

Global Symposium for Regulators (GSR-19)

Best Practice Guidelines – contribution from UKE (Poland)

In the era of ongoing digitization and rapid market and technology advancements there is an indispensable need for regulation that would follow-up with all the changes. The new technologies offer multiple opportunities to society and economy, yet there is always a risk of being left behind and eventually, digitally excluded. Thus, a role of regulatory authorities is now crucial more than ever – as they have to react accordingly and make sure that technology benefits all in the same way. In order to continue transition to the next generation of economy, **regulation should facilitate the development of innovative technological solutions.**

Since all the areas of our socio-economic realm have been challenged (end-user experience, competition, investment), we shall continue to prioritize them, in order to pave the way to genuine digital connectivity and digital inclusion. These goals require coherence on each level of action, starting from decision making process, and finishing at the level of implementation and infrastructure deployment.

For several past years, regulation has been a subject of constant fine-tuning and this trend asks for effective cooperation with all the stakeholders in the economy system. Effectiveness, which is also one of the principle rules of UKE 3.0 Strategy, based on high-quality professional standards, is desired in all the fields: competition, regulation, cooperation. Impartial, credible and professional regulation translates into efficiency, especially in terms of investment.

Regulation shall no longer exist for its own sake, thus the role of regulators is very important. The regulatory authorities are responsible for creating and maintaining **balance between the need to foster and ensure an open and competitive environment, the need to enhance network integrity and security and to protect consumer interests.** It is not possible to predict future and develop adequate regulations in advance, yet it is feasible to **make some early predictions based on detailed market observation** and staying up-to-date with all the emerging technologies.

There is no need to “reinvent the wheel”, it is definitely better to use the resources and platforms already available but what has to be done is their revision in the light of current trends and circumstances. New problems need to be tackled with proper tools, regulatory certainty has to become a common practice, a bottom-up and evidence-based approach should be taken as a standard. All these suggestions go in line with what UKE is doing. Besides UKE 3.0 Strategy (Honesty, Creativity, Effectiveness), **the organization adheres to pro-innovative and pro-investment attitude, promoting new entrants in the market, supporting start-ups and SMEs, establishing meaningful cross-sectoral partnerships, and working with multi-stakeholders for enhancing local and regional collaboration.**

UKE not only participates in numerous events, workshops, discussions (e.g. WSIS Forum) but also organizes such gatherings (an example of which can be a seminar “Better Connected” for the ICT sector that fostered its engagement with international organizations) creating a platform for networking, communication, knowledge sharing, and collaboration. Moreover, **UKE comes up with practical tools that can be used and are highly beneficial for both consumers and investors – one of them is the Broadband internet mapping tool that provides information on broadband infrastructure, already existing one and the one to be yet developed.** When using it, local governments and network providers can identify so called white-spots and see which areas still lack broadband Internet. This

tool is convenient both for consumers (who need connectivity) and for investors (who need consumers).

Hence, regulation in the era of digital transformation has to be approached wisely. This approach requires a bottom-up attitude, horizontal engagement with multiple stakeholders, pro-active attitude, evidence-based decision process, and **investment friendly perspective**. In the light of a paradigm shift regulators cannot stand still and wait for changes to happen; instead, they need to observe, analyze, and adapt yet continuously set regulatory agenda as the economy system requires clear guidance and rules of functioning. Only then emerging technologies can be taken full advantage of, for the benefit for all, consumers, and investors.

There is a concept of collaborative regulation that has been elaborated in the “Global Regulatory Outlook 2018” where regulation is described as actionable philosophy and a thinking cycle. In this scheme (*Regulatory Thinking Cycle 2.0*), testing and revising are the fundamental parts – regulation is neither fixed nor linear. It is rather a temporary enabler of innovation that allows continuous experimentation and adheres to a trial-failure method. No matter how promising concept this might seem, it is not so easy to implement it ad hoc on a practical level of market reality. There has to be a common understanding of these principles first. For now it might be more reasonable to focus on solutions that are at hand (such as tools developed e.g. by UKE) and use them accordingly, depending on an emerging situation.

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