

# 2023

ANNUAL REPORT



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# Letter from Cani Fernández Vicién, President of the National Markets and Competition Commission (CNMC)



Dear reader,

It is not an easy task to summarise in just a few lines the intense activity carried out by the institution I preside over in 2023, but I would like to highlight the main milestones of this year, which provide a good picture of the challenges and results of our institution.

In the area of competition, 2023 stands out for the increase in the number of inspections carried out and the number of proceedings initiated. We also continued to promote and strengthen the activities of the Economic Intelligence Unit and the ex officio detection of anti-competitive practices. This is a key aspect, as it allows us, as a competition authority, to detect anti-competitive practices by our own means.

Moreover, our Competition Act was amended in 2023. Among the various modifications, I would like to highlight the reform that extends the time limit for resolving infringement proceedings from 18 to 24 months. This change applies to all proceedings initiated after 30 June 2023.

The promotion of competition remains a fundamental aspect of our work. Raising awareness and effectively disseminating information on the importance of competition for the economy and in society is a top priority.

A noteworthy milestone in 2023 was the adoption of the Guide on the Quantification of Damages for Competition Law Infringements. This document, which is particularly relevant due to the increase in damages claims, aims to assist judges and courts in determining damages and to promote good practices among all the actors involved. This work was led by our Competition Advocacy Department, with the essential collaboration of the Legal and Financial Advisory Offices.

In the field of telecommunications, we continued to make progress in the review of regulation to adapt it to our new environment, where *ex ante* regulatory intervention is gradually decreasing in some markets.

As far as the audiovisual media sector is concerned, 2023 was a crucial year. This was the first full year of implementation of the new audiovisual legislation. Among all the actions carried out, I would like to highlight the work done in terms of supervision and control of audiovisual content, fundamentally regarding the protection of minors, as well as everything related to the age verification systems that platforms must have in place to prevent minors from accessing highly harmful content. In this regard, and as the authority responsible for validating the adequacy of these systems, we launched a public consultation to assess the different alternatives and gather the opinions of all the actors involved.

In the energy sector, among the main actions carried out in 2023, I must highlight the special supervisory effort to ensure that retailers pass on the impact of the increase in energy prices to consumer contracts clearly and transparently, so that consumers have all the information they need to make the most appropriate decisions for themselves. As established in our Strategic Plan, consumers must be at the centre of our activities.

As part of these consumer protection measures, I would like to highlight in particular the launch of the 'Understand your bill' tool. Thanks to this tool, consumers can find out what type of contract they have and the different items that make up their electricity bill.

With regard to transport, rail liberalisation has continued to play a leading role in our work. In 2023, we saw how the corridors opened to new competitors are the ones that have gained the most passengers. At the CNMC, we are closely following this liberalisation process, which seeks to improve

the conditions for the provision of rail services in our country for the benefit of all.

In postal matters, I would like to highlight that in 2023, we adopted the first decision on the control of the conditions for the provision of the universal postal service (UPS) by the designated operator since the UPS Provision Plan set new objectives.

All this national activity is also reflected at the international level. We have a significant presence in the main international forums and organisations. In particular, we hold the vice-presidency of ERGA (audiovisual) and ARIAE (energy) and we participate in BEREC (electronic communications), ACER and CEER (energy), ERGP (postal sector) and IRG - Rail (railway sector), where we will hold the vice-presidency in 2024. We are also present in the governing bodies of the network of competition authorities around the world, the International Competition Network (ICN), and its working groups, as well as in the Bureau of the OECD Competition Committee.

In addition, in 2023, I have been appointed to participate in the High-Level Group for the Digital Markets Act. This is a key group for the implementation of this new European regulation on digital markets and testifies to the CNMC's expertise and leadership in all matters relating to the digital economy.

We also hosted several major events at both the European and international levels. Firstly, on the occasion of the Spanish Presidency of the Council of the European Union, we organised the European Competition Day in Barcelona and the ACER and CEER plenary sessions in Madrid. Sec-



only, we hosted the ICN Annual Conference in Barcelona for the very first time.

All this great work would not be possible without the support and cooperation of our support units. The Secretariat of the Council, the Legal Advisory Office, the General Secretariat, the Internal Control Department, the Financial Advisory Office and the Communications Department are fundamental to our daily work and contribute, within their respective areas of responsibility, to achieving our objectives as an institution.

In 2023, we also adopted the Communication on the criteria for determining the ban on public contracts for distortion of competition. This work was led by our Council Secretariat and the Legal Advisory Office. The document sets out the criteria to be considered when determining the duration and scope of the ban on public contracts in the event of breaches of competition law. With this, we seek to provide certainty and legal security to the market.

However, in 2023, much-needed amendments to the law creating our institution and to our organic statute, in order to adjust our structure 10 years after the institution's birth, are still pending. Similarly, certain amendments to the Spanish Competition Act in order to introduce the necessary instruments to increase effectiveness and efficiency in this

area are also still pending, such as the settlement procedure in cartel cases.

Once again this year, I would like to end this letter by thanking all those who contributed their work and experience to the CNMC for their dedication. I am referring, of course, to the directorates, the support units and the members of the Council, but also to all those who help us improve the results of our work by participating in our public consultations, in our working groups and in meetings with a more academic profile. This recognition has a very special meaning in 2023, as our Vice-President, Ángel Torres, passed away in August. May these lines serve as a tribute to his figure and his career as a public servant. Ángel was a role model for all of us who work for the public good. I know that both present and future generations of public servants will find an example to follow in him.

Many challenges lie ahead of us, and we will respond with our commitment to public service, hard work and responsibility, but we cannot do it alone. We need the support and commitment of the rest of the Spanish and EU institutions, as well as the collaboration of consumers, companies and operators for whom we work to defend fair and competitive markets for the benefit of all citizens.

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# INTRODUCTION

The CNMC publishes this report for the year 2023 pursuant to Article 38.2 of Law 3/2013, of 4 June 2013, which established the National Markets and Competition Commission (LCNMC in its Spanish acronym).

The CNMC must earn the trust of the public and, to this end, it is subject to parliamentary control, with transparency being a fundamental aspect of its activities. The annual report is part of this institution's transparency policy. Its aim is to provide a summary account of the work carried out by the institution, accessible to all citizens.

This document describes the work of the different departments and the resources available to the CNMC to carry it out. The 2023 report maintains the structure introduced in 2021.

Following a section on the functions and activities of the CNMC Council in 2023, this document is divided into two main parts: firstly, a summary of the most relevant actions of each directorate and of the support units that make up the institution; secondly, an appendix with a list of the relevant documents and information organised according to the directorate or support unit responsible.

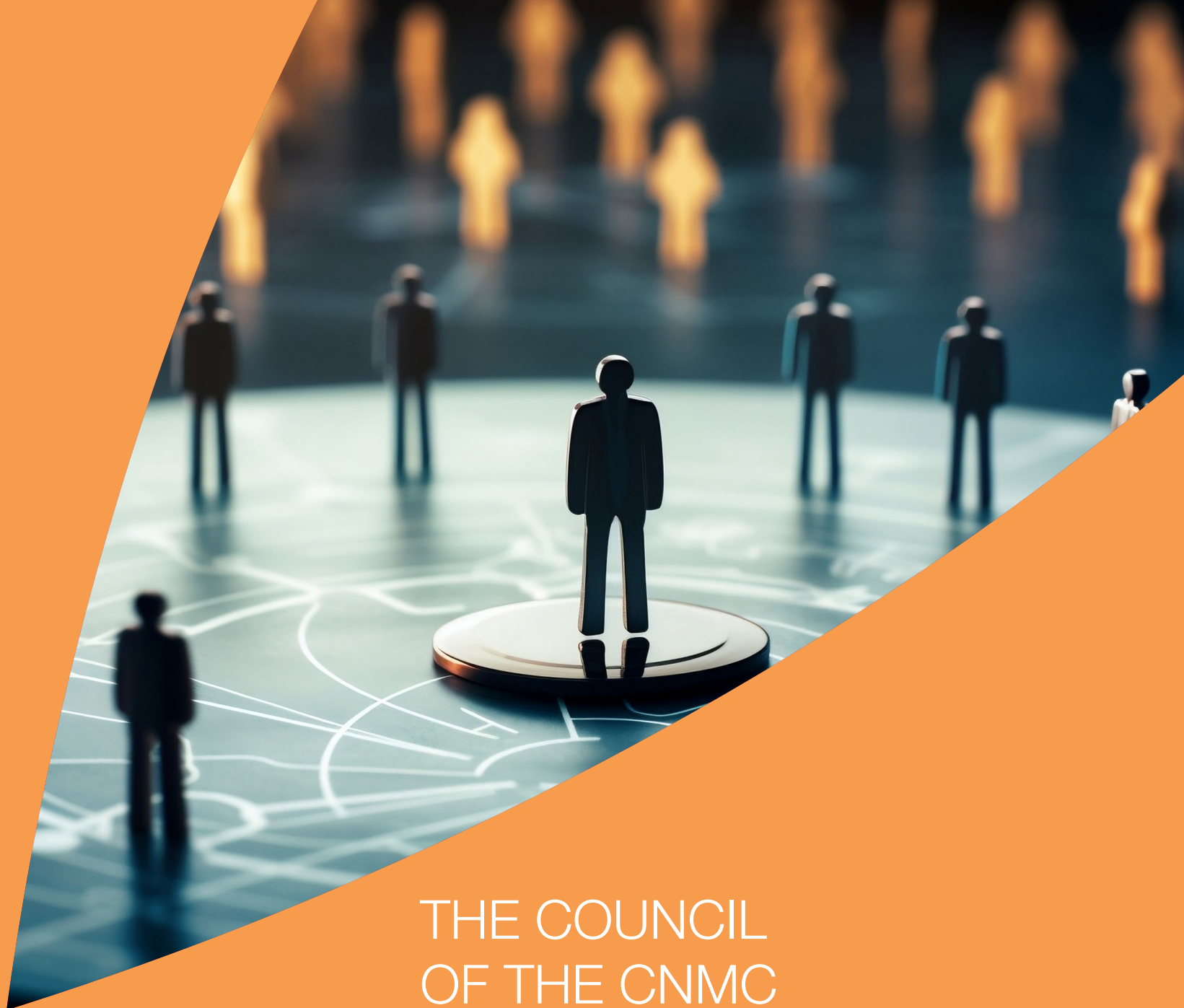
The first part of the report is divided into seven sections:

The first five sections correspond to the core responsibilities assigned to this institution: competition law enforcement; competition advocacy and market unity; telecommunications and audiovisual media; energy; and the transport and postal sectors.

The sixth section deals with the main international activities carried out by the CNMC's investigative directorates. International activity plays a very important role in the daily work of this institution. The CNMC's presence, both at the European and international levels, has been strengthened in recent years.

The following section describes all the activities of the various bodies and support units that make up the CNMC. Their actions ensure the smooth running of the organisation, the communication of the work carried out, the defence and legal advice, and the internal control of the CNMC's actions under the criteria of impartiality and objectivity.

Finally, as described above, the documents and information of interest corresponding to 2023 can be found in the appendix.



THE COUNCIL  
OF THE CNMC

The CNMC was created on 7 October 2013 by integrating into a single institution the activities and functions of six existing regulatory bodies: the National Energy Commission, the Telecommunications Market Commission, the National Postal Sector Commission, the Railway and Airport Regulatory Committee, the State Council for Audiovisual Media and the National Competition Commission.

The main objective of the CNMC is to guarantee, preserve and promote the proper functioning of all markets in the interest of consumers and businesses.

The CNMC has its own legal personality, is independent from the Spanish Government, public administrations and market operators in the exercise of its powers and is subject to parliamentary and judicial control.

The CNMC exercises its functions through its two governing bodies: the Council and the President's Office.

The Council is a collective decision-making body and is vested with a series of non-delegable powers. It is made up of ten members, which shall be appointed by the Spanish Government, at the proposal of the Ministry of Economy, Trade and Business, after the persons proposed for the position have appeared before the relevant committee of the Spanish Congress of Deputies. The term of office of the Council members is six years and cannot be extended.

The CNMC Council works in plenary or in chambers. The plenary of the Council is composed of all Council members and is chaired by the President of the CNMC. The Council has two chambers: the Competition Chamber and the Regulatory Oversight Chamber. There are two chambers of the Council. Each chamber consists of five members and has its own powers.

The Competition Chamber is chaired by the President of the CNMC and the Regulatory Oversight Chamber is chaired by the Vice-President of the CNMC.

The Council is provided with legal advice and reports by the Council Secretariat.

On the other hand, the Presidency of the CNMC has a series of powers, in addition to those already mentioned, such as: the legal and institutional representation of the CNMC, maintaining the good order and governance of the CNMC's organisation, as well as the duty to appear before the Spanish Congress of Deputies. In the exercise of her functions, the President collaborates with, and is replaced when necessary by, the Vice-President of the institution. The President is assisted by her Cabinet.

In 2023, the CNMC Council met 126 times, both in plenary and in chambers.

The total number of cases handled was 2,275. The breakdown is as follows:



[Appendix I](#) indicates the number of meetings held by the Council, both in plenary and in chambers, and the composition of the Council in 2023.

A close-up photograph of a hand holding a black chess king piece, poised to move it on a chessboard. The background is a solid dark blue, and the foreground is a light gray, creating a modern, geometric design.

# ENFORCEMENT OF COMPETITION LAW



The **Competition Directorate** is responsible for conducting inquiries, investigations, assessments and reports on competition proceedings, anti-competitive practices and merger control.

In 2023, the investigative activities carried out by the Competition Directorate were particularly noteworthy. The Directorate conducted the highest number of inspections or dawn raids since 2019 and initiated more proceedings than in the last two years.

The main actions in the area of competition law enforcement are highlighted below. The rest of the proceedings and actions carried out in 2023 can be found in [Appendix II](#).

## 1. ANTI-COMPETITIVE PRACTICES

### 1.1. Ex officio investigations by the Economic Intelligence Unit (EIU)

In 2018, the Economic Intelligence Unit (EIU) was created within the Competition Directorate and has since been progressively staffed with specialised personnel and equipped with specific resources. Its main focus is on the ex officio detection of anti-competitive practices, particularly cartels.

In 2023, the EIU received reports on 24 cases under Articles 132 and 150 of Law 9/2017, of 8 November 2017, on Public Sector Contracts (hereinafter ‘the Spanish Public Procurement Act’), showing evidence of anti-competitive practices in public tenders. This new reporting channel has proved particularly useful, as inspections have already been carried out thanks to the evidence provided. For instance, the investigation involving travel agencies led to the initiation of infringement proceedings in 2023.

Regarding citizen cooperation, 2023 saw a significant increase, with nearly 200 reports received through the various channels available, covering a wide range of sectors. Some of these contributions have led, or are expected to lead, to on-site inspections.

Finally, the EIU remains firmly committed to the development of technological tools. In this regard, the foundations have been laid for an automatic collusion detection tool in public procurement based on machine learning techniques. In addition, various tools for analysing and mining large amounts of both structured and unstructured data have been developed in order to systematise and automate the EIU’s investigations to a large extent, thereby achieving greater efficiency.



## 1.2. Investigations initiated

Upon being informed of a possible infringement of Law 15/2007 of 3 July 2007 on the Defence of Competition (hereinafter 'the Spanish Competition Act'), the Competition Directorate has the authority to initiate a preliminary inquiry. These preliminary investigations are conducted under different names (inquiries, preliminary proceedings, etc.), depending on the level of information provided and the possible evidence available.

In 2023, 15 new investigations were launched, five of which led to the initiation of infringement proceedings.

Additionally, 48 new preliminary inquiries were opened to verify the existence of evidence of an infringement due to prohibited practices. Furthermore, six preliminary inquiries were initiated in connection with non-ancillary restrictions on mergers approved in recent years. In 2023, 35 preliminary inquiries were completed, some of which resulted in the opening of infringement proceedings.

The Competition Directorate also deals with queries and other issues arising from the application of the Spanish Competition Act. In 2023, 120 new queries were registered and 105 were finalised.

## 1.3. Inspections

In 2023, the Competition Directorate conducted nine inspections or dawn raids in the context of eight cases. A total of 20 company sites were inspected, marking the highest number of inspections since 2019. The Directorate's officials also participated in two inspections organised by the European Commission in Spain.

The inspections were carried out as part of investigations into horizontal and vertical practices and abuses of a dominant position. One of the dawn raids aimed to confirm compliance with a previous CNMC decision.

## 1.4. Infringement proceedings initiated

In 2023, seven infringement proceedings were initiated for anti-competitive practices, following the discovery of prima facie evidence of practices prohibited by the Spanish Competition Act.

For proceedings initiated after 30 June 2023, the new time limits provided for in the Spanish Competition Act apply: the period for adopting a decision on infringement proceedings has been extended from 18 to 24 months, and the period for interested parties to submit their arguments on the statement of facts and the draft decision has been extended from 15 days to one month.

It is also worth noting the wide range of potentially infringed articles of the Spanish Competition Act analysed in the new investigations conducted in 2023. The practices investigated relate to all three articles of the Spanish Competition Act, sometimes even within a single case. Abuses of a dominant position are once again gaining prominence in the investigations.

**Table 1. Proceedings initiated in 2023**

REFERENCE	CASE	DATE OF INITIATION	ARTICLES
S/0003/23	<a href="#">LUMINORA</a>	27/02/2023	Art. 2
S/0013/22	<a href="#">GOOGLE NEIGHBOURING RIGHTS</a>	28/03/2023	Art. 2, 3 and 102
S/0011/23	<a href="#">EÓLICA DEL ALFOZ</a>	23/10/2023	Art. 2
S/0006/23	<a href="#">UFD METRES</a>	16/11/2023	Art. 2 and 102
S/0001/23	<a href="#">TRAVEL AGENCY SERVICES</a>	28/11/2023	Art. 1 and 101
S/0015/23	<a href="#">ICON</a>	29/11/2023	Art. 1 and 101
S/0011/22	<a href="#">HYDROCARBON DISTRIBUTION</a>	20/12/2023	Art. 2 and 102

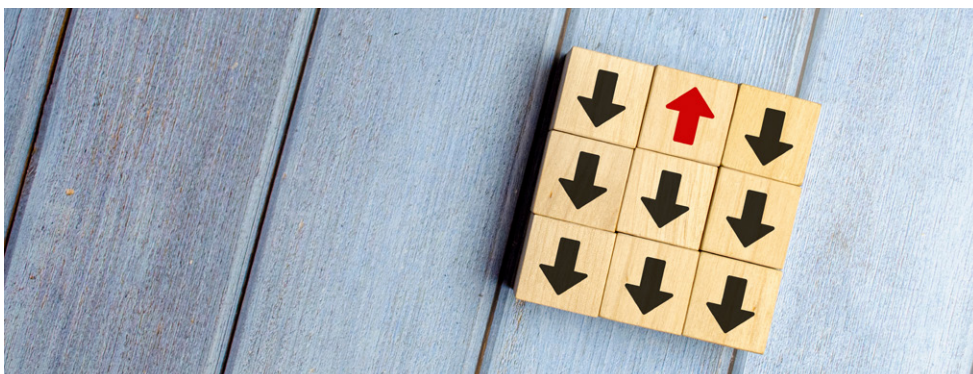
Source: CNMC.

### 1.5. Proceedings closed by the Competition Directorate

Once the necessary investigative steps have been taken to clarify the facts of a case and determine who is responsible, the Competition Directorate issues a draft decision. This decision sets out, in a reasoned manner, the facts that are considered proven, their legal classification, the corresponding infringement (if any), the person(s) responsible, the proposed sanction, including the possibility of an exemption or reduction of the fine, and the assessment of the evidence.

In 2023, 21 draft decisions relating to practices prohibited by the Spanish Competition Act were submitted to the Council.

Of these draft decisions, 17 proposed the closure of the proceedings, one proposed the closure of the proceedings by a commitment decision, and three concluded the existence of practices prohibited by the Spanish Competition Act. Of these three draft decisions, two found an infringement of Article 1 of the Spanish Competition Act and Article 101 of the Treaty on the Functioning of the European Union (TFEU). The third draft decision proposed that the Council adopt a sanctioning decision for an infringement of Article 2 of the Spanish Competition Act.



### 1.6. Council decisions on anti-competitive practices

In 2023, the Council of the CNMC decided on [28 proceedings](#). Specifically, 22 decisions agreed to dismiss the proceedings, two proceedings were closed by a commitment decision and the remaining four decisions concluded the existence of practices prohibited by the Spanish Competition Act. Of these four sanctioning decisions, three concerned collusive practices (including cartels) and the fourth concerned an abuse of a dominant position.

On the other hand, among the cases handled by the Competition Chamber, it is worth mentioning the proceedings that were conducted by the corresponding investigative bodies of the autonomous communities, but which were subsequently decided by the Council of the CNMC, as the competition authorities of the autonomous communities do not have a decision-making body<sup>1</sup>. In 2023, five proceedings were closed by the CNMC following investigations by the corresponding bodies of the autonomous communities. The details of these cases are given in the [table](#) below.



<sup>1</sup> At present, the autonomous communities of Madrid, Navarre and Murcia do not have a decision-making body. The Canary Islands Council for the Defence of Competition was created in May 2023.

### 1.7. Collusive practices

In 2023, three sanctioning decisions issued by the CNMC concluded the existence of collusive practices prohibited by Article 1 of the Spanish Competition Act and Article 101 of the TFEU.

In the **corporate databases** case, the CNMC imposed a fine of €3,558,135 on the cartel of two of the main companies providing corporate information database services in Spain. One of the companies was granted immunity from the fine and the other a 30% reduction in the amount of the fine imposed. Both companies were also exempted from the application of the ban on public contracts as a result of their cooperation with the Competition Directorate under the leniency programme. Thus, the companies admitted to the existence of an agreement lasting almost 20 years in which they undertook not to interfere with each other's customer acquisition activities and to avoid price competition in the sale of databases.

In the **military tenders** case, several companies in the defence industry were fined more than €6 million for their involvement in two cartels distributing tenders from the Ministry of Defence. Six managers of the companies concerned were also sanctioned for their participation in the cartel. In its decision, the CNMC recommended applying the ban on public contracts, although it will consider lifting it if the companies demonstrate their intention to comply with applicable regulations through an effective regulatory compliance programme.

In the **Amazon/Apple brandgating** case, the CNMC fined Apple and Amazon €194 million for restricting competition on Amazon's marketplace in Spain. Both companies agreed to include a series of clauses in the contracts regulating Amazon's conditions as an Apple reseller that affected the sale of Apple products and other brands on Amazon's website in Spain. Among other things, they limited the possibility for competing brands to purchase advertising space on Amazon's website and excluded a large majority of resellers who had been using Amazon to sell Apple products, thereby losing an important sales channel. This resulted in an increase in the relative prices paid by consumers for the purchase of Apple products on Amazon's website in Spain.

### 1.8. Abuses of a dominant position

In 2023, the CNMC issued a sanctioning decision finding an infringement of Article 2 of the Spanish Competition Act for abuse of a dominant position in the energy sector.

The CNMC fined the company Luminora €384,672 for giving priority to its renewable energy facilities over those of a competitor before Red Eléctrica, abusing its position as the exclusive representative for access to grid connection points. The company did not process its competitor's application and even persistently refused to do so at Red Eléctrica's request. Infringement proceedings were initiated on the basis of an access dispute handled by the Energy Directorate.





### 1.9. Closure of proceedings by a commitment decision

Commitment decisions allow closing administrative proceedings by enforcing commitments offered voluntarily by the alleged infringer, circumventing the need to rule on whether an infringement has been committed or, accordingly, on whether to impose a fine or sanction. The aim is to restore competitive conditions quickly by reducing the formalities and duration of investigations.

In 2023, two proceedings were closed by commitment decisions. In one case, the CNMC initiated infringement proceedings against **Ecoembes** for abusing its dominant position as the manager of the only integrated management system for plastic packaging in Spain, making it difficult for competitors to participate in auctions for plastic packaging waste on an equal and transparent basis. The CNMC adopted interim measures to provisionally mitigate the competition concerns identified and to ensure the effectiveness of the decision. Ecoembes requested a commitment decision in March 2023, but after conducting a market test with companies in the sector, its request was rejected as the commitments offered were found to be ineffective. Finally, a second request was accepted in October with more stringent commitments to address the competition concerns identified.

In the other case, **DKV** was investigated by the CNMC for engaging in unfair practices that could be classified under Article 3 of the Spanish Competition Act as acts of unfair competition which, by distorting free competition, affect the public interest protected by the Spanish Competition Act. Specifically, they improperly informed self-employed policyholders of the suspension of their temporary disability policies, as allegedly required by the Insurance Contracts Act. In order to correct the effects of this practice, **DKV** has undertaken to pay the compensation for temporary disability claims to all policyholders who did not apply for compensation and to compensate those who took out policies with other companies, all as a consequence of the misleading information provided by DKV.



## 2. MERGER CONTROL

### 2.1. Council decisions on merger operations

Mergers or concentrations that reach certain turnover or market share thresholds must be notified to the CNMC prior to their implementation. In 2023, 70 concentrations were notified to the CNMC.

Meanwhile, the Council issued decisions on [73 merger operations](#): one case advanced to Phase II of the merger control procedure; three were cleared subject to compliance with a number of commitments in Phase I of the merger control procedure; two were approved subject to commitments in Phase II; three were discontinued; and the remaining 64 were cleared without commitments.

This constitutes a lower number compared to previous years. However, the complexity of the mergers analysed has increased, as more merger transactions were approved subject to commitments despite the reduction in the number of cases.

Approximately 60% of concentrations were notified by short-form filing. The average decision time for merger operations under this procedure was ten days, making the procedures increasingly faster. Additionally, the average decision time is generally significantly below the 30-day maximum and below the new 15-day time limit for pre-notified short-form mergers.

More than 90% of notified mergers were pre-notified, which streamlines and simplifies the merger control procedure, making it more efficient and faster.

In addition, one prior inquiry was completed and 11 preliminary investigations were opened to determine whether the transactions constituted a concentration and required notification.

### 2.2. Mergers approved subject to commitments

As mentioned above, five merger operations were approved subject to commitments in 2023.

Three of the transactions were cleared in Phase I of the merger control procedure, subject to commitments offered by the parties, due to the obstacles to effective competition identified by the Competition Directorate.

**Table 2. Mergers approved in Phase I subject to commitments in 2023**

REFERENCE	CASE	DATE OF DECISION
C/1363/23	<a href="#">ALCAMPO/DIA ASSETS</a>	01/03/2023
C/1361/22	<a href="#">WONDERBOX / SMARTBOX</a>	15/03/2023
C/1406/23	<a href="#">EBIQUITY/ MEDIAPATH</a>	29/11/2023

Source: CNMC.

Due to the increased complexity of the competition concerns identified in the markets and the need for a more in-depth analysis, two other transactions were cleared in Phase II, subject to commitments.

**Table 3. Mergers approved in Phase II subject to commitments in 2023**

REFERENCE	CASE	DATE OF DECISION
C/1305/22	<a href="#">GRIMALDI / TFB</a>	26/04/2023
C/1348/22	<a href="#">LOGISTA PUBLICACIONES / DISTRISUR</a>	14/06/2023

Source: CNMC.

Además, tras el desistimiento de las partes, se archivaron dos operaciones de concentración que se encontraban en segunda fase.

**Table 4. Mergers discontinued in Phase II in 2023**

REFERENCE	CASE	DATE OF DECISION
C/1262/22	<a href="#">ALGECO / BALAT</a>	08/02/2023
C/1336/22	<a href="#">BSC / M.I. TECH</a>	24/05/2023

Source: CNMC.

### 2.3. Referral of cases

Regulation 139/2004 on the control of concentrations between undertakings provides for a series of referral mechanisms between the European Commission (EC) and the national competition authorities (NCAs), allowing each merger to be examined by the competition authority that is best placed to assess its impact on competition.

In 2023, Spain, together with several Member States, referred to the European Commission the acquisition of the Israeli company AUTOTALKS Ltd., which specialises in the manufacture of semiconductors for vehicles, by the US company QUALCOMM Inc.

Spain also asked the EC to refer the merger between ORANGE Spain and MASMOVIL under Article 9 of the Regulation, although the transaction was ultimately examined in Brussels.

Moreover, the CNMC supported the referral of two mergers to the EC and agreed to the referral of two other transactions to Spain at the request of the parties.

## 3. PROCEEDINGS CONDUCTED UNDER LAW 39/2015

In addition to the practices prohibited by Articles 1, 2 and 3, the Spanish Competition Act defines a series of infringements related to the effectiveness of competition rules, which are handled in accordance with the procedure set out in Law 39/2015, of 1 October 2015, on the Common Administrative Procedure for Public Administrations (Law 39/2015).

In 2023, the CNMC closed [four infringement proceedings](#) conducted under Law 39/2015. Three of them resulted in fines for non-compliance with the commitments set out in the corresponding merger approvals. The fines imposed amounted to a total of €11 million.



## 4. MONITORING AND ENFORCEMENT

The CNMC is responsible for monitoring the implementation and enforcement of decisions and agreements adopted in application of the Spanish Competition Act, both regarding anti-competitive practices and interim measures and merger control.

As of 31 December 2023, 176 decisions were under CNMC monitoring. In 2023, 30 of these cases involved requests for information from companies or entities.

### 4.1. Final and partial reports submitted to the Council

In 2023, the Competition Directorate submitted ten reports to the Council proposing to terminate monitoring, as it considered that the provisions of the relevant decisions had been sufficiently complied with.

In addition, the CD submitted nine other partial monitoring reports concerning partial measures to comply with the approved commitments.

### 4.2. Council decisions

The Council of the CNMC declared compliance in five monitoring cases. In another decision issued in 2023, it found that the companies MOORING and CEMESA had failed to comply with the commitments approved by the Council in order to proceed with their merger. Furthermore, a decision in the TELEFÓNICA / DTS monitoring case led to infringement proceedings against TELEFÓNICA for its agreement with DAZN, which breached the commitments of that concentration, after TELEFÓNICA had requested interim measures against the CNMC's decision, which were denied.

## 5. REPORTS

### 5.1. Reports at the request of a party

Article 4.3 of Royal Decree-Law 5/2015 of 30 April 2015, on urgent measures relating to the sale of the broadcasting rights for professional football competitions, provides that, prior to the approval of the general conditions governing the sale of broadcasting rights, distributors must request a prior report from the CNMC. In this context, the CNMC approved [a report](#) in 2023.

### 5.2. Cross-reports

Article 21 of the LCNMC establishes that the CNMC's Competition Chamber must issue a mandatory report on procedures under Articles 6 to 11 of the Act which, although falling within the jurisdiction of the Regulatory Oversight Chamber, affect the degree of openness, transparency, proper functioning and the existence of effective competition in the energy, electronic communications, postal, audiovisual media, airport tariffs and railway sector markets.

In this area, the Competition Directorate submitted 291 reports on the energy sector, 26 on the telecommunications sector and six on the transport and postal sectors to the Competition Chamber, which then issued the corresponding cross-reports.



## 6. RELATIONS WITH THE AUTONOMOUS COMMUNITIES

The Canary Islands Council for the Defence of Competition was established in May 2023. As a result, the competition authority of the Canary Islands now has full decision-making powers.

Thus, in 2023, there were 12 regional competition authorities, nine of which had their own investigative and decision-making bodies (Catalonia, Galicia, Valencia, Aragon, Castilla y León, the Basque Country, Extremadura, Andalusia and the Canary Islands). The other three authorities (Murcia, Madrid and Navarre) conduct investigations, while the CNMC Council is responsible for decisions.

### 6.1. Case assignment procedure under Law 1/2002

The CNMC has jurisdiction over practices that may alter free competition at the supra-autonomous community level or in the national market as a whole, while the autonomous communities have jurisdiction over practices that alter or may alter free competition within their respective regions.

In 2023, a total of 87 cases<sup>2</sup> were submitted for assignment under the case assignment mechanism established by Law 1/2002. In addition, there were 17 instances of unregulated collaboration<sup>3</sup>.

<sup>2</sup> Law 1/2002 of 21 February 2002 on the Coordination of the Powers of the State and the Autonomous Communities in Competition Law Enforcement.

<sup>3</sup> Exchanges of information between authorities on queries or facts of which they are aware, but which do not originate in complaints or clear indications of infringement.

### 6.2. The Council for the Defence of Competition

The plenary meeting of the Council for the Defence of Competition took place on 8 May 2023. At this meeting, the President of the CNMC highlighted the three anniversaries to be commemorated in 2023: (i) the 60th anniversary of the approval of the first competition law in Spain, (ii) the 20th anniversary of the approval of Regulation 1/2003, and (iii) the 10th anniversary of the creation of the CNMC. She also highlighted the intense activity carried out by the CNMC throughout 2023, both in terms of defending and promoting competition.

Furthermore, the meeting covered all the actions carried out in 2023 within the framework of the close cooperation and coordination between the CNMC and the autonomous communities.

### 6.3. Working groups

The annual meeting of the Case Assignment and Coordination Group was held on 29 November 2023. During this meeting, the cases submitted for assignment between 1 October 2022 and 30 September 2023 were analysed. Other issues of interest for the effective enforcement of competition law by the authorities were also discussed, such as the EC Notice on the application of EU competition law to collective agreements concerning the working conditions of self-employed persons without employees, practical issues related to the reports provided for in Article 150 of the Public Procurement Act and court authorisations for on-site inspections of undertakings.

This was preceded by another meeting held on 21 March 2023, which analysed the reform introduced by Article 150 of the Public Procurement Act and aspects relating to the ban on public contracts.

Meanwhile, the Working Group on Measures to Promote Competition met on 8 May 2023. At this meeting, several issues were addressed: (i) the evaluation of the actions carried out and the work plan for the rest of the year; (ii) the assessment of the ‘Municipalities and Competition’ project; and (iii) the status of the update of the Guide on Public Procurement, which in this second phase focuses on agreements and contracts in the framework of public-public cooperation.

Finally, also on 8 May 2023, the Working Group of the Councils for the Defence of Competition met to discuss, among other things, the status of the amendments to the Spanish Competition Act and the relationship between public and private enforcement, with special reference to the evidential value of the decisions of the competition authorities in private court proceedings.

#### 6.4. Cooperation between authorities

The CNMC works very closely with the competition authorities of the autonomous communities, especially in terms of inspections. For example, in 2023, the authorities of Aragon, Castilla y León and Madrid cooperated with the CNMC in the inspections carried out in the framework of various investigations.

Several training seminars were also held with the autonomous communities, one on the procedural and legal aspects of inspections and another on the new Block Exemption Regulation for Vertical Agreements and the new Vertical Guidelines.

## 7. DECISIONS ON APPEALS AGAINST ACTS OF THE COMPETITION DIRECTORATE

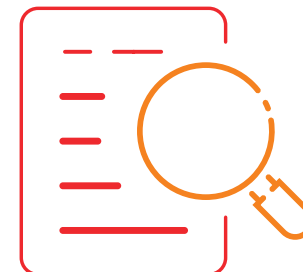
Decisions and acts of the Competition Directorate may be appealed before the Council of the CNMC when they are likely to cause defencelessness or irreparable harm to legitimate rights and interests.

In 2023, the Competition Chamber of the Council decided on a total of **11 appeals** against acts and decisions of the Competition Directorate. This represents three fewer appeals than in 2022. The breakdown is as follows:

**10** appeals were dismissed

**1** appeal was rejected as it did not meet the requirements of Article 47 of the Spanish Competition Act to be eligible for appeal.

Most of the appeals were lodged against inspections carried out by the Competition Directorate, as was the case in 8 of the 11 appeals. All of them were dismissed.



## 8. JUDICIAL REVIEW OF COMPETITION PROCEEDINGS

In 2023, the Spanish National High Court (Audiencia Nacional) and the Spanish Supreme Court (Tribunal Supremo) issued 83 rulings on appeals against decisions adopted by the CNMC in the exercise of its functions of monitoring competition in the markets. Of these 83 rulings, 75 were issued by the National High Court and 8 by the Supreme Court.

These rulings concern sanctioning decisions finding an infringement under Articles 1, 2 and 3 of the Spanish Competition Act, as well as decisions imposing fines for non-compliance with previous decisions issued by the Council, decisions on appeals filed under Article 47 of the Spanish Competition Act and also those relating to mergers, the closure of proceedings by a commitment decision and the revocation of decisions issued by the CNMC.

In order to assess the outcome of the judicial review of the sanctioning decisions referred to in the previous paragraphs, it should be noted that some decisions annul the finding of an infringement while others uphold it, even though the Court may reduce the amount of the fine or order its recalculation.

Furthermore, it should also be noted that the CNMC's sanctioning decisions, especially in the case of cartels, often concern several companies. When the administrative appeals brought by each of the companies against the same decision are of a different nature—i.e. they challenge the same CNMC decision but in different ways depending on the appellant—their outcome is determined as described above, taking into account all the rulings issued and their respective outcomes.

In 2023, the National High Court upheld the finding of an infringement in seven sanctioning decisions issued by the CNMC under Articles 1, 2 and 3 of the Spanish Competition Act, involving 36 companies, and overturned six decisions concerning 12 companies<sup>4</sup>. It also upheld four of the six decisions relating to appeals brought under Article 47 of the Spanish Competition Act and dismissed one appeal relating to a merger (*VC/0612/14 TELEFÓNICA/DTS*). In addition, the National High Court partially upheld an appeal against a decision imposing a fine for breaching the duty to notify a merger by annulling the decision (*SNC/074/16 CONSENU*). The National High Court also dismissed two appeals brought by companies against CNMC decisions rejecting requests for ex officio review (*S/0378/11 COTTON GINS* and *S/0237/10 MOTORBIKES*).

An appeal against an inspection carried out by the CNMC was also dismissed (*S/DC/0598/16 RAILWAY ELECTRIFICATION AND ELECTROMECHANICS*).

With regard to the CNMC's decisions to dismiss or close proceedings by a commitment decision, the National High Court dismissed five cases (*S/DC/0548/15 SCHWEPPE*, *S/DC/0567/15 MARKET STUDIES PHARMACEUTICAL INDUSTRY*, *S/DC/0570/15 PROCUREMENT DIA/EROSKI*, *S/DC/0608/17 EAEPC VS PHARMACEUTICAL COMPANIES*), thus confirming the CNMC's decisions. On the other hand, the National High Court upheld the appeal filed against the revocation decision issued in the case *VS/0312/10GOLDFISH AND PROTECTED PLANT VARIETIES CLUB*.

<sup>4</sup> The cases in question are the following: Decisions upheld as to the finding of infringement by the National High Court: *S/0552/15 AGIC* (1 judgment); *S/0562/15 CABLES BT/MT* (8 judgments confirming the infringement, and 5 confirming it but requiring recalculation of the fine); *S/0565/15 COMPUTER APPLICATIONS TENDERS* (9 judgments); *S/0578/16 BUSINESS COURIER AND PARCELS* (1 judgment), *S/0584/16 MEDIA AGENCIES* (5 judgments), *S/0587/16 BANKIA COSTS* (1 judgment), *S/0596/16 DOCKWORKERS VIGO* (4 judgments confirming the infringement, and 2 confirming it but requiring recalculation of the fine).

Decisions annulled by the National High Court: *S/0562/15 CABLES BT/MT* (1 judgment); *S/0565/15 COMPUTER APPLICATIONS TENDERS* (1 judgment); *S/0584/16 MEDIA AGENCIES* (1 judgment); *S/0596/16 DOCKWORKERS VIGO* (4 judgments); *S/DC/0590/16 DAMA VS SGAE* (1 judgment), *S/DC/0579/16 FINANCIAL DERIVATIVES* (4 judgments).

Finally, the National High Court dismissed nine appeals<sup>5</sup> brought against eight decisions issued to enforce court judgments and upheld one appeal<sup>6</sup> against another decision.

In total, the National High Court issued 75 rulings, of which 16 upheld the claims of the parties, eight partially upheld them and 51 dismissed them. Thus, 68% of the appeals lodged against CNMC decisions were rejected outright by the National High Court in 2023. This percentage increases to 77% if we also consider another seven rulings that only ordered a recalculation of the fine.

Focusing only on those decisions that (i) found infringements of Articles 1, 2 or 3 of the Spanish Competition Act and (ii) imposed one or more sanctions, including recalculations, the National High Court upheld 15 CNMC decisions concerning 45 companies and overturned 6 CNMC decisions concerning 12 companies. Therefore, 71.4% of the CNMC's decisions were confirmed by the National High Court in 2023<sup>7</sup>.

<sup>5</sup> The cases are as follows: Decisions issued in enforcement of judgments by the National High Court: VS/0086/08 PROFESSIONAL HAIRDRESSING (2 judgments dismissing the appeals), VS/0207/09 TELEVISION TRANSPORT (1 judgment dismissing the appeal), VS/0251/10 FRUIT AND VEGETABLE PACKAGING (1 judgment dismissing the appeal), VS/0314/10 PORT OF VALENCIA (1 judgment dismissing the appeal), VS/0343/11 PAPER HANDLING (1 judgment dismissing the appeal), VS/0380/11 CAR RENTALS (1 judgment dismissing the appeal), VS/0342/11 POLYURETHANE FOAM (1 judgment dismissing the appeal), VSACAN/0012/11 TRANSPORT LAS PALMAS TOWN COUNCIL (1 judgment dismissing the appeal).

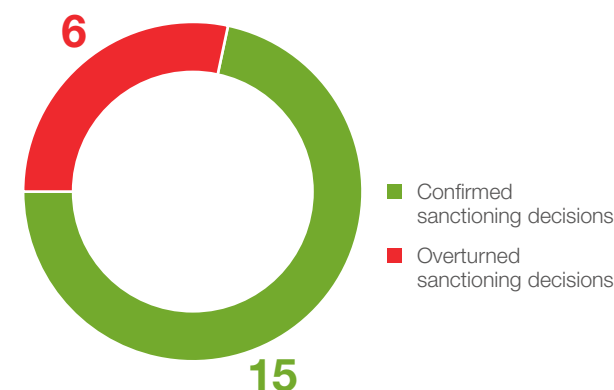
<sup>6</sup> Decision issued in enforcement of a judgment by the National High Court: VS/0312/10 GOLDFISH AND PROTECTED PLANT VARIETIES CLUB (1 judgment upholding the appeal).

<sup>7</sup> It should be borne in mind that, as explained at the beginning of this section, when, as a result of multiple appeals, court rulings with different outcomes are issued on the same case (and which therefore affect the same decision in different ways depending on the plaintiff), each of the two categories (rulings annulling or upholding the appeals) is assigned as many rulings as have been issued with that particular outcome. Similarly, when the same judgment affects several companies, there may be findings both in favour of and against the decision. With the methodology used, in this case, the judgment would be considered twice: as a confirmatory judgment and as an annulment judgment.

