



## Safeguarding Competition in the Telecommunications and Postal Markets

The Regulatory Authority for Telecommunications and Posts ("RegTP") was established on 1 January 1998 as an independent higher federal authority in the portfolio of the Federal Economics and Technology Ministry ("BMWi") with its seat in Bonn. It is the successor organisation to the Federal Ministry of Posts and Telecommunications ("BMPT") and the Federal Office for Posts and Telecommunications ("BAPT"). The ministerial tasks of the BMPT have been transferred to the BMWi and issues of federal holdings to the Federal Finance Ministry ("BMF").

The main functions of the Regulatory Authority are, through liberalisation and deregulation, to

- keep a check on the dominant position of the former monopoly operators Deutsche Telekom AG and Deutsche Post AG;
- assist new entrants to compete in the telecommunications and postal markets on an equal footing; and to
- guide further developments in the telecommunications and postal markets

on the legal basis provided by the Telecommunications Act ("TKG") and the Postal Act ("PostG").

Hitherto, market forces were undeveloped in these markets. Regulation therefore requires more than just the *ex post* control of anti-competitive practices. Its tasks are far too specialised for the instruments of general competition law. Sector-specific regulation will therefore remain necessary, at least until well-functioning competition is established in the new telecommunications and postal markets.

In its rulings the Regulatory Authority is guided first and foremost by the principles of independence and transparency. To enforce its aims, it has been equipped with effective procedures and instruments including information and investigative rights as well as a set of sanctions. Its rulings are ensured by various arrangements, outlined below:

- determinations are made by Ruling Chambers;
- companies directly affected may take part in proceedings;
- associations of persons or representatives of business circles affected by the proceedings may be invited to attend;
- determinations are based on the Telecommunications Act and the Postal Act and are subject to judicial review;

- determinations cannot be quashed by the supervisory authority in the event of legal action. Provision is not made for ministerial decisions, in derogation of the provisions of the Restraints of Competition Act ("GWB");
- no protest procedures are held;
- action against Regulatory Authority determinations may be brought directly before the administrative courts. Complaints do not automatically have suspensory effect.

The federal states were keen to have participation rights in telecommunications and postal issues. An Advisory Council was therefore set up at the Regulatory Authority to accommodate this wish. The Council comprises nine members from the German Bundestag and nine from the German Bundesrat.

The Advisory Council has advisory and nomination rights in staff matters for instance, and consultation rights in areas of relevance to the supply of telecommunications and postal services across the country.

The Regulatory Authority is an independent, efficient supervisor of the market. It perceives its role as that of counsel for the consumer.

Apart from the actual regulation of the telecommunications and postal markets, the Regulatory Authority also does the following:

- awards telecommunications and postal licences;
- provides input on standardisation issues;
- manages radio spectrum and call numbers;
- investigates radio interference;
- provides market watch;
- gives individuals advice on new rulings and their implications for the evolving telecommunications and postal markets.

Through its network of at present 46 regional offices the Regulatory Authority maintains constant contact with consumers and the industry in all parts of the country.

#### **Contact details:**

Regulierungsbehörde für Telekommunikation und Post:

Verbraucherservice

Postfach 8001

53105 Bonn

**Tel:** 0228 / 14-0 **Fax:** 0228 / 14-88 72

Uniform number throughout Germany: 0180 5-10 10 00

or: 030 / 22 48 05 00

(Mon to Fri from 0900 to 1500)

**Fax:** 030 / 22 48 05 15

**E-mail:** [verbraucherservice@regtp.de](mailto:verbraucherservice@regtp.de)