



Český telekomunikační úřad

# MONTHLY MONITORING REPORT

July 2014

## Briefly on communications

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### Česká pošta (Czech Post) considers selling medicaments in the future

The post would like to accept orders for non-prescription drugs and dietary supplements mainly at its rural offices. It would deliver drugs in cooperation with Euroclinicum. The drugs could be picked up at the post office or delivered home.

### LTE network sharing

O2 and T-Mobile started sharing LTE networks in parts of Pelhřimov and Tábor districts. In accordance with the agreed-upon division of the Czech Republic, O2 will be responsible for management of transmitters in Pelhřimov region, T-Mobile will be responsible for management of transmitters in Tábor region. Both companies use their own network infrastructure and maintain a completely independent business strategy.

### O2 acquired virtual operator Gorila Mobil

O2 acquired Gorila Mobil, a virtual mobile operator which focused mainly on the younger generation. Gorila Mobil was operating within O2 network. The mobile operator acquired more than 50 thousand customers of Gorila mobil.

### The Office renewed the accreditation for Tarifomat calculator

In July the Office renewed accreditation of Tarifomat, a price calculator for mobile voice services and mobile Internet access. Tarifomat passed the accreditation procedure for the second time this year, after having rectified some functional deficiencies.

## Clean Table is supposed to make it possible to settle a telephone bill debt without additional costs

O2 Czech Republic a.s. offers, within a project called "Čistý stůl" (Clean Table), the possibility for the existing and former customers (both residential and corporate) to honor their debts under favorable conditions. If all debts of the client, regarding which no final ruling has been made, are paid in the period from 1 August 2014 to 23 September 2014 O2 will not charge the interest and charges on the debt, i.e., the defaults interest, costs of the judicial or administrative proceeding.

If the client meets other conditions in addition to the settlement of all debts and sets up a direct debit from his/her account O2 will waive the charge for one reminder issued in the period from 1 July 2014 to 23 September 2014.

The Czech Telecommunication Office (the Office) recommends the

consumers consider this offer of O2, whereby it is solely up to the customer to decide whether and to what extent it is advantageous for him/her. The Of-

fice warns to be careful in particular in cases where the claimed debt includes a requirement to pay a contractual fine the legitimacy of which the customer doubts.

## Bílý kruh bezpečí acquired authorization to use the number 116 006

On 29 July 2014 civic association "Bílý kruh bezpečí" ("White Circle of Security") acquired an authorization to use the European harmonized number 116 006 for access to services with social value „Linka pomoci obětem trestných činů" ("Crime Victim Help Line"). The help line will be intended for moral and emotional support for crime victims.

The callers will be informed about their rights and options how to exercise these rights. At the telephone number 116 006 they will learn information on the procedures of the police and crimi-

nal justice and damages and insurance. The help line also offers support when searching for further assistance.

A special condition associated with the right to use the number 116 006 is that if it is not available continuously (i.e., 24 hours a day, 7 days a week nationwide) the service provider must ensure that the information on availability be publicly and readily available and that during the unavailability period the callers be provided with information on when the service will be available again.

## Situation in the electronic communication market

O<sub>2</sub>

Starting on 15 July, O2 introduced new add-on bundles called Komfort and Komfort 30 which include free minutes for local and long-distance calls to the fixed networks in the Czech Republic and for calls to mobile networks in the Czech Republic. It is possible to activate it with O2 Trend and O2 Business plans. The add-on bundle Komfort includes 2000 free minutes for calls from subscriber stations such as Přípojka (Line) and Digitální linka ISDN2 (Digital line ISDN2). The use of the add-on bundle Komfort costs CZK 217.80 per month for Přípojka and CZK 484 per month for Digitální linka ISDN2. The add-on bundle Komfort 30 includes 30,000 free minutes and it can be activated for subscriber stations such as Digitální linka ISDN30 (Digital line ISDN30) or Digitální linka 2 MBL (Digital line 2 MBL<sup>1</sup>) and its use costs CZK 39,930 per month. The add-on bundles Komfort and Komfort 30 cannot be activated with plans intended for VoIP Lines.

Free minutes are used for calls within O2 Team Combi<sup>2</sup> and cannot be used for calls at operator and information lines, Blue and White lines and Audiotext numbers<sup>3</sup>. The unused minutes are not transferred to the following billing period.

Starting on 15 July, O2 reduced the price of the Zákaznická hláška service. This service makes it possible to make an individual recording which will guide the customer through the structure of the colored line. The price for recording, creating or change of one voice recording by the service provider according to the customer's wishes was reduced from

1 Digital line 2MBL provides the customer with 30 independent communication channels according to the configuration of the inbound and outbound channels chosen by the customer. Digital line 2MBL is intended for connection of a digital PBX in a fixed network.

2 O2 Team Combi service allows O2 customers to create a voice VPN with the use of the existing phone lines (located within the fixed network of O2) and mobile stations active in the O2 network.

3 Numbers with access prefix 900, 906, 908 and 909 and dial-up connection DATARIF 976.

CZK 1,727.88 to CZK 484.

Starting on 1 July, O2 changed the prices for roaming services in zone 1<sup>4</sup>. Calls within the EU zone and into the Czech Republic now cost CZK 6.30 per minute. It charges CZK 1.65 per minute for inbound calls. As for text messages (SMS), customers will pay CZK 1.95 per SMS, and for Internet access the roaming price was decreased to CZK 6.60 per MB (billing in 1kB increments). Starting on 15 July, 2014, O2 offers higher speeds for data download. In data packages with voice plans [kúl], Basic, ZERO, Start, FREE O2, FREE O2 Plus and FREE CZ the theoretical maximum speed of downstream data is increased from 42 Mbit/s to 110 Mbit/s<sup>5</sup>. The plans include data packages with data limit 80 MB, 200 MB, 1.5 GB or 3 GB.

In prepaid services the operator increased the speed of downstream data to 110 Mbit/s for packages FREE CZ, FREE CZ data L and for the service called "Internet v mobilu+ XS", "Internet v mobilu+ S", "Internet v mobilu+ M" and "Internet v mobilu+ L".

O2 modified the plans for the service called "Mobilní internet" (Mobile Internet). The plans are now entitled "Mobilní internet 200 MB" (the plan is only offered within marketing events) for CZK 199 per month, "Mobilní internet 1.5 GB" for CZK 299 per month, "Mobilní internet 5 GB" for CZK 549 per month, "Mobilní internet 10 GB" for CZK 749 per month and "Mobilní internet 20 GB" for CZK 999 per month. The theoretical maximum speed of downstream data is 110 Mbit/s.

The operator extended until the end of August 2014 validity of its marketing campaign called Internet v mobilu with higher data limit at the price of the lower data limit. The offer is intended for subscribers using the FREE plans who also have Internet in mobile phone (Internet v mobilu) within their plan with minimum data limit of 200 MB. Every subscriber who increases his/her data limit will pay

4 EU, Norway, Lichtenstein, Iceland, Andorra.

5 The speed was increased to 110 Mbit/s also with the service called Mobilní data (time) with daily FUP limit 30 MB for CZK 30 per day.

for the period of two months from the date of increase of the data limit the monthly fee corresponding to the plan with the next lower data limit. O2 also extended the marketing campaign called Vyšší tarif za cenu nižšího (Higher plan for the price of a lower one) for the service of O2 Mobilní internetové připojení (O2 Mobile Internet Connection).

