

# The Autorité de la concurrence fines the Syndicat national des distributeurs spécialisés de produits biologiques, Greenweez (Carrefour), ITM Entreprises and Les Comptoirs de la Bio (Les Mousquetaires group) €12.67 million for a brand allocation agreement

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The *Autorité de la concurrence* has fined the French organic distributors trade association (*Syndicat national des distributeurs spécialisés de produits biologiques*; hereinafter "Synadis Bio"), Greenweez, Les Comptoirs de la Bio (hereinafter "LCB") and ITM Entreprises (hereinafter "ITME") for taking part in a single, complex and continuous agreement aimed at allocating organic suppliers' brands between specialist stores (known in France as "*grandes surfaces spécialisées*" or "GSS") and generalist supermarkets (known in France as "*grandes surfaces alimentaires*" or "GSA").

Through meetings of its Board of Directors, followed by internal rules adopted in 2018, Synadis Bio implemented a collective strategy aimed at preventing the sale of the same organic brands within GSS and GSA distribution channels, in order to avoid comparability of products and prices between the two channels, which could have led to an across-the-board drop in prices to the detriment of GSS operators.

The agreement lasted for more than seven years and took place against a backdrop of strong growth in the supply of organic products in the GSA channel, which had become the leading distribution channel for such products since 2016.

In addition to the trade association, the *Autorité* found that Greenweez, Les Comptoirs de la Bio and ITM Entreprises were also actively involved in the practices.

Consequently, the *Autorité* has imposed a total fine of €12,670,000, broken down as follows:

- €10 million for Synadis Bio;
- €1.85 million for Greenweez (jointly and severally with its parent company Carrefour SA);
- €740,000 for ITM Entreprises (jointly and severally with its parent company Les Mousquetaires); and
- €80,000 for Les Comptoirs de la Bio.

This is the second time the *Autorité* has applied the new provisions of Article L. 464-2 of the French Commercial Code (*Code de commerce*), under which it can now determine the amount of the fine imposed on an association of undertakings in relation to the total worldwide turnover of all its members active in the market affected by the infringement, up to a limit of 10% thereof.

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