

PIRATE TELEVISION STATIONS IN THE YEARS 1990-1994

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Abstract

The history of pirate, illegal television stations in Poland is presented here against the broader background of systemic transformations (both political and legal). According to the author of the article, it was an inevitable phenomenon, closely linked to the creation of the foundations of a democratic, lawful state with free-market economy. They were a factor which enforced acceleration of political change, legislative works and affected the change of the programming offer. Although pirate television stations were a short-lived phenomenon, they had huge impact on the later development of electronic media in Poland.

Keywords: television, the media, pirate stations, history of television, media law.

1. Introduction

Pirate television stations were a phenomenon characteristic for the state of the media in Poland in the first years after the systemic transition in 1989. Inseparable from the political and economic transformations, they were an ephemeral phenomenon, which preceded and paved the way for the commercial television stations which have existed until today. More than twenty years ago, a growing number of pirate television stations and the related legal and technical consequences were used as an argument in favour of accelerating the works on the Act on broadcasting and the selection of members of the National Broadcasting Council. (Krajowa Rada Radiofonii i Telewizji, KRRiT) [Markiewicz, 1994, p. 12].

The term pirate television was used by journalists, and it also became one of the concepts used in Parliament (Sejm) speeches [Stenographic report, 1993] and official documents [Sprawozdanie KRRiT, 1994, p. 4]. Although it is commonly used, and thus understood, it requires some qualifications. In this publication, the term will refer to television stations which, temporarily or permanently, broadcast signal in the terrestrial mode without a license from the Ministry of Communications or the President of the Radio Committee, and then stations which did not receive a license and persisted in broadcasting their signal.

2. Difficult road to pluralism and competition among television stations

In 1989, the form and content of the electronic media in Poland was determined by two institutions: the Committee of Radio and Television "Polish Radio and Television" (Komitet do Spraw Radia i Telewizji „Polskie Radio i Telewizja”), referred to as the Radiocommittee (Radiokomitet) and the General Office for Control of Publications and Performances (Główny Urząd Kontroli Publikacji i Widowisk).

The Radiocommittee was the monopolist in the area of radio and television broadcasting [Act on Committee of Radio and Television, 1960]. The Act on control of publi-

cations and performances imposed on authors of television and radio programmes the obligation to present the appropriate authority with a script for approval one day before the broadcasting. In the case of news programmes and materials, not later than 10 minutes before broadcasting [Act on control of publications, 1981]. In these conditions, not only was there no place for any competition, but there was even no independence within the official system of the media in the People's Republic of Poland. The issues were so important, both for the opposition of that time and the ruling circles, that a special Subgroup for Mass Media was established within the Round Table. Both parties decided that the existing system of electronic media had to be disassembled, and pluralism and competition among radio and television stations needed to be introduced.

The parties duly agreed that the Sejm should quickly develop a new set of comprehensive legal regulations in the form of acts which would determine the status of the Committee of Radio and Television and the "broadcasting order", which are now included in Act on the Committee of Radio and Television and the Act on communications. It will enable development of radio and television stations financed from various sources (including by local communities), or commercial stations operating on the national stage, the development of satellite TV, cable TV, teletext, etc. [Round Table Agreement, 1989].

On 4 June 1989, the first partially democratic elections took place. As a consequence, Tadeusz Mazowiecki was nominated as the Prime Minister [Dudek, 2007, p. 54]. In the inaugural speech, presented in the Sejm shortly after the voting on appointment of members of the Council of Ministers, the new Prime Minister also indicated the necessity to limit the role of censorship and introduce the principle of pluralism in radio and television [Mazowiecki, 1989].

