UNOFFICIAL MACHINE TRANSLATION

# Guidelines on the sharing of communications infrastructure

Prepared for the Ministry of Industry and Trade

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Grant Thornton

## Contents

# List of abbreviations

| Abbreviation | Explanation |
|---|---|
| BSA | Bitstream Access – Access to a bitstream (high-speed internet access) |
| BSS | Business Support Systems |
| CTU | Czech Telecommunications Office |
| FTTB | Fibre-to-the-Building |
| FTTH | Fiber-To-The-Home – Fibre-optic connection to the home |
| F-MVNO | Full Mobile Virtual Network Operator – A type of virtual mobile network operator, see section 3.3.5. |
| GDPR | General Data Protection Regulation – EU Regulation No 2016/679 on the protection of personal data |
| GIA | Gigabit Infrastructure Act – Regulation (EU) 2024/1309 of the European Parliament and of the Council |
| IRU | Indefeasible Rights of Use |
| LLU | Local Loop Unbundling – Unbundling of the local loop |
| L-MVNO | Light Mobile Virtual Network Operator – A type of virtual mobile network operator, see section 3.3.5. |
| LZ | Telecommunications Act – Act No. 416/2009 Coll. |
| MOCN | Multi-Operator Core Network – Core network systems shared by multiple operators |
| MORAN | Multi-Operator Radio Access Network – A radio access network shared by multiple operators |
| MPO | Ministry of Industry and Trade of the Czech Republic |
| NKS | Private communication network |
| NNI | Network-to-Network Interface – Interface between networks (typically networks of two different operators) |
| NOZ | New Civil Code – Act No. 89/2012 Coll. |
| NPO | National Recovery Plan |
| NRo | National Roaming |
| NSZ | New Building Act – Act No. 283/2021 Coll. |
| OP TAK | Operational Programme: Technologies and Applications for Competitiveness |
| OP PIK | Operational Programme Entrepreneurship and Innovation for Competitiveness |
| OSS | Operation Support Systems |
| QoS | Quality of Service – Level (quality) of service provided |
| PDV | Packet Delay Variation (jitter) – Packet delay (delay variation) |
| PL | Packet Loss – Packet loss |
| RAN | Radio Access Network |
| RTT | Round Trip Time |
| SEK | Electronic Communications Network |
| SLA | Service-level Agreement – Agreement defining the level of services provided |
| VHCN | Very High Capacity Networks – Networks with very high capacity (high-speed networks) |
| VKS | Public communications network |
| VULA | Virtual Unbundled Local Access – Virtual access to the local loop |
| ZEK | Electronic Communications Act – Act No. 127/2005 Coll. |
| ZKSI | Act on Measures to Reduce the Costs of Deploying High-Speed Networks (Act on the Coordination of Infrastructure Construction) – Act No. 194/2017 Coll. From 12 November 2025, the relevant parts of the Act will be replaced by a directly effective GIA regulation; furthermore, the adoption of a relevant adaptation act can be expected. |
| ZOHS | Act on the Protection of Competition – Act No. 143/2001 Coll. |

# 1 Introduction

Pursuant to Article B of Annex 4 to the tender documentation for the public contract to implement Reform No. 2, Component No. 1.3 of the National Recovery Plan *'Final Study on the Development of VHCN, in particular 5G* networks', we enclose as a separate annex **the guidelines** specified in the aforementioned article **concerning the sharing of passive and active infrastructure,** with the aim of facilitating the roll-out of 5G networks in accordance with the Union's common set of tools to support connectivity and taking into account Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks[1], the RSPG21-016 final report on spectrum sharing, and Act No 143/2001 on the Protection of Competition (hereinafter referred to as the "Guidelines").

The following text is **addressed to**:

- **Applicants** – electronic communications undertakings (i.e. undertakings providing a publicly available electronic communications service or operating a public communications network) seeking to provide their own publicly available electronic communications services by establishing their own public communications network using other, existing physical infrastructure, or by using the electronic communications network services (hereinafter referred to as "SEK") of third parties.
- **Obligated entities** – entities providing access to their own physical infrastructure, or wholesale access to electronic communications services operated on their own ECN.

**The purpose of** this document is:

- To provide both applicants and obligated entities with a guide, simplified as much as possible, to the appropriate procedure within the framework of existing legislation, with a view to changes being introduced on an ongoing basis
- To facilitate the preparatory phase of establishing a new SEK or part thereof and the preparation for the provision of own electronic communications services.

These Guidelines distinguish between the following **methods of establishing an SEK** for the purpose of the applicant providing public electronic communications services:

- Access to physical non-communications infrastructure[2] (typically owned by municipalities, other public bodies or technical infrastructure operators – land, buildings, linear structures, street furniture)
- Access to physical electronic communications infrastructure, i.e. elements of the electronic communications infrastructure intended for the placement of other elements of the electronic communications infrastructure (typically masts, cable ducts, underground boxes, conduits, racks)
- Access to passive elements of the electronic communications infrastructure (typically unlit fibres, cables, antennas)
- Access to active elements of electronic communications infrastructure (MORAN, MOCN, access points)
- Shared use of the radio spectrum (access by two or more entities to the same frequency bands)
- Wholesale access to electronic communications services (LLU, VULA, BSA, L-MVNO, F-MVNO, NRo)[3]
- Construction of electronic communications infrastructure through coordinated construction or co-location (sharing of other suitable physical infrastructure regardless of the type of construction)
- Standalone deployment of electronic communications infrastructure (new construction)[3]

[1] Replaced by the GIA: Gigabit Infrastructure Act – Regulation (EU) 2024/1309 of the European Parliament and of the Council on measures to reduce the costs of deploying gigabit (VHCN) electronic communications networks; amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Broadband Cost Reduction Directive)

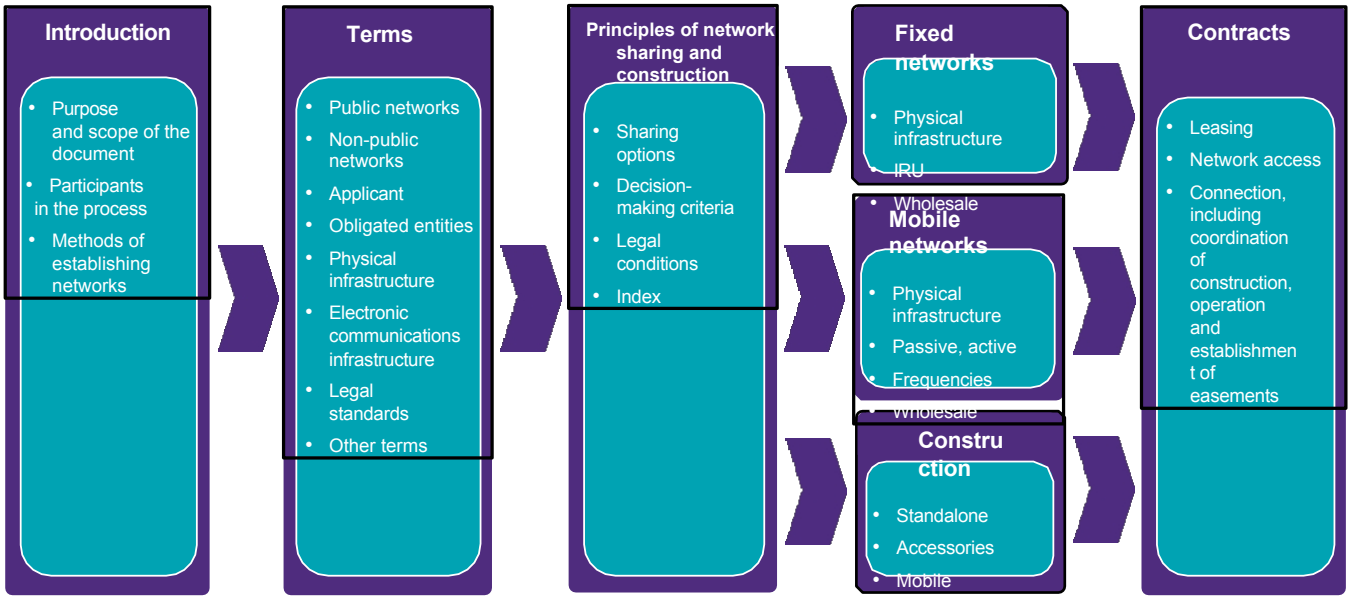
[2] The term is used for the purposes of these Guidelines to distinguish it from SEK infrastructure and is defined in Chapter 2.2. The first and second indents are jointly defined in Article 2(4) of the GIA as 'physical infrastructure'.

[3] This does not constitute infrastructure sharing, but from the perspective of the Guidelines, it is another method of establishing SEK and electronic communications services

For the sake of clarity, the Guidelines simplify certain legislative terms, particularly those whose usage varies across legal provisions. Therefore, when applying specific procedures and in formal communication with public authorities, it is necessary to work simultaneously with both the Guidelines and the current wording of the legislation to which the Guidelines refer in individual chapters, and to adhere to the terminology of the specific legislation used. References to the relevant statutory provisions are given in abbreviated form in the tables and figures.

The document covers the establishment of all types of public communication networks so that its scope corresponds to the focus of the Final Study *on the Development of VHCN, in particular 5G networks*, and the individual studies prepared, which emphasise the development of VHCN on both mobile platforms (5G) and optical infrastructure. Given that the legal standards governing infrastructure sharing overlap with those for the construction of SEK, the Guidelines also include a brief overview of the procedures for constructing these networks. However, the document does not provide a detailed description of the processes associated with construction.

