



EUROPEAN COMMISSION

Brussels, 18.12.2024  
C(2024) 9190 final

## **PUBLIC VERSION**

Viotti Vini  
Str. Moirano  
14040 Castel Rocchero AT  
Italy

**Subject: Case AT.40834 –Green Screen**  
**Commission decision pursuant to Article 7(2) of Commission Regulation (EC) No 773/2004 rejecting the complaint**  
(Please quote this reference in all correspondence)

Dear Sir or Madam,

1. I am writing to inform you that the European Commission (the ‘Commission’) has decided to reject your complaint of 7 October 2022 against Systembolaget AB (hereafter ‘Systembolaget’) (the ‘complaint’), pursuant to Article 7(2) of Commission Regulation (EC) No 773/2004 <sup>(1)</sup>.

### **1. BACKGROUND TO THE COMPLAINT**

#### **1.1. Systembolaget**

2. Systembolaget, established in 1955, is a non-profit state-owned company that holds exclusive rights in Sweden for the retail sale of alcoholic beverages with more than 3.5% ethyl alcohol by volume. Systembolaget has around 450 physical retail outlets, 475 agents and an online store. Its product mix covers more than 28 000 items from more than 900 suppliers, offering beverages from thousands of producers. In 2022,

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<sup>(1)</sup> Commission Regulation (EC) No 773/2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18). With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and 102, respectively, of the Treaty on the Functioning of the European Union (the “TFEU”). The two sets of provisions are, in substance, identical. Pursuant to Article 5(3) of the Treaty of Lisbon, references in legal acts to Articles 81 and 82 of the EC Treaty are to be understood as references to Articles 101 and 102 TFEU when appropriate.

the revenue of Systembolaget was SEK 37 billion, yielding a profit of SEK 192 million <sup>(2)</sup>.

3. Swedish law establishes that Systembolaget can only purchase from importers/beverage suppliers who have been approved by the Swedish tax authorities. Producers therefore either need to enter into a partnership with such a supplier or form such a company in Sweden <sup>(3)</sup>.
4. Systembolaget's product mix consists of four product ranges, with the following characteristics: <sup>(4)</sup>
  - a. *Set Range* <sup>(5)</sup> (94% of total sales) consists of products that are available to a varying degree in Systembolaget's physical stores. This range is fully available in the online store. New product launches in this range occur each quarter and the range is renewed on a quarterly basis. The scope and availability of products in this range is adjusted twice a year based on consumer demand. Systembolaget purchases the products in this range through a call for tenders and on the basis of a blind tasting panel.
  - b. *Order Range* <sup>(6)</sup> (3% of total sales) is a range where the scope of products is controlled by the suppliers. Products sold in this range are kept in storage by the suppliers and can be ordered by consumers via Systembolaget. These products can qualify for placement on store shelves and in the *Set Range* as a result of high consumer demand.
  - c. *Temporary Range* <sup>(7)</sup> (3% of total sales) consists of products that sell in smaller volumes or that are considered as exclusive products or brands. The products are available only in selected physical stores, whereas the full range of products is available in the online store. The most exclusive products or brands are only available in Systembolaget's online store. Products in this range are purchased through a call for tenders or offers from suppliers and by Systembolaget requesting internationally coveted beverages from renowned producers.
  - d. *Seasonal Range* <sup>(8)</sup> (less than 1% of total sales) consists of products subject to specific launches for Christmas, Easter, and during the Beaujolais Nouveau period. These products are available in all physical stores and in the online store. The products in this range are purchased through calls for tenders and on the basis of a blind tasting panel.

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<sup>(2)</sup> <https://www.omsystembolaget.se/english/systembolaget-explained/>. (Accessed 10.01.2024).

<sup>(3)</sup> <https://www.omsystembolaget.se/english/producers/how-to-sell-in-sweden/>. (Accessed 10.01.2024).

