



Czech Telecommunication Office

June 2019

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## Telegraphically on communications

### Growing number of complaints on Czech post services

The volume of transferred consignments within universal service by Czech post is decreasing. Compared to 2013 the Czech post transported 56.9% of items up to 2 kg and only 24.4% of packages up to 10 kg. On the other hand, the Post received 2.3 times more complaints. This information follows the **2018 Overall Report on Fulfilment of Obligations Imposed on Postal Licence Holders**.

### New undertaking in postal services

In May, CTU granted a certification on notification of business in postal services sector to the company ZIRAFO, s.r.o. Furthermore, CTU registered a notification of termination of provision of postal services filed by company e-SITY s.r.o. Current list of all notified providers is available on CTU's website via [search database](#).

### The state joins a campaign to transfer to DVB-T2

The Ministry of Industry and Trade finishes preparations of information campaign on termination of DVB-T transmitters. A new official website on leaving the 700 MHz band and switching off the DVB-T television broadcasting will join the existing websites of various providers. The portal should be launched during summer holidays.

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## Legislative amendments: Changes in exams and professional competence certificates

**Starting from 1 September the restricted certification of radio operator for a mobile radiotelephony service for maritime mobile service (OFN) will not be issued anymore. It will be replaced by two new professional competence certificates: for operation of boat station in VHF band in near coastal voyage without use of GMDSS system features (OFF) and for operation of boat stations in inland waterways (OFV).**

On 16 May Decree No. 120/2019 Coll., amending Decree No. 157/2009 Coll., on the details of enrolment for the examination of special competence for the operation of radio transmission equipment, on the extent of knowledge needed for the different special competence types, on the manner of performing the examination, on the types of special competence certificates and on the duration of their validity, was published in the Collection of Law vol. 52.,

Based on international practice some types of professional competence certificates were changed in relation to the maritime mobile service and inland waterways navigation in order to comply with

current division used by other European states and member states of RAINWAT (Regional Arrangement on the Radiocommunication Service for Inland Waterways).

A new separate certificate, the “restricted certificate of radio operator for inland water navigation” for operation of stations in inland waterways (Art. 2(l) of Decree No. 157/2005, Coll.), is being introduced. Furthermore, the general certificate of radio operator of mobile service is also adjusted to take into account the fact that it is a certificate of radio operator for a mobile radiotelephony service for maritime mobile service entitling the holder to operate boat stations in maritime mobile service, however, without using GMDSS system features.

Overview of all changes is available on CTU’s website. The Decree enters into force on 1 September 2019.

## Data Retention

Judgment of the Constitutional Court of 14 May 2019 No. Pl US 45/17 **rejected** a proposal of a group of deputies to repeal provision of section 97 paragraph 3 and 4 of Act No. 127/2005 Coll., section 88a of Act No. 141/1961 Coll., section 68 paragraph 2 and section 71(a) of Act No. 273/2008 Coll., and Decree No. 357/2012 Coll.

The Constitutional Court found that the examined legislation fulfils the requirement of adequate interference with right to privacy in a context of today’s social and technological development and can be interpreted in accordance with the Constitution. However, the Constitutional Court concluded that each request and reason for its filing should be thoroughly considered by the respective competent authority and examined by the court in the view of the actual circumstances of the examined case.

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## Amendments to contractual terms and conditions

### T-Mobile

T-Mobile announced that starting from 20 June it will be possible to activate a free package with unlimited data until the end of August. The offer applies to residential customers with data tariff.

From 7 June T-Mobile changed its terms for additional purchase of data. After the customers use up their basic data limit, they can increase it with a one-time purchase of data packages from 60 MB up to 10 GB. Data which are not used up until the end of the billing period in which they were purchased are transferred to the next billing period. Validity of all packages is 30 days from activation. Data limit is not increased automatically but based on the customer’s decision.

Furthermore, T-Mobile began to offer “Mobil DATA” tariff with a data limit of 10 GB including 100 SMS and 100 free minutes. The tariff is designated to new customers and to customers transferring from pre-paid services. For activation of this tariff is not necessary to close a new contract for a fixed term. It is not possible to extend current contracts of tariff customers when transferring to this tariff.

