

Monthly monitoring report No. 2/2012 of the Czech Telecommunication Office February 2012

Executive summary

As the regular member the CTU participated in the World's Radiocommunication Conference the conclusions of which are described further below, and which took place from January 15 to January 21, 2012. For the programme of the next conference in 2015, material context of conclusions of WRC-12 is especially important for further investments and development of high-speed networks.

For the sake of further reduction of level of wholesale prices in mobile networks, the CTU has started administrative proceedings with mobile operators concerning the change of maximum level of prices for termination of calls in mobile networks. The new price for the termination will drop to the level of CZK 0.55 /min from the existing maximum price of CZK 1.08 /min.

During February the CTU finished evaluation of comments raised during consultation concerning the draft Measure of general nature no. OOP/1/XX.2011-Y, by means of which the CTU intends to establish the new wholesale relevant market No. 8 – the Access and call origination on public mobile telephone networks for the purposes of ex-ante regulation. The settlement of comments was published on February 20, 2012. Subsequently, the draft was submitted to the Office for the Protection of Economic Competition (Úřad pro ochranu hospodářské soutěže) for its comments.

On February 29 the CTU published the information on the beginning of implementation of the analysis of relevant market no. 4 – wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location, in harmony with the Measure of general nature no. OOP/1/02/2008-2, determining relevant markets in the field of electronic communications, including criteria serving for the evaluation of significant market power. This market is analyzed in the third round of the analysis of relevant markets.

On the same day the CTU published for the public consultation the draft Measure of general nature concerning the analysis of the market no. A/5/XX.2012-Y, market no. 5 – Wholesale broadband access in networks of electronic communications.

In the month of February the CTU published on its Internet pages the Annual report concerning provision of information for the year 2011, pursuant to the Act no. 106/1999 Coll., on Free access to information.

1. Current situation in the market

Services of fixed networks

Subscribers, who use services of the digital television O2 TV of the company Telefónica, may, until June 30, 2012, dispose of the programme NOVA HD and ČT HD within the framework of the special offer of Nova HD and ČT HD within the tariff O₂ TV Start. Subscribers of the service of the digital television could, until February 15, 2012, use also the offer of the company „4 for the price of 3“. For the price of CZK 165,- it was possible to obtain 4 films from the category Hot New Releases.

The company **UPC** prolonged until February 29, 2012 the special offer for its new customers, who ordered on-line services of digital television Starter, including one of packages of the programmes Sport, Relax or Darwin. Customers could receive this service for the privileged monthly price of CZK 150 instead of CZK 422, including loan of set-top-box free of charge.

Customers, who, before February 29, 2012, ordered on-line service of digital television Standard with the UPC, received 50 % discount from monthly price for the period of six months. Customers will therefore pay the price of CZK 302 instead of standard price of CZK 604. Customers, who, before February 29, 2012, ordered on-line service of digital television Supreme, received, for the period of eight months, this service for the privileged monthly price of CZK 896 for a month instead of standard price of CZK 1,108.

The company UPC prolonged the special offer for its new customers, who, before February 29, 2012 ordered the telephone service UPC Telephone tariff „Basic“. The new customers therefore obtained for the period of 12 months monthly flat fee at the amount of CZK 1 and the lease of wireless telephone for CZK 10/month. The price of installation was CZK 1 and the price for connection (establishment of telephone service) was CZK 190 or, in case of ordering more services or a package, the price for connection is CZK 1.

The company **Telefónica** sold its 80-percent share in its daughter company Information linky a.s., which it founded at the beginning of this year. In January Telefónica separated to Information linky a.s. one part of the company responsible for information service on numbers 1180, 1181 a 1182.

During the whole month of February the company **Telefónica** offered the special offer for households to xDSL tariffs Internet Optimal and Internet Aktiv. All new customers could get the service Internet Optimal for CZK 500 and Internet Aktiv for CZK 600, if they take over the commitment of 12 months where they can also obtain a discount for calls at the amount of CZK 100 in the tariff O2 Neon. Establishment of this service was free of charge. Starting from the 13th month of utilization of the service customers will be charged standard price for Internet Optimal CZK 750 and for Internet Aktiv CZK 850. This special offer will be valid until March 31, 2012.

Similar offer had the company Telefónica for entrepreneurs and firms with the only difference, and namely that the possibility to apply for the discount at the amount of CZK 100 can also be used in the tariff O2 Podnikání. Remaining conditions are the same as with households.

Until the end of February 2012 the company Telefónica continued in providing the acquisition offer for all its customers in selected brand shops in Beroun, Benešov,

Chomutov, Kadaň, Česká Lípa, Děčín, Havlíčkův Brod, Cheb, Kladno, Kolín, Kutná Hora, Liberec, Litomyšl, Nymburk, Pelhřimov, Poděbrady, Olomouc, Plzeň, Přerov, Příbram, Rychnov nad Kněžnou, Svitavy, Ostrava, Tábor, Teplice, Uherské Hradiště, Ústí nad Orlicí and Zlín. In these brand shops new customers can establish Internet Optimal CZK if they take over the commitment of 12 months for CZK 400 or Internet Aktiv with the commitment of 12 months for CZK 500. Starting from the 13th month of utilization standard prices are charged, i.e. CZK 750 for Internet Optimal and CZK 50 for Internet Aktiv.

For existing customers the company Telefónica prepared the offer concerning increase of tariff to the tariff Internet Optimal. For the period of one year customer will be charged the price of CZK 600. Customer, who has increased his/her tariff to the tariff Internet Aktiv, will pay for this service the price of CZK 750 for the period of 12 months. This acquisition offer will be prolonged until March 31, 2012.

For existing customers, who utilize Internet connection with the tariff Internet Start, the company Telefónica prepared also the offer concerning conclusion of commitment for the tariff Internet Optimal or Internet Aktiv for the period of 12 months. During this time a customer could pay for the Internet Optimal CZK 500 and for the tariff Internet Aktiv the price at the amount of CZK 600. Starting from the 13th month, standard prices, i.e CZK 750 for the Internet Optimal and CZK 850 for the Internet Aktiv are charged. This offer is valid from February 1, 2012 until December 31, 2012.

During the whole month of February acquisition offers of the company **UPC** could be used with all services of Internet connection. It was possible to obtain the service having the speed of 10 Mbit/s for the first twelve months for the price of CZK 299/month, instead of standard price of CZK 494/month. Also the service having the speed of 25 Mbit/s could be used for the first twelve months for the price of CZK 399/month, instead of standard price of CZK 599/month. For the first 4 months the company UPC offered 50 % discount for the service having the speed of 50 and 100 Mbit/s. Therefore, a customer paid for the speediest connection of 100 Mbit/s for the first 4 months CZK 500, from the 5th month of utilization of this service he/she paid CZK 999. Simultaneously, customers could receive loan of modem gratis and installation for CZK 1. Acquisition offers were valid when contract was concluded for the period of 12 months. Concerning the services having the speed of 50 Mbit/s and more, the above mentioned discounts could be obtained only with the help of on-line Rules and for new customers only.

The company UPC addressed also corporate customers with acquisition offer valid until April 30, 2012. If a contract is concluded for the period of 12 months, the price for the service Internet Fiber Business 110 for for the first 3 month is CZK 1, then for the standard price of CZK 1,199 is paid. The company further offered new services of Internet Fiber Business 60 for CZK 719 and Internet Fiber Business 80 for CZK 959 to its existing products Internet Fiber Business 15 and Internet Fiber Business 40.

Services of mobile networks

The company **T-Mobile** started to offer the new edition of pre-paid cards Twist Přátel Extra. If regular monthly recharging at the minimum amount of CZK 300 is observed, it is possible to call to all numbers for CZK 3.50/min and to send text messages for CZK 1.50.

Starting from March 1, 2012 the company **Telefónica** offers its new tariff for customers of maximum 26 years of age called O2 Pohoda for monthly flat fee of CZK 180. Within the framework of this lump sum 40 minutes of calls to all networks will be free of charge plus 100 free SMS. It is also further possible to buy to this tariff also the data tariff Internet in mobile Start for CZK 100/month with data limit of 150 MB and O2 Mobile Internet for CZK 200/month with data limit of 500 MB.

During February the company **Telefónica** reduced FUP with the pre-paid service Mobile Internet from 500 MB to 100 MB per day, what means decrease of data limit by 80 % with the same price. This reduction, with the exception of the above mentioned „pre-paid“ customers, relates also to customers who utilize flat fee option of the service Mobile Internet, however, because they consume their FUP earlier, they could also expect reduction of daily limit from 500 MB to 100 MB if they buy in addition the so-called daily packages.

In February the company **Vodafone** changed its offer of data tariffs. The data tariffs for mobile with daily data tariffs was increased from 5 MB/day to 25 MB/ day, simultaneously with the price from CZK 17 to CZK 25/ day. Newly the tariff „Připojení na týden“ (Connection for a week) for weekly price of CZK 49 is further offered with the data limit of 60 MB/ day. One new lump sum product „Připojení pro mobil super“ for CZK 249/month was introduced with monthly lump sum tariffs for Internet in mobile with the data limit of 300 MB/month. The remaining two lump sum tariffs were only renamed („Vodafone Internet in mobile to „Připojení pro mobil standard“ and „Vodafone Internet v mobilu naplno“ to „Připojení pro mobil premium“), no change of prices or conditions took place.

The new monthly data tariffs for tablet were introduced – Connection to tablet, and namely „Připojení pro tablet super“ with monthly price of CZK 265 and data limit of 500 MB/month and „Připojení pro tablet premium“ with monthly price of CZK 398 and data limit of 1 GB/month.

The new tariff „Připojení pro notebook standard“ for monthly flat fee of CZK 398 and data limit of 1 GB/month was introduced.

The company **T-Mobile** terminates activities of the Internet “4G” and within the framework of special offer “Přepínáme” it will terminate entire operation of the data network UMTS-TDD and will offer transition with modem for one Crown. This network was built as “high-speed” mobile Internet, and offered the speed of up to 1Mbit/s, later of up to 2Mbit/s. Nevertheless, the project was not successful and T-Mobile at last started to build, in co-operation with s O2, classic 3G network (UMTS-FDD). By May 31, 2012 operation of older “4G” data networks will be terminated completely, customers of the operator may come over to 3G. Customers, who want to continue with data service of T-Mobile, will receive for CZK 1 the latest modem HUAWEI E352 supporting full speed of the network which is built by T-Mobile, therefore up to 21.6 Mbit/s. The customers may keep the tariff or change it to some of currently offered ones. Concerning the data Twist cards it is possible to come over or to use the option to cease using the service completely. Any shop will reimburse credit remaining on the card. In case of pre-paid services a customer will return original modem with the exception of customers of flat fee tariffs.

The Theme of the month – The World's Radiocommunication Conference WRC-12

From January 15 to February 21, 2012, the block of meetings took place in Swiss Geneva within the framework of Radiocommunication sector of the International Telecommunication Union (ITU-R), encompassing the Meeting of the Radiocommunication Assembly (RA-12), The World's Radiocommunication Conference (WRC-12) and Preparatory Meeting of the next conference (CPM15-1).

The main part of this block of the meeting was the World's Radiocommunication Conference WRC-12, the aim of which was to implement, on the basis of studies performed by the Sector ITU-R and proposals of Member States, changes in the Radiocommunication Rules (RR) inevitable, in particular, for technological development and optimization of administrative procedures, and to set up conditions for utilization of radio spectrum for the next World's Radiocommunication Conference. The importance of the Conference was emphasized by the presence of 2776 delegates representing 155 Member States having voting rights, 363 representatives of sectors' members and more than 200 representatives of international organisations.

World's Radiocommunication Conference was preceded by multi-annual preparation cycle. It was on the global level within the framework of ITU, on the one hand, and on regional and national levels, on the other hand. Important part of preparation was the study cycle between World Conferences defined by Conference Preparatory Meetings (Conference Preparatory Meeting – CPM). The resulting product was CPM Report containing variant solutions of individual points of WRC-12 programme issues. This report, together with contributions of regional groupings and Member States, created the principal entry documents for WRC-12 negotiations.

