



Czech Telecommunication Office

November 2021

## Telegraphically

Commitments fulfilled, but...

CTU [verified](#) compliance with the development criteria for coverage of motorways, expressways and railway corridors resulting from the LTE/4G auction announced in 2013. The operators have met their commitments, but the problem persists with the signal inside the railway wagons. Although the criteria are met, access to mobile network services for passengers is limited without additional technical measures and needs to be ensured, e.g. by means of the use of repeaters. More on this topic in the next Monitoring Report.

### Five stations remain to be covered

Prague metro passengers can now use fast mobile data services in the vast [majority of stations and tunnels](#). After completing the coverage of stations on line A (except for Jiřího z Poděbrad, which will receive the LTE network coverage after the modernization is completed), only five stations remain to be covered - Střížkov, Prosek, Letňany, Rajská zahrada and Černý most. The coverage of Střížkov and Prosek is currently being worked on. The planned fourth line D should be covered during construction.

### Contribution to digitalization of TV broadcasting

Ing. Jaroslava Nováková, a long-time employee of CTU, received an important informal award for her contribution to the digitalization of television broadcasting at this year's [Radiokomunikace 2021 conference](#) held on 19-20 October in Pardubice. The "mother of digitalization", as she has been nicknamed by the professional community, has contributed significantly to the transition to digital TV broadcasting, especially in the area of frequency planning and coordination.

## The amendment to the Electronic Communications Act was published in the Collection of Laws. What does it bring to consumers?

On 18 October 2021, Act [No. 374/2021 Coll.](#), was published in the Collection of Laws, Volume 166, amending the Electronic Communications Act, most of which will come into effect on 1 January 2022. The amendment to the Electronic Communications Act mainly transposes [the European Electronic Communications Code](#), but also improved consumer protection and support for the construction of high-speed Internet networks are important topics. The new legislation strengthens and harmonizes the protection of consumer rights across all EU Member States to ensure a level playing field for

**consumers in the single market across the EU. Here is a summary of the most important changes that the amendment brings to consumers:**

### **1. Service provider portability**

Just as the consumer right to easier portability of telephone numbers was introduced in the past, consumers will now have a similar right to change their Internet access service provider. In [Section 34a](#), the Act sets out the conditions for the submission of an application by a subscriber if they intend to change their Internet access service provider, as well as the maximum period during which the service can be interrupted. The legislation also ensures that the subscriber is informed of their rights and the process of change by the undertakings concerned. CTU is preparing a draft decree that will regulate the technical and organizational conditions for the undertakings concerned in the process of changing the Internet access service provider. The decree will specify the time limits within which the basic steps of the change process are to be carried out by the undertakings concerned. An agreement between the undertaking and the subscriber on a later change date is not ruled out. Compliance with the obligations will be supervised by CTU and violations will be fined.

In addition, the law newly establishes a subscriber's right to a lump-sum refund in case that the change process is delayed, or the change is misused due to a breach of an obligation by the receiving or abandoned service provider. The right to a lump-sum refund is also given in case of failure to meet the agreed repair and installation deadlines. The amount of compensation will be determined by an implementing decree prepared by the Ministry of Justice of the Czech Republic.

### **2. Aid for disabled and low-income people**

The amendment introduces a more systematic aid for people with disabilities and now also for people with low incomes. In addition to access to voice communication services, the universal service will now also include Internet access. The discount for citizens with disabilities will be preserved, but the possibility of benefiting from the price discount has been extended to low-income people.

### **3. Development of digital radio broadcasting**

The amendment also contains a regulation to foster the development of terrestrial digital radio broadcasting and at the same time transposes a new obligation to support this development, namely that any automotive radio equipment fitted in category M vehicles must be able to receive and reproduce these digital broadcasts. Digital broadcasting provides consumers with a better service and allows them to listen to a greater number of new radio stations and their programs, as well as accompanying multimedia services (e.g. program information, short text messages, visual information, etc.).