### O2

O2 issued new Price list of [basic](#) and [facultative](#) service effective from 1 June. Amendments concerns mainly “FREE” tariffs changing the integration of countries in the roaming zone “TOP Svět”. The operator newly offers data tariff with a volume of 20 GB and also commenced to transfer customers with tariffs “Internet v pevném místě” (Fixed location Internet) concluded before 1 September 2017 to new tariffs.

## Vodafone

In May, Vodafone offered a tariff “Data 10 GB” with a data limit of 10 GB including unlimited SMS and 100 minutes to all networks. This tariff is without commitments for a monthly price of CZK 499 incl. VAT.

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## Checked by CTU in May ...

... 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 17 of the 20 inspections conducted, mainly in the use of indoor frequencies outside a building. CTU requested remedy of the deficiencies and subsequently initiated administrative procedure. CTU wishes to point out in this regard that it prepares specific conditions for outdoor use of 60 GHz band, which will be reflected in amendment of general authorisation VO-R/12/09.2010-12 to use radio frequencies and operate devices for wide range transfer of data in 2.4 GHz – 66 GHz bands. CTU aims to prepare a proposal of the amendment of VO-R/12 for public consultation in this autumn.

... use of radio frequencies without an authorisation.

CTU conducted seven inspections focusing on the use of frequencies without an authorisation. In five 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 16 inspections of observance of terms and conditions of an individual authorisation to use radio frequencies and did not find any 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 70 investigations in May, 49 cases of which concerned interference of television reception (11 of these cases involving interference of DVB-T2 reception), 15 cases of interference of GSM, UMTS and LTE public mobile communications networks, two cases of interference of radio and satellite reception, three cases of interference of mobile service device, and one case of interference of short-range devices and remote operation of RC model. In three cases the source of interference of public mobile networks was mostly caused by radiation of active TV signal reception systems. In three cases the source of interference of DVB-T was found to be BTS LTE in the 800 MHz band (see next section). 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.

309 base stations were in pilot operation and 16,401 stations were in permanent operation as of 31 May 2019. CTU received 62 reports of interference in May and completed the investigation of 49 cases of DVB-T interference; BTS LTE in the 800 MHz band was identified as the source of DVB-T interference in three cases, meaning 6.1 % closed cases of interference of television reception. In 32 cases were faults to the reception equipment of television viewers, in four 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 by CTU and Czech Trade Inspection Authority in Bílovec aimed at sale and distribution of radio equipment transmitters. No faults were found. Also, an inspection in Brno focused on sale of wireless PC components operating in 2.4 GHz frequency band did not find any faults.

... 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.

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## Regulated roaming has its limits

**The RLAH principle (Roam Like at Home) applies only if the service is not excessively or permanently used abroad (permanent roaming). Given the upcoming touristic season, CTU warns the consumers they cannot use call service for domestic prices while abroad unlimitedly.**

It has been nearly two years since the consumers were enabled to use roaming electronic communications services in the member states of EU for the same price set for their domestic tariff services. In this regard the operators apply the so-called policy of adequate use, a set of binding rules whereby the operators ascertain whether the roaming services are not abused by the subscriber.

The mentioned measures apply to those customers, who use roaming for their regular travels outside their residential member state, while using the roaming services abroad more excessively than in domestic network and spending more time abroad.

Under the policy of adequate use, the operator can monitor and check the volume of used roaming services for the last 4 months. If within this period the customer spent more time abroad than at home and used mobile service abroad more than at home, then the operator has the right to contact the consumer and require explanation, doing so within 14 days. In the case that the subscriber continues to use the roaming excessively or permanently, the operator is entitled to charge roaming fees in addition to the domestic prices. Nevertheless, the amount of the fees is regulated and gradually decreased.

One must also bear in mind that operators can also offer alternative roaming tariffs beyond the European regulation. But the subscriber must explicitly request activation of such tariffs (they cannot be set automatically).

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## Radio spectrum management

### FM Radio Broadcasting

In May, the operation of transmitter Ostrovačice 94.2 MHz / 50 W, channel Rádio Dálnice, ended.