Regional activities of 48 European national telecommunication administrations within the framework of the Conference of European administrations of posts and telecommunication (CEPT) were concluded with the endorsement of joint European attitudes concerning individual points of WRC-12 programme.

In parallel with the CEPT activities, negotiations of bodies of the European Commission took place, the aim of which was to formulate principal goals of the European policy in the field of information society, transportation and scientific services in relation to the utilization of radio spectrum. The result was particularly the so-called RSPG Opinions contained in the documents RSPG09-294 and RSPG09-295 from 2009 and the document RSPG10-350 (Opinion on Common Policy Objectives for WRC-12) from 2011.

Preparatory process in the Czech Republic was coordinated by the CTU, the process was discussed by intersectoral working group and was completed by acceptance of Czech brief to WRC-12. The document Czech brief contained conclusions of regional grouping of the European countries and formulated Czech positions related to specifics of utilization of radio spectrum in the Czech Republic.

In regional preparations and subsequently during the Conference, regional groupings play important role. European regional grouping is covered by the CEPT, countries of South and North America are represented by the Organisation of American States CITEL, representative of Asian-Pacific countries is the APT organisation, grouping of independent states RCC represents post-Soviet states,

African countries are represented by African Telecommunication Union ATU and Arabic states represents themselves as the Group of Arabic countries.

Note : From the administrative viewpoint the Radiocommunication Rules divide the world to the Region 1 (Europe, Africa), Region 2 (both Americas) and the Region 3 (Asia, Australia, Oceania).

Negotiations of the World's radiocommunication Conference was preceded by the Meeting of the Radiocommunication Assembly (RA-12). The aim of the RA-12 was to update and review resolutions of ITU-R, which related to working methods of the Conference (WRC) and Preparatory Meeting of the Conference (CPM). The main purpose was to adapt resolutions in order to reach effectiveness and flexibility of activity of working groups ITU-R (Study Group – SG), method of nomination and procedure of election of chairmen of groups and the procedure of approval of documents and the role of sector members of ITU-R. RA-12 also discussed resolutions prepared by the CEPT concerning issues of utilization of radio systems (Cognitive Radio Systems – CRS) and the possibility of harmonisation of frequency spectrum for short range devices (Short Range Devices – SRD). Conclusions from the meeting of RA-12 were subsequently used within the framework of the meeting of the WRC-12.

Programme of WRC-12 was proposed by the preceding World's Radiocommunication Conference (WRC-07) and contained 25 principal points divided according to categories of radiocommunication services to the issues of aviation and naval services and services of radio determination, scientific services, services of satellite communications and services of electronic communications. Other so-called permanent points of the programme related, for example, to the Report of the Chairman of Radiocommunication Office (BR), solution of deficiencies discovered of RR, revision of resolutions and recommendations endorsed to which RR refers etc. Important and widely discussed point of the programme of WRC-12 was the preparation of the programme of subsequent conference, which should take place as early as in 2015. Determination of programme points always significantly influences the mode of organisation of study cycle, direction of utilization of radio spectrum in the future and, last but not least, also direction of further technological development in telecommunications.

In harmony with relevant provisions of the Constitution and Convention of the ITU, organisation structure of the Conference was established (Fig. no. 1) and Mr. Tariq AlAwadhi (United Arab Emirates) was elected the Chairman of the Conference.

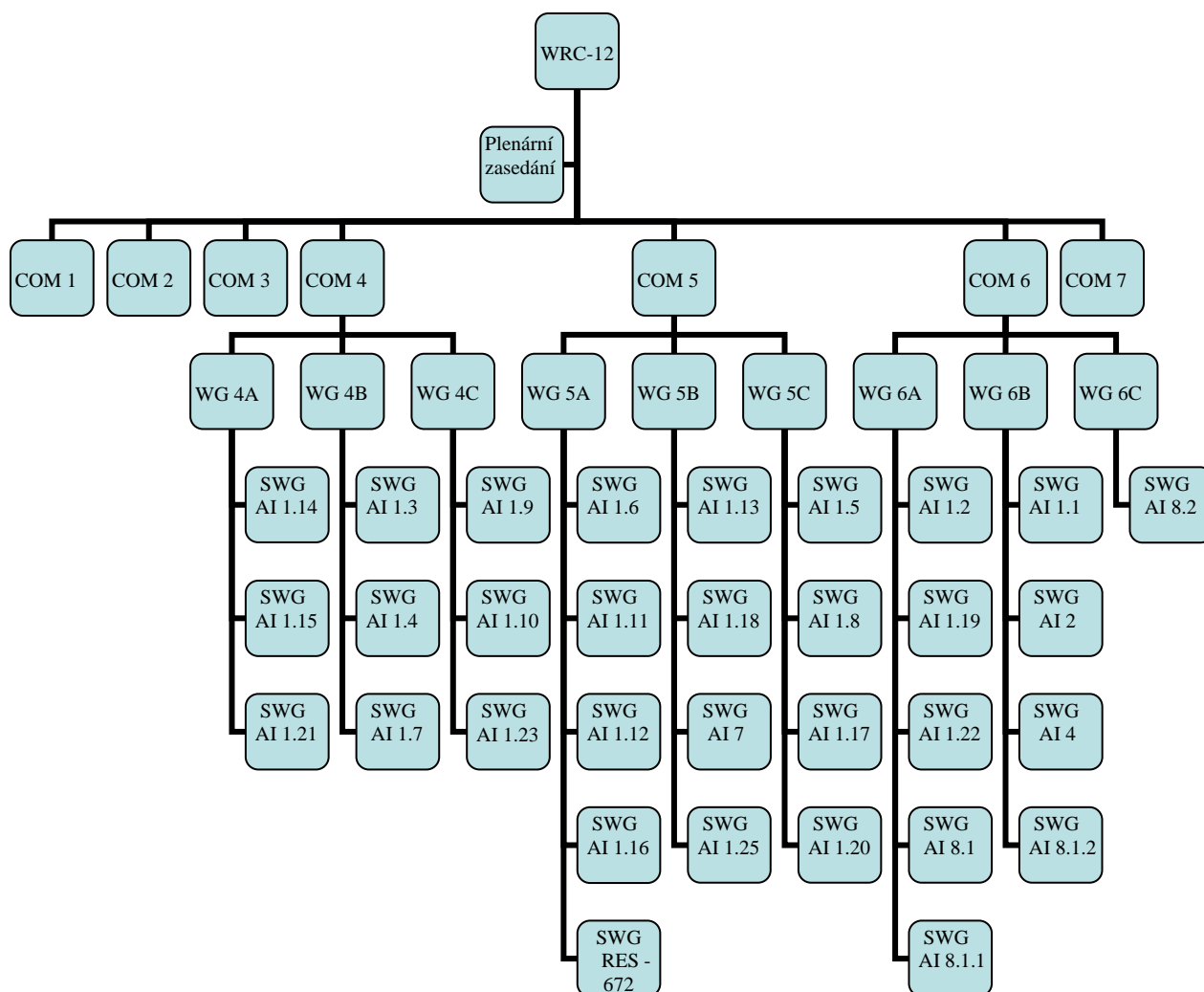


Fig. no. 1 Organisation structure of WRC-12
plenární zasedání = plenary session

From the point of view of organisation structure the principal decision-making place was plenary session of WRC-12. The plenary session allocated individual programme items of the WRC-12 to relevant commissions (COM). In harmony with the rules for the Conference activities it was possible to form, within the framework of individual COM, working groups (WG) and these groups subsequently usually established working sub-groups (SWG) so that each working sub-group was responsible for one programme item of the Conference. WG and their SWG worked according to determined ToR rules (Terms of Reference), which, on the basis of resolutions related to relevant programme items of WRC-12, described what should relevant working group reach. WG and SWG established ad hoc draft groups responsible for specific partial issues.

Plenary session determined the following responsibilities of individual commissions :

- Committee 1 – „**Steering Committee**“ – for the governance of the course of conference, proposal of succession and number of meetings in Rules to eliminate duplications in activities of commissions, etc.;
- Committee 2 – „**Credentials Committee**“ – for the checking of Credentials and the preparation of the report on Credentials to the Plenary session;

- Committee 3 – „**Budget Control Committee**“ – for the budget of the Conference, and/or potential impacts on the budget of the ITU resulting from the acceptance of new or reviewed resolutions,
- Committee 4 – „**Specified Agenda Items**“ – for consultation of issues concerning aerial and naval radiocommunication services and services of radio determination;
- Committee 5 – „**Specified Agenda Items**“ – for consultation of issues concerning scientific, satellite radio service, digital dividend (DD), some other applications of satellite services and issues of electronic news coverage (ENG);
- Committee 6 – „**Specified Agenda Items**“ for consultation of issues of cognitive radio systems, Short Range Devices – SRD, deletion of countries from RR notes, programme of subsequent conference;
- Committee 7 – „**Editorial**“ – for editation and translations of documents of conference into six negotiation languages.

With the exception of resolutions pertaining to individual commissions, the commissions discussed also relevant passages from the Report of the Director of the Office of ITU-R sector and the update of recommendations and reports of ITU-R lying in responsibility of relevant commission.

The delegation of the Czech Republic paid principal attention to discussions in COM 4, COM 5 and COM 6 focused on goals ensuing from Czech brief for WRC-12. In the following part conclusions of WRC-12, concerning individual programme issues are specified as they were brought forward in provisional, concluding deeds of the Conference.

To the individual programme items of WRC-12

Item 1.1 – Notes of the RR

The aim was to discuss and implement, on the basis of requests of administrations, deletion of their national notes or deletion of designation of their states from the notes of the Radiocommunication Rules (Radio Regulations – RR), where they are no longer necessary, in harmony with the Resolution 26 (Rev. WRC-07). The Czech Republic was enrolled in 15 notes of Article 5 RR and submitted to the Conference proposal for deletion from six notes RR – 5.93, 5.201, 5.202, 5.312, 5.338 and 5.163 – where reasons for their persistence in relevant notes no longer exist, and the proposal for modification of the note 5.164. The modification of the note 5.164 done by the registration of the Czech Republic in this note should increase the importance of mobile service to the primary one in the band of 50 MHz, which the RR allocated to the radio service and the radio service of the Czech Republic will no longer use this band. By the registration of the Czech Republic in this note, the Czech Republic simultaneously acquired the same status from the point of view of impacts of international coordination as Germany, Austria and Slovakia and the deletion of the Czech Republic from the note 5.163 was made possible. Presenting the Czech Republic in the note 5.312 related to the items of the Programmes 1.4 and 1.17 and within the framework of these programme items the issues of the note 5.312 were also resolved.

Item 1.2 – Improvement of Regulatory framework

In harmony with studies of ITU-R, implemented pursuant to the Resolution 951 (Rev. WRC-07), the aim was to undertake relevant steps leading to the improvement of international regulatory framework. The Resolution was inspired by the fact that constant upgrade of technologies and the mode of their utilization in many cases leads towards convergence of radiocommunication services (for example, fixed, mobile and radio). There is an opinion that current regulatory measures, in relation to elements of convergence, do not allow for more flexibility in utilization of radio spectrum. Therefore, within the preparatory period, proposals appeared aimed at the adaptation of the definition of station in mobile and fixed service in the field of convergence of terrestrial service and demand for the adaptation of the definition of some services. In the field of general issues of allocation of spectrum the discussion was focused at the possibility of allocating spectrum to the most broadly defined services. During the Conference the discussion was concentrated particularly on the necessity of balanced approach to individual services and exact definition in case of proposals for changes in Chapter 1 and 2 of the RR. This demand is important primarily for proper course of international coordination and determination of fees for utilization of radio spectrum. After extensive discussions no changes were accepted in definitions in Chapter 1 and 2 of the RR within the framework of convergence of terrestrial service for the time being. In the field of general issues of spectrum allocation the proposal was endorsed for the review of the Resolution ITU-R 34 (WRC-95). Satellite service (satellite fixed, mobile and radio) were found to be sufficiently treated by the existing diction of the RR and the Conference has not dealt with any changes in the field of convergence of the se services.

