MONTHLY MONITORING REPORT

Czech Telecommunication Office **July 2024**



The Council of the Czech Telecommunication Office is complete again. On 10 July, the Government of the Czech Republic appointed two CTU Council members. Marek Vrbík, who has worked in the past, for example, in military intelligence and has experience from CTU's remonstrance commission, has become the new Council member for the next five years. Lukáš Zelený, an expert in the field of consumer protection, has already held this position since 2019, so the government appointed him for a second five-year term, during which he intends to focus primarily on the implementation of new tasks in the area of digital services in the Office's environment.

TELEGRAPHICALLY

Digital services on CTU website

In connection with the preparation for the role of the national Digital Services Coordinator, the website of the Czech Telecommunication Office has been upgraded to include a new section called Digital services. So far, it contains three sub-sections, in which one can find everything relevant on online intermediary services (DSA), relations between undertakings and online platforms (P2B) and data sharing services (DGA).

Anti-spoofing measures

From 1 July, the condition set out in the amendment to General Authorisation No. VO-S/2/04.2024-1 is in effect, according to which an analysis will be carried out at points designated for connecting calls from abroad to the Czech Republic to determine whether the subscriber is not identified by a certain type of so-called Czech number (with a +420 area code), and if so, the call will not be connected. In case of problems, it is necessary to contact the service provider. More information is available on CTU website here.

Survey on the use of OTT services

In cooperation with the agency ppm factum research s.r.o., CTU carried out a survey on the use of interpersonal communication services and their interchangeability. The aim was, among other things, to find out what changes in preferences across the population have occurred over 5 years and to what extent these changes may influence trends in the markets for electronic communications services. More detailed information will be published in the next Monitoring Report.

Protecting children in the online space under the DSA

The Digital Services Act (DSA) strengthens the protection of minors online. The new rules include a ban on advertising targeted at children, the introduction of safety measures and an effective age verification system, which will contribute to a safer online environment for young users.

Users under the age of 18 make up a significant proportion of the recipients of online platform services, especially when it comes to social media and gaming platforms. At the same time, these are users who are more vulnerable to risks such as addiction, cyberbullying, access to inappropriate content, dangerous challenges, online predators, etc. due to their relatively lesser life experience. In the past, the business models of online platforms have often been set up so that users spend as much time on them as possible, without paying enough attention to potential negative effects. One of the objectives of the Digital Services Act is therefore to introduce a new legal framework for the protection of minors in the online space.

The DSA requires providers of online platforms (except for small and micro undertakings) to put in place appropriate and proportionate measures to ensure a high level of privacy, security and protection of minors and prohibits them from providing online advertising targeted at minors. Other obligations in relation to minors include, for example, the prohibition of the so-called dark patterns and, if the service is mainly aimed at minors, providers are obliged to explain their terms and conditions to the minors in a way they can understand.

One of the current and key initiatives to promote greater protection for children under the DSA is the introduction of an adequate and effective system of age verification for access to various online platform services. The European Commission proposes the use of the EU Digital Wallet as a suitable technical solution for age verification. Consultations at the level of Digital Services Coordinators and several pilot projects are currently underway to test the functionality of the concept for its successful launch in the coming years. Other appropriate measures to improve child safety include tailoring the design of the platform to the age of the user, adjusting recommendation algorithms, setting enhanced privacy protections for users who are minors, or limiting practices that have the effect of forcing users to spend more time on the platform than they would consider necessary, such as rewards for increased use of the service or time-limited offers.

MARKET ANALYSES

Market No. 1 - Wholesale local access provided at a fixed location, and Market No. 3b - Wholesale central access provided at a fixed location for mass-market products

On 26 June 2024, CTU launched a public consultation of the analysis assessing the impact of the merger of competitors CETIN a.s. and Nej.cz s.r.o. on the conclusions of its completed analyses of markets No. 1 – Wholesale local access provided at a fixed location and No. 3b – Wholesale central access provided at a fixed location for mass-market products, which were published by CTU in 2023. Comments on the presented impact analysis can be submitted by 26 July 2024.

Launch of a review of the analyses of former relevant markets No. 1 and 2

On 1 July 2024, as part of the sixth round of the analyses of relevant markets, CTU launched a review of the analyses of former relevant markets No. 1 – Wholesale call termination on individual public telephone networks provided at a fixed location and No. 2 – Wholesale voice call termination on individual mobile networks. The analyses will be carried out in accordance with Measure of General Nature No. OOP/1/05.2021-5, as amended by Measure of General Nature No. OOP/1/07.2023-5, laying down the relevant markets in electronic communications, including criteria assessing significant market power.

