

Act
No. 139/2017
of 29th November 2017,

amending Act No. 351/2011 Coll. on Electronic Communications as amended and which amends Act No. 129/2002 Coll. on the Integrated Rescue System as amended

The National Council of the Slovak Republic has adopted the following Act:

Article I

Act No. 351/2011 Coll. on Electronic Communications as amended by Act No. 547/2011 Coll., Act No. 241/2012 Coll., Act No. 352/2013 Coll., Act No. 402/2013 Coll., Constitutional Court of the Slovak Republic Ruling No. 139/2015 Coll., Act No. 247/2015 Coll., Act No. 269/2015 Coll., Act No. 391/2015 Coll., Act No. 397/2015 Coll., Act No. 444/2015 Coll., Act No. 125/2016 Coll., Act No. 353/2016 Coll., Act No. 386/2016 Coll., Act No. 238/2017 Coll. and Act No. 243/2017 Coll. is amended as follows

1. New Letters p) and q) are added after Letter o) in Section 6 Sub-section (3) as follows:
“p) issues decisions under a specific regulation,^{10a)}
q) fulfils the tasks of the single information point,”.

Existing Letter p) is now Letter r).

Footnote 10a reads as follows:

“^{10a)} Article 6c of Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ EU L 172, 30 June 2012) as amended.

Article 5 (1) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ EU L 310, 26 November 2015).”.

2. In Section 9 Sub-section (5), the words “obliged person¹⁸⁾” are replaced by “the person obliged to disclose information under a specific regulation¹⁸⁾”.
3. In Section 15 Sub-section (4) and Sub-section (5) Letter a), the words “Section 73 Sub-section (12)” are replaced by “Section 73 Sub-section (13)”.
4. Sub-sections 1 and 2 are deleted from Section 36.
Existing Sub-sections 3 to 5 are now Sub-sections 1 to 3.
Footnotes 31a and 32a are deleted.
5. Letter b) is deleted in Section 38 Sub-section (2).
Existing Letters c) to e) are now Letters b) to d).

6. Letter c) is deleted in Section 38 Sub-section (6). Existing Letter d) is now Letter c).
7. In Section 40 Sub-section (3) Letter i), the words “Section73 Sub-section (4)” are replaced by “Section73 Sub-section (5)”.
8. In Section 41, Letter c) is added to Sub-section (1) as follows:
“c) end-users are enabled to make free of charge eCalls to the single European emergency call number “112”^{35b)}”.

Footnote 35b reads as follows:

“^{35b)} Article 3 (2) of Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ EU L 123, 19 May 2015) as amended.”.

9. In Section43, Letter d) is added to Sub-section (11) as follows:
“d) send SMS free of charge to the single European emergency call number “112”; this does not apply to foreign subscribers using services in the undertaking’s mobile phone network.”.
10. In Section 44, new Sub-section 3 is added after Sub-section 2 which reads as follows:
“(3) Details on requirements concerning the content, form and method of providing and monitoring information under a specific regulation^{39c)} are laid down in a generally binding regulation issued by the office.”.

Existing Sub-sections 3 to 14 are now Sub-sections 4 to 15.

Footnote 39c reads as follows:

“^{39c)} Article 4 (1) of Regulation(EU) 2015/2120.”.

11. In Section 44 Sub-section (5), the words “Sub-sections 2 and 3” are replaced by “Sub-sections 2 and 4”.
12. In Section 44 Sub-section (10), the words “Sub-section 7” are replaced by “Sub-section 8”.
13. In Section 49 Sub-section (6), the words “Section 66 to Section 68” are replaced by “Section 66, Section 67 and Section 68”.
14. The first sentence in Section 57 Sub-section (10) reads as follows: “In emergency calls and SMS received on the single European emergency call number “112”, an undertaking may obtain and process calling line identification or identification of the sender of the SMS and their location data, and is obliged to provide the integrated rescue system coordination centre or emergency call operations centre with identification and the location data free of charge, including if the caller or sender of the SMS uses a service to restrict the presentation of the calling line identification or identification of the sender of the SMS or does not provide its consent to the processing of location data; if the affected user is the

Slovak Information Service, the undertaking shall inform the Slovak Information Service regarding the provisioning of such data.”.

15. In Section 57 Sub-section (11), new wording is added to the opening sentence after the word “caller”, specifically “and provide identification of the sender of SMS received at the single European emergency number “112” with the word “subscriber” added in Letter b) at the end.

