



Czech Telecommunication Office

February 2024

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## TELEGRAPHICALLY

### Digital Services Act

On 17 February, Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) - the DSA for short - entered into full effect. In this context, CTU held a [press conference](#) on 15 February at which it presented [the main obligations under the DSA](#). This topic is also addressed in an article on pages 3-6.

### CTU in dTest podcast

Mgr. Tomáš Ondrejka, Head of the Specialised agenda supervision unit of the Czech Telecommunication Office, spoke about the new developments in the digital economy, new rights of users and obligations of providers arising from the Digital Services Act and the role of CTU in these and other areas of activity in the [Třicítka podcast](#) of dTest magazine.

### 5G in trains

On 21 February, the second workshop focused on the subsidy call from the National Recovery and Resilience Plan, "Technical Devices for 5G in Railway Coaches" took place at the CTU premises. The subject of the meeting was to get acquainted with the current status of the call being prepared and the upcoming public consultation before the announcement of the call itself. More information is available on the CTU website [here](#).

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## CTU will take measures against fraudulent spoofing

CTU has launched a [public consultation](#) of the draft amendment to General Authorisation No. VO-S/2/07.2005-10. The addition of the new conditions will help to reduce spoofing and its impact in two different ways. The first condition is to block calls that come to the Czech Republic from abroad, but the caller is identified by a number that should not come from abroad. The second condition is to identify the calling subscriber with the actual telephone number associated with that subscriber and service in the so-called call signalling message.

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## A SELECTION OF PLANNED ITEMS ON THE AGENDA OF THE CTU COUNCIL MEETING

Recommendations for the preparation of the selection procedure for the holder of a postal licence pursuant to Section 22 of Postal Services Act

The Council will be informed of the working draft selection procedure conditions which the Office will discuss with the contractor. The final conditions will be prepared after the public consultation on the plan.

## Draft material on the revision of the electronic communications data collection in the electronic data collection system (ESD) for the year 2024

The Council will be kept informed of the progress of the preparation of the material.

## Telecommunication Academy Plan for 2024

The Council will be briefed on the new Telecommunication Academy lecturers and the shift in the activities in the area of lectures for young people.

## Ongoing information on DSA preparedness

Information will be presented to the Council regarding DSA legislation, coordination of presentations outside the Office, and staffing.

We will also inform you via press releases about the key materials discussed by the CTU Council.

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# LEGISLATIVE CHANGES

## RIGHT TO DIGITAL SERVICES AND eDoklady APP

On 5 January 2024, [Act No. 1/2024 Coll.](#) amending [Act No. 12/2020 Coll.](#) on the Right to Digital Services and on Amendments to Certain Acts, as amended, and other related acts was published in [Volume 1 of the Collection of Laws](#) and International Treaties of the Czech Republic.

The legislation in question introduces the possibility of obtaining a so-called digital copy of the identification card, which will serve the same purposes as the physical identification card, i.e. proving identity and proving the facts stated in the identification card, and is intended to have the same legal effects as providing proof with a physical identification card, with the exception of proving identity to entities that are not public authorities and do not have the obligation to require proof of identity by presenting an identification card provided for by law. The implementation of this right is entrusted to the eDoklady app provided by the Digital and Information Agency (DIA).

This Act came into effect on the fifteenth day after its publication, i.e. on 20 January 2024, except for the provisions of Part One, sections 3, 4, 8, 9 and the provisions of Part Six, which came into effect on the first day of the calendar month following its publication, i.e. on 1 February 2024.

Since CTU is a central administrative authority, it is already possible to prove identity to CTU in this manner.

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## DIGITAL SERVICES ACT: What are the new features introduced by the DSA ?

On 17 February 2024, [Regulation \(EU\) 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC](#) (the “DSA”) came into full effect, significantly changing the rules for the operation of online intermediary services such as internet access services, caching services, online marketplaces, social media, cloud services, online platforms, web hosting and online search engines. The DSA grants users of these services new rights that will give them greater control over the services they are provided, helping to create a safe, predictable and trustworthy online

**environment. In addition, the DSA promotes transparency across the digital ecosystem and the development of small and medium-sized enterprises (SMEs). Compliance with the new rules will be supervised by a Digital Services Coordinator appointed by the Czech Telecommunication Office.**

### The DSA does not impose any obligations on users

The DSA brings greater legal certainty to service recipients by making the contract terms and conditions and the provider's contact details available.

