

This is an unofficial translation. The legally binding text is the original Czech version.

Prague, 18 October 2005  
Ref.: 37 757/2005-605

On the basis of public consultation under Section 130 of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended (hereinafter „the Act“) and on the basis of the decision of the Council of the Czech Telecommunications Office (hereinafter „the Office“) under Section 107(8)(b)(2) of the Act and in order to implement Section 16(2) of the Act, the Office as the appropriate state administration body under Section 108(1)(b) of the Act hereby issues this Measure of General Nature

**Common Part  
of the Radio Spectrum Utilisation Plan  
No. PV/10.2005-35.**

Article 1  
**Subject**

(1) The Office determines in the radio spectrum utilisation plan (hereinafter “the Plan”) technical parameters and conditions for utilisation of radio spectrum by radiocommunication services.

(2) The Office gives in the Plan information on the future development of the utilisation of radio spectrum, if it is known and sufficiently explicit.

(3) The Plan follows up with the Plan of the Frequency Band Allocations (National Table of Frequency Allocations) (hereinafter “NTFA”).

Article 2  
**General provisions**

(1) The Office determines in the Plan the use of radio spectrum with the aim to ensure the effective utilisation of this limited natural resource in accordance with the intentions of international harmonisation, considering the assurance of its utilisation for the protection of human lives and health taking into account the prevention of harmful interference.

(2) The Office supports in the Plan in a well-balanced way the development of modern technologies and services and at the same time ensures an adequate level of certainty for existing users. The Office determines changes in the utilisation of radio spectrum transparently and well in advance.

(3) The Plan consists of this Common part and of the parts related to dedicated bands which are determined by the upper and lower frequency limits (hereinafter “the part of the Plan”). The Office issues the part of the Plan by legal form of a Measure of General Nature. The Office chooses frequency limits from dividing frequencies of frequency bands mentioned in the NTFA.

This is an unofficial translation. The legally binding text is the original Czech version.

(4) The allocation of a frequency band to a radiocommunication service in the NTFA is binding. If any change is made in an allocation in the NTFA and a part of the Plan or some of its provisions are in contradiction with the NTFA, the effect of the related part of the Plan or of its related provisions are suspended.

(5) In case that the effect of the part of the Plan or its provisions was suspended according to clause 4, the Office will amend the part of the Plan in legal form of a Measure of General Nature within 3 months.

(6) Radio spectrum can be utilised for civil communication activities on the basis of a general authorisation issued by the Office according to Section 9 of the Act or on the basis of an individual authorisation for the utilisation of radio frequency according to Section 17 of the Act.

(7) If the number of rights to utilise radio frequencies is limited according to Section 20 of the Act, the Office can only grant individual authorisation to utilise radio frequencies to the holder of the relevant frequency allocation.

(8) The operation of machines, instruments and devices for activities that are not communication activities, for example industrial, scientific and medical applications of radio energy denoted by the abbreviation ISM, are possible within relevant bands and under conditions determined by a relevant part of the Plan.

(9) In accordance with the Article 1(1), the users shall comply with those provisions that have already come into effect. Issues related to future events according Article 1(2), are meant to be informative in nature and do not establish a basis for any legal claim.

### Article 3 **Repealing provision**

This is to repeal:

(1) The plan of the frequency spectrum utilisation, reference number 29033/2001-605 from November 28, 2001, published in the part 12/2001 of the Telecommunication Journal.

(2) Appendix No. 1/12.2001 for the frequency range 146–174 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 29033/2001-605 from November 28, 2001, published in the part 12/2001 of the Telecommunication Journal.

(3) Appendix No. 2/12.2001 for the frequency range 24.25–27.5 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 29033/2001-605 from November 28, 2001, published the in part 12/2001 of the Telecommunication Journal.

(4) Appendix No. 3/4.2002 for the frequency range 52.6–59 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 35274/2001-605 from April 2, 2002, published in the part 4/2002 of the Telecommunication Journal.

(5) Appendix No. 4/4.2002 for the frequency range 34.4–39.5 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 35274/2001-605 from April 2, 2002, published in the part 4/2002 of the Telecommunication Journal.

(6) Appendix No. 5/5.2002 for the frequency range 66–87.5 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 7036/2002-605 from May 2, 2002, published in part 5/2005 of the Telecommunication Journal.

This is an unofficial translation. The legally binding text is the original Czech version.

(7) Appendix No. 6/5.2002 for the frequency range 1900–2200 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 77036/2002-605 from May 2, 2002, published in the part 5/2002 of the Telecommunication Journal.

(8) Appendix No. 7/7.2002 for the frequency range 2700–4200 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 11813/2002-605 from June 22, 2002, published in the part 7/2002 of the Telecommunication Journal.

(9) Appendix No. 8/8.2002 for the frequency range 14.5–15.35 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 13228/2002-605 from August 2, 2002, published in the part 8/2002 of the Telecommunication Journal.

(10) Appendix No. 9/10.2002 for the frequency range 39.5–43.5 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 15926/2002-605 from October 1, 2002, published in the part 10/2002 of the Telecommunication Journal.

(11) Appendix No. 10/9.2004 for the frequency range 470–960 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 16994/2004-605 from August 31, 2004 published in the part 9/2004 of the Telecommunication Journal.

