



Czech Telecommunication Office

August 2022

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## Telegraphically

### Partial amendment to the Electronic Communications Act

On 5 August 2022, an inter-ministerial comment procedure on the draft [amendment to the Electronic Communications Act](#) was launched. The amendment is aimed in particular at modifying the definition of low-income persons for the purposes of the provision of the so-called special prices within the universal service in order to effectively target assistance to users in need and to enable the state to effectively control the use of these special prices.

### Česká pošta has expanded mobile post

Česká pošta [has put into operation](#) 5 new mobile post vehicles. In total, there are already 7 of them and their services will be available by the end of September to more municipalities in the Česká Lípa, Jičín, Náchod, Pardubice, Benešov, Třebíč and Prachatice regions, where there are no permanent post offices. The mobile post office will arrange for the sending of letters and parcels, payment and payment of money orders and cash withdrawals as in a standard post office.

### Terrorist content online

At its meeting on 17 August, the Government of the Czech Republic discussed a [draft law against the dissemination of terrorist content online](#). This is an adaptation of a [European regulation](#) and if the law is approved in its current form, CTU will determine whether the provider of hosting services is exposed to terrorist content, supervise the implementation of special measures or deal with administrative offences consisting in violations of the obligations under the Regulation.

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## How to deal with unsolicited marketing calls: step by step

After 1 July 2022, when the [new rules](#) for marketing calls entered into force, the Czech Telecommunication Office noted an increased number of complaints about these nuisance offers. We are pleased that we have been able to make consumers aware of their new rights and encourage them not to be afraid to speak up in case of a call that they feel contravenes the rules. [A simple manual](#) published on the CTU website can help them do this.

The manual has three parts - how to identify a call that violates the Electronic Communications Act, how to behave during the call and how to submit a complaint with CTU. The first part advises the customer on how to behave when receiving a call offering goods or services if they are not aware that they have consented to being contacted publicly or for the company. The call recipient should try to find out who is calling with the offer of goods or services. If it is a company with which the call recipient has nothing to do, has not purchased from, is not a client of, and therefore the contact is unlikely to

have come from a client database, then the marketing call may be in violation of the Electronic Communications Act.

It is possible to make an audio recording of the call, but it is not a condition for being able to complain to CTU. If the caller claims to have individual consent granted by the call recipient for their company, it can be withdrawn at any time, and the withdrawal can also be confirmed in writing to be sure. After ending the call, the call recipient should record the time of the call, the caller's number, or save the recording. If the call recipient believes that the call is a nuisance marketing call, they can contact CTU with a complaint. CTU will investigate the matter and, if it finds that it is an illegal acting, it is entitled to penalize it.

And who can continue to make calls? A marketing call without expressed public consent is allowed, for example, if the caller has a contact, for example, from their client database and also has individual consent to make contact (however, this consent can be withdrawn at any time). Typically, these are banks, operators, energy suppliers or even online shops where the consumer has made purchases. It is also possible to call if the purpose of the call is not marketing but, for example, market survey. More specific examples can be found in the [interpretative opinion on the CTU website](#).

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## Dissatisfaction with the service or billing: How should the customer proceed?

**Due to repeated questions, we have decided to reiterate how a customer who is dissatisfied with the amount of the bill or the service provided should proceed. The correct course of action is to first contact your electronic communications service provider or postal services operator and raise a claim about the bill or service.**

The method of raising a claim is governed by the terms and conditions (General Terms and Conditions). For electronic communications services, CTU recommends submitting a complaint in a verifiable manner - in writing and sending it to the address of the service provider by registered mail with a delivery receipt (the address can be found in the contract terms and conditions), or in person at the premises with a confirmation of receipt of the complaint. Complaints must be made within two months of the date of delivery of the bill, or within two months of the occurrence of a problem with the service provided.

### WARNING!

CTU warns that submitting a billing claim with the provider or submitting an objection against a claim settlement with CTU does not extinguish or postpone the obligation to pay the disputed amount. It is therefore necessary to pay the bill when it is due. In case that compelling reasons arise for the impossibility of paying a disputed bill, a request may be made to CTU for the disputed bill to be given suspensive effect.

According to the Postal Services Act, the method of raising a claim in postal services is governed by the postal terms and conditions of specific postal services operators. Some operators thus allow for various cases that may arise in practice (delivery of the postal item, its damage, loss, etc.) to raise a claim, for example, by e-mail, app, or in person at the premises. For details, it is advisable to refer to the relevant postal conditions in the specific case. The postal conditions also regulate the time limit for raising a claim, which is usually a few working days in case of damage to the parcel or loss of its contents.

