

## Case Details

### Case Details

National ID	3408
Member State	Italy
Common Name	Anigas - incidental appeal by Adiconsum
Decision type	Other
Decision date	06/06/2006
Court	Consiglio di Stato
Subject	
Plaintiff	
Defendant	
Keywords	

### Directive Articles

Injunctions Directive, [Article 1, 1](#). Injunctions Directive, [Annex I](#)

### Headnote

The Council of State held that consumer associations are not, in principle, entitled to bring an incidental appeal (“appello incidentale autonomo”) in the judicial proceedings concerning the price and the quality of the public services offered to the consumers. They may act only in accordance with the provisions of the Artt. 139-140 of the Italian Consumer Code.

### Facts

Adiconsum, one of the leading consumer associations in Italy, brought an incidental appeal against a judgment between Autorità per l'energia elettrica and the Associazione nazionale industriali del gas (Anigas) of the Regional Administrative Tribunal of Lombardia concerning the tariff provision for the gas service. The Sezione Sesta of the Consiglio di Stato referred the question to the Plenary Session of the Consiglio di Stato that rendered the judgment no. 1 on 11.01.2007 (Abstract no. 13)

### Legal issue

The judgment confirms that consumer associations do not have a right to act (or to intervene) in the cases involving the collective or the public interests, and, particularly, concerning the price and the quality of the public services. The consumer' associations have standing to protect the collective interests of the consumers in accordance with the provisions of the Artt. 139-140 of the Italian Consumer Code. They are qualified, under certain conditions, to act to protect the collective interests of consumers and users by applying to a Court for - a prohibition order against actions damaging to the interests of consumers and users; - suitable measures to remedy or eliminate the damaging effects of any breaches; - orders to publish measures in one or more national or local daily newspapers where publicising measures may help to correct or eliminate the effects of any breaches.

The judgment also confirms that the administrative courts are competent to decide the controversies involving the public services and this in accordance with the provisions of the Art. 140, par. 11, of the Italian Consumer Code providing for the: “Sole jurisdiction of administrative judges in relation to public services pursuant to Article 33 of Legislative Decree no. 80 of 31 March 1998 is not affected” .

### Decision

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**Result**

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