

CLIENT ALERT

Category Captains Beware: European Commission Opens Antitrust Investigation Into Red Bull

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AUTHORS

Rahul Saha | Elvira Aliende Rodríguez | Paul Seppi | Nicola Earle

On 13 November 2025 the European Commission (the **Commission**) announced a formal investigation into Red Bull for alleged abuse of dominance in the energy drinks sector within the European Economic Area (the **EEA**), with a focus on category management practices in the off-trade channel.

This is the first formal investigation by the Commission into a potential abuse relating to the misuse of category management. It follows a decision earlier this year by the Belgian Competition Authority (**BCA**), which fined three pharmaceutical companies for anticompetitive category management arrangements.¹

¹ In April 2025, the BCA fined Johnson & Johnson, Boehringer Ingelheim and Haleon a combined approx. EUR 11 million for anticompetitive category management arrangements concerning the placement of over-the-counter medicines in Belgian pharmacies. The three firms jointly designed and enforced “planograms” (i.e. shelf layout diagrams) that favoured their own products and excluded or disadvantaged rivals. The BCA found this behaviour to be exclusionary and not objectively justifiable or to consumers’ benefit.

Background

Category management refers to the practice of entrusting the management of a product category (e.g. energy drinks) to one or more suppliers acting as the “category captain”. The arrangement typically covers decisions on assortment (not only of the supplier’s product but also its competitors’), shelf allocation and promotions. Category management may raise competition law concerns where the supplier’s involvement influences the retailer’s strategy in ways that restrict independent decision-making, facilitates the exchange of competitively sensitive information, forecloses rival suppliers, or otherwise leads to discriminatory or coordinated outcomes across the market.

The Commission’s investigation follows unannounced inspections at Red Bull in March 2023 (as well as a continued inspection at the Commission’s premises in Brussels in June 2023 and between August and September 2023) and third-party complaint(s). Red Bull challenged the legality of these inspections at the General Court, but the challenge was rejected.

Key allegations of the Commission

The Commission’s [press release](#) suggests that Red Bull, the manufacturer of the well-known energy drink typically sold in 250ml cans, may have developed an EEA-wide strategy to restrict competition from energy drinks larger than 250ml in the off-trade channel (i.e. sale points where goods are consumed for consumption elsewhere, e.g. supermarkets and petrol stations). According to the press release, Red Bull may have implemented such a strategy at least in the Netherlands, where Red Bull is said to hold a dominant position in the wholesale supply of branded energy drinks. Red Bull’s strategy allegedly targeted in particular the energy drinks sold by its closest competitor, understood to be Monster Energy.

Commission Executive Vice-President Teresa Ribera stated: “*We want to see if these practices may be keeping prices high and limiting choice of energy drinks for consumers. This investigation is part of the Commission’s continued efforts to enforce competition rules in the food supply chain to the benefit of European consumers.*”

Likely focus areas of the investigation

The investigation will likely touch on the following areas in particular:

1. **Category management scrutiny:** many suppliers are involved in category management arrangements that touch their competitors’ assortment, shelf allocation and promotions. The Commission is testing whether a supplier acting as category captain can leverage that role to engage in exclusionary conduct. The framing of the Commission’s press release suggests that the Commission is interested in the governance, transparency and competitive safeguards in Red Bull’s arrangements with off-trade retailers.
2. **Incentives tied to delisting or visibility:** the focus on both monetary and non-monetary incentives linked to delisting, range reductions or inferior placement of competing SKUs suggests that the Commission will closely review Red Bull’s trade terms, promotional mechanics and any outcome-based conditions that affect its competitors.

3. **Size or format-specific strategies:** the Commission's focus on products above a certain can size highlights that foreclosure concerns may be alleged at the sub-category or format level. This is a reminder that seemingly narrow strategies can still attract antitrust scrutiny where a supplier is alleged to be dominant in a narrowly defined market.

The Commission has stated that it will pursue the case as a priority. There is no legal deadline; timing will depend on the complexity of the evidence and Red Bull's cooperation. Next steps may include information requests to retailers and suppliers, market testing of evidence and potential scrutiny of category management frameworks across the wider grocery landscape. If Red Bull is found to have breached European competition rules, it could face a fine of up to 10% of its annual group turnover.

Practical implications for suppliers and retailers

This investigation as well as the recent BCA decision signal increased regulatory scrutiny of category management arrangements and related competitive safeguards in retail supply chains. Given the novelty around alleged category management misuse, the investigation is likely to shape future guidance and compliance expectations in retail supply chains across Europe.

In the meantime, suppliers (particularly those with strong market positions) and retailers engaging in category management should reassess governance, information flows and decision rights in their arrangements to mitigate risk. In particular, retailers should:

- maintain independent decision-making and ultimate control over category strategy with documented, objective criteria. Supplier input must remain advisory only;
- avoid:
 - support, rebates or incentives that are non-transparent and exclusionary; and
 - conditions that induce delisting or downgrading of rivals;
- ring-fence access to competitively sensitive information; competitors' information should not be shared beyond what is strictly necessary and lawful; and
- review their reliance on single-supplier category management arrangements in concentrated categories and conduct audits for potential foreclosure or discriminatory effects (including format-specific impacts).

If you have any questions regarding this client alert, please contact the following attorneys or the Willkie attorney with whom you regularly work.

Rahul Saha

Elvira Aliende Rodríguez

Paul Seppi

Nicola Earle

+44 203 580 4741

+32 2 290 1839

+44 203 580 4878

+44 203 580 4953

rsaha@willkie.com

ealienderodriguez@willkie.com

pseppi@willkie.com

nearle@willkie.com

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BRUSSELS CHICAGO DALLAS FRANKFURT HAMBURG HOUSTON LONDON LOS ANGELES
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