

CNMC'S COMPETITION ENFORCEMENT IN 2016

The aim of this note is to provide a brief description of the competition enforcement activity carried out by Spain's National Authority for Markets and Competition (CNMC) in the year 2016. The publishing of this note stems from the commitment by the CNMC to greater transparency regarding its work, an effort that will be complemented by the release of the Annual Report of the institution. In general terms, it seems safe to say that the competition enforcement record of the CNMC in 2016 has been satisfactory, as compared to the goals stated in the Annual Plan issued at the beginning of the year 2016.

1. Anticompetitive conduct

Cartel enforcement continues to be the top priority of the CNMC in the field of anticompetitive conduct, since cartels constitute the most harmful anticompetitive practices to the economy, both for consumers and undertakings. In 2016, 9 infringement decisions regarding cartels were issued, 3 involving anticompetitive conduct not related to cartels and 2 decisions on non-compliance, which brings a total of 14 decisions.

As a result, total fines reached € 227 million, of which € 218 million (96%) correspond to cartels, € 7 million to other type of infringements and the remaining amount to non-compliance. Total sanctions were lower than in 2015, but it is necessary to bear in mind that 2015 was a record year in terms of fines (550M€) as well as in the number of cartels uncovered.

1.1. Fight against cartels

Competition law has been applied to agreements which were clearly damaging the functioning of the Spanish markets. As already mentioned, in 2016, 9 cartels have been dismantled by the CNMC, with fines totalling €218 million. After deducting exemptions and reductions applied to leniency applicants (€68.8 million), total fines have been €150 million.

Cases

The 9 decisions issued on the cartel front concerned secret agreements between undertakings not to compete, which entailed price fixing, sharing of markets and customers, and the exchange of commercially sensitive information, among others.

The case with the highest sanctions (a total €130 million) involved several manufacturers of absorbent products for incontinence targeting adults (adult diapers), including individual fines imposed on 4 executives who directly participated in the cartel (case S/DC/0504/14 AIO, [see note](#)). A €68 million fine was waived for the leniency applicant.

This case originated from the application for leniency of one undertaking involved in the cartel, which led to the detection of this cartel by the CNMC. The Board of the CNMC reached the conclusion that several manufacturers, grouped together as *Grupo de Trabajo de Absorbentes of FENIN* (A&A -now P&G ESPAÑA-, INDAS, SCA, HARTMANN, ONTEX -now ONTEX ID-, TEXPOL/ALBASA and BARNA IMPORT), had engaged in cartel activity by fixing selling prices of the adult diapers funded by the Spanish National Health Service, with the collaboration of the trade association FENIN. In particular, these undertakings took concerted steps aimed at supplying exclusively in the pharmacy market, at the expense of the public market, from December 1996 to -- at least -- January 2004, according to evidence gathered during the investigation. Mention should be made to the fact that urinary incontinence constitutes a serious health problem in Spain due to its severity, impact, rate and scale, for it affects 2.5 million people. To sum up, this case stands out not only for the amount of the sanctions, but also for the long duration of the cartel, its sophisticated organisation and its direct effect on the public coffers.

The CNMC also imposed fines totalling €46 million on PROSEGUR and LOOMIS (and two of its executives) for anticompetitive practices in the market of transport and handling services of valuable goods, in particular, cash (notes and coins) (case S/DC/0555/15 PROSEGUR-LOOMIS, [see note](#)). This infringement was orchestrated through (i) the sharing between both companies of the transport and handling services of cash provided to certain customers who were deemed strategic by the undertakings (this sharing of the services provided to such customers was carried out according to the type of service or by geographical area), as well as of (ii) the sharing of other customers who requested the aforementioned services. The main effects of these practices were the exclusion of competitors, price rises and the respect of both companies' market shares. The primary victims were large retail commercial distribution companies and national or local financial entities, which require a national coverage of these services. Other relevant customers affected by these anticompetitive practices were public concession managers or publicly owned entities that handle vast amounts of cash, especially collective passenger transport entities.

Similarly, 23 companies active in the manufacturing and supply of cement and concrete were sanctioned a total of €29.17 million for cartel activity (case S/0525/15 CEMENTOS, [see note](#)). In the concrete market, the Board of the CNMC found evidence of three infringements that affected three regions of Spain (Northeast, Centre and South). The sanctioned undertakings engaged in the exchange of commercially sensitive information, market sharing and price agreements between 1999 and 2014. As regards the cement market, the investigation found evidence of the existence of a market sharing agreement and information exchange between four competitors, involving prices, strategies, customers and production volumes between 2013 and 2014.