*Figure 1: Structure of the Guidelines*



# 2 Basic concepts

In the context of physical infrastructure sharing, it is necessary to distinguish between types of SEKs, types of shared infrastructure and the resulting mutual rights and obligations of applicants and obligated parties, as well as other terms appearing in related legal standards.

## 2.1 Public and non-public SEKs

**A public SEK** (also known as a public communications network – **VKS**) is defined in Section 2(2)(d) of the Electronic Communications Act (ZEK) as an electronic communications network which serves wholly or predominantly to provide publicly available electronic communications services and which supports the transmission of information between network end-points, or an electronic communications network through which radio and television broadcasting services are provided. A publicly available electronic communications service is, according to Section 2(3)(e) of the ZEK, an electronic communications service from which no one is excluded in advance. These networks are further divided into **fixed and mobile** networks depending on the technology used.

**A non-public electronic** communications network (also a non-public communications network – **NKS**) is not directly defined by law or any other legal regulation; the substantive meaning of this term can be inferred from the definition of a VKS. In accordance with the interpretation of the Ministry of Industry and Trade (MPO)[4], a non-public electronic communications network can thus be considered to be any electronic communications network that does not serve to provide publicly available electronic communications services. Typically, these are networks used by a single entity purely for its own needs. However, it is not excluded that an NKS may be established in the public interest. NKS generally include:

a. non-public critical infrastructure networks pursuant to Act No. 181/2014 Coll. on cyber security,

b. non-public public administration networks operated by a public authority (state authorities, local government bodies, or entities authorised by them) for the purposes of public administration and public services (typically regional and municipal networks that are not used commercially by households or private entities, with the exception of organisations established by municipalities, regions or the state),

c. other non-public networks (typically networks within business premises, which serve solely to ensure the operation of the business in question).

Given that NKS are not used to provide public electronic communications services, these Guidelines do not further address their deployment and focus solely on the procedures for deploying VKS.

[4] National Plan for the Development of Very High Capacity Networks | MPO

## 2.2 Applicant, obligated party, infrastructure, passive and active network elements

**The applicant** is an economic operator engaged in the provision of a public communications network, the provision of publicly available electronic communications services, the deployment of high-speed electronic communications networks, and the provision of electronic communications networks for the purposes of national security (Section 7(2) of the Electronic Communications Act). In the context of these Guidelines, this refers to an entrepreneur who seeks to provide their own publicly available electronic communications services by establishing their own public communications network using other, existing physical infrastructure, or by using the electronic communications network services of third parties, and who acts in accordance with the legal standards applicable to the specific situation.

**A data subject** may be (Section 2(c) of the ZKSI, or, by analogy, Article 2(1) to (3) of the GIA):

a. an operator of a gas transmission system, hereinafter referred to as **the operator** (Article 2(1)(a) of the GIA)**,**

b. an entrepreneur who provides the physical infrastructure intended for the provision of services relating to the production, transmission or distribution of gas, electricity (including public lighting), heating, water (including waste water, sewage and drainage systems), transport services (including railways, roads including local roads, tunnels, ports and airports), may be an NKS operator, hereinafter referred to as **a technical infrastructure operator** (hereinafter also **referred to as a TI operator**) (Article 2(1)(b) of the GIA)**,**

c. a public-law entity established for the specific purpose of meeting needs in the general interest, financed wholly or predominantly by the State, regional or local authorities, may be an NKS operator, hereinafter referred to as **a public entity** (Article 2(2) of the GIA),

d. a public sector entity – a state, regional or local authority, or an entity established by such authorities – may be an NKS operator, hereinafter also referred to as **a public entity** (Article 2(3) of the GIA).

**Physical non-communications infrastructure** means structures operated by obligated entities not engaged in electronic communications (in particular points (b) to (d) of the preceding paragraph), which are further specified by name in Section 1(2) to (10) of the LZ.

**Electronic communications infrastructure** means the construction of communication lines of a public communications network as technical electronic communications infrastructure and related communications equipment, including their electrical connections – Section 1(11) of the LZ. This definition therefore covers all communications infrastructure, including both passive and active elements of the SEK, and also includes elements of the NKS.

**Passive elements of SEK** are defined as equipment ensuring the physical transmission of a signal without any processing (physical medium for signal transmission); typically, these are unlit fibres, cables, antennas, distribution frames, etc.

**Active SEK elements** refer to equipment that requires a power supply and actively processes the signal, e.g.
radio access network elements, including other equipment within MORAN and MOCN, access points, routers, switches, etc.

## 2.3 Relationship between the applicant and the obligated party

An applicant seeking to share infrastructure for the purpose of establishing a new VKS may encounter various situations and procedures depending on the type of shared infrastructure and the type of obligated party. A basic overview is provided in the following table; the procedures and related legal standards are described in more detail in Chapter 2.5 and subsequent chapters.

*Table 1: Basic overview of the relationship between the applicant and the obligated party*

| Type of shared infrastructure | Obligated party | Is the obligated party required to share[5] ? | Usual type of contract with the obligated party | Main standards applied[6] |
|---|---|---|---|---|
| Physical non-communication infrastructure | Public entity | YES | Contract for the lease of space for the installation of SEK elements | Section 4(1) of the ZKSI<br>Article 3(1) and (2) of the GIA<br>Section 104(1) of the ZEK<br>Section 104(2) of the ZEK |
| | TI Operator | YES[7] | | |
| Physical infrastructure of the electronic (SEK) | Operator | YES | Agreement on the lease of space for the installation of ECN elements | Section 4(1) of the ZKSI<br>Article 3(1) of the GIA<br>Section 104(1) of the ZEK<br>Section 104(2) of the ZEK |
| | NKS Operator | YES (public entity only) | | |
| Passive elements of the communications infrastructure (SEK) | Operator | NO | Agreement on the lease of space for the installation of SEK elements IRU<br>Network access agreement | Section 4(1) of the ZKSI<br>Section 78 of the ZEK<br>Section 79(1) of the ZEK<br>Section 84(1) of the ZEK |
| | NKS Operator | YES[7] (public entity only) | | |
| Active elements of the communications infrastructure (SEK) | Operator | NO | Network access agreement | Section 78 of the ZEK<br>Section 79(1) of the ZEK<br>Section 84(1) of the ZEK |
| | NKS Operator | NO | | |
| Radio spectrum | Operator | NO | Radio Spectrum Access Agreement | Section 2(3)(k) of the Electronic Communications Act |
| | NKS operator | NO | | |
| Access to public communications services | Operator | NO (with the exception of licensing obligations) | Standardised network access agreement (reference offer) | Section 78 of the ZEK<br>Section 79(1) of the ZEK<br>Section 85(1) ZEK |
| Coordination of construction or annex | Public body | YES | Agreement on joint construction and operation of the appurtenance<br>Agreement on the establishment of an easement | Section 10 of the ZKSI<br>Article 5 of the GIA<br>Section 2i(3) of the LZ |
| | TI Operator | YES | | |
| | Operator | YES | | |

## 2.4 Other terms

It is necessary to note the inconsistency of legal provisions, where the same term may have a more or less different meaning in different legal regulations. Generally, however, a specific term is interpreted as set out in the legal provision used to implement a specific project (example: if the applicant proceeds with construction coordination in accordance with the NSZ, all terms will have the meaning given in the NSZ; if the applicant proceeds in accordance with the ZEK when seeking wholesale access to services, these terms will have the meanings set out in the ZEK). For this reason, when applying the Guidelines (e.g. in applications), the terms set out in the relevant legal provision must be used.

[5] The obligation to share infrastructure operated by an obligated party is subject to the fulfilment of the conditions imposed on applicants by the aforementioned legal provisions. These typically include the fulfilment of application requirements, the submission of a specific proposal for the conclusion of a contract, the technical feasibility of the project, etc.

[6] Further applicable regulations may be set out in the relevant chapters of the Guidelines.

[7] Any deviations are set out in the relevant chapters of the Guidelines and the corresponding legal provisions.

## 2.5 Legal standards for infrastructure sharing and construction coordination

**Act No. 194/2017 Coll. (ZKSI)** – Act on Measures to Reduce the Costs of Deploying High-Speed Networks (Act on the Coordination of Infrastructure Construction); from 12 November 2025, **Regulation (EU) 2024/1309 of the European Parliament and of the Council – the Gigabit Infrastructure Act (GIA) –** shall apply in the relevant parts

- Section 4 – Access to physical infrastructure (similar to Article 3 of the GIA – Access to existing physical infrastructure) – obliges the obligated party to provide access to physical non-communications infrastructure and physical infrastructure of electronic communications networks, and sets out the requirements for a written request by an authorised person (applicant), including a proposal to conclude an access agreement (or lease, as the case may be).

- Section 10 – Coordination of construction works (similar to Article 5 of the GIA – Coordination of construction works) – in the case of construction works financed wholly or partly from public funds, the obligated party shall allow the authorised party (applicant) to coordinate the construction works for the purpose of deploying VHCN, upon request and under fair, reasonable and non-discriminatory conditions.

**Act No. 89/2012 Coll. (NOZ)** – New Civil Code

- Section 1257 et seq. – Easements – regulates the creation and legal relationships arising from easements
- Section 1724 et seq. – Contract – governs the essentials of contractual (obligatory) relationships
- Section 2201 et seq. – Lease – governs the essentials of a lease relationship.

