

Report of the Czech Telecommunication Office
on the results of the implementation of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union,
for the time period from 1 May 2016 to 30 April 2017

The Czech Telecommunication Office (hereinafter only „CTU“) as the national regulatory authority for electronic communications at the territory of the Czech Republic prepared, in accordance with Art.5 Paragraph 1 of the Regulation (EU) 2015/2120, prepared the report on the supervision of fulfilment thereof for the time period from 1 May 2016 to 30 April 2017. The preparation of this report was based on the BEREC guidelines on the Implementation by National Regulators of European Net Neutrality Rules (in particular, on paragraphs 182 and 183) and the BEREC questionnaire on national implementation of the Regulation (EU) 2015/2120.

According to statistical data there are 2107 providers („ISPs“) providing internet access service in the Czech Republic. For internet access service in mobile networks the number is 159. A total number of 101 providers do provide the internet access service both ways. The number of active connections where the internet access service is being provided to subscribers amounts to 3 057 288 in fixed networks and the number of active SIM cards (accesses) where the internet access service is being provided to subscribers in mobile networks amounts 8 133 634¹.

The information for this report prepared by CTU on the basis of an analysis of commercial offers for the provision of internet access service which comprised the biggest providers of internet access service on Czech market. The CTU's analysis was based on the information published by the providers by means allowing remote access, i.e. on their web sites. This was followed by an official initiation of meeting with representatives of these providers during which they were asked to provide additional information and explanation of particular issues. Other data was gained from the regular assessment of end-user inquiries and complaints.

The results of monitoring of the compliance with the Regulation (EU) 2015/2120 were elaborated with the use of BEREC questionnaire on national implementation of the Regulation (EU) 2015/2120 addressed by BEREC to particular regulatory authorities. This questionnaire is an integral part of this report.

¹ Please note that the annual data collection for the year 2016 has not been finalized by CTU yet and therefore the report is based on data available as of 30 June 2016.

BEREC Questionnaire on National Implementation of the Regulation (EU) 2015/2120

Following the entry into force of the Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services:

This questionnaire is sent by BEREC to all Member states for the purpose of a yearly report about the Regulation (EU) 2015/2120 implementation and state of Net neutrality in the EU Member States.

Confidentiality: NRAs are requested not to submit any confidential information in answering this questionnaire as the submissions will be used as a basis for a public BEREC report.

Answers to this questionnaire should be based on the data collected in the time period from April 30th 2016 until April 30th 2017 – the same as we expect will be covered by the annual national report.

Responses should be submitted to the BEREC office via e-mail at: pm@berec.europa.eu. The deadline for responses is June 15th, 2017.

Contextual note: Where this questionnaire asks about ISPs' practices, it is requesting a report of the information which each NRA has gathered in the course of implementing the Regulation, which in many cases will cover only a subset of ISPs (the largest, e.g. covering a large majority of the subscriber population). It is not proposing that NRAs should seek, or should have sought information from every provider of IAS.

Where there is a question with multiple choice answers, you can choose more than one option.

General questions

- 1. Which authority or authorities are responsible for enforcing the Regulation (EU) 2015/2120? (If there is more than one authority, please identify the aspects of the Regulation for which each is responsible.)**

Czech Telecommunication office (hereinafter only „CTU“) supervises compliance with Regulation (EU) 2015/2120 as the national regulatory authority in the field of electronic communications. The Office for Personal Data Protection is the responsible authority for compliance with obligations related to personal data processing. The Ministry of Industry and Trade of the Czech Republic is responsible for preparation of proposals of legislative changes arising from the Regulation (EU) 2015/2120.

