 19–20). The inaugurated process of change forced the legislator to implement the legal basis for the media market activities, in accordance with the principle of pluralism, accepted and approved in the European Union.

The previously quoted normative act introduced in 1993, clearly states that “the right to distribute radio and television programs is granted to public radio and television broadcasting units as well as individuals, legal entities and personal commercial companies which have obtained a license to do so, or – in the case of television programs transmitted solely in ICT systems – are entered in the registry of such programs” (The Broadcasting Act of 29 December 1992, art. 4, par. 1). The analysis of standard solutions is the basis for categorizing broadcasters as private, public and social (The Broadcasting Act of 29 December 1992, art. 2, par. 1 and art. 4, par. 1, 1a). Whereas, regarding private broadcasters, the applicable legal and organizational form of the company was not strictly imposed, it was specified for public service broadcasting. As mandatory, it recognizes the need to operate as a public company. There is no doubt that in the face of requirements to be addressed by the applicant for the sanctioning of the organizational form, the choice was made to guarantee effective operation, both in terms of formal legal and organizational requirements (cf. *The Code of Commercial Companies* of 15 September 2000, art. 301). In the face of conducted discussions on the organizational structure, it is worth noting that at the time of creating the legal framework of the media market, we did not have any experience regarding the functioning of electronic media diversified in terms of organization, and the global and European experience needed to be adapted to the Polish socio-political, economic and legal realities, as well as those resulting from the Polish jurisprudence and doctrine.

For over twenty years, the status of a public broadcaster has been held by: Polish Radio SA and Polish Television SA, who are the legal successors of the state broadcaster functioning until 1992.

The organizational structure of the above mentioned companies consists of:

- regarding television: I and II program nationwide coverage stations and the program broadcast by satellite – TV Polonia, as well as branch divisions established in: Białystok, Bydgoszcz, Gorzów Wielkopolski, Gdańsk, Katowice, Kielce, Kraków, Lublin, Łódź, Opole, Olsztyn, Poznań, Rzeszów, Szczecin, Warsaw, Wrocław;
- regarding public radio: “Polish Radio – INC”, established to create and disseminate national radio programs and programs for listeners abroad and 17 “regional broadcasting companies” (The Broadcasting Act of 29 December 1992, art. 26, par. 2) established in Białystok, Bydgoszcz, Gdańsk, Katowice, Kielce, Koszalin, Kraków, Lublin, Łódź, Olsztyn, Opole, Poznań, Rzeszów, Szczecin, Warsaw, Wrocław, Zielona Góra (The Broadcasting Act of 29 December 1992, art. 26, par. 3).

It should be emphasized that the management system practiced in television and radio is characterized by numerous differences. These conclusions are the result of the exegesis of legal texts as well the practice of activities of these entities. The greater independence and self-reliance can be discussed after a comparative analysis of the status of companies. The organizational structure alone, and therefore the status of the entities is characterized by varying levels of autonomy. In this regard, the radio has a higher degree of independence of action and freedom in making decisions. A common element is the legislator determined model of creating bodies in charge of the companies: general shareholder meeting, board of directors, the management of the company (see. *The Code of Commercial Companies* of 15 September 2000, art. 302ff). The legal regime of economic activity carried out in this form consists of universally binding legal acts as well as the internal regulations arising from the statutes and bylaws.

The company status, adopted in the form of a notarial deed, regulates the activities of a given organizational unit, provided its contents are not in conflict with the generally applicable law. The statute, as an act of internal law, establishes procedural rules for the conduct of the entities and the subject their activities.

Due to the lack of detailed regulations regarding the composition and number of members of the general meeting in the code of commercial companies, a reference should be made to the specific arrangements, in this case contained in the Bill on radio and television. Art. 29 paragraph 1. Bill on radio and television, states: "In the general meeting the State Treasury is represented by the minister responsible for the Treasury." The terms of reference are limited to controlling and supervisory activities. The contents of point 2 Article 29 of the aforementioned Bill explicitly limits the possibility of an intervention of the institution under discussion in the decision-making process of the Board concerning programming content. It should be inferred that in the best interests of the company the legislator provides this attribute to the organizational structure which consistently follows the company policy guidelines regarding the created and emitted programming material. The independence of the management is not absolute in its character, as consultative and controlling authorities are granted to other bodies, such as the Board of directors, the programme board. Practice demonstrates the sequential, secondary characteristic of control, rather than anticipatory, primary, which could be more significant as a result, e.g. for audience share results, as well as meeting the goals for this type of broadcaster. This conclusion was adopted following the normative content of the provisions and their practical application.

