

Executive summary

- i. Morellato S.p.A. (hereinafter “Morellato”) is an Italian manufacturer engaged in the production, marketing, and sale of mid-range (non-luxury) jewellery and watches.
- ii. Morellato distributes its products to jewellery retailers through a selective distribution system, whereby authorised distributors are appointed on the basis of specified qualitative criteria.
- iii. In its selective distribution agreements, Morellato includes an explicit clause prohibiting authorised distributors from selling via third-party online marketplaces (such as Amazon, eBay, etc.). By contrast, Morellato itself is active on such marketplaces through its official stores and permits digital platforms to distribute its products.
- iv. On 18 March 2025, the Authority initiated proceedings against Morellato for a suspected infringement of Article 101 TFEU, with a view to assessing whether the above clause was liable to restrict the effective use of the internet within its distribution network. On 15 July 2025, the proceedings were extended to cover a practice of resale price maintenance (hereinafter “RPM”).
- v. As regards the RPM conduct, the investigation has established that Morellato sets maximum discount levels applicable by distributors on online sales channels, by issuing so-called “internet policy” recommendations to authorised retailers.
- vi. As regards the clause prohibiting the use of online marketplaces, the investigation has revealed the central importance of this sales channel both for Morellato and for its distributors, including on the basis of a survey concerning the distribution activities of authorised jewellers.
- vii. In particular, the investigation has shown that Morellato generates a significant proportion of its online sales through marketplaces and that its jewellery and watch brands rank among the best-selling products at distributor level. Furthermore, distributors have confirmed both the current importance of marketplaces and their expected central role going forward.

- viii. The investigation has further demonstrated that Morellato monitors distributors' activities both on marketplaces and on their own websites through external software, to which the company provides all relevant search parameters.
- ix. Morellato also applies a broad range of retaliatory measures against distributors that do not comply with its instructions, including warnings and reminders, requests to withdraw discounts or cease sales, automatic blocking of orders, suspension of Amazon accounts and threats of termination of the contractual relationship.
- x. The RPM practice therefore constitutes a hardcore restriction of competition within the meaning of the Vertical Block Exemption Regulation (VBER) and Article 101(1) TFEU. In this context, Morellato's conduct cannot benefit from the exemption under the VBER.
- xi. As regards the marketplace ban clause, according to the Commission Guidelines, where restrictions on the use of online marketplaces are applied in a discriminatory manner, it is unlikely that they fulfil the conditions set out in Article 101(3) TFEU. The clause at issue therefore constitutes a restriction of competition within the meaning of Article 101(1) TFEU, in so far as it is liable to affect intra-brand competition between Morellato and its distributors, and is neither justified, necessary nor proportionate to the objective of preserving the quality of the products distributed under a selective distribution system. Moreover, the clause is applied in a discriminatory manner by Morellato.
- xii. In conclusion, Morellato's conduct constitutes a vertical agreement infringing Article 101 TFEU, in that it entails: (i) the restriction of the buyer's ability to determine its resale price, through the imposition of predetermined maximum discount levels; and (ii) a discriminatory prohibition on the use of third-party websites and online marketplaces.