Any restrictions applied by the provider in connection with the use of its service will have to be properly and clearly explained. The new rules promote consumer safety on online marketplaces, as they must not allow trading by operators they do not have enough information on. Online marketplaces are also obliged to make available all pre-contractual information on product safety and must additionally inform consumers about the illegality of the goods or services purchased. In addition, users of hosting services must be provided with a justification for any restriction of services due to a violation of the terms or the illegality of the content and must be adequately advised of their remedies.

Users themselves must be able to report illegal content on their hosting provider's service in a simple way, and the reporting person must be made aware of how their report has been handled. Online advertising is also becoming more transparent. The provider of the online platform must label all advertising content and allow the user to easily identify the advertiser and on the basis of which parameters the user has been identified as the recipient of the advertisement.

The DSA also newly prohibits profiling online advertising based on users' sensitive data and targeting children with advertising. Online platform providers must also take reasonable measures to protect underage users. In addition, online platforms must allow users, where possible, to choose their preferred parameters of the recommendation system. Very large online platforms even have to offer the user at least one option to view content that is not based on profiling.

Also, last but not least, the DSA prohibits online platforms from using the so-called dark patterns, i.e. designing online interfaces in a way that misleads or manipulates service recipients or otherwise interferes with their ability to make free and informed decisions.

### Obligations of providers

In addition to the items mentioned above, providers will mainly have to comply with transparency-related obligations, such as publishing reports on content moderation, the number of disputes with users or the number of active users. Hosting service providers will also have to report certain suspected criminal offences of which they become aware. Online platforms will also be required to cooperate with trusted flaggers, implement an internal complaint handling system, participate in out-of-court dispute settlement initiated by users or submit all content moderation decisions to a publicly accessible [Transparency Database](#).

One of the main objectives of the DSA is to increase the competitiveness and facilitate business activities of Europe's small and medium-sized enterprises in the online environment. The DSA therefore imposes most of the obligations on large or very large global platforms, while small and micro businesses are exempt from many of the obligations. We discussed the categories of providers in more detail in [Monitoring Report No. 9/2023](#).

### Illegal content and systemic risks

Illegal content is not defined by the DSA. What is illegal must be determined by EU or national law.

The DSA follows a simple rule - what is illegal offline should be illegal online. The illegality of the content will be assessed and evaluated by the providers themselves if they become aware of it. The parties may refer any disputes about the nature of the content to a court or a specialised out-of-court dispute settlement body.

## The role of CTU

The role of CTU as the Digital Services Coordinator will be to supervise compliance with the obligations under the DSA by providers of online intermediary services established in the Czech Republic.

Violations are punishable by fines of up to 6% of turnover. The establishment of an independent supervisory body is an important benefit for users, as until now they have only been able to resolve their complaints with the provider's customer support or go to court. If the complaint is directed against a provider established in another EU Member State, CTU will refer it to the coordinator of the relevant state. In addition to CTU, the Personal Data Protection Office will also supervise online advertising.

It should be stressed that there is no threat to freedom of speech, as the role of CTU will not be to judge the (il)legality of content or to resolve disputes between providers and users. The coordinator also does not have the power to order the removal of illegal content or the blocking of websites. In enforcing the new rules, CTU will draw on its long-standing experience in consumer protection in the telecommunications and postal sectors, and will build on the methods and procedures it already uses in inspecting obligations under the P2B Regulation.

Finally, it should be mentioned that CTU can only start actively exercising its powers and responsibilities under the DSA once the relevant Adaptation Act, which is currently still in the [legislative process](#), has been approved and come into effect. CTU intends to use the period until the Adaptation Act comes into effect to communicate with affected providers and other entities such as those interested in the status of trusted flagger or out-of-court dispute resolution body. CTU has been active in this area for a number of months. Other activities will include mapping the Czech market for online intermediary services and establishing cooperation with other European coordinators. We also consider public education to be important. In the first half of this year, we are therefore planning a series of seminars and workshops focused on selected aspects of digital services, as well as the publication of a guide to the DSA.

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## Checked by CTU in January...

...compliance with the conditions of General Authorisation 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 2,4 GHz - 71 GHz band

CTU completed 11 inspections in January. Defects were identified in 10 cases, consisting mainly in harmful interference with radiocommunication service stations on a primary basis and violation of the conditions for the utilisation of radio frequencies, which were resolved by a call to rectify the identified deficiencies and which will subsequently be 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 January, CTU closed 9 cases of interference to GSM, LTE and 5G public mobile communication networks, 8 cases of interference to radio and satellite signal reception, and another 9 cases of interference to various devices (DCF time signal receiver, short-range devices, amateur service stations, DECT cordless telephone, etc.). In cases where the interference was confirmed and the source of the interference was traced, the operators of the interference sources were ordered to eliminate them.