**Act No. 127/2005 Coll. (ZEK)** – Act on Electronic Communications (ZEK), including amendments to Act No. 23/2025 Coll.

- Section 2 – Definitions – paragraph 3(k) regulates the possibility of shared use of the radio spectrum on the basis of a general authorisation, the allocation of radio frequencies or an individual authorisation to use radio frequencies, or on the basis of an agreement between the parties concerned in accordance with the sharing rules set out in the general authorisation or individual authorisation, so as to ensure predictable and reliable sharing mechanisms for all parties, without prejudice to the right to competition.

- Sections 78–82 Interconnection and access to electronic communications networks and associated facilities – regulates the provision of an operator's facilities or services to another undertaking (applicant) for the purpose of providing electronic communications services (access to network elements, physical infrastructure, relevant software systems, fixed and mobile networks, virtual network services, interconnection, and others) on the basis of a written contract, under fair and reasonable conditions. The operator shall publish a reference access offer on the basis of a decision by the CTO.

- § 84 – Access to facilities and capacity sharing – an analogous provision whereby the CTO imposes access as an obligation on an undertaking with significant market power (currently not applied).

- § 85 – Unbundling of the local loop – an obligation on an undertaking with significant market power to allow full or shared access to the part of the line connecting the network termination point to the central office or to a specified intermediate access point of the public fixed communications network, and to publish a reference offer. This is analogous to network access under Section 78, which applies in particular to LLU and VULA services.

- Section 104 – Authorisation to use third-party property – an undertaking providing VKS (the applicant) is authorised, in accordance with the conditions of the NSZ, to install and operate on or within third-party land above-ground or underground communication lines, antenna masts including antennas, internal distribution systems and related VKS equipment, as well as related electrical connections, to have access to such equipment, to conclude a written agreement with the owner and to establish an easement.

- Section 104a – Authorisation to use third-party real estate owned by the State – analogous provision for a public entity.

**Act No. 23/2025 Coll.** – Act amending Act No. 127/2005 Coll., on electronic communications and amending certain related acts (the Electronic Communications Act)

- Among other things, it regulates and simplifies the installation of SEKs in buildings and the construction of base stations, including associated electrical and optical connection lines in open countryside and forests. The relevant provisions of other Acts are set out in these Guidelines, including the amendments introduced by Act No. 23/2025 Coll.

**Act No. 416/2009 Coll. (LZ)** – Line Act

- Section 2i – Construction of electronic communications infrastructure – simplifies the permitting of VKS structures and, in particular, defines the coordination of construction works and states:
  (1) Connections up to 100 m in length do not require a permit, with certain exceptions
  (2) The construction of VKS infrastructure does not require final approval
  (3) Construction of a service line does not require a permit provided that the service line's protection zone does not exceed the boundary of the construction's protection zone and an agreement on the service line has been concluded between the developer and the applicant
  (4) A service line is a separate structure
  (5) The construction of a base station, including associated cabling, financed under the NPO is, with some exceptions, not subject to planning permission and is a temporary structure
  (6) If the construction of a base station, including associated cabling, is necessary to fulfil an obligation imposed by a specific legal regulation, this construction may be sited and authorised even if it does not comply with the municipality's spatial planning documentation.

**Act No. 283/2021 Coll. (NSZ)** – New Building Act

- Section 5(2) – Structure – defines types of structures and groups of structures
- Annex No. 1 – Minor Structures – specifies in detail the structures falling under minor structures, including **annexes**
- Annex No. 2 – Simple structures – specifies in detail the structures falling under simple structures, including **connections** to electronic communications networks
- Annex No. 3 – Reserved Structures – specifies in detail the structures falling under reserved structures, including strategic investment structures under the Act on the Acceleration of the Construction of Strategically Important Infrastructure (LZ), which also includes the construction **of backbone** electronic communications **networks**

# 3 Sharing of infrastructure and networks

To determine the correct procedure, the applicant shall identify the type of obligated entity that owns the required infrastructure (see Chapter 2.2.), whether the obligated entity operates a VKS or NKS, and subsequently define **the** method by which it intends to share this infrastructure.

A distinction is also made between fixed and mobile VKS as **types of shared network**. Each option for the applicant's cooperation with the obligated party (combination of parameters: obligated party – sharing option – network type) is linked to a specific form of contractual arrangement, which is detailed in the following sections (see also the table in Section 2.3).

**Obligated parties** are defined in Section 2(c) of the ZKSI (or, equivalently, Article 2(1) to (3) of the GIA defines obligated parties):

a) the operator of a public communications network,
b) an operator of physical infrastructure intended for the provision of transport, transmission or distribution services for gas or electricity, including public lighting, heat distribution, water distribution, including the removal or treatment of waste water and sewage, and drainage systems,
c) an operator of physical infrastructure intended for the provision of transport services, including railways, roads, ports and airports,
d) an investor for the purposes of providing information on construction works and for the purposes of coordinating construction works financed from public funds,
e) the owner of the physical infrastructure referred to in points 1 to 4 or a person entitled to other rights in respect of such physical infrastructure, unless the operator of such physical infrastructure is its owner and does not have such rights as would enable it to fulfil the obligations of an obligated person under this Act; the Ministry of Defence, the Ministry of the Interior and the security forces are not obligated persons,
f) the obligated authority, if it is the owner or operator of physical infrastructure that is technically suitable for the installation of a short-range wireless access point, or which is necessary for connecting such access points to the backbone network.

**Options for infrastructure sharing by the applicant:**

| | |
|---|---|
| Establishment of the applicant's SEK using physical non-communications infrastructure | Chapter 3.1 |
| Establishment of the applicant's SEK using the infrastructure of another SEK: | |
| - Physical – intended for the placement of other SEK elements | Chapters 3.2.1 and 3.3.1 |
| - Passive network elements - passive communications equipment | Chapter 3.2.2 and 3.3.2 |
| - Active network elements – active communication equipment | Chapter 3.3.3 |
| Establishment of wholesale access to electronic communications services | Chapters 3.2.3 and 3.3.5 |
| Establishment of the applicant's SEK through coordination of construction or connection | Chapter 4.1.2 |
| Frequency sharing and leasing | Chapter 3.3.4 and 3.3.6 |

The chapters of the Guidelines listed in the table contain specific requirements and details for the individual options for infrastructure sharing.

**The conditions laid down by law** which the applicant is obliged to fulfil vis-à-vis the obligated party (see Chapter 2.3) usually include the submission of an application for infrastructure sharing (or network elements, or network access) and a proposal to conclude the relevant contract(s).

It is essential to define the content of the application, the contract and the method of determining the relevant prices:

a) Requirements for a request for sharing: Forms | Czech Telecommunications Office
b) The requirements (necessary conditions) for the relevant type of contract are set out in Section 5 of these Guidelines and supplemented by any specific details in the chapters devoted to particular network sharing options.
c) Prices for infrastructure sharing:
   - Methodology for setting prices for access to optical infrastructure | Czech Telecommunications Office
   - Methodology for resolving price disputes | Czech Telecommunications Office
d) Prices for the establishment of easements: Valuation of easements | Czech Telecommunications Office
e) Prices for wholesale SEK access services and other services: these are not regulated prices; disputes are decided on a case-by-case basis by the CTO.

In cases of subsidised infrastructure supported by public funds (e.g. from operational programmes or EU funds), the rule applies that prices are derived either from average market prices or in accordance with a methodology approved by the CTU. For specific projects, the CTU or public authorities may set price limits as part of the subsidy conditions. At the same time, there is an obligation for all obligated parties (including operators) to share such infrastructure.

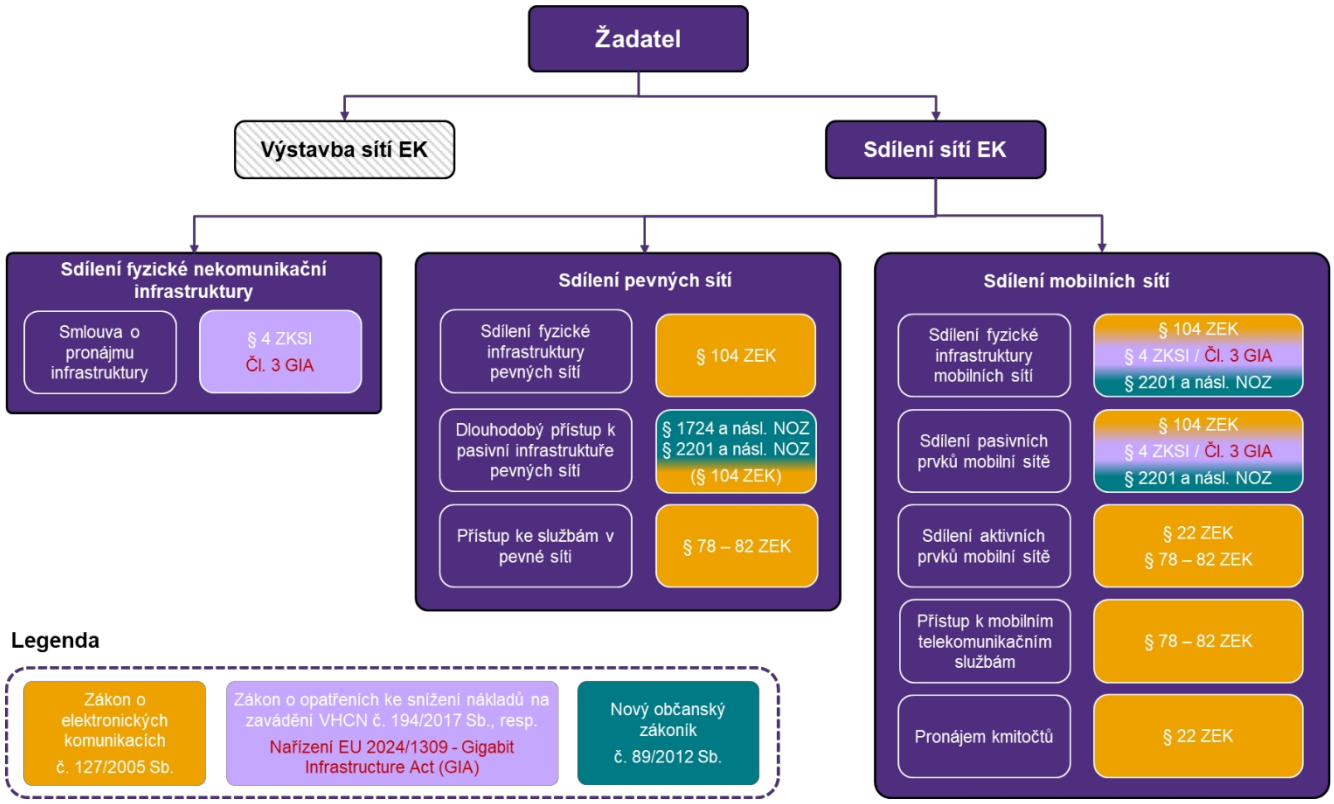
In the event of a dispute between the applicant and the obligated party regarding the content of the contract and prices for infrastructure sharing, reference may be made to final decisions in previously settled disputes:

- Final decisions under Act No. 194/2017 Coll. | Czech Telecommunications Office

Further methodological tools that may be used:

- Conditions and procedures under Act No. 194/2017 Coll. | Czech Telecommunications Office
- Conditions and procedures under the ZEK (use of third-party property) | Czech Telecommunications Office
- Conditions and procedures under the Act on the Acceleration of the Construction of Strategically Important Infrastructure | Czech Telecommunications Office
- Conditions and procedures under the Building Act | Czech Telecommunications Office
- Protection zones | Czech Telecommunications Office

*Figure 2: Classification of network sharing options and relevant legal standards*




## 3.1 Sharing of physical non-communications infrastructure

These are cases where the obligated party is not an electronic communications operator and does not operate a NKS.

The applicant concludes **an** infrastructure **lease agreement** with the identified obligated party, which is governed by the provisions of Section 2201 et seq. of the Civil Code. Specifically, this will be an agreement for the lease of space for the installation of the applicant's own communications equipment.

The contract is suitable for the lease of both physical non-communications infrastructure and SEK infrastructure, and its standard terms and conditions are set out in Chapter 5.1.

## 3.2 Sharing of fixed networks

Within the framework of sharing the physical infrastructure of fixed communications networks (including NKS), categories can be distinguished which are predominantly construction-oriented and are described in Section 4:

- 'Joint venture' model – operators become investors in a new entity whose task is to construct an EK network for the needs of all investors
- Joint construction
- Reciprocal access to physical infrastructure

At the same time, there are sharing options based solely on existing infrastructure:

- Sharing of physical infrastructure
- Long-term access to passive infrastructure
- Access to the network and services

### 3.2.1 Sharing of fixed network physical infrastructure

This involves the sharing of fixed telecommunications infrastructure elements intended for the installation of the applicant's telecommunications infrastructure elements (typically masts, cable ducts, underground boxes, conduits, racks and other colocation spaces).

This is most commonly arranged through a **lease** agreement for the placement of the applicant's own telecommunications infrastructure elements. The terms of this agreement are set out in Chapter 5.1.

Within the specific contractual arrangements, it is particularly important to address:

- The lease term and termination of the lease in the event of redundancy
- Deadlines for the removal of equipment following the termination of the lease
- The manner in which modifications to the infrastructure are carried out by the lessor to minimise the possibility of disruption to the applicant's network operations
- The applicant's service access to the installed equipment (e.g. to colocation spaces)
- Arrange for the supply and payment of electricity for the applicant's equipment.

### 3.2.2 Long-term access to the passive infrastructure of fixed networks

This is a specific case of leasing SEC elements (typically unlit optical fibres, cables, routes, or possibly also transmission capacity and other infrastructure elements) in the form **of a** so-called Indefeasible Rights of Use (**IRU**) **agreement**.

This agreement is recommended for cases where it is appropriate to establish a long-term and irrevocable right to lease infrastructure or transmission media, typically for 10–30 years. An alternative to this standard agreement may be long-term lease agreements with fixed obligations on the part of the lessor. The structure of the agreement is based on a standard infrastructure lease agreement (see Chapter 5.1.), but it must specifically address the following essential requirements:

- Provision of long-term infrastructure maintenance by the lessor, including regular inspection and renewal of its components
- Quality parameters (SLA) expressing the operational readiness of the infrastructure (typically availability, number of outages per month)
- Transfer of IRU rights to successor entities in the event of the lessor's cessation of business, sale or merger.
- Given the very long agreed term of use, it is also advisable to secure the applicant's right to sub-license (resell) the subject of the lease

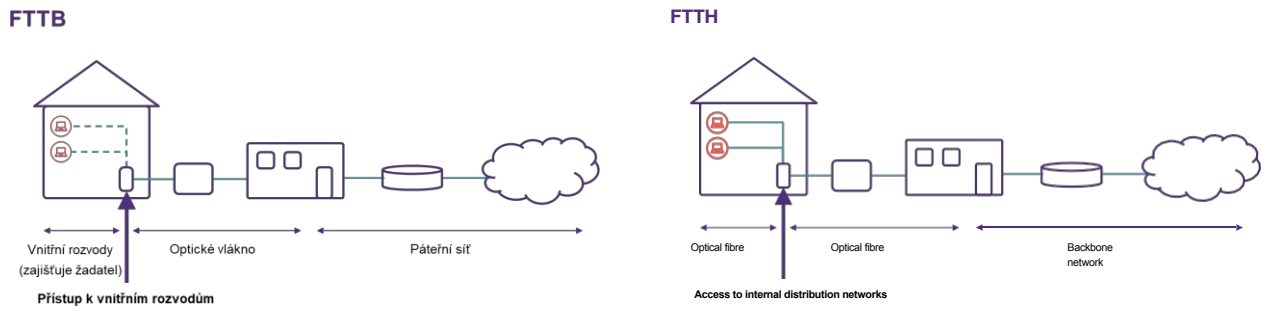
It is customary for costs incurred by the applicant under the IRU agreement (rent and other costs) to be treated as capital expenditure (CAPEX) and reported as such in the accounts.

### 3.2.3 Access to wholesale services on the fixed network

This involves the use of wholesale services provided within an existing SEK of one operator for the provision of services by another operator (the applicant). This type of relationship is utilised by an applicant who prefers not to establish their own physical access network and instead secures the ability to provide their own electronic communications services by purchasing access rights from the provider. The applicant usually establishes the traffic management elements at the core network level themselves and fully handles the sales and support for their own end-users. The applicant also chooses the scope of access to end-users – there are mainly two options:

- Purchasing access services from the provider only up to the building (FTTB) and subsequently establishing the applicant's own distribution networks (cable routes) within the building to individual users.
- Procurement of access services from the provider all the way to the end user, i.e. to the socket (FTTH). In this case, the applicant does not install any access lines

*Figures 3 and 4: Diagram of a typical FTTB and FTTH service solution*




This sharing option is typically provided **through contracts for access** to the VKS at various levels, which are published by providers (operators) on the basis of the CTU's general measures in the form of wholesale **reference offers** for network access. The standard terms of a network access contract are set out in Chapter 5.2.

A mandatory component of the reference offer is the prices of wholesale services, which must be set by the operator in accordance with the margin squeeze obligation and in a non-discriminatory manner (in the same way for all applicants). Prices are not regulated (with the exception of interconnection/termination services, which are not covered by these Guidelines) and any disputes regarding prices are always resolved through the CTO. In cases of subsidised infrastructure, the calculation of prices is governed by a methodology approved by the CTO.

Given the variety of possible solutions, including, for example, BSA (Bitstream Access – high-speed internet access), VULA (Virtual Unbundled Local Access) or LLU (Local Loop Unbundling), the network access agreement must specifically stipulate, in particular:

- Description and technical solution of the service
- Interfaces between the applicant's and provider's networks (access/transfer/termination points)
- Correct sizing of the access interface and transport network capacity
- SLA – service quality parameters and transport network
- Operational procedures and cooperation between the provider and the applicant
- Service continuity for end users in the event of termination of the contract between the applicant and the provider

