



Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 24 April 2025 – Lidl Italia Srl v Autorità Garante della Concorrenza e del Mercato (AGCM)

(Case C-301/25, Lidl Italia)

(C/2025/3874)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Lidl Italia Srl

Defendant: Autorità Garante della Concorrenza e del Mercato (AGCM)

Questions referred

1. Does the conduct envisaged in Article 7 of Regulation (EU) No 1169/2011 ⁽¹⁾ constitute specific cases of improper/unfair commercial practices, which in any event fall within the scope of Article 6 et seq. of Directive 2005/29/EC ⁽²⁾ and are subject as such also to Article 11 et seq. of that directive and to the implementing legislation; or does it constitute an autonomous system, the application of which, that is to say, its enforcement, requires reference to be made, not to the directive but, in the Italian system, solely to Legislative Decree No 231/2017?
2. Does the conduct envisaged in Article 7 of Regulation (EU) No 1169/2011 provide consumers with a full and comprehensive form of protection in the purchase of foodstuffs, with the result that it is not possible to apply the general protection provided for by Directive 2005/29/EC or, on the contrary, does that conduct form part of consumer protection, in conjunction with the provisions of Directive 2005/29/EC and the national legislation implementing it?
3. If the conduct envisaged in Article 7 of Regulation (EU) No 1169/2011 is to be classified as improper commercial practices and is subject to Directive 2005/29/EC, is the penalty provided for in Article 3 of Legislative Decree No 231/2017 capable of guaranteeing a deterrent against unlawful conduct, by ensuring the protection of consumers under Article 169 TFEU, and is it in any event compatible with Article 13 of Directive 2005/29/EC?

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ 2011 L 304, p. 18).

⁽²⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).