

TELECOMMUNICATIONS LAWS OF THE WORLD

Slovak Republic



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SLOVAK REPUBLIC



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OVERVIEW OF LEGAL LANDSCAPE

The main regulation in the area of telecommunication is Act No. 452/2021 Coll. on Electronic Communication (in Slovak: *Zákon o elektornických komunikáciách*) ("AEC").

The regulatory telecommunication authority in Slovakia is Regulatory Authority for Electronic Communications and Postal Services (in Slovak: *Úrad pre reguláciu elektronických komunikácií a poštových služieb*) ("**TeleOff**").

The aim of the AEC is to ensure the development of the electronic communications sector and thus the efficient provision of and access by persons to quality, affordable and secure services and networks, the efficient use of radio spectrum and numbers, and the protection of end-users in the electronic communications sector, as well as to promote sustainable and effective competition, the building and use of very high capacity networks, investment and innovation in the electronic communications sector and market development in the electronic communications sector.

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Regulatory body

Úrad pre reguláciu elektronických komunikácií a poštových služieb

Address: Továrenská 7, P.O.BOX 40, 828 55 Bratislava 24, Slovakia

Telephone: +421 24020 6918

Website: teleoff.gov.sk

Applicable telecom regulation(s)

The indicative list of the applicable legislation is as follows:

- Act No. 452/2021 Coll. on Electronic Communication (in Slovak: *Zákon o elektornických komunikáciách*)
- Act No. 402/2013 Coll. on Regulatory Authority for Electronic Communications and Postal Services and on Transport Authority, as amended (in Slovak: *Zákon o Úrade pre reguláciu elektronických komunikácií a poštových služieb a Dopravnom úrade*)
- Act No. 324/2011 Coll. on Postal Services, as amended (in Slovak: *Zákon o poštových službách a o zmene a doplnení niektorých zákonov*)

- Act No. 264/2022 Coll. on Media Services (in Slovak: *Zákon o mediálnych službách a o zmene a doplnení niektorých zákonov (zákon o mediálnych službách)*)
- General Authorization No. 01/2014 as amended by General Authorization No. 01/2019 (*Všeobecné povolenie*) (“**GA 01 /2014**”)

Scope of each regulation

The AEC governs the following areas:

- Regulation within the field of the electronic communications;
- Conditions for provision of the electronic communications networks (“**networks**”) and electronic communications services (“**services**”) and related tools and related services;
- Protection of the fair competition in the field of the electronic communications and protection of the user’s rights and their further progress;
- Determination of the rights and obligations relating to building of the sites and access to the passive infrastructure;
- Determination of the conditions for using the end-user devices;
- Tasks and competence of the authorities in the field of the electronic communications.

KEY TELECOMMUNICATIONS LAWS, REGULATIONS AND POLICIES

Key features of the laws, regulations and policies

The primary legislation governing the telecommunications sector in Slovakia is AEC.

According to Section 10 of the AEC, the person intending to carry out business in the provision of public networks or services under GA 01/2014, shall notify this intention to TeleOff at least 15 days prior to the provision of networks or services.

According to Section 21 et seq. of the AEC and specific conditions stipulated therein, an undertaking may, to the extent necessary, for reasonable compensation and if it is in the public interest, establish and operate public networks and construct and place their lines or other parts thereof on or in someone else’s real property.

Under Section 23 (1) of the AEC, everyone is obliged to act in such a way that their activities do not damage lines or telecommunications equipment and do not interfere with the operation of networks or services and do not unlawfully interfere with the network and the provision of services.

In line with Section 35 of the AEC, TeleOff issues individual authorizations for the use of radio spectrum in accordance with the National Frequency Allocation Plan according to the radio spectrum use plan. Individual authorization for the use of radio spectrum is a decision by the TeleOff to allocate frequencies or to determine the conditions under which frequencies may be used.

The process for obtaining an individual authorization for the use of radio spectrum is outlined in Section 36 of the AEC.

The individual authorization for the use of numbers is outlined in Section 55 of the AEC, according to which numbers can be used only under an individual authorization for the use of numbers. Individual authorization for the use of numbers means the decision of TeleOff on the assignment of numbers provided in the national numbering plan.

Universal service is outlined in Section 96 of the AEC, according to which universal service is a minimum set of services that are available in a specified quality throughout the territory of the Slovak Republic to all consumers regardless of their geographical location and at an affordable price, which is a price that takes into account the level of consumer prices and incomes of the population.

Security and integrity of public networks and services and privacy and personal data protection is outlined in Sections 103 – 117 of the AEC.

Supervision and sanctions is outlined in Sections 122 – 124 of the AEC.

