

Contribution from UKE, Poland to the GSR17 Consultation

With the rapid deployment of ICT networks worldwide, increasing affordability of digital services and potential of ICTs in empowering people, especially women and persons with disabilities, we truly live in the world of digital opportunities. However, there is still a large group of people excluded from those opportunities for whom affordability remains an issue.

Rapid adoption of connected devices, provided consumers with an access to a wide variety of over-the-top (OTT) services and applications. They are reshaping and expanding the entire communications ecosystem. Some of them may even supplement traditional voice, messaging and audiovisual services provided by telecommunications operators. At the same time, consumer behavior regarding traditional communication services is changing, and the total consumer spend on these services is expected to decline even while overall communications activity grows.

Online methods of communication are gaining over the last years significant levels of reach among consumers. Voice telephony and SMS are being replaced by fixed and mobile Internet access, delivered to a range of connected smartphones, tablets, computers, offering access to an array of digital communication services and applications, which make increasing demands on the networks over which they are provided. Fear of being displaced by innovative business models and technologies, that are constantly entering the market force many incumbent operators to adjust. The overall digital market grows, new entrants are offering easy-to-use messaging and communication services which to some extent may affect and impact competition in the conventional telecommunications market. Moreover, consumer demand for OTTs can lead to an increase in demand for data from telecommunications service providers. This growing demand for connectivity will require companies to have broadband access and a high-speed infrastructure, which would result in a rise in spending for ubiquitous broadband access.

In order to foster level playing field and ensure constant investments in telecommunications infrastructure, these new regulatory challenges must be addressed. Regulators are confronting the challenge to adjust their regulatory framework to a changing environment while recognizing the interrelationship between traditional telecommunication and OTT services, as well as a growing demand for data. At the same time, the economic impact of OTTs on the traditional model of telecommunications requires constant analyses and observation. However, the regulators often lacks possibilities and means to collect information from all players to get a full insight of the market and understand the complexity of this interrelationship.

The role and impact of all players on the telecommunications market should be considered by the regulators in a variety of areas. In order to ensure competitive environment and promote fair competition, innovation and investment in a highly dynamic and fast-moving

industry, regulators should be able assess the economic, policy and consumer welfare impacts of OTT in all critical areas, including the regulatory framework and existing economic incentives. To do so, regulatory bodies need to have a possibility to collect all relevant data from the OTT providers, especially about the type and scope of their activity and sales volume of their services. The possibility of data collection is crucial for reliable assessment of the state of national markets and keeps with the principle that similar services shall be subject to similar regulations.