

# **CODE OF GOOD PRACTICE FOR PRESS PUBLISHERS**



**Resolution No. 1 of the  
Extraordinary General Assembly of the Polish Chamber Press Publishers  
of 16 November 2005  
on the Code of Good Practice for Press Publishers**

The publishers gathered at the Extraordinary General Assembly of the Polish Chamber of Press Publishers,

Recognising that:

- free and independent press is an important instrument of social communication and participates in shaping the citizens' opinion and attitudes,
- a publisher should endeavour to keep both his activities and those of his editorial offices (press titles) reliable and transparent,
- the mission of publisher and journalist involves freedom and responsibility, but also specific rights and duties,
- the publishing business requires transparent standards and guidelines to regulate conduct within an organisational structure, i.e., towards employees, editorial offices and other entities, as well as towards other partners in the edition process, readers and, in particular, other publishers,

Found it appropriate to elaborate a Code of Good Practice for Press Publishers which – as a professional regulation – will provide a set of standards and guidelines governing conduct in issues and situations essential to the day-to-day functioning and future of the press market.

The Extraordinary General Assembly of the Polish Chamber of Press Publishers hereby decides:

1. to adopt the Code of Good Practice for Press Publishers,
2. to require the members of the Polish Chamber of Press Publisher to thoroughly analyse the standards and rules of the Code to ensure that it is applied as widely as possible in publishing activity,
3. to require publishers to promote the Code among their employees,
4. to request non-member publishers to endorse and adhere to the Code of Good Practice for Press Publishers.

## CODE OF GOOD PRACTICE FOR PRESS PUBLISHERS

### Preamble

One of the most important institutions of civil society, free and independent press as is an essential means of social communication, democratic control, education, popularisation of culture, building a sense of community and national identity, forming opinions and models of civic conduct and attitude. Publishers must therefore be aware of their public mission in this respect.

The activity of a publisher is essentially to collect, and provide the readers with, credible and reliable information and materials facilitating their functioning in an open and democratic society, rather than just to make profit and expand the influence of their press titles. The publishers are therefore responsible for shaping their mutual relations and adopting rules of conduct that will encourage the press to efficiently fulfil their social function.

The publishers members of the Polish Chamber of Press Publishers ('IWP'),

Aware that:

- the independence, accountability and credibility of the press represents an essential element of the value of their business,
- publishing business on an open and competitive market requires a solidarity appropriate to that situation,
- the legislation in force does not frame or exhaustively regulate all situations which may cause conflicts in the publishing business,
- the fundamental aim of self-regulation and self-control is to promote good business customs that contribute to protecting the interests of readers and competitors against unfair market practice, as well as to strengthening the trust of the public in the publishers' activities and publications,

Have decided to adopt the Code of Good Practice for Press Publishers ('the Publisher's Code') and to freely undertake to observe it.

The publishers endorse the ideas expressed in the Media Ethics Charter adopted by the media profession on 29 March 1995, as well as the standards of the Code of Advertising Ethics jointly drawn up in 2005 by the media, advertisers and advertising agencies.

Publishers not affiliated with the IWP may declare their willingness to observe the rules of the Publishers' Code and submit themselves to the sanctions it imposes.

## **1. DECLARATION BY THE PRESS PUBLISHER**

A publisher is a legal or natural person, or an organisational entity having no legal personality whose activity is to initiate, organise and finance the publishing of daily newspapers or magazines to be distributed in public. The publisher is free to define the editorial policy of his press titles, which should be contained in the statute or rules and regulations of the editorial office. The publisher must also guarantee appropriate means and conditions for the editorial office to function, supervise the production and distribution cycle and co-operate with other actors in order to accomplish the publishing process.

By accepting the Publishers' Code, the publisher declares that he will conduct his business in accordance with the following rules:

- 1.1. The publisher shall respect the rules of journalism valid in a democratic country; defend the independent position of the executive editor; ensure that the declared editorial policy is being observed; protect the achievements of his press title and care for its reputation; and contribute to the preservation of the freedom of the press, taking into account the provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Laws.
- 1.2. The publisher shall ensure that the publishing and editorial activities are free of any external influence and that the publisher's organisational structure guarantees the editorial office's autonomy, including clearly defined rights and duties.
- 1.3. The publisher shall build his relations with partners in the publishing market, readers as well as advertisers and announcers in accordance with the rules of fair information and responsibility.
- 1.4. The publisher shall not mislead the reader or the business partner by pursuing goals that are undisclosed or contradictory to those he officially professes.
- 1.5. The publisher shall respect the principles of pluralism of information and diversity of opinions.
- 1.6. The creation of a new press title or the modernisation of an existing one shall be done with respect for the law. It may mean in particular adapting publishing solutions or formulas that are widely known and made available or recommended by their authors.
- 1.7. When launching a new press title, the publisher shall define and publish information on his editorial policy in its first issue. This obligation shall also apply to any significant change in the editorial policy of a press title.
- 1.8. The publisher may not influence the editorial content or otherwise infringe a journalist's independence to use his title as an instrument of pressure in pursuing his own business aims or political convictions other than those declared in the editorial

policy. The publisher may publish his position on any issue in his title provided that such material is clearly marked as the publisher's statement.

