



Code of Conduct for Value-Added Telephone Services
 Version dated June 12, 2008

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Preamble

The members of the Association for the Voluntary Self-Monitoring of Value-Added Telephone Services [*Freiwillige Selbstkontrolle Telefonmehrwertdienste e.V. – FST*] are committed to establishing a fair and responsible market. They agree to strengthen fair competition and protect the valid interests of users and the general public, in particular against discrimination due to race, ethnic origin, gender, religion, beliefs, age, sexual orientation, as well as against the glorification of violence, and to enhance the protection of youth on the basis of self-responsibility. The FST respects the freedom of expression inherent in individual communication within the services offered, and the basic rights of users to freedom of information. At the same time, the FST respects the basic right to freedom of the media (press) and the basic right to economic freedom (provision of commercial services).

The purpose of voluntary self-monitoring is to induce, in particular, operators of telecommunications networks and providers of telecommunications services (service and content providers) to observe the principles of the Code of Conduct when they join the FST. The FST may also deal with content that is offered, or provided for use, by non-members. In taking action against violations determined by the Association, a distinction is made between members and non-members (see Section 4 of the Code of Conduct).

This Code of Conduct is intended to establish a generally accepted market standard. The Code of Conduct is also intended to give providers of value-added telephone services an overview of key government regulations to be observed in the area of value-added services, and thereby to offer a secure basis for actions and planning when marketing and designing their services. The members of the FST agree to incorporate the Code of Conduct, as amended, into standard agreements with their customers (service and content providers).

By providing information regarding its own work, applying technical protection mechanisms as preventive measures against any misuse, and establishing an information and contact office for its members, the FST strives to communicate the idea of responsible use of these services by users and service providers. The FST will cooperate with other voluntary self-monitoring bodies – even on the international level - in order to cover the global range of services, as well as the international nature of the networks and service providers.

Section 1: General provisions and general principles of conduct

1 Scope of application

The voluntary self-monitoring covers the entire range of value-added telephone services, regardless of the access technology used.

2 Definitions

2.1 Value-added telephone services as defined by the Code of Conduct

Telephone value-added services as defined by the Code of Conduct are all forms of telecommunications services that are billed via a subscriber bill or a customer account and that go beyond mere provision of a connection.

2.2 Legal definitions

In addition, the legal definitions of the German Telecommunications Act [*Telekommunikationsgesetz – TKG*], above all as specified in § 3 TKG, shall apply, in particular:

- Directory inquiry services (in particular, 118), § 3 no. 2a TKG
- Freephone services (in particular, 0800), § 3 no. 8a TKG
- Shared-cost services (in particular, 0180), § 3 no. 10a TKG
- Abbreviated-dialing data services, § 3 no. 11a TKG
- Abbreviated-dialing services, § 3 no. 11b TKG
- Abbreviated-dialing voice services, § 3 no. 11c TKG
- Mass calling services (in particular, 0137), § 3 no. 11d TKG
- Innovative services (in particular, 012), § 3 no. 12a TKG
- Premium-rate services (in particular, 0900), § 3 no. 17a TKG

3 Impermissible and unlawful content

The members of the FST shall take all actions, within the scope of legally determined responsibility and to the extent actually and legally possible and reasonable, to ensure that content which is unlawful or impermissible, in particular pursuant to

- § 130 of the German Civil Code [*Strafgesetzbuch – StGB*] (Incitement to hatred and violence against segments of the population (or minority groups) or publishing insults against them in such a manner as to endanger the peace or to expose them to scorn or contempt);
- § 130a StGB (Incitement to commit crimes)
- § 131 (1) StGB (Depiction of acts of violence)
- § 86 StGB (Dissemination of propaganda material of unconstitutional organizations)
- § 86a StGB (Use of symbols of unconstitutional organizations)
- § 87 StGB (Reasonable conduct as an agent for sabotage purposes)
- §§ 184, 184c StGB (Dissemination of pornographic publications)
- §§ 29 ff. of the German Narcotics Act [*Betäubungsmittelgesetz*];
- §§ 284, 286 StGB (Impermissible organization of games of chance, lotteries and other gambling events)

are neither offered to children/young persons nor transmitted for their use.

4 Protection of youth

4.1 Preventing impairment of, or threat to, the well-being of children/ young persons

The FST shall take all actions, within the scope of legally determined responsibility and to the extent actually and legally possible and reasonable, to ensure that content or services which are unlawful or impermissible, in particular pursuant to

- a. § 184 (1) StGB (Dissemination of pornographic publications);
- b. § 27 of the Children and Young Persons Welfare Act [*Jugendschutzgesetz*] (in particular, § 27 (1), nos. 3 & 4; § 27 (2,) no.1; § 27 (3), no.2);
- c. § 4 of the German Inter-State Agreement on Youth Protection in the Media [*Jugendmedienschutz-Staatsvertrag – JMStV*]

are neither offered to children/young persons nor transmitted for their use.

