

# Track Changes

## Track Changes

August 2019

### E-Commerce platforms in the focus of the CJEU

E-commerce platforms are not obligated in all cases to make a telephone number available to consumers before the conclusion of the contract – there are other options.



In its decision C-649/19 the CJEU ruled on questions referred by the Federal Court of Justice of Germany on legal requirements about means of communication for e-commerce businesses.

CJEU decided that the Consumer Right's Directive<sup>1</sup> precludes the German law<sup>2</sup> requiring traders to provide their telephone number in all circumstances before concluding a distance or off-premises contract with consumers.



However, traders who already use telephone or fax numbers or email addresses to communicate with consumers shall be required to provide these means of communication prior to concluding an e-commerce contract.



Furthermore, the CJEU decided that online traders may also use other means of communication, e.g. electronic contact forms, instant messaging or callback services allowing consumers to contact them quickly and to communicate with them efficiently provided that such means of communications are made accessible to the consumers in a clear and comprehensive manner in order to satisfy direct and efficient communication with traders.

---

1 Directive 2011/83/EU on consumer rights

2 Article 246a of the EGBGB (Information requirements for off-premises contracts and distance contracts)

## About WOLF THEISS

Wolf Theiss is one of the leading law firms in Central, Eastern and Southeastern Europe (CEE/SEE). We have built our reputation on a combination of unrivalled local knowledge and strong international capability. We opened our first office in Vienna over 60 years ago. Our team now brings together over 340 lawyers from a diverse range of backgrounds, working in offices in 13 countries throughout the CEE/SEE region.

For more information about our services, please contact:



**Georg Kresbach**

Partner

[georg.kresbach@wolftheiss.com](mailto:georg.kresbach@wolftheiss.com)

T: +43 1 51510 5090



**Martin Weber**

Associate

[martin.weber@wolftheiss.com](mailto:martin.weber@wolftheiss.com)

T: +43 1 51510 5096

This memorandum has been prepared solely for the purpose of general information and is not a substitute for legal advice.

Therefore, WOLF THEISS accepts no responsibility if – in reliance on the information contained in this memorandum – you act, or fail to act, in any particular way.

If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

Wolf Theiss  
Schubertring 6  
AT – 1010 Vienna

[www.wolftheiss.com](http://www.wolftheiss.com)