As mentioned earlier, the Board of directors is a controlling institution, supervisory, but also authorized to adopt resolutions on issues of importance for the companies and, therefore, jointly responsible for the management of the companies. The detailed terms of reference and duties of this body, follow from the statutes of the companies (see. *The Organizational Regulations of Polish Radio*) and their regulations (see. ...Organizational Regulations of the Company).

Management (consisting of of one or more persons) is elected for a four-year term by the Board of directors and approved by the National Broadcasting Council (KRRiT). The main tasks of the management include the implementation of adopted programs and development strategy of the company independently and jointly with the Board of directors as per terms of reference.

Managing of media companies is the legal and organizational consequence of organizational entities. Broadcasters, especially the private ones, are driven primarily by economic rules in implementing their policies. The economic success is a sum of many factors, including the results of a suitably designed programming offer, public relations activities, income derived from marketing activities, but also the effectiveness and efficiency of the activities of individual governing bodies, etc. The decision-making process is the result of adapting the procedures appropriate for the activities of commercial companies. In the end, this right is the prerogative of the owner or an entity acting on the owner's behalf and in their interest.

The organizational structure of the public broadcaster gives grounds for expressing the view that it is also an active participant in relations occurring in the economic sphere (especially the exchange of commodities and services), with the status of a joint stock company, which competes on an equal footing with other entities. The consequence is

the need to shape an efficient management system. Regardless of the number and composition of the governing bodies, as a result it should also strive for the same effect – that is, to make a profit. Uncritical acceptance of this position can lead to a mistaken belief as to the purpose and principles which should be taken into account regarding the company development directions. It should be remembered that they are obligated to implement the public mission. This term designates a catalog of tasks whose performance is the obligation of a public broadcaster.

In accordance with Article 21 of the Bill on radio and television Broadcasting, Polish public service broadcasters (radio and television) preparing the programming offer must respect the obligations arising from the public service mission. The scope of the this concept enabled specifying the tasks faced by the broadcaster.

The basic tasks in this regard were specified as:

- the creation and distribution of programming in Polish and other languages, with local, regional, or national coverage, as well as enabling the reception of programming to persons residing outside of the country;
- the creation of a diversified and high-quality programming offer including both general and specialized news and information coverage;
- guaranteeing universal access to broadcast programming through the implementation of new technological solutions in the field of broadcasting structure, as well as the creation and distribution of programming;
- promotion of knowledge and implementation of innovative solutions for the development of new techniques and broadcast distribution;
- cooperation with external entities in Poland and abroad in the audiovisual field;
- popularization of culture, art, science, sports, as well as active involvement in the implementation of such projects;
- guarantee of meeting the needs and right to information of a given national and ethnic minority through the broadcasting of programming in their language;
- allowing local communities to disseminate programs aimed at the preservation of cultural identity in the language used by this community;
- creation and broadcasting of programs addressed to the Polish community living abroad;
- ensuring access to programming for viewers and listeners with visual and hearing impairment;
- promoting media education (cf. Recommendation CM/Rec (2007)3 of the Committee of Ministers...).

The scope of the tasks stems from the implementation of the principles of a democratic state and includes such areas as culture, arts, sports, media education, technology.

Consequently, public service radio and television broadcasters are obligated to:

- accept responsibility for the word and take care of the good name of public radio and television;
- reliably and completely document and present the variety of events and phenomena in the country and abroad;
- support the free development of citizens' views and the shaping of public opinion;
- enable the citizens and their organizations to participate in public life by presenting varying views and positions and exercising the right to social control and criticism;

- serve the development of culture, science and education, which is associated with a particular emphasis on Polish intellectual and artistic achievements;
- respect the Christian system of values, accepting the universal principles of ethics;
- serve to strengthen the family, the formation of pro-health attitudes, as well as the promotion and popularization of sport;
- oppose social pathologies;
- contribute to media education (The Broadcasting Act of 29 December 1992, art. 21, par. 1).

Assistance in carrying out the legislated tasks is available from public advisory bodies, both those of permanent nature, and appointed on an ad hoc basis. Their terms of reference follow from the solutions contained in the universally applicable law, as well as in the internal regulations of the company. The former category can include the programme board, and the latter are expert advisory councils consisting of one or more members.

The status and powers of Programme boards

Art. 28 of the Bill on Radio and television Broadcasting establishes Programme boards as advisory bodies. In this case, the 15-person committee represents parliamentary groups (10 members), and individuals with achievements and experience in the field of culture and media (5 members) (The Broadcasting Act of 29 December 1992, art. 28a). Programme boards form an integral part of the organizational structure of TVP SA, including its 16 regional branches, channel TVP Polonia and TVP Polish Radio with nationwide and regional coverage.

