



# Č e s k ý t e l e k o m u n i k a č n í ú ř a d

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Prague, 25 January 2012  
Ref ČTÚ-130 768/2011-610/III. vyř.

On the basis of the results of public consultation under Section 130 of Act No. 127/2005 on electronic communications and amending certain related acts (the Electronic Communications Act) as amended (the “Act”), and on the basis of the decision of the Council of the Czech Telecommunication Office (the “Office”) under Section 107(8)(b)(2) of the Act, and in order to implement Section 9 of the Act, the Office as the appropriate state administration body under Section 108(1)(a) of the Act hereby issues, as a Measure of General Nature, this

**General Authorisation No VO-S/1/01.2012-2, amending  
General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the  
provision of electronic communications services, as amended by  
General Authorisation No VO-S/1/07.2007-11**

## Article 1

In Article 2 of General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communications services, as amended by General Authorisation No VO-S/1/07.2007-11, the existing text shall be marked as Paragraph 1 and a new paragraph 2 shall be inserted as follows:

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

- a) For the purposes of this General Authorisation, 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 an identifier necessary for exercising the consumer’s right to change the electronic communications service provider, change the extent of electronic communications service or terminate the provision of electronic communications service is created beyond the identification data referred to in the service subscription agreement during the provision of the electronic communications service under Section 8(1)(b), the electronic communications service provider shall deliver the identifier, together with information about the processes for which the identifier is used and the methods how it is used, to the consumer with whom an electronic communications service provision agreement has been signed, and shall do so immediately after the identifier is created or obtained;
- c) For exercising the consumer’s right to change the electronic communications service provider, change the extent of electronic communications service or terminate the provision of electronic communications service, the service provider shall not require, in addition to the data contained in the agreement on the provision of the service concerned or contained in the settlement statement (sent to the consumer) for the service provided, any other identifiers beyond those referred to under point a) above.”.

## **Article 2**

### **Transitional Provisions**

Where a service is already being provided, the identifier based on Article 1 above shall be delivered to the consumer no later than within 2 (two) months of the entry into force of this General Authorisation, together with information about the processes for which the identifier is used and the methods how it is used.

## **Article 3**

### **Effect**

This General Authorisation shall come into force on the fifteenth day of the date of its publishing in Telekomunikační věstník [Telecommunications Bulletin].

## **Explanatory Notes**

The Office issues General Authorisation No VO-S/1/01.2012-2, amending General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communications services, as amended by General Authorisation No VO-S/1/07.2007-11.

On Article 1:

In compliance with Section 10(1)(f) of the Act, this amendment to the General Authorisation lays down the specific conditions necessary for consumer protection.

By extending Article 2, the Office contributes to consumer protection in compliance with Section 5(3)(b) of the Act where it is stipulated that in pursuance of end users' interests, the Office shall in its activities ensure in particular a high level consumer protection in compliance with the provisions of the Act.

Owing to end users' frequent complaints concerning the identifiers needed to terminate an electronic communications service being provided, or to change the parameters of an electronic communications service being provided, or to switch to another electronic communications service provider, it is necessary to provide adequate protection to consumers and ensure that consumers have access to such an identifier and that the provision of this access is not unduly delayed. The purpose of this amendment to the general authorisation is to ensure that the identifier is handed over without undue delay.

The Office also lays down the condition that the electronic communications service provider shall not require from the consumer a wider range of identifiers than available in connection with the request for changing the extent of the electronic communications service or for terminating the electronic communications service provision.

This amendment to the general authorisation will have no significant impact on the operators' systems, nor will it give rise to any significant additional costs for the operators – not even in connection with the provision of the identifiers of existing services, where the Office believes that the existing forms of communication with consumers will be used. Where an identifier is generated, it is as a rule generated automatically and is available to the electronic communications service provider. The amendment will make it easier for the consumer to make decisions, e.g., to change the electronic communications service provision or the electronic communications service provider.

On Article 2:

For services that are already being provided and that also involve the use of an identifier, the Office stipulated a transition period for its delivery to the consumer. The method of delivery is not prescribed, as it is assumed that the individual electronic service providers' existing communication channels will be used for this purpose.

On Article 3:

The date of the entry into force of this General Authorisation is determined in compliance with Section 124(2) of the Act.

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On 9 December 2011, draft general authorisation No VO-S/1/XX.2012-Y, amending General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communications services, as amended by General Authorisation No. VO-S/1/07.2007-11, was published, together with an invitation for comments on the draft, by the Czech Telecommunication Office on the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for consultations at the discussion site. The deadline for submission of the comments on the draft General Authorisation was 9 January 2012.

Within the above period, the Office received comments from T-Mobile Czech Republic a.s., Telefónica Czech Republic, a.s. and Vodafone Czech Republic a.s.

In the first part of its comments, T-Mobile Czech Republic a.s. required to make the text more precise by replacing the word "deliver"/"delivered" [*"předá" in Czech. Předá may also translate as hand over*] by "make available"/"made available" [*"zpřístupní" in Czech. Zpřístupní may also translate as disclose or make accessible*].

The administrative body (the Office) considered the comment and did not accept it. The administrative body insists on delivering the identifier without specifying in detail the method how it is to be delivered. It is for the electronic communications service provider concerned to deliver the identifier as soon as possible, once it is available to the service provider. The purpose of the general authorisation is to ensure active delivery of the identifier by the electronic communications service provider.

In the second part of its comments, T-Mobile Czech Republic a.s. required to make the text more precise to the effect that the identifier be delivered immediately, once it is created or becomes available.

The administrative body considered the comment and modified the text of the General Authorisation according to the comment.

In the third part of its comments, T-Mobile Czech Republic a.s. required to add a provision on additionally ascertaining the identifier.

The administrative body considered the comment and did not accept it. The administrative body believes that there is no need for special regulation on additional delivery of the identifier because it is assumed that the procedure to be used will be the same as with the provision of other information.

In the third part of its comments, T-Mobile Czech Republic a.s. required to lay down the possibility to authorise a third party to receive the identifier.

The administrative body considered the comment and did not accept it because the possibility of such authorisation is set out in generally applicable legal regulations.

In the first part of its comments, Telefónica Czech Republic, a.s. required not to add the new paragraph to Article 2 of the General Authorisation.

The administrative body considered the comment and did not accept it because this amendment is in the interests of consumers.

In the second part of its comments, Telefónica Czech Republic, a.s. drew attention to the fact that the authority to issue the general authorisation is overstepped.

The administrative body considered the comment and modified the text of the general authorisation to avoid overstepping the authority. The initially proposed term 'end user' was replaced by the term 'consumer' to ensure that the authority, based on Section 10(1)(f) of the Act, is not overstepped. Nevertheless, the Office expects service providers' approach to all their customers to be the same, without any discrimination.

In the third part of its comments, Telefónica Czech Republic, a.s. drew attention to the vagueness of the draft general authorisation.

The administrative body considered the comment and – to make the text of the General Authorisation more precise – a definition of the identifier was included in the General authorisation [Article 1(2)(a)].

In the first part of its comments, Vodafone Czech Republic a.s. required that the identifier be sent with each bill.

The administrative body considered the comment and did not accept it. It is not the purpose of the General Authorisation to prescribe the method of delivery of the identifier.

In the second part of its comments, Vodafone Czech Republic a.s. required to include the method of obtaining the identifier in the contractual terms and conditions.

The administrative body considered the comment and did not accept it. The details of contractual terms and conditions are determined by law.

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

For the Council of the Czech Telecommunication Office:  
Pavel Dvořák,  
President of the Council  
of the Czech Telecommunication Office