The members of the FST shall also take preventive measures, within the scope of legally determined responsibility and to the extent actually and legally possible and reasonable, to ensure that content which may impair the physical, mental, or spiritual well-being of children or young persons is neither provided nor transmitted for use, unless

- a. care is taken that children and young persons do not become aware of the services under normal circumstances, or
- b. users are offered technical arrangements which allow them to block the services according to their specific, individual needs.

4.2 Child access controls

Value-added services that might seriously endanger children or young persons morally or impair their well-being may only be offered with an acoustic access control or some other effective access control. The access control must take effect, at the latest, before the caller reaches parts of services that might seriously endanger children or young persons morally or impair their well-being. The acoustic access control must ensure, if possible, that a caller who is a minor will not gain access to the services offered. It is incumbent upon the service provider to ensure that there is a permanent access control.

This access control obligation shall apply to all value-added telephone services that might seriously endanger children or young persons morally or impair their well-being.

This shall also apply to services with subscriber-dialed access operated in combination with value-added telephone services.

4.3 Services addressing minors as a target group

Providers must ensure that the nature of chargeable services addressing minors as a target group is not such that it would take advantage of the business inexperience, credulity, anxiety or predicament of minors, in particular of children; compare § 4 no. 2 of the German Act against unfair competition [*Gesetz gegen den unlauteren Wettbewerb – UWG*].

It must be ensured that the content of such services does not endanger children or young persons in any way. The services must not animate minors to place repeat calls unless the number can be called free of charge. In addition, there must be information at the beginning of each service stating that the permission of a parent or guardian is required.

5 Data protection

The statutory data privacy provisions, in particular the provisions of the German federal and state data protection laws as well as the TKG shall apply (see §§ 96 ff. TKG for information on storing traffic data).

6 Provider identification

Providers of telecommunications services shall ensure that the statutory regulations for identification of providers are observed (cf. § 5 of the German Telemedia Act [*Telemediengesetz - TMG*], §§ 312b ff. of the German Civil Code [*Bürgerliches Gesetzbuch - BGB*] in conjunction with the German Civil Code - Information Ordinance [*BGB-InfoV*]). In particular, this shall include the name and address at which the provider is operating; for legal persons, this shall also include the name and address of the authorized representative.

Providers of telecommunications services that merely provide telecommunications networks for the services shall ensure, as far as reasonably possible, that content providers comply with such regulations.

The required information must be easily recognizable, immediately accessible and constantly available. It may also be offered via a separate service. Neither premium-rate nor international call numbers may be used for this service.

7 Advertising

The providers shall ensure at all times that advertising referring to their services is in compliance with this Code.

For the purposes of this Code of Conduct, the words 'advertising' or 'advertisement' shall cover all forms of active publicity.

In particular, the providers shall observe the following stipulations:

Advertisements must not have any disparaging or degrading effects. Advertisements must not contain any pictures or wording that show or describe violence, sadism or cruelties, or which are otherwise of an offensive nature.

Advertisements must not be designed to mislead callers/ users about the content or the costs of services. In particular, information services must not be advertised in a way that gives callers an impression which is not in keeping with the content of the service.

8 Unsolicited advertising – Principles of conduct in direct marketing

Anyone who harasses a market participant (any person) is acting unfairly and thus engaging in unfair competition; see § 7 (1) UWG.

8.1 Mailbox advertising

Mailbox advertising is an anti-competitive practice if it takes place against the recognizable will of the recipient; cf. § 7 (2) no. 1 UWG. On this premise, however, all forms of advertising are unfair practice.

8.2 Telephone advertising

Telephone advertising is an anti-competitive practice towards a consumer, unless it takes place with the prior express (oral or written) consent of the consumer (opt-in solution). Telephone advertising toward other market participants is an anti-competitive practice, unless it can be assumed that the consumer has given his/her consent.

As it is an unacceptable harassment, telephone advertising is furthermore an anti-competitive practice, unless the following calling times are observed in addition to the

aforementioned requirements: Mon-Fri, from 8.00 a.m. to 8.00 p.m., Saturday from 10.00 a.m. to 4.00 p.m.. Other calling times are acceptable only to the extent that the market participant has expressly requested them.

With each call, the called party must be asked whether he or she is willing to take the call. If the market participant does not wish to be contacted at the time, the call must be ended immediately. If the market participant decides at any time that he or she no longer wishes to be contacted, his/her address and telephone number must be immediately deleted or blocked.

When attempting to set up a call, the number of rings must be limited to no more than six. No more than three attempts to make contact should take place per day. Terminated call attempts by dialers must be avoided.

