Standard Summary Project Fiche

1. Basic Information

1.1. Desiree Number  CZ00-04-03
    Twinning Number  CZ2000/IB/ET/01

1.2. Title  Strengthening Regulation/Enforcement of Telecommunications Acquis

1.3. Sector  Internal Market

1.4. Location  Ministry of Transport and Communications, National Regulatory Authority

2. Objectives

2.1. Wider Objectives

- Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

2.2. Immediate Objectives

The Immediate Objectives of this Project are to:

- Ensure the establishment of a fully operational independent National Regulatory Authority (NRA), with administrative and monitoring systems developed, technical capabilities assessed and staff trained, in order to guarantee effective, non-discriminatory and transparent regulation of a competitive telecommunications sector in compliance with the acquis.

2.3. Accession Partnership / NPAA Priority

The Accession Partnership (December 1999) highlights the following priorities:

- **Short-term**: Free movement of capital - align laws on telecommunications, on insurance and on bonds in order to abolish the remaining restrictions in these fields; abolish anonymous accounts; Telecommunications - align legislation including strengthening of independent regulatory authority by June 2000;

- **Medium-term**: Telecommunications - adopt spectrum monitoring system.

The National Programme (May 1999) priorities include:

- **Short-term**: adoption of the new Act on Telecommunication by July 2000, including the subsequent decrees;

- **Medium-term**: development of required and real functions and activities of NRA.

3. Description

3.1. Background / Justification

The legal acts of the EC which are related to the liberalisation of telecommunications and which deal with the majority of problems that arise during this process stress very important role of NRA. From the experience of countries where the liberalisation process is already carried out, it is known that in addition to the legislative basis, an indispensable condition for managing the market environment consists also in the existence of a high grade and effective regulatory body.

The Project, which is focused on supporting the operational establishment of the NRA, ensuring its ability to monitor enforcement of the acquis, will need to reflect the latest developments within the EU relating to the liberalisation of the telecommunications sector and the simplification of regulatory requirements that market openness and maturity offer for rationalisation down to about
The Czech Government in April 1999 adopted the *National Telecommunication Policy* (hereafter called NTP), with its key objective to establish the independent National Regulatory Authority.

Based on the legislative work-plan of the Czech Government and on the basis of Programme Proclamation of the Government (in 1998), the decision was made to begin with the development of a new *Act on Telecommunications*. The Government approved the governmental draft of the Act on Telecommunications in September 1999 and it was sent to Parliament of the Czech Republic for discussion in March 2000.

At the present time, regulation of the sector is carried out under the auspices of the Ministry of Transport and Communications, via the Department of Telecommunications and a semi-autonomous Czech Telecommunications Office (CTO) and, in the price sphere, via the Ministry of Finance.

With the establishment of the NRA (foreseen for summer 2000, or start of 2001 at the latest), it is presumed to transfer all executive functions into an independent body, apart from those of the Department of Telecommunications of the MTC, whose competencies (covering determining tenets and main principles of the state regulation in telecommunications, safeguarding in telecommunication matters the fulfilment of international contractual obligations, or contractual obligations stemming from membership of the Czech Republic in international organisations, formulation the National Telecommunication Policy, facilitating inter-governmental relations in telecommunications among Governments, integration of telecommunications into European structures, approving the plan of allocation of frequency bands) will be preserved.

This separation corresponds with existing practice within the EU states. The respective ministries in these countries fulfil especially strategic, political, legislative and international tasks, meanwhile the executive regulation functions fall under competence of independent regulation authorities.

The initial activities of the NRA are foreseen to include the structure and internal organisation changes of the Office according to the new statutes and an election of the President as well leading to the full operation of the NRA, enforcing the acquis in the telecoms sector by March 2002. A summary of the *Act on Telecommunications* is provided in *Annex 5*, with information regarding the organisational structure and staff levels of CTO given in *Annex 6*.

### 3.2. Linked Activities

In March 2000, TAIEX organised a one-day seminar on *National Regulatory Authority* in Prague.

