[DE] New regulations on special forms of network access, including the interconnection of networks

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The Telecommunications Act of 25 July 1996 came into force on 1 August 1996, with the exception of Sections 66 and 73 to 79 (we last reported on the Act in IRIS 1996-7: 9).

On the basis of Sections 35 (5) and 37 (3) of the Act, the Federal Government issued the Network Access Order on 2 September. This specifies the conditions on which special access, including the connection of public telecommunications networks, is to be made possible.

Under the Order, network operators with dominant positions on the telecommunication services market must provide access to their networks without discrimination and on the conditions on which they themselves use them. They are not allowed to apply all-or-nothing conditions to access, and may not oblige users of their networks, including the transmission, connection and interface facilities which are part of them, to take services which they do not require. Exceptions to this rule are possible when they are objectively justified. Special access agreements must be concluded in writing, and must be submitted at once to the regulating authority. Disputes concerning such agreements may be referred to that authority for settlement. The Order lays down the procedure for referral to the regulating authority when network operators are unable to agree on connecting networks. Application must be made in writing, giving reasons. In deciding, the authority must take due account both of the interests of users and of the operators' entrepreneurial freedom. Its decision must be complied with within three months.

Das Telekommunikationsgesetz und die Netzzugangsverordnung.

The Telecommunications Act and Network Access Order.

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