16. In Section 67a Sub-section (3) Letter d), the words “nuclear installations,^{51ca}” are added after the words “elements of critical infrastructure,^{51c}”.

Footnote 51ca reads as follows:

“^{51ca}) Section 2 Letter f) of Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Atomic Energy Act) and on amendment of certain acts.”.

17. Footnote 51d reads as follows:

“^{51d}) Section 3 Sub-sections (16) and (17) of Act No. 541/2004 Coll. as amended.”.

18. Sub-section (1) in Section 67b reads as follows:

“(1) Unless otherwise stipulated herein and were such information are not available via the single information point, then the central government authority, local government authority, higher territorial unit or municipality (“obliged person”) and network operators are obliged to provide the following minimum information on the availability of existing physical infrastructure upon written request received from an undertaking:

- a) basic technical parameters and specification of the type of physical infrastructure,
- b) location of the physical infrastructure defined by individual municipality, cadastral territory and land plot number,
- c) details on the current usage of the physical infrastructure and
- d) details of the network operator’s contact person in the scope of their first and last name, mailing address, phone number and email address.”.

19. The words “nuclear installations, Govnet network infrastructure elements,^{51da}” are added after the words “elements of critical infrastructure” in Section 67b Sub-section (3).

Footnote 51da reads as follows:

“^{51da}) Section 2 Sub-section (1) Letter u) of Act No. 275/2006 Coll. on Public Administration Information Systems and on amendment of certain acts, as amended.”.

20. Section 67ba is inserted after Section 67b and reads as follows:

“Section 67ba
Single information point

(1) The single information point aggregates, processes and archives information under Section 67b Sub-section (1) and Section 67d Sub-section (1) and makes this information available in electronic form free of charge to undertakings under proportionate, non-discriminatory and transparent conditions.

- (2) An obliged person holding information as per Section 67b Sub-section (1) in connection with the performance of its activities and a network operator holding information as per Section 67d Sub-section (1) are obliged to provide such information to the single information point by electronic means; this provision does not apply to information laid down in Section 67b Sub-section (3) and Section 67d Sub-section (7). The obliged person shall provide any updated information and all new information to the single information point within two months from the date of its receipt; this period may be extended upon a request from the obliged person by up to one month if necessary to ensure the reliability of the provided information. The obliged person shall put in such request to the single information point at least two weeks before the expiration of this period. The obliged person or the network operator that provides this information to the single information point is responsible for the accuracy and completeness of this information.
 - (3) The single information point shall notify the obliged person in writing of the resolution of its request to extend the period as laid down in the second sentence of Sub-section 2. The request shall contain
 - a) identification of the obliged person,
 - b) identification of the information to be updated or amended,
 - c) reasons for which the extension of this period is requested.
 - (4) The network operator is obliged to provide information under Sub-section 2 to the single information point immediately once available in the format required by the single information point.
 - (5) If the single information point does not have information available as per Section 67b Sub-section (1) or Section 67d Sub-section (1), the undertaking may proceed under Section 67b Sub-section (4) or Section 67d Sub-section (5).
 - (6) The provisions of Section 67b Sub-section (11) and Section 67d Sub-section (12) shall apply accordingly to protect the information obtained by an undertaking via the single information point.
 - (7) The single information point shall publish on its website relevant information on the conditions and procedures applicable for granting permits necessary for civil works needed to deploying broadband networks.
 - (8) Undertakings shall have access to the single information point's portal once an account has been created in the single information point's portal for any undertaking providing public communications networks or authorised to provide them. The single information point shall create the portal account for an undertaking as per the previous sentence
 - (9) Details of the manner and form in which information is provided to the single information point and their disclosure to undertakings through the single information point is laid down in a generally binding legal regulation issued by the office.”
21. The words “nuclear installations” are added after the words “elements of critical infrastructure” in Section 67c Sub-section (1) and Section 67d Sub-section (7).

