[DE] New Telecommunications Bill Tabled

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On 15 October 2003 the federal government agreed on a bill designed to bring the Telekommunikationsgesetz (Telecommunications Act - TKG) into line with EC Directives.

The most interesting provisions from a broadcasting point of view, and therefore the most important for the audiovisual sector, are those that deal with providers' access to transmission channels. A key feature of the new regulations is that broadcasters' wishes concerning fees and supervision will be taken into account. The format of the corresponding rules is also under discussion. According to the bill, the Regulierungsbehörde für Telekommunikation und Post (regulatory body for telecommunications and post - RegTP) will be able to force any electronic communications network operator has a considerable market share to guarantee access to a certain part of the infrastructure.

Under the current law, service providers have been entitled to direct access, for example in relation to broadband cable networks; this has meant that providers have had to be guaranteed use under open, non-discriminatory conditions. Now, in view of the huge importance of broadcasters' access to transmission channels, which is also relevant to constitutional law, an ex ante remuneration rule is being introduced. At the same time, the rights of the German Bundesländer will also have to be safeguarded, since they are responsible for broadcasting legislation.

Despite the proceedings instigated against Germany for breaching the Treaty by failing to implement the legal framework for electronic communications networks and services by July 2003, the legislation should be passed in late spring 2004.

Regierungsentwurf eines Telekommunikationsgesetzes vom 15. Oktober 2003

http://www.bmwa.bund.de/Navigation/Service/Gesetze/rechtsgrundlagen-telekommunikationspolitik,did=26500.html

Telecommunications Bill, 15 October 2003

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