

The CNMC initiates disciplinary proceedings against Ecoembes for a possible abuse of its dominant position in the market.

- Ecoembes is the sole manager of the Integrated Management System for plastic packaging waste in Spain.
- The investigation concerns the auction procedure used by the company since at least 2004, which was carried out without guarantees of transparency and hampered access by recycling companies.

Madrid.- 5 October 2022.- The CNMC has initiated disciplinary proceedings against Ecoembalajes España S.A. (Ecoembes), manager of the sole Integrated Management System (SIG) for plastic packaging waste in Spain, for possible abuse of a dominant position.

The alleged prohibited practices are contrary to Article 2 of Act 15/2007 of 3 July 2007 on the Defence of Competition (LDC in Spanish) and Article 102 of the Treaty on the Functioning of the European Union (TFEU).

Specifically, the CNMC is investigating the conduct, since at least 2004, of an arbitrarily executed auction procedure, which did not guarantee its transparency or the traceability and integrity of the bids submitted. It is also investigating the establishment of access barriers to participation and the awarding of contracts in these auctions, which are not justified on technical, environmental or economic grounds.

The investigation stems from the complaint filed by PET Compañía para su Reciclado S.A.U. against Ecoembes and the confidential information carried out by the Competition Directorate, in accordance with the provisions of Article 49.2 of the LDC.

Within the framework of said confidential information, the CNMC inspected in December 2021 the headquarters of Ecoembes and of a recycling company ([Press release](#)) and made numerous requests for information to different market operators.

The initiation of these proceedings does not prejudice the final outcome of the investigation. There is now a time limit of 18 months for the investigation and the adoption of a decision on the case.