On 1 August the mobile operator published its financial results for the first quarter of 2014. Total consolidated operating income amounted to CZK 21.773 billion, a year-on-year decrease by 8.9%.

T-Mobile

At the end of June 2014 T-Mobile stopped offering plans of the S námi (With us) and Přátelé (Friends) series. Starting at the end of July 2014 T-Mobile will start transferring the customers using one of these plans to unlimited plans S námi v síti (With us within the network), S námi v síti+ (With us within the network+) or S námi síť ne-sít (With us within/outside the network).



On 7 July Vodafone published its offer of voice bundles intended for owners of prepaid cards. The package called Volání v síti neomezeně (Unlimited calls within the network) for CZK 99 per month offers unlimited calls within Vodafone network, the package called Volání to all networks (Calls to all networks) for CZK 249 per month offers unlimited calls within Vodafone network and 100 free minutes to other networks within the Czech Republic, and the package called Volání to all networks neomezeně (Unlimited calls to all networks) for CZK 599 per month offers unlimited calls to all mobile and fixed networks within the Czech Republic. Calls beyond the number of free minutes are charged according to the prepaid card using 60+1 billing. The packages are valid for 30 days and are not automatically renewed.

In July 2014 Air Telecom offered a 50% discount on data plan

called Mobilní internet 4 GB (Mobile Internet 4GB) with data limit 4 GB and maximum (theoretical) data speed of 3.1 Mbit/s. For the first six months the customer will pay CZK

114 per month, then the amount of the monthly fee will return to the original level of CZK 229 per month. The offer is conditional upon signing a contract for 24 months.

## Changes in the market of virtual mobile operators

<p><b>emtěčko</b></p> <p>Started business on: 1 July 2014 Company: Moraviatel a.s. network operator: O2 Czech Republic a.s.</p>	<p>From 1 July there is a new virtual operator in the mobile services market - emtěčko operated by Moraviatel a.s. The operator offers mobile services in the form of a fixed fee with minimum monthly payment of CZK 29 per month.</p>
<p><b>7call</b></p> <p>New price list of mobile services Company: Vole-j.cz s.r.o. Network operator: T-Mobile Czech Republic a.s..</p>	<p>Starting from 1 July, the operator 7call cancelled the offer of the Volej FAJN plan and modified the offer of plans Volej NEJ and Volej NAMAX. The operator also newly offers a plan called Volej NAMAX+* for CZK 499 per month for which the customer will acquire a package of unlimited calls and 200 free text messages (SMSs) to all networks within the Czech Republic. The operator also reduced the price of its Internet connection from CZK 25 per MB to CZK 19 per MB.</p>
<p><b>datelmobil</b></p> <p>New data and M2M plans Company: DaTel Mobile Communications s.r.o. Network operator: T-Mobile Czech Republic a.s.</p>	<p>Starting from 1 July, DaTel Mobile Communications s.r.o. operating under the brand name datelmobil has been offering data plans for mobile Internet with the size of 1.5 GB, 3 GB and 10 GB. The company newly offers also plans M2M (SMART1, SMART2 and SMART3).</p>
<p><b>KT mobil</b></p> <p>New price list of mobile services Company: KABELOVÁ TELEVIZE CZ s.r.o. Network operator: Vodafone Czech Republic a.s.</p>	<p>Starting from 1 July, the virtual operator KT mobil stopped offering additional periodical plans of unlimited calls Bez hranic S (Without borders S) and Bez hranic T (Without borders T) with the offered plans KT mobil – Sólo and KT mobil – Tým. For customers of KABELOVÁ TELEVIZE CZ s.r.o. who are using TV services or Internet connection services the operator published an offer of the TOP plans (CZK 0 per month)<sup>†</sup> and TOP50 (CZK 50 per month)<sup>‡</sup>.</p>
<p><b>Mobil od ČEZ</b></p> <p>New additional SMS packages Company: ČEZ Prodej, s.r.o. Network operator: O2 Czech Republic a.s.</p>	<p>Starting from 1 July, the virtual operator of ČEZ Prodej, s.r.o. has been offering the option to purchase new additional SMS packages Píšu občas (testing occasionally) (for CZK 90 per month) and Píšu rád (Like texting) (CZK 150 per month) with the basic plan Platím, jak volám (Pay as you call)..</p>
<p><b>Nej Mobil</b></p> <p>New data package Company: Nej TV a.s. Network operator: T-Mobile Czech Republic a.s.</p>	<p>Starting from 1 July, the virtual operator Nej Mobil extended its offering of additional data packages of Internet in mobile phone and now offers a packaged called Nej Komfort with data limit 1.5 GB for CZK 409 per month.</p>

\* The unlimited calls service is limited to 3000 minutes per billing period and this limit is exceeded additional minutes are charged at CZK 1.10 per minute. The price of one outbound SMS beyond the free units is CZK 1.25 per SMS.

† Plan TOP is valid for customers of KT CZ who use TV service or the Internet. It is only valid for one SIM card in a household.

‡ Plan TOP50 is valid for every other SIM card in the household.

### Skyfone

New price list of mobile services  
Operator: Ladislav Němec  
Network operator: Vodafone  
Czech Republic a.s

Starting from 1 July, the virtual operator Skyfone has been offering an additional roaming package 20+20+20 Roaming EU/ Zone 1 for a one-off price of CZK 95. The package includes 20 minutes of outbound calls, 20 minutes of inbound calls and 20 text messages (SMS). These can be used within zone 1#. IN addition, starting from 9 July, the operator extended its offering of mobile services by basic voice plans SKY SIMPLE, SKY TALK and SKY MAXI.

### Žlutá simka

New price list of mobile services  
Company: TVNET s.r.o.  
Network operator: Vodafone  
Czech Republic a.s

In the period from 1 July to 23 September the virtual operator run by TVNET s.r.o. offers plans TVNET SIMPLE, TVNET TALK and TVNET FAMILY<sup>i</sup> within its campaign called LÉTO 2014 (SUMMER 2014). The offer is valid only for the existing customers of cable TV TVNET. The operator newly offers all customers a roaming package 20/20+20+0 for CZK 95 per month. The package includes 20 minutes of inbound calls, 20 minutes of outbound calls and 20 text messages (SMS) applicable within zone 1.

# Zone 1 - EU, Norway, Lichtenstein, Iceland, Andorra.

i The offer is valid for not more than 3 SIM cards.

## Market analyses

### Market no. 1 – access to public telephone network at a fixed location

On 3 July 2014 the Office started a public consultation on the proposal to define O2 Czech Republic a.s. as undertaking with significant market power in this relevant market. Comments within the monthly period were raised by O2.

On 21 July the Office also started a public consultation on the proposed decision on imposition of obligations on an undertaking with significant market power, O2 Czech Republic a.s., based on the result of the analysis of the relevant market. The Office proposes to impose on the company the obligation to enable the selection and pre-selection of operator and the obligation to keep separate accounts of costs and revenues. Suggest-

tions on the proposed decision may be raised by 21 August. O2 also raised its suggestions in this public consultation.

