



Telegraphically on communications

LTE signal in another metro stations

The mobile LTE signal newly covers another metro stations of line C between stations Muzeum and Nádraží Holešovice. The Prague Public Transport Company secures the network deployment together with consortium of Czech operators. The mobile signal is currently available in 16 out of 61 stations.

Terms for faster switch of operator will be discussed in the Senate

The Senate will discuss an Amendment of Electronic Communications Act (Senate Print No. 139). One of the aims is to make operator switching faster and easier. The Senate's Committee on National Economy, Agriculture and Transport and the Committee on Legal and Constitutional Affairs plan to discuss the Amendment on 23 October. Its entry into effect is suggested from 1 April 2020.

Subsidies and information campaign will make the transition to DVB-T2 standard easier

The state will invest CZK 28 million to support the transition to the new DVB-T2 standard of television broadcasting this year. According to Minister of Industry and Trade Mr Karel Havlíček, the regions shall receive 20 million to subsidize providers of social services and the information campaign will cost 8 million.

Decision-making practice of the courts: The Post is responsible for mistakes of its employees

Czech Telecommunication Office has decided in appeal procedure a dispute on a failed complaint on lost postal parcel. The sender asked a post office employee about the possibilities of sending a Hungarian golden ducat issued by Ferdinand V. Király in 1845, priced for CZK 8,000. The officer offered him two equivalent services (Insured Package or Parcel Delivery to Hand) with a note, that there is no difference between them. The sender chose the Parcel Delivery to Hand service, because, as he later expressed, he felt that the recipient will receive the parcel right to his hands.

During transport the Czech post lost this parcel. Based on sender's complaint the Czech Post reimbursed him only CZK 117 for the postal fee and refused to pay the compensation for lost parcel with explanation, that the parcel contained an object prohibited for this kind of delivery service. According to Article 47(2) of the postal Terms and Conditions the Post is absolved from responsibility for an object, that is not allowed to be sent in a postal parcel. But the Article 4(e) of postal Terms and Conditions determines prohibited content for the Parcel Delivery to Hand service as "*banknotes, coins, travel checks, bearer checks, credit cards, vouchers for goods or services, securities of any kind, notes,*

precious metals (gold, platinum) and precious stones including products and jewellery made of them, art pieces and collections etc.”

CTU first considered the question, whether a wrong advice of an employee may exclude the application of Article 47 of postal Terms and Conditions, which the Post used to absolve itself from objective responsibility in a situation, where this advice, given on sender's request about the type of postal service suitable to send a particular object, influenced his decision and caused impossibility to claim the compensation for lost parcel. There is no doubt that the type of postal service is chosen by the sender, especially when considering the content of a parcel. The sender should make an informed decision to make the choice, i.e. the sender should first find out which offered service suits the best their needs and what are the conditions for use of the service. To get this information it is necessary to study the Terms and Conditions. But it is impossible to exclude a possibility, that the sender will choose another way, i.e. will directly ask the officer at a post office and will rely on their advice.

The Czech Post stated, that its employees are professionally trained to always provide the customer with the best products and information possible. But if one person did not follow this standard, the Post cannot bear responsibility for this, because providing a wrong advice is an *excess* of an employee for which the Post is not responsible.

However, CTU refused this with reference to the decision of the Supreme Court Ref. No. 5 Cdo 44/2016 from 11 May 2016: *“it is excess typically in cases, when infringer sought only their personal interests or needs, or of a third person. It would be doubtlessly so, if the lower courts inferred materialisation of signs of economic enrichment criminal act, namely embezzlement; but the lower courts did not conclude so.”* Facing the circumstances of this case, it is clear that the post-officer acted during her job performance (she was a party of the postal submission) and it was not claimed nor proved, that she would intentionally provide the customer with a wrong advice (or more precisely, she would do so with intentions not related to her job performance). Thus, the arguments of the Post could lead to a nonsense conclusion, that also the parcel loss itself, where several (professionally trained) postal employees took part on the process, would in case of their failure mean *excess*.

In this dispute CTU had at disposal a witness testimony of the sender's son who described the procedure of parcel submission and confirmed, that after the post-officer learned the content of the parcel, she offered two services that, according to her meaning, were fully equivalent. The Czech Post did not take any actions to challenge this witness testimony in a relevant way (e.g. by suggesting making a testimony of their employee, its presence during making the testimony).

Thus, CTU accepted the complaint and imposed the Czech Post to pay compensation in proved amount of CZK 7,501. This decision is final.