### 3.3. Results / Outputs

The Outputs to be delivered and Guaranteed Results to be achieved via this Project include:

- The establishment of a fully operational and independent National Regulatory Authority (NRA) which will correspond to and enforce the acquis in the telecoms sector;
- Institution building, including the development of policy co-ordination structures up-dated or developed and necessary procedures (legal and regulatory, operational, technical procedures, etc.) elaborated/in-place;
- Associated staff training packages elaborated/delivered, to ensure NRA able to promote:
  - Liberalisation, making it easier for natural and legal persons to gain free access to the market whilst fulfilling statutory conditions,
  - Commercialisation, representing the introduction of market mechanisms into the management of telecommunications companies and relegation of the bureaucratic forms of management,
Privatisation, representing an increase in the participation of the private sector in the ownership and management of telecommunication companies, and

Competition, allowing the creation of a competitive environment with the aim of increasing the quality and availability of services, increasing the number of new services and reduction of prices.

- Information and documentation relating to the operation of regulation bodies in the EU (organisation and competencies), the future orientation of EC regulation and market access;
- Necessary legislation programmed and in process of adoption;
- Operating systems and procedures with associated manuals.

3.4. Activities / Inputs

The Project consists of one contract for a Twinning and Training Package – CZ 2000/IB/TE/01, providing the following key Inputs:

- A 1 year Pre-Accession Adviser (PAA), located at the NRA, the PAA should possess a comprehensive knowledge of market regulation and monitoring systems as these have evolved in the EU Member States over the last decade, including legal requirements of the acquis, with senior management experience from such an organisation. The PAA, who will co-ordinate the inputs of a pool of short-term experts, will oversee Project activities for the institutional strengthening of NRA (management training, systems/procedures development, structures for acquis enforcement, personnel development, technical capacity of NRA to regulate). The PAA should be fluent in the English language (written and spoken);

- A series of Short-Term Experts (approximately 20 person-months), to provide specialist inputs, under the direction of the PAA, including analysis and development of policy co-ordination structures and necessary procedures (legal and regulatory, operational, technical procedures, etc.), plus staff training;

- Other services and supplies including development of information management systems, IT requirements, study fellowships (conferences, seminars, fellowships in the Member States, etc.).

Key Activities to be undertaken by the Twinning and Training Package include:

- Analysis of and recommendations for an appropriate NRA model for the Czech Republic, based on comparative review of EU Member States’ models (by the end of month 2);
- Elaboration of a detailed medium-term Action Plan to strengthen the NRA, for full acquis enforcement by the end of 2002 (by the end of month 3);
- Institution building activities, based on the Action Plan, to ensure a fully operational and independent NRA, corresponding to Directive 98/10/EC (remaining Project time period);
- Finalisation of draft secondary regulation in the sector, compatible with the acquis (by the end of month 6);
- Development of detailed procedures and operations for regulation mechanisms: frequencies, numbers, granting authorisations, rules of interconnection, price regulation, investigative procedures relating to market operators (costing models, cross-financing, investments etc.) to allow the transparent financing of universal service (remaining Project time period);
- Provide training needs analysis (by the end of month 3), developing and delivering corresponding training for NRA staff (workshops/seminars/study visits/fellowships, over the remaining Project time period) to similar institutions in the Member States, covering training on the full body of the acquis, it’s application in the Member States, European competition...
4. **Institutional Framework**

The MoTC - the Telecommunications Department - is responsible for the Telecommunications Policy and Strategy. The Czech Telecommunications Office (CTO) presently acts as day-to-day regulator in the telecoms sector. The whole implementation of this Telecoms Regulatory Authority Project results, outputs and recommendations will be in responsibility of the Ministry.

0. **Detailed Budget (in M €)**

<table>
<thead>
<tr>
<th>Project Components</th>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (= I + IB)</th>
<th>National Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
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<td>0.6</td>
<td>0.6</td>
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<td>0.6</td>
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<td>0.1</td>
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<td>0.6</td>
<td>0.1</td>
<td>IFI</td>
<td>0.7</td>
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6. **Implementation Arrangements**

6.1. **Implementing Agency**

The CFCU is the Implementing Agency responsible for tendering, contracting and accounting. Responsibility for technical preparation, implementation and control will remain with the beneficiary: Ministry of Transport and Communications, Czech Telecommunication Office.

6.2. **Twinning – CZ 2000/IB/TE/01**

The Contact Person is Mgr. Nada Páčlová, Ministry of Transport and Communications, Czech Telecommunication Office, Nábr. L. Svobody 12, 110 15 Praha 1, tel.+420 2 51431055, fax +420 2 51431321.

6.3. **Contracts**

One contract is foreseen to be concluded: Twinning and Training Package to a value of 0.6 MEUR.