#### [... sources of interference with TV signal reception](#)

In January, CTU closed a total of 89 cases of TV signal reception interference. The investigation of complaints about poor TV signal reception revealed that in 47 cases the defect was in the viewer's equipment (most often a technical fault of the receiving antenna or lead-in). In 12 cases the interference stopped or did not manifest itself during the investigation, and in 11 cases the complainant cancelled the interference complaint during the investigation. In 3 cases, the reception problem was caused by poor signal quality at the reception location. In 16 cases, a source of interference was detected, and in all cases the source of interference was identified as a base station of a mobile operator, see below.

#### [... the use of radio frequencies without authorisation](#)

Based on radio monitoring, CTU carried out a total of 10 inspections focused on the use of frequencies without authorisation (including frequencies for the use of which an individual authorisation cannot be issued). In 6 cases, the use of frequencies without authorisation by the operation of land mobile service stations, broadband data transmission devices (RLAN), and RR links was detected. The cases were referred to administrative proceedings.

#### [... compliance with the conditions of an individual authorisation for the use of radio frequencies](#)

4 inspections were carried out. In two cases, non-compliance with the conditions of an authorisation for the operation of radio equipment was found. The cases were dealt with by means of a call to remedy the deficiencies.

#### [... pilot operation of LTE base stations in the 800 MHz band](#)

As of 31 January 2024, 421 base stations were in pilot operation, and 17,274 stations were in permanent operation. In January, an LTE base station was identified as a source of TV signal interference in 3 cases.

#### [... pilot operation of 5G/LTE base stations in the 700 MHz band](#)

As of 31 January 2024, 1,720 base stations were in pilot operation, and 7,102 stations were in permanent operation. In January, a 5G/LTE base station was identified as a source of TV signal reception interference in 13 cases. In all cases, the mobile network operators eliminated the interference at their own cost based on CTU's decision. In January, CTU sent a letter via data mailbox to 20 municipalities in whose region the pilot operation of 5G base stations was launched, [with information](#) on how to proceed in the event of TV signal reception interference.

1,570 - the number of decisions issued in January on the matter, of which 1,562 decisions concerned a dispute over pecuniary consideration (payment of the price for services).

1,103 – the number of administrative proceedings initiated in January concerning subscriber disputes between the person carrying out the communication activity and the subscriber. These are the

disputes over pecuniary consideration and objections to a claim settlement about the billing of the price or the provided publicly available electronic communications service.

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## RADIO SPECTRUM MANAGEMENT

### DIGITAL TV AND RADIO BROADCASTING

CTU has closed the auction of frequencies for the operation of DAB+ networks. All auctioned frequency blocks in the 174-230 MHz band were allocated among all eight tender participants. The procedure ended on 4 January. The announcement of the end of the auction and the distribution of the block allocations to the winners of the auction is published on [CTU's website](#). After paying the balance of the total price, the block allocations had already been made to the four winning operators by mid-February.

### STRATEGIC ISSUES IN THE RADIO SPECTRUM

On 7 February 2024, a plenary meeting of the Radio Spectrum Policy Group took place, adopting an opinion on assessment of different possible scenarios for the use of the 2 GHz satellite band in which systems are operated in the EU to provide connectivity for the purpose of providing internet on board aircraft. The opinion recommends options to consider after the existing licences granted to satellite operators in this band expire in 2027. As part of the 2024 and 2025 work plan, the RSPG will address the vision for 6G, the sub-700 MHz band or the upper 6 GHz band. Adopted documents will be available on the [RSPG website](#).

### CEPT DISCUSSED 4 GHZ AND UPPER 6 GHZ

From 23 to 25 January 2024, the 77<sup>th</sup> meeting of the CEPT/ECC/PT1 project team on harmonisation of conditions for IMT mobile networks took place in Groningen, the Netherlands. Among other things, the team has made progress in designing conditions for local mobile networks with low and medium radiated power in the 3.8-4.2 GHz band. One of the technologies under consideration for utilisation of the band is [DECT NR+](#), for example, which is suitable for small radio networks or industrial applications. The resulting CEPT proposal on conditions in the 4 GHz band will be used by the European Commission to develop binding harmonisation in the EU.

