



Czech Telecommunication Office
with headquarters at Sokolovská 219, Prague 9
P.O. Box 02, Prague 025, Postcode 225 02

Prague, 4 July 2005
Ref.: 29455/2005-610

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) (the “Act”), and on the basis of the decision of the Council of the Czech Telecommunication Office (the “Office”) under Section 107(8)(b)(2) of the Act and in order to implement Section 82(4) 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 No. OOP/7/07.2005-12
laying down the extent, form and mode of publishing information about access to, or
interconnection of, electronic communications networks as well as the essentials, extent and
form of the reference offer of access and/or interconnection

Article 1
Introductory Provisions

This Measure of General Nature lays down:

- a) the extent, form and mode of publishing information about access to, or interconnection of, electronic communications networks, which must be published by the undertaking designated in accordance with Section 51 of the Act as an undertaking with significant market power on the relevant market, on which the Office decided on the basis of Section 82(1) of the Act to impose the obligation to publish such information to the essential extent (“undertaking designated under Article 1(a)”);
- b) the essentials, extent and form of the reference offer of electronic communications networks access and/or interconnection (“the reference offer”), issued by the undertaking designated in accordance with Section 51 of the Act as an undertaking with significant market power on the relevant market, on which the Office decided on the basis of Section 82(2) of the Act to impose the obligation to publish the reference offer (“undertaking designated under Article 1(b)”).

Article 2
Publishing the Information

- (1) The undertaking designated under Article 1(a) shall publish:
- a) the accounting information concerning access to, and interconnection of, electronic communications networks, including, but not limited to, revenues and summary costs and the methodology of cost allocation and calculation, broken down as follows: termination services, origination services, call service in own network, data/SMS services and other services.

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- b) the prices for access or interconnection (including the payment terms and conditions), charged in the period for which the information is published;
- c) location of the gateway exchanges and points of access or interconnection;
- d) characteristics of the interfaces for access or interconnection;
- e) specification of the equipment for access or interconnection;
- f) dimensioning of the capacities of the interconnecting bundles;
- g) determination of the network hierarchy of access or interconnection;
- h) description of signalling.

(2) The undertaking designated under Article 1(a) shall publish the information referred to in Subsection 1 in a manner allowing for remote access at its web pages. At the same time, it shall notify the Office about the publishing of the information with indication of where it is available. The Office shall publish this notification in Telekomunikační věstník (Telecommunications Bulletin).

Article 3

The Essentials, Form and Extent of the Reference Offer

(1) The reference offer for interconnection and for each type of access shall contain at least:

- a) the subject of the offer;
- b) technical specification and numbering of the services provided under access or interconnection, comprising:
 - 1. specification of the service, including brief description of the parameters of the service;
 - 2. technical conditions of access or interconnection;
 - 3. characteristics of the interfaces for access or interconnection;
 - 4. specification of the equipment;
 - 5. dimensioning of the capacities of the interconnecting bundles;
 - 6. determination of the network hierarchy of access or interconnection;
 - 7. description of signalling;
 - 8. conditions of testing and test operation;
- c) the procedures of ordering and providing the services under access or interconnection arrangements.

(2) In its part concerning the delivery conditions, the reference offer sets out:

- a) description of the services, works or equipment related to access or interconnection;
- b) service quality indicators;
- c) price or the method for determining the price;
- d) payment terms and conditions;
- e) solution to faults and the procedure to return to normal level of the service;
- f) service projection;
- g) contractual fines for breaching, or failure to fulfil, contractual obligations;
- h) periods for processing requests for the delivery of services, works or equipment.

(3) The reference offer shall also contain rules and procedures:

- a) to be followed within co-operation, communication and delivery (service of documents), including contact persons;
- b) for handing-over technical and operating data;
- c) for securing the confidentiality of information;
- d) for negotiating changes;
- e) to be followed in the resolution of disputes;

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f) for securing receivables and obligations.

(4) The undertaking designated under Article 1(b), which also has the obligation to ensure number portability under Section 34 of the Act or on which the obligation to enable carrier selection or preselection was imposed under Section 70 of the Act, shall also indicate, in its interconnection reference offer, the conditions for the provision of those services.

