

The CNMC fines Luminora for favouring access of its own renewable energy facilities to the electricity grid over a competitor

- Renewable energy developers access the transmission grid, owned by Red Eléctrica (REE), through an access point or "node".
- Luminora, in its capacity as Sole Node Agent, processed the access requests of several plants to a REE node.
- It abused its dominant position to obtain access for its own facilities and did not process those of a competitor.

Madrid, 2 January, 2024.- The CNMC has fined Luminora Solar Doce, S. L. 384,672 euros for having prioritised the processing of its renewable energy plants with Red Eléctrica (REE) over those of a competitor. This is an abuse of its dominant position, an infringement of Article 2 of the Spanish Competition Act 15/2007 of 3 July, 2007 ([S/0003/23: LUMINORA](#)).

In June 2022, the CNMC had already fined Enel Green Power España ([press release](#)) 4.9 million euros for similar conduct.

Renewables and grid access

Developers of renewable energy generation facilities access the transmission grid through access points, known as nodes. The capacity of each node is limited, so Red Eléctrica de España, S.A. (REE), as grid manager, assigns access based on available capacity.

When Luminora committed the offences, the regulations required that developers interested in accessing a node had to designate one party to act as the Sole Node Agent with REE (the Interlocutor Único de Nudo or IUN in Spanish) to process the applications.

The Sole Node Agent had a dominant position as it had the discretion to assign the order and coordinate the applications to REE. For this reason, its work had to be based on good faith and ensure a fair and non-discriminatory right of access to all renewable installations.

Origin of the sanction

The investigation stemmed from a decision by the CNMC's Regulatory Supervision Board in access dispute CFT/DE/134/20. The CNMC found that Luminora had acted improperly as the Single Node Agent of the Fausita 400 KV node vis-à-vis a competitor.

The Competition Directorate initiated an investigation ([press release](#)) for a possible abuse of its dominant position at that node, which is prohibited by Article 2 of the Spanish Competition Act.

Abusive conduct by Luminora

Luminora abused its dominant position as a Single Node Agent, a position it had itself requested, and failed to include its competitor's facilities in the various coordinated requests sent to Red Eléctrica, in contravention of its obligations. It even refused to do so despite a request from REE.

The competitor had to bring a dispute before the Regulatory Supervision Board and did not obtain access to the node until its resolution, more than a year after its first request.

Luminora sanctioned

The fine amounts to 387,672 euros for a very serious offence under Article 2 of the Spanish Competition Act (LDC) consisting of an abuse of a dominant position at the node concerned.

In addition to declaring the liability of Luminora as the perpetrator of the sanctioned practices, its parent company Soltec Development, S.A. has been declared jointly and severally liable for the payment of the fines.

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- [S/0003/23: LUMINORA](#)
- [CFT/DE/134/20](#)
- [Press release](#) (14/06/2022): The CNMC fines Enel Green 4.9 million euros for abusing its dominant position in two access nodes to the power transmission network