In the specific case of 2023, the National High Court issued rulings on a total of 17 decisions following this methodology. However, in 4 cases (CABLES BT/MT; DOCKWORKERS VIGO; COMPUTER APPLICATIONS TENDERS and MEDIA AGENCIES), depending on the specific appeal being analysed, rulings were issued in both directions (either confirming or annulling the appeal). Therefore, they have been counted twice, depending on the outcome of the court rulings.

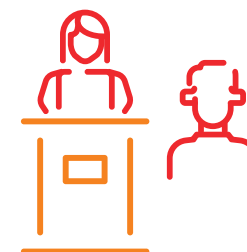


**Graph 1.**  
Sanctioning decisions under Articles 1, 2 and 3, according to judicial review of the National High Court



As for the Supreme Court, in 2023, it issued eight rulings, four of which upheld the appeals filed by the CNMC: VS/0587/16 *COSTAS BANKIA* (one ruling) and S/DC/0512/14 *BALEARIC PASSENGER TRANSPORT* (four rulings). In case S/0558/15 *ACB- BASKETBALL ASSOCIATIONS*, the Supreme Court issued a ruling partially upholding the appeal brought by the CNMC, reducing only the fine imposed in the CNMC's decision.

In addition, in case S/DC/0546/15 *PFIZER/COFARES*, the Supreme Court dismissed the appeal of the appellant association and upheld the CNMC's decision finding that the infringement had not been proven.

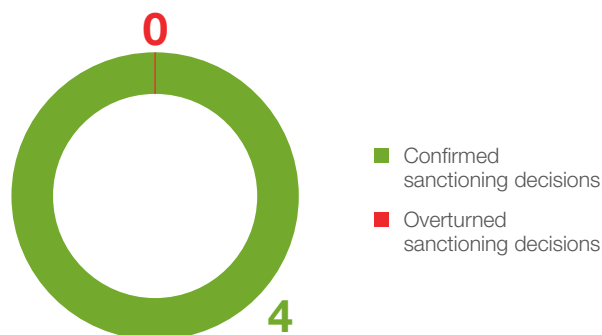


Finally, concerning the appeal in case R/AJ/021/17 ALTADIS (S/DC/0607/17 TOBACOS), the Supreme Court dismissed the CNMC's appeal against the National High Court's judgment of 20 May 2021, which partially upheld the administrative appeal brought by Altadis. In short, of the eight rulings issued last year, seven upheld, either in whole or in part, the decisions of the competition authority.

Furthermore, considering only those decisions that meet the aforementioned criteria (imposing sanctions for infringements of Articles 1, 2 or 3 of the Spanish Competition Act), the Supreme Court upheld all of the CNMC's decisions finding infringements. Specifically, the Supreme Court upheld four CNMC decisions involving seven companies<sup>8</sup>.



**Graph 2.**  
**Sanctioning decisions under Articles 1, 2 and 3, according to judicial review of the Supreme Court**



<sup>8</sup> In particular, the decisions upheld by the Supreme Court are as follows: S/DC/0587/16 COSTAS BANKIA, judgment of 16 January 2023; S/DC/0546/15 PFIZER/COFARES, judgment of 7 March 2023; S/DC/0558/15 ACB, judgment of 26 June 2023; and S/DC/0512/14 BALEARIC PASSENGER TRANSPORT, 2 judgments of 21 December 2023 and 2 judgments of 22 December 2023.

### 8.1. Main court rulings

Among the rulings of the National High Court in 2023, the following are worth highlighting:

- **Case S/0562/15 LV/MV CABLES:** Fourteen rulings were issued, eight of which upheld the CNMC's decision of 21 November 2017, which imposed cumulative fines of more than €40 million on the concerned undertakings for their participation in five cartels in the low and medium voltage cable market. The cartel infringement involved agreements to fix prices and other commercial conditions and to allocate projects for the supply of LV/MV cables. Additionally, the National High Court partially upheld five of the appeals, ordering only a recalculation of the fine imposed, and one final judgment upheld the CNMC's decision. In this latter judgment, the National High Court held that the CNMC had only been able to prove the appellant's participation in the "PEISA and manufacturers' cartel" at three specific points in time (2006, 2010 and 2013). It therefore rejected the continuous nature of the infringement and declared the infringements committed to be time-barred. The CNMC has appealed this judgment to the Supreme Court.
- **Case S/0578/16 BUSINESS PARCELS AND COURIER SERVICES:** A ruling confirming the infringement found in the CNMC's decision of 8 March 2018. The cartel infringements consisted of non-aggression pacts between competing undertakings aimed at allocating customers in the Spanish market for business parcels and courier services. The remaining appeals in this case were settled in 2022 by judgments dismissing them and confirming the infringement.
- **Case S/0565/15 IT APPLICATIONS TENDERS:** Ten rulings were issued, nine of which dismissed the appeals lodged against the decision of 26 July 2018, upholding it, and one of which upheld the remaining appeal. The National High Court upheld the CNMC decision to sanction the appellants for a single and continuous cartel infringement, consisting of market sharing through the allocation of public tenders with the aim of maintaining the market share of each company.



- **Case S/0584/16 MEDIA AGENCIES:** Five of the six appeals against the sanctioning decision of 3 May 2018 were dismissed. Thus, five rulings upheld the CNMC's decision and one ruling annulled it only in respect of one of the concerned undertakings, as the National High Court concluded that there was reasonable doubt as to the participation of that undertaking in the infringement, as insufficient evidence had been provided to form a firm conviction of its participation. The sanctioned conduct consisted of a single and continuous cartel infringement, involving the exchange of information aimed at allocating tenders issued under a framework agreement.
- **Case S/0596/16 DOCKWORKERS VIGO:** Ten rulings were issued, four of which upheld the decision of 26 July 2018, finding the existence of an infringement of Article 1 of the Spanish Competition Act and Article 101 of the TFEU, consisting of agreements aimed at unifying the method for hiring workers of competing companies and reserving exclusively to SAGEP Vigo (or significantly limiting the alternatives) the hiring of workers for the provision of the services of (i) loading and unloading of unregistered motor vehicles and (ii) reception and delivery of goods, since the entry into force of Law 33/2010.

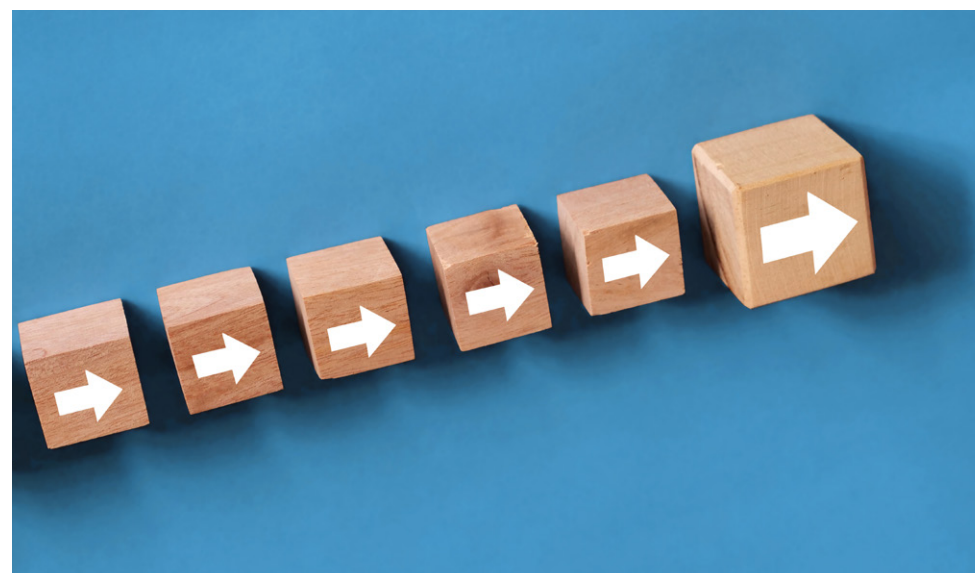
Of the remaining six rulings, two partially upheld the appeals, ordering only a recalculation of the fine imposed, and the other four upheld the appeals. In the case of the last four appeals, the National High Court considered that the participation of trade unions in the negotiation and signing of the anti-competitive agreements sanctioned by the CNMC had not been proven.

**Case S/DC/0579/16 FINANCIAL DERIVATIVES:** Four rulings annulled the CNMC decision of 13 February 2018 in its entirety. The contested decision sanctioned the appellants for committing a single and continuous infringement consisting of concerted practices aimed at fixing, above market prices, the price of derivatives used to hedge the interest rate risk associated with syndicated loans in project funding. The CNMC has appealed these rulings to the Supreme Court.

The National High Court declared that the practices attributed to the appellants were time-barred as it considered that there had been no continuity since the date of the last accredited transaction in February 2012. Therefore, when the infringement proceedings were initiated on 15 April 2016, the four-year time limit for very serious infringements had already elapsed.

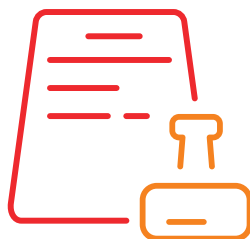
Among the rulings of the Supreme Court, the following should be highlighted:

- **Case S/0587/16 COSTAS BANKIA:** The Supreme Court upheld the CNMC's appeal against the ruling of 20 July 2021 issued by the National High Court, which annulled the decision of 8 March 2018 of the Competition Chamber of the Council of the CNMC. The appealed ruling did not address the merits of the case because it considered that, pursuant to Article 47(1) (b) of Law 39/2015, the CNMC clearly did not have jurisdiction to investigate the case, as the jurisdiction had been assigned to the Catalan Competition Authority.



The Supreme Court did not consider that the aforementioned ground for annulment existed since, according to the Supreme Court's jurisprudence, the lack of jurisdiction must be "manifest in an ostensible, obvious, clear and indisputable manner". It therefore upheld the appeal, annulling the contested ruling and ordered the proceedings to be reopened to the time prior to the National High Court's ruling.

- **Case S/DC/0512/14 BALEARIC PASSENGER TRANSPORT:** Four rulings were issued in which the Supreme Court upheld the CNMC's appeals, concluding that the CNMC had not used an insufficient or unclear definition of the relevant market, but rather had adapted the definition to the geographic market in which the school transport cartel operated in the Balearic Islands. It therefore annulled the National High Court's ruling and ordered the proceedings to be reopened to the time prior to the contested ruling.
- **Case S/0558/15 ACB:** The Supreme Court issued a ruling partially upholding the appeal brought by the CNMC against the National High Court's ruling of 29 June 2021, which annulled the decision of 11 April 2017, only as regards the reduction of the amount of the fine.



The decision found the existence of practices prohibited by Article 1 of Law 16/1989 and by Article 1 of the Spanish Competition Act, consisting of agreements that imposed disproportionate, unfair and discriminatory economic-administrative conditions on basketball clubs which acquired the right to be promoted from the LEB ORO League to the ACB League on sporting merits, and which had not previously been members of the ACB.





## COMPETITION ADVOCACY AND MARKET UNITY



## 1. COMPETITION ADVOCACY

As part of its work to promote competition and market unity, the CNMC monitors regulation and public intervention, advises public authorities on competition matters and disseminates the competition culture to improve the quality of public intervention and the regulatory framework.

The CNMC uses different instruments to carry out this function: reports on draft regulations, advisory reports, market unity reports, sectoral studies, guidelines, legal challenges, training programmes, and the organisation of and participation in public events.

The reports, studies and guidelines aim to identify barriers to competition in public interventions and to recommend alternative ways of achieving public objectives while minimising their negative impact on competition.

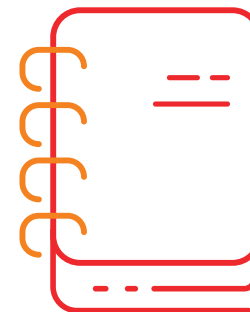


Through training programmes and the organisation of and participation in public events, the CNMC promotes competition culture and regulatory improvement among the public and public administrations.

Moreover, if the CNMC finds that a lower-level regulation or administrative act infringes competition law, it can challenge it before the competent courts.

The CNMC also participates in the mechanisms for the protection of economic operators provided for in Law 20/2013, of 9 December 2013, on market unity (hereinafter 'the Spanish Market Unity Act'), in order to prevent the emergence of unnecessary or disproportionate barriers to business operations as a result of public intervention. Under these mechanisms, the CNMC prepares reports and may bring challenges before the competent courts.

An important milestone in 2023 was the recognition of the CNMC's competition advocacy work with the award granted by the ICN and the World Bank to the [Municipalities and Competition](#) project for contributing to improving communication between local authorities, economic operators and citizens and for increasing interest in competition advocacy at the local level.



## 2. ADVISORY REPORTS ON PUBLIC SECTOR ACTIVITIES

In 2023, the CNMC approved 26 reports, [20 of which were on draft regulations](#) (IPN reports in their Spanish acronym)<sup>9</sup>:

- In terms of the type of regulation reported on, 2 were draft bills, 15 were draft royal decrees and 3 were draft ministerial orders.
- In terms of their source, all the reports were requested by ministerial departments.
- In terms of the sectors analysed, the reports on draft regulations issued in 2023 most frequently concerned the waste management sector and the professional services sector.

Among the regulations analysed were the draft bill on industry, the draft bill on the promotion of the social economy ([IPN/CNMC/011/23](#)) and the draft royal decrees on a controlled test environment for artificial intelligence ([PRD/CNMC/020/23](#)), on private driving schools ([IPN/CNMC/012/23](#)) and on waste tyres ([IPN/CNMC/029/23](#)), among others.

In addition, [6 advisory reports not linked to draft legislation](#) (INF reports in their Spanish acronym) were issued, concerning the participation of *ENAIRE Global Services* in public tenders ([INF/CNMC/04/23](#)), the subsidisation of ATMs in Cantabria ([INF/CNMC/05/23](#)), the direct concession granted by the City Council of Chiclana to a company ([INF/CNMC/282/23](#)), the framework agreement for the selection of companies to carry out work in military installations (INF/CNMC/456/23), the query of the Association of Civil Engineers on the criteria for setting fees for the taxation of costs ([INF/CNMC/496/23](#)) and the query of the Bar Association of Murcia on the criteria to be used in reports on the taxation of costs ([INF/CNMC/497/23](#)).

<sup>9</sup> This section will not comment on the reports on draft regulations for sector-specific rules, which are dealt with in the corresponding sectoral sections.

## 3. STUDIES, GUIDES AND OTHER REPORTS

In 2023, the CNMC published a sectoral study analysing the degree of pass-through of VAT reduction on food prices; an *ex post* study on the recommendations made by the CNMC in the report on aid granted under the MOVES III plan; three guides— “Competition against inflation: How competition and efficient regulation help protect the purchasing power of consumers”, the “Guide on the quantification of damages resulting from competition law infringements” and the “Guide on in-house procurement and public cooperation agreements”—and the annual report on State aid in Spain.





Below is a brief description of these reports:

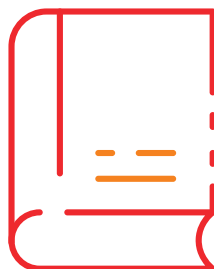
- **Study on the pass-through of VAT reduction in the food sector** ([E/CNMC/003/23](#)). The study analyses, from a competition perspective, the retail distribution sector of daily consumer goods and the extent to which the level of competition may have influenced the pass-through of the VAT reduction on certain basic foodstuffs introduced in Spain in January 2023. For this study, data on prices and concentration levels for establishments throughout Spain were collected from various institutional and private sources, as well as from the main distributors. The analysis of the available data shows no evidence of a lack of pass-through by distributors of the aforementioned VAT reduction, nor of the existence of differences in the degree of pass-through depending on the estimated levels of concentration and competition in different geographical areas.
- **Guide on “Competition against inflation: How competition and efficient regulation help protect the purchasing power of consumers”** ([G-2022-02](#)). This document sets out, on the basis of a literature review, how measures to promote competition and efficient regulation can help moderate prices and facilitate the work of policymakers in their aim to control inflation. Moreover, such policies have the potential to mitigate the negative effects of inflation on purchasing power by boosting growth and employment to the benefit of all citizens, particularly those with lower incomes and the most vulnerable groups.
- **Guide on the “Quantification of damages for competition law infringements”** ([G-2020-03](#)). This informative document presents the most relevant economic, statistical and econometric concepts for quantifying damages in a simple way and with practical examples. Its main objective is to assist judges and courts in the determination of damages and to disseminate best practices among all actors involved in damage quantification procedures.
- **Guide on in-house procurement and public cooperation agreements** ([G-2020-01](#)). Part of a collection of documents by the CNMC aimed at improving public procurement in Spain, the guide reviews the regulation of in-house procurement and public cooperation agreements, offering numerous recommendations and practical examples on numerous aspects of vertical and horizontal cooperation. It is divided into four sections (creation of in-house resources, in-house procurement, review of the status of in-house resources, and agreements).
- **Impact assessment study of the recommendations made in the report on State aid granted under the MOVES III plan** ([EI/03/2023](#)). This study analyses the degree of compliance and the economic impact of the recommendations of report [PRO/CNMC/003/21](#). To this end, it uses the methodology developed by the consultancy firms KPMG and VVA in the project for the *ex post* analysis of measures to promote competition and market unity ([EI/01/2021](#)), financed by the European Union through the Technical Support Instrument. The study concludes that efficient economic regulation, which promotes effective competition by eliminating the supply restrictions introduced by some autonomous communities in the MOVES III plan, leads to lower prices and a greater variety of suppliers, encourages innovation, stimulates investment and promotes job creation. This positive impact on the green car sector in Spain and on the economy as a whole will increase as more autonomous communities follow the CNMC’s recommendations in report [PRO/CNMC/003/21](#).
- Finally, the **2023 Annual Report on State Aid in Spain** ([IAP/CNMC/001/23](#)) analyses State aid granted in Spain and other EU Member States in 2021, and includes the main regulatory, administrative and judicial developments in the field of State aid in 2022.

The CNMC also **launched 8 studies** in different areas such as the driver training sector, the cloud services sector, electric vehicle charging, health insurance, the use of behavioural economics tools to improve regulation and supervision, the private hire vehicle-taxi sector, subsidies for photovoltaic self-consumption, and another on barriers for SMEs in accessing public procurement and their growth.

Progress was also made on other ongoing initiatives, such as the **update of Phase III of the Guide on Public Procurement and Competition**, which focuses on the preparation and design of tender specifications.

Some of these projects, which were not completed in 2023, made public progress during the year, including the following:

- Public consultation on the study of the **driver training sector**, which received 72 responses.
- Public consultation on the study of **electric vehicle charging**, with 108 responses.
- Public consultation on the study of the **health insurance sector**, which received 619 responses.
- Public consultation on the study of **barriers for SMEs** in accessing public procurement and their growth, which received 36 responses.



## 4. PROCEEDINGS BEFORE THE COURTS

In 2023, the CNMC filed four administrative appeals under Article 5(4) of the LCNMC on the grounds that the rules or administrative acts in question restricted effective competition in the markets.

Specifically, the CNMC lodged appeals against: Decree 98/2022 regulating the register of real estate agents in the Valencian Community and the requirements for registration ([LA/03/2022](#)); the agreement on the vehicle cap and the period of application of the restriction on access, circulation and parking on public roads on the island of Formentera for 2023 ([LA/01/2023](#)); the tax regulation on the tax on the special use of the domain derived from the distribution to the final destinations indicated by consumers of goods purchased through e-commerce ([LA/02/2023](#)); and the tender specifications for postal services for paper-based administrative notifications of the Madrid City Council and its autonomous bodies ([LA/04/2023](#)).

The CNMC also prepared four economic reports to support its legal standing in the court proceedings related to the four appeals lodged in 2023<sup>10</sup>.

With regard to challenges filed in previous years under the aforementioned Article 5(4) of the LCNMC, one appeal was upheld by the Spanish High National Court in 2023 ([LA/01/2015](#))<sup>11</sup>. In addition, the Court of Justice of the European Union (CJEU) issued a judgment on the question referred for a preliminary ruling by the High Court of Justice of Catalonia (TSJC) concerning the regulation of the private hire vehicle (PHV) sector in Catalonia<sup>12</sup>.

<sup>10</sup> The economic reports will be published on the CNMC's website once a ruling has been issued.

<sup>11</sup> Challenge to the Municipal Ordinance on Taxi Services in Malaga.

<sup>12</sup> Judgment of the Court of Justice of 8 July 2023, case C-50/21. Available [here](#).

## 5. MARKET UNITY

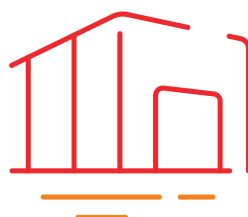
The purpose of the Spanish Market Unity Act is to establish the necessary provisions for the implementation of the principle of market unity throughout the Spanish territory. Articles 26 and 28 of the Market Unity Act establish mechanisms to protect operators from obstacles and barriers to market unity. Article 27 of the Market Unity Act authorises the CNMC to bring an administrative appeal before the Spanish National High Court in order to guarantee market unity.

The CNMC's activities in the area of market unity in 2023 were distributed as follows:

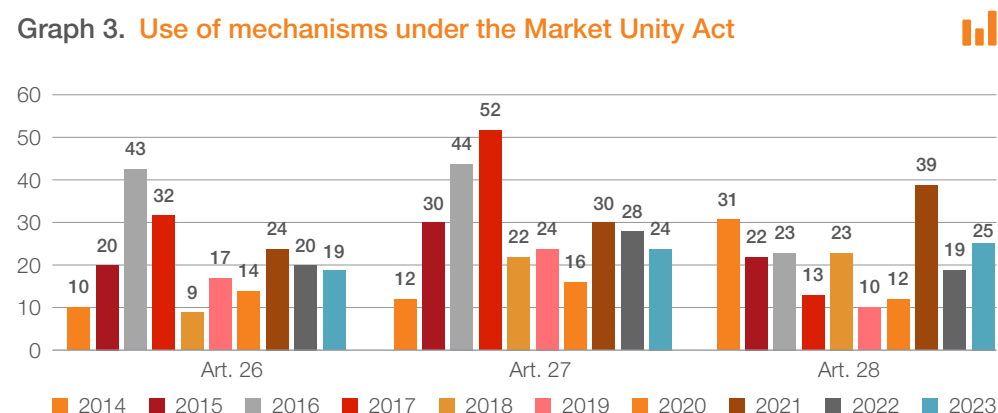
**19** reports issued in relation to Article 26 of the Market Unity Act.

**24** reports issued in relation to Article 28 of the Market Unity Act.

**25** decisions under Article 27 of the Market Unity Act.



Graph 3. Use of mechanisms under the Market Unity Act



### 5.1. Cases under Articles 26 and 28 of the Market Unity Act

In 2023, the number of reports on the installation of fibre optic cables stands out. Other matters addressed include professional privilege, transport and subsidy eligibility for the training of unemployed persons.



### 5.2. Decisions on Article 27 of the Market Unity Act

In 2023, the CNMC received 28 requests for administrative appeals under Article 27 of the Market Unity Act and decided to file four appeals. The appeals filed concerned the management of livestock waste, subsidies for training centres and the requirements for the installation of photovoltaic panels for self-consumption of electricity.

In 2023, four rulings (two by the National High Court and two by the Supreme Court) were issued on appeals for ensuring market unity. In two of these cases, both the National High Court and the Supreme Court confirmed the doctrine on professional privilege favouring architects and technical architects in residential buildings (SAN 22/6/2023, RCA 6/2018; STS 21/3/2023, RCA 7722/2021). The other two cases upheld the CNMC's claims, both on procurement requirements (SAN 6/6/2023, RCA 7/2018) and on the gambling sector (STS 20/2/2023, RCA 6930/2021).



## 6. PROMOTION OF COMPETITION CULTURE

The CNMC carries out significant outreach activities to enhance the dissemination and impact of the CNMC's initiatives in the area of competition advocacy. Accordingly, the CNMC supports the dissemination of its competition advocacy activities through the publication of articles in books, journals and blogs, the organisation of and participation in public events and training programmes.

2023 was also an intense year in this regard, with important actions to highlight:

- Publication of the book [\*Reformas para impulsar la competencia en España\*](#) [Reforms to Boost Competition in Spain] in collaboration with FUNCAS. This book contains two dozen articles by CNMC academics and experts analysing various markets and key aspects for the Spanish economy from the perspective of competition and efficient regulation. To present this book, a conference was held at the CNMC headquarters in Madrid on 9 May 2023, as well as a round table at the Industrial Economics Conference held in Bilbao in September 2023.
- Signing of an [agreement](#) with the ICO Foundation for the transfer of the Competition Yearbook to the CNMC. Starting next year, the CNMC will therefore be responsible for publishing this yearbook, which is considered a benchmark for the sector.



- Publication of five academic articles<sup>13</sup>, two blog<sup>14</sup> posts and eight articles on the CNMC blog.
- Delivery of 26 presentations at national and international public events, on different topics such as public procurement, State aid and European funds, damages claims for competition infringements, regulation of the digital and telecommunications sectors, urban mobility, professional services, access to cash and inflation.
- Expansion and implementation of the training programme for public officials on competition in public procurement, reaching over 1,000 public employees in 2023.

In addition to the actions mentioned above, it is worth mentioning the “[Municipalities and Competition](#)” project. Launched in 2021, this initiative involves recommendations, public consultations and discussion days on the most common barriers to free competition in the activities of local authorities.

<sup>13</sup> Tárrega López, R., Tobías Peña, L., & Camba Crespo, A. (2023). Propuestas para la mejora de la evaluación fármaco-económica de nuevos medicamentos [Proposals for the improvement of the pharmaco-economic evaluation of new drugs]. Encuentros multidisciplinares, 25(73), 16.

- Tobías Peña, L. & Tárrega López, R. (2023). Propuestas para impulsar la competencia en la distribución de medicamentos [Proposals to boost competition in medicine distribution]. Boletín económico de ICE, Información Comercial Española, (3160), 51-61.
- Delgado Cubillo, P., García Pereda, A., & Tobías Peña, L. (2023). “Hacia la liberalización del autobús interurbano” [Towards the liberalisation of the intercity bus]. Boletín económico de ICE, Información Comercial Española 3155, 49-62.
- Escobedo Carrillo, S., & Tárrega López, R. (2023). Asegurando la inclusión financiera en el servicio de retirada de efectivo en cajeros automáticos [Ensuring financial inclusion in ATM cash withdrawal services]. Boletín económico de ICE, Información Comercial Española, (3158), 41-54.
- García Pereda, A., Rodríguez López, J.L., Sánchez de Lollano Caballero, R. & Tárrega López, R. (2023). “Supermercados, competencia y la reducción del IVA de alimentos básicos” [Supermarkets, competition and the reduction of VAT on basic foodstuffs]. Boletín económico de ICE, Información Comercial Española 3164.

<sup>14</sup> [Viajando en autobús interurbano: ¿es eficiente el modelo español? \[Travelling by intercity bus: is the Spanish model efficient?\]](#) In Nada es Gratis.

- [Repensando el modelo de concesiones de autobuses interurbano](#) [Rethinking the intercity bus concession model] on to blog of Asociación Libre de Economía.



This project is carried out in collaboration with the regional competition authorities and uses case studies (“stories”) highlighting the most problematic sectors or areas of local public intervention in terms of barriers to competition. For each story, a discussion paper is prepared and submitted for public consultation, followed by a debate day with representatives of municipalities, companies, consumers and academics to gather diverse viewpoints on the issue and formulate recommendations.

It is also worth highlighting the signing of an [agreement with the Spanish Federation of Municipalities and Provinces](#) (FEMP in its Spanish acronym) for the proper development of this project.

The project was expanded to cover two new subjects in 2023:

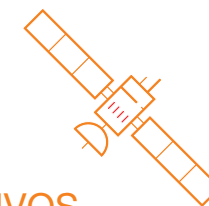
- *Renewable energies*, in collaboration with the Extremadura Competition Jury, featuring a discussion day in Mérida on 17 February 2023.
- *Concession tendering*, in collaboration with the Aragon Competition Court, with a discussion day held in Zaragoza on 18 April 2023.

Finally, mention should also be made of the Antitrust Writing Award, an international prize awarded by the competition journal *Concurrences* and the Competition Law Center of the George Washington University Law School. This award recognized the project “[Impact of Competition Advocacy and Market Unity Reforms in Spain](#)”, which assessed the impact of competition advocacy measures on the Spanish economy as a whole. In particular, according to the final report, approximately 62% of the 2,500 recommendations made by the CNMC to promote competition and market unity in Spain, contained in the more than 500 actions carried out between 2013 and 2019, have been implemented.





# TELECOMMUNICATIONS AND AUDIOVISUAL MEDIA



The **Directorate of Telecommunications and Audiovisual Media** is responsible for ensuring the proper functioning of the electronic communications markets, through various regulatory instruments. Furthermore, with regard to audiovisual media, it supervises the content broadcast in State-wide audiovisual media, as well as in video-sharing platforms and their users of particular relevance.

The Directorate also handles disputes raised by economic operators in the electronic communications and audiovisual media markets and has sanctioning and advisory powers, among others.

The main activities of the Directorate of Telecommunications and Audiovisual Media in 2023 are outlined below. Other proceedings and actions carried out can be found in [Appendix IV](#).

## TELECOMUNICACIONES

### 1. INFORMES SOBRE PROYECTOS NORMATIVOS

The CNMC adopted [7 reports on draft regulations in 2023](#).

The Directorate analysed three draft ministerial orders on State aid in the field of both mobile and fixed networks, aimed at providing incentives for the provision of very high-speed broadband services in areas where operators are not expected to deploy them in the coming years.

In its analysis of the regulatory impact of these draft regulations, the CNMC stressed the need to minimise the negative impact of aid on the market, to promote the principle of technological neutrality, and to ensure that wholesale access measures lead to increased competition in retail broadband services ([IPN/CNMC/005/23](#), [IPN/CNMC/015/23](#) and [INF/DTSA/237/23](#)).

In compliance with the European Commission's Broadband Guidelines<sup>15</sup>, updated in 2023, the CNMC also defined the conditions and price caps for access to wholesale products in the subsidised areas, to be included by the granting authority in the specifications of the relevant competitive selection procedures ([INF/DTSA/041/23](#) and [IPN/CNMC/015/23](#)).

The draft order designating Telefónica as the operator responsible for the provision of the universal telecommunications service for 2023 and 2024 was also reported on, as was the draft order amending Order CTE/711/2002 of 26 March 2002 on the conditions for the provision of the telephone enquiry service on subscriber numbers.

<sup>15</sup> Communication from the Commission [Guidelines on State aid to broadband networks](#) (2023/C 36/01), C/2022/9343, OJEU C 36, 31.1.2023, p. 1-42.

In addition, the report ([IPN/CNMC/007/23](#)) on the new draft order approving the National Table of Frequency Allocations (NTFA) considered that the reservation of frequency spectrum for self-provision was appropriate, provided that the conditions and procedures ensured the efficient and effective use of the spectrum. Regarding the definition of new spectrum limits, the CNMC stated that any increase should necessarily be linked to the imposition of a wholesale access obligation on operators exceeding the previous spectrum limits.

The CNMC issued a favourable report ([IPN/CNMC/016/23](#)) on the amendment of the Regulation on radio and telecommunications equipment, approved by Royal Decree 188/2016, to adapt it to the new provisions of Directive (EU) 2022/2380 on requirements for making radio equipment available on the market. This directive focuses on establishing the USB-C standard as a universal connector for charging smartphones and many other devices.

A report was also issued ([INF/DTSA/300/23](#)) on the draft orders which, pursuant to the second transitory provision of Law 11/2022, of 28 June 2022, on Telecommunications (hereinafter 'the Spanish Telecommunications Act'), extend the duration of certain spectrum concessions. The CNMC also noted that it had not had the opportunity to express its opinion on the content of this provision. Furthermore, the draft orders were not accompanied by an analysis of their necessity and proportionality, nor by an analysis of the public interest reasons underpinning them, despite the fact that the extension of these concessions could have a significant impact on the market.

## 2. REGULATORY ACTIVITIES

### 2.1. Analysis of regulated markets

On 27 April 2023, the CNMC approved the decision on the fifth review of the wholesale markets for voice call termination in individual mobile networks (Market 2/2014). In this decision, the CNMC found that mobile termination services are provided in an environment of effective competition as a result of the approval of the EU tariff regulation<sup>16</sup>, which ensures that the price of mobile termination is at the level of a competitive market.

Therefore, the obligations imposed on mobile operators for the provision of termination services on their respective networks were lifted, as they were no longer necessary.

Furthermore, on 22 November 2023, the CNMC submitted for public consultation the proposal for the definition and analysis of the markets for trunk segments of wholesale leased lines (Market 14/2003), which corresponds to the fifth review of this market.

The market for trunk leased lines in Spain is largely unregulated, except for nine submarine routes connecting the smaller Balearic Islands (Mallorca-Menorca and Ibiza-Formentera) and the smaller Canary Islands (Gran Canaria-Lanzarote, Gran Canaria-Fuerteventura, Tenerife-La Palma, Tenerife-La Gomera and La Gomera-El Hierro), as well as the routes connecting Ceuta and Melilla with the Iberian Peninsula. On these routes, Telefónica is currently required to offer high-capacity trunk lines to other operators at prices set by the CNMC.

<sup>16</sup> Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate.



The proposal analyses the market situation for each of the nine regulated submarine routes. The CNMC found that there has been significant deployment of FTTH access networks in the areas connecting these routes and that there has been or is expected to be deployment of alternative submarine cables to Telefónica during the period covered by the analysis. It provisionally concluded that there was a trend towards effective competition and that potential anti-competitive practices could be detected, with competition law being sufficient to effectively address and deter them.

The CNMC has therefore proposed to lift the obligations imposed on Telefónica regarding the wholesale trunk line services provided by this operator to third parties on these nine routes, as they are no longer necessary to ensure the proper development of competition in these markets. However, the CNMC will monitor the evolution of the competitive dynamics on these routes once the market is deregulated.

## 2.2. Declaration of main operators

In its decision of 28 September 2023, the CNMC declared the five main operators in the fixed and mobile telephony markets (Telefónica de España S.A.U., Orange Espagne S.A.U., Vodafone ONO S.A.U., MásMóvil Ibercom S.A. and Digi Spain Telecom S.L.U.), in accordance with Article 34 of Royal Decree-Law 6/2000 of 23 June 2000. As a result, the limitations and restrictions established in the aforementioned regulation ([OP/DTSA/001/23](#)) apply to the direct and indirect shareholders of these main operators for a period of one year, until the next announcement is made.

## 2.3. Implementation and review of wholesale obligations

On 27 July 2023, the CNMC approved its [decision on the fifth review of the parameters of the economic replicability test \(ERT\)](#) applicable to broadband products marketed by Telefónica in the household segment. The Commission concluded that all flagship products passed the replicability test and that the prices of NEBA local and NEBA fibre freely set by Telefónica were therefore in line with the replicability condition.

All issues requiring either clarification or the introduction of new criteria were addressed. Firstly, the CNMC clarified how to assess the lower intensity of Telefónica's promotional discounts in the non-competitive area—where the ERT applies—compared to the competitive area. This trend has become more pronounced following the approval of the latest review of the wholesale broadband markets, which the CNMC approved in October 2021, and the deregulation of a very important part of the market, corresponding to 70% of the total population. Secondly, it updated (i) the BU-LRIC network cost model, taking into account the changes made by Telefónica to its network architecture and (ii) the proportional increase of FTTH accesses compared to copper accesses. The third issue was the treatment of broadband bundles that include a mobile phone. Finally, for the first time, the respective calculations of the parameters relating to retail sales costs and installation costs at the customer's premises were carried out according to the principles established in the previous decision on the review of the ERT parameters.

Moreover, the CNMC updated ([OFE/DTSA/004/22](#)) the prices of capacity in IAPs (indirect access points) of the NEBA wholesale broadband service, setting the price for two years: for 2023, a price of 1.75 €/Mbps (-11.17% compared to the previous price) and for 2024, a price of 1.61 €/Mbps (-8%). The CNMC used a fully updated bottom-up cost model to take into account Telefónica's new network (more modern and efficient in view of the continued growth in traffic) and the predominance of fibre services.

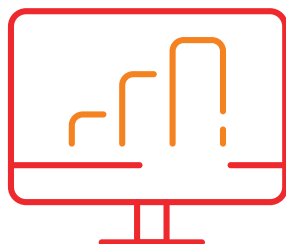


The CNMC also refined ([OFE/DTSA/001/22](#))(OFE/DTSA/001/22) many aspects of the MARCo offering for access to Telefónica's infrastructure, from improved warnings in the event of changes to the infrastructure routes, to simplified billing for connections installed on poles, to the sharing of underground Tritube-type infrastructure and the inclusion of a new type of pole (fibreglass reinforced polyester) in the offering.

The CNMC also modified some aspects of energy billing for equipment co-located in Telefónica's exchanges, so that duly updated conditions could be applied ([OFE/DTSA/003/22](#)).

With regard to network development, the CNMC authorised in a number of cases the closure or discontinuation of certain elements of wholesale services with no impact on the market ([NOD/DTSA/001/23](#), [OFE/DTSA/005/22](#), [OFE/DTSA/004/23](#)).

Finally, the CNMC prepared a report on the context and evolution of the closure process of the copper network services ([IINF/DTSA/334/23](#)) and set the closure date ([NOD/DTSA/002/23](#)) for the only plant (San Marcial, in San Sebastián) that did not yet have a confirmed closure date due to deployment problems.



## 2.4. Regulatory accounting, calculation of the weighted average cost of capital (WACC) and universal service

### 2.4.1. Regulatory accounting and WACC

On 22 June, 6 July and 27 July 2023, the CNMC reviewed the 2021 cost accounting of Cellnex, the main mobile operators (Telefónica Móviles, Vodafone, Orange) and Telefónica. They were found to comply with the criteria established by the CNMC for the cost accounting systems to be applied by operators declared as having significant market power (SMP) in certain markets susceptible to *ex ante* regulation. For mobile operators, this marked the last review following the end of the obligation to submit accounts as a result of the deregulation of the wholesale markets for mobile voice termination.

Furthermore, on 23 March 2023, the Regulatory Oversight Chamber approved the decision on the useful life of Telefónica de España S.A.U.'s infrastructure, applicable to the 2022 cost accounting.

Additionally, on 26 January 2023, the CNMC approved the decision on the determination of the annual weighted average cost of capital (WACC) rate to be applied in the 2022 cost accounting.

Later in the year, on 20 December 2023, the CNMC approved the notification to the European Commission, the Body of European Regulators for Electronic Communications (BEREC), the Ministry of Economy, Trade and Business and the Ministry of Digital Transformation and the Civil Service of the draft measure on the determination of the annual weighted average cost of capital (WACC) rate for the 2023 cost accounting.

As with the WACC approved for 2022, the draft measure for 2023 includes modifications with respect to the European Commission's Communication of 6 November 2019 on the methodology for calculating the WACC, in order to calculate a WACC that is consistent with the significant changes in the macroeconomic environment that have occurred since 2022. Specifically, for the calculation of the risk-free rate, the CNMC considered more recent data on

Spanish bond yields (with a ten-year maturity) than those provided for in the European Commission's Communication.

Finally, on 23 March 2023, the resolution on the useful life of Telefónica de España S.A.U.'s infrastructure was approved for the 2022 cost accounting.

#### 2.4.2. Universal service

On 23 March 2023, the CNMC approved the decision on the National Universal Service Fund (FNSU in its Spanish acronym) for 2019. The decision established that 19 operators were to contribute to financing the net cost of the universal service (CNSU in its Spanish acronym) for 2019, which amounted to €6.89 million.

Moreover, on 20 April 2023, the CNMC set the CNSU for 2020 at €9.83 million for all components of the universal service. Subsequently, on 15 December 2023, the decision on the FNSU for 2020 was adopted, establishing that 20 operators were to contribute to financing the FNSU for 2020, which, as mentioned above, amounted to €9.83 million.

Finally, on 27 July 2023, the verification of the net cost of the universal service submitted by Telefónica for 2021 was approved. This verification is a preliminary step for the adoption of the decisions on the determination of the CNSU (currently underway) and the distribution of the FNSU, which are expected to be approved in 2024.

#### 2.5. Registers and SGDA

In 2023, 242 new operators (companies or natural persons) were registered in the Operator Register, and 638 were deregistered. The total number of operators registered as of 31 December 2023 was 2,956.

In accordance with the 2023-2024 Action Plan, the Operator Register is being updated to align with the new classification of electronic communications services contained in the Spanish Telecommunications Act and the evolution of the sector<sup>17</sup>. Thus, the registrations of activities that no longer require notification to the Operator Register have been cancelled. These include interpersonal communications services that do not require a number (e.g., e-mail services, computer-to-computer voice services); services provided by public administrations that provide public access to radio local area networks (RLANs), provided that no economic activity is involved; and activities that do not primarily consist of signal transport.

With regard to the Subscriber Data Management System (SGDA in its Spanish acronym), the CNMC handled 39 cases related to requests for the provision of subscriber data from the SGDA by authorised entities. In addition, 30 other cases were dealt with in connection with the aforementioned data provision procedure.

As regards the Numbering Register, 434 cases were handled in 2023, resulting in 414 decisions to update the Numbering Register and 20 refusals or withdrawals. Of these, 67 were assignment decisions<sup>18</sup>. Additionally, the CNMC adopted 102 decisions on the cancellation of assignments, 2 decisions on the transfer of resources, 237 decisions on the authorisation, cancellation or transfer of sub-assignments, and 6 decisions involving more than one type of movement or other circumstances.

<sup>17</sup> <https://www.cnmc.es/sobre-la-cnmc/plan-de-actuacion>

<sup>18</sup> With the following distribution: 32 for geographic numbers; 2 for geographic numbers of the nomadic service; 6 for special rate numbers; 9 for short numbers; 3 for mobile service numbers; 1 for personal numbers; 7 for message numbers; 1 for international signalling point codes; 5 for routing prefixes in portability; and 1 for mobile network codes.

The CNMC also published the annual report on the state of numbering ([NUM/DTSA/3370/22](#)), which found that the new assignments of blocks of 1,000 geographical numbers have allowed for a better alignment of assignments and that no province needs an urgent increase in resources. In addition, the report reiterated that the use of mobile numbering for new machine-to-machine services should be avoided. The CNMC also stressed that the assignment of three-digit MNCs (Mobile Network Codes) for self-provisioned networks will prevent the possible depletion of this type of resource.

Also noteworthy is the decision on the new criteria for fixed numbering sub-assignments ([NUM/DTSA/3186/23](#)). Under the new criteria, instead of authorising sub-assignments of blocks of 100 numbers, sub-assignments will be authorised without stating the specific numbering to be sub-assigned, thereby reducing the administrative burden for operators and improving the efficiency of numbering use.