Once the claim has been raised with either the electronic communications service provider or the postal services operator, the time limit for its settlement begins to run. For electronic communications services, the statutory time limit for settling a claim is one month from the date of receipt of the claim. However, if it is necessary to discuss the claim with a foreign operator, the time limit is two months from the date of the claim. According to the law, the time limit for settling claims about postal services should be regulated by the postal services operator's terms and conditions. In relation to consumers, the provisions of the Consumer Protection Act are used in postal services by analogy, according to which a claim is to be settled without undue delay, no later than 30 days from the date of the claim, unless the parties agree on a longer period.

If the provider of electronic communications services or the operator of postal services does not comply with the claim or does not deal process it at all within the time limit, it is possible to apply to CTU with an objection against a claim settlement. More information on the claim settlement process can be found on the [CTU website](#).

CTU repeatedly encounters objections against a claim settlement that do not comply with all legal requirements. In order for your submission to be processed successfully, we recommend that you pay attention to the following warnings.

### Compliance with statutory time limits

It is necessary to comply with the statutory time limit for this submission, which is one month from the date of receipt of the claim or the expiry of the deadline for its settlement. If the objection is raised with CTU after the expiry of this period, this right can no longer be exercised, and it is thus extinguished automatically. In such a case, the time limit cannot be waived, nor can the reasons, if any, for its expiry with no result be considered.

### Formalities of the submission

It is necessary to comply with the submission formalities required by law (it is a proposal to initiate administrative proceedings). According to the Administrative Procedure Code, it must first of all be clear from the submission who is making the submission, which matter it concerns and what is being requested. Specifically, it should include proper identification of the applicant as well as the respondent, which is the electronic communications service provider or postal services operator that handled or should have handled the claim. The applicant should clearly and comprehensibly describe the facts of their case and support their allegations with the necessary supporting documents. They should also specify the requested draft decision, i.e. for example, to reduce the issued bill by the amount which, according to him or her, was charged unreasonably, or, for example, in case of loss of a postal item, to demand payment of the agreed or lump-sum compensation, etc. This submission is subject to the payment of an administrative fee of CZK 100. If the consumer is successful in the administrative proceedings, they are entitled to compensation for the costs of the proceedings, including in the form of the administrative fee paid, and if unsuccessful, they may be obliged to pay the costs of the proceedings to the other party.

### Form of objection

The submission in question may be submitted to CTU in writing in paper form or orally on the record at the relevant [regional department of the Office](#) (depending on the place of residence of the applicant). An electronic form of the written submission is also admissible, either by e-mail signed with a recognized electronic signature or by means of a data mailbox. It is also possible to use the [guide form](#) published on the Office's website, which may facilitate the applicants to apply their request. We

emphasize that an objection against a claim settlement submitted using the general contact form (which is used for complaints, questions, requests for advice) or a simple e-mail must be accompanied by a handwritten signature or a recognized electronic signature or sent from a data mailbox, otherwise it does not meet the statutory requirements.

### Failure to meet formal requirements

If the request does not comply with the legal requirements, the administrative authority shall help the applicant to remedy the deficiencies or call upon them to remedy them and give them a reasonable time limit to do so. If they are not remedied within the specified time limit, it is not possible to initiate administrative proceedings on the basis of the request, but CTU will investigate it as an informal submission or complaint and may also use it as an initiative for inspection activities or to initiate administrative proceedings ex officio - typically administrative offence proceedings.

For more information on the appeal proceedings, reference can be made to the text on this issue on the [CTU website](#), as well as to the [Monitoring Report No. 3/2021](#) which contains detailed instructions on how to successfully submit an objection with CTU, including the specifics of this type of administrative proceedings.

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## Checked by CTU in July...

...compliance with terms and conditions of 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 bands 2.4 GHz to 71 GHz

CTU carried out a total of 11 inspections. Defects were identified in all of the cases, consisting mainly in harmful interference with radiocommunications service stations on a primary basis, 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 the conditions of General Authorization No. [VO-R/24/05.2019-4](#) for the operation of equipment of infrastructure for transmitting radio signals inside tunnels, premises of buildings and trains

Based on a complaint by a mobile operator about network interference, CTU carried out one inspection, during which it found a violation of the conditions of the general authorization when operating the so-called GSM repeater. Its operator has been issued a notice to remedy the identified deficiencies and the case will subsequently be dealt with in administrative proceedings. A more detailed article on the operation of GSM repeaters/amplifiers was published by CTU in its [June monitoring report](#).

