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CONTRACT TERMINATION

The German telco market from a consumers perspective

SHORT DIVE INTO GERMAN TELECOMMUNICATIONS LAW

Image: Kanvag/Fotalia

- ❖ On 1/12/21 the new German Telecommunications Act (TKG) enters into force with the implementation of (EU) 2018/1972
- ❖ combination of harmonized and national consumer law

WINS (contract termination)

- ❖ 1-month notice period in automatic prolongation (Art. 105 (3) EECC), switching process
- ❖ specific national provisions: contract termination with regard to low bandwidth (§ 57 (4) TKG), relocation of residence (§ 60 TKG), termination button (§ 312 (k) BGB)



GENERAL FINDINGS

- ❖ Harmonized consumer laws are not flexible enough to adhere to practical issues after implementation on national level
- ❖ Relationship consumer – provider remains asymmetrical
 - ❖ access to digital infrastructure is an essential need for daily life
 - ❖ there is little enforcement leverage on consumer side
- ❖ Greater emphasis on enforcement is needed

AUTOMATIC PROLONGATION – ART. 105 (3) EECC

Image: Adobe Stock

Implementation of Art. 105 (3) EECC went into force on 1/12/21 (§ 56 (3) TKG)

Problems arose with contracts which went into automatic prolongation before 1/12/21

Further challenges: unintentional contract extension, changes which restart 24 month contract period

KÜNDIGUNG

1N TELECOM – A NEVER ENDING STORY

Image: Kay Zimmermann



**1. Deception &
Provider Switch**

**2. Contract withdrawal
& possible termination**

**3. New contract &
possible claim for
damages**

Impressum

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