8.3 Advertising through use of automatic call machines, fax devices or electronic mail (e.g. e-mail, text or multimedia message)

Advertising using automatic call machines, fax devices or electronic mail without the prior consent of the called party is an unacceptable harassment and therefore, in principle, impermissible; see § 7 (2) no.3 UWG. One exception to this rule are advertisements delivered via electronic mail that do not represent an unacceptable harassment and are therefore admissible, provided they comply with the requirements of § 7 (3) UWG (opt-out solution). According to this option, a provider who has obtained a customer's e-mail address or cell-phone number through an order placed with him or her, and the customer does not object to use of these, may send the customer mails advertising similar goods or services. However, this is subject to the provider informing the customer, each time he or she collects the customer's contact data and in every advertisement mail thereafter, that the recipient can refuse to receive advertisements of this nature without incurring any costs other than the cost of transmission according to the basic rates.

As it is an unacceptable harassment, fax advertising is furthermore an anti-competitive practice, unless the following transmission times are observed in addition to the aforementioned requirements: Mon-Fri, from 8.00 a.m. to 8.00 p.m., Saturday from 10.00 a.m. to 4.00 p.m.. Other transmission times are acceptable only to the extent that the market participant has expressly requested them.

8.4 Anonymous messages

Anonymous messages that disguise or conceal the sender's identity or which do not state a complete or correct address are, in principle, anti-competitive actions. Furthermore, the recipient shall be given the opportunity to discontinue receipt of such messages without incurring any costs other than the cost of transmission according to the basic rates.

9 Service codes for 0900 services

In order to establish transparency with regard to the content of premium-rate services offered under a 0900 prefix, the service provider shall observe the service codes listed below. In particular, the members of the FST thereby enable end users to recognize the type of service offered on the basis of the prefix.

09001 – Information

Premium-rate services with the primary purpose of providing information. The service must not be focused on entertaining the caller; it shall not have any sexual or erotic content or reference and must not endanger children or young persons morally or impair their well-being.

09003 – Entertainment

Premium services with the primary purpose of entertaining users. The service must not have any sexual or erotic content or reference and must not endanger children or young persons morally or impair their well-being.

09005 – Other services

Premium-rate services with any content or reference.

09009 – Dialer services (see Section 3, 1.)

10 Displaying vanity call numbers in advertising

Content-related vanity numbers used for the purpose of advertising premium-rate services may only be provided for the number following the service prefix (see Section 1, no. 2.4 of the Code of Conduct) (example: 09003 – GEWINN [German word for PRIZE] for 09003 - 439466).

Section 2: Special principles of conduct in providing value-added telephone services

1 Price details

1.1 Applicability of the German Price Indication Regulation [*PreisangabenVO*]

Unless special statutory regulations exist, the German Price Indication Regulation can be applied if the requirements specified therein are met.

1.2 Statutory regulations in the German Telecommunications Act [TKG] – cf. § 66a TKG

Any party who offers premium-rate services, directory inquiry services, mass calling services, shared-cost services, innovative services or abbreviated-dialing services to end users, or who advertises these services, shall indicate the time-dependent price per minute or the time-independent price for use of the service, including value-added tax and other components.

If the call number is displayed (e.g., in TV commercials), the price details should not be displayed for a shorter period of time than the call number.

1.3 What price should be indicated?

To the extent that prices for calls from mobile networks apply to the use of a service pursuant to 1.2, sentence 1, and if such prices deviate from the prices for calls from fixed networks, the fixed-network price shall be specified with an indication that the prices from mobile networks may deviate therefrom. According to § 67 (2) TKG, the fixed-network price may be set by the German Federal Network Agency [*Bundesnetzagentur – BNetzA*].

1.4 Format for price details and font sizes

When indicating the price, it shall be provided in a clearly legible and visible manner in direct connection with the call number.

1.4.1 Print advertising

In print media, the price details shall be provided in a clearly legible manner in a minimum font size of 7 points in direct connection with the call number, unless the advertisement is aimed at minors as a target group. In the case of poster advertisements or anything of a similar nature, the minimum font size shall be correspondingly larger.

In advertisements for value-added telephone services addressing minors as a target group, the price details in print advertisements shall be provided in a clearly legible

manner in a minimum font size of 10 points and in direct connection with the advertised number.

1.4.2 Television advertising

In television advertisements, the price details shall be provided in a clearly legible manner and displayed continuously as long as the call number is shown. In Germany, the resolution of TV pictures is 768x576 pixels. The price information must be at least 50 pixels away from the sides and at least 40 pixels away from the upper and lower edges. The minimum font size shall be 20 points. Gothic (sans-serif) font with a shadow that is clearly set off from the font color shall be used for font sizes of up to 30 points. The price information shall be in the same horizontal line in direct connection with the call number advertised.