In the area of public tenders, the CNMC sanctioned 4 companies and several executives of these firms for agreements and concerted practices consisting of market sharing, the fixing of prices and other commercial terms, and the exchange of commercially sensitive information, in relation to the supply of railroad switches to ADIF, the state-owned

company charged with the management of most of Spain's railway infrastructure (case S/0519/14 INFRAESTRUCTURAS FERROVIARIAS, [see note](#)). In order to implement these agreements, the 4 undertakings jointly bid for tenders as temporary joint ventures (or UTEs, under Spanish law), even though they could have bided for tenders in isolation and competitively.

Also in the area of public procurement, 15 companies specialised in international removal services were fined €4 million (case S/DC/0544/14 MUDANZAS INTERNACIONALES, [see note](#)). The Board of the CNMC found evidence that these removal companies had put in place a so-called "removal agreement" for more than 15 years. Accordingly, they regularly met at lunches and dinners in which the companies agreed to fix prices, carve up the market and exchange sensitive information. The cartel prevented competition between companies regarding international removals services for employees of several Ministries.

A cartel of the dealers of CHEVROLET cars (€1.7 million – case S/DC/0505/14 CONCESIONARIOS CHEVROLET, [see note](#)) and another one involving dealers of the brand VOLVO (€1.2 million – case S/DC/0506/14 CONCESIONARIOS VOLVO, [see note](#)) were also fined.

Inspections

The CNMC's inspection record continued unabated during 2016: in the framework of 6 investigations, 20 companies from different sectors were inspected, with the participation of more than 100 investigators. This reflects the CNMC's commitment to fight cartels and ensures a continuous flow of cases in this key area of competition enforcement.

Fighting bid-rigging in public procurement

In 2016, the Competition Directorate of the CNMC took the strategic decision to boost its fight against bid rigging (that is, restrictive agreements between competitors who bid for contracts –competition for the market-), a project started some months before in 2015. To this end, a working group inside the Competition Directorate was created to collect information in order to detect bid rigging cases conduct screening tests with this information in order to detect such cases, provide training to tendering bodies in order to detect indicia of bid rigging, etc.

In this context, in 2016:

- The working group has provided 14 training sessions, with the participation of over 750 civil servants actively involved in public tenders with the aim of training them on how to detect indicia of potential bid rigging.
- A [check list](#) has been released to disseminate bid-rigging detection tools among bidding bodies and to encourage their collaboration with the CNMC.
- Screening: the working group has strived for gathering data on public tenders from several public institutions in order to develop screening and data analysis techniques which could help in detecting such prohibited agreements. The ultimate goal is to develop automated detection tools that show anomalies in the bidding patterns of firms that could lead to the identification of anticompetitive behaviour. The working group has gained access to information on public tenders

stored in the electronic Procurement Platform of the Spanish public sector. With the help of data analysis and visualization tools this information has been processed to allow detection of bid rigging.

Leniency program review

In 2016, after eight years of practical experience operating the leniency program, the CNMC undertook an assessment effort of this program.

To this end, a questionnaire was sent to the law firms that have submitted a greater number of leniency applications, both at the national and European level. Issues covered in this questionnaire were the identification of the key elements that determine whether to submit a leniency application, the analysis of the actual working of the submission of applications, the processing and analysis of applications, general assessment of the program and possible improvements that could be introduced.

After receiving the answers to this questionnaire, on 19 December 2016, a conference was held at the CNMC to assess the results of these responses and to exchange views on potential refinements of the program that may improve its effectiveness.

Other type of sanctions in the fight against cartels

- Sanctions to managers for breaching the law, pursuant to Article 63.2 of the Competition Act.

Even though this legal provision entered into force in 2007, its use as a deterrent in the fight against cartels gained momentum in 2016.

In particular, 3 decisions¹ were issued during 2016 that involved 15 sanctions to managers pursuant to article 63.2 Competition Act totalling €147,150 in fines.

One of these executives benefited from the leniency program and was exempted from paying a fine of €15,000.

- The disqualification from public tenders for the infringement of the Competition Act, was included in the Spanish Public Procurement Act (Ley de Contratos del Sector Público) in October 2015.

Although the possibility of using this ban entered into force in 2015, the CNMC has adopted a rather cautious approach in its application until a clear legal framework is developed.

