

The CNMC initiates disciplinary proceedings against the Spanish General Council of Court Attorneys (CGPT)

- The CGPT has allegedly drawn up documents containing the fees that the members of the Council itself and member bar associations should receive for providing their services in out-of-court auctions.
- Through www.subastasprocuradores.com, the Council has allegedly advertised its intermediation activity as if it were a public service with additional safeguards.
- This action could reduce competition in the sector for the intermediation of electronic out-of-court auctions of goods and rights in Spain.

Madrid, 29 December, 2022. - The Spanish National Markets and Competition Commission (Comisión Nacional de los Mercados y la Competencia; CNMC) has initiated a sanctioning proceeding (**S/0001/21**) against Spain's General Council of Court Attorneys (Consejo General de los Procuradores de los Tribunales; CGPT) for anti-competitive practices prohibited by Articles 1 and 3 of *Law 15/2007, of 3 July, on the Defence of Competition (LDC)* and in Article 101 of the *Treaty on the Functioning of the European Union (TFEU)*.

These practices would affect Spain's intermediation sector for the implementation of electronic out-of-court auctions of goods and rights by specialised persons or bodies. Specifically, two possible unlawful actions have been detected:

Firstly, the possible establishment of fixed, minimum and maximum prices to be charged by the CGPT and the bar associations for their involvement in the extrajudicial auctions of goods and rights through the portal www.subastasprocuradores.com. These prices were allegedly set out in documents drawn up by the CGPT, which could constitute a decision by an association of firms or a collective recommendation.

Secondly, the apparent advertising of the intermediation services offered by the CGPT, through the portal www.subastasprocuradores.com, as if they offered additional guarantees due to their status as public law corporations, when in fact they merely act as private agents in this type of activity.

This case stems from a complaint received by the CNMC from the entity Activos Concursales S.L.

In view of this complaint and the information gathered as part of the confidential information phase, the CNMC's Competition Directorate considers that there is prima facie evidence that the CGPT has infringed Articles 1 and 3 of the LDC, as well as Article 101 of the TFEU.

As of this moment, the limitation period for investigating and deciding on the proceedings is 18 months. The opening of these proceedings in no way prejudices the final outcome of the investigation.

(S/0001/21)