1.4.3 Teletext (broadcast videotex)

In teletext (broadcast videotex), the price information shall be provided in direct connection with the number (on the same teletext page) and appear in a color that sets it off clearly from the background.

1.4.4 Radio advertising

In radio advertisements, the price details shall be clearly audible. In the case of acoustical advertising, the price information shall be given immediately before or after the number advertised.

1.4.5 Internet advertising

On the Internet and in other online services, the price details shall be clearly legible, displayed in direct connection with the advertised number, and have a minimum font size of 7 points.

1.4.6 Text message (SMS) advertising

In text messages (SMS), the price details shall be displayed in direct connection with the call number in continuous text without line breaks.

2 Price announcements – cf. § 66b TKG

2.1 Voice-supported premium-rate services – Price announcement by the long-distance network operator before the obligation to pay the charge begins – cf. § 66b TKG

For voice-support premium services, the party who sets the price to be paid by the end user for the use of this service shall announce to the user the time-dependent price per minute or time-independent price per data volume or otherwise for the use of this service, including value-added tax and other price components, before the obligation to pay the charge begins. The price announcement shall be completed no later than three seconds before the obligation to pay the charge begins and include an indication of the time at which this obligation begins. If this price changes during the use of the service, the price to be paid following the change shall be announced pursuant to sentences 1 and 2 before the new rate segment begins, provided that the announcement can be made while the service is being used. The aforementioned price announcements must be made on the network level of the long-distance network operator.

2.2 Voice-supported directory inquiry services

2.2.1 Toll-free price announcement starting at EUR 2

The stipulation under 2.1 also applies to voice-supported directory inquiry services priced at EUR 2 per minute, or per use in the case of time-independent prices.

2.2.2 Price announcement prior to call completion

Voice-supported directory inquiry services with call completion require that the directory inquiry service provider announce the price of call completion. The announcement can take place while the voice-supported directory inquiry services is being used, but it shall in any case be provided before call completion; item 2.1 sentence 3 (announcement of rate change) applies accordingly. This announcement shall include the time-dependent price per minute or time-independent price per data volume or other use for calls from fixed networks, including value-added tax and other price components, as well as an indication that prices from the mobile network may vary.

2.3 Abbreviated-dialing voice services

The stipulation under 2.1 also applies to abbreviated-dialing voice services starting at a price of EUR 2 per minute, or per use in the case of time-independent prices.

2.4 Voice-supported innovative services

2.4.1 Basic principle

In principle, the stipulation under 2.1 also applies to voice-supported innovative service starting at a price of EUR 2 per minute, or per use in the case of time-independent prices.

2.4.2 Exception

In the case of voice-supported innovative services, the German Federal Network Agency may set deviating requirements for price announcements following hearings with technical bodies and consumer associations, if technical developments affecting this number range make such steps necessary. The stipulations shall be published by the German Federal Network Agency.

2.5 Mass calls to specific destinations [MABEZ] – Announcement at the end of service

In the case of voice-supported mass calling services, the service provider must inform the end user of the price to be paid for the use of the appropriate number for calls from the fixed networks, including value-added tax and other price components, and this announcement shall be made immediately following the use of the service.

3 Price indication for abbreviated-dialing data services and non-voice-supported innovative services (nonrecurring services) – cf. § 66c TKG

3.1 Basic principle – Price details

In the case of abbreviated-dialing data services (e.g., logos, ring tones), except in cases where § 45I TKG (Subscriptions) applies, the party setting the price to be paid by the end user for the use of this service shall indicate the price to be paid for the use of this service, including value-added tax and other price components, starting at a price of EUR 2 per use, in a clearly visible and legible manner before the obligation to pay charges begins, and have the end user confirm the receipt of the information. In principle, this also applies to non-voice-supported innovative services starting at a price of EUR 2 per use.

3.2 Exception – Public-interest services or authorization procedures

Deviations from the obligations stated under item 3.1 are allowed if a service is provided in the public interest or if the end customer has presented the obligated party as defined under 3.1 with due authorization using a suitable procedure prior to using

the service. Further details of this shall be specified by the German Federal Network Agency.

4 Maximum price limits – cf. § 66d TKG

4.1 Premium-rate services

The time-dependent price for services billed via call numbers for premium-rate services shall, in principle, not exceed EUR 3 per minute. The charges must be billed in unit-intervals of no more than 60 seconds. The time-independent price for services billed via call numbers for premium-rate services shall, in principle, not exceed EUR 30 per call.

4.2 Directory inquiry services with call completion

Likewise, in the case of directory inquiry service with call completion, the price for services billed on a time-dependent basis shall, in principle, not exceed EUR 3 per minute. In principle, the members of the FST agree, and shall also obligate their customers accordingly, to limit the price of call completion through a directory inquiry service for services billed on a time-independent basis to a maximum of EUR 30 per call.

