

**Current regulatory practice and perspectives of change in telecommunications** (*from the Volume Editor*)

### Articles

Jan Siudecki, **Margin squeeze test in regulatory practice of the President of UKE**

#### Table of contents:

- I. Initial remarks
- II. Controversies regarding the method of margin squeeze testing
- III. Attempts at challenging the legality of regulators position on margin squeeze
- IV. Legal basis for margin squeeze test regime
- V. Concluding remarks

**Summary:** The author analyses legal and regulatory environment of margin squeeze tests in Poland. Regulatory tools applied by the President of UKE in this field are discussed together with related controversies. Subsequently the European legal framework for margin squeeze tests and relevant positions of European institutions are analyzed. Conclusions in this regard form a basis for a critical assessment of solutions adopted by the regulator.

**Keywords:** margin squeeze; price squeeze; margin squeeze test; price squeeze test; non-discrimination obligation; price control obligation; legal forms of action of administrative bodies.

Daria Kostecka-Jurczyk, **Merger remedies in the consolidation process of H3G-Orange, H3G-o2 and Telefónica-E-Plus preventing monopolization of mobile telecommunications sector**

#### Table of contents:

- I. Introduction
- II. Consolidation trends in the telecommunication sector
- III. Remedies in the mobile telecommunication sector in the European Commission decisional practice
- IV. Merger remedies and sector specific regulations
  1. The role of national regulators in the process of imposing remedies
  2. Sector specific regulations and merger control regulations
- V. Conclusions

**Summary:** The aim of the paper is to analyze merger remedies applied by European Commission during consolidation of *H3G-Orange, H3G-o2 i Telefónica-E-Plus*. The article deals with efficiency of this tools used in mobile communications sector and relations between sector specific regulations and merger law. The paper also reveals problem of overlapping competences of national telecommunications regulators and competition authorities.

**Key words:** merger control, merger remedies, electronic communication sector, sector specific regulations, national telecommunication regulators

Wojciech Dziomdziora, **Distance contracts for digital content which is not supplied on a tangible medium in the light of the Law on Consumer Rights**

**Table of contents:**

- I. Foreword
- II. Digital content – definition
- III. Trader's information requirements
- IV. The right of withdrawal
- V. Final words

**Summary:** The Consumer Rights Act enters into force on 25.12.2014. The act implements into Polish law the Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights. The paper addresses the new regulations on the trader's information requirements and consumer's right of withdrawal concerning distance contracts for digital content which is not supplied on a tangible medium. Author presents legislation and confronts it with various market practices.

**Key words:** consumer rights, digital content, distance contracts, information requirements; right of withdrawal

Mariusz Busiło, **The use of radio devices on the basis of a filing with the register in light of practice**

**Table of contents:**

- I. Introduction
- II. Register of devices used without a permit
- III. Problems connected with the implementation of the new solution
- IV. Summary

**Summary:** For over two years, Polish law has permitted the use of radio devices that previously required radio permits on the basis of a filing with the register. However, telecommunications operators have not taken advantage of this solution. The article discusses practical doubts resulting from the analysis of the legislation in force.

**Key words:** radio frequencies, management, interference, radio permits, register of devices used without a permit, light-licensing.

Stanisław Piątek, Paweł Piątek, **Anonymisation of data protected by telecommunications confidentiality**

**Table of contents:**

- I. Introduction
- II. Data protected by telecommunications confidentiality
- III. Legal grounds of anonymisation in the EU and national law
- IV. Legal character of anonymisation of protected data
- V. Conditions and results of anonymisation of protected data
- VI. Anonymisation and pseudonymisation of data
- VII. Conclusions

**Summary:** The goal of the article is the assessment of conditions concerning the utilization of data generated in telecommunications, processed by telecommunications operators, for other purposes than provision of telecommunications services, in a way that is not infringing rights and interests of data subjects. The article should demonstrate that national law implements the provisions of EU law concerning the protection of data processed in telecommunications in an inappropriate manner, limiting or even eliminating the admissibility of anonymising data. The analyze concerns anonymisation of personal data, transmission data, including location data, as well as data concerning location of the user, used for the provision of value added services.

**Key words:** anonymisation, telecommunications law, personal data, transmission data

Ewa M. Kwiatkowska, **The development of the Internet of Things – opportunities and threats**

**Table of contents:**

- I. Introduction
- II. Internet of Things
- III. Applications
- IV. Opportunities and threats
- V. Conclusions

**Summary:** The article provides the analysis of the Internet of Things (IoT), the concept of connecting not only people but also things. The opportunities and challenges of this communication technology for individuals, whole societies and business enterprises are discussed. Potential future application domains are reviewed, with particular emphasis on the healthcare sector, including pharmaceutical industry.

**Key words:** Internet of Things, mobile devices, M2M communication, sensors, big data.

Renata Śliwa, **The phenomenon of market concentration in telecommunications sector in Poland and the need for the development of broadband infrastructure – outline of the problem**

**Table of Contents:**

- I. Introduction
- II. The phenomenon of concentration in the economic process
- III. Asymmetrical regulation and de-regulation concerning the development of broadband infrastructure
- IV. Infrastructure competition In Poland
- V. Conclusions

**Summary:** The paper attempts to justify some extension of market concentration toward the necessity to stimulate facility-based competition. The first part encompasses theoretical foundations of market concentration and the role of regulation. Then, the asymmetric form of regulation is highlighted as well as the deregulation. The third part pictures the state of facility-based competition in Poland and the perspective of its stimulation.

**Key words:** regulation, market concentration, facility-based competition

## Legislation and case law reviews

**Tables of judgments of the Supreme Court, Court of Appeals in Warsaw and Competition and Consumers Court in telecommunications cases for the 1. half of 2014** (Ewa M. Kwiatkowska)

**Tables of judgments of the administrative courts in telecommunications cases for the 2. half of 2013** (Magdalena Jachimowicz-Rolnik)

### Protection of personal data in telecommunications.

Judgment of the Supreme Administrative Court in Warsaw of 21 February 2014, I OSK 2324/12, LEX No 1427782 (Mariusz Czyżak)

### Retention of telecommunications data.

Judgment of the Court of Justice of the European Union (Grand Chamber) of 8 April 2014 concerning the directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (Tadeusz Piątek)

## Book reviews

**Maciej Rogalski, Świadczenie usług telekomunikacyjnych** (*Provision of telecommunications services*), Warszawa 2014 (Magdalena Jachimowicz-Rolnik)

**Stanisław Piątek (ed.), Telecommunications Regulation in Poland**, Warszawa 2013 (Renata Śliwa)