

PRESS RELEASE

The CNMC is investigating possible anti-competitive practices in the Spanish radiopharmaceutical market

- These drugs are used in positron-emission tomography (PET) procedures.
- Possible agreements for the distribution of customers, price fixing and exchange of information are being analysed.

Madrid, 9 November 2018.- The CNMC (Spain's National Authority for Markets and Competition) is investigating possible anti-competitive practices in the Spanish market for radiopharmaceutical production and marketing used in positron-emission tomography (PