



7th JMTC
Legal Assistance Information
Telephone Rules in Germany

**Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.
For an appointment dial DSN 467-2103 or CIV 09802/ 83-2103.**

1. A word on the historical background

a. On January 1, 1998 the postal and telecommunication monopolies were abolished. In Germany, telecommunication and mail services are provided by a variety of different companies since. There are different providers e.g. 1+1, o2, KabelDeutschland, TKS and many more on the market. Each provider advertises with special deals but be aware to always read the fine print (TERMS AND CONDITIONS)

2. Telephone Rates

a. Most providers offer flat rates to other landlines. Phone calls to special phone numbers (see below) are excluded from those plans and are NOT free of charge. The same applies to cell phone numbers. They are not included in such flat rates. If you plan on making frequent calls to the USA or to another foreign country, you might want to get an additional foreign country flat rate.

b. A word on special "0"- prefix area codes

There are several special "0"-prefix area codes to be aware of. These include:

- (1) **0130** or **0800**: the German 1-800 numbers,
- (2) **0180**, **0190**, **0700**: extremely high rates ("rip off number"),
- (3) **017_**; **016_**; **015_** : prefix to **cell phone** and, therefore, paying a higher rate

3. How to sign up with a phone company

Contact your local German Telecom company and find out whether you can use your American phone (generally yes), otherwise buy a new phone at AAFES or any other supermarket. The German Telecom sells phones, too, but often does not have the lowest prices. Do not rent or lease a phone and be careful about signing a maintenance contract because these contracts cannot be canceled easily. They run for at least one year and have an automatic renewal clause for another full year if not canceled three months before the contract is up for an automatic renewal. Violations of these rules will lead to claims for breach of contract and damages, and in these cases it is **not** a defense that you had been deployed or that you are about to PCS.

4. The telephone bill

a. The German monthly telephone bill consist of a basic fee and an amount for special phone numbers or services used. If you have rented a phone or entered into a phone service contract, additional fees are charged.

b. Itemized bills are available upon request at no extra cost to you. All detailed information the phone company obtains, will be deleted within 90 days. The "amount due" in the telephone bill must be remitted to the specified invoice account not later than 10 days after its receipt. NOTE: unpaid past bills may not appear on next month's bill but be enforced separately. Therefore, be prepared to receive two or more bills from the phone company, when you failed to pay a bill. The deadline for objecting to a bill is 6 weeks after its receipt. The burden of proof is usually on the customer. Therefore, it is in the customer's interest to have an itemized bill or have the numbers dialed electronically saved. Where no payment is made, and if the arrears are unreasonably high, the phone company may refuse to provide further service. However, installment payments may be negotiated.

5. Termination of service & "tricky" service contracts

a. In order to have your phone turned off, you have to terminate your contract in a written form and within the termination period. A verbal termination is invalid.

b. However, if a **two-year service contract** has been entered, special rules apply: *e.g.*, NO termination is possible, and an AUTOMATIC renewal of the contract will take place! Since such a contract cannot be terminated during that two-year period, it is only possible to terminate the automatic renewal provision. This has to be done at least 3 months before the contract is up for renewal!* Any termination letter sent within the last three months of the contract period is invalid and will not prevent the automatic contract

* These are exactly the same terms under which a car insurance contract can be cancelled in Germany.

renewal. Termination attempts violating the above rules may inevitably lead to claims for damages and the collection of all monthly basic fees due until the next ordinary termination period. There is **NO exception clause** for service members who PCS or ETS from Germany.

c. Personnel deploying for extended periods should consider turning off their phones for up to 6 months ("Wunschsperr") instead of canceling the service outright. Some phone companies offer this service. The obvious advantages of a temporarily turn-off are that you keep your telephone number and need not reapply for the service later (and accordingly, no set up fees are paid). Depending on your phone company, a temporary turn-off should cost around € 25 and is usually limited to 6 months. The German Telecom has even offered to provide a "deployment phone turn off" at no costs to the soldier, provided the phone was not rented. NOTE, not all employees of your local German Telecom office might yet be aware of this new agreement the US Army and the "Deutsche Telekom Mannheim - Großkundenmanagement" have reached, despite the fact that it dates November 24, 1997. Upon his or her return the service member has to pay € 50 for a set up fee which will be fully credited towards the next month's phone bill. Yet, the reached understanding is silent on the maximum length of the turn-off and what happens if there are prior unpaid phone bills.

8. A word on cell phones

a. In Germany, the cell phone business is handled by numerous private companies. **Every cell phone company has its own rules on telephone rates!** These rules and rates differ a lot, not only among the companies but also with respect to their otherwise provided regular (not cellular) phone services. It thus takes a thorough study to find out which - if any - company has an acceptable offer. If there is no monthly basic fee then the calling rates are extremely high (plus a possible stiff minimum usage amount). In their advertisements, the cell phone companies only advertise the lowest rate (*i.e.*, the rate for a call from the companies' cell phone to another cell phone of the same company). Calls to any other phone cost more than twice as much.

b. Third party charges are extra charges that show up on your cell phone bill for subscribed services e.g. games, ring tones etc. Those services can only be subscribed with a smart phone. To prevent those recurring and very high charges, these particular services can be blocked by the provider from the beginning of the cell phone contract. Once subscribed to a service, the service has to be cancelled.

c. Most cell phone companies require a direct debiting which far too often fails if your account is held in US dollars, resulting in a claim for breach of contract. Should there ever be a month in which you have not received a bill from your phone company or in which the phone company did not take out money from your account, contact immediately that company to clarify the matter or seek the assistance of a German Legal Assistance Attorney at once. Do not talk to the local cell phone company representative

because these persons are not really affiliated with the cell phone company and very often pretty uninformed themselves.

d. Should you, despite the aforementioned, seriously consider to get yourself a cell phone, my best advice is to get a pre-paid card service. These pre-paid cards will not allow you to use the cell phone abroad (*i.e.*, outside Germany) and the rates are higher than with a standard contract, but you can "terminate: the contract at any time Moreover, you can never spend more money than you have already pre-paid, thereby keeping your telephone costs under control. Cost control is the main problem with the standard cell phone contracts besides a failed direct debiting, resulting in claims for damages. The pre-paid card system allows you to receive calls even if the pre-paid card's face value has been used up. The phone will remain effective for up to one year.

Locations of your local Legal Assistance Offices:

Katterbach Community: ***Katterbach Kaserne, Building 5817B***
Hours: M-TH 0900-1145, 1300-1600
F 1300-1600
DSN: 467-2103
CIV: 09802-83-2103

Illesheim Community: ***Stock Barracks Army Air Field, Bldg 6506, Rm 214***
Hours: M-TH 0900-1145, 1300-1600,
F 1300-1600
DSN: 467-4576
CIV: 09841-83-4576

Prepared by Joerg C. Modellmog, German Attorney-Advisor
Updated by Eva M Bechteler, German Legal Assistance Attorney