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September 21 2004 - Czech Republic

Vejmelka & Wünsch vos

Third time the charm for delayed E-communications Act?

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The Czech government has made the [Ministry of Informatics](#) responsible for redrafting the [Electronic Communications Act](#), which would implement the EU electronic communications framework (made up of the [Access](#), [Authorization](#), [Framework](#) and [Universal Service](#) directives). The act was due to come into force when the Czech Republic acceded to the European Union on May 1. However, because of the complexity of the subject and disagreements between various government departments, the act has been delayed and is now being discussed in the Legislative Council for the third time.

The act would apply to all communications networks, including fixed and mobile telecommunication networks and all broadcasting networks, as well as services provided on these networks. Unlike the current Telecommunications Act, the E-communications Act would not require individual licences for the establishment and operation of telecommunications networks. The provision of public telephone services and all e-communications activities would only be subject to notification to the national regulatory authority, the [Czech Telecommunications Office](#).

The office would be required to conduct regular analyses of markets in the e-communications sector in order to determine price regulations. However, such regulations would be applied only if the regulator discovered that competition was restricted and other imposed obligations had not been effective.

To support broader liberalization of the sector, the act would oblige the telecommunication operators of both fixed and mobile networks to allow for the transferability of telephone numbers independently of the operators providing the telecommunication service.

The delayed implementation process is a source of concern for some operators. [Contactel SRO](#) has even threatened to file a lawsuit against the government with the European Court of Justice, as it finds the current regulation discriminatory. Nevertheless, the Czech Republic is not the only member state to be slow in implementing the framework: Finland, France, Germany and the Netherlands have also to yet to implement it.

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