



Antitrust: Commission sends Statement of Objections to AB InBev for preventing cheaper imports of beer into Belgium

Brussels, 30 November 2017

The European Commission has informed AB InBev of its preliminary view that the company has abused its dominant position on the Belgian beer market, by hindering cheaper imports of its Jupiler and Leffe beers from the Netherlands and France into Belgium.

Effective competition is important for European consumers to reap all the benefits of the internal market. This case is an example of the Commission's effort to ensure effective competition along all levels of the value chain from farmers, producers, distributors to consumers.

Margrethe **Vestager**, Commissioner in charge of competition policy, said: "*Belgian consumers may have had to pay more for their favourite beers. Our preliminary finding is that AB InBev may have deliberately prevented cheaper beer imports out of France and the Netherlands from reaching consumers in Belgium. Such practices would breach EU competition rules, because they deny consumers the benefits of the EU Single Market – choice and lower prices. AB InBev now has the opportunity to respond to our concerns.*"

Anheuser-Busch InBev SA (AB InBev) is the world's biggest beer brewer, with a very strong position on the Belgian beer market. Its most popular beer brands in Belgium are **Jupiler** and **Leffe**. AB InBev also sells these two brands in the Netherlands and France. The Commission's investigation has shown that in these two countries AB InBev sells Jupiler and Leffe at lower prices than in Belgium due to the increased competition it faces there.

The Commission's preliminary view, outlined in its Statement of Objections, is that AB InBev is dominant on the Belgian beer market. It alleges that AB InBev has abused this dominant market position by pursuing a deliberate strategy to prevent supermarkets and wholesalers from buying Jupiler and Leffe at lower prices in the Netherlands and France, and from importing them into Belgium.

In particular, the Commission is concerned with a number of AB InBev business practices, which have been in place since at least 2009. These include:

- **AB InBev changed the packaging of Jupiler and Leffe beer cans in the Netherlands and France to make it harder to sell them in Belgium:** for example, it removed French text from its cans in the Netherlands, and Dutch text from its cans in France, to prevent their sale in the French and Dutch speaking parts of Belgium, respectively;
- **AB InBev limited access of Dutch retailers to key products and promotions, in order to prevent them from bringing less expensive beer products to Belgium:** for example, it did not sell and/or limited the quantity of certain products sold to Dutch retailers and restricted the availability of certain promotions, if there was a chance that the Dutch retailers could import the products into Belgium.

The Commission's preliminary view is that these practices have created anti-competitive obstacles to trade and partitioned the EU's Single Market along national borders. If confirmed, this would infringe Article 102 of the Treaty on the Functioning of the European Union (TFEU) that prohibits the abuse of a dominant market position.

The sending of a Statement of Objections does not prejudge the outcome of the investigation.



Background

The Commission [opened formal antitrust proceedings in June 2016](#) into AB InBev's practices affecting the Belgian beer market.

Citizens, national competition authorities and the European Parliament have repeatedly voiced concerns that prices for common food and drink products can significantly vary between (neighbouring) EU Member States. While such price differences can have several reasons, when producers put in place artificial obstacles to trade from less expensive countries to more expensive countries (so-called parallel trade), these obstacles can breach EU antitrust rules.

A Statement of Objections is a formal step in Commission investigations into suspected violations of EU antitrust rules. The Commission informs the parties concerned in writing of the objections raised against them. The companies can then examine the documents on the Commission's investigation file, reply in writing and request an oral hearing to present their comments on the case before representatives of the Commission and national competition authorities.

There is no legal deadline for the Commission to complete antitrust inquiries into anticompetitive conduct. The duration of an antitrust investigation depends on a number of factors, including the complexity of the case, the extent to which the undertaking concerned cooperates with the Commission and the exercise of the rights of defence.

More information on the investigation will be available on the Commission's [competition website](#), in the public case register under the case number AT.40134.

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Press contacts:

[Ricardo CARDOSO](#) (+32 2 298 01 00)

[Yizhou REN](#) (+32 2 299 48 89)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)

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