

The Commission urges Poland to comply with EU rules on electronic communications networks and services

The Commission sent today a reasoned opinion to Poland for breaching EU law safeguarding the independence of the national regulatory authority (NRA), a key principle of the EU's telecom law. More specifically, the legal provisions amending the Polish Telecommunications Law that resulted in the early termination of the mandate of the Head of the Polish NRA - the Office for electronic communications, raise concern.



According to EU law, i.e. the then applicable Framework Directive, recently reinforced by the European Electronic Communications Code, heads of national regulatory authorities may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. These rules aim to remove any doubt as to the neutrality of that body and its imperviousness to external factors.

The Head of the NRA was dismissed as a result of changes to the rules on the appointment and dismissal of NRA Heads, which the Polish government applied retroactively to the ongoing mandate of the NRA President. Hence, Mr. Cichy's mandate was terminated because the selection procedure did not comply with requirements introduced many years after he took office.

The Commission's reasoned opinion follows the letter of formal notice sent on 2 July 2020. Poland now has two months to reply and take the necessary measures, otherwise the Commission may decide to refer the case to the Court of Justice of the EU.

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