

Europe's Digital Progress Report (EDPR) 2016

Telecom Factsheet

POLAND

1. MEASURES FACILITATING DEPLOYMENT AND INVESTMENTS IN HIGH SPEED NETWORKS

1.1. Spectrum

Harmonised bands	MHz spectrum assigned ¹	% of the harmonised band assigned
800MHz	60	100%
900MHz	70	100%
1500MHz	0	0%
1800MHz	150	100%
2000MHz paired	120	100%
2600MHz	190	100%
3400-3600MHz	200	100%
3600-3800MHz	200	100%

Poland has assigned 96.1% of harmonised spectrum compared to the overall EU target.

Poland received derogation for the assignment of 800 MHz and 2.6 GHz till 31 December 2013. The auction for 800 MHz and 2.6 MHz that was announced in October 2014 only completed on 19 October 2015. The assignment procedure of the auctioned 800 MHz and 2.6 GHz blocks of spectrum to the selected entities has been concluded, however requests for reviewing frequency reservations decisions have been made to the NRA.

In 2011, Orange and T-Mobile started to share their respective radio access networks for the provision of mobile communications services in Poland via a dedicated joint venture company "Networks!", which coordinates the operation and development of the shared network. The cooperation includes the sharing of physical RAN infrastructure as well as radio spectrum frequencies separately allocated to each operator.

1.2. State of transposition of the BB CRD (Directive 2014/61/EU)

On 22 January Poland notified partial transposition of the Directive 2014/61/EU referring to several existing laws. The adoption of national legislation fully transposing the Directive is on-going.

1.3. EU and National investments in broadband

Fixed broadband coverage for rural areas is below the EU average (82% vs 90,6%). Poland has no single national broadband plan but a series of documents that circumscribe the overall framework, strategy and implementation approach regarding broadband network roll-out. The country's broadband targets are in line with the DAE. A series of socio-economic objectives include: safe and quick access to electronic public services and efficient communication between public institutions,

¹ Including guard bands

citizens and businesses; the development of digital society; the development of modern education; the development of research and innovation; the creation of a digital single market.

Broadband infrastructure funding comes from both EU and state funds as well as private investments. Monetary resources from the EU are made available via the Operational Programme “Digital Poland” (Polska Cyfrowa), valid from 2014 to 2020. The estimated budget for activities relating to the construction of broadband infrastructure is approx. EUR 1.03 billion or about 4.33 billion PLZ funds allocated for co-financing investment. Regional and local actors are now responsible for 40 % of the sums available in the Digital Poland programme. Private investment needs for an effective broadband roll-out is calculated in the order of 8-12 billion PLZ until 2020.

No projects have been financed so far under CEF and Juncker plan. No Technical Assistance has been provided to Polish projects under Connected Communities.

2. COMPETITIVE LANDSCAPE

Fixed broadband subscriptions - operator market shares²

Incumbent market share		New entrants market share	
2014	2015 (EU average)	2014	2015 (EU average)
34,3%	30,4% (40,6%)	65,7%	69,6% (59,4%)

Fixed broadband subscriptions - technology market shares³

DSL (including VDSL) (EU)	Cable Modem (EU)	FTTH/B (EU)	Other ⁴ (EU)
38,9 % (EU 69,2%)	33,6% (EU 18,6%)	4,8% (EU 8,7%)	22,7% (EU 3,5%)

Mobile sector⁵

Number of MNOs	Market shares of the first 2 MNOs		Number of MVNOs (overall share)
8	29%	25%	18 (2.4%)

3. REGULATORY FUNCTION

New entrants` DSL subscriptions by type of access at EU level (VDSL and VULA excluded)⁶

Own network (EU)	Full ULL (EU)	Shared Access (EU)	Bitstream (EU)	Resale (EU)
37% (0.6%)	17,8% (78.1%)	5% (2.3%)	39,5% (12%)	1% (7%)

LLU prices: 5.5EUR (EU Average 9.5EUR)⁷

² Source: Communications Committee. Data as of July 2015.

³ Source: Communications Committee. Data as of July 2015

⁴ Including fixed wireless.

⁵ Source: Communications Committee. Data as of October 2015.

⁶ Source: Communications Committee. Data as of July 2015.