COMPARISON TOOL

As of 1 July 2024, the domain in the address of CTU's price and quality comparison tool has changed. As of that date, the comparison tool is available at https://srovnavac.ctu.gov.cz. Undertakings that are subject to the obligation to submit information to the comparison tool system shall log in to the administration environment at https://srovnavac.ctu.gov.cz/admin. The redirection from the original internet address https://srovnavac.ctu.cz/ to the new internet address will be maintained for a temporary period (until the end of 2025). This change has no effect on the functionality of the comparison tool.

The change of the domain takes place on the basis of Government Resolution of 16 August 2023 No. 578, which approved the schedule of migration of central state administration bodies to the single state domain .gov.cz.

The domain for the contact e-mail address srovnavac@ctu.cz, which is used for enquiries related to the comparison tool and for registering undertakings in the comparison tool system, remains unchanged for the time being. CTU will inform the affected undertakings about the future migration to the new domain in due time.

Checked by CTU in June...

…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 13 inspections in June, during which deficiencies were found in 8 cases, mainly in the use of indoor frequencies outside a building. Cases in which breaches of the conditions of the general authorisation have been found will be dealt with in administrative proceedings after prior call to remedy the deficiencies found.

… the use of radio frequencies without authorisation

Based on radio monitoring, CTU carried out a total of 9 inspections focused on the use of frequencies without authorisation (including frequencies for the use of which an individual authorisation cannot be issued). In all 9 cases, the use of frequencies without authorisation was detected, namely by the operation of land mobile service stations, radio service transmitter (VHF-FM) and broadband data transmission devices (RLAN). The cases were referred to 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 June, CTU closed 13 cases of interference to GSM, LTE and 5G public mobile communication networks, six cases of interference to meteorological radar, six cases of interference to radio and satellite signal reception, one case of interference to an amateur service radio station and two cases of interference to short range devices. 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 June, CTU closed a total of 39 cases of TV signal reception interference. The investigation of complaints about poor TV signal reception revealed that in 20 cases the defect was in the viewer's equipment (most often a technical fault of the receiving antenna or antenna lead). In 10 cases the interference stopped or did not manifest itself during the investigation, and in two cases the complainant cancelled the interference complaint during the investigation. In 2 cases, the reception problem was caused by poor signal quality at the reception location. In 5 cases, a source of interference was detected, and in 4 cases the source of interference was identified as a base station of a mobile operator, see below.

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

As of 30 June 2024, 421 base stations were in pilot operation, and 17,539 stations were in permanent operation. In June, no LTE base station was identified as a source of TV signal reception interference.

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

As of 30 June 2024, 2,165 base stations were in pilot operation, and 9,292 stations were in permanent operation. In June, a 5G/LTE base station was identified as a source of TV signal interference in 4 cases. In all cases, the mobile network operators eliminated the interference at their own cost based on CTU's decision. In June, CTU sent a letter via data mailbox to 5 municipalities in whose region the pilot operation of 5G base stations was launched, with information on how to proceed in the case of TV signal reception interference.

1,536 - the number of decisions issued in June on the matter, of which 1,531 decisions concerned the dispute over pecuniary consideration (payment of the price for services).

2,616 - the number of administrative proceedings initiated in June 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.

... security, confidentiality, integrity, and resilience of public networks

On 18 and 19 June 2024, CTU personnel carried out an inspection of České Radiokomunikace a.s., which focused on the security, confidentiality, integrity, and resilience of public electronic communications networks with focus on Section 88 and Section 99 of Act No. 127/2005 Coll. on Electronic Communications and Decrees No. 241/2012 Coll., laying down the technical and organisational rules to ensure the security and integrity of public communications network and the interoperability of publicly available electronic communications services in a state of crisis, and No. 380/2022 Coll. on the criteria for determining a serious breach of network and service security and loss of network integrity and the extent and form of transmission of breach information.

Roaming in the EU and other countries: Overview of current rules

Given the current summer period, when many people are planning to spend their holidays abroad, CTU considers it important to briefly remind users once again what the current roaming rules are, in which countries it can be used and what they should be cautious about when using electronic communications services outside the Czech Republic.