- 1.9. When defining the title's editorial policy and making it known to its editorial staff, who accept it by taking up their staff duties, the publisher should guarantee them freedom of speech within the limits of the editorial policy.

## **2. PUBLISHER vs. EXECUTIVE EDITOR**

In view of the fact that the executive editor implements the editorial policy of the press title as defined by the publisher, the publisher shall ensure him adequate conditions for carrying out his tasks in accordance with the following rules:

- 2.1. When entrusting the management of the editorial office and the implementation of the editorial policy of the press title to the executive editor, the publisher shall acquaint him in detail with the aims, mission and character of the title, its target group, publishing conditions and other internal rules he may have defined.
- 2.2. The executive editor shall respect the publisher's internal regulations and contribute to building the budget of the editorial office and shall be responsible for its implementation in accordance with the conditions specified by the publisher, and, in agreement with the publisher, for the staff policy in the editorial office.
- 2.3. Within the limits specified in Rule 2.1., the executive editor in charge of an editorial office shall have the right to take a final decision on the content of the title, the way it shall be edited and the way in which the implementation of the editorial policy, as defined and agreed with the publisher, shall proceed. The executive editor shall have the right to delegate his powers to his subordinates.
- 2.4. The executive editor shall refuse to publish any announcement or advertisement contrary to the law or rules of social co-existence (good customs). The executive editor may refuse to publish any announcement or advertisement whose form or content is contrary to the editorial policy or character of the title. He shall also take special care to prevent any advertising messages disguised as objective information from appearing in editorial content.
- 2.5. The executive editor shall encourage the exchange of information and opinions, including those contrary to his own opinions or those of the publisher or owner. Whenever a particular publication concerns the business interests of the publisher, the executive editor shall disclose that it in the same publication. Such an action must not be considered as an infringement of loyalty towards the publisher and may be subject to sanctions.
- 2.6. Except in cases regulated by law and the rules of the Publishers' Code, the executive editor shall be free to manage the editorial office and organise the work of his editorial team. In case of any contacts between journalists and the publisher, the executive editor shall be present or informed, unless such contacts concern staff and personnel matters.

- 2.7. The publisher shall protect the executive editor against external pressure, especially from public administration authorities, persons holding public functions or undertakings who would induce him to act contrary to the rules of independent journalism, professional ethics and internal regulations adopted by the publisher. The publisher shall also support the executive editor, editorial office and its journalists in court proceedings related with their assignments.
- 2.8. The creation of advertisements or sales of advertising space shall not belong to the tasks of and executive editor.
- 2.9. Where the executive editor is a member of the publisher's managing body, or is a publisher himself, he shall ensure that any confusion is excluded between the functions he exercises, both in internal and external relations.
- 2.10. If the views of the executive editor, his knowledge, professed values or ethics are in conflict with the publisher's expectations, he shall have the right to resign and choose any form of termination of his relationship with the published he may find advantageous, while observing the legislation in force.

### **3. PUBLISHER vs. JOURNALIST**

#### **3.1. Guidelines for publishing editorial content**

The publisher shall observe, and require journalist to observe, the following rules:

- 3.1.1. Any text about producers of goods or services or the goods and services they offer must be written in accordance with journalistic standards and justified by the need of information or public interest and the character of the press title.
- 3.1.2. Any editorial materials including analyses and opinions on the securities market may not imply that they constitute recommendations within the meaning of relevant legislation.
- 3.1.3. Materials provided by public relations agencies, promotion services, etc., may be used in a publication but always need to be critically evaluated and confronted with other materials or the author's knowledge. Whenever materials of this type are used in whole or in part in the publication, their source must be indicated.
- 3.1.4. Information must be clearly separated from editorial comments and opinion so that the reader can easily distinguish between them. In the case of photographic illustrations, reader must be able to distinguish between those of documentary nature (i.e., whose content, time and place of taking are connected with the content of the feature they illustrate) and those of a symbolic and abstract nature (i.e., which have been taken in an unspecified place and time, and their function is purely to illustrate rather than inform).
- 3.1.5. Illustration elements (photomontage, collage, infographics) with elements of images or photographs should be given a description or a caption containing information about the montage, processing, the author and the source of the image or photograph.