22. The words “at least following” in Section 67d Sub-section (1) are replaced by the words “the following minimum”.
 23. The following words are added at the end of Section 67d Sub-section (6): “or made available through the single information point”.
 24. Sub-section 12 is added to Section 67d and it reads as follows:
“(12) The undertaking shall maintain confidentiality regarding all information considered a business secret and confidential in nature to which it gains access; this does not apply when providing information to the office to resolve disputes as defined in Sub-section 10.”.
 25. In Section 73 Sub-section (1) Letter a), the words “Section 36 Sub-sections (1) and (3) are replaced with “Section 36 Sub-section (1), the words “Sub-section 12” are replaced with “Sub-section 13” and the words “Sub-section 4” are replaced with “Sub-section 5”.
 26. In Section 73 Sub-section (1) Letter b), the words “Section 38 Sub-section (6) Letters a), c) and d)” are replaced with “Section 38 Sub-section (6) Letters a) and c)”, the words “Section 44 Sub-sections (2), (5), (6) and (12) last sentence” are replaced with “Section 44 Sub-sections (2), (6), (7) and (13) last sentence”, and the words “Sub-section 4” are replaced with “Sub-section 5”.
 27. Footnote 57 reads as follows:
“⁵⁷) Regulation (EU) No. 531/2012.
Regulation (EU) No. 2015/2120.”.
 28. In Section 73 Sub-section (2), the words “Sub-section 4” are replaced by “Sub-section 5”.
 29. In Section 73 Sub-section (3) Letter a), the words “Section 36 Sub-sections (1) and (5)” are replaced with “Section 36 Sub-section (3)”, the words “Section 38 Sub-section (1) sixth sentence and Sub-section (6) Letters a), c) and d)” are replaced with “Section 38 Sub-section (1) sixth sentence and Sub-section (6) Letter a) and c) and a comma and the text “Section 67a Sub-section (2) last sentence, Section 67b Sub-section (11) or Section 67d Sub-section (12) is added after the words “Section 65 Sub-section (3) and the words “Sub-section 4” are replaced with “Sub-section 5”.
 30. In Section 73 Sub-section (3) Letter b), the words “Section 36 Sub-section (5)” are replaced with “Section 36 Sub-section (3)”.
 31. A new Sub-section 4 is added after Sub-section 3 in Section 73 as follows:
“(4) The Office shall levy a fine from EUR 200 to 1% of the turnover as defined in Sub-section 5 over the previous accounting period on obliged persons or network operators that fail to deliver on any of the obligations laid down in Section 67ba Sub-section (2).
- Existing Sub-sections 4 to 12 are now Sub-sections 5 to 13.
32. In Section 73 Sub-section (7), the words “legal entity or natural person – sole proprietor” are replaced with “legal entity, natural person – sole proprietor or obliged person” and the words “Sub-sections 1 and 2 and Sub-section 3 Letter a) are replaced with “Sub-sections 1 2, 3 Letter a) and Sub-section 4”.

33. In Section 74 Sub-section (1), the words “and pursuant to a special regulation^{10a)}” are added after the words “under this Act”.

34. Section 78e is inserted after Section 78d and reads as follows:

“Section 78e
Transitional provisions for amendments effective from 1 January 2018.

Upon entry into force of this Act, both obliged persons and network operators holding information under Section 67b Sub-section (1) hereof shall provide such information to the single information point without delay, and by 30 June 2018 at the latest.”.

Article II

Act No. 129/2002 Coll. on the Integrated Rescue System as amended by Act No. 579/2004 Coll., Act No. 567/2005 Coll., Act No. 10/2006 Coll., Act No. 335/2007 Coll., Act No. 284/2008 Coll., Act No. 445/2008 Coll., Act No. 547/2010 Coll. and Act No. 428/2015 Coll. is amended as follows:

1. In Section 5 Sub-section (2) Letter a), a comma and the words “eCall calls³⁰⁾ and receiving short text messages (SMS)” are added after the words “receiving emergency calls“.

Footnote 30 reads as follows:

“³⁰⁾ Article 3 (2) of Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ EU L 123, 19 May 2015) as amended.”.

2. In Section 5 Sub-section (2) Letter b), a comma and the words “eCall calls and received short text messages (SMS)” are added after the word “calls”.
3. In Section 5 Sub-section (2) Letter k), the words “and an overview of received short text messages (SMS) are added after the word “calls” and the words “on an electronic read-only medium” are deleted.
4. The following words are added at the end of Section 19 Sub-section (1) Letter a): “unjustified call or unjustified sending of short text message (SMS)”.
5. The words “Local Office” in all forms throughout the text of the Act are replaced with the words “District Office”.

Article III

This Act enters into force on 1 January 2018.