



Czech Telecommunication Office

September 2022

Telegraphically

“SAVE THE DATE” CONSUMER WORKSHOP

Another workshop with representatives of consumer organizations will take place at the Prague headquarters on 18 October 2022 at 1 pm. This time it will focus on postal services; it will discuss the problems which, according to the experience of CTU and consumer organizations, are troubling users of postal services, and their possible solutions.

PORTABILITY FROM THE PROVIDER'S SIDE

CTU has published a simplified diagram of changing Internet access service provider on its website in the section for undertakings - [Support](#). The illustrative diagram is intended to serve as an aid for Internet access service providers and to guide providers in a simple way through the individual provisions of Decree No. 58/2022 Coll.

MEETING WITH THE SECTOR

At the end of August, another meeting with the sector took place, this time focused on the introduction of the mobile application of the NetTest measurement tool. The future application should thus check whether the Internet speed on a mobile phone or other Android device corresponds to the contractually defined parameters. This gave the sector a glimpse of what the future application could look like and how it could be used.

International meeting with representatives of the Slovak regulator

An international meeting of the top representatives of the Regulatory Authority for Electronic Communications and Postal Services and the Czech Telecommunication Office took place. During the meeting, representatives of the two authorities shared their experiences from the transposition of the Electronic Communications Code, presented their different approaches to marketing calls and discussed many other topics that are closely related to the activities of the two authorities.

Unsolicited marketing calls and other recommendations from CTU

We last addressed the issue of unsolicited marketing calls in detail in a previous [monitoring report](#), where, among other things, we advised subscribers that if they receive an unsolicited marketing call, it may be helpful to make an audio recording.

We now turn to the issue of withdrawal of general consent to be contacted for the purpose of marketing offers. As of 1 July, unless a subscriber has given explicit consent to be contacted for marketing purposes on a public directory that meets the legal requirements, such contact is prohibited. Although it is also true that those who do not wish to be contacted with commercial offers from that date do not have to take any active steps, CTU is aware that most subscribers do not keep in mind when and to what they have given their consent in the past (for example, when concluding the contract for the provision of electronic communications services) and thus may not always be sure how their consent will be treated after that date. Subscribers can check the public directory themselves to see if their identification information is included, together with their explicit consent to marketing contacts (e.g. at www.1188.cz). They can also contact their service provider to verify this.

The consent already expressed can be withdrawn at any time via the service provider concerned, or the scope of the personal and identification data included in the directory can be modified. Although the Electronic Communications Act does not explicitly specify the form of such withdrawal, CTU recommends the subscribers to prefer the written form of this act and always to choose a demonstrable method of delivery for any later disputes regarding its effect, e.g. by registered letter with acknowledgement of receipt or postal data message.

Not sure how to write a withdrawal of consent? The document in question should contain the identification of the specific service provider, the name of the subscriber, permanent residence address, the telephone number to which this action relates and a clearly worded and understandable request, i.e. withdrawal of consent to marketing contacts in the public directory, date and signature.

"IF YOU PICK UP THE PHONE AND FIND THAT IT IS AN UNSOLICITED MARKETING CALL, WE RECOMMEND TAKING A SCREENSHOT OF THE TIME OF THE CALL AND THE PARTICULAR TELEPHONE NUMBER. IT IS THE FASTEST WAY TO RECORD THE NECESSARY INFORMATION AT THE MOMENT."

HOW TO TAKE A SCREENSHOT?

The **volume down + on/off button** works on most Android devices.

Apple mobile phones from the iPhone X series onwards use the **side button + volume up button** for screenshots.

NOT SURE HOW TO IDENTIFY AN UNSOLICITED MARKETING CALL AND WHAT TO DO? Instructions can be found [HERE](#).

Market analysis

Market No. 2 – Wholesale dedicated capacity

As part of the administrative proceedings initiated on 5 August 2022 with CETIN a.s., CTU published on the [discussion site](#) on 24 August 2022, a draft decision to revoke the designation of CETIN a.s. as an undertaking with significant market power on relevant market No. 2. Comments on the draft decision

can be submitted within 1 month of the publication of this call, i.e. by 26 September 2022.