- 3.1.6. The publisher shall protect the moral and economic rights of the authors. Plagiarism (use of the whole work without the required author's or copyright owner's permission and without proper its acknowledgement, as well as the use of a fragment of the work without enclosing it in quotation marks and mentioning the author and source of the publication) is an unacceptable infringement of the Publishers' Code.
- 3.1.7. The use of any materials or information from other media, as well as quotations, must be accompanied by a reference to the source of the material or information. Any quotations enclosed in quotation marks must be accurate.

### **3.2. Conflict of interests**

The publisher is required to announce the following rules to the staff of the editorial office and publishing house and make sure that they are observed.

- 3.2.1. While performing their professional duties, journalists, may not quote, use the image of, or write about their own family members or kin up to the second degree of kinship and affinity, or about the family members, or kin up to the same degree of kinship and affinity, of other members of the editorial staff, if they might derive any material or personal benefit from therefrom, unless they do it within the framework of preparing materials requested by their superiors and indispensable for documentation and journalistic purposes. Whenever a feature in preparation concerns a political party, institution, undertaking, etc., which any of the journalist's relatives ( up to the second degree of kinship and affinity) have connections with, such journalist must refrain from writing or editing materials on these persons and actors or events they took part in.
- 3.2.2. The publisher shall avoid situations which allow even indirect professional subordination between relatives (up to the second degree of kinship and affinity) in his editorial staff, with the exception of cases referred to in Rule 7.5.
- 3.2.3. The journalist shall not accept any extra job without the authorisation of the executive editor, in particular with other press titles of media.
- 3.2.4. The journalist may not combine his job with a public function or engage in political activity. The above shall not apply to journalists working for titles published by political or professional organisations.
- 3.2.5. A journalist employed by a publisher or co-operating with an editorial office may not perform the function of a spokesman or counsel for an individual or a public, central or territorial government, non-governmental or political organisation or undertaking without the authorisation of the executive editor.
- 3.2.6. Whenever publishing any press materials originating from a spokesman or other person speaking in the name of an institution, undertaking, a political party, etc., the function of the author and the entity they represent must be indicated.
- 3.2.7. The journalist's membership in lobbying and marketing organisations, with the exception of journalist organisations, organisations of publishers or organisations

representing the interests of the press market or readers, is contrary to journalistic independence.

- 3.2.8. A journalist may be a member of the jury in competitions (polls) aiming at the development, demonstration or application of journalistic professionalism, as well as in non-commercial competitions related with his field of specialisation, and any other ones in which the reliability and independence of the jury is unquestioned. The above does not restrict the right of a journalist to take part (as a competitor) in open competitions, provided that the organisation of such events, their results and the corresponding prizes do not raise justified suspicions of unfair benefits or possible influence on the journalist's position and beliefs. In view of the above, it is advisable to be careful when taking decisions on a journalist's participation in competitions organised by actors who maintained, maintain or may maintain business relations with the publisher.
- 3.2.9. The journalist may not inform anyone outside the editorial office about the content and date of publication of any press materials, planned actions of the editorial office or the intentions of other journalists or the publisher without the authorisation of the executive editor or the publisher acting in agreement with the executive editor. The journalist shall respect journalistic confidentiality as well as the publisher's business secret in accordance with the relevant legislation and internal regulations in force.
- 3.2.10. The journalist shall not conceal from the executive editor or his superior any information obtained when performing his duties, unless this information is secret, protected under specific legislation, or protected by journalistic confidentiality. At the request of the executive editor, the journalist shall notify to him the source of the information and the ways used to obtain it.
- 3.2.11. The publisher, executive editor and designated editorial staff shall be responsible for the protection of secret information, personal data and other information protected in accordance with the law, as well as the publisher's business secret under specific legislation. Such materials may not be disclosed to any unauthorised persons.
- 3.2.12. Journalistic provocation shall be allowed only when justified by overriding public interest and when other journalist means have or may have failed, and only when the executive editor has been informed. It is advisable to inform the police or the public prosecutor's office of any provocation that may involve a risk to human life or health.
- 3.2.13. Journalists and other employees of the publisher may not work for public or private intelligence services or for the police. Whenever such co-operation is proposed, the journalist or any other employee concerned shall immediately inform the executive editor of his publication and the publisher. Unless otherwise regulated by law, the journalist must not act as an informer for the police, public prosecutor's office or other bodies or organisations of this kind.

- 3.2.14. In connection with any press material he is working on, the journalist must not establish any business or commercial contacts, accept material or personal benefits or making any material or personal commitments.
- 3.2.15. The journalist may not accept any gifts, derive individual privileges or material or personal benefits from or during the performance of his professional duties from persons other than the publisher. Exceptionally, may be accepted gifts of a small value, customarily distributed in public, to other people as well, with an advertising or promotional purpose, bearing the name or the logo of the donor.
- 3.2.16. Journalists and other employees of the publisher shall maintain records of all objects received under agreement as a form of promotion, advertising, for testing or any other purposes. These objects, if they have any commercial value, should be returned to the owner or handed over by the publisher to public institutions or non-governmental organisations for public benefit purposes.
- 3.2.17. Employees of the publisher may take part in events financed by third persons in connection with their professional duties subject to prior authorisation by the publisher, or, in the case of the journalist, by the executive editor. Taking part in such an event may not involve any obligations contrary to the internal regulations of the editorial office or the publisher or the Publisher's Code.

