

SLOVAKIA

Implementation roadmap according to point 5.2 of the Common union toolbox for connectivity pursuant to Commission Recommendation (EU) 2020/1307 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from COVID-19 crisis in the Union.

I. STREAMLINING PERMIT GRANTING PROCEDURES

We support all the best practices that can help streamlining permit granting procedures and ensuring the use of electronic means for permit applications.

The current situation, where permit granting bodies - construction offices are often legally forced to insist on active involvement of subject with no relevant relation to the submitted projects, is not satisfactory. Only **major change of respective legislation** or a **specific fast-track procedure** designation appear to be an effective to address this issue. In cases where no construction or excavation work is exercised, there would be appropriate lighter (or no) permit granting procedure. Lighter permit granting procedure could also be appropriate in case of civil works with limited impact such as micro trenching.

According to the publicly available information, the new legislation concerning construction and zoning law may be adopted. The draft reduces the processes in the construction proceeding (issuing of the building permit). Based on the draft, the construction process may be digitized. The specialized building authority may be established with local branches at least at the district level. The process of Environmental Impact Assessment (EIA) will be probably simplified.

INTRODUCE PERMIT EXEMPTIONS AND FAST TRACK PROCEDURES AND PROMOTE THE APPLICATION OF EXISTING LIGHTER PERMIT GRANTING PROCEDURES

Permit exemptions or mere notification mechanisms can help streamlining procedures for obtaining permission to roll out infrastructure. Therefore, the introduction of new permit exemptions or notification mechanisms should be considered, when relevant legislation is under review, if not earlier. Moreover, permit-granting competent authorities should be encouraged to make use of existing and relevant light permit granting procedures which are available to use by them on a voluntary basis, where appropriate.

We support lighter permit granting procedure regarding infrastructure roll out. Permit granting procedure is in Slovak Republic under the competence of **construction offices on the municipality level**. The deployment of digital infrastructure in Slovak Republic is governed by **national legislation**.

According to Act on Zoning Planning and Construction Regulations (hereinafter referred to as **Construction Act**) No. 50/1976 Coll. of Act as amended, there are defined cases when the **notification** to the construction office is sufficient for the construction of electronic

communication networks and also the cases, where **construction permit or notification is not required** (for overhead and underground lines of electronic communication networks, including support and demarcation points), but the zoning decision must be issued. The new legislation regarding this field is drafted, where the construction proceedings should be simplified, and is planned to be adopted without the specific timeframe.

ENSURE THE USE OF ELECTRONIC MEANS FOR PERMIT APPLICATIONS

Ensure that all permit applications can be submitted by electronic means and that the corresponding decisions (granting/refusing) by the competent authorities are communicated to the electronic communications operators by electronic means.

The Ministry of transport and construction should be the operator of the information system on zoning planning and the information system on construction. Information systems should be part of the state information system. The purpose was to harmonize, integrate, and streamline the implementation of construction and zoning agendas in the field of regional development using the possibility of data interoperability using information technology, including the possibility of electronic operations and online access to digitized spatial data. The system should provide the citizen with the possibility of implementing the necessary steps within the processes of building regulations and zoning planning through a web interface in accordance with the concept of eGovernment. At the same time, other entities that are involved in the implementation of building regulations and zoning planning, should be able to communicate through this system. The approval process has been interrupted in 2018 but the new legislation regarding construction and zoning law seems to be topical so the digital administrative portal may be implemented in the future.

DIGITAL ADMINISTRATIVE PORTAL/SINGLE INFORMATION POINT (SIP) COORDINATION

Establish a digital platform – consisting in a single digital portal or interconnected digital portals – which would enable the electronic submission of permit applications by electronic communications operators to competent authorities in charge of permit granting for the deployment of electronic communications networks. This digital platform could also facilitate the communication to the applicant of the decision issued by the competent authority/ies. The competence regarding the granting of permits remains unchanged (i.e. at central/regional/local level) but the information flow is provided via the digital platform.

Member States may provide - as an additional option - that the Single Information Point (SIP) is interconnected with the digital platform with regard to the information provided by the SIP. The SIP may have a central role in this platform.