Finally, a case related to the keeping of the Digital Terrestrial Television Parameter Register was also dealt with in 2023.

### 3. DISPUTE RESOLUTION

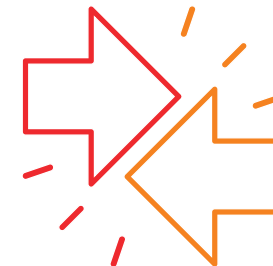
Throughout 2023, the CNMC resolved [24 disputes](#) between operators in the telecommunications sector.

#### 3.1. Access disputes

In terms of access to physical infrastructure, the disputes brought before the CNMC concerned both the provision by Telefónica of access services to MARCo registers and ducts, as well as the general access obligations that owners of physical infrastructure must assume under the Spanish Telecommunications Act and Royal Decree 330/2016, of 9 September 2016, on measures to reduce the cost of deploying high-speed electronic communications networks.

Firstly, four disputes regarding MARCo requests for access to pole lines were resolved. For two of them ([CFT/DTSA/024/23](#) and [CFT/DTSA/129/23](#)), the CNMC established criteria to detect potential excessive costs of the adaptations to be made to the poles for the installation of the new lines.

Secondly, in the context of general infrastructure access obligations, the CNMC resolved several disputes in 2023 concerning infrastructure owned by the General Directorate of Roads of Murcia and several electronic communications operators. In particular, in the decision of 29 June 2023, the operator Correos Telecom was granted the right to access the physical infrastructure and dark fibre network of another operator for a section where Correos Telecom could not deploy its own infrastructure ([CFT/DTSA/271/22](#)).



Finally, two disputes brought by the operator Alai were resolved. In the first dispute ([CFT/DTSA/265/22](#)), the CNMC rejected Alai's request for access to the NB-IoT and LTE-M technologies of Orange, Vodafone and Telefónica Móviles for the provision of machine-to-machine services, in view of the alternatives identified. In the second dispute, the CNMC decided, on the basis of the commercial negotiations held between the two operators, that Xfera should submit to Alai a wholesale offer taking into account the use of the third operator's mobile network (considering the wholesale prices for traffic carried over that network), as well as a more detailed offer for access to its 5G network than the one initially submitted ([CFT/DTSA/297/22](#)).

### 3.2. Interconnection and portability disputes

The CNMC agreed to authorise the disconnection of the provision of wholesale services to electronic communications operators in four cases where repeated non-payment for these services had been established.

In addition, in three decisions, the CNMC recognised the right of the operators that filed the corresponding disputes to claim payment of the amounts due for traffic terminated in their numbering space which had been wrongly withheld.

The CNMC also resolved a portability dispute between operators, as well as a dispute over the management of a multiplex in a local digital terrestrial television (DTT) area.

For its part, Telefónica filed a dispute against Dialoga and Opera to migrate the existing interconnection to IP ([CFT/DTSA/281/22](#)). It was decided to set a deadline for the closure of the TDM interconnection, in view of the progress made in migrating traffic to the IP interconnection during the handling of the case.

## 4. SANCTIONING ACTIVITY

During 2023, the CNMC concluded [eight administrative infringement proceedings](#), imposing fines totalling €205,900 in seven of them. The remaining proceeding initiated against Vodafone was dismissed as the CNMC considered that non-compliance with the conditions established for number portability had not been proven.

In four proceedings, the CNMC sanctioned the companies involved for non-compliance with the conditions governing the allocation and granting of 118AB and 902 public numbering resources (11824 Servicio Información Telefónica, Advanced Telephone Services, Publitru and Dialoga). Meanwhile, in another proceeding, the CNMC fined four companies of the Dialoga group for failing to comply with the Decision of 7 May 2015 approving the technical specifications for fixed portability ([SNC/DTSA/129/22](#)).

In addition, the CNMC sanctioned the operator Soluciones Valencianes i Noves Technologies (SVINT) for non-compliance with the Decision of 30 November 2021 approving the procedures for regularising the irregular occupation of Telefónica's passive infrastructure. The CNMC found that, between January and October 2022, this operator irregularly occupied a total of 14 poles belonging to Telefónica and subject to the MARCo offer, without requesting access through the NEON platform or paying the regulated wholesale prices. This is the first time that the CNMC has sanctioned an electronic communications operator for failure to comply with the obligations contained in the Decision of 30 November 2021 ([SNC/DTSA/109/22](#)).

The CNMC also sanctioned Teledifusión Madrid for providing, on an intermittent basis between September 2012 and March 2022, the terrestrial broadcasting of the audiovisual signals of the local digital television channels of the Community of Madrid through its own network of centres, without reliably notifying the CNMC and, therefore, without being registered for this purpose in the Operator Register ([SNC/DTSA/030/23](#)).

## 5. ADVISORY ACTIVITY

Firstly, the CNMC responded to a total of four queries from various economic operators and a local council concerning the interpretation and application of regulations in the telecommunications sector.

Secondly, the CNMC responded to a query from Orange regarding the procedure for cancelling portability. The CNMC explained, among other things, that users have the right to request portability back to their previous operator without penalty, and that operators must allow cancellation by any means available under the contract.

## 6. PUBLIC CONSULTATIONS

The CNMC published ([INF/DTSA/123/22](#)) the conclusions of the public consultation on the quality measurement model and the biennial study on the quality of services in rural areas. The Commission identified several areas where information on quality of service could be improved: publication of results via a user-friendly interface, rationalisation of the parameters of the current model and introduction of new ones where necessary, and revision of the system for measuring values. It concluded that the methodology of the biennial study should be clarified by identifying the services and parameters to be analysed and determining how to combine the different approaches (measurement campaign and crowdsourcing).

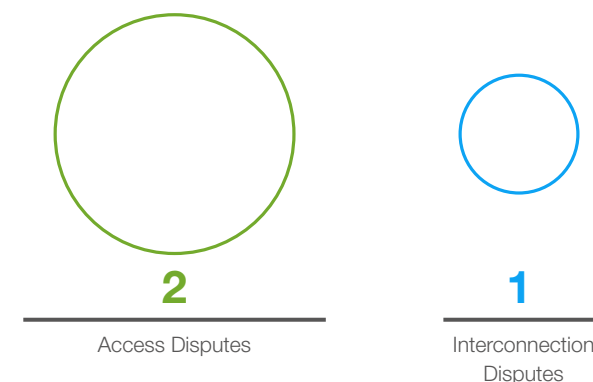
## 7. JUDICIAL REVIEW OF TELECOMMUNICATIONS PROCEEDINGS

During 2023, a total of three rulings—two by the National High Court<sup>19</sup> and one by the Supreme Court<sup>20</sup>—were issued in the field of telecommunications, in the exercise of their power of judicial review of the CNMC's activities.

The three rulings relate to appeals against the resolution of disputes between operators: one concerned a dispute over access to municipal physical infrastructure for the deployment of broadband networks; another concerned access to Telefónica's exchanges for the deployment of another operator's internal cabling; and the third concerned the setting of wholesale prices for access to calls to premium rate intelligent network numbers between two operators.



**Graph 4.**  
**No. of telecom 2023 rulings by subject area**



All three rulings (100%) dismissed the appeals filed by the operators against the CNMC's decisions.

The main rulings in the telecommunications sector are outlined below:

<sup>19</sup> Eighth section of the Administrative Appeals Chamber of the National High Court

<sup>20</sup> Third section of the Administrative Appeals Chamber of the Supreme Court.



### 7.1. Main court rulings

Among the rulings of the National High Court in 2023, the following are worth highlighting:

- The ruling of 1 March 2023<sup>21</sup> dismissed the administrative appeal filed by Orange Espagne SAU against the CNMC's decision that dismissed its access dispute with the City Council of Gandía (Valencia)<sup>22</sup> regarding the renewal of an authorisation to occupy municipal land for the installation of network infrastructure, on the grounds that its purpose was not to access physical infrastructure as defined in Royal Decree 330/2016.
- The ruling of 26 October 2023<sup>23</sup> dismissed the administrative appeal filed by Telefónica de España S.A.U. against the CNMC's decision resolving its access dispute with Orange Espagne S.A.U.<sup>24</sup> for denying access to Telefónica's exchanges for the installation of Orange's own cabling and equipment on rooftops to connect radio access nodes.

As for the Supreme Court, the judgment of 21 June 2023<sup>25</sup> dismissed the appeal lodged by Telefónica Móviles España S.A.U. (TME) against the lower court ruling of the National High Court, which had previously dismissed TME's appeal and upheld the CNMC's decision<sup>26</sup> on the interconnection dispute brought by the operator Colt Technology Services S.A.U. against TME to review the prices of wholesale call origination services to free numbers (900 and free short numbers), setting a maximum price of €4.21 cents per minute. In this case, the Supreme Court followed its previous doctrine already established in four rulings of 19 and 20 April 2022 on the same subject.



<sup>21</sup> Judgment of the National High Court of 1 March 2023 (appeal for judicial review no. PO 8/126/2020).

<sup>22</sup> Decision of the CNMC 11 December 2019 (case no. CFT/DTSA/060/19).

<sup>23</sup> Judgment of the National High Court of 1 March 2023 (appeal for judicial review no. PO 8/444/2021).

<sup>24</sup> Decision of the CNMC of 14 January 2021 (case no. CFT/DTSA/079/20).

<sup>25</sup> Judgment of the Supreme Court of 21 June 2023 (appeal no. RC 3/7980/2021)

<sup>26</sup> Decision of the CNMC of 3 April 2019 (case no. CFT/DTSA/032/18).

## AUDIOVISUAL MEDIA



### 1. REPORTS ON DRAFT REGULATIONS

On 30 March 2023, the CNMC issued a report on the draft Royal Decree regulating the State Register of Audiovisual Media Service Providers ([IPN/CNMC/004/23](#)).

Furthermore, on 19 December 2023, the CNMC issued a report on the draft Royal Decree regulating the requirements for being considered a user of particular relevance in accordance with Article 94 of Law 13/2022, of 7 July 2022, on Audiovisual Communication (hereinafter, the Spanish Audiovisual Media Act) ([IPN/CNMC/35/23](#))..



### 2. CONTROL OF AUDIOVISUAL CONTENT

The CNMC monitors the compliance of audiovisual media service providers with their obligations, ensuring that the rights of minors and people with disabilities are respected, that no content inciting hatred and violence is broadcast, that transparency requirements and self-regulatory codes are complied with, and that commercial communication rules are respected.

2023 can be described as a transition year from the previous Audiovisual Media Act, as it was the first full year in which the new Audiovisual Media Act was applied. Moreover, the Act itself postponed the entry into force of certain obligations until 2023.

In addition to the ex officio supervisory work carried out in accordance with the new Audiovisual Media Act, the CNMC received and analysed 274 complaints and claims submitted via the [web form](#) in 2023.

Taking into account the initiation of preliminary inquiries (IFPA)<sup>27</sup>, the proceedings conducted to require audiovisual media service providers to comply with audiovisual media regulations (REQ) and the initiation of infringement proceedings (SNC), the evolution in recent years shows the intense activity of the CNMC in the area of audiovisual media supervision.

<sup>27</sup> The preliminary inquiry procedure is the basic procedure in the supervision of audiovisual content. By means of these requests for preliminary information in the audiovisual field, media service providers are requested to provide the information necessary for the supervision of the various obligations to which they are subject under the Audiovisual Media Act.

**Table 5. Number of proceedings initiated in 2018-2023<sup>28</sup>**

	2018	2019	2020	2021	2022	2023
SNC	14	21	5	22	3	3
IFPA	12	23	44	290	310	271
REQ	14	4	7	78	12	15
<b>TOTAL</b>	<b>40</b>	<b>48</b>	<b>56</b>	<b>390</b>	<b>325</b>	<b>289</b>

In addition, the CNMC's supervisory work in the audiovisual market is supported by technical assistance, which is mainly responsible for carrying out administrative tasks and analyses. In 2023, the CNMC completed the award and began the implementation of seven technical assistance contracts in the audiovisual field, the details of which are published in the Official State Gazette or on the public procurement platform:

[Access to VoD services and podcasts](#)

[Channel recording](#)

[Control of commercial communications by incumbent providers](#)

[Control of commercial communications by new players](#)

[Age rating in video-sharing platforms](#)

[Monitoring the existence of accessibility measures](#)

[Analysis of revenues and investments in the financing of European works](#)

<sup>28</sup> The increase in recent years is due to two factors. On the one hand, there has been an increase in the number of media service providers being proactively supervised. While in the past the CNMC supervised around twenty providers, changes in the Sub-Directorate from 2019 meant that in 2021 supervision could be massively extended to all providers, i.e. more than one hundred. On the other hand, there has been an increase in quantitative and qualitative obligations that both the Audiovisual Communication Services Directive and the Spanish Audiovisual Media Act of July 2022 provide for audiovisual media service providers (in terms of transparency, accessibility and promotion of European works, among others).

Furthermore, in 2023, progress was made in the introduction of artificial intelligence tools applied to the supervision of audiovisual content. These tools have been extensively tested and are being used to assist viewing staff, particularly regarding age rating and the detection of possible infringements in the area of commercial communications.

## 2.1. Protection of minors

### 2.1.1. Audiovisual media services

One of the CNMC's main objectives is to protect the rights of minors in the broadcasting of audiovisual media services.

To this end, the CNMC monitors that the content broadcast does not seriously harm the physical, mental or moral development of minors, such as pornography or gratuitous violence, and that the content which could potentially harm minors is broadcast in accordance with the obligations established in the Spanish Audiovisual Media Act.

In terms of age rating, the CNMC works very closely with the Federation of Associations for Media Quality (iCmedia). This close collaboration led to the signing of an agreement with iCmedia on 15 March 2022.

In this field, the CNMC initiated 34 preliminary inquiries in 2023.

### 2.1.2. Video-sharing platforms

The new Audiovisual Media Act introduced, as one of its main novelties, the inclusion and subjection of video-sharing services through a platform to audiovisual legislation in several aspects.

In 2019, the CNMC began analysing the online pornography sector and preparing internal reports on possible courses of action for the supervision of video-sharing platforms with pornographic content. This work has focused on analysing the age verification systems to be implemented by these operators to prevent minors from accessing pornographic content.

Since 9 October 2022, the date on which the obligations for video-sharing platforms established by the new Audiovisual Media Act came into force, the CNMC has initiated eight preliminary inquiries against providers established in Spain, which operate 16 websites.

In one of these cases, the CNMC issued a decision on 27 July 2023, requiring the service provider Techpump to implement age verification mechanisms ([REQ/DTSA/002/23](#)).

In the case of pornographic video-sharing platforms established in other EU countries, the CNMC has requested the cooperation of the relevant regulators based on the country of establishment. In total, these requests for cooperation concern five providers, operating 23 sites with pornographic material. On 21 December 2023, the CNMC launched a public consultation on the criteria for monitoring whether video platforms prevent minors from accessing pornography and gratuitous violence ([INF/DTSA/329/23](#)).

In this area, the CNMC has worked very closely with the Spanish Data Protection Agency (AEPD in its Spanish acronym) by participating in the working groups promoted by this agency.

Finally, on 9 January 2024, the CNMC joined the State Pact for the Protection of Minors on the Internet and Social Media, an initiative promoted by the European Association for Digital Transition, Save The Children, ANAR Foundation, iCMedia, Dale Una Vuelta and Unicef in 2022, supported by the Attorney General's Office and the AEPD.

This proposal for a State Pact aims to recognise that children's access to pornography, gambling, violence and other harmful content via the Internet and social media is a public health problem that requires solutions, including the strengthening of institutions with powers to protect children's rights.

## 2.2. Commercial communications

In addition to protecting against advertising saturation, the rules on advertising in audiovisual media establish consumer protection criteria, highlighting aspects such as the separation between audiovisual content and advertising, and limitations on certain advertising formats.

In this area, the work of the CNMC is complemented by that of AUTOCONTROL, following the Agreement for the Promotion of Co-regulation on Commercial Communications, adapted to the new Audiovisual Media Act by the Agreement of 20 June 2023<sup>29</sup>.

In 2023, the CNMC initiated 29 preliminary inquiries related to commercial communications. An injunction was also issued to Atresmedia requiring it to cease broadcasting an advertisement that infringed the regulations on the advertising of gambling activities ([REQ/DTSA/001/23](#)).

## 2.3. Accessibility

Universal accessibility to audiovisual communication services is essential for people with disabilities to be able to exercise their rights on an equal footing with other citizens, thus promoting their integration into society.

In this area, the CNMC works very closely with the Spanish Centre for Subtitling and Audio Description (CESyA in Spanish) and the Centre for Linguistic Normalisation of Spanish Sign Language (CNLSE in Spanish), the two leading technical centres for audiovisual accessibility in Spain.

<sup>29</sup> <https://www.boe.es/boe/dias/2023/07/10/pdfs/BOE-A-2023-16061.pdf>

According to the new Spanish Audiovisual Media Act, providers with a low turnover and low audience levels can be exempted from complying with the accessibility or European works obligations.

On 23 February 2023, the CNMC adopted a decision on the exemption from compliance with accessibility obligations and published the details of the criteria applicable to determine the exemption for 2023 ([UMB/DTSA/001/22](#)).

On 29 June 2023, an agreement was reached on the criteria for determining the exemption from compliance with these obligations in 2024 ([UMB/DTSA/003/23](#)).

In the area of accessibility, the CNMC initiated 47 preliminary inquiries in 2023. On 15 November 2023, it approved a report on the degree of accessibility of commercial communications broadcast by State-level audiovisual media service providers ([INF/DTSA/280/23](#)).

## 2.4. Transparency

Current regulations require service providers to display on their websites information such as their place of establishment, e-mail address and other means for direct and rapid communication, as well as the competent regulatory or supervisory body.

As a result of the work carried out during 2023, the CNMC initiated preliminary inquiries against 32 service providers in order to ensure that they comply with this transparency requirement and, where appropriate, inform the public on their websites that the CNMC is the supervisory authority for the services they provide.

## 2.5. European works

One of the CNMC's responsibilities is to monitor compliance by audiovisual media service providers and electronic media service providers broadcasting television programmes with the obligation to pre-finance the production of certain European works.

The CNMC also monitors compliance with the annual broadcasting obligations for European works. These obligations are intended to promote and develop the Spanish and European audiovisual industry.

According to the new Spanish Audiovisual Media Act, service providers with low revenues or with low audiences may be exempted from complying with the accessibility or European works obligations. This exemption also applies when the obligation is impracticable due to the nature or content of the audiovisual media service.

On 18 May 2023, an agreement was adopted on the criteria for interpreting the obligations regarding the promotion of European works, publishing the details of the criteria applicable in 2023 for the exemption from compliance with these obligations ([UMB/DTSA/001/23](#)).

On 29 June 2023, an agreement was reached on the criteria for determining the exemption from compliance with these obligations in 2024 ([UMB/DTSA/003/23](#)).



### 2.5.1. Pre-financing of the production of European works

During 2023, a total of 26 proceedings concerning the financing of European works<sup>30</sup> for the financial year 2022 were concluded. These decisions are the result of the CNMC's monitoring of this obligation, which involves a thorough examination of the eligible income and expenditure of service providers and the financing of eligible works.

### 2.5.2. Broadcasting quota for European works

The European works quota requires audiovisual media service providers to reserve a certain percentage of their annual broadcasting time for European works and independent European works. Catalogue providers (on-demand services) are also obliged to reserve a percentage of their catalogue for European works.

In 2023, 47 linear providers and 27 catalogue providers were required to provide information on their compliance with the European works quota obligation.

On 18 May 2023, the CNMC published a report on compliance with the European works quota obligation in 2019, 2020 and 2021 ([INF/DTSA/281/23](#)).

<sup>30</sup> Of the 26 cases mentioned above, two were resolved by decisions to close the proceedings by the Regulatory Oversight Chamber. ([IFPA/DTSA/189/23 13 TV 2022 FOE](#) and [IFPA/DTSA/187/23 TEN MEDIA 2022 FOE](#))

## 3. PUBLIC SERVICE MISSION OF THE SPANISH RADIO AND TELEVISION CORPORATION (CRTVE)

The CNMC monitors compliance with the public service mission entrusted to the providers of the national public audiovisual communication service, as well as the adequacy of the public resources allocated for this purpose.

Throughout 2023, the CNMC worked on preparing the report on the fulfilment of Radio Televisión Española's obligations in 2021, using a different methodology from that used in previous years. Although the final result of this new methodology will not be known until the CNMC approves the report for 2021, its initial approach can be found in the file for the [procurement](#) of technical assistance to support its definition, particularly in the [technical specifications](#) and in the attached [spreadsheet](#).



## 4. SANCTIONING ACTIVITY

In 2023, the CNMC initiated three infringement proceedings. At the time of the approval of this report, these proceedings are still ongoing and will be decided within the one-year time limit provided for in the Spanish Audiovisual Media Act.



## 5. ADVISORY ACTIVITY

The CNMC acts as an advisory body on matters related to the implementation of audiovisual media regulations.

In 2023, the CNMC dealt with [five queries](#) on commercial communications and on the obligations to promote European works.

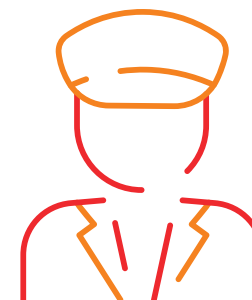


## 6. SELF-REGULATION AND CO-REGULATION

The new Audiovisual Media Act identifies several areas in which the Ministry of Digital Transformation and the CNMC must promote self-regulation and co-regulation. These areas include the protection of minors, commercial communications, the image of people with disabilities, gender equality, the image of people belonging to racial or ethnic minorities, disinformation, truthfulness, media literacy, linguistic and cultural diversity, respect for nature, animal welfare, pluralism, and the protection of intellectual property rights, among others.

In view of the CNMC's powers to supervise audiovisual commercial communications, on 20 June 2023, the Commission signed an [agreement with AUTOCONTROL](#) to promote co-regulation of commercial communications.

During 2023, the Secretary of State for Telecommunications and Digital Infrastructures and the CNMC have jointly promoted the co-regulation of the age rating of audiovisual programmes and the visual descriptors referred to in Articles 97 and 98 of the Spanish Audiovisual Media Act.



## 7. MEDIA LITERACY

In 2023, the CNMC collected information to extend the report on media literacy policies implemented in Spain. On 15 December 2022, the CNMC published its first triennial report on the measures implemented by State-level media service providers ([INF/DTSA/143/22](#)). Subsequently, in February 2023, the European Commission issued guidelines on the content of these reports ([Communication C/2023/1105](#)). The CNMC's work in this area has focused on compiling actions promoted by national authorities and bodies, autonomous communities and non-profit organisations.

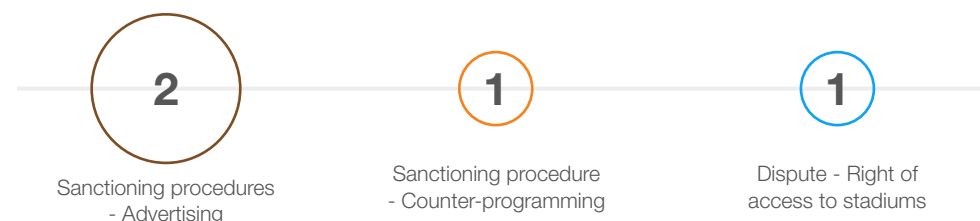


## 8. JUDICIAL REVIEW OF AUDIOVISUAL MEDIA PROCEEDINGS

During 2023, a total of four rulings<sup>31</sup>—three by the National High Court<sup>32</sup> and one by the Supreme Court—were issued in the field of audiovisual media services, in the exercise of their power of judicial review of the CNMC's activities: three of them (75%) relate to infringement proceedings.

In particular, two rulings concern appeals against fines imposed for broadcasting advertising without respecting the legal limits (one against CRTVE and the other against a private operator for broadcasting surreptitious advertising during news programmes). Another judgment concerns an appeal against a fine imposed for counter-programming without complying with the legal three-day notice period provided for in the previous Audiovisual Media Act. The fourth ruling concerns the resolution of a dispute regarding the amount of compensation to be paid by radio broadcasters to football clubs for the right of access to stadiums.

Graph 5. No. of audiovisual media 2023 rulings by subject area

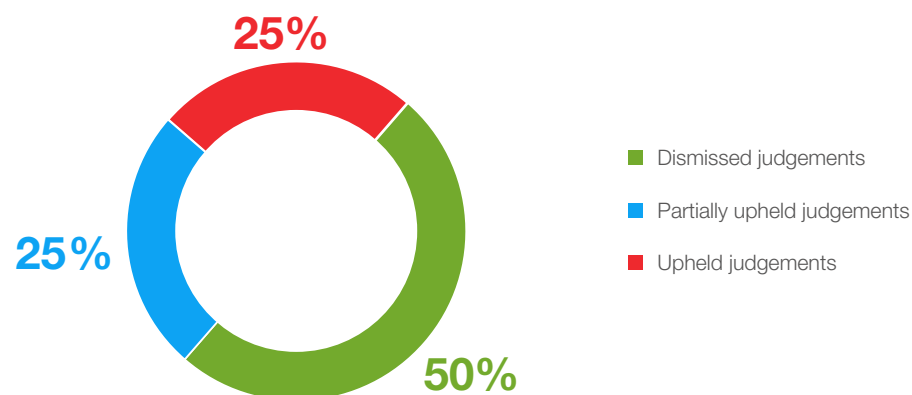


<sup>31</sup> First section of the Administrative Appeals Chamber of the National High Court

<sup>32</sup> Third section of the Administrative Appeals Chamber of the Supreme Court.

Of all the rulings, half of them (50%) dismissed the appeals filed by the operators against the CNMC's decisions.

Graph 6. Outcome of rulings on audiovisual media in 2023



The main rulings in the audiovisual media sector are outlined below:

### 8.1. Main court rulings

The main rulings of the National High Court, all of which relate to infringement proceedings, were as follows:

- Judgment of 27 January 2023<sup>33</sup>, dismissing the administrative appeal filed by CRTVE against the fine imposed by the CNMC<sup>34</sup> for broadcasting advertising during several Spanish National Team football matches in the UEFA European Cup in March 2019.

<sup>33</sup> Judgment of the National High Court of 27 January 2023 (appeal for judicial review no. PO 1/138/2020).

<sup>34</sup> Decision of the CNMC of 11 December 2019 (case no. SNC/DTSA/058/19).

- Judgment of 10 February 2023<sup>35</sup>, dismissing the administrative appeal brought by Atresmedia Corporación de Medios Audiovisuales S.A. against the fine imposed by the CNMC<sup>36</sup> for broadcasting surreptitious advertising during several news programmes in January 2020.

- Judgment of 21 November 2023<sup>37</sup>, upholding the administrative appeal filed by Mediaset España Comunicación S.A. against the fine imposed by the CNMC<sup>38</sup> for counter-programming the programme “Supervivientes” in May 2020 without giving the three days’ notice required by law at the time. The National High Court annulled the fine due to the favourable retroactive application of the new Audiovisual Media Act of 2023, which abolished the obligation to give prior notice.

As for the Supreme Court, it issued a judgment on 18 July 2023<sup>39</sup> partially upholding the appeal of the Liga Nacional de Fútbol Profesional (LNFP) against the ruling of the National High Court, which had partially upheld the LNFP’s appeal against the CMT’s decision<sup>40</sup>. The CMT (Telecommunications Market Commission) had resolved the dispute brought by several radio broadcasters against the LNFP to determine the amount of the financial compensation provided for in Article 19 of the Audiovisual Media Act of 2010.

In summary, the CMT set the compensation to be paid by radio stations to football clubs at €85 per stadium and per match. The National High Court upheld this decision but increased the amount of compensation to €100 per stadium and per match. The Supreme Court, for its part, upheld the CMT’s decision and the amount set by the National High Court but established that the compensation should be paid for the entire season, not for each match.

<sup>35</sup> Judgment of the National High Court of 27 January 2023 (appeal for judicial review no. PO 1/138/2020).

<sup>36</sup> Decision of the CNMC of 22 December 2020 (case no. SNC/DTSA/016/20).

<sup>37</sup> Judgment of the National High Court of 21 November 2023 (appeal for judicial review no. PO 1/333/2021).

<sup>38</sup> Decision of the CNMC of 22 December 2020 (case no. SNC/DTSA/049/20).

<sup>39</sup> Judgment of the Supreme Court of 18 July 2023 (appeal no. 3/1126/2015).

<sup>40</sup> Decision of the CMT (Telecommunications Markets Commission) of 29 November 2012 (file no. MTZ 2012/1289).



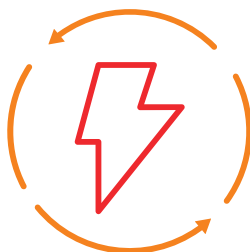


ENERGY



The **Energy Directorate** is responsible for the supervision of the electricity and hydrocarbons markets, both wholesale and retail. It also regulates the remuneration methodology for regulated activities, the structure and methodology for calculating access charges and fees, the methodologies for the provision of balancing services and the methodology for access to the electricity and gas networks. In addition, the Energy Directorate is responsible for examining disputes brought before it by economic operators in the electricity and hydrocarbons markets. It also investigates any matter it deems necessary for the exercise of its functions.

The main actions of the Energy Directorate in 2023 are highlighted below. The main proceedings conducted can be found in [Appendix V](#).



## 1. SUMMARY OF 2023

2023 saw a return to stable electricity and gas prices, although price levels remained higher than those recorded before the energy crisis that began in 2021. Spain continued to make progress in its energy transition and during 2023, energy production from renewable technologies continued to increase. This technological change, together with external factors, will continue to influence prices, and the CNMC will continue to contribute actively, as it did in 2023, through the development of regulation and the supervision of the electricity and hydrocarbon markets.

In the electricity sector, it is worth highlighting the verification and supervision of the information on the system operator's settlements for the reduction of the remuneration of peninsular production facilities using non-emitting technologies, established by Royal Decree-Law 17/2021. The CNMC supervised the energy exempted from the temporary mechanism to limit the price of electricity established by Royal Decree-Law 10/2022 and dealt with queries on its application.

With regard to the retail gas and electricity markets, the increase in energy prices in the wholesale markets was passed on to consumers' contracts. In this context, the CNMC made a special supervisory effort to ensure that, in accordance with Royal Decree-Law 23/2021, retailers communicate the impact of these changes on consumers' bills in a clear and transparent manner, in order to provide consumers with sufficient information to understand the type of supply and its cost, and also to enable them to assess other more favourable alternatives. This process, which began in 2022, has led to significant improvements in communication, although some retailers still have room for improvement.

In the gas sector, the CNMC supervised the implementation of the Last Resort Tariff (TUR in Spanish) by Last Resort Retailers (CUR in Spanish) for domestic consumers (price capped by Royal Decree-Law 17/2021) and the new tariff for residents' associations created by Royal Decree-Law 18/2022 in order to monitor the correct functioning of customer services.

The CNMC also participated in the monitoring of the measures to comply with the obligation to maintain a minimum level of filling of security stocks in underground storage facilities, as required by European regulations since 2022.

In the liquid hydrocarbons sector, the CNMC completed its supervisory duties under Royal Decree-Law 6/2022 with regard to the €0.20/l bonus on fuel prices and additional discounts applied in the main distribution networks.



## 2. REPORTS ON DRAFT REGULATIONS

The CNMC issued [9 reports on draft regulations in 2023](#).

In the gas sector, it reported on the draft order establishing the charges, remuneration and fees for underground storage facilities for 2024 ([IPN/CNMC/023/23](#)). The Commission also reported on the rules of the organised gas market MIBGAS and the rules for the management of guarantees.

In the electricity sector, the CNMC reported on a draft order establishing the remuneration parameters for generation plants using renewable energy, cogeneration and waste ([IPN/CNMC/050/22](#)). It also reviewed two versions of the methodology for calculating the remuneration for the operation of facilities whose operating costs depend essentially on fuel prices ([IPN/CNMC/014/23](#), [IPN/CNMC/034/23](#)). Notably, it developed frameworks for renewable energy communities and citizen energy communities ([IPN/CNMC/013/23](#)). Furthermore, the Commission reported on 13 proposals from the Secretary of State for Energy concerning the unit values of the mechanism for financing the social bonus or disqualification of electricity distributors.

In the field of liquid hydrocarbons, the CNMC issued a report on a draft royal decree amending the regulations on minimum security stocks of petroleum products to bring them into line with the EU Directive and amending the regulatory statute on wholesale and retail distribution to strengthen the requirements for wholesale operators ([IPN/CNMC/051/22](#)).

Details of the reports can be found in the [table](#) below.

### 3. REGULATED ACTIVITIES

#### 3.1. Regulated prices

As regards the establishment of access charges, it is worth noting that the CNMC approved the corresponding decisions for setting access charges for the transmission and distribution networks in the electricity sector, and access charges for the transmission network, local networks and regasification plants in the gas sector, in accordance with Circulars 3/2020 and 6/2020, respectively. Additionally, the Circular 3/2020 Working Group was set up to review the electricity methodology, as stipulated in the first additional provision, in preparation for the next regulatory period.

The CNMC also issued a report on the revenue and cost scenario used as the basis for setting charges in the electricity sector for 2024 ([INF/DE/455/23](#)). With regard to the unit values for financing the social bonus, the Commission prepared a proposal for 2024 for the Ministry for Ecological Transition and the Demographic Challenge (MITERD) ([INF/DE/454/23](#)).

Finally, in accordance with the provisions of Article 28(2) of Regulation 2017/460, the CNMC responded to the queries from Portugal (DCOOR/DE/002/23) and France (DCOOR/DE/005/23) on the multipliers, seasonal factors and discounts to be established for entry and exit points of underground storage facilities and regasification plants, in accordance with Article 9, and the discounts applicable to standard interruptible capacity products under Article 16.

#### 3.2. Retribution to transmission and distribution facilities

With regard to regulated electricity remuneration, on 19 January 2023, the CNMC approved the decisions provisionally setting the remuneration for distribution companies and owners of electricity transmission facilities for the financial year 2023 ([RAP/DE/020/22](#)) and ([RAP/DE/025/22](#)).

In the field of electricity transmission, on 20 April 2023, the CNMC adopted a decision to modify the parameters of the singularity of the Spain-France interconnection via the Bay of Biscay ([RAP/DE/029/22](#)). On 27 July, the CNMC approved the decision setting the remuneration for companies owning electricity transmission facilities for 2020 ([RAP/DE/005/19](#)). This remuneration corresponds to the first year under the methodology established in Circular 5/2019 of 5 December 2019.

Furthermore, on 5 December 2023, the CNMC's decision of 23 November establishing new types of remuneration for electricity transmission facilities was published in the Official State Gazette (BOE in Spanish) ([RAP/DE/016/23](#)).

As regards electricity distribution, distributors submitted for the first time the remuneration information required by [Circular 8/2021](#), of 1 December 2021, which requests information for the supervision and calculation of electricity distribution remuneration. The working group with distributors was maintained to clarify implementation issues. A total of 332 distribution companies provided the required information.

The CNMC prepared reports on the development of energy transmission and distribution networks and their remuneration, as well as on the metering system, which is the responsibility of the Ministry. These include reports on the basic remuneration of several distributors following court rulings, the consumption profiles for 2024 and the authorisation of the Spain-France electricity interconnection via the Bay of Biscay. The most relevant reports are listed in the [table](#) below.

In addition, the Commission continued to respond to queries from different stakeholders on issues related to continuity and interruption of supply, charging of electric vehicles in public places, and other matters related to regulated activities. The most relevant queries are listed in the [table](#) below.

Regarding regulated gas remuneration, the remuneration for the gas year 2024 was approved for companies carrying out the following regulated activities ([RAP/DE/011/23](#)) in accordance with Circulars 9/2019 and 4/2020: regasification plants, and the transport and distribution of natural gas.

The CNMC also decided that it was not appropriate to increase the remuneration parameters applicable to the distribution of natural gas in the island territories where REDEXIS operates ([RAP/DE/015/20](#)). Moreover, the Commission established a transitional financial system for the El Musel regasification plant for the unregulated access to liquefied natural gas logistics services provided for in Article 60(7) of Law 18/2014, of 15 October 2014, which approves urgent measures for growth, competitiveness and efficiency ([RAP/DE/030/22](#)).

Furthermore, the CNMC issued five mandatory reports on draft decisions by the Directorate-General for Energy Policy and Mines (DGPEM in its Spanish acronym) on the inclusion in the remuneration system of facilities commissioned before 2020.

Finally, the Commission also approved the reports on losses for the transitional period from January to September 2021 ([RAP/DE/013/22](#)) and for the gas year 2022 ([RAP/DE/001/23](#)), pursuant, for the first time, to Circular 7/2021 of 28 July



2021, and on the incentives for the technical system manager for the gas year 2021 ([RAP/DE/014/23](#)). The CNMC also adopted decisions on adjustments to the 2023 and 2024 remuneration for the acquisition and sale of assets between ENAGAS and REGANOSA ([RAP/DE/019/23](#) and [RAP/DE/020/23](#)); the request for recognition of the singularity of the modification of the León-Oviedo gas pipeline route ([RAP/DE/013/23](#)); and the recognition of the 2020 electricity purchase costs of the Euskadour compressor station 2022 ([RAP/DE/015/21](#)).

### 3.3. Reports on authorisations of production facilities and transmission assets

With regard to electricity generation plants, the rapid deployment of generation plants using renewable energy sources required the handling of 536 proceedings linked to mandatory reports on the corresponding draft decisions on prior administrative authorisations, issued at the request of the DGPEM. Given that these reports must be issued within a period of no more than fifteen days—otherwise, positive administrative silence applies—between two and five reports had to be issued for each case until the deficiencies detected in previous reports were remedied by the corrections submitted. As a result of the above, the 563 cases mentioned resulted in more than 620 referrals.

Regarding natural gas transmission facilities, the CNMC issued mandatory reports on administrative authorisations for the construction of seven new gas system facilities and two hydrogen pipelines ([INF/DE/025/23](#) and [INF/DE/369/23](#)), as well as for the transfer of ownership of three facilities.

### 3.4. Supervision of renewable energy auctions

On 27 July 2023, the CNMC approved in a single document the reports on the third and fourth auctions ([SUB/DE/004/22](#)). In addition to analysing the evolution of the auctions held, the document contains a proposal for improvements for future auctions.



### 3.5. Settlements. Electricity and natural gas (regulated activities, specific and additional remuneration system)

The CNMC carried out the provisional monthly settlements of regulated activities for 2022 ([LIQ/DE/001/22](#)) and 2023 ([LIQ/DE/001/23](#)) and the final settlement for 2022 ([LIQ/DE/007/23](#)).

The CNMC also carried out settlements for the social bonus and the specific remuneration for renewable energy, cogeneration and waste facilities for the 2022 and 2023 financial years.

With regard to natural gas settlements, the following settlements were carried out: provisional monthly settlements for regulated activities, charges and the technical system manager's fee for 2022 ([LIQ/DE/003/22](#)); the final settlement for the gas year 2022 ([LIQ/DE/008/23](#), the first gas year with adaptation to five independent settlement systems with new charges); provisional settlements for the gas year 2023 ([LIQ/DE/003/23](#)) and provisional settlements for 2024, which are still in progress ([LIQ/DE/003/24](#)). The system for the settlement of compensation to last-resort retailers (CUR) also came into operation and the CNMC carried out the provisional settlements ([LIQ/DE/040/22](#)) to compensate the debts generated by the application of reduced rates in domestic-commercial supply and in the supply to residents' associations with centralised heating.

### 3.6. Supervision of third-party access to and operation of networks

In the electricity sector, the circular establishing the methodology and conditions for access and connection to the transmission and distribution networks of electricity demand facilities was submitted for hearing on 31 May 2023 ([CIR/DE/006/21](#)). In addition, to increase transparency and give stakeholders the opportunity to comment, the working group held meetings throughout 2023, which resulted in a new text to be submitted for a second hearing in January 2024. Meetings were also held to make progress on the revision of the detailed generation specifications.

In the natural gas sector, the CNMC reported on the Ministerial Order on the start-up of LNG logistics services at the El Musel regasification plant ([INF/DE/111/23](#)) and the amendment of the Winter Action Plan for the operation of the gas system ([INF/DE/421/23](#)). It also approved the reports on the supervision of the technical management of the system for 2022 ([IS/DE/005/23](#)) and on the monitoring of the capacity allocation mechanism for access to gas system facilities for the gas year 2022 ([IS/DE/002/23](#)). This includes the supervision of capacity auctions for LNG regasification plants, underground storage facilities and the gas pipeline network for international connections. For the first time, the CNMC assessed the overall performance of the technical system manager in carrying out its functions ([IS/DE/029/23](#)).

### 3.7. Issuance of guarantees of origin of electricity

In 2023, the CNMC, as the issuing body for guarantees of origin of electricity in Spain, handled a total of 141,267 procedures and issued guarantees of origin equivalent to 116 TWh. Nearly 46,000 electricity generation facilities and 188 retailers participated in the system.





## 4. MARKET REGULATION AND SUPERVISION

### 4.1. Wholesale market. Electricity and gas

In the gas sector, the CNMC approved the revision of the rules of the organised gas market (MIBGAS) in 2023 as a result of the experience gained since the creation of this market ([INF/DE/055/23](#)), and included the necessary adaptations for the implementation of Circular 2/2020. The CNMC also revised the rules for the management of guarantees for the gas system ([INF/DE/034/23](#)). Additionally, the Technical System Manager implemented the system of guarantees of origin for renewable gases, with the participation of the CNMC in its design, and began issuing guarantees in the second quarter of 2023.

The CNMC published a report on the functioning of the wholesale gas market in 2022, along with recommendations for increasing liquidity, transparency and the level of competition in the organised gas market ([INF/DE/388/23](#)), highlighting the implementation of the recommendations issued in previous years.

In the electricity sector, the CNMC approved the modification of several technical standards in 2023 (market rules and operating procedures for the implementation of European regulations, including both the network codes developed in the third package and the new developments resulting from the clean energy package), facilitating progress in the participation of demand in the market, the integration of renewable energies and the energy transition.

Notable highlights include:

- The revision of the rules for the daily and intraday markets ([DCOOR/DE/006/22](#)) to allow the integration of new facilities under the Renewable Energy Economic Regime (REER) and open participation in the Market Agents Committee;
- The criteria for calculating the final price of energy ([INF/DE/049/22](#)) to include new emerging segments and the role of demand as a service provider;

- The revision of the quality criteria for remote metering ([DCOOR/DE/012/21](#));
- The launch of a demonstration project to promote demand-side participation in voltage control ([DCOOR/DE/004/23](#));
- The approval of the new Operating Procedure 7.5 ([DCOOR/DE/003/23](#)), which regulates the Active Demand Response Service and modifies the collection rights and payment obligations for system adjustment services, including the determination of the maximum reserve price for the 2023 annual auction for the allocation of the Active Demand Response Service ([SUB/DE/002/23](#)); and
- The decision establishing the criteria for the granting of exemptions from the requirements laid down in the European regulations approving the grid connection codes ([DCOOR/DE/010/23](#)).