#### **4. GUIDELINES FOR THE PUBLICATION OF ANNOUNCEMENTS, ADVERTISEMENTS AND PROMOTIONAL OR SPONSORED MATERIALS**

The independence and reliability of a press title is based on the reader's trust in it. The publishers accept the following guidelines to maintain the independence and reliability of the press title in order to exclude any case of advertising and promotion contrary to the law or good practices or hidden advertising.

##### **4.1. General guidelines**

- 4.1.1. The editorial office may not promise any favour to advertiser, announcers or sponsors or imply a negative bias in order to extort advertisements, announcements or sponsorship.
- 4.1.2. The publisher shall protect the independence of the editorial office by ensuring that no advertiser, announcer or sponsor shall influence it to obtain the publication of biased editorial materials or to influence the manner of their presentation. Should the editorial office or the publisher be put under any pressure aimed at winning the favour of the editorial office in exchange for an advertisement, the editorial office or the publisher should make such fact public.
- 4.1.3. The publisher shall ensure that the journalists do not prepare advertising materials, sponsored texts, promotional or public relations materials, sell advertising space or advertisements or accept payment for advertisements or announcements, or look for

sponsors of events, including for their own editorial office or publisher, without prejudice to Rule 4.1.5. A journalist who prepares or recounts sponsored events with the participation of his editorial office or publisher shall observe the same rules which apply to preparing and recounting other events of similar nature and importance. Without prejudice to Rule 7.5., a derogation to these rules may be envisaged only for small publishers, whose organisational structure, employment level and profitability does not allow the division of these tasks between different persons.

- 4.1.4. Only editorial staff authorised by the executive editor may negotiate changes concerning the date of publication, graphic layout and page layout of advertising content and the position of advertisements and announcements in editorial content with the advertising service staff.
- 4.1.5. In advertising or promoting campaigns, the publisher shall ensure that the name, face or voice of a journalist is not used to advertise for a product or service. The above rule shall not apply to humanitarian or charity actions, to the promotion of the editorial office or the publisher or to the journalist's participation in the preparation of promotional materials for his own text.
- 4.1.6. To guarantee the executive editor the possibility to control the observance of the rules of this chapter, any advertising materials raising any doubts should be submitted to them for evaluation before publication, early enough to enable them to suggest any necessary changes.
- 4.1.7. The publisher shall not submit for evaluation to advertisers, announcers or sponsors either any edition of the title currently in the editorial process or any specific texts or photographs from that edition. The above shall not apply to new publication projects, changes to existing press titles, special supplements or specially dedicated pages.
- 4.1.8. Upon the request of an advertiser, announcer or sponsor, the publisher shall make available any reliable information in his possession concerning the sales and readership of his title, collected and processed in accordance with the applicable standards.
- 4.1.9. Advertising space in a press title shall be sold in accordance with an advertisement and announcement price list containing prices and the main discount rates (e.g., space, number and down payment related) for such services, and with the publishing rules that contain technical conditions for accepting orders for advertisements and announcements, uniform for all potential advertisers and announcers.
- 4.1.10. Hidden advertisements, including product placement, shall be forbidden.
- 4.1.11. The publisher's employees, their spouses, relatives and kin up to the second degree of kinship and affinity, shall not accept material or personal benefits from the publisher's commercial partners, including advertisers, announcers or sponsors, with the exception of the cases referred to in Rule 3.2.15. Rule 3.2.16. shall apply *mutatis mutandis*. Moreover, such persons may not induce the publisher's commercial partners into granting benefits to themselves or third persons or acting to the detriment of their employer.

