Notice to Members

18.2.2020

NOTICE TO MEMBERS

Subject: Petition No 0375/2019 by D.F. (German) on the Telecommunications Act in Germany

Subject: Petition No 0522/2019 by R.B. (German) on the Telecommunications Law in Germany

1. Summary of petition No 0375/2019

The petitioner objects to the provisions of the Telecommunications Act and calls for better consumer protection. He states that the right to an internet-enabled fixed phone connection cannot be implemented either by the Federal Network Agency or through legal measures. The petitioner also objects to the commercial practices of telecommunication companies.

Summary of petition No 0522/2019

The petitioner calls for the provisions of the German Telecommunications Law regarding basic services to be updated and for the network to be improved, pointing out that, in the age of globalisation, analog connections and a 56-kbit/s internet bandwidth cannot be the standard. However, this is the bandwidth currently being offered by network providers, who alone decide what constitutes a functional internet connection. In fact, it falls short of current online capacity requirements. Moreover, the Deutsche Telekom monopoly should be ended and other operators with significant market power called upon to provide network connections.
2. **Admissibility**

Petition 0375/2019 declared admissible on 4 October 2019. Information requested from Commission under Rule 227(6).


3. **Commission reply**, received on 18 February 2020

Petitions 0375/2019 and 0522/2019

Directive 2002/22/EC\(^1\) on universal service and users’ rights relating to electronic communications networks and services (Universal Service Directive) defines the minimum set of services of specified quality to which all end-users have access, at an affordable price. In particular, it obliges Member States to ensure that all reasonable requests for connection at a fixed location to a public communications network are met by at least one undertaking.

The connection provided has to permit functional internet access.

These obligations have been transposed by §78(1)\(^1\) of the German Telekommunikationsgesetz (TKG). According to press reports, the Bundesnetzagentur (BNetzA) took in the meeting of the “Verkehrsausschuss” committee of the German federal parliament (Bundestag) the position that 56Kbit/s capacity are sufficient for functional internet access. German authorities have not designated any provider for the universal service. The incumbent Deutsche Telekom provides the universal service on a voluntary basis which allows BNetzA to avoid designating providers. In case of complaints, the right for subscribers, that reasonable requests for a fixed connection are met is addressed by the consumer department of BNetzA. The Commission continuously monitors the implementation of Union law by Member States. This includes the question of how German authorities ensure that the obligation to meet all reasonable requests for a fixed connection permitting functional internet access are met by at least one undertaking. Directive 2002/22/EC shall be replaced with the European Electronic Communications Code (EECC) from 21 December 2020. The updated provisions on universal service obligations focus on affordability of adequate broadband internet access service and voice communications to all consumers.

**Conclusion**

The Commission suggests that the petitioner contacts the consumer service division of BNetzA:

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