

Warszawa, 19 maja 2023 r.
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Pan
Janusz Cieszyński
Pełnomocnik Rządu ds. Cyberbezpieczeństwa
Minister Cyfryzacji

Szanowny Pani Ministrze,

W związku z konsultacjami prowadzonymi przez Komisję Europejską w sprawie "*The future of the electronic communications sector and its infrastructure*", w której udział wzięł Związek Pracodawców Technologii Cyfrowych Lewiatan, w załączeniu, pozwalam sobie przesłać treść stanowiska zgłoszonego w ramach wspomnianych konsultacji.

Z poważaniem



Jolanta Jaworska
Prezes Związku Pracodawców Technologii Cyfrowych Lewiatan

Do wiadomości:

1. Pani **Marzena Sawicka** - Dyrektor Departamentu Telekomunikacji, Ministerstwo Cyfryzacji
2. Pan **Michał Pukaluk** - Zastępca Dyrektora Departamentu Cyberbezpieczeństwa, Ministerstwo Cyfryzacji
3. Pani **Katarzyna Prusak – Górniak** - Szefowa Referatu Cyfryzacji, Stałe Przedstawicielstwo RP przy UE w Brukseli

Załącznik: Stanowisko ZPTCL w ramach prowadzonych przez Komisję Europejską konsultacji w sprawie "*The future of the electronic communications sector and its infrastructure*"

Stanowisko ZPTCL w ramach prowadzonych przez Komisję Europejską konsultacji w sprawie
"The future of the electronic communications sector and its infrastructure"

As the Association of Digital Technology Employers Lewiatan which groups the leaders of the digital market in Poland and represents technology companies, we are gravely concerned about the potential introduction of a network fee, which would have a lasting, negative impact on the European digital ecosystem. Moreover, we find the proposal to be undermining the Commission's own digitization goals as laid out in the Digital Decade.

The network fee proposed by the European Telecommunications Network Operators' Association would require internet service providers (ISPs) to charge digital content providers for the right to deliver their content to users. We believe this proposal would have a number of negative consequences, to include hindering the development of Polish and European digital economy, affecting consumers, and violating the net neutrality principle.

Impact on digital economy

The network fee will have a negative effect on the development of the European digital economy by rendering digital services more expensive and artificially slow down their growth. For instance, the network fee will make it more expensive, and hence more difficult, for companies to adopt Cloud/AI/Big Data technologies. It goes contrary to the [Commission's ambitious digitization goals](#), namely that 75% of EU companies will be using Cloud/AI/Big Data by 2030.

Moreover, Poland, as one of the digital frontrunners, should be specifically wary of introducing any taxes that may stall the rapid development of its digital economy. Digital economy offers unique opportunities for Poland and countries from the CEE region alike. Therefore, it is crucial that no unnecessary burdens or fees, that can harm innovative businesses and nascent industries, are introduced.

Impact on consumers

The European Consumer Organisation (BEUC) [cautioned against](#) the introduction of the sending-party-pays model by claiming that it might be "negatively impacting the diversity of products, prices and performance(...)". We agree that the proposal would raise prices for consumers, as entities affected by the fee would pass on the costs of the new charges to their customers. It would also reduce consumer choice, as giving internet providers more power to control what content is available would make it more difficult for consumers to access the content they want.

Impact on net neutrality

The proposal would also violate the principle of net neutrality guaranteed by the [Open Internet Regulation](#), which safeguards the open internet and ensures that all internet traffic is treated equally. In other words, as Ofcom stated net neutrality is a "principle that you control what you

see and do online, not the broadband provider that connects you to the internet”. From the business point of view, this is a critical principle that ensures access to all content and websites without any external interference. Already in 2022, 34 civil society organizations from 17 Member States issued an [open letter](#) warning about the risks to this principle and in turn to the “freedom to conduct business and innovation in the EU”.

We urge the Commission to reject this proposal and to work with stakeholders based on the result of the consultation to develop a more balanced approach to regulating the digital economy. Our association’s main aim is to promote the best digital standards and solutions in the wider industry. The digital sphere is a vital part of our economy, and this proposal would put at risk its very basic principles, to the detriment of businesses and consumers.

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