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Highlights:

This draft legislation is a positive step towards creating complex solutions required to support investments in telecom infrastructure. Nevertheless, some issues should be analyzed in greater detail.

AMCHAM PRESENTS ITS OPINION ON THE DRAFT ACT ON SUPPORTING THE DEVELOPMENT OF TELECOMMUNICATION BROADBAND SERVICES AND NETWORKS

AmCham's opinion on the draft act supporting the development of telecommunication broadband services and networks includes the following remarks:

- A. **The role of the municipalities as the operator/ investor/ manager has not been sufficiently determined.** The draft legislation allows municipalities to enter into the telecom market where the municipalities receive the same rights as the private telecom operator, without any of their obligations.
- B. **Lack of technical requirements** for realized investments, which would provide for the standardization and compatibility of new projects, as well as, the possibility of uniting them under one national broadband network. The legislation should precisely define the technical standards for public procurement, thus guaranteeing the inclusion of constructed networks into the national telecommunication system.
- C. **National Digital Fund.** The draft envisages the creation of the National Digital Fund, which will finance tasks regarding the development of the telecommunications market in Poland. Unfortunately, detailed issues regarding the functioning of such a Fund have not been regulated. Therefore, these regulations should be subjected to further discussions.
- D. **Transparency of the investment process.** The draft legislation imposes upon the telecom entrepreneur, *inter alia*, an obligation to make public the scope of the area covered, and planned to be covered, by his/her telecom infrastructure. Such provisions will allow this information to be easily accessible by competitors, disadvantaging the competitive environment within the telecom sector in Poland.

The Polish version of this position can be downloaded at:

http://amcham.pl/file/pdf/stanowisko_amcham_20090525.pdf

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