Explanatory note on CNMC inspections

In 2016, an explanatory note on how the CNMC conducts its inspections was published to let undertakings know in advance what to expect from CNMC inspectors if they are obliged to submit to an inspection, thus making more predictable how inspections are conducted for all parties concerned ([see link](#)).

¹ Cases S/DC/0504/14 AIO, S/0519/14 INFRAESTRUCTURAS FERROVIARIAS and S/DC/0555/15 PROSEGUR-LOOMIS.

1.2. Other anticompetitive actions

Prohibited practices

Apart from cartels, the CNMC has sanctioned other prohibited practices under the Spanish Competition Act.

Among these, it should be noted that 6 companies active in the market for typical Spanish nougat products (turrón) were penalized for reaching agreements on the exchange of information on prices, customers and other commercially sensitive data. The 6 companies, which represent 58% of the total production, agreed to share the supply of nougats to distribution companies by granting quotas from April 2011 until November 2013. The total sanction imposed on companies exceeds €6 million ([see note](#)).

In intellectual property, the CNMC fined the Spanish Commercial Broadcasting Association (AERC) €190,000 for having carried out anti-competitive practices. This association tried to put pressure on intellectual property management rights entities (AGEDI and IEA) by promoting the boycott of the effective payment of invoices for the broadcasting rights. In addition, AERC sought to distort the negotiation of a new agreement with these companies, which collected the fees for the commercial broadcasting of phonograms to be paid by its associates. Thus, as of April 2011, in compliance with the recommendations of AERC, a large part of its associates stopped paying for several months to the management entities, with the consequent loss of revenue by AGEDI and AIE ([see note](#)).

In 2016, only one case of abuse of the dominant position was decided; automatic washing machines maintenance. Istobal's refusal to supply spare parts and technical information to independent technical assistance services (SAT) which were not part of its authorized network without justification, was sanctioned. In addition, the market for repair and maintenance services of machinery for car wash centers was geographically shared ([see note](#)).

Two cases were also closed by means of Commitments Decisions (S/DC/0510/14 FOOD SERVICE PROJECT and S/DC/0522/14 THYSSENKRUPP).

Penalties for non-compliance

In 2016, the CNMC issued 2 sanctioning decisions in the framework of the 30/92 Act (SCN) for non-compliance with obligations in the Competition Act (LDC).

Urban Science was fined €53,597 for providing incomplete, incorrect, misleading and false information in the course of the investigation in the case S/0482/13 Fabricantes de automóviles ([see Decision](#)).

The other decision sanctioned Viajes Halcón, S.A. and Viajes Barceló, S.L. undertakings for breaching a previous decision of the Competition Authority in the case 476/99 AGENCIAS DE VIAJE, for breaching stand still obligations and creating UTE Mundosenior ([see Decision](#)).

INFRINGEMENT DECISIONS 2016									
Case		Decision date		Exemption or reduction	Cartel	Other horizontal conduct	Abuse of dominant position	Breach of conditions imposed by decisions	Providing misleading or false information
S/0455/12	GRUPOS DE GESTIÓN	12/05/2016	324,13.,00 €		x				
S/DC/0504/14	AIO	26/05/2016	128,854,152.00 ,	68,562,575€	x				
S/DC/0505/14	CONCESIONARIOS CHEVROLET	28/04/2016	1,722,467.00 €		x				
S/DC/0506/14	CONCESIONARIOS VOLVO	12/07/2016	1,280,409.00 €		x				
S/DC/0519/14	INFRAESTRUCTURAS FERROVIARIAS	30/06/2016	5,650,483.00 €		x				
S/DC/0525/14	CEMENTOS	05/09/2016	29,316,755.00 €		x				
S/DC/0538/14	SERVICIOS FOTOGRÁFICOS	15/12/2016	14,433.00 €	2,083.00 €	x				
S/DC/0544/14	MUDANZAS INTERNACIONALES	06/09/2016	4.394.390	297,388.00 €	x				
S/DC/0555/15	PROSEGUR - LOOMIS	10/11/2016	46,501,016.00 €		x				
Total of cartels			218,058,238.00 €						
S/DC/0503/14	FABRICANTES DE TURRON	07/04/2016	6,123,590.00 €			x			
S/DC/0518/14	AERC	07/04/2016	190,000.,00 €				X		
S/DC/0540/14	ISTOBAL	30/06/2016	638,770.00 €			X	x		
Other antitrust infringements			6,952,360.00 €						
SNC/007/16	AGENCIAS DE VIAJES	29/09/2016	1,838,424.00 €					x	
SNC/008/16	URBAN	07/04/2016	53,597.00 €						x
Total antitrust infringement cases			1,892,021.00 €						
Total			226,902,619.00 €	68,862,046.00 €					
Total after deducting exemptions and reductions			158,040,573.00 €						

2. MERGERS

Notifications

In 2016, 104 mergers were notified, as compared to 91 in 2015 and 84 in 2014, thus consolidating the growing trend in the notification of these transactions.