- 2. Which types of activities has your NRA engaged in during 2016/17 in order to implement the Regulation (EU) 2015/2120? Please provide a brief account of:**

- **internal activities (e.g. preparing new internal procedures, dedicating teams / FTE, etc.)**
- **external activities (e.g. press-release, meetings with stakeholders or ISPs, drafting national guidelines on enforcement policy, stimulating self-assessment or internal compliance by ISPs, adopting administrative orders/decisions or imposing administrative fines etc.)**
- **any other actions of note.**

Among the activities of CTU in implementation of the Regulation (EU) 2015/2120 we wish to mention in particular the preparation of CTU's opinion document to particular provisions which are, according to the Regulation (EU) 2015/2120 and BEREC Guidelines, subject to individual assessment and decision of national regulatory authorities.

In 2016 after the publication of the BEREC Guidelines the opinion of CTU was presented at a workshop organized by CTU in June 2016. This allowed for discussion with relevant stakeholders. The conclusions of the discussion and the later received opinions and comments were reflected in a document named "Statement of Czech Telecommunication Office to selected questions on open internet access and to European net neutrality rules" (in Czech: "Vyjádření Českého telekomunikačního úřadu k vybraným otázkám přístupu k otevřenému internetu a evropským pravidlům síťové neutrality"). This document was presented to stakeholder on a second workshop held in November 2016. Stakeholders were given the opportunity to express their comments in writing and all comments were settled and reflected in the final version of the document which was published on CTU website on 23 March 2017.

This document deals with the issues of commercial practices as zero-rating, limitation of access to content on the internet, provision of internet access services at a fixed location via mobile networks. It elaborates also on transparency requirements on provision of information in relation to definition of download and upload speeds and the acceptable deviations from these speeds. It also includes opinion on monitoring of the use of data traffic management methods in the networks of internet access providers.

In May 2016 CTU also organised a workshop to introduce to stakeholders the "Netmetr" service which is run by CZ.NIC association in cooperation with CTU. This service allows the end-users to test the speed and quality of their internet connection at any time and to compare the gained values with average results reached by concrete providers of internet access service. A press release was published to inform also general public.

As next step, and after consultation with stakeholders, CTU prepared and published methodologies which will be applied by CTU when performing measurements and controls of quality parameters of access to internet network. CTU prepared a methodology for measurement and assessment of data parameters of fixed electronic communications networks. This methodology is being used as methodical guidance for measurement and assessment of parameters of fixed or semi-fixed electronic communications networks (e.g. wireless networks with fixed transferring interface)

related to end-user's access at a fixed location to internet network or, potentially, other services.

Currently CTU finalizes works on a methodology for measurement and assessment of data parameters of mobile electronic communications networks which will be used as methodical guidance for measurement and assessment of parameters of mobile radiocommunications networks.

For fulfilment of obligations set by the Regulation (EU) 2015/2120 at the territory of the Czech Republic CTU performed an analysis of commercial offers for the provision of internet access service which comprised the biggest providers of this service (who provide together more than 45% of accesses to internet network in fixed networks and more than 94% accesses to internet network in mobile networks; based on data as of 30 June 2016). The CTU's analysis was based on the information published by the providers by means allowing remote access, i.e. on their web sites. This was followed by an official request on these providers, in accordance with national procedural rules, for additional and detailed information related to the internet access service provided by them, in the form of personal consultations.

Concerning internal procedures, CTU nominated officers who will be in charge with the agenda which stems from the Regulation (EU) 2015/2120.

Currently CTU runs a project of complete technical solution of CTU's measuring system which will allow for measuring the performance of internet access service and specialized services in mobile and fixed networks. It will also be usable for measuring the parameters of high-speed NGA networks.

Art 3(1) and 3(2)

3. What approach have you taken to monitor the commercial and technical conditions related to the provision of Internet access services:

- **market survey without requesting information from ISPs (e.g. checking the relevant information on the ISP's web pages, such as the general terms and conditions)**
- **information request from ISPs,**
- **analysis of complaints and end-user reporting**
- **technical network monitoring**
- **other, please specify _____**

As mentioned above, CTU carried out an analysis of commercial offers for the provision of internet access service in a selected group of providers offering this service in the Czech Republic for the purpose of control of compliance with the Regulation (EU) 2015/2120. In frame of the analysis CTU also focused on commercial and technical conditions under which the service is being provided.

