

**! Please note:**

**This consolidated wording of the general authorization and its translation into English are issued solely for information purposes.**

Prague, 1 July 2005

Ref.: 29445/2005-610

On the basis of public consultation under Section 130 of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended (hereinafter “the Act”) and on the basis of the decision of the Council of the Czech Telecommunications Office (hereinafter “the Office”) under Section 107(9)(b) of the Act, and in order to implement Section 9 of the Act the Office as the appropriate state administration body under Section 108(8)(a) and (b) of the Act hereby issues this Measure of General Nature

**General Authorization No. VO-S/1/07.2005-9  
laying down the conditions for the provision of electronic  
communication services, as further amended**

Article 1

**Introductory Provisions**

The conditions of performing communication activities related to electronic communication services are set out in the Act and in this General Authorisation under Section 10(1) of the Act.

Article 2

**Actual Conditions**

(1) The actual conditions related to Section 10(1)(i) of the Act shall be the following:

- a) the natural and legal persons wishing to perform communication activities that constitute undertaking business in electronic communications under Section 8(1)(b) of the Act shall notify the Office to that effect, using the prescribed format;
- b) the Office shall publish the format referred to under a) above at its web site [www.ctu.cz](http://www.ctu.cz).
- c) the natural and legal persons providing electronic communications services under Section 8(1)(b) of the Act shall provide the Office, upon its request, with information based on Section 115 of the Act via the electronic reporting system, unless otherwise provided in the request under Section 115 of the Act,
- d) the electronic reporting system and relevant electronic forms are available at the Office’s website <https://monitoringtrhu.ctu.cz>.”.

(2) The specific conditions concerning Section 10(1)(f) of the Act shall be the following:

a) for the purposes of this General Authorization, identifier means a unique alphanumeric code to be notified by the consumer to the electronic communications service provider in order to be able to exercise the right to change the electronic communications service provider, change the extent of electronic communications service or terminate the provision of the electronic communications service;

b) where, by the provision of electronic communication service according to Section 8(1)(b) of the Act, an identifier is created beyond the identification data referred to in a service subscriber contract, the electronic communications service provider shall hand over the identifier, together with an information about the processes for which the identifier is used and the methods how it is used (hereinafter also the "Information"), to the consumer with whom the contract on the provision of electronic communications service has been concluded, and shall do so immediately after the identifier was created or obtained;

c) the identifier and the Information referred to in Point b) shall be delivered to the consumer by the provider of the electronic communications service by means selected by the consumer for billing purposes. If the consumer and the electronic communications service provider mutually agree so, the provider may hand over the identifier and the Information to the consumer by other means, provided that the consumer thus obtains the identifier and the Information more quickly. In the case of unambiguous identification of the consumer during a personal meeting in the premises or other contact points of the service provider, the provider shall hand over the identifier and Information to the consumer without delay, on the spot, and in written form.

d) while exercising the consumer's right to change the electronic communications service provider, change the extent of electronic communications service or to terminate the provision of electronic communications service, the consumer shall not be required by the service provider to provide, in addition to the data contained in their contract on the provision of the service concerned or contained in the delivered billing statements, any other identifiers beyond those referred to under point b) above

e) provider of an Internet access service at a fixed location in fulfilment of the obligation stemming from Article 4(1)(d) of the Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (hereinafter only the "Regulation"), shall specify, in the contract for the provision of publicly available electronic communications services, particular speeds and description of the impact of discrepancies on the exercise of consumer rights according to the specifications stated in Annex 1 to this General Authorization,

f) provider of a mobile Internet access service in fulfilment of the obligation stemming from Article 4(1)(d) of the Regulation, shall specify, in the contract for the provision of publicly available electronic communications services, particular speeds and description of the impact of discrepancies on the exercise of consumer rights according to the specifications stated in Annex 2 to this General Authorization,

### Article 3

#### **Repealing Provisions**

The following provisions shall be repealed:

