

Telecommunications regulation – continuation and changes (Stanisław Piątek)

Articles

Iwona Różyk-Rozbicka, The opportunities to challenge regulatory decisions of the President of the Office of Electronic Communications pursuant to the provisions of competition law

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Abstract: The article seeks to answer the question of whether, and, if so, under what conditions, regulatory decisions whereby the President of UKE (Office for Electronic Communications) imposes on telecommunications undertakings regulatory obligations to set their Mobile Termination Rates at a particular level may be contested in the light of competition law. In the author's opinion, application by telecoms of MTRs established by virtue of a regulatory decision may be assessed from the point of view of possible abuse of a dominant position taking form of excessive pricing or margin squeeze. Moreover, the article presents a comparative analysis of the extent to which parallel application of competition law and sector-specific regulations to the abovementioned anticompetitive practices is possible under legal regimes of Poland and the EU, taking account of legal provisions as well as of the decision-making practice of competition authorities and law courts' decisions. The last part of the article addresses procedural aspects of proceedings carried out within this scope by the President of UOKiK (Polish competition authority) and by the European Commission.

Keywords: Mobile Termination Rates, SMP decisions, the President of UKE, abuse of a dominant position, excessive pricing, margin squeeze, the European Commission

Anna Burdziak, Maciej J. Grzybkowski, Dariusz Więcek, New possibilities of liberalization of telecommunication sector in the context of cognitive technologies

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Abstract: The aim of this paper is to present new possibilities of liberalization of Telecommunications Sector using an innovative cognitive technology (Cognitive Radio-CR), which are still in phase of research and development, and which however, are the biggest hope for changing current way of radio spectrum management.

The first part of this paper presents the existing liberalization of Telecommunication Sector and legal regulations regarding radio spectrum management. Second part of this paper contains discussion of the cognitive technologies focusing on features of CR, with special emphasis on their characteristics for more flexible and more efficient use of radio spectrum.

Implementation of cognitive technologies would result in a need of changing current legal regulations as well as in creating new ones. Changes proposed in this paper are provisional and are dependent on final results of scientific research in the cognitive radio area.

This paper presents both risks and opportunities resulting from implementation of cognitive radio technologies. The most desirable potential result would be switchover from static to dynamic radio spectrum management.

Keywords: telecommunication law, radio spectrum management, legal regulations, cognitive radio (CR).

Stanisław Piątek, Premium Rate Services

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Abstract: This paper aims to present grounds and results of the 2011 amendment of Telecommunications Law concerning provisions on the delivery of prime rate services, that combine the telecommunications service with value added service. Extensive infringements of users' rights and failure of self-regulation initiatives resulted in the introduction of protective regulations exceeding the requirements of the European Union. The analyze regards the suppliers' information obligations related to the promotion of those services, conclusion of service contract and the process of service provision. The article addresses measures that provide users of premium rate services with controls over the amount of expenses related to the service. The competences of the regulator aimed at the enforcement of obligations imposed on telecommunications service providers and suppliers of value added part of the service were discussed in detail.

Keywords: premium rate service, value added service, information obligation, blocking of connections, fines.

Tomasz Bator, New approach to MTR regulation in European Union – selected problems

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Abstract: The article presents the main aspects of regulation of the markets for call termination on mobile networks in the European Union, in particular the methods of determining the termination rates. Key in this regard is issued in 2009, the Commission's Recommendation, which accurately determined the future course of regulation at Community level. In order to illustrate the regulatory practice, which is currently taking place, the article also discusses selected proposals of national regulatory authorities, which were notified to the European Commission over the last year.

Key words: call termination, mobile telephony, ex ante regulation, competition, consumer benefits, European Commission Recommendation, bottom-up pure LRIC model, effective operator, symmetry, national regulatory authority, BEREC.

Maciej Rogalski, Changes in the Telecommunications Law concerning agreements on the provision of telecommunications services

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- I. Legal form of the agreement
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- IV. Obligations of service provider
- V. Changes to the agreement

Abstract: The article is devoted to changes in the Telecommunications Law as regards agreements on the provision of telecommunications services. It presents two basic methods of concluding such agreements: in writing and electronically. The article also provides a detailed analysis of the required elements of the agreement, as well as its term. Furthermore, it discusses issues associated with the manner of amending the agreement. Lastly, the author gives an overview of problems relating to the implementation of the said changes.

Keywords: agreements on provision of telecommunications services, writing form, electronic form, elements of agreement, amending of agreement.

Legislation and Case Law Reviews

Daria Kostecka-Jurczyk, Margin squeeze as abuse of dominant position.

Case comment to the judgment of the Court (First Chamber) of 17 February 2011, Konkurrensverket v TeliaSonera Sverige AB.

Protection of subscriber in telecommunications – notification of changes in rules and regulations.

Court of Appeals in Warsaw judgment of 15 March 2012 in case VI ACa 1274/11, Magdalena Jachimowicz-Rolnik.

Telecommunications regulation – imposition of financial penalties.

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Book Reviews

Henryk Babis, Kinga Flaga-Gieruszyńska (ed.), *Rynek usług telekomunikacyjnych*

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