### **4. Information obligations to customers**

The information obligation related to consumer contracts will be clarified and extended. The Act conceptually regulates the information obligations of undertakings towards customers, both prior to the conclusion of a contract, at the time of its conclusion (see contract summary template in [Section 63\(5\) of the Electronic Communications Act](#)), but also during the term of the contract.

## 5. Emergency text messages and alerts

Emergency hotlines will also have to be available via SMS.

A public alert system may be introduced from 1 January 2022 to warn residents of impending emergencies via mobile services in an agreed manner (probably by SMS). Undertakings in electronic communications are obliged to transmit messages free of charge.

## 6. Easier network deployment

The amendment should boost the availability of high-speed Internet for households by introducing some changes that will facilitate the deployment of networks. These include, for example, the possibility of longitudinal placement of utility lines including cable ducts in roads and easier re-laying. There will also be broader possibilities, for example in the area of establishing communication lines.

In case of a dispute over the possibility of installing technical wiring necessary for the Internet in a house, for example, not only the owner, user or manager of the house, but also the operator, provider or, more precisely, undertaking will be able to initiate a dispute ([Section 104\(16\) of the Electronic Communications Act](#)). CTU will now be the competent authority to resolve such disputes.

## 7. Marketing calls

Thanks to the amendment, consumers should not be bothered by unsolicited marketing calls unless they have given their consent. In connection with numerous questions from call center operators and companies, the Czech Telecommunication Office is currently preparing an interpretative opinion on the amendment, which should be ready in December this year.

## Are all “unlimited” tariffs really unlimited?

**In connection with the expanding offering of data tariffs labeled as “unlimited”, CTU, as part of its inspection activities, has recently focused again on whether such marketing labeling of commercial offers of not only data services but also voice calls and text messages (SMS) actually corresponds to the volume of services actually provided or whether customers are exposed to misleading commercial practices.**

With regard to voice and SMS services, CTU will henceforth not accept the marketing term “unlimited” for tariffs that are limited in volume in any way, despite the fact that operators communicate this limitation in their contract terms and conditions.

Therefore, according to CTU, the offer of unlimited use of voice and SMS services should not be associated with any limitation of the volume of services presented in this way, and any restrictions on “unlimited” services may be applied only in the exceptional case of a threat to the security and integrity of the services.

With regard to the offer of “unlimited” data services, when assessing the offers of individual operators, CTU focuses, among other things, on uncovering another practice which may ultimately prevent users from using these services in a truly unlimited way, where operators do indeed offer a seemingly unlimited amount of data, but the connection speed when using this service is so low that it prevents users from making full use of the Internet services. For example, if a tariff with a speed of 256 kbps was offered for data services, which is of course possible, in CTU’s opinion it should not be presented as “unlimited data”. In CTU’s opinion, download speeds for so-called “unlimited” data tariffs should

not be lower than 2 Mbps; however, this is not a binding value and CTU will always assess the specific circumstances of the service offered in this way.

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## Checked by CTU in October...

...compliance with terms and conditions of General Authorization No. [VO-R/12/03.2021-3](#) for the use of radio frequencies and for the operation of equipment for broadband data transmission in the bands 2.4 GHz to 71 GHz

CTU carried out a total of 34 inspections. Defects were identified in 29 cases, consisting in harmful interference with priority radiocommunications service stations (meteorological radar), use of indoor frequencies outside a building and failure to comply with other terms of the general authorization, which were resolved by a call to rectify the identified deficiencies and which will subsequently be addressed in administrative proceedings.

... compliance with terms and conditions of General Authorization No. [VO-R/2/05.2018-5](#) for the use of radio frequencies and for the operation of the stations of wireless local information systems (BMIS) in the 70 MHz frequency band

CTU carried out a total of 3 inspections which did not reveal any defects.

... sources of interference with the operation of electronic communications equipment and networks, the provision of electronic communications services or the operation of radiocommunications services

In October, CTU closed 6 cases of interference with GSM and LTE public mobile communication networks (in 2 cases the source of interference was an active element of TV signal reception), 5 cases of interference with radio reception, 5 cases of interference of amateur service device, and 5 cases of interference with various devices (PCO receiver, PPS station, short-range devices, etc.).