### Market no. 3 – call termination on individual public mobile telephone networks provided at a fixed location

On 9 July the Office received a statement of the Office for the Protection of Competition on the proposed decision about price No. CEN/3/XX.2014-Y for MAXPROGRES telco, s.r.o. The Office for the Protection of Competition did not raise any suggestions.

### Market no. 6 – wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity

On 28 July the deadline for rais-

ing suggestions on the proposal of a measure of general nature of market analysis No. A/6/XX.2014-YY, market No. 6. The Office will subsequently deal with the suggestions received.

### Market no. 7 – voice call termination on individual public mobile telephone networks

At the beginning of July all decisions to impose REM obligations based on the result of the analysis of relevant market No. 7 entered into force. These are 4 decisions. O2 Czech Republic a.s., T-Mobile Czech Republic, a.s., Vodafone Czech Republic a.s. and Air Telecom a.s. were imposed obligations to enable access, transparency and non-discrimination obligation. In addition, Operators O2, T-Mobile, Vodafone are obliged to keep separate records of costs and revenues.

## Public payphones

The announcement of the tender for an undertakings providing publicly available telephone service who shall be obliged to provide, within the universal service, a sub-service of public payphones or other similar technical equipment enabling access to the publicly available telephone service, was published on 18 July in part 14/2014 of the Telecommunication bulletin.

Within the announcement of the tender the Office laid down its requirements for the fulfillment of this sub-obligation. In the individual years the number of public payphones within the universal service will

## Universal service

be slightly reduced based on the defined criteria (with regard to the population in the municipalities concerned).

The deadline for submission of applications for the tender is 18 August 2014.

### Special terminal equipment

On 23 July 2014 the Office published an announcement of the commencement of the review of the reasons for imposing, within the universal service, the obligation to provide the sub-service – access of handicapped people to the publicly available telephone service, to the telephone number information service

and to subscriber directories equal to the access of other end users, in particular by means of specially equipped telecommunication terminals pursuant to Section 38 (2) f) of the Electronic Communications Act.

The Office started a review of the reasons for imposing, within the universal service, the obligation to provide this sub-service, with regard to the end of validity and effective period of the decision.

The Office currently collects information, suggestions and other relevant information related to this sub-service. Based on the result of the review, the Office will issue intent to further impose, as the case may be, not to impose this sub-service, which shall be justified by the Office.



## Telecommunication regulation in the EU

The Radio Spectrum Committee (RSC) discussed at its session on 2 and 3 July in Brussels the status of use of vehicle radars operating in frequency bands 24 GHz and 79 GHz in the EU. It passed recommendations on the proposal to modify decision 2007/131/EC on ultra-broadband communications, on the proposal of a new decision of the Commission on harmonization of frequency bands for wireless microphones and on the assignment of amendment of the decision of the Commission on short-range equipment.

On 15 July the European Parliament elected Jean-Claude Juncker chairman of the European Commission in a secret ballot with 422 votes. The new Commission is supposed to start functioning on 1 November for a five-year period. The minimum number of votes necessary for the election was 376. The newly elected chairman introduced five main priorities in his [political program](#). Those which should contribute to economic growth include development of single European digital market which will facilitate, among other things, the access of the EU population to services provided through electronic media and communications. Jean-Claude Juncker therefore intends to enforce the relevant legislative actions in the area of regulation of telecommunications, copyright and reforms of the radio spectrum management.

On 22 July the European Commission published the 18th evaluation [report on the telecommunication market and regulation](#) in this sector in the EU focusing on the period from January 2012 to December 2013. The report summarizes the achieved results of the European Union – economic indicators, competition environment, market development including roaming, regulation measures, plans of development of high-speed communications, radio spectrum management, provision of access and inter-connection, consumer issues, network neutrality, etc., in terms of meeting the goals of the Digital Agenda. Then follow 28 chapters describing the development of the markets and regulatory environment in the EU Member States.

On 25 July 2014 the [Council Decision 2014/496/SZBP of 22 July 2014 on](#)

[aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/SZBP](#) was published in the Official Journal of the European Union. The decision came into effect on the date when adopted.

At the end of July the Ministry of Industry and Trade sent answers to the questions of the Radio Spectrum Policy Group (RSPG), an advisory body of the European Commission. The questionnaire is related to the current and future use of the 700MHz band which is currently used primarily for terrestrial television and radio broadcasting. In its position paper for RSPG the Ministry of Industry and Trade emphasized that any factual steps toward transition to the new digital standard DVB—T2 will not be taken before 2021.

### Disputes between businesses in electronic the communications sector

The Czech Telecommunication Office started an administrative proceeding upon request of ha-vel internet against the respondent, O2 Czech Republic, in the matter of a dispute regarding the imposition of the obligations related to the provision of the Carrier Ethernet Network service and its price on wholesale as well as retail level. The subject of the dispute is the imposition of the obligation to provide to the claimant and other

interested parties the service at a lower price than the price offered by the respondent in individual tenders and not to offer this service within public procurement procedures at a price lower than its wholesale price plus retail costs of the respondent and reasonable profit of the respondent. A request for preliminary injunction was filed in the matter which was dismissed by a decision dated 14 July.

## Radio spectrum management

### General authorization

On 21 July the public consultation of the proposal of general authorization No. VO-S/1/XX.2014-Y which amends general authorization No.

VO-S/1/07.2005-9 which lays down the conditions for provision of services of the services of electronic communications, as amended by general authorization No. VO-S/1/01.2012-2. Suggestions were raised by O2 Czech Republic

a.s., T-Mobile Czech Republic, a.s. and Vodafone Czech Republic a.s.

The Office will deal with the suggestions and prepare the final version of the general authorization which it will issue subsequently.

## ...performance of communication activities without authorization–

The Office discovered seven cases of performance of communication activities without authorization and will open administrative proceedings in these cases.

## ...compliance with the conditions of individual authorizations for the use of radio frequencies –

Office carried out nine audits of compliance with the conditions of individual authorizations for the use of radio frequencies, focusing primarily on the compliance with the conditions laid down for operators of UHF FM transmitters. Subsequently it issued four requests to remedy the deficiencies and opened administrative proceedings in these cases.

## ...compliance with the conditions of general authorization No. VO-R/12/09.2010-12 to use radio frequencies and operate facilities for broadband data transmission in the bands from 2.4 GHz to 66 GHz –

the Office carried out 49 audits. In 24 cases it discovered deficiencies, in particular use of indoor frequencies outside buildings; the Office deals with the misconduct by a request for remedy and started administrative proceedings in this matter.

## ...use of radio frequencies without authorization –

the Office carried out 14 inspections focusing on entities using frequencies without authorization or after expiry of authorization, in particular operators of wifi equipment outside the permitted frequency bands and operators of terrestrial mobile service stations. In 11 cases the Office discovered use of radio frequencies without authorization (of which 9 wifi). It will open administrative proceedings in the matter..