1. General Licence No. GL – 25/S/2000, Ref. No. 501228/2000-610 of 2 November 2000, published in Issue 11/2000 of Telekomunikační věstník (Telecommunications Bulletin), as amended by Amendment No. 1, Ref. No. 27964/2001-610 of 4 September 2001,

- published in Issue 9/2001 of Telekomunikační věstník.
2. General Licence No. GL – 26/S/2000, Ref. No. 501229/2000-610 of 2 November 2000, published in Issue 11/2000 of Telekomunikační věstník.
  3. General Licence No. GL – 27/S/2000, Ref. No. 501230/2000-610 of 2 November 2000, published in Issue 11/2000 of Telekomunikační věstník.
  4. General Licence No. GL – 28/S/2000, Ref. No. 501232/2000-610 of 2 November 2000, published in Issue 11/2000 of Telekomunikační věstník.
  5. General Licence No. GL – 29/S/2000, Ref. No. 501233/2000-610 of 2 November 2000, published in Issue 11/2000 of Telekomunikační věstník.
  6. General Licence No. GL – 31/S/2001, Ref. No. 5109/2001-610 of 6 February 2001, published in Issue 2/2001 of Telekomunikační věstník, as amended by Amendment No. 1, Ref. No. 9694 of 29 April 2002, published in Issue 5/2002 of Telekomunikační věstník.
  7. General Licence No. GL – 32/S/2001, Ref. No. 5110/2001-610 of 6 February 2001, published in Issue 2/2001 of Telekomunikační věstník.
  8. General Licence No. GL – 33/S/2001, Ref. No. 5111/2001-610 of 6 February 2001, published in Issue 2/2001 of Telekomunikační věstník.
  9. General Licence No. GL – 34/S/2001, Ref. No. 5112/2001-610 of 6 February 2001, published in Issue 2/2001 of Telekomunikační věstník.
  10. General Licence No. GL – 35/S/2001, Ref. No. 5113/2001-610 of 6 February 2001, published in Issue 2/2001 of Telekomunikační věstník.

#### Article 4

#### **Effect**

This General Authorisation shall come into effect on 1 August 2005.

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#### **Explanatory Memorandum**

To implement Section 9 of the Act, the Office issues, as a measure of general nature, General Authorization No. VO-S/1/07.2005-9 laying down the conditions for the provision of electronic communication services.

This General Authorization is based on the principles set out in the Act and in the European legislation, including, but not limited to, Directive No. 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (Framework Directive).

It is stipulated in Article 1 that, in addition to the conditions for communication activities related to electronic communication services, as set out in the Act, there are other conditions, specifying in detail the provisions of Section 10(1) of the Act. This general authorization applies to the provision of electronic communication services in general, irrespective of their extent in terms of territory. If specific conditions have to be defined for the provision of certain specific services, the Office will prescribe such conditions, within the extent of its powers, by a separate general authorization.

Article 2 sets out the obligation to use a prescribed form to notify business in electronic communications. This will ensure that undertakings communicate with the Office in a uniform manner.

In accordance with Section 136(8) of the Act, Article 3 repeals the General Licences issued on the basis of Act No. 151/2000 on telecommunications and on amendment to other acts, as amended.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for consultations with stakeholders at the discussion site, the Office published on 6 May 2005 at the discussion site its draft Measure of General Nature No. VO-S/1/XX.2005 to issue a general authorization laying down the general conditions for the provision of electronic communication services, and an invitation for comments on the draft General Authorizations to be posted at the discussion site.

During the period of public consultation, the Office received comments on the general principles of the draft document, as well as on its specific provisions. The comments suggesting refining the text were accepted by the Office. The comment that it was not clear from the draft general authorization whether the Office would issue individual general authorizations for specific types of electronic communication services was reflected in the text of the explanatory memorandum.

