

European Commission: Poland referred to the CJEU for undermining the independence of the national telecommunications regulator

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On 23 September 2021, the European Commission decided to refer Poland to the Court of Justice of the European Union for breaching the requirements of the European Electronic Communications Code (EECC), safeguarding the independence of the *Urząd Komunikacji Elektronicznej* (Office of Electronic Communications - UKE) the National Regulatory Authority (NRA) for telecommunications.

Using an urgent procedure in May 2020, Poland had amended certain provisions of the Polish telecommunications law concerning the appointment and dismissal of the Heads of the UKE. With the same amending legislation, the Polish government prematurely dismissed the Head of the UKE as of May 2020, when his mandate should have lasted until September 2021. Under EU rules, the conditions that can result in an early dismissal of an NRA Head must be laid down before the start of the mandate. This is an important safeguard to guarantee the independence of the national regulatory authority from political pressure; a key principle of the EU telecoms regime which was safeguarded by the then applicable Framework Directive, and was recently underscored in the Electronic Communications Code.

Press release of the European Commission, "Commission refers POLAND to the Court of Justice of the European Union for undermining the independence of the national telecommunications regulator", 23 September 2021

https://ec.europa.eu/commission/presscorner/detail/en/ip_21_4611