Special mention should be made of the conclusion in 2023 of the infringement proceedings for manipulating the price of adjustment services—a serious infringement under the Electricity Sector Act—as a result of bids made by a combined cycle power plant on the restrictions market. The CNMC also imposed a fine of €35.5 million for the damage caused to demand, which will be included in the settlements of the electricity system operation ([SNC/DE/019/22](#)).

In the context of Regulation (EU) No. 1227/2011 on wholesale energy market integrity and transparency (REMIT), the CNMC initiated infringement proceedings in 2023 against two market participants for alleged manipulation of the organised gas market managed by MIBGAS ([SNC/DE/002/23](#) and [SNC/DE/043/23](#)) and against 37 market participants for alleged manipulation of the continuous intraday market managed by OMIE ([SNC/DE/017/23](#), [SNC/DE/018/23](#) and [SNC/DE/019/23](#)).

The CNMC also registered 148 entities in the Spanish Register of Wholesale Energy Market Participants, dealt with around 350 requests for data changes, and responded to approximately 250 queries.

In addition, it continued to monitor the application of the update of the electricity system charges, as well as measures to promote transparency and supervision in the wholesale and retail markets.

Regarding the gas sector, the CNMC continued with the regulatory development of circulars. Of particular note was the application for the first time of Circular 6/2021, of 30 June 2021, which establishes the incentives for the Technical System Manager of the gas system and the effect on its remuneration. In addition, the Commission approved a decision on anti-capacity hoarding measures for services involving slots ([RDC/DE/002/23](#)).

The monitoring of the behaviour of market participants was intensified through various monthly (for the wholesale market) and annual reports on the entry and exit of market participants and market liquidity. The CNMC also issued reports on voluntary and compulsory market makers.

#### 4.2. Supervision of energy forward markets and allocation mechanisms

In 2023, the CNMC published six monitoring reports on the electricity forward markets in Spain and another four on the natural gas market traded through brokerage agencies.

The CNMC also reviewed the information on forward contracting instruments submitted to the system operator by 299 companies (owners of 763 facilities subject to reduction) and, in the case of integrated groups, several million contracts with final consumers, in order to check and verify the energy exempted from the reduction mechanism for the period from 16 September 2021 to 31 March 2022, in accordance with the provisions of Royal Decree-Law 17/2021, of 14 September 2021.

In addition, the CNMC approved its decision of 30 November 2023, setting a maximum reserve price for the annual auction for the allocation of the active demand response service for the 2024 season ([SUB/DE/002/23](#)). With regard to the adjustment mechanism established by Royal Decree-Law 10/2022, of 13

May 2022, the CNMC monitored the declarations of energy exempt from payment of the mechanism. It also dealt with numerous queries relating to the application of this mechanism ([CNS/DE/751/22](#)). Moreover, it addressed 38 consumer complaints and monitored how the cost of the adjustment mechanism was passed on to customers by retailers, requesting additional information as needed.

The CNMC launched a working group to analyse the barriers to self-consumption, with the participation of all the actors involved. As a result of this working group, the CNMC will prepare a report that includes the monitoring of the implementation of self-consumption and its potential impact on the sustainability of the electricity system, in accordance with the provisions of Royal Decree 244/2019, of 5 April 2019.

#### 4.3. Retail market and consumer protection

The CNMC continued to update its website aimed at gas and electricity consumers, including the various guides and recommendations on contracting, users' rights and energy efficiency.

The Commission also developed the "Understand your bill" tool to help consumers understand their electricity bill (what type of contract they have, information on the components of their bill, etc.). Given that consumers access the tool via the QR code/link that appears on their bill, the CNMC issued a decision to monitor the correct parameterisation of this QR code/link by the retailers with the largest share of domestic consumers. The Commission also developed the "PVPC Prices" tool—where PVPC is the Spanish acronym for Voluntary Price for Small Consumers—which graphically displays prices, indicating the highest and lowest values of the PVPC energy term.

The CNMC supervised the transparency and comprehensibility of price review communications from retailers to consumers and proposed a communication model that reflects best practices ([INF/DE/030/22](#); [IS/DE/031/23](#)).

The Commission also monitored consumer complaints about energy supply.

In 2023, the gas cap mechanism, which entails an adjustment of electricity consumers' bills, and the last-resort tariff (TUR) for gas, with a limited price to encourage switching to this tariff, led to an increase in queries on the implementation of support measures for consumers.

In the electricity sector, the CNMC dealt with more than 1,700 consumer queries throughout 2023. The majority of these were from private individuals due to disagreements with electricity distributors, particularly regarding billing and the service provided (change of supplier, subscriptions and cancellations, penalties, discrepancies in the amounts billed, etc.), as well as complaints related to self-consumption. In the gas sector, the CNMC received approximately 1,000 queries in 2023. The most common reason for queries from gas consumers was about how to sign up for the last-resort tariff for gas or the new neighbourhood TUR; while the complaints received were mainly related to discrepancies with distributors about the price and billing of the supply.

The Commission published the Integrated Monitoring Report on the gas and electricity retail markets for 2021 and 2022 ([IS/DE/027/22](#)), which contains recommendations and regulatory proposals on the current price context, including proposals that have been taken into account in recent regulatory changes.

Regarding the gas retail market, the CNMC issued the corresponding quarterly reports ([IS/DE/006/23](#)). It also prepared the annual monitoring report on the piped LPG market ([IS/DE/008/22](#)) and updated the [gas market statistics](#).

The CNMC continued to monitor changes of suppliers and the registration of new supply points in the electricity and gas sectors through four quarterly reports ([IS/DE/014/22](#)) and a report on the supervision of the telephone and internet customer services of the main electricity and gas suppliers ([IS/DE/022/22](#)).

In 2023, the Commission handled 235 information files resulting from complaints about incorrect or inappropriate changes of suppliers; six files concerning the use of interchange file formats between market players; and two files related to the transfer of customers between retailers (IS/DE/032/21, IS/DE/030/23). In addition, the CNMC imposed nine sanctions on five market participants in 2023. It also published [recommendations](#) aimed at retailers and distributors to reduce the frequency and mitigate the harm caused to consumers by so-called CUPS crossings—where CUPS is the Spanish acronym for Universal Supply Point Code—and adopted a [legally binding decision](#).

Furthermore, the Commission continued to manage the supply point databases (Supply Point Information System or SIPS in Spanish) to which retailers have access.

In addition, progress was made in the working group to adapt the file formats for the exchange of information between distributors and retailers due to regulatory changes and the CNMC issued a new decision on these formats to facilitate the activation of self-consumption and introduce the replacement format in the electricity sector (INF/DE/478/23).

Finally, it should be noted that the CNMC continued its annual monitoring of the alternative dispute resolution system between electricity and natural gas suppliers and consumers ([IS/DE/017/23](#)).

#### 4.4. Queries from public administrations

Throughout 2023, a large number of requests for information and queries from other public administrations were dealt with, particularly those relating to the regulated remuneration of electricity production facilities.

In particular, the CNMC responded to 608 official letters from different judicial bodies (courts, the National High Court, tribunals), 132 requests for information from the Tax Agency and six queries from the Ombudsman.

## 5. ACCESS TO NETWORKS

### 5.1. Access disputes

In the electricity sector, following the trend of the last three years, the number of access disputes to electricity networks continues to increase. In 2023, the CNMC investigated and resolved 367 access disputes, mostly related to the expiry of access and connection authorisations due to non-compliance with the milestones set out in Royal Decree-Law 23/2020, with 131 disputes ongoing at the beginning of 2024.

An increase was also detected in access disputes related to refusals of storage facilities in the last months of 2023, reaching 36 for the year as a whole. Similarly, there was an increase in disputes relating to the economic management of the electricity system, totalling 29 in 2023. As in the previous year, these disputes questioned the settlements of the reduction mechanism and also the system operator's decisions to shut down certain thermo-solar facilities.

As regards access, the CNMC handled and issued four legally binding decisions requested by the developers of new renewable generation.

In the gas sector, a new type of dispute emerged concerning access and connection for hydrogen blending, reaching a total of 13 disputes handled in 2023.

The most relevant disputes, insofar as they address novel issues, are listed [here](#).

### 5.2. Connection disputes

On the other hand, in 2023, the CNMC issued another seven reports on disputes relating to connection to the distribution grid filed by electricity generators with the autonomous communities, also at the request of the competent autonomous community administration.

## 6. ECONOMIC AND FINANCIAL ANALYSIS. SEPARATION OF ACTIVITIES

### 6.1. Economic and financial analysis

In 2023, the CNMC approved decisions establishing the value of the Global Ratios Index for [2023](#) and [2024](#) for regulated companies, and a [legally binding decision](#) for a regulated company in relation to Article 62(6) of Law 34/1998 on the hydrocarbons sector.

With regard to the remuneration of the electricity system operator and the technical manager of the gas system, the Commission amended [Circulars 4/2019](#) and [4/2020](#), respectively, the [decisions](#) on the balance of the regulatory account as of 31 December 2022, and the decisions establishing the [remuneration for 2024](#) and the [prices/quota for its financing](#). The CNMC produced the decision approving the costs of the [SDAC and SIDC for 2022](#), and the decision establishing the estimate of these costs for [2024](#), in application of Circular 10/2021 regarding the electricity market operator.

In addition, the CNMC published several reports on the following matters: the [debt of the electricity system](#), the outstanding amount of the *ex ante* deficit and the [Electricity Deficit Amortisation Fund \(FADE in Spanish\)](#), and the annual instalment of the [accumulated deficit of the gas system for the gas year 2024](#).

The Commission also examined 11 communications concerning the acquisition of shareholdings in the energy sector and approved five decisions on this matter, as well as one decision on the conditions imposed in a transaction.

Finally, the methodology for calculating the adjustment of the annual remuneration of electricity transmission and distribution companies for the use of fibre optics was the subject of a hearing and was finally approved on 18 January 2024 ([RDC/DE/003/22](#)).

## 6.2. Separation of activities

In 2023, the CNMC continued to verify the implementation of the measures taken by the entities obliged to comply with the provisions of the binding legal decision of 6 September 2018 on information, branding and brand image ([DJV/DE/001/18](#)).

The supervision of the application of the criteria for functional separation of the Organic Unit performing the functions of electricity system operator and transmission network manager integrated in RED ELÉCTRICA DE ESPAÑA S.A.U. ([INF/DE/025/20](#)) was referred to a hearing.

Furthermore, the CNMC approved the respective draft decisions to certify TRINITY ALMACENAMIENTOS ANDALUCÍA S.A. and ENAGÁS TRANSPORTE S.A.U. as storage system operators (CERT/DE/002/23; CERT/DE/001/23) and referred them to the European Commission for its opinion.

Finally, the Commission approved the decisions on the main and dominant operators in the energy sectors, as well as the remaining functions relating to these operators ([OPD/DE/001/23](#); [OPD/DE/002/23](#)).



## 7. LIQUID HYDROCARBONS AND BIOFUELS

In 2023, it is worth highlighting the monthly analysis of fuel distribution through service stations, along with the continuous monitoring of the transport and storage of liquid hydrocarbons, which is focused on the Exolum Group.

The CNMC continued to supervise the market for bottled LPG, compliance with the restrictions on the expansion of the networks of operators with a market share of over 30%, the adaptation of DODO (Dealer Owned, Dealer Operated) contracts, compliance with regulatory obligations by market players and the conditions imposed on merger operations. It also dealt with requests from courts, organisations, consumers and other stakeholders, making the data available through statistical reports.

In addition, the CNMC developed and completed the functions entrusted to it by Royal Decree-Law 6/2022 in relation to the €0.20 per litre rebate and additional discounts, approved to mitigate the effects of the Russia-Ukraine conflict on fuel prices. Firstly, it obtained the sales volumes from the owners of distribution facilities and direct sales companies and sent them to the competent tax administrations so that they could make the final adjustments to the economic refunds. Secondly, it verified the effective application of the discounts agreed by the three refining companies in the country as a mechanism for exempting them from the economic benefits required of them by the aforementioned Royal Decree-Law ([INF/DE/059/22](#)).





## 8. INSPECTIONS

A total of 2,323 inspections were carried out in the field of energy, including 2,288 in the electricity sector (2,034 at renewable energy, cogeneration and waste generation facilities) and 35 in the gas and hydrocarbons sector.

The inspections covered various aspects of the regulated and deregulated markets. The main focus was on the verification of the information provided by companies for the regulated activities settlement system and the regulated remuneration system. To this end, a representative sample of companies was selected, covering approximately 75% of the revenues from regulated activities in different years (both regulated network activities and facilities with a specific remuneration system).

With regard to the settlement of regulated activities, significant discrepancies were found in the data submitted by electricity distributors to determine their remuneration, which will be reflected in the decisions recognising the final remuneration. There were also incidents in the declaration of income linked to fraud and the invoicing of excess power, with the Regulatory Oversight Chamber deciding on adjustments amounting to €18 million.

The CNMC prepared thirteen proposals for the final settlement of the interruptible demand management service and two reports on the recognition of supplies from electricity distribution companies and transmission companies as their own consumption.

Finally, the Commission proposed to open nine infringement proceedings as a result of inspections, mainly against retailers.

## 9. SANCTIONING ACTIVITY

Most of the infringement proceedings were related to non-compliance in the electricity market, although there was a clear trend towards a reduction in the number of cases related to the behaviour of retailers (15 proceedings for lack of guarantees, 22 proceedings for non-payment of charges, and one for failure to purchase), as well as ten proceedings relating to changes of suppliers without consent or consumer protection. In the gas sector, the CNMC initiated eight proceedings for various infringements.

As in previous years, the Commission conducted proceedings whose outcomes are the responsibility of either the MITERD or the Council of Ministers. These proceedings are related to non-compliance with minimum gas and oil stocks and with the biofuel system. In total, 53 proceedings were initiated during 2023, the same number as in the previous year.

The infringement proceedings are shown in the [table](#) below. In total, the Regulatory Oversight Chamber decided on 45 infringement proceedings in 2023, resulting in total fines of more than €11 million.

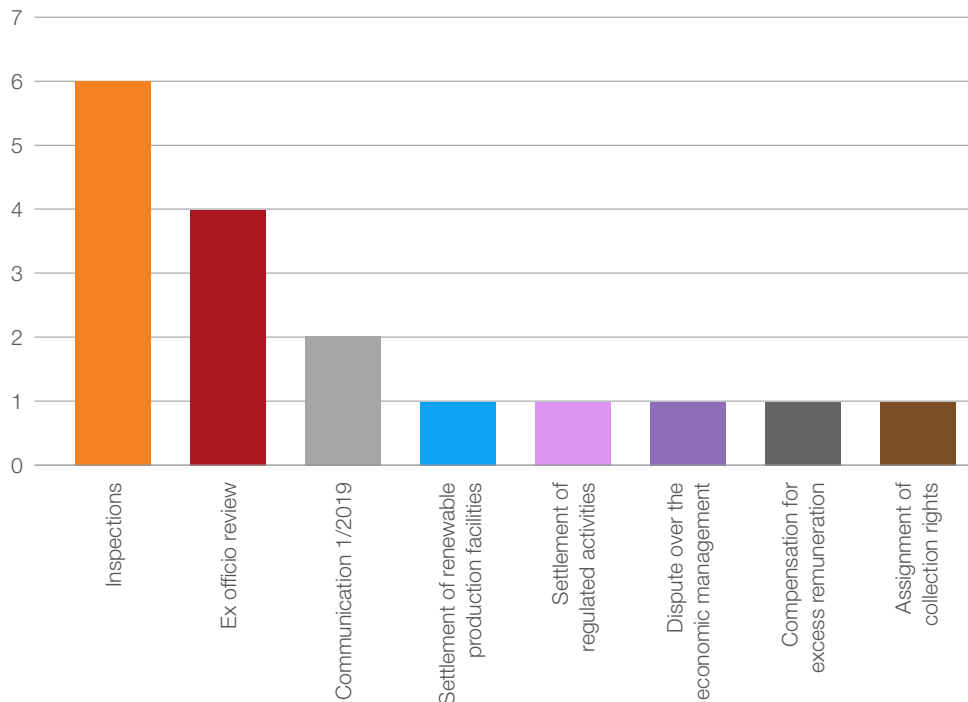


## 10. JUDICIAL REVIEW OF ENERGY PROCEEDINGS

In 2023, the National High Court issued a total of 17 rulings as part of its judicial review of the CNMC's activities in the energy sector.

Of the 17 rulings, the largest number were related to inspection procedures (six rulings), followed by rulings related to ex officio review procedures (four rulings) and to Communication 1/2019 on the definition of ratios (two rulings).

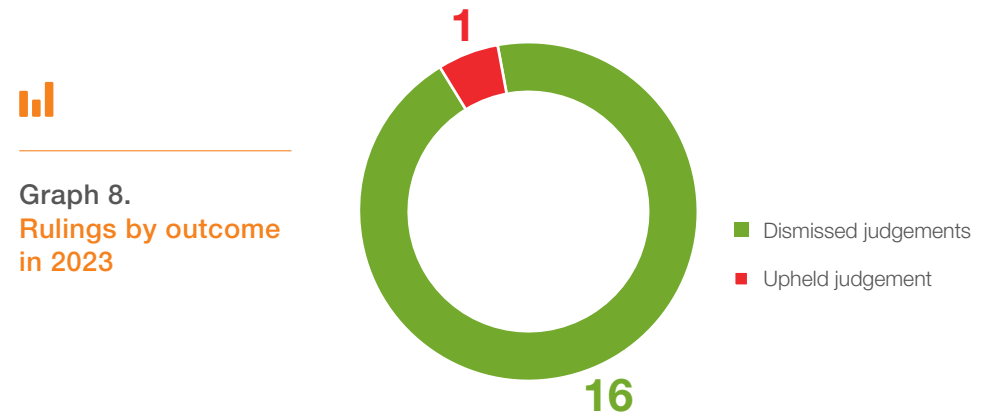
**Graph 7. No. of rulings by the National High Court on CNMC decisions regarding the energy sector**



There was also one ruling on each of the following matters: (i) settlement of renewable production facilities (specific remuneration regime), (ii) settlement of regulated activities, (iii) dispute over the economic management of the gas system, (iv) compensation for excess remuneration of a facility and (v) assignment of collection rights for the accumulated deficit of the gas system.

The rulings issued are divided into those rejecting (16) the appeals lodged by the operators—thus in favour of the CNMC—and those upholding (1) the appeals. This means 94% of the rulings were entirely in favour of the CNMC.

**Graph 8. Rulings by outcome in 2023**



### 10.1. Main court rulings

The rulings of the Spanish National High Court of 15 November 2023<sup>41</sup> dismissed the appeals lodged by two operators against the CNMC's Communication 1/2019 of 23 October 2019, which establishes the ratios for assessing the level of indebtedness and the economic and financial capacity of companies carrying out regulated activities, as well as the recommended ranges of values for these ratios.

<sup>41</sup> Appeal 955/2019 and Appeal 972/2019.

The National High Court argued that while the Communication is not regulatory in nature, it does have an external impact (*ad extra* projection), which could justify the admissibility of the appeals lodged. However, since it is not binding in nature and its purpose is to guide the CNMC's actions by defining a series of ratios and recommended ranges of values, the infringements claimed by the operators (relating to the approval procedure, lack of jurisdiction, lack of reasoning, etc.) could not be upheld.

The National High Court also confirmed that the Communication is based on technical criteria that are sufficiently well-founded and not arbitrary.

Meanwhile, the largest block of rulings<sup>42</sup> related to inspection procedures carried out by the CNMC, which led to adjustments to the regulated settlements of several distribution companies during the 2015, 2016 and 2017 financial years.

Although each case has its own particularities, all of them questioned the treatment that should be given to the consumption of distribution activities prior to the entry into force of Circular 3/2020, which establishes the methodology for calculating electricity transmission and distribution charges.

At the same time, the National High Court recalled that in order to benefit from the exemption provided for in Article 1(2) of Royal Decree 1164/2001 of 26 October 2001, which establishes the tariffs for access to the electricity transmission and distribution networks, companies must apply to the DGPEM for approval of their own consumption during the first quarter of the year, attaching the declaration of electricity supplies for the previous year.

<sup>42</sup> Judgment of the National High Court of 23 April 2023 (appeal 653/2019), Judgment of the National High Court of 26 April 2023 (appeal 658/2019), Judgment of the National High Court of 26 April 2023 (appeal 648/2019), Judgment of the National High Court of 14 June 2023 (appeal 656/2019), Judgment of the National High Court of 28 June 2023 (appeal 654/2019) and Judgment of the National High Court of 28 June 2023 (appeal 1868/2021).

In addition, the National High Court did not consider the inspection procedures to have lapsed, as the applicable period is that of Article 62 of Law 24/2013, of 26 December 2013, on the Electricity Sector, i.e. twelve months from the date on which the interested parties were notified of the start of the inspections.

The second largest number of rulings<sup>43</sup> related to the ex officio review procedures carried out by the CNMC in the regulated settlements of the natural gas sector, regarding the payments made to several operators on the “Castor” underground storage facility.

Similarly, the ruling<sup>44</sup> on the assignment of collection rights for the accumulated deficit of the gas system also referred to the Castor underground storage facility.

Lastly, it should be noted that the only ruling that upheld an appeal<sup>45</sup> received during this period, concerning the compensation of the excess remuneration of a cogeneration facility, expressly allowed the CNMC to carry out the disputed compensation through the procedure provided for this purpose in Circular 1/2017, which regulates the request for information and the procedure for settlement, billing and payment of the specific remuneration system for electricity production facilities from renewable energy sources, cogeneration and waste.

<sup>43</sup> Judgment of the National High Court of 29 June 2023 (appeal 952/2019), Judgment of the National High Court of 29 June 2023 (appeal 95/2020), Judgment of the National High Court of 5 July 2023 (appeal 703/2019) and Judgment of the National High Court of 5 July 2023 (appeal 93/2020).

<sup>44</sup> Judgment of the National High Court of 5 July 2023 (appeal 792/2019).

<sup>45</sup> Judgment of the National High Court of 5 April 2023 (appeal 7/2019).



# TRANSPORT AND POSTAL SECTORS



The **Transport and Postal Sectors Directorate** is responsible for investigating cases relating to the supervision of the rail and postal sectors, as well as the supervision of airport charges. It is also responsible for examining disputes brought by economic operators in these sectors.

The main activities of the Transport and Postal Sectors Directorate in 2023 are outlined below. Other proceedings and actions carried out can be found in [Appendix VI](#).

## 1. AIRPORT SECTOR

### 1.1. Airport charges for 2024

In its [decision of 1 February 2024](#), the CNMC established that the maximum annual revenue per adjusted passenger to be applied to the airport charges for 2024 is €10.35 per passenger, which represents a variation of 4.09% with respect to the charges for 2023.

Prior to this decision, on [29 June 2023](#), the CNMC ruled on the allocation to regulated services of the health and operating costs incurred by Aena, which it is entitled to recover through the charging system, as established in Law 2/2021 of 29 March 2021, on urgent prevention, containment and coordination measures to deal with the health crisis caused by COVID-19.

Also preceding the decision on the charges for 2024, on [8 June 2023](#), the CNMC had decided on the P index, which reflects the impact on Aena's cost base of annual variations in the price of inputs beyond its control but affecting its activity.



## 2. RAILWAY SECTOR

### 2.1. Evolution of the railway sector

The [2022 annual report on the railway sector](#), approved on 25 July 2023, showed that the corridors with competition (Madrid-Barcelona since 2021 and Madrid-Valencia in the last quarter of 2022) were the ones that gained the most passengers that year. The introduction, by means of Royal Decree-Law 14/2022 of 1 August 2022, of free commuter and conventional medium-distance services and 50% discounts on AVANT services for frequent travellers, also significantly boosted train use. The total number of passengers increased by 36% compared to 2021, though it remained 14% below pre-pandemic levels in 2019. Freight transport in 2022 maintained the same net tonne-kilometres transported as in 2021, but experienced a 6.2% decrease in net tonnes transported.

The [quarterly reports of the railway sector](#) confirmed the trend of increasing passenger numbers shown in 2022. The data for the third quarter of 2023, published in December, showed strong year-on-year growth in the liberalised corridors. Moreover, all the corridors with more than one competitor exceeded 2019 passenger numbers by at least 20%. The Levante corridor was particularly noteworthy, with the number of passengers doubling compared to pre-pandemic levels. Freight, on the other hand, recorded declines of at least 6% for all indicators compared to the previous year.



## 2.2. Supervision of capacity allocation framework agreements

In its [decisions of 10 January](#) and [28 February 2023](#), the CNMC approved the modification of the framework agreements of ADIF Alta Velocidad (ADIF AV) with RENFE Viajeros and OUIGO, respectively, in order to increase the flexibility of annual capacity requests due to the impact of the COVID-19 pandemic on rail service demand. This decision was in line with the modification of the framework agreement with ILSA carried out in 2021. The decision on the framework agreement with OUIGO also approved the extension of its validity until 10 May 2031, as the effective start of its implementation was delayed due to the effects of the pandemic.

On 21 November 2022, OUIGO filed a complaint with the CNMC, alleging that ADIF AV had modified its framework agreement with RENFE Viajeros without the required authorisation from the CNMC. The modification maintained four daily services between Madrid and Valencia and another four between Madrid and Alicante at Atocha station during two service timetables. However, it had previously been agreed that all operators would provide services to Valencia and Alicante with a terminus at Chamartín station, not Atocha. On [20 December 2022](#), the CNMC ordered ADIF AV, as a precautionary measure, not to allocate capacity to RENFE Viajeros for the provision of these services until the CNMC had ruled on the amendment of the framework agreement. On [10 January 2023](#), the CNMC adopted a decision on the requested amendment for one service timetable, subject to an increase in the subsidy to incentivise traffic from Chamartín station. To this end, ADIF AV had to modify the network statement, which was approved by the CNMC by [decision of 16 March 2023](#). The approval of the modification of the framework agreement with RENFE Viajeros for the second service timetable was conditional on the analysis of the effects on the market of the modification of the first service timetable. On [25 July 2023](#), the CNMC approved the modification of the framework agreement for the 2023/2024 service timetable.

On [25 April 2023](#), the CNMC closed OUIGO's complaint but initiated infringement proceedings on [11 May 2023](#) to analyse the alleged non-compliance with the [CNMC's decision of 7 July 2022](#) on temporary capacity restrictions.

## 2.3. Approval of the weighted average cost of capital for railway service facilities

The [Communication of 26 July 2022](#) clarified the criteria for determining the costs allocable to services and aligned the concept of reasonable profit with the weighted average cost of capital (WACC). It developed a methodology for calculating the WACC, consistent with the interpretations of other rail sector regulators at the European level. The Communication stated that the CNMC would publish its estimate of the WACC and review it periodically.

In accordance with the aforementioned Communication, the [Decision of 11 May 2023](#) approved the pre-tax WACC, distinguishing between that of Renfe Operadora and that of other operators.

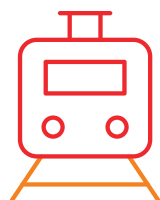
## 2.4. Consultation of users' representatives

The report on the [2023 consultation of users' representatives of rail transport services](#), approved on 18 May 2023, reflects the dissatisfaction of users with the situation of freight transport, both because of the lack of rolling stock and specialised staff and because of the high price of energy, which makes rail transport less competitive than road transport.

## 2.5. Economic equilibrium test of the OUIGO service between Madrid and Albacete

In October 2023, the Ministry of Transport requested the CNMC to carry out the economic equilibrium test provided for in Article 59 of the Railway Sector Act on the new OUIGO rail service between Madrid and Albacete, which overlaps with services subject to public service obligations (PSO). In accordance with the methodology approved by the [CNMC's Decision of 16 July 2020](#), it was concluded that OUIGO's services are not substitutable with the medium-distance services provided on the conventional network due to their longer journey times, and that frequent passengers (with a multi-journey pass) of AVANT would not substitute this service for OUIGO's services due to the higher frequencies and lower prices of AVANT. On the contrary, OUIGO could attract occasional passengers of the AVANT service.

The CNMC's analysis also considered that only services within a certain time slot, set at  $\pm 60$  minutes, compete with each other. Thus, in its [Decision of 20 December 2023](#), the CNMC established that the economic impact of OUIGO's new service amounted to 0.014% of the revenue of the public service contract, which should be added to the impact calculated in the [Decision of 22 December 2022](#) on the economic equilibrium test of ILSA's new service between Camp de Tarragona and Barcelona. The cumulative net financial impact of both services was 0.017%, less than the 1% required to consider that the new service has a significant negative impact on the equilibrium of the public service contract.



## 2.6. Report on the regulation of railway charges for 2024

The [Agreement of 18 January 2024](#) represents the first supervision of railway charges under the new approval procedure introduced by Law 26/2022 of 19 December 2022, which changes the legal nature of the charges, converting them from fees approved by the General State Budget Act to non-taxable public economic benefits that must be approved by regulation of the railway infrastructure managers.

From 2022, the infrastructure managers determine the direct costs to be allocated to the charges, based on the costs provided for in the agreements signed with the Ministry of Transport in 2021. In view of the discrepancies found between the costs actually incurred and those foreseen, ADIF and ADIF AV were required to provide their best and most recent estimate of the costs, even if it did not match the estimate made in the aforementioned agreements.

The CNMC considered that the reclassification of certain variable gauge services from VL2 to VL1 (UIC gauge services up to 300 km/h), as proposed by the infrastructure managers, was appropriate because these services run at up to 250 km/h on A-lines, which the European Commission considers to be high speed. However, the direct costs of all variable gauge services should be reviewed since, for the purposes of calculating the direct cost, they all produce the same wear and tear on A-lines. Furthermore, since ADIF AV did not justify that the Madrid-Cádiz and Madrid-Huelva services could bear a mark-up, the reclassification should not lead to the imposition of such a mark-up.

With regard to the proposal for a subsidy on A-lines, the CNMC pointed out that ADIF AV would have to justify the criteria used to determine the target traffic. On the Madrid-Barcelona line, where the CNMC proposed to increase the maximum subsidy from 25% to 35%, the infrastructure manager was required to increase the target traffic in the same proportion as the forecast traffic, so that the effective subsidy would increase in line with the announcement made by the infrastructure manager.

### 3. POSTAL SECTOR

#### 3.1. Annual report on the postal sector

The [annual report on the postal sector for 2022](#), approved on 6 July 2023, shows that the parcels sector recorded almost 1.04 billion items, 4.4% less than in 2021, but had a turnover of €6.587 billion, 1.9% more than in 2021 (and 85% more than five years ago). Letter mailings fell by 13.7% to 1,495 million compared to 2021, accumulating a decline of 57% since 2015. Revenue fell by 7.1% to €1.16 billion, a cumulative decline of 13% since 2015.

#### 3.2. Supplementary report on the methodology for calculating the net cost of the universal postal service

The CNMC has had the power to review the net cost and determine the unfair financial burden of the Universal Postal Service (UPS) since the Postal Sector Act came into force in 2011. However, it was unable to exercise these powers until recently due to the lack of a methodology for calculating the net cost. This methodology, which should have been approved by the Council of Ministers, was finally approved in June 2021 as part of the Universal Postal Service Provision Plan. Prior to initiating the proceedings in which the CNMC will determine the unfair financial burden for each year, and without prejudice to the adjustments that may be made in each case under the current calculation methodology, the CNMC approved this [report](#) on 19 September 2023 to warn of two problems with the methodology, in addition to those already identified in the [2020 report](#) on the draft Provision Plan. The new report calls for a modification of the methodology to be applied starting with the determination of the unfair financial burden for 2021.

#### 3.3. Quantification of the net cost and determination of the unfair financial burden for the provision of the universal postal service in 2011

Following the supplementary report on the methodology for calculating the net cost of the UPS of 19 September 2023, the CNMC determined the unfair financial burden for 2011 in its [Decision of 30 November 2023](#). The designated operator for the provision of the UPS estimated the unfair financial burden at €171.5 million, which the CNMC corrected to €159.3 million. A penalty of €40,604 was imposed for failing to meet the quality objectives required for the provision of the universal postal service.

#### 3.4. Decision on the monitoring of the conditions for the provision of the universal postal service in 2021

On 28 March 2023, the CNMC issued a [decision on the monitoring of the conditions for the provision of the universal postal service for the financial year 2021](#). This is the first quality control of the provision of the UPS carried out after the approval and entry into force of the UPS Provision Plan in June 2021. This Provision Plan sets out a series of quality targets to be met by the designated operator for the provision of the UPS in terms of the number of complaints and claims, customer service quality, delivery times and mail security. Following the monitoring, the CNMC concluded that the designated operator met the quality objectives in terms of customer service and delivery time for ordinary letters in D+3. However, it failed to meet the other targets, namely those related to complaints and claims, delivery times for ordinary letters in D+5, and delivery times for parcels and registered letters, as well as those related to the security of deliveries. The CNMC also identified certain methodological problems in the measurements, which the designated operator will have to correct in future estimates.

According to the Provision Plan, non-compliance with the delivery time targets for ordinary letters and parcels leads to a reduction in the unfair financial burden. All other breaches, if repeated, result in penalties starting with the 2022 monitoring of the UPS delivery quality.

During the first application of the new quality indicators, the CNMC identified some problems in the interpretation of their specifications, as well as significant deviations in the designated operator's performance from the targets set. In the CNMC's view, these issues warrant a detailed analysis by the Ministry of Transport, the competent authority in the postal sector.



## 4. JUDICIAL REVIEW OF TRANSPORT AND POSTAL SECTORS PROCEEDINGS

A continuación, se destacan los principales pronunciamientos judiciales tanto en materia de transportes como del sector postal. De los ocho pronunciamientos habidos, siete han sido favorables a la CNMC.

### 4.1. Rail transport

In the **railway sector**, the National High Court issued three rulings in 2023 dismissing appeals filed against CNMC decisions. In addition, the Supreme Court dismissed an appeal lodged against a ruling of the National High Court that upheld a CNMC decision.

In judgments of 3 March 2023 and 12 May 2023, the National High Court dismissed the appeals brought by ADIF and ADIF-AV against the CNMC decisions of 30 January 2020 ([SNC/DTSP/041/19](#) and [SNC/DTSP/042/19](#)).

The CNMC had imposed fines on them for non-compliance with the Decision of 27 September 2018 regarding the charging proposal, as ADIF and ADIF-AV failed to include the required changes in the calculation of their direct costs. The National High Court held that the CNMC's Decision of 27 September 2018 was enforceable and had become final as it had not been appealed, and that the existence of fault could not be denied.

The third judgment of the National High Court dismissed the appeal against the CNMC Decision of 10 December 2020 on the prices for the provision of basic services at the facilities of Renfe Fabricación y Mantenimiento S.M.E. S.A. ([STP/DTSP/025/20](#)).

The National High Court held that the CNMC is competent to supervise and control the tariffs set by the aforementioned company for the provision of maintenance services. As for the merits of the case, the National High Court validated the CNMC's analysis, which allows for a more accurate determination of the

actual costs of providing the rail service, as well as the use of the WACC for calculating the reasonable profit.

For its part, the Supreme Court's judgment of 22 March 2023 dismissed the appeal lodged by Renfe Operadora E.P.E. against the National High Court's ruling of 15 April 2021, which dismissed the appeal for judicial review filed against the CNMC's Decision of 21 December 2017 in Case [STP/DTSP/053/17](#) (on the selection and recruitment procedures for train drivers).

The Supreme Court held that the CNMC is the competent authority in relation to the recruitment of train drivers and can impose obligations to ensure diversity of supply. It found that there was evidence of market distortion as a result of Renfe Operadora's advantages in the recruitment of drivers and that the CNMC's action was therefore justified, as the National High Court had rightly found.

## 4.2. Postal sector

In the **postal sector**, the National High Court issued five rulings, two of which dismissed the appeals filed against the CNMC's decisions and the other three upheld the appeals.

In its rulings of 8 and 10 May 2023, the National High Court dismissed the appeals brought by Correos against the CNMC's decisions to review its accounting results for the 2016 and 2017 financial years, issued on 3 and 28 April 2020, respectively ([VECO/DTSP/003/20](#) and [VECO/DTSP/002/20](#)). The National High Court found that the CNMC has full authority to verify the analytical accounts of the designated operators, including the power to define the products that make up the universal postal service and the possibility to require operators to adjust their analytical products.

Furthermore, the National High Court ruled that there was no infringement of the case law of the Court of Justice of the European Union (CJEU judgment of 16 October 2019, cases C-4/18 and C-5/18 ) or of the EC Decision of 14 May 2020 (2020/NN), as European legislation does not impose a specific system of accounting allocation of administrative notifications.

For its part, the judgment of 2 June 2023 upheld Correo's appeal against the CNMC's Decision of 29 July 2020 for failure to comply with the quality targets for the delivery times of the "Paquete azul" parcel service for the years 2014 to 2018 inclusive ([SNC/DTSP/020/20](#)).

Postal parcels from 10 kg to 20 kg are included in the universal postal service (UPS), but the Postal Regulation (RD 1829/1999) did not set quality targets for these parcels, and the Provision Plan was approved only after the fact, in June 2021. The National High Court pointed out that there was no prior legal determination, since at the time of the facts there were no minimum quality deadlines for parcels of up to 20 kg.

The National High Court's rulings of 14 and 17 July 2023 upheld the administrative appeals lodged by Amazon Road Transport Spain S.L. (ARTS) and Amazon Spain Fulfillment S.L. (ASF) against the CNMC's Decision of 24 September 2020 declaring both companies to be postal operators ([STP/DTSP/006/20](#)).

The National High Court concluded that only the activities carried out by a postal operator for the purpose of sending postal items can be classified as postal activities, excluding preparatory activities or logistical services prior to the delivery of the postal items. ARTS, a company authorised as a transport operator, only carries out logistical activities that are essential for the dispatch of the goods sold, but it has not been proven that it carries out any activities relating to postal items once they have left its warehouses. Both rulings were appealed to the Supreme Court by the CNMC.





INTERNATIONAL  
ACTIVITY

## 1. COMPETITION LAW ENFORCEMENT AND COMPETITION ADVOCACY

At the EU level, the CNMC's activity focuses on engaging with its European counterparts within the framework of the European Competition Network (ECN<sup>46</sup>), on activities in the context of the European Competition Authorities (ECA) and on holding other meetings and gatherings with other European authorities.

The CNMC actively participates in other international forums on competition advocacy and promotion, such as the OECD, the ICN and UNCTAD. It also works closely with competition authorities in relevant geographic areas, such as Latin America and the Caribbean.

### 1.1. European Union: the European Competition Network (ECN)

The CNMC must cooperate with the European Commission and the competition authorities of other EU Member States in application of Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). This work involves, among other things, attending committees, working groups and expert meetings in accordance with the provisions of Regulation (EC) No 139/2004 on the control of concentrations between undertakings and Regulation (EC) No 1/2003 on the implementation of the rules on competition laid down in Articles 101 and 102 of the TFEU.

Thus, the ECN pursues the consistent enforcement of competition law, particularly Articles 101 and 102 TFEU, and seeks to agree on working procedures and communication mechanisms.

In this context, throughout 2023, the CNMC continued its contribution to the following areas:

- Organisation of the European Competition Day that took place on 17 October 2023 under the Spanish Presidency of the EU Council.
- Work and discussions on the review of Council Regulation 1/2003 of 16 December 2002 on the implementation of the competition rules laid down in the EU Treaty.
- Assistance to the European Commission in the implementation of Regulation EU 2022/1925 of the European Parliament and of the Council of September 2022 on digital markets (or DMA), including the membership of the CNMC's President in the High-Level Group, representing the ECN, and the participation of the CNMC in the ECN's working groups and advisory committees on this Regulation.
- Participation in the work and discussions within the ECN for the reform of the Communication on guidance on the European Commission's enforcement priorities in applying Article 82 of the EU Treaty (currently Article 102 of the TFEU) to abusive exclusionary conduct by dominant undertakings.
- Participation in the review procedures of the R&D Horizontal Block Exemption Regulation and the Specialisation Horizontal Block Exemption Regulation, of their respective interpretative guidelines finally adopted on 1 June 2023, and on the package of measures to simplify merger control procedures (in application of Council Regulation 139/2004), published in April 2023 and in force as of 1 September 2023.
- Discussions and analysis of regulations on the definition of "relevant market", and of the EU Regulation on foreign investment, which was published on 23 December 2023.
- Response to multiple requests for information on competition advocacy from other authorities.

<sup>46</sup> European Competition Network.

- Participation in the ECN's working groups<sup>47</sup>, with contributions to the following groups: Agri-Food, Pharmaceuticals, Cooperation, Cartels, Fines, Digital, Artificial Intelligence and Digital Research, Vertical and Horizontal Agreements, Financial Sector, Telecommunications, Environment, Mergers, Competition Advocacy and Chief Economists.

Within the framework for the application of Articles 101 and 102 of the TFEU, in 2023, the DG COMP (the European Commission's Directorate-General for Competition) provided the CNMC with documents relating to a total of 14 cases investigated by the European competition authority. Meanwhile, the CNMC notified the ECN authorities of a total of five cases. The CNMC also participated in a total of 10 hearings and 23 meetings of the Advisory Committee, convened by the DG COMP.

As part of the informal cooperation activities in the ECN, the CNMC received and answered a total of 121 queries from other ECN authorities.

In terms of mergers, and under Regulation 139/2004, the CNMC received a total of 351 merger-related notifications from the DG COMP and was involved in 30 cases of reassignment (Articles 4.4, 4.5, 9 and 22 of the Regulation).

## 1.2. European Competition Authorities (ECA)

The ECA serves as a forum for discussion among competition authorities of European countries, both within and outside the EU, and for cooperation in merger control.

Under the ECA-meeting 20 April 2001 Agreement, the CNMC received 186 notifications and notified two multi-jurisdictional mergers.

<sup>47</sup> Participation in all these groups is very intense: the CNMC makes contributions and gives presentations in each of these groups.

## 1.3. Organisation for Economic Co-operation and Development (OECD)

The OECD Competition Committee aims to protect and promote competition as the backbone of all modern economies. To this end, it brings together the competition authorities of the 38 OECD member countries, as well as the EC. The President of the CNMC is a member of the Bureau of the OECD Competition Committee.

The CNMC made [written contributions](#) and interventions and gave presentations on competition advocacy at the meetings of the [Competition Committee](#) and its working groups in June and December 2023. It also participated in the [Global Forum on Competition](#), held in December.

