

# General Authorisation No. 1/2014

Regulatory Authority for Electronic Communications and Postal Services (hereinafter the “Authority”) as the competent body of the state administration in the field of electronic communications pursuant to § 6 sec. 1 point b) and sec. 3 point a) Act no. 351/2011 Coll. on electronic communications, as amended by later regulations (hereinafter the “Act on Electronic Communications”) issued according to § 14 of the Act on Electronic Communications

## General Authorisation No. 1/2014

to provide electronic communications networks or electronic communications services

### Article I

#### Definitions

For the purposes of this general authorisation the following terms shall mean:

- a) by the information available, the information that is available without payment of special fees and you can easily find and identify for what it is intended;
- b) by the precise information, the information that is correct and current;
- c) by the adequacy of information, its predictiveness and its actual usefulness regarding the target group of users, taking into account, for example, disability;
- d) by the prepaid service, the service provided under prepaid credit of which the fee for services provided is being deducted continuously;
- e) by the understandable information, the understandable and clear information that allows users to find their way on this issue and make an informed decision;

## **Article II**

### **Basic Provisions**

This general authorisation (hereinafter “Authorisation”) authorises any person to provide electronic communications networks (hereinafter the “Network”) or electronic communications services (hereinafter the “Services”) on the territory of Slovak Republic under the terms of this authorisation subject to the other terms and obligations laid down in the Act on Electronic Communications that relate to a specific network or service.

## **Article III**

### **Notification Duty**

Notification duty is fulfilled in accordance with § 15 of the Act on Electronic Communications by delivering a completed and signed complete written notification to the Authority in accordance with Appendix 1 of this authorisation.

## **Article IV**

### **Terms of Authorisation**

#### **1. Administrative fee**

(1) The amount of administrative fee pursuant to § 6 sec. 4 point a) of the Electronic Communications Act is 0.08% of annual revenues from the provision of networks or services for the previous closed financial year, whereby the lowest payment is €150, even if the undertaking had no revenues.

(2) For the Authority decision issuance on determining the amount of the administration fee the undertaking is obliged to submit a statement on the precise amount of revenue related solely to the provision of networks or services, that is each year by April 10th. Statement on the exact amount of revenues must be signed by the legal representative or authorised person.

(3) Undertaking which informs the Authority about the extension of term for filing tax returns in accordance with § 49 sec. 3 of Act No. 595/2003 Coll. on Income Tax, as amended by later regulations, shall submit a declaration to the Authority under the sec. 2 by July 10th.

## **2. Protection of end users and availability of services to users with disabilities**

(1) The undertaking is required to disclose information pursuant to sections 2, 3, 5 and 7 in a clear, accurate and easily accessible form, particularly on its website. The information must be transparent, proportionate, timely and accessible via a link from the title page of the website.

(2) According to § 42 sec. 1 of the Act on Electronic Communications is the undertaking providing a public network or public service required to disclose:

- a) identification data of the undertaking,
- b) scope of services offered,
- c) standard terms and conditions, including any minimum contractual period for the provision of public services, the completion of the period and procedures related to the transfer of numbers and other identifiers,
- d) standard prices with information on the services provided and all service price items, including all kinds of user fees for services and service fees, details of standard discounts applied, special and targeted tariff schemes, which are the tariffs intended for disabled users or users with special social needs, fees or costs of a subscriber associated with the terminal equipment, direct fees associated with transferring of numbers or other identifiers,
- e) return policy, including details on method of compensation in case of recognition of the claim,
- f) types of maintenance services offered,
- g) mechanisms for dispute resolution, including those provided by the undertaking, whereby it needs to be clear whether it is a legitimate dispute resolution mechanisms,

mechanisms through an independent person under a special regulation<sup>1</sup> or dispute resolution mechanisms led by the undertaking,

h) information on changes to conditions regarding the access to services and applications or their usage,

i) information on the procedures applied by the undertaking to measure and conduct the operation so as to avoid the fulfilling or exceeding the capacity of a network connection, and on how those procedures could impact the quality of service,

j) information for disabled subscribers on details of products and services designed for them,

k) information for end-users on the quality of services and measures taken to ensure equal access to services for end-users with disabilities; this information is required to be provided by the undertaking Authority at the Authority's request before their publication.

