

To the attention of:
Mr. Roberto Viola
Roberto.Viola@ec.europa.eu

Stockholm, 25 May 2020

Subject: Concerns of violation of NRA independence in Poland

Dear Mr Viola,

The independence of national regulatory authorities is a key principle of EU law and something BEREC puts a high value on and relies on in order to be able to fulfil its tasks. Independence from both market players and national institutions is vital both for individual NRAs, as well as for BEREC collectively in ensuring a harmonised and predictable application of the regulatory framework.

BEREC would like to reiterate its 2012 statement on independence of NRAs (attached), although targeting a different situation; the consequences are similar no matter what way the independency is violated. The provisions on NRA independence have since then been further reinforced in the European Electronic Communications Code.

As such, it is with great concern BEREC has observed the recent development in Poland where the Head of the NRA, UKE, will see his contract terminated on short notice and well ahead of the end of his term.

Recognizing that BEREC does not have the full understanding of the circumstances in a specific Member State, BEREC trusts that the European Commission takes firm and appropriate action whenever national actions threaten to undermine the independence of regulatory authorities and their abilities to perform their regulatory roles effectively.

BEREC appreciates the willingness of the European Commission to keep BEREC informed on the case at hand as well as in similar matters in the future. BEREC and its members are prepared to contribute experiences and reflections on the safeguarding of NRA independence to the European Commission and other institutions, as appropriate.

Yours Sincerely,

Dan Sjöblom
BEREC Chair 2020