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Last updated in December 2025.

LAW DECREE 104 OF 10 AUGUST 2023
(Decree converted, with amendments, by Law 136 of 9 October 2023)

Urgent provisions for the protection of users in the field of economic and financial activities and strategic investments

Article 1
Provisions for price transparency on domestic flights

- 1.** Articles 2 and 3 of Law 287 of 10 October 1990 shall also apply where the Italian Competition Authority – either upon request by an interested party or organisation, or on its own initiative – finds that the algorithmic coordination of airfares applied by airlines facilitates, implements or monitors a restrictive agreement, including a pre-existing one. This also applies in cases where prices set through a revenue management system amount to the abuse of a dominant position.
- 2.** For the purposes of opening an investigation, the Italian Competition Authority may take into account whether the conduct referred to in paragraph 1:
 - a)** is carried out on domestic air routes connecting the islands;
 - b)** occurs during periods of seasonal peak demand or coincides with a national state of emergency;
 - c)** results in a ticket or ancillary service price, during the week prior to the flight, that exceeds the average fare for the same flight by more than 200 percent.
- 3.** For the routes and in the cases referred to in paragraph 2, points (a) and (b), the use of automated fare-setting procedures based on user web profiling or on the type of electronic device used for bookings is prohibited, when such practice distorts the user's economic behaviour. Articles 18 to 27 of the Consumer Code, as set out in Legislative Decree 206 of 6 September 2005, shall apply.

4. The provisions under paragraph 3 shall also apply to domestic routes other than those referred to in paragraph 2, point (a), in the event of a national state of emergency or where road or rail travel within the national territory is wholly or partially disrupted due to exceptional events declared by public authorities.

5. If, following the outcome of a market investigation conducted pursuant to Article 12(2) of Law 287 of 10 October 1990, the Italian Competition Authority identifies competition concerns that hinder or distort the proper functioning of the market to the detriment of consumers, it may – in compliance with the principles of EU law and after consulting the market – impose on the undertakings concerned any necessary and proportionate structural or behavioural measures aimed at removing such distortions of competition. To this end, in the passenger air transport markets, the Authority may take into account, among other factors:

- a) the structure of the market;
- b) pricing methods, including the use of revenue management systems and algorithms;
- c) the risks to competition and to consumers arising from the use of algorithms based on artificial intelligence or user profiling;
- d) competition and pricing dynamics linked to seasonal demand fluctuations;
- e) the needs of territories that are difficult to reach by means of transport other than air travel;
- f) the need to protect particularly vulnerable categories of consumers.

In the course of the market investigation, the undertakings concerned may submit commitments such as to remove the anti-competitive concerns and the resulting harm to consumers. In such cases, the Authority – having assessed the suitability of the commitments and after consulting the market – may make them binding on the undertakings by means of the decision concluding the market investigation. The Authority shall exercise the investigative powers provided for in Article 14(2) to (2-quater) and (2-septies) of Law 287 of 10 October 1990. The fines and periodic penalty payments set out in Article 14(5) and (6) of Law 287 of 10 October 1990 shall apply.

6. In the event of non-compliance with the measures referred to in paragraph 5, the fines and periodic penalty payments set out in Article 15(1-bis) and (2-bis) of Law 287 of 10 October

1990 shall apply. Following the market investigation, the Authority may also recommend appropriate legislative or regulatory initiatives, aimed at improving the functioning of the affected markets.

7. Article 13 of Law Decree 145 of 23 December 2013, converted, with amendments, by Law 9 of 21 February 2014, is amended as follows:

a) In paragraph 14, the words from “, according to procedures to be defined” to the end of the paragraph are replaced by the following: “. In order to implement the aforementioned procedures and to ensure that incentive mechanisms are as transparent and accessible as possible, airport operators shall give adequate publicity – including by publication on their website – to the criteria for granting incentives and the corresponding access requirements.”;

b) In paragraph 15: the words “on an annual basis” are added after the word “communicate”; after the word “competitiveness”, the following words are added: “as well as for the purposes of the monitoring activities falling within their remit”; and the following sentence is added at the end: “If, in the course of their assessment activities, the Authorities referred to in the first sentence identify factors undermining transparency and competition, they shall notify the Minister of Infrastructure and Transport and the Minister of Enterprises and Made in Italy.”.

8. In Article 3(1) of Law Decree 7 of 31 January 2007, converted, with amendments, by Law 40 of 2 April 2007, the following words “that are unavoidable and foreseeable at the time the offer is published,” are added after the words: “it is prohibited to advertise or present air travel offers that indicate the price without including expenses, taxes and other additional charges”.

9. On its official website, the Italian Competition Authority shall publish a document – regularly updated to reflect changes in applicable law – informing users of their rights regarding the transparency of pricing conditions applied by airlines. Airline websites must include a hyperlink to this document on the webpage displayed during the booking process.

10. To ensure the proper performance of the duties and exercise of the powers set out in paragraphs 1 to 6, the staffing plan of the Italian Competition Authority shall be increased by eight positions in the managerial career track and two positions in the operational career track. The relevant costs shall be covered – within the following annual limits: €598,252 for the year 2024; €1,263,374 for 2025; €1,315,086 for 2026; €1,379,730 for 2027; €1,444,513 for 2028; €1,509,296 for 2029; €1,572,986 for 2030; €1,638,000 for 2031; €1,773,166 for 2032; and €1,858,446 annually from 2033 onward – through a corresponding increase in the contribution

referred to in Article 10(*7-ter*) and (*7-quater*) of Law 287 of 10 October 1990. This increase shall be strictly limited to the amount necessary to cover the hiring costs in full.