



**Judgment of the Court (Second Chamber) of 29 January 2026 (request for a preliminary ruling from the Oberlandesgericht Wien – Austria) – Bundeswettbewerbsbehörde v M. GmbH**

**(Case C-311/24, <sup>(1)</sup> Bundeswettbewerbsbehörde)**

***(Reference for a preliminary ruling – Agriculture – Unfair competition – Unfair trading practices – Directive (EU) 2019/633 – Prohibition – Article 3(1)(d) – Payment request not related to the sale of the agricultural and food products of the supplier – Point (e) of the first subparagraph of Article 6(1) – Power to impose fines – Classification as a ‘single infringement’ of a number of prohibited unfair trading practices giving rise to the imposition of a single fine – Principle ne bis in idem – National legislation providing for a cap on fines)***

(C/2026/1562)

Language of the case: German

**Referring court**

Oberlandesgericht Wien

**Parties to the main proceedings**

*Applicant:* Bundeswettbewerbsbehörde

*Defendant:* M. GmbH

**Operative part of the judgment**

Point (e) of the first subparagraph of Article 6(1) of Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain, read in conjunction with the second subparagraph of Article 6(1) of that directive,

must be interpreted as meaning that it does not preclude national legislation which provides that a number of requests for payment that are not related to the sale of agricultural and food products within the meaning of Article 3(1)(d) of that directive, and which are addressed simultaneously by a buyer to a number of suppliers on the basis of a single intent must be classified together as a single infringement giving rise to the imposition of a single fine, which is capped at a set amount, provided that the national enforcement authority or the national court responsible for penalising that infringement has the discretion necessary to set a fine which is effective, proportionate and dissuasive, taking into account the nature, duration, recurrence and gravity of the infringement.

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<sup>(1)</sup> OJ C, C/2024/4312.