

On 04/11/2019, the European Commission has initiated formal antitrust proceedings against two French retailers, namely Casino, Guichard-Perrachon and Les Mousquetaires SAS for a suspected breach of EU rules prohibiting cartels (Article 101 of the Treaty on the Functioning of the European Union). The initiation of proceedings is based on Article 11(6) of the Antitrust Regulation (Council Regulation No 1/2003) and Article 2(1) of its implementing Regulation (Commission Regulation No 773/2004).

The Commission intends to examine whether the investigated companies have gone beyond the stated purpose of their alliance for joint procurement and engaged in a cartel conduct.

In particular, Commission's investigation focuses on whether Casino and Intermarché have coordinated their conduct over two determinant factors of competition in the retail sector, namely: (a) the development of their shop networks and (b) their pricing policy towards consumers.

The initiation of proceedings does not mean that the Commission has made a definitive finding of an infringement but merely means that the Commission will deal with the case as a matter of priority.