Telecommunication Academy back in full operation

The year 2022 marked a resumption of activity for the Telecommunication Academy project following the downturn in demand due to the Covid-19 pandemic. Thus, in the first half of 2022, a total of 48 lectures were held, in which a total of 992 participants were trained, and given that the lectures will continue in the autumn, this year aspires to be a record year in terms of the number of lectures.

Česká pošta will charge for SIPO

From 1 October 2022, Česká pošta will charge for the service of direct debit of multiple payments (SIPO), for non-cash payments in the form of direct debit from bank accounts with the sending of the SIPO payment document by e-mail.

Česká pošta states that it decided to take this step because of the rising costs of administering the database and systems through which the SIPO payment is distributed to the accounts of the companies specified by the payer. From 1 October 2022, the customer will pay Česká pošta the price of CZK 5 for the service of "SIPO Direct Debit Payment including sending the SIPO Payment Document - Cashless by e-mail". At the same time, Česká pošta is clarifying the wording of some SIPO services.

SIPO services are not universal postal services whose prices CTU would be entitled to assess and possibly regulate. The SIPO service is not a postal service within the meaning of Act No. 29/2000 Coll., on postal services. It is a procurement activity of Česká pošta, which enables the merging of several regular direct debit payment orders from different companies (e.g. for rent, gas and electricity consumption, telephone, radio and television, etc.) into a single payment, which is automatically debited from the customer's account and then payments are sent to the individual companies via SIPO for the services they provide.

Česká pošta

Issuance of a decision on the net costs of providing universal services for the years 2018-2020 and the preliminary net costs for the years 2021 and 2022 and their subsequent reimbursement

On 25 July 2022, the European Commission confirmed by a decision in proceedings under SA.55208 that the expected compensation of net costs for Česká pošta, s.p. in the cumulative amount of CZK 7.5 billion for the period 2018 to 2022 constitutes State aid compatible with the internal market. Following this decision, CTU reopened the suspended administrative proceedings concerning the reimbursement of the company's net costs for the period 2018-2020. Decisions on the net costs representing unfair financial burden for this period were issued during the months of August and September 2022 in the amount of CZK 1.5 billion for each year.

CTU also issued a decision on preliminary net costs for the years 2021 and 2022 in the amount of one half of the net costs representing the unfair financial burden for the nearest preceding accounting period, which represents in total amount of CZK 1.5 billion. Reimbursements from the state budget through CTU are made following the entry into legal force of the decisions. As of 31 August 2022, an amount of CZK 4.5 billion has been paid.

Request for reimbursing the net costs of providing universal services for the year 2021

On 29 August 2022 Česká pošta, s.p. filed a request for the reimbursement of the net costs representing unfair financial burden for the year 2021 in the maximum possible amount of CZK 1.5 billion. Total net costs for the year 2021 were quantified by Česká pošta, s.p. in the amount of CZK 1.850.625.159. On the date of submission of the request, an administrative proceeding was initiated in which CTU will verify the correctness and completeness of all submitted documents, compliance of the calculation with the Postal Services Act and Decree No. 466/2012 Coll. Pursuant to the Postal Services Act, reimbursement of the verified net costs for the year 2021 will be made from the state budget up to a maximum of CZK 1.5 billion, taking into account the preliminary net costs that have already been paid.

Radio spectrum management

GENERAL AUTHORIZATIONS

On the initiative of three entities, CTU conducted a [review of the conditions](#) for the use of the 57-66 GHz band under General Authorization No. [VOR/12/11.2021-11](#) for the use of radio frequencies and for the operation of equipment for broadband data transmission in the bands 2.4 GHz to 71 GHz, concluding that it does not consider it necessary to change the conditions set out in VO-R/12 at this time, and considers it most important to complete the implementation of the API (and any other functionalities leading to an increase in the user-friendliness of the registration portal and the efficiency of the entire coordination process) as soon as possible. Further evaluation of the situation may take place at the earliest following feedback after the implementation of the API.