REGULATORY BODIES OR AUTHORITIES

Relevant regulator(s) for the local telecom sector

Úrad pre reguláciu elektronických komunikácií a poštových služieb

Address: Továrenská 7, P.O.BOX 40, 828 55 Bratislava 24, Slovakia

Telephone: +421 24020 6918

Website: www.teleoff.gov.sk

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

Who is subject to the regulations?

The controlled person may be (i) an undertaking¹ or (ii) other person which is required to comply with the obligations or conditions referred in the AEC.

Who is not subject to regulations?

Other persons than persons (entities) mentioned in the response to question 1 above.

What activities are regulated?

The AEC regulates the (i) electronic communications sector and (ii) the terms and conditions for the provision of electronic communications networks and electronic communications services and associated facilities and associated services.

What activities are not regulated?

The AEC shall not apply to the content of services provided via networks, unless otherwise provided in the AEC.

Note 1: Undertaking means a person which provides networks or services on the basis of a general authorisation for the provision of networks or services a general authorisation for the use of radio spectrum, an individual authorisation for the use of radio spectrum or an individual authorisation for the use of numbers pursuant to (with the exception of the entities referred in Section 55(3) of AEC).

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

Notification of business in the field of electronic communications

In general, anyone planning to start a business in the field of electronic communications must meet the conditions laid down in the GA 01/2014 authorizes any person to provide electronic communications networks or electronic communications services on the territory of the Slovak Republic subject to terms as stipulated therein and also other terms and obligations laid down in the AEC and other applicable regulations.

The notification process under the GA 01/2014 is relatively straightforward and no obstacles should arise in this respect.

Individual authorization

Individual authorisation for the use of radio spectrum

TeleOff issues individual authorizations for the use of radio spectrum in accordance with the National Frequency Allocation Plan according to the Radio Spectrum Use Plan. Individual authorization for the use of radio spectrum is a decision of TeleOff to allocate frequencies or to determine the conditions under which frequencies may be used.

An application for an individual authorisation for the use of radio spectrum shall include several information, e.g.:

- the number, type and location of radio equipment as well as transmitting and receiving antennas, if necessary,
- the frequency or radio spectrum band requested and the delimitation of the area envisaged, if necessary,
- the purpose and method of use of the radio equipment,
- the expected date of commissioning of the radio equipment and commencement of the service, if necessary,
- the period for which the applicant applies for the allocation of frequencies.

Individual authorisation for the use of numbers

- Numbers can be used only under an individual authorisation for the use of numbers. Individual authorisation for the use of numbers means the decision of the TeleOff on the assignment of numbers provided in the national numbering plan.
- The application for the allocation of numbers shall include, e.g.:
 - data of the applicant
 - details of the requested numbers,
 - the purpose of use of the numbers,
 - time of use of the numbers,
 - annex, which shall be evidence of compliance with the conditions for the assignment of a harmonised European number of social significance according to a special regulation (if such a number is requested).
- Please note that TeleOff may require the submission of documents and information necessary to prove the facts stated above in such application.

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

There is no requirement for a provider of networks or services to have company or branch office registered in the Slovak Republic (to be reviewed on an individual basis).

Regarding the special regulation concerning the geographic location, please note that certain frequencies are allocated in the National Frequency Allocation Plan for military purposes only and are considered as special networks according to Section 12 of the AEC.

In addition to special networks, according to Section 33 (6) of the AEC, limitations may apply to frequencies that are allocated in the National Frequency Allocation Plan for shared priority use for civil and military purposes or secondary use for military purposes. In this case, the Special Network Operators may request TeleOff to decide on usage of these frequencies for the purpose specified in the request and conditions of their use.

However, in our view, locating in specific areas is not relevant for the allocation of frequencies.

EXISTENCE OF RELEVANT INTERCONNECTION/ROAMING REGULATIONS

Please note that AEC regulates the general framework for network interconnection and access, whereby it is possible to request the undertaking providing a public network for access or interconnection. Specific conditions are regulated by Section 56 et seq. of the AEC.

The applicable law is also Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access.

TELECOMMUNICATION LAWS AND REGULATIONS AFFECTING CONSUMERS

Are there specific consumer protections?

AEC contains numerous provisions pertaining to consumer. These provisions do not exclusively refer to the term 'consumer' but also to "users", "end-users" and "subscribers".

Also, please note that Act No. 250/2007 Coll. on Consumer Protection, as amended (in Slovak: *Zákon o ochrane spotrebiteľa*) ("**CPA**") and Act No. 102/2014 Coll. on Consumer Protection in the Sale of Goods or the Provision of Services on the Basis of a Distance Contract or an Off-Premises Contract, as amended (in Slovak: *Zákon o ochrane spotrebiteľa pri predaji tovaru alebo poskytovaní služieb na základe zmluvy uzavretej na diaľku alebo zmluvy uzavretej mimo prevádzkových priestorov predávajúceho*) and Act No. 22/2004 on E-Commerce, as amended (in Slovak: *Zákon o elektronickom obchode*) shall be observed.

