



Press release

Bonn, 17 June 2022

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Bundesnetzagentur presents proposals for fixed network regulation

Klaus Müller: "We are firmly committed to promoting fibre rollout with a stable, transparent and pro-competitive framework"

The Bundesnetzagentur has today submitted its proposal for the future regulation of Telekom's fixed network to the European Commission. The proposal sets out the new regulatory framework for access to Telekom's "last mile" of infrastructure – access to the company's copper and, importantly, new fibre lines.

"We are firmly committed to promoting fibre rollout and fair competition with a stable and transparent framework," said Klaus Müller, Bundesnetzagentur President. "Duct access is an effective tool to accelerate fibre rollout. It also encourages competition. Digging up pavements and streets again and again is disruptive for authorities and communities. Duct access means fewer resources are needed for street works. It makes sense to use these resources – which, as it is, are limited and expensive – elsewhere."

Duct access

As already announced by the Bundesnetzagentur and long anticipated, the proposal requires Telekom – as the dominant company in the market – to allow other network operators to access available and unused capacity in its ducts for a reasonable charge. Competitors would be able to install their cables quickly and efficiently in the ducts.

A key factor in duct access is the question of reasonable rental charges for free capacity, which, importantly, must not undermine incentives for fibre rollout. One of the Bundesnetzagentur's aims is to remove uncertainties for market participants by making sure that duct capacity cannot be ordered before it has put the commercial and other contractual framework conditions in place. It is expected that the relevant procedures will be completed by the end of 2023. In addition, the regulatory framework would

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



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allow Telekom, under certain conditions, to keep capacity in new ducts free for several years for its own rollout.

Information about free duct capacity would be accessible via the infrastructure atlas, the new "gigabit register".

Access to fibre networks

The Bundesnetzagentur is keeping to the more flexible course it has set for access to fibre networks. The "commitment contracts" agreed up to the end of 2031 have been examined in more detail and have passed the economic replicability test.

Access to copper networks

The Bundesnetzagentur sees confirmation of its regulatory approach with its approval of the copper access charges, the "price anchor" for fibre rollout, which it has granted for the first time for a very long period and already notified to the European Commission.

Next steps

The draft regulatory order was put out for consultation in October 2021 and was the subject of much controversy with some stakeholders. The regulatory proposal submitted to the European Commission takes account of the consultation responses as well as any available information on current market developments. Having considered all the responses, some of which were very controversial, the Bundesnetzagentur is essentially adhering to its first draft published last October.

The European Commission is expected to publish the draft regulatory order shortly as the next step in the notification procedure now initiated.

The European Commission, the Body of European Regulators for Electronic Communications (BEREC) and the regulatory authorities of the other Member States now have one month to comment on the draft. When the



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regulatory order will be finally approved and whether or not there will be any changes depends on the European Commission and the responses from the other Member States.

The Bundesnetzagentur is also launching a data survey this summer to serve as the basis for a regular assessment of market developments.

The Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen is an independent higher federal authority with its main office in Bonn and is under the responsibility of the Federal Ministry for Economic Affairs and Climate Action (BMWK). Some of its areas of activity fall under the substantive supervision of the Federal Ministry for Digital and Transport (BMDV).