4.3 Combined rates

If the price of services is composed of time-dependent and time-independent portions, these portions of the price shall be shown separately on the itemized bill, if one is submitted, or applied separately by a procedure to be determined by the German Federal Network Agency. In principle, the price shall also not exceed EUR 30 per call. As an alternative to showing the charge portions separately, the German Federal Network Agency may specify other permissible pricing procedures for combined rates by administrative orders published in the Official Gazette. In principle, the members of the FST further agree, and shall also obligate their customers accordingly, to limit the total price of call completion through a directory inquiry service to a service billed at a combined rate to a maximum of EUR 30 per call.

4.4 Exceptions – Authorization procedures, other separate procedures and stipulations by the German Federal Network Agency

Prices that exceed the maximum statutory limits may be charged only if the customer has presented the service provider with due authorization using a suitable procedure prior to using the service. Further details of this shall be specified by the German Federal Network Agency. The German Federal Network Agency can also set deviating maximum price limits if the general development of prices or the market make such steps necessary.

5 Call disconnection in the case of call numbers billed on a time-dependent basis for premium-rate services and abbreviated-dialing voice services – cf. § 66e TKG

5.1 Premium-rate services and abbreviated-dialing voice services

The service provider who sets up the call number for premium-rate services or abbreviated-dialing services shall, in principle, disconnect calls billed at a time-dependent price to such services after a period of 60 minutes.

5.2 Call completion to call numbers for premium-rate services or abbreviated-dialing voice services

The aforementioned principle also applies to call completion to premium-rate services or abbreviated-dialing voice services.

5.3 Exception – Authorization procedures, other procedures specified by the German Federal Network Agency

Deviations from the aforementioned obligations to disconnect calls are allowed if the end user has presented the service provider with due authorization using a suitable procedure prior to using the service. Further details of this shall be specified by the German Federal Network Agency. The German Federal Network Agency can stipulate the specifics of permissible procedures for disconnecting calls via an administrative order.

6 Subscriptions

6.1 Notification that a subscription agreement will be concluded

In the case of subscriptions, any party who provides or advertises premium-rate services, directory inquiry services, mass calling services, shared-cost services, innovative services or abbreviated-dialing services shall indicate that a subscription agreement will be concluded in addition to showing the price. The requirements for indicating price details apply accordingly (see section 2, no. 1.).

6.2 Subscriptions for abbreviated-dialing services – cf. § 45I TKG

The following shall also be observed in the case of subscriptions to abbreviated-dialing services.

6.2.1 Bill alert

If the provider offers a service that is intended for the general public in addition to a telecommunications service, the subscriber can ask the provider to submit a charge-free notification if the provider's claims for payment of charges arising from subscription agreements for abbreviated-dialing services exceed EUR 20 in any given month. The provider is merely obligated to send the notification without undue delay. If the subscriber has requested a notification pursuant to sentence 1 before the beginning of a calendar month, but has not received the requested notification, the provider cannot demand an amount exceeding the EUR 20 pursuant to sentence 1 for this calendar month.

6.2.2 Cancellation of subscriptions for abbreviated-dialing services

The subscriber can cancel a subscription for abbreviated-dialing services with effect to the end of a billing period by giving the service provider one week's notice. The billing period may not exceed a period of one month. In derogation of sentence 1, the subscriber can cancel an event-based subscription for abbreviated-dialing services at any time without notice for the service provider.

6.2.3 Handshake procedure

Prior to the conclusion of subscription agreements for abbreviated-dialing services in which the receipt of electronic messages by the subscriber is of prime significance for the service provider's claims for payment, the service provider must offer the subscriber clear information about the essential components of the agreement.

The essential components of the agreement include, in particular:

- a. the price to be paid, including taxes and duties for each incoming abbreviated-dialing transmission;
- b. the billing period;
- c. the maximum number of incoming abbreviated-dialing transmissions within the billing period, if this information can be provided according to the type of service;

- d. the right to terminate the agreement at any time; and
- e. the practical steps that need to be taken to terminate the agreement.

A subscription agreement for abbreviated-dialing services shall not be deemed concluded if the subscriber does not confirm the receipt of the information pursuant to sentence 1; any payments that are nevertheless made by the subscriber to the service provider shall be reimbursed.

7 Calling line identification presentation – cf. § 66j TKG

7.1 Network-provided CLI

Providers of telecommunications services that enable subscribers to set up outgoing calls (subscriber network operators) shall ensure that a complete nationally significant call number is presented and identified as such when the call is set up. The call number must be assigned to the subscriber for the service under which the call is set up. German call numbers for directory inquiry services, mass calling services, innovative services or premium-rate services, as well as numbers for abbreviated-dialing voice services, may not be presented as the caller's line identification. Other service providers participating in the call may not change presented line identifications.

