

PRESS RELEASE

CNMC is initiating disciplinary proceedings against three trade unions and two employers' associations in Cadiz

- **It is investigating possible anti-competitive practices in the mooring and launching service at the Bay of Gibraltar Harbour.**

Madrid, 17 October 2018.- CNMC (National Authority for Markets and Competition) has initiated disciplinary proceedings against the signatory parties of the “*Agreement of employment stability for mooring and launching at the Bay of Gibraltar Harbour*”, issued in the Provincial Official Gazette of Cadiz (nº. 151, 9 August 2016), for including clauses that restrict competition. (S/DC/0605/17)

In particular, some of the clauses in the agreement affect the freedom and hiring cost of new operators, limiting access to mooring and launching, and impeding the application in full of the free competition system in providing this service at Algeciras Harbour.

The analysed practices are based on the information that the Puertos del Estado association sent to CNMC. From this, CNMC began a confidential preliminary investigation to determine whether the initiation of disciplinary proceedings was justified. As a result of this investigation, CNMC has observed reasonable signs of the existence of practices prohibited by the competition regulations.

Therefore, in accordance with the provisions in article 49.1 of Law 15/2007, of 3 July, of Defence of Competition, CNMC has initiated disciplinary proceedings (S/DC/0605/17) against the Federación de Servicios a la Ciudadanía de Comisiones Obreras (CCOO-FSC), the General Workers' Union of Mobility and Consumption (UGT-SMC), the Maritime Activities Trade Union of Spain (SAME), the Bay of Gibraltar Services Companies Association (AESBA), and the Confederation of Business in Cadiz (CEC), for an alleged breach of article 1 of the LDC and of article 101 of the Treaty on the Functioning of the European Union.

CNMC also reminds the parties of their obligatory “duty of reserve and confidentiality”, in accordance with article 43 of the Law 15/2007 of Defence of Competition. Such an obligation of discretion is designed to protect the investigation and resolution process of the disciplinary proceedings.

The commencement of these proceedings does not prejudice the final conclusion of the investigation. The case must now be investigated and decided by the CNMC within a maximum of 18 months.

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