One of the consequences of the appointment of Mazowiecki's government was replacement of the President of the Radiocommittee. Andrzej Drawicz, coming from the opposition, replaced Jerzy Urban, a former press officer of the government (1981-1989), on the position. The new President, within a few weeks, led to cessation of presenting news programmes by journalists associated with the former communist authorities [Jachowicz, 1990, p. 3]. He started the process of re-employment of journalists dismissed from television during the Martial Law [(rs), 1989, p. 2]. At the turn of 1989, Polish Television found itself in a difficult financial situation. In February 1990, its obligations towards a bank amounted to 34 billion PLN in the currency of that time [Bikont, 1990, p. 6]. One way to overcome financial problems was commercialisation of the second channel of Polish Television. Two different conceptions emerged, which assumed a change of the existing nature of Channel 2 (Dwójka). The first conception, which was based on the creation of a fully independent commercial channel, was proposed by the then Vice-President of the Radiocommittee, Lew Rywin [Bikont, 1990, pp. 6-7]. A different conception of solving the financial problems was presented by the then director of Channel 2 of Polish Television, Józef Węgrzyn. His vision assumed the sale of air time to external television producers and sponsoring of programmes [Bikont, 1990, p. 10]. Finally, the idea of Lew Rywin was rejected [Bikont, 1990a, p. 2]. The notion of commercialisation of regional television stations of Polish Television also emerged in the Radiocommittee. There were eight of them at that time and they were to become the basis on which companies with private capital would be established. This idea did not meet with approval either [(ab), 1990, p. 2].

3. Pirate television stations – scale of the phenomenon

In 1989, the state of the Polish economy called for immediate recovery actions. Mazowiecki's government developed a stabilisation scheme. Leszek Balcerowicz, the Minister of Finance, was responsible for the development and implementation of the plan, and the package of changes was remembered in history as the "Balcerowicz Plan." The scheme assumed, among other things, introduction of market mechanisms

and a change of the ownership structure of the economy [Dudek, 2013, pp. 67-75]. In December 1989, the Sejm adopted a package of economic acts, which delineated the direction of changes in the Polish economy. That was the time, when the first initiatives concerning bringing private television stations to life started to emerge. Their list was systematically growing, and all of them were finally categorised as pirate.

The first report on the operations of the National Broadcasting Council (KRRiT) of 1994 included information on the dimensions (55 radio and 19 television stations) and the specificity of illegal radio and television broadcasting [Sprawozdanie KRRiT, 1994, p. 25]. The catalogue *Press, radio, television*, published by the Polish Information Agency in 1994, contained information on 15 private television stations broadcasting from terrestrial transmitters [Prasa, radio, telewizja, 1994].

Table 1. The catalogue of 15 private television stations.

Name of station	Editorial office's address	Range	Editor-in-chief	Year of start of broadcasting
TV Centrum (Centre)	Kalisz, ul. Łazienna 6	15-20 km	Mieczysław Trzęsowski	1991
Nowa Telewizja Warszawa (NTW) (New Television Warsaw)	Warszawa, ul. Grzybowska 77	50 km	Krzysztof Wyszyński	1992
Echo	Wrocław, ul. Powstańców Śl. 95	50 km	Leszek Turowski	1990
Ex	Bydgoszcz, ul. Kaszubska 25	40 km	Ewa Gąsecka	1993
Morze (Sea)	Szczecin, Wały Chrobrego 3	60 km	Mariusz Jeznach	1991
Rondo (Roundabout)	Katowice, ul. Mikołowska 100a	100 km	Zbigniew Konarski	1992
Tele-24	Łódź, ul. R. Traugutta 21/23	30 km	Małgorzata Kałużyńska	1992
Tele-Top	Gdynia, ul. Śląska 35/37	The Tri-City and around. No data in kilometres	Jerzy Rusin	1992
Copernicus	Olsztyn, ul. Cicha 3c	40 km	Zbigniew Wytrązek	1992
Es	ul. Piekary 14/15	70 km	Piotr Sławiński	1992
Krater (Crater)	Kraków, ul. Płk. S. Dąbka 8	Cracow Voivodeship. No data in kilometres	Janusz Rząca	1992
Telewizja Niezależna Lublin (TNL) (Lublin Independent Television)	Lublin, ul. M. Curie - Skłodowskiej 5	60 km	Krzysztof Czerniecki	1992

Name of station	Editorial office's address	Range	Editor-in-chief	Year of start of broadcasting
P r y w a t n a Telewizja Opole (Opole Private Television)	Opole, ul. Ozimska 18/6	30 km	Janusz Sidor	1993
Top Canal	Warszawa, ul. Wawelska 5	80 km	Marek Sarat	1990*
Vigor	Gorzów Wielkopolski, ul. K. Jagiellończyka 8	The city of Gorzów Wielkopolski. No data in kilometres.	-----	1992

*It results from other sources that Top Canal started broadcasting in 1992.

