



Czech Telecommunication Office

April 2019

Telegraphically on communications

Data retention: cases of requested data increase in number

Last year mobile operators provided traffic and location data to authorised bodies in 332,892 cases; one quarter more than in 2017. The information follows the data sent by business undertakings to CTU by law. By contrast, data were not provided last year in 6,259 cases.

Government discussed frequency auction for 5G networks

On 8 April, the government debated on and took note of a proposed procedure and conditions of a tendering procedure for the award of rights of use of radio frequencies in 700 MHz band. CTU can now launch public consultation on the conditions of the auction.

International calls will be considerably cheaper

New rules for international calls within EU will come into effect on 15 May. One call minute will not cost the consumer more than CZK 6 (19 eurocents), one SMS CZK 1.50 (6 eurocents). The change stems from an amendment to Regulation 2015/2120 executed by [Regulation 2018/1971](#).

Decision-making practice of the courts: Half a million fine imposed on the Czech Post for closing post offices

Czech Post (Česká pošta) closed 11 of its post offices for 5 to 77 days without authorisation in 2013. By doing so the Post violated its obligation to ensure accessibility to post offices every business day for a minimum of 15 hours in a 5-business day week according to Decree No. 464/2012 Coll. CTU imposed a fine of CZK 515,698. The decision is final and conclusive.

Electronic data collection: New form in the ESD system

In March, CTU published an electronic form ART183 – **Provided Internet access services – supplementary form** in the Electronic Data Collection system (ESD) for undertakings in electronic communications, with a submission deadline of 20 May. A template, together with instructions for its completion, can be found on [CTU website](#).

It is designed for the provision of information on the number of services (i.e. ART accesses, or active connections) which an undertaking commercially provided at individual addresses as of 31 December 2018 and which fall within the ranges “from 30 Mbit/s (incl.) to 100 Mbit/s” and “from 100 Mbit/s (incl.)”, segmented by the parameter of commonly available speed.

The Ministry of Industry and Trade identified the need to gather data in order to carry out analysis of high-speed Internet access service provision. The aim is to determine areas in which the services provided are not of the quality defined by the particular speed parameter. Based on the data, CTU will conduct relevant market analyses and analyses required for the preparation of a new strategic plan for the development of gigabyte networks.

Fifth round of relevant market analyses launched

CTU launched the fifth round of relevant market analyses on 29 March. Firstly, it will analyse the fixed and mobile call termination markets, i.e. relevant market no. 1 – Wholesale call termination on individual public telephone networks provided at a fixed location and relevant market no. 2 – Wholesale voice call termination on individual mobile networks. The review will be conducted according to valid Measure of the General Nature No. [OOP/1/04.2015-2](#), which determines relevant markets in the electronic communications sector and the criteria for evaluation of significant market power.

Checked by CTU in March ...

... adherence to the terms and conditions of General Authorisation No. VO-R/12/09.2010-12 for the use of radio frequencies and for the operation of devices for broadband data transmission in the 2.4 GHz – 66 GHz bands.

CTU ascertained defects in 15 of the 18 inspections conducted, mainly in the use of indoor frequencies outside a building. CTU requested to remedy the deficiencies and subsequently initiated administrative procedure.

... the use of radio frequencies without an authorisation.

CTU conducted 15 inspections focusing on the use of frequencies without authorisation. In five cases CTU discovered the use of frequencies without or after the expiration of individual authorisation. Administrative proceedings have been initiated.

... observance of the terms and conditions of an individual authorisation to use frequencies.

CTU undertook three inspections of observance of the terms and conditions of individual authorisation to use frequencies, finding faults in two cases.