The CTU's analysis was based on the information published by the providers by means allowing remote access, i.e. on their web sites. This was followed by an official request on these providers, in accordance with national procedural rules, for additional and detailed information related to the internet access service provided by them, in the form of personal consultations. Within these meetings, representatives of the internet access service providers were informed about issues identified by CTU during the analysis of their contractual terms and conditions. After assessment of their explanations and comments CTU called upon the providers to remedy the identified deficiencies.

CTU also regularly monitors (each calendar month) initiatives and complaints received from end-users, including those related to quality of electronic communications services. CTU carries out comprehensive evaluation of initiatives and complaints every quarter.

4. Pursuant to Art. 3(1) have you completed any formal assessment of ISP restrictions on the use of technically compliant terminal equipment? Y/N. If yes, briefly describe the practice and the conclusions of the assessment (and enforcement action taken where applicable)?

Yes. These practices were recorded by CTU during the monitored period, especially for internet access at a fixed location provided via mobile networks. Currently, according to the findings in the analysis of commercial offers of the group of main providers of internet access service, carried out by CTU, and after subsequent personal consultations with their representatives, CTU concluded that end-users may use terminal equipment of their choice for consuming the service. (At the time of subscribing to internet access service a so-called self-installation package is automatically offered to subscribers. The self-installation package includes a terminal equipment. However, subscribers are not obligated to order it, respectively subscribers have the possibility to use their own equipment).

However, CTU continues to monitor this issue.

5. Are you aware of any zero rating or other traffic price discrimination practices/offers in your country? Y/N

If yes, what types of 0-rating services exist in your country?

- **Music streaming services**
- **Video streaming/IPTV services**
- **Social media services**
- **Short message services**
- **Other** _____

Yes. A commercial practice known as "zero-rating" was recorded in the Czech Republic. Firstly, it relates to music streaming applications, social media services and self-service (customer account management) applications. Data transmissions related to listening to some web radios or browsing selected websites are also not being charged.

- 6. Pursuant to article 3(2) have you performed any formal assessments of agreements on commercial and technical conditions as well as commercial practices such as zero rating or traffic price discrimination practices? Y/N. If yes, briefly describe the practice and the conclusions of the assessment (and enforcement action taken where applicable)?**

According to CTU findings zero-rating is applied in the Czech Republic in particular for music streaming and social media services. This is mainly the so-called in-bundle zero rating. Data consumed during usage of these services are not counted to the data volume ordered by the end-user. These services may also be used after reaching the data limit. CTU did not find that the operation of competing services would be blocked, slowed down, changed, restricted, distorted or exacerbated by the ISPs, i.e. no practice of prioritisation of transferring the packets of such services or of denied transmission of competitors' packets for the benefit of such services.

CTU currently monitors the issue and the market situation and continuously evaluates it.

Art. 3(3)

- 7. If you started any monitoring of traffic management practices by ISPs what approach have you taken :**
- market survey without requesting information from ISPs ,
 - information request from ISPs,
 - analysis of complaints and end-user reporting
 - technical monitoring
 - other, please specify _____

In the reporting period CTU assessed only compliance of contractual terms of the group of main providers of internet access service (as published on their websites) with Article 3 (3) of the Regulation (EU) 2015/2120. In the future, a questionnaire addressed to service providers, currently being prepared by BEREC, should be used for regular monitoring of traffic management measures. Technical monitoring will also be used.

- 8. Pursuant to article 3(3)1 to 3(3)3; have you completed any formal assessments of an ISP's traffic management practices? Y/N. If yes, briefly describe the practice and main conclusions of the assessment (and enforcement action taken where applicable).**

For the time being, CTU examined only compliance of contractual terms of the group of main providers of internet access services with Article 3 (3) of the Regulation. During the investigation it was not found that traffic management measures would be applied to a greater extent on the Czech market, except situations defined in Article 3 (3) a) - c) of the Regulation (EU) 2015/2120. Also within other activities CTU did not identify any facts to question this conclusion. However, CTU did not undertake any technical monitoring during the reporting period.