## **4.2. Forms of publication**

- 4.2.1. The title, nameplate, pages with editorial content or the editorial staff may not be used in a way suggesting the editorial office's preference for any advertiser, announcer or sponsor, including their products or services. The above rule shall not apply in the case of tests and rankings organised by an editorial office. Advertising content may not be placed alongside editorial features which unambiguously and exclusively endorse or recommend the product or service presented in the advertisement. The above restrictions shall not apply to self-advertising by the editorial office or publisher. In any competitions, polls or other initiatives by the editorial office or publisher the organiser and the sponsor must be clearly identified and distinguished.
- 4.2.2. The boundary between advertising material and editorial content shall not be blurred. The form of advertising materials and publications must be such as to make their nature of advertisement or announcement obvious to the reader. Advertising materials and announcements must be clearly set apart from editorial content by graphic elements or a different typeset and labelled as 'advertisement', 'promotion', 'announcement', 'sponsored text' or the like, making the nature and origin of such materials obvious to the reader. In particular, any advertisements and announcements that are intended to imitate or use editorial content or the publication's graphic layout must be rejected. Neither the name or the logo of an advertiser or announcer may be used on any of the pages devoted to editorial content unless they are labelled as advertisement or announcement. An advertiser or announcer whose logo has been placed on a page with editorial content may not have any influence on editorial content. Moreover, an advertiser or announcer's name or logo may be placed on a page with editorial content in connection with the preparation of events under the publication's patronage or the financing of prizes in a competition organised by an editorial office or a publisher; the advertiser or announcer must be identified as the sponsor.
- 4.2.4. An advertisement, announcement or promotion may be announced on the front page or in the table of contents of a given issue provided that it is labelled as advertisement, announcement or promotion or that it is the editorial office's or publisher's self-promotion.

## **4.3. Advertising supplements**

- 4.3.1. Advertising or promotional supplements attached to a press title under contract from advertisers, including inserts, should clearly differ from editorial content and regular or occasional feature supplements by their shape, graphic layout or typeface, so that the readers may not confuse the pages with editorial content with those of such supplements. Moreover, the title or logo of the publication may not appear in such supplements. The above restrictions shall not apply to the editorial office's or the publisher's own promotion measures; the provisions of Rule 4.3.2., last sentence, shall apply *mutatis mutandis* in such cases.

4.3.2. To ensure clear and unambiguous identification of the advertising supplements referred to in Rule 4.3.1., they should bear a printed caption saying ‘advertisement’, ‘promotional supplement’ or ‘advertising supplement’, or be otherwise marked in a way adopted by the publisher and allowing for clear and unambiguous identification of such supplements. The above shall not apply to inserts whose shape and content clearly indicate their character and origin (e.g., supermarket offers). In the in-house feature supplements (both regular and occasional), any advertisements, announcements, sponsoring or promotions should be clearly marked in accordance with the provisions of Rule 4.2.2.

#### **4.4. Competitions**

4.4.1. Whenever prizes in any competitions, lotteries or promotional gift distributions organised by the editorial office or the publisher are provided by an advertiser, an announcer or external persons, those competitions, lotteries or promotions being advertised on pages devoted to editorial content, editorial texts may not suggest that the editorial office endorses or recommends in whatever way the products or services of such advertisers, announcers or other persons.

4.4.2. The course of a competition organised by an editorial office or a publisher should remain under the organiser’s exclusive control; an advertiser, announcer or sponsor may not have the decisive influence upon the selection of the winner. In presenting the competition, the editorial office must take care not to imply that it favours the products or services provided by the advertisers, announcers or sponsors as prizes.

### **5. OTHER GUIDELINES FOR THE PUBLISHING BUSINESS**

#### **5.1. Guidelines for distribution**

5.1.1. The publishers acknowledge the following conditions as an integral and indispensable element of the freedom of the press and pluralism of sources of information, as well as a prerequisite for making their press titles available to all readers:

- a. all publishers should have unrestrained and equal conditions of access to distribution; the publishers acknowledge that intended action by a publisher to prevent a distributor, for economic or organisational reasons, from accepting for distribution a press title from another publisher shall constitute a restriction of his status of independent and autonomous undertaker; this rule shall not apply to separate, exclusive distribution operated either by the publisher himself or under contract from him;
- b. a publisher shall make his press titles available for distribution to all distributors operating on the Polish market in compliance with Polish law who are willing to respect the distribution terms that the publisher deems appropriate for his press title or for a specific market segment;
- c. the publisher shall have the right to freely handle the circulation and wholesale allocations of his title, under the full right of return granted to distributors on countrywide sales of

press by the copy at retail sales points to enable optimal supply across the sales network and ensure readers full access to press publications;

- d. the publisher may set a single fixed cover price in by the copy sales on the whole distribution area or for a given version of the title, binding at all the levels of the distribution chain; the publisher may differentiate prices by region or, within a region, by version of the same edition of the press title; subscription and foreign sales terms and conditions shall be set by the publisher in agreements appropriate for these forms of distribution;

5.1.2. In order to ensure distributors and retailers equal opportunities in the sales of the press title and to create conditions for quality-based competition, the publisher shall set a single first sales day for his title either countrywide or within a given distribution area.

5.1.3. In order to ensure reliable information on the sales volume and distribution methods and to guarantee uniform practice in that respect, the publishers should present data in a way that enables comparisons of corresponding data on the distribution of different titles. In particular, in bundle sales of two or more titles, the sales figures for a title that has not been sent to distribution shall not be disclosed.