The markets 1 (retail fixed-line access), 2 (wholesale fixed voice call origination) of 2007 Recommendation and market 18 (wholesale broadcasting transmission services) of 2003 Recommendation are still regulated as there is no effective competition. There is partial competition and therefore partial ex-ante regulation as regards market 13 (wholesale trunk segments of leased lines).

As regards FTRs, Poland is not compliant with the 2009 Termination Rate Recommendation. Poland applies BU LRIC+ cost accounting model for FTRs and pure BU LRIC cost accounting model for MTRs.

In 2015 the Commission services investigated the delays in conducting a market analysis for the remaining regulated markets, for which it had been more than three years since the previous analysis had expired, including the market for wholesale local access at a fixed location (market 3a/2014), market for call origination on the public telephone network provided at a fixed location (market 2/2007), market for wholesale broadcasting transmission services (18/2003) and the market for SMS termination, market for wholesale call termination on individual public telephone networks provided at a fixed location (market 1/2014), access to the public telephone network at a fixed location for residential and non-residential customers (market 1/2007).

4. CONSUMER ISSUES

In Q3 2015 the average retail Eurotariff price for roaming was EUR 0.092 per minute for calls made and EUR 0.025 for calls received, both below the EU average (with alternative tariffs less expensive for calls made and for calls received). The average price for Euro-SMS in Poland was: EUR 0.053, close to the EU average. The average retail data price per Mb in Poland was EUR 0.070, above the EU average of EUR 0.059⁸.

Number portability		2014	2015
Fixed	Number of transactions ⁹	384.227	435.612
	% of total numbers ¹⁰	5,8%	7,0%
	Maximum wholesale price ¹¹	4	3
	Maximum time under regulation (number of working days) ¹²	1	1
Mobile	Number of transactions ¹³	1.555.931	1.598.826
	% of total numbers ¹⁴	3,0%	3,0%
	Maximum wholesale price ¹⁵	-	-
	Maximum time under regulation	1	1

⁷ Full LLU monthly average total cost in EUR; source: Communications Committee. Data as of October 2015.

⁸ International Roaming BEREC Benchmark Data Report April 2015 – September 2015 BoR(16)28

⁹ Source: Communications Committee. Data as of January to September 2014 and January to September 2015.

¹⁰ Source: Communications Committee. Data as of January to September 2014 and January to September 2015.

¹¹ Source: Communications Committee. Data as of October 2014 and October 2015.

¹² Source: Communications Committee. Data as of October 2014 and October 2015.

¹³ Source: Communications Committee. Data as of January to September 2014 and January to September 2015.

¹⁴ Source: Communications Committee. Data as of January to September 2014 and January to September 2015.

¹⁵ Source: Communications Committee. Data as of October 2014 and October 2015.

	(number of working days) ¹⁶		
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With more complex products in the market (double and triple play as well as traffic bundles) becoming increasingly relevant in the market, the perception of transparency and clarity of contracts by consumers is increasingly important. The 2015 Eurobarometer survey¹⁷ shows that 77% of Polish consumers consider they can easily compare bundle offers which is above EU average of 69%. Furthermore, it is easier to monitor consumption for mobile (76%, EU average 78%) than for fixed (64%, EU average 71%), 68% for mobile internet consumption (close to EU average of 69%), and 75% for fixed internet access (above EU average of 67%).

With regards to the clarity of contracts 82% are satisfied (EU average 84%) with the contract information. In total 76% are satisfied with the contract information. 10% have not been satisfied compared to 7% of EU average.

As evidenced by the annual survey of consumer preferences, 6% of consumers saw improvement of transparency of telecommunications contracts as one of positive changes on the telecommunications market in 2015. In the abovementioned survey 6% of respondents pointed out that the lack of transparency of telecommunication contracts is a negative factor on the telecommunications market.¹⁸

In Poland the Universal Service Obligation was withdrawn in 2011 as regards all four components of the Universal Service.

Every 3 years Poland carries out the analysis of quality, availability and affordability of all four components of the Universal Service and the results are described in a report. The latest report was published in 2014. Preparations have started for the analysis covering the period 2013-2015.

¹⁶ Source: Communications Committee. Data as of October 2014 and October 2015.

¹⁷ Source: Special Eurobarometer 438 E-communications and the Digital Single Market, October 2015

¹⁸ Source: UKE based on a consumer survey "Telecommunications market in Poland in 2015," conducted by PBS DGA and INDICATOR: https://www.uke.gov.pl/files/?id_plik=21543