We support this best practice, but we have no national practices in the field of SIP coordination and interconnection with the digital platform. SIP is under the responsibility of Regulatory Authority for electronic communications and postal services and has no GIS tool. SIPs task is to collect, process and store information on existing and planned infrastructure and makes this information available in electronic form free of charge to undertakings under reasonable, non-discriminatory and transparent conditions. According to national legislation SIP shall publish on its website the relevant information on the conditions and procedures

relating to the granting of construction permits required for the purpose of building high-speed networks.

<https://www.teleoff.gov.sk/informacie-o-podmienkach-a-postupoch-vztahujucich-sa-na-udelovanie-povoleni-na-stavebne-prace-ktore-su-potrebne-na-ucely-budovania-vysokorychlostnych-sieti/>

TACIT APPROVAL FOR RIGHTS OF WAY

The implementation of tacit approvals for the granting of rights of way via administrative procedures should be considered, when the amendment of relevant legal measures regarding rights of way is under way if not earlier. The best practice consists in considering a rights-of-way request as tacitly approved when there is no response by the competent authority within a certain time period (e.g. 3 months) starting as of the submission of a complete application.

There are unclear conditions concerning the rights of way in Slovak Republic. Undertakings have the right to deploy ECN without prior consent of the landlord or property owner in case that such a deployment is in **general interest**. There is only an obligation in place to **notify** the exercise of the right to the landlord/owner and to pay a **one-off fee** for the use of the property. As this regime seems to be in favor of faster and more efficient deployment, there are still concerns regarding the fulfilment of conditions of the deployment in general interest. These conditions must be evaluated on ad hoc basis (due to specific and unique circumstances) and is exercised by permit granting bodies – construction offices and thus can be very time consuming.

LEGAL REQUIREMENTS WITH REGARD TO THE APPROPRIATENESS OF FEES

Member States should provide for objectively justified, transparent, non-discriminatory, proportionate and cost based fees with regard to permits for civil works. This could either be done by particular legal provisions with regard to the electronic communications network/VHCN roll-out or it could be provided for in the general/horizontal rules on fees.

Member States should avoid non-transparent, unproportioned or discriminatory usage fees/rent with regard to rights of way on public ground.

In case of high and/or strongly varying fees at local level for civil works permits and rights of way on public ground, Member States should provide guidance with regard to the calculation of fees. In particular, Member States should promote harmonisation of local policy regarding the criteria for setting fees and exchange of best practices to accelerate deployment of VHCN.

We support this best practice. Permit fees have to be strictly distinguished from fees for rights of way exploitation or other property reuse based fees as municipalities are often also owners of the property affected by the planned deployment or civil works. Therefore permit granting fees should be strictly limited to the level of administrative cost.

II. IMPROVING TRANSPARENCY THROUGH THE SINGLE INFORMATION POINT (SIP)

We fully support the best practices developed by MS regarding the improvement of transparency through SIP, ensuring availability of information in electronic format, availability of information from different sources including georeferenced information and the information beyond the BCRD minimum. We also agree that transparency of information is the precondition for the use of physical information. All the best practices assume the need for the full implementation of SIP. But some MS could fail to deliver expected outcomes due to lack of legislation and/or insufficient sources (human or financial).

ENSURE THE AVAILABILITY OF INFORMATION FROM DIFFERENT SOURCES AND ENHANCE TRANSPARENCY OF PLANNED CIVIL WORKS

Ensure that all information regarding existing physical infrastructure as well as planned civil works is regularly provided by all relevant (public/private) entities and, to the extent possible, integrated into a single data portal, managed by the SIP, to accelerate the deployment of electronic communications networks at a lower cost.

We support this best practice. The Regulatory Authority for Electronic Communications and Postal Services (**NRA** or **RU**) performs the function of a single information point (SIP), the task of which is to collect, process and store information on existing and planned infrastructure and makes this information available in electronic form free of charge to undertakings under reasonable, non-discriminatory and transparent conditions.

RU adopted the Measure No. 1/2018 laying down the details of the manner and form of providing information to the SIP and make them available to undertakings through the Portal of the SIP. As this technical solution is not implemented yet, the information is entered and made available in *.xls or *.xlsx format. The information is provided and made available via e-mail address.

RU is implementing the national project “Atlas of Passive Infrastructure” under the „Operational Program Integrated Infrastructure, Specific Objective 7.1 increasing the coverage of broadband Internet / NGN”. Atlas should be interconnected with the information system of the Geodesy, Cartography and Cadaster Authority of the Slovak Republic, but also with the geographic systems using geographic data on physical infrastructure and it will be built on the international standard INSPIRE. The system should collect information on the existing physical infrastructure of telecommunications, gas, sewerage and electricity networks as well as information on the planned infrastructure. The system may include data from approximately 2 000 network operators. The completion of the project implementation phase is expected until the end of 2023. The feasibility study is being developed in this phase of the process.