## ...sources of interference with the operation of electronic communication facilities and networks, provision of services of electronic communications or operation of radio communication

**services** –Office carried out 96 local investigations, of which 47 cases of interference with DVB-T signal, 8 cases of interference with meteorological radars and 17 cases of interference with public GSM and UMTS networks. The sources of interference identified were in particular wifi equipment (8), 6 GSM repeaters (interference with GSM and UMTS) and 3 defective DECT handsets and also, for example, interference by CDMA base station signal.

## ...test operation of LTE base stations in 800MHz frequency band –

As of 31 July 2014 operators reported 961 LTE base stations as being test-operated in the 800MHz frequency band. In July the Office received 31 reports of listeners suspecting interference of BTS LTE with digital TV signal. After an investigation, in 8 cases the Office ordered the payment for the interference filter by LTE operators, in 4 cases the report was closed as unjustified (3 cases of defective reception equipment, 1 case of investigation by the Office without interference – after installation of own filter), and 19 cases are still pending. Based on the results of the test operation, 44 base stations switched to regular operation in July.

## Cooperation between the Office and Česká obchodní inspekce (the Czech Trade Inspection Authority)

– During the process of checking of the vendors of telecommunication terminal and radio equipment within the cooperation between the Office and Česká obchodní inspekce (the Czech Trade Inspection Authority) in Jablonec nad Nisou the authorities discovered the sale of models of radio-controlled models of cars working in the 35MHz and 49MHz bands. Such radio equipment cannot be operated in the Czech Republic without an individual authorization for the use of radio frequencies. The deficiencies discovered are handled by the Czech Trade Inspection Authority within its scope of powers.



## Postal Services

In July no certificate of notification of business in the area of postal services was issued and no change occurred in the certificates which had already been issued. The Office imposed fines on the operators of postal services for offences consisting of, for example, not attempting to deliver mailings at the place specified on the mailing address and dishonest solicitation of services consisting of delayed payment of the 'cash on delivery' money. Another misconduct for which the Office imposed a fine in July

Overview of inspection activities in performance of inspection of electronic communications for the month of July 2014

Type of activity	Number of certifications or inspections		number of notices requesting elimination of the deficiencies	number of administrative proceedings opened	number of decisions issued <sup>*)</sup>	decided in favor of		fines imposed	
	Total	of which				The subscriber	The provider	number	amount in CZK
1. The number of certifications notifying business activities issued (Section 14 of ECA)	12								
2. The number of changes of certifications notifying business activities (Section 14 of ECA)	30								
3. Performance of communication activities without certification	7			2	2			2	7000
4. Observance of conditions of general authorizations	67		23	66	68			68	625000
a) for the operation of public communication networks and associated facilities		0	0	8	8			8	40000
b) for provision of services of electronic communications		1	0	0	0			0	0
c) for utilization of radio frequencies and operation of instruments (radio equipment)		66	23	58	60			60	585000
5. Audit of radio frequencies	119		5	27	21			21	284100
a) utilization of radio frequencies without authorization for their utilization		14		10	6			6	98000
b) Observance of conditions of individual authorization for utilization of radio frequencies		9		7	7			7	24100
c) locating sources of interference of operation of electronic communication facilities and networks, provision of services of electronic communication or operation of radio communication services	96		1	10	8			8	162000
6. Inspection of numbers for the purposes of management of numbers (number of inspection calls)	2		0	0	1			1	5000
a) utilization of numbers without authorization for their utilization		2		0	1			1	5000
b) utilization of numbers violating authorization for their utilization		0	0	0	0			0	0
7. Settlement of subscribers' disputes	0			5296	17653	4282	11737		
a) on objection against the settlement of complaint about the service provided		0		2	4	1	0		
b) on objection against the settlement of a complaint about the billing of the services		0		17	19	4	5		
ba) on access to data services with specific price (data and voice)		0		0	0	0	0		
baa) on access to data services with specific price provided on the Internet network or on other data networks (Dialer)		0		0	0	0	0		
c) on payment of the price for services (payment)		0		5274	17616	4275	11730		
d) other		0		3	14	2	2		
8. Failure to provide information pursuant to Section 115 of ECA				9	6			7	50000
9. Other	5		2	95	75			81	446100
TOTAL	195		30	5495	17826	4282	11737	180	1417200

<sup>\*)</sup> Total number of decisions issued includes also cases of termination of administrative proceedings in the form of resolution, i.e., cases of death of the subscriber, extinction of a company, interruption of proceedings ex lege (bankruptcy), incompetency to decide, etc.

was the offence consisting of delivery of a personal mailing to an unauthorized person. The Office also levied a fine for failure to comply with the conditions of quality requirements pursuant to Decree No. 464/2012 concerning basic postal services, i.e., with respect to the services in the due fulfillment of which the public is interested.

In July 2014 the chairman of the Council of the Office issued a decision to confirm one decision of the Office to impose a fine on the Czech Post where its appeal against the decision of the Office was dismissed as unjustified, and the decision of the Office thus became effective. The fine in the amount of CZK 2,000,000 was imposed for a failure to comply with the notification obligation in the introduction of the so-called afternoon deliveries. In connection with the introduction of the afternoon deliveries in November 2011 an obligation was stipulated, upon request of the Czech Post, to inform in writing all natural persons and legal entities in the Czech Republic no later than 31 January 2012 about the time interval when the mailings and remitted monies will be delivered.

In its Monitoring Report for November 2013 (see page 6) the Office stated that has completed its administrative proceeding with Česká pošta, s.p. in the matter of breach of obligation pursuant to Section 33 (9) of the Postal Services Act to report to the Office an increase of prices of the basic services at least 90 days prior to the effective date of such increase. The Czech Post increased the prices of some basic services as of 1 August 2013 without having reported it to the Office within the statutory period (for more information see the Monitoring Report for July 2013, page 28, and

Monitoring Report for July 2013, str. 15). On 29 November 2013 the Office imposed a fine on the Czech Post in the amount of CZK 1,500,000. On 16 December 2013 the Post lodged an administrative appeal against the decision. On 1 July 2014 the Chairman of the Council of the Office issued a decision based on the discussion in the appeal commission by which it confirmed the contested decision of the Office as factually correct but it reduced the fine imposed on the Czech Post to CZK 1,000,000. The decision entered into force on 2 July. The Czech Post paid the fine on 29 July..