(12) Appendix No. 11/1.2003 for frequency range 27.5–29.5 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 25178/2002-605 from December 30, 2002, published in the part 1/2003 of the Telecommunication Journal.

(13) Appendix No. 12/4.2002-605 for frequency range 1700–1900 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 27012/2002-605 from April 2, 2003, published in the part 4/2003 of the Telecommunication Journal.

(14) Appendix No. 13/5.2003 for frequency range 10–12.5 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 6118/2003-605 from April 22, published in the part 5/2003 of the Telecommunication Journal.

(15) Appendix No. 14/14/6.2003 for frequency range 2200–2700 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 9078/2003-605 from May 27, 2003, published in the part 6/2003 of the Telecommunication Journal.

(16) Appendix No. 15/7.2004 for the frequency range 380–470 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 13323/2004-605 from June 23, 2004, published in the part 7/2004 of Telecommunication Journal.

(17) Appendix No. 16/9.2003 for the frequency range 21.2–24.25 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 184653/2003-605 from September 2, 2003, published in the part 9/2003 of the Telecommunication Journal.

(18) Appendix No. 17/11.2003 for the frequency range 15.35–21.2 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 22981/2003-605 from October 22, 2003, published in part 11/2003 of the Telecommunication Journal.

(19) Appendix No. 18/12.2003 for the frequency range 12.5–14.5 GHz to Plan of the Frequency Spectrum Utilisation, reference number 24532/2003-605 from November 18, 2003, published in the part 12/2003 of the Telecommunication Journal.

This is an unofficial translation. The legally binding text is the original Czech version.

(20) Appendix No. 19/11.2004 for the frequency range 5.925–10 GHz to the Plan of the Frequency Spectrum Utilisation, reference number 16995/2004-605 from October 26, 2004, published in the part 11/2004 of the Telecommunication Journal.

(21) Appendix No. 20/6.2004 for the frequency range 960–1700 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 15060/2004-605 from May 12, 2004, published in the part 6/2003 of the Telecommunication Journal.

(22) Appendix No. 21/7.2004 for the frequency range 174–380 MHz to the Plan of the Frequency Spectrum Utilisation reference number 11043/2004-605 from June 20, 2004, published in the part 7/2004 of the Telecommunication Journal.

(23) Appendix No. 22/11.2004 for the frequency range 87.5–146 MHz to the Plan of the Frequency Spectrum Utilisation, reference number 20092/2004-605 from October 26, 2004, published in the part 11/2004 of the Telecommunication Journal.

(24) Appendix No. 23/12.2004 for the frequency range 59–105 GHz to the Plan of the Frequency Spectrum Utilisation reference number 22542/2004-605 from November 22, 2004, published in the part 12/2004 of Telecommunication Journal.

#### Article 4 **Effect**

This Common Part of the Radio Spectrum Utilisation Plan comes into effect on April 1, 2006.

This is an unofficial translation. The legally binding text is the original Czech version.

### **Explanatory memorandum**

The Office issues the part of the radio spectrum utilisation plan No. PV/10.2005-53 for the application of Section 16(2) of the Act in legal form of the Measure of General Nature.

The Plan is based on principles of the Act and European legislation, especially Directive No. 2002/21/EC of the European Parliament and the Council of 7 March 2002 on common regulatory framework for electronic communications networks and services (Framework Directive) and Decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).

The purpose of the Plan is to ensure the transparency of conditions for the utilisation of radio spectrum and ability to anticipate the decisions of the Office.

Article 1 defines the subject of the Plan in accordance with a relevant provision Section 16(4) of the Act. The Plan is based on the Plan of the frequency band allocations (National Table of Frequency Allocations), especially its definitions, allocation and frequency utilisation conditions and the allocation of frequency ranges to radiocommunication services.

Article 2 determines the principles of the effectiveness of utilisation, priorities of utilisation for the purposes of the protection of human lives and health and the limitation of mutual influencing in the course of the utilisation of radio spectrum. The Plan supports innovation and the development of new technologies on the assumption that justified requirements of existing users are ensured. The Office will publish decisions on changes in advance.

It is determined that the Office issues parts of the Plan with detailed conditions for continuous parts of radio spectrum, characteristic by the same physical properties and utilisation, in legal form of Measures of General Nature classified in accordance with Section 16(2) of the Act as parts of the Radio Spectrum Utilisation Plan.

As the Plan follows up with the Plan of the Frequency Band Allocations (National Table of Frequency Allocations - NTFA), the allocation of a frequency band to a radio-communication service in the Plan of the frequency band allocations (NTFA) is decisive.

In order to meet the principle of the transparency of conditions for the utilisation of radio spectrum the Office will inform on the expected changes of conditions for the utilisation of frequency spectrum in the Plan in advance. As information on the future has always a certain degree of vagueness, this part is exclusively informative and no claims shall be deduced from it.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations with affected parties at the discussion site, the Office published at the discussion site its draft Part No. PV/XX.2005-Y of the Radio Spectrum Utilisation Plan on 25 July 2005 together with the Call for comments.

Within public consultations the Office received comments on small corrections in the text.

This is an unofficial translation. The legally binding text is the original Czech version.

The comment settlement table, made public at the discussion site, contains the texts of all comments and the way how they were settled.

David Stádník  
Chairman of the Council  
of the Czech Telecommunication Office  
<signed>