7. **Implementation Schedule**

Start of Twinning Selection: 3Q/00
Start of Twinning Activity: 2Q/01
Project Completion: 1Q/02

8. **Equal Opportunity**

Equal opportunity principles and practices in ensuring equitable gender participation in the Project will be guaranteed.

9. **Conditionally and Sequencing**

The Project is conditional on the passing into force of the new Act on Telecommunication, which is discussed in Czech Parliament in March 2000 and the establishment of the NRA (expected to be established summer 2000, or by January 2001 at the latest).

Government financing will be provided to staff and equip the Regulatory Authority.
Annexes to Project Fiche

1. Logframe Matrix
   3.2. Detailed Implementation Chart
   5.3. Cumulative Contracting and Disbursement Schedule for the Project (MEUR)
   7.4. List of Applicable Laws
   9.5. Summary of the Act on Telecommunications
   11.6. Czech Telecommunications Office - Organisational Structure
## Logframe Matrix

### Strengthening Regulation/Enforcement of Telecommunications Acquis

**Project Number:** CZ 00-04-03  
**Date of Drafting:** 04/2000

<table>
<thead>
<tr>
<th>Wider Objective</th>
<th>Indicators of Achievement</th>
<th>Sources of Information</th>
<th>Assumptions and Risks</th>
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<td>Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union</td>
<td>Acknowledgement by the Commission</td>
<td>EC Regular Report</td>
<td>Other Copenhagen criteria fulfilled</td>
</tr>
</tbody>
</table>

**Contracting Period Expires:** 31/10/2002  
**Disbursement Period Expires:** 31/10/2003  
**Total Budget:** 0.7 MEUR  
**Phare Contribution:** 0.6 MEUR

### Immediate Objectives

**Project Number:** CZ 00-04-03  
**Date of Drafting:** 04/2000

<table>
<thead>
<tr>
<th>Input</th>
<th>Indicators of Achievement</th>
<th>Sources of Information</th>
<th>Assumptions and Risks</th>
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<tr>
<td>Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union</td>
<td>Acknowledgement by the Commission</td>
<td>EC Regular Report</td>
<td>Other Copenhagen criteria fulfilled</td>
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</table>

- **Support the full operational establishment of the independent National Regulatory Authority (NRA), with administrative and monitoring systems developed, technical capabilities assessed and staff trained, in order to guarantee effective, non-discriminatory and transparent regulation of a competitive telecommunications sector in compliance with the acquis**

  - Fully compatible Act on Telecommunication with acquis;
  - The Czech NRA is established and the proper regulation is being carried out
  - Ministry of Transport and Communications
  - Czech Telecommunication Office
  - Project Reports
  - European Commission

  **Input:**
  - Institution building, including the development of policy co-ordination structures up-dated or developed and necessary procedures (legal and regulatory, operational, technical procedures, etc.) elaborated/in-place;
  - Associated staff training packages elaborated/delivered, to ensure NRA able to promote liberalisation, Commercialisation, Privatisation and Competition;
  - Information and documentation relating to the operation of regulation bodies in the EU (organisation and competencies), the future orientation of EC regulation and market access;
  - Necessary legislation programmed and in process of adoption;
  - Operating systems and procedures with associated manuals

### Results

**Project Number:** CZ 00-04-03  
**Date of Drafting:** 04/2000

<table>
<thead>
<tr>
<th>Input</th>
<th>Indicators of Achievement</th>
<th>Sources of Information</th>
<th>Assumptions and Risks</th>
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<tr>
<td>Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union</td>
<td>Acknowledgement by the Commission</td>
<td>EC Regular Report</td>
<td>Other Copenhagen criteria fulfilled</td>
</tr>
</tbody>
</table>

- The establishment of a fully operational and independent National Regulatory Authority (NRA) which will correspond to and enforce the acquis in the telecoms sector;
- Institution building, including the development of policy co-ordination structures up-dated or developed and necessary procedures (legal and regulatory, operational, technical procedures, etc.) elaborated/in-place;
- Associated staff training packages elaborated/delivered, to ensure NRA able to promote liberalisation, Commercialisation, Privatisation and Competition;
- Information and documentation relating to the operation of regulation bodies in the EU (organisation and competencies), the future orientation of EC regulation and market access;
- Necessary legislation programmed and in process of adoption;
- Operating systems and procedures with associated manuals

**Input:**
- Independent NRA is established;
- Detailed medium-term Action Plan to strengthen the NRA, for full acquis enforcement by the end of 2002 elaborated and agreed;
- Staff trained;
- Regulation mechanisms developed and used;
- Legislative amendments/orders to allow for full application of the acquis transferred to the Government;
- The background documents (expertise), including the Final Report, will be available

**Input:**
- Ministry of Transport and Communications
- Czech Telecommunication Office
- Market analysis reports
- Project Reports
- European Commission
Twinning and Training Package, including 1-year PAA and approximately 20 person-months of STEs, plus intangible supplies and services.