(3) The undertaking providing public telephone service is required, in addition to the information referred to in sec. 1 of this point, to also publish:

a) information on rights related to universal service, including tone dialing or dual tone multi-frequency operation, the calling line identification presentation service and the calling line identification restriction service pursuant to § 60 of the Act on Electronic Communications,

b) information on any change to access to emergency services or caller location information within the service they have subscribed;

c) information on the rights of the subscribers pursuant to § 59 sec. 2 of the Act on Electronic Communications,

d) information on applicable prices in relation to any number or service with special price conditions.

(4) The undertaking in which network the calls to premium-rate<sup>2</sup> services arises, will immediately provide the caller, prior to connecting the call in the form of free voice

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<sup>1</sup> Act no. 420/2004 Coll. on mediation and on amendments to certain laws

<sup>2</sup> Measure of the Telecommunications Office of the Slovak Republic of 8th December 2011 No. O-26/2011 on the numbering plan, i.e. number of sets (0) 900 xxxxxx (0) and 97x xxxxxx (0) 98x xxxxxx.

notification in the Slovak language, with the information that the caller is calling the service with premium rate tariff<sup>3</sup>. Voice notification is activated automatically.

(5) The undertaking providing a public network or public service for access to the Internet is required to publish information in accordance with Appendix 2 of this Authorisation.

(6) If the undertaking providing the service of television and radio broadcasting to end users, which is providing transmission of digital television and / or radio broadcasting through electronic communications networks, transmits one or more program services of television broadcaster established by law, it is required, in view of Article IV, section 2 paragraph 2 point d) of this general authorisation, to also disclose, in the manner indicated in paragraph 1, the information about the undertaking's free access to these program services so that it is understood that these are provided as a service to the public free of charge.

(7) According to § 43 sec. 4 of the Act on Electronic Communications is the undertaking providing a public network or public service required to provide:

a) information on reasonable and non-discriminatory procedures of the undertaking in case of non-payment of invoices, which will allow, after a proper and timely warnings, to interrupt or disconnect the subscriber, except for fraud, persistent late payment or non-payment;

b) free of charge information on cost control for provided public service for disabled users via SMS and voice message, or by electronic mail in case of the internet access service.

c) free of charge blocking outgoing calls, SMS and multimedia messaging (MMS) to the selected set of numbers<sup>4</sup>;

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<sup>3</sup> sets (0) 900 xxxxxx (0) 97x xxxxxx (0) 98x xxxxxx according to the measures of the Telecommunications Office of the Slovak Republic of 8th December 2011 No. O-26/2011 on the numbering plan

<sup>4</sup> sets (0) 900 xxxxxx (0) 97x xxxxxx (0) 98x xxxxxx according to the measures of the Telecommunications Office of the Slovak Republic of 8th December 2011 No. O-26/2011 on the numbering plan

(8) The undertaking providing a public network or public service is required in addition to the obligations under sec. 7 of this point to provide free of charge basic level of itemized invoices in electronic form or in free of charge paper form at the option of the subscriber. Electronic-form invoice is sent in agreement with the subscriber to the email address specified by the subscriber or by other electronic means that allows the adoption of invoices in any electronic format<sup>5</sup>. Paper form in basic level of itemized invoices is sent by the undertaking to the mailing address listed by the subscriber. The basic level of itemized invoice allows subscribers to track their expenses and periodically verify the amount of fees charged by the undertaking for using the public network or public service, except in the case of prepaid services and services for which the undertaking committed itself to providing the subscriber during the pre-paid period and the subscriber has agreed to pay for the provision of such services over a given period. The basic level of itemized invoices may not include calls to toll-free numbers, including emergency calls.

(9) The basic level of itemized invoices must include the following information, if it is possible due to the nature of the service:

- a) identifying data and data necessary for invoice payment,
- b) billing information,
- c) billing period,
- d) one-time fees,
- e) regular fees,
- f) call charges broken down into:
  - 1. International calls,
  - 2. Trunk calls,
  - 3. Local calls or calls within its own network,
  - 4. Calls to other networks,
  - 5. Calls to premium rate services,
  - 6. Calls made abroad,
  - 7. Calls received abroad,

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<sup>5</sup> provision of § 71 sec. 1 point. b) Act No. 222/2004 on value added tax as amended by later regulations

indicating the total time of calls, the number of recovered free call units for defined tariff bands and the number of call units utilized in excess of free call units for each of the points 1-7 sec. f) of this point separately ,

g) fees for SMS sent:

1. In its own network
2. To foreign numbers,
3. To other networks,
4. To premium rate numbers,

a) indicating the number of SMS messages for each of the points 1-4 sec. g) of this point separately,

h) fees for data services,

i) other fees,

j) discounts for services provided,

k) total amount to be paid without VAT; VAT amount and the total amount to be paid with VAT, if the undertaking is a VAT payer.