In cases where CTU came to suspicion that the applied traffic management practice did not fulfil the condition of proportionality, the provider was called on remedy the situation, alternatively the remedy was imposed.

9. Did you conduct any research or survey on port blocking practices by ISPs? Y/N. If yes, please briefly describe significant findings.

No.

Art 3(4)

10. Which authority is responsible for enforcing the data protection obligations referred to in Article 3(4) (“Any traffic management measure may entail processing of personal data only if such processing is necessary and proportionate to achieve the objectives set out in paragraph 3)

- a) The national Data Protection Authority (DPA)
- b) The NRA
- c) Other

If it is the DPA or other Authority, is there a formal cooperation process in place to deal with complaints about ISPs between the data protection authority and the NRA? Y/N

The authority responsible for enforcement of obligations in personal data protection in the Czech Republic is the Office for Personal Data Protection. If CTU, within the context of handling end-user complaints, takes the opinion that there is a violation of the provisions of Article 3 (4) of the Regulation (EU) 2015/2120, it shall proceed in accordance with national procedural rules (mainly Act No. 500/2004 Coll., Administrative Procedure Code, as amended) – *note: i.e. hand over the case to the other authority.*

11. If the NRA is responsible, have you identified any breaches of data protection and privacy obligations? Y/N. If yes, briefly describe the practice and any investigation and enforcement activity which followed.

CTU does not have competence in this area.

Art 3(5)

12. What approach have you taken to monitoring services other than IAS: (called specialised services below)

- market survey without requesting information from ISPs (e.g. checking ISP’s offers on their web pages),
- information request from ISPs,
- analysis of complaints and end-user reporting

- **technical network monitoring**
- **other, please specify** _____

CTU used during controls of the provision of so-called specialised services following tools:

- analysis of commercial offers of the biggest providers of internet access service in the Czech market, by way of examining the contractual terms published by internet service providers on their websites
- personal consultation with providers of internet access service, performed in accordance with national procedural rules, during which CTU requested additional information from the providers.

In the future, controls of so-called specialised services should be conducted mainly through requests for information addressed to the providers of internet access service, which will be included in the regular monitoring of service providers.

13. Have you completed any formal assessments of the provision of specialised services by ISP? If yes, briefly describe the practice and the conclusions of the assessment (and enforcement action where applicable)?

Within the scope of assessment of specialised services provided by providers of internet access service, it was not found, that these services were offered as a replacement for internet access service or at the expenses of its availability. From the analysis carried out by CTU it was clear that majority of the providers of internet access service in the Czech Republic does not explain clearly to end-users, what specific effects on service quality may have a simultaneous use of internet access service and of specialised services. CTU therefore called service providers to remedy this situation.

In the light of these findings, CTU intends to continue monitoring this area in the future.

14. Are you aware of any other specialized services offered on the national market, apart from those mentioned as examples in BEREC's Guidelines (VoLTE, IPTV)? Y/N. If yes, please provide more information and examples (e.g. are ISPs' VoD and Time Shift services treated as SpS?)

Yes. The services „Video on Demand“ and „Reverse Time Shift“ are offered on the Czech market. CTU has not yet carried out an investigation in this matter. During the reporting period, CTU did not record any complaints from end-users related to these services.

Art 4:

Art. 4(1)

15. What approach have you taken to monitoring and enforcing ISPs' compliance with their transparency obligations set out in Art 4:

- market survey without requesting information from ISPs (e.g. checking the applicable “terms and conditions”)
- (formal or informal) information request from ISPs,
- analysis of complaints and end-user reporting,
- other _____

The control of compliance with the transparency obligation set in Article 4 of the Regulation (EU) 2015/2120 was part of the CTU’s analysis of the commercial offers of the most important internet access service providers.

