



Warsaw, 14 February 2018

**OFFICE OF ELECTRONIC COMMUNICATIONS**

**Deputy President**

***Karol Krzywicki***

*DHRT.WORK.6082.9.2016.165*

**European Commission  
Body of European Regulators for  
Electronic Communications  
National Regulatory Authorities  
of Member States**

Dear Sir / Madam,

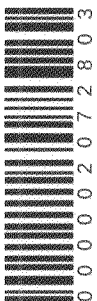
According to the procedure specified in Article 7 (3) of the Directive 2002/21/EC of 7 March 2002 on a common regulatory framework for electronic communications networks and services as amended, transposed to the Polish legal framework by Article 18 of the Telecommunications Act of 16 July 2004 (Official Journal from 2017, item 1907), the President of the Office of Electronic Communications (President of UKE) shall notify the European Commission, Body of European Regulators for Electronic Communications and the national regulatory authorities in other Member States of the European Union of a draft reference offer on wholesale high-quality access provided at a fixed location up to 2 Mb/s (inclusive).

The list of regulatory obligations is included in the attached notification summary.

In addition, the President of UKE would like to inform you that on 4 December 2017, according to Article 15 of the Polish Telecommunications Act (Article 6 of the Framework Directive), national consultations were commenced in order to enable interested parties to express in writing their opinion regarding the draft measures. The consultation process was completed on 3<sup>rd</sup> January 2018.

This notification includes:

Office of Electronic Communications  
7/9 Giełdowa Street, 01-211 Warsaw, Poland, Phone: +48 22 53 49 156, fax +48 22 53 49 155



1. notification summary (English version);
2. draft decision of the President of UKE approving the abovementioned reference offer with justification (Polish version).

Yours faithfully,

z up. Prezesa Urzędu Komunikacji Elektronicznej

Zastępca Prezesa



Karol Krzywicki

## Summary notification form

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

#### **Section 1 – Market Definition**

The affected relevant product/service market is the market of wholesale high-quality access provided at a fixed location up to 2 Mb/s (inclusive). This market is listed in the Commission Recommendation of 9 October 2014 on relevant product and service markets (Annex, market no. 4).

The affected relevant geographic market is the national territory of Poland.

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

On 16<sup>th</sup> September 2015, the President of the Office of Electronic Communications (hereinafter the President of UKE) issued a decision defining a relevant market for national wholesale high-quality access provided at a fixed location up to 2 Mb/s (inclusive), hereinafter referred to as market 4, (proceeded as case PL/2015/1742). The President of UKE decided that Orange Polska S.A. (OPL) is the operator with SMP on market 4. Consequently, the President of UKE imposed on OPL, whose registered office is in Warsaw, regulatory obligations.

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

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

#### **Section 3 – Regulatory obligations**

On 23<sup>rd</sup> June 2017, the President of the Office of Electronic Communications (President of UKE) issued a decision which approves the Reference Offer on wholesale high-quality access provided at a fixed location up to 2 Mb/s (inclusive).

The Decision of the President of UKE presented for notification, introduces amendments to the Reference Offer in the scope of procedures for ordering high-quality access services and updates fees.

#### **Section 4 – Compliance with international obligations**

The Decision of the President of UKE approving amendments to the Reference Offer does not change the obligations provided for in Article 8(5) of Directive 2002/19/EC (Access Directive).