The method of selecting members of the Programme boards sanctions the possibility of control and influence in terms of the implementation of assumptions regarding the management by political organizations, while on the other hand it is perceived as the participation of the social factor in the governance process. The adoption of the first position is the justification for the frequently critical message of the politicization of public media. Such an argument would be fully justified if active politicians were members of this body. On the other hand, the accusation of politicization is also not devoid of rationality, because it is the political parties themselves that designate the candidates to participate in the governance of public media. Knowledge and experience in the area of culture and media functions is a selection criterion not only for the representatives of the minority programme boards, but should also refer to the representatives of political parties. The statutory apolitical character of public media can be subject to critical evaluation, because of the election method of members of this structure. Despite the over twenty year history of the Bill on radio and television, the methods of selecting the composition of this body under discussion did not undergo verification.

During their 4-year term the members of programme boards assess the prepared programming offer, as well as its implementation, guided by the “public interest” (Resolution of the company 15/VII/2014 Board of directors..., para. 29, section 4) and taking into account “the expectations related to the programming activity of the company” (Ibidem).

In the absence of a single strictly valid definition, the public interest is most often analyzed in relation to the legal system, contains elements of valuation, indicates the possibility of a specific behavior of the subjects. It should be noted that the public interest is not the sum of individual interests, and as a result conflicts may arise in the understanding of the concept, and consequently discrepancies between what is important for the individual and what is of importance and significance for the majority/public. The literature clearly highlights the possibility of “stratification” of the concept, which in practice may lead to conflict and misunderstandings, especially in determining of the essence of issues and prioritizing of issues or objectives. As a result, the activity of the board refers to current affairs, but also actively participates in creating long term solutions. Defined in this fashion, the area of activity exemplifies the role of the board in the following matters:

- analyzing prices and the financial state of the company,
- budget plans,
- distribution of financial means,
- assessment of programming offer.

In this regard, the experience to date causes much controversy.

Not only does this body take action on its own initiative, but it also hears cases brought in front of it by the Board of directors or management (Rules of the Program Board of TVP S.A. of 13 January 2012, par. 5, section 2, pt. 3). This is because the programme board is a consultative advisory body (Rules of the Program Board of TVP S.A. of 13 January 2012, par. 1) for both the management of the company and its Board of directors. With respect to “TV Polonia”, the duties of this organizational unit include above all: supporting the activities of the management and the station director in terms of the dissemination and creation of satellite programming (*The Organizational regulations of Polish Television, Polish Supervisory Board's...*, par. 30, section 3) and in the regional offices it fulfills its duties to the director (*The Organizational regulations of Polish Television, Polish Supervisory Board's...*, par. 31, section 4). “The Board’s terms of reference include: inter alia, presenting of the resolutions, opinions and statements on matters relating to the programming activities of the Company” (Rules of the Program Board of TVP S.A. of 13 January 2012, par. 5, section 2). According to the adopted solutions, the cooperation between these bodies is both absolute and relative. Par. 22 section 2 point. 13–14 of the Statute of the Board of directors states that this body refers to the Programme board for a position before giving an opinion on issues related to:

- opinions on financial and programming plans for undertakings implementing the objectives of the public mission statement, as defined by law;
- opinions on the management reports on the implementation of financial and programming plans defined in Article 21 paragraph 3 of the Bill on Radio and Television (*The Organizational regulations of Polish Television, Polish Supervisory Board's*, par. 22, section 6; *The Organizational Regulations of Polish Radio*, par. 21, section 6).

It clearly follows from the above that the position of the programming board does, in fact, concern matters related to the mission of the public broadcaster, both in terms of financial aspects and shaping of the programming offer of the broadcaster.

The boards are entitled to present their opinions in the process of programming and financial plans arrangements (Regulation of the National Broadcasting Council of 27 April 2011 *on deadlines for submitting and the scope of financial and programming plans for*