The pre-notification procedure was used in 94 of the 104 operations, a fact that demonstrates the usefulness of this instrument for both the notifying companies and the CNMC. Moreover, 54 transactions were notified using the simplified procedure, thus reducing the workload and the reporting requirements for the notifying parties and speeding the approval of these mergers.

Decisions

The CNMC reviewed a total of 102 concentrations in 2016, 96 of which were cleared within the first phase of merger control proceedings without commitments and 5 with commitments. One notification was shelved due to its withdrawal by the notifying parties. None of the notified mergers led to a second phase of proceedings.

In what follows a brief of the description of the transactions that were cleared subject to commitments is provided.

Approved with commitments

- [C/0730/16 JUST EAT/LA NEVERA ROJA](#)

This transaction consisted in the acquisition of the sole control of LA NEVERA ROJA by JUST EAT, through the purchase of its whole share capital.

Both undertakings provide food delivery management services on the internet and therefore this concentration affects a two-sided market with two sources of demand: restaurants and consumers wishing to order food delivered to their homes/workplaces.

Both operators were close competitors and the operation strengthened the network economies enjoyed by the new undertaking, which could be difficult to replicate by third parties. However, the CNMC took into account that food orders managed by the merging parties represent a very small part of the market for food delivery in Spain given the significant importance of phone orders.

In any case, in order to reduce the barriers for other competitors, the resulting entity submitted commitments in the first phase of the merger proceedings, which made it possible for the CNMC to approve the concentration. In particular, the new undertaking renounced imposing exclusivity clauses with restaurants and committed not to link the commissions applied to restaurants to possible situations of exclusivity and not to penalize those restaurants that join third platforms.

- [C/0748/16 BIMBO/PANRICO II](#)

The acquisition of the whole share capital of PANRICO by BIMBO entailed significant horizontal overlaps in the market for bread production, where BIMBO was the leading operator and PANRICO the second one. This operation had been previously raised before the CNMC, although on the previous occasion the owner of PANRICO, the investment fund OAKTREE, proposed to keep the sliced bread business, in order to avoid competition concerns arising from the overlap in that market. However, the solution was considered inadequate given the owner's limited experience in this business segment.

On this second occasion the parties suggested as a remedy the sale of the sliced bread to a third party with market experience. To this end, ADAM FOODS, a leading company in the Spanish biscuit market, was selected as a candidate to supply the bread and bread substitutes business with the manufacturer's brand.

This commitment was proposed as a 'fix it first' solution, with the aim of anticipating solutions to potential competition problems. To sum up, given the potential risks of the merger for effective competition in those markets, BIMBO offered, inter alia, the following commitments:

- the sale to ADAM FOODS of two factories and a bread-production line, with the aim of providing this firm with sufficient productive capacity;
- the signing of a manufacturing contract whereby BIMBO will supply ADAM FOODS with bread packaging in the initial stages of its entry into the business, granting it flexibility and production volumes in addition to its own production capacity.

At the same time, in order to reduce the possible dependence generated by this contract, it also included limits on the volumes of manufacture and a price evolution that discouraged this possible dependence.

After considering the commitments submitted as sufficient, the Board of the CNMC approved the concentration subject to the fulfilment of these conditions.

- [C/0758/16 GAS NATURAL FENOSA / GLP REPSOL BUTANO-ACTIVOS](#), [C/0759/16](#) and [C/0812/16](#)

This transaction involved the acquisition by GAS NATURAL FENOSA of piped liquefied petroleum gas (LPG) supply points belonging to GLP REPSOL BUTANO used for the transformation of LPG into natural gas.