*Figure 5: Diagram of a typical BSA service solution*

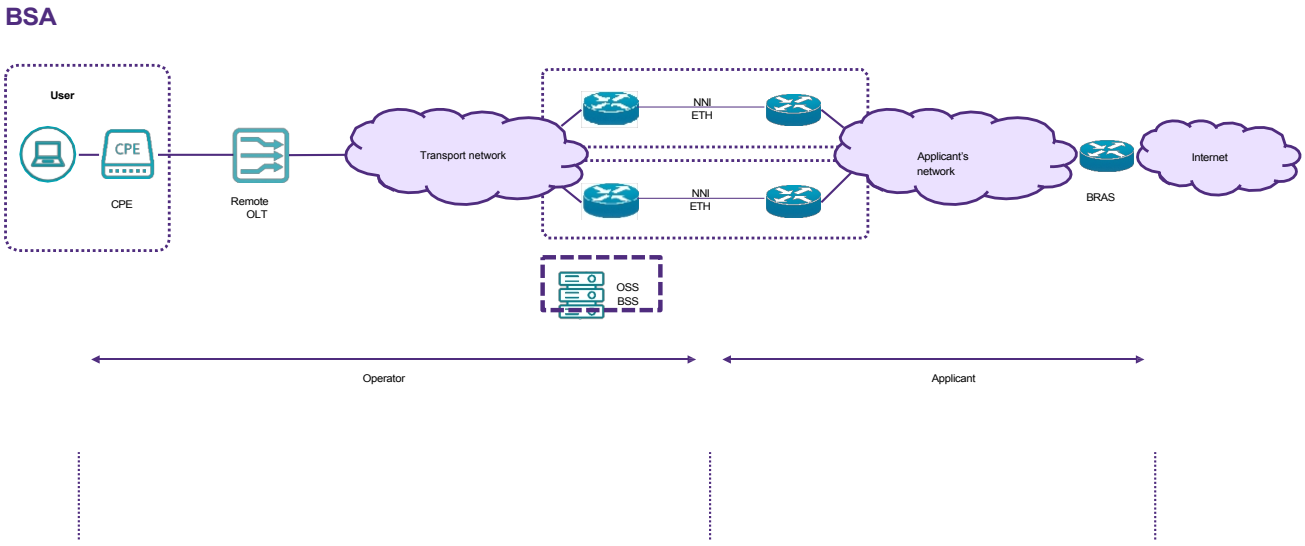
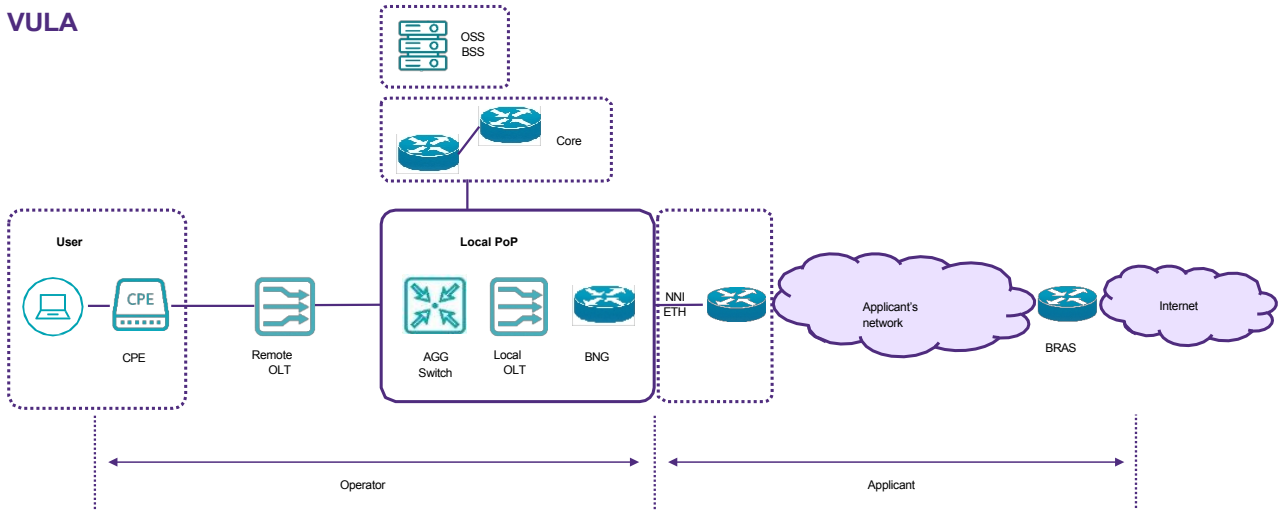


*Figure 6: Diagram of a typical VULA service solution*



## 3.3 Sharing of fixed wireless and mobile networks

### 3.3.1 Sharing of wireless network physical infrastructure

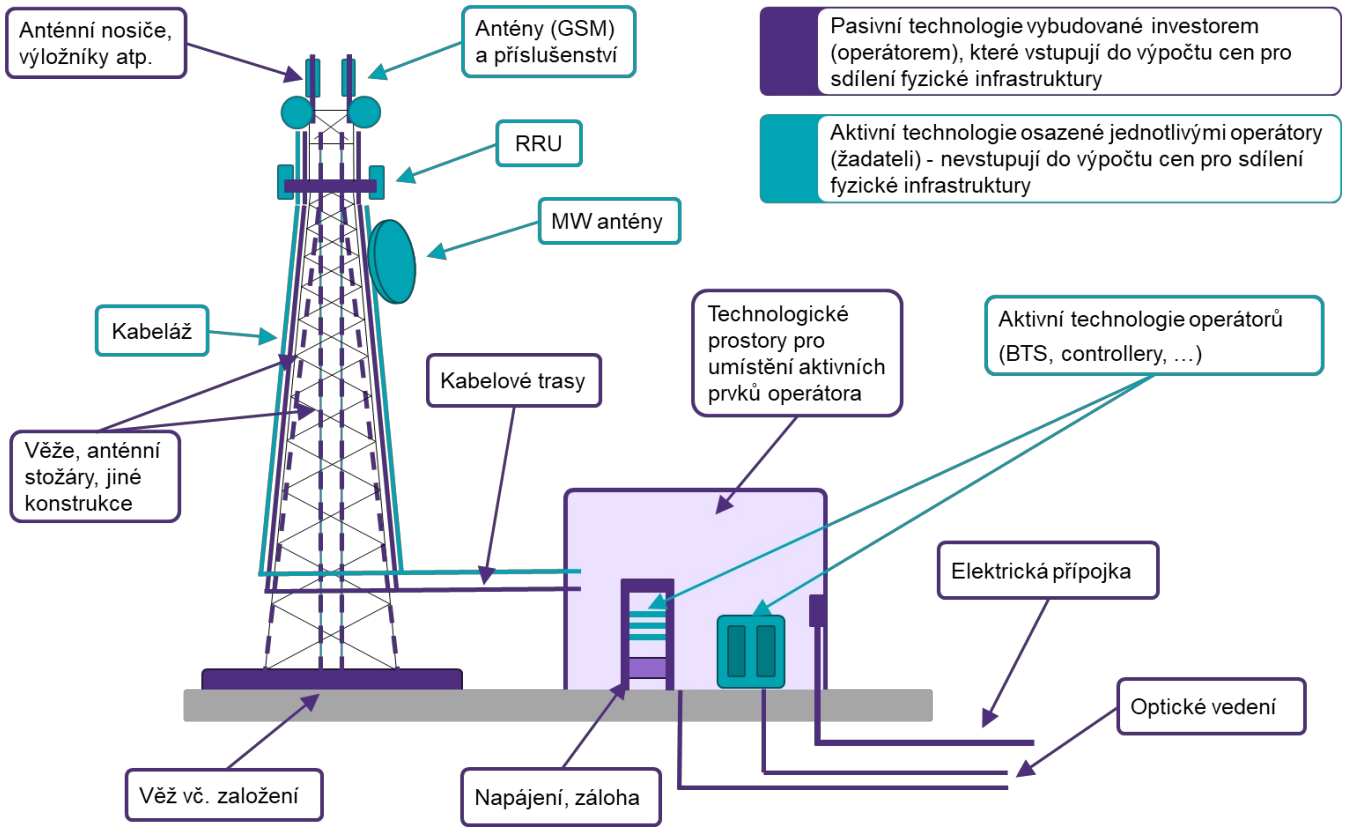
Sharing the physical infrastructure of wireless networks for the purpose of installing the applicant's own equipment is analogous to sharing the physical infrastructure of fixed networks and may take the form of:

- Sharing of a physical site for the construction of a transmitter (site sharing)
- Mast sharing
- Placement of equipment in shared premises (colocation)

The applicant shall arrange all these categories of sharing with the SEK operator **through a contract for the lease** of physical infrastructure (space for the installation of the applicant's own electronic communications network elements), the standard terms of which are set out in Chapter 5.1.

In addition to the actual placement of communications equipment on the infrastructure of the obligated party, it is also necessary for the applicant to secure access to the transport network (backhaul). This access can usually be contractually arranged directly with the infrastructure lessor in the form of access to a wholesale electronic communications service, or with another operator providing such a service at the location (e.g. via a microwave link, a so-called radio link).

*Figure 7: Sharing of physical mobile/wireless network infrastructure (mast)*



### 3.3.2 Sharing of passive mobile network elements

Passive elements of mobile networks can be considered to be equipment intended for the transmission of signals from the applicant's network via a radio access network (RAN) and other supporting network elements. Typically, this involves the sharing of antennas and their accessories, cabling, power supply, etc.

Sharing of passive mobile network elements between the applicant and the obligated party may be arranged **by means of a network access agreement** (suitable for nationwide sharing) or **a lease agreement**, which is suitable for sharing in specific designated locations. The standard terms of both types of agreement are set out in sections 5.1 and 5.2.

Within the contractual terms and conditions for the sharing of passive mobile network elements, it is particularly necessary to:

- Focus on the geographical coverage of the service
- The scope of the service provided (set-up/installation, modification, termination, maintenance of equipment)
- Define the service quality parameters (signal quality – antenna orientation adjustments, etc.)