<sup>(4)</sup> <https://www.omsystembolaget.se/english/producers/how-to-sell-in-sweden/>. (Accessed 13.02.2023).

<sup>(5)</sup> This refers to the Swedish term "fast sortiment" in Systembolaget.

<sup>(6)</sup> This refers to the Swedish term "ordervaror" in Systembolaget.

<sup>(7)</sup> This refers to the Swedish term "tillfälligt sortiment" in Systembolaget.

<sup>(8)</sup> This refers to the Swedish term "Säsong" used by Systembolaget.

## 1.2. The complainant

5. Viotti Vini was established in 1969 as a wine family business based in Italy <sup>(9)</sup>. Today, Viotti Vini produces a total of 10 different red, rose and sweet wines <sup>(10)</sup>. In 2022, Viotti Vini produced around [...], giving a turnover of approximately EUR [...].
6. From 2019 to 2023, Viotti Vini has sold its Piemonte Albarossa, Autignan Vino Rosso, Brachetto d'Acqui and Munferié Vino Rosato in Systembolaget's *Order Range* of products. The following table illustrates the sales statistics in the period 2019-2023 (in litres) <sup>(11)</sup>:
7. Table 1.  
  
[...]

## 1.3. "Hållbart val"-labelling by Systembolaget

8. On 1 March 2022, Systembolaget launched its own product label called "Hållbart val" ('*sustainable choice*'). The label was granted by Systembolaget to beverages meeting the following three criteria: a) environmental certified cultivation, b) lower carbon footprint packaging and c) approved results in Systembolaget's analysis of labour conditions in cultivation and production <sup>(12)</sup>.
9. According to Systembolaget, the label was intended to make it easier for the consumer to find the most sustainable beverages that Systembolaget has in the *Set Range* of products only.
10. In parallel with "Hållbart val" labelling, Systembolaget has been using other comparable labels to indicate the sustainable features of products. For environmental-certified cultivation, the labelling "Organic" has already been in use, and for products with packaging with a smaller climate footprint, the labelling "Climate smart packaging". These labels have been available for all products which have met the criteria, irrespective of the range in which the products are available in Systembolaget.
11. On 1 June 2023, Systembolaget changed the name of the "Hållbart val" ('*sustainable choice*') label to "Våra mest hållbara drycker" ('*our most sustainable beverages*') and extended this new label to the *Order*, *Temporary* and *Seasonal Ranges* of products, in addition to the *Set Range* of products. The label now covers all ranges of products sold by Systembolaget. <sup>(13)</sup>

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<sup>(9)</sup> <https://www.viottivini.com/about>. (Accessed, 18.01.2023).

<sup>(10)</sup> <https://www.viottivini.com/Wines>. (Accessed, 18.01.2023).

<sup>(11)</sup> <https://www.omsystembolaget.se/foretagsfakta/systembolaget-i-siffror/forsaljningsstatistik/>. (Accessed, 10.09.2024).

<sup>(12)</sup> <https://www.omsystembolaget.se/hallbarhet/hallbarhetsmarkningar/hallbartval/varfor-hallbartval/>. (Accessed 21.10.2022).

<sup>(13)</sup> <https://www.systembolaget.se/sortiment/hallbara-drycker/>. (Accessed 03.04.2024).