... 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 July, CTU closed 10 cases of interference with GSM and LTE public mobile communication networks (in 3 cases the source of interference was an active element of TV signal reception), 5 cases of interference with radio and satellite reception, 3 cases of interference with meteorological radar, and 9 cases of interference with various devices (PCO receiver, Wi-Fi station, amateur converter, etc.). In

cases where the interference was confirmed and the source of the interference was found, the operators of the interference sources were ordered to eliminate them.

... [the use of radio frequencies without authorization](#)

CTU carried out a total of 5 inspections focused on the use of frequencies without authorization (including frequencies for the use of which an individual licence cannot be issued). 3 inspections revealed use of frequencies without authorization; the cases were referred for resolution in administrative proceedings.

... [sources of interference with TV signal reception](#)

In July, CTU closed a total of 94 cases of TV signal reception interference. The investigation of complaints about poor TV signal reception revealed that in 65 cases the defect was in the viewer's equipment (most often a technical fault of the receiving antenna or lead-in). In 7 cases the interference stopped or was sporadic and in 9 cases the complainant cancelled the complaint during the investigation. In four cases it was reception in an uncovered area, in one case no interference was detected (it was an error in the operation of the receiving equipment). In 8 cases, a source of interference was detected, and the sources of interference were mobile operator's base stations (see below).

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

As of 31 July 2022, 2305 base stations were in pilot operation, and 498 stations were in permanent operation. In July, a 5G/LTE base station was identified as a source of TV signal interference in 8 cases. In July, CTU sent a letter via data mailbox to 554 municipalities in whose region the pilot operation of 5G base stations was launched, with information on how to proceed in the event of TV signal reception interference.

... [pilot operation of LTE base stations in the 800 MHz band](#)

As of 31 July 2022, 447 base stations were in pilot operation, and 17,051 stations were in permanent operation. In July, an LTE base station was not identified as a source of TV signal interference.

1,819 - the number of decisions issued in July on the matter, of which 1,815 decisions concerned a dispute over payment (payment of the price for services).

1,364 – the number of administrative proceedings initiated in July 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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## How roaming works and how it differs from international calls

**Summer is in full swing and CTU is repeatedly receiving questions about roaming during holidays abroad. Here are some tips.**

The Roaming Regulation, which guarantees the existing "Roam like at Home" system in EU countries, is extended until 30 June 2032. However, there are exceptions to this principle. One of the situations where it is not possible to draw units (specifically data) in the same way as in the home country, but

only up to the amount of the so-called "EU data limit", is the so-called "open data packages", which automatically include tariffs with unlimited data, but can also include other tariffs with data if the price per GB of data is less than the wholesale unit price. If the tariff is an open data package, the EU roaming data limit shall be calculated according to the following formula: ((retail price of the entire tariff excluding VAT / wholesale cap - EUR 2 per GB excluding VAT, or CZK 49.27 x 2). For example, if the 15 GB tariff costs CZK 300, the roaming data limit within the EU will be 12.17 GB ((300 / 49.27) x 2). For an unlimited data tariff for the price of CZK 1000, the data limit would be 40.59 GB.

The RLAH principle must not be overused or misused. The operator should theoretically have the right to intervene and charge additional fees, for example, if for a certain period the services were used more abroad than in the home country. Therefore, for long-term study or business stays or for holidays lasting significantly longer than the standard, it is advisable to acquire a local SIM card.

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## Market analyses

**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**

In its [letter](#) of 22 July 2022 to the European Commission (the Commission), CTU, as part of the notification process, withdrew its draft analyses of the relevant markets 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. Following this step, CTU will modify the original draft analyses of relevant markets 1 and 3b, taking into account the Commission's comments, which were also partly supported by BEREC. CTU will consult the modifications with representatives of the Commission as part of the preparation of the new proposals.

**Former Market No. 1 (according to the 2014 Commission Recommendation) - Wholesale market of call termination on individual public telephone networks provided at a fixed location**

CTU did not receive any comments as part of the [public consultation](#) held from 1 July to 1 August 2022, on draft Measure of General Nature No. [A/S1/0x.2022-x](#), amending Measure of General Nature – market analysis No. A/1/04.2020-3, Market No. 1 – Wholesale call termination on individual public telephone networks provided at a fixed location. CTU will now consult the draft measure with the Office for the Protection of Competition.