NRA will provide office facilities and support throughout the project.

Activities to be undertaken include:

- Analysis of and recommendations for an appropriate NRA model for the Czech Republic, based on comparative review of EU Member States’ models (end of month 2);
- Elaboration of a detailed medium-term Action Plan to strengthen the NRA, for full acquis enforcement by the end of 2002 (end of month 3);
- Institution building activities, based on the Action Plan, to ensure a fully operational and independent NRA, corresponding to Directive 98/10/EC (remaining Project time period);
- Finalisation of draft secondary regulation in the sector, compatible with the acquis (end of month 6);
- Development of detailed procedures and operations for regulation mechanisms: frequencies, numbers, granting authorisations, rules of interconnection, price regulation, investigative procedures relating to market operators (costing models, cross-financing, investments etc.) to allow the transparent financing of universal service (remaining Project time period);
- Provide training needs analysis (end of month 3), developing and delivering corresponding training for NRA staff (workshops/seminars/study visits/fellowships over the remaining Project period) to similar institutions in the Member States, covering training on the full body of the acquis, its application in the Member States, European competition policy and principles, regulatory principles and future orientation, broad management training

- Adoption of the new Act on Telecommunication by July 2000
- Funding to ensure NRA’s technical & staff base
- Cofinancing available
## Detailed Implementation Chart

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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<tr>
<td>Detailed Project Implementation</td>
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<td>Twinning and Training Package</td>
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<tr>
<td>-Selection of MS(s) for twinning</td>
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<tr>
<td>-Elaboration of twinning covenant</td>
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<td>X</td>
<td></td>
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<tr>
<td>Task</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Submit Twinning covenant to EC &amp; Steering Committee for approval</td>
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<tr>
<td>Twinning Package commences</td>
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<tr>
<td>Analysis of and recommendations for an appropriate NRA model</td>
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<tr>
<td>Elaboration of a detailed medium-term Action Plan to strengthen the NRA</td>
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<td>Finalisation of draft secondary regulation in the sector</td>
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<tr>
<td>Development of detailed procedures and operations for regulation</td>
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### Cumulative Contracting and Disbursement Schedule for the Project (M€)

**Annex 3**

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<th>Project</th>
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<th>2Q/01</th>
<th>3Q/01</th>
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### Cumulative Quarterly Contracting Schedule (M€)

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<th>3Q/01</th>
<th>4Q/01</th>
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<th>3Q/03</th>
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</table>
List of Applicable Laws

Annex 4

The telecommunication sector is regulated by a large number of Laws, the main of which are:

Summary of the Act on Telecommunications

The Czech Telecommunications Office shall be established by § 3. Its competencies and duties are determined in many provisions of the Act. A competencies and duties summary of the Ministry and the Office follows.

The Ministry of Transport and Communication:

a) Determines tenets and main principles of the state regulation in telecommunications;

b) Safeguards in telecommunication matters the fulfilment of international contractual obligations to which the Czech Republic is bound and which are published in the Collection of Laws, or contractual obligations stemming from membership of the Czech Republic in international organisations;

c) Formulates the National Telecommunication Policy and controls its implementation;

d) Facilitates inter-governmental relations in telecommunications among Governments, governmental as well as non-governmental organisations;

e) Acts as a director and coordinator in state administration of Czech telecommunications in international organisations;

f) Takes care of integration of telecommunications into European structures;

g) Approves the plan of allocation of frequency bands.