ENSURE THE AVAILABILITY OF INFORMATION VIA THE SINGLE INFORMATION POINT (SIP) IN ELECTRONIC FORMAT

Ensure the availability of information via the SIP in electronic format, including information by public sector bodies and the electronic accessibility for stakeholders.

We support this best practice. The Regulatory Authority for Electronic Communications and Postal Services (**NRA** or **RU**) performs the function of a single information point, the task

of which is to collect, process and store information on existing and planned infrastructure and makes this information available in electronic form free of charge to undertakings under reasonable, non-discriminatory and transparent conditions.

Information on the existing physical infrastructure is provided by obliged entities-public authorities. **Information on the planned physical infrastructure** is provided by network operators.

SIP has implementation problem with collecting the information on existing physical information, where the obligatory person is public authority. RU proposed new legislative draft to Ministry of transport and construction of the Slovak Republic, where network providers shall provide the information also on existing physical infrastructure, in case they have this information in electronic form and the public authorities do not have this information in electronic form. The transposition process is still pending.

INCLUDE GEOREFERENCED INFORMATION (MAPS AND DIGITAL MODELS) IN THE DATA MADE AVAILABLE VIA THE SIP

Ensure that the information made available through the SIP includes georeferenced information on existing physical infrastructure and, whenever possible, also on planned civil works.

When such information is not available by the network operators and public sector bodies, the SIP should provide for the necessary tools to transform existing physical infrastructure information into georeferenced format.

We support this best practice. All types of information (geo-referencing, capacity and digital representation) should be identified as minimum requirement, so we fully support this bet practice.

SIP has no GIS based tool for collecting, processing and storing data on physical infrastructure, because of the financially insufficient budget of NRA on the implementation of CRD provisions. The information on existing infrastructure and planned physical infrastructure is entered and made available in * .xls or * .xlsx format.

MAKE AVAILABLE INDICATIVE INFORMATION ON THE OCCUPATION LEVEL OF THE INFRASTRUCTURE AND/OR THE EXISTENCE OF DARK FIBRE

Make available information via the SIP concerning physical infrastructure beyond the minimum specified in the Broadband Cost Reduction Directive, such as reliable and updated (indicative) information on the occupation level (“*state of occupation*”) of the physical infrastructure.

In addition, the provision of an indicative information on the existence (or not) of dark fibre in a physical infrastructure via the SIP would allow for an easy assessment by the access seekers that want to deploy their network.

We support this best practice. All types of information (state of occupation and information on the existence of dark fibre) should be identified as minimum requirement.

Currently, there is no legal obligation to provide this information. We have only minimum information on the availability of the existing physical infrastructure and ongoing or planned constructions, which the public authorities and network operators are obliged to provide to SIP.

- a) Basic technical parameters and identification of the type of physical infrastructure,
- b) Location of physical infrastructure defined by the municipality, cadastral territory and ground plot number,
- c) Data on the current use of physical infrastructure; and
- d) Contact details of the network operator in the extent of name, surname, delivery address, telephone number and email address.

The network operator is obliged to provide with the following minimum information on ongoing or planned construction:

- a) Place and type of construction,
- b) Parts of the physical infrastructure which are the subject or part of the construction,
- c) Estimated date of commencement of construction and its duration,
- d) Contact details of the person authorized to coordinate the construction in the scope of name, surname, address for delivery, telephone contact and email address.

III. EXPANDING THE RIGHT OF ACCESS TO EXISTING PHYSICAL INFRASTRUCTURE

ENSURE ACCESS TO PHYSICAL INFRASTRUCTURE CONTROLLED BY PUBLIC BODIES

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| <p>Member States are encouraged to ensure that all reasonable requests for access to physical infrastructure owned or controlled by public bodies or entities, which is capable of hosting VHCN elements are met, where legally feasible.</p> |
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According to the draft of the Act on electronic communications the conditions of access must be proportionate, non-discriminatory and transparent, including price, and published through a single information point. The details of how to provide the access conditions (technical and commercial) will be therefore define in particular: how the conditions will be sent, processed and published through the single information point, in generally binding legal Act issued by RU. The transposition process is still pending.

