

## Amendment of Telecommunications Law (Stanisław Piątek)

### Articles

#### Mateusz Chołodecki, The model of judicial review of decisions issued by President of Electronic Communications Office

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- I. Scope of consideration
- II. Shaping the model of judicial review of decisions issued by President of UKE
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- VI. Legal character of issues decided by President of UKE
- VII. Legal character of judicial review of decisions issued by President of UKE
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**Abstract:** The model of judicial control of the decisions of the President of the Office of Electronic Communications (hereinafter the UKE President) is subject of this paper. This model is defined in the Telecommunications Law Act (hereinafter the TL) and provides two different judicial procedures against decisions of the UKE President. It is a general principle that the UKE President decisions are subject to judicial control exercised by administrative courts. However, some decisions enumerated in the TL are subject of judicial review exercised by common courts [the Regional Court in Warsaw – the Court of Competition and Consumer Protection (hereinafter the SOKiK)]. Both types of judicial control differ from each other substantially. Therefore, the main goal of the article was to present a model of judicial control of the decisions made by the UKE President together with an indication of the legal basis of this model. In addition, significant differences were determined in the way of judicial control by both types of courts, i.e. the administrative courts and common courts (SOKiK).

**Key words:** Telecommunication law, right to appeal, judicial control, Office of Electronic Communications, right to court access, national regulatory authority, regulatory law, SOKiK (Regional Court in Warsaw – the Court of Competition and Consumer Protection).

#### Mariusz Czyżak, Financial penalty as instrument of regulation of telecommunications market

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- II. Regulation as a task of public administration
- III. Financial penalty in Telecommunications Law and the status of President of UKE
- IV. Functions of the financial penalty in the light of jurisprudence and doctrine
- V. Regulatory function of financial penalty in the light of statutory directives on the size of the penalty
- VI. Regulatory character of the penalty and the category of infringement
- VII. Regulatory function of the financial penalty in the light of selected decisions of the President of UKE
- VIII. Final remarks

**Abstract:** The article presents regulatory aspects of financial penalty established in Telecommunications Law of 2004. Discussed are the elements influencing the regulatory functions of the financial penalty such as: the status of the regulatory body authorized to impose financial penalties, statutory rules of the size of the penalty, and the categories of infringements punished by financial penalties. The analysis of this institution of administrative law bases on the provisions of the generally binding law, as well as on the views of the jurisprudence and doctrine and selected decisions of the President of UKE.

**Key words:** telecommunications, financial penalty, telecommunications market regulation

**Ewa M. Kwiatkowska, Competitiveness of the telecommunication markets - quantitative and qualitative evaluation methods in antitrust and sector specific regulations proceedings**

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- I. Introduction
- II. Empirical base
- III. Classification of competitiveness evaluation criteria in the telecommunications markets
- IV. The process of selection of competitiveness evaluation criteria
- V. Conclusions

**Abstract:** The article presents evaluation criteria for competitiveness of the telecommunications markets. Criteria are divided into two groups – quantitative and qualitative, the latter including criteria from two different points of view (two different perspectives): market and telecom enterprises. The paper concludes with analysis of competitiveness evaluation criteria as applied by regulatory authorities in proceedings, highlighting asymmetry in the use of different criteria in particular type of proceeding.

**Key words:** quantitative criteria, qualitative criteria, evaluation of competitiveness, telecommunications markets, regulatory task

**Arwid Mednis, Change of rates for telecommunications access – selected problems**

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- I. Introductory remarks
- II. Procedure concerning the amount of rates for telecommunications access
- III. Practice of regulatory authority
- IV. Application of procedure for expiry of a decision
- V. Procedure for amendment or repeal of a decision
- VI. Expiry of a decision and appeal procedure
- VII. Legal form of approving rates in current amount

**Abstract:** Article presents legal problems arising in case of regulatory decision fixing wholesale rates, which is superseded by new decision, covering the period of validity of preceding decision. Discussed are problems concerning the declaration of expiry of a decision as well as repeal of such decision. Analyzed are consequences of the expiry of a decision for the appeal procedure.

**Keywords:** telecommunications access, wholesale termination rates, expiry of a decision, amendment of a decision, repeal of a decision

**Patryk Koralewski, Services based on processing geographical data****Table of contents:**

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**Abstract:** Article discusses legal conditions for provision of services based on processing location data (Location Based Services LBS). Article indicates how geographic data concerning location are gathered, which are necessary for the provision of LBS. Identified and discussed are problems of relationships between methods of gathering data on geographical location and legal regulations applied to specific cases of service provision.

**Key words:** geographical data, location data, value added service, Location Based Service

**Stanisław Piątek, New regulatory strategy for telecommunications market****Table of contents:**

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- II. Structure of the regulatory strategy
- III. Investment and the development of infrastructure
- IV. Competitiveness
- V. Consumer policy
- VI. Utilization of radio frequencies
- VII. Summary

**Abstract:**

Article discusses new regulatory strategy of the President of Electronic Communications Office for the telecommunications market. The institutional conditions of documents presenting regulatory strategy are presented. Article discusses strategic goals and instruments, that are to be applied in order to attain declared goals and assess the results. Article indicates market conditions that will accompany the implementation of new strategy.

**Key words:** strategy, President of UKE, infrastructure, competitiveness, radio frequencies, consumer protection

## Legislation and Case Law Reviews

**Telecommunications regulation – decisions of President of UKE agreed with other body.** Case Comment of the Supreme Court judgment of 24 January 2012 in case III SK 23/11 (Katarzyna Dyl)

### **Telecommunications regulation – decision on telecommunications access.**

Judgment of the Court of Competition and Consumers Protection of 14 June 2012 in case XVII AmT 106/09 (Ewa Galewska)

## Book Reviews

**Grzegorz Sibiga, *Komunikacja elektroniczna w Kodeksie postępowania administracyjnego. Komentarz*, [Electronic communications in Administrative Procedure Code]** (Michał Mozdzeń-Marcinkowski)

## Events and activity reports

National Symposium on Telecommunications and Information Technology (KSTiT 2012), Warsaw, 12-14 September 2012 (Miroslaw Fereniec)