UNIVERSAL SERVICE: Public payphones

From 1 January 2020, the public payphones will remain in the universal service regime in municipalities with up to 199 inhabitants. On 17 September, the Czech Telecommunication Office issued a [decision](#) on change of decision No. CTU-41 336/2017-610/VI. from 7 November 2017 on imposing an obligation to provide a partial service as a part of the universal service – services of public payphones or other similar technical devices allowing access to publicly available telephone service according to paragraph 28(2)(e) of the Electronic Communications Act. The [list](#) of public payphones, that are listed as obligatorily provided as a part of the universal service for the year 2020, is an integral part of the decision.

Amendments to contractual terms and conditions

O2

O2 issued in September the new [pricelist of basic services](#) with effect from 1 October, which includes the new tariffs offer. Older tariffs were removed. If the current customer decides from their own will to switch to some of the new tariffs, they will no longer be benefited with the present discount for using more services and the total price for services will be set according to the new pricelist for combination of more services.

Vodafone

Vodafone changed the offer of special tariffs for customers over 60 years of age and for customers with a handicap in the new [pricelist](#) valid from 3 October. This change consists of renaming the tariff and of increasing the number of free minutes to 2.5 times and of the basic amount of data to four times, while also changing the price. In case of mobile tariffs for people with handicap (ZTP, ZTP/P) and people dependent on help of another natural person in II., III. or IV. grade of dependency the change pays for both offers. The first one offers half of the free minutes and double of the basic data amount while decreasing the price, and the second one offers double of the basic data amount while increasing the price.

Checked by CTU in September...

...adherence to terms and conditions of General Authorization No. VO-R/12/09.2010-12 for using radio frequencies and operating broadband data transmission devices in the 2.4 GHz to 66 GHz bands.

Out of 28 inspections performed, CTU discovered 26 defects. This included in particular the use of indoor frequencies outside a building. CTU requested remedy of the deficiencies and subsequently initiated administrative proceedings. In one case the control has not been finished yet due to controlled person's failure to provide cooperation. CTU will continue further according to the Inspection Order.

...use of radio frequencies without an authorization.

CTU carried out seven inspections focusing on the use of frequencies without an authorization. In three cases, CTU discovered operation on frequencies without or after the expiration of individual authorization. Administrative proceedings have been initiated.

... observance of terms and conditions of an individual authorisation to use radio frequencies. CTU undertook three inspections of observance of terms and conditions of an individual authorisation to use radio frequencies. CTU discovered one case of deficiency and requested a remedy.

...sources of interference of the electronic communication equipment and networks traffic, the provision of electronic communications services or the operation of radio communications services.

In September, CTU completed 73 investigations, of which 46 cases involved interference with television signal (out of those, 9 cases involved interference with DVB-T2 reception), 12 cases involved interference with GSM, UMTS and LTE public mobile communication networks, three cases of interference of broadcasting and satellite reception, four cases involved interference with RLAN

stations, three cases of interference with mobile and fixed service, two cases involved interference with short-range devices and one case with IoT device. In two cases of interference with public mobile communication networks, the source of interference was an active TV signal reception component, in three cases the source was an illegal operation of GSM repeater. In one of the cases, BTS LTE in the 800 MHz frequency band (see next section) was identified as the source of interference with DVB-T reception. The investigation of nine complaints on bad reception of DVB-T2 revealed in seven instances a defect on the viewer's equipment, in one case the cause was a problem with electromagnetic compatibility and in one case the source of interference was not found.

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

As of 30 September 2019, 243 base stations were in pilot operation and 16,573 base stations were in permanent operation. In September, CTU received 56 reports of interference and completed investigation of 46 cases of interference with television reception; BTS LTE in the 800 MHz band was identified as the source of interference with DVB-T and DVB-T2 in one case, which represents 2.2% closed cases of interference with television reception. In 30 cases, CTU discovered defects of the viewers' reception equipment, in eight cases the interference has disappeared or appeared only occasionally. In two cases problem with EMC was identified, and in two cases the cause of the reception failure was insufficient quality of the signal. In one other case the source of interference was not found.

...cooperation between CTU and the Czech Trade Inspection Authority (Česká obchodní inspekce).

A joint inspection carried out by CTU and the Czech Trade Inspection Authority at a consumer goods retailer in Vilémov, focused on sale of transmitting radio devices (remote-controlled toys), discovered discrepancies, which are now subject of further investigation. Another inspection in Znojmo at a computer and electronics retailer, which focused on the use of radio frequencies for the operation of short-range devices in frequencies according to General Authorization No. VO-R/10/01.2019-1 (2 types of wireless door-bells and 1 type of cordless mouse), did not reveal any deficiencies.