### General Authorisation

On 13 May the Council of CTU approved General Authorisation No. VO-R/24/05.2019-4 to operate infrastructure equipment to distribute radio signal in tunnels, buildings and trains. This general authorisation, which amends current General Authorisation No. VO-R/24/11.2008-16, is mainly issued to improve coverage of train wagons with mobile network signal via repeater.

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## Telecommunication regulation in the EU

### EU legislation

On 14 May two implementing decisions on harmonisation of radio spectrum in 26 GHz for its future use for 5G technology were published in the Official Journal of the EU. Specifically, [Commission Implementing Decision \(EU\) 2019/784](#) on harmonisation of the 24,25-27,5 GHz frequency band for

terrestrial systems capable of providing wireless broadband electronic communications services in the Union, and [Commission Implementing Decision \(EU\) 2019/785](#) on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union and repealing Decision 2007/131/EC.

On 20 May two directives on consumer protection: [Directive \(EU\) 2019/770 of the European Parliament and of the Council](#) on certain aspects concerning contracts for the supply of digital content and digital services and [Directive \(EU\) 2019/771](#) on certain aspects concerning contracts for the sale of goods were published.

On 15 May [regulation of intra-EU calls and SMS](#) entered into force. This regulation determines that the maximum price for a call must not exceed 19 cents per minute and for SMS 6 cents per message.

On 28 May [regulation on a framework for the free flow of non-personal data in the European Union](#) which allows storing and processing of non-personal data without unjustified limitation in the entire EU entered into force. A day after the European Commission issued its guidelines to help users, mainly small and medium business, to better understanding of a relation between these new rules and the GDPR.

## WiFi4EU

On 14 May the European Commission published results of the second call under [WiFi4EU](#) initiative. The second call took place from 4 to 5 April and registered more than 10,000 applications from municipalities all over EU. A total of [3,400 municipalities](#) will each receive a voucher to set up WiFi hotspots in public spaces, each worth EUR 15,000. As for the Czech Republic, 87 municipalities were successful in the second call and 15 municipalities are on the list of substitutes.

## Council of the EU

On 7 June the [Council of the EU](#) held a meeting of ministers responsible for electronic communications. Under Romania Presidency they adopted the conclusions of the Council on the future of a highly digitised Europe beyond 2020. During the discussions the ministers took note of the progress report on a proposal to update privacy rules for electronic communications (ePrivacy) and the Czech Republic presented the information on the international conference on 5G networks security which took place in Prague at the beginning of May.

## BEREC

On 29 May BEREC held a [workshop on Net Neutrality](#) and Open Internet Access in Brussels aiming to collect ideas for on-going update of BEREC Guidelines on net neutrality. A video recording of the workshop is available at BEREC's [website](#).

The 39<sup>th</sup> plenary meeting of the BEREC Board of Regulators was held from 12 to 14 June in Ghent. The following documents were adopted:

### For publication

- BEREC opinion on the functioning of the roaming market as input to EC evaluation
- BEREC Report on Access to physical infrastructure in the context of market analyses
- BEREC Report on the data economy
- BEREC response to the EC public consultation on the review of the Recommendation on relevant markets

- BEREC Report on the Termination Rates at the European level
- BEREC Common Position on infrastructure sharing

#### For public consultation

- Call for Initial Stakeholder Input on the BEREC Guidelines on the Criteria for a Consistent Application of Article 61(3)
- Draft BEREC Guidelines on the general authorisation notifications transmitted to competent authorities
- Draft BEREC guidelines on common criteria for the assessment of the ability to manage numbering resources by undertakings other than providers of electronic communications networks or services and of the risk of exhaustion of numbering resources if numbers are assigned to such undertakings
- Draft scoping document for BEREC Guidelines on the minimum criteria for a reference offer relating to obligations of transparency

#### Digital Assembly 2019

Another year of [Digital Assembly](#) event co-organized by the European Commission and the state presiding the Council of the EU was held in Romanian Bucharest on 13 and 14 June. It is a forum for actors and policy makers of the Digital Single Market Strategy to meet with private sector and academics. This year focused on evaluation of the progress in the sector of digital economy and society.