Further information for the assessment of fulfilment of this obligation was obtained by CTU through personal consultations with representatives of individual providers and by regular evaluation of complaints and initiatives sent by end-users. For the future CTU’s objective is to obtain information on compliance with transparency obligations through regular monitoring of service providers and their offers.

16. Have you completed any formal assessments of the ISPs’ contract conditions and their compliance with requirements set out in Art. 4(1)a-e? Y/N. If yes, please describe the main findings. [Note: detail of compliance in relation to speeds information requested below under Q19,20]

Yes. CTU has analyzed the contractual terms of selected major providers of internet access service, and within its frame examined also the fulfilment of the obligations of designated providers under Article 4 (letters a)-e)) of the Regulation. In this respect CTU found major inadequacies in the fulfilment of the obligations laid down in Article 4(1) letters (b) and (c) - requirements set out in these provisions were not met by most providers. In the case of download and upload speeds, CTU noted, above all, problems with the clarity (for a common consumer) of their definition. In most cases, the impact of a large deviation from the announced speed on the end-user rights set out in Article 3, paragraph 1 was also not explained.

The deficiencies identified by CTU during the analysis of individual internet access service providers have been brought to provider’s attention during the personal consultations and they were asked to remove them.

17. Have national specifications been set in relation to the different types of speeds laid down in Art 4(1)d? Y/N. If yes, please provide details.

Were requirements:

- imposed by NRA or other competent Authority
- agreed upon by market players?

During March 2017, CTU issued the “Statement of the Czech Telecommunication Office to selected questions on open internet access and to European net neutrality rules“ which contains, among other things, a detailed explanation of each type of speed, specification of the so-called permitted deviations when the service does not reach the agreed parameters, and recommendations concerning the definition of quality parameters for the so-called nomadic services.

18. Are these requirements legally binding or the NRA’s opinion/recommendation?

No. The document is not legally binding. The purpose of this statement is to explain the CTU's position on issues which, according to the Regulation and BEREC Guidelines, require individual assessment in particular Member States.

19. To the extent your NRA has reviewed the terms and conditions in ISP contracts, did ISPs define in their contracts minimum, maximum, advertised and normally available upload and download speeds of the IAS in the fixed network? Y/N. Please briefly explain the main findings.

An analysis of conditions of the most important providers of internet access service provided by CTU revealed that in most cases contracts for the provision of internet access **via fixed networks** stated normally available, minimum and maximum speeds, both for data download and upload. However, the advertised speed was often not defined separately, but was equalled with the maximum speed. In the opinion of CTU the definition of normally available speed has been the most problematic one. This speed has often been explained in the contract terms in a non-comprehensible way that did not allow end-users to determine the normally awaited performance of the service purchased by them.

During consultations with individual internet access service providers initiated by CTU, providers were informed about deficiencies identified by CTU and were asked to remove them.

20. To the extent your NRA has reviewed contracts of mobile ISPs, did they define in their contracts advertised and estimated maximum upload and download speeds of the IAS in the mobile network? Y/N. Please briefly explain the main findings.

The analysis of contractual terms and conditions of the most important providers of internet access service performed by CTU revealed that in most cases contracts for the provision of internet access via **mobile networks** stated the estimated maximum speed, both for data download and upload. The advertised speed was often not defined separately, but was equalled with the estimated maximum speed. In this regard CTU has doubts about the fulfilment of the requirement on reality of the stated estimated maximum speed and therefore keeps further negotiations with the service providers.

During consultations with individual internet access service providers initiated by CTU, the providers were also informed about other issues identified by CTU and were asked to remedy the situation.

In this regard, a widespread nomadism of internet access service is also characteristic for the Czech Republic (at the end of 2015 approximately 80,000 of these services were provided, during the year 2016 this number tended to increase dynamically). Therefore, CTU assessed also the compliance of these offers with the requirements of the Regulation (EU) 2015/2120 and, in the interest of transparency of information provided to end-users, subsequently called the internet service providers to explicitly declare the nature of the provided service in their commercial offers (i.e. to determine whether the service is provided at a fixed location or as a purely mobile service). Based on this, the providers we asked to define the quality of service parameters.