Who is considered a consumer?

The legal definition of a consumer differs in the Slovak legislation.

Based on the Civil Code, a consumer means a natural person who, when concluding and fulfilling a consumer contract, does not act within the scope of his/her commercial activity or other business activity.

According to the CPA, a consumer means a natural person, who during the conclusion and fulfilment of the consumer contract does not act within the scope of his/her business activity, employment or profession.

As the AEC does not exclusively refer only to the term 'consumer', please find below associated definitions in the AEC:

- **"User"** means a person using or requesting a publicly available service.
- **"End-user"** means a user not providing public networks or publicly available services; in the case of radio and television program services, the end-user includes the listener and the viewer.
- **"Subscriber"** means an end-user who has entered into a contract for the provision of a publicly available service with an undertaking providing a publicly available service.

What are telecom providers obligations to consumers?

Specific obligations relating to consumer protection within the AEC include e.g.:

- An undertaking providing a publicly available interpersonal communications service shall not apply different requirements to end-users or impose different conditions on end-users regarding access to or use of networks or services on the basis of the nationality, place of residence or place of establishment of end-users, except where such different treatment is justified on objective grounds.
- An undertaking providing a publicly available service shall ensure that end-users with disabilities are able to access services equivalent to those used by the majority of end-users, including information provided in contracts pursuant to the AEC.
- An undertaking providing publicly available services, other than machine-to-machine (M2M) communications services, shall provide the consumer, before being bound by a service contract or any related offer, with the requested information, in so far as it relates to the services provided information required pursuant to CPA and information pursuant to Annex No. 3 of the AEC.
- Where a consumer undertakes to use an undertaking's publicly available service for a minimum period of time, and this period may not exceed 24 months when the service contract is first concluded.
- The agreed contract duration or commitment period may not be extended by an undertaking providing internet access services or publicly available number-based interpersonal communication services by concluding a contract or an amendment to a contract for the provision of any additional service or terminal equipment from the same undertaking, unless the consumer expressly agrees to this.
- An undertaking providing universal services can be obliged by a decision of TeleOff to charge consumers special prices and shall be obliged to provide those services and to charge special prices only to a person who proves that he or she is a low-income consumer or a consumer with special social needs, at prices which comply with the decision of the TeleOff.

REGULATORY TAXES AND FEES

What is the cost of licensing?

There are 3 types of payment (Administrative fees, Payment for using numbers, Payment for the use of radio spectrum).

Details on the respective amount of fees are [available online](#) (available in Slovak only).

Is there a tax for providing telecom services?

According to the Act on Value Added Tax, the subject of the tax is the provision of a service for consideration in the Slovak Republic performed by a taxable person. The tax liability arises on the day of delivery of the service.

Nevertheless, this should always be assessed by a local tax advisor.

How are fees determined?

In determining the amount of administrative charges for the right to use numbers or for the right to use radio spectrum, TeleOff shall take into account the need to guarantee the optimal use of these resources.

In determining the amount of administrative charges for the right to use radio spectrum, TeleOff shall also take into account the amount of costs resulting from the rights and obligations specified in the individual authorisation for the use of radio spectrum pursuant to the AEC.

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

What governmental entity enforces telecom regulations?

Regulatory Authority for Electronic Communications and Postal Services (in Slovak: *Úrad pre reguláciu elektronických komunikácií a poštových služieb*)

What are the penalties for violating the law and/or regulation?

- Fines
- Prohibition from providing networks or services for a period of up to 24 months, depending on the gravity and duration of such breach

Is there a fine for violations?

Legal entity, natural person – entrepreneur:

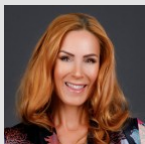
The fine from EUR 200 up to 5 % / 10 % of the turnover for the previous accounting period (up to EUR 300,000 in case there is no turnover or its turnover cannot be calculated).

Other entity

Whoever is not an entrepreneur and violates or fails to comply with any of the obligations under Section 124 (1) to (3) of the AEC commits an offence; for this offence the TeleOff shall impose a fine of between EUR 200 and EUR 20,000.

In addition, pursuant to Section 264 of Slovak Criminal Act (in Slovak: *Trestný zákon*), violations of telecommunications secrecy can be punished with a fine or imprisonment of up to twelve years.

KEY CONTACTS



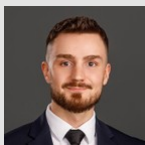
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