7.2 User-provided CLI (-> prohibition of identifying 0900, 118xy, 0137 numbers for abbreviated-dialing voice services and 012 numbers for presentation on the display)

Subscribers may not add additional call numbers and transmit them into the public telephone network unless they have the right to use these call numbers. German call numbers for directory inquiry services, mass calling services, innovative services or premium-rate services, as well as numbers for abbreviated-dialing voice services, may not be added by subscribers as additional call numbers and transmitted into the public telephone network.

8 No offer or scam offer

The use of a value-added service number in connection with scam offers or for the purpose of inducing called parties to call back a number without making any offer (e.g. inquiries, answers to sales advertisements) is not allowed.

9 Holding loops

Holding loops must be kept as short as possible. They may not be used solely for the purpose of holding callers in a call.

10 Circumvention prohibition – cf. § 66i TKG

The provisions of §§ 66a through 66k TKG shall apply even if they are circumvented by other arrangements. These provisions are circumvented, in particular, when call numbers are used in violation of the assignment rules established by the German Federal Network Agency. This refers to situations in which the call numbers are used in a manner for which the existing assignment rules provide special number ranges (prefixes) on which special stipulations are imposed according to §§ 66a ff. TKG.

Section 3: Special services and content

1 Dialers – cf. § 66f TKG (see Attachment 6 for details)

1.1 Registration obligation and written assurance of conformity to the law

Dialer programs that set up calls to a number where the user is billed for content in addition to a telecommunications service (dialers) may be used only if they

- a. were registered with the German Federal Network Agency prior to use;
- b. meet the minimum requirements specified by the Agency; and
- c. written assurance has been submitted to the Agency stating that steps have been taken to prevent illegal use.

1.2 Separate call number range for dialers (09009)

Dialers may be offered only for call numbers from a number range that has been provided by the German Federal network Agency for this purpose. Operation of both an unregistered dialer and a registered dialer under the same number is not permitted.

1.3 Only one dialer per call number

The German Federal Network Agency registers only one dialer at a time under any one destination number.

1.4 Changes to registered dialers

If changes are made to the dialer, the dialer must be re-registered.

1.5 Powers of the German Federal Network Agency

The German Federal Network Agency regulates the specifics of the registration procedure and the content of the written assurance to be submitted. The Agency may specify details of the use of the rate for services billed on a time-independent basis as well as for registering dialers pursuant to no. 1.3, to the extent that these procedures are equally suitable for guaranteeing consumer protection, and publicly announce such detailed regulations by administrative order.

2 Fax services – Additional information on the scope of services in advertising – cf. § 66a TKG

In the case of fax services, the number of pages to be transmitted shall be indicated in addition to the price.

3 Data services – Additional information on volume in advertising – cf. § 66a TKG

In the case of data services, and to the extent possible, the volume of data to be transmitted shall also be indicated, unless the volume has no effect on the price to be paid by the end user.

4 Collect calls – cf. § 66i TKG

No payments may be made to the caller in connection with telephone calls in which the call charge is billed to the called party (collect calls). Offers of collect call services for which the caller receives payment pursuant to sentence 1 are not permitted. The German Federal Network Agency maintains a list of call numbers which collect call services must block for incoming collect calls. End customers can ask their telecommunications service providers to add their numbers to the no-call list free of charge. Removal from the list may incur a charge. The provider shall submit the end customer's request as well as any numbers that need to be removed from the list because they are no longer assigned. The German Federal Network Agency provides the no-call list to collect call service providers for retrieval.

5 Chat services

Providers of chat services with erotic and/or sexual reference/content must ensure that minors will not use these services. In all other respects, Section 1, no. 4.4 of this Code of Conduct (Services addressing minors as a target group) shall apply accordingly to chat services that do not have any erotic and/or sexual reference/content.

Conference services provided as part of chat services may be offered for no more than 10 actively participating individuals per conference. Providers of conference services shall ensure that a trained operator is present at all times. The primary task of the operator shall be to mute or switch off any individual caller who violates the conditions of this Code of Conduct.

6 Mobile payment – via TAN procedure

6.1 Preamble

The TAN (transaction number) procedure denotes the option a user has to request services, for example, via the Internet, by entering his mobile phone number, and paying for those services by entering an individual TAN issued to him. This procedure can be used to enter into agreements both for individual services and services with a continuous obligation (subscriptions). On the Internet, the TAN procedure must be offered via a clearly laid out special transaction window. Even before the transaction window appears, the user must be informed on the Internet page, no later than the point at which specific services are offered, that there is a charge for the service in question. In particular, misleading remarks such as “free access code,” or similar statements that lead users to believe that the service is free, are not permitted. Furthermore, if it is possible for the user to subscribe to the service creating a continuous obligation, the description must explicitly state that the service in question is a subscription and include information on how to cancel the subscription.