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

[signature] David Stádník

Chairman of the Council of the  
Czech Telecommunication Office

### Specification of the Internet Access Service at a Fixed Location

1	Maximum speed	<p><b>Maximum speed</b> is the data download and upload speed which must be determined realistically with regard to the technology used and its transmission capabilities and with regard to particular deployment conditions which give limits for the download and upload direction. The maximum speed must be realistically achievable on a given network termination point (NTP) with a possible variation caused demonstrably only by physical properties of the NTP in question. Information on the possible variance and its physical causes must be indicated in the subscriber contract. The value of the maximum speed corresponds to the TCP throughput of the transport layer according to the ISO/OSI reference model. Maximum speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s). Verification of the realistically achievable value of maximum speed is based on the ITU-T Y.1564 standard.</p> <p>The above mentioned can be expressed by the following formula:</p> $R_{\max}(\text{download, L 4}) \rightarrow R_{\max}(\text{download, L 2}) \geq 95\% IR_{\text{CIR+EIR}}(\text{download}),$ $R_{\max}(\text{upload, L 4}) \rightarrow R_{\max}(\text{upload, L 2}) \geq 95\% IR_{\text{CIR+EIR}}(\text{upload}),$ <p>where</p> <p><math>R_{\max}</math> is the maximum speed, L 4 is the transport layer according to RM ISO/OSI, L 2 is the data link layer according to RM ISO/OSI, <math>IR_{\text{CIR+EIR}}</math> is the resulting information speed according to ITU-T Y.1564 corresponding to the input parameter in the form of defined value of the maximum speed <math>R_{\max}</math> (L 1).</p>
2	Advertised speed	<p><b>Advertised speed</b> is the data download and upload speed which the Internet access service provider uses in its commercial communication, including advertising and marketing, in connection with the promotion of Internet access service offers, and with which it identifies the Internet access service when concluding a contract with the end user. The value of the advertised speed is not greater than the maximum speed. The value of the advertised speed corresponds to the TCP throughput of the transport layer according to the ISO/OSI reference model. Advertised speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s).</p> <p>The above can be expressed by the following formula:</p> $R_{\text{inzer}}(\text{download, L 4}) \leq R_{\max}(\text{download, L 4}),$ $R_{\text{inzer}}(\text{upload, L 4}) \leq R_{\max}(\text{upload, L 4}),$ <p>where</p> <p><math>R_{\text{inzer}}</math> is the advertised speed, <math>R_{\max}</math> is the maximum speed, L 4 is the transport layer according to RM ISO/OSI.</p>
3	Normally available speed	<p><b>Normally available speed</b> is the data download and upload speed the end user can expect and actually achieve at the time when using the service. The value of the normally available speed corresponds to at least 60% of the value of the advertised speed and is available 95% of the time during one calendar day. The value of the normally available speed</p>

