CONTRACT TERMINATION

The German telco market from a consumers perspective
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
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
1. Deception & Provider Switch

2. Contract withdrawal & possible termination

3. New contract & possible claim for damages