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Anti-competitive agreement on the Romanian luxury eyewear market

The Romanian Competition Council ('RCC') fined Thelios SpA ('Thelios') 4.55 million RON (915.068 EUR) for an anti-competitive agreement on the Romanian market for the sale of luxury eyewear of the LVMH group, whilst its distributor, Shades Originators SRL ('Shades Originators'), received leniency.

The infringement

The RCC sanctioned Thelios for having prohibited the sale of luxury eyewear via the online store of Shades Originators.

Thelios is a manufacturer and the exclusive distributor of luxury products owned by the LVMH group (Louis Vuitton - Moët&Chandon - Hennessy) in Romania, while Shades Originators is its partner and retailer of luxury goods.

Shades Originators applied for leniency and reported the anti-competitive practices to the RCC. As a result, it was granted full immunity from the fine.

Commentary

The full text of RCC's decision is awaited with great interest, as it will likely clarify a couple of interesting points: first, the RCC seems to confirm that under Romanian competition law, leniency is available for vertical restrictions, in this case online sales restrictions; second, the decision will clarify within what limits a supplier of luxury products can restrict online sales through the imposition of online quality critiera. This is of interest to the broader EU debate on how online sales restrictions affect (intra-brand) competition.