

TELECOMMUNICATIONS LAWS OF THE WORLD

Czech Republic



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CZECH REPUBLIC



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OVERVIEW OF LEGAL LANDSCAPE

Regulation of electronic communications regulates the conditions of doing business, the conditions of performing communication activities and the exercise of state administration, including market regulation, in the field of electronic communications.

To perform state administration, particularly in matters of market regulation and setting conditions for business in the field of electronic communications and postal services, the Czech Telecommunications Office was established, with given competence mainly by the Act No. 127/2005 Coll., the Electronic Communications Act.

KEY TELECOMMUNICATIONS LAWS, REGULATIONS AND POLICIES

Key regulatory provisions

- The main act regulating the field of telecommunications is the Act No. 127/2005 Coll., the Electronic Communications Act
- Full lists of related acts, government regulations, and decrees are available here (in English):
 - <https://www.ctu.eu/acts>
 - <https://www.ctu.eu/government-orders>
 - <https://www.ctu.eu/decrees>

Key features of the laws, regulations and policies

Regulation is implemented to compensate for the lack of competitive effects, to create the conditions for the proper functioning of competition and to protect users and other market participants until a fully competitive environment is achieved.

The Ministry of Industry and Trade (“**Ministry**”) and the Czech Telecommunication Office (“**CTO**”) promote competition in the provision of electronic communications networks and services and associated facilities to undertakings, in particular by taking decisions within their competence.

- ensuring that users, including disabled users and persons who, having regard to their age or social needs, may be considered to require special treatment, obtain maximum benefits in terms of choice of service, price and quality;
- ensuring that competition in the electronic communications sector, including content transmission services, is not distorted or restricted; and
- ensuring the efficient management and effective use of radio frequencies and numbers.

In pursuing its objectives, the Ministry and the CTO are guided in particular by the principles of non-discrimination, objectivity, technological neutrality, transparency and proportionality.

REGULATORY BODIES OR AUTHORITIES

Czech Telecommunication Office (CTO) (in Czech *eský telekomunikační úřad (TÚ)*)

Place of residence: Sokolovská 58/219, 190 00 Prague 9, Czech Republic

Postal address: poštovní píhrádka 02, 225 02 Prague 025, Czech Republic

Phone: +420 224 004 111

Website: www.ctu.eu

TYPES OF TELECOMMUNICATIONS ACTIVITIES AND/OR PERSONS WHICH ARE SUBJECT TO LEGAL AND REGULATORY REQUIREMENTS

Who is subject to the regulations?

The subject of the regulation are persons carrying out communication activities, which are the provision of electronic communications networks, the provision of electronic communications services, and the operation of devices.

Who is not subject to regulations?

Subject not falling under the scope of communication activities.

What activities are regulated?

Regulated communications activities are: (i) provision of electronic communications networks, (ii) provision of electronic communications services, and (iii) operation of devices. Of these, the subject of business in electronic communications is the provision of public communications networks and providing electronic communication services.

Further information is [available here](#) (in English).

What activities are not regulated?

Electronic communications regulation does not apply to the content of services provided over electronic communications networks, such as the content of radio and television broadcasting, financial services and certain information society services, unless otherwise specified below. The separation of the regulation of transmission from the regulation of content shall be without prejudice to the links that exist between them, in particular to guarantee media pluralism, cultural diversity and consumer protection.

OVERVIEW OF CONSENTS, LICENCES AND AUTHORISATIONS REQUIRED PRIOR TO THE COMMENCEMENT OF TELECOMMUNICATIONS ACTIVITIES

Do telecom providers need special licensing or authorization from a regulatory body?

The Electronic Communications Act stipulates that both natural and legal persons who intend to carry out a communication activity that constitutes an electronic communications business must notify the Czech Telecommunications Office in advance in writing pursuant to Section 13 of the Electronic Communications Act. The authorisation to carry on business shall commence on the date of delivery of a notice of business which complies with the requirements of Section 13.

Further information about the notification is [available here](#) (in English).

The CTO also issues General authorisations, which is a measure of a general nature of the CTO that lays down the conditions for the exercise of communication activities relating to all or certain types of electronic communications networks and services, the operation of equipment and the use of radio frequencies and the use of numbers, and which is binding on natural and legal persons carrying out communication activities.

Further information about the General authorisation is [available here](#) (in English).

What is needed to be granted a consent, license, and authorization?

A person who meets the general conditions, which for a natural person means his or her majority, full legal capacity and integrity and for a legal person his or her integrity, may conduct business in electronic communications in the Czech Republic. An integrity has the meaning of not being convicted of a deliberate criminal offence related to the performance of communication activities. In the case of a legal person, the condition of integrity must also be fulfilled by each member of the statutory body.