**Market No. 2 – Wholesale dedicated capacity**

On 28 July 2022, CTU issued a Measure of General Nature of market analysis No. [A/2/07.2022-13](#), Market No. 2 - Wholesale Dedicated Capacity, in [volume 7/2022](#) of the Telecommunication Bulletin. Subsequently, on 5 August 2022, CTU launched administrative proceedings to annul the designation of CETIN as an undertaking with significant market power in the relevant market in question.

**Market No. 3 - Wholesale access to mobile services**

Following the public consultation on the draft Measure of General Nature of market analysis No. A/3/XX.2022-X, market No 3 - wholesale access to mobile services, which took place between 27 May and 27 June 2022, CTU published on 27 July 2022 its [framework position](#) on the comments received, taking into account the nature of some of the comments, the incorporation of which requires more

extensive analysis and calculations. CTU has now taken into account the individual comments, as well as the European Commission's decision on network sharing between O2/CETIN and T-Mobile, in a revised draft of the measure and launched a new [public consultation](#) on 17 August 2022. Comments on the proposal can be submitted within 1 month of the publication of this invitation, i.e. by 19 September 2022.

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## Update of the WACC indicator

### Special classification of cost and revenues methodology and their assignment and the structure of the reported information

In the period from 13 July to 15 August, CTU held on the discussion site a public consultation of the draft version of Measure of General Nature [No. OOP/4/XX.2022-Y](#), amending Measure of General Nature No. OOP/4/09.2014-6 laying down special classification of cost and revenues methodology and their assignment and designating the structure of the reported information,, as amended by Measure of General Nature No. OOP/4/12.2015-7 and Measure of General Nature No. OOP/4/02.2019-2 and No. OOP/4/10.2021-10. One entity from among providers of electronic communications services took part in the consultation and sent only an opinion on the draft measure, and one entity sent comments after the end of the public consultation.

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## Universal service in electronic communications

### Special prices and special terminal equipment devices – selection procedure

On 22 July 2022, CTU published the results of the public consultations on plans to impose universal service obligations to provide [special prices](#) and [special terminal equipment devices](#). In light of the published results, CTU has prepared revised plans to impose universal service obligations to provide [special prices](#) and [special terminal equipment devices](#), which it consulted on between 27 July 2022 and 10 August 2022.

During the [public consultation on the plan to impose special prices](#), comments were received from 3 entities, and from 1 entity on the [plan to impose special terminal equipment](#). CTU published the settlement of the public consultation on 17 August 2022 [here](#) and [here](#). Subsequently, in accordance with the plans and conclusions of the public consultations, CTU announced selection procedures for providers of both partial services on 22 August 2022 in [volume 8/2022 of the Telecommunication Bulletin](#). Applications for both selection procedures are open until 30 September 2022.

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## Postal services

### European Commission approved reimbursement of the net costs of providing universal services for the period 2018-2022

On 25 July 2022, the European Commission issued a decision confirming that Česká pošta's net costs of the provision of universal services in the cumulative amount of CZK 7.5 billion for the period 2018-2022 constitute state aid compatible with the internal market pursuant to Article 106(2) of the TFEU, thereby removing the grounds for discontinuing the proceedings on Česká pošta's application for

reimbursement of net costs for the years 2018, 2019 and 2020 and on Česká pošta's application for reimbursement of preliminary net costs for the years 2018, 2020, 2021 and 2022. CTU issues decisions on these applications and makes reimbursements of net costs in individual administrative proceedings. See also page 9 for more details.

## The CTU Council granted a postal licence

On 27 July 2022, the CTU Council granted a postal licence for two years to the only bidder, Česká pošta, s.p., in a tender [announced by the Council](#) on 8 March 2022.

Česká pošta fulfilled all the conditions of participation and requirements set out in the invitation to tender. The Council therefore, after assessing all the relevant facts, granted it a postal licence for the period from 1 January 2023 to 31 December 2024 by its [decision](#). The text of the decision was also published in the [Postal Bulletin No. 10/2022](#). In the following [volume 11/2022](#), CTU published the Report on the course of the tender for the postal licence holder for the period from 1 January 2023 to 31 December 2024.

