

PRESS RELEASE

The CNMC opens a formal investigation into possible anticompetitive practices of ISDIN, S.A

- The potential illegal conduct allegedly consists of fixing resale prices online, at least for sunscreen products.
- Currently, the CNMC assesses potential competition restrictions imposed by producers on e-commerce deals with resellers affecting the pharmaceutical and over-the-counter markets.

Madrid, 2 November 2020. The CNMC investigates ISDIN, S.A. for possible anti-trust conduct involving fixing resale prices online.

The behaviours analysed originates from a complaint filed by an operator that distributes and markets over-the-counter and body and healthcare products, and involves a possible violation of the antitrust rules.

Over the course of its investigation into this case, the CNMC had access to certain information that allowed it to infer the existence of reasonable suspicion that ISDIN S.A. committed a violation of Article 1 of the Antitrust Act and Article 101 of the Treaty on the Functioning of the European Union (TFEU), involving the fixing of resale prices, and in particular, the sale prices of certain skin-care products, specifically sunscreens.

In the current context, in which e-commerce can play a relevant role for retailers, this conduct could disincentivise retailers and resellers from marketing certain products via e-commerce. As a result, the CNMC is assessing potential competition restrictions imposed by producers on e-commerce deals with resellers affecting the pharmaceutical and over-the-counter markets.

The initiation of these proceedings does not prejudice the final result of the investigation. A maximum period of 18 months is now open for the CNMC to investigate and resolve the case.

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