## **5.2. Guidelines for promotion**

5.2.1. In his public interventions (statements or marketing and advertising materials), and especially in his own titles, the publisher shall refrain from disseminating reports, expert opinions, analyses or comparisons deliberately aimed at disparaging another publisher or press title.

5.2.2. Any expert opinions, analyses or comparisons quoted in any marketing materials elaborated by the publisher or under contract from him and used to promote the press title must be presented in a way that is methodologically correct and indicate the source of the information presented and, where applicable, also information on the authors, research method used, objective and purpose of the collection of data, sources of financing, etc. The publisher's own analyses and interpretations must be clearly identified.

5.2.3. Publishers may not use trademarks or advertising slogans of other press titles, either in whole or in part, in their promotional activities.

5.2.4. A publisher applying a promotional price when launching or modernising a press title must clearly specify the price and indicate the duration of the promotion.

5.2.5. Any permanent or temporary diversification of the prices of a press title due to the insertion of gadgets, changes in publication, etc., must be exhaustively described and disclosed in the publishing statistics presented by the publisher in accordance with the standards in force. The above shall not apply to press market presentations and diagnoses addressed to the publisher's statutory bodies or actual or potential shareholders, in so far as they describe his factual, legal or financial status.

- 5.2.6. Promotion of press titles in the sales network may exclusively be conducted under a commercial contract and with the participation or by the intermediary of the distributor or network operator. Such promotion may not restrict the right of other publishers or their press titles to equal treatment by the retailers or the customer's freedom of choice, or degrade the conditions of sales or presentation of other press titles.
- 5.2.7. Without prejudice to the rights of other publishers, distributors or network operators, a publisher may help an independent retailer to optimise the presentation of the offer of a press title by providing him know-how or elements of equipment to be specified in an agreement between both parties.
- 5.3. A publisher may not take measures to hinder another publisher in ensuring his title access to the market, in particular such measures as fall within the ambit of relevant provisions of the Unfair Competition Act.

## 6. FINAL PROVISIONS

- 6.1. The publishers affiliated with the IWP undertake to comply with the rules of the Publishers' Code.
- 6.2. Non-affiliated publishers may submit to the IWP Board a written declaration of their acceptance of the Publishers' Code and their willingness to observe its rules.
- 6.3. The publishers referred to in the preceding Rules shall communicate the rules of the Publishers' Code to all their editorial and publishing staff, including systematic education of staff with respect to the compliance with professional ethics guidelines and the rules of the Publishers' Code, as well as their importance to the image of the publication and its publisher. The publisher may incorporate the Publishers' Code or specific parts or provisions thereof into the rules and regulations in force in their publishing house.
- 6.4. For the purposes of the Publishers' Code, the following definitions shall apply:
- a **'press title' (or 'title' or 'publication')** is a daily newspaper or a magazine appearing in a printed or electronic form and registered in accordance with the procedure laid down in Article 20 sqq. of the Press Act of 26 January 1984;
  - the **'editorial policy' of an editorial office (or press title)** is the set of principles and guidelines governing the functioning of the editorial office, reflecting the editorial office's (publisher's, owner's) philosophical and ideological preferences, interests and aspirations, as well as the aims that are supposed to be achieved by the publication; an editorial policy may contain:
    - the **'aims of the editorial office' (or press title)** – a set of concretely identified or defined values, attitudes or patterns of behaviour that the editorial office (or the publisher) intends to promote and popularise among the publication's customers, readers, for whom he has decided to publish the title; an aim may also be defined

in terms of winning a concretely defined group of readers or position on the press market;

- the **‘mission of a publication’** – a concrete aim the publisher intends to pursue;
- the **‘character of a press title’** – the identification either of a socio-professional group (e.g., women, young people, country dwellers, advertising professionals, etc.) that the publisher wants to reach to, the content range and the way it is composed, the function the publication is to assume for the readers, or a combination of those elements; it usually involves a possibly precise identification of the content of the publication, the function it assumes or is planned to assume, that sets it apart from its competitors;
- an **‘executive editor’** is a managing editor acting upon the publisher’s authorisation and authorised to take all decisions concerning the work of the editorial office, and accountable for content published;
- an **‘editorial office’** is an organisational unit of the publishing company, managed by the executive editor, together with its internal organisational structure, composed of journalists hired by the publisher and other staff, and dealing in the collecting, writing, assessing and editing of press materials, as well as transmitting them for publishing or publishing them in a printed press title or electronic version thereof;
- a **‘journalist’** (an **‘author’**) is an individual dealing in the collecting, writing, assessing or editing of press materials, whether hired under an employment contract with the publisher or acting for or upon the authorisation of the editorial office; in particular, an individual having a binding agreement with the principal, specifying the conditions for the execution of specific tasks; the transfer of copyright; compensation; and responsibility of the principal ordering the execution of the tasks with respect to third parties, is deemed a journalist;
- a **‘press material’** is any clearly identified editorial content (text or graphics of an informative, documentation, comment and opinion or other nature), non-editorial material (communication, announcement or advertisement) qualified for publication or published in a printed press title or electronic version thereof, regardless of its kind, form, destination and authorship; material received by the editorial office for information and not deemed fit for publication shall be understood not to be a press material.
- a **‘target group’** is the final addressee of the publication as identified by the publisher, in other words a group of potential, and preferably actual, buyers and readers that may be described in several ways and with the use of various combinations of demographic and socio-economic characteristics;
- **‘publishing conditions’** consist in the following set of parameters: circulation, frequency, page number, format, number of colours, printing technology, geographical reach, etc.;

