

**Notification of draft measure according to Article 7  
of Directive 2002/21/EC (Framework Directive)**

**Section 1 – Market Definition**

The affected relevant product/service markets is the national wholesale market of radio broadcasting transmission services to deliver radio content to end users and the national wholesale market of tv broadcasting transmission services to deliver tv content to end users.

The defined relevant market is not listed in the current recommendation on relevant markets. The affected relevant geographic market is the national territory of Poland.

**Section 2 – Designation of undertakings with significant market power**

On 17 January 2018, the President of the Office of Electronic Communications (President of UKE) issued a decision defining a relevant market for national wholesale market of radio broadcasting transmission services to deliver radio content to end users and a decision defining a relevant market for national wholesale market of tv broadcasting transmission services to deliver tv content to end users (hereinafter referred to as market 18). The President of UKE decided that Emitel S.A. (Emitel) is the operator with SMP on market 18. Consequently, the President of UKE imposed on Emitel, whose registered office is in Warsaw, regulatory obligations.

In order to counteract problems identified in the market, the President of UKE imposed on Emitel the following regulatory obligations:

- access obligation – Article 34 (1) and 34 (2) of the Polish Telecommunications Act (Pt),
- non-discrimination obligation – Article 36 of the Pt,
- transparency obligation – Article 37 (1) and 37 (2) of the Pt,
- obligation of accounting separation – Article 38 (1) of the Pt,
- obligation of setting fees for telecommunications access based on the cost incurred – Article 40 (1) of the Pt,
- obligation of publication of the reference offer – Article 42 (1) of the Pt.

**Section 3 – Regulatory obligations**

The Decision of the President of UKE presented for notification amends and approves the Reference Offer which provides alternative operators with new wholesale products in the implementation of the SMP decisions issued on 17 January 2018.

The Decision of the President of UKE introduces new access proceedings and related access charges. The amended and approved Reference Offer is consistent with regulatory obligations imposed upon Emitel (described above).

The President of UKE indicates that the ability to provide the abovementioned services was introduced because of justified needs of the telecommunications market, technological developments and to ensure competitiveness in the telecommunications market.

**Section 4 – Compliance with international obligations**

The Decision of the President of UKE amending and approving the Reference Offer which provides alternative operators with broadcasting transmission services does not change the obligations provided for in Article 8(5) of Directive 2002/19/EC (Access Directive).