Item 1.3 – Pilotless systems (UAS)

In harmony with the Resolution 421 (WRC-07) and on the basis of results of studies of ITU-R, the goal was to discuss demands for the spectrum of the systems of command and management of the UAS and potential regulatory steps, including the allocation, for the support of safe operation of UAS pilotless systems. The analysis of necessary extent of spectrum and conclusions of studies of the ITU-R demonstrated that for terrestrial component of UAS systems it is necessary to have 34 MHz of spectrum and for the satellite component it is necessary to have 56 MHz of spectrum. In the preparatory period the bands of GHz and 15 GHz were identified as suitable for terrestrial and satellite component. The problem was in the fact that demands for security of these communications are the same as demands for piloted devices and therefore it was necessary to search for possible solution in already existing allocations to aerial services. The solution of spectrum allocation for the systems of command and management of the UAS was further conspicuously complicated by the interconnection to the items of the Programme 1.21 (the demand for the allocation of a part of spectrum of the band of 15 GHz to the radiolocation service) and the programme item 1.4 (the demand for the allocation of the spectrum in a part of the band of 5 GHz for terrestrial applications at airports). After complicated negotiations demanding regional coordination meetings, the agreement was reached, when for the terrestrial component of UAS the band of 5 030–5 091 MHz was allocated for the service AM(R)S and the allocation in the band of 15 GHz was abandoned. No matching allocation was found for the satellite component, nevertheless, the consent was reached concerning the demand for inclusion of these issues in the programme of the next Conference with the proviso

that the possibility of utilization of bands of fixed satellite service (FSS) for satellite component of the UAS should be studied.

Item 1.4 – New systems in aerial mobile service

In harmony with the Resolution 413 (Rev. WRC-07), 417 (WRC-07) and 420 (WRC-07) and on the basis of results of studies of ITU-R the goal was to discuss next regulatory measures in Rules to facilitate introduction of new systems in aerial mobile (R) service AM(R)S in the bands of 112–117.975 MHz, 960–1 164 MHz and 5 000–5 030 MHz. In solving these issues in the preparatory period study groups of ITU-R and also relevant bodies of the Organisation for Civil Aviation (ICAO) participated. The results of studies of ITU-R and ICAO have shown that the possibility of jamming of radio service in the band under 108 MHz by potential new allocations in the band over 108 MHz is minimal. The possibility of jamming of new allocations to aerial services over 108 MHz by radio service under 108 MHz is resolved in the update of the Resolution of ITU-R 413. Studies will further continue in standard study process outside the WRC-12. The Resolution 417 resolved potentials of allocation to new aerial services in the band of 960–1 164 MHz with the aim to support the new concept ATM (Air Traffic Management) in the form of operation of datalinks. The problem is that in this band also non-standard systems of aerial radionavigation are operated in countries specified in the note 5.312 RR. In this note also the Czech Republic is quoted. Because the operation of these devices was terminated in the Czech Republic in 2008, the Czech Republic asked for deletion from this note and the Conference approved this deletion. The criteria of compatibility between the services of AM(R)S in the relevant band and the systems of standardized ICAO will be prepared in the ICAO. From the viewpoint of geographic separation, the separation distance of 934 km was determined for devices of AM(R)S on boards of airplanes and 465 km for terrestrial devices from state borders of countries specified in the updated Resolution. Also the issues of the Resolution 420 underwent complicated discussion, demanding additional spectrum allocation for terrestrial applications on airports. Particularly USA tried to enforce this allocation in the band of 5 000–5 030 MHz claiming that different studies prove that existing 59 MHz in the band of 5 091–5 150 MHz is insufficient because the minimum alleged need is 100 MHz. European representatives tried to disprove this argument because proposed allocation in the band of 5 000–5 010 MHz could endanger the interests of Europe in the field of operation of satellite navigation Galileo system. Moreover, the problem was complicated by interconnection of this programme item with the programme items 1.3 and 1.21. The Conference did not accept the allocation of spectrum in the band of 5 000–5 010 MHz for terrestrial systems on airports.

Item 1.5 – Electronic transfer of news coverage (ENG)

In harmony with the Resolution 954 (WRC-07) and on the basis of results of studies of ITU-R the goal was to discuss global or at least regional harmonization of spectrum for electronic transfer of news coverage (ENG). In the preparatory period main works were focused at the concept „of matching extents“ and at the identification of bands which could be included into these bands. The problem is that at the present time, in connection with increasing demand for bands applied for broadband service, there are less bands for ENG, and, therefore, it is limiting factor also for mass deployment of means like wireless microphones and wireless video cameras. Another problem is that specific requirements of the ENG are known at

short notice only and time for preparation is very short not allowing coordination. Then the links are often operated in environment with anonymous frequencies. During the Conference discussion went on about individual variants of solutions prepared within the framework of the CPM Report. The Resolution 59 (RA-12) was chosen as the base solution. The agreement was reached, which does not bring about any changes of the RR, however it demands studies of ITU-R, the outcome of which should be recommendation of ITU-R, containing preferred frequency bands and matching extents for ENG for regional or global harmonization. The Conference discussed and endorsed demands of countries for entry in the note RR 5.296 allowing utilization of the band 470–790 MHz secondarily for mobile service for auxiliary applications for radio service. Also the Czech Republic asked for the registration in this note. With the help of this step the harmony will be reached between the allocation pursuant to the Rules and National frequency table and this step is also in harmony with procedure of European countries where it, inter alia, presupposes deployment of ENG in the so-called white places used for radio and television broadcasting.

Item 1.6 – Spectrum within the range of 275–3 000 GHz

In harmony with the Resolution 950 (Rev. WRC-07) the goal was to review provisions 5.565 RR in Rules to update utilization of the spectrum between 275 GHz and 3 000 GHz with the help of passive services, and in harmony with the Resolution 955 (WRC-07) and respecting results of studies of ITU-R discuss potential procedures for optical links in free space. On the basis of Report of CPM and entry contributions, particularly the issues of modification of the note RR 5.565, i.e. completing it with the service of satellite surveillance of the Earth (EESS), radioastronomy (RAS) and cosmic research (SRS), were discussed during the Conference). Identification of passive services was extended up to 3 000 GHz. Nevertheless, utilization of the band of 275–3 000 GHz by passive services (and/or optical links) does not mean that in this band active services cannot be operated under conditions of protection of passive services.

Item 1.7 – Satellite mobile aerial service in the band of 1.6 GHz

In harmony with the Resolution 222 (Rev. WRC-07) the goal was to discuss results of studies of ITU-R in the Rules in order to safeguard long-term availability of spectrum and the access to spectrum necessary for the accomplishment of demands of satellite mobile aerial service (R) and to undertake certain steps in this direction preserving simultaneously general allocation of satellite mobile service in the bands of 1 525–1 559 MHz and 1 626.5–1 660.5 MHz. Owing to positions of individual regional groupings and national administrations it was one of the most complicated programme items of the Conference. The administrations interested in conduct of satellite mobile aerial service in the band of 1.6 GHz and participating in specific coordination process held the attitude that the existing process is fully functional and that no changes are necessary. Number of European countries and some non-European administrations, which plan to operate satellite mobile aerial services in the future, were of the opinion that the existing process is not too much transparent and required amendment of the Resolution ITU-R 222 with the proviso that ICAO (International Organisation of Civil Aviation) and BR (Radiocommunication Office ITU-R) should be involved in coordination process. It was unacceptable from the point of view of principles of coordination for many administrations and one of reasons why the Czech Republic expressed its opposition to this CEPT proposal and

did not sign it. After very complicated negotiations the Conference accepted proposal for the review of the Resolution ITU-R 222, which was acceptable for all parties present and removed the main obstacle by not eliminating participation of BR and ICAO in the coordination process under condition that all notifying administrations must express their consent with participation of the ICAO. Modified text of the relevant Resolution contains all requirements and proposals which the Czech Republic, within the framework of compromise solution, submitted during preparation of the WRC-12.

Item 1.8 – Fixed service in the band of 71–238 GHz

In harmony with the Resolutions 731 (WRC-2000) and 732 (WRC-2000) the goal was to discuss progress in studies of ITU-R concerning technical and regulatory issues related to fixed service in the bands between 71 GHz and 238 GHz. The principal problem of the discussion was requirement for the protection of passive services in the band of 86–92 GHz. Principle of the protection required was determination of limits of radiation and discussion was concentrated on the question whether these limits should be obligatory or recommended. The Conference arrived to the conclusion that it is necessary to amend Article 5 of the RR by adding obligatory limits of radiation in the band of 81–86/92–94 GHz, and update of the note of the RR in which administrations preparing alternative limits of radiations were registered. Simultaneously Resolutions ITU-R 731 and 732 were modified respecting requirement to continue in studies focused at the possibility of utilization of active services in the band over 71 GHz.

Itemy 1.9, 1.10 – The Issues of naval services

In harmony with the Resolution 351 (Rev. WRC-07) the goal of the programme item 1.9 was to review SW frequencies and arrangement of channels in the Addendum 17 RR in the Rules in order to introduce the new digital technologies in naval mobile service. In case of the programme item 1.10 the goal was, in harmony with the Resolution 357 (WRC-07), to verify requirements for MW and UHF frequency allocations for the operation of security systems for ships and ports. A part of works were also relevant regulatory provisions. In case of programme item 1.9 the Conference approved proposals for necessary amendments in the Addendum 17 RR observing simultaneously functionality of elements of emergency and security GMDSS systems the effectiveness of which will be adjourned until 2017. In case of programme item 1.10 the Conference discussed support of solution of worsening situation in the field of security of ships and ports, identification of costs, non-authorized transportation and necessity to improve collaboration with national security services. The Conference determined new global allocations to naval mobile service for broadcasting of security information for ships and ports in the band of 495–505 kHz. The Conference also accepted proposals for the modification of the Addendum 18 RR, inter alia, in the field of identification of channels for future security applications. Remaining issues were of purely technical character only and are not a part of this basic information.

Item 1.11 – Allocation of the band of 22.55–23.15 GHz to the service of cosmic research

In harmony with the Resolution 753 (WRC-07) and respecting results of studies of ITU-R the goal was to discuss preferential allocation to the service of

cosmic research (upward direction) in the band of 22.55–23.15 GHz to the service of cosmic research. Allocation of 25.5–27 GHz to the cosmic research for descending direction will be used for support of missions sent on nearby orbit of the Earth including transport to the Moon or orbit of the Moon. Downlink will be used both for transfer of scientific data and for voice and video communication. The Resolution 753 (WRC-07) in fact required performance of studies of sharing between systems in the service of cosmic research operated in upward direction and fixed, intersatellite and mobile service in the band of 22.55–23.15 GHz and recommendation of relevant criteria of sharing and inclusion of these results in the Rules and allocation table. Although two potential variants of solution were discussed during the Conference, initial variant was accepted and was supported by majority of administrations and which proposed preferential allocation of the band of 22.55–23.15 GHz to the service of cosmic research and completion of Article 5 of the RR by the note stipulating conditions of sharing with existing or future requirements for fixed and mobile service in neighbouring countries. By accepting the note 5.A111 the Conference determined protective criteria for existing radiocommunication services.

Item 1.12 – Protection of preferential services against aerial mobile service in the band of 37–38 GHz

In harmony with the Resolution 754 (WRC-07) and respecting results of studies ITU-R, the goal was to discuss protection of preferential services against jamming caused by aerial mobile service in the band of 37–38 GHz. The band of 37–38 GHz is primarily allocated to fixed and mobile service and a part of 37.5–38 GHz is also primarily allocated to satellite fixed service (descending direction). Aerial mobile station may cause nuisable jamming of receivers in fixed service (including applications having high density of stations) and also of services of terrestrial mobile, naval mobile and satellite fixed (descending direction) situated in direct visibility. The Conference accepted conclusions which limit the allocation of mobile service for terrestrial and naval applications and exclude utilization of aerial mobile service in relevant band.