The CNMC also participates in specific working groups such as *Intellectual Property Rights and Competition*, *the Network of Economic Regulators (NER)* and the *Regulatory Policy Committee*. In addition, the CNMC has participated in the drafting of various OECD recommendations.

Finally, in 2023 the CNMC participated in seminars and training activities developed by the OECD's regional competition centres.

## 1.4. International Competition Network (ICN)

The CNMC continues to participate in the activities and groups of the International Competition Network (ICN), which promotes the convergence of competition law and policy, coordination in the promotion of competition and cooperation between authorities at the international level.

The CNMC hosted the 22nd Annual ICN Conference in Barcelona from 18 to 20 October 2023. This was the first time that the ICN's flagship event was held in Spain and it featured an intense agenda of exchange of experiences and sessions on current competition issues. The annual conference registered a record attendance with more than 400 participants from almost 100 different jurisdictions.

In addition, the CNMC is represented by its President in the Steering Committee of the network and co-chairs the Unilateral Conduct Working Group since May 2022. In this group, during 2023, the CNMC participated by giving presentations at the workshop held in Tokyo in March and organised a webinar on unilateral conduct in the pharmaceutical sector in February. It also participated in the meeting of the Chief Economists working group in Bergen (Norway).

Finally, the CNMC is involved in the new ICN work plan projects for 2023/2024.

### 1.5. Latin American and Caribbean Forum, Ibero-American Competition Forum and other activities with Ibero-America

The Latin American and Caribbean Competition Forum (LACCF) is a project of the OECD and the Inter-American Development Bank (IDB) to promote the effective implementation of competition policy in Latin America.

In September 2023, the CNMC participated in the 20th edition of the LACCF<sup>48</sup> in Quito (Ecuador). The CNMC took part in the session on the *Gender Inclusive Competition Toolkit* and submitted [written contributions](#). The day before this event, the CNMC, together with the Portuguese competition authority—*Autoridade da Concorrência*—organised the Ibero-American Competition Forum 2023, moderating the roundtable on “Challenges in unilateral conduct: competition law enforcement, regulation and advocacy”.

Also in 2023, the CNMC organised the 18th edition of the Ibero-American Competition School, a space for learning, collaboration and mutual cooperation between Ibero-American competition authorities and the CNMC.

<sup>48</sup> <https://www.oecd.org/competition/latinamerica/2022forum/>

### 1.6. UNCTAD

UNCTAD (*United Nations Conference on Trade and Development*) is the body of the United Nations General Assembly that discusses issues and promotes initiatives related to development, trade and investment, assisting developing countries in integrating into the world economy.

In terms of competition law enforcement, UNCTAD has specific working groups such as the working group on cross-border cartels, in whose meetings the CNMC has participated.

The CNMC also took part in the 21st session of the Intergovernmental Group of Experts on Competition Law and Policy, held in Geneva in July 2023, where different ways of enhancing global cooperation in the implementation of competition policy and increasing convergence through dialogue were discussed.

The final report of the voluntary peer review of competition law and policy of the Republic of Paraguay was also presented at this session. The purpose of the review was to assess the legal and institutional framework of the competition system in Paraguay and the practical experience in the enforcement of competition law to date. The report presented identified strengths and weaknesses, as well as risks and opportunities, for improving the regulatory framework and institutional design of competition law in Paraguay.

### 1.7. Bilateral relations between the CNMC and other competition authorities

In 2023, the CNMC continued to strengthen ties bilaterally with other competition authorities and international organisations.

Specifically, the 4th Bilateral Meeting with the French competition authority was organised on 11 May at the CNMC’s headquarters. It included a full programme covering cooperation and exchange of experiences on mergers, anti-competitive practices, queries and the future of competition policy.

The CNMC strengthened its cooperation with several Ibero-American states with the signing of memoranda of understanding with Paraguay's National Competition Commission (CONACOM) in January 2023, with Mexico's Federal Economic Competition Commission (Cofece) in June 2023 and with the Dominican Republic's National Commission for the Defence of Competition (Procompetencia) in December 2023. In addition, the CNMC held several bilateral meetings with Ibero-American authorities throughout the year, including a bilateral meeting with Cofece in June 2023, another bilateral meeting with Procompetencia in July 2023 and finally, within the framework of the ICN annual conference, with Ecuador's Superintendence of Economic Competition.

The CNMC also collaborated with Peru's Indecopi through the EU technical assistance mechanism TAIEX, through which two officials from the Peruvian agency (an economist and a jurist) travelled to Spain to learn more about the procedures and enforcement of competition law by our national authority, with a full schedule of training sessions with CNMC staff.

Two other bilateral meetings were also held during the ICN annual conference: a bilateral meeting with the Director General and Deputy Director of DG COMP to discuss issues related to the digital sector, and another high-level meeting with Commissioner Didier Reynders, who temporarily took over competition matters in the College of Commissioners.

Finally, it should be noted that the Economic Intelligence Unit (EIU) participated during 2023 in the European Commission's TAIEX TSI PACE project, conducting a study visit on collusion detection and investigation tools in Bucharest (Romania) to the Romanian Competition Authority.

## 2. TELECOMMUNICATIONS AND AUDIOVISUAL MEDIA

### 2.1. Telecommunications

#### 2.1.1. BEREC

The Body of European Regulators for Electronic Communications (BEREC) is not only the main forum for cooperation and harmonisation in the telecommunications sector among national regulatory authorities; it also ensures a consistent application of the European regulatory framework and advises the European Commission, Parliament and Council on matters related to electronic communications.

As a member of this body, the CNMC maintained an active presence in all BEREC working groups and continued to co-chair two of the most important: the Working Group on Economic and Market Regulation and the Working Group on Planning and Future Trends.

On 14 and 15 September 2023, the CNMC organised the third BEREC Contact Network meeting in Barcelona, which brought together representatives of member regulators, observer countries and EC representatives.

In addition, the CNMC is part of the Independent Regulators Group (IRG), which brings together the European National Telecommunications Regulatory Authorities to share experiences on the regulation and development of the European telecommunications market. The CNMC will hold a vice-presidency in this body throughout 2024.

#### 2.1.2. Other regions

The Forum of Latin American Telecommunications Regulators (Regatel) is the main forum for cooperation between telecommunications regulators in Latin America and the Caribbean.



In 2023, the CNMC continued to lead and promote the activities of this forum as a member of its Executive Committee and maintained an active presence in its working groups.

Additionally, the CNMC continued to participate, as one of the founding members, in the technical and high-level meetings of the Euro-Mediterranean Regulators Group, EMERG, thus strengthening the exchange of best regulatory practices between the countries on both sides of the Mediterranean.

Finally, the CNMC contributed to the work of the International Telecommunication Union (ITU) and the Organisation for Economic Co-operation and Development (OECD). Regarding the ITU, the CNMC is the main source of information on telecommunications and information and communication technologies (ICT) statistics in Spain. In this capacity, it participated in the regular data requirements of the OECD's Working Party on Communication Infrastructure and Services Policy (CISP).

## 2.2. Audiovisual media

### 2.2.1. ERGA

The CNMC closely follows regulatory developments in the European Union and in the European Regulators Group for Audiovisual Media Services (ERGA). Because of its institutional importance, it should be noted that the CNMC was re-elected as Vice-Chair of ERGA for 2024.

It should also be noted that the European Media Freedom Act (EMFA) established an independent European Board for Media Services (EBMS) to replace ERGA. The Board will advise and assist the European Commission and promote the consistent application of the key provisions of the EMFA and the Audiovisual Media Services Directive (AVMSD) in all Member States, particularly by issuing opinions and assisting the EC in the development of guidelines.

EBMS is expected to be operational at the beginning of 2025. Therefore, in 2024, ERGA will work diligently to ensure a smooth transition to EBMS. The CNMC will play the key role of inaugural chair of this new body.

As Vice-Chair of ERGA, the CNMC has represented this group at various conferences and institutional events relevant to the audiovisual sector. Participation in these events has not only consolidated ERGA's presence on the international scene but has also contributed significantly to the promotion of the group's positions.

At the technical level, the CNMC actively participates in ERGA's activities, with a special focus on the discussions concerning the implementation of the DSCA in all Member States; the implementation of the Digital Services Act (DSA) and on the draft EMFA.

### 2.2.2. Other international forums

The CNMC is a member of the European Platform of Regulatory Authorities (EPRA), a network of 56 European audiovisual media regulators, and the Mediterranean Network of Regulatory Authorities (MNRA), which brings together 27 authorities.

Latin America is another priority area for cooperation. In this regard, the CNMC actively participates in the activities of the Plataforma de Reguladores del Audiovisual Iberoamericana (PRAI), which includes regulators and similar institutions from Argentina, Chile, Spain, Peru, Portugal, Ecuador, Mexico, Colombia and Brazil, as well as Costa Rica and Morocco as observer members.

### 2.2.3. European Union Rule of Law Report

The CNMC actively contributes to the European Commission's preparation of the European Union Rule of Law Report. This report covers, among other things, issues relating to media freedom, media pluralism and the activities of audiovisual regulators in each Member State.

### 3. ENERGY

The CNMC's international activity in the field of energy in 2023 focused mainly on collaborating with European energy regulators to implement Community regulations at the regional level through its involvement in several areas:

#### 3.1. Cooperation between energy regulators at the European level (ACER, CEER, REGIONAL INITIATIVES)

In 2023, European work focused on the discussion and negotiation of the Electricity Market Design (EMD) regulatory package, the amendment of the REMIT regulation on wholesale market supervision, the adoption of the regulatory proposals of the Fit for 55 package and the negotiation of the natural gas decarbonisation package.

In addition, regulatory activity continued to focus on monitoring the implementation of the Third Package and the Clean Energy Package for the creation of the Internal Gas and Electricity Market, on the extension of the measures adopted in 2022 on security of gas supply and energy prices in Europe and monitoring their implementation, on the follow-up and support to the discussions on the decarbonisation package for the natural gas sector and on the development of the 6th list of EU Projects of Common Interest (PCIs), applying Regulation (EU) 2022/869 on the new TEN-E (Trans-European Networks for Energy) for the first time.

2023 was also an intense year in terms of work on the implementation of electricity regulations, with several important projects expected to be completed during 2024, including intraday auctions, European balancing platforms and the settlement of the fortnightly deviation.

Specifically, in the area of the Regional Electricity Initiative (South-Western Europe), the CNMC worked mainly on adapting Spanish regulation, modifying

the Market Rules and Operating Procedures under its jurisdiction to align them with the different methodologies approved by ACER and the National Regulatory Authorities (NRAs), and to continue progressing in the harmonisation and integration of the markets. In 2023, the NRAs in South-Western Europe region approved a methodology for calculating capacity at the balancing horizon.

The South Gas Regional Initiative (SGRI), led by the CNMC, worked on the harmonised implementation of Article 14 of Regulation (EU) 2022/2576 on congestion management mechanisms on interconnections, on monitoring the operation of interconnection pipelines and markets in the region, as well as on following the development of projects and regulations related to renewable gases.

The CNMC was also present at the Florence Electricity Forum, the Madrid Gas Regulatory Forum, the Dublin Consumer Forum and the Copenhagen Infrastructure Forum.

#### 3.2. Market integration in the Iberian region: MIBEL<sup>49</sup> and MIBGAS<sup>50</sup>

Two documents were published on the Iberian market, the first on strengthening cooperation between ACER<sup>51</sup> and ESMA<sup>52</sup> to improve the supervision of European wholesale energy markets and the second on the measures taken at the European level in the context of high energy prices, as well as a study on long-term bilateral power purchase agreements, known as Corporate Power Purchase Agreements (PPAs). The second edition of the MIBEL Prize was also awarded in 2023.

<sup>49</sup> For further information visit: [www.mibel.com/](http://www.mibel.com/)

<sup>50</sup> The progress made in the field of MIBGAS has been referred to in the previous section on European regional initiatives. For further information, visit: [www.mibgas.es/](http://www.mibgas.es/)

<sup>51</sup> Agency for the Cooperation of Energy Regulators (ACER).

<sup>52</sup> European Securities and Markets Authority (ESMA).

### 3.3. Cooperation of energy regulators in the Mediterranean region: MEDREG

In 2023, Mediterranean regulators focused their work on improving consumer protection, promoting the exchange of experiences on energy efficiency and labelling, analysing the measures adopted in the gas sector during the energy crisis for security of supply, and launching a study on the future role of hydrogen in the energy sector, as well as the implementation of smart grids and smart meters.

### 3.4. Cooperation of energy regulators in Latin America: ARIAE<sup>53</sup>

ARIAE serves as a forum for communication between specialists and professionals from different Ibero-American regulators, with the aim of promoting the exchange of experiences and knowledge.

In 2023, the CNMC actively participated in and contributed to the organisation of ARIAE's activities and events through its 1st Vice-Presidency and Executive Secretariat. The CNMC held various regulatory workshops, coordinated working groups and organised the corresponding General Assemblies. It also participated, through ARIAE, in the World Forum on Energy Regulation (WFER VIII) held in Lima, Peru.

<sup>53</sup> For further information, visit: [www.ariae.org](http://www.ariae.org).

## 4. TRANSPORT AND POSTAL SECTORS

Firstly, regarding the rail sector, it should be noted that the CNMC's President has been elected Vice-President of the IRG-Rail<sup>54</sup> for 2024, which means that she will chair the IRG-Rail in 2025. Concerning the activities carried out in 2023, the CNMC co-chaired the Working Group on Access Tariffs to Service Facilities and participated in the debate on the possible legislative amendment of the rules for the allocation of cross-border rail capacity. Within the framework of the European Network of Rail Regulatory Bodies (ENNRB)<sup>55</sup>, the European Commission presented its plan for the reform of the rules on the allocation of network capacity and requested the contribution of the regulators. In addition, the CNMC participated in the SERAF (Single European Railway Area Forum), a group of experts in the European railway sector created by the EC.

In the airport sector, the Thessaloniki Forum<sup>56</sup>, under the coordination of the CNMC, finalised reports on the powers that independent authorities must have in their national frameworks to ensure that they can carry out the tasks entrusted to them by the Airport Charges Directive and on the modulation of airport charges for environmental reasons.

The CNMC participated in the various working groups of the European Regulators Group for Postal Services (ERGP)<sup>57</sup>, co-chairing the Working Group on Access and Interoperability, which produced a report on the sustainability of the universal postal service. It also contributed to the preparation of other reports, in particular on the implementation of the regulation on cross-border parcels, on the future needs of the universal postal service, on the powers of regulators, and on the impact of the adaptation of the universal postal service.

<sup>54</sup> [IRG Rail \(irg-rail.eu\)](http://irg-rail.eu)

<sup>55</sup> [European Network of Rail Regulatory Bodies \(ENNRB\) \(europa.eu\)](http://europa.eu)

<sup>56</sup> [International Activities | CNMC https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=46276&fromExpertGroups=false](https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=46276&fromExpertGroups=false)

<sup>57</sup> [https://single-market-economy.ec.europa.eu/sectors/postal-services/european-regulators-group-postal-services\\_en](https://single-market-economy.ec.europa.eu/sectors/postal-services/european-regulators-group-postal-services_en)



## SUPPORTING UNITS

## 1. COUNCIL SECRETARIAT AND LEGAL ADVISORY OFFICE

### 1.1. Council Secretariat

The **Council Secretariat** performs the functions set out in Article 10 of the CNMC's Organic Statute. It is also the Secretariat of the Council for the Defence of Competition and of the Advisory Councils for Electricity and Hydrocarbons.

The main task of the Council Secretariat is to provide legal advice to the Council of the CNMC and to ensure the legality of its acts, agreements and decisions, as well as to attend Council meetings, take minutes and carry out all the actions related to the management of the proceedings (custody, notification, etc.).

The Council Secretariat is responsible for the **Legal Advisory Office**, whose main activities in 2023 are described below.

### 1.2. Legal Advisory Office

#### 1.2.1. Communication 1/2023 of 13 June 2023 on the criteria for determining the ban on public contracts for distortions of competition

In 2023, the CNMC approved [Communication 1/2023](#) of 13 June 2023<sup>58</sup>, which informs interested parties of the general criteria that the CNMC will take into account to determine, on a case-by-case basis, the markets to which and the duration for which the ban on public contracts should apply when so established in a CNMC decision.

<sup>58</sup> Published in the State's Official Gazette (BOE) on 30 June 2023.

Specifically, the document sets out the principles and parameters that will guide the CNMC's actions. These criteria combine the general provisions contained in public procurement legislation with the specific provisions on sanctions existing in competition law. The practical application of these criteria shall ensure the necessary balance between the principles of deterrence, effectiveness and proportionality, as well as an appropriate assessment of the impact of the measures adopted on the markets affected by the practices.

The CNMC will include the duration and scope of the bans in the resolution of disciplinary proceedings initiated after the entry into force of the Communication.

#### 1.2.2. Advisory activity

The Legal Advisory Office provides legal advice to all CNMC bodies with full functional autonomy.

Article 11 of the CNMC's Organic Statute establishes the cases in which the legal advisory report is mandatory, without prejudice to the reports that may be requested by the various units of the CNMC on an optional basis.

In 2023, the Legal Advisory Office issued reports in the following areas:

- Three reports on CNMC circulars and acts implementing them. These reports concern both informative and methodological circulars in the electricity and natural gas sectors.
- Six reports on procedures for the adoption of legally binding decisions, mainly in the field of access to electricity networks.
- Active participation in the drafting of Communication 1/2023 of 13 June 2023 on the criteria for determining the ban on public contracts for distortions of competition.



- Reports on 402 cases of disputes in regulated sectors dealt with in accordance with Article 12 of the LCNMC.
- 92 reports on contracts, 16 on agreements and six reports on public cooperation agreements.
- 284 reports and notes on various subjects and functional areas.

### 1.2.3. Procedural activity

The Legal Advisory Office is also involved in a wide range of procedures. In some cases, it conducts the proceedings; in others, it provides advice at the decision-making stage.

The main actions of the Legal Advisory Office in this area are highlighted below:

- In terms of market unity, it issued 19 reports under Article 26, 24 decisions under Article 28 and 25 official responses to requests to challenge Article 27, making a total of 68 actions.
- In the field of competition, it intervened in 53 proceedings at the decision-making stage, including:
  - Four infringement proceedings concerning anti-competitive practices.
  - Three proceedings relating to non-compliance with CNMC decisions.
  - Twenty-three decisions to dismiss the proceedings<sup>59</sup> and two closures of proceedings by a commitment decision.
  - Fourteen surveillance proceedings.
  - Seven proceedings concerning decisions to recalculate fines.
- In the field of regulatory oversight, it intervened in 52 proceedings at the decision-making stage.

<sup>59</sup> In case *S/0628/18 RESIDUOS 2*, two decisions to close the proceedings were issued: one on 1/03/2023 and the other on 22/03/2023.

- It conducted 72 proceedings in the area of transparency and requests for access to public information in accordance with the provisions of Law 19/2013, of 9 December 2013, on transparency, access to public information and good governance (Law 19/2013).
- It handled a total of 105 appeals for reconsideration, 10 appeals for review, four requests for ex officio review, one extraordinary appeal for review and eleven appeals under Article 47 of the Spanish Competition Act.
- It dealt with six claims for damages against acts and decisions of the CNMC.

### 1.2.4. Cooperation with courts and tribunals

The Legal Advisory Office carried out 1,051 actions in response to requests from courts and other public administrations, consisting of issuing reports, responding to requests for information, taking evidence, and more.

It is also worth highlighting the CNMC's actions in the field of private application of competition law in 2023. The CNMC cooperates with civil courts by responding to requests for access to sources of evidence through the production of evidence contained in the files of proceedings relating to competition law enforcement, in accordance with the provisions of Article 283bis(i) of Law 1/2007, of 7 January 2007, on civil proceedings (hereinafter "the Civil Proceedings Act"). In addition, the Legal Advisory Office responded to a request regarding the criteria for the quantification of damages referred to in Article 5(2)(b) of the LCNMC and Article 76(4) of the Spanish Competition Act. It explained the CNMC's guidance work in this area and informed about the existence of the Guide to the Quantification of Damages for Infringements of Competition Law, published in July 2023. Furthermore, in compliance with the *amicus curiae* procedure (Article 15bis(1) of the Civil Proceedings Act and Article 16(1) of the Spanish Competition Act), the Legal Advisory Office provided information at the request of the judicial body in cases concerning the application of Articles 101 and 102 of the TFEU and Articles 1 and 2 of the Spanish Competition Act.

### 1.2.5. Defence of the CNMC's acts and decisions in court

The Legal Advisory Office collaborates systematically and holds regular meetings with the State Attorney's Office before the National High Court and the Supreme Court to defend the CNMC's acts and decisions in court, issuing notes and reports on the matters requested, which totalled 198 in 2023.

The investigation directorates also participated in this process by drafting technical reports on the issues raised in the appeals for judicial review.

In 2023, the Legal Advisory Office continued to defend the CNMC in court in matters relating to conflicts of interest with the General State Administration, as well as in legal proceedings initiated under Article 5(4) of the LCNMC.

### 1.2.6. Electronic administration

The Legal Advisory Office continues to promote telematic notification procedures in accordance with the provisions of Law 39/2015, with a substantial increase in the transmission of data by the administered parties to carry out notifications using this method.

### 1.2.7. Preparation of periodic newsletters

The Legal Advisory Office prepares a monthly newsletter on case law, summarising court rulings in the areas of competition and regulation. Additionally, it provides monthly information on appeals lodged against decisions and acts of the CNMC.

Finally, it reports on significant judicial actions in the most relevant proceedings.

## 2. GENERAL SECRETARIAT

The CNMC has a **General Secretariat**, responsible for providing the body's common services, under the direct authority of the President of the CNMC.

In 2023, the most relevant achievements of the General Secretariat in terms of human resources included the entry into force and implementation of the CNMC's collective labour agreements, as well as the creation of job positions to perform new functions assigned to the CNMC. In addition, the CNMC obtained ISO 14001 certification, which certifies that the CNMC's environmental management system complies with the requirements of the international standard ISO 14001:2015.

### 2.1. Human Resources

#### 2.1.1. Staff data

As of 31 December 2023, the CNMC employed 534 people (civil servants and workers). During the year, there were 55 new arrivals and 38 departures.

The distribution of staff by profession, work unit, gender, age and qualifications is shown in [Appendix VIII](#).

#### 2.1.2. Procesos de selección de personal

In 2023, two specific competitive selection processes were held to fill 15 and 24 civil servant posts, respectively. In the first selection process, seven posts were definitively filled, three of them by existing CNMC staff and four by new recruits. The second competitive selection process, published in November 2023, is expected to be completed in 2024. Additionally, five open calls were published in 2023 to fill 15 civil servant posts.

Effective 3 July 2023, the competitive selection process called on 25 October 2022 within the framework of the Public Employment Offers for the years 2020 to 2022 was completed with 34 posts awarded.

The call for a selective procedure to fill 33 new positions for newly recruited staff, authorised in the Public Employment Offer for 2023, was published in the Official State Gazette (BOE) on 27 December 2023. On the same day, a call for another selective process was published to fill, by internal promotion, 24 posts also authorised in the Public Employment Offer for 2023. Both selective processes are expected to be conducted and completed during 2024.

### 2.1.3. Training

In 2023, 355 people (189 women and 166 men) participated in one or more training sessions as part of the CNMC's training plan, representing 65% of the staff.

The training actions with the highest participation were those related to the CNMC's functions, delivered by internal trainers, with 197 participants.

In 2023, 60 training sessions were held on competition and sectoral regulation.

### 2.1.4. Other human resources projects

The collective labour agreements for the CNMC's work centres in Madrid and Barcelona were published and came into force in 2023, following the conclusion of negotiations and the granting of the necessary authorisations. The agreements, which have a common basis, have made it possible to organise labour relations, standardise the applicable conditions and establish professional career plans for employees. During the first year of the collective agreements, the CNMC was able to promote these career plans by organising several internal promotion processes.

In 2023, progress was made in standardising a performance evaluation system that assesses skills and measures staff performance based on the achievement of objectives. For civil servants, the system was implemented with full effect as of January 2023, while for employees, it is expected to be implemented in 2024.

Finally, as a result of the CNMC's efforts, it was authorised to create 31 new posts for civil servants. It also obtained authorisation to create 57 new posts for employees (33 posts for new recruits and 24 posts for internal promotion) once the recruitment processes corresponding to the Public Employment Offer for 2023, described in Section 1.1.2, have been completed.

## 2.2. Economic and financial management

The main actions carried out in this area during the financial year 2023 are described below.

### 2.2.1. Contracts subject to the Public Procurement Act, asset contracts, agreements and other expenditure files

In the area of procurement, during the financial year 2023, the monitoring committee of the CNMC's Triennial Procurement Plan 2022-2024, approved in 2021, reviewed the degree of implementation of the plan. As a result of these actions and of the information collected from all CNMC bodies during the last quarter of 2023, a proposal to amend the original plan was submitted to the President of the CNMC.

With regard to ordinary management, as detailed in the [appended table](#), 123 contracts subject to the Public Procurement Act were entered into in 2023: 87 new contracts, 36 extensions of contracts awarded in previous years and 2 asset contracts subject to Law 33/2003, of 3 November 2003, on Public Assets: a new contract and an extension. The CNMC also launched tenders for 19 centralised procurement contracts (awarded by the Directorate-General for Contract Rationalisation and Centralisation): 11 contracts based on framework agreements and

8 specific contracts for dynamic purchasing systems. Additionally, the General Secretariat dealt with 182 fixed cash files and 75 files corresponding to other types of expenditure: 6 contributions to international organisations, 63 legal expenditure files, 2 contracts excluded from the Public Procurement Act and one payment of local taxes.

Furthermore, during the financial year 2023, the CNMC signed five public-public cooperation agreements under Article 32 of the Public Procurement Act and entered into nine collaboration agreements subject to Law 40/2015, of 1 October 2015, on the Legal Regime of the Public Sector.

### 2.2.2. Economic and budgetary management

The economic and financial management of a public body such as the CNMC involves the planning and proper management of the organisation's resources.

In 2023, the Council of the CNMC approved the [annual accounts](#) for the financial year 2022, following an audit by the Delegate Comptroller<sup>60</sup>, and the proposed revenue and expenditure budget for the financial year 2024, in accordance with Order HFP/1254/2023, of 22 November 2023, which lays down the rules governing the General State Budget for 2024.

The following [link](#) shows the implementation of the expenditure budget for 2023, detailing the implementation as of 31/03/2023, 30/06/2023 and 30/09/2023 for all budgetary programmes.

Furthermore, important work was carried out in 2023 on the digitisation and automation of data in the financial area, including the creation of dashboards

<sup>60</sup> Article 136.2 of the General Budget Law 47/2003 of 26 November 2003 establishes that the General Comptroller of the State Administration shall publish the annual accounts of the entities that make up the public sector of the Spanish State in the "Register of Annual Accounts of the Public Sector". They can be found at:

<http://www.pap.hacienda.gob.es/VisorXBRL/pagRecibirToken.aspx?modulo=6&refer=E|27302|R|2020>

for the management and supervision of the new social bonus and regulated activities.

Lastly, the General Secretariat managed, reviewed and checked the supporting documents submitted by electricity distributors in relation to the execution of projects eligible for funding under the national Recovery and Resilience Plan (RRP) for 2021 (Royal Decree 1125/2021, of 21 December 2021). This action led to the Council's approval of the report on the payment proposals for that year on 5 October 2023.

### 2.3. Common services

This area includes all the management, monitoring and control activities related to the provision of security, surveillance, cleaning, conservation and maintenance services for the buildings that make up the CNMC's headquarters and the movable property and equipment located therein. It also covers postal and courier services, auxiliary services, external archiving, and any other similar services that may be required.

In 2023, the CNMC obtained ISO 14001 certification. This certification, granted by SGS INTERNATIONAL CERTIFICATION SERVICES IBERICA S.A.U., accredits that the CNMC's environmental management system complies with the requirements of the international standard ISO 14001:2015.

The validity of ISO 14001 is universal and its fundamental mission is to provide organisations with a reference framework to protect the environment and respond to changing environmental conditions, in balance with socio-economic needs. The CNMC is therefore committed to continuing to comply with the environmental criteria established by this standard.

This certification marks a milestone in the CNMC's commitment to sustainable and environmentally responsible practices.

With regard to the organisation of events, the trend seen in 2022 continued in 2023, almost reaching the number of face-to-face events held in the years prior

to the coronavirus pandemic. This entailed performing all the tasks related to the management of these events. As mentioned above, three events of particular international relevance were organised in Barcelona in 2023: the 3rd meeting of the BEREC Contact Network, the plenary meetings of CEER and ACER, the European Competition Day and the 22nd Annual Conference of the ICN.

Meanwhile, work was carried out at the Madrid headquarters to repair the façade elements damaged by Storm *Filomena*. In Barcelona, the General Secretariat commissioned the migration and integration of a new fire detection centre, as the previous one had become obsolete.

## 2.4. Information and communication systems

The main actions carried out in this area in 2023 are described below.

### 2.4.1. Electronic management and processing of proceedings

The General Secretariat developed a system that allows companies to check online, at any time, who their proxies, representatives and contacts are according to the information on file with the CNMC.

The e-Office developed and implemented new procedures, such as the submission of information by electricity distribution companies for the monitoring and calculation of remuneration, in accordance with the formats established in Information Circular 8/2021, and the request for the reimbursement of amounts unduly paid in relation to the settlements of the specific remuneration scheme for electricity generation facilities using renewable energy sources, cogeneration and waste (RECORE).

### 2.4.2. Web and vertical applications

In 2023, significant progress was made on the platform for managing settlements in the energy sectors. The General Secretariat developed a module to manage

the settlement of the gas last-resort tariff (TUR) deficits, in accordance with Royal Decree-Law 18/2022. This achievement includes a series of advances that will improve the management of the gas system and the transmission of information to the financial system.

In addition, the General Secretariat, in collaboration with the Energy Directorate, developed a new function in the offer comparator called “Understand your bill”, which allows easier interaction with the CNMC’s offer comparator and facilitates the reading of QR codes and electronic links on electricity bills.

### 2.4.3. Artificial Intelligence

In the area of competition law enforcement, as explained in the section on the Competition Directorate, the General Secretariat, in collaboration with the Economic Intelligence Unit, developed a machine learning system to detect anti-competitive practices in public tenders.

It is also worth mentioning the development and implementation of a tool that automatically transcribes audio and video using neural networks, which is very useful for several CNMC units.

### 2.4.4. Infrastructure and communications

The General Secretariat made progress in network security, the configuration of redundant systems between Madrid and Barcelona, and the balancing of services.

### 2.4.5. Security

The 2023 security audit plan was implemented. Furthermore, the General Secretariat drew up the Security Regulatory Development Plan to draft the second-level regulations that will develop the CNMC’s Information Security Policy (ISP).



Following the drafting and implementation of the security framework policies for the REMIT environment (EU Regulation No. 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency), the CNMC successfully passed the peer review for access to ACER's REMIT-ARIS system data. This work was carried out in collaboration with the Energy Directorate.

#### 2.4.6. Technological support to competition inspections

In 2023, the CNMC implemented improvements in the operational procedures for the preparation of inspections (or dawn raids) and post-inspections, and renewed its technological equipment.



### 3. INTERNAL CONTROL

In accordance with the provisions of the LCNMC and its Organic Statute, the CNMC has an **Internal Control Department (ICD)** whose functional dependence and reporting capacity are governed by the principles of impartiality, objectivity and the avoidance of conflicts of interest.

The ICD is the unit responsible for ensuring that all actions carried out within the CNMC are conducted in such a way as to ensure an adequate level of compliance, effectiveness and efficiency in achieving its objectives, and that its functions and powers are exercised in accordance with the principles of impartiality, objectivity and independence.

In 2023, the Internal Control Department exercised its functions through the implementation of its 2023 Specific Action Plan, focusing on: (i) managing and controlling, in collaboration with other CNMC units, the subsidies granted to electricity distribution companies for the digitalisation of distribution networks, financed under the National Recovery and Resilience Plan (RRP); (ii) the effective implementation of the Anti-Fraud Plan in this area; (iii) submitting to the Council of the Annual Report on Regulatory Compliance of the decisions of the CNMC's bodies for 2022; (iv) producing the monitoring report on the CNMC's risk map for 2022 (pilot project); (v) implementing the CNMC's new internal information system, in accordance with the provisions of Law 2/2023 of 20 February 2023, which regulates the protection of persons who report regulatory infringements and the fight against corruption; and (vi) the Ancore Project, a comparative analysis of EU and non-EU regulators from the point of view of their structure and functions, human and financial resources, independence and autonomy requirements, regime and appointment of their decision-making bodies, accountability and transparency, etc.

Secondly, in 2023, the ICD carried out its ordinary and regular activities through various specific control actions and the preparation of notes and reports on matters related to the functions assigned to it by the CNMC's internal regulations; the

processing and preparation of the CNMC's general procedures; the management of the CNMC's Register of Stakeholders; the management of the complaints channel; the participation in or management of various horizontal and sectoral management committees (Information Security, Procurement, REMIT Security); material checks on investments (contracts); and activities related to transparency and conduct obligations.



## 4. ECONOMIC ADVISORY OFFICE

The CNMC's **Economic Advisory Department** assists the various units of the CNMC in matters requiring specialised economic and quantitative knowledge.

### 4.1. Investigation phase of competition infringement proceedings

One of the main tasks of the Economic Advisory Office is to assist the Competition Directorate in the investigation of infringement proceedings.

In 2023, the Economic Advisory Office carried out or reviewed the economic analysis of the effects of the practices under investigation in cases *S/0013/21 Amazon-Apple Brandgating* and *S/0005/21 Booking 2* (continued from the previous year), *S/0001/21 General Council of Court Solicitors*, *S/0011/22 Distribution of hydrocarbons*, *S/0633/18 Kantar/AETDT* and *S/0641/18 Dama-Unison Rights vs SGAE*, as well as in the monitoring proceedings *VTC/0034/19 EURO 6000*. It is worth highlighting the cooperation with the Competition Directorate in the economic analysis and requests for information in case *S/0011/22 Distribution of hydrocarbons*, and in the final phase of the investigation in case *S/0013/21 Amazon-Apple Brandgating*, which was closed in 2023.

In addition, the Economic Advisory Office assisted the Competition Directorate in the preparation of the fine set out in the draft decision on nine infringement proceedings.

### 4.2. Merger control proceedings

The Economic Advisory Office also cooperates with the Competition Directorate in the review of notified mergers requiring a higher level of economic analysis, as well as in the assessment of the economic reports submitted in support of the proposed transactions.

In 2023, the Economic Advisory Office was involved in the notified mergers that entered Phase II of the merger control procedure. In particular, it was involved in the preparation and analysis of dynamic data tables and in the testing of possible theories of harm in transaction *C/1336/22 BSC / MITECH*.

#### 4.3. Decision-making phase of competition infringement proceedings

The Economic Advisory Office assists the Legal Advisory Office in the decision-making phase of competition infringement proceedings.

Firstly, it is responsible for the economic analysis of the practices under investigation and their effects. In case *S/0013/11 Amazon/Apple Brandgating*, the Economic Advisory Office addressed the economic aspects of the parties' arguments on the CNMC's draft decisions and the four economic reports on which they were based. It also carried out the quantitative analysis and the analysis of the theories of harm to assess two proposals by the Competition Directorate to close cases *S/0016/20 ICO COVID Loans* and *S/0633/18 Kantar Media*. Additionally, it cooperated with the Competition Chamber in responding to the arguments on the proposed fines in the draft decision and in setting the fines in 11 cases.

Finally, it made eight proposals to recalculate the fine in compliance with court rulings ordering a review of the amount of the fine imposed by the Council of the CNMC.

#### 4.4. Responses to appeals against sanctioning decisions

Secondly, the Economic Advisory Office also collaborates with the Legal Advisory Office to assist the State Attorney's Office in responding to the claims filed by the parties against the CNMC's sanctioning decisions in competition proceedings. This cooperation focuses particularly on the parts of the claims that refer to economic aspects or to fines, especially when they are based on expert reports submitted by the claimants. The contribution of the Economic Advisory Office

sometimes involves drafting questions for the ratification of the expert reports submitted by the claimants.

In 2023, the Economic Advisory Office participated in the responses to 39 claims corresponding to 20 sanctioning decisions of the CNMC. This required the analysis of 12 expert reports and assistance in preparing the intervention of the State Attorney's Office for the ratification of seven of these expert reports. Notably, an expert report was prepared for case *S/0028/20 Leadiant*, which will be ratified in 2024.

#### 4.5. Ex post analysis and impact assessment studies

In 2023, the Economic Advisory Office prepared the third draft of the *ex post* analysis of case *VS/0316/10 Paper Envelopes*, which is expected to be finalised in the first half of 2024. It also collaborated with the Surveillance Sub-Directorate of the Competition Directorate in drafting the fifth surveillance report on the *VC/1052/19 CIMSA/CEMEX Assets* merger.

In addition, the Economic Advisory Office prepared its annual analysis of the impact of the CNMC's antitrust interventions (enforcement of infringements and merger control) in terms of consumer savings. The methodology was revised in 2023 and the CNMC worked with the European Commission in a multi-year project to produce an aggregate estimate for all EU members.

In this area, the CNMC's economic advisory team published the study titled "Impact of CNMC Interventions in Competition Law Enforcement"<sup>61</sup> in 2023.

Finally, as part of the ongoing analysis of the deterrent effect of sanctions imposed for competition law infringements, the Economic Advisory Office updated the database of competition sanctions (2011-2023).

<sup>61</sup> J. García-Verdugo, L. Gómez & A.M. Martín (2023): Impacto de las intervenciones de la CNMC en defensa de la competencia: metodología y estimación para el período 2012-2022 [Impact of the CNMC's interventions in competition law enforcement: methodology and estimation for the period 2012-2022], ICE, Revista de Economía, No. 931.

#### 4.6. Cooperation with other CNMC units

The Economic Advisory Office is a cross-cutting unit that collaborates extensively with the other directorates and units of the CNMC. Key highlights from 2023 include:

- Coordination of the Digital Economy Working Group, including the organisation of the second edition of an internal training course on the digital economy.
- Continued cooperation with the Competition Advocacy Department (Economic Analysis Sub-Directorate) and the Legal Advisory Office on the finalisation of the guide detailing the different methods for quantifying damages for competition law infringements.
- Continued collaboration with the Telecommunications and Audiovisual Media Directorate (Audiovisual Media Sub-Directorate) on developing a new methodology to analyse cost information to assess CRTVE's capacity to fulfil its public service mission. Work on this project will continue in 2024.
- Cooperation with the Competition Advocacy Department in reviewing the reports prepared by the Economic Analysis Sub-Directorate in support of the CNMC's administrative appeals.
- Continued collaboration with the Competition Directorate (Surveillance Sub-Directorate) in actions aimed at monitoring the turnover of companies fined by the CNMC, to detect irregular business successions and significant discrepancies between the turnover declared to the CNMC and that recorded in the final accounts submitted.



## 5. COMMUNICATION AND TRANSPARENCY

### 5.1. Communication

In 2023, the CNMC maintained its strong commitment to communication and transparency, recognising their crucial importance in conveying to the public the CNMC's role at the epicentre of the country's economic activity as a defender of the proper functioning of markets for the benefit of consumers and businesses.

#### Strategic lines of external communication:

- **Promotion of competition culture and regulation:** the CNMC continued to actively promote competition culture and regulation, bringing citizens closer to its core objectives of ensuring fair and efficient markets.
- **A primary source of reliable information:** the CNMC solidified its position as a primary source of rigorous and high-quality information, providing accurate and up-to-date data for understanding the economic landscape.
- **Intuitive and engaging communication:** the CNMC prioritised the use of intuitive communication tools, emphasising the use of audiovisual media and interactivity to provide clear, accessible and engaging information.
- **Proactive dissemination strategy:** the CNMC maintained a proactive strategy for disseminating content, ensuring that its actions and decisions effectively reached the right target audience.



**Media relations:**

The communications team maintained a constant and responsive relationship with national and international media outlets. In 2023, the CNMC issued a total of 221 press releases (many in English) and actively disseminated the most relevant decisions taken.

**Table 6. Total number of press releases (PR) for each year**

YEAR	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
PR	214	287	262	213	234	278	232	265	250	221

2023 saw a continuous effort to improve and adapt the Commission's communication strategies to meet the highest standards of quality and effectiveness, aiming to inform society and facilitate its participation in issues that have an impact on the economy and general well-being.

Institutional communication was further strengthened through meetings with relevant stakeholders in this field.

**Communication channels**

The CNMC strengthened its communication channels, recognising the crucial importance of accessibility and transparency.

**Website:** Throughout 2023, the CNMC continued to work on modernising and improving its website, one of the main points of access to information produced by the institution.

**CNMC blog:** The CNMC's blog remained a communication benchmark in the Spanish public administration. Designed to be accessible to a broad audience, the blog uses informative language that facilitates the understanding of complex topics, providing in-depth analysis and explanations on current issues.

**Table 7. Number of blog entries for each year**

YEAR	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Post	130	133	132	152	163	203	134	111	118	105

**Social media:**

Social media continued to play an essential role in disseminating the CNMC's activities, connecting the institution with an increasingly wide and diverse audience. Recent achievements are highlighted below:

**X (Twitter):** Engagement on X (Twitter) continued to grow in 2023, with the CNMC reaching a total of 14,600 followers by the end of the year, marking an increase of 3.5% compared to the previous year. The CNMC's presence on this platform facilitates dynamic interaction with the community, sharing relevant news and providing real-time updates on its initiatives.

**YouTube:** The CNMC's channel reached 1,276 subscribers in 2023, an increase of 152 subscribers compared to the previous year. Throughout the year, the institution posted 44 videos that garnered over 52,000 views. The CNMC remains committed to using visual formats to effectively communicate information to the public and to share events that showcase the CNMC's activities.

**LinkedIn:** LinkedIn remains the main platform for reaching a more specialised audience. Over the course of 2023, the CNMC expanded its follower base to 28,192 followers (a 20% increase). Through its posts, the CNMC provides relevant and specialised content, highlighting its regulatory work and developments.

These achievements reflect the CNMC's ongoing commitment to transparency and active engagement on digital platforms. The Commission continues to adapt to the changing needs of its audience, leveraging social media as an effective channel to share key information and foster constructive dialogue.



## 5.2. Consolidating a culture of competition and good regulatory practices

As part of the CNMC's communication policy and its strategic objective of consolidating a culture of competition and good regulatory practices, it is essential to mention the extensive work carried out by the CNMC's President through her participation in various national, European and international events.

In 2023, the President of the CNMC participated in nearly 70 events, highlighting the value of the CNMC's work through her addresses, particularly emphasising the importance of having a culture of competition and compliance in Spain, as well as good regulatory practices.