The differences in the number of private television stations broadcasting from terrestrial transmitters in various publications can be explained by lack of stability and order in the air. In other sources, information can be found about three subsequent local televisions, which broadcast from terrestrial transmitters: *Lubań Television* (from 1 March 1990) [20 lat Studia "S", n.d], *Mieziowa Television* (Copper Television)/*Lubin Television* (1990) [Jak to było..., n.d.], *Jelenia Góra Television* (May 1990) [20 lat temu..., n.d]. It is worth mentioning that Lower Silesia (Dolny Śląsk) was exceptional in this respect. Four of the first initiatives to establish independent television stations were born there. In each of the cases, an immense role was played by the deep fascination with the transmission technology of the founders of those enterprises.

The transmitter, which was used by the television in Jelenia Góra, had been obtained in 1986 from the Soviet military base and had been used for a few years by a group of people fascinated with television technology to transmit the signal of Moscow television [20 lat temu, n.d.]. In 1990, the transmitter was used to broadcast their own local television signal. Most of Lower Silesian televisions were experimental, and local societies were responsible for their functioning: Stowarzyszenie Telewizyjne Test (the Test Television Society, Jelenia Góra), Społeczny Komitet Odbudowy Telewizji w Lubaniu (the Social Committee for Rebuilding of Television; Stowarzyszenie Telewizyjne Lubań (the Lubań Television Society from 1991).

Their own content, which the stations transmitted, was not of commercial nature. The schedules were filled with programmes that presented interesting places, coverage of cultural and sports events, street polls, interviews. Besides, the signal of foreign satellite televisions was transmitted. *Echo Television* was a commercial enterprise from the onset.

4. TV Echo – the first private television station in Poland

The Radiocommittee still played the role of monopolist and it was the consent of its President Andrzej Drawicz what legitimised operations of a station. Four such decisions were heard of. Three concerned radio stations (Radio "Zet", Radio "Fun" and Radio "Solidarność") and one television [(knysz), 1991a, p. 5]. In November 1989, the initiating group of *Echo Television* applied to the President of the Radiocommittee for granting a broadcasting permission. That permission concerned the programming schedule. The Ministry of Communications also gave its permission, assigning to Echo channel 28, which was a reserve for the Northern Group of Forces of the Soviet Army [Głowacki, 1990, pp. 16-17]. It was a temporary permit, valid until 30 June 1990. The low-power transmitter of 20W was located on the roof of the building of Arka (Ark) dor-

mitory. This ensured the reach of up to 10 kilometres [Direct interview with Waldemar Szewc, 2013]. The station started to broadcast on 6 February 1990. In the first phase of operations, the station transmitted 4.5 hours of programmes per day (between 18:30 and 23:00). The retransmission of the signal of a few Western television stations, which took up a lot of air time, was gradually replaced by own productions. The simplest TV forms were supplemented with programmes presenting news, intervention and journalism focusing on the city. It resulted from the studies performed that the following programmes met with the greatest interest from the viewers: *"Echo Miasta"* ("Echo of City") news programme and reporters' programme *"Wrocławscy Gliniarze"* ("Wrocław Cops"). It was the ambition of the founders of *Echo Television* to create a news - publicist television based on civic nature. That phrase was in use at that time [Direct interview with Waldemar Szewc, 2013]. The economic situation of the company was good enough to enable its owners to carry out two serious investments. In Lublin, there was created a subsidiary of Echo Television, Operating under the name *Echo Kresowe* (Borderland Echo), which used a transmitter in Lublin and occupied a channel used by Channel 2 of Polish Television. The signal of *Echo Kresowe* was available, before commencement of the daytime transmission of Channel 2 and after its end [Głowacki, 1990, pp. 16-17]. The other investment of a much greater importance was the move, on 7 June 1990, of the transmitter and the editorial office onto the highest building in Wrocław at that time – the 22 storey-high office building called Poltegor. The power of the transmitter increased tenfold, from 20 to 200W, ensuring reach of 45 kilometres [Głowacki, 1990, pp. 16-17].

