



# Press release

Bonn, 8 September 2021

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## Hearing on the new telecommunications mitigation schemes

**Jochen Homann: *"Laying the groundwork for enforcing new consumer rights in the fixed network"***

The Bundesnetzagentur is as of today presenting a draft general administrative order for consultation on the new mitigation schemes for fixed broadband lines.

*"Our intention is to help consumers assert their new rights. In addition, we are providing certainty for the providers,"* said Jochen Homann, Bundesnetzagentur President.

### Requirements for the right to mitigation

New consumer rights have been laid down in the Telecommunications Act. These give consumers the right to reduce the contractually agreed charge or to terminate the contract without notice. The consumer has recourse to these options in the case of significant, continuous or regularly recurring difference in speed between the actual performance of the internet access service and the performance stated by the provider. The monitoring mechanism provided by the Bundesnetzagentur is to be used by the consumer to provide proof. The new rights enter into force on 1 December 2021.

The general administrative order is concerned with the greater specificity of the unspecified terms of "significant, continuous or regularly recurring difference in speed" in fixed broadband lines in down- and upload.

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The Bundesnetzagentur is also presenting for consultation a guide to a monitoring mechanism for furnishing proof of reduced performance. The draft sets out the main requirements of the proof of performance procedure.

## Background

The new provisions in the Telecommunications Act address the requirements arising out of the European Net Neutrality Regulation. In a communication in 2017, the Bundesnetzagentur had already set out greater specificity of the unspecific terms "significant, continuous or regularly recurring difference in speed" in fixed broadband lines in download pursuant to the Net Neutrality Regulation. In addition, the Bundesnetzagentur provided guidelines on the proof of performance procedure using the broadband speed checker desktop application.

## Deadline for comments

Any interested party can submit comments in writing on the draft administrative order and on the draft guidelines. Both drafts plus additional information on the procedure are available on the Bundesnetzagentur website at [www.bundesnetzagentur.de/breitbandgeschwindigkeiten](http://www.bundesnetzagentur.de/breitbandgeschwindigkeiten).

Comments may be submitted until 5 October 2021.

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The Bundesnetzagentur is an authority under the responsibility of the Federal Ministry for Economic Affairs and Energy. Its core tasks include supervising the energy, telecommunications, postal and railway markets.

As part of its mandate, the Bundesnetzagentur ensures that as many undertakings as possible can use the infrastructure in these sectors so that consumers benefit from competition and favourable prices.

The authority employs over 2,900 people at its headquarters in Bonn and Mainz and its 46 regional offices.