... sources of interference with TV reception

In October, CTU closed a total of 70 cases of TV reception interference. The investigation of complaints about poor TV reception revealed that in 48 cases the defect was in the viewer's equipment (most often a technical fault of the receiving antenna), in 2 cases it was due to reception of signal in a non-covered area, in 10 cases the interference stopped or occurred sporadically. Five interference reports were cancelled by their submitters during investigation of the interference. In five cases, a source of interference was detected, and in all cases the source of interference was a mobile operator's base station (see below).

...the use of radio frequencies without authorization

CTU carried out 5 inspections focusing on the use of frequencies without authorization. In two cases the inspections revealed the use of frequencies without individual authorization; both cases were referred for resolution in administrative proceedings.

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

As of 31 October 2021, 272 base stations were in pilot operation, and 16,848 stations were in permanent operation. In October, an LTE base station was not identified as a source of TV signal interference in any case.

#### ... pilot operation of 5G/LTE base stations in the 700 MHz band

As of 31 October 2021, 338 base stations were in pilot operation. In October, a 5G/LTE base station was identified as a source of TV signal interference in five cases. In October, CTU sent a letter via data mailbox to 73 municipalities in whose region the pilot operation of 5G base stations was launched, [with information](#) on how to proceed in the event of TV reception interference.

2,773 - the number of decisions issued in October on the matter, of which 2,762 decisions concerned a dispute over payment (payment of the price for services).

2,246 – the number of administrative proceedings initiated in October concerning subscriber disputes between the person carrying out the communication activity and the subscriber. These are the disputes over payments and objections to the settlement of a complaint about the billing of the price or the provided publicly available electronic communications service.

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## Regulation of operators of electronic communications services

### PUBLIC CONSULTATION ON MEASURES OF GENERAL NATURE AND GENERAL AUTHORIZATIONS

On 22 October 2021, CTU published a draft [Measure of General Nature No. OOP/X/YY.2021-YY](#) laying down the conditions for granting authorization to use numbers of special economic value. The proposal reflects a change in the legislation regarding the granting of authorizations to use numbers of special economic value, where CTU may decide whether to grant authorizations to use these numbers on a first-come, first-served basis or on the basis of a tender procedure.

On the same day, a draft Measure of General Nature [No. OOP/14/XX.2021-Y](#) repealing the Measure of General Nature [No. OOP/14/04.2012-5](#) which establishes the parameters of the quality of publicly available electronic communications services to be measured, the content, form and manner of publication of information on the current prices, quality and conditions under which the services are provided, and measures to ensure equal access also for disabled users, and the procedures for evaluating the quality, was published on the discussion site.

Comments on both draft versions can be submitted within 1 month of their publication.

On 4 November 2021, CTU published on its discussion site a draft general authorization [No. VO-S/1/XX.2021-Y](#) which repeals, in particular, the provision regulating the conditions for notifying the performance of communication activities and the provision regulating the conditions for providing information on request pursuant to [Section 115 of the Electronic Communications Act](#) through the electronic reporting system. On the same day, the draft general authorization [No. VO-S/2/XX.2021-Y](#) was also published, which, in addition to the above mentioned, replaces the invalid ČSN standard by an indicative reference to the valid standard.

Comments on both draft versions can be submitted within 1 month of their publication.

## UNIVERSAL SERVICE

### [Net costs of providing the universal service in electronic communications](#)

On 5 November 2021, CTU issued a decision on net costs for 2020 in the amount of CZK 27,565,399.37 and established that net costs represent an unbearable burden for universal service provider, O2.

### [Special prices](#)

On 1 November 2021, CTU issued a decision on compensation for the loss from the provision of special prices for the year 2020 in the amount of CZK 62,909,521.57.

### [Opening of a consultation on the obligation to provide special prices and price plans](#)

On 12 November 2021, based on the results of the tender for the provider of the universal service of Special Prices and Price Plans for Persons with Special Social Needs, the CTU Council decided to initiate administrative proceedings to impose this obligation on O2 Czech Republic a.s. The final decision will be issued to ensure the continuity of the provision of this service after 1 January 2022.

