



Press and Information

Court of Justice of the European Union

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Judgment in Case C-568/15

Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV v
comtech GmbH

The cost of a call to an after-sales telephone number must not exceed the cost of a standard call

The German company comtech GmbH sells electrical and electronic equipment. On its website, it used to display the telephone number of an after-sales service beginning with the prefix 0180, which is generally used in Germany for support services at a national rate. The cost of a call to that special (non-geographic)¹ number exceeds the amount for a standard call to a (geographic) landline or mobile number.

A German association for combatting unfair commercial practices (Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main) brought an action before the Landgericht Stuttgart (Regional Court, Stuttgart, Germany) seeking an injunction ordering comtech to discontinue that commercial practice, which it claims is unfair. In that context, the Landgericht asked the Court of Justice for a preliminary ruling interpreting the Directive on consumer rights.² Under that directive, the Member States must ensure that where a trader operates a telephone line for the purpose of being contacted in relation to contracts concluded with consumers, consumers are not to be bound to pay more than the basic rate for calls to that line. However, the concept of a 'basic rate' is not defined by the directive.

In today's judgment, **the Court's answer is that** the concept of 'basic rate' must be interpreted as meaning that **call charges relating to a contract concluded with a trader to a telephone helpline operated by the trader may not exceed the cost of a call to a standard geographic landline or mobile telephone line.**

According to the Court, in everyday language 'the basic rate' refers to the standard cost of a call. Both the context in which that concept occurs in the directive and the purpose of that directive, namely to ensure a high level of consumer protection, confirm that the concept must be understood in that ordinary sense of the term.

To permit traders to charge rates higher than that of a standard call would be liable to discourage consumers from using a telephone helpline in order to obtain information in relation to the contract or from asserting their rights, in particular, relating to a guarantee or withdrawal.

The Court also makes clear that, provided that the limit of the cost of a standard call charge is respected, the fact that the trader makes or does not make a profit through that telephone helpline is irrelevant.

¹ €0.14 per minute from a German landline network and EUR 0.42 per minute from a mobile phone network.

² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ 2011 L 304, p. 64).

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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