

**Ítélezési gyakorlat****Az ügy részletei**

**Nemzeti azonosító:** Kúria Kfv.II.37.707/2012/5. (EBH2014. K.9.)

**Tagállam:** Magyarország

**Közhasználatú név:** N/A

**Határozat típusa:** Legfelsőbb bírósági határozat

**A határozat napja:** 12/06/2013

**Bíróság:** Kúria

**Tárgy:**

**Felperes:** Unknown

**Alperes:** Nemzeti Fogyasztóvédelmi Hatóság (National Consumer Protection Authority)

**Kulcsszavak:** price indication

**Az irányelv cikkei**

Price Indication Directive, [Article 4, 1.](#)

**Megjegyzés**

The price of tobacco products must be indicated on the tax markings, further price indication may not be demanded.

**Tények**

The plaintiff was fined by the local consumer protection authority because as a result of a test purchase, the authority established that the prices of tobacco products were indicated only on the tax markings, but no further price indication had been placed near the products. The plaintiff appealed the decision, but the defendant upheld it.

The plaintiff contested the decision of the defendant before court. The first instance court granted the claims of the plaintiff, stating that indicating the price on the tax markings is sufficient under applicable laws. The first instance court also held that it is irrelevant that tobacco products must be stored in a way by which they are not directly available to the consumers, because tobacco products are sold for the same price at every store, thus the consumers of tobacco products have more information regarding the price of such products compared to the average consumer.

The defendant demanded the Curia's revision of the first instance judgement. The Curia rejected the defendant's claim, stating that requiring traders to place further price indication with respect to tobacco products where it is mandatory to indicate the price on the tax markings would be disproportionate and unnecessary, and would not be in compliance with the purpose of Directive 98/6/EC and the implementing national laws. Furthermore, despite the fact that the price only is only indicated on the tax markings, the consumers have every opportunity to obtain information on the price of the products before making a transactional decision.

**Jogi kérdés**

Is it necessary to place further price indication with respect to tobacco products if the prices are indicated on the tax markings as a mandatory obligation?

**Határozat**

The price of tobacco products must be indicated on the tax markings, further price indication may not be demanded.

URL: <http://kuria-birosag.hu/hu/elvhat/92014-szamu-kozigazgatasi-elvi-hatarozat>

Teljes szöveg: [Teljes szöveg](#)

**Kapcsolódó ügyek**

Nincs találat

**Jogi szakirodalom**

Nincs találat

**Eredmény**

The Curia rejected the defendant's claim, and upheld the decision of the first instance court.