[DE] New Telecommunications Act Adopted

IRIS 2004-6:1/17

Peter Strothmann
Institute of European Media Law (EMR), Saarbrücken/Brussels

Following the consent of the Bundestag (Federal Parliament), the Bundesrat (Federal Council) also assented to the bill amending the German Telecommunications Act (TKG). With this amendment, the new European legal framework regulating electronic communications has been implemented into German law.

Through the stipulation of the principal objectives and the regulations of paragraph 2 the bill makes clear that the concerns of broadcasting stations are to be taken into account. The media legislation of federal provinces, which also includes the broadcasting act remain unaffected.

The competent Regulatory Authority for Telecommunication and Postal Services (RegTP) pursuant to the TKG is to advise, in particular beyond this general stipulation, the relevant provincial broadcasting institutions as well as to involve them in procedures whenever the concerns of broadcasting institutions are concerned regarding legal fee regulations thereunder.

Thus the RegTP provides for the instigation of procedures and ordering of fee regulation measures upon application by the competent provincial broadcasting institutions.

A further particular measure is dictated for the field of broadcasting by the fact that auction procedures do not apply to the frequency allocation procedure. In the area of trading of frequency rights RegTP provides for the necessary outline conditions and procedural stipulations for broadcasting only, acting in agreement with the competent provincial media institution pursuant to the corresponding provincial law regulating the supervision of the broadcasting stations holding the frequencies.

RegTP is obliged to revoke frequency assignments for analogue terrestrial television signals by 2010 and for analogue radio broadcasting signals (USW) by 2015 for the purpose of performing the digital switchover.

The obligations to take precautions for implementing legal measures for the control and supervision of telecommunications is limited to operators of public communications networks.

© European Audiovisual Observatory (Council of Europe) 2026

Accordingly, all non-public operators of telecommunications facilities are relieved from the obligation to keep communications data. Further limitations will follow under an appropriate decree on the control and supervision of telecommunications.

Most parts of the Act will come into effect on the day after its promulgation.

Press release of the German Federal Ministry of Economy and Labour of 14 May 2004

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026