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LAW 180 OF 11 NOVEMBER 2011

Provisions for the protection of the freedom to conduct a business. Charter of enterprises.

Article 10

Delegation to the Government for the adoption of supplementary and corrective provisions to Legislative Decree 231 of 9 October 2002, as well as the extension of deadlines for the exercise of delegated legislative powers on incentives and the internationalisation of enterprises

1. The Government is delegated to adopt, within twelve months from the date of entry into force of this enabling law, a legislative decree amending Legislative Decree 231 of 9 October 2002, for the full transposition of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011, on the basis of the following guiding principles and criteria:

a) combating the negative effects of dominant positions held by undertakings over their suppliers or subcontracting firms, particularly when these are micro, small or medium-sized enterprises;

b) without prejudice to the provisions of Article 12 of Law 287 of 10 October 1990, the legislative decree shall provide that the Italian Competition Authority may conduct investigations, issue cease and desist orders as a first step and impose fines in relation to unlawful conducts committed by large undertakings.

2. The following sentence is added at the end of paragraph 3-*bis* of Article 9 of Law 192 of 18 June 1998: «In case of widespread and repeated violations of the provisions set out in Legislative Decree 231 of 9 October 2002, committed to the detriment of undertakings – particularly small and medium-sized enterprises – such abuse shall be deemed to exist even in the absence of a formal finding of economic dependence».

3. The right to bring legal action, as provided for in Article 4(1) of this enabling law, shall also apply to cases of abuse of economic dependence referred to in Article 9 of Law 192 of 18 June 1998, as most recently amended by paragraph 2 herein.

4. The following amendments are made to Law 99 of 23 July 2009, as subsequently amended:

a) in Article 3(2), opening clause, the words «eighteen months» are replaced with «thirty-four months»;

b) in Article 12(2), opening clause, the words «eighteen months» are replaced with «twenty-eight months».