## 2. THE COMPLAINT

12. By a complaint dated 7 October 2022, you requested the Commission to launch an investigation into an alleged abuse of a dominant position by Systembolaget, consisting in excluding the products included in its *Order Range* from obtaining the “Hållbart val” label <sup>(14)</sup>. You argued that the exclusion of *Order Range* products from this label had been conducted in a non-objective manner, giving preference to products in the *Set Range*, which is derived solely from Systembolaget’s own selection of products. You argued that allowing only the suppliers selected for the *Set Range* to be marketed with a “Hållbart val” label, which affects consumer choice, constitutes a serious form of discrimination and distortion of competition. You considered that such conduct does not comply with Article 102 TFEU. Furthermore, you alleged that the mere setting up of its own sustainability label by Systembolaget with its self-chosen criteria in the exercise of a legal monopoly is likely to have a distorting effect on competition.
13. On 6 December 2022, you indicated that your complaint contains no confidential information <sup>(15)</sup> and, on 9 December 2022, with your consent, the Commission services sent the non-confidential version of your complaint to Systembolaget <sup>(16)</sup>.
14. On 20 January 2023, Systembolaget submitted its comments on your complaint to the Commission <sup>(17)</sup>. In its letter, Systembolaget stated that it has a long-term commitment to drive positive change in the alcohol industry, and this work is conducted in several ways. Sustainability is a strategic priority for Systembolaget. Systembolaget explained that its aim has been, together with importers, to reduce the environmental and climate impacts of the production of wine and other alcoholic beverages, as well as of transportation and packaging. According to Systembolaget, the introduction of the “Hållbart val” label in March 2022 is an example of such a measure. Systembolaget claimed that “Hållbart val” has been developed in compliance with applicable competition law rules, and the granting of the label is based on objective criteria that apply equally to all products, irrespective of their origin. It stated that the criteria are non-discriminatory and objectively justified, and that it has no incentive to discriminate against certain products based on product ranges because its activity is limited to retail of alcoholic beverages and is not involved in production of any such products. Systembolaget confirmed that its ambition has always been to make all products in all product ranges eligible for the “Hållbart val” label. Systembolaget explained that it was in the process of developing systems and establishing appropriate control procedures to enable products in the ranges other than the *Set Range* to benefit from the “Hållbart val” label. The roll-out of the label to also cover other ranges of products was expected to materialize as soon as the technical functions and reliable control procedures are

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<sup>(14)</sup> ID00003\_Complaint Systembolaget Sustainable Choice - Italy - Viotti.pdf. You initially sent the complaint to “SG Plaintes”, but explained later that it was not a complaint against the Swedish State, but against Systembolaget.

<sup>(15)</sup> ID00012 Re\_AT 40834-Green Screen-Request to indicate confidential elements.pdf.

<sup>(16)</sup> ID00005 AT 40834 - Request for a response to complaints concerning Systembolaget Ab.pdf, ID00004 2022 12 08 Letter to Systembolaget.pdf, ID00006\_Annex 1 Complaint Systembolaget Sustainable Choice - Italy - Viotti.pdf and ID00007 Annex 2 Complaint Systembolaget Sustainable Choice - Italy - Marina Danieli.pdf.

<sup>(17)</sup> ID00018\_230120 Case AT.40834-Green Screen Systembolaget AB response.pdf.

in place. In its comments, Systembolaget expected that all products would be eligible to obtain the “Hållbart val” label by June 2023.

