8bound

FREE REPORT · 2026

GERMANY · AUSTRIA · SWITZERLAND

The DACH Outbound Calling Report.

Is B2B cold calling in Germany still legal in 2026? What "implied consent" really means, what the data says, and how to do it right — a practical guide for teams entering the DACH market.

§ 7 UWG
Implied consent, decoded

3 rulebooks
DE · AT · CH compared

Fully sourced
Cited on every page

2025 ruling
BVerwG 6 C 3.23, explained

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General information — not legal advice



Before you start outbound in DACH

Sooner or later every sales leader planning to enter Germany, Austria or Switzerland asks two things: **may we call these people, and will it work?**

This report answers both, in plain English. It covers what the law allows in each country and what changed with the 2025 ruling on public phone numbers, what results a phone team can expect, and how to make calls you can defend. It is general information based on public sources, not legal advice, so have a lawyer review your campaign before you launch.

WHAT THIS REPORT ANSWERS

1 **The short answer** — p. 3
Is B2B cold calling legal in Germany, Austria and Switzerland?

2 **Why the phone still matters** — p. 4
Does it work in the age of AI, and what results can you expect?

3 **The rules, country by country** — p. 5
What does each country require, and who can come after you?

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Hire in-house, or work with an embedded partner?

SECTION 1

Can you still cold-call in DACH?

Yes in Germany and Switzerland, with conditions. Not in Austria without prior consent.



GERMANY

Yes, with a reason.

B2B calls need at least **implied consent** (§ 7 UWG): a concrete, business-related reason to think the call is welcome.

AUSTRIA

No, not cold.

Prior consent is required for businesses too (§ 174 TKG). Fines up to €100,000.[1]

SWITZERLAND

Yes, check first.

Opt-out system: numbers with a **star entry** (*) are off-limits, and caller ID must be real.[2]

What changed in 2025

The law itself did not change. § 7(2) no. 2 UWG still accepts presumed consent from a business. What changed is the standard of proof. In January 2025 Germany's Federal Administrative Court ruled that a phone number taken from a public directory is **not** a reason to call. Teams that still buy lists and dial by industry code are the ones now receiving cease-and-desist letters; teams that call because of a documented signal are not.[3]

Two more facts shape any DACH plan. Where your SDRs sit is irrelevant: the rules of the country your call lands in apply. And the phone is the only outbound channel that can lawfully start on implied consent; e-mail and LinkedIn messages need prior consent, even B2B.

Call because of a concrete, documented reason. Not because you found a number.

1 § 174 TKG 2021 (Austria); WKO, E-Mail- und Telefonwerbung nach dem TKG; GEUER Rechtsanwälte (2024).
2 Art. 3(1)(u), (v) UWG (Switzerland); Steiger Legal, Telefonmarketing in der Schweiz; SECO, Unerbetene Werbeanrufe.
3 § 7(2) UWG; BVerwG press release 5/2025 on judgment of 29 Jan 2025 (6 C 3.23); Kanzlei Kotz on the ruling.

SECTION 2

Why the phone still matters

Inboxes are full and LinkedIn is automated. In DACH, a human voice has become the scarcest channel in outbound.

Buyers still want a person to confirm

Buyers now research alone and ask an AI assistant first. That does not remove the seller. Most say they would rather not deal with a rep, yet most still turn to one to check what the AI told them. The lesson for outbound: do not repeat what an assistant already summarised. Be the credible person who can confirm, qualify and answer.[1]

69%

of B2B buyers validate AI insights with a human seller

Why e-mail and LinkedIn are the harder route in Germany

Most foreign outbound playbooks run on e-mail sequences and LinkedIn automation. In Germany they meet the law before they meet the prospect: the relaxation for businesses applies to the telephone only.[2]

CHANNEL	CONSENT NEEDED	WHY
Phone call, human caller	✓ Implied	§ 7(2) no. 2 UWG accepts presumed consent from a business.
Cold e-mail	✕ Prior	§ 7(2) no. 3 UWG has no B2B relaxation.
LinkedIn or Xing message	✕ Prior	OLG Hamm (2023): promotional messages count as electronic mail.
AI voice agents, auto-dialers	? Prior	"Automatic calling machines" need consent; conversational AI is untested.

