

Title: How to register the telecommunications services provider in Poland?

The purpose of this article is to briefly describe a process of registration of the telecommunications services provider in the register that is held by the Polish telecommunications regulator – Office of Electronic Communications (UKE). Such registration is mandatory for all entrepreneurs providing telecommunications services in Poland, including those providing VoIP or data transmission services.

Who should register?

Under the Polish Telecommunications Law ("TL"), an economic telecommunications activity is considered as "*regulated activity*" and as such requires registration. The register itself is held by the UKE and is publicly available for anyone that would like to review it (<https://bip.uke.gov.pl/rpt/rejestr-przedsiębiorców-telekomunikacyjnych>).

In general, the registration is mandatory for all providers of telecommunications services that provide their services in Poland, particularly when they have a seat (legal presence) in Poland. The registration obligation is also required in case of small or medium entrepreneurs.

The registration is also mandatory for telecommunications undertaking from a Member State or a state that has concluded an agreement with the European Union and its Member States regulating the freedom to provide services, which temporarily provides services on the territory of the Republic of Poland on the terms specified in the provisions of the Treaty establishing the European Community, the agreement on the European Economic Area or in accordance with the provisions of other agreement regulating the freedom to provide services.

In other words, all entrepreneurs that provide telecommunications services in Poland should be registered with UKE prior to offering such services. In practical sense, such registration is also required for telecommunications providers from the European Union assuming that they offer – temporarily – telecommunications services in Poland. Should the services be provided on permanent basis, the telecommunications services provider should establish a legal entity in Poland – such entity should be registered in the register of telecommunications providers by UKE.

The application – what does it cover?

The application for registration of telecommunications provider in Poland is rather complex and detailed. The application covers at least the following data:

- 1) the entrepreneur's company name or the name of another entity authorized to perform economic activity on the basis of separate provisions of law, its seat and address;
- 2) designation of the legal form of the entrepreneur or other entity authorized to perform economic activity on the basis of separate law provisions of law;
- 3) tax identification number (NIP);
- 4) number in the register of entrepreneurs in the National Court Register or other relevant register kept in a Member State or other country, if the entrepreneur has such a number;
- 5) designation of the person who is authorized to contact the President of UKE, its seat, address or telephone number on behalf of the entrepreneur or other entity authorized to conduct economic activity on the basis of separate regulations;

- 6) name, surname, address and telephone number of the person who is authorized to contact on behalf of the entrepreneur or another entity authorized to conduct economic activity on the basis of separate provisions in an emergency cases related to the operation of the telecommunications network or the provision of the telecommunications service to which the application relates;
- 7) general description of the telecommunications network, telecommunications service or associated services to which the request relates;
- 8) the area where telecommunications activities will be performed;
- 9) the expected date of commencement of telecommunications activities.

Deadlines and form of the application

The President of UKE shall enter the entrepreneur or other entity authorized to conduct economic activity on the basis of separate provisions in the register held by UKE within 7 days from the date of receipt of the application (together with the declaration referred to in article 10 paragraph 5 of the TL).

If the President of UKE fails to make the entry within the above timeframe, and 14 days have elapsed from the date of receipt of the application for entry in the register, the entrepreneur may commence telecommunications activity after prior written notification to the President of UKE. This does not apply to the case in which the President of UKE requested an entrepreneur to supplement the application for entry in the register before the expiry of the above 7 days period.

The application can be filled in in writing (paper) and sent to UKE, or on-line with use of PUE system administered by the UKE. The registration may be done by a proxy, assuming that relevant power of attorney has been granted to such person to represent the telecommunications provider before UKE in the registration process.

The application for entry in the register, attachments attached to such application and entry in the register are not subject to stamp duty.

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