### 3.3.3 Sharing of active mobile network elements

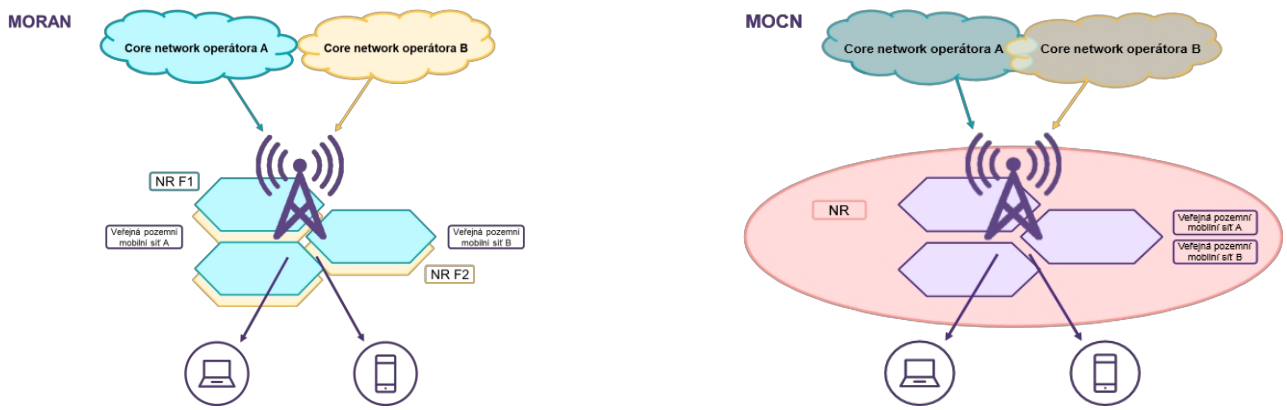
Sharing of active mobile network elements goes beyond the use of passive communication infrastructure. This involves MORAN (Multi-Operator Radio Access Network), which allows two or more operators to use shared base station radio equipment, but each uses its own frequency allocations and retains its own core network and logical control. Furthermore, there may be deeper cooperation in the form of MOCN (Multi-Operator Core Network); in this method of sharing, operators use the same technologies and the same frequencies and also share certain parts of the core network.

The contractual arrangements between the applicant and the obligated party are specific in this case and take into account a number of specific technical aspects (specific types of equipment, locations, associated IT systems – OSS/BSS, etc.), but are based on **the network access agreement** described in Chapter 5.2. The contractual relationship may also include frequency leasing, see Chapter 3.3.6.

Beyond the terms and conditions for sharing passive network elements, particular attention must be paid here to the overall architecture of the solution and the technical parameters of the equipment. Furthermore, when sharing active mobile network elements, account must be taken of the provisions of
Section 22 of the Electronic Communications Act (allocation of radio frequencies) and Act No. 143/2001 Coll. on the Protection of Competition (ZOHS), and to adapt the scope and conditions of sharing so that, in particular:

- They do not breach the conditions of frequency allocation (in the case of frequency sharing, see also Chapter 3.3.4)
- They are appropriate to local conditions in the area of sharing – natural competition in the locality is not suppressed
- There is no sharing of sensitive commercial information between cooperating operators
- Competition between cooperating operators at the service offering level is not stifled (so that they do not offer the same services in terms of profile and/or quality)

*Figures 8 and 9: Sharing of mobile network active elements via MORAN and MOCN*



### 3.3.4 Radio spectrum sharing

The shared use of radio spectrum (access by two or more entities to the same frequency bands) is governed by Section 2(3)(k) of the Electronic Communications Act. Sharing is permitted provided that the conditions set out in the relevant allocation /authorisation, the right to fair competition must not be affected (see the conditions set out in Chapter 3.3.3.), and predictable and reliable sharing mechanisms must be ensured for all entities.

Subject to the fulfilment of the aforementioned conditions, sharing is possible on the basis of an agreement between the participating entities. Although no such agreement has yet been concluded on the Czech market, it would take the form of **a radio spectrum access agreement**, i.e. a narrower variant of a network access agreement, which would, among other things, specifically define:

- geographical areas of sharing
- prevention of mutual interference (prioritisation in transmitter construction, coverage densification, etc.)
- capacity conditions for spectrum use so as not to impair service quality (the bandwidth used by individual entities, the number of services per transmission sector, service profiles, etc. may be limited)
- a mechanism for releasing spectrum in the event of congestion
- monitoring and reporting on spectrum use

### 3.3.5 Access to wholesale mobile electronic communications services

Under access to wholesale services, the applicant does not establish its own access communications infrastructure, but utilises services provided within the SEK by the designated entity. The applicant may establish parts of its own network, though these are most often limited to the network core and elements of logical control and business support (OSS/BSS). Access most commonly takes the form of:

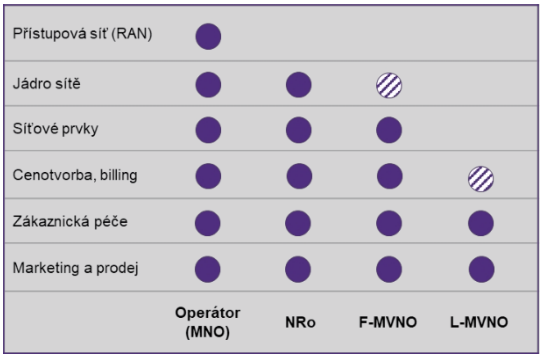
- L-MVNO – (Light Mobile Virtual Network Operator) – the applicant usually does not establish any network elements, but operates only the BSS or only its own sales system, or may simply resell the operator's services.
- F-MVNO – (Full Mobile Virtual Network Operator) – the applicant operates all or part of its own network core and associated systems (OSS/BSS) and network elements, but does not operate the access network (RAN).
- NRo – national roaming – operators use a single network, operated by one of them, to which end-users of both operators connect (similar to international roaming). The applicant need not own any part of the access infrastructure, although in practice their involvement is often greater (e.g. they use NRo only in a specific area, whilst elsewhere they operate their own fully-fledged mobile network).

The applicant and the obligated party (the provider) conclude **a** wholesale **network access agreement** or, where applicable, a national roaming agreement. Both are based on an access agreement, the essential elements of which are set out in Chapter 5.2. Wholesale network access agreements are usually standardised and their templates are published by operators as so-called reference access offers.

Access to mobile electronic communications services is the simplest way for an applicant to begin providing their own electronic communications services, as they contractually secure the technical solution from the provider, whilst using their own resources to cover only a select part of the activities ranging from sales and billing to the operation of parts of the core network. Unlike other forms of infrastructure sharing, in this case the focus must be primarily on ensuring the agreed parameters (quality) of the services provided, the operational conditions of the services (activation, changes, termination) and cooperation/operational coordination with the provider.

*Figure 10:*

*Comparison of common wholesale models with the functions of a mobile operator*



### 3.3.6 Frequency leasing

Frequency leasing is a separate case of sharing within mobile networks. The contractual arrangements are set out **in a specific form of lease agreement**, which must take into account (and simultaneously specify) the conditions under which the spectrum was allocated and the conditions for its continued use.

These include, in particular, conditions arising directly from the frequency allocation (duration of the allocation, development criteria) and, furthermore, ensuring compliance with the National Frequency Table and ITU rules (cross-border coordination), the definition of shared or exclusive use of frequencies, locations, types of services operated, etc.

When leasing frequencies, particular attention must be paid to compliance with the ZEK and ZOHS, especially in the areas highlighted in Chapter 3.3.3.

# 4 Network construction

The construction of all types of electronic communications networks is subject to the provisions of the New Building Act (No. 283/2021 Coll., hereinafter 'NSZ'), including decrees and the simplifying exemptions set out in the LZ (see Chapter 2.5).

Electronic communications networks are defined as public technical infrastructure (Section 10(1)(b) of the NSZ). The NSZ does not distinguish between the construction of VKS and NKS (under the NSZ, these are classified as 'other structures') nor does it take into account other specific aspects of SEK construction (these Guidelines do not address the construction of NKS). To determine the specific procedures and requirements for the construction of VKS, it is therefore necessary to rely primarily on a combination of the NSZ and the ZEK (see Chapter 2.5), and the statutory provisions for special cases, which are:

- Construction of a mobile signal base station, including associated electrical and optical connection lines, financed under the National Recovery Plan – Section 2i(5) of the Railways Act.
- Interaction between railway lines and third-party lines – Act No. 266/1994 Coll. – Railways Act – Section 5a of the Railways Act.
- Network sharing in the form of co-location (also defined as a construction project), which is a separate construction project subject to simpler conditions under Section 2i(3) and (4) of the Railways Act.
- Coordination of the construction, which is governed by Section 10 of the ZKSI, or, by analogy, by Article 5 of the GIA.

The NSZ itself distinguishes between different types of structures from the perspective of SEK construction as follows:

- Section 5(2)(a) – minor structure – applies to the construction of mobile network infrastructure, the fulfilment of obligations relating to the 5G spectrum auction and the fulfilment of obligations linked to the extension of spectrum allocations, and the construction of SEK ancillary facilities (backbone, access lines and connections)
- Section 5(2)(b) – simple construction – applies to the separate construction of an SEK connection
- Section 5(2)(d) – other construction works – applies to the separate construction of backbone and access SEK