The bringing together of the distribution networks in the new natural gas discharges and the supply by the distributor under the same business group, led the CNMC to conclude that this concentration could pose a significant risk to effective competition in the market for the supply of natural gas to households and commercial customers. In particular, there was a potential risk to competition in new gas discharges in those areas where the acquiring group was also a

commercial distributor (who operate under natural monopoly conditions following municipal administrative permits) or where it already owned a high market share in the retail market for gas supply. In order to mitigate this risk, GAS NATURAL FENOSA presented a number of commitments:

- on the one hand, on the non-performance of offers or supplies in new registrations during a given period of time, and
- on the other hand, on the prohibition of providing information to competitors about supply points processed and to customers whose supply was going to be switched to natural gas.

The CNMC cleared the proposed concentration subject to the fulfilment of these conditions.

Two similar operations (cases C/0759/16 and C/0812/16), were also cleared after REPSOL exited the LPG supply points business.

Other relevant concentrations

Other transactions that led to a comprehensive analysis by the CNMC, were

- HELIOS/IDC, concerning the provision of private health care services,
- CONTINENTAL/VALEO, in the market for the manufacture of automotive components,
- DAIMLER/HAILO/MY TAXI/NEGOCIO DE HAILO, in the digital economy,
- HERALDO/PEASA, related to regional press advertising,
- DIEBOLD/WINCOR, involving the manufacture of ATM ,
- GLINTT/ACTIVOS ALLIANCE HEALTHCARE, dealing with computer software, and
- CONSENUR/ACTIVOS CATHISA, in the waste treatment sector.

As regards the two transactions dealing with online intermediation platforms ([DAIMLER/HAILO/MY TAXI/NEGOCIO DE HAILO](#) and [JUST EAT/LA NEVERA ROJA](#)), the merging parties alleged that there was no legal obligation to notify them to the CNMC according to market share thresholds. The CNMC concluded that the product markets were narrower than those advanced by the merging parties, taking into account the specificities of online intermediation services, such as limited substitutability with other traditional services. In any case, when assessing the effects of these mergers on effective competition, the CNMC took into account the competitive pressure exerted by traditional services, as well as the potential global growth of these new online intermediation markets.

It should also be pointed out that in two of the above mentioned mergers (DAIMLER/HAILO/MY TAXI/HAILO BUSINESS; CONSENUR/CATHISA ASSETS) the notifications of the transactions took place as a result of the ex officio request of the

Competition Directorate. In fact, in the CONSENUR / ACTIVOS CATHISA case, the deal was executed prior to its notification and approval, contrary to what is required under the Competition Act, which led the CNMC to initiate proceedings for fining CONSENUR in this regard.

Lastly, regarding compliance with the duty of the merging parties to notify to the CNMC transactions that meet certain thresholds, the Competition Directorate opened 8 ex officio investigations in 2016 to verify whether such duty had been breached. For the moment being, only one proceeding is pending (the one already mentioned involving CONSENUR).

3. Sectors and markets monitoring

In 2016, the Competition Directorate committed itself to a greater scrutiny of the following sectors:

- Telecommunications and pay television:

During 2016, the Telecommunications Directorate of the CNMC did not issue new ex ante regulation that had a significant impact on the dynamics of the market, making coordination with the Competition Directorate in this regard less necessary than in the previous year.

However, regarding Competition Directorate cases, coordination focused on the quantification and allocation of the costs of the football television channels that made up the wholesale offer that TELEFÓNICA committed to offer competitors, in the context of the monitoring exercise of the commitments offered in the TELEFÓNICA/DTS merger case.

- Football TV rights

In May 2016, the CNMC released its report on the system for the sale of TV rights of the Spanish Football League ([see link](#)). Moreover, a monitoring exercise was carried out regarding the implementation by the Spanish Football League Association (LNFP) of the agreements of with third parties that dealt with football tv rights.

Given that football TV rights for the Spanish Liga have been awarded until June 2019, no significant events are expected in this area during 2017.

- Digital economy

In 2016, coordination with the European Commission intensified, particularly as regards the ongoing e-commerce sector inquiry conducted by DGCOMP. The CNMC stuck to the agreement reached by the competition authorities of the Member States (within the framework of the European Competition Network -ECN-) in the field of online hotel booking platforms, whereby Member States would abstain from initiating investigations for one year until a monitoring exercise on the effects of the commitments already adopted in investigations by other Member States has been conducted.

In any case, the two main online hotel booking platforms, Booking.com and Expedia, have unilaterally amended their contracts for the Spanish market in line with the commitments reached with the competition authorities of France, Italy and Sweden.

In addition, as already mentioned before, the CNMC placed special emphasis on the strict adherence of notifying firms to market share thresholds concerning mergers dealing with the digital economy (cases JUST EAT/LA NEVERA ROJA and MYTAXI/HAILO), in order to ensure their proper supervision.

