



PRESS RELEASE

Monthly Monitoring Report 10/2019

Prague, 16 October 2019 – The Czech Post (Česká pošta) is responsible for mistakes of its employees. This follows from a decision on appeal procedure a dispute on a failed complaint, reports the Monthly Monitoring Report today. The sender asked a post office employee about the possibilities of sending a Hungarian golden ducat issued by Ferdinand V. Király in 1845.

The officer offered him two equivalent services (Insured Parcel 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. The postal Terms and Conditions for Parcel Delivery to Hand do not allow to send coins and valuable metals in a postal parcel. The Czech Post reacted on an objection, that the employee made a mistake by providing a wrong advice, 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.

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."* Such 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. Thus, CTU accepted the complaint and imposed the Czech Post to pay compensation in proved amount of CZK 7,501.

The monitoring report further points out, that so-called unlimited data tariffs introduced recently, do not include unlimited use of data services when using roaming in other EU countries. The European rules providing the policy of proportionate use of tariffs with unlimited data 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. It must be at least double (in GB) than the value obtained by dividing the price stated in contract (VAT not incl. and converted to €) by maximal wholesale price for roaming (€ 4.50/GB for the year 2019). If a customer pays the Czech mobile operator a monthly fee worth € 50 (VAT not incl.), which includes unlimited calls, SMS and data, they can during a vacation in the EU call and send SMS without limits while he has at least 22,2 GB of data at his disposal ($2 \times (50 / 4,50) = 22,2$).

The monitoring report further informs on amending decision on public payphones in the universal service. From 1 January 2020 will these public payphones remain obligatorily only in municipalities with up to 199 inhabitants. Their [list](#) is published on the CTU website.

The monitoring report is available [here](#).

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