... sources of interference to the operation of electronic communication equipment and networks, the provision of electronic communication services or the operation of radio communication services

CTU completed 120 investigations, 81 cases of which concerned interference to television reception (5 of these cases involving interference to DVB-T2 reception), 26 cases of interference to GSM and LTE public mobile communication networks, one case of interference to radio reception, one case of interference to short-range devices, one case of PCO interference, 2 cases of interference to RR connections, three cases of interference to amateur radio stations and 3 cases of interference to meteorological radars. In 18 cases the source of interference to DVB-T was found to be BTS LTE in the 800 MHz band (see next section), while interference to public mobile networks was caused in three cases by the radiation of active TV signal reception systems and in four cases by the radiation of GSM repeaters. The causes of insufficient reception of DVB-T2 were solely other than interference by LTE systems.

... the pilot operation of LTE base stations in the 800 MHz band.

268 base stations were in pilot operation and 16,419 stations were in permanent operation as of 31 March 2019. CTU received 84 reports of interference in March and completed the investigation of 81 cases of DVB-T interference; BTS LTE in the 800 MHz band was identified as the source of DVB-T

interference in 180 cases, meaning 22.3 % closed cases of interference to television reception. In 49 cases there were faults to the reception equipment of television viewers, in 12 cases no interference was actually found and in two cases the problem was caused by insufficient DVB-T signal.

... cooperation between CTU and Czech Trade Inspection Authority (Česká obchodní inspekce). A joint inspection of dealers in telecommunication terminal and radio equipment in Nový Bor identified the sale of radio-controlled model cars working within the 50 MHz band. Such radio equipment cannot be operated in the Czech Republic without an individual authorisation to use radio frequencies. Another inspection in Cvikov and in Nový Bor identified the sale of wireless doorbells that work within the 308 MHz to 338 MHz band, reserved in the Czech Republic for the Ministry of Defence. Czech Trade Inspection Authority (CTIA) is dealing with the shortcomings identified within the scope of its duties.

Debts must be paid

CTU repeatedly deals with complaints and inquiries regarding the billing statements. A common, and unfortunately mistaken, conviction is that subscribers are not obliged to pay a billed price with which they disagree. Given the fact that non-payment of billing statement by the due date could lead to a further increase of the debt by debt recovery costs and in the most extreme case an execution of a financial obligation, we again refer to statutory regulation and the customer's rights and obligations in the event that they disagree with a billing.

Filing a complaint against the billing statement does not have suspensory effect on the obligation to pay such billing. Potential refund can only be claimed during complaints procedure. This stands in general, even in cases when the billed price is undoubtedly incorrect, and the subscriber is therefore in the right. Nevertheless, you have the right to apply to CTU to defer the obligation to pay the billed amount in such cases (and in general if you disagree with billing). CTU will decide on such application and in justified cases may acknowledge the deferral of the payment term. It is important to point out that awarding the suspensory effect of a complaint is not a legal right: CTU always decides according to the specific circumstances of the particular case.

If the operator does not consider the complaint made to be justified or fails to deal with it within the time limit laid down by law, consumers have the right to submit an application to CTU for the initiation of proceedings regarding an objection to the handling of the complaint. At this procedural stage, CTU is also authorised in justified cases, on a request, to decide on the deferral of the obligation to pay the contested billing until a decision has been taken on the objection.

We emphasize that if CTU has already suspended the payment term of billing which is subject to a complaint before the handling of the complaint itself, this application must be filed again after lodging an objection if you still seek award of the suspensory effect of the objection to fulfilment of the obligation to pay the billed price. If you lodge an objection, there is no need to submit a special application for the deferral of the payment term of billing. [An electronic form](#) is available at the CTU website. This includes a “Deferral of payment” box, which can be ticked to apply for suspensory effect in relation to disputed billing. The complaint procedure is also described in detail [on the website](#) and instructions are provided regarding the formal matters of individual acts which the consumer must undertake within procedure.

Radio spectrum management

Digital TV broadcasting

On 18 March, the maximum output of Transitional Broadcast Network 12 at the České Budějovice – Kleť station was increased to 50 dBW and at the Vimperk – Mařský vrch station to 43 dBW.

Digital radio broadcasting

According to the Radio Spectrum Utilisation Plan, it is possible to issue an authorisation for T-DAB radio blocks outside group allocation with maximum radiated power of up to 1 kW from 1 March onward.