Item 1.13 – Satellite radio service in the band of 21.4–22 GHz

In harmony with the Resolution 551 (WRC-07) this item obliged the Conference to discuss results of studies of ITU-R and to decide about utilization of the spectrum in Regions 1 and 3 by the satellite service (BSS) in the band of 21.4–22 GHz and in the bands of neighbouring modulation links. The band of 22 GHz is in the radio service a perspective band for the broadcasting of HDTV, 3DTV, and/or UltraHDTV. Existing procedures of authorization of new networks lead to big increase of demands on new systems with very different parameters, to speculative demands for authorization of networks and, last but not least, band had not enough quantity of spectrum for modulation links in Regions 1 and 3. A constituent part of proposals mentioned in the Report of the CPM was effectiveness of administrative procedures in introduction of new networks, harmonization of technical parameters of systems, emancipation of access to the spectrum and orbit positions and allocation of band for upward modulation links within the framework of fixed satellite service. Relatively long discussions related to the methodology of regulatory procedures for utilization of the band of 22 GHz by satellite radio service. Resulting compromise solution approved by the Conference brought changes not only in Article 5 of the RR from the point of view of the allocation for modulation links, but, in particular, amended conditions of co-existence of BSS with other services and accepted new resolutions,

together with procedures of co-ordination and notification of networks, including the concept of the so-called preferential procedures for administrations, which have not asked for the allocation so far.

Item 1.14 – Allocation to radiolocation service in the band of 30–300 MHz

In harmony with the Resolution 611 (WRC-07) the goal was to discuss requirements of new applications in radiolocation service and to review regulatory provisions for introduction of the radiolocation service within the extent of 30–300 MHz. The need for new applications in radiolocation service is closely related to significant increase of the number of cosmic objects (and their residuals). New applications will be used for surveillance over lift-offs and manoeuvres of cosmic ships. Current VHF allocations to the radiolocation service are insufficient for monitoring of big regions and outer space because radiolocation service has no global VHF allocation. Therefore, this programme item examines potentials of compatibility between radiolocation service and other services in different bands. Radio waves of the VHF band pass very well through the ionosphere and allow different applications for detection of cosmic objects including remote detection of asteroids and determination of position of natural and artificial bodies on the orbit of the Earth, and namely from systems situated on the surface of the Earth. During the preparatory period many discussions were held about the whole range of bands and the bands, which are used by aerial services and armed components, were excluded. The Conference decided about primary allocation to the radiolocation service in the band of 154–156 MHz in the Region 1 and 3 in the form of the note in the RR in countries specified in this note. Protection of stations of fixed and mobile services will be provided by application of coordination pursuant to Article. 9.21 of the RR. Specific application mode was set up between Ukraine and Moldavia.

Item 1.15 – Oceanographic radar applications

Respecting results of studies of the ITU-R and in harmony with the Resolution 612 (WRC-07) the goal was to discuss different allocations in the range of 3–50 MHz for oceanographic radar applications in the radiolocation service. The result should have been the allocation of several suitable bands to the radiolocation service, each within the extent not exceeding 600 kHz, for the operation of oceanographic radars. Approximately 400 km of working range of radars can be expected. During the Conference different variants were discussed related to the possibility of allocation to the radiolocation service on the primary or secondary base, and/or in the form of note in the RR. All variants were applied in the solution endorsed. For a long time the solution of the allocation was complicated by Iran, which required additional protection criteria in Iran maintaining that Iran in these bands employs PPDR applications (communications protecting public and used during calamities and catastrophies). The Conference did not approve this requirement.

Item 1.16 – Detection of lightnings in frequencies under 20 kHz

The aim of the item 1.16 and in harmony with the Resolution 671 (WRC-07) was to discuss the needs of passive systems for the detection of lightnings in auxilliary meteorologic service, including the possibility of allocation in frequency range under 20 kHz. The reason for choosing this item was the fact that the bands under 20 kHz are suitable for utilization by passive systems detecting atmospheric

discharges, nevertheless, these systems have so far no available protection against radionavigation systems operated outside frequency range regulated by the RR. The only method proposed by the Report of the CPM consisted in preferential allocation of the band of 8.3–11.3 kHz to the auxiliary meteorologic service limited to passive use, with no right for protection against jamming from radionavigation applications notified by the BR before the date determined. The proposal, therefore, assumed the shift of the lower frequency limit regulated by the RR from current 9 kHz to 8,3 kHz. Because the Conference approved the method proposed, in the new edition of the RR the band of 8.3–11.3 kHz will be allocated to the auxiliary meteorologic service, together with additional preferential allocation to the radionavigation service, fixed and mobile for enumerated administrations. The conclusion of the Conference concerning this programme item has an impact on national legislation of Member States (including Czech Republic), because by the shift of the lower limit of frequencies under 9 kHz the change takes place in the specification of radio spectrum managed by states.

Item 1.17 Mobile service in the band of 790–862 MHz

The aim was, in harmony with the Resolution 749 (WRC-07), to discuss the results of studies of sharing between mobile service and other services in the band of 790–862 MHz in Regions 1 and 3 in Rules to provide corresponding protection of the services to which this frequency band was allocated and to take relevant steps. Solution of this problem was very important particularly for the EU Member States. Due to conspicuous progress in many Member States of the EU in the field of transition of analogue terrestrial broadcasting to the digital broadcasting, the so-called digital dividend (DD) was created. Thus the space was created simultaneously for the implementation of the mobile service in the DD band in the region 1 on the basis of presentation of entry documents, where contributions received by the Conference from regional groupings were evaluated by the delegates as decisive ones (doc. 5 CEPT, doc. 6 RCC, doc. 17 ATU, doc. 26 APT), together with the contribution from the African Broadcasting Union (doc. 144 ABU) and concerning Member countries they were contributions from Iran, China and Indonesia. From the documents presented potential scenarios of development of activities and their support could be compiled :

- for radio service in countries according to the GE06 Plan no change (NOC) of the RR, where particularly Iran and African countries demand additional measures,
- for radio service in countries outside of the the GE06 Plan also NOC RR,
- for aerial radionavigation service in Region 1 to use applications of provisions of the RR 9.21,
- for the fixed service in Region 1 NOC RR, where RCC requested application of new recommendation of Group JTG 5-6,
- for the fixed service in Region 3 NOC RR,
- for sharing the services with radio service at the border of region according to GE06 or sharing service with aerial radionavigation service and fixed service at the border of regions 1 and 3 of CEPT country and RCC demanded the application of recommendation JTG 5-6, whereas remaining countries demanded NOC RR,

- from the viewpoint of validity of allocation according to notes 5.316A, Arabic countries demanded the change of date determined,
- from the viewpoint of note 5.316A number of countries, including the Czech Republic, asked for the registration in this note.

Considering the above mentioned opinions' differences, these issues were in the centre of attention of countries of Region 1 and Region 3 in particular. The reason is the fact that some countries of the Region 1 (Africa) assume, instead of the introduction of terrestrial digital television broadcasting, as is envisaged by the GE06 Plan, utilization of the relevant band for fast introduction of new mobile services based on high-speed access to the Internet. These countries thus can do in harmony with the note 5.316, if they are registered in it. Similarly, also the countries of the Region 3, not pertaining to do the GE06 Plan, want to use this band. Certain problem, particularly for the countries in the Region 1, represents, however, the condition of observance of compatibility on borders of states belonging to the GE06 Plan and the fact that the note 5.312 allows, in some countries, utilization of the band for aerial radionavigation service, protecting parameters of which can prevent any utilization of the band in countries neighbouring to countries specified in the note 5.312. Note 5.316A allows to countries specified in the note mentioned, on the basis of coordination with administrations concerned, to use relevant band by mobile service on non-interferential base before June 16, 2015.

Considering the above, the interest of individual countries was orientated in two directions. One part of countries (including the Czech Republic), asked for registration in the note 5.316A, what, more or less, represented no major problem, with the exception of Romania, where Ukraine submitted the request to complete the condition with the need to get consent of Ukraine with the utilization of mobile service in Romania, if bilateral agreement is not concluded before the text of the note. Similarly Algeria submitted the objection against the registration of Tunisia and Italy. In all cases it was the effort to protect the RSBN system used in aerial radionavigation service. Much greater problem represented measures which should guarantee compatibility of all allocated services. It was assumed for a long time that the variant will be accepted within the framework of which there will be no change of the Rules but the Recommendation JTG 5-6 instead, which was prepared in the period before the Conference. However, in the meeting of the working group majority of countries refused the draft Recommendation submitted as useless, what the Russian Federation (RUS) refused to accept on behalf of RCC countries. Subsequently, in order to unlock negotiations with RUS, the so-called package solution was proposed, i.e. no Recommendation JTG 5-6 will be accepted, but, simultaneously, no change of RES 224 (WRC-07) will take place. This proposal was accepted whereby originally proposed variant A1 by the CPM became variant A2.

The Conference was also occupied with the adaptation of the text of the Resolution 749 (WRC-07). The countries of the Region 3, supported by ATU states, demanded that newly adapted text of the Resolution contain minimum limiting provisions for these countries, particularly due to the fact that the allocation of mobile service in the Region 3 took place as early as in 1971 (thus long time before WRC-07, when the mobile service was allocated in the Region 1; identification of the band 806–960 MHz, as suitable for the implementation of IMT systems, took place in 2000 and only the section 790–806 MHz was identified as late as in 2007. On the basis of

these demands newly proposed Resolution 479 can be applied only as far as the utilization of the spectrum in the Region 1 is concerned.

At the same time the majority of countries raised the demand that the new Resolution 749 contain also the issues concerning cumulative jamming effect of base stations in the mobile service, because, while individual base stations comply with coordination conditions, the aggregate of influence of big quantity of base stations of cellular network, probably exceeds these parameters and may bring about jamming in those neighbouring states where other than mobile services are used. The Resolution simultaneously invites the ITU-R Office to prepare the Recommendation containing the methodology serving for conclusion of coordination agreements which would consider the issues of cumulative effect of big quantity of base stations of mobile service.

There is also the new Annex to the Resolution containing the criteria for identification of countries potentially affected by aerial radionavigation service according to the note 5.312 provided that basic stations broadcast within the section of 791–821 MHz. Within the framework of negotiations compromise wording of all parts of the Resolution 749 could not be found. Neither the proposal of the Chairman of the working group met with understanding. He tried to arrange subsequently the documents so that they reflect differences of attitudes presented, i.e. they contained two variants. By this he, however, only unleashed another vast discussion on the meeting of the working group because one part of countries challenged this procedure maintaining that totally different document is submitted to the working group other than that which was discussed and approved within the framework of the working subgroup. Similarly, the Chairman of the working group arranged the proposal of the note 5.316A of the Rules, what was also met with disapproving standpoint of one part of countries. After several subsequent meetings a compromise wording of the proposal of the text of the Resolution 749 was reached. On the basis of pressure of some (African) countries, which request acceleration of the possibility to introduce mobile service in the band under 790 MHz, and after negotiations initiated by the CEPT, the draft Resolution (COM5/10 calling for execution of studies with the aim to approve the WRC-15 primary allocation of mobile service in the section of 694–790 MHz, was submitted and subsequently endorsed. This compromise solution prevented many regulatory complications, because the original demand of African countries was that the allocation of mobile service takes place as early as on the WRC-12 Conference. It was a non-standard approach which was not fully in harmony with Working Rules of the Conference (the demand was raised completely outside programme items of the WRC-12 Conference), and therefore Germany, Austria, Belgium, Hungary, Lithuania, Lichtenstein, Latvia, Luxemburg, Malta, Slovakia, Switzerland and the Czech Republic jointly applied the declaration in which those countries expressed their objections towards this non-standard approach.