6.2 External design and required content of the transaction window

6.2.1 Placement: Centered in the on-line application being used

6.2.2 Graphics/ font: The transaction window must take up at least one-fourth, and no more than three-fourths, of the screen area. All written information must be permanently visible, easily recognizable, and clearly legible or otherwise readily discernible. The transaction window must, in principle, contain entry fields for the user to enter both his mobile phone number and the TAN. However, it is also permissible to add the TAN at a later point in a separate window, as long as it is ensured that the information listed below is also provided for the user there.

6.2.3 Required content: In the transaction window, the following information must be placed in a permanently visible location directly adjacent to the entry field for the user’s mobile phone number:

- a. Price
- b. Statement that the user is entering into a subscription agreement – if that is the case
- c. In the case of a subscription, statement that the user can cancel the subscription at any time

6.3 Execution of the TAN procedure

The mobile payment via TAN procedure on the Internet must involve at least the following steps:

- a. Entry of mobile phone number in the transaction window with transmission function indicated by “OK,” “Next,” or similar.
- b. Receipt of a text message referencing the service offering (www.XY.de) and the payment code
- c. Entry of the payment code on the Internet page to activate the content

- d. Optional: Receipt of a text message confirming the user transaction with a notice about the user's ability to cancel, if a subscription was purchased
- e. For subscriptions: A text message notifying the user each time the account is debited, including the name of the Internet page with the content concerned and a simultaneous notice of the user's right to terminate the subscription

6.4 Price information

The price of the service to be used must be continuously visible, easily discernable and clearly legible or otherwise indicated in a prominent manner (cf. German Price Indication Regulation) in direct connection with the input field for the user's TAN. It is not permissible to establish the direct connection by using an asterisk symbol (*). Costs are to be listed as gross prices in euros per individual service and/or per time interval. The currency may only be displayed as follows: EURO, EUR, or €. The price itself must be shown to two decimal places after the decimal point, except for whole euro amounts. Amounts < EUR 1 may be stated in cents and labeled "cent" or "ct." If the maximum monthly price is more than EUR 50, this must also be stated in the same place. Price information must be at least as large as the font size used for entering the mobile phone number, but no smaller than 10 points.

6.5 Special provisions for subscriptions

- 6.5.1 It must be clearly indicated in the transaction window in direct connection with the price information that the user is entering into a subscription agreement.
- 6.5.2 If a subscription agreement is concluded, this must be indicated by using the word "subscription" and stating the debit interval (monthly subscription, weekly subscription, etc.).
- 6.5.3 Termination: It must be clearly indicated in direct connection with the price information and the statement that the user is entering into a subscription agreement that the user can cancel the subscription at any time.
- 6.5.4 The online application used by the user to order the subscription must at least include a free cancellation function with which the user can cancel the subscription (i.e., the service provided) at any time, with effect from the end of the current billing period (via e-mail). It is recommended to provide an additional means of cancellation via text message.

6.6 (Free) trial subscriptions

Agreements that provide for the use of a service free of charge may not automatically convert to a fee-based subscription if the user fails to cancel.

6.7 (Paid) short-term subscriptions

Offering short-term subscriptions that automatically convert to longer-term subscriptions if the user fails to cancel is also not permitted.

6.8 Cost check (bill alert)

The technical service provider, or the entity that has signed the agreement with the mobile phone company, must notify the user (end customer) free of charge via a mobile terminated text message (SMS-MT) whenever the user has incurred fees amounting to EUR 50.00, or a multiple thereof, for the calendar month. If lower warning limits have been agreed in individual cases, the lower warning limits shall apply. If the service provider is directly bound by contract to the mobile phone companies, the mobile phone

companies are responsible for sending the alert text message in accordance with the rules outlined above.

7 Mobile payment – via WAP billing

7.1 Definition – WAP applications/ WAP billing

WAP applications involve Internet content displayed on special pages (WAP pages) on mobile terminals, using the WAP protocol. WAP billing makes it possible to bill the customer for the use or purchase of digital goods that are displayed on or can be downloaded from the accessed WAP page(s). The customer submits a confirmation from his mobile terminal to initiate the payment for or billing of the service. This is done by debiting the amount from a prepaid credit balance or by billing the service on the mobile communications bill in the case of postpaid agreements.

7.2 Price transparency for WAP billing

Within the framework of WAP applications or WAP billing, the service provider must indicate the price of the service in a clearly legible manner in the middle of a separate confirmation WAP page after the user has selected the service and authenticated himself, and this must be done in such a way that the price indication can be seen on the displays of all common mobile phones without scrolling. The user must confirm this price indication from his mobile terminal. The payment cannot be initiated until this confirmation is made.

7.3 Special provisions for subscriptions/ bill alert

The stipulations under 6.5 through 6.8 apply accordingly to WAP billing.