Checked by CTU in August...

...adherence to terms and conditions of General Authorization No. VO-R/12/11.2021-11 for the use of radio frequencies and for the operation of equipment for broadband data transmission in the bands 2.4 GHz to 71 GHz

CTU launched 12 inspections in August. Three inspections were completed, and defects consisting in the effect of harmful interference to radiocommunications service stations on a primary basis (meteorological radars) were identified in 2 cases; these were resolved by a call to rectify the identified deficiencies and will subsequently be addressed in administrative proceedings.

... the use of radio frequencies without authorization

CTU carried out a total of 21 inspections focused on the use of frequencies without authorization (including frequencies for the use of which an individual licence cannot be issued). In 18 cases, frequencies were found to be used without authorization, mostly by mobile and fixed service equipment. The cases were referred to administrative proceedings.

... compliance with the conditions of an individual authorization for the use of radio frequencies

18 inspections of compliance with the conditions of an individual licence for the use of radio frequencies were carried out. In 6 cases, non-compliance with the parameters of the individual licence was found. The operators have been issued a notice to remedy the deficiencies and the cases will be further addressed in administrative proceedings.

... sources of interference with the operation of electronic communications equipment and networks, the provision of electronic communications services or the operation of radiocommunications services

In August, CTU closed 8 cases of interference with meteorological radar, 3 cases of interference with GSM and LTE public mobile communication networks (in 1 cases the source of interference was an active element of TV signal reception), 8 cases of interference with radio and satellite reception and 3 cases of interference with various devices (short-range devices, WiFi station, amateur station). In cases where the interference was confirmed and the source of the interference was found, the operators of the interference sources were ordered to eliminate them.

... sources of interference with TV signal reception

In August, CTU closed a total of 79 cases of TV signal reception interference. The investigation of complaints about poor TV signal reception revealed that in 52 cases the defect was in the viewer's equipment (most often a technical fault of the receiving antenna or lead-in). In 11 cases, the interference stopped, was sporadic or was not confirmed by the investigation. In 3 cases, the complainant withdrew the interference complaint during the investigation. In five cases the problem was reception in an uncovered area, and in one case the reception problem was caused by reflections from aircraft. In one case, an error was detected in the operation of the receiving equipment. In 6 cases, a source of interference was detected, and the sources of interference were mobile operator's base stations (see below).

... pilot operation of 5G/LTE base stations in the 700 MHz band

As of 31 August 2022, 2411 base stations were in pilot operation, and 689 stations were in permanent operation. In August, a 5G/LTE base station was identified as a source of TV signal interference in 6 cases. In August, CTU sent a letter via data mailbox to 625 municipalities in whose region the pilot operation of 5G base stations was launched, with [information on how to proceed in case of TV signal reception interference](#).

... pilot operation of LTE base stations in the 800 MHz band

As of 31 August 2022, 316 base stations were in pilot operation, and 17,185 stations were in permanent operation. In August, an LTE base station was not identified as a source of TV signal interference.

2,323 - the number of **decisions issued** in August on the matter, of which 2,313 decisions concerned a dispute over payment (payment of the price for services).

1,567 - the number of **administrative proceedings initiated** in August concerning subscriber disputes between the person carrying out the communication activity and the subscriber. These are disputes over payments and objections against a claim settlement about the billing of the price or the provided publicly available electronic communications service.

Legislative changes

On 31 August 2022, [Act No. 242/2022 Coll.](#), on Video Sharing Platform Services and on Amendments to Certain Related Acts (the Video Sharing Platform Services Act) was published in [Volume 111 of the Collection of Laws](#). This Act transposes European law, specifically [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018](#), and regulates the conditions for the provision of services by video-sharing platforms. The impact of this Act on electronic communications is only indirect. Access to these services and the content served by them, as well as the transmission

of radio and television broadcasts, is provided through electronic communications networks and services (Electronic Communications Act). It is therefore not exceptional that some providers of electronic communications services are or may also be providers of video-sharing platforms. It is therefore also appropriate to draw attention to Act No. 242/2022 Coll. The Council for Radio and Television Broadcasting is the supervisory authority for the fulfilment of the obligations under Act No. 242/2022 Coll. This Act came into effect on the fifteenth day after its publication, i.e. on 15 September 2022.

