

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) of the Act, and in order to implement Section 9 and Section 83(8) and (9) of the Act, the Office as the appropriate state administration body under Section 108(2) of the Act hereby issues, as a Measure of General Nature, this

General Authorisation No VO-S/2/09.2008-11, amending General Authorisation No VO-S/2/07.2005-10, laying down the conditions for the provision of public communications networks and associated facilities, as amended

Article 1

General Authorisation No VO-S/2/07.2005-10, laying down the conditions for the provision of communications networks and associated facilities, as amended, is hereby amended as described below.

1. In Article 2, a new paragraph 3 is inserted, reading as follows:

"(3) The specific conditions related to the obligation of the undertakings providing the electronic programme guide ("EPG") under Section 83(8) of the Act are as follows:

- a) The undertaking providing EPG shall ensure that the EPG is provided on a continuous basis in parallel with the operation of the broadcasting network concerned.
- b) In providing the EPG service, the undertaking shall create and maintain EPG service interoperability, using the relevant EPG-related standards and specifications, whose list is published in the Official Journal of the European Union. Where standards and specifications were not published, the applicable standards or specifications adopted by the European standardisation organisations or the European Telecommunications Standards Institute (ETSI) shall be used. Where standards and specifications were not published, international standards or recommendations adopted by the International Telecommunication Union (ITU), International Standards Organisation (ISO) or the International Electrotechnical Commission (IEC) shall be used *mutatis mutandis*.
- c) Programmes of all broadcasters concerned shall be presented to the end users in an equitable manner within the EPG, which means that it must be possible to display the information on programmes and to select each individual programme by handling the remote control in the same or similar way.
- d) The undertaking providing the EPG service shall use a justified and verifiable method of the distribution of programmes within the EPG. Such methods include, without being limited to:
 1. programme distribution based on the sequence of received application for inclusion in the EPG,
 2. programme placement in the EPG in the alphabetical order,
 3. programme placement in the EPG based on a clearly defined viewing rate (%).

With the selected method, the undertaking providing the EPG service shall ensure that television programmes are placed before radio programmes.

- e) For encoding the alphanumeric characters in all EPG display text fields, the undertaking providing the EPG service shall use the ISO/IEC 6937 encoding table bases on the ETSI EN 300 468 standard, the programme selection options being in Czech. This shall be without prejudice to the possibility to select other languages.
- f) In providing the EPG service, the undertaking shall take technically feasible measures to enable end users with a sight or hearing disability to use the EPG service in a manner equitable to the access available to other end users.
- g) The undertaking providing the EPG service is not allowed to modify or otherwise alter the contents of the information provided for distribution via the EPG without the consent of those who delivered the information for distribution.”

Article 2

Effect

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

Explanatory Note

In order to implement Section 9 and Section 83(8) and (9) of the Act, the Office hereby issues, as a regulation of general application, this General Authorisation No VO-S/2/09.2008-11 to amend General Authorisation No VO-S/2/07.2005-10, laying down the conditions for the provision of public communications networks and associated facilities, as amended.

General Authorisation No VO-S/2/09.2008-11 is issued in order to lay down the specific conditions related to the obligations of the undertaking providing the electronic programme guide service ("EPG"), defined in accordance with Section 83(8) of the Act. The conditions set out in this Regulation apply, in particular, to the method of the provision and presentation of the EPG. The EPG service should be provided on a continuous basis in parallel with the operation of the broadcasting network concerned and should be kept interoperable.

On 23 January 2008 the Office requested the Council for Radio and Television Broadcasting ("RTVB Council") in compliance with Section 83(8) of the Act to define the obligations of the undertaking providing the EPG. For this purpose, the Office also prepared and submitted to the RTVB Council a draft document entitled Obligations of the Undertaking Providing the EPG. The RTVB Council agreed to this draft and its letter of consent was delivered to the Office on 18 June 2008.

On Article 1 of the Amendment:

In accordance with Section 83(3) of the Act, the specific conditions for the undertakings providing the EPG service are inserted (to the extent of the obligations defined by the RTVB) as a new separate Paragraph 3 in General Authorisation No VO-S/2/09.2008-11, amending General Authorisation No VO-S/2/07.2005-10, laying down the conditions for the provision of public communications networks and associated facilities, as amended.

The EPG undertaking must, first of all, ensure that the EPG service is provided continuously in parallel with the operation of the relevant broadcasting network and must also use the relevant EPG-related standards or specifications adopted by European and other international standardisation institutions (ETSI, ITU, ISO or IEC). The programmes of all broadcasters concerned must be presented to the end users in an equitable manner within the EPG, which means that it must be possible to display the information on programmes and to select each individual programme by handling the remote control in the same or similar way. No artificial obstacles should be created to discriminate against any broadcasters. Information on programmes must be available to users in the Czech language, but the users should continue being able to choose other languages. In providing its service, the EPG undertaking shall take technically feasible measures to enable end users with a sight or hearing disability to use the EPG service.

On Point 2 of the Amendment:

The entry into force of this general authorisation was 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 as an administrative body published at the discussion site on 11 July 2008 its draft of General Authorisation No VO-S/2/09.2008-11, amending General Authorisation No VO-S/2/07.2005-10, laying down the conditions for the provision of public communication networks and associated facilities, as amended, together with an invitation for comments. Comments on the draft Measure of General Nature could be raised within 1 month from publishing the invitation. No comments were received during that period.

In accordance with Section 130(3) of the Act, the Office also consulted the Council for Radio and Television Broadcasting, seeking advice as to the above draft. The Council for Radio and Television Broadcasting gave its consent to the draft at its 16th meeting on 9 September 2008 and informed the Office about it by a letter delivered on 17 September 2008.

For the Council
of the Czech Telecommunication Office:

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of the Czech Telecommunication Office