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## Radio spectrum management

### GENERAL AUTHORIZATIONS

On 20 July, the CTU Council approved General Authorization [No. VO-R/24/07.2022-14](#) for the operation of equipment of infrastructure for transmitting radio signals inside tunnels, premises of buildings and trains. The reason for issuing this updated General Authorization is the modification of the conditions applying to the additional coverage of the inside of train carriages with mobile broadband signals, in particular addition of the 700 MHz band. The General Authorization was published in [issue 7/2022](#) of the Telecommunication Bulletin and will take effect on 1 September 2022.

### NETWORK PLANS

On 28 July 2022, CTU published in [volume 7/2022](#) of the Telecommunication Bulletin [Measure of General Nature No. SP/4/07.2022-15](#) repealing Measure of General Nature No. SP/4/07.2011-13 laying down the identification of networks, data flows and services of terrestrial digital television broadcasting networks. CTU repealed the Measure of General Nature in view of the fact that it was replaced in its entirety by Decree [No. 103/2018 Coll.](#) amending Decree [No. 155/2005 Coll.](#), on the method of formation of calling signs, identification numbers and codes, the use thereof, and on the types of radiocommunication services for which they are required. This measure of general nature came into effect on the fifteenth day following its publication in the Telecommunication Bulletin.

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## Telecommunications regulation in the EU

### European Commission

On 25 July, the European Commission approved, under EU State aid rules, [Czechia's plans to compensate Czech Post for its universal postal service obligation over the period 2018-2022](#). The Commission has examined whether the amount of compensation to be paid to Czech Post may exceed what is necessary to cover the net cost of discharging the public service obligation. The Commission concluded that the scope of the USO is in line with the definition set out in the Postal Services Directive and other relevant EU legislation. In addition, the compensation is based on a robust and conservative



methodology, which ensures that it will not exceed the cost of the public service entrusted to Czech Post. On this basis, the Commission approved the measure under EU State aid rules.

On 28 July, the Commission published a study on mobile and [fixed broadband prices in Europe in 2021](#) and on [broadband coverage in Europe](#).

On 28 July, the Commission published the [Digital Economy and Society Index \(DESI\) 2022](#), monitoring the progress of EU countries in their digital competitiveness. The individual reports present [data from EU countries](#) in areas such as human capital, connectivity, integration of digital technology and digital public services. Czech Republic ranks 19th of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI), one place below the ranking in 2021. Czech Republic has made a relatively solid progress in the overall DESI score since 2017 which grew slightly more than expected by convergence curve, meaning that its score improved at a marginally higher pace than the score of the Union as a whole. Compared to 2021, Czech Republic's ranking improved in Digital public services and Connectivity where it ranked 17<sup>th</sup>.

## BEREC

On 4 July, BEREC published an [analysis](#) summarising information from almost 200 European telecoms operators on the implementation of measures taken to support Ukrainian refugees, covering the period between March and 15 May 2022. It also covers measures committed to by EU and Ukrainian operators in the [Joint Statement](#) of April 2022 to establish a stable framework to help refugees from Ukraine. The Report states that 80 EU mobile operators offer free international calls to Ukraine, while 44 offer calls at a lower price. Of the European respondents, 55 provide free roaming (or RLAH) to subscribers travelling in Ukraine. In addition to the above retail measures, EU operators have also established Wi-Fi hotspots where refugee camps were constituted or near public transport locations where many refugees arrive. Between March and 15 May, they have distributed over 2.5 million SIM cards to Ukrainian refugees. The three Ukrainian operators stated that they offer free and reduced-charge international calls to EU as well as free roaming for their subscribers in the EU.

On 18 July, BEREC published an [Opinion on the ECs proposal for a Data Act](#). In general, BEREC welcomes the objectives of the draft Data Act, presented by the Commission. BEREC shares some best practices and suggestions gained by its experience in applying similar provisions in the telecommunications sector, which could contribute to the final version of the Data Act.

## Council of the EU

The Council of the EU, under the leadership of the Czech Republic, has invited the European Commission, by [Council Decision \(EU\) 2022/1327](#) of 26 July 2022, to submit a study on the situation in the internal market of Union postal services, in particular regarding the application of Directive 97/67/EC of the European Parliament and of the Council on common rules for the development of the internal market of Community postal services and the improvement of quality of service (Postal Services Directive), and a proposal, if appropriate, in view of the outcomes of this study. In particular, the EU Council Decision draws attention to the fact that there have been significant changes in the postal market which the Postal Services Directive should reflect. The decision adopted responds to repeated calls from postal regulators for a review of the Postal Services Directive.