

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 23 September 2020 —
PJ v Agenzia delle dogane e dei monopoli — Ufficio dei monopoli per la Toscana and Ministero
dell'Economia e delle Finanze**

(Case C-452/20)

(2020/C 423/43)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: PJ

Respondents: Agenzia delle dogane e dei monopoli — Ufficio dei monopoli per la Toscana and Ministero dell'Economia e delle Finanze

Question referred

Does the second paragraph of Article 25 of regio decreto 24 dicembre 1934, n. 2316 (Royal Decree No 2316 of 24 December 1934), as replaced by Article 24(3) of decreto legislativo n. 6 del 2016 (Legislative Decree No 6 of 2016) (transposing Directive 2014/40/EU⁽¹⁾) on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC — inasmuch as it provides that 'anyone who sells or supplies tobacco products or electronic cigarettes or refill containers containing nicotine or novel tobacco products to minors under the age of 18 shall be liable to a financial administrative penalty of EUR 500 to EUR 3 000 and a 15-day trading licence suspension' — infringe the EU principle of proportionality and the precautionary principle, as set out in Article 5 TEU, in Article 23(3) of Directive 2014/40, and in recitals 21 and 60 of that directive, by giving precedence to the precautionary principle without mitigating it with the principle of proportionality, and thus disproportionately sacrificing the interests of economic operators to the protection of the right to health, thereby failing to ensure that a proper balance is struck between the different fundamental rights and, what is more, doing so by means of a penalty that, contrary to recital 8 of the directive, does not effectively pursue the objective of discouraging smoking prevalence among young people?

⁽¹⁾ OJ 2014 L 127, p. 1.

**Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 30 September
2020 — Lombard Lízing Zrt. v PN**

(Case C-472/20)

(2020/C 423/44)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék

Parties to the main proceedings

Applicant: Lombard Lízing Zrt.

Defendant: PN

Questions referred

1. If the unfair contract term concerns the main subject matter of the contract (the information on the exchange rate was not compliant), with the result that the contract cannot continue in existence, and there is no agreement between the parties, does the fact that, in the absence of any default rule under national law, guidance on a declaration of the validity or effectiveness of the contract is provided by a position statement adopted by the highest court which is, however, not binding on lower courts, ensure the full effectiveness of Directive 93/13? ⁽¹⁾