

1. Promoting convergence to develop ICT markets and realize its benefits (what role for telecommunications regulators in promoting convergence?)

Actions of the Office of Electronic Communications (UKE) are, to a large extent, intended to regulate wholesale markets by ensuring that alternative operators have access to incumbent's infrastructure (local loop unbundling, local sub loop unbundling, bitstream access). This allows alternative operators to create their own offers which are competitive to the offers of the incumbent and which quite often are package offers, containing fixed telephony, broadband Internet access, TV and mobile telephony. Above mentioned regulatory efforts should most of all be neutral technology-wise, however (they cannot impose or discriminate against any technologies). As experience indicates, regulation based on selected technologies invariably becomes outdated and may encourage entities to allocate their resources incorrectly.

Additionally, UKE believes that convergence may be supported by new national legal framework, which is conducive to effective management of frequency resources some of which may be subject to harmonization. This is likely to lead to emergence of converged services such as VoIP, triple play, quadruple play, new systems and new transmission techniques.

2. Building effective regulatory institutions (converged regulator or cooperation amongst sector specific regulators).

First of all, from the international perspective, the establishment of a supranational regulator for electronic communications markets, as is the case with the current BEREC project in the UE, has clear advantages of greater consistency of regulation in a given area. Having said that, however, UKE is of the opinion that current regulators should continue to operate on the national level. This is because they are more aware of country-specific problems and challenges and so are more likely to regulate local markets more effectively.

Second, in case of Poland, to merge the telecommunications regulator and the media regulator would be an effective step forward on the condition of a total overhaul of the system of granting content licences. Such a significant change is not likely in the immediate future, however. Thus, a more realistic solution seems to be a clear separation of content regulation from technology regulation and entrusting each sphere to an independent regulator, cooperating closely, with cooperation procedures defined very precisely. This is based on our conviction that the key to successful regulation is the creation of very clear legal framework and establishment of effective regulatory tools rather than the issue of merging existing authorities.

This also appears to be the case with the telecommunications regulator and the authority responsible for consumer protection. Namely, here UKE also believes that one large office instead of existing two sector specific ones is not the best idea. Quite frequently markets demand prompt and effective measures to be applied and smaller bodies simply tend to be more efficient in their actions. Thus, very close cooperation between the two bodies (telecom and consumer protection authorities), in our view, is a better way out.

3. Using regulatory tools to stimulate investment in a converged world.

UKE established a unit in its structure with the task of attracting investment in the telecommunications sector in Poland. What is more, currently there are two projects underway: the Operational Project of Development of Eastern Poland for rural areas to promote broadband Internet and new communications technologies and Digital Poland which is intended to popularize broadband services in Poland till 2012. Within the framework of Digital Poland new law has been drafted to support the development of broadband services in Poland in cooperation with local authorities and to support the construction and development of local and regional networks to combat digital exclusion.

Finally, a reduction in fees for frequency operation or their abolishment, as an investment incentive might be considered.

4. Stimulating growth in innovative applications and devices towards connecting the unconnected.

To speed up the process of connecting the unconnected, public aid offered to entities providing access to Internet by means of new technologies in rural and less populated areas can be considered.