15. On 1 February 2023, the Commission services asked you to provide sales figures for Viotti Vini products <sup>(18)</sup>. You delivered your reply on 13 February 2023 <sup>(19)</sup>.
16. In an email dated 15 February 2023, you explained that Systembolaget accepts all ‘*ecological certifications*’ that are approved in Europe for its “Organic” and “Climate smart packaging” labels, but only accepts ‘*sustainability certifications*’ from Equalitas or VIVA for the “Hållbart val” label. You alleged that this situation excludes producers from competing in the tenders and argued that Systembolaget should accept the ‘*sustainability certifications*’ in a similar way in which it accepts the ‘*ecological certifications*’ <sup>(20)</sup>.
17. On 21 April 2023, you reported in an email that Systembolaget is making some changes from “Hållbart val” (‘*sustainable choice*’) to “Våra mest hållbara drycker” (‘*our most sustainable beverages*’). You understood that you could not use the *Italian sustainability certification* of your products in Sweden, because, in order to be included in “Våra mest hållbara drycker” label, your products would also need a *social certification*, such as fairtrade, for example. <sup>(21)</sup>
18. By email dated 21 April 2023, the Commission services asked Systembolaget to explain the criteria for awarding the “Hållbart val” label and the technical difficulties of applying this label to products in the *Order Range* <sup>(22)</sup>. By email dated 26 April 2023, the Commission services also asked Systembolaget to clarify to what extent the new labelling practice explained in the letter of 20 January 2023 would address the issues raised and whether and when Systembolaget would be able to extend this new label to the *Order Range* of products <sup>(23)</sup>.
19. In a conference call with the Commission services on 11 May 2023 <sup>(24)</sup>, Systembolaget explained the “Hållbart val” labelling process and the technical challenges of extending the coverage of the label to the *Order Range* of products <sup>(25)</sup>. The technical pre-requisites had been in place since March 2023 for products in *Order*, *Temporary* and *Seasonal Ranges*, whereas the operational process had been in place since April 2023. Systembolaget presented the steps and structure of the planned extension of this label to the *Order*, *Temporary* and *Seasonal Ranges* of products. First, the deadline for producers to demonstrate compliance with the criteria for obtaining the label now called “Våra mest hållbara drycker” was set at 1 June 2023, for products in *Order*, *Temporary* and *Seasonal Ranges*. Systembolaget showed that importers and producers had been informed

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<sup>(18)</sup> ID00020 RE\_Fragan om markning klimatsmart forpackning.pdf.

<sup>(19)</sup> ID00023 Information from Viotti.pdf.

<sup>(20)</sup> D00025 Example of a sustainable Italian tender.pdf.

<sup>(21)</sup> ID00027 Re\_AT 40834-Green Screen RE\_Example of a sustainable Italian tender.pdf

<sup>(22)</sup> ID00028 RE\_AT 40834-Green Screen-Invitation to an online meeting.pdf.

<sup>(23)</sup> Ibidem.

<sup>(24)</sup> ID00054\_Non-confidential minutes of meeting between w 240715 SB comments and corrected.pdf.

<sup>(25)</sup> ID00030 EU-KOM - Systembolaget 20230511.pdf.

about the new prerequisites in Systembolaget's supplier portal <sup>(26)</sup>. Second, from 1 September 2023, the label called "Våra mest hållbara drycker" (*'our most sustainable beverages'*) would be awarded provided that the products have fulfilled the criteria before 1 June 2023 for products in *Order*, *Temporary* and *Seasonal Ranges*. The label called "Våra mest hållbara drycker" (*'our most sustainable beverages'*) has replaced the "Hållbart val" label, and products from all ranges are eligible for this label.

20. On 30 May 2023, in a call with your representative, Mr Martin Wall, the Commission services explained the main changes made by Systembolaget to the "Hållbart val" label, as elaborated by Systembolaget in the meeting of 11 May 2023. The Commission services explained that Systembolaget had changed its labelling and invited the complainants to withdraw their complaints. Mr Wall stated that this problem still exists because Viotti Vini cannot use its existing Italian sustainability labelling in Sweden, although it is accepted everywhere else in Europe. The Commission services considered that with the anticipated change in Systembolaget's labelling system, products in the *Order* and *Temporary Ranges* can also be awarded with this label.
21. On 2 June 2023, you provided further clarifications in a mail to the Commission services, arguing that Systembolaget is only renaming "Hållbart val" to "Våra mest hållbara drycker" but maintaining the same criteria for products to receive the label. You also pointed out that the deadline for certification will be closed for the *Order Range* products on 1 June 2023, which has the consequence of extending the practice over the best sales period June to August, before the introduction of the new label "Våra mest hållbara drycker" for all products from 1 September 2023 <sup>(27)</sup>.
22. By a letter of 26 July 2024, the Commission informed you there are insufficient grounds for acting on your complaint (the 'Article 7(1) letter').
23. In response, you made observations in your letter of 4 September 2024, where you state that even though Systembolaget has opened up for products in the *Order Range* to get a "Våra mest hållbara produkter" label, it still is a competition disadvantage for you, because you are not allowed to use your current sustainability certification in Sweden <sup>(28)</sup>. You further argue that the type of social certifications, like fairtrade that Systembolaget is requiring, are much more common outside of Europe, which means that "Våra mest hållbara produkter" puts European producers at a disadvantage, while for example South African producers have a lot to gain. In your letter you also state that you would like Systembolaget to remove "Våra mest hållbara produkter" and instead present all certifications, as is done by the retail monopoly Alko in Finland.