What 1,000 dials are worth

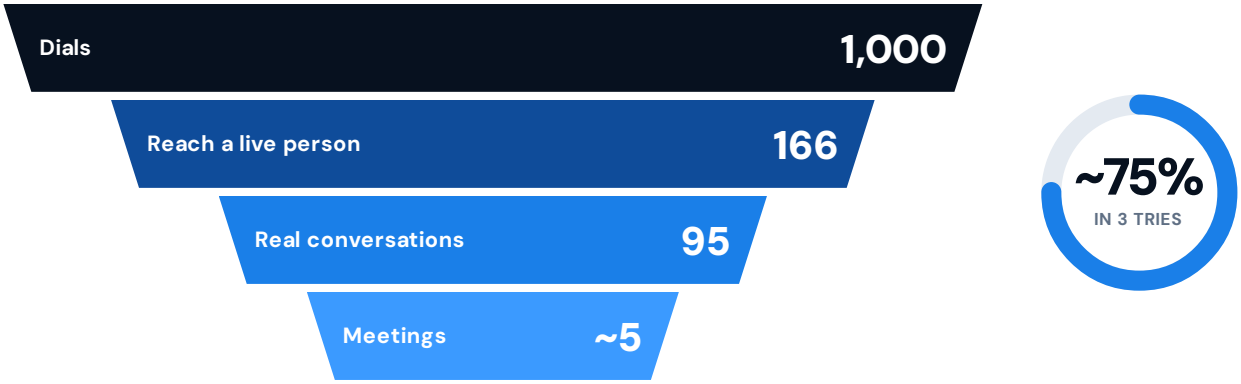


Figure 1. Funnel scaled from 55,701 dials (Cognism and We Have A Meeting, 2024); bars not to scale. About three attempts, spread over different days, reach roughly 75% of prospects.[3]

A note of caution: this is a global, English-language dataset from one vendor's team, not a DACH benchmark. In Germany, where every call must also be defensible, plan for fewer dials per SDR and more qualified conversations.

1 Gartner press releases of 9 March 2026 and 20 May 2026; global survey of 645 B2B buyers (not DACH-specific).
2 § 7(2) nos. 2 and 3 UWG; OLG Hamm, 15 November 2023 (summary: Skradde); Paytechlaw on voicebots in B2B direct marketing.
3 Cognism and We Have A Meeting, State of Cold Calling 2024; Cognism, cold calling statistics 2026 (2025 edition).

SECTION 3

The rules, country by country

One language does not mean one law. A script that is fine in Frankfurt can be an offence in Vienna.

	GERMANY	AUSTRIA	SWITZERLAND
Core rule	§ 7 UWG, plus GDPR	§ 174 TKG 2021	Art. 3(1)(u), (v) UWG
B2B cold call	✓ With presumed consent and a concrete reason	✗ Prior consent only. No B2B exception	✓ Unless the number has a star (*) entry
Maximum penalty	€300,000 for consumer calls; GDPR up to €20M or 4% of turnover	€100,000 for cold calls; €75,000 for hiding your number	Up to three years' imprisonment or a fine, on complaint

Figure 2. Advertising calls to businesses. Caller ID may never be suppressed; in Switzerland it must be a real, registered number.[1]

One campaign, three gates

A single DACH campaign needs one target list and one message, but the gate a call must pass depends on the country code.

+49
Germany: have a reason

Build lists from signals, not industry codes. Save the reason before you dial.

+43
Austria: get consent first

Call inbound leads and opted-in contacts only. Everyone else gets warmed up first.

+41
Switzerland: check the register

Screen against local.ch or search.ch before each wave. Use French and Italian speakers for Romandie and Ticino.

Who can actually come after you?

In B2B the practical risk in Germany is rarely the regulator. It is a competitor or trade association sending a cease-and-desist letter (*Abmahnung*), demanding a penalty-backed promise, or seeking an injunction. A data-protection authority can also act, as in the 2025 ruling. The Bundesnetzagentur mainly polices consumer calls.[2]

You are also answerable for the people you hire: under § 8(2) UWG a claim can be brought against the business owner when a contractor makes an unlawful call. Outsourcing shifts the work, not the liability, so check how any partner documents why each call was made.

39,842

written complaints about unlawful advertising calls in Germany in 2025, up 6%. Almost all concerned consumer scams, not B2B selling.

Bundesnetzagentur, Jan 2026

Working with Austria

You cannot cold-call, but you can earn the right to call: webinars, guides and event sign-ups with a separate, unticked phone-consent box; ads and LinkedIn introductions that lead to a "call me" request; and callbacks people asked for. A list is not consent.

