



Press release

Bonn, 22 December 2021

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Consultation on requirements for basic telecommunications service provision

The Bundesnetzagentur is as of today presenting for consultation expert reports and initial considerations on the minimum requirements for internet access capable of supporting all relevant online services.

"The new right aims to enable everyone to use all fundamental internet services, work from home and video stream to the usual extent. The proposed parameters are just the first signposts that will be reviewed each year. We expect developments to move at a dynamic pace, reflecting advances in technology," said Jochen Homann, Bundesnetzagentur President. "The aim of all players remains driving forward the roll-out of gigabit networks throughout the country. Suitable instruments are in place for this, including state aid to support roll-out in less densely populated regions and a regulatory scheme with incentives for fibre optic investment."

Framework for basic service provision

The Telecommunications Act (TKG) introduces new rules on basic service provision that took effect on 1 December 2021. These rules need to be specified by the Bundesnetzagentur by 1 June 2022, in particular in respect of the parameters for download and upload speeds and latency.

The initial parameters based on the reports and presented for consultation are a minimum download speed of 10 megabits per second (Mbps), a minimum upload speed of 1.3 Mbps and a maximum latency of 150 milliseconds. According to the reports published today, internet access meeting these requirements is capable of supporting all internet services that are fundamental to basic service provision. These minimum bandwidths typically correspond to higher advertised "up to" speeds.

The Bundesnetzagentur will review the service provision requirements each year and adjust them dynamically in line with technological developments.

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This guarantees that account will be taken at all times of the legitimate interests in adequate basic service provision for everyone.

Expert reports published

The Bundesnetzagentur has published three expert reports. One of the reports deals with the technical requirements for the online services to secure the new legal right. The experts consider a download speed of 7.7 Mbps necessary to enable use of the services. The Bundesnetzagentur is proposing a higher speed, for one thing in order to guarantee adequate service provision until the first review is made. The report recommends the same upload speed and latency as presented for consultation.

The second report looks at the ability of mobile networks to ensure basic service provision. The third report examines options for achieving adequate service provision using satellite systems.

Findings from data survey and European practice

Account was also taken of data from a company survey in which the minimum bandwidth used by at least 80% of consumers ("80% criterion"), as specified in the TKG, was determined. This was based on the minimum bandwidth guaranteed in the consumers' contracts. The next step was to look at the tariffs used by 80% of the customers with the highest bandwidths. Here, the minimum achieved by this group is taken as the benchmark for the "majority criterion". However, because these bandwidths – 6 Mbps for download and 0.7 Mbps for upload – were lower than the criterion for the services, the majority criterion does not now come into play.

The parameters presented for consultation also match findings on practice in other European countries, which show that the minimum download speeds currently required elsewhere in Europe are no higher than 10 Mbps.



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Legal right must not be obstacle to private-sector roll-out

The requirements must also be set with a sense of proportion so as not to affect fibre optic roll-out, which is currently accelerating at a noticeable rate. Otherwise, companies would, for example, need to respond in the short term by reallocating limited planning and construction capacity already earmarked for gigabit networks. This would lead to a considerable delay in rolling out fibre optic across the country.

Background to right to telecommunications service provision

The right to the provision of telecommunications services modernises the previous universal services rules and transposes European regulations. The universal service is, by its nature, an instrument guaranteeing basic service provision and thus social and economic participation for everyone. In accordance with the European Code, the roll-out of high-speed broadband networks should be supported primarily by state aid measures in the absence of private-sector investment. The TKG also gives priority to such measures. Under the TKG, it is important to ensure that the framework developed for the right to telecommunications service provision does not compromise either private-sector broadband roll-out or broadband state aid measures.

The legal ordinance to be issued by the Bundesnetzagentur by 1 June 2022 requires the agreement of the Federal Ministry for Digital and Transport and the relevant Bundestag committee. It also requires the consent of the Bundesrat.

In future, the Bundesnetzagentur will use the parameters set in the ordinance to identify inadequate service provision and – should no telecommunications company make a suitable voluntary offer – place service provision obligations on companies. In this case all technologies, if suitable, must in principle be taken into account.



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Consultation as start of discussion process

All interested parties have the opportunity to comment on both the consultation document and the expert reports by 31 January 2022.

The consultation document, further information on the process and the above-mentioned reports have been published online at www.bundesnetzagentur.de/rasi (in German).

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.