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MAXI FINES TO THE TELEPHONIC COMPANIES BY THE ANTITRUST FOR “WRONG COMMERCIAL PRACTICES”

Telecom, Vodafone and Wind have been declared guilty of “wrong commercial practices towards the consumer” by the Antitrust: the reason of the contest has been the payment of “recall” services.

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One and a half million euro: this is the sanction inflicted by the Antitrust Authorities for the Competition and the Market to the three most important telephonic companies – Telecom, Wind and Vodafone – working in Italy, **for wrong commercial practices** (d.lgs.146/07).

The art.20 of the Consumer Code (d.lgs.206/2005) forbids those practices defining them unfavourable to the zeal and suitable to distort the consumer's behaviour, inducing him to make a choice that otherwise they would never make. Typical cases are the **not requested services** and the **not requested equipment** (art.50 and ss.cons.cod.) as this case. The reason of the complaint was the **“recall” services**, which is the instrument that informs the customer about the fact that the number previously called is now free and able to receive the new call. Those services, that were previously free, now are not so.

The Antitrust makes clear as the incorrectness “consists **about the fact that they have kept active** those services on the sim card sold before the 14 of June 2014, even after their transformation in **onerous** too, imposing to the customers the **implicit** acquisition to let enjoy it if they have not provided for their initiative to unprime them”.

Another sanction was done to Vodafone in regard to the sim cards, sold after the 14 of June 2014, that is to say when we had to pay for those services: in violation of the **European directive “Consumer Rights”** the company had kept an **aggressive commercial practice** (art.24 cons.cod.), consisting on the **limitation of the freedom of choice** of the consumers through conditionings, the telephonic companies let the new consumers sign a form in which it supposed the adhesion to the recall services.

Wind has been declared guilty of aggressive practice because of unilateral activation of the onerous service called “Service card”.