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## Economic regulation

### [Market No. 3 - Wholesale market for access to mobile services](#)

On 25 October 2021, the [public consultation](#) on the draft [Analysis of Relevant Market No. 3](#) ended. As CTU reported in its [press release](#) of 26 October 2021, it received almost 160 contributions as part of the public consultation. In addition to the three mobile network operators, four associations of virtual operators operating in the Czech Republic and the international organization MVNO Europe also made contributions. Four consumer organizations presented their views on behalf of consumers on the results of the analysis: Sdružení českých spotřebitelů, z.ú., Sdružení obrany spotřebitelů Moravy a Slezska, z.s., dTest, o.p.s., and Sdružení obrany spotřebitelů - Asociace, z.s. CTU also received statements from 148 other providers of electronic communications services for which the possibility of providing mobile services has a major impact on the portfolio of services they offer. CTU will now deal with the comments received within the statutory deadline and will publish the result of the process. The comments related to all parts of the analysis, but in particular to the three-criteria test, the assessment of the existence of undertakings with significant market power and the draft remedies.

### [Market No. 1 - wholesale services with local access provided at a fixed location, and Market No. 3b - wholesale services with central access provided at a fixed location for mass-market products](#)

As part of the analysis of relevant markets pursuant to [Section 51\(1\)](#) of Act No. 127/2005 Coll., on Electronic Communications and on Amendments to Certain Related Acts (Electronic Communications Act), as amended, CTU drafted the relevant market analyses for [market No. 1](#) and [market No. 3b](#) and submitted them for public consultation on 22 October 2021 at the discussion site. Comments can be submitted by 22 December 2021.

### [Amendment to the Measure of General Nature laying down a special classification of cost and revenues methodology and their assignment and designating the structure of the reported information](#)

In [Telecommunication Bulletin No. 10/2021](#) CTU published [OOP/4/10.2021-10](#) amending Measure of General Nature No. OOP/4/09.2014-6 laying down a special classification of cost and revenues

methodology and their assignment and designating the structure of the reported information. In this measure, CTU updates the value of the WACC indicator. The new WACC for a designated undertaking providing electronic communications networks or a publicly available electronic communications service is 4.84%, and for an access service on next generation access networks provided by a designated undertaking it is 5.78%. The measure comes into effect on 1 January 2022.

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## Radio spectrum management

### GENERAL AUTHORIZATIONS

On 12 November, the CTU Council approved General Authorization [No. VO-R/12/11.2021-11](#) for the use of radio frequencies and for the operation of equipment for broadband data transmission in the 2.4 GHz to 71 GHz frequency bands. The reason for this update of the General Authorization is the addition of the frequency band 5,945-6,425 MHz for broadband data transmission, in accordance with the Commission Implementing Decision [\(EU\) 2021/1067](#) of 17 June 2021.

### REVIEW OF RIGHTS TO USE RADIO FREQUENCIES

In November, in accordance with [Section 20 of the Electronic Communications Act](#), CTU completed a [review of the rights](#) to use radio frequencies in the frequency bands 28.2205-28.4445 GHz and 29.2285-29.4525 GHz. In the course of the review, CTU concluded that it was no longer necessary to maintain the limitation of the number of rights in the frequency bands 28.2205-28.4445 GHz and 29.2285-29.4525 GHz. The Office will thus proceed in accordance with [Section 20\(3\) of the Act](#) and, following the publication of the conclusions of the review, will cancel the limitation of the number of rights in the relevant part of the radio spectrum utilization plan and subsequently decide on the withdrawal of the block allocations and the continuation of the use of frequencies in question within the period of validity of the previously issued individual licences.

CTU also conducted a review of the rights in the 1920-1980 / 2110-2170 MHz frequency band and concluded that the current limitation on the number of rights to use the above-mentioned radio frequencies should be maintained to enable not only the continued provision of current electronic communications services but also the development of new services. Pursuant to [Section 20\(5\)](#) of the Act, CTU obtained a valuation of the allocation of radio frequencies in this frequency band by an expert institute and submitted the findings of the review, together with the expert opinion, for [public consultation](#).

