Government Proposal

## Federal Act enacting the Federal Act on the labelling of goods whose quantity has been reduced without a corresponding reduction in price (Anti-Deceptive Packaging Act)

The National Council (Nationalrat, i.e. the lower house of the Austrian Parliament) has decreed the following:

## Federal Act on the labelling of goods whose quantity has been reduced without a corresponding reduction in price (Anti-Deceptive Packaging Act)

### Scope

**Section 1.** This federal law applies to entrepreneurs in the food and pharmacy retail trade, who offer goods for sale to consumers in accordance with Sections 2 and 3. Business premises with a sales area of a maximum of 400 $m^2$ are exempt from the obligations of this federal law, provided that these business premises are not part of a company with more than five branches.

### Obligation as regards labelling

**Section 2.** (1) In accordance with Section 1 and Section 3, entrepreneurs of the food and pharmacy retail trade must mark goods in the premises for a period of 60 days from the date of the first offer of the goods in the respective premises in its reduced quantity in the event of a reduction in the quantity with apparently constant packaging size, which leads to an increase in the price per unit of measurement. This obligation shall not apply if the price per unit of measurement has increased by less than three per cent. This obligation shall also not apply if a label indicating the fact that the quantity has been reduced is already visible and legible on the packaging.

(2) The labelling obligation referred to in Section1 shall apply only to goods for which, pursuant to Section 10a of the Price Labelling Act, Federal Law Gazette (BGBl.) No 146/1992, in the version currently in force, or on the basis of a regulation based on Section 10c(1) to (3) of the Price Labelling Act in the version currently in force, there is an obligation to display the basic price and which are offered pre-packaged.

(3) The labelling obligation under Section 1 shall apply regardless of whether, in addition to the reduction in the quantity in the package, the goods are offered for sale in a modified presentation, if the current presentation is likely to give the average consumer the impression that the goods are still the same as those offered before the reduction in the quantity in the package.

(4) The labelling obligation referred to in Section 1 shall not apply to goods offered for sale in the context of distance and off-premises contracts (distance and off-premises transactions).

### Nature of labelling

**Section 3.** (1) The labelling is without prejudice to the provisions of the Price Labelling Act and, in the case of companies with more than five branches, must be placed on the product or on the shelves or in the immediate vicinity. Entrepreneurs with a maximum of five branches within the meaning of Section 1 shall affix a clearly visible and legible information sign of at least DIN A1 size in the entrance area in those establishments with more than 400 $m^2$ sales area.

(2) The labelling shall contain an easily understandable indication of the fact that the quantity has been reduced, such as, in particular, the words ‘Warning: less content – higher price'.

### Penalty provision

**Section 4.** (1) The monitoring of compliance with the labelling obligation under this federal law and the conduct of administrative criminal proceedings shall be the responsibility of the district administrative authorities.

(2) Where specially trained bodies exist at the level of the provinces, these may be called upon to monitor compliance with the labelling obligation under this federal law in the province concerned.

(3) Information about the failure to comply with Sections 2 and 3 may be submitted to the district administrative authorities and, insofar as specially trained bodies have been appointed at the level of the provinces, to the specially trained bodies.

(4) Any person, who fails to fulfil their labelling obligation pursuant to Section 2 and Section 3 and fails to comply with improvement orders pursuant to Section 5, shall be regarded as committing an administrative offence and shall be punished with a fine of up to EUR 2 500 per product up to a maximum, however, of EUR 10 000. A person, who repeatedly commits this administrative offence, shall be punished with a fine of up to EUR 3 750 per product up to a maximum, however, of EUR 15 000.

(5) If the authority establishes a violation pursuant to Section 4, it shall request the entrepreneur in writing, stating the facts established, to restore the situation to compliance with the legal provisions and official orders within a reasonable period of time so that criminal proceedings may be waived. Furthermore, the provision of Section 33a of the Administrative Penal Act (Verwaltungsstrafgesetz) (VStG), BGBl. No 52/1991, as amended, with the proviso that the time limit in Section33a(5)(2) Z 2 VStG is 12 months.

(6) Prosecution shall not take place if the entrepreneur can prove that it has not been informed of a reduction in the quantity by the manufacturer or importer. The transmission of the EAN/GTIN by the manufacturer or importer constitutes information within the meaning of this provision.

(7) The bodies responsible for monitoring compliance with the labelling requirements pursuant to Sections 2 and 3 may enter business premises during opening hours in order to carry out the surveys necessary for the performance of their duties. In doing so, any disruption or obstruction of the business or operational processes that is not absolutely necessary must be avoided. Entrepreneurs are obliged to support the bodies commissioned to monitor compliance with the labelling obligation in accordance with Sections 2 and 3, to provide, upon request, the information necessary for the performance of their duties and, where appropriate, to provide documentation on compliance with Section 2 and Section 3.

## Implementation

**Section 5.** The Federal Minister for Economy, Energy and Tourism is responsible for the implementation of this federal law.

### Entry into force and expiry

**Section 6.** This federal law as published in BGBI. I No xxx/202x shall enter into force on 1 April 2026 and shall expire on the end of 30 June 2030.