

The CNMC fines several companies EUR 1.25 million for imposing minimum commissions in the real estate brokerage market.

- The companies fined set up a multiple listing service (MLS) in Spain, through which they imposed minimum brokerage commissions.
- Membership in the system generally required a minimum 4% commission rate on purchases and sales transactions and one month's rent for leases.
- This membership in the MLS limited the ability of real estate agencies to compete and set commissions independently.

Madrid, 9 December 2021.- The CNMC has fined Anaconda, Idealista, Inmovilla, Look & Find, MLS, Remax and Witei for entering into real estate brokerage price-fixing and information-sharing agreements. ([S/0003/20](#)).

These practices constitute a single and continuous infringement under Article 1 of Spain's competition law (*Ley 15/2007, de 3 de julio*) and Article 101 of the Treaty on the Functioning of the European Union by constituting a cartel.

In November 2019, the CNMC conducted a series of inspections at the offices of several real estate brokers and associations ([press release](#)). Later, in February 2020, the Commission initiated proceedings against the companies it has now fined ([see press release](#)).

Multiple listing system (MLS)

The companies fined used what is known as a multiple listing system (MLS). Imported from the United States, this system entails sharing a database so member real estate brokers and agencies can share property listings and sales on an exclusive basis.

When an MLS member finds a property (sale/rental) to list, it can put that property in the system, giving other members the chance to make the sale. In this case, the "finder" and the "seller" split the agreed commission for the overall brokerage service offered.

MLS in Spain

Remax and Look&Find spearheaded the MLS project in Spain. Habitania, which was later acquired by Idealista (Idealista Tools), oversaw its technological development. In 2012, Inmovilla and Habitania adapted their systems so they were compatible with the MLS. In 2017, Anaconda, set up by Remax, Look&Find and MLS, joined in the structure and took charge of developing and managing a common property-sharing database.

Alongside the franchise companies, Remax and Look&Find, the real estate software solutions companies Idealista (through Idealista Tools), Inmovilia and Witei actively contributed to the development and rollout of the MLS through which the infraction was committed.

Internal rules and regulations

The franchisers that developed the MLS approved a set of binding rules and regulations for member agencies and brokers. These included applying a minimum commission of 4% on sales and one month's rent on leases. They also required splitting the commission evenly between the finder of the property and the seller that closed the deal.

Infringing these rules could result in disciplinary penalties and even suspension of membership, thereby cutting off access to the stock of properties.

The software companies were also involved in the antitrust conduct, since they attended meetings on the system's design and implemented filters and other control measures to ensure that all the properties uploaded to the system complied with the requirements of the internal rules and regulations.

By implementing software that tracked fees on properties found by competitors and accessing sensitive information between them, they could ensure the system's application in the real estate market, which is characterised by its fragmented supply and demand side.

Therefore, both the regulations and the software rules restricted competition between real estate agencies by setting minimum commissions and other commercial terms and conditions and giving rise to a level of transparency that was not compatible with the necessary competition between undertakings.

Moreover, entities unwilling to accept the anti-competitive rules contained in the regulations were unable to avail themselves of the advantages of the MLS.

Infringements and sanctions

The CNMC has proven the existence of agreements between Remax, Look&Find, MLS, Anaconda, Idealista, Inmovilla and Witei.

These entailed approving, implementing and establishing systems for monitoring compliance with rules that included setting a compulsory minimum commission for agencies wishing to use the MLS and sharing information on agency and broker commissions for their real estate brokerage services.

As a result, it found them guilty of an extremely serious infringement of Article 1 of Spain's competition law (*Ley 15/2007, de 3 de julio*) and Article 101 of the Treaty on the Functioning of the European Union by constituting a cartel. Accordingly, the CNMC has imposed the following fines:

Infringer	Fine (EUR)
Anaconda	1,749
Idealista	730,000
Inmovilla	83,149
Look & Find	31,486
MLS	9,942
Remax	375,720
Witei	18,925

In accordance with Article 66 of Spain's competition law, the fine imposed on Witei Solutions S.L. was reduced by 45% for its cooperation in the CNMC's [leniency programme](#).

The CNMC Board also requested that the Competition Department assess the liability of directors, legal representatives and other operators not sanctioned in this case and investigate whether other competition infringements related to the infringement found in this decision had been committed.

The CNMC states that its decision is final in the administrative sphere but is open to challenge via an application for judicial review with the National Court (Audiencia Nacional).