

**Short Form Relating to Notifications of Draft Measures Pursuant to Article 7 of  
Directive 2002/21/EC  
(“Short Notification Form”)**

1. One or several markets which has/have been removed from or have not been previously listed in the Recommendation on relevant markets is/are found to be competitive or not to meet the three criteria	
1.1 Please briefly describe the content of the notified draft measure. In particular, please refer to the relevant market concerned and the reasons why you consider that the market is effectively competitive or the three criteria are not met.	The President of UKE found the market for call origination on the public telephone network provided at a fixed location, as effectively competitive. In the opinion of the President of UKE the “three criteria test” (all criteria) is not met. Also analyzed SMP assessment criteria showed that there is no SMP operator on the relevant market. Above confirmed that this market is not susceptible to ex ante regulation.
1.2 Please indicate the Article 7 notification reference of the previously notified draft measures.	During the previous round of analyses in 2010/2011 (case: PL/2010/1152) the President of UKE found a SMP operator in the market for call origination on the public telephone network provided at a fixed location. The analysis of most important SMP assessment criteria showed that Telekomunikacja Polska S.A. (since 31 December 2013 - Orange Polska S.A.) had SMP.
1.3 Does the NCA agree with the proposed draft measure as regards the analysis of the relevant market?	In general NCA agrees with proposed draft measure, but notified few comments, e.a.: <ul style="list-style-type: none"> <li>- Orange Polska (OPL) market shares are still high; (UKE reply: OPL market shares and HHI indicator are decreasing; fixed telephony market is less popular than mobile telephony);</li> <li>- WLR wholesale prices remain unchanged for last 8 years; (UKE reply: Prices for WLR services were regulated and not based on commercial basis;</li> <li>- The need to include in market analysis fixed telephony based on mobile infrastructure; (UKE reply: this matter was expanded in the analysis).</li> </ul>
1.4 Internet reference to the draft measure	Draft decision will be available on UKE’s website.
1.5 Comments	