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<sup>(26)</sup> ID00031 Nyhet Leverantorsportalen 20 april 2023.png.

<sup>(27)</sup> ID00032 Re\_ AT\_40834-Green Screen Inbjudan till telefonmote.pdf.

<sup>(28)</sup> ID00064\_Re\_ AT\_40834-Green Screen-Request for confirmation.pdf.

### 3. THE NEED FOR THE COMMISSION TO SET PRIORITIES

24. Complaints facilitate the detection of infringements of the Union competition rules. They bring to the Commission's attention matters of fact and of law which the Commission examines <sup>(29)</sup>.
25. It is inherent to the complaints procedure that the obligation to substantiate the allegations lies with the complainant <sup>(30)</sup>, while the Commission is responsible for defining and implementing the orientation of the Union's competition policy. In order to perform that task effectively, it is entitled to give differing degrees of priority to the complaints brought before it <sup>(31)</sup>.
26. The Commission has limited resources and is unable to pursue every alleged infringement of the Union competition rules which is brought to its attention. Therefore, the Commission must set priorities, in accordance with the principles set out notably at points 41 to 45 of the Notice on the handling of complaints <sup>(32)</sup>, and reject a complaint when it considers that the case does not display a sufficient Union interest to justify a further investigation.
27. When deciding which cases to pursue, the Commission takes various factors into account. There is no fixed set of criteria for the assessment <sup>(33)</sup>.
28. The Commission may take into account whether the complaint concerns ongoing conduct or conduct that has ceased <sup>(34)</sup>.
29. The fact that the Commission has already dedicated some time and resources to an investigation does not preclude a rejection of the complaint on grounds related to priority setting. Moreover, the Commission may take a decision to reject a complaint even at an advanced stage in the investigation <sup>(35)</sup>.
30. The Commission is also not obliged to make a final finding as to the existence or non-existence of the alleged infringement <sup>(36)</sup>.

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<sup>(29)</sup> Judgment of 19 September 2013, *EFIM v Commission*, C-56/12 P, EU:C:2013:575, paragraph 71.

<sup>(30)</sup> See, to that effect, judgment of 19 September 2013, *EFIM v Commission*, C-56/12 P, EU:C:2013:575, paragraph 72.

<sup>(31)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraph 88; judgment of 19 September 2013, *EFIM v Commission*, C-56/12 P, EU:C:2013:575, paragraph 72.

<sup>(32)</sup> Commission Notice on the handling of complaints by the Commission under Articles 81 and 82 of the EC Treaty (OJ C 101, 27.4.2004, p. 65).

<sup>(33)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraphs 79 and 80; judgment of 19 September 2013, *EFIM v Commission*, C-56/12 P, EU:C:2013:575, paragraph 85; judgment of 20 September 2018, *Agria Polska e.a. v Commission*, C-373/17 P, EU:C:2018:756, paragraph 61.

<sup>(34)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraphs 94 and 95.

<sup>(35)</sup> Judgment of 17 May 2001, *IECC v Commission*, T-110/95, EU:T:1998:214, paragraphs 48 and 49.

<sup>(36)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraph 87; judgment of 19 September 2013, *EFIM v Commission*, C-56/12 P, EU:C:2013:575, paragraph 57; judgment of 20 September 2018, *Agria Polska e.a. v Commission*, C-373/17 P, EU:C:2018:756, paragraph 97.