undertakings in the field of public service missions elaborated by public broadcasting units), prepared by the management for the following year. Detailed financial analysis is impossible in the face of the confidentiality clause applicable to the budget components. As a result of the specificity of organization, particularly for a television broadcaster, the members of programme boards of the regional centers do not receive the information in the form of reports about the current economic condition of the company, but only a draft plan of financial solutions for the following year. Therefore, the lack of knowledge in this regard, is not without effect on the rational analysis of the proposals presented. On the other hand, the company management is not legally obligated to e.g. submit monthly reports on the implementation of adopted policies. In the company, legally binding solutions regarding the scope of information subject to the confidentiality clause are in favour of this negative message, supporting this interpretation of the conduct of the authorities. The final presentation of the proposed distribution of financial resources, contained in the draft financial plans, is justified by the legislature on confidentiality. In the absence of the statutory need to subject the members of the programme board to responsibility clauses for violation of company trade secrets, commercial and others, the limited form of information sharing has its rational foundation. The accepted interpretation allows for a rhetorical question concerning the merits of subjecting this matter to the evaluation by members of the programme boards. As a result, it appears this procedure should be treated as informative in character, rather than generating discussion or further evaluating the merits of the proposed financial assumptions. Moreover, members of the programme boards of the branch offices focus their efforts primarily on issues relating to the scope of function of the broadcaster, and they do not have adequate knowledge about the prospects for the development of the central management or other regional units. The limited access to information for the members of the body under discussion, resulting from company trade secrecy clauses limiting access to detailed knowledge regarding the financial policy of the organizational units under discussion, is another negative factor.

The criteria for evaluation of the programming are focused on the analysis of “[...] the level and quality of the current programming and the programming framework” (The Broadcasting Act of 29 December 1992, art. 28a, par. 3; compare: The Organizational Regulations of Polish Radio, par. 28). The Programme board is not equipped with laboratories or other research tools. The discussion generated during meetings is the basis for the evaluation of a specific issue through the process of argumentation and expanded analysis, but it can also be a source of developing opinions and expertise by the appropriate specialists from outside the company. The application for seeking an expert opinion required by the board is submitted to management by the chairman (Rules of the Program Board of TVP S.A. of 13 January 2012, par. 5, section 2). Members of the board organize seminars, conferences, discussion panels and disputes, creating thereby platforms for discussion. By initiating this type of debate they are actively participating in the discussion on the role, objectives, and significance of media in contemporary reality.

The indifferent approach to specifying the role and significance of the board in the area of evaluation of the prepared programming offer results from the lack of accurate records. Usually the board does not participate directly in the process of creating the programming offer, but it evaluates the proposed programming in its entirety. Frequently the secondary form of evaluation does not gain approval by the members. In the explana-

tory memorandum, the argument of lack of input in the design of the programming offer is raised. Eliminating the potential influence of persons representing the political circles on the shape of programming could be a counterargument. Perhaps a different approach would provide an area of increased activity in order to ensure air time for the representatives of specific organizations and groups. The possibility of designing a better broadcast plan, attractive in terms of variety of themes and journalistic form, is an argument for a joint discussion of the programming offer. In this regard, the resolutions include the evaluation of the level and quality of current programming and the programming framework (*The Organizational Regulations of Polish Television...*, par. 22, section 2, pt. 16; Rules of the Program Board of TVP S.A. ..., par. 5, section 2, point 4), and in addition they can refer to the analysis of reception, level of perception and its social consequences (*The Organizational Regulations of Polish Television...*, par. 29, section 7).

The carrying out of duties would not be possible without systemic solutions in this regard. The television Programme board develops and adopts the annual plans of programming activities (Rules of the Program Board of TVP S.A. ..., par. 5, section 2, point 1). Based on the adopted resolutions the Company's management ensures the provision of a technical and organizational base for the activities of the board members, including per diems and travel expenses lawfully assigned, as well as administration (Regulation of the Minister of Labor and Social Policy of 29 January 2013 *on receivables due to an employee*). The seat of the board is the area of the company. The work includes recurring meetings, scheduled at a minimum of monthly intervals. Depending on the subject, the meetings can be designated as working or special (extraordinary) meetings. The former – substantive – are convened by the chairman of his own initiative. In the opinion of the author of this paper – special meetings are convened at the request of Managing director or the chairman of the board of directors, as well as in the instances when the chairman of the KRRiT convenes and opens the first meeting – inaugurating the board activities for a new term (Rules of the Program Board of TVP S.A. ..., par. 9).

Due to the collegial organizational structure, programme board positions are expressed in the form of resolutions. Their contents are communicated to the board of directors, but it should be remembered that following the principle of openness and transparency many adopted positions are made public (e.g. published on suitable media websites). Moreover, solutions regarding the programming activity of the company, adopted by the board in the form of opinions and statements (Rules of the Program Board of TVP S.A. ..., par. 12) are classified as internal affairs of the company and hence practices for internal circulation of documents apply. As a result, they take on the form of letters addressed to the authorities of the company (management or board of directors), especially in the case of issues of significant importance for the company. The possibility of a programme board representative participating in the board of directors or management meeting at their request or at the request of the programme board is also not ruled out, which is reflected in the meeting programme of the above mentioned bodies. None of these bodies described are obligated to make resolutions in connection with the subject under analysis.