Overview of inspection activities in performance of state inspection of postal services and subscriber disputes for the month March 2014

Type of activity	Number		number of measures in the interest of proper provision of services pursuant to Section 6 (4) and Section 37 of the PSA	number of administrative proceedings from the preceding month	number of administrative proceedings commenced	number of decisions issued	Decided in favor of			Fines imposed		number of administrative proceedings passing to the next month
	total	of which					the subscriber	the provider	Other	number	amount in CZK	
1. Number of certifications notifying business activities issued	0											
2. Number of changes of certifications notifying business activities	0											
3. Performance of postal activities without certification	0			0	0	0				0	0	0
4. Observation of conditions of the Postal Services Act (hereinafter referred to as "PSA") and other regulations	0		0	2	2	1				1	20000	3
5. Observation of postal conditions pursuant to Section 6 of the PSA		0	0	1	2	0				0	0	3
6. Observation of the conditions of quality requirements pursuant to Decree No. 464/2012		0	0	1	0	1				1	20000	0
7. Decisions on objections against the processing of a claim pursuant to Section 6a of the PSA	0			7	1	2	1	1	0			6
8. Decisions on disputes pursuant to Section 37 (3) a) of the PSA	0			0	0	0	0	0	0			0
9. Failure to provide information pursuant to Section 32 a) of the PSA	0			0	0	0				0	0	0
10. Other	0		0	5	5	4				4	26000	6
11. Section 37a (3) a) of the PSA		0	0	1	4	1				1	1000	4
12. Handling mailings in violation of Section 7 (1) of the PSA		0	0	2	1	1				1	10000	2
13. Compliance with the conditions of the Consumer Protection Act		0	0	1	0	1				1	5000	0
14. Offence pursuant to Section 24 (7) v) of the Consumer Protection Act		0	0	1	0	1				1	10000	0
TOTAL	0		0	14	8	7	1	1	0	5	46000	15

## The Office on the consumer's side

### In June 2014:

- the Office opened **5296** administrative proceedings pertaining to subscriber disputes between a person performing communication activities, on the one hand, and a participant, on the other hand, concerning payments and motions for opening proceeding on objection against the settlement of a complaint about the billing of the price or publicly available service of electronic communications which are decided by the Office pursuant to Section 129 of the Electronic Communications Act.
- The Office issued **17,653** decisions on the matter,
- of which **17,616** decisions on the subject payment (payment of price for services).

Vodafone Czech Republic a.s. introduced in the media to the public the changes effective from 13 September 2014. The changes are related in particular to mobile data services. The most significant change is supposed to be automatic activation of the additional data package after having used up the basic data package, and this additional data package will be a paid service. According to the Vodafone's statement, subscribers will be informed about the balance of their data package continu-

ously by text messages (SMS) which will also include information on the automatic activation of the additional data package following the exhaustion of the agreed-upon basic data package. Subscribers who will not be interested in automatic activation of the additional data package data package can deactivate the service, according to Vodafone's statement. In this respect, the Office will focus on verification of the method by which the subscribers will be informed about the change of the con-

tract and also whether Vodafone complies with all statutory obligations when offering this service as laid down by the Electronic Communications Act and Consumer Protection Act.

In connection with the coming into force of some provisions of Regulation (EU) of the European Parliament and of the Council No. 531/2012 on roaming on public mobile communications networks within the Union, the Office focused in July on checking the incorporation of the relevant provisions of the above-mentioned regulation with impact on the prices of roaming in the so-called mobile virtual operators. By checking the documents published on the Internet the Office discovered that not all mobile virtual operators reflected the changes required by the regulation in their contractual documents. The Office currently performs acts before opening an administrative proceeding, if any, with respect to such mobile virtual operators who charge subscribers higher prices than the regulated prices, and will open administrative [proceedings in such cases.

# Complaints of subscribers and users of services in Q2 2014

## Services of electronic communications

- ♦ For the 2nd quarter 2014 the Office registered **708** complaints by subscribers/users.
- ♦ **460** complaints (65% of all complaints) were handled by the Office according to the Electronic Communications Act.
- ♦ **53** complaints were not within the Office's remit and the Office referred these to the competent body (7.5% of all complaints)
- ♦ The Office found **195** complaints (27.5% of all complaints) to be unfounded.

In comparison with the total number of complaints in the 1st quarter 2014, the number of complaints in the 2nd quarter 2014 decreased by 153 (i.e., almost by 17.8%). When comparing the 2nd quarter 2013 and 2nd quarter 2014, in the 2nd quarter 2014 the total number of complaints increased by 122 (i.e., by 20.8%).

The increased number of complaints regarding services of electronic communications in the 1st quarter 2014 was caused by changes to contracts by the providers in connection with the incorporation of the newly effective Civil Code and also Act No. 214/2013 Sb. (Collection of Laws). The number of complaints in the 1st quarter 2014 was also affected by the unilateral change of the existing plans to FREE plans made by O2. In the 2nd quarter 2014 there no such significant changes in contracts with subscribers, which is also the reason for the decrease of the number of complaints field with the Office. In general, it is possible to see a slight increase in the number of complaints about the bill of the services of electronic communications in the 2nd quarter 2014 relative to the 1st quarter 2014. In the 2nd quarter 2014, however, the number of complaints decreased also in the area of consumer protection, by dozens of cases.

### Another aspect of the categorization of complaints is the factual subject of the complaint.

The number of complaints about the bill of the services in the period concerned relative to the previous period slightly grew, but these complaints still consti-

tute the largest share of the number of complaints about the services of electronic communications. The second most numerous category of complaints in the 2nd quarter 2014 is complaints about subscriber contracts. There are 240 complaints about the bill, which is 33.9% of the total number of complaints. These complaints are handled by offering legal advice to the complainant or these cases are settled in an administrative proceeding as objections against the handling of a complaint about the price for the services provided.

Relative to the 2nd quarter 2013, in the 2nd quarter 2014 the total number of complaints about the services of electronic communications increased by 151 complaints (i.e., by 42.5%). The greatest share in this increase was primarily the significantly higher number of complaints about subscriber

contracts and the bill. There were 219 complaints about subscriber contracts in the 2nd quarter 2014, which is 98 complaints fewer than in the 1st quarter 2014, but 74 complaints more than in the 2nd quarter 2013. In this category it is therefore a decrease by 30.9% relative to the previous period.

As for the telephone number porting, in the period concerned the number of complaints about the service of telephone number porting within a mobile network increased by 9 complaints relative to the 1st quarter 2014, to 44 complaints (i.e., increase by 25.7%).

As for complaints in the area of consumer protection governed by the Consumer Protection Act, the number of complaints filed decreased relative to the previous period by 23 complaints (i.e., by 45.1%). Almost a half of these complaints, after investigated by the Office, were found unfounded.

The number of complaints about services provided as part of a universal service has been minimal over the long-term; the Office did not register a such complaint in the 2nd quarter 2014.

### The last aspect according to which the complaints are categorized is classification by the service provider against whose actions the complaint is filed.

The following table shows only

	Company	Number of complaints and queries	Representation of the number of complaints and queries to the number of subscribers/users of the company <sup>1)</sup> (‰)	Representation of the number of complaints and queries to the total number of complaints and queries (%)
1.	LIVE TELECOM	6	0,219	0,3
2.	Air Telecom	34	0,394	1,5
3.	Vodafone	176	0,061	7,9
4.	T-Mobile	198	0,032	8,9
5.	Telefónica	449	0,061	20,3
6.	UPC	54	0,044	2,4

Table No. 1

<sup>1)</sup> Number of all subscribers/users as of 31 December 2013.



complaints about the actions of the major providers of electronic communications services, namely with regard to their predominant share in the number of users of the services as well as in the number of complaints. This table takes into account also queries of the subscribers related to the individual providers.