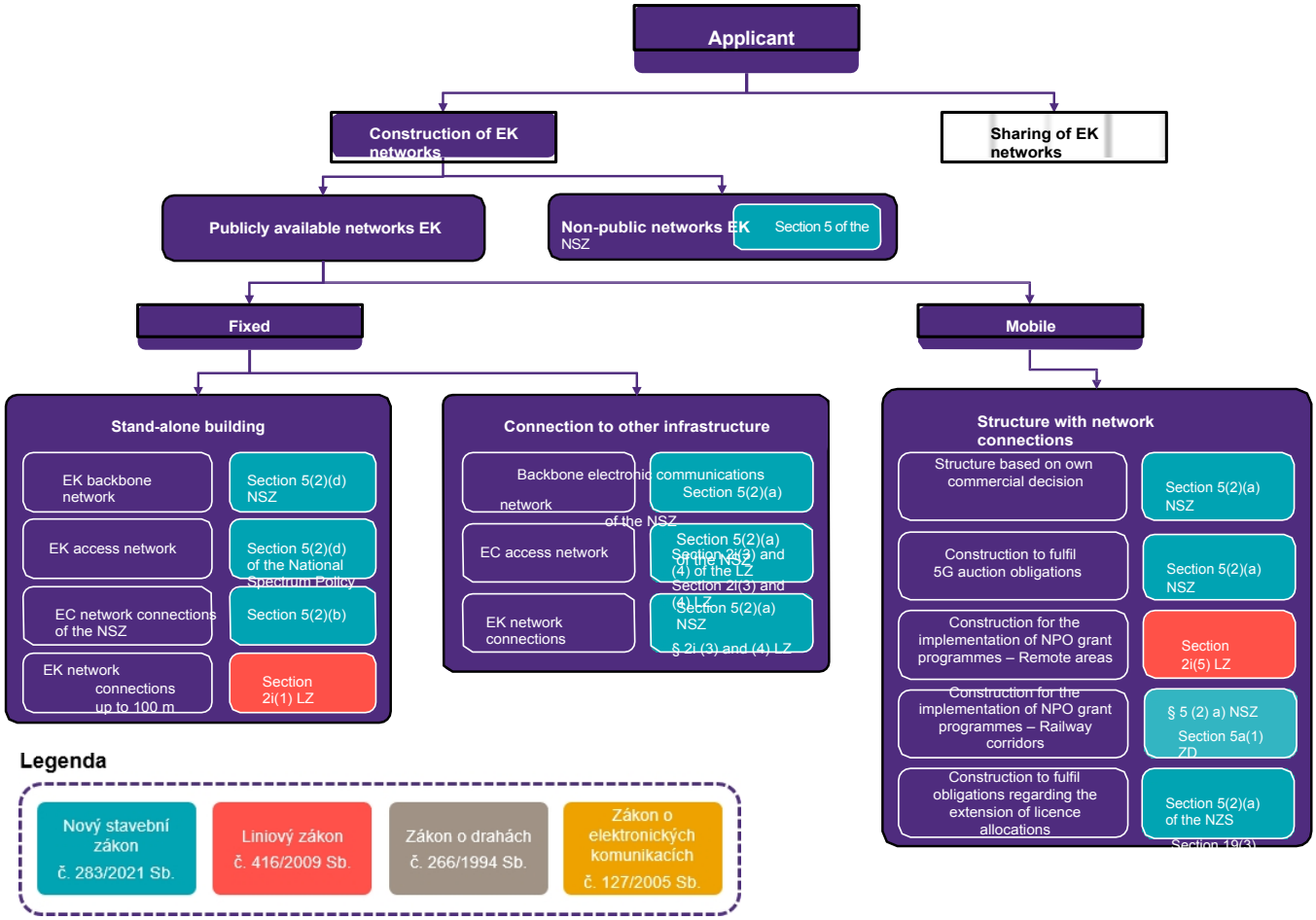
Related decrees necessary for the implementation of procedures arising from the NSZ:

- Decree No. 131/2024 Coll. on construction documentation (Construction Documentation).
- Decree No. 146/2024 Coll. on construction requirements (Construction Requirements).
- Decree No. 149/2024 Coll. on the implementation of certain provisions of the Building Act (Implementation of the Building Act)
- Decree No. 190/2024 Coll. on details of the operation of certain building administration information systems (Building Administration Information Systems)
- Decree No. 393/2020 Coll. on the Digital Technical Map of the Region

(DTM) Links to related methodologies and tools:

- Ministry of Regional Development of the Czech Republic – Minor works under Act No. 283/2021 Coll. (updated)
- Ministry of Regional Development of the Czech Republic – Simple structures under Act No. 283/2021 Coll. (updated)
- Ministry of Regional Development of the Czech Republic – Designated structures under Act No. 283/2021 Coll.
- Ministry of Regional Development of the Czech Republic – Methodological guide by the Ministry of Regional Development and the Ministry of Industry and Trade on electronic communications

*Figure 11: Classification of options for the construction of electronic communications networks and relevant legal standards*[8]




## 4.1 Construction of fixed networks

The applicant for construction must comply with the relevant legal standards according to the scope and type of fixed VKS construction. Within the framework of fixed VKS, a distinction is made between standalone constructions (new constructions) and ancillary works (coordination of infrastructure construction). The applicant must therefore specify which of these types of construction applies:

a) **Joint venture** – the parties shall fulfil **the requirements for the establishment of a new joint venture** in accordance with Act No. 90/2012 Coll. – the Act on Commercial Companies and Cooperatives (the Act on Business Corporations) – details are not covered by these Guidelines.

b) **Joint construction** – the entities shall conclude **a contract on the coordination of construction works**, which shall individually define their obligations within the framework of the construction and set out the timetable for the construction works.

c) **Reciprocal access** – This is a form of individual construction carried out separately by each operator, whereby the entities simultaneously conclude **reciprocal agreements on access** to their networks, in which they define, in particular, the areas and scope of such access (usually specifying a mutually balanced volume of access). The access agreement may cover both newly constructed parts of the SEK and existing parts of the SEK of either contracting party.

[8] The diagram uses abbreviated references to specific statutory provisions

The conditions and standards set out in section 4.1.1 or 4.1.2 of these Guidelines apply to each of these categories – the construction of fixed networks as a stand-alone project, or construction in the form of co-location, and the specifics of such cooperation are further contractually agreed between the parties.

### 4.1.1 Standalone fixed network constructions (new constructions)

The following statutory standards apply to standalone fixed VKS EK constructions, depending on the scope of the construction:

a) Construction of the EK backbone network – Section 5(2)(d) of the NSZ + Annex 3 to the NSZ – other construction / reserved construction
b) Construction of an EK access network – Section 5(2)(d) of the NSZ – other construction
c) Construction of an EK network connection – Section 5(2)(b) of the NSZ + Annex 2 to the NSZ – simple construction
d) Construction of an EK network connection up to 100 m in length – Section 2i(1) of the LZ

### 4.1.2 Connections

In the case of a connection to other physical infrastructure, the scope of the construction is not taken into account; the same conditions apply to the construction of the EC backbone network, the EC access network and the EC network connection. In this case, the applicant shall proceed in accordance with Section 5(2)(a) of the NSZ + Annex No. 1 to the NSZ – minor construction, and the simplified provisions of Section 2i(3) and (4) of the LZ shall apply to them.

The contractual arrangements for the connection between the connection builder (the applicant) and the owner of the physical infrastructure to which the connection relates consist of two parts (the applicant must conclude both contracts or incorporate both parts into a single contract):

a) **Joint Construction Agreement**
b) **Agreement on the operation of the extension** (setting out the terms of service, physical access, and power supply to the SEK elements in the extension and its connection to the applicant's other SEK sections)

Separately, the applicant shall conclude **an Agreement on the Establishment of an Easement** with the owner of the property (e.g. land) on which the shared infrastructure is located, who may be different from the owner of the physical infrastructure, unless the easement has already been secured by the owner of the shared physical infrastructure themselves.

Section 5.3 sets out the essential elements of the easement agreement, which covers all three of the above-mentioned parts – the terms of joint construction, the operation of the easement and the creation of the easement. In this case, the owner of the physical infrastructure and the owner of the property on which the infrastructure is located are the same person.

## 4.2 Construction of mobile networks

Mobile network construction projects are assessed in conjunction with the construction of the relevant connecting networks. Mobile network construction projects are further governed by legislation depending on the reason for the construction and whether the project is funded by a grant scheme:

a) Construction based on the developer's own commercial decision – Section 5(2)(a) of the NSZ
b) Construction to fulfil obligations imposed in the 5G frequency auction (700 MHz, 900 MHz, 1800 MHz, 3400–3600 MHz) – Section 5(2)(a) of the NSZ
c) Construction undertaken to fulfil the obligations of NPO grant schemes for the development of high-speed internet in remote areas (e.g. the 'Digital High-Capacity Networks – Call I' call, OP TAK, OP PIK) – Section 2i(5) LZ
d) Construction intended to fulfil the obligations of NPO grant programmes for 5G signal coverage of railway corridors (e.g. the "5G Corridor Coverage and Support for 5G Development" Call, the "Installation and Testing of the C-ITS Intelligent Transport System" Call) – Section 5(2)(a) of the NSZ; Section 5a(1) of the ZD
e) Construction to fulfil obligations imposed by the extension of licence allocations in the 900 and 1800 MHz frequency bands. – Section 5(2)(a) of the NSZ; Section 19(3) of the ZEK

# 5 Essential contractual requirements for network sharing

## 5.1 Lease agreement

Standard terms of a lease agreement for physical non-communications infrastructure and electronic communications network infrastructure (pursuant to Section 2201 et seq. of the Civil Code). These terms also apply to IRUs, with particular emphasis on addressing the specific conditions set out in Chapter 3.2.2, whilst general agreements pursuant to Section 1724 et seq. of the Civil Code may also be used:

**a) Identification of the contracting parties**

**b) Subject matter and purpose of the lease – specification of the infrastructure, equipment and intended use:**

- Precise description of the infrastructure, e.g. power lines; for communications infrastructure, e.g. cable routes, poles, ducts, masts, buildings, distribution boards, etc.
- Location – specific location of the infrastructure (GPS, plot, address, room, rack, position on a pole, antenna azimuth)
- Type (purpose, size, weight) of the equipment to be installed, method of installation (free-standing, fixed, boom, rack, other conditions – temperature, shielding, protective space)
- Scope of use – whether this concerns the physical location of the equipment, connection, access, etc.