31. Pursuant to Article 7(2) of Regulation (EC) No 773/2004, the Commission is entitled to reject your complaint by decision if the written submissions made in response to the Article 7(1) letter do not lead to a different assessment of the complaint.

#### 4. ASSESSMENT OF YOUR COMPLAINT

32. In the light of the above principles and after a careful assessment of your complaint and the information gathered, the Commission has decided not to conduct a further investigation into your claims for the reasons set out below.
33. In your complaint you alleged that the exclusion by Systembolaget of the products included in the *Order Range* from the possibility to obtain a "Hållbart val" ('*sustainable choice*') label has been carried out in a non-objective manner, which enabled Systembolaget to give preference to products in its *Set Range*, which is based on Systembolaget's own selection of products.
34. However, your complaint concerns alleged conduct for which there are no clear indications that, if proven, it is still producing effects on competition within the internal market <sup>(37)</sup>.
35. The "Hållbart val" label, introduced in March 2022, was based on a number of criteria known in advance to undertakings or their representatives offering their products to Systembolaget. The label covered initially products that were sold in the *Set Range*, as the information on whether the products fulfilled the criteria for the label was readily available from the tendering process.
36. Furthermore, Systembolaget has explained to the Commission the technical and information-related challenges of extending the coverage of the label to the *Order Range* of products. The technical prerequisites have been in place since March 2023 to extend the label to the *Order Range* of products, whereas the operational process has been in place since April 2023.
37. In addition, in May 2023, Systembolaget presented to the Commission the steps and structure of the planned extension of the label to the *Order Range* of products <sup>(38)</sup>. This was to take place from September 2023, with a deadline for producers with products in the *Order Range* to register and provide necessary data for this first phase of the roll-out by 1 June 2023 <sup>(39)</sup>.
38. The decision to start with the *Set Range* appears to have been an interim one and a consequence of the fact that, among others, the necessary product data for the 3500 products in the *Set Range*, constituting 94% of Systembolaget's sales, was readily available. Instead, the *Order Range* covered 18500 products that constituted only 2-3% of Systembolaget's sales <sup>(40)</sup>.

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<sup>(37)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraphs 94 and 95.

<sup>(38)</sup> ID00030\_EU-KOM - Systembolaget 20230511.pdf.

<sup>(39)</sup> ID00031\_Nyhet Leverantorsportalen 20 april 2023.png.

<sup>(40)</sup> ID00030\_EU-KOM - Systembolaget 20230511.pdf.



39. The sustainable choice labelling, since 1 June 2023 renamed as “Våra mest hållbara drycker” (*our most sustainable beverages*), has been available from September 2023 for products in Systembolaget’s *Order Range*, for which the producers have submitted the required information by 1 June 2023.
40. The fact that the deadline for certification was closed for the *Order Range* products on 1 June 2023, with the consequence of extending the practice over the period of June to August, before the introduction of the new label “Våra mest hållbara drycker” for all products from 1 September 2023<sup>(41)</sup>, does not seem disproportionate, considering the technical requirements of the task to enable a large number of producers to provide the necessary information to obtain the label.
41. The Commission observed that in December 2023, 33 wine products and 2 spirits products in the *Order Range* had obtained the label “Våra mest hållbara drycker” (*‘our most sustainable beverages’*)<sup>(42)</sup>. These products, originating from various parts of the world<sup>(43)</sup> were sold in carton boxes, PET bottles, light glass bottles, or in ordinary glass bottles. This indicates that the labelling can be obtained by a broad variety of products in the *Order Range* and that the alleged anti-competitive behaviour does not seem currently capable of having exclusionary effects. The alleged conduct was of limited duration and appears to have been explained by the technical challenges to extend the required information gathering to cover products in the *Order Range*.
42. Since the label appears to be available for all ranges and the criteria are the same for all producers, on the basis of elements available on the file there appears to be no ongoing discrimination between suppliers on the basis of product range.
43. In your response<sup>(44)</sup> to the Article 7(1) letter, you did not substantiate how Systembolaget’s implementation of the sustainability labelling is discriminating between suppliers in the product ranges. Your argument that the types of social certifications, like fairtrade that Systembolaget is requiring, are much more common outside of Europe, does not alter the conclusion that Systembolaget’s sustainability labelling is available to all producers in EU Member States in all product ranges of Systembolaget in a non-discriminatory manner. Moreover, it seems that the combined market share of wines from France, Spain and Italy in Systembolaget’s total sales of wines has increased from 53.8% in first quarter of 2020 to 58% in the second quarter of 2024. At the same time the market share of South African wines has decreased from 9.5% to 8.7%, which is comparable to the decreasing market shares of Australian wines (from 7.8% to 6%) or, for example, Chilean wines (from 6.8% to 5.3%) during the same period<sup>(45)</sup>.
44. Furthermore, Systembolaget is under no obligation to align its business decisions or practices to those of Alko, the state-owned monopoly in retail sales of alcohol in Finland, as you propose.

