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A summary of the doctoral dissertation entitled: "The powers of the President of the Office of Electronic Communications to determine the terms of relations under civil law" drafted under supervision of Associate Professor Maciej Rogalski, PhD.

The subject of the dissertation is the analysis of the powers of the President of UKE to determine the terms of relations under civil law in the telecommunications sector.

The changes in social relations taking place since the end of the 1990s, related to the liberalization of infrastructure sectors covered by the natural monopoly, have resulted in an increase in the influence of public law on economic relations, including civil law relations related to economical activities conducted on these markets. Thus, the classic approach to the method of private law regulation, expressed in the autonomy of the will of the parties to choose a contractor, the freedom to conclude an agreement and determine its terms, suffers from significant restrictions in regulated sectors. With the emergence of new regulatory policy objectives at the EU level, national regulatory authorities have gained a number of new powers vis-à-vis entrepreneurs. This also applies to those entrepreneurs who do not have significant market power, as well as to entities that have technical infrastructure or other essential resources to which access will enable a more complete and faster implementation of the above-mentioned regulatory policy objectives. Apart from asymmetric regulation of entities with significant market power, symmetric regulations, where neither party has significant market power, and regulations aimed at sharing infrastructure play an increasingly important role. As a result of the above changes , the powers of regulatory authorities no longer apply only to operators holding a dominant position in the market, but more and more often they are aimed at regulating entrepreneurs who do not occupy such a position, and even entities that do not conduct telecommunications activities, due to the need to achieve specific regulatory policy objectives, it is necessary to cover them with the scope of intervention activities of the President of UKE. One of the areas of competence of regulatory authorities is the competence to interfere with the terms of relations under civil law. This interference may be both indirect, e.g. by approving price lists or contract templates, and direct by creating or changing relations under civil law.

The main research hypothesis assumes that in sectors being subject to regulation, the supremacy of the public interest regulatory authority results in a significant limitation and modification of the basic principles of private law, i.e. the principle of equality of parties, the

principle of freedom of contract and the principle of party autonomy. The aforementioned rules are limited not only when the President of UKE exercises authoritative powers, but also covers the process of concluding civil law contracts by regulated entities. The hypothesis presented above contradicts the position emerging in the doctrine that despite the imperative powers of the President of UKE to determine the terms of relations under civil law, there is a primacy of the will of the parties over the ruling regulation on the part of the administration authority. In order to confirm the assumed research hypothesis, it will be shown that the powers of the President of UKE override the will of the parties, constituting a means to achieve public-law goals such as protection or promotion of competition, maximization of consumer benefits, and promotion of technological neutrality. On the other hand, the impact on the sphere of specific civil law relations is somewhat indirect as a result of the implementation of the basic tasks of the regulatory authority. In other words, when resolving a dispute between telecommunications undertakings, the President of UKE first implements the objectives of the regulatory policy, and shaping the content of the civil law relationship between the parties is only a tool to achieve this goal. Moreover, in the process of concluding contracts by entities being subject to legal regulations, the principles of private law are also limited, both at the pre-contractual stage and after establishing a civil law relationship.

In addition to the above main research hypothesis, the work aims to answer two auxiliary hypotheses. The first of them assumes that the powers granted to the authority allow for the effective creation and modification of relations under civil law, and thus the administrative decision is a substitute for a civil law contract and fully replaces such a contract as a source of a civil law relationship in business cooperation. Verification of the above hypothesis requires examining the similarity and separateness between civil law contracts and administrative decisions of the President of UKE in terms of:

1) completeness of the regulation on administrative decisions of the President of UKE as a source of relations under civil law;

2) differences in the legal situation of entities whose cooperation originates in an agreement or administrative decision;

This part of the dissertation is primarily to answer the question whether the adopted model of interference in the content of civil law relations by issuing administrative decisions meets its assumptions and allows the content of these civil law relations to be shaped in accordance with the assumed objectives of the regulatory policy and the needs of telecommunications undertakings, and in the absence of confirmation of the above assumptions, the existing gaps in the regulations and their effects should be demonstrated. The situation of entities that cooperate

on the basis of administrative decisions replacing the contract also requires analysis. In order to prove the assumed research hypothesis, it is necessary to confirm that this form of cooperation does not put them in a worse business situation than those entities that base their cooperation on a civil law contract.

The second auxiliary hypothesis is related to the assessment of the entire regulatory system related to determining civil law relations by the actions of the President of UKE. If the main hypothesis of the work is demonstrated, confirming that the effect of the imperative interference of the President of UKE in civil law relations is a significant restriction of the principles of private law, and the regulatory system is primarily focused on the implementation of public-law goals, including shaping a specific regulatory policy, it should also be shown that such a system shape does not have negative implications for entities operating on this market and subject to the regulations of the President of UKE.

The work mainly uses the dogmatic-legal method. Additionally, the research used a historical method, showing how individual regulations evolved, the genesis of the changes introduced and their impact on the competences of the President of UKE. To a large extent, the historical method also allows to assess how coherent and effective is the system of regulating civil law relations by the President of UKE and how the legislator, through its modifications, took actions to ensure this consistency and effectiveness. In addition, the work analyzes the achievements of legal literature, as well as judicial decisions and administrative acts issued by the President of UKE, relating them to the problems and research theses posed in the work.

In connection with the public consultation of the electronic communication law project, which is to replace the provisions of the Telecommunications Act, implementing European Electronic Communications Code into the Polish legal system, specific parts of the work also contain references to regulating the competences of the President of UKE to determine relations under civil law in the proposed provisions, in particular by comparing them with the current legal status, as well as relating them to the research hypotheses being the subject of the work.