The meeting also addressed the next steps for the Upper 6 GHz band, where the CEPT is exploring the possibilities of RLAN (incl. Wi-Fi) and IMT/6G shared traffic. Germany presented options of technological solutions based on the [LBT](#) mechanism. The United Kingdom, the Czech Republic and others have submitted a follow-on conceptual proposal for the Upper 6 GHz band, including the possibility of implementation of future databases capable of dynamically managing the sharing of the band by both technologies. The PT1 team has set up a smaller working group to address Upper 6 GHz, which has until May 2024 to refine the assignment for further studies.

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## POSTAL SERVICES

### POSTAL SERVICES OPERATORS

As of 1 January 2024, WE|DO CZ s.r.o. announced the termination of its business activities in the field of postal services. Services under the WE|DO label are still provided by Allegro Retail a.s., which became the successor company as a result of the merger and which notified its business activities to CTU.

On 1 January 2024, [Decree No. 357/2023 Coll.](#) came into effect, amending [Decree No. 434/2012 Coll.](#) This amendment has in particular modified the classification of postal services in the notification form. An up-to-date list of notified operators with the classification of services according to the new legislation is available via a [searchable database from 1 January 2024](#) on CTU's website. The list of notified operators until the end of 2023 is available via a [searchable database until 31 December 2023](#).

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## MARKET ANALYSES

### Regulation on Market No. 1 - Wholesale local access provided at a fixed location

On 5 February 2024, CTU received the European Commission's opinion on the draft decision on price No. CEN/1/XX.2023-Y and the draft decision on imposition of obligations No. REM/01.XX.2023-Y, through which CTU intends to impose obligations on CETIN a.s. in relevant market No. 1 - Wholesale local access provided at a fixed location. The European Commission did not raise any comments on the proposed decisions.

The above-mentioned opinion of the European Commission was also directed at draft Decision No. REM/3b/XX.2023-Y on the lifting of the obligations imposed in the former relevant market No. 3b - Wholesale central access at a fixed location for mass-market products.

Subsequently, on 14 February 2024, the CTU Council approved the final version of the subject decision on price, which was published [in issue 2/2024 of the Telecommunication Bulletin](#). For more information on the obligations imposed by this decision, see [Monitoring Report 9/2023](#).

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## Telecommunications regulation in the EU

### Official Journal of the EU

On 24 January, [COMMISSION IMPLEMENTING DECISION \(EU\) 2024/340](#) of 22 January 2024 on harmonised conditions for the use of radio spectrum for mobile communication services on board vessels in the Union, repealing Decision 2010/166/EU was published.

On 2 February, [COMMISSION DELEGATED REGULATION \(EU\) 2024/436](#) of 20 October 2023 supplementing [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council](#), by laying down rules on the performance of audits for very large online platforms and very large online search engines. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in all Member States.

On 7 January, a [new Regulation](#) laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union entered into force. The Regulation sets out measures to establish an internal framework for the management, governance and control of cyber security risks for each Union body and establishes a new Interinstitutional Cybersecurity Board (IICB) to monitor and oversee the implementation of the Regulation. A mandate of the Computer Emergency Response Team for the EU institutions, bodies and agencies has been extended.

### European Commission

On 18 January, the European Commission sent [formal requests for information](#) under the [Digital Services Act \(DSA\)](#) to 17 Very Large Online Platforms and Search Engines which were designated on 25 April 2023, namely AliExpress, Amazon Store, AppStore, Bing, Booking.com, Facebook, Google Search, Google Play, Google Maps, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, TikTok,

YouTube and Zalando. These VLOPs and VLOSEs are requested to provide more information on the measures they have taken to comply with the obligation to give access, without undue delay, to the data that is publicly accessible on their online interface to eligible researchers by 8 February 2024. Based on the assessment of the replies, the Commission will determine next steps.

On 31 January, the European Commission launched under the DSA Regulation a new user interface for [transparency database](#) and a new interactive overview. The database facilitates access to information and justifications published by online platform providers regarding modifications to content published on their platform.

### European Board for Digital Services (EBDS)

The inaugural meeting of the Digital Services Board was held on 19 February. This Board was established under Article 61 of the DSA Regulation as an independent advisory group of Digital Services Coordinators and will be the highest assembly of these coordinators. The meeting has been scheduled for the first working day after the relevant provisions of the DSA Regulation come into effect.

### Calendar

13.3.2024	<a href="#">Public debriefing</a> on the outcomes of the 58th BEREC Plenary Meeting, online
14.3.2024	<a href="#">Workshop BEREC</a> : Digital networks developments: players and strategies, online, 10:00 - 11:00. <a href="#">Registration</a> by 13 March 2024.