



C/2025/5929

17.11.2025

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 2 July 2025 –  
Verband Sozialer Wettbewerb e.V. v GUT GEKAUFT Reformhäuser GmbH**

**(Case C-435/25, Gut gekauft Reformhäuser)**

(C/2025/5929)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Applicant:* Verband Sozialer Wettbewerb e.V.

*Defendant:* GUT GEKAUFT Reformhäuser GmbH

**Questions referred**

1. Does a distributor who is not a responsible person within the meaning of Article 4(6) of Regulation (EC) No 1223/2009, <sup>(1)</sup> in accordance with Article 6(1) and the first subparagraph of Article 6(3) of that regulation, have reason to believe that advertising by a manufacturer is not in conformity with the requirements laid down in Article 20(1) of that regulation when it uses that advertising made available to it by the manufacturer for its own commercial purposes without examining whether the functions of the cosmetic product for which the advertising was made are adequately substantiated? Or does the distributor solely under certain conditions – and if so, which? – referred to in Article 6(1) and the first subparagraph of Article 6(3) of Regulation (EC) No 1223/2009 have reason to believe that the advertising of the manufacturer which it uses is not in conformity with the requirements of Article 20(1) of that regulation and to examine whether the functions of the cosmetic product for which the advertising was made – are adequately substantiated?
2. Do the provisions of Article 4(6) and Article 6(1) and the first subparagraph of Article 6(3) of Regulation (EC) No 1223/2009, in accordance with Article 3(4) of Directive 2005/29/EC, <sup>(2)</sup> preclude advertising by a distributor in the form of a misleading statement taken over from the manufacturer concerning the functions of a cosmetic product being regarded as an unfair commercial practice within the meaning of Article 5(1) and (4)(a) and Article 6(1)(b) of Directive 2005/29/EC?

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<sup>(1)</sup> Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ 2009 L 342, p. 59).

<sup>(2)</sup> 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).