- an **‘editorial formula’** is information that – in the broad sense – combines editorial policy, the title’s character, and publishing conditions; in a narrower version, it may be limited to indicating the title’s character and publishing conditions;
- a **‘gadget’** is any non-press product attached to a press title either free of charge or as a tie-in sale; a product intended for subscribers or readers who systematically buy the press title, or products attached to professional or specialised periodicals, products of an educational nature or products integrally related with editorial content and that illustrate or present it, are not considered as gadgets; nor are considered gadgets in-house supplements or other press titles inserted as a means of promotion;
- an **‘advertisement’** is an independent message that contains, in particular, information or an opinion, especially when placed against payment or other form of compensation, that accompanies the business of any entity and aims at increasing the sales of a product, promoting a different way to make use of it or at achieving any other impact as desired by the advertiser. Advertising also includes sales promotion and sponsoring. Within the meaning of the Publishers’ Code, a message aimed at promoting socially desirable patterns of behaviour, a message placed within an electoral or referendum campaign, or a message, including public messages, from an entity such as a commercial company or a foundation, required by legislation in force, is not an advertisement.
- **‘sponsoring’** is a type of activity following from an agreement under which the sponsor offers, in a way profitable to himself and to the sponsored entity, any support or contribution aimed at ensuring a positive association between the image of the sponsor, his products, services, brand names or other means of identification, and the sponsored event, activity, product, service or entity; within the meaning of the Publishers’ Code, media patronage is not considered as sponsoring, provided that it is exclusively limited to informing about an event;
- **‘product placement’** is the conscious use or presentation, within an editorial material or on a page with editorial content, despite appearances of accident or neutral information, of a specific product, service, brand name, company, trademark, corporate designation or other identifying information, in particular such as a combination of colours or typeface, in respect of the business of the undertaker who produces the goods or services, in order to achieve an advertising goal, if publisher intends to derive any compensation or other benefit from the publication of such content, without disclosing such an intention to the readers;
- a **‘supplement to a press title’** is journalistic content, or a collection of press materials, prepared and edited at the editorial office, and which completes or enriches the title’s standard content and is occasionally or regularly inserted into the current edition; such a supplement is *usually* composed of feature materials devoted to one specific subject and most frequently targeting a specific group of readers; from a formal viewpoint supplements are divided into dependent (a page or section) and independent, or liftouts, with their own front and back page, pagehead or page

numbering, and, usually, distinctive graphic layout; promotional or advertising content or pages in such a supplement must be appropriately marked out;

- an **‘insert’** is an independent and clearly identified, including by means of graphics, advertising or promotional material in a complete form, prepared by the advertiser or an entity acting in his name (e.g., a ‘catalogue’, ‘leaflet’, ‘folder’, ‘poster’, ‘CD’ or alternative forms, ‘product sample’), carried by a press title or supplement and designed to attract the reader’s attention and convey advertising or promotional information.

6.5. In matters unregulated by this Publishers’ Code, the provisions of general substantive law in force shall apply *mutatis mutandis*.

## **7. ADDITIONAL PROVISIONS**

7.1. The implementation of the Publishers’ Code, its interpretation, control of its observance, adjudication regarding the observance as well as any modifications to the Publishers’ Code shall fall within the exclusive competence of the competent bodies of the IWP.

7.2. A publisher affiliated with the IWP may form a request in writing once a year to the IWP Board to be released for a period of maximum 12 months from the obligation to apply the rules of the Publishers’ Code with respect to a given press title he publishes.

7.3. The request referred to in Rule 7.2. must be made no later than on 31<sup>st</sup> January of a calendar year. The request must specify the extent in which the publisher wants to be released from the obligation to apply the rules of the Publishers’ Code as well as the objective reasons that prevent him from applying those rules. A publisher may also apply to be released from the obligation to observe the totality of the Publishers’ Code with respect to a specific press title. The publisher must specify in the request the rules of the Publishers’ Code that he can not observe, and recapitulate the factual circumstances that justify his inability to observe those rules. A request to be released from the obligation to observe the rules of the Publishers’ Code shall be ineffective if the release would be equivalent to allowing the non-observance of universally binding legislation.

