Distribution Law Center
DRIVEN BY CONTRAST

contrast

NEWS | 23 January 2023

Belgian Competition Authority reimposes fine on Caudalie for vertical restraints

Following the annulment of the Belgian Competition Authority's ('BCA') decision by the Brussels Court of Appeal, the Distribution Law Center expected – given the level of the fine imposed and the BCA's focus on resale price maintenance ('RPM') infringements – that the BCA would continue to pursue the matter. And now it appears that this is the case.

In its decision of 18 January 2023, the BCA reimposes the fine of 0.86 million EUR on Caudalie. Although the publication of the official decision is still awaited, it can be implicitly inferred from the level of the fine that was reimposed that the BMA confirmed its earlier decision, but, in doing so, rectified the procedural point regarding the commitments made by Caudalie. The Brussels Court of Appeal had previously ruled that the acceptance of the proposed commitments is contradictory and incompatible with the finding of an infringement and its punishment by a fine.

Keep an eye on the news page of the Distribution Law Center to read a more detailed analysis once the official decision is published.