8 Games of chance/ lotteries

Games of chance and lotteries are permissible only upon approval by the responsible (regional state) authorities.

9 Competitions with value-added service numbers including abbreviated dialing numbers

9.1 Preamble

When offering competitions, the prevailing interpretation of the law shall be taken into consideration.

9.2 Admissibility of competitions with value-added service numbers (hereinafter including abbreviated dialing numbers)

Phone-in competitions and competition programs using value-added service numbers are admissible as long as they do not violate a legal prohibition or other general legal provisions. Competitions in the form of so-called call-in TV programs are also subject to the rules of use and interpretation of the regional media supervisory authorities for the supervision of TV competitions (GewinnSpielReg = so-called competition rules).

9.3 Definition of a competition

Unlike a game of chance prohibited under criminal law or a game of chance for which a permit is required under the German Interstate Treaty on Gaming, a competition takes place if the charge made for a chance of winning in a game is minimal or if the decision on the win is not entirely or not mainly dependent on chance.

9.4 Maximum charge

The value-added service number charges made for competitions offered via broadcast media or comparable telemedia may not exceed EUR 0.50 per attempt see § 8a of the draft Amendment of the Agreement between Federal States on Broadcasting (Rundfunkänderungsstaatsvertrages- RfÄStV).

All other phone-in competitions with value-added service numbers are subject to the limits set by general legislation.

9.5 Transparency and participant protection

The members of the FST agree to conduct competitions in a transparent manner, with due regard for participant protection. In particular, they expressly draw to the participants' attention the following points:

- Participation costs
Price information in advertising is subject to the provisions of the Telecommunications Act. Reference must be made to fixed network charges and the possibility of varying charges from mobile networks by means of clear and permanent presentation of such information on screen or presenters must make reference to the charges if the telephone number is only announced.
- Prize (details of cash-prize amount or prize in kind)
- Terms of participation
The terms of participation apply regardless of the nature of the respective competition offered.

The terms of participation applying to call-in TV programs are defined in more detail within the competition rules of the regional media supervisory authorities. The competition rules include the costs, information on eligibility requirements, the valid types of games, as well as the call-in chance. The competition rules are to be adequately published online and on teletext. Presenters must reference to such publication. Explicit information is to be given that not all chargeable calls are put through to the program. In addition, viewers are to be informed that they are responsible for their own calling habits.

For individual competitions, it is sufficient to announce the terms of participation verbally (e.g. radio, TV), via on-screen display (e.g. TV) and/or in written form (e.g. print, teletext, internet).

10 Consulting services

Consulting services shall be permissible only if an appropriate qualification/ source is given, or the required permission exists (e.g. a permission pursuant to the German Legal Advice Act). In other respects, consulting services (e.g., employee placement, and housing brokerage as well as debt regulation or debt management agreements) shall be permissible only to the extent that these services may be operated without a permit prescribed by law. A consulting service for which a permit is required or a consulting service that may not be performed until after professional competence has been examined by a public authority may only be provided as a value-added telephone service if a public authority has determined that it is permissible to provide it as a service that carries a charge.

11 Charity services

Charity lines are only allowed to be used for this purpose in accordance with regulations. The partial use of a service as a charity line shall be precluded.

Section 4: Measures in response to violations of the Code of Conduct

1 Members

If members of the FST violate this Code of Conduct, they shall be notified and requested to remedy the situation.

If violations nevertheless continue, the matter shall be turned over to the German Federal Network Agency or other competent bodies.

The statutes of the FST even provide for membership in the Association to be terminated.

2 Non-members

If violations are committed by non-members, the matter shall be turned over directly to the German Federal Network Agency or other competent bodies for further action.

3 In case of doubt

The subscriber to whom the number has been assigned as published by the German Federal Network Agency or the provider of the abbreviated-dialing number named by the mobile network operators shall be decisive.

Section 5: Final provisions

The obligations put forth in this Code of Conduct cannot be used as grounds for establishing responsibility to any third parties, nor assist in the substantiation of such responsibility. A working group of the FST shall continuously monitor the Code of Conduct on the basis of its experience and update it as needed, taking into account the procedure established for this purpose in accordance with the statutes.

Code of Conduct Commission

Düsseldorf, Jun. 12, 2008

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Annexes

- 1 Definition of terms – cf. § 3 TKG**
- 2 Overview of price details, price indication, price announcement**
- 3 Overview of specific forms of advertising – Font sizes, etc.**
- 4 Overview of consumer-protection provisions in the German Telecommunications Act (TKG) - General**
- 5 Overview of service classifications under service codes for 0900**
- 6 Dialer provisions (in particular, administrative orders of the German Federal Network Agency)**
- 7 Cessation of the claim to payment – cf. § 66g TKG, etc.**