The permission issued by the Ministry of Communications expired on 30 June 1990. Despite soothing signals coming from the Ministry, during the last days of May, the threat of cessation of transmission hang above *Echo Television*. A special statement was published in the press, according to which the owners of Echo would consider turning the transmitter off.

Our current permission becomes invalid on 30 June 1990. The date results from assurances that a new Act on communications, concerning also independent radio and television stations, will have been adopted by then. Since the Act has not been adopted so far, nor is the date of its possible adoption known, we are forced to discontinue broadcasting our programmes on 1 July 1990 until binding decisions are made [Statement, 1990, p. 1]

The Ministry of Communications extended the permission for Echo Television to transmit signal for the next three months. At the end of September 1990, the threat of closing the station returned. This time, the ministry demanded elimination of the allegedly illegal transmitter placed on the Poltegor building [Górny, 1990, p. 4]. Meeting this condition would mean tremendous financial loss and dramatic loss of broadcast coverage. An interruption in broadcasting lasted one day, on 1 November *Echo* viewers were cut off from their favourite programmes [Echo, 1990, p. 2]. The permission was renewed. The Ministry of Communications and the State Radiocommunications Agency (Państwowa Agencja Radiokomunikacyjna, PAR) adopted the following principle: until the Act is in place, applications for permission to start radio and television stations shall not be considered [(szczyp), 1992, p. 2]. The example of private stations, which legally and effectively competed with the state radio and television, led to keen interest from entities that wanted to follow in their footsteps. Until the end of March 1991, the Ministry of Communications received around 350 applications, including 75 for the permission to establish a television station [(knysz), 1991, p. 5]. During the following quarter, the number of applications increased twofold (around 700, of which 150 concerned TV) [700 czeka na ustawę, 1991, p. 2].

5. The years 1992-1993. Expansion of pirate television stations

In October 1989, there was created the first extra-parliamentary commission

whose task was to develop legal changes concerning the radio and television activities. Eventually, the Act on radio and television was adopted on 29 December 1992 [Braun, 2008]. Before that, further dates had been set and owners of entities of the nascent media industry were losing patience. Many of them, despite the warnings from the Ministry of Communications and the State Radiocommunications Agency, decided to start broadcasting. On 31 October 1991, *Morze Television (Sea Television)* started to broadcast its content in Szczecin. On 1 August 1992, the viewers in Warsaw could see the test signal of another television station transmitted without permission – *TOP Canal Television* [Jarzymowska, Wielgopalan, 1992, p. 2]. On 5 December, another private station, *New Television Warszawa (New Television Warsaw, NTW)*, started broadcasting from Warsaw. It was founded by a well-known oppositionist from the communist era, Mirosław Chojecki, the co-founder of the underground publishing house called NOWa [Encyclopaedia of "Solidarity", n.d.]. Two private stations and the local branch of Polish Television competed for the viewer and income from commercials in the capital. This situation persisted for slightly more than a year and a half [Kijowski, n.d.]. The situation of private television stations on the Polish market began to drift towards standardisation and consolidation when Nicola Grauso – the Italian media investor – appeared in Poland.

Grauso, planning to invest in the developing TV sector, decided to start from the *Echo* from Wrocław. He wanted to use his experience from Sardinia, where he first established a network of pirate television stations, and then obtained a licence for transmitting the television signal [Solska, 2010]. Implementation of a similar scenario in Poland, which was then undergoing a systemic transformation, seemed a logical choice and an opportunity. In the summer of 1990, the owners of *Echo Television* held talks with several potential investors. Two factors determined formation of a company with the Italians. Firstly, joint experiences, broadcasting without license, and willingness to accept higher investment risk. Secondly, during the autumn crisis caused by the order to stop broadcasting issued by the Ministry of Communications, the Italians declared far-reaching assistance and made their transmitting devices available [Direct interview with Waldemar Szewc, 2013]. As a consequence, a notarial deed was signed on 4 October 1990 to establish a limited liability company under the name "*Prywatna Telewizja Echo*" ("*Echo Private Television*"). Its share capital was valued at 360 million PLN of the currency of that time, and it was divided into 100 shares.

Table 2. Ownership structure of "Prywatna Telewizja Echo" sp. z o.o [The notarial deed, 1990].