Art. 4(2)

21. Have ISPs established “transparent, simple and efficient procedures to address end-user complaints...” according to Article 4(2)? Y/N.

If yes: What kind of procedures has been established by ISPs (e.g. hotlines, complaint templates)?

Is there an industry wide approach in relation to these procedures? Y/N.

If yes, was this approach:

- imposed or facilitated by the NRA,
- prescribed by national legislation
- voluntarily agreed upon by the market players
- other _____

Complaints of end-users concerning the rights and obligations set out in Article 3 and Article 4, paragraph 1 of the Regulation (EU) 2015/2120 are processed as warranty claims by providers of internet access service in the Czech Republic. Failures or malfunction (i.e. when internet access service cannot be used - fully or partly), can be reported by end-users usually by phone, via web forms or chat of the providers.

CTU considers this method relatively transparent. However, in the opinion of CTU, it is necessary for a full completion of the purpose and objectives of the Regulation (EU) 2015/2120 to make these processes more effective so that redress for end-users are easier and, especially, faster.

Art. 4(3)

22. Did you nationally (e.g. NRA, Ministry) provide guidance or impose additional transparency or information requirements on ISPs following the coming into force of the Regulation? Y/N. If yes, please provide details of the requirements.

No. In the Czech Republic (whether by CTU or other public administration body) no additional requirements regarding transparency or provision of information have been set to providers of internet access service after the entry into force of the Regulation (EU) 2015/2120. However, on 23 March 2017 CTU published a document ("Statement of Czech Telecommunication Office to selected questions on open internet access and to European net neutrality rules") in which it explains its approach to the application of selected rules, which, according to the BEREC Guidelines, require individual assessment by national regulators. In particular it concerns specification of data transmission speeds and of significant continuous, resp. significant regularly recurring deviations (in both fixed and mobile networks). However, this document is not legally binding.

In case of an assumption that the requirements regarding transparency and provision of information laid down in the Regulation are not being fulfilled by the internet service providers, CTU is prepared to use its authority (which stems from national legislation) and to issue an implementing legal regulation on this matter.

Art. 4(4)

23. Is there an NRA or national interpretation of “significant discrepancy, continuous or regularly recurring”? Y/N.

If yes,

- how are these terms interpreted?
- was the definition:
- imposed by the NRA (e.g. using Art. 5 (1)),
- voluntarily agreed upon by the market players
- other _____

Yes. CTU presented its interpretation of the terms “significant continuous discrepancy” and “significant regularly recurring discrepancy” in the “Statement of Czech Telecommunication Office to selected questions on open internet access and to European net neutrality rules”, published on 23 March 2017. However, this document is not legally binding. CTU has not yet used the competences stemming from Article 5, paragraph 1 of the Regulation (EU) 2015/2120.

The CTU’s analysis of business offers for the provision of an internet access service also revealed that the terms “significant continuous” and “significant regularly recurring discrepancy” have not yet been defined in the contractual conditions of the most important providers of the service. Internet service providers were therefore called to insert them. If the call is not met, CTU is prepared to impose repressive measures.

24. Is your NRA monitoring the number of end-user complaints? Y/N. If yes, what was the level of end-users’ complaints about the performance of the IAS, relative to contracted parameters (speeds or other QoS parameters):

Yes. CTU monitors several inquiries and complaints sent by subscribers or end-users, regularly, every calendar month. Their comprehensive assessment is then made each quarter and then published on CTU’s website.

During the first quarter of 2017, CTU received a total of 103 inquiries and complaints regarding the quality of electronic communications services, which represent almost 16% increase over the previous period. Approximately 30% of this number is related to internet access service. These complaints were concerned, particularly, in an inadequate performance of the internet access service, unstable quality of the service during the day, blocking of certain types of services and discrepancy in the volume of consumed data and real volume of downloaded data.