What is the scope of consents, licences and authorizations?

Within one week of receipt of the notification, the CTO shall issue a certificate confirming that the person has submitted a complete notification of business pursuant to Section 13 of the Electronic Communications Act and has complied with the general conditions referred to in Section 8(3) of the Electronic Communications Act.

In the certificate, the CTO will specify: (i) identification data, (ii) the definition of the type of electronic communications network or electronic communications service the provision or provision of which has been notified, and whether the notifier has been authorised under Sections 79 and 104 of the Electronic Communications Act, and (iii) the conditions under which an undertaking which provides electronic communications networks or electronic communications services pursuant to a general authorisation may apply for rights to install facilities, arrange interconnection and obtain access or interconnection in order to facilitate the exercise of those rights, for example, at other levels of government or in relation to other entrepreneur.

DOMICILE RESTRICTIONS PREVENTING THE OPERATION OF CERTAIN TELECOMMUNICATIONS ACTIVITIES BY NON-DOMICILED ENTITIES

From a telecommunications law perspective, there is no requirement for a provider of telecommunications services to be domiciled in the Czech Republic prior to, or during, the provision of services.

Also, a provider requesting access or interconnection on the territory of the Czech Republic is not obliged to notify the CTO of the performance of communication activities if he does not provide an electronic communications service on the territory of the Czech Republic or if he does not provide an electronic communications network.

EXISTENCE OF RELEVANT INTERCONNECTION/ROAMING REGULATIONS

The field of international roaming is regulated in the Czech Republic by directly applicable EU legislation, the Regulation (EU) No 531/2012 of the European Parliament and of the Council on roaming on public mobile communications networks within the Union.

TELECOMMUNICATION LAWS AND REGULATIONS AFFECTING CONSUMERS

Are there specific consumer protections?

Contracts concluded in the field of electronic communications are governed mainly by the Act No. 89/2012 Coll., the Civil Code, which contains general regulations applicable to all types of contracts. General consumer protection is provided by the Act No. 634/1992 Coll., the Consumer Protection Act.

Telecommunications services are covered, for example, by the rules on withdrawal within 14 days in the case of off-premises and distance contracts, general information obligations or adhesion contracts.

Who is considered a consumer?

Pursuant to Section 419 of the Civil Code, a consumer is any human being who, outside the scope of his or her business activity or outside the scope of the independent exercise of his or her profession, enters into a contract with an entrepreneur or otherwise deals with him or her.

What are telecom providers obligations to consumers?

A provider of a publicly available electronic communications service is generally obliged to provide that service 24 hours a day, every day of the year.

A provider of Internet access services or publicly available interpersonal communications services which controls at least some elements of the network, either directly or through an appropriate service level agreement, shall publish complete, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of its services and on the measures taken to ensure equivalent access for disabled users. It shall publish this information in a manner that allows remote access and shall provide it to the CTO upon request before publication.

Where a provider of a publicly available electronic communications service or a provider of a connection to a public communications network enters into a contract with a consumer for a fixed period of time, that period may not exceed 24 months for the electronic communications service in question, otherwise the contract shall be deemed to be for an indefinite period of time.

REGULATORY TAXES AND FEES

What is the cost of licensing?

The issuance of a certificate of notification of a new business is subject to an administrative fee of CZK 1,000 (i.e. approx. EUR 41).

Is there a tax for providing telecom services?

There is no special tax for providing telecom services.

How are fees determined?

Administrative fees are always paid depending on the specific application submitted to the CTO into a special account of the CTO.

Full Tariff of Administrative Fees is [available here](#) (in Czech).

KEY SANCTIONS AND PENALTIES IN THE CASE OF CONTRAVENTION OF TELECOMMUNICATIONS LAWS AND REGULATIONS

Telecom regulations are enforced by the CTO.

Depending on the specific violation, a fine of between CZK 5,000,000 (i.e. approx. EUR 204,082) and CZK 50,000,000 (i.e. approx. EUR 2,040,820) may be imposed for an administrative offence committed by a legal person or entrepreneur.

According to Section 182 of the Act No. 40/2009 Coll., the Criminal Code, a violation of the secrecy of messages transmitted by electronic communications may also be punishable by a fine, prohibition of action or imprisonment of up to 10 years, depending on the specific qualifying facts.

KEY CONTACTS

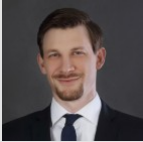
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