

[DE] Agreement reached on new Telecommunications Act

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On 9 November 1995, political agreement was reached on a general approach to the regulation of telecommunications in Germany, when monopolies are abolished on 1 January 1998. This marks a significant contribution towards speeding up the procedure for adoption of the new Telecommunications Act (TKG).

The new Act is designed to ensure that, during the transition from monopoly to competition, market newcomers are given ample opportunities to exert their influence, and dominant service providers prevented from abusing their power. The intention is to allow viable competition to develop. There will, in principle, be no restrictions on access to the market. Statutory obligations will be individually determined by the service provider's capacity. This is assessed on its market position, which ensures that proportionality is respected and no one-sided burdens imposed.

The political agreement on the new Telecommunications Act and on licensing principles mainly covers the following ten points: 1. Opening the telecommunications market to all potential service providers; 2. Introducing competition through efficient service providers operating at national level, and 3. via local networks; 4. Accepting broadcasting technologies other than DECT for access to local networks; 5. Deciding, in pursuance of Section 11 of the TKG, which applicants are to be allocated local network frequencies; 6. Giving priority, when allocating frequencies in areas where they are scarce, to service providers who cover the whole country; 7. Making it a condition of licensing that telephone service providers who get priority when frequencies are allocated must offer a universal service; 8. Possibility of allowing for infrastructure policy in negotiating licensing areas; 9. Once a high standard of telecommunications has been achieved, guaranteeing the extent and quality of universal services; 10. Ensuring that a universal service is everywhere available. (Andrea Schneider, Institut für Europäisches Medienrecht - EMR)