1 § 7 UWG; § 174 TKG (WKO Austria; GEUER Rechtsanwälte, 2024); Art. 3 and 23 UWG (Steiger Legal, SECO); GDPR Art. 83. Some Swiss commentators read the revision as also covering unlisted numbers: call only listed, un-starred numbers and confirm with Swiss counsel.

2 Bundesnetzagentur press release of 26 January 2026; § 8(2) UWG (DS Law); BVerwG press release 5/2025.

SECTION 4

Implied consent, explained

It is not a loophole and not a formality. It is a judgement about what the recipient would most likely welcome, based on concrete facts.

What the law says

§ 7(2) no. 2 of the German Act against Unfair Competition (UWG) lists calls that are always an unreasonable nuisance:

> *„… gegenüber einem sonstigen Marktteilnehmer ohne dessen zumindest mutmaßliche Einwilligung."*
>
> A call to a business without at least its presumed consent.

"B2B is exempt" is a common misreading: the bar for businesses is lower, not absent. A call to arrange a sales meeting counts as advertising.[1]

> **You never got a "yes", but the circumstances make it reasonable to assume this business would welcome a call about this offer.**
>
> Implied consent in one sentence

Three levels of consent

Express consent *ausdrückliche Einwilligung*	**Someone actually said yes** and you can show it. Required for consumers, for any recipient in Austria, and for e-mail, LinkedIn messages and automated calls in Germany.
Presumed consent *mutmaßliche Einwilligung*	**Inferred from concrete circumstances,** from the recipient's point of view. Enough for a human B2B phone call in Germany, and nowhere else.
No basis *unzumutbare Belästigung*	**A purchased list, a directory entry,** an industry match, or an earlier "no". Unlawful nuisance.

Why it exists, and who decides

Businesses live from contacts, so in 2004 the Federal Court of Justice (BGH) held that a company must accept phone advertising that matches its interests closely enough for the disturbance to seem reasonable.[2] Courts decide case by case, from the recipient's point of view. "They might be interested" is not enough.

The test in three parts

1

A concrete reason from their business

A recognisable link between your offer and what they do (*Sachbezug*). Sector overlap is not enough.

GOOD Accounting software to tax advisers.

RISKY The same pitch to bakers and garages.

2

A call is a reasonable way in

The offer is relevant now, and a call is the natural next step after something the recipient did.

GOOD A follow-up to a demo request.

RISKY A generic pitch on a random Tuesday.

3

No earlier "no"

After a refusal, presumed consent is gone and further calls are unlawful (§ 7(2) no. 1). Keep one company-wide list.

GOOD One call, polite exit, permanent block.

RISKY "Try again next quarter."

1 § 7(2) UWG; IHK Frankfurt am Main, Telefonwerbung (UWG, presumed consent, fines).

2 BGH, judgment of 5 February 2004, I ZR 87/02 (summary: IT-Recht Kanzlei); IHK Frankfurt am Main; Kanzlei Kotz.

The 2025 turning point: the dentist ruling

On 29 January 2025 Germany's Federal Administrative Court (BVerwG 6 C 3.23) decided the most important recent case on B2B cold calling. It did not go the callers' way.

A company bought precious-metal scrap from dental practices. It copied dentists' phone numbers from a public directory into a database and called to ask whether they would sell. A state data-protection authority ordered it to stop, and the company fought the order up to the highest administrative court. The court dismissed its appeal: the calls lacked even presumed consent, so they were an unreasonable nuisance under § 7 UWG, and a competition-law violation cannot be a "legitimate interest" under the GDPR.[1]

> **A number in a public directory is not permission to call.**
>
> BVerwG 6 C 3.23, 29 January 2025

A directory has another purpose

A dentist lists a number so patients can reach the practice, not to receive sales calls.

The offer was not typical

Selling dental scrap is neither typical nor central to running a practice.

"Logical" is not enough

Hoping the recipient would like an offer does not create presumed consent.

What it changes

- **Public data is not permission.** A number on a website says nothing about consent.
- **Competition law feeds GDPR.** Breach § 7 UWG and your GDPR argument fails too.
- **More regulators.** Data-protection authorities can act, not only competitors.

What it does not change

- B2B cold calling is **not banned** and there is no opt-in duty.
- Presumed consent still exists. The court found the facts missing.
- A genuine, current business link is still a valid route.