Shareholder's name	Number of shares	Value of shares
Spółka Wydawnicza Polsko-Włoska (SEI) (Polish-Italian Publishing Company)	50	PLN 180,000,000
Marek Młynarczyk	12	PLN 43,200,000
Ireneusz Orzechowski	25	PLN 90,000,000
Waldemar Szewc	6	PLN 21,600,000
Andrzej Zygmunt	7	PLN 25,200,000

SEI paid up its shares by contribution of capital, the hitherto owners of *Echo* covered their shares in the form of contribution in kind. Grauso obtained the first and most important beachhead on the Polish television market. The subsequent steps consisted in looking for partners to establish similar companies in other regions of Poland. They

included a station which had already been broadcasting *Morze Television (SeaTelevision)* or one that was about to start broadcasting soon *New Television Warszawa (New Television Warsaw, NTW)*. In other cases, partners which were efficient organisers, entrepreneurs and knew the film and television industry were selected. Such was the case of the *Cracow Krater Television (Crater Television)*, founded by Janusz Rzońca, winner of several awards at student film festivals.

In 1992, I was called by colleagues from Wrocław, who had launched Echo Television, and said, 'Look, you have been dealing with film.' 'Well, yes,' I replied. 'Would you start a television in Cracow?' 'Of course, no problem, just give me something to start with.' 'Why don't you come over to Wrocław, you will see how it works here.' [Direct interview with Janusz Rzońcy, 2013].

There were also instances, when people came to *Echo* on their own initiative, willing to start cooperation. This was the case for the founders of *Rondo Television* in Katowice (Roundabout Television), who were planning to launch a private information agency, visited shareholders of *Echo* to present an offer to them. At this meeting, the roles reversed, they were presented an offer to establish a private television station.

We were told, which is not insignificant, that the venture would be reasonably financed from the investor's funds, that there would be a point, when it would start earning for its needs, that we will hold shares in the business. [Direct interview with Zbigniew Konarski, 2012].

The television stations created in the largest Polish cities were combined into an informal network of regional stations "Polonia 1". Their operations can be divided into two periods. Before the creation of the network and unification of programming schedules, their programming offer was fully based on their own productions. The second stage consisted in gradual extension of the common range. Thus, from a network of regional stations, *Polonia 1* gradually transformed into a station with national reach. In the materials prepared for promotion of the programming offer – autumn 1993, *Polonia 1* was presented as a company providing services to local private televisions. *Polonia 1* places at the disposal of every of the associated stations programmes and means for strengthening and enriching their schedules [Promotional materials of *Polonia 1*]. What was presented as a form of support in the advertising material, based on good will of the owners of the local television stations, was in fact a superimposed, through ownership relations, schedule of programming changes. This sometimes led to tensions. *Dramatic change in the functioning caused resignation of a large proportion of people involved.* [Direct interview with Waldemar Szewc, 2013].

In autumn 1993, *Polonia 1* united 12 television stations, whose main shareholder was *Spółka Wydawnicza Polsko-Włoska (SEI)*.

Table 3. SEI – 12 television stations

Station's name	Seat
Nowa Telewizja Warszawa (New Television Warsaw, NTW)	Warsaw
Krater Television (Crater Television)	Cracow
TVL	Lublin
TV Ex	Bydgoszcz
Tele 24	Łódź
Rondo Television (Roundabout Television)	Katowice

Station's name	Seat
TV Es	Poznań
Morze Television (Sea Television)	Szczecin
Echo Television	Wrocław
Tele Top	Gdynia
Telopol	Opole
Copernicus	Olsztyn

Three other limited liability companies, whose shareholder was Spółka Wydawnicza Polsko-Włoska (SEI), took part in the licensing process: *Prywatna Telewizja Rzeszów sp. z o.o. (Rzeszów Private Television)*, *Prywatna Telewizja Tarnów sp. z o.o. (Tarnów Private Television)*, *Prywatna Telewizja sp z o.o. (Private Television) from Częstochowa* [Decision no. DK-150/96, 1996].

The most important link in the chain of Polish-Italian companies was *Prywatna Telewizja Echo sp. z o.o.* It was the basis for recruitment of candidates for subsequent companies and trainings took place there.

