

Prague, 23 July 2007
Ref. 39 627/2007-610

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

Article 1

General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communications services, is hereby amended as follows:

In Article 2, at the end of Clause (b), the full stop is replaced by comma and new clauses (c) and (d) are added to read as follows:

- "c) individuals and legal entities 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 the relevant electronic form spreadsheets are available at the Office's web site <https://monitoringtrhu.ctu.cz>."

Article 2

Effect

This General Authorisation shall come into force on the fifteenth day from its publication in *Telekomunikační věstník [Telecommunication Bulletin]*.

Explanatory Notes

The Office issues this General Authorisation No VO-S/1/07.2007-11 to amend General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communications services.

On Article 1 of this Amendment:

This amendment to General Authorisation No VO-S/1/07.2005-9 defines, in accordance with Section 10(1)(i) of the Act, the specific conditions for delivering the information notified by the informing entities to the Office in accordance with Section 115 of the Act. The reason for this amendment is that the Czech Telecommunication Office introduced a system of electronic collection of such information.

Amendment to the previous Article 2 defines new conditions for the reporting, using an electronic reporting system and the prescribed electronic forms, which are posted on the Office's web site <https://monitoringtrhu.ctu.cz>.

The entry into force of this general authorisation is determined in compliance with Section 124(2) of the Act.

On the basis of Section 130 of the Electronic Communications Act and in accordance with the Czech Telecommunication Office's Rules for consultations at the discussion site, the Office published at the discussion site on 14 June 2007 its draft General Authorisation No VO-S/1/XX.2007-Y, amending General Authorisation No VO-S/1/07.2005-9, laying down the conditions for the provision of electronic communication services, together with an invitation for comments. Comments on the draft Measure of General Nature could be raised until 14 July 2007. The Office received comments from only one stakeholder.

In its first part, the comment requested to delete references to Sections 47, 54 and 71 of the Act, arguing that reference to Section 115 of the Act would suffice and that it was unnecessary in the draft document to give specific examples of the information required.

The administrative body (the Office) accepted this part of the comment. The information requested as a rule by the Office under Section 115 of the Act also includes information based on Sections 47, 54 and 71 of the Act. It follows from this that the conditions underlying the method of provision of such information are based on this General Authorisation.

In its second part, the comment requested to delete the condition requiring the use of the electronic form, arguing that this information cannot be reported in this manner because of the type and often large volume of the information.

The administrative body agrees that the situation is as described in the comment but it states that the text does not need to be amended because, as stipulated in the last sentence in the newly proposed formulation of Article 2(c), the electronic form of the provision of information should be used unless otherwise provided by the Office in the request under Section 115 of the Act. The Office will consider the suitability of using the electronic reporting system in specific cases with respect to the type of information required and will enable a different form of information provision.

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

For the Council
of the Czech Telecommunication Office:

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Authorised Member of the Council
of the Czech Telecommunication Office