THE PRACTICAL CONSEQUENCE

"List plus industry code plus script" is no longer a defensible model in Germany. A defensible model starts from a signal: something the prospect did, said or announced that connects to your offer.

Is the law still up to date?

Yes, and stable. We found no legislative change to § 7(2) no. 2 UWG as of 2026. What has moved is how strictly courts and regulators read "presumed consent", and how much proof they expect.

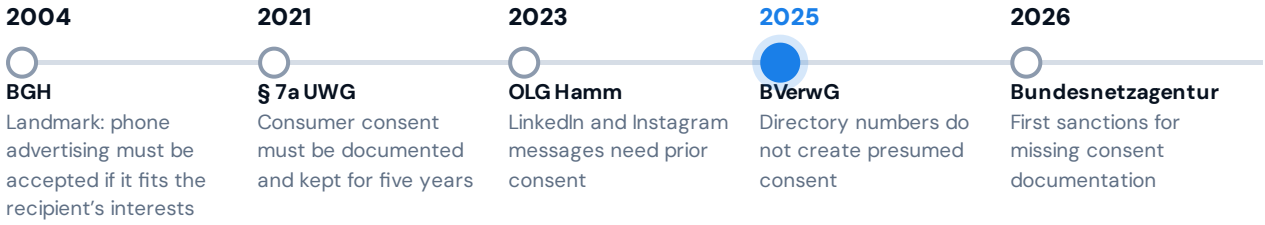


Figure 3. Milestones in German law on advertising calls.[2]

1 Bundesverwaltungsgericht, press release 5/2025 on judgment of 29 January 2025, 6 C 3.23; Kanzlei Kotz, Kaltakquise: BVerwG draws clear limits for B2B calls.

2 BGH I ZR 87/02; § 7a UWG and Bundesnetzagentur, Telefonwerbung; OLG Hamm, 15 Nov 2023 (Skradde); Bundesnetzagentur, 26 Jan 2026.

What counts as a reason to call?

Not every signal is equal. The scale below is our working assessment, drawn from the case law and commentary in this report. When in doubt, move a signal one step down.[1]

STRONG

Call, and record why

- **Inbound request:** demo, price or callback
- **Explicit opt-in:** ticked "contact me by phone"
- **Existing customer,** closely related offer
- **Conversation:** met at a fair, follow-up agreed
- **Referral** from a colleague there

ARGUABLE

Stack two or more

- **Repeat visits** to pricing or product pages
- **Content:** webinar attended, demo video watched
- **Public need:** job ad or tender that implies your problem
- **Trigger:** funding, expansion, new leader

NOT ENOUGH

Don't call. Earn a signal

- A number in a directory or Impressum
- Industry or size match only
- A purchased or scraped list
- An offer peripheral to their trade
- **Any earlier refusal.** Absolute stop

Figure 4. A working scale for consent signals. Illustrative, not legal advice; courts decide case by case.

Three worked examples

- An HR-software vendor calls a 120-person manufacturer whose HR lead attended its payroll-compliance webinar last week. **Call, and open with the webinar.**
- A scale-up visits a sales-tooling vendor's pricing page three times in five days and posts four SDR job ads. **Call, and document both signals.**
- A security vendor dials every logistics company with 50 to 500 staff from a purchased list. **Do not call.** First earn a signal through an ad, content or a LinkedIn introduction.

Save the proof before you dial

If a call is challenged you carry the burden of proof, and you will have minutes, not weeks, to explain it. Attach a one-screen record to every contact before the first dial. For consumers the law requires proof to be kept for five years; for B2B it is not a statutory duty, but it is the sensible standard.[2]

CONSENT RECORD · EXAMPLE WITH FICTIONAL DATA

Contact	Beispiel Maschinenbau GmbH, Head of Operations
Signal and proof	Three visits to /pricing (12–18 Sep); webinar attended 16 Sep; job ad "Sales Ops Manager" (URL, log, screenshot)
Why this offer	Hiring for the function our software supports; the webinar covered the exact use case
Number source	Company website switchboard; direct dial via enrichment vendor (date, provider)
Checks and call	Company-wide do-not-call list clear; SDR name, timestamp, caller ID shown, outcome

Where you collect consent directly, use a separate, unticked box, specific to phone and topic, stored with timestamp and wording version: *„Ja, ich möchte, dass [Firma] mich zu [Thema] telefonisch unter der angegebenen Nummer kontaktiert. Ich kann dies jederzeit widerrufen."* That is essential in Austria and the strongest signal in Germany.