It was easier for them, they all in a way learned from us how to organise it. How it should function, what is accounting like, what taxes are there, how to produce programmes, what the salaries should be. That is the full know how of a professional television station. Leaders came to us to learn. Those were individual meetings. [Direct interview with Waldemar Szewc, 2013].

The Polish owners of *Echo Television* joined the restricted group of trusted associates of Grauso. Marek Młynarczyk was the shareholder of 17 Polish-Italian television companies, he sat on the Management Boards of seven of them [Statement, 1993]. The programme ranges prepared by Polonia 1 took up more and more place in the programming schedule. It resulted from the data presented in March 1993 that, depending on the day, the share of the common content of Polonia 1 accounted for from 58% to 65% [Hearing of delegation, 1994]. The autumn schedule assumed extension of the common programming schedule to from 77.5% to 81% [Promotional materials of Polonia 1, 1993].

6. The last period of operations of pirate television stations

Pirate stations united in Polonia 1 participated in the first licensing procedure. Licence applications of all Polish-Italian companies contained similar assumptions in terms of programming, technical and financial matters. They assumed close cooperation. It must be noted here that Polonia 1 applied separately for a national broadcasting license. For that reason, the answer to the following question was of utmost importance for members of the KRRiT: "If the television received a licence and the others did not, including the headquarters, then half of the programmes would be lost, including the films. Therefore, we ask if the television is capable of sustaining itself and be that regional and local television?" [Hearing of delegation, 1994]. As a result, the KRRiT rejected their license applications. Although the stations applied separately, as independent economic entities, the KRRiT decided to consider them jointly. Also the accusations formulated by the Council were common: lack of detailed information on own television productions, lack of documented financial potential of Polish shareholders, and, which seems the most important, the foreign shareholder declared financing the companies in a scope exceeding its shares (33%) [Decision no. DK-150/96, 1996].

Even *Echo Television*, which had received the broadcasting permission from the then President of the Radiocommittee, became illegal. The Ministry of Communications

and the PAR energetically commenced enforcement of the law. In September 1994, the last pirate stations were closed down. The ideas to use the production potential of the companies associated in Polonia 1 came to nothing, equipment seized by tax offices could not be used for that purpose. Simultaneously, there were undertaken lobbying actions, there were attempts to mobilise the public. In October 1994, the President of the KRRiT received a letter with a meeting request.

It will be wrong if our enterprises, well received by the local communities, become another example of the "Polish hell". President, let me, in collaboration with the other directors – shareholders of the suspended private televisions, ask you to meet with us. [Letter from Marek Młynarczyk, 1994]

Hope surged when, from the time of the completion of the licensing procedure, there changed, even twice, the President of the KRRiT. Marek Markiewicz (to 1 March 1994), Ryszard Bender (from 30 March to 21 July 1994), Janusz Zaorski (from 22 July 1994). The actions were to no avail. The last chance for making use of the potential of the closed television stations associated in the Polonia 1 network was the attempt at creating *Prywatna Telewizja Los* (Fate Private Television).

[Letter addressed to KRRiT, n.d.]

Directors of the closed stations from: Wrocław, Łódź, Szczecin, Olsztyn, Gdańsk, Lublin, Bydgoszcz, Opole, Cracow and Katowice declared that they had the experience, knowledge and, most importantly, an unnamed, serious Polish investor. Apart from that one letter, there are no traces of the attempts to establish Los Television. KRRiT did not receive any licence application.

7. Conclusions

Pirate television stations were an emblematic element of the Polish economic life and media landscape in the years 1990-1994. It can be tentatively stated that their growing number, popularity among viewers, aggressive operations on the advertising market led to acceleration of the processes which rearranged this sphere of public life in Poland during the time of systemic transformation. Pirate television stations also became a great experiment combining economic, social and programming issues. They shaped the experience whose results were utilised by legal private television stations in the first phase of their operations. The presence on the media market of more than a dozen economic entities that offered air time and large numbers of viewers facilitated the development of Polish television advertising and production. Thanks to them, there emerged demand for specialist television equipment. Nowadays, when there are no visible traces of them besides paragraphs in biographical notes of a group of well - known journalists, it is worthwhile to ponder upon the pace and directions in which the Polish television stations would have developed if it had not been for the brief and eventful history of their predecessors branded as pirates.

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