These issues are also related to the approved Resolution (COM6/8) concerning IMT, demanding study of requirements for additional spectrum, needs of individual countries and potentially suitable frequency bands.

Note.: The designation of Resolution (COMX/Y) is temporary at this time and corresponds to the designation used in the preliminary edition of Closing documents of the Conference.

1.18 – Satellite service of radio determination

In harmony with the Resolution 613 (WRC-07) and results of ITU-R studies the goal was to discuss extension of existing preferential and incidental allocations to satellite service of radio determination (descending direction) in the band of 2 483.5–2 500 MHz for the purposes of global preferential allocation and to determine necessary regulatory provisions. The allocation of the band to the service of radio determination exists preferentially in the Region 2, incidentally in the major part of the Region 3 and in parts of the Region 1. The systems in the Region 3 provide national navigation and time signals in China and India, however, if they operate as global navigation systems, they demand harmonized allocation for global coverage. Despite the fact that solution of this programme item seemed problem-free at the beginning, during the Conference the questions connected to the possibility of reduction of the limit of protection of satellite service of radio determination (RDSS) and the satellite mobile service (MSS), were opened again. The problem was solved by modification of the note 5.399 RR.

Item 1.19 – Software (SDR) and cognitive (CRS) radio systems

The Resolution 956 (WRC-07) formulated demand for creation of conditions for introduction of these perspective technologies. The results of ITU-R studies have shown that CRS are suitable for the whole range of radiocommunication services, however, sharing with some services is impossible, even if SDR allows implementation of CRS. Majority of proposals submitted to the WRC-12 in case of SDR requested no change of the RR (current situation is convenient), and this was accepted by the Conference. Many variants were proposed on CRS starting with no change of the RR, through the Resolutions of ITU-R or WRC-12 up to changes of Article 1 of the RR. All options were widely discussed and not before the last Plenary Session the new variant was endorsed, which is the Recommendation of WRC-12 to the introduction and operation of CRS and no changes in the RR.

Item 1.20 – Modulation links for HAPS in the band of 5 850–7 075 MHz

In harmony with the Resolution 734 (Rev. WRC-07) the Conference discussed the identification of the spectrum for access (modulation) links to stations on platforms placed on high level (HAPS) within the range of 5 850–7 075 MHz supporting operation in fixed and mobile services. European administrations did not support proposed utilization of the band of 6 GHz for the above mentioned purpose because they prefer different utilization, on the other hand, Australia submitted the study demonstrating compatibility of new utilization with existing services. After a long discussion proposal of Australia was accepted and the band of 6 440–6 520 MHz and 6 560–6 640 MHz will be determined for modulation links for enumerated countries outside Europe if criteria of coexistence with other services are observed. These criteria are component part of regulatory amendments of the RR.

Item 1.21 – Allocation to radiolocation service in the band of 15.4–15.7 GHz

In harmony with the Resolution 614 (WRC-07) and respecting results of study of ITU-R the target was to discuss preferential allocation of radiolocation service in the band of 15.4–15.7 GHz. The study supporting this programme item dealt with sharing with two existing services in this band – aerial radionavigation and satellite fixed service. Besides, there exist the issues concerning sharing with scientific utilization of neighbouring band. The details are brought forward in the proposal of

the new ITU-R Report. Technical characteristics and protective criteria for radars in the band of 15.4–17.3 GHz are specified in the new review of the Recommendation ITU-R M.1730. Representatives of regional groupings and national administrations were confronted with complex task, which was not a technical one, however, this programme item was very closely linked with the solution of programme item 1.3 and 1.4. After complicated negotiations CEPT abandoned the demand for the allocation of a part of the band of 15 GHz for UAS systems, the United States abandoned the demand for the allocation for aerial terrestrial service on airports in the band of 5 GHz and the Conference could approve the allocation of the band 15.3–15.7 GHz for radiolocation service, where a comprehensible block of the spectrum for radiolocation service, exploitable for modern radar applications, was created (for example high definition pictures).

Item 1.22 – Short Range Devices (SRD)

Pursuant to the Resolution 953 (WRC-07) the purpose of discussion was to evaluate the impact of operation of increasing number of SRD on radiocommunication services. Majority of ITU Member countries including CEPT were against placement of this item in the draft programme of the Conference and this position (based on the argument that existing regulation of SRD is sufficient) manifested itself in the majority of contributions submitted by WRC-12. Finally, persuasion prevailed that harmonized development of SRD can be reached by implementation of the Resolution ITU-R 54-1 on SRD approved by the Meeting of RA-12. Therefore, according to the decision of WRC-12 there are no changes of Article 1 nor Article 5 of the RR.

Item 1.23 – Allocation of 15 kHz to the amateur service within the range of 415–526.5 kHz

The aim of discussion of this item was to allocate to the amateur service one section of the band suitable particularly for collaboration of this service in communication of PPDR systems during catastrophies and for the study of dissemination of radio waves. In harmony with CEPT proposal, and after difficult negotiations, the Conference decided to allocate the service band of 472–479 kHz in the category of incidental services with the output limited to 1 W (e.i.r.p) with the possibility to increase the output at the national level to 5 W in the territory which is by more than the distance interval, stipulated by the RR, away from enumerated 27 countries. There are mostly the countries from the region of the Middle East (but also 3 East European countries), which applied this demand of protection because of potential conflict with naval or aerial radionavigation and because these countries themselves do not allow utilization of this band by the amateur service.

Item 1.24 – Extension of the band for meteorological service

The Conference, in harmony with the Resolution 672 (WRC-07) discussed current allocation to the satellite meteorological service in the band of 7 750–7 850 MHz with the perspective of extension of this allocation to the band of 7 850–7 900 MHz and limitation to non-geostationary meteorological satellites, and namely to descending direction. In Europe the existing allocations are exploited in systems of monitoring of weather and climate for civil and non-civil purposes (MetSat, EUMETSAT); further extension of allocation of the band will permit technological development of these systems in the future. CPM Report proposed the only method

proposing the addition of global preferential allocation to the satellite meteorological service (descending) in the band of 7 850–7 900 MHz limited to non-geostationary meteorological satellites and amendment of related regulatory provisions of the RR. The proposal received general support and was approved by the Conference as one of the first items discussed.

Item 1.25 – Satellite mobile service

The goal was, in harmony with the Resolution 231 (WRC-07), to discuss potential additional allocation to the satellite mobile service in descending and upward directions in the band of 4–16 GHz. The study ITU-R reveals the need of the spectrum for MSS in 2020 between 240 to 335 MHz in each of both directions. At the present time satellite mobile service within the range of 1–3 GHz can dispose of 2 x 121.5 MHz spectrum, however, only 2 x 86.5 MHz is globally harmonized. Nevertheless, harmonization is the basic precondition for the development of satellite segment of IMT. In the preparatory period the question of factual needs was widely discussed and because satellite lobby did not succeed in proving the need of another spectrum, the Conference decided not to change Article 5 of the RR and not to allocate to the mobile satellite service any additional band.

Items 2 and 4 – Revision of Recommendations included in the RR and Revision of Resolutions and Recommendations of previous Conferences

Integral part of each of the World's radiocommunication conferences is revision of Recommendations and Resolutions of previous conferences and revision of Recommendations of ITU-R included in the RR by reference. Individual working groups verified validity of all identified Recommendations and Resolutions related to the responsibility of COM 4, COM 5 and COM 6 and, depending on their contents, decided about their abolition or retaining their validity including corresponding update of their wordings.

Item 7– Procedures for satellite networks

In harmony with the Resolution 86 (Rev. WRC-07) the goal was to discuss potential changes reacting to the Conference of government plenipotentiaries accepted by the Resolution 86 (rev. Marrakesh, 2002) "Procedures of preliminary publication, coordination, notification and registration for frequency allocations pertaining to satellite networks". Concerning the content it was the most extensive part of the report covering dealings of the Conference. However, they are very specific processes and procedures the description of which exceeds the framework of this information and forms a very vast set of adaptations of materially relevant regulatory provisions of the RR.

Item 8.1 – Report of the Director of the BR

The main part of this item is acceptance of the Report of the Director of the Office of the Sector ITU-R (BR) concerning activities of radiocommunication sector in the period from the previous conference and solution of identified deficiencies of the RR having the character of errata, defective editing up to missing or insufficiently adapted regulatory procedures during application of the RR. Proposals for execution of corrections and adaptations of the RR are submitted to the conference by the Director of the Office of the Sector of ITU-R as a part of his report, on the one hand, and in the form of contributions of Member states. Within the framework of this item

of the Conference the Czech delegation, inter alia, gave its support to the solution of the issue of notifying administration of satellite organisation Intersputnik.

Item 8.2 – Programme of the following Conferences

In harmony with provisions of the ITU Constitution and ITU Convention and relevant Resolutions of previous Conferences, the Conference elaborated and accepted in the form of the Resolution COM6/6 (WRC-12), the draft programme of the Conference WRC-15 and the Resolution COM 6/7(WRC-12) containing the preliminary draft programme of the Conference WRC-18. The Programme of the Conference must be endorsed by the Council of the ITU. Discussion over the programme of the WRC-15 took place continuously from the first days of the Conference where the interests of regional groupings were particularly decisive, which were focused primarily at further development of technologies and services provided through these technologies leading to the approval of items 1.1 to 1.18 of the Programme of the WRC-15. Subsequent Preparatory meeting of Conference (CPM15-1), which took place on February 20 and 21, 2012, decided about assignment of individual items to study groups of the ITU-R.

MATERIAL BACKGROUND OF RESULTS OF WRC-12 AND THE PROGRAMME OF THE NEXT CONFERENCE

High-speed mobile networks – digital dividend I – band 800 MHz

Dynamic development of radio technologies reflects itself in many branches. Unique development is particularly evident in the field of mobile communications, where can be expected that at the end of decade as many as 6 billion participants could have mobile networks. Simultaneously convergence is observed and also fusion of radiocommunication services what is proved by high-speed data communications which are vanguards of the so-called smart telephones (smartphones). It is assumed that high-speed communications will be available nationwide, on the move, in nomadic utilization and during the operation in fixed place, with data flows from units up to hundreds Mbps. Increase of volume of data transferred means new demands posed on radio spectrum. In this situation opinion concerning mode of existing utilization of radio spectrum is changing, which is reflected in changes on the global level.

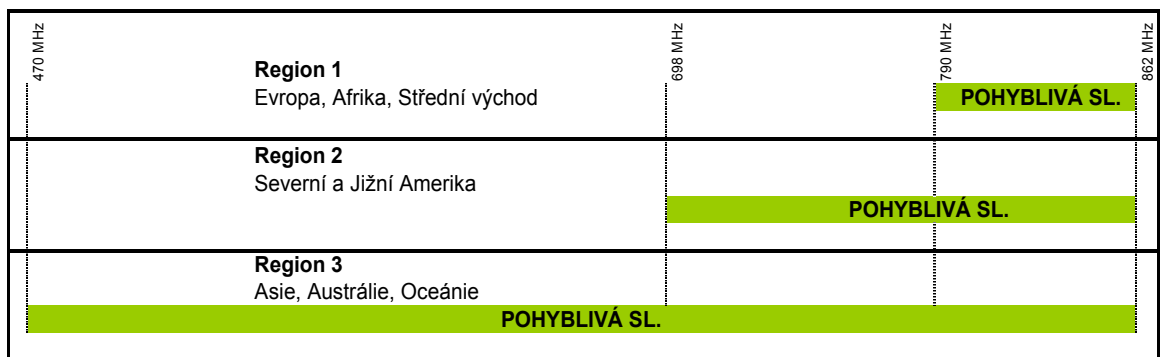
Transition from terrestrial analogue television broadcasting to the digital one has brought about savings and creation of the so-called digital dividend. Region 1 encompassing Europe is the last one in which the allocation to mobile service in the band of UHF (470–862 MHz) took place in its partial portion of 790–862 MHz. This, the so-called band of 800 MHz, thus becomes the first globally harmonized section of the UHFband which can be used by mobile networks. This development was made possible thanks to the effort of European countries in the WRC-2007 Conference and was accomplished on WRC-12. The plans of majority of European countries for the year 2012 envisage execution of auctions for the allocation of bands for networks of the 4th generation (including the band of 800 MHz).