1 Leadfeeder (Dealfront), Cold calling in Germany; IHK Frankfurt am Main, Telefonwerbung; BVerwG 6 C 3.23; scale compiled by 8bound.

2 § 7a UWG and Bundesnetzagentur, Telefonwerbung (documentation duty, five-year retention for consumer consent).

SECTION 5

Data protection and your pre-call check

GDPR adds four obligations to the calling rules. Together with the country rules, they fit into a five-question routine.

GDPR in brief

GDPR applies in Germany and Austria, and Switzerland's revised data protection act follows a similar logic. It applies on top of the calling rules; satisfying one does not satisfy the other.

TOPIC	WHAT TO DO
Legal basis	B2B prospecting usually rests on legitimate interest. Write down a short balancing test once per campaign.[1]
Say where you got the data	At the latest at first contact, tell the person who you are and where you found them: one sentence on the call, a privacy-notice link in the follow-up.
Stop means stop	An objection to direct marketing is absolute. Log it on a suppression list that every rep and tool shares.
Partners and AI	An agency calling for you needs a data-processing agreement, and you stay liable for its calls. Never record without consent: it can be a crime. AI voice agents likely count as automated calling machines and need prior consent.[2]

4%

of global annual turnover, or €20 million if higher: the top GDPR fine tier for breaching core principles or a person's rights.[1]

Five checks before every dial

A routine your team can run in seconds. Any "no" sends the contact back to nurture, not to the dialler.

1. **Do we have a concrete reason to call?**
   A signal you can name and prove, such as an inquiry or webinar (page 8).
   IF NO — Don't call. Earn a signal first through ads, content or an introduction.
2. **Does this country's rule allow it?**
   Germany: a documented reason. Austria: prior consent on file. Switzerland: number not starred in the directory.[3]
   IF NO — Austria without consent: no call, no e-mail. Earn consent through ads, events or a referral.
3. **Is the contact clear of every refusal?**
   Check the shared suppression list for refusals and objections.
   IF NO — Stop. An earlier refusal is final, across every rep and tool.
4. **Is it a business line, at a sensible time?**
   Switchboard or direct dial, in office hours, not a private mobile (timing on page 10).
   IF NO — Wait, or find a business number and call in office hours.
5. **Is the record saved before you dial?**
   Signal, proof and number source attached to the contact in your CRM.
   IF NO — Don't dial. An undocumented call is one you cannot defend.

Figure 5. The five-question pre-call check. All five yes: dial, say who you are and why you are calling.

1 Regulation (EU) 2016/679 (GDPR), Arts. 6(1)(f), 14, 21(2)–(3), 28, 83(5) and Recital 47; Swiss Federal Act on Data Protection (revised, in force 1 Sep 2023).
2 § 7(2) no. 3 and § 8(2) UWG; § 201 StGB (DE), § 120 StGB (AT), Art. 179*ter* StGB (CH). Treatment of AI voice agents is not yet settled by case law.
3 § 7(2) UWG (DE); § 174 TKG 2021 (AT); Art. 3(1)(u) UWG (CH); see pages 5–8.

SECTION 6

Calling in practice

The legal work earns you the right to call. The next ten seconds decide whether the person stays on the line.

When to call

Vendor data on connect rates points the same way in both years it was published: mid-week, late morning or early afternoon. Avoid the first hour of the day, the lunch break, the end of the day, and Friday.[1]



27%

of call endings were "wrong person" in one large dataset: a data problem more than a script problem.[1]

Mind regional holidays. Corpus Christi is a day off in Bavaria, Baden-Württemberg and Austria, but not in Berlin. Load a holiday calendar into your dialler.

Figure 6. Reported best and worst call windows. Cognism's data is global, not DACH-specific: test it against your own connect rates.

