

The CNMC concludes its disciplinary proceedings against EURO 6000

- The CNMC investigated Euro 6000 over its alleged strategy of denying ING access to its ATM network under the same terms and conditions as other entities.
- The case was concluded through a “commitment decision”, a formula that avoids imposing fines and shortens the proceedings.
- The solution affects the market as a whole, since it establishes conditions for accessing EURO 6000 ATMs, not only by ING, but by any entity, through a reciprocal agreement.
- EURO 6000 member entities must comply with several binding commitments and will be monitored over the next three years.
- These include implementing an objective, transparent and non-discriminatory system for negotiating ATM access terms.

Madrid, 19 November 2021.- The CNMC has concluded, through traditional enforcement, the disciplinary proceedings against EURO 6000 S.L. (“EURO 6000”) for infringing Spain's anti-trust law (Ley 15/2007 de Defensa de la Competencia or “LDC”) in the country's ATM market (S/DC/0034/19).

Traditional enforcement allows disciplinary proceedings to conclude without imposing a fine. To do so, the offender must undertake certain commitments voluntarily with the CNMC. The Commission then decides whether they will address the anti-trust issues that gave rise to the proceedings and, if so, declares them binding.

In this particular case, a commitment decision resulted in a solution that will impact the entire market as it sets conditions for reciprocal access to EUR 6000's ATM network by any entity applying for it.

Complaint by ING

The CNMC's proceedings against EURO 6000 stemmed from a claim by ING BANK NV, Spain Branch (ING). In September 2019, the Commission conducted several inspections at bank headquarters and network administrators, gathering information on potential anti-trust behaviour by Euro 6000 ([press release](#)).

Specifically, it looked into whether there was a shared practice of systematic denial of access by ING (express and tacit) to EURO 6000's ATMs under the same terms as its members and those applied to other entities with which EURO

6000 had entered into agreements. As a result, in February 2020, the Commission initiated disciplinary proceedings ([press release](#)).

Commitments presented by EURO 6000

EURO 6000 applied for a commitment decision of the proceedings and presented several commitments to address the competition matters investigated by the CNMC.

Its commitments entailed implementing an objective and non-discriminatory system of negotiating fees, which it will apply to any future agreements with ING and any other entity applying for access to the ATMs in its network (EURO 6000).

The commitments shall be binding at all times and on all entities using EURO 6000's ATM network. For EURO 6000 itself, they imply:

- 1) **Implementing a new fee system** that will include defining a **base fee** based on the characteristics of the entity applying for access (e.g. network size and geographical overlap with EURO 6000's network) and offering **volume discounts** based on the number of annual transactions carried out by the applicant in the EURO 6000 ATM network.
- 2) **Publishing the new fee system on EURO 6000's web site** within 10 business days from notification of the CNMC resolution, along with the **reciprocal agreements entered into with third parties** within a period of 10 business days from the arrangement date.
- 3) **Drawing up a detailed procedure for handling applications for reciprocal third-party access to its network**. This procedure shall be in place within 1 month following the resolution and means that EURO 6000 will respond to any application for access to its ATM network in no more than 10 business days and send a binding offer once it has the required information within a period of 2 months.
- 4) Undertaking a commitment to send **ING a binding offer with the new fee scheme** within 2 business days from notification of this resolution. It will also **enter into a reciprocal agreement with ING within 15 business days** from formal acceptance by ING of that offer.

The CNMC believes these commitments effectively resolve the competition issues uncovered and will oversee compliance with them over the next **three years** throughout Spain. EURO 6000 must report to the CNMC within the agreed

terms during this period. Any breach of these commitments shall be considered an extremely serious infraction.

Further information on [traditional enforcement](#).