In the 2nd quarter 2014 the Office registered 1508 queries about the services of electronic communications, which is 237 queries fewer than in the previous quarter. In addition to queries directed at the conditions of engaging in business in electronic communications and issuing certificates pursuant to Section 26 of the Electronic Communications Act, which accounted for a total of 41.5%, the majority were queries about the services of electronic communications and consumer issues. Similarly to the previous periods, a substantial part of the queries were about the billing of prices for services (16.7%). As in the case of complaints, the number of queries in the category of subscriber contracts, which represented 17.8% of the total number of queries received, decreased, and these queries pertained primarily to the issues of termination of contracts, charging contractual fines upon contract termination, etc. There were also more queries about the portability of numbers within the mobile network, in particular in connection with the application of the notice period prior to the commencement of the porting process (2.4%). The total number of queries in the area of consumer protection did not change. As for the contents,

Subject matter		Questions	Complaints					Total complaints <sup>(a)</sup>	Settled in favor of the subscriber /user <sup>1)</sup>
			Method of settlement						
			Provision of information						
according to the law <sup>2)</sup>					No violation of the law <sup>3)</sup>	Outside the Office's remit			
a	b	c	d	e	f	g			
1.	1	Electronic communication services	577	364	129	13	506	954	
	2	Failure to set up electronic communication services	7	0	1	0	1	7	
	3	Quality of electronic communication services	28	9	6	0	15	37	
	4	Subscriber contracts	268	159	56	4	219	431	
	5	Failure to provide electronic communication services in accordance with a contract	22	20	7	0	27	42	
	6	Activation of unsolicited electronic communication services	1	4	0	0	4	5	
	7	Disagreement with billing	251	172	59	9	240	432	
2.	8	Radio communication services	4	0	0	0	0	4	
3.	9	Portability of a telephone number in a mobile network	36	25	19	0	44	61	
4.	10	Portability of a telephone number in a fixed network	0	2	2	0	4	2	
5.	11	Failure to set up or transfer a telephone station	2	3	0	0	3	5	
6.	12	Customer support service provided by electronic communication service provider	0	2	4	0	6	2	
7.	13	Method of customer acquisition by providers and dealers	5	0	0	0	0	5	
8.	14	Reception of TV signal in connection with the digitalization of broadcasting	27	0	0	0	0	27	
9.	15	Deceptive advertising	1	0	0	0	0	1	
10.	16	Consumer protection <sup>2)</sup>	41	11	15	2	28	54	
	17	adherence to honesty of service provision (Section 3 of the CPA)	0	0	0	0	0	0	
	18	unfair business practices3) (Section 4 of the CPA)	29	6	6	0	12	35	
	19	deceptive business practices (Section 5 of the CPA)	11	2	7	2	11	15	
	20	aggressive business practices (Section 5a of the CPA)	1	0	1	0	1	1	
	21	prohibition of consumer discrimination (Section 6 of the CPA)	0	1	0	0	1	1	
	22	the duty to inform (Sections 9 to 10 and Sections 11 to 13 of the CPA)	0	2	0	0	2	2	
	23	other obligations in the provision of electronic communication services (Sections 15 to 16 and Section 19 of the CPA)	0	0	1	0	1	0	
11.	24	Universal service	0	0	0	0	0	0	
	25	access to publicly-accessible telephone service for the disabled <sup>4)</sup>	0	0	0	0	0	0	
	26	public telephones <sup>5)</sup>	0	0	0	0	0	0	
	27	access and the possibility of people with low incomes using services <sup>6)</sup>	0	0	0	0	0	0	
12.	28	Other <sup>7)</sup>	815	53	26	38	117	906	
	29	telephone directories	9	1	0	0	1	10	
	30	information service about subscribers' telephone numbers	0	1	0	0	1	1	
	31	services from third parties – Premium SMS	17	4	7	6	17	27	
	32	services from third parties – audio text services	8	2	0	5	7	15	
	33	annoying and unsolicited calls	23	19	3	0	22	42	
	34	offering marketing advertising in violation of Section 96 of ECA	7	2	2	0	4	9	
	35	communication networks, protective zones and the use of the property of another	24	2	0	3	5	29	
	36	undertaking business in electronic communication	212	3	3	0	6	215	
	37	qualification examination (Section 26 of ECA)	414	0	0	0	0	414	
	38	coverage with TV signal and GSM	14	0	1	0	1	14	
	39	privacy	3	1	1	1	3	3	
	40	miscellaneous	84	18	9	23	50	125	
	TOTAL		1508	460	195	53	708	2021	

Table No. 2 - Complaints and questions from subscribers / users for Q2 2014

### KEY

1) Not complaints according to Section 175 of Act No. 500/2004 Sb. (Collection of Laws), the Code of Administrative Procedure, as amended by Act No. 413/2005 Sb. (Collection of Laws) Not objections to the settlement of a warranty claim on publicly accessible electronic communications services provided or other subscriber disputes resolved within administrative proceedings. Complaints and questions are on record at the settlement stage.

2) Pursuant to Act No. 634/1992 Sb. (Collection of Laws), on consumer protection, as amended.

3) Business practices in accordance with Section 4 of the Act on Consumer Protection, according to which a business practice is unfair if the conduct of the business undertaking towards the consumer is in conflict with the requirements of professional care and is capable of significantly influencing his decision-making such that he might take a commercial decision which he would not otherwise take. Unfair business practices are mainly deceptive and aggressive business practices.

4) Decision No. 44 813/2009-610/VII. vyř. of 23 June 2009, on imposing the obligation to provide a constituent service within the bounds of a universal service: access for disabled people to a publicly- -accessible telephone service equal to the access used by other end users, in particular by way of specially-equipped telecommunication terminal devices, according to Section 38(2)(f) of the Elec-

tronic Communications Act.

5) Decision No. 466/2006-610/II. vyř. of 13th March 2006, as amended by Decision No. 20 583/2008-610/IX. vyř., No. 63 465/2009-610/IX. vyř. and No. 100 041/2010-610/VI. vyř., imposing the obligation to provide a constituent service within the bounds of a universal service - public telephone services.

6) Decision No. CTU-43 632/2011-610/VI. vyř. of 7th June 2011 in the matter of imposing an obligation within the bounds of a universal service to allow persons with special social needs according to Section 38(4) of the Electronic Communications Act and in accordance with Section 44 and Section 45 of this act to choose prices or price plans that differ from the price plans provided under normal commercial terms and conditions such that these persons have access to and are able to use a constituent service and a publicly accessible telephone service.

7) A different type of complaint not classifiable under 1 to 10.

8) An electronic communication service provider and in the notes a provider of content.

9) Electronic Communications Act; in the case that the complaint or question concerns consumer protection, the Consumer Protection Act.

10) Includes complaints – procedure pursuant to the Electronic Communications Act (column c), complaints – no violation of the Electronic Communications Act (column d) and complaints – not within the Office's remit (column e).

11) Includes questions (column b), complaints – procedure pursuant to the Electronic Communications Act (column c), and complaints – not within the Office's remit (column e).

12) Includes questions (column b), complaints – procedure pursuant to the Electronic Communications Act (column c), complaints – no violation of the Electronic Communications Act (column d) and complaints – not within the Office's remit (column e).

13) The number of complaints segmented according to individual electronic communication service providers against which a complaint is lodged. If required, the name of an electronic communication service provider not shown in the list is added in the header. For a marginal electronic communication service provider, the word "Other" can be added.