Eight habits that work in DACH[2]

1 Speak the language
Native-level German for German-speaking buyers. Romandie and Ticino expect French or Italian.

2 Use "Sie" and titles
Herr Dr., Frau Prof., until they invite "du". Formality reads as respect, not distance.

3 Lead with who and why
Name, company and reason in ten seconds. A vague opener sounds like a nuisance call.

4 Name your signal
"You attended our webinar" is your opener and your legal basis in one sentence.

5 Ask before you pitch
"Passt es gerade kurz?" is a courtesy, and it lets people decline cleanly.

6 Ask for the role
Expect a switchboard. Be polite and specific, and ask for a function rather than a name.

7 Warm up the account
Ads, content and a LinkedIn touch first make the call more welcome and the reason easier to prove.

8 Three tries, then stop
Vary the day and hour across attempts. After any refusal, never call again.

Three lines worth rehearsing

THE OPENER

„Guten Tag Herr Weber, Anna Larsen von der Beispiel AG. Ich rufe an, weil Sie letzte Woche an unserem Webinar teilgenommen haben. Passt es gerade kurz?"

Good day Mr Weber, Anna Larsen from Beispiel AG. I'm calling because you attended our webinar last week. Is now a good moment?

"SEND ME AN E-MAIL"

„Gern. Damit ich das Richtige schicke: Ist bei Ihnen gerade A oder B das größere Thema? Darf ich die Unterlagen an Ihre Geschäftsadresse senden?"

Happy to. So I send the right thing: is A or B the bigger topic right now? May I send it to your business address?

"NO, THANK YOU"

„Verstanden, vielen Dank für Ihre Zeit. Ich vermerke, dass Sie keine weiteren Anrufe wünschen."

Understood, thank you for your time. I'll note that you want no further calls.

1 Cognism, State of Cold Calling, 2024 and 2025 editions (best windows; call outcomes). Global English-language dataset, directional for DACH.

2 Practice notes and scripts compiled by 8bound from public guidance and its own campaigns; scripts are illustrative.



SECTION 7

Build or borrow a team

You have three realistic routes: hire in Germany, Austria or Switzerland; build a DACH desk from your home office; or work with a partner that already has the team. Salary is rarely what decides it. Speed, native German and a compliance routine that every rep follows every day usually do.

In-house or embedded partner

In-house SDR team	Embedded partner (8bound)
✕ Equipment, office and licences for CRM, dialler and data	✓ All-inclusive: no equipment or office costs, licences included
✕ Onboarding takes four to six months	✓ Onboarding and training included
✕ Notice periods and contract risk	✓ Flexible contracts, no notice-period risk
✕ High turnover: average SDR tenure is 14 months	✓ SDRs with DACH market experience

Figure 7. Comparison as published by 8bound on 8bound.com. An in-house team offers full control and deep product knowledge, which a partner can only partly match.[1]

Six questions to ask any partner

1 Who calls, and in what language?
Native German speakers, not translators reading your script.

2 What is the reason for each call?
Ask how signals are chosen, documented and stored.

3 Who is liable?
You answer for your contractor's calls. Require the pre-call check in writing.[2]

4 Who owns the data?
Contacts, call notes and the suppression list stay in your CRM.

5 How are refusals handled?
Ask how fast a do-not-call request reaches every rep and tool.

6 What is the real timeline?
Ask for actual ramp-up figures from live campaigns, not benchmarks.

A 30-day launch plan

WEEK 1	WEEK 2	WEEK 3	WEEK 4
Scope	**Set up**	**Pilot**	**Tune**
Target accounts, signals, country lanes and consent wording.	CRM, dialler, suppression list, scripts and the pre-call check.	Call warm signals only and review notes every day.	Read connect and meeting rates, prune segments, widen what works.

8bound reports going live in about one month and a first qualified meeting about one week after launch; results vary by campaign.[3]

1 8bound.com, in-house versus outsourced SDR comparison and averages, as reported by 8bound.
2 § 8(2) UWG (liability for employees and contractors).
3 8bound, reported figures; the launch plan is a typical outline compiled by 8bound.

Calling DACH?
Do it legally. Do it well.

Once you know the rules, the next question is who runs them. 8bound is a Berlin-based outbound team built for DACH: embedded SDRs, automation and CRM set-up, and inbound activity that warms up the calls. We walk through the regulatory framework with you at kick-off.

IN ONE MINUTE

Germany	Call with a documented reason, never on a directory number alone.
Austria	Prior consent, including for B2B. No consent, no call.
Switzerland	Check the star register; confirm unlisted numbers with local counsel.
Every call	Save the reason first, say who you are, and stop for good after a refusal.

Entering DACH? Let's talk.

Thirty minutes, no pitch deck. We will look at whether we can help, and if we cannot, we will tell you.

Book an intro call → **8bound.com/book**

8bound.com info@8bound.com linkedin.com/company/8bound

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