

**COMMON STATEMENT OF THE EUROPEAN COMMISSION, THE BODY OF
EUROPEAN REGULATORS FOR ELECTRONIC COMMUNICATIONS AND THE
PRESIDENT OF THE OFFICE OF ELECTRONIC COMMUNICATIONS**

On 11 January 2012, a tripartite meeting on the regulatory situation in the markets for voice call termination on individual public mobile telephone networks in Poland took place between representatives of the European Commission (EC), the Body of European Regulators for Electronic Communications (BEREC) and UKE at the seat of the Office of Electronic Communications in Warsaw.

The meeting was held, in accordance with Article 7a(2) of the Framework Directive, to identify the most appropriate and effective regulatory measure, in line with the Commission Recommendation of 7 May 2009 on the regulatory treatment of fixed and mobile termination rates in the EU (OJ L 09.124.67), for the problems identified by UKE on the markets concerned.

The meeting directly related to draft regulatory decisions for mobile operators notified by the President of UKE in October/November 2011 (cases: PL/2011/1255-1258, PL/2011/1260, PL/2011/1273) and the serious doubts subsequently raised by the Commission regarding the remedies proposed by the Polish regulator.

The President of UKE, the European Commission and the BEREC successfully defined together the most effective regulatory approach to ensure that the regulatory goal, i.e. implementation of symmetric mobile termination rates for all Polish mobile operators, based on the bottom-up LRIC (long run incremental cost) model, starting from 1 January 2013, is met. This implies that there is no need to intervene in interconnection rates disputes by the regulator on a case by case basis.

The Parties agreed that UKE:

- withdraws those draft decisions which were notified in October/November 2011;
- notifies new draft SMP (significant market power) decisions for mobile operators in the voice call termination market, defining symmetric MTRs (mobile termination rates) based on the bottom-up LRIC model.

The President of UKE explained that the relevant draft SMP decisions will be presented to the Commission, BEREC and the other national regulatory authorities in mid-2012 and are planned to be finally adopted in the autumn of 2012.

The three institutions agree and firmly reiterate that regulatory obligations, including the level of MTRs, are legally binding for the addressees of SMP decisions and should be executed and implemented immediately after the relevant decisions are issued, without any additional need for the regulator to intervene in bilateral interconnection agreements on the set level of MTRs.

Having regard to the above, the three institutions require the addressees of regulatory decisions issued following market analyses to comply with such decisions immediately and in their entirety.