



Czech Telecommunication Office

May 2019

---

## Telegraphically on communications

### CTU published the 2018 Annual Report

The 2018 Annual Report shows that the consumption of mobile data has significantly increased. The most influencing factor is fixed LTE service that grew by 163 % year-on-year, while the consumption of data via mobile services increased by 57 %. The complete report is available at CTU website.

### Vodafone restores per-minute billing

As per new Price List effective from 1 July, Vodafone restores a per-minute billing (60+60) for pre-paid cards. Up until now the operator applied a per-second billing after the first minute of call (60+1). The operator stated the reason is to “simplify and clarify the process of billing for calls”.

### Other metro stations will be covered with a mobile signal

It will be possible to make calls in more tunnels of Prague metro. In September/October the mobile signal will become available on the C line between Muzeum and Nádraží Holešovice, during the first quarter of 2020 on the B line between Smíchovské nádraží and Palmovka, and on the A line between Dejvická and Muzeum.

---

## Decision-making practice of the courts: A fine imposed on Vodafone for aggressive commercial practice

**Operator Vodafone demanded from its previous customer a payment for services provided after termination of an agreement. The operator committed a forbidden aggressive commercial practice, therefore CTU imposed a fine of 25,000 CZK. The decision is final.**

In this case, the consumer duly delivered a termination of an agreement to Vodafone store on 5 December 2017. The contract subsequently terminated when the period of notice expired on 6 January 2018. However, Vodafone stated that the termination notice had been delivered for processing with a delay, that is on 10 January. Therefore, the customer was charged for continuous use of service. Despite the compensation rendered by the operator for all unjustified charges on the basis of a complaint, all signs of forbidden aggressive commercial practice were accomplished. As an aggravated circumstance was stated by CTU Vodafone’s recidivism, since it was not the first time the operator used an unlawful practice in relation to a termination of contract by a consumer.

## Amendments to contractual terms and conditions

### O2

O2 published a new Price Lists of [basic](#) and [optional](#) services effective from 1 May. Mainly international calls were amended due to a new European regulation. The changes concern mostly setting of a maximum price for international calls and SMS. The offer of continuous roaming packages was also amended.

### Nordic Telecom

Nordic Telecom published a new [Price List](#) effective from 15 May 2019. It changes the division of countries into individual zones for the service International Calls (Volání do zahraničí) to a service Wireless Fixed Line (Bezdrátová pevná linka), and the price for calls and SMS in the Zone 1. This is due to the regulation of international calls.

### SAZKAMobil

SAZKAMobile issued new [Terms and Conditions](#) effective from 7 May 2019. It prolongates the validity period of a contract and of a credit for pre-paid service. The Price List then specifies information on reducing of a download speed and on entering of data after exceeding the data limit.

---

## Analysis of mobile market

After preliminary analysis of mobile wholesale market, CTU held a public consultation to the document between 8 March and 8 April 2019. Within this period CTU received comments from 10 stakeholders, in particular from network and virtual operators, their associations, and other. CTU is currently assessing the comments and will subsequently publish its opinion. CTU will also discuss the analysis with the European Commission.

---

## Radio spectrum management

### FM Radio Broadcasting

The following radio transmitters of Český rozhlas with capacity of 100 W were launched on 8 April:

**Javorník – ČRo Plus (90,7 MHz), ČRo Dvojka (94,2 MHz)**

**Jeseník – ČRo Radiožurnál (95,0 MHz), ČRo Plus (102,5 MHz)**

---

## Checked by CTU in April ...

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

CTU ascertained defects in 14 of the 15 inspections conducted, mainly in the use of indoor frequencies outside a building. CTU requested remedy of the deficiencies and subsequently initiated administrative procedure.

... use of radio frequencies without an authorisation.

CTU conducted 12 inspections focusing on the use of frequencies without an authorisation. In six cases CTU discovered the use of frequencies without or after the expiration of individual authorisation. Administrative proceedings have been initiated.

... observance of terms and conditions of an individual authorisation to use radio frequencies. CTU undertook one inspection of observance of terms and conditions of an individual authorisation to use radio frequencies and found faults.

