

This is an unofficial translation. The legally binding text is the original Czech version.



Czech Telecommunication Office
with headquarters at Sokolovská 219, Prague 9
P.O. Box 02, Prague 025, Postcode 225 02

Prague, 12 July 2005
Ref.: 27273/2005-604

On the basis of public consultation under Section 130 of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act) (the “Act”) and on the basis of the decision of the Council of the Czech Telecommunication Office (the “Office”) under Section 107(8)(b)(2) of the Act, and in order to implement Section 99(1) of the Act, the Office as the appropriate state administration body under Section 108(1)(b) of the Act hereby issues this

Measure of General Nature No. OOP/09/07.2005-13
laying down the essentials of the technical and organisational rules of ensuring access
to the public telephone network at fixed locations
and to the publicly available telephone services in states of crisis.

Article 1
Introductory Provisions

This Measure of General Nature (“Measure”) lays down the essentials of the technical and organisational rules of ensuring access to the public telephone network at fixed locations and to the publicly available telephone services provided through that network at fixed locations, including operator services and the services referred to in Section 38(2)(c) and (d) of the Act, in states of crisis. These rules, together with the crisis readiness plans¹⁾ and with other crisis management documentation, are prepared by the undertakings providing the public communication network, thus creating organisational conditions for effective support to solving crisis situations through the public electronic communication networks and services.

Article 2
Definition of Terms

For the purposes of this Measure, priority electronic communication service provision in states of crisis means continuous and preferential provision of these services to entities whose lists are submitted by the appropriate authorities in accordance with Section 141(1) and (2). Ensuring the electronic communication network throughput means maintaining active connection for the above-mentioned entities in situations where the remaining participants’ access to the electronic communication network and to the provided services is limited.

Article 3
Essentials of the Technical and Organisational Rules

(1) The technical and organisational rules shall contain, without being limited to:

- a) the given undertaking’s crisis management organisation and method, the structure and elements of the crisis management system, principles of its activation, and the co-ordination of the procedures,

¹⁾ Section 29 of the Act No. 240/2000 Coll., on crisis management and on amendment to certain Acts (the Crisis Act).

This is an unofficial translation. The legally binding text is the original Czech version.

- including provision of appropriate organisation capacity and personnel to address the crisis situations, and professional preparation of the operating, maintenance and recovery personnel;
- b) measures to manage and maintain the integrity of the public communication network and ensure its throughput and the availability of services in states of crisis, monitoring of network operation, detection of any faults, monitoring of the occurrence of faults and any increase thereof, repair of faults in the network, including identification of the possible solutions and basic measures to the recovery of the public communication network and service provision;
 - c) principles of the development, planning and construction of the network with respect to crisis situations and the resistance to damage and disturbances, including the possibilities of recovery and renewal;
 - d) provision of logistics support to network recovery and integrity (material, technology, distribution of mobile facilities, energy, services), including the provision of funds for financing network recovery and renewal;
 - e) measures to ensure priority electronic communication service provision in a state of crisis and determination of the way in which they are declared;
 - f) principles of external and internal communication maintained by the undertaking in a state of crisis for the provision of information in accordance with Section 98(4) and Section 99(8) of the Act, or such communication resulting from contractual relations.

(2) The technical and organisational rules may also contain other measures to ensure the provision of electronic communication services in states of crisis.

Article 4 Effect

This Measure of General Nature shall come into force on 1 August 2005.

Explanatory Memorandum

To implement Section 99(1) of the Act, the Office issues Measure of General Nature No. OOP/09/07.2005-13, laying down the essentials of the technical and organisational rules to ensure access to the public telephone network at fixed locations and to the publicly available telephone services in states of crisis.

This Measure is based on the principles set out in the Act and in European legislation, including, but not limited to, Directive 2002/22/EC on Universal Service and users' rights relating to electronic communications networks and service. This Measure was prepared with a view to creating conditions for optimum functioning of the electronic communication networks, ensuring the integrity of the networks, and providing continuous access to, in particular, emergency services also in states of crisis.

The obligation to ensure in states of crisis, in accordance with the technical and organisational rules, access to the telephone network at fixed locations and to the publicly available telephone service provided through that network at fixed locations (including operator services and the services referred to in Section 38(2)(c) and (d)), is imposed on the basis of Section 99(1) of the Act on every undertaking operating a public telephone network.

Article 3 lays down the mandatory areas that must be covered by both fixed and mobile networks in order to provide the basic organisational conditions for ensuring effective support to coping with crisis situations through the provision electronic communication services. Taking into account the differences between the undertakings as to the services they provide and as to the

This is an unofficial translation. The legally binding text is the original Czech version.

networks they operate, it is at the same time admitted in Article 3 that further refining measures may be added to the technical and organisational rules.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations with the affected parties at the discussion site, the Office published on 12 May 2005 at the discussion site its draft Measure No. OOP/9/XX.2005, laying down the essentials of the technical and organisational rules of ensuring access to the public telephone network at fixed locations and to the publicly available telephone services through that network in states of crisis, and an invitation for comments on the draft Measure.

During the public consultation period the Office received comments focused both on the general principles of this Measure and on its individual provisions.

One of the major comments the Office reflected in this Measure drew attention to the fact that the scope of legal authorisation could be exceeded. The remaining comments were aimed at refining the formulations. The Office took these comments into account and reflected them in the final version of this Measure.

The comment settlement table, made public at the discussion site, contains the texts of all comments and the way they were settled.

[*round seal*]
Czech Telecommunication Office

-1-

[*signature*] *D. Stádník*
David Stádník
Chairman of the Council of the
Czech Telecommunication Office