The Competition Directorate also conducted an assessment of the new app developed by the majority of Spanish banks enabling immediate money transfers between individuals via their smartphones, with a view to allow online purchases in the future.

Lastly, the previous activity has been accompanied by an intensification of CNMC's participation in international conferences on the application of competition rules to the digital economy.

- Intellectual property

The Competition Directorate has held several meetings with the Intellectual Property Commission in order to exchange information and views on the implementation of the new tariff regulation for intellectual property rights (Ministerial Order ECD/2574/2015, of 2 December). In 2017, this joint work will continue in order to provide the Intellectual Property Commission with economic tools to handle complaints against the entities that manage intellectual property rights, complementing the technical analysis this Commission will carry out.

- Financial sector

ATMs Report

As mandated by the Royal Decree Act 11/2015, October 2th, that regulates fees for the withdrawal of cash from ATMs, the CNMC released a report on the agreements or decisions reached by banks on the level and application of such a fee.

This report analysed the structure of the market and the content and implementation of multilateral decisions, agreements and alliances between banks as well as the effect of these on the fees charged between banks and between banks and end users of ATMs ([see link](#)).

Derivatives

In April 2016, the Competition Directorate initiated proceedings regarding potential restrictive practices in the market of interest rate derivatives used as a risk-hedging instrument for syndicated loans, an investigation which is still ongoing.

Others

The Competition Directorate is also investigating the working of the market for access to ATM networks and agreements for the development of new means of payment.

- Professional services

In 2016, the CNMC initiated disciplinary proceedings against several bar associations following a complaint filed by Bankia regarding the fees recommended by these associations on lawsuits against Bankia. The case is still under investigation.

In this area, it is also worth noting the work carried out by the regional competition authorities in Spain, for they deal with the complaints against professional associations whose effects on competition are limited to their region.

4. International activity and other activities

ICN Cartel Workshop 2016 in Madrid

In October 2016, the CNMC hosted in Madrid the annual Cartel Workshop of the International Competition Network (ICN).

195 international delegates from more than 50 jurisdictions attended the workshop, 134 representatives from Competition Authorities and 61 representatives from non-governmental organisations. 44 people from the CNMC attended the meeting, 10 of them as panellists.

A total of 27 expert meetings were held: 3 plenary sessions, 10 mini plenary sessions and 14 workshops. As a novelty, two workshops were held in Spanish. The main topic of the meeting was Enhancing Cartel Enforcement with three sub-topics: strategies and techniques of investigation; public and private enforcement of competition rules; and sanctions and tools for deterrence.

The conference was a unique opportunity to share experiences and knowledge among experts, both public and private, in the fight against cartels around the world and to make more publicly known to the international competition law community the huge effort made by the Spanish competition authority in the fight against cartels.

Other international forums

In 2016, the CNMC deepened its active engagement both in the European Competition Network (ECN) and in the meetings of international organisations (OECD, ICN, Latin American Forum). This activity was supplemented with bilateral meetings with European counterparts (French and Portuguese Authorities) and with training, cooperation and exchange activities with other jurisdictions. In addition,

the CNMC signed a statement of intent with the *Trade and competitiveness* unit of the World Bank.

Promotion of the electronic administration in the processing of competition cases

In 2016, with the close help of the IT Unit of the CNMC, the CNMC undertook the necessary steps to implement the complete electronic management of proceeding in order to comply with the new Administrative Proceedings Act 39/2015.

Currently, virtually all new proceedings are handled electronically, which entails the receipt and notification of documents through a dedicated website.

Cooperation with regional competition authorities in Spain

In 2016, the CNMC signed a collaboration agreement with La Rioja region of Spain, with the purpose of improving the application of competition law through the mutual exchange of information. It should be taken into account that the CNMC signs this agreement with the government of those Spanish regions that have not put in place its own regional competition authority.

Moreover, the Working Group between the CNMC and the regional competition authorities of Spain met in Bilbao in order to analyse the allocation of cases and to exchange information on topics of common interest, such as non-regulated collaborations and the future course action of the CNMC regarding case allocation.

Collaboration between competition authorities in Spain also took place in the area of inspections. In particular, the CNMC requested collaboration from regional authorities for conducting 5 inspections and assisted a regional competition authority in a regional dawn raid. In addition, a session focused on how to conduct inspections was organised by the CNMC and attended by around twenty inspectors from different Spanish regions.

March 2017