(5) The designated undertaking shall make the reference offer public in accordance with Article 1(b) in a manner enabling remote access on its web pages and shall deliver it at the same time to the Office for publishing it in Telekomunikační věstník (Telecommunications Bulletin).

Article 4

Effect

This Measure of General Nature shall come into force on 1 August 2005.

Explanatory Memorandum

To implement Section 82(4) of the Act, the Office issues Measure of General Nature No. OOP/7/07.2005-12 (the "Measure"), laying down the extent, form and mode of publishing information about access to, or interconnection of, electronic communication networks as well as the essentials, extent and form of the reference offer of access to, or interconnection of, electronic communication networks.

This Measure is based on the principles set out in the Act and in European legislation, including, but not limited to, Directive 2002/19/EC on access to, and interconnection of, electronic communication networks and associated facilities (Access Directive). This Measure was prepared with a view to providing for regulation in the electronic communications area, as defined in Section 4 of the Act, including, but not limited to, creating conditions for proper functioning of competition and for the protection of users and other market participants.

The purpose of this Measure is to ensure the transparency of the contractual conditions for access to, and interconnection of, electronic communication networks, including prices, and to facilitate negotiations and prevent disputes.

In compliance with Section 82 of the Act, this Measure specifies two different obligations the Office is entitled to impose by its individual Decision based on market analysis. The conditions for the provision of access to, and interconnection of, electronic communication networks are specified on a general basis – a more specific indication of the conditions will be contained in the reference offer. If these conditions are not reflected in an appropriate manner, the Office is entitled to intervene in the specific reference offer in accordance with Section 82(3) of the Act. In determining the range of conditions, the Office applied its previous experience.

Article 1 defines the subject of the Measure in accordance with the provisions of Section 82 of the Act and indicates the entities to which the Measure applies.

Article 2 determines which information is to be published by an undertaking with significant market power, if the obligation to publish information is imposed on such an undertaking by the Office's Decision. The period in which the determined information must be published will be defined in the specific Decision.

As to the dimensioning of the capacities of the interconnecting bundles, it should be said that it represents general information the purpose of which is that those who are potentially interested in

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access or interconnection should gain an idea of the possibilities that are available at the individual points of access or interconnection.

The provisions concerning network hierarchy are to provide a basis for defining the topology of the network as to the location of the network elements and as to the network level of interconnection (a transit level, local level etc.).

Article 3 specifies the essentials of the reference offer for the individual types of access or interconnection, which may take the form of either a single reference offer or separate reference offers. To ensure continuity among the Measures issued by the Office, Article 3 also provides for the specific requirements for the interconnection reference offer in the case of undertakings that have obligations (based either directly on the Act or on an individual Decision) to provide number portability service or the carrier selection or preselection service.

This Measure does not hinder the undertaking with significant market power from updating the reference offer as necessary, even several times a year. Specific date at which such an undertaking will have to issue the reference offer will be contained in the individual Decision through which the obligation to publish a reference offer is imposed.

This Measure sets out the essentials of the access or interconnection reference offer in general for all markets. If the specific conditions of the relevant market so require, the Office will issue a separate Measure to prescribe the essentials of the access or interconnection reference offer, or the extent of the information to be published for such a market.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations with the affected parties at the discussion site, the Office published on 6 May 2005 at the discussion site its draft Measure No. OOP/7/XX.2005, laying down the essentials and conditions of the reference offer of access to the copper local line, and an invitation for comments on the draft Measure.

During the public consultation period the Office received comments focused both on the general principles of this Measure and on its individual provisions. Comments that were relevant and could make the text more precise were accepted and the Office reflected them in the final version of the Measure. The comments that required the Measure to be more detailed were only accepted where the need for detailed formulations was supported by previous experience.

In response to the comments, the requirements concerning accounting information and prices were modified.

The text of the Measure was refined at certain points to afford a clearer interpretation. Comments that requested a single date to be prescribed for the publishing of the information and for the publishing of the access or interconnection reference offer were rejected: these are two separate obligations, which may be imposed independently of each other.

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

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Czech Telecommunication Office

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[*signature*] *D. Stádník*
David Stádník
Chairman of the Council of the
Czech Telecommunication Office