IV. DISPUTE RESOLUTION MECHANISM

We support all the best practices regarding dispute resolution mechanism, in order to increase transparency, contribute to reaching timely decisions or mutual agreement including the support of electronic communication in this regard and increase of transparency of the whole process. But **there is no relevant national practice in this regard, as we have not dealt with a dispute in this matter so far**. Dispute settlement body is under National regulatory authority – RU.

Based on the national legislation, RU shall settle the dispute regarding access to physical infrastructure no later than two months from the date of receipt of the application. If necessary for the decision, RU shall request a binding opinion from the authorities concerned, in which case it shall suspend the proceedings until the date of receipt of the binding opinion. The authority concerned shall provide RU with a binding opinion no later than one month from the date of receipt of RU's written request for a binding opinion containing the documents and information necessary to issue a binding opinion. The authorities concerned shall be obliged to cooperate with RU for this purpose. In taking its decision, **RU shall take into account the need to create and ensure conditions of effective competition for the benefit of users**. In justified cases, in particular where it is necessary to request a binding opinion from the authorities

concerned, RU may extend the time limit for issuing a decision by a maximum of two months. RU shall inform both parties to the dispute of the extension of the time limit. RU shall suspend the proceedings if the proceedings do not concern the obligations arising from the Act on electronic communications, from a decision, from a generally binding legal regulation issued by RU or from an international agreement by which the Slovak Republic is bound.

V. REDUCING THE ENVIRONMENTAL FOOTPRINT OF NETWORKS

LIMIT THE NEGATIVE ENVIRONMENTAL FOOTPRINT OF THE ELECTRONIC COMMUNICATIONS NETWORKS

Member States should acknowledge the environmental footprint of electronic communications networks. They shall therefore undertake initiatives with the aim to limit adverse environmental effects and to enhance the sustainability of networks.

The Ministry of the environment is the central state administrative authority in this matter. There is discussion pending on implementation possibilities with stakeholders regarding this matter.

VI. ENVIRONMENTAL IMPACT ASSESSMENT

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Concerning the applicability of the Directives 2001/42/EC, 2011/92/EU and 92/43/EEC for wireless communication network roll-outs, each Member State assesses whether the conditions set out in the aforementioned Directives are fulfilled according to its national circumstances and legal framework and draws conclusions accordingly.

At the time of granting rights or issuing licences for spectrum use, the prevailing view among Member States is that the conditions for the application of these Directives do not seem to be fulfilled.

Ministry of the Environment is the central state administrative authority and supreme inspection authority in environmental affairs regarding environmental impact assessment of activities and their consequences. There is discussion pending on implementation possibilities with stakeholders regarding this matter.

VII. INCENTIVES FOR INVESTMENT

PROMOTE ADEQUATE RESERVE PRICES

The reserve price should be set on an objective basis such as benchmarking or financial valuation models. However special national circumstances are important factor which should be taken into account.

Slovak Republic is using benchmark as a starting point during the process of preparing selective procedure for assignment of frequencies. So this best practice is already implemented in Slovak republic.

Setting reserve prices is fully in competence of Regulatory Authority for Electronic Communications and Postal Services.

TIMELY AVAILABILITY OF 5G HARMONISED BANDS

Slovak Republic supports timely availability of 5G harmonized bands. Frequency band 700 MHz was assigned in 2020, frequency band 3,6 GHz in 2015 and 2016 on technologic neutral basis. Slovak republic held a public discussion about frequency band 26 GHz in 2020 and there is no interest on the market for using these frequency band yet. So this best practice is already implemented in Slovak Republic and is fully in responsibility of Regulatory Authority for Electronic Communications and Postal Services.

REVIEW NATIONAL SPECTRUM PLANS ON A REGULAR BASIS

Review of national spectrum plans on regular basis can be helpful for take harmonized band into use as soon as possible and avoid spectrum scarcity. Usage and allocation of frequency spectrum in Slovak republic is shown in National Table of Frequency Allocation. This Table is updated every year. For a new harmonized bands for electronic communication services we also issue a spectrum band plan, which contains information about usage, technical condition, restriction, process of assignment (auction, individual, ...), transfer of rights. This document is consulted with public and MNOs. Restriction in band plans should be reviewed every three years. So this best practice is already implemented in Slovak Republic.

