

## **The CNMC fines Cemesa Amarres Barcelona and Mooring & Port Services 80,000 euros**

- In July 2021, they created Amarres de Barcelona, but they were required to comply with several commitments to maintain competition in the port.
- Among others, the companies agreed not to worsen the commercial conditions and not to increase the previous prices for mooring and unmooring services.
- They delivered the information allowing the CNMC to verify this commitment on an annual basis with a delay of over a month.

**Madrid, 12 January 2024.-** The CNMC has fined Cemesa Amarres Barcelona S. A. and Mooring & Port Services S.L. a total of 80,000 euros for failing to comply with one of the commitments undertaken in 2021 when they created Amarres de Barcelona S.L. JV, currently the only mooring company in the port of Barcelona ([SNC/DC/065/23](#)).

Cemesa and Mooring voluntarily offered and accepted several commitments before the CNMC ([Press release](#)). Among others, the companies agreed not to worsen commercial conditions or increase prices prior to the creation of Amarres de Barcelona. They agreed to update prices only annually and with justification<sup>1</sup>.

### **Delay in submitting information**

The companies were obliged to submit an annual report with prices of services and confidential copies of contracts renewed in 2022 within the first 15 days of the year. However, they did so more than a month late. Such verification is essential for the CNMC to check and monitor the effectiveness of the commitment.

Failure to comply with the commitments of a merger is a very serious infringement under Article 62.4.c of the Spanish Competition Act. Consequently, the CNMC has fined both companies a total of 80,000 euros.

An administrative appeal may be lodged directly with the Spanish National High Court against this decision within two months from the day following its notification.

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<sup>1</sup>Depending on the impact on costs of the wage increase resulting from the national moorers' sectoral agreement applicable each year.

**Related content:**

- [SNC/DC/065/23](#): Mooring Port Services / Cemesa Amarres Barcelona
- [Press release](#) (30/11/2023): The CNMC initiates infringement proceedings against Cemesa Amarres Barcelona S. A. and Mooring & Port Services S. L.
- [Press release](#) (30/07/2021): The CNMC approves subject to commitments the creation of a 50% joint venture between Mooring & Port Services and Cemesa Amarres de Barcelona