The Office (CTO):

1. within its general competence shall

a) impose, collect or, if applicable, exact fines for breaching of obligations established herein, in procedural statutory regulations hereto and based on preliminary measures issued by the CTO under the same conditions shall impose non-monetary performance,

b) decide on a ban to carry out telecommunication activities to be imposed on an operator or provider who fails to redress found shortcomings within a set period of time, despite having been requested to do so by the CTO,

c) decide disputes, unless provided otherwise by the law,

d) issue measures and binding orders which shall be observed by operators and providers,

e) issue a telecommunication bulletin as a publishing collection in telecommunication industry,

f) prepare intendments for statutory regulations in telecommunications,

g) provide for international relations in telecommunication matters unless this is entrusted to the Ministry of Transport and Communications or to other state administration bodies,

2. in respect to the approval process for telecommunication equipment the CTO shall

a) approve types or recognise technical capability of selected and individually manufactured telecommunication equipment,

b) decide on the use of radio equipment whose type has not been approved or recognised, for testing purposes,

c) authorise legal or natural persons to carry out tests verifying technical capability of classified equipment,

d) establish a regulation basis for the purposes of telecommunication equipment approval process,

3. in respect to licensing the CTO shall

a) decide on the granting, alteration or withdrawal of a telecommunication license, including the obligation to provide universal service, public telex service and public telegraph service,

b) open and manage the account,

c) decide on operational and financial measures to assure uninterrupted provision of the universal service,

d) issue a general license and decide about its alteration or withdrawal,
e) register natural and legal persons carrying out telecommunication activities, based on a general license and issue certificates of registration,
f) issue authorisations to provide new telecommunication services for which no general license has been issued so far,
4. in respect to access and interconnecting of public telecommunication networks, the CTO shall
a) decide the disputes about interconnection of networks or access to networks or, if applicable, changes in contracts on networks interconnection or network access,
b) issue drawings of public telecommunication networks and carry out administration of their boundaries,
c) establish and publish technical specifications of individual types of boundaries in the telecommunication bulletin,
5. in respect to frequency range the CTO shall
a) perform administration of the frequency range,
b) issue and declare a plan assigning the frequency zones (national frequency table) and any changes therein,
c) issue and declare a utilisation plan for the frequency range and any changes therein,
d) issue resolutions about permits for operation of transmitting radio facilities and decide on their alterations or withdrawals,
e) verify with a test special qualification to operate specified transmitting radio facilities,
f) co-ordinate frequencies and frequency zones,
g) monitor utilisation of the frequency range,
6. in respect to the allocation of numbers the CTO shall
a) carry out administration of the numbers,
b) issue numbering plans,
c) decide on allocation of numbers,
d) monitor utilisation of allocated numbers,
7. in respect to prices the CTO shall
a) perform its competencies in the application, regulation and inspection of prices for telecommunication services and prices for interconnection,
b) issue resolutions on prices,
c) decide in disputes concerning prices for interconnection and network access,
8. in respect to telecommunication services the CTO shall
a) decide on changes in general conditions, provided these are in contradiction with the law or respective implementing regulations, and approve general conditions for the provision of universal service and any alteration thereof.,
b) establish the scope of basic level for billing of price for telecommunication services and the scope of detailed price breakdown for individual calls,
c) decide on objections against settlement of complaints concerning billing of price for telecommunication services,
d) decide disputes concerning the financial liability of a subscriber under the agreement between the public telecommunication network operator and the subscriber concerning the provision of telecommunication services,
e) decide whether the obligations applicable to the universal service provider, to establish monitoring and recording and inspection systems in respect to basic indicators of development and quality of telecommunication service provision, should be also extended to other providers of public telephone service using public telephone network or to operators of public fixed telephone networks,
9. the CTO shall also set, collect and exact fees.
Czech Telecommunications Office - Organisational Structure

MINISTRY OF TRANSPORT AND COMMUNICATIONS

SECTION 3

POST, TELECOMMUNICATIONS AND INFORMATION SYSTEMS

REGULATORY AFFAIRS

STATE ADMINISTRATION AND INSPECTION

CZECH TELECOMMUNICATION OFFICE

REGIONAL Branches of the CZECH TELECOMMUNICATION OFFICE

- PRAGUE REGION
- EAST BOHEMIAN REGION
- SOUTH BOHEMIAN REGION
- SOUTH MORAVIAN REGION
- WEST BOHEMIAN REGION
- NORTH BOHEMIAN REGION
- NORTH MORAVIAN REGION

STUFF DETAILS

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<th>EMPLOYEE (app.)</th>
<th>Regulatory affairs</th>
<th>State adm. &amp; insp.</th>
<th>Other</th>
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<td>State adm. &amp; insp.</td>
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<td>Other</td>
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<tr>
<td>Total</td>
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EDUCATION:

| University | 29% |
| High school | 64% |