### CTU WILL RELEASE ADDITIONAL MICROWAVE LINKS IN THE 28 TO 33 GHz BANDS

In connection with the interest of fixed radio link operators in wide channels with high transmission capacity, and following the [conclusions of the review](#) of the limitation of the number of rights in the 28 GHz band, CTU published a [draft amendment](#) to the part of the radio spectrum utilization plan PVRS-11 for the frequency band 27.5-33.4 GHz, which will release additional frequencies for fixed microwave links. The new conditions are designed for prospective use of directional links (point-to-point) and allow the use of radio channel widths up to 224 MHz. The newly released frequencies include segments in the 28 GHz band and also part of the 33 GHz band, where conditions are newly designed to allow the operation of directional links with a radio channel width of up to 112 MHz.

The public consultation on the draft amendment to the radio spectrum utilization plan PVRS-11 for the frequency band 27.5-33.4 GHz is open until 12 December 2021.

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## Telecommunications regulation in the EU

### Official Journal of the EU

On 19 October, [Commission Implementing Decision \(EU\) 2021/1827](#) of 18 October 2021 on standards for postal services and the improvement of quality of service in support of Directive 97/67/EC of the European Parliament and of the Council was published. By the Decision, new and revised standards drafted by European Committee for Standardisation (CEN) were adopted. The Decision entered into force on the twentieth day of its publication in Official Journal of the EU.

### European Commission

On 19 October, the Commission published [Work Programme on 2022](#): Making Europe stronger together". This Commission Work Programme contains [42 new policy initiatives](#) across all six headline ambitions of President [von der Leyen's Political Guidelines](#), building on her 2021 [State of the Union speech](#). It also reflects the lessons learnt from the unprecedented crisis caused by the pandemic, while paying particular attention to our young generation thanks to the proposed [European Year of Youth 2022](#).

Delivering on the six headline ambitions:

1. European Green Deal
2. Europe fit for digital age
3. Economy that works for people
4. Stronger Europe in the world
5. Promoting our European way of life
6. New push for European democracy

The Commission will start discussions with the Parliament and Council to establish a list of joint legislative priorities on which co-legislators agree to take swift action.

On 8 November, the Commission published 2 Reports assessing the situation and developments in the European Single Market for postal services and current regulatory framework (i.e. Postal Services Directive [No. 1997/67/EC](#) and Regulation [\(EU\) 2018/644](#) on Cross-Border Parcel Delivery Services)

### Cyber security

On 29 October, the Commission took [action to improve the cybersecurity of wireless devices](#) available on the European market. The adopted delegated act to the [Radio Equipment Directive](#) aims to make sure that all wireless devices are safe before being sold on the EU market. This act lays down new legal requirements for cybersecurity safeguards, which manufacturers will have to consider when designing and producing the products concerned. It will also protect citizens' privacy and personal data, prevent the risks of monetary fraud as well as ensure better resilience of our communication networks.

The above-mentioned delegated act will be complemented by a Cyber Resilience Act, recently announced by President von der Leyen in the [State of the Union speech](#), which would aim to cover more products, looking at their whole life cycle. Planned Cyber Resilience Act follow up the [EU Cybersecurity Strategy](#) presented in December 2020.

### BEREC

This year's 10th edition of [BEREC Stakeholder Forum](#) was held after almost two years in Brussels, again. Prior to formal opening of the Forum a new type of informal sessions called "Meet&Greet" took place,

in which registered stakeholders could exchange their ideas with the BEREC working group co-chairs. As in previous years, draft [BEREC work programme for the next year](#) was presented during the conference. In addition, an external study *on post-Covid measures to close the digital divide, and the Study on regulatory incentives for deploying very high capacity networks (VHCN)* were presented. The recorded video from this Forum is available on [BEREC website](#).

#### EU Calendar

continuously	<a href="#">Discussion forum</a> on Digital Compass
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