Unlimited data tariffs are limited in roaming

The largest mobile services providers introduced recently so-called unlimited data tariffs. CTU brings attention of the customers to the fact, that not a single offer of these tariffs with so-called unlimited data for natural persons on Czech retail market includes unlimited use of data services when using roaming in other EU countries.

It was common for the customers until now, that when the contract with the provider included also limited amount of mobile data, the same amount applied for data used in roaming in other EU countries as well. But this does not apply to the new so-called unlimited tariffs. The amount of data is unlimited when used in Czechia only. The European rules providing the policy of proportionate use of tariffs with unlimited data for the year 2019 lay down, that the provider must provide the customer with such amount of data for using roaming as appropriate to the price of the bundle. The amount of data in GB provided for using roaming included in the bundle must be at least double than the value obtained by dividing the price stated in contract (VAT not incl.) by maximal wholesale price for roaming (€ 4.50 for 1 GB of data for the year 2019). The price of the tariff must be counted according to currently valid exchange rate of Euro.

All the offered tariffs meet this requirement. But the specific amount of data for using roaming included in the price may differ by individual providers and tariffs according to the price of the service. Data over this limit may be charged, or more precisely the service may be suspended after reaching

the limit. The operator is obliged to tell the customer how large amount of data for roaming will be provided. CTU therefore advises the customers to acquaint themselves with the amount of data, that is available for using roaming before concluding the contract or before travelling abroad.

More information can be found on the [EU website](#).

Example: a contract with unlimited data – roaming in the EU

Mr Smith pays the Czech mobile operator a monthly fee worth € 50 (VAT not incl.), which includes unlimited calls, SMS and data. During his vacation in another EU country he can call and send SMS without limits while he has at least 22,2 GB of data at his disposal ($2 \times (50 / 4,50) = 22,2$).

Postal services

CTU opened in September a blanket control of the Czech Post on compliance of at least one attempt to deliver an Insured Package and EMS parcel included in the universal postal service – every single work day on address of every natural person. The control will be carried in 40 postal depots where parcels are sorted and shipped through the postal network to receivers. The control will continue until the end of October.

Telecommunication regulation in the EU

ERGP

On 17 September, Brussels hosted a workshop organized by the European Commission, where the results of a study of postal services user's needs and the revision of the Postal Service Directive were presented. On 18 September, the [2. ERGP Stakeholder Forum](#) took place, where experts on telecommunication and postal services discussed the influence of e-commerce on the postal market and the need of potential regulation.

WIFI4EU

On 19 and 20 September, a third call for applications was open in the framework of the [WIFI4EU](#) initiative. The European Commission's special budget of € 26.7 million will be divided among 1,780 European municipalities to build free Wi-Fi hotspots in public spaces. In the first two seconds after the call was opened on the first day, the system received applications from over 2,000 municipalities. Until its closure a day later the call brought over 11,000 applications. This amount is six times higher than the number of available vouchers for funding.

Digital Single Market

On 2 September, the [pilot project, OPENQKD](#), that will install a test quantum communication infrastructure in several European countries, was launched. It will boost the security of critical applications in the fields of telecommunications, health care, electricity supply and government services. Its main focus is to create and test a communication network infrastructure with a built-in quantum element, using Quantum Key Distribution (QKD), an ultra-secure form of encryption that allows data to be transmitted with a very high level of security.

BEREC

On 3 and 4 October, a 40th BEREC plenary took place. The meeting accepted following documents.

For publication:

- [BoR \(19\) 177](#) Report on the implementation of Regulation (EU) 2015/2120 and BEREC Net Neutrality Guidelines
- [BoR \(19\) 174](#) International Roaming BEREC Benchmark Data Report October 2018 – March 2019.

[For public consultation:](#)

- [BoR \(19\) 179](#) update to the BEREC Guidelines on the Implementation of the Open Internet Regulation; and a draft document [BoR \(19\) 180](#)
- [BoR \(19\) 181](#) draft BEREC Guidelines on common approaches to the identification of the network termination point in different network topologies
- [BoR \(19\) 182](#) draft BEREC Guidelines on Geographical surveys of network deployments
- [BoR \(19\) 183](#) BEREC Work Programme 2020 and call for input to the BEREC Medium Term Strategy 2021-2023
- [BoR \(19\) 189](#) draft BEREC Guidelines detailing Quality of Service Parameters
- [BoR \(19\) 191](#) BEREC draft Feasibility study on development of coverage information for 5G deployments.