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

CTU completed 99 investigations in April, 66 cases of which concerned interference of television reception (17 of these cases involving interference of DVB-T2 reception), 21 cases of interference of GSM, UMTS and LTE public mobile communications networks, three cases of interference of radio and satellite reception, three cases of interference of amateur radio stations, and one case of interference of short-range devices, RR connections, and meteorological radars. In eight cases the source of interference of DVB-T was found to be BTS LTE in the 800 MHz band (see next section), while interference of public mobile networks was mostly caused by radiation of active TV signal reception systems. The causes of insufficient reception of DVB-T2 were solely other than interference by LTE systems.

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

267 base stations were in pilot operation and 16,414 stations were in permanent operation as of 30 April 2019. CTU received 52 reports of interference in April and completed the investigation of 66 cases of DVB-T interference; BTS LTE in the 800 MHz band was identified as the source of DVB-T interference in nine cases, meaning 13.6 % closed cases of interference of television reception. In 43 cases were faults to the reception equipment of television viewers, in 12 cases no interference was found and in two cases the problem was caused by insufficient DVB-T signal.

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

A joint inspection of telecommunication terminal and radio equipment dealers on Cínovec (Dubí) identified sale of radio-controlled models of cars and airplanes operating within the 27 MHz band (outside the frequencies in General Authorisation No. VO-R/10/01.2019-1) and sale of radio-controlled model of cars and child's radio-transmitters operating within the 49 MHz band. Such radio equipment cannot be operated in the Czech Republic without an individual authorisation to use radio frequencies. Another inspection in Nový Bor identified sale of wireless doorbells operating within the 316 MHz to 318 MHz band, reserved in the Czech Republic for the Ministry of Defence. Czech Trade Inspection Authority is dealing with the shortcomings identified within the scope of its duties.

... postal services

CTU completed an inspection of Czech Post (Česká pošta) on delivery of consignments which are included in basic postal services. In 15 cases CTU found non-compliance of provision in Section 3(2)(d) of the Postal Service Act. Administrative proceedings have been initiated.

---

## Adequate price reduction for service outage

**Provision of electronic communications services is not always without problems. Subscribers may experience service outage; they either cannot use the service at all, or only to a limited extent. If the outage is caused by technical or operational malfunction by the operator, it must secure removal of the defect and reduce the price charged for the service adequately.**

The operator can also agree with the customer who is an end-user on alternative provision of the service if it is technically manageable. The subscriber affected by an outage should unduly contact their operator and report the problems, so the defect is removed as soon as possible. The operator then decides on a possible price reduction in case of a full or partial malfunction considering the circumstances of the outage. CTU is not entitled to regulate the price for the service in any way, because the Electronic Communications Act does not state any rules to determine the amount of adequate compensation. To claim the right to adequate price reduction of a certain service it is

necessary to file a complaint on its malfunction within two months from the respective service outage. The complaint should include a request to price reduction. If the operator does not accommodate the claim or if the complaint is not settled in time, the subscriber can file a [complaint](#) with CTU within one month of receiving the decision on complaint or after the deadline for settling the complaint passed.

If the operator did not commit to repay the subscribers' damage caused by disruption or defective provision of a service in a contract, they are not obliged to do so. However, not every disruption or a complete prevention from using electronic communications services caused by the operator are a subject of the operator's obligation to reduce the price for the service. An example is a real threat or serious breach of security and integrity of the operator's network due to a damage or destruction of an electronic communications equipment, for example due to a natural disaster. In such case the operator may disrupt provision of a service or entirely deny access to it, but only to the extent necessary.

---

## Legislative amendments: Authorities' websites will be more accessible to seniors and disabled

### Accessibility to a website

On 9 April [Act No. 99/2019 Coll.](#), on the accessibility of Internet websites and mobile applications and on amendment of Act No. 365/2000 Coll., on information system of public administration and on amendment of other acts, as amended was published in the Collection of Laws vol. 44. The aim is to transpose Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies into Czech law. By approximating laws relating to the accessibility requirements the Directive aims to make websites and mobile applications more accessible through the European Union. This Act enters into force on a day of publication, i.e. 9 April 2019.

### Processing of Personal Data

On April 24 [Act No. 110/2019 Coll.](#), on processing of personal data, and [Act No. 111/2019 Coll.](#), amending certain acts related to adoption of act on processing of personal data was published in the Collection of Laws vol. 47. The purpose is to transpose requirements of the European law in the field of personal data protection, mainly Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, and Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, into Czech law. The Acts enter into force on a day of publication, i.e. 24 April 2019.

