

On 6 June 2017, the European Commission initiated formal antitrust proceedings against GUESS?, Inc., Guess? Europe, BV, Guess Europe Sagl and all legal entities directly or indirectly controlled by them. The conduct which shall be further investigated concerns agreements relating to the distribution of clothing, shoes and accessories in the European Union/European Economic Area (EU/EEA) that contain cross-border sales restrictions, cross-selling bans among members of a selective distribution system, internet sales limitations and resale price restrictions.

The Commission suspects that Guess may have breached EU rules prohibiting anti-competitive agreements (Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement). The initiation of proceedings is based on Article 2(1) of Commission Regulation No 773/2004.

In particular, the Commission intends to investigate whether Guess may be limiting the ability of its distributors to sell cross-border within the EU/EEA.

The opening of formal proceedings does not prejudice the outcome of the investigation. It relieves the competition authorities of EU Member States of their competence to apply EU competition rules to the practices concerned.