		<p>corresponds to the TCP throughput of the transport layer according to the ISO/OSI reference model. Normally available speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s).</p> <p>The above can be expressed by the following formula:</p> $\text{BDR (download, L 4)} \geq 60\% R_{\text{inzer}} \text{ (download, L 4)},$ $\text{BDR (upload, L 4)} \geq 60\% R_{\text{inzer}} \text{ (upload, L 4)},$ <p>where</p> <p>BDR is the normally available speed, <math>R_{\text{inzer}}</math> is the advertised speed, L 4 is the transport layer according to RM ISO/OSI.</p>
4	Minimum speed	<p><b>Minimum speed</b> is the lowest data download and upload speed which the Internet access service provider agreed to provide to the end user under the contract. The value of the minimum speed corresponds to at least 30% of the value of the advertised speed in the form of the TCP throughput of the transport layer according to the ISO/OSI reference model; this means that the data download or upload speed will not fall below the minimum speed value. Minimum speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s).</p> <p>The above can be expressed by the following formula:</p> $R_{\text{min}} \text{ (download, L 4)} \geq 30\% R_{\text{inzer}} \text{ (download, L 4)}$ <p>and, at the same time,</p> $\text{SDR (download, L 4)} \geq R_{\text{min}} \text{ (download, L 4)},$ $R_{\text{min}} \text{ (upload, L 4)} \geq 30\% R_{\text{inzer}} \text{ (upload, L 4)}$ <p>and, at the same time,</p> $\text{SDR (upload, L 4)} \geq R_{\text{min}} \text{ (upload, L 4)},$ <p>where</p> <p>SDR is the actually achieved speed, corresponding to the value of TCP throughput, <math>R_{\text{min}}</math> is the minimum speed, <math>R_{\text{inzer}}</math> is the advertised speed, L 4 is the transport layer according to RM ISO/OSI.</p>
5	Significant continuous discrepancy	<p>A <b>significant continuous discrepancy</b> from the normally available speed (download and upload) is such discrepancy that creates a continuous decrease in the performance of the Internet access service, i.e., a decrease in the actually achieved speed corresponding to the TCP throughput determined by measurement below the defined value of the normally available speed at an interval of more than 70 minutes.</p> <p>The above can be expressed by the following formula:</p> $\text{SDR (download, L 4)} < \text{BDR (download, L 4)}$ <p>and, at the same time,</p> $T_{\text{BDR}} \text{ (download)} > 70 \text{ minutes},$ <p>or</p> $\text{SDR (upload, L 4)} < \text{BDR (upload, L 4)}$ <p>and, at the same time,</p> $T_{\text{BDR}} \text{ (upload)} > 70 \text{ minutes},$ <p>where</p> <p>SDR is the speed actually achieved, corresponding to the value of TCP throughput, BDR is the normally available speed, L 4 is the transport layer according to</p>

		<p>RM ISO/OSI, and <math>T_{BDR}</math> refers to the length of the interval of exceeding the value of the normally available speed corresponding to the start time of the measuring process when the value of the actually achieved transmission speed is lower than the defined value of the normally available speed.</p>
6	Significant recurring discrepancy	<p>A <b>significant recurring discrepancy</b> from the normally available speed (download and upload) is such discrepancy at which there are at least three decreases in the actually achieved speed corresponding to the TCP throughput determined by measurement below the defined value of the normally available speed at an interval longer than or equal to 3.5 minutes within a time period of 90 minutes.</p> <p>The above can be expressed by the following formula:</p> <p style="padding-left: 40px;">SDR (download, L 4) &lt; BDR (download, L 4), and, at the same time, <math>\exists t_1, t_2, t_3: T_{BDR}(\text{download}) \geq 3.5 \text{ minutes}</math> and, at the same time, <math>(t_3 - t_1) \leq (90 \text{ minutes} - T_{TestB})</math>,</p> <p>or</p> <p style="padding-left: 40px;">SDR (upload, L 4) &lt; BDR (upload, L 4), and, at the same time, <math>\exists t_1, t_2, t_3: T_{BDR}(\text{upload}) \geq 3.5 \text{ minutes}</math> and, at the same time, <math>(t_3 - t_1) \leq (90 \text{ minutes} - T_{TestB})</math>,</p> <p>where</p> <p>SDR is the actually achieved speed, corresponding to the value of TCP throughput, BDR is the normally available speed, L 4 is the transport layer according to RM ISO/OSI, <math>t_x (x \in N^+)</math> refers to the start time of the test during which the value of the actually achieved speed fell below the value of the normally available speed, <math>T_{BDR}</math> refers to the length of the interval of exceeding the value of the normally available speed corresponding to the start time of the measuring process when the value of the actually achieved speed is lower than the defined value of the normally available speed, <math>T_{TestB}</math> is the length of one test within the measuring process.</p>

