

## The CNMC initiates disciplinary proceedings against Repsol

- It is investigating a possible abuse of its dominant position in the wholesale distribution of hydrocarbons in Spain.
- The oil company has allegedly taken advantage of its position to gain retail market share to the detriment of certain competitors —independent service stations—.
- The National Association of Automatic Service Stations (AESAE) and the Association of Independent Hydrocarbon Marketers filed a complaint before the Commission.

**Madrid, December 26th, 2023.-** The CNMC is investigating Repsol Comercial de Productos Petrolíferos, S. A., Repsol Directo, S. A., Repsol Customer Centric, S. L., Solred, S. A., Campsa Estaciones de Servicio, S. A. (Campsared) and Repsol, S. A., for possible anticompetitive practices, constituting an abuse of dominant position, in the market for the wholesale distribution of automotive fuels in Spain ([S/0011/22](#)).

The Repsol group is present throughout the value chain for the production and marketing of automotive fuels.

The oil company allegedly took advantage of its dominant position in the wholesale hydrocarbons market in Spain to carry out the following actions from March to December 2022:

- On the one hand, offering additional fuel discounts to users of its service stations through apps or loyalty and payment cards.
- And, on the other hand, increasing the price that third party competitors — independent service stations— pay (to Repsol) to acquire the fuel in the wholesale market.

Given Repsol's position in the wholesale market, the conduct would have entailed an exclusionary strategy vis-à-vis third party competitors —independent service stations—. Furthermore, they would have had the ability to erode the commercial margins of these competitors and limit the competence in retail distribution.

The cited practices constitute a possible violation of Article 2 of Law 15/2007 of 3 July, on the Defence of Competition (LDC) and Article 102 of the Treaty on the Functioning of the European Union (TFEU).

## Previous allegations

The investigation was initiated following complaints filed by the National Association of Automatic Service Stations (Asociación Nacional de Estaciones de Servicio Automáticas; AESAE) and the Association of Independent Hydrocarbon Marketers, for practices contrary to Article 2 of the LDC and Article 102 of the TFEU.

In view of the suspicion of possible anti-competitive practices, the CNMC opened a confidential inquiry (Article 49.2 of the LDC) and carried out an on-site inspection at Repsol's headquarters ([press release](#)).

The initiation of these proceedings does not prejudice the final outcome of the investigation. There is now a time limit of 24 months for the investigation and the adoption of a decision on the case.

## Related content:

- ([S/0011/22](#))
- [Press release](#) (20/12/2022): The CNMC is investigating several operators in the Spanish energy sector