



Press release

Bonn, 08 December 2021

Page 1 of 3

New fixed network mitigation schemes published

Jochen Homann: "Administrative requirements make it possible to enforce new consumer rights"

The Bundesnetzagentur has today published a general administrative order on the new mitigation schemes for fixed network internet access. The order goes into effect on 13 December 2021. A revised version of the broadband speed checker will be released on the same day.

"Our guidelines help consumers assert their new rights. With a reasonable amount of effort, consumers can use our measuring tool to provide legally secure proof of reduced performance," said Jochen Homann, Bundesnetzagentur President.

Requirements for mitigation

The general administrative order specifies that customers must conduct a total of 30 measurements on three different calendar days to prove reduced performance. There must be a minimum gap of one calendar day between the measurement days and the measurements must be spread throughout the day.

For a deviation to be accepted as warranting mitigation, it suffices when the minimum speed is not reached on two of the three measurement days. Reduced performance is present when not even 90% of the maximum speed is reached on two out of the three measuring days. Deviation is present when the speed normally available is not attained in at least 90% of the measurements.

The Bundesnetzagentur also provides a guide with specific requirements for the proof of performance procedure.

Bundesnetzagentur
Tulpenfeld 4
53113 Bonn

[bundesnetzagentur.de](https://www.bundesnetzagentur.de)
twitter.com/bnetza

Press contact person

Fiete Wulff
Head of Press and Public
Relations

Tel. +49 228 14 – 9921
pressestelle@bnetza.de



Bonn, 08 December 2021

Seite 2 von 3

Desktop application as proof of performance procedure

At the same time that the general administrative order goes into effect on 13 December 2021, the Bundesnetzagentur will be releasing a revised version of its measuring tool (the desktop broadband speed checker app) as a monitoring mechanism at www.breitbandmessung.de. The app contains the measuring guidelines for furnishing proof of reduced performance, so consumers only have to take the measurements following the instructions in the app.

From 13 December 2021 consumers will be able to use the new app to demonstrate their entitlement to a reduction of their monthly payment or their right to extraordinary termination of contract under the new legal provisions.

General administrative order consultation

In September 2021 the Bundesnetzagentur presented drafts of the general administrative order and the guide for consultation. These documents, which were based on informal Bundesnetzagentur communication from 2017, proposed 20 measurements on two calendar days for the proof of performance procedure.

Various responses to both drafts have been received, including joint responses from the telecommunications associations, a response from the Federation of German Consumer Organisations and responses from individual companies.

From the Bundesnetzagentur's point of view the changes in the administrative order published today are especially necessary to give consumers a legally secure way to furnish proof that a deviation occurs regularly. The objective is to create a reliable framework for consumers to exercise their new mitigation rights.

Bundesnetzagentur
Tulpenfeld 4
53113 Bonn

bundesnetzagentur.de
twitter.com/bnetza

Press contact person

Fiete Wulff
*Head of Press and Public
Relations*

Tel. +49 228 14 – 9921
pressestelle@bnetza.de



Bonn, 08 December 2021

Seite 3 von 3

Background on right to mitigation

New consumer rights are incorporated in the Telecommunications Act. These give consumers the right to reduce the contractually agreed charge or to terminate their contract without notice. The consumer has recourse to these options in the case of a significant, continuous or regularly recurring difference in speed between the actual performance of the internet access service and the performance stated by the provider. In the general administrative order published today, the Bundesnetzagentur has defined exactly when such a deviation in the fixed network is present.

The general administrative order, the guide and further information are available in German on the Bundesnetzagentur website at www.bundesnetzagentur.de/breitbandgeschwindigkeiten. The responses received in the course of the consultation have also been published on the Bundesnetzagentur website.

Bundesnetzagentur
Tulpenfeld 4
53113 Bonn

bundesnetzagentur.de
twitter.com/bnetza

Press contact person
Fiete Wulff
*Head of Press and Public
Relations*

Tel. +49 228 14 – 9921
pressestelle@bnetza.de

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.