[PL] Amendments to the Act on Telecommunications

IRIS 2003-6:1/28

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On 9 April 2003 the Sejm the lower chamber of the Parliament adopted an Act amending the Telecommunications Law, which is based on a government proposal of 26 July 2002. The Act was subsequently sent to the Senat, the upper chamber of the Parliament.

The Act aims at achieving a harmonisation with provisions of EC law, the EC telecommunications packet of 2002 and also the clarification of imprecise provisions of the existing Law.

The Act provides for the obligation to separate the ownership of a stationary public telephone network owned by an operator with significant market power (SMP) and the ownership of a public network used for transmission or retransmission of television programme services (art. 13a). The Act introduces uniform terminology through elimination of the term `operator having dominant position', and keeping only the term `operator having significant market power' (art. 57.1). The act also introduces a set of provisions concerning access to the local loop (art. 87a 87e). It obliges the SMP operators to enable other operators to have access to subscribers' local loop on the basis of transparent, objective and non-discriminatory criteria, in exchange for a fee covering justifiable costs. The Act furthermore unifies the rules governing the provision of universal service; it obliges only the SMP operator having significant market power in relation to telephone services in stationary public telephone networks to provide such service and clearly defines the extent of universal service obligations (art 49). A regulation allowing the subscriber portability of their telephone number in case of changing the operator, as well as the possibility of choosing the operator providing the telephone services and other services using the commutation techniques pre-selection of the operator (art. 43) has been introduced.

Ustawa z dnia 9 kwietnia 2003 r. o zmianie ustawy - Prawo Telekomunikacyjne

http://www.sejm.gov.pl/

Act of 9 April 2003 amending the Telecommunications Law, Paper No. 779

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