Digital dividend II – band 700 MHz

From the point of view of physical characteristics the UHF Band has an extraordinary value (dissemination ability) and is predetermined to be used in the most effective way, therefore for such purposes and such services which cannot be provided with the help of other means – i.e. for mobile applications.

In order that the allocation to mobile service becomes globally united in another part of the UHFband, it is necessary to have this allocation also in the Region 1. The Conference WRC-12 decided that this step will be taken on the next Conference. It means that by releasing another band (so-called band 700MHz), digital dividend II could be created. *Note : Band 700 MHz is already, for example, currently utilized by mobile networks in the USA. Solution of regulatory issues connected to this allocation is included in the programme item 1.2 of the WRC-15. Utilization of digital dividend II will be in the European space means the need of further optimization of networks of terrestrial television broadcasting. On the other hand, development of high-speed mobile networks of the 4th generation means the advent of technologies which integrate in themselves possibility to provide number of services, without utilization of single-purpose networks which were necessary so far (including radio and television broadcasting).*

Přidělení pohyblivé službě v Regionech 1 až 3 v roce 2012 (pásmo UHF)



Potenciální budoucí digitální dividendy
(konvergované služby)

Digitální dividend II

Digitální dividend I

Allocation to mobile service in Regions 1 to 3 in 2012 (UHF band)

Evropa, Afrika, Střední Východ = Europe, Africa, Middle East

pohyblivá složka = mobile component

Severní a Jižní Amerika = North and South America

Asie, Austrálie, Oceánie = Asia, Australia, Oceania

potenciální budoucí digitální dividendy = potential future digital dividends

(konvergované services) = converged services

digitální dividenda = digital dividend

Availability of next spectrum for mobile networks

The studies performed have shown that for mobile networks, with regard to the explosion of high-speed communications, the spectrum with total width of the band exceeding 1 200 MHz will be necessary. Highly prized spectrum in bands under 1 GHz allows to reach economically nationwide coverage by mobile cellular networks, however, in places having high concentration of users this spectrum is insufficient for capacity coverage and is used in combination with the bands over 1 GHz. In order to allow access to the next spectrum for mobile applications another band must be identified. The item 1.1 with this content was included in the programme of the WRC-15 by the European countries. The intention of European countries is not to limit identification of suitable spectrum only to the networks established for utilization by the so-called family of technologies IMT, but also for technologies of local radio networks which, particularly with utilization of the mode of automatic authorization, may significantly lighten volume of operation of cellular networks.

Another benefits for the development of radiocommunications

The benefits of European countries for the development of radiocommunications can be further documented, for example, in results of WRC-12 in the fields focused at the study of climate and meteorological phenomena in meteorological service and the service of satellite research of the Earth, at the enforcement of programme items of the next Conference WRC-15 focused at global unification of the band for the operation of vehicle anti-collision radars, utilization of wireless systems in avionics (operational-technical equipment) of airplanes, at the transfer of data from pilotless devices by means of satellite communications.

2. Regulatory measures

Markets' analyses

Market no. 5 – Wholesale broadband access in the networks of electronic communications

On February 29, 2012 the CTU opened to public consultation [Draft analysis of the Market no. 5](#) – Wholesale broadband access in the networks of electronic communications. Comments to the draft analysis can be applied within one month of the day of publication of the call for the application of comments.

Within this analysis the CTU, on the basis of detailed analysis of the market, including utilization of survey among end-users, and with regard to the competition of individual technological platforms in providing broadband services, it proposes to perform geographic structuring of the territory of the Czech Republic. Subsequently, remedial measures should be imposed only on determined places of the Czech Republic in which competition of platforms is insufficient.

Market no. 7 – Voice call termination on individual public mobile telephone networks

The CTU commenced administrative proceedings with mobile operators (Telefónica, T-Mobile, Vodafone) in the case of change of prices for termination of calls in mobile networks. The new price decision will bring about another reduction of prices for termination up to the level of CZK 0.55/min from the current maximum price of CZK 1.08/min. Thus the CTU will apply gradual reduction of maximum prices for termination, similarly to the previous price regulation for termination in mobile networks.

Simultaneously the CTU expects that during the second half of 2012, new administrative proceedings will commence within the framework of which it will determine the new maximum level of price for mobile termination using LRIC model according to the Recommendation of the European Commission.

LRIC's project

Within the framework of the project „Implementation of the Recommendation of the Commission of the European Communities no. 2009/396/ES from May 7, 2009 on the Regulation of rates for the termination of calls in fixed and mobile networks in the EU in the regulation of prices by the Český telekomunikační úřad“, which is financed through OP LZZ of the European Social Fund, the LRIC cost model was finished for the calculation of prices for termination of calls in mobile network. The prices thus calculated will be in force in 2013. Simultaneously, the works are under way with the aim to terminate the LRIC cost model which will serve for the calculation of prices for termination of calls in fixed network.

In February the CTU has started the works on creation of another tools related to the price regulation. The new model for price calculation in the wholesale market no. 4 will be created (wholesale access to the infrastructure of networks in fixed location, including shared or full local loop unbundling) with a view to NGA networks, prices in the wholesale market no. 5 (wholesale broadband access in the networks of electronic communications) and related retail market. The model will serve for the calculation of the price on the relevant market in case of price regulation imposed and for the inspection of another obligations imposed, for example non-discrimination. It will also serve for the verification that between relevant markets no. 4 and 5 and also between relevant market no. 5 and retail market no margin compression takes place, and/or that the level of margins between relevant markets are supporting development of competition based on infrastructure and is in harmony

with the ladder of investment. Considering envisaged development of the New Generation Networks (NGA), the model should allow determination of prices of services based on the newly built infrastructure.

Also the methodology of determination of risk premium will be created for the investments in NGA networks which will define the mode of consideration of quantifiable risks of the operator with significant market power in development of access network made of optical fibres, which will be in harmony with the Recommendation of the Commission dated September 20, 2010 on Regulated access to access networks of the New Generation (NGA).

The last but not least the CTU will focus itself on the preparation of the methodology of separated record keeping of costs and revenues respecting geographical segmentation of the market. Imbalanced disposition of investments in the NGA networks within the framework the Czech Republic brings about different degree of development of competition in the field of access to the NGA networks. Therefore the CTU must collect the data on relevant access markets not globally but for individual geographic regions. Price regulation for the access to the NGA network will be put in place only in the regions with insufficiently developed competition. The data from separated record keeping of costs and revenues are the basis for the price regulation, however, the current system of separated record keeping of costs and revenues does not allow monitoring of costs and revenues considering geographic determination of the place of origin of costs or revenues.

These tools will be created in collaboration with external advisory company which disposes of relevant experience. In this connection the tender was announced in February for the contract [„The Tools for price regulation of access networks, including broadband“](#). The project will be completed before December 31, 2012.

3. Disputes pursuant to § 127 of the Act on Electronic Communications

Proceedings started in February 2012

In February 2012 **no proceedings were commenced** concerning disputes pursuant to § 127 of the Act on Electronic Communications.

Proceedings terminated as legally effective or returned to new hearing in February 2012

In February 2012 **no proceedings were terminated as legally effective or returned to new hearing** concerning disputes pursuant to § 127 of the Act on Electronic Communications.

4. Universal service (US)

Provision of services within the framework of the US

On February 17, 2012 the public consultation terminated concerning [the Draft Decision](#) on imposition of obligation to provide, within the framework of the Universal

service a partial service – services of public telephones or other similar technical devices permitting access to publicly available telephone service pursuant to § 38 Para. 2 Letter e) of the Act on Electronic Communications, to the company Telefónica Czech Republic, a.s., which filed its application to the tender as the only tenderer. Integral part of the draft decision was also [the Annex](#) containing the list of public telephones included in the Universal service for the year 2012. Within the framework of the public consultation no comments were raised.

On February 9, 2012 the CTU published to public consultation [the intention](#) to impose, within the framework universal service, the obligation to provide partial service of access of handicapped persons to publicly available telephone service, to the information service about telephone numbers and subscriber directories on equal basis with the access employed by remaining end users, particularly by means of specially equipped telecommunication terminal facilities pursuant to § 38 Para. 2 Letter f) of the Act on Electronic Communications. Comments to the draft intention can be applied within one month of the day of the publication of the call for application of comments

Financing of the US

The CTU continues in collection of payments to the account of Universal service in order to cover net costs for the year 2009. Payment orders were issued pursuant to the Act no. 280/2009 Sb., Taxation Order. So far 120 companies made their payments at the amount of CZK 40,322,775. The company Telefónica does not pay its contribution to the account, its contribution will be deducted from the total claim. So far outstanding payments at the amount of CZK 317,270 remain to be reimbursed. Considering the fact that the deadline for reimbursement of payments has already elapsed, the CTU will proceed to their enforcement in harmony with Taxation Order.

The CTU Decision ref. no. 39 260/2011-611, concerning determination of the amount of payment to the account of Universal service for the year 2001, which was promulgated in renewed administrative proceeding, became effective on February 25, 2012. The Decision confirms originally determined amounts of payments.

5. Inspection activities

Inspection activities in the field of provision of services and support of networks of electronic communications

During the month of February the CTU performed the following inspection activities :

- **inspection of observance of planning parameters in operation of UHF FM transmitters.** 39 measurements of 10 operators of Czech transmitters were performed. The output parameter of multiplex signal (MPX output) was not observed in 37 cases, top frequency stroke in 13 cases. If frequency stroke is not observed the call demanding elimination of deficiencies is promulgated pursuant to § 114 Para. 1 of the Act on Electronic Communications. MPX output of Czech transmitters normally attains values higher than 5 dB

(planning value of MPX output for which frequencies were coordinated is 0 dBr),

- **measurements of coverage of municipalities by the signal of digital television.** In the territorial region of Zlín measurements of 27 municipalities while driving were performed during which percentage of coverage by the signal of all three multiplexes was discovered,
- **inspection of utilisation of radio frequencies without authorization and after the validity of authorization for utilisation of radio frequencies has expired.** Altogether 98 inspections of utilisation of radio frequencies without authorization for utilisation were performed together with inspections of observance of conditions of individual authorization for utilisation of radio frequencies. In case the breach of the Act on Electronic Communications is discovered, a call pursuant to § 114 was sent and administrative proceedings were commenced,
- **inspection of observance of conditions of general authorization no. [VO-R/2/01.2010-1](#)** concerning utilisation of radio frequencies and operation of stations of wireless local information systems (BMIS) in the frequency band of 70 MHz. No deficiencies were discovered with the majority of controlled subjects,
- **inspection of observance of conditions of general authorization no. [VO-R/12/09.2010-12](#)** of radio frequencies and operation of facilities for broadband data transmission in the bands from 2.4 GHz to 66 GHz. Commonly, the breach of conditions of general authorization, particularly the operation on indoor frequencies, is discovered throughout the Czech Republic. The deficiencies discovered are settled with the help of a call demanding elimination of deficiencies with the proviso that administrative proceedings will be commenced,
- **inspection of observance of conditions of individual authorization** concerning utilisation of radio frequencies of naval mobile services. During the inspection of radio devices of river boats OBELIX (OL 6491) and KON 3 (OL 6179) in Mělník and MP 5 (OL 5005) in Děčín, operation of broadcasting radio device different from the device specified in the authorization was discovered, with the boats KON 3 and MP 5 even without allocated ATIS code. The deficiencies discovered will be settled with the help of call demanding elimination of deficiencies and administrative proceedings in this case will be commenced,
- **identification of sources of jamming and reasons of low-quality reception.** Altogether 81 inquiries were performed. Besides inquiries concerning jamming of television and radio reception, jamming of services of GSM, UMTS and CDMA provided by companies T-Mobile, Telefónica, Vodafone and MobilKom was subject of inquiry. Jamming of mobile services is caused particularly by radiation of active television antennas, IT and WiFi equipment and GSM repeaters. If source of jamming was discovered, calls demanding elimination of deficiencies were sent to relevant subjects pursuant to § 114 of the Act on Electronic Communications. The problem of jamming of

medium waves by tramway carriages ForCity15T, which was mentioned already in the Monthly monitoring report no. 1/2012 of the Český telekomunikační úřad in the month of January, was removed, where all existing carriages were repaired (suppressed jamming) by installation of filter. Future tramway carriages of the type mentioned will be delivered equipped with the new type of suppressing filter,