(10) If a subscriber uses multiple phone numbers, basic level of itemized bills must include a breakdown for each number separately, if the subscriber and the undertaking do not arrange otherwise.

(11) The undertaking providing public telephone service is required, besides the obligations referred to in paragraph 7-10 of this point, to provide tone or dual tone multifrequency dialing operation, where technically and economically feasible, and calling line identification presentation service in accordance with § 60 of the Electronic Communications Act.

(12) With any significant change in the contract for the provision of public services the undertaking informs the subscriber of his or her right to cancel the contract for the provision of public services without penalty according to § 44 sec. 6 point a) of Electronic Communications Act, so that it informs the subscriber with the content of this provision.

### **3. Enabling interception and recording of network operation**

To enable the interception and recording of network operation according to § 63 sec. 7 point b) of the Electronic Communications Act, an undertaking providing public networks or public services is obliged, based on a legal request of the Police Force and the Slovak Information Service, to

- a) provide network topology information and technical details of active network elements to the extent necessary to connect and operate facilities for the interception and recording of network operation,
- b) provide for the necessary time and under a contract on borrowing the terminal equipment for testing the functionality of the device for interception and recording of network operation and its connection to the network,
- c) provide basic data and transmission characteristics of the operated networks and provided services, where the interception and recording of network operation is concerned, in particular, information on the types of services provided, including additional services, such as VoIP, internet access, e-mail services, and information on way of identification of terminal equipment or end-user in an electronic communications network, such as MSISDN, PSTN, IP address, MAC address,
- d) make available the technology of the undertaking, which operate public networks or provide public services, which under the relevant Slovak, European or international standards or technical specifications, such as STN and ETSI or an agreement with the Police Force and the Slovak Information Service written by the undertaking allows the connection and operation of equipment for interception and recording of network operation for each technology and public services,
- e) provide, to the extent necessary, technical information about the hardware and software configuration of the part of the undertaking's technology under point d) and its installation, in particular the nature and type of the part of the undertaking's technology under point d), the communication protocol used, the throughput of the part of the undertaking's technology under point d) and its location,
- f) make available, at the time agreed and accompanied by a duly authorised employee of the undertaking, the space of the undertaking to the extent necessary, in which the part of the undertaking's technology under point d) is located,



- g) provide to the extent necessary technical parameters and technical specification of the other part of the undertaking's technology, which operate electronic communication networks or provide electronic communications services as mentioned in point d) and e) of this section, if they are directly related to permitting the interception and recording of network operation or connection and operation of facilities for interception and recording of network operation,
- h) provide additional information necessary for connection and operation of equipment for interception and recording of network operation to the extent and in the manner agreed in the contract between the undertaking and the Police Force or the Slovak Information Service,
- i) provide information on planned measures which might affect the connection and operation of equipment for interception and recording of network operation, and in due time.

#### **4. Ensuring compliance with technical standards and technical specifications for networks and services**

(1) The undertaking providing a public network or public service shall ensure that its networks, services and associated technical equipment meet the requirements of the relevant technical standards and specifications, the list of which is published in the Official Journal of the European Communities pursuant to Article 17 of the European Parliament and Council Directive 2002/21/EC on the common regulatory framework for networks and services.

(2) If the relevant technical standards and specifications have not been published in accordance with sec. 1 of this point, the undertaking providing a public network or public service shall ensure that its networks, services and associated technical equipment meet the requirements of international standards and specifications adopted by European organizations such as the International Telecommunication Union (ITU), the International Organisation for Standardisation (ISO) or International Electrotechnical Commission (IEC).

(3) If no such standards exist, the undertaking providing a public network or public service shall ensure that its networks, services and associated technical equipment meet the requirements of standards and specifications set out in the relevant decision of the Authority.

**Article V**  
**Transitional provisions**

Announcements made before the effective date of this general authorisation shall be considered for notice under this authorisation and for the fulfilment of notification duty under the Electronic Communications Act.

**Article VI**  
**Repealing provision**

General Authorisation No. 1/2011 to provide electronic communications networks and electronic communications services, announced 9.12.2011, is being repealed.