At the national level, in addition to the President's [annual appearance](#) before the Committee on Economic Affairs and Digital Transformation<sup>62</sup> of the Spanish Congress of Deputies, the following events stand out:

- Closing remarks at the “Hydrogen Day” conference.
- Lecture at the “La Caixa Foundation Chair of Economy and Society”.
- Address at the Barcelona Bar Association on “The CNMC and the Main Challenges of Competition Law”.
- Inaugural speech at the presentation of the book *Reformas para impulsar la competencia en España* [Reforms to Boost Competition in Spain], held at the CNMC's headquarters.
- Inaugural address at the Gas Forum, organised by the European Commission at the CNMC's headquarters in Madrid.
- Closing remarks at the 2nd AEDEN Congress (Spanish Energy Law Association).
- Address at the 45th-anniversary forum of Cinco Días.

<sup>62</sup> In the XV Parliamentary Term (2023 - present) this Commission is called the Commission for the Economy, Trade and Digital Transformation.

- Address at the Economic and Financial Committee of the COTEC Foundation.
- Address at the inauguration of Energy Perspectives, organised by IESE and Naturgy.
- Address at the 40th APIE Seminar “The Economy of Democracy. From Spain's Democratic Transition and Entry into the EU to the Pandemic Crisis”.
- Inaugural address at the 2nd edition of the Summer School of the Spanish Association for the Study of European Law (AEDEUR): “The Digital Agenda and the European Internal Market: Challenges and Opportunities for Spain in the Framework of the Presidency of the Council”.
- Inaugural speech the presentation of the “Guide on the Quantification of Damages for Infringements of Competition Law”, held at the CNMC's headquarters in Madrid.
- Inaugural speech at the “Markets for People” seminar, organised by the European Commission at the University of Salamanca.
- Participation in the Round Table on “Open Strategic Autonomy”, as part of the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union.
- Speech at the presentation of the European Union and International Law Section of the Madrid Bar Association.
- Inaugural address at the Annual Conference of the Spanish Association for the Defence of Competition, which was held at the CNMC's headquarters in Madrid.
- Participation in both conferences of the “Municipalities and Competition” project held in Mérida (*Renewable Energies*) and Zaragoza (*Tendering of Concessions*).

Special mention should be made, as mentioned above, of the organisation of the [European Competition Day](#) in Barcelona, in the context of the Spanish Presidency of the Council of the European Union. This event addressed highly topical issues such as (i) the interaction between competition and regulation, with a focus on the new regulation of digital markets, (ii) and the risks for competition posed by technologies such as artificial intelligence, as well as the possibility for competition authorities to use these new technologies in their work. The President of the CNMC opened the conference.

She also opened and closed the [22nd ICN Annual Conference](#), held in October 2023 in Barcelona. For three days, competition experts from around the world gathered at this annual conference to discuss a range of competition policy issues. Discussions focused on topics such as the digital economy, sustainability, the relationship between competition and the regulation of digital markets, judicial review and the new tools available to the authorities to detect cartels and other infringements. The President gave the opening and closing speeches and moderated the Round Table on the *Role of courts in antitrust law and how to develop a mutually beneficial interaction*, organised by the CNMC.

In addition to these two events, the President of the CNMC had a significant presence at other European and international events. In particular:

- Address at the 5<sup>th</sup> *W@Competition Conference*.
- Speech at the OECD Competition Day, where she participated as a speaker in Panel 1: *Exploring Global Enforcement Trends*.
- Inaugural address at the 18th edition of the Ibero-American Competition School.
- Speech at the *1st Annual Conference of the European Commission Legal Service*, where she participated as a speaker in the panel entitled *Internet and platforms regulation under the Digital Markets Act and the Digital Services Act*.
- Address at the 18<sup>th</sup> *Global Competition Law Centre Conference* on Energy and Competition.

- Participation in the Seminar on *Regulation of Competition and Digital Platforms in Europe & Latin America*, organised by INNOVARTE and the University of Chile.
- Participation as a speaker at the Round Table on *Decentralisation, coordination and convergence under Reg. 1/2003 and beyond*, during the conference *20 Years of Reg. 1/2003 A (r)evolutionary tale*, organised by the European Commission.
- Speech at the 21st meeting of the UNCTAD Intergovernmental Group of Experts on Competition Law and Policy, addressing the recent evolution of competition law and policy in Spain.
- Opening remarks at the Competition Day, organised by COFEC in Mexico City, addressing the evolution of competition agencies over the years.
- Participation as a speaker at the Round Table on *Recent Trends in Merger Control* during the *6th Lisbon Conference on Competition Law and Economics*.
- Participation in the closing plenary session of the European Union Law Summit for legal professionals, organised by the Madrid Bar Association.

She also participated as a guest lecturer in various Spanish courses and master's programmes, such as the Master's Degree in European Union Law at the Carlos III University of Madrid, the Master's Degree in Economics, Regulation and Competition in Public Services at the University of Barcelona, and at the University of Deusto. Internationally, she spoke at the graduation ceremony of the *Brussels School of Competition*, addressing the topic '*Artificial Intelligence: new challenges for competition policy*' in her speech.

In addition to the above, the President of the CNMC also gave interviews to the media to convey the importance of the CNMC's activities and to address current issues of concern to society. The aim is to publicise the institution's actions and its work on behalf of consumers and businesses (small, medium and large).

### 5.3. Transparency

The CNMC is subject to a stringent regulatory framework regarding the transparency of its activities, given the relevance and impact of its actions on the markets under its supervision and regulation, and on consumers.

Thus, the LCNMC establishes active disclosure obligations for the institution that go beyond those set by Law 19/2013.

The CNMC's website publishes, among other things, specific [information](#) on all decisions adopted by the Council and its Chambers in the exercise of the CNMC's regulatory and supervisory functions, the reports on which these decisions are based, economic reports on markets and sectors, the initiation of infringement proceedings, merger control proceedings and inspections related to anti-competitive practices. It also includes the agenda of the President and meetings of CNMC members with companies and other institutions.

Furthermore, the CNMC publishes the rest of the information required by Law 19/2013 (budgets, contracts, agreements, subsidies, remuneration of senior officials, strategic and action plans, annual report of activities, etc.) on its [Transparency Portal](#).

In its latest report on the CNMC, the Council for Transparency and Good Governance (CTBG in its Spanish acronym), the body responsible for the external verification of compliance with Law 19/2013, gave a very positive assessment of<sup>63</sup> the institution's level of transparency and its efforts and good practices in this area. All recommendations received from the Council regarding active disclosure had already been implemented in the previous year.

Finally, another example of the CNMC's commitment to transparency in its activities is its [Register of Interest Groups](#), a pioneering initiative in Spain that is fully digitalised. This public and voluntary register allows all interest groups that deal with the CNMC, in representation of their own or third parties' legitimate interests, to register. The number of entities in the Register of Interest Groups continues to grow year after year, with over 565 organisations currently registered, covering a wide variety of interests.



<sup>63</sup> Report on the review of the CNMC's compliance with the recommendations made by the Council for Transparency and Good Governance on active publicity, February 2022

## 6. MULTIDISCIPLINARY WORKING GROUPS

The various multidisciplinary working groups set up by the CNMC's directorates continued their activities in 2023. Particularly noteworthy were the activities of the Digital Economy Working Group, the Railway Liberalisation Working Group and the Working Group on Compliance or Competition Culture.

The Working Group on Competitive Energy Markets and Efficient Networks (MECRE in Spanish) also deserves special mention. This group was created under a mandate from the Council of the CNMC in response to its Strategic and Action Plan. It was presented to the Spanish Congress of Deputies by the President of the CNMC during her appearance before the Committee on Economic Affairs and Digital Transformation on 24 March 2021. It is made up of representatives from all the CNMC's directorates and members of both chambers.

In line with the CNMC's 2023-2024 Action Plan and Strategic Plan, it was decided to continue in 2023 the preparation of the study initiated in 2022 on demand flexibility, a key issue for achieving the decarbonisation objectives of the electricity system set out in the Integrated National Energy and Climate Plan (PNIEC in its Spanish acronym). The objective of this study is to identify the regulatory barriers to the development of flexibility in Spain. To this end, the CNMC held twelve short knowledge sessions with specialists from all the interest groups involved in the development of demand flexibility and made three practical visits to different leading companies in the implementation of energy flexibility strategies. These activities allowed to deepen the understanding of successful practices, identify common challenges and share lessons learned among participants.

The MECRE working group has proven to be an interesting model that coordinates internal experts from all directorates with external specialists to generate knowledge for better policy-making.

## 7. STATISTICS AND DOCUMENTARY RESOURCES

The CNMC offers a catalogue of regularly updated, dynamic data of great value in terms of its potential to generate socio-economic benefits for the operators and consumers concerned, thus fostering economic growth.

As part of its functions, the Sub-Directorate of Statistics and Documentary Resources compiles and disseminates statistical data on the economic sectors within the CNMC's jurisdiction.

The open data portal [CNMC Data](#), which facilitates access to data in a visual format, included railway markets data in 2023—with two sets of data covering freight and passenger transport—and five related reports, as well as a set of data from the postal sector. In the energy sector, two graphical reports on channelled LPG prices (before tax) and regulated bottled LPG prices were added to the portal.

In addition, all datasets were updated in 2023 and data access via API (Application Programming Interface) was enabled, facilitating their re-use by machine reading. The portal received more than 16,000 visits throughout 2023, excluding API access.

With regard to the annual sectoral economic reports, which analyse the competitive situation, public sector actions and development prospects for each sector, the Statistics Sub-Directorate prepared the Annual Sectoral Economic Report on Electronic Communications and Audiovisual Media ([ESTAD/CNMC/003/23](#)) and the Geographical Analysis of Broadband Services and the Deployment of New Generation Access Networks (NGA) in Spain ([ESTAD/CNMC/001/23](#)).

The Sub-Directorate is also responsible for the CNMC Household Panel, which collects information through consumer surveys and the analysis of their electricity and telecommunications bills. In 2023, the panel included new sections with information on video-on-demand platforms and mobile operating systems, among other things.

For its part, the Library and Documentation Centre serves as a support service for the CNMC's activities, housing a documentary collection of more than 37,000 volumes specialising in competition law, policy and economics and the economic regulation of network industries.

The evolution of the CNMC Digital Library's service levels, documentary holdings and usage data can be found in [Appendix XII](#).





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The information presented here is part of the obligation set out in Article 38(2) of the LCNMC. The annual report on the institution's activities is accompanied by the internal control report on the compliance of the decisions adopted by the CNMC with the applicable procedural rules.

Both documents have been approved by the Council and sent to the Spanish Parliament and to the Ministry of Economy, Trade and Business in accordance with the CNMC's transparency and accountability obligations.

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# APPENDIXES

## APPENDIX I: THE COUNCIL OF THE CNMC

### Members of the Council

**PRESIDENT:** Cani Fernández Vicién

**VICE-PRESIDENT:** Ángel Torres Torres (until 19 August 2023<sup>64</sup>)

### COUNCIL MEMBERS

- María Ortiz Aguilar (until 23 August 2023)<sup>65</sup>
- María Pilar Canedo Arrillaga (until 26 July 2023)<sup>66</sup>
- Bernardo Lorenzo Almendros
- Xabier Ormaetxea Garai
- Pilar Sánchez Núñez
- Carlos Aguilar Paredes
- Josep Maria Salas Prat
- María Jesús Martín Martínez

<sup>64</sup> The Vice-President of the CNMC, Mr Ángel Torres, passed away on 19 August 2023.

<sup>65</sup> [Royal Decree 734/2023, of 22 August 2023](#), providing for the removal of Ms María Ortiz Aguilar as Council Member of the National Markets and Competition Commission (CNMC).

<sup>66</sup> [Royal Decree 703/2023 of 25 July 2023](#) providing for the removal of Pilar Canedo Arrillaga as Council Member of the National Markets and Competition Commission (CNMC).

### Composition of the chambers in 2023

#### Competition Chamber:

The presidency of the Chamber corresponds to the President of the CNMC, Cani Fernández Vicién, pursuant to the aforementioned Article 18(2).

- Carlos Aguilar Paredes (until 25 September 2023)<sup>67</sup>
- Josep Maria Salas Prat (until 6 September 2023)<sup>68</sup>
- María Jesús Martín Martínez
- Bernardo Lorenzo Almendros
- Xabier Ormaetxea Garai (since 25 September 2023)<sup>69</sup>

<sup>67</sup> [CNMC decision of 25 September 2023](#) publishing the Council Agreement approving the rotation of Council Members between Chambers.

<sup>68</sup> [CNMC decision of 5 September 2023](#) publishing the Council Agreement approving the rotation of Council Members between Chambers.

<sup>69</sup> [CNMC decision of 25 September 2023](#) publishing the Council Agreement approving the rotation of Council Members between Chambers.

### *Regulatory Oversight Chamber:*

The temporary presidency of the Chamber corresponds to the longest-serving member of the Chamber, Pilar Sánchez Núñez.

- Xabier Ormaetxea Garai (until 25 September 2023)
- Pilar Sánchez Núñez
- María Ortiz Aguilar (until 23 August 2023)
- María Pilar Canedo Arrillaga (until 26 July 2023)
- Josep Maria Salas Prat (since 6 September 2023)
- Carlos Aguilar Paredes (since 25 September 2023)

### Council meetings

The following Council meetings were held in 2023:

- 34 plenary sessions.
- 44 meetings of the Competition Chamber.
- 48 meetings of the Regulatory Oversight Chamber.

## APPENDIX II: ENFORCEMENT OF COMPETITION LAW

### Decisions on anti-competitive practices

CASE	NAME	DECISION DATE	DECISION OUTCOME
<a href="#">S/0002/22</a>	BASF/ AXA	11/01/2023	Closure
<a href="#">S/0030/20</a>	DKV SELF-EMPLOYED COVERAGE	08/02/2023	Closure by a commitment decision
<a href="#">S/0642/18</a>	VAT – CINEMA	08/02/2023	Closure
<a href="#">S/0628/18</a>	RESIDUES 2	1/03/2023	Closure
<a href="#">S/0014/21</a>	DEVELOPMENT OF SOFTWARE APPLICATIONS	08/03/2023	Closure
<a href="#">S/0005/19</a>	RUGBY	19/04/2023	Closure
<a href="#">S/0016/20</a>	ICO LOANS COVID	22/06/2023	Closure
<a href="#">S/0002/21</a>	CORPORATE DATABASES	04/07/2023	Finding of prohibited practice, fine
<a href="#">S/0013/21</a>	AMAZON / APPLE BRANDGATING	12/07/2023	Finding of prohibited practice, fine
<a href="#">S/0008/21</a>	MILITARY EQUIPMENT TENDERS	19/07/2023	Finding of prohibited practice, fine
<a href="#">S/0007/22</a>	WOOD CHIPS	06/09/2023	Closure
<a href="#">S/0054/19</a>	VODAFONE CUSTOMER ACQUISITION	13/09/2023	Closure
<a href="#">S/0638/18</a>	FRED OLSEN	13/09/2023	Closure
<a href="#">S/0029/20</a>	FUTSAL BROADCASTING RIGHTS	27/09/2023	Closure
<a href="#">S/0043/19</a>	HOTEL BOOKINGS	27/09/2023	Closure

CASE	NAME	DECISION DATE	DECISION OUTCOME
<a href="#">S/0020/19</a>	ELECTRONIC TITLE SIGNE	04/10/2023	Closure
<a href="#">S/DC/0585/16</a>	SURVEILLANCE SERVICES	25/10/2023	Closure
<a href="#">S/0633/18</a>	KANTAR MEDIA	25/10/2023	Closure
<a href="#">S/0019/21</a>	DAF TRUCKS NV & DAF INDUSTRIAL VEHICLES	06/11/2023	Closure
<a href="#">S/0053/19</a>	FAKE REVIEWS PLATFORMS	06/11/2023	Closure
<a href="#">S/0001/20</a>	ENAGAS	06/11/2023	Closure
<a href="#">S/0017/20</a>	INTELLECTUAL PROPERTY TARIFFS ATRESMEDIA / MEDIASET	22/11/2023	Closure
<a href="#">S/0045/19</a>	DRUGSTORES	29/11/2023	Closure
<a href="#">S/0005/23</a>	MEDIASET/GOL	29/11/2023	Closure
<a href="#">S/0008/23</a>	SERVICIOS SANITARIOS BALEARES	29/11/2023	Closure
<a href="#">S/0023/20</a>	GOOGLE – DIGITAL CONTENT HOSTING	29/11/2023	Closure
<a href="#">S/0021/21</a>	ECOEMBES AUCTIONS	13/12/2023	Closure by a commitment decision
<a href="#">S/0003/23</a>	LUMINORA	20/12/2023	Finding of prohibited practice, fine



### Cases decided by the CNMC Council and handled by the corresponding autonomous community bodies:

CASE	NAME	DECISION DATE	DECISION OUTCOME
<a href="#">SAMUR/02/22</a>	RADIO TAXI MURCIA).	08/02/2023	Finding of prohibited practice, fine
<a href="#">SANAV/01/22</a>	NAVARRA FOOTBALL FEDERATION	22/03/2023	Closure
<a href="#">SACAN/01/22</a>	ELITE DRIVERS DRIVING SCHOOLS	22/03/2023	Closure
<a href="#">SACAN/31/2013</a>	PROFESSIONAL FEES LAS PALMAS BAR ASSOCIATION	14/07/2023	Judgment enforcement
<a href="#">SAMAD/01/22</a>	COLLABORATING ENTITIES TOWN PLANNING MADRID CITY COUNCIL	04/10/2023	Closure

### Council decisions on merger operations

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1360/22</a>	CMA CGM/APB/DRY PORT AZUQUECA	Acquisition of joint control	18/01/2023	Approved in Phase I
<a href="#">C/1350/22</a>	RECOLETAS/ COSAGA/ POLICLINICO GALICIA/ SCANNER ORENSE/ CENDISA/ EL CARMEN	Acquisition of sole control	25/01/2023	Closure
<a href="#">C/1359/22</a>	GRUPO CO/MÉMORA	Acquisition of sole control	25/01/2023	Approved in Phase I
<a href="#">C/1362/22</a>	SEGURCAIXA ADELAS/ IMQ SEGUROS & GRUPO IMQ	Acquisition of sole control	08/02/2023	Approved in Phase I
<a href="#">C/1368/23</a>	RHEINMETALL/EXPAL	Acquisition of sole control	08/02/2023	Approved in Phase I
<a href="#">C/1262/22</a>	ALGECO / BALAT	Acquisition of sole control	08/02/2023	Closure
<a href="#">C/1336/22</a>	BSC / M.I. TECH	Acquisition of sole control	08/02/2023	Start of Phase II
<a href="#">C/1364/23</a>	NEWCO/ SERVEO – IRIS GLOBAL	Creation of joint ventures	15/02/2023	Approved in Phase I
<a href="#">C/1366/23</a>	C// CELLI – NAPOZ / EXCLUSIVAS JJL	Acquisition of joint control	15/02/2023	Approved in Phase I
<a href="#">C/1370/23</a>	GRÜNENTHAL/ KKI MEDICINES BUSINESS	Acquisition of sole control	15/02/2023	Approved in Phase I
<a href="#">C/1365/23</a>	FREMMAN/ BOLLO	Acquisition of sole control	21/02/2023	Approved in Phase I
<a href="#">C/1367/23</a>	SAREB/ FAB	Acquisition of sole control	21/02/2023	Approved in Phase I
<a href="#">C/1371/23</a>	KME/ KMD STOLBERG	Acquisition of sole control	21/02/2023	Approved in Phase I

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1363/23</a>	ALCAMPO/DIA ASSETS	Acquisition of sole control	01/03/2023	Approved in Phase I subject to commitments
<a href="#">C/1372/23</a>	CHIESI/ AMRYT	Acquisition of sole control	08/03/2023	Approved in Phase I
<a href="#">C/1373/23</a>	BAVARIAN NORDIC / EMERGENT BIOSOLUTIONS TRAVEL VACCINES BUSINESS	Acquisition of joint control	08/03/2023	Approved in Phase I
<a href="#">C/1374/23</a>	SAFRAN / THALES ELS BUSINESS	Acquisition of sole control	08/03/2023	Approved in Phase I
<a href="#">C/1361/22</a>	WONDERBOX / SMARTBOX	Acquisition of sole control	15/03/2023	Approved in Phase I subject to commitments
<a href="#">C/1375/23</a>	INDRA / SELEX ATM BUSINESS	Acquisition of sole control	22/03/2023	Approved in Phase I
<a href="#">C/1376/23</a>	CMA CGM / BERGÉ GEFCO	Acquisition of sole control	19/04/2023	Approved in Phase I
<a href="#">C/1377/23</a>	ASV FUNESER / TANATORIO LA RIBERA	Acquisition of sole control	19/04/2023	Approved in Phase I
<a href="#">C/1305/22</a>	GRIMALDI / TFB	Acquisition of sole control	26/04/2023	Approved in Phase II subject to commitments
<a href="#">C/1369/23</a>	SONEPAR IBERICA / DIGAMEL – DIGAMEL AROUSA	Acquisition of sole control	26/04/2023	Approved in Phase I
<a href="#">C/1379/23</a>	TANATORIOS CORDOBA / LUQUE	Acquisition of sole control	10/05/2023	Approved in Phase I
<a href="#">C/1380/23</a>	C2 / BEAUTY BY DIA	Acquisition of sole control	10/05/2023	Approved in Phase I

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1378/23</a>	ACTIVOS E INVERSIONES MONTERROSO S.L. / MALPESA S.A.	Acquisition of sole control	18/05/2023	Approved in Phase I
<a href="#">C/1336/22</a>	BSC / M.I. TECH	Acquisition of sole control	24/05/2023	Closure
<a href="#">C/1381/23</a>	JUPITER / ALUDIUM	Acquisition of sole control	31/05/2023	Approved in Phase I
<a href="#">C/1382/23</a>	ACCIONA / MED WIND	Acquisition of joint control	31/05/2023	Approved in Phase I
<a href="#">C/1387/23</a>	ABAC / IBERCONSEIL	Acquisition of sole control	07/06/2023	Approved in Phase I
<a href="#">C/1388/23</a>	CHEPLAPHARM / ZYPREXA BUSINESS	Acquisition of sole control	07/06/2023	Approved in Phase I
<a href="#">C/1348/22</a>	LOGISTA PUBLICACIONES / DISTRISUR	Acquisition of sole control	14/06/2023	Approved in Phase II subject to commitments
<a href="#">C/1383/23</a>	DISELCIDE / HEC	Acquisition of sole control	14/06/2023	Approved in Phase I
<a href="#">C/1384/23</a>	ENAGAS TRANSPORT/ REGANOSA GAS PIPELINE NETWORK	Acquisition of joint control	14/06/2023	Approved in Phase I
<a href="#">C/1389/23</a>	FUNESER / ALBIA	Acquisition of sole control	14/06/2023	Approved in Phase I
<a href="#">C/1390/23</a>	ASTERION – SSG MATRIX / GRUPO SSG	Acquisition of joint control	20/06/2023	Approved in Phase I
<a href="#">C/1392/23</a>	SPAICOL SPAIN / CADPET	Acquisition of joint control	28/06/2023	Approved in Phase I
<a href="#">C/1393/23</a>	GMH / DIAVERUM	Acquisition of sole control	28/06/2023	Approved in Phase I
<a href="#">C/1394/23</a>	SERVIMATIC / TECNOCENTER	Acquisition of sole control	04/07/2023	Approved in Phase I

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1395/23</a>	MEDIAN UNTERNEHMENSGRUPPE / GRUPO HESTIA	Acquisition of sole control	04/07/2023	Approved in Phase I
<a href="#">C/1385/23</a>	REGANOSA / ENAGÁS TRANSPORT / MUSEL	Acquisition of sole control	07/07/2023	Approved in Phase I
<a href="#">C/1391/23</a>	REPSOL/CIDE/CHC	Acquisition of joint control	12/07/2023	Approved in Phase I
<a href="#">C/1396/23</a>	V-VALLEY (ESPRINET) / LIDERA	Acquisition of sole control	12/07/2023	Approved in Phase I
<a href="#">C/1397/23</a>	NATURGY / ASR WIND	Acquisition of sole control	19/07/2023	Approved in Phase I
<a href="#">C/1398/23</a>	TAYLOR FRESH FOOD / ETERNAL LIFE CAPITAL/ FOODIVERSE TECH FOOD, S.L.U	Acquisition of joint control	19/07/2023	Approved in Phase I
<a href="#">C/1399/23</a>	GRUPO HOSPITALARIO RECOLETAS / IVI SEVILLA / GINEMED ZARAGOZA / GINEMED MURCIA	Acquisition of joint control	19/07/2023	Approved in Phase I
<a href="#">C/1400/23</a>	JAPAN INDUSTRIAL PARTNERS / TOSHIBA	Acquisition of sole control	26/07/2023	Approved in Phase I
<a href="#">C/1401/23</a>	ISS FACILITY SERVICES / FISSA	Acquisition of sole control	26/07/2023	Approved in Phase I
<a href="#">C/1402/23</a>	ALBUS – USSL – FUNDADOR / DUKES EDUCATION	Acquisition of joint control	26/07/2023	Approved in Phase I
<a href="#">C/1403/23</a>	INDRA/PARK AIR	Acquisition of sole control	26/07/2023	Approved in Phase I
<a href="#">C/1404/23</a>	INTRUM / HAYA	Acquisition of sole control	26/07/2023	Approved in Phase I
<a href="#">C/1405/23</a>	COMERCIA / UNIVERSALPAY	Acquisition of sole control	26/07/2023	Approved in Phase I

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1386/23</a>	ABANCA / TARGOBANK	Acquisition of sole control	06/09/2023	Approved in Phase I
<a href="#">C/1408/23</a>	ROQUETTE/ QUALICAPS	Acquisition of sole control	06/09/2023	Approved in Phase I
<a href="#">C/1410/23</a>	CONCESUR – MERCEDES ASSETS	Acquisition of sole control	13/09/2023	Approved in Phase I
<a href="#">C/1411/23</a>	PERMIRA / ALTAMAR CAM PARTNERS	Acquisition of sole control	13/09/2023	Approved in Phase I
<a href="#">C/1412/23</a>	MEMORA FUNERAL SERVICES/ FUNERARIA LUIS NUEVO	Acquisition of sole control	13/09/2023	Approved in Phase I
<a href="#">C/1413/23</a>	HELVETIA / FUNERARIA EL RECUERDO	Acquisition of sole control	13/09/2023	Approved in Phase I
<a href="#">C/1415/23</a>	COSTA BLANCA / GRUPO FUERTES / MARINA DOR	Acquisition of joint control	27/09/2023	Approved in Phase I
<a href="#">C/1414/23</a>	RANDSTAD / SGS	Acquisition of sole control	11/10/2023	Approved in Phase I
<a href="#">C/1416/23</a>	SERVEO / SACYR FACILITIES	Acquisition of sole control	25/10/2023	Approved in Phase I
<a href="#">C/1409/23</a>	TECNO FAST / ALQUIBALAT	Acquisition of sole control	16/11/2023	Approved in Phase I
<a href="#">C/1418/23</a>	CARREFOUR / SUPERCOR ASSETS	Acquisition of sole control	22/11/2023	Approved in Phase I
<a href="#">C/1419/23</a>	BLUEVÍA / EXCOM ASSETS	Acquisition of sole control	29/11/2023	Approved in Phase I
<a href="#">C/1406/23</a>	EBIQUITY/ MEDIAPATH	Acquisition of sole control	29/11/2023	Approved in Phase I subject to commitments
<a href="#">C/1420/23</a>	SME ESPAÑA / ALTAFFONTE	Acquisition of sole control	29/11/2023	Approved in Phase I

CASE	NAME	TYPE	DECISION DATE	DECISION OUTCOME
<a href="#">C/1423/23</a>	DFDS / FRS ESPAÑA	Acquisition of sole control	01/12/2023	Approved in Phase I
<a href="#">C/1425/23</a>	CASER SEGUROS / FPF PADRÓN	Acquisition of sole control	01/12/2023	Approved in Phase I
<a href="#">C/1422/23</a>	LYNTIA / EVOLUTIO	Acquisition of sole control	13/12/2023	Approved in Phase I
<a href="#">C/1428/23</a>	ABERTIS AUTOPISTAS / AUTOVÍA DEL CAMINO	Acquisition of sole control	13/12/2023	Approved in Phase I
<a href="#">C/1407/23</a>	KKR / GENERALIFE	Acquisition of sole control	20/12/2023	Approved in Phase I
<a href="#">C/1427/23</a>	TANATORIOS DE CORDOBA / TANATORIO DE FUENTE OBEJUNA	Acquisition of sole control	20/12/2023	Approved in Phase I
<a href="#">C/1429/23</a>	GED IBERIAN PRIVATE EQUITY / HELIOS SPAIN	Acquisition of sole control	20/12/2023	Approved in Phase I

### Proceedings conducted under Law 39/2015

CASE	NAME	INFRINGEMENT	DECISION DATE	FINE AMOUNT
<a href="#">SNC/DC/153/22</a>	MOBILE TERMINALS MERGER	Art. 62(4)(c) Spanish Competition Act – Non-compliance with decision	06/03/2023	€6,000,000
<a href="#">SNC/DC/006/23</a>	MASMOVIL INFORMATION SUPPLY	Closure for failure to prove the infringement	28/06/2023	€0
<a href="#">SNC/DC/010/23</a>	TELEFÓNICA DAZN AGREEMENT	Art. 62(4)(c) Spanish Competition Act – Non-compliance with decision	25/07/2023	€5,000,000
<a href="#">SNC/DC/065/23</a>	MOORING & PORT SERVICES/ CEMESA AMARRES BARCELONA	Art. 62(4)(c) Spanish Competition Act – Non-compliance with decision	20/12/2023	€80,000

## Reports at the request of a party

CASE	NAME
<a href="#">INF/DC/522/23</a>	NATIONAL PROFESSIONAL FOOTBALL LEAGUE – NATIONAL LOTS 1 AND 3 UP TO 2026/2027

## Assignments under Law 1/2002

AUTONOMOUS COMMUNITIES	NO. PROCEEDINGS	AUTONOMOUS COMMUNITIES ASSIGNMENTS	CNMC ASSIGNMENTS
Andalusia	29	28	1
Aragon	2	2	0
Canary Islands	4	3	1
Castilla y León	11	10	1
Catalonia	6	3	3
Extremadura	1	0	1
Galicia	4	4	0
Madrid	5	4	1
Murcia	4	4	0
Basque Country	11	10	1
Valencia	10	8	2
<b>TOTAL</b>	<b>87</b>	<b>76</b>	<b>11</b>

## Appeals against acts of the Competition Directorate

CASE	NAME	DECISION DATE	SUBJECT MATTER	OUTCOME
<a href="#">R/AJ/146/22</a>	APPLE DISTRIBUTION INTERNATIONAL LTD	21/02/2023	Conditions for access to a data room	Rejection due to lack of requirements under Art. 47 of the Competition Act
<a href="#">R/AJ/141/22</a>	CEPSA	08/03/2023	Inspection	Closure
<a href="#">R/AJ/004/23</a>	M.T.A. / A.D.P.	22/03/2023	Rejection of interested party	Closure
<a href="#">R/AJ/035/23</a>	NAUTALIA I	07/06/2023	Inspection	Closure
<a href="#">R/AJ/038/23</a>	NAUTALIA II	07/06/2023	Inspection	Closure
<a href="#">R/AJ/039/23</a>	LAS SOCIEDADES I	07/06/2023	Inspection	Closure
<a href="#">R/AJ/040/23</a>	LAS SOCIEDADES II	07/06/2023	Inspection	Closure
<a href="#">R/AJ/055/23</a>	E-DISTRIBUCION – INSPECTED UNDERTAKINGS	27/09/2023	Inspection	Closure
<a href="#">R/AJ/058/23</a>	ENDESA, S.A. AND OTHERS	27/09/2023	Inspection	Closure
<a href="#">R/AJ/077/23</a>	JIP	16/11/2023	Confidentiality	Closure
<a href="#">R/AJ/090/23</a>	JOHN DEERE	20/12/2023	Inspection	Closure



## APPENDIX III: COMPETITION ADVOCACY

### Reports on draft regulations

CASE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/052/22</a>	DRAFT ROYAL DECREE ON THE BASIC PROCEDURE FOR CERTIFYING THE ENERGY EFFICIENCY OF BUILDINGS	28/02/2023
<a href="#">IPN/CNMC/049/22</a>	DRAFT ROYAL DECREE APPROVING THE TARIFF OF COURT SOLICITORS' FEES	28/02/2023
<a href="#">IPN/CNMC/001/23</a>	DRAFT BILL OF INDUSTRY LAW	31/01/2023
<a href="#">IPN/CNMC/002/23</a>	DRAFT ROYAL DECREE AMENDING ANNEXES III AND IV OF ROYAL DECREE 244/2016 OF 3 JUNE 2016 IMPLEMENTING LAW 32/2014 OF 22 DECEMBER 2014 ON METROLOGY	28/02/2023
<a href="#">IPN/CNMC/06/23</a>	DRAFT ROYAL DECREE APPROVING THE REGULATION ESTABLISHING THE REQUIREMENTS TO BE ADOPTED BY COMPUTER OR ELECTRONIC SYSTEMS AND PROGRAMMES THAT SUPPORT THE INVOICING PROCESSES OF BUSINESS OWNERS AND PROFESSIONALS	28/02/2023
<a href="#">IPN/CNMC/008/23</a>	DRAFT ROYAL DECREE APPROVING THE BY-LAWS OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF SPAIN	25/04/2023
<a href="#">IPN/CNMC/009/23</a>	DRAFT ROYAL DECREE REGULATING MEDICAL DEVICES FOR IN VITRO DIAGNOSTICS	16/05/2023
<a href="#">IPN/CNMC/11/23</a>	DRAFT BILL OF THE COMPREHENSIVE LAW FOR THE PROMOTION OF THE SOCIAL ECONOMY	23/05/2023
<a href="#">IPN/CNMC/012/23</a>	DRAFT ROYAL DECREE AMENDING THE REGULATIONS GOVERNING PRIVATE DRIVER TRAINING SCHOOLS AND THE GENERAL DRIVERS' REGULATIONS	30/05/2023

CASE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/17/23</a>	DRAFT ROYAL DECREE APPROVING THE TECHNICAL SAFETY STANDARDS FOR DAMS AND THEIR RESERVOIRS AND ESTABLISHING ACADEMIC QUALIFICATIONS FOR THEIR PERFORMANCE	25/07/2023
<a href="#">IPN/CNMC/18/23</a>	DRAFT ROYAL DECREE AMENDING THE ROYAL DECREE REGULATING ASPECTS RELATING TO THE MANUFACTURE, PRESENTATION AND MARKETING OF TOBACCO PRODUCTS AND RELATED PRODUCTS	11/07/2023
<a href="#">IPN/CNMC/20/23</a>	DRAFT ROYAL DECREE ON A CONTROLLED TEST ENVIRONMENT FOR TESTING COMPLIANCE WITH THE DRAFT REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONISED STANDARDS IN THE FIELD OF ARTIFICIAL INTELLIGENCE	25/07/2023
<a href="#">IPN/CNMC/21/23</a>	DRAFT ROYAL DECREE ON THE MANAGEMENT OF WASTE FROM TOBACCO PRODUCTS CONTAINING FILTERS AND FILTERS MARKETING FOR USE WITH TOBACCO PRODUCTS	19/09/2023
<a href="#">IPN/CNMC/022/23</a>	DRAFT ROYAL DECREE APPROVING THE REGULATION ON HISTORIC VEHICLES	19/09/2023
<a href="#">IPN/CNMC/024/23</a>	DRAFT ROYAL DECREE APPROVING THE CHANGE OF NAME OF THE GENERAL COUNCIL OF OFFICIAL ASSOCIATIONS OF AGRICULTURAL TECHNICAL ENGINEERS AND AGRICULTURAL EXPERTS IN SPAIN	19/09/2023
<a href="#">IPN/CNMC/025/23</a>	DRAFT MINISTERIAL ORDER DETERMINING FOR 2022 THE STANDARD COSTS APPLICABLE TO THE ELIGIBLE COSTS REGULATED BY ROYAL DECREE 552/2020, OF 2 JUNE 2020, ON COMPENSATION FOR MARITIME AND AIR TRANSPORT OF GOODS INCLUDED IN ANNEX I TO THE TFEU, TO OR FROM THE CANARY ISLANDS	24/10/2023

CASE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/026/23</a>	DRAFT MINISTERIAL ORDER DETERMINING FOR 2022 THE STANDARD COSTS APPLICABLE TO THE ELIGIBLE COSTS REGULATED BY ROYAL DECREE 552/2020, OF 2 JUNE 2020, ON COMPENSATION FOR MARITIME AND AIR TRANSPORT OF GOODS NOT INCLUDED IN ANNEX I TO THE TFEU, TO OR FROM THE CANARY ISLANDS	24/10/2023
<a href="#">IPN/CNMC/029/23</a>	DRAFT ROYAL DECREE ON TYRES AND THE MANAGEMENT OF WASTE TYRES	12/12/2023
<a href="#">IPN/CNMC/031/23</a>	DRAFT ROYAL DECREE AMENDING THE STATUTES OF THE ASSOCIATION OF CIVIL ENGINEERS	28/11/2023
<a href="#">IPN/CNMC/032/23</a>	DRAFT ORDER REGULATING THE DURATION, CONTENT AND REQUIREMENTS OF SAFE AND EFFICIENT DRIVING COURSES	12/12/2023

### Reports not linked to draft regulations

CASE	NAME	DATE OF APPROVAL
<a href="#">INF/CNMC/04/23</a>	QUERY ON THE PARTICIPATION OF ENAIRE GLOBAL SERVICES IN PUBLIC TENDERS	15/03/2023
<a href="#">INF/CNMC/05/23</a>	QUERY ON SUBSIDIES TO ATMS IN CANTABRIA	15/03/2023
<a href="#">INF/CNMC/282/23</a>	QUERY OF THE CHICLANA CITY COUNCIL ON A DIRECT SUBSIDY TO SOCIEDAD DE AVALES Y GARANTIAS DE ANDALUCIA S.G.R.	26/07/2023
INF/CNMC/456/23	FRAMEWORK AGREEMENT FOR THE SELECTION OF COMPANIES TO CARRY OUT WORKS IN MILITARY BASES, BARRACKS AND INSTALLATIONS ON NATIONAL TERRITORY	20/12/2023
<a href="#">INF/CNMC/496/23</a>	QUERY ON THE CRITERIA APPLICABLE TO THE COST APPRAISAL REPORTS OF THE ASSOCIATION OF CIVIL ENGINEERS	29/11/2023
<a href="#">INF/CNMC/497/23</a>	QUERY ON THE CRITERIA APPLICABLE TO THE COST APPRAISAL REPORTS OF THE ILLUSTRIOUS BAR ASSOCIATION OF MURCIA	20/12/2023

## Studies, guides and other reports

### Studies:

CASE	NAME	DATE OF APPROVAL
<a href="#">E/CNMC/003/23</a>	STUDY ON THE TRANSFER OF THE VAT REDUCTION IN THE FOOD SECTOR	25/07/2023

### Guides:

CASE	NAME	DATE OF APPROVAL
<a href="#">G-2020-01</a>	GUIDE ON IN-HOUSE PROCUREMENT AND HORIZONTAL COOPERATION	14/02/2023
<a href="#">G-2022-02</a>	COMPETITION AGAINST INFLATION GUIDE – GUIDE ON HOW COMPETITION AND EFFICIENT REGULATION HELP PROTECT THE PURCHASING POWER OF CONSUMERS	25/07/2023
<a href="#">G-2020-03</a>	GUIDE FOR QUANTIFYING DAMAGES FOR COMPETITION LAW INFRINGEMENTS	11/07/2023

### Ex post impact assessment:

EXPEDIENTE	NOMBRE	FECHA APROBACIÓN
<a href="#">EI/03/2023</a>	IMPACT ASSESSMENT OF THE RECOMMENDATIONS MADE IN THE REPORT ON AID GRANTED UNDER THE MOVES III PLAN (PRO/CNMC/003/21)	19/12/2023

### Other reports: report on State aid in Spain

EXPEDIENTE	NOMBRE	FECHA APROBACIÓN
<a href="#">IAP/CNMC/001/23</a>	REPORT ON STATE AID IN SPAIN	20/12/2022

### Actuaciones ante órganos jurisdiccionales

EXPEDIENTE	NOMBRE	FECHA
<a href="#">LA/03/2022</a>	DECREE 98/2022 ON REAL ESTATE AGENTS IN THE VALENCIAN COMMUNITY	17/01/2023
<a href="#">LA/01/2023</a>	AGREEMENT ON THE VEHICLE CAP IN FORMENTERA FOR 2023	19/06/2023
<a href="#">LA/02/2023</a>	TAX ORDINANCE ON THE TAX ON THE USE AND DISTRIBUTION OF GOODS ACQUIRED THROUGH E-COMMERCE IN BARCELONA	19/07/2023
<a href="#">LA/04/2023</a>	POSTAL SERVICE SPECIFICATIONS FOR PAPER NOTIFICATIONS FROM THE MADRID CITY COUNCIL	27/07/2023

## APPENDIX IV: TELECOMMUNICATIONS AND AUDIOVISUAL MEDIA

### Telecommunications

#### Reports on draft regulations

CASE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/003/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURE ON THE DRAFT ORDER DESIGNATING TELEFÓNICA DE ESPAÑA S.A.U. AS THE OPERATOR RESPONSIBLE FOR PROVIDING THE SERVICES INCLUDED IN THE UNIVERSAL TELECOMMUNICATIONS SERVICE	24/01/2023
<a href="#">IPN/CNMC/005/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURE ON DRAFT ORDER ETD/XXX/2023 ESTABLISHING THE REGULATORY BASES FOR THE GRANTING OF AID FOR THE PROVISION OF ALL THE ACTIVE EQUIPMENT AND ANCILLARY INFRASTRUCTURE NECESSARY FOR THE PROVISION OF THE SERVICE	28/02/2023
<a href="#">IPN/CNMC/007/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURE ON A NEW VERSION OF THE DRAFT ORDER AMENDING ORDER ETD/1449/2021 OF 16 DECEMBER 2021 APPROVING THE NATIONAL FREQUENCY ALLOCATION TABLE	30/03/2023
<a href="#">IPN/CNMC/010/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURE ON THE DRAFT ORDER AMENDING ORDER CTE/711/2002 OF 26 MARCH 2002 LAYING DOWN THE CONDITIONS FOR THE PROVISION OF TELEPHONE ENQUIRY SERVICES ON SUBSCRIBER NUMBERS	23/05/2023