- **collaboration of the CTU with Česká obchodní inspekce (the Czech Trade Inspection)** in checking the sellers of telecommunication terminal and radio equipment. Within the framework of this inspection activity the sale of models of cars controlled by radio operating in the band of 35 MHz and 49 MHz was discovered in Bohušovice nad Ohří, Česká Lípa and Frýdlant. This radio equipment cannot be operated in the Czech Republic without individual authorization for utilization of radio frequencies (in the band of 35 MHz only models of planes can be operated according to relevant general authorization). Also the sale of wireless doorbells and earphones working in the band of 305 to 343 MHz, reserved for the Ministry of Defense in the Czech Republic, was discovered. In Brno a Uherské Hradiště inspections of technical parameters of products were performed (toys controlled by radio) and deficiencies were discovered with three kinds of products. Deficiencies discovered are resolved by the Czech Trade Inspection within the framework of its competencies,
- **continuous inspection of utilisation of numbers and observance of conditions of decision concerning authorisation for the utilisation of numbers** in testing departments of the CTU. The inspection has not discovered any case of utilisation of numbers in contradiction to authorisation for the utilisation of number,
- **State inspection of communication activity** with selected subjects, where well-founded suspicion exists proving that they perform communication activity which is represented by the business activity in electronic communications in the form of resale, without these subjects announcing their business activities in harmony with provision of § 13 of the Act on Electronic Communications. If breach of the Act on Electronic Communications is discovered, administrative proceedings concerning perpetration of relevant administrative offense is commenced.

**The Survey of inspection activities in performance of State control of electronic communications for the
month of February 2012**

Kind of activity	The number of certifications or inspections		The number of notices to eliminate misconduct	The number of administrative proceedings commenced	The number of decisions promulgated ^{a)}	decided in favour		fines imposed	
	In total	of which				participant	provider	number	amount in CZK
1. The number of certifications notifying business activities issued (§ 14 of AEC)	23								
2. The number of changes of certifications notifying business activities (§ 14 of AEC)	71								
3. Performance of communication activities without certification	1			6	3			3	111500
4. Observance of conditions of general authorisations	67		14	1	3			3	70000
a) for the operation of public communication networks and associated facilities		1	1	0	0			0	0
b) for provision of services of electronic communications		3	0	0	1			1	40000
c) for utilization of radio frequencies and operation of instruments (radio equipment)		63	13	1	2			2	30000
5. Inspection of radio frequencies	179		18	5	3			3	23000
a) utilization of radio frequencies without authorisation for their utilization		23		5	3			3	23000
b) Observance of conditions of individual authorisation for utilization of radio frequencies		75	13	0	0			0	0
c) locating sources of interference of operation of electronic communication facilities and networks, provision of services of electronic communication or operation of radiocommunication services	81	0	5	0	0			0	0
6. Inspection of numbers for the purposes of management of numbers (number of inspection calls)	16		0	0	0			0	0
a) utilization of numbers without authorisation for their utilization		0		0	0			0	0
b) utilization of numbers in violation of authorisation for their utilization		0	0	0	0			0	0
7. Resolution of subscribers' disputes	0			10502	14526	225	11817		
a) on objection against the settlement of reclamation of service provided		0		5	6	1	0		
b) on objection against the settlement of reclamation of charging of services		0		27	40	12	7		
ba) on access to data services with specific price (data and voice)		0		0	1	1	0		
baa) on access to data services with specific price provided on the Internet network or on other data networks (Dialer)		0		0	0	0	0		
c) on reimbursement of price for services (monetary performance)		0		10463	14466	212	11808		
d) others		0		7	14	0	2		
8. Withholding of information pursuant to § 115 of AEC				2	1			0	9000
9. Others	36		4	21	29			19	87500
IN TOTAL	298		36	10537	14565	225	11817	28	301000

^{a)} The total number of decisions promulgated includes also cases of termination of administrative proceedings in the form of resolution, i.e. cases of death of subscriber, extinction of a company, interruption of proceedings ex lege (bankruptcy), incompetency to decide etc.

Note : AEC = the Act on Electronic Communications

Within the framework of the CTU's activities in the field of revision of decisions promulgated in the first degree of administrative proceedings, the result of one of implemented administrative appeals is the final decision, by which the CTU imposed the fine at the amount of CZK 600, 000 for administrative offense pursuant to § 118 Para. 1 Letter c) of the Act on Electronic Communications, in the wording effective until December 31, 2011, perpetrated by a juristic person (business company), because it did not comply with the conditions of the Measure of General nature no. OOP/10/07.2005-3, by which technical and organisational conditions for implementation of transferrability of numbers and principles for settlement of prices among entrepreneurs in connection with transferrability of numbers, as later amended, were determined, when it did not observe procedural deadlines in connection with transferrability of numbers determined by this Measure, regardless of the fact whether this company was old or new operator.

In another administrative appeal the fine at the amount of CZK 10,000 was legally imposed on a natural person for the administrative offense pursuant to § 118 Para. 1 Letter. I) of the Act on Electronic Communications, in the wording effective

until December 31, 2011 (i.e. pursuant to § 118 Para. 1 Letter bl) of the Act, in the wording effective from January 1, 2012). This natural person committed the above mentioned administrative offense because in municipalities Nehvizdy and Šestajovice it repeatedly violated, on March 2, 2011 and April 6, 2011, the conditions determined by the General Authorization no. VO-R/12/09.2010-12, stipulating conditions of utilization of radio frequencies and of operation of devices for broadband data transmission in the bands of 2. GHz to 66 GHz, when in performing communication activities, in contradiction with Article 2 Letter b) of this General Authorization, it utilized radio frequencies, determined for the usage inside the building only, for the operation outside the building.

In the period monitored the fine was also legally imposed on a natural person at the amount of CZK 4,000 for the administrative offense pursuant to § 120 Para. 1 Letter. e) of the Act on Electronic Communications, in the wording effective until December 31, 2011. The above mentioned natural person committed this offense because in the period from September 9, 2010, 23:17 hours until April 10, 2011, 22:08 hours it performed repeatedly malicious calls to the emergency number 158.

6. Other regulators, inspection authorities, courts

European Commission disagrees with the proposal of Denmark for the regulation of SMS

The Commission disagrees with the application of cost-oriented prices for the termination of calls limited only to termination of calls originated in Denmark. The case relates to the newcomer MVNO Lycamobile, however, the same rules are valid for all four operators of mobile networks in Denmark. The Commission disagrees with differentiation between SMS originated inside and outside of Denmark, because in its opinion, foreign mobile operators are discriminated by this approach which, on top of it, threatens the unified market. In the majority of European countries the prices for termination of SMS are not regulated and are much higher than the cost-oriented prices

European Commission contradicts Dutch regulator OPTA which does not use pure LRIC for prices of termination in mobile and fixed networks

Commission contradicts Dutch regulator OPTA which does not use pure LRIC for determination of prices of termination in mobile and fixed networks pursuant to the Recommendation of the Commission from 2009. Dutch Court of appeal decided that pure LRIC is inappropriate tool for the solution of the problem of potentially excessive prices for the termination of calls and that LRIC + is sufficient. OPTA is bound to respect the Court's decision against which there is no more appeal possible, whereas the Recommendation of the Commission concerning termination prices is unbinding. According to OPTA's calculations the prices for termination according to LRIC + twice as high as the prices according to pure LRIC. Commissioner Kroes had this comment: "In this case it is important to determine the role of domestic authorities and courts in connection to application of EU Rules on telecommunications in coordinated way which bring about maximum benefits for consumers and economic competition."

7. Associations

The General Meeting of Česká asociace elektronických komunikací (the Czech association of electronic communications - ČAEK) elected Mr. Zdeněk Vaníček the President of civic association for the period of 2012 and 2013. As the main task in the coming months Mr. Zdeněk Vaníček designated high quality and interesting preparation of the Congress of ČAEK for 2012 with international participation, which will take place on April 25, 2012 in the hotel Crowne Plaza Prague in Prague. At the conclusion of the Congress, at the ceremonial social event, the President of the ČAEK will hand over annual prizes of the Association for 2011 to Pavel Dvořák, Chairman of the Council of the Český telekomunikační úřad, Ladislav Mikuš, Chairman of the Telecommunication Office of the Slovak Republic and to the company Eurooffice Praha – Brusel, a.s.

The ICT Unie, the association of companies, belonging to the field of information technologies and electronic communications, agrees with the decision of the Government of the Czech Republic, which interrupted the ratification process of international „anti-piracy" ACTA agreement. According to the ICT Unie it is necessary to accomplish thorough analysis of potential impacts of this agreement and to consult the issues publicly with associations of the field.

8. Consumer issues

Subscriber disputes – disputes concerning financial performance and objections against the settlement of complaint

During the month of February the CTU commenced 10,502 administrative proceedings concerning subscriber disputes between a person performing communication activities, on the one hand, and a participant, on the other hand, concerning financial performance and proposals for commencement of procedure concerning objections against the settlement of complaint against price settlement or provision of publicly available service of electronic communications, which the CTU decides pursuant to § 129 of the Act on Electronic Communications. As compared to the same period of the previous year, the number of initiated administrative proceedings increased by 31,70 %. **14,526 decisions in re were promulgated**, of which 14,466 were decisions concerning pecuniary performance (payment of price for services).

9. Legislative changes

On February 7, 2012 **the Finding of the Constitutional Court, dated December 20, 2011, ref. no. Pl. ÚS 24/11**, was published in the Volume 15 of the Collection of Laws under ref.no. 43/2012 Sb. concerning the proposal for abolition of § 88a of the Act no. 141/1961 Coll., on Criminal Judicial Proceeding (Criminal Rules), as later amended. By this Finding the Constitutional Court **abolished, on September 30, 2012, provision of § 88a of the Act no. 141/1961 Coll., on Criminal Judicial Proceeding (Criminal Rules)**, as later amended.

According to the opinion of the Constitutional Court, although provisions of § 88a of the Criminal Rules contain a comprehensive legislative arrangement of approach of authorities active in criminal procedure towards the data concerning

realized telecommunication operation, the Constitutional Court, *expressis verbis*, associates legitimacy of this approach only with the need to ascertain relevant data in order to clarify exclusively only those merits important for criminal procedure. Although the meritorial assessment is delegated to the President of the Chamber, and/or to the judge who, in the preparatory procedure, takes decisions concerning orders to communicate these data, however, very general and vague meritorial definition, given the existing absence of more detailed legislative arrangement of subsequent disposition of these data and, considering the fact, however, that the communication of relevant data represents, in relation to users of services of electronic communications affected, encroachment of their basic rights for privacy in the form of the right for informational self-determination within the meaning of Article 10, Para. 3 and Article 13 of the Charter of Principal Rights and Liberties and Article 8 of the Convention concerning Protection of Human Rights and principal liberties, the disposition of these data cannot be considered as sufficient.

Taking into consideration the well-known fact that the new legislative arrangement readjusting the relevant domain is under preparation, the Constitutional Court has postponed legal effectiveness of meritorial derogative Finding in relation to the contested legislative provisions, however, not later than until September 30, 2012, which time it considers sufficient for the purposes of completion of the legislative process.