Roaming means using electronic communications services during short stays outside your home country. European Union member countries have a regulated roaming policy, which essentially means that mobile, voice and data services can be used in their territory at the same prices, i.e. national retail prices, as in the home country. This principle is called "roam like at home". It can also be applied on the territory of other, i.e. non-member states, but it is entirely up to the commercial decision of individual providers whether to include the country in the European Union zone. For example, the United Kingdom is usually included in the list of countries with regulated roaming services, so customers don't have to worry about high prices of services. In contrast, Cyprus, for example, is included in the European Union zone, but the northern part of the country already falls into zones without a regulated roaming policy, making it much more expensive to use roaming services in this area. In this context, CTU draws attention to the risk that may arise near borders with countries outside the European Union zone, namely automatic "switching" to the network of a local provider, which could also result in higher bills for services that would no longer be subject to regulated roaming. A good way to prevent this situation is to manually set up the network of the desired provider.

In order to avoid unpleasant surprises in the form of disproportionately high bills when you return from your travels, subscribers should pay close attention to the rules for using roaming services before they leave. If they are not sure what roaming settings they have on their tariffs or what conditions apply for their chosen destination, we recommend checking with the relevant providers. General information on the terms and conditions of roaming services is available on the websites of the individual providers (for the three largest providers, see here: O2 Czech Republic a.s., T-Mobile Czech Republic a.s. and Vodafone Czech Republic a.s.)

More detailed information can also be found on CTU's website, which also contains links to previously published articles dealing more extensively with roaming and international calls, i.e. calls to any foreign number from the customer's home network.

We also recommend watching the educational video of the Telecommunication Academy of CTU, which briefly and clearly summarises the most important information that can make it easier for all travellers to find their way around roaming services and save them from unpleasant consequences in the form of high prices for services used abroad.

ELECTRONIC DATA COLLECTION

Newly published forms in the electronic data collection system

On 1 July 2024, CTU assigned to undertakings in electronic communications a half-year form, ART241 – Services provided in electronic communications in the Electronic Data Collection system (ESD), available at https://monitoringtrhu.ctu.cz. The form is primarily used to collect data for relevant market analysis, international reporting and the state statistical service. The form template can be found on CTU website, where information on the significant reduction that occurred in the semi-annual data collection compared to the previous period is also available. Form ART241 can only be completed and submitted in the electronic data collection system with a deadline of 31 August 2024.

LEGISLATIVE CHANGES

ACT ON CIVIL CLASS PROCEEDINGS

On 24 June 2024, Act No. 179/2024 Coll., on civil class proceedings, was published in Volume 179 of the Collection of Laws and International Treaties.

This Act will come into effect on the first day of the calendar month following the day of publication thereof, i.e., on 1 July 2024.

DECREES IN THE FIELD OF CONSTRUCTION LAW

CTU considers it appropriate to draw attention to several new regulations which, with effect from 1 July 2024, put the finishing touches to the legal basis in the field of construction law with possible implications for the deployment of electronic communications networks:

- Decree No. 140/2024 Coll., amending Decree No. 393/2020 Coll., on the digital technical map of the administrative region, as amended by Decree No. 186/2023 Coll.
- Decree No. 145/2024 Coll., amending Decree No. 520/2005 Coll., on the amount of cash expenses and loss of earnings reimbursed by the administrative authority to other persons and on the amount of the lump sum of the costs of proceedings, as amended by Decree No. 112/2017 Coll.
- Decree No. 146/2024 Coll., on construction requirements
- Decree No. 149/2024 Coll., on the implementation of certain provisions of the Building Act
- Decree No. 157/2024 Coll., on spatial analytical documents, spatial planning documentation and uniform standard.

CTU has renewed frequency block allocations and laid down an obligation to cover white areas with mobile signal

In view of the imminent expiry of the radio frequency block allocations of O2 Czech Republic a.s. and T-Mobile Czech Republic a.s. in the 900 and 1800 MHz bands, the Chairman of the CTU Council

decided, on the basis of the conclusions of the review and their repeated public consultation, including consultation of the expert valuation, to issue new radio frequency block allocations in these frequency bands to both companies in accordance with the procedure under Section 20(7) of the Electronic Communications Act.

The decision imposed obligations on the two companies, inter alia, to cover the so-called white areas with a mobile signal and to further improve the quality of the mobile signal on railway corridors.