CASE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/015/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURES ON THE DRAFT ORDER LAYING DOWN THE NEW RULES GOVERNING THE GRANTING OF AID AND OPENING THE CALL FOR APPLICATIONS FOR PROJECTS UNDER THE PROGRAMME FOR THE UNIVERSALISATION OF DIGITAL INFRASTRUCTURES FOR BROADBAND COHESION (SINGLE CALL – BROADBAND 2023) WITHIN THE FRAMEWORK OF THE RECOVERY AND RESILIENCE PLAN FINANCED BY THE EUROPEAN UNION – NEXTGENERATIONEU.	11/07/2023
<a href="#">IPN/CNMC/016/23</a>	REQUEST FOR A REPORT FROM THE SECRETARIAT OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURES ON THE DRAFT ROYAL DECREE AMENDING THE REGULATION ESTABLISHING THE REQUIREMENTS FOR THE MARKETING, COMMISSIONING AND USE OF RADIO EQUIPMENT AND REGULATING THE PROCEDURE FOR CONFORMITY ASSESSMENT, MARKET SURVEILLANCE AND THE SYSTEM OF PENALTIES FOR TELECOMMUNICATIONS EQUIPMENT, APPROVED BY ROYAL DECREE 188/2016 OF 6 MAY 2016.	25/07/2023
<a href="#">IPN/CNMC/028/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR TELECOMMUNICATIONS AND DIGITAL INFRASTRUCTURES ON THE DRAFT ROYAL DECREE REGULATING THE COMPOSITION, ORGANISATION AND FUNCTIONS OF THE INTERMINISTERIAL COMMISSION FOR THE STREAMLINING OF COOPERATION MECHANISMS BETWEEN PUBLIC ADMINISTRATIONS FOR THE INSTALLATION AND OPERATION OF PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS.	31/10/2023

## Reports not linked to draft regulations

CASE	NAME	DATE OF APPROVAL
<a href="#">INF/DTSA/041/23</a>	CONDITIONS AND WHOLESALe PRICES FOR 5G SUBSIDIES	30/03/2023
<a href="#">INF/DTSA/123/22</a>	CONCLUSIONS OF THE PUBLIC CONSULTATION ON QUALITY OF SERVICES (ART. 69)	18/05/2023
<a href="#">INF/DTSA/237/23</a>	CANARY ISLANDS FEDER BROADBAND AID	11/07/2023
<a href="#">INF/DTSA/334/23</a>	CLOSURE OF COPPER PLANTS	13/07/2023
<a href="#">INF/DTSA/300/23</a>	REPORT ON DRAFT ORDERS FOR THE EXTENSION OF CONCESSIONS FOR THE USE OF THE RADIO-ELECTRIC SPECTRUM	25/07/2023

## Analysis of regulated markets

CASE	NAME	DATE OF APPROVAL
<a href="#">ANME/DTSA/002/22</a>	M2-2014 – DECISION ON DRAFT MEASURE	09/02/2023
<a href="#">ANME/DTSA/002/22</a>	M2-2014 – FINAL DECISION	27/04/2023

## Declaration of main operators

CASE	NAME	DATE OF APPROVAL
<a href="#">OP/DTSA/001/23</a>	MAIN OPERATORS OF FIXED AND MOBILE TELEPHONE MARKETS (2023)	28/09/2023

## Implementation and review of wholesale obligations

CASE	NAME	DATE OF APPROVAL
<a href="#">NOD/DTSA/001/23</a>	REVIEW OF THE REQUEST FOR CLOSURE OF SWITCHING EQUIPMENT AT THE MADRID DELICIAS EXCHANGE	08/06/2023
<a href="#">NOD/DTSA/002/23</a>	SAN MARCIAL POWER PLANT	28/09/2023
<a href="#">OFE/DTSA/001/22</a>	INFRASTRUCTURE VARIATION	18/05/2023
<a href="#">OFE/DTSA/003/22</a>	OBA ENERGY PRICE	23/02/2023
<a href="#">OFE/DTSA/004/22</a>	NEBA CAPACITY PRICE REVIEW   CNMC	13/04/2023
<a href="#">OFE/DTSA/004/23</a>	CESE PAI ADSL – IP BCN-ARENES (REGIONAL AND NATIONAL)	19/10/2023
<a href="#">OFE/DTSA/005/22</a>	CESE PAI ADSL – IP REGIONAL	13/04/2023

## Control of retail offers

CASE	NAME	DATE OF APPROVAL
<a href="#">OFMIN/DTSA/003/22</a>	REVIEW OF ERT 5 PARAMETERS – DRAFT MEASURE DECISION	15/06/2023
<a href="#">OFMIN/DTSA/003/22</a>	REVIEW OF ERT 5 PARAMETERS – APPROVAL DECISION	27/07/2023



## Accounting, weighted average cost calculation and universal service

CASE	NAME	DATE OF APPROVAL
<a href="#">VECO/DTSA/011/22</a>	USEFUL LIVES FOR TELEFONICA DE ESPAÑA S.A.U. CURRENT COST ACCOUNTING FOR 2022	23/03/2023
<a href="#">VECO/DTSA/001/23</a>	SCC 2021 CELLNEX – DECISION APPROVING THE VERIFICATION OF THE COST ACCOUNTING RESULTS OF CELLNEX TELECOM S.A. FOR 2021.	22/06/2023
<a href="#">VECO/DTSA/002/23</a>	SCC 2021 ORANGE – DECISION APPROVING THE VERIFICATION OF THE COST ACCOUNTING RESULTS OF ORANGE ESPAGNE, S.A. FOR THE FINANCIAL YEAR 2021.	06/07/2023
<a href="#">VECO/DTSA/003/23</a>	SCC 2021 VODAFONE – DECISION APPROVING THE VERIFICATION OF THE COST ACCOUNTING RESULTS OF VODAFONE ESPAÑA S.A. FOR 2021/22.	06/07/2023
<a href="#">VECO/DTSA/004/23</a>	SCC 2021 TELEFÓNICA MÓVILES – DECISION APPROVING THE VERIFICATION OF THE COST ACCOUNTING RESULTS OF TELEFÓNICA MÓVILES ESPAÑA S.A.U. FOR 2021.	06/07/2023
<a href="#">VECO/DTSA/007/23</a>	SCC 2021 TELEFÓNICA – DECISION APPROVING THE VERIFICATION OF THE COST ACCOUNTING RESULTS OF TELEFÓNICA DE ESPAÑA S.A.U. FOR 2021.	27/07/2023
<a href="#">WACC/DTSA/008/22</a>	WACC 2022 – DECISION APPROVING THE DETERMINATION OF THE ANNUAL CAPITAL COST RATE TO BE APPLIED IN THE COST ACCOUNTING FOR 2022 OF THE ELECTRONIC COMMUNICATIONS OPERATORS DECLARED TO HAVE SIGNIFICANT MARKET POWER AND ITS NOTIFICATION TO THE EUROPEAN COMMISSION AND THE BODY OF REGULATORS FOR ELECTRONIC COMMUNICATIONS.	26/01/2023
<a href="#">SU/DTSA/005/23</a>	DECISION APPROVING THE VERIFICATION OF THE DECLARATION OF NET COST OF THE UNIVERSAL SERVICE BY TELEFÓNICA DE ESPAÑA S.A.U. FOR 2021	27/07/2023

CASE	NAME	DATE OF APPROVAL
<a href="#">SU/DTSA/006/23</a>	DECISION DETERMINING THE OPERATORS OBLIGATED TO CONTRIBUTE TO THE NATIONAL FUND FOR THE UNIVERSAL ELECTRONIC COMMUNICATIONS SERVICE FOR 2020	15/12/2023
<a href="#">SU/DTSA/009/22</a>	DECISION DETERMINING THE OPERATORS OBLIGATED TO CONTRIBUTE TO THE NATIONAL FUND FOR THE UNIVERSAL ELECTRONIC COMMUNICATIONS SERVICE FOR 2019	23/03/2023
<a href="#">SU/DTSA/010/22</a>	DECISION DETERMINING THE NET COST OF THE UNIVERSAL ELECTRONIC COMMUNICATIONS SERVICE PROPOSED BY TELEFÓNICA DE ESPAÑA S.A.U. FOR 2020	20/04/2023

## Registers and SGDA

CASE	NAME	DATE OF APPROVAL
<a href="#">RO/DTSA/0559/23</a>	CANCELLATION OF HOUSING SERVICES NETWORK	20/12/2023
<a href="#">RO/DTSA/0556/23</a>	CANCELLATION OF THE PIPING NETWORK	20/12/2023
<a href="#">RO/DTSA/0555/23</a>	WIFI+PAI AAPP CANCELLATION	20/12/2023
<a href="#">RO/DTSA/0560/23</a>	CANCELLATION OF COMPUTER-TO-COMPUTER VOICE AND DATA COMMUNICATIONS	30/11/2023
<a href="#">RO/DTSA/0385/23</a>	CANCELLATION OF DATABASE ACCESS SERVICE	14/09/2023
<a href="#">RO/DTSA/0386/23</a>	CANCELLATION OF DATABASE ACCESS SERVICE (ELECTRONIC DIRECTORIES OF SUBSCRIBERS)	14/09/2023
<a href="#">RO/DTSA/0029/23</a>	E-MAIL CANCELLATION	18/05/2023
<a href="#">NUM/DTSA/3370/22</a>	2022 REPORT ON NUMBERING ASSIGNED TO OPERATORS	22/06/2023
<a href="#">NUM/DTSA/3186/23</a>	NEW CRITERIA FOR SUB-ASSIGNMENTS	23/11/2023

## Disputes

CASE	NAME	DATE OF APPROVAL
<a href="#">CFT/DTSA/109/21</a>	PORTABILITY DIALOGA VS. COLT	12/01/2023
<a href="#">CFT/DTSA/254/22</a>	XTRA VS. FIBRE OPTIC SERVICE CUT-OFF FOR NON-PAYMENT IN ANDALUSIA	12/01/2023
<a href="#">CFT/DTSA/061/22</a>	XFERA VS. WIFI SANCTIPETRI SERVICE CUT-OFF FOR NON-PAYMENT	12/01/2023
<a href="#">CFT/DTSA/125/22</a>	MOVITEL VS NETFIBER UNDUE OCCUPATION	26/01/2023
<a href="#">CFT/DTSA/127/22</a>	ORIGINATION MÓVIL MASVOZ – TME	16/03/2023
<a href="#">CFT/DTSA/268/22</a>	AML FRAME POLES	23/03/2023

CASE	NAME	DATE OF APPROVAL
<a href="#">CFT/DTSA/033/22</a>	ACCESS TO INFRASTRUCTURE AXENT VS. TESAU	13/04/2023
<a href="#">CFT/DTSA/038/22</a>	XFERA VS. SUVOZ SERVICE CUT-OFF FOR NON-PAYMENT	27/04/2023
<a href="#">CFT/DTSA/287/22</a>	XTRA VS. EL VERGEL SERVICE DISCONNECTION	25/05/2023
<a href="#">CFT/DTSA/181/22</a>	BREACH OF CONTRACT TERMS T24H VS. DIALOGA	29/06/2023
<a href="#">CFT/DTSA/271/22</a>	CORREOS TELECOM VS. AXENT INFRASTRUCTURE SHARING	29/06/2023
<a href="#">CFT/DTSA/011/23</a>	MARCo POLES INDALECCIOUS VS TELEFONICA	20/07/2023
<a href="#">CFT/DTSA/297/22</a>	ALAI VS. XFERA MOBILE ACCESS	27/07/2023
<a href="#">CFT/DTSA/162/23</a>	PINERGIA VS. ADAMO NETWORK DEPLOYMENT	06/09/2023
<a href="#">CFT/DTSA/288/22</a>	CINCO 118AB VS. DIALOGA_BREACH OF CONTRACTS	19/10/2023
<a href="#">CFT/DTSA/129/23</a>	POLES MOWITEL	26/10/2023
<a href="#">CFT/DTSA/024/23</a>	POLES GLOBALCAT	26/10/2023
<a href="#">CFT/DTSA/253/22</a>	TEL INFO 24H VS. TESAU IRREGULAR TRAFFIC	15/11/2023
<a href="#">CFT/DTSA/255/22</a>	INTEL VS. TESAU IRREGULAR TRAFFIC	15/11/2023
<a href="#">CFT/DTSA/236/23</a>	CONECTA-3 VS. DGC MURCIA ACCESS TO INFRASTRUCTURE	23/11/2023
<a href="#">CFT/DTSA/281/22</a>	IP INTERCONNECTION DISPUTE BETWEEN TELEFÓNICA AND GRUPO DIALOGA	23/11/2023
<a href="#">CFT/DTSA/265/22</a>	DISPUTE ALAI – ORANGE/SUMA	15/12/2023
<a href="#">CFT/DTSA/106/23</a>	MÚLTIPLEX TDT JAÉN – PUBLICACIONES DEL SUR	15/12/2023
<a href="#">CFT/DTSA/169/23</a>	TRISONATA+DIALPLAN VS. DIALOGA BREACH OF CONTRACT	15/12/2023

## Sanctioning actions

CASE	NAME	DATE OF APPROVAL
<a href="#">SNC/DTSA/091/22</a>	MISUSE 902 DIALOGA	11/05/2023
<a href="#">SNC/DTSA/107/22</a> (CLOSED)	FAILURE TO ENSURE NUMBER PORTABILITY VODAFONE	18/05/2023
<a href="#">SNC/DTSA/109/22</a>	IRREGULAR OCCUPATION SVINT	15/06/2023
<a href="#">SNC/DTSA/129/22</a>	FIXED PORTABILITY DIALOGA GROUP	13/07/2023
<a href="#">SNC/DTSA/154/22</a>	MISUSE 11824	14/09/2023
<a href="#">SNC/DTSA/030/23</a>	NOTIFICATION TELEDIFUSIÓN MADRID	14/09/2023
<a href="#">SNC/DTSA/162/22</a>	MISUSE 11830	15/11/2023
<a href="#">SNC/DTSA/163/22</a>	MISUSE 11817	23/11/2023

## Queries

FILE	NAME	DATE OF APPROVAL
<a href="#">CNS/DTSA/890/22</a>	QUERY ORANGE EETT PORTABILITY	19/01/2023
<a href="#">CNS/DTSA/709/22</a>	TOWN COUNCIL OF PLASENCIA WIFI DEPLOYMENT	26/01/2023
<a href="#">CNS/DTSA/641/21</a>	TRANSFER OF INFRASTRUCTURE GENERALITAT CATALUNYA	23/02/2023
<a href="#">CNS/DTSA/960/22</a>	ORANGE CTO INSTALLATION PERMITS	23/03/2023
<a href="#">CNS/DTSA/1264/22</a>	CONTENT DISTRIBUTION NETWORKS AND GLOBAL ACCELERATION	14/09/2023

## Preliminary inquiries

FILE	NAME	DATE OF APPROVAL
<a href="#">IFP/DTSA/013/22</a>	MISUSE OF SHORT NUMBERING	23/02/2023
<a href="#">IFP/DTSA/015/22</a>	PORTABILITY PROBLEMS	16/03/2023
<a href="#">IFP/DTSA/037/22</a>	PRELIMINARY INQUIRY – CORREOS TEL. ACCESS TO DGT INFRASTRUCTURE	15/06/2023
<a href="#">IFP/DTSA/018/22</a>	MONITORING OF TESAU IRREGULAR OCCUPATIONS	20/07/2023
<a href="#">IFP/DTSA/015/23</a>	COMPLIANCE WITH DECISION CFT/DTSA/181/22	05/10/2023
<a href="#">IFP/DTSA/008/23</a>	REPEATED REFUSAL OF PORTABILITY ORANGE_ DIALOGA	23/11/2023
<a href="#">IFP/DTSA/009/23</a>	REPEATED REFUSAL OF PORTABILITY ORANGE_ INCOTEL SERVICIOS	23/11/2023

## Audiovisual media

### Reports not linked to draft regulations

FILE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/004/23</a>	REQUEST FOR REPORT ON DRAFT ROYAL DECREE REGULATING THE STATE REGISTER OF AUDIOVISUAL MEDIA SERVICE PROVIDERS	30/03/2023
<a href="#">IPN/CNMC/035/23</a>	REQUEST FOR REPORT ON DRAFT ROYAL DECREE REGULATING THE REQUIREMENTS TO BE CONSIDERED A USER OF SPECIAL RELEVANCE UNDER ARTICLE 94 OF LAW 13/2022, OF 7 JULY 2022, ON AUDIOVISUAL COMMUNICATION	19/12/2023

### Informes No vinculados a Proyectos Normativos

FILE	NAME	NAME
<a href="#">INF/DTSA/281/23</a>	REPORT ON THE MONITORING OF COMPLIANCE WITH THE OBLIGATIONS OF THE EUROPEAN QUOTA FOR ON-DEMAND SERVICES AND LINEAR SERVICES (2019-2021) EUROPEAN WORKS QUOTA FILE	18/05/2023
<a href="#">INF/DTSA/280/23</a>	REPORT ON THE DEGREE OF ACCESSIBILITY OF COMMERCIAL COMMUNICATIONS BROADCAST BY AUDIOVISUAL MEDIA SERVICE PROVIDERS AT THE NATIONAL LEVEL	15/11/2023

## Pre-financing of the production of European works

FILE	NAME	NAME
<a href="#">FOE/DTSA/004/23</a>	ATRESMEDIA 2022	20/12/2023
<a href="#">FOE/DTSA/005/23</a>	CINECLICK 2022	30/11/2023
<a href="#">FOE/DTSA/006/23</a>	CONTENT LINE S.L. 2022	30/11/2023
<a href="#">FOE/DTSA/007/23</a>	COSMOPOLITAN 2022	30/11/2023
<a href="#">FOE/DTSA/008/23</a>	CRTVE 2022	20/12/2023
<a href="#">FOE/DTSA/009/23</a>	DIGITAL CORNUCOPIA 2022	30/11/2023
<a href="#">FOE/DTSA/010/23</a>	DISNEY 2022	30/11/2023
<a href="#">FOE/DTSA/011/23</a>	DREAMS ESTETIC 2022	30/11/2023
<a href="#">FOE/DTSA/012/23</a>	OVER THE TOP NETWORKS IBERICA 2022	30/11/2023
<a href="#">FOE/DTSA/013/23</a>	FILMIN 2022	30/11/2023
<a href="#">FOE/DTSA/014/23</a>	LOMATENA 2022	30/11/2023
<a href="#">FOE/DTSA/015/23</a>	MEDIASET 2022	20/12/2023
<a href="#">FOE/DTSA/016/23</a>	MULTICANAL 2022	30/11/2023
<a href="#">FOE/DTSA/017/23</a>	NBCU 2022	30/11/2023
<a href="#">FOE/DTSA/018/23</a>	NET TV 2022	30/11/2023
<a href="#">FOE/DTSA/019/23</a>	ORANGE 2022	30/11/2023
<a href="#">FOE/DTSA/021/23</a>	RAKUTEN 2022	20/12/2023
<a href="#">FOE/DTSA/022/23</a>	RLJ ENTERTAINMEN 2022	30/11/2023
<a href="#">FOE/DTSA/023/23</a>	SHORTS INTERNATIONAL 2022	30/11/2023
<a href="#">FOE/DTSA/024/23</a>	SONY 2022	30/11/2023
<a href="#">FOE/DTSA/025/23</a>	TELEFONICA 2022	20/12/2023
<a href="#">FOE/DTSA/027/23</a>	VEO TV 2022	30/11/2023
<a href="#">FOE/DTSA/028/23</a>	VIACOM 2022	30/11/2023
<a href="#">FOE/DTSA/029/23</a>	VODAFONE 2022	30/11/2023

## Sanctioning actions

FILE	NAME	DATE OF APPROVAL
<a href="#">SNC/DTSA/031/23</a>	CORPORACIÓN RADIO TELEVISIÓN ESPAÑOLA	05/07/2023
<a href="#">SNC/DTSA/055/23</a>	INFRINGEMENT PROCEEDINGS AGAINST ATRESMEDIA FOR COVERT ADVERTISING AND OUT-OF-HOURS ADVERTISING OF ALCOHOLIC BEVERAGES	19/10/2023
<a href="#">SNC/DTSA/062/23</a>	INFRINGEMENT PROCEEDINGS AGAINST CRTVE FOR IMPROPER SPONSORSHIPS IN GRAND PRIX	15/11/2023

## Control of audiovisual content

FILE	NAME	DATE OF APPROVAL
<a href="#">REQ/DTSA/001/23</a>	DECISION REQUIRING ATRESMEDIA CORPORACIÓN DE MEDIOS DE COMUNICACIÓN, S.A. TO ADAPT THE BROADCASTING OF COMMERCIAL COMMUNICATIONS TO THE PROVISIONS OF ARTICLE 123.7 OF THE SPANISH AUDIOVISUAL MEDIA ACT.	15/06/2023
<a href="#">REQ/DTSA/002/23</a>	RESOLUTION REQUIRING TECHPUMP SOLUTIONS, S.L., AS A PROVIDER OF SEVERAL VIDEO EXCHANGE SERVICES THROUGH A PORNOGRAPHIC PLATFORM, TO IMPLEMENT AGE VERIFICATION SYSTEMS TO PREVENT MINORS FROM ACCESSING SAID CONTENT	27/07/2023
<a href="#">UMB/DTSA/001/22</a>	AGREEMENT ON THE SUPERVISION OF THE EXEMPTION FROM COMPLIANCE WITH THE ACCESSIBILITY OBLIGATIONS PROVIDED FOR IN THE SPANISH AUDIOVISUAL MEDIA ACT	23/02/2023
<a href="#">UMB/DTSA/001/23</a>	AGREEMENT ON CRITERIA FOR INTERPRETING THE OBLIGATIONS REGARDING THE PROMOTION OF EUROPEAN WORKS PROVIDED FOR IN THE SPANISH AUDIOVISUAL MEDIA ACT.	18/05/2023
<a href="#">UMB/DTSA/003/23</a>	AGREEMENT ON THE DATA NECESSARY TO DETERMINE EXEMPTION FROM COMPLIANCE WITH CERTAIN OBLIGATIONS UNDER THE SPANISH AUDIOVISUAL MEDIA ACT.	29/06/2023

## Queries

FILE	NAME	DATE OF APPROVAL
<a href="#">CNS/DTSA/022/23</a>	QUERY CRTVE ON COMMERCIAL COMMUNICATIONS	09/02/2023
<a href="#">CNS/DTSA/132/23</a>	QUERY PIAF ON REVENUE FROM REGIONAL PUBLIC SERVICE PROVIDERS	08/06/2023
<a href="#">CNS/DTSA/490/23</a>	QUERY CRTVE ON TELEVISION SPONSORSHIP	11/05/2023
<a href="#">CNS/DTSA/670/23</a>	QUERY 13 TV S.A. ON COMPLIANCE AND EXEMPTIONS RE. FUNDING OF EUROPEAN WORKS	06/07/2023
<a href="#">CNS/DTSA/1402/23</a>	QUERY ON INVESTMENT OBLIGATIONS IN REGIONAL LANGUAGES RE. FUNDING OF EUROPEAN WORKS	19/10/2023



## APPENDIX V: ENERGY

### Reports on draft regulations

FILE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/051/22</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ROYAL DECREE AMENDING ROYAL DECREE 1716/2004, OF 23 JULY 2004, TO ADAPT IT TO IMPLEMENTING DIRECTIVE (EU) 2018/1581	07/02/2023
<a href="#">IPN/CNMC/052/22</a>	DRAFT ROYAL DECREE ON THE BASIC PROCEDURE FOR CERTIFYING THE ENERGY EFFICIENCY OF BUILDINGS	28/02/2023
<a href="#">IPN/CNMC/050/22</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON DRAFT ORDER ON THE REMUNERATION PARAMETERS FOR STANDARD INSTALLATIONS APPLICABLE TO CERTAIN ELECTRICITY PRODUCTION FACILITIES USING RENEWABLE ENERGY SOURCES, COGENERATION AND WASTE (2023)	30/03/2023
<a href="#">IPN/CNMC/014/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ORDER ON THE METHODOLOGY FOR UPDATING THE REMUNERATION FOR THE OPERATION OF FACILITIES UNDER THE SPECIFIC REMUNERATION REGIME AND APPROVING NEW STANDARD FACILITIES	20/06/2023
<a href="#">IPN/CNMC/019/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ORDER ON VALUES OF THE REMUNERATION FOR OPERATION IN THE SECOND HALF OF THE CALENDAR YEAR 2023	25/07/2023
<a href="#">IPN/CNMC/023/23</a>	REPORT ON THE DRAFT ORDER ESTABLISHING GAS SYSTEM CHARGES AND REMUNERATION AND ACCESS FEES FOR BASIC UNDERGROUND STORAGE FACILITIES FOR GAS YEAR 2024	12/09/2023
<a href="#">IPN/CNMC/013/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ROYAL DECREE DEVELOPING RENEWABLE ENERGY COMMUNITIES AND CITIZEN ENERGY COMMUNITIES	31/10/2023

FILE	NAME	DATE OF APPROVAL
<a href="#">IPN/CNMC/030/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ORDER RECOGNISING THE ECONOMIC REPERCUSSIONS DERIVED FROM TEMPORARY AND EXTRAORDINARY MEASURES TO GUARANTEE SUPPLY IN LA GOMERA	12/12/2023
<a href="#">IPN/CNMC/034/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON THE DRAFT ORDER ON THE METHODOLOGY FOR UPDATING THE REMUNERATION FOR THE OPERATION OF STANDARD FACILITIES WHOSE OPERATING COSTS DEPEND ESSENTIALLY ON THE PRICE OF FUEL	19/12/2023

### Reports not linked to draft regulations

FILE	NAME	DATE OF APPROVAL
<a href="#">INF/DE/242/22</a>	REQUEST FOR A REPORT FROM THE DIRECTORATE GENERAL FOR ENERGY POLICY AND MINES ON THE AWARD OF THE ORGANISED MARKET CREATOR SERVICE FOR NATURAL GAS. FIRST HALF OF 2023	12/01/2023
<a href="#">INF/DE/034/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON GUARANTEE MANAGEMENT RULES OF THE GAS SYSTEM	28/03/2023
<a href="#">INF/DE/111/23</a>	CONDITIONS FOR THE PROVISION OF LIQUEFIED NATURAL GAS LOGISTICS SERVICES AT THE REGASIFICATION PLANT IN THE PORT OF EL MUSEL	03/04/2023
<a href="#">INF/DE/055/23</a>	MARKET RULES, ADHESION CONTRACT AND DECISIONS OF THE ORGANISED GAS MARKET	13/04/2023
<a href="#">INF/DE/326/23</a>	REQUEST FOR A REPORT FROM THE DIRECTORATE GENERAL FOR ENERGY POLICY AND MINES ON THE AWARD OF THE ORGANISED MARKET CREATOR SERVICE FOR NATURAL GAS. SECOND HALF OF 2023	29/06/2023
<a href="#">INF/DE/421/23</a>	MODIFICATION OF THE WINTER ACTION PLAN FOR THE OPERATION OF THE GAS SYSTEM	26/10/2023
<a href="#">INF/DE/533/23</a>	REQUEST FOR A REPORT FROM THE SECRETARY OF STATE FOR ENERGY ON CONDITIONS FOR THE PROVISION OF THE MANDATORY MARKET MAKER SERVICE FOR DOMINANT NATURAL GAS OPERATORS	21/12/2023

## Regulated activities

### Regulated prices

FILE	NAME	DATE OF APPROVAL
<a href="#">RAP/DE/009/23</a>	ELECTRICITY TRANSMISSION AND DISTRIBUTION NETWORK ACCESS CHARGES FOR 2024	21/12/2023
<a href="#">RAP/DE/010/22</a>	ACCESS CHARGES TO THE TRANSMISSION NETWORKS, LOCAL NETWORKS AND REGASIFICATION NETWORKS FOR THE GAS YEAR 2024	30/05/2023
<a href="#">INF/DE/455/23</a>	AGREEMENT TO SUBMIT TO THE DIRECTORATE GENERAL FOR ENERGY POLICY AND MINES DATA TO PREPARE THE REVENUE AND COST SCENARIO FOR THE CALCULATION OF THE CHARGES THAT WILL PARTIALLY COVER THE COSTS OF THE ELECTRICITY SYSTEM FOR 2024	30/11/2023
<a href="#">INF/DE/454/23</a>	REPORT TO THE MINISTRY FOR ECOLOGICAL TRANSITION AND THE DEMOGRAPHIC CHALLENGE RE. THE PROPOSED REQUEST FOR THE DETERMINATION OF THE UNIT VALUES OF THE FINANCING OF THE SOCIAL BONUS 2024	05/12/2023
<a href="#">LIQ/DE/001/22</a>	REPORT ON THE 14/2022 PROVISIONAL SETTLEMENT OF THE ELECTRICITY SECTOR. ANALYSIS OF THE RESULTS AND DEVIATIONS FROM THE ANNUAL FORECAST OF THE REVENUES AND COSTS OF THE ELECTRICITY SYSTEM	20/04/2023
<a href="#">DCOOR/DE/002/23</a>	QUERY PORTUGAL ON MULTIPLIERS	20/04/2023
<a href="#">DCOOR/DE/005/23</a>	QUERY FRANCE ON MULTIPLIERS	5/10/23
<a href="#">LIQ/DE/025/23</a>	ESTIMATE OF THE RESULT OF THE FINAL SETTLEMENT FOR 2022 FOR THE APPLICATION OF ARTICLE 14.1 OF ROYAL DECREE-LAW 20/2022	20/04/2023
<a href="#">LIQ/DE/007/23</a>	REPORT ON THE FINAL SETTLEMENT OF THE ELECTRICITY SECTOR FOR 2022	28/11/2023

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/012/2023</a>	ELECTRICITY INDICATORS BULLETIN. YEAR 2023.	08/02/2023 28/03/2023 06/09/2023 28/09/2023 02/11/2023
<a href="#">DECISION</a>	CNMC DECISION OF 21 DECEMBER 2023 ESTABLISHING THE VALUES OF ACCESS CHARGES TO THE ELECTRICITY TRANSMISSION AND DISTRIBUTION NETWORKS TO BE APPLIED FROM 1 JANUARY 2024.	21/12/2023
<a href="#">DECISION</a>	CNMC DECISION OF 30 MAY 2023 ESTABLISHING ACCESS CHARGES TO THE TRANSMISSION NETWORKS, LOCAL NETWORKS AND REGASIFICATION NETWORKS FOR GAS YEAR 2024	30/05/2023

### Retribution to transmission and distribution facilities

FILE	DESCRIPTION	DATE OF APPROVAL
<a href="#">INF/DE/030/19</a>	REQUEST FOR REPORTS FROM THE DIRECTORATE GENERAL FOR ENERGY POLICY AND MINES ON THE REMUNERATION FOR THE FINANCIAL YEAR 2016 FOR ELECTRICITY DISTRIBUTION COMPANIES WITH FINAL JUDGEMENT PARTIALLY UPHOLDING THE DECISION	02/02/2023 20/07/2023
<a href="#">INF/DE/315/23</a>	REQUEST FOR A REPORT FROM THE DIRECTORATE GENERAL FOR ENERGY AND MINES ON THE DRAFT DECISION GRANTING REE PRIOR ADMINISTRATIVE AUTHORISATION FOR THE SPAIN-FRANCE ELECTRICITY INTERCONNECTION PROJECT THROUGH THE BAY OF BISCAY.	15/06/2023
<a href="#">INF/DE/399/23</a>	SOLICITUD DE INFORME DE LA SEE. TO MODIFY DRAFT ORDER 10.5 ON THE CALCULATION OF THE BEST ENERGY VALUE AT BORDER POINTS AND ENERGY CLOSURES OF THE ELECTRICITY METERING INFORMATION SYSTEM	15/11/2023

FILE	DESCRIPTION	DATE OF APPROVAL
<a href="#">INF/DE/530/23</a>	REVISION OF CONSUMPTION PROFILES FOR 2024	21/12/2023
<a href="#">RAP/DE/013/23</a>	REQUEST FROM ENAGÁS TRANSPORTE S.A.U. FOR RECOGNITION OF THE UNIQUE NATURE OF THE MODIFICATION OF THE ROUTE OF THE LEÓN-OVIEDO GAS PIPELINE	02/03/2023
<a href="#">RAP/DE/015/21</a>	DECISION TO INCLUDE ELECTRICITY PURCHASE COSTS OF EUSKADOUR'S COMPRESSOR STATION IN THE REMUNERATION SYSTEM FOR 2020	18/05/2023
<a href="#">RAP/DE/011/23</a>	REMUNERATION FOR THE GAS YEAR 2024 FOR COMPANIES THAT CARRY OUT REGULATED ACTIVITIES OF REGASIFICATION PLANTS, TRANSMISSION AND DISTRIBUTION OF NATURAL GAS	30/05/2023
<a href="#">RAP/DE/015/20</a>	DECISION ON THE REMUNERATION APPLICABLE TO THE DISTRIBUTION OF NATURAL GAS DUE TO THE SPECIFIC ISSUES OF THE ISLAND TERRITORIES WHERE REDEXIS S.A. OPERATES	20/07/2023
<a href="#">RAP/DE/020/23</a>	DECISION DETERMINING THE DISTRIBUTION AND ADJUSTMENTS TO BE MADE IN THE REMUNERATION FOR THE 2023 AND 2024 GAS YEARS AMONG THE COMPANIES INVOLVED IN THE TRANSFER OF OWNERSHIP OF THE REGANOSA GAS PIPELINE NETWORK TO ENAGÁS TRANSPORTE	15/12/2023
<a href="#">RAP/DE/019/23</a>	DECISION DETERMINING THE DISTRIBUTION AND ADJUSTMENTS TO BE MADE IN THE REMUNERATION FOR THE 2023 AND 2024 GAS YEARS AMONG THE COMPANIES INVOLVED IN THE TRANSFER OF OWNERSHIP OF THE MUSEL PLANT	15/12/2023
<a href="#">RAP/DE/030/22</a>	DECISION ESTABLISHING A TRANSITORY ECONOMIC REGIME FOR THE EL MUSEL REGASIFICATION PLANT	02/02/2023
<a href="#">RAP/DE/001/23</a>	DECISION APPROVING THE VALUATION OF THE ANNUAL SHRINKAGE BALANCES FOR THE GAS YEAR OCTOBER 2021-SEPTEMBER 2022	26/10/2023

## Market regulation and supervision

### Wholesale and retail market supervision

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/027/22</a>	REPORT ON THE SUPERVISION OF GAS AND ELECTRICITY RETAIL MARKETS. 2021 AND PREVIEW OF 2022	11/05/2023
<a href="#">INF/DE/388/23</a>	OPERATION OF THE WHOLESALE GAS MARKET IN 2022 AND RECOMMENDATIONS FOR INCREASING LIQUIDITY, TRANSPARENCY AND THE LEVEL OF COMPETITION IN THE ORGANISED GAS MARKET	05/10/2023
<a href="#">IS/DE/004/23</a>	WHOLESALE GAS MARKET AND SUPPLY INFORMATION BULLETIN. YEAR 2023. (MONTHLY)	Monthly
<a href="#">IS/DE/006/23</a>	RETAIL GAS MARKET INFORMATION BULLETIN. YEAR 2023 (QUARTERLY)	Quarterly
<a href="#">IS/DE/008/23</a>	REPORT ON THE PIPED LPG MARKET. YEAR 2022. (ANNUALLY)	08/06/2023
<a href="#">IS/DE/018/23</a>	REPORT ON THE REGISTRATION AND DEREGISTRATION OF GAS RETAILERS. YEAR 2022.	23/02/2023

### Technical system management

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/005/23</a>	REPORT ON THE SUPERVISION OF THE TECHNICAL MANAGEMENT OF THE GAS SYSTEM. YEAR 2022	22/06/2023
<a href="#">IS/DE/029/23</a>	INCENTIVES OF THE TECHNICAL SYSTEM OPERATOR: CALCULATION OF INDICATOR I7 (OVERALL TSO PERFORMANCE) FOR THE GAS YEAR OCT. 2021-SEP. 2022	06/07/2023

*Wholesale market. Electricity and gas*

FILE	NAME	DATE OF APPROVAL
<a href="#">DCOOR/DE/006/22</a>	DECISION APPROVING THE OPERATING RULES OF THE DAILY AND INTRADAY ELECTRICITY MARKETS TO ADAPT THEM TO THE ECONOMIC REGIME FOR RENEWABLE ENERGIES AND THE EVOLUTION OF THE MARKET AGENTS COMMITTEE	23/02/2023
<a href="#">DCOOR/DE/003/23</a>	DECISION APPROVING THE NEW ELECTRICITY OPERATING PROCEDURE 7.5 ON THE ACTIVE DEMAND RESPONSE SERVICE AND MODIFYING OP 14.4.	19/10/2023
<a href="#">DCOOR/DE/010/23</a>	DECISION ESTABLISHING THE CRITERIA FOR THE GRANTING OF EXEMPTIONS FROM THE REQUIREMENTS LAID DOWN IN THE EUROPEAN REGULATIONS APPROVING THE GRID CONNECTION CODES	21/12/2023
<a href="#">INF/DE/049/22</a>	DECISION MODIFYING THE CRITERIA FOR CALCULATING THE AVERAGE FINAL PRICE OF ENERGY IN THE ELECTRICITY MARKET	25/05/2023
<a href="#">RDC/DE/002/23</a>	DECISION MODIFYING THE ANNEX OF THE CNMC DECISION OF 24 MARCH 2022, ON THE ANTI-CAPACITY HOARDING MEASURES FOR SERVICES INVOLVING SLOTS.	20/12/2023
<a href="#">INF/DE/388/23</a>	OPERATION OF THE WHOLESALE GAS MARKET IN 2022 AND RECOMMENDATIONS FOR INCREASING LIQUIDITY, TRANSPARENCY AND THE LEVEL OF COMPETITION IN THE ORGANISED GAS MARKET	05/10/2023

*Supervision of energy forward markets and allocation mechanisms*

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/003/22</a>	ELECTRICITY FORWARD MARKETS MONTHLY BULLETIN. YEAR 2022. SEPTEMBER TO DECEMBER 2022	26/01/2023 09/02/2023 02/03/2023 23/03/2023
<a href="#">IS/DE/003/22</a>	ELECTRICITY FORWARD MARKETS BULLETIN. REVIEW OF 2022.	20/07/2023
<a href="#">IS/DE/024/22</a>	GAS FORWARD MARKETS MONTHLY BULLETIN. YEAR 2022. OCTOBER TO DECEMBER 2022	19/01/2023 23/02/2023 23/03/2023
<a href="#">IS/DE/024/22</a>	GAS FORWARD MARKETS MONTHLY BULLETIN. YEAR 2022. REVIEW OF 2022	20/07/2023
<a href="#">SUB/DE/002/23</a>	DECISION ESTABLISHING A MAXIMUM RESERVE PRICE FOR THE ANNUAL AUCTION FOR THE ALLOCATION OF THE ACTIVE DEMAND RESPONSE SERVICE FOR 2024.	30/11/2023
<a href="#">IS/DE/003/23</a>	ELECTRICITY FORWARD MARKETS QUARTERLY BULLETIN. Q1-23	30/11/2023

*Retail market and consumers*

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/014/22</a>	SUPERVISION REPORT ON RETAILER CHANGES. YEAR 2022	15/12/2023 27/07/2023 06/07/2023 13/04/2023
<a href="#">IS/DE/022/22</a>	SUPERVISION REPORT ON TELEPHONE AND ONLINE CUSTOMER SERVICES OF ELECTRICITY AND GAS SUPPLY COMPANIES IN 2022	27/07/2023
<a href="#">DJV/DE/005/22</a>	DECISION ON THE PROCEDURE FOR THE ADOPTION OF A LEGALLY BINDING DECISION BY THE CNMC CONCERNING THE SIGNIFICANT INCREASE IN CHANGES OF ELECTRICITY RETAILERS WITHOUT CONSENT AS A RESULT OF ERRONEOUS SELECTION OF THE CUPS CODE OF THE SUPPLY POINT	28/02/2023

## Access to networks

FILE	NAME	DATE OF APPROVAL
<a href="#">CFT/DE/139/23</a>	GRUPOTEC SPV 4 S.L. / REE – NUDO SAX 400 KV-	05/10/2023
<a href="#">CFT/DE/026/23</a>	ENERGIA INAGOTABLE DE CETI S.L. / E-DISTRIBUCIÓN REDES DIGITALES S.L.U. (FV SANTA MARGARIDA)	11/05/2023
<a href="#">CFT/DE/038/23</a>	GREEN CAPITAL POWER S.L. / REE (PROYECTO CORPORALES CABRERA ANÉMIDE TORNEROS)	08/06/2023
<a href="#">CFT/DE/119/23</a>	ROLWIND IBERIA 1 S.L. / REE	23/11/2023
<a href="#">CFT/DE/186/23</a>	OBI POWER S.L. / I-DE REDES ELECTRICAS INTELIGENTES S.A. (PF OBI ALGETE 1)	30/11/2023
<a href="#">CFT/DE/059/22</a>	BOGARIS PV6 S.L. / E-DISTRIBUCIÓN REDES DIGITALES S.L.U. / RED ELÉCTRICA DE ESPAÑA S.A.	26/01/2023
<a href="#">CFT/DE/173/22</a>	TEX ATHENEA S.L. / I-DE REDES ELÉCTRICAS INTELIGENTES S.A.U	23/02/2023
<a href="#">CFT/DE/242/22</a>	ADELANTA CORPORACION / REE	02/03/2023
<a href="#">CFT/DE/247/22</a>	EKIENEA S.L. / I-DE REDES ELÉCTRICAS INTELIGENTES S.A.U. (ST PUENTELARRÁ 132 KV)	23/03/2023
<a href="#">IS/DE/002/23</a>	SUPERVISION OF THE CAPACITY ALLOCATION MECHANISM FOR THIRD-PARTY ACCESS TO GAS SYSTEM FACILITIES. GAS YEAR OCT. 2021-SEPT. 2022	08/06/2023