On 31 August 2022, [Act No. 247/2022 Coll.](#) amending Act No. 242/2000 Coll., on organic farming and amending [Act No. 368/1992 Coll.](#), on administrative fees, as amended, and [Act No. 146/2002 Coll.](#), on the State Agricultural and Food Inspection Authority and on amendments to certain related acts, as amended, were published in [Volume 113 of the Collection of Laws](#). The new provision of Section 3d obliges Internet access service providers in the Czech Republic to prevent access to websites listed in the list of websites within 15 days of the date of publication of the website in the list of websites. This is similar to blocking access as in the case of Section 101c (Blocking of illegal websites) of [Act No. 378/2007 Coll.](#), on Pharmaceuticals and on Amendments to Certain Related Acts, or Section 82 of Act No. 186/2016 Coll., on Gambling. This Act will come into effect on the first day of the second calendar month following the day of publication thereof, i.e., on 1 October 2022.

On 31 August 2022, [Decree No. 259/2022 Coll.](#) amending [Decree No. 465/2012 Coll.](#), on the method of keeping accounting separation of the postal license holder, as amended by [Decree No. 404/2017 Coll.](#), was published in [Volume 118 of the Collection of Laws](#). The Decree introduces only one change to the existing legislation, namely the adjustment of the amount of the reasonable profit of the postal licence holder, which is reduced from the existing 6.36% to a new 5.25% of the economically justified costs assigned to universal postal services and services related to access to postal infrastructure (Section 4 of the Decree). This Decree shall come into effect on 1 January 2023.

Telecommunications regulation in the EU

ITU

ITU Plenipotentiary conference (PP-22 ITU) is held every four years and brings together the representatives of 193 member states to decide about further direction of the ITU, which oversees global radio spectrum allocation, developing global technical standards for information and communications technology (ICT) networks and services and seeks to bridge the digital divide, particularly to provide connectivity for excluded areas and spread digital literacy. PP-22 ITU shall also set ITU's general policies, adopt four-year strategic and financial plans and address key ICT issues as requested by ITU members. [PP-22 ITU](#) will be held in Bucharest (Romania) from 26 September to 14 October 2022. In addition, the PP-22 ITU will elect, among others, the next ITU Secretary-General, their deputy, or directors of ITU Bureaus – Radiocommunication Bureau, Telecommunication Standardization Bureau and Telecommunication Development Bureau. PP-22 ITU will also elect the next ITU Council, which acts as the ITU's managing authority between the summit conferences. The Czech Republic will stand for election as one of the candidates and will defend its membership of the Council. In its Resolution No. 512 of 15 June 2022, the Government appointed the Czech delegation to participate in this important assembly.

UPU

Universal Postal Union (UPU) has run a [consultation on opening up the UPU to wider postal sector players \(WPSP\)](#). Currently, only national governments are members of the UPU, with only designated postal operators and national regulatory authorities having access to UPU meetings and documents or services in practice. As part of the consultation, the UPU is examining whether, how and to what extent access can be opened up to WPSPs, such as e-retailers, other transport companies, customs organisations and employee representatives. The practice of including so-called sectoral members is being followed, for example, by the International Telecommunication Union.

BEREC

On 15 September 2022, [BEREC workshop on sharing experiences on broadband mapping and implementation of Article 22 EECC](#). The workshop was organized with a view to enabling the detection of good practices among operators, as well as to discuss any difficulties experienced, considering if solutions have been found to overcome them.

EU Calendar

8 July – 8 October	Public Consultation on the ERGP Draft Work Programme 2023 and the ERGP MTS 2022-25
29 September	EC Public Stakeholder Workshop on the Main Developments in the Postal Sector, Brussels
30 September	ERGP Stakeholder Forum , Brussels
2 – 4 November	Conference EU Secure and Innovative Digital Future , Prague and online