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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(4.11.2024)

The Honourable Member refers to territorial supply constraints which are restrictions set up by private operators to deliberately make it difficult or impossible for wholesalers or retailers to buy products in certain Member States and resell in others. These restrictions fragment the single market and lead to unjustified consumer price differences across the EU.

The Commission uses competition law enforcement to fight these restrictions when companies are in a dominant position or have entered into anti-competitive agreements. In May 2024, the Commission fined Mondelēz EUR 337.5 million for hindering the cross-border trade of chocolate, biscuits and coffee products between several Member States, thus maintaining higher prices for its products to the detriment of consumers¹. In 2019, the Commission fined AB InBev EUR 200 million for restricting sales of beer, thus artificially maintaining higher prices in Belgium².

The Commission is committed to addressing these restrictions also when they occur outside the situations captured by competition law. To this end, the Commission launched a fact-finding exercise with Member States to gather evidence on the occurrence of territorial supply constraints across the EU. A dialogue with all relevant stakeholders, including consumer associations, will follow.

The results of this process will inform the Commission on how to tackle this issue to ensure that companies operating in the EU do not artificially partition the single market and maintain high prices in certain Member States. Consumers should benefit from the single market in terms of choice and prices for products they purchase daily.

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_24_2727

² https://ec.europa.eu/commission/presscorner/detail/en/ip_19_2488