25. Have specific additional remedies been introduced for consumer redress in relation to non-conformance of IAS with the contract terms (e.g. legal action before courts and/or NRA, right to early termination, compensation)? Y/N

No. If the internet access service is not provided in accordance with the terms of the contract, the consumer is entitled to place a claim. If the claim is not accepted, consumer may file an application to CTU to open a Proceeding on objections against the settlement of warranty claims. It is also possible to submit to CTU a proposal for Settlement of a dispute between a service provider and subscriber or end-user.

26. Pursuant to Art. 4(4) have you introduced an IAS quality monitoring mechanism for consumers to use? If yes, briefly explain this mechanism, and say whether you

have certified it. If not, please outline any plans you may have for setting up such a mechanism.

With the support of CTU, NetMetr (www.netmetr.cz) service is being operated by an independent association CZ.NIC. This application is designed for the public to test the speed and overall quality of their internet connection at any time.

NetMetr is based on source code of the RTR-NetTest (nettest.com). By using NetMetr one can test the download speed, upload speed, connection latency, and signal strength. The application can test both connection via mobile networks (EDGE, UMTS, LTE) and Wi-Fi.

Netmetr measures qualitative parameters of wireless internet connection by testing transmissions from the terminal mobile device to the server and reversely. The test server is connected by a fast and high-capacity line directly to the NIX.CZ peering node, which minimizes the impact of the data transport speed on mobile operator's servers.

The measured data are used for calculation of up-to-date values of parameters of the connection. Data obtained from the measurements and application source code are available as OpenData and OpenSource. This service is a tool for CTU to detect problems with the quality of internet connection which can consequently be examined by CTU by using our own professional measurement procedures. Currently, NetMetr application is not certified.

At present, CTU is also involved in a project named MoQoS ('Open crowdsourcing data related to the quality of service of high-speed Internet'), the aim of which is to support the development of open data in the field of users' measurement of high-speed internet. In this project, apart from CTU, are involved national regulators from Slovakia, Austria and Slovenia, as well as CZ.NIC.

Art. 5(1)

27. Did you impose any QoS requirements on any ISP under the Regulation (EU) 2015/2120 (other than definition of contractual speeds)? Y/N.

If yes, which requirements were imposed?

No. Currently, no additional requirements on the quality of internet access service have been determined by CTU yet.

28. What approach have you taken to measure the availability of high quality IAS:

- **market survey without requesting information from ISPs,**
- **information request from ISPs,**
- **analysis of complaints and end-user reporting**
- **technical network monitoring**
- **other, please specify _____**

In the monitored period, CTU did not carry out a measurement of quality of the internet access service. The technical solution of the measuring system is under construction and testing measurements for fixed and mobile networks are currently ongoing.

29. If you performed measurements of IAS quality please report the main findings in relation to the provisions of the Regulation?

Except for measurements made by using NetMetr application (and testing measurements), no measurements of parameters of quality of internet access service were performed over the relevant period.

30. Have you taken any other steps to ensure compliance with Articles 3 and 4 according to Article 5(1) not mentioned elsewhere in this questionnaire? Y/N. If yes, which?

No

Art. 6

31. Has your Member State laid down rules on penalties applicable to infringements of Articles 3, 4, and 5 pursuant to Article 6 of Regulation (EU) 2015/2120? Y/N

If yes, please describe them.

If no, please outline the plans in your Member State to establish such penalties.

Penalties for breach of the obligations laid down in Articles 3, 4 and 5 of the Regulation (EU) 2015/2120 are part of the legislative changes to transpose into Czech legal order the Directive 2014/61/EU of the European Parliament and the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks. Proposals for these legislative changes are currently in the approval process².

² On 31 May 2017 the proposal was approved by the Parliament of the Czech Republic.