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<sup>(41)</sup> ID00032 Re\_ AT\_40834-Green Screen Inbjudan till telefonmote.pdf.

<sup>(42)</sup> <https://www.systembolaget.se/sortiment/ordervaror/> (Accessed 18.12.2023).

<sup>(43)</sup> Austria, Argentina, Chile, France, Germany, New Zealand, South Africa, Spain and Sweden.

<sup>(44)</sup> ID00064\_Re\_ AT\_40834-Green Screen-Request for confirmation.pdf.

<sup>(45)</sup> <https://www.omsystembolaget.se/foretagsfakta/systembolaget-i-siffror/forsaljningsstatistik/> (Accessed 10.09.2024).

45. To sum up, the conduct to which your complaint relates, namely the alleged refusal by Systembolaget to grant its sustainable choice label to products in the *Order Range*, ceased in June 2023 <sup>(46)</sup>. Furthermore, there are no clear indications that the alleged conduct, if proven, is still producing effects on competition within the internal market.

## **5. CONCLUSION**

46. For the reasons set out above, and after carefully reviewing your observations made in response to the Article 7(1) letter, the Commission confirms its conclusion that there are insufficient grounds for conducting a further investigation into the alleged infringement(s). Your complaint is consequently rejected pursuant to Article 7(2) of Regulation (EC) No 773/2004.

## **6. NEXT PROCEDURAL STEPS**

### **6.1. Right to bring an action**

47. An action for annulment may be brought against this Decision before the General Court of the European Union, in accordance with Article 263 TFEU.

### **6.2. Confidential information**

48. The Commission may send a copy of this Decision to Systembolaget AB. Moreover, the Commission may decide to make this Decision, or a summary thereof, public on its website <sup>(47)</sup>.
49. If you consider that certain parts of this Decision contain confidential information, you are requested to inform [...] within two weeks from the date of receipt of this Decision, identifying clearly the information that you consider confidential. Also, you are requested to indicate why you consider that certain information should be treated as confidential.
50. If you do not respond within that time-limit, the Commission may assume that you do not consider that this Decision contains confidential information and that it can be published on the Commission's website or sent to Systembolaget AB.

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<sup>(46)</sup> Judgment of 4 March 1999, *Ufex e.a. v Commission*, C-119/97 P, EU:C:1999:116, paragraphs 94 and 95.

<sup>(47)</sup> See paragraph 150 of the Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (OJ C 308, 20.10.2011, p. 6).

51. The published version of this Decision may conceal your identity upon your request if this is necessary for the protection of your legitimate interests.

*For the Commission*

*(Signed)*

*Teresa RIBERA*  
*Executive Vice-President*