

On 28/01/2021, the Commission decided to initiate antitrust proceedings in case AT.40632 – Mondelez trade restrictions within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003 and concern two groups of practices.

The first group of practices concerns certain possible restrictions in the concerned markets for the wholesale supply of chocolate, biscuits and coffee products of Mondelēz in the EU. Such alleged conduct would consist in practices that may possibly have the object and/or the effect of restricting intra-EU trade, by segmenting the markets for the supply and/or by limiting the cross border procurement and/or resale of the said products to and of its customers in the EU. Such practices could possibly constitute agreements and/or concerted practices within the meaning of Article 101 of the Treaty on the Functioning of the European Union (TFEU).

A second group of alleged practices that the Commission intends to investigate, concerns possible restrictions in the relevant markets for the wholesale supply of chocolate tablets with the object and/or effect of restricting intra-EU trade by imposing the segmentation of such markets in Bulgaria and in Belgium. If proven, the practices of this second group would constitute possible infringements of Article 102 TFEU.

Infringements within the meaning of Articles 101 and/or 102 of the Treaty on the Functioning of the European Union were allegedly committed by Mondelēz International Inc., its subsidiaries and all companies under their control.

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