---

## Complaints and inquiries in the 1<sup>st</sup> quarter of 2019:

### More complaints on contracts with operators

**CTU registered 508 complaints from subscribers/consumers in the first quarter of 2019; 398 complaints were resolved according to the Electronic Communications Act, 26 cases CTU was not authorized to resolve and proceeded them to relevant authority, and 84 complaints were unjustifiable – violation of law was not found.**

Most frequently the complaints concerned subscriber contracts and billing. In these cases, CTU provides legal help and if the subscriber files an objection against settlement of a complaint, or proposal of a resolution of a dispute, CTU initiates administrative proceeding according to Section 129 of the Electronic Communications Act.

### Prolongation of contracts with Vodafone

CTU repetitively deals with complaints on automatic prolongation of a contract, mainly with operator Vodafone. Once again, CTU recommends filing a complaint and when necessary an objection against settlement of a complaint. CTU also stipulates paying attention to information stated in billing statements.

### Refund of a credit when changing an operator

Subscribers also frequently complained about validity of credit on pre-paid card and expiration of unused credit. The European Electronic Communications Code (Directive (EU) 2018/1972 of the European Parliament and the Council) states that in case of porting of a number using pre-paid card the transferring providers shall refund, upon request, any remaining credit to the consumers using pre-paid services. Refund may be subject to a fee only if provided in the contract. Any such fee shall be proportionate and commensurate with actual costs incurred by the transferring provider in offering the refund. The Code is now being transposed into Czech law.

### Beware of contracts concluded over phone

Since a number of complaints on activation of unwanted or different service agreed on over phone rose, CTU recommends the subscribers to avoid any statements, that might be considered as conclusion of an agreement, when in fact they do not wish to conclude thereof, or to consider concluding such agreement on provider's branch. The subscribers should always make sure, that the agreement correspond to their requests and pay attention to pre-printed provisions.

### Porting of number

CTU registered 12 complaints in regards of issue with porting a number. Among others the subscriber's complained on malfunction of a SIM card provided by the receiving provider.

### Aggressive and misleading commercial practices

CTU dealt repetitively with complaints on aggressive or misleading commercial practices such as concluding multiple contracts with a person suffering from mental disorder (disabled) who already has an active contract from 2017, concluding a contract with a senior person who came to a branch with a different request (to buy a USB disk), or delaying termination of a contract under various excuses.

### Complaints and inquiries on postal services

CTU registered 84 complaints on provision of basic postal services according to Section 3 of Postal Services Act, out of which 41 concerned complaints on delivery of registered items, 16 complaints on basic foreign postal services, 12 complaints on delivery of postal items up to 2 kg, nine complaints on delivery of valuable items, and three complaints on delivery of cash amount by postal order. Only one case related to a delivery of postal items up to 2 kg by a different provider than Czech Post (Česká pošta). In 23 cases no violation of law was found.

---

## Telecommunication regulation in the EU

### Amendments of legal regulation

Two amendments of implementing decision of European Commission were published in the Official Journal of the EU in April. Specifically, a [Corrigendum to Commission Implementing Decision \(EU\) 2019/235](#) of 24 January 2019 on amending Decision 2008/411/EC as regards an update of relevant technical conditions applicable to the 3 400-3 800 MHz frequency band, correcting a calculation, and a [Corrigendum to Commission Implementing Regulation \(EU\) 2018/1263](#) of 20 September 2018

establishing the forms for the submission of information by parcel delivery service providers pursuant to Regulation (EU) 2018/644 of the European Parliament and of the Council, correcting Annex II.

### Open Internet Access

On 30 April the Commission published [report](#) on the implementation of the Regulation on Open Internet Access. The report follows the [Regulation \(EU\) 2015/2120](#). The Commission compared the current situation with the one before the Regulation entered into force (on 30 April 2016). The Commission concludes that the Regulation's principles are appropriate and effective in protecting end-users' rights and promoting the Internet as an engine for innovation. The report suggests that there is no need to amend the Regulation at this stage. The Commission will continue monitoring the developments in the market and will issue a new report in four years' time. The Commission is working closely with the Body of European Regulators for Electronic Communications (BEREC), which is planning to update the implementation Guidelines.

### European Elections

The last plenary meeting of the current European Parliament was held on 15 – 18 April. The European Parliament will not hold any other meeting to prepare for election campaigns for the next term. The elections were held on 23 – 26 May in all EU Member States.