**Article VII**  
**Effect**

This general authorisation shall take effect on the date of its declaration, except for Article IV, section 2 paragraph 1, paragraph 3 point d), paragraph 4, paragraph 7 point c) and paragraph 8, which will enter into force three months after the date of declaration.

In Bratislava, 1st October 2014.

Ing. Vladimír Kešjar, in his own hand  
Chairman of the Regulatory Authority for Electronic Communications and Postal  
Services

## Appendix 1 to General Authorisation No. 1/2014

### Notification

under § 15

Act No. 351/2011 Coll. on electronic communication

on

intention to commence a network or service	
change in the provision of networks or services and change of the data according to § 15 sec. 2	
repealing the provision of networks or services	

#### 1. Name and address of the undertaking

<b>Surname and first name or trade name</b>	
<b>Corporate registration number IČO (if assigned) <sup>6</sup></b>	
<b>Residence<sup>7</sup></b>	
<b>Town, Municipality</b>	
<b>Street</b>	
<b>Postal code</b>	
<b>State</b>	
<b>Place of business:</b>	
<b>Town, Municipality</b>	
<b>Street</b>	
<b>Postal code</b>	

#### 2. Person or persons authorised to act on behalf of the undertaking (statutory authority, the agent, authorised person) with the presentation of the respective document

<b>Name and Surname</b>	
<b>Position</b>	
<b>Telephone number</b>	
<b>Fax</b>	
<b>Mobile phone</b>	
<b>E-mail</b>	

<b>Name and Surname</b>	
<b>Position</b>	
<b>Telephone number</b>	
<b>Fax</b>	
<b>Mobile phone</b>	

<sup>6</sup> Corporate registration number (ID) or the registration number assigned in any other Member State where the provider has already been registered.

<sup>7</sup> Place of business can be in any Member State.

<b>E-mail</b>				
<b>3. Description of networks and services provided</b>				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Network</b>	<b>Service</b>	Further details on the network or service	Geographic area in which the networks or services are provided	Expected date of commencement of the provision of networks or services, changes or termination

**Explanatory Notes to the description of networks and services provided**

**Column 1:** Specify the category of networks (in the table below are examples of basic categories of networks). If you can not use any of the main categories, write “other network” and specify the details about the network in column 3.

**Column 2:** Specify the category of services (in the table below are examples of basic categories of services). If you can not use any of the main categories, write “other service” and specify the details about the service in column 3.

**Column 3:** In this column, please provide additional details on the network or service.

**Column 4:** For any network or service, specify the geographical area where the service or the network is provided (within the geographical areas you can chose - Slovak republic, region, district, town, city, district).

**Column 5:** Specify the expected date, month and year of initiation, modification or termination of networks or services provision.

**Basic categories of networks and services (columns 1 and 2)**

<b>Network:</b>	<b>Service:</b>
<b>Fixed network</b> (specify details about the technology used in column 3)	<ul style="list-style-type: none"> <li>• <b>Public telephone service</b> (i.e. public service for the direct or indirect and creating and receiving national and international calls through a number or numbers in a national or international telephone numbering plan)</li> <li>• <b>Other voice services</b> (Voice transmission over IP, transit calls, voice transmission over HRS - specify details in column 3)</li> <li>• <b>Leased lines</b> (terminating segments, transmission</li> </ul>
<b>Wireless fixed network</b> (specify details about the transmission system used in column 3)	
<b>Wireless mobile network</b> (specify details about the transmission system used in column 3)	

<p><b>Satellite network</b> (for example. satellite networks used for R and TV broadcasts, SNG or other provision of electronic communications services)</p> <p><b>Network for retransmission of radio &amp; TV signals</b> (KDS, MMDS)</p> <p><b>Network of radio &amp; TV transmitters</b></p> <p><b>Network of electrical distribution</b> (in the extent that is used for the transmission of signals)</p>	<p>parts - specify details in column 3)</p> <p><b>Transmission of radio &amp; TV signal</b></p> <p><b>Data transmission services</b> (transmission of data files, SMS, MMS, e-mail - specify details in column 3)</p> <p><b>Internet access services</b> (for example "dial-up", broadband - specify details in column 3)</p> <p><b>Radio &amp; TV programme retransmission services</b></p> <p><b>Other electronic communication services</b> (specify details in column 3)</p>
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#### 4. Declaration

On behalf of the undertaking mentioned above I declare that all the above information is true and complete.

Date:

Name(s), Surname(s) and position(s):

Signature(s):

Office address:

Regulatory Authority for Electronic Communications and Postal Services

Department for technical regulation

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