Verification of the assumptions and the implementation of adopted plans is performed in the mode of reporting, because it submits annual evaluations to the Management, the Board of directors and to KRRiT, in a report on its activities, containing conclusions

on matters relating to the programming activity of the Company (Rules of the Program Board of TVP S.A. ..., par. 12, section 4).

Finally, attention should be brought to the position of Chairman of the Board and his impact on the perception of the board's role in governing public television. The fundamental duties are related to the organization of the board's work and representing the board both inside and outside of the company. It should be remembered that while personnel matters are the subject of trade union activities, the programming issues dominate the meetings of that body. Certainly a strong, decisive personality, a leader of sorts, a person with knowledge in the area of the media activity, company management can have a significant influence on shaping the image of this body, and the opinions expressed. Demonstrating competence in discussions with the company authorities he is certainly capable of convincing them of the arguments presented by board members, while representing the board outside the company – including sitting in on different bodies, as a permanent member or an ad hoc or guest expert – he properly represents not only the board but the company as well.

Conclusion

Development in the area of social economics is a significant element of activity and social participation in the governance process of one of the strategic companies of the State Treasury. The participation of programme boards in the decision-making process allows for the creation a space for meeting and dialogue. The area of shared references, established in this fashion, becomes even more important as the level of participation of individual members of the specific structures affects the shape and functioning of the public broadcaster. As a result, this mode of action is not without its effect on building public confidence in the media under discussion, especially in the face of the growing involvement of the social factor in the process of governance of companies.

The currently existing legal solutions allow for the perception of programme boards, as dominated by persons representing political parties. It is difficult to minimize the rational basis for this expressed position in the face of the described method of appointing board members. Such practices take place in other countries as well, and the raised objection of politicization of public media for this reason, among others, can be challenged not only by demonstrating that the board consists of persons not designated by political parties, but also by referring to the expertise, professionalism and participation of specific individuals in factual discussion. The evidence of difference in terms of performed assessments of the situation, decisions made by the board, is manifested by long-term discussions, and even resignation from participation in further work. Certainly in the future a more practical rather than declared participation of the boards in governing the company should be considered. It is the author's opinion that the terms of reference of this body should be broadened in many areas. In the area of economics members of the board should gain wider powers on assessing financial plans. Also, in the author's opinion, the matter of the financial resources necessary to sustain the activities of the board should be further clarified.

In the sphere of decision-making it should be deemed important to strengthen the position of the board in terms of the project design and financial plans of the company.

The existing terms of reference provide only the basis for notification of the proposed projects, and not participation in factual discussions, submission of proposals or demands. The records regarding competency of the candidates and their evaluation from the point of view of knowledge of media company activities should be verified, as should the solutions concerning the influence of the programme boards on filling the directorial posts of regional branches of public television. Activities in the field of public media education especially regarding the public broadcaster, should be deemed important.

The changes taking place in recent years in terms of strengthening the position of programme boards should be considered justified, although the transformations taking place both inside and outside the organization, are the starting-point for further work.

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Organy doradcze i ich rola w strukturze organizacyjnej nadawcy publicznego

Streszczenie

Rządzenie przedsiębiorstwem medialnym, zwłaszcza nadawcą publicznym uwarunkowane jest obowiązującymi rozwiązaniami prawnymi, sytuacją ekonomiczną przedsiębiorstwa, przyjętą koncepcją zarządzania tego typu organizacją. Nie bez znaczenia, pozostaje kwestia struktury organizacyjnej nadawcy, podziału kompetencji i zakresu uprawnień poszczególnych organów. Specyfiką struktury organizacyjnej telewizji i radia publicznego w Polsce jest funkcjonowanie rad programowych, jako organów wyposażonych w kompetencje do aktywnego uczestniczenia w kierowaniu spółką. W artykule odwołując się do działalności Telewizji Polskiej SA, omówiono zagadnienia dotyczące instytucjonalnych rozwiązań mediów publicznych, wzajemnych relacji pomiędzy organami władzy spółki. Z uwagi na temat publikacji, szczególną uwagę zwrócono na rolę, znacznie i praktyki stosowane w zakresie wykonywania zadań przez rady programowe.

Słowa kluczowe: telewizja, zarządzanie mediami, rada programowa, organy doradcze w telewizji