As part of the public consultation and in the follow-up period, CTU received submissions from more than a hundred municipalities/towns requesting the inclusion of some of their districts in the residential units with poor quality of mobile signal coverage. For the purpose of selecting the white areas to fulfil the obligation, the Office identified their basic list directly in the decision on the granting of radio frequency block allocations to the two mobile operators. In addition, CTU published a supplementary list (the so-called open list), to which it will gradually add, after carrying out the relevant verification measurements, additional municipalities/basic residential units for which it will confirm the actual poor quality of mobile signal coverage in the following period on the basis of the complaints received.

Each of the two companies has been ordered to cover at least 200 white areas (basic residential units) separately, where coverage must be improved by putting a new base station (site) into operation. At the same time, each company has been mandated to cover at least 300 more white areas where they can use and share passive infrastructure with other block allocation holders for the purpose of additional coverage.

Radio spectrum management

GENERAL AUTHORISATIONS

On 26 June, the CTU Council approved General Authorisation No. VO-R/23/06.2024-4 for the use of radio frequencies and for the operation of fixed service devices in the frequency bands 71–76 GHz and 81–86 GHz. The reason for the update is the removal of the notification condition in the frequency bands 71-76 GHz and 81-86 GHz and the implementation of partial wording changes. The general authorisation shall come into effect on 1 August 2024.

Regulation in the EU

Digital services

On 13 June, the European Commission sent Pornhub, Stripchat and XVideos requests for information under the Digital Services Act (DSA). The Commission is requesting the companies to provide more detailed information on the measures they have taken to diligently assess and mitigate risks related to the protection of minors online, as well as the to prevent the amplification of illegal content and gender-based violence. Among others the Commission is requiring details on age assurance mechanisms adopted by these pornographic platforms.

On 24 June, the European Commission informed Apple of its preliminary view that its App Store rules are in breach of the Digital Markets Act (DMA), as they prevent app developers from freely steering consumers to alternative channels for offers and content. In addition, the Commission opened a new non-compliance procedure against Apple over concerns that its new contractual requirements for third-party app developers and app stores, including Apple's new “Core Technology Fee”, fall short of ensuring effective compliance with Apple's obligations under the DMA.

On 10 July, the European Commission designated the platform XNXX of provider NKL Associates s.r.o. as a very large online platform under the DSA. Next to XVideos, this is the second Czech very large online platform.

DESI Report

On 2 July, the European Commission published the 2nd State of the Digital Decade report. The report assesses the EU's progress towards a successful digital transformation, as set out in the 2030 Digital Decade Policy Programme. This year, for the first time, the report is accompanied by an analysis of the National Digital Decade strategic roadmaps submitted by Member States, detailing the national actions, activities and funding planned to contribute to the EU's digital transformation. The Commission has also updated the country-specific and cross-cutting recommendations for every EU Member State to address identified shortcomings. Until 2 December 2024, Member States will now have to review and adapt their national plans to align them with the ambitions of the Digital Decade Policy Programme.

The Council of the EU

Hungary took over the Presidency of the Council of the EU on 1 July. During its Presidency, Hungary will focus on seven priorities: increasing EU competitiveness, reinforcing European defence policy, consistent and merit-based enlargement policy, stemming illegal immigration, shaping the future of cohesion policy, a farmer-centered EU agricultural policy, addressing demographic challenges.

BEREC

On 28 June, BEREC published its input to the European Commission's public consultation on the White Paper "How to master Europe's digital infrastructure needs?". The input consists of a summary position paper as well as a more detailed technical analysis document. In it, BEREC sets out its vision for the direction of future regulation, but in particular focuses on analysing the proposals for regulatory change outlined in the White Paper. Like the Czech Republic in its contribution to this consultation, BEREC rejects many of the claims presented by the EC, e.g. about the EU lagging behind the rest of the world or the need to move away from competition protection.

On 1 July, Dr Verena Weber took on the role of Director of the Agency for Support for BEREC (BEREC Office). Over the next five years, she will head BEREC Office and oversee the work required to provide professional and administrative support to BEREC.

ERGP

On 21 June, the first plenary meeting of the European Regulators Group for Postal Services (ERGP) of this year took place in Vienna. On 20 June, the meeting was preceded by a public workshop on the topic of vulnerable users in the postal sector. The results will be used as an input for the Report on the needs of postal services for vulnerable users, which is expected to be adopted at the next plenary meeting in November 2024.

Following document was adopted at the meeting:

ERGP PL I (24) 11 – ERGP Report on access to the infrastructure for delivery of parcels

Other document approved for public consultation:

ERGP PL I (24) 5 – ERGP´s Draft Work Programme 2025