ECA – Act No. 127/2005 Sb. (Collection of Laws), on electronic communication and amending certain related acts (the Act on Electronic Communication), as amended.

CPA – Act No. 634/1992 Sb. (Collection of Laws), on consumer protection, as amended.

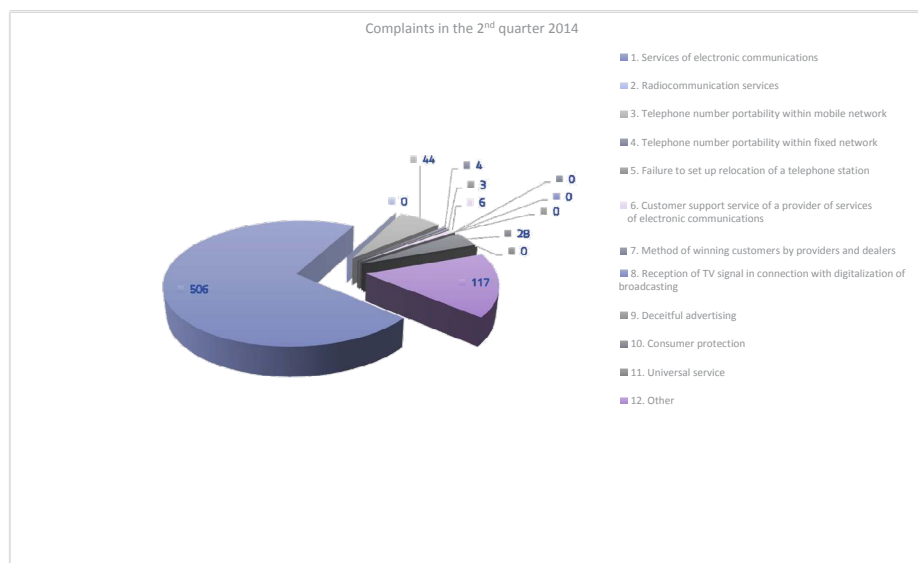
the vast majority of queries were related to unfair and deceitful business practices.

An overview of the total number of complaints and queries in the 2nd quarter 2014 is shown in table No. 2 and chart No. 1. The development of the number of complaints about electronic communication services in a year-on-year comparison from the 2nd quarter 2013 to the 2nd quarter 2014 is shown in chart No. 2. The number of complaints in comparison with the same periods in previous years is shown in chart No. 3. Chart No. 4 represents the number of complaints made by subscribers to the specified companies (in %) for the period from the 2nd quarter 2013 to the 2nd quarter 2014.

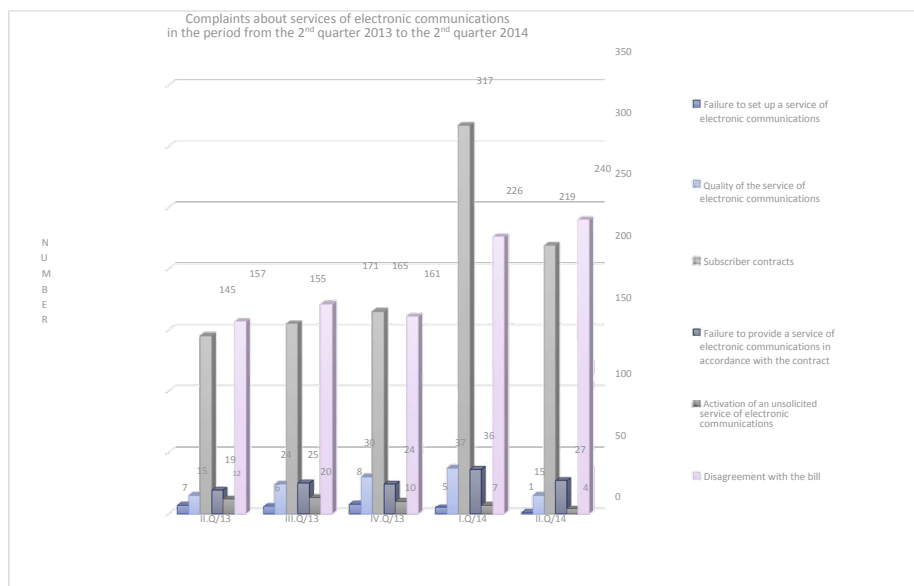
### Final summary:

It is possible to claim, based on the above statistical evaluation of the quantitative and qualitative parameters of complaints in the 2nd quarter 2014, that the number of complaints and queries did not deviate significantly from the number of complaints and queries in the previous periods. Most often the complaints and queries are related to the requisites of subscriber contracts or procedures in the event of disagreement with the bill.

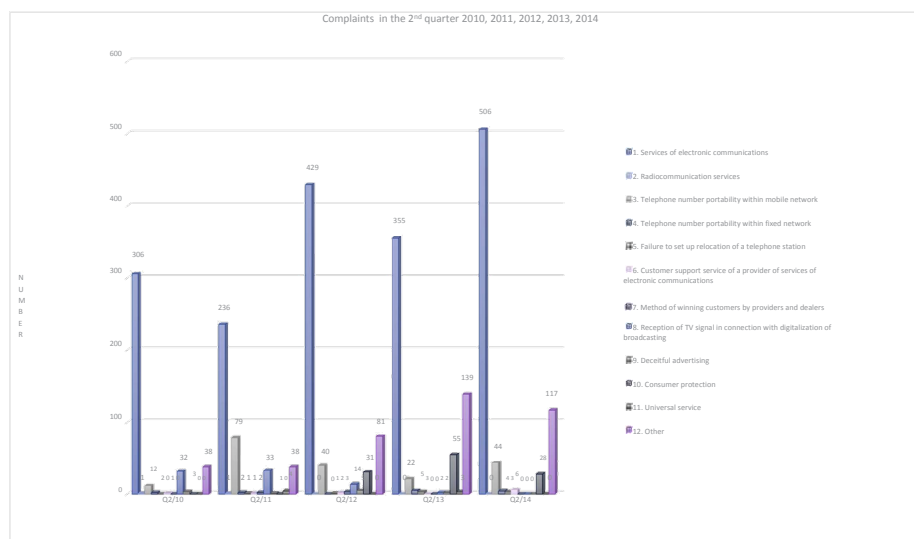
As for subscriber contracts, the Office increasingly encounters complaints and queries of subscribers using the services of virtual operators. The Office will continue with the analysis of the contractual terms of the providers of the services of electronic communications, in particular virtual operators, and will continuously check whether the contents of the contracts correspond with the requirements of the Electronic Communications Act. In connection with the coming into force of the Regulation (EU) of the European Parliament and of the Council No. 531/2012 on roaming on public mobile communications networks within the EU, with impact on the roaming prices, the Office will check whether all providers of the services of electronic communica-