7.4. The request referred to in Rule 7.3. shall be examined by the IWP Board within three weeks, no later however than two weeks before any planned convening of an ordinary General Meeting of the IWP. In so doing the Board shall consider the publisher’s objective ability to observe the Publishers’ Code, taking due account of, in particular, the size, organisational structure, and legal and organisational form of his business as well as the character of the title concerned by the request.

7.5. The IWP Board may accept the request referred to in Rule 7.2. in whole or in part, or reject it. The Board shall briefly describe the reasons of the decision in a resolution. A copy of the resolution shall be delivered to the publisher concerned within 30 days following its adoption. The publisher concerned or any other publisher may appeal

against the resolution of the Board to the General Assembly of the IWP. The appeal may be lodged via the IWP Office. The publisher concerned may lodge an appeal within 7 days following the reception of the copy of the resolution; other publishers may do so within seven days following publication of the resolution as specified in Rule 7.12. When convening the IWP General Assembly, the Board shall put an appropriate item on the agenda so that a resolution may be adopted on the adjudication of any appeals lodged in time. Rule 19 (3) and Rule 19 (4) of the IWP Statute shall apply *mutatis mutandis*.

- 7.6. Should the IWP Board fail to adopt a resolution within the deadline specified in Rule 7.4., or should a copy of the resolution not be delivered to the publisher or be delivered at a date that would prevent the lodging of an appeal under Rule 7.5., the publisher's request shall be deemed approved in whole by the IWP Board.
- 7.7. The provisions of Rules 7.2. to 7.6. and Rule 7.13. shall apply *mutatis mutandis* to the publishers referred to in Rule 6.2.
- 7.8. IWP members as well as the publishers referred to in Rule 6.2. may use in their titles the symbol adopted by the IWP Board to signify observance of the rules of the Publishers' Code. Should the IWP Board approve a request to be released from the obligation to observe specific rules of the Publishers' Code, it shall specify in the resolution referred to in Rule 7.5 whether the publisher may use that symbol, taking due account of the scope of the derogation.
- 7.9. The Peer Tribunal, in accordance with its rules of procedure, shall review cases of a publisher's action or failure to act in violation of the Publishers' Code. The Peer Tribunal shall aim at an amicable settlement of any conflicts arising with respect to the observance of the Publishers' Code and at eliminating any irregularities.
- 7.10. When reviewing a case, the Peer Tribunal may:
  - a. declare the application groundless;
  - b. order the defendant to discontinue the infringement of the rules of the Publishers' Code;
  - c. make the infringement public by way of a publication in IWP information materials, other professional media or, in particularly reprehensible cases, in any media they deem fit;
  - d. forbid the publisher to use in his press titles the symbol of signatory of the Publishers' Code for a period they shall specify at its discretion, not exceeding however 12 months; or
  - e. request the IWP General Assembly to exclude the member publisher from the IWP, or to exclude the non-member publisher from the group of publishers applying the Publishers' Code.
- 7.11. A publisher referred to in Rule 6.2. shall be bound to respect all the resolutions and rulings issued by IWP bodies in respect of the observance of the Publishers' Code.

- 7.12. The publishers' requests as well as the resolutions of the IWP Board and General Assembly concerning the Publishers' Code shall be published on the IWP website and in the IWP information bulletin.
- 7.13. During the first year the Publishers' Code is in force, the requests referred to in Rule 7.2. may be submitted until 31 March. A publisher submitting such a request shall not be bound by the rules of the Publishers' Code until the request is finally examined, and following its examination, he shall be bound by them as specified in the ruling. In subsequent years the Publishers' Code is in force, the above rule shall apply *mutatis mutandis* to publishers submitting a request to be released from the obligation to observe those rules of the Publishers' Code for which a derogation had been granted to them in the previous year.
- 7.14. Should a publisher begin its operations or start publishing a new press title later than 31 January of a given calendar year during the period the Publishers' Code is in force, he may submit the request referred to in Rule 7.2. at the time of his choice. The IWP Board shall be bound to examine that request within a time limit allowing for the examination of an appeal against its resolution by the next IWP General Assembly, unless a planned IWP General Assembly is going to take place in less than 9 weeks, in which case the publisher's request must be presented for examination within a time limit allowing for the examination of the appeal by the subsequent General Assembly. Until final decision is taken on the appeal, the publisher concerned may not use, in the press title referred to in the request, the symbol adopted by the IWP Board to signify observance of the rules of the Publishers' Code.

The Publishers' Code shall enter into force pursuant to a resolution of the IWP General Assembly upon the adoption of the resolution, and shall be binding on the publishers as from 1st March 2006.

The Code was adopted by the Extraordinary General Assembly of the Polish Chamber of Press Publishers on 16 November 2005.