Within the framework of solution of the issues of provision of operational and location data, the Government, on February 27, 2012, submitted to the Chamber of Deputies the draft Law amending the Act no. 127/2005 Coll., on Electronic Communications and Amendment of some related Acts (the Act on Electronic Communications), as later amended and some other Laws. This draft Law was sent to Deputies in the form of **the Print no. 615/0**. This draft Law thus reacts to the Finding of the Constitutional Court, dated March 22, 2011, ref. no. Pl. ÚS 24/11, promulgated under the no. 94/2011 Coll., which derogated provisions of § 97 Para. 3 and 4 of the Act on Electronic Communications and the Decree no. 485/2005 Coll., on the Extent of operational and location data, period of their storage and the method of their transfer to bodies authorized to their utilization, and further reacts also to the above mentioned Finding of the Constitutional Court, dated December 20, 2011, ref. no. Pl. ÚS 43/11, promulgated under the no. 43/2012 Coll., which derogated provisions of § 88a of the Criminal Code.

During February 2012 **no legal regulations were published in the Collection of Laws** which would have principal impact on the field of electronic communications or postal services.

10. The European Union

On February 7, 2012 the Nineth Anniversary of [The Day of safer Internet](#) for children and youth was promulgated. The event takes part in more than 70 countries all over the world within the framework of global effort supporting safer Internet for children and youth. In Europe the Day of safer Internet is coordinated by the organisation INSAFE, the network of centers for safer Internet financed by the European Commission with the amount of over 55 millions of EUR from the Programme for safer Internet. In December 2011 28 principal companies under the

leadership of the European Commission created the new coalition with the aim to make the Internet better and safer place for children. Preferential activities include easier reporting of harmful content, adjustment of protection of privacy proportional to age and provision of wider options of parents' supervision reflecting the needs of the generation which has access to the Internet in more and more subtle age.

On February 11, 2012 the Day of the Line 112 has been promulgated. The number 112 is the European number of emergency calls which can be reached wherever in the EU free of charge both from the fixed line and from the mobile telephone. This number will connect a caller to relevant emergency service (local police, fire department or medical emergency service) and is in operation 24 hours daily. The number 112 is now fully operational in all Member States of the EU in parallel with national numbers of emergency calls (as, for instance, 999 or 110). Denmark, Finland, Malta, Netherlands, Portugal, Roumania and Sweden decided that the number 112 will become their only or principal number for domestic emergency calls. Besides, the number 112 is used also in countries outside the EU, for example, in Croatia, Monte Negro and Turkey. Also the Ukraine has taken over the obligation to introduce this number in cities where it will organize football matches of the Euro 2012. [The Survey of the Eurobarometer](#) published today has shown that the awareness of Europeans concerning the existence of number 112 in their countries and in other Member States of the EU has not yet improved.

Under the number of 112 there are integrated emergency centers having sufficient language knowledge of their operators in the Czech Republic. The Czech Republic also shares its experience with remaining Member States and tries to minimize false calls which represented as much as 60 % of calls made and represent danger for the whole system. In the Czech Republic the awareness concerning the mission of number 112 is secured with the help of regular television broadcasts having high ratings in the media and also with the help of printed publications.

On February 15, 2012 Deputies of the European Parliament approved the First Radio Spectrum Programme (RSP), which determines targets for strategic planning and harmonization of radio spectrum utilization in harmony with directives governing the networks and services of electronic communications. These targets relate to availability and effective utilization of radio spectrum what is an inevitable condition for creation and functioning of internal market of the European Union. Among principal targets belong fulfilment of the intention of the Agenda for Europe, and also provision of high-speed connection with the speed of 30 Mbit/s for all and at least 100 Mbit/s for at least one half of households in the Union. The Programme is also a key initiative in the field of innovations – it supports the introduction of new services and utilization of radio spectrum by progressive technologies where, for example, belong LTE and WiMAX which can reach the speed as much as 100 Mbit/s in wireless networks of the fourth generation (4G).

Specific steps which should be accepted by Member States and Commission before July 1, 2015 are, for example, the following :

- Before the end of 2012 the Member States should finish the accessibility process of bands which were already harmonized on the EU level for wireless high-speed communications (bands of 900/1 800 MHz, 2.6 GHz and 3.5 GHz).
- Before January 1, 2013 the EU Countries should open up the band of 800 MHz with the proviso that, in extraordinary cases caused by problems with cross-border coordination, the Commission will permit deviations until the end

of 2015 with the possibility of prolongation, if problems persist. One of the main targets is the introduction of high-speed access to the Internet for people in remote areas.

- Before the middle of 2013 the Commission, in collaboration with the Member States, will determine the details concerning the set of analyses for radio spectrum utilization (the so-called spectrum inventory) within the range of 400 MHz to 6 GHz in the EU. It will form the basis for potential future process of coordinated allocation of spectrum for specific purposes, as are, for example, wireless high-speed communications.

Next activities to be performed until the year 2015 and in the following years :

- Trading with rights for utilization of radio frequencies in the set of harmonized bands where flexible utilization of radio spectrum utilization is already in place;
- Provision of spectrum for wireless data transmission for the implementation of the Union's policy in the total width of 1 200 MHz;
- Commission and the Member States will provide sufficiently harmonized spectrum for security services and Civil Defence, etc.

On February 15, 2012 the 47th Meeting of the COCOM took place in Brussels. One of the main issues discussed was the information of the European Commission about the transposition of regulations of the EU 2009 regulatory framework of individual EU Member States into national legislations. Another theme was discussion over the process concerning the announcement of minimum levels of quality of services (QoS) stipulated by domestic regulatory authorities. To the important themes discussed belonged the report on redistribution of frequency spectrum (refarming). The Commission informed about the implementation of „ePrivacy Directive“ – Directive on Privacy warning against breaching of protection of personal data. Notification procedure was discussed pursuant to the Directive on the Universal service. The European Commission's report was accepted on the implementation of regulatory measures concerning handicapped users and also the report on the implementation of unified number of emergency calls 112 in individual Member States.

On February 23. – 24, 2012 the Session of the IRG General Assembly and the Association of the European regulatory authorities in the field of electronic communications (BEREC) took place in Vienna. The BEREC commenced investigation of common positions concerning high-speed connection and submits evaluation of wholesale prices for international roaming to the EU authorities. It also approved publication of consultation on the non-discrimination principles. This is the first step towards the update of its three common positions concerning high-speed connection what is reflected, inter alia, also in the development of regulation in the NGA. After the revised framework was accepted in 2009, domestic regulatory authorities are requested to take into consideration common BEREC positions in the highest extent possible. The BEREC also took over the obligation to implement these revisions before the end of 2012, what can be demonstrated by continuing BEREC ambitions supporting high-quality of proven procedures necessary for the formation of unified market. BEREC also contributed its regulatory professional experience to legislators who, in the present time, lead discussions over the third version of the text on regulation of roaming. At the request of the European Commission the European regulators issued evaluation of mobile termination costs for the debate both in the

European Parliament and the Council concerning the level of wholesale ceilings for voice and data roaming services. BEREC estimates that before 2014 the costs for voice termination will be probably lower than 5 €cents per minute, before 2014 the costs for data termination will be probably lower than 5 €cents for Mb and the costs of SMS termination will be probably lower than 1 €cent for SMS.

On February 29, 2012 the 27th Meeting of the Radio Spectrum Policy Group (RSPG) took place in Brussels. The Group discussed the information on the World's Radiocommunication Conference WRC-12 presented by Mr. Bond, the Vice-Chairman of the group CEPT/ECC/CPG, which coordinated preparation and united policy of the European countries. The Meeting accepted the working programme of the RSPG for 2012, after the public consultation it accepted the attitude towards radio spectrum inventory, then it accepted the text of the Report of RSPG-BEREC concerning the economic and social value of the spectrum and RSPG's attitude RSPG towards assistance of the EU in bilateral negotiations with third parties and among the EU countries. Results of consultations are published on http://rspg.ec.europa.eu/consultations/index_en.htm, the documents from the RSPG Meeting opened to the public are published on <http://forum.europa.eu.int/Public/irc/infos/rspg/library>.

The European Commission, through the mediation of the company SamKnows, started the measurements of statistics of output of broadband connection in the whole of Europe. The principle of this whole activity is that volunteers will receive single-purpose measuring device of broadband connection (SamKnows Whitebox) which he/she will connect to the existing modem/router. Each respondent has a web access to results of measurements of his/her connection including specifically measured data (in csv format) and also receives regular report on average monthly value of parameters measured. The main requirements to respondents are the connection by fixed line through router, stable broadband connection (i.e. connection is not often interrupted) and respondent is customer of one of principal providers of Internet connection in its country. Whitebox facilities receive approximately 3 GB monthly and send around 1 GB. Measurements do not influence activities proper of respondent and is not performed during the time when respondent uses the line. If administrator decides to include applicant among its volunteers, relevant Whitebox will be send by mail approximately within 2–3 weeks of the application for the programme (application can be sent to the address: <http://www.samknows.eu/index.php/>).

11. ITU and other international organisations

The details are brought forward in the Theme of the month.

12. Digitalisation of RTV

The company CET21 spol. s r.o. decided to terminate the analogue broadcasting of Nova programme in regions Jeseník a Zlín on February 12, 2012. In this connection operation of the analogue transmitters and convertors distributing this broadcasting was terminated. At the present time only three analogue television

convertors remain in operation distributing the programme of ČT1 in the territorial regions of Jeseník and Zlín. The operation of these convertors will be terminated after the realisation of digital repeaters for which international coordination of necessary radio frequencies is not yet finished.

Considering the above mentioned facts, at the end of February the transition to the terrestrial digital television broadcasting in the Czech Republic was practically terminated. Thus practical termination of terrestrial analogue television broadcasting has taken place four months earlier than was determined in the TPP timetable.

13. Radio spectrum management

In harmony with § 20 Para. 5 of the Act on Electronic Communications the CTU started review with the aim to verify if reasons, limiting the number of rights to the utilization of radio frequencies in frequency range of 451.31–455.73/461.31–465.73 MHz, which, according to relevant annex of the Plan of radio spectrum utilization is earmarked for the operation of nationwide mobile networks of electronic communications using broadband digital technology, still persists.

14. Postal services

In the month of February the CTU, at the request of Česká pošta, agreed to the amendment of postal conditions which becomes effective from April 1, 2012. The change is related to the Amendment of the Act on Identity cards, according to which from January 1, 2012 the identity cards can be newly released also to children younger than 15 years of age, whereas the Act does not stipulate the lower limit. Pursuant to the current wording of postal conditions the Česká pošta would be obliged to deliver postal consignments and pecuniary amounts remitted also to children much younger than 15 years of age. Pursuant to the Civil Code the release of postal consignment or remitted pecuniary amount in these cases might mean invalidity of legal act. Therefore, starting from April 2012, the conditions, under which postal consignments or remitted pecuniary amounts may be released, are particularized so that recipient must prove, with the help of identity card or other document, that he/she is older than 15 years of age.

During February two decisions concerning imposition of fine for the breach of postal secret were imposed against which no remonstrance was filed. The first fine was imposed on the company of Mediaservis. The CTU may, within the framework of its competencies pursuant to the Act on Postal Services, impose fine to operator of postal services for the breach of some of obligations stipulated in § 4 to 16 of the Act on Postal Services. The fine related to two postal consignments which were found in other mailbox than that of the addressee's one.

The second fine was imposed on the Česká pošta in case of three plain consignments which the Česká pošta put into other mailbox.

The third decision on the imposition of fine, which became effective in February, related to valuable package which the Česká pošta, in contradiction to the

principal quantitative requirements, deposited with the post without obligatory attempt to delivery it was performed before in the place of residence of recipient

Discussed in the CTU Council on March 13, 2012