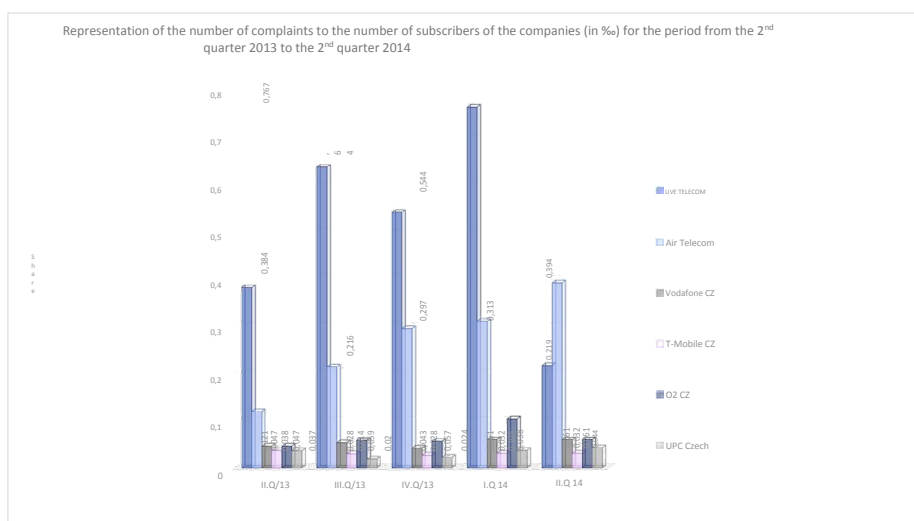
Graph No. 1 - Complaints in the Q2 2014



Graph No. 2 Complaints about services from the Q2 2013 to the Q2 2014



Graph No. 3 Complants in the Q2 2010, 2011, 2012, 2013, 2014



Graph No. 4 Representation of the number od complaints to the number of subscribers

tions, including virtual operators, have adopted in their contract documents the changes required by the above-mentioned regulation.

In connection with the ever-increasing number of complaints and queries about telephone number portability within a mobile network it will be in the Office's interest to review the conditions and process of telephone number porting from the current provider to the new provider, including the duration of the process and application of the notice period. The Office currently registers a higher number of complaints and queries concerning telephone number portability where one of the providers (the current one or the new one) is a virtual operator, and further inspection activity will go in this direction.

Within its inspection activities, the Office also responded to the increased number of complaints and queries of mainly lonely or elderly consumers about the sales practices of salespeople during door-to-door retailing and through local departments is seeks better awareness of the consumers in question regarding the rights and obligations under the contracts on provision of the services of electronic communications signed during door-to-door retailing.

Last but not least, the Office also encounters a significant number of complaints related to unsolicited marketing where consumers are contacted with a marketing offer, although they do not wish such practices and expressed with their provider disagreement with the marketing at their phone number. In this respect, the Office investigates every complaint received with the respective service provider but it also informs the consumer about the possibility of granting, unaware, their consent to the marketing offers for example by entering their telephone number in various inquiries, contests, registrations in loyalty clubs, etc.

## Postal services

In the period concerned the Office registered 41 complaints about the basic postal services pursuant to Section 3 of

the Postal Services Act, which, relative to the 1st quarter 2014, represents an increase by 86.4%. Of the total number of complaints about basic postal services, the Office settled 25 in favor of the consumer; in 16 complaints the law was not broken. From the point of view of the individual basic services the consumers most commonly complained in the 2nd quarter 2014 about the delivery of mailings up to 2kg, specifically 15 cases, and delivery of registered mail, specifically 12 cases. In vast majority of the cases, the complaints were directed at the services provided by Česká pošta, s. p.

In the 2nd quarter 2014 the Office only registered one query related to the basic postal services. The query related to the delivery of mailings up to 2kg. The number of queries in this category decreased by 5 relative to the previous quarter.

The Office received 81 complaints relating to the basic parameters of providing postal services, such as the long waiting period, the opening hours of post offices, the delivery of mail, the handling of complaints, etc., which represents an increase by 52.8% relative to the previous year.

The most represented service in the total number of these complaints is delivery of mail, specifically 52 cases, which represents 64.2% of the total number of complaints in this category. There were 24 queries about other than postal services, which represents decrease by 2 queries relative to the previous quarter. Also in this area most complaints and queries were directed at the services provided by Česká pošta, s. p.

The Office now monitors the category of complaints and queries to concern selected non-postal ser-

Subject matter		Queries	Complaints				Settled in favor of the customer	Total	
			Handling			Total complaints			
			According to the law	No violation	No jurisdiction of the Office				
a		b	c	d	e	f	g	h	
1.	1	Complaints and questions about basic services pursuant to Section 3 of the Postal Services Act							
	2	service of delivery of mailings up to 2 kg	1	9	6	0	15	10	16
	3	service of delivery of packages up to 10 kg	0	3	1	0	4	3	4
	4	service of delivery of money by postal remittance order	0	1	0	0	1	1	1
	5	service of delivery of registered letters	0	7	5	0	12	7	12
	6	service of delivery of valuable mailings	0	0	1	0	1	0	1
	7	service of free delivery of mailings up to 7 kg for the blind	0	1	0	0	1	1	1
	8	basic international postal services	0	4	3	0	7	4	7
	9	service of delivery of packages over 10 kg posted abroad	0	0	0	0	0	0	0
	10	service of international replies	0	0	0	0	0	0	0
	11	international service of reply mailings	0	0	0	0	0	0	0
	12	service of delivery of a printed material sack	0	0	0	0	0	0	0
		TOTAL	1	25	16	0	41	26	42
2.	13	Complaints and questions about postal services *)							
	14	long waiting times	0	1	0	0	1	1	1
	15	opening hours of post offices	4	1	0	0	1	5	5
	16	change of the deposition post office	0	3	2	0	5	3	5
	17	delivery of mailings	8	37	15	0	52	45	60
	18	handling of complaints	6	11	2	0	13	17	19
	19	breach of mail secrecy	3	0	2	0	2	3	5
	20	mailings to/from abroad	0	2	4	0	6	2	6
	21	delivery of official documents	0	0	0	1	0	1	1
	22	requests for information	3	0	1	0	1	3	4
		TOTAL	24	55	26	1	81	80	106
3.	23	Complaints and questions about selected non-postal services							
	24	Czech POINT	0	0	0	0	0	0	0
	25	data mailboxes	0	0	0	2	0	2	2
	26	electronic signature	0	0	0	0	0	0	0
	27	Poštovní spořitelna and other financial services	0	0	0	0	0	0	0
	28	other services	4	1	2	4	3	9	11
		TOTAL	4	1	2	6	3	11	13
		TOTAL NUMBER OF COMPLAINTS AND QUERIES ABOUT POSTAL AND SELECTED NON-POSTAL SERVICES	28	56	28	7	84	91	119

Table No. 3: Complaints and queries of customers about postal services in the Q2 2014

vices (CZECH Point, data mailboxes, electronic signatures, services of Poštovní spořitelna and other financial services), for which, however, the Office does not have remit and refers such submissions to the relevant bodies. In the previous quarter the Office registered 3 complaints in this category. The remaining complaints were not within the Of-

fice's remit. For example, in the 2nd quarter 2014 these were complaints about the conduct of employees of the Czech Post, a complaint about the staffing of Česká pošta, s. p., or a complaint about the problems due to the existence of a shared mailbox in a residential building.

The above-mentioned numbers of complaints are shown in table No. 3.

#### Monthly monitoring report - July 2014

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