**Specification of the Mobile Internet Access Service**

1	Estimated maximum speed	<p><b>Estimated maximum speed</b> for data download and upload is the maximum speed for a specific service in a given location which is realistically achievable in real operating conditions, at a location with a sufficient signal level outside of buildings. The value of the maximum speed corresponds to the TCP throughput of the transport layer according to the ISO/OSI reference model. Estimated maximum speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s).</p>
2	Advertised speed	<p><b>Advertised speed</b> is the data download and upload speed which the Internet access service provider uses in its commercial communication, including advertising and marketing, in connection with the promotion of Internet access service offers, and with which it identifies the Internet access service when concluding a contract with the end user. The value of the advertised speed is not greater than the estimated maximum speed. The value of the advertised speed corresponds to the TCP throughput of the transport layer according to the ISO/OSI reference model. Advertised speed is indicated as numerical value in bits per second (e.g., kb/s or Mb/s).</p> <p>The above can be expressed by the following formula:</p> $R_{inzer}(\text{download, L 4}) \leq R_{odmax}(\text{download, L 4}),$ $R_{inzer}(\text{upload, L 4}) \leq R_{odmax}(\text{upload, L 4}),$ <p>where</p> <p><math>R_{inzer}</math> is the advertised speed, <math>R_{odmax}</math> is the estimated maximum speed, L 4 is the transport layer according to RM ISO/OSI.</p>
3	Significant continuous discrepancy	<p>A <b>significant continuous discrepancy</b> from the advertised speed (download and upload) shall be such discrepancy that creates a continuous decrease in the performance of the Internet access service, i.e., a decrease in the actually achieved speed corresponding to the TCP throughput determined by measurement below 25% of the advertised speed value at an interval of more than 40 minutes.</p> <p>The above can be expressed by the following formula:</p> $SDR(\text{download, L 4}) < 25\% R_{inzer}(\text{download, L 4})$ <p>and, at the same time,</p> $T(\text{download}) > 40 \text{ minutes},$ <p>or</p> $SDR(\text{upload, L 4}) < 25\% R_{inzer}(\text{upload, L 4})$ <p>and, at the same time,</p> $T(\text{upload}) > 40 \text{ minutes},$ <p>where</p> <p>SDR is the speed actually achieved, corresponding to the value of TCP throughput, <math>R_{inzer}</math> is the advertised speed, L 4 is the transport layer according to RM ISO/OSI, and T refers to the length of the interval of exceeding the limit value corresponding to the start time of the measuring process, i.e., when</p>



		the actually achieved SDR speed falls below 25% of the advertised speed value $R_{inzer}$ .
4	Significant recurring discrepancy	<p>A <b>significant recurring discrepancy</b> from the advertised speed (download and upload) shall be such discrepancy at which there are at least five decreases in the actually achieved speed corresponding to the TCP throughput determined by measurement below 25% of the advertised speed value at an interval longer than or equal to 2 minutes within a time period of 60 minutes.</p> <p>The above can be expressed by the following formula:</p> <p style="padding-left: 40px;">SDR (download, L 4) &lt; 25% <math>R_{inzer}</math> (download, L 4), and, at the same time, <math>\exists t_1, t_2, t_3, t_4, t_5: T</math> (download) <math>\geq</math> 2 minutes and, at the same time, <math>(t_5 - t_1) \leq (60 \text{ minutes} - T_{testB})</math>,</p> <p>or</p> <p style="padding-left: 40px;">SDR (upload, L 4) &lt; 25% <math>R_{inzer}</math> (upload, L 4), and, at the same time, <math>\exists t_1, t_2, t_3, t_4, t_5: T</math> (upload) <math>\geq</math> 2 minutes and, at the same time, <math>(t_5 - t_1) \leq (60 \text{ minutes} - T_{testB})</math>,</p> <p>where</p> <p>SDR is the speed actually achieved corresponding to the value of TCP throughput, <math>R_{inzer}</math> is the advertised speed, L 4 is the transport layer according to RM ISO/OSI, <math>t_x (x \in N^+)</math> refers to the start time of the test during which the value of SDR fell below 25% of the advertised speed value <math>R_{inzer}</math>, T refers to the length of the interval of exceeding the limit value corresponding to the start time of the measuring process, i.e., when the actually achieved speed falls below 25% of the advertised speed value <math>R_{inzer}</math>, <math>T_{testB}</math> is the length of one test within the measuring process.</p>