Review of utilisation of the 26 GHz band

CTU published a [Conclusions of a review](#) of radio frequency utilisation rights in the 24.549–24.745 GHz / 25.557–25.753 GHz frequency range on 21 March. This frequency range is intended for utilisation by FWA systems (Fixed Wireless Access) by three radio frequency allocation holders – the companies T-Mobile Czech Republic a.s., Dial Telecom a.s. and Vodafone Czech Republic a.s. In its review CTU reached the conclusion that it will no longer be necessary to limit the number of rights in the forthcoming period (after the end of the validity of allocations in this band). It is therefore necessary to cancel this existing limitation for the subsequent period based on amendment of the relevant part of the Radio Spectrum Utilisation Plan.

Telecommunication regulation in the EU

Ongoing public consultations

The European Commission is conducting a [public consultation](#) on the review of [Recommendation 2014/710/EU on relevant product and service markets](#) within the electronic communications sector until 10 May. The aim is to gather information on the current condition and development of wholesale markets and to evaluate existing and potential markets susceptible to ex ante regulation in this sector. The results of consultation will be used to prepare new recommendation, which should be adopted not later than 21 December 2020.

The Body of European Regulators for Electronic Communications (BEREC) launched a [public consultation](#) on preparation of the BEREC work programme for the year 2020 on 20 March. Contributions may be sent until 23 April.

Connecting Europe Facility

On 5 March, the European Commission published another call to submit proposals of projects for which a grant might be obtained as part of the Connecting Europe Facility (CEF) for the period 2014–2020. This specifically concentrates on projects to generate a platform of principal services for electronic archiving (eArchiving) [CEF-TC-2019-3](#). Around EUR 2.1 million has been earmarked for the proposals selected as part of this call. All proposals shall be submitted by 14 May.

WiFi4EU

The European Commission announced a second call within the [WiFi4EU](#) initiative in support of Internet connection in public areas in municipalities, doing so on 4 April at 1 p.m. The call was open until 5 April, 5 p.m. With a call budget of EUR 51 million, the European Commission will distribute 3,400 vouchers of a value of EUR 15 thousand. Based on [preliminary results](#) more than 10,000 municipalities have applied.

EU legal regulations

The [European Parliament](#) approved a draft directive that reviews existing copyright rules for the Internet, doing so at its plenary session on 26 March. It is now awaiting formal consent from the Council of the EU. After publication in the Official Journal of the EU member states will have 2 years to transpose the new rules into national legislation.

[Commission Recommendation \(EU\) 2019/534](#) of 26 March 2019 on the cybersecurity of 5G mobile networks was published on 29 March 2019. [Regulation of the European Parliament and of the Council \(EU\) 2019/517](#) of 19 March 2019 on the implementation and functioning of the .eu top-level domain name was also published on the same day.

Artificial intelligence

The European Commission issued a [communication on ethics in the sphere of artificial intelligence](#) on 8 April. This communication draws on the conclusions of the work of the Artificial Intelligence High Level Working Group. It is also expected that the European Commission will publish recommendations for investment in artificial intelligence in June this year.

Important meetings

The first formal meeting of the [European Council](#) this year was held in Brussels on 21 and 22 March. Prime Ministers and presidents of member states dealt with the request made by Great Britain to postpone Brexit, economic issues, including trade relations with the USA and China, and cybersecurity. The second annual EU [Digital Summit](#) was held in Belgrade, Serbia, on 4 and 5 April with the countries of Western Balkans. The summit focused on 4 areas: digital skills, trust and security, networks and connectivity, and the digital economy and society.

The third annual [Digital Day](#), organised by the European Commission in cooperation with the Romania Presidency of the Council of the EU, was held in Brussels on 9 April. This year the organisers focused on promoting greater [participation of women in digital sector](#), [the digitisation of cultural heritage](#) and the use of new technologies in [agriculture and in rural areas](#). Declarations were adopted on all three topics to which the Czech Republic was also a signatory.