

Abstract for the general public

This project investigates how regulatory bodies in Poland - such as those overseeing competition, data protection, electronic communications, and the media - can effectively safeguard democracy and uphold the rule of law while implementing new digital laws introduced by the European Union (EU). These regulatory bodies, known as non-majoritarian institutions (NMIs), operate independently from direct political control and play a crucial role in ensuring that rules on digital markets, data privacy, content moderation, and media freedom are fairly enforced.

Recent developments in Poland have raised significant concerns regarding the independence and impartiality of these institutions. For instance, politically influenced decisions by the Media Supervisory Authority, ineffective handling of politically sensitive cases by the previous Data Protection Authority, and inconsistent enforcement actions by the Competition Authority illustrate vulnerabilities that could undermine democratic principles and the rule of law.

The EU has introduced several key digital regulations—including the Digital Services Act, Digital Markets Act, European Media Freedom Act, General Data Protection Regulation, Audiovisual Media Services Directive, and the upcoming AI Act. These laws require national regulators to operate independently and transparently, which can be challenging in countries facing pressures on democratic governance.

New digital regulations from the EU expand the responsibilities of national regulatory authorities significantly, assigning them additional, crucial tasks such as overseeing large digital platforms, ensuring transparency in political advertising, combating disinformation, and protecting fundamental rights online. These additional responsibilities demand that national regulators possess robust legal frameworks, institutional independence, and operational effectiveness, highlighting the urgency of addressing weaknesses within these bodies.

This project aims to examine the legal structures, independence, and accountability mechanisms of key Polish NMIs and propose specific improvements to strengthen their capacity to fulfill their mandates effectively and impartially. The research approach combines thorough legal analysis of Polish and EU law with empirical research, including interviews with representatives of regulatory authorities, civil society groups, and academic experts.

The motivation behind this research lies in addressing the critical issue of how regulatory authorities can maintain independence and effectiveness under conditions of political pressure and democratic backsliding. The project tackles two pressing challenges at once: how to ensure effective digital regulation and how to strengthen the rule of law in a national context marked by institutional fragility. It explores how NMIs can serve as democratic safeguards when traditional checks and balances are weakened.

The results of this study will provide concrete recommendations for reforming Poland's regulatory framework, ensuring regulators are equipped to enforce EU digital regulations robustly and transparently.

Expected outcomes include detailed proposals for institutional and legal reforms, two doctoral dissertations, at least four peer-reviewed academic articles, a monograph, an edited volume, and a white paper with policy recommendations and practical guidelines ('cookbook') for authorities. Additionally, the project will foster a deeper understanding of how NMIs function under politically challenging circumstances, and develop a model applicable to other countries experiencing similar democratic pressures. Ultimately, the project aims to contribute significantly to the broader European debate on building regulatory institutions that are not only efficient but also trusted, accountable, and deeply committed to democratic values and the rule of law.