

Message 001

Communication from the Commission - TRIS/(2026) 2152

Directive (EU) 2015/1535

Notification: 2026/0421/PL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262152.EN

1. MSG 001 IND 2026 0421 PL EN 07-08-2026 PL NOTIF

2. Poland

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4. 2026/0421/PL - V00T - TELECOMS

5. Draft Regulation of the Minister for Digitalisation on the extended scope of transmitting or transmitting/receiving radio equipment which may be used without a radio licence

6. Transmitting or transmitting/receiving radio equipment which may be used without a radio licence

7.

8. The draft Regulation implements the statutory authorisation stemming from Article 145 paragraph 4 of the Electronic Communications Act of 12 July 2024 (Journal of Laws of 2024, item 1221; Journal of Laws of 2025, item 637 and 820; and Journal of Laws of 2026, item 252 and 815) authorising the Minister responsible for computerisation to determine the scope of transmitting or transmitting/receiving radio equipment which may be used without a radio licence, guided by the principle of increasing the number of types of such equipment, taking into account the need for a balanced frequency management, having regard to international regulations and specifying conditions for the use of transmitting or transmitting/receiving radio equipment which may be used without a radio licence, including in particular the frequency ranges used by such equipment, the maximum radiated power or maximum magnetic field strength and the area of use of such equipment, as well as the types of radiocommunications services.

9. The Regulation expands the list of transmitting or transmitting/receiving radio equipment which may be used without a radio licence, as set out in Article 145 paragraphs 2 and 3 of the Electronic Communications Act of 12 July 2024.

The draft Regulation was preceded by Regulation of the Minister for Digitalisation of 9 February 2022 on transmitting or transmitting/receiving radio equipment which may be used without a radio licence (Journal of Laws of 2022, item 567 and Journal of Laws of 2023, item 2567), which, pursuant to Article 104 point 15 – Provisions implementing the Act – of the Electronic Communications Act of 12 July 2024 (Journal of Laws 2024, item 1222 and Journal of Laws of 2026, item 252), is repealed with effect from the entry into force of the draft Regulation. The purpose of the draft Regulation is, in particular, to take account of implementing decisions of the European Commission and of decisions, recommendations and reports of the European Conference of Postal and Telecommunications Administrations, hereinafter referred to as the CEPT (ECC/ERC – Electronic Communications Committee/European Radiocommunications Committee).

The draft Regulation contains a number of amendments to the preceding Regulation of the Minister for Digitalisation, in particular, a series of additions and updates to the terms, designations, abbreviations and symbols used in the Regulation and its annexes, as well as of extensions and updates of the equipment range the use of which does not require a radio licence. In particular, the presentation of equipment which does not require permits has been changed.

9a. The draft Regulation is an appropriate measure to meet the public interest objective of ensuring the efficient, safe and harmonised use of the radio frequency spectrum. Failure to adopt the proposed solutions would result in a discrepancy between national regulations and the European Commission's current implementing decisions, as well as the CEPT decisions and recommendations, which could limit the use of modern radio equipment and of new technologies, hinder the functioning of the electronic communications market and adversely affect the radio spectrum management efficiency.

The project achieves its stated objective by updating and expanding the range of radio equipment which may be used without a radio licence, and by establishing uniform technical requirements for such equipment in line with the latest EU regulations and European arrangements. The solutions adopted are based on the European Commission's implementing decisions and on the CEPT documents based on technical analyses and radio compatibility studies, the aim of which is to ensure the efficient use of the spectrum, while minimising a risk of harmful interference.

This public interest objective is pursued consistently and systematically by maintaining the existing regulatory framework and adapting it on an ongoing basis to technological developments and current

European harmonisation regulations. The draft ensures the compatibility of national regulations with regulations in force at a level of the European Union and of the CEPT, supporting the development of modern radio services and equipment while maintaining the principles of harmonious management of radio frequencies.

9b. The draft Regulation is necessary for compliance of national regulations with the current implementing decisions of the European Union and with the CEPT documents the use of radio spectrum. The draft does not introduce new barriers to cross-border trade or additional technical requirements beyond the solutions adopted at the European level. On the contrary, it promotes the free circulation of radio equipment and electronic communications services within the European Union's internal market.

The provisions of law applicable are found to be insufficient, as they do not take into account the latest decisions of the European Commission or the updates to the CEPT documents adopted between 2024 and 2026. National regulations therefore need to be adapted to ensure compliance with current European practice.

Less restrictive measures aimed at achieving the intended objective have not been identified. No alternative measures exist that would enable the intended objective of the regulation to be achieved. The draft provides the necessary update of legal regulations and implements European technical requirements, and constitutes the least restrictive means of ensuring the harmonious management of radio frequencies and compliance with European Union and CEPT regulations.

9c. The draft Regulation does not impose restrictions that go beyond what is necessary to achieve the public interest objective of ensuring the efficient and harmonious management of radio frequencies and aligning national regulations with the applicable European Union legislation and CEPT documents. The measures introduced are proportionate to the level of risks associated with the inconsistent use of the radio spectrum and the potential for radio interference. The impact of the draft on the functioning of the internal market is limited, as the Regulation does not introduce additional national technical requirements but rather implements and updates European harmonisation conditions. In doing so, it promotes the interoperability of radio equipment and the free movement of goods and services within the EU internal market. The benefits arising from harmonised rules on the use of radio equipment outweigh any potential burdens linked to the adaptation of national legislation.

Failure to adopt the proposed Regulation could result in a continued discrepancy between national law and current European regulations, limiting the scope for utilising new technological solutions and reducing legal certainty for market participants. The potential consequences of such a situation would be more severe than any restrictions resulting from the proposed Regulation.

10. References to basic texts: No basic texts available

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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