ENABLE PAYMENTS OF AWARD FEES IN INSTALMENTS

This best practice can help MNOs to earlier start of service and support building network. Slovak Republic has used this best practice in the past, especially in the bands, which are used for a new service. In last auction the payment for 700 MHz band was divided into three installments during three years. We also require a bank guarantee in every auction. The purpose of the bank guarantee is to make the Tenderer to refrain from conduct, which would obstruct the purpose or procedure of the Tender. We would like to use this best practice in the future.

INDIVIDUAL AUTHORISATION REGIME FOR THE 24.25-27.5 GHZ FREQUENCY BAND

Slovak Republic would like to implement this best practice. We support to efficient use of spectrum and flexible authorization with focus on local licensing and infrastructure sharing. For using frequency band 26 GHz is lack of demand on the market yet as from national so from local subject. Condition and authorization regime is fully in responsibility of Regulatory Authority for Electronic Communications and Postal Services. Process of authorization and condition of using frequencies will be discussed with public and final decision will reflect demand and situation on the market.

COMBINE COVERAGE OBLIGATIONS WITH FINANCIAL INCENTIVES

This best practice could be useful but it is very dependent on market situation and current coverage.

Slovak republic can consider combination of financial incentives with coverage obligation in some auction in the future. However, it should be applied/consider case by case not as a rule.

PROMOTE THE OPPORTUNITY OF INFRASTRUCTURE SHARING

Slovak republic support sharing and has already implemented it. In the coverage obligation for 5G was specially mention that:

- network sharing can be used to meet the development criteria and coverage obligations and
- the coverage of Highways, Expressways, pan-European Rail Corridors and Inland Waterways of International Importance can be fulfilled by commercially agreed national roaming.

Spectrum sharing can be refused when is distorted competition.

STRUCTURE OF RECURRENT SPECTRUM FEES TO INCENTIVISE ROLL-OUT

We support this best practice. Exclude rollout and densification of networks from fees contribute to better coverage and services for end users.

It is a standard practice in Slovak Republic. Spectrum fee for nationwide mobile services are not depending on number of station. The fee is set according assigned bandwidth and frequency band. We do not penalize the rollout and densification of the networks.

Regulatory Authority for Electronic Communications and Postal Services issue a tariff for setting fees for using frequencies and it can be changed after interdepartmental comment procedure.

USE COHERENT PRACTICE FOR GRANTING RIGHTS OF USE FOR RADIO SPECTRUM BASED ON THE EUROPEAN ELECTRONIC COMMUNICATIONS CODE

Slovak Republic will implement this best practice. European Electronic Communications Code is in process of implementation within cooperation between Ministry of transport and construction of the Slovak republic and Regulatory Authority for Electronic Communications and Postal Services.

FACILITATE INTEROPERABILITY THROUGH THE DEVELOPMENT AND APPLICATION OF STANDARDS

It is implemented in every harmonized bands. Spectrum band plan and regulated radio interference contain information about standards for special bands.

MAKE USE OF HARMONISED TECHNICAL CONDITIONS DEVELOPED BY THE EUROPEAN CONFERENCE OF POSTAL AND TELECOMMUNICATIONS ADMINISTRATIONS (CEPT)/ ELECTRONIC COMMUNICATIONS COMMITTEE (ECC), IF COMMON DEDICATED FREQUENCY RANGES ARE DEEMED NECESSARY

This best practice is already implemented. For harmonized frequency band are always used harmonized technical condition, which are set by CEPT/EECC.

These decisions are also mention in spectrum band plan.

WHEN IDENTIFYING THE APPROPRIATE AUTHORISATION REGIME MEMBER STATES SHOULD PAY PARTICULAR ATTENTION TO ANY SPECIFICITIES RESULTING FROM A CROSS-BORDER DIMENSION

Slovak Republic has not identified demand for license with cross border dimension yet. We would like to implement when this situation appears.

According EECC is prepared the change of law which make possibility to organize joint selective procedure with another state and also defined a process of peer review for cooperation between member states.

Process of authorization regime is fully in responsible of Regulatory Authority for Electronic Communications and Postal Services.

COORDINATED AND TARGETED COMMUNICATION FOR INFORMING AND EDUCATING ON 5G IMPLEMENTATION

It should be done with cooperation between MNOs, Regulatory Authority for Electronic Communications and Postal Services and Ministry of transport and construction of the Slovak republic.