

OMNIBUS DIRECTIVE: WHAT'S NEW FOR WEBSITES AND E-COMMERCE



What's new for websites and e- commerce?

All new provisions for the protection of consumers in the Omnibus Directive have become effective on 1 July 2023

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From **July 1, 2023**, regulations on price reductions under the "**Omnibus Directive**" (Directive (EU)2019/2161) are **fully enforceable in Italy**. The Directive was implemented through Legislative Decree No. 2023/26 and partially enforced on April 2, 2023.

The provisions now in place deal with the requirements for **consumer information** when a product's **price is reduced**, regardless of whether the sale happens **online or offline**. These measures are aimed to prevent players from deceitfully inflating reference prices or misleading consumers about the actual discount applied. The Decree implementing the Omnibus Directive has brought changes to the Consumer Code regarding **transparency, unfair terms, misleading commercial practices, unfair competition, and false commercial communications**. Also, the sanctions regime has been updated to specify the criteria that Italy's Competition Authority (*Autorità Garante della Concorrenza e del Mercato* – AGCM) must consider when imposing penalties, as directed by the latest amendment.

Failing to update a website or e-commerce platform to comply with new regulations is considered an unfair practice and can result in a fine of up to €10 million (previously, €5 million). Furthermore, **consumers have the right to take their complaint directly to the competent domestic court for fair and effective action**, which may include compensation for damage, reduction in price, or agreement termination, as appropriate, without waiting for the ruling of AGCM prior to introducing legal proceedings.





Without prejudice to the application of the various provisions on advertising and unfair commercial practices, including those of the Code of the Italian Self-regulation Body (*Istituto dell'Autodisciplina Pubblicitaria* - IAP) there are promotional strategies that are not covered by new regulations such as **comparative advertising, customer loyalty programs**, certain types of vouchers, quantity-based discounts, **customized offers** (such as discounts for weddings or anniversaries, or for specific groups or loyalty card holders), coupons, the **launch of new products** at promotional prices, and **generic announcements** that emphasize price accessibility (such as "always low prices" or "our offers are the most convenient").

By our IP Department



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We invite you to speak with your contact professional within the Firm for any further explanation

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