

[DE] Bill to Supplement the Telecommunications Act

IRIS 1997-6:1/16

*Andrea Schneider
Institute of European Media Law (EMR), Saarbrücken/Brussels*

On 21 May 1997, the German Federal Cabinet approved a Bill supplementing the new Telecommunications Act (Telekommunikationsgesetz - TKG), submitted by the Minister for Posts and Telecommunications, thus paving the way for its adoption by Parliament.

The text provides a basis for the regulatory authority which is to be set up by 1 January 1998, under the Telecommunications Act, itself in force since 1 August 1996.

The TKG provides a regulatory framework for liberalisation of the German telecommunications market, starting on 1 January 1998 (see IRIS 1996-7: 9).

Under Section 98 of the TKG, the regulatory authority is to start discharging the tasks assigned to it by the Minister for Posts and Telecommunications by 31 December 1997.

The Bill regulates staffing and organisation of the authority, which is to be set up as a Federal authority within the Ministry of Economics. The existing Federal Office for Posts and Telecommunications (BAPT) is to be merged with the new authority, which will be managed as a public law body.

The bill also regulates harmonisation of the general legal conditions applying to the Federal Postal Service's successor concerns (Deutsche Post AG, Deutsche Postbank Bank AG, Deutsche Telekom AG) and their competitors. Liberalisation makes it necessary for the law to act on the monitoring of telecommunications, and this point is covered too. In future, anyone providing or helping to provide these services commercially will be required to make the monitoring and recording of telecommunications possible.