## Economic and financial analysis and separation of activities

FILE	NAME	DATE OF APPROVAL
<a href="#">RAP/DE/002/23</a>	DECISION ESTABLISHING THE VALUE OF THE 2024 GLOBAL RATIO INDEX FOR COMPANIES ENGAGED IN THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND THE TRANSMISSION, REGASIFICATION, UNDERGROUND STORAGE AND DISTRIBUTION OF NATURAL GAS	20/12/2023
<a href="#">RAP/DE/027/22</a>	DECISION ESTABLISHING THE VALUE OF THE 2023 GLOBAL RATIO INDEX FOR COMPANIES ENGAGED IN THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND THE TRANSMISSION, REGASIFICATION, UNDERGROUND STORAGE AND DISTRIBUTION OF NATURAL GAS	23/02/2023
<a href="#">CIR/DE/003/22</a>	CIRCULAR 1/203 AMENDING CIRCULAR 4/2019 – ELECTRICITY SYSTEM OPERATOR REMUNERATION METHODOLOGY	07/02/2023
<a href="#">RAP/DE/003/23</a>	DECISION ON THE BALANCE OF THE ELECTRICITY SYSTEM OPERATOR'S REGULATORY ACCOUNT AT 31/12/2022	28/09/2023
<a href="#">RAP/DE/004/23</a>	DECISION ESTABLISHING THE AMOUNT OF THE ELECTRICITY SYSTEM OPERATOR'S REMUNERATION FOR 2024 AND THE PRICES TO BE CHARGED TO AGENTS FOR ITS FINANCING	15/12/2023
<a href="#">CIR/DE/002/22</a>	CIRCULAR 2/2023 AMENDING CIRCULAR 1/2020 – GAS SYSTEM TECHNICAL MANAGER REMUNERATION METHODOLOGY	28/02/2023
<a href="#">RAP/DE/007/23</a>	DECISION ON THE BALANCE OF THE GAS SYSTEM MANAGER'S REGULATORY ACCOUNT AT 31/12/2022	06/09/2023
<a href="#">RAP/DE/005/23</a>	DECISION ESTABLISHING THE AMOUNT OF THE GAS SYSTEM TECHNICAL MANAGER'S REMUNERATION AND THE QUOTA FOR ITS FINANCING IN GAS YEAR 2024	28/09/2023



FILE	NAME	DATE OF APPROVAL
<a href="#">RAP/DE/015/23</a>	DECISION ESTABLISHING THE REMUNERATION OF THE ELECTRICITY MARKET OPERATOR FOR 2022 CORRESPONDING TO RECOVERABLE COSTS RELATED TO DAILY AND INTRADAY COUPLINGS	02/11/2023
<a href="#">RAP/DE/008/23</a>	DECISION ESTABLISHING THE ESTIMATE OF THE MARKET OPERATOR'S RECOVERABLE COSTS RELATING TO THE DAILY AND INTRADAY COUPLINGS IN 2024	15/12/2023
<a href="#">INF/DE/003/23</a>	REPORT ON THE CURRENT STATE OF THE ELECTRICITY SYSTEM DEBT	19/01/2023
<a href="#">INF/DE/001/23</a>	REPORT ON THE CALCULATION OF THE AMOUNT PENDING COLLECTION OF THE DEFICIT AWARDED IN 2008 IN THE 2ND <i>EX ANTE</i> DEFICIT AUCTION	19/01/2023
<a href="#">INF/DE/002/23</a>	REPORT ON THE CALCULATION OF THE AMOUNT PENDING COLLECTION OF THE SECURITISATION FUND OF THE ELECTRICITY SYSTEM DEFICIT	19/01/2023
<a href="#">RAP/DE/006/23</a>	DECISION CALCULATING THE ANNUITY FOR GAS YEAR 2024 OF THE COLLECTION RIGHT RELATING TO THE ACCUMULATED DEFICIT OF THE GAS SYSTEM AT 31 DECEMBER 2014	19/10/2023
<a href="#">INF/DE/257/22</a>	REPORT ON THE PASSING ON TO END CONSUMERS OF THE COSTS ASSOCIATED WITH THE FINANCING OF THE SOCIAL BONUS BY RECURRING RETAILERS IN RCA 697/2022	09/02/2023
<a href="#">DJV/DE/006/22</a>	LEGALLY BINDING DECISION ON THE CREDIT FACILITY AGREEMENT SIGNED BETWEEN MADRILEÑA RED DE GAS AND ELISANDRA SPAIN V	16/03/2023
<a href="#">CNS/DE/115/23</a>	AGREEMENT RESPONDING TO THE QUERY FORMULATED BY NATURGY IN RELATION TO THE TEMPORARY ENERGY LEVY	04/05/2023

FILE	NAME	DATE OF APPROVAL
<a href="#">TPE/DE/001/23</a>	DECISION ON THE MERGER BY TAKEOVER OF IE2 HOLDCO AND VIESGO HOLDCO BY VIESGO DISTRIBUCCION ELÉCTRICA	23/03/2023
<a href="#">TPE/DE/006/23</a>	DECISION ON THE MERGER BY TAKEOVER OF SEVEN ELECTRICITY DISTRIBUTORS OF THE IBERDROLA GROUP BY ANSELMO LEÓN DISTRIBUCIÓN	14/09/2023
<a href="#">TPE/DE/007/23</a>	DECISION ON THE SEPARATION OF THE EL MUSEL REGASIFICATION PLANT FROM ENAGAS TRANSPORT TO MUSEL ENERGY HUB	28/11/2023
<a href="#">TPE/DE/008/23</a>	DECISION ON ENAGÁS TRANSPORTE'S ACQUISITION OF THE REGANOSA GAS PIPELINES	23/11/2023
<a href="#">TPE/DE/004/23</a>	DECISION ON THE ACQUISITION OF DECAIL ENERGÍA BY C. MARCIAL CHACÓN E HIJOS	29/06/2023
<a href="#">TPE/DE/004/23</a>	DECISION ON SOME OF THE CONDITIONS IMPOSED IN THE DECISION ON THE ACQUISITION OF DECAIL ENERGÍA BY C. MARCIAL CHACÓN E HIJOS	02/11/2023
<a href="#">OPD/DE/001/23</a>	DECISION ESTABLISHING AND PUBLISHING, PURSUANT TO THE PROVISIONS OF ARTICLE 34 OF ROYAL DECREE-LAW 6/2000, OF 23 JUNE 2000, THE LISTS OF MAIN OPERATORS IN THE ENERGY SECTORS	15/12/2023
<a href="#">OPD/DE/002/23</a>	DECISION ESTABLISHING AND PUBLISHING, PURSUANT TO THE THIRD ADDITIONAL PROVISION OF ROYAL DECREE-LAW 6/2000, OF 23 JUNE 2000, THE LISTS OF DOMINANT OPERATORS IN THE ENERGY SECTORS	15/12/2023
<a href="#">RAP/DE/014/23</a>	DECISION APPROVING THE INCENTIVE REMUNERATION OF THE TECHNICAL SYSTEM MANAGER. YEAR 2021	28/09/2023

## Renewable energy auctions

FILE	NAME	DATE OF APPROVAL
<a href="#">SUB/DE/004/22</a>	3RD AND 4TH AUCTIONS AWARDED THE ECONOMIC REGIME FOR RENEWABLE ENERGIES. OCTOBER AND NOVEMBER 2022	27/07/2023

## Liquid hydrocarbons

EXPEDIENTE	NOMBRE	FECHA DE APROBACIÓN
<a href="#">IS/DE/010/23</a>	BULLETIN ON FUEL DISTRIBUTION AT SERVICE STATIONS (monthly, November 2022-November 2023)	26/01/2023 02/03/2023 16/03/2023 23/03/2023 11/05/2023 08/06/2023 29/06/2023 27/07/2023 28/09/2023 28/09/2023 02/11/2023 15/12/2023
<a href="#">IS/DE/009/23</a>	BULLETIN ON EXOLUM GROUP'S LIQUID HYDROCARBON LOGISTICS ACTIVITIES IN SPAIN (year 2022 and first half of 2023)	15/06/2023 26/10/2023
IS/DE/015/23	MONITORING REPORT ON THE DEGREE OF COMPLIANCE WITH THE LIMITATIONS IMPOSED ON THE SHARE CAPITAL OF EXOLUM CORPORATION S.A.	06/07/2023

## Supervision of energy forward markets

FILE	NAME	DATE OF APPROVAL
<a href="#">IS/DE/003/21</a> AND <a href="#">IS/DE/003/22</a>	ELECTRICITY FORWARD MARKETS MONTHLY BULLETIN. YEARS 2021 AND 2022	monthly
<a href="#">IS/DE/003/21</a>	ANNUAL BULLETIN OF ELECTRICITY FORWARD MARKETS IN SPAIN (2021 REVIEW).	24/03/2022
<a href="#">IS/DE/024/21</a> AND <a href="#">IS/DE/024/22</a>	GAS FORWARD MARKETS MONTHLY BULLETIN. YEARS 2021 AND 2022	monthly
<a href="#">IS/DE/024/21</a>	ANNUAL MONITORING REPORT ON THE GAS MARKET BROKERED BY AGENCIES (2021 REVIEW)	07/04/2022

## Queries on the most relevant criteria

FILE	NAME	DECISION DATE
<a href="#">CNS/DE/751/22</a>	QUERIES AND RECOMMENDATIONS REGARDING THE ADJUSTMENT MECHANISM OF ROYAL DECREE-LAW 10/2022 OF 13 MAY 2022	28/09/23

## APPENDIX VI: TRANSPORT AND POSTAL SECTORS

### Airport sector

FILE	NAME	DATE OF APPROVAL
<a href="#">STP/DTSP/023/23</a>	SUPERVISION OF AENA P INDEX TARIFFS IN 2024	08/06/2023
<a href="#">STP/DTSP/024/23</a>	SUPERVISION OF COVID HEALTH COSTS FROM APRIL 2022 TO DECEMBER 2022 AND YEAR 2023	29/06/2023
<a href="#">STP/DTSP/018/23</a>	SUPERVISION OF AIRPORT CHARGES 2024	01/02/2024
<a href="#">CFT/DTSP/284/23</a>	DISPUTE ON AIRPORT CHARGES 2024	06/03/2024

### Railway sector

FILE	NAME	DATE OF APPROVAL
<a href="#">STP/DTSP/050/23</a>	SUPERVISION OF RAILWAY CHARGES 2024	18/01/2024
<a href="#">STP/DTSP/048/23</a>	ECONOMIC EQUILIBRIUM TEST OUIGO ALBACETE AND CÓRDOBA. NEW SERVICES OVERLAPPING WITH PUBLIC SERVICE OBLIGATIONS	20/12/2023
<a href="#">INF/DTSP/112/23</a>	QUARTERLY REPORTS ON PASSENGER AND FREIGHT RAIL TRANSPORT – THIRD QUARTER 2023	18/12/2023
<a href="#">CFT/DTSP/272/23</a>	DISPUTE ILSA OUIGO SUBSIDIES	30/11/2023
<a href="#">STP/DTSP/049/23</a>	ADIF/ADIF AV NETWORK STATEMENT 2024 AND 2025	23/11/2023
<a href="#">INF/DTSP/112/23</a>	QUARTERLY REPORTS ON PASSENGER AND FREIGHT RAIL TRANSPORT – SECOND QUARTER 2023	02/10/2024
<a href="#">STP/DTSP/027/23</a>	ECONOMIC EQUILIBRIUM TEST OUIGO VALLADOLID SEGOVIA. NEW SERVICES OVERLAPPING WITH PUBLIC SERVICE OBLIGATIONS	14/09/2023
<a href="#">STP/DTSP/030/23</a>	AMENDMENT OF NETWORK STATEMENT	06/09/2023

FILE	NAME	DATE OF APPROVAL
<a href="#">STP/DTSP/025/23</a>	TRANSFER OF TERMINUS STATIONS LEVANTE SERVICE TIMETABLE 2023-2024	25/07/2023
<a href="#">INF/DTSP/112/23</a>	QUARTERLY REPORTS ON PASSENGER AND FREIGHT RAIL TRANSPORT – FIRST QUARTER 2023	25/05/2023
<a href="#">INF/DTSP/006/23</a>	CONSULTATION TO THE REPRESENTATIVES OF USERS OF RAIL FREIGHT AND PASSENGER TRANSPORT SERVICES 2023	18/05/2023
<a href="#">STP/DTSP/007/23</a>	WEIGHTED AVERAGE CAPITAL COST (WACC) TO BE APPLIED TO RAIL SERVICE FACILITIES 2023	11/05/2023
<a href="#">STP/DTSP/052/22</a>	OUIGO COMPLAINT ABOUT MODIFICATION BY RENFE OF TERMINUS STATION IN MADRID-LEVANTE ROUTE	25/04/2023
<a href="#">INF/DTSP/048/22</a>	QUARTERLY REPORTS ON PASSENGER AND FREIGHT RAIL TRANSPORT – FOURTH QUARTER 2022	01/02/2023
<a href="#">STP/DTSP/006/23</a>	AMENDMENT OF THE 2023 NETWORK STATEMENT – LEVANTE AND ENERGY SUBSIDIES	16/03/2023
<a href="#">STP/DTSP/051/22</a>	AMENDMENT OF OUIGO'S FRAMEWORK AGREEMENT – COVID FLEXIBILISATION	28/02/2023
<a href="#">INF/DTSP/048/22</a>	QUARTERLY REPORTS ON PASSENGER AND FREIGHT RAIL TRANSPORT – THIRD QUARTER 2022	01/02/2023
<a href="#">CFT/DTSP/284/22</a>	DISPUTE ON EXTENSION OF THE TERM OF FRAMEWORK AGREEMENTS	07/02/2023
<a href="#">STP/DTSP/053/22</a>	AMENDMENT OF RENFE'S FRAMEWORK AGREEMENT – TERMINUS STATIONS	24/01/2023
<a href="#">STP/DTSP/048/22</a>	AMENDMENT OF RENFE'S FRAMEWORK AGREEMENT – COVID FLEXIBILISATION	10/01/2023

## Postal sector

FILE	NAME	DATE OF APPROVAL
<a href="#">STP/DTSP/049/21</a>	MONITORING OF THE CONDITIONS FOR THE PROVISION OF THE UNIVERSAL POSTAL SERVICE FOR 2021	28/03/2023
<a href="#">STP/DTSP/056/22</a>	REVISION OF UNIVERSAL POSTAL SERVICE PRICES FOR 2023	23/03/2023
<a href="#">INF/DTSP/072/23</a>	2022 ANNUAL REPORT OF THE POSTAL SECTOR	06/07/2023
<a href="#">STP/DTSP/034/23</a>	AGREEMENT ASSESSING UNIVERSAL POSTAL SERVICE CROSS-BORDER PARCEL DELIVERY TARIFFS 2023	27/07/2023
<a href="#">INF/DTSP/401/23</a>	REPORT ON THE METHODOLOGY FOR CALCULATING THE NET COST OF THE UNIVERSAL POSTAL SERVICE	19/09/2023
<a href="#">SU/DTSP/002/23</a>	VERIFICATION OF THE NET COST AND DETERMINATION OF THE UNFAIR FINANCIAL BURDEN FOR 2011	30/11/2023
<a href="#">VECO/DTSP/01/23</a>	REVIEW AND VERIFICATION OF THE ANALYTICAL ACCOUNTING OF STATE COMPANY CORREOS Y TELÉGRAFOS S.A. IN FINANCIAL YEAR 2021	18/05/2023

## Special environments

FILE	NAME	DATE OF APPROVAL
<a href="#">STP/DTSP/001/23</a>	SPECIAL ENVIRONMENT – MOJÓN BLANCO HOUSING DEVELOPMENT	20/04/2023
<a href="#">STP/DTSP/010/23</a>	SPECIAL ENVIRONMENT – MONTAGÓN HOUSING DEVELOPMENT	11/05/2023
<a href="#">STP/DTSP/013/23</a>	SPECIAL ENVIRONMENT – LAS CAUDALOSAS HOUSING DEVELOPMENT	24/08/2023
<a href="#">STP/DTSP/014/23</a>	SPECIAL ENVIRONMENT – ENTRENARANJOS HOUSING DEVELOPMENT	20/09/2023
<a href="#">STP/DTSP/016/23</a>	SPECIAL ENVIRONMENT – SANTA BARBARA HOUSING DEVELOPMENT	25/10/2023
<a href="#">STP/DTSP/019/23</a>	SPECIAL ENVIRONMENT - LAS PALMERAS HOUSING DEVELOPMENT	08/06/2023
<a href="#">STP/DTSP/020/23</a>	SPECIAL ENVIRONMENT – DE MONTESANO HOUSING DEVELOPMENT	20/09/2023
<a href="#">STP/DTSP/029/23</a>	SPECIAL ENVIRONMENT – FINCA LA OCEDILLA HOUSING DEVELOPMENT	20/09/2023
<a href="#">STP/DTSP/051/23</a>	DETERMINATION OF THE METHOD OF DELIVERY IN DEHESA DE CAMPOAMOR, CABO ROIG, LA ZENIA, LA ZENIA II, LA REGIA AND MIL PALMERAS	11/12/2023
<a href="#">ST/DTSP/054/22</a>	SPECIAL ENVIRONMENT – SIERRA DE TAJUÑA HOUSING DEVELOPMENT	28/03/2023
<a href="#">STP/DTSP/055/22</a>	SPECIAL ENVIRONMENT – SANTA ANA & LAS LAGUNAS HOUSING DEVELOPMENTS	28/03/2023

## APPENDIX VII: INTERNATIONAL

### Competition

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)	DATE
<i>Algorithmic competition</i>	19/05/2023
<i>Theories of Harm for Digital Mergers</i>	19/05/2023
<i>Assessing and Communicating the Benefits of Competition Interventions</i>	19/05/2023
<i>The Future of Effective Leniency Programmes: Advancing Detection and Deterrence of Cartels</i>	22/05/2023
<i>Serial Acquisitions and Industry Roll-ups</i>	15/11/2023
<i>Competition and Innovation - The Role of Innovation in Enforcement Cases</i>	15/11/2023
<i>Competition and Professional Sports</i>	15/11/2023
<i>Competition in the Circular Economy</i>	25/11/2023

LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM	DATE
<i>Competition and sports</i>	02/08/2023
<i>Competition and poverty</i>	04/08/2023

## APPENDIX VIII: CNMC HUMAN RESOURCES

### Average pay by occupational group

GROUP	GENDER	AVERAGE PAY	HEADCOUNT
CIVIL SERVANTS			
A1	Men	€67,830.84	68
	Women	€68,698.60	55
A2	Men	€45,548.79	32
	Women	€46,120.08	24
C1	Men	€33,451.21	11
	Women	€35,316.17	16
C2	Men	€29,820.74	12
	Women	€30,634.33	19
EMPLOYEES			
SENIOR MANAGEMENT	Men	€90,090.10	6
	Women	€103,491.28	11
HEADS OF DEPARTMENT / HEADS OF AREA	Men	€67,262.62	59
	Women	€66,733.12	58
TECHNICAL STAFF	Men	€43,515.46	44
	Women	€42,718.83	62
ADMINISTRATIVE STAFF	Men	€33,659.99	6
	Women	€37,584.47	47
SUPPORT STAFF	Men	€27,560.24	1
	Women	€24,481.69	3



### Distribution of staff by age group and gender (civil servants and employees)

AGE GROUP	MEN	WOMEN	TOTAL
21-25	0	0	0
26-30	13	9	22
31-35	23	24	47
36-40	16	14	30
41-45	36	38	74
46-50	58	71	129
51-55	35	57	92
56-60	29	50	79
61-65	21	31	52
66-70	8	1	9
<b>TOTAL</b>	<b>239</b>	<b>295</b>	<b>534</b>

### Distribution of staff by unit and gender (civil servants and employees)

CNMC MANAGEMENT CENTRE	MEN	WOMEN	TOTAL
PRESIDENT'S OFFICE	6	18	24
VICE-PRESIDENT'S OFFICE	1	1	2
GENERAL SECRETARIAT	58	54	112
COUNCIL SECRETARIAT	15	32	47
COMPETITION ADVOCACY DEPARTMENT	17	11	28

CNMC MANAGEMENT CENTRE	MEN	WOMEN	TOTAL
INTERNAL CONTROL DEPARTMENT	2	3	5
COMPETITION DIRECTORATE	38	53	91
ENERGY DIRECTORATE	50	72	122
TELECOMMUNICATIONS AND AUDIOVISUAL MEDIA DIRECTORATE	34	39	73
TRANSPORT AND POSTAL SECTORS DIRECTORATE	18	12	30
<b>TOTAL</b>	<b>239</b>	<b>295</b>	<b>534</b>

### Distribution of staff by professional group and gender (employees)

GROUP	MEN	WOMEN	TOTAL	% MEN GROUP	% WOMEN GROUP	% M / TOTAL HEADCOUNT	% M / TOTAL HEADCOUNT
SENIOR MANAGEMENT	6	11	17	35%	65%	2%	4%
HEADS OF DEPARTMENT / HEADS OF AREA	59	58	117	50%	50%	20%	20%
TECHNICAL STAFF	44	62	106	42%	58%	15%	21%
ADMINISTRATIVE STAFF	6	47	53	11%	89%	2%	16%
SUPPORT STAFF	1	3	4	25%	75%	0.3%	1.0%
<b>TOTAL</b>	<b>116</b>	<b>181</b>	<b>297</b>	<b>39%</b>	<b>61%</b>	<b>39%</b>	<b>61%</b>

### Distribution of staff by professional group and gender (civil servants)

GRUPO	MEN	WOMEN	TOTAL	% MEN GROUP	% WOMEN GROUP	% M / TOTAL HEADCOUNT	% M / TOTAL HEADCOUNT
A1	67	54	121	55%	45%	28%	23%
A2	32	24	56	57%	43%	14%	10%
C1	11	16	27	41%	59%	5%	7%
C2	12	19	31	39%	61%	5%	8%
NO GROUP (Temporary staff)	1	1	2	50%	50%	0,4%	0,4%
<b>TOTAL</b>	<b>123</b>	<b>114</b>	<b>237</b>	<b>52%</b>	<b>48%</b>	<b>52%</b>	<b>48%</b>
SENIOR OFFICERS	4	3	7	57%	43%	57%	43%

### Distribution of staff by level of education and gender (civil servants and employees)

LEVEL OF EDUCATION	MEN	WOMEN	TOTAL
Higher education qualification	196	203	399
Mid-level qualification	13	15	28
High school diploma	14	38	52
Vocational training	7	24	31
Secondary education certificate	9	15	24
<b>TOTAL</b>	<b>239</b>	<b>295</b>	<b>534</b>

## APPENDIX IX: CONTRACTS

### Governed by the Spanish Public Procurement Act

CONTRACTS UNDER THE PUBLIC PROCUREMENT ACT AWARDED BY THE CNMC – FINANCIAL YEAR 2023							
AWARDING PROCEDURE	TYPE OF CONTRACT	NEW CONTRACTS		CONTRACT EXTENSIONS		TOTAL	
		NO. FILES	AMOUNT	NO. EXTENSIONS	AMOUNT	TOTAL FILES	TOTAL AMOUNTS
OPEN PROCEDURE. MULTIPLE CRITERIA	WORKS	0	€0.00	0	€0.00	0	0,00 €
	SUPPLIES	0	€0.00	0	€0.00	0	0,00 €
	SERVICES	15	€5,790,272.91	19	€1,996,261.38	34	€7,786,534.29
	<b>TOTAL</b>	<b>15</b>	<b>€5,790,272.91</b>	<b>19</b>	<b>€1,996,261.38</b>	<b>34</b>	<b>€7,786,534.29</b>
OPEN PROCEDURE. ONE CRITERION	WORKS	0	€0.00	0	€0.00	0	€0.00
	SUPPLIES	1	€107,640.00	0	€0.00	1	€107,640.00
	SERVICES	6	€430,763.02	12	€44,469.98	18	€475,233.00
	<b>TOTAL</b>	<b>7</b>	<b>€538,403.02</b>	<b>12</b>	<b>€44,469.98</b>	<b>19</b>	<b>€582,873.00</b>
SIMPLIFIED OPEN PROCEDURE. MULTIPLE CRITERIA	WORKS	0	€0.00	0	€0.00	0	€0.00
	SUPPLIES	1	€92,624.53	0	€0.00	1	€92,624.53
	SERVICES	9	€487,644.23	0	€0.00	9	€487,644.23
	<b>TOTAL</b>	<b>10</b>	<b>€580,268.76</b>	<b>0</b>	<b>€0.00</b>	<b>10</b>	<b>€580,268.76</b>
SIMPLIFIED OPEN PROCEDURE. ONE CRITERION	WORKS	1	€83,656.15	0	€0.00	1	€83,656.15
	SUPPLIES	0	€0.00	0	€0.00	0	€0.00
	SERVICES	2	€134,254.96	0	€0.00	2	€134,254.96
	<b>TOTAL</b>	<b>3</b>	<b>€217,911.11</b>	<b>0</b>	<b>€0.00</b>	<b>3</b>	<b>€217,911.11</b>

AWARDING PROCEDURE	TYPE OF CONTRACT	NEW CONTRACTS		CONTRACT EXTENSIONS		TOTAL	
		NO. FILES	AMOUNT	NO. EXTENSIONS	AMOUNT	TOTAL FILES	TOTAL AMOUNTS
SIMPLIFIED OPEN PROCEDURE UNDER ART. 159 PUBLIC PROCUREMENT ACT (SUPERSIMPLIFIED)	WORKS	0	€0.00	0	€0.00	0	€0.00
	SUPPLIES	4	€78,550.27	0	€0.00	4	€78,550.27
	SERVICES	6	€81,022.83	1	€8,470.00	7	€89,492.83
	<b>TOTAL</b>	<b>10</b>	<b>€159,573.10</b>	<b>1</b>	<b>€8,470.00</b>	<b>11</b>	<b>€168,043.10</b>
NEGOTIATED PROCEDURE WITHOUT PUBLICITY	WORKS	0	€0.00	0	€0.00	0	€0.00
	SUPPLIES	0	€0.00	3	€14,069.80	3	€14,069.80
	SERVICES	2	€143,152.30	1	€51,727.50	3	€194,879.80
	<b>TOTAL</b>	<b>2</b>	<b>€143,152.30</b>	<b>4</b>	<b>€65,797.30</b>	<b>6</b>	<b>€208,949.60</b>
MINOR CONTRACTS. PAYMENTS MADE	WORKS	3	€86,287.84	N/A	€0.00	3	€86,287.84
	SUPPLIES	8	€66,587.18	N/A	€0.00	8	€66,587.18
	SERVICES	3	€21,172.80	N/A	€0.00	3	€21,172.80
	<b>TOTAL MINOR CONTRACTS</b>	<b>14</b>	<b>€174,047.82</b>	<b>N/A</b>	<b>€0.00</b>	<b>14</b>	<b>€174,047.82</b>
SUBSCRIPTIONS TO PUBLICATIONS (9TH ADDITIONAL PROVISION PUBLIC PROCUREMENT ACT)	SUPPLIES	25	€566,945.73	0	€0.00	25	€566,945.73
	<b>TOTAL</b>	<b>25</b>	<b>€566,945.73</b>	<b>0</b>	<b>€0.00</b>	<b>25</b>	<b>€566,945.73</b>
EMERGENCY PROCEDURE	WORKS	1	€11,893.57	0	€0.00	1	€11,893.57
<b>TOTAL CONTRACTS UNDER PUBLIC PROCUREMENT ACT PAYMENTS MADE 2023</b>		<b>87</b>	<b>€8,182,468.32</b>	<b>36</b>	<b>€2,114,998.66</b>	<b>123</b>	<b>€10,297,466.98</b>

### Asset contracts under the Public Assets Act awarded by the CNMC in 2023

AWARD PROCEDURE	TYPE OF CONTRACT	NEW CONTRACTS		CONTRACT EXTENSIONS		TOTAL	
		NO. PROCEEDINGS	AMOUNT	NO. EXTENSIONS	AMOUNT	TOTAL FILES	TOTAL AMOUNTS
DIRECT AWARD	SERVICES	2	€77,253.66	1	€39,596.04	3	€116,849.70

### Fixed payments files

NO. PROCEEDINGS	AMOUNT
186	€462,241.91

### Contracts under centralised procurement system tendered by the CNMC and awarded by the Directorate General for the Rationalisation and Centralisation of Procurement in 2023

AWARD PROCEDURE	TYPE	NEW CONTRACTS		CONTRACT EXTENSIONS		TOTAL	
		NO. PROCEED.	AMOUNT	NO. EXTENSIONS	AMOUNT	TOTAL FILES	TOTAL AMOUNTS
BASED ON FRAMEWORK AGREEMENT	SUPPLIES	11	€972,447.92	0	€0.00	11	€972,447.92
SPECIFIC TO DYNAMIC PROCUREMENT SYSTEMS	SUPPLIES	7	€392,949.24	0	€0.00	0	€392,949.24
SPECIFIC TO DYNAMIC PROCUREMENT SYSTEMS	SERVICES	0	0	1	€41,321.50	1	€41,321.50
<b>TOTAL</b>		<b>18</b>	<b>€1,365,397.16</b>	<b>1</b>	<b>€41,321.50</b>	<b>12</b>	<b>€1,406,718.66</b>

## Other types of expenditure

TYPE OF FILE	NO. FILES PROCESSED	AMOUNT
PUBLIC COOPERATION AGREEMENTS ART. 32 PUBLIC PROCUREMENT ACT	5	€2,329,313.00
CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	6	€105,342.00
EXPENDITURE FILES NOT INCLUDED IN THE PUBLIC PROCUREMENT ACT	2	€11,603.24
LEGAL COSTS	52	€1,761,935.02
FINANCIAL LIABILITIES	4	€296,449.65
GUARANTEES	4	€1,290,988.96
OTHER LEGAL/LITIGATION COSTS	3	€9,073.16
LOCAL TAXES	1	€212,438.37
<b>TOTAL OTHER FILES</b>	<b>77</b>	<b>€6,017,143.40</b>
AGREEMENTS (WITH OR WITHOUT MONETARY CONSIDERATION)	9	€88,382.48

## APPENDIX X: AMOUNT OF FINES IMPOSED IN THE PERIOD 2014-2023

Competition<sup>70</sup>

YEAR	CASES ART.1	FINES ART. 1 (€)	CASES ART. 2	FINES ART. 2 (€)	TOTAL CASES	AMOUNT OF FINES (€)
2014	9	43,850,253	4	12,616,036	13	56,466,290
2015	21	514,933,824	1	2,790,420	22	517,724,244
2016	12	155,518,894	1	638,770	13	156,157,664
2017	6	108,474,235	4*	1,929,155	9	110,403,390
2018	11	140,851,710	1	50,000	12	190,851,710
2019	7	422,962,042	1	2,949,660	9**	431,411,702
2020	3	4,419,155			3	4,419,155
2021	7	187,595,816			7	187,595,816
2022	2	226,940,000	5	86,826,996	8***	323,025,266
2023	3	204,218,211	1	387,672	4	204,605,883

<sup>70</sup> Article 1 of the Spanish Competition Act refers to collusive practices. Article 2 refers to abuses of a dominant position. Fines imposed on undertakings that applied for leniency and which were subsequently granted immunity are not included. \* In case S/DC/0511/14, RENFE OPERADORA was sanctioned for practices infringing Article 1 and Article 2 of the Spanish Competition Act, which is why this case is included in both columns. However, with regard to the fines imposed, the total amount is included in the column for proceedings for infringements of Article 1. \*\* Case S/DC/0552/15 AGIC, which resulted in the imposition of a fine of €5,500,000 for an infringement of Art. 3 of the Spanish Competition Act (distortion of free competition by unfair acts), is included together with the cases under Art. 1 and Art. 2 of the Spanish Competition Act. \*\*\*Case S/0013/20 AUDAX RENOVABLES, which resulted in the imposition of a fine of €9,258,270 for an infringement of Art. 3 of the Spanish Competition Act (distortion of free competition by unfair acts), is included together with the cases under Art. 1 and Art. 2 of the Spanish Competition Act.

**Energy<sup>71</sup>**

YEAR (*)	TOTAL CASES	AMOUNT OF FINES (€)
2014	4	18,700,000
2015	23	26,859,484
2016	35	3,565,749
2017	40	8,628,107
2018	48	7,025,560
2019	23	29,522,320
2020	16	576,931.80
2021	46	10,071,201
2022	76	22,739,900
2023	45	11,491,700

**Telecommunications<sup>72</sup>**

YEAR (*)	TOTAL CASES	AMOUNT OF FINES (€)
2014	16	3,048,788.34
2015	16	6,693,425
2016	21	1,501,800
2017	13	6,570,530
2018	11	249,400
2019	7	249,000
2020	8	633,200
2021	9	1,858,120
2022	11	3,649,600
2023	7	205,900

<sup>71</sup> (\*) No se incluyen 5 sancionadores con sentencia firme estimatoria, y se incluyen 2 sancionadores con sentencia firme estimatoria parcial con las cuantías de multas definitivas.

<sup>72</sup> (\*) 4 infringement proceedings with a final judgment upholding the decision are not included and 3 infringement proceedings with a final judgment partially upholding the decision are included with the amounts of the final fines.

**Audiovisual<sup>73</sup>**

YEAR (*)	TOTAL CASES	AMOUNT OF FINES (€)
2014	7	708,502
2015	14	2,908,340.50
2016	21	4,197,157
2017	4	812,290.40
2018	8	2,517,853.80
2019	10	1,199,546
2020	6	808,550
2021	8	557,003
2022	4	866,981.60

**Transport and postal sectors**

YEAR	TOTAL CASES	AMOUNT OF FINES (€)
2017	1	2,400
2018	3	82,626
2019	3	75,720
2020	3 <sup>74</sup>	172,600
2021	1	80,001

<sup>73</sup> (\*) 14 infringement proceedings with a final judgement upholding the decision are not included and 4 infringement proceedings with a final judgement partially upholding the decision are included with the amounts of the final fines.

<sup>74</sup> Including the two cases relating to the railway sector which, due to an error, were not included in the 2022 Annual Report.



## APPENDIX XI: SANCTIONS IMPOSED IN 2023

### Competition

CASE	NAME	FINE
<a href="#">S/0002/21</a>	CORPORATE DATABASES	€3,558,135
<a href="#">S/0013/21</a>	AMAZON/ APPLE BRANDGATING	€194,150,000
<a href="#">S/0003/23</a>	LUMINORA	€387,672
<a href="#">S/008/21</a>	MILITARY EQUIPMENT TENDERS	€6,510,076
<b>TOTAL</b>		<b>€204,605,883</b>

### Fines recalculated in enforcement of court judgments

CASE	NAME	FINE
<a href="#">VSNC/0032/13</a>	REPSOL	€8,750,000
<a href="#">VSNC/0033/13</a>	CEPSA	€2,500,000
<a href="#">VSNC/0034/13</a>	BP	€750,000
<a href="#">VS/0474/13</a>	FUEL PRICES	€2,308,150
<a href="#">VS/0500/13</a>	AGEDI/AIE	€2,092,815
<a href="#">VS/0596/16</a>	DOCKWORKERS VIGO	€101,000
<a href="#">VS/0490/13</a>	YOIGO AGREEMENTS	€200,000

### Energy

CASE	NAME	FINE
<a href="#">SNC/DE/102/22</a>	24-7 UTILITIES S.L.U.	€20,000.00
<a href="#">SNC/DE/139/22</a>	ANILLACO ENERGIA S.L.	€32,000.00
<a href="#">SNC/DE/123/22</a>	ANILLACO ENERGIA S.L.	€200,000.00
<a href="#">SNC/DE/098/22</a>	ANOTHER ENERGY OPTION S.L.	€100,000.00
<a href="#">SNC/DE/213/21</a>	ANOTHER ENERGY OPTION S.L.	€400,000.00
<a href="#">SNC/DE/210/21</a>	AQUI ENERGIA S.L.	€60,000.00
<a href="#">SNC/DE/046/23</a>	ATENCO ENERGÍA S.L.	€6,000.00
<a href="#">SNC/DE/157/22</a>	CHCUATRO GAS COMERCIALIZADORA S.L.	€2,000,000.00
<a href="#">SNC/DE/062/22</a>	COMERCIALIZADORA ELECTRICA DEL SURESTE S.L.	€7,800.00
<a href="#">SNC/DE/132/22</a>	COX ENERGÍA COMERCIALIZADORA ESPAÑA S.L.U.	€17,400.00
<a href="#">SNC/DE/078/21</a>	ENDESA ENERGÍA S.A.	€75,000.00
<a href="#">SNC/DE/164/22</a>	ENDESA ENERGÍA S.A.	€6,000.00
<a href="#">SNC/DE/096/22</a>	ENDESA ENERGÍA S.A.	€36,000.00
<a href="#">SNC/DE/022/22</a>	ENDESA ENERGÍA S.A.	€15,000.00
<a href="#">SNC/DE/201/21</a>	ENERGÍA GRAFENO S.L.	€29,000.00
<a href="#">SNC/DE/149/21</a>	ENERGÍA GRAFENO S.L.	€50,000,000
<a href="#">SNC/DE/152/22</a>	ENGIE CASTELNOU S.L.U	€80,000.00
<a href="#">SNC/DE/150/22</a>	EÓLICA DE SIERRA MINISTRA S.L	€1,800.00
<a href="#">SNC/DE/131/22</a>	ESCORXADOR COMARCAL DEL MOIANES S.A.	€54,000.00
<a href="#">SNC/DE/018/22</a>	FUSIONA COMERCIALIZADORA S.A.	€16,000.00
<a href="#">SNC/DE/006/22</a>	FUSIONA COMERCIALIZADORA S.A.U.	€39,200.00
<a href="#">SNC/DE/099/22</a>	FUSIONA SOLUCIONES ENERGÉTICAS S.A.	€1,200,000.00

CASE	NAME	FINE
<a href="#">SNC/DE/014/23</a>	HENAR ENERGÍA S.L.	€44,600.00
<a href="#">SNC/DE/138/22</a>	IBERDROLA CLIENTES S.A.U.	€6,000.00
<a href="#">SNC/DE/151/22</a>	IGNIS GENERACIÓN S.L.	€60,000.00
<a href="#">SNC/DE/068/22</a>	LUZ SURESTE S.L.	€10,000.00
<a href="#">SNC/DE/061/22</a>	MANDRILADORA ALPESA S.L.	€21,000.00
<a href="#">SNC/DE/075/22</a>	MATADERO EL CABEZO DE LA PLATA S.L.	€10,200.00
<a href="#">SNC/DE/149/22</a>	NATURGY IBERIA S.A.	€18,000.00
<a href="#">SNC/DE/019/22</a>	NATURGY GENERACION S.L.U.	€6,000,000.00
<a href="#">SNC/DE/071/22</a>	NATURGY IBERIA S.A.	€18,000.00
<a href="#">SNC/DE/110/22</a>	PREMIUM NUEVA ENERGÍA S.L.	€135,000.00
<a href="#">SNC/DE/101/22</a>	ROMA ENERGÍAS S.L.	€10,000.00
<a href="#">SNC/DE/056/22</a>	SIMPLES ENERGIA DE ESPAÑA S.L.	€52,800.00
<a href="#">SNC/DE/038/23</a>	SMART ELECTRIC ENGINEERING P2P S.L	€35,000.00
<a href="#">SNC/DE/077/22</a>	SOLELEC IBÉRICA S.L.	€160,000.00
<a href="#">SNC/DE/009/22</a>	SOLWE ENERGÍA S.L.	€6,000.00
<a href="#">SNC/DE/044/23</a>	TOTALENERGIES CLIENTES S.A.U.	€12,000.00
<a href="#">SNC/DE/137/22</a>	UNITEX S.A.	€34,200.00
<a href="#">SNC/DE/159/22</a>	VIRTUS GLOBAL ENERGY S.L.	€154,000.00
<a href="#">SNC/DE/053/22</a>	VIT PLASTIC S.L.	€6,000.00
<a href="#">SNC/DE/105/22</a>	WATIUM S.L.	€200,000
<a href="#">SNC/DE/079/22</a>	WEGO ENERGY S.L.	€12,900.00
<a href="#">SNC/DE/036/23</a>	WEGO ENERGY S.L.	€25,800.00
<a href="#">SNC/DE/145/21</a>	WEGO ENERGY S.L.	€15,000.00
<b>TOTAL</b>		<b>€11,491,700</b>

## Telecomunicaciones

CASE	NAME	FINE
<a href="#">SNC/DTSA/030/23</a>	TELEDIFUSIÓN MADRID S.A.	€6,900.00
<a href="#">SNC/DTSA/109/22</a>	SOLUCIONS VALENCIANES I NOVES TECNOLOGIES S.L.	€900.00
<a href="#">SNC/DTSA/129/22</a>	FIXED PORTABILITY DIALOGA GROUP	€117,600.00
<a href="#">SNC/DTSA/154/22</a>	11824 SERVICIO INFORMACION TELEFÓNICA S.L.U.	€7,200.00
<a href="#">SNC/DTSA/162/22</a>	ADVANCED TELEPHONE SERVICES S.A.	€18,000.00
<a href="#">SNC/DTSA/163/22</a>	PUBLITRU S.L.U.	€300.00
<a href="#">SNC/DTSA/091/22</a>	DIALOGA SERVICIOS INTERACTIVOS S.A.	€55,000.00
<b>TOTAL</b>		<b>€205,900</b>

## APPENDIX XII: DOCUMENTARY RESOURCES AND KNOWLEDGE MANAGEMENT

### Evolution of service levels

EVOLUTION OF SERVICE LEVELS	2022	2023	EVOLUTION (%)
Total queries handled	1,625	1,655	1.8%
Internal queries handled	1,505	1,488	-1.1%
External queries handled	120	167	39%
Total document loans	956	985	3%
Number of newsletters on document updates	14	14	=
Compliance with the Charter of Services	98.4%	99.4%	1%
Annual survey on service quality (out of 5)	4.76	4.85	1.9%

### Evolution of document collections

EVOLUTION OF DOCUMENT COLLECTIONS	2022	2023	EVOLUTION (%)
Books, monographs and reference works	11,266	11,375	1%
Studies and reports	14,756	15,538	5.3%
Journal articles	8,245	8,734	5.9%
Yearbooks and statistical series	1,312	1,437	9.5%
Journals and databases	608	621	2.1%
National and regional press releases	1,408,137	1,658,961	17.8%
Presentations given by CNMC staff	772	873	13.1%
ARIAE search engine (energy regulation in Latin America)	2,532	2,622	3.6%
"Energy in the Autonomous Communities" search engine	1,264	1,270	0.5%
Series of annual reports and company accounts repositories	775	780	0.6%
Telecommunications and audiovisual media regulations and case law	2,826	2,826	=
Decisions of the Directorate-General for Energy Policy and Mines	21,293	21,293	=

## Digital Library usage data

CNMC DIGITAL LIBRARY USAGE DATA	2021-2022	2023	EVOLUTION (%)
Number of electronic information resources	573	585	2%
Use of resources: number of accesses	30,261	32,523	7.5%
Duration: total usage time in hours	4,133	5,077	22.8%
Number of sites viewed	150,776	159,044	5.5%
Number of e-mail alerts sent	11,045	11,660	5.6%
Targeted dissemination of information: number of existing mailing lists (in use)	178	177	-0.5%



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