**c) Duration of the lease**

- Fixed-term / indefinite
- Method of contract extension
- Method of terminating the contract and notice period
- Conditions and deadlines for the removal of the tenant's equipment upon termination of the lease

**d) Price**

- Rent amount: monthly/annually, fixed amount or calculated based on duration, area, volume of use, height of pole mounting, type of infrastructure used, type of equipment installed, etc.
- Method of payment for ancillary costs incurred by the lessor – in particular electricity (based on actual consumption, the equipment's rated power, etc.); payment for assisted access, the issue of access cards, supervision, security, a backup power supply and other services may be agreed.
- Due date and method of payment
- Method of price indexation (inflation clause, e.g. based on the Czech Statistical Office index)
- Provision of supporting documents (service volumes, orders) for invoicing, events for calculating penalties, reporting of other parameters (e.g. quality parameters for the lease of communications infrastructure), complaints

e) **Rights and obligations of the contracting parties**

- Lessor: shall enable the undisturbed use of the infrastructure, shall ensure access to the site for the purpose of installation, maintenance, replacement and removal of the applicant's equipment (access may be independent, assisted or subject to a fee)
- Tenant: shall use the subject of the lease in accordance with its intended purpose, shall ensure the maintenance of their own technology, and shall not interfere with other users

**f) Liability for damage**

- The lessor is liable for damage to the lessee's equipment, except in cases of force majeure, and may be liable for loss of profit
- The lessee is liable for damage caused by the operation of their equipment and by their employees
- An obligation to insure the tenant's equipment may be agreed

**g) Technical and operational conditions**

- Security rules (physical security), access times
- Reporting of incidents, outages, resolution of faults and emergencies (accidents, fire, etc.), deadlines for rectifying faults in the infrastructure, coordination of works
- Interventions in the infrastructure – subject to the lessor's approval

**h) Contractual penalties and sanctions**

- Late payment
- Unauthorised alterations
- Breach of access conditions
- Breach of other agreed terms

**i) Miscellaneous and final provisions**

- Protection of confidential information
- Governing law (typically Czech)
- Dispute resolution (ordinary courts or arbitration)
- Number of copies, date and signatures

## 5.2 Network Access Agreement

Standard terms of a (wholesale) contract for access to an electronic communications network (pursuant to Section 80 of the Electronic Communications Act):

**a) Identification of the contracting parties**

**b) Subject matter and purpose of the contract**

- To enable access to the network and ensure that the applicant can provide publicly available electronic communications services to its end-users within the scope of the wholesale product range

**c) Specification of services (details may be set out in a separate annex)**

- List of services provided (voice, data, SMS, premium, international, etc.)
- Service specifications (profiles, speeds)
- Service parameters and characteristics (interfaces, end points, mobility, protocols, etc.)
- Interface capacity (interconnection), transport capacity (backhaul)
- Additional services (installation, site visits, terminal equipment, mandatory retention of traffic and location data, statutory interception)

**d) Price**

- For services, ports, transport, and volume discounts (one-off, fixed, variable, and labour-based rates)
- For special services (higher quality, B2B monitoring, provision of data and reports, implementation of changes, etc.)
- For visits to end users (if provided by the operator)
- A minimum service volume may be agreed
- Method of payment for ancillary costs – colocation of the applicant's equipment, electricity; payment for assisted access, issuance of access cards, backup power supply and other items can be agreed
- Due date and method of payment
- Method of price indexation (inflation clause, e.g. based on the Czech Statistical Office index)
- The provision of a bank guarantee by the applicant may be agreed
- Provision of supporting documents (service volumes, orders, other transactions) for invoicing, events for calculating penalties, complaints

e) **Rights and obligations of the contracting parties**

- Applicant – uses the services for its end users, uses mutually agreed equipment, complies with the operator's technical instructions, implements its own commercial policy and billing to end users
- Provider – may implement notified changes to its network and services, suspend operations for serious reasons (threats, network abuse), prohibition of discrimination against the applicant compared to other users

f) **Technical conditions** (details may be set out in a separate annex)

- Network interface specifications (NNI, access points)
- Description of the transport network
- Traffic routing, traffic aggregation rules, traffic monitoring
- Specification of basic (shared) components and approved equipment
- Rules for capacity increases / other changes to the network, transport or equipment
- Implementation of changes at the applicant's request (analysis, design and implementation can be arranged, including rates per person-day of work)
- Methods for measuring agreed quality parameters
- Network protection rules, cybersecurity, access to colocation facilities, physical security

g) **Operating conditions** – **processes** (details may be set out in a separate annex)

- Procedure for setting up, cancelling or changing the service
- Incident management, planned works (outages), maintenance windows
- Procedures for placing service orders, submitting requests and resolving faults (method of integrating automated workflow management systems)
- Installation of services/equipment/repairs (on-site visits) at the applicant's end-user premises – who carries this out
- Rules for other communication (communication matrix), escalation procedure
- Provision of traffic forecasts by the applicant, service diagnostics by the operator

**h) SLA / QoS** (details may be set out in a separate annex)

- SLA levels (standard, high)
- Service availability
- Data transmission in the transport / access network (RTT, PDV – jitter, PL – Packet Loss)
- Service activation, termination, changes, site visits (maximum times from order placement)
- Faults (response times, resolution times, number of faults per month)
- Reporting of QoS parameters

**i) Contractual penalties and sanctions**

- Late payment
- Breach of agreed operational or technical conditions
- Breach of QoS parameters
- Breach of confidentiality

**j) Duration and termination of the contract**

- Fixed-term / indefinite
- Method of contract renewal
- Method of contract termination and notice period
- Provisions regarding continuity of services for end users in the event of contract termination (takeover of end users by the provider, etc.)

**k) Miscellaneous and final provisions**

- Liability for damages
- Protection of confidential information and personal data (compliance with the GDPR)
- Transfer of rights and obligations to successor entities in the event of cessation of business, sale or merger
- Governing law (typically Czech).
- Dispute resolution (ordinary courts or arbitration).
- Number of copies, date and signatures.

## 5.3 Annex Agreement

Standard terms of a contract for the coordination of construction works for the implementation and operation of the access road (pursuant to Section 1724 et seq. of the Civil Code, Section 2i(3)(b) of the Land Act, Section 104 of the Construction Act, Section 10 of the Construction Supervision Act, Article 5 of the General Construction Contract), including the establishment of an easement (Section 1257 et seq. of the Civil Code):

**a) Identification of the contracting parties**

**b) Subject matter and purpose of the contract**

- Construction works within the meaning of Section 2i(3)(b) of the Land Act as part of the contracting party's (obligated party's) construction project
- Operation of the service line (may be dealt with in a separate contract; in such a case, the contracting parties undertake to conclude such a contract prior to or concurrently with the completion of the construction)
- Consent of the obligated party (the developer) to the construction, location and operation of the applicant's connection on all the developer's land on which the connection will be located, both during and after the construction period, under the conditions set out in this contract or, where applicable, in the contract for the operation of the connection

**c) Definition of the physical infrastructure and the network to be connected**

- Type, location and scope of the construction works (e.g. excavation for water mains, sewerage, other electronic communications infrastructure)
- Location of the applicant's electronic communications network elements (location of the cable in the trench, connection points of the cable to other elements in the applicant's electronic communications network, service access points, underground boxes, power supply connections, etc.)

**d) Conditions for the execution of construction works**

- Timetable, commencement, progress, completion
- Technical solution, technical drawings of the construction – attached
- Layout of the cable in the construction – attached
- When is coordination carried out (for the cross-connection itself) – the applicant is usually invited by the developer
- Conditions for changes to the project / technical design / timing
- Obligations relating to planning permission and attendance at site inspections

**e) Costs of construction works**

- Terms for the allocation of costs between the contracting parties (proportionally, additional costs per item)
- Determination of the unit price for construction works (e.g. per running metre of excavation)
- Conditions for settlement – upon completion / inspection / acceptance / final approval of the building

**f) Conditions for the joint operation of the building and ancillary works**

- Prohibition on damaging the other party's property
- Carrying out construction modifications, planned repairs, and renovations to the building and ancillary works within each other's protection zones
- Notification of planned works and emergency works (deadlines)
- Locations and conditions of access for the applicant's employees to the building (e.g. to underground boxes, to electrical distribution systems)
- Any coordination of maintenance work and costs of joint maintenance (e.g. shared access points, etc.)

**g) Establishment of easements**

- Obligation of the developer (responsible party) to define the scope of the easement and to ensure approval of the Geometric Plan by the relevant Land Registry Office
- Commitment by the contracting parties, based on the definition of the scope of the easement, to conclude an agreement establishing the easement on all the developer's land/property on which the easement will be situated
- Deadline for concluding the easement agreement (usually from the developer's request)
- Mandatory documentation provided by the developer (geodetic survey of the actual layout of the service easement, acceptance report from the relevant regional authority, Geometric Plan for the demarcation of the easement)
- Obligation of the contracting parties to cooperate in the establishment of the easement
- Fee for establishing the easement (e.g. based on an expert valuation, who pays for the expert valuation, or a contractual price)

**h) Miscellaneous and final provisions**

- Liability for damages
- Contractual penalties and sanctions for breach of contract
- Protection of trade secrets, confidential information and personal data (compliance with the GDPR)
- Term (usually indefinite)
- Method of termination and notice period
- Transfer of rights and obligations to successor entities in the event of cessation of business, sale or merger
- Governing law (typically Czech).
- Dispute resolution (ordinary courts or arbitration).
- Contact persons
- Number of copies, date and signatures.