

Due to the obligation arising from the Ordinance of the European Parliament and the Council of the European Union no. 2015/2120 of 25th November 2015 establishing the measures concerning the access to free Internet and altering the directive no. 2002/22/WE about the universal service and connected with the networks and services of electronic connections rights of the users, as well as the ordinance (of the EU) no. 531/2012 about roaming services in public networks of mobile communications within the Union (Official Journal of the European Union L 310/1 of 26th November 2015) effective as of the 1st January 2017, VikingCo Poland LLC introduces, described below, changes to the Telecommunications Services provision Regulations.

The following notations have been removed from the Telecommunications Services provision Regulations: § 4 sec. 17-19 and 21, which have been replaced with the current notations § 4 sec. 17, 18 and 20; what is more the numbering of respective sections (with no change to the content) has been updated: § 4, anyway: former notation § 4 sec. 20 can be found in the current § 4 sec. 19 and in sequence: former § 4 sec. 22 is in the current § 4 sec. 21, and the former § 4 sec. 23 is in the current § 4 sec. 22.

#### 1. Removed notations:

*17. The Operator shall not guarantee the Subscriber to obtain the Maximum Speed and the Declared Speed to download and upload the data. Technical parameters of downloading and uploading of data, achievable by the Subscribers in different locations may differ from each other.*

18. The actual data transfer speed is affected by the following technical conditions: settings of the Subscriber's telephone, data transfer technology, which the Subscriber uses at the moment, i.e., EDGE, HSPA+, HSPA, 3G (UMTS), 4G, LTE, current load on the given transmitting station, strength of the received signal of the transmitting station. In the case of data transmission in the national roaming, the maximum transmission speed may vary depending on configuration and inter operator arrangements and intermediary network elements.

19. Detailed records of the Maximum Speed, and the factors influencing actual transmission speed of data included in specific Services and Promotional Offers Regulations under which the possibility to use high-speed data transmission Packages is made available to the Subscribers.

*20. The Operator can take proportional and reasonable measures to ensure the safety and integrity of the Telecommunication Network and the Telecommunications Services, in particular, have the right to:*

- a. eliminate the transmission of the message, which endangers the safety or integrity of the Telecommunication Network and the Telecommunications Services;*
- b. interrupt or limit the provision of the Telecommunications Services at the end of the Telecommunication Network, from which messages threatening the Telecommunication network security and the Telecommunications Services are sent.*

#### 2. New notations:

17. The speed of the Internet service and the data flow capacity of the applications and the services used by the Subscriber in the Internet service have a direct impact on the amount of data sent and received, by the Subscriber, which in certain cases may lead to the depletion of gathered mobile data.

*Speeds of the Internet service:*

- 8-32 kbit/s – usually allows to browse simple, for the most part, text webpages containing a low amount of data, downloading small e-mails, the exchange of text information with the use of a communicator, whereas all of the mentioned activities may be time-consuming, and their simultaneous realization may be harder;
- 1-2 Mbit/s – generally allows to use most of the applications and services with the access to the Internet such as, for example, watching videos in medium quality, with the exclusion of data prepared for higher speeds of data transmission such as high quality videos or live broadcast;
- 5-8 Mbit/s – allows for responsive use of the vast majority of the application's and services' functions using the Internet access, including the downloading of high quality videos, with the reservation of services, which require a particularly high speed of data transmission (for example: videos with a very high resolution or frame per second ratio).

*The aforementioned information is tentative and may undergo change depending on the type of the service and together with the progress of technology and standards.*

*The remaining quality parameters, of the Internet access service, such as latency and its fluctuation (so called jitters) have a huge impact, especially on the application realizing IP telephony, videoconference and interactive games.*

*The Operator points, that 1 GB of mobile data lasts for an estimate of 100 minutes of downloading a video file in the 480p resolution, with a speed of 1,3 Mbit/s or 40 minutes of downloading a video file in the 720p resolution with the speed of 3,3 Mbit/s, or 7 hours of downloading audio files in the mp3 format. The aforementioned information is tentative and may change according to the type of the service (including among others the level of files compression) and together with the progress of technology and standards.*

18. The estimated maximum speed of data transmission, within the meaning of the Ordinance of the European Parliament and the Council of the European Union no. 2015/2120 of 25th November 2015 establishing measures concerning the access to free Internet and altering the directive no. 2002/22/WE about the universal service and connected with the networks and services of electronic connections rights of the users, as well as the ordinance (of the EU) no. 531/2012 about roaming services in public networks of mobile communications within the Union („Ordinance about free Internet”), is 50 Mbit/s for downloaded data and 10 Mbit/s for uploaded data. The Price List, Contract, Regulations of the Promotional Offer or other regulations of the Operator may define a different estimated maximum speed within the meaning of the Ordinance about free Internet.

*If the speed of data transmission presented by the Operator in the Price List, Regulations of the Promotional Offer or other regulations is lower than the value presented in the previous sentence, it needs to be assumed that it is an estimated maximum speed of data transmission, within the meaning of the Ordinance about free Internet.*

*Simultaneously, in a situation where the presented by the Operator in the Price List, Regulations of the Promotional Offer or other regulations, speed of data transmission is higher than*

*the defined estimated maximum speed, within the meaning of the Ordinance about free Internet, it needs to be seen as the maximum technological speed i.e. the speed that is theoretically possible to achieve in ideal conditions, within the infrastructural Telecommunications Network owned by P4 Sp. z o.o. Telecommunications Provider according to the technical conditions presented by the provider of the teleinformatic infrastructure and based on radio spectrums used by P4 Sp. z o.o. Telecommunications Provider in order to provide Telecommunications Services.*

*The following conditions affect the possible, at a given time, achievable speed of data transmission: the technology of data transmission, which the end-user uses at a given time, current load level of the transmitter, strength of the received signal from the transmitter (distance from the base transceiver station, signal suppression by physical obstacles), maximum speed, type of the technology and radio spectrums (and the possibility of their aggregation) supported by the end-user's device and weather conditions, as well as the number, type, purpose and the behaviour of the, simultaneously, used functions of the applications, services and devices (including applications lowering the speed of data transmission such as antivirus programs or firewalls). To achieve the estimated maximum speed presented in the Regulations requires the use of data transmission in the LTE technology (or more advanced if offered by the Operator) and may not be possible outside of infrastructural Telecommunications Network owned by P4 Sp. z o.o. Telecommunications Provider.*

*In view of the above, in many cases, the achievement of maximum estimated speed may not be possible.*

*The Operator and the P4 Sp. z o.o. Telecommunications Provider may provide services other than the Internet service, which may affect the quality of the Internet service in view of the fact that those services use the same Telecommunications Network resources. The Operator and the P4 Sp. z o.o. Telecommunications Provider are obligated to ensure, for the bandwidth of the Telecommunications Network to be sufficient to provide these services except the Internet service and that the provision of other services than data transmission will not affect the overall quality of the Internet service. Using a different service than the Internet service, by the Subscriber, in many cases will result with the deterioration of the parameters of the Internet service. Detailed information, in this regard, shall be placed in contract documents concerning respective services other than the Internet service.*

*Claims described in the Operator Obligations paragraph and the provisions of the Complaints paragraph have proper uses also in case of any constant or regularly repeating discrepancies between the actual performance of the Internet service in terms of speed or other parameters of service quality and the performance described according to the above provisions.*

*20. The P4 Sp. z o.o. Telecommunications Provider practises procedures concerning the measurement and traffic regulation within its own infrastructural Telecommunications Network. Detailed information within the scope that does not constitute the trade secret concerning the influence of these procedures on the quality of the provided Telecommunications Services, are presented on the website of the P4 Sp. z o.o. Telecommunications Provider at: [www.play.pl](http://www.play.pl).*

*The P4 Sp. z o.o. Telecommunications Provider may use measures of traffic management based on objective differences in the requirements concerning the technical quality of services. The procedures and measures described above should not adversely affect the quality of the Internet service and the privacy of the end-users. Measures that can be used by the P4 Sp. z o.o. Telecommunications Provider with reference to the Internet service, are not discriminatory and have in view the optimization of the overall quality of transmission.*

*The P4 Sp. z o.o. Telecommunications Provider may use special measures of traffic management going beyond the measures defined above, in cases, in which it is necessary to:*

- a) to ensure the accordance with the provisions of the law, to which the Operator and the P4 Sp. z o.o. Telecommunications Provider are subjected to, as well as judicial decisions and decisions of public authorities concerning the Operator and the P4 Sp. z o.o. Telecommunications Provider;*
- b) to keep the integrity and safety of the network, services provided via the network and the devices of the Subscribers, in particular:
  - i. to stop the sending process of the message, which endangers the safety or integrity of the Telecommunications Network or the Telecommunications Services;*
  - ii. to stop or to limit the provision of the Telecommunications Services with the use of the Telecommunications Network, with which the messages endangering the safety of the Telecommunications Network or of the Telecommunications Services, are sent;**
- c) to prevent the existing chances of overloadings and to mitigate of a unique or temporary network overload (in this case equivalent types of data transmission are treated equally).*

*Special measures of traffic management are used only for the period necessary for the achievement of goals described above, and may be connected with the deterioration of the Internet service quality parameters.*

Pursuant to Art. 60a sec. 3a of the Act – Telecommunications Law of 16th July 2004 (Journal of Laws, No. 171, item 1800 with subsequent amendments) we inform that the above change arises directly from the change of the current provisions of law and that in case of non-acceptance of the aforementioned changes, you have the right to terminate the telecommunications provision contract, which can be realized until the changes come into effect.