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## EU ROAMING RULES ONLY APPLY ON DEMAND

vzbv to bring O2 to court over its roaming practices

- EU roaming rules apply automatically and do not require consumers to actively switch over.
- In vzbv's view, opt-in via text message infringes EU law.
- vzbv intends to bring O2 to court for misleading its customers.

**Since the abolition of EU roaming charges on 15 June 2017 mobile phone companies are not allowed to charge customers roaming surcharges when phoning their home country while travelling within the European Union. For German consumers, making telephone calls, sending text messages and surfing the internet should now not be more expensive when visiting another EU country as it costs at home. However, O2 customers of telecommunications company Telefonica can only benefit from the abolition of the charges once they have sent a text message to O2. The Federation of German Consumer Organisations (vzbv) wants to see this practice banned by the courts.**

"In vzbv's view, EU roaming rules apply automatically without consumers having to submit a request to their mobile phone provider. We believe that public statements made by the European Commission back us up in this respect," says Heiko Dünkel, Legal Officer at vzbv. "Having issued a formal warning to no avail, vzbv will now initiate court proceedings against O2."

### NO AUTOMATIC SWITCH AT O2

On its website, O2 informs its customers that they can only benefit from the new roaming rules if they actively switch to the new roaming tariff by sending a text message. Any O2 customer who is currently not subscribed to the regulated EU roaming tariff is required to do this. In vzbv's view, this is a misleading practice in the sense of the German Unfair Competition Act (UWG): it makes consumers believe that the new roaming rules only apply to them once they have sent the necessary text message to their provider O2. However, in vzbv's view, this would not be in line with the EU Roaming Regulation.

### EU ROAMING RULES APPLY TO ALL CONSUMERS

#### Press Office

Federation of German  
Consumer Organisations

Markgrafenstrasse 66  
10969 Berlin, Germany

Tel: +49 (0)30 25800 525

Fax: +49 (0)30 25800 522

presse@vzbv.de

www.vzbv.de

'Roam Like At Home' – this was the intention of European lawmakers. The regulated roaming tariff should thus apply automatically so that customers can use their phones while travelling in the EU without incurring extra charges. Consumers should not have to take action to ensure this is the case, irrespective of their tariff. If consumers wish to use a tariff other than the regulated EU roaming tariff, they can switch for free to an alternative tariff from one working day to the next.

### Further information

*Heiko Dünkel | Policy Officer, Litigation Team*

*Franka Kühn | Head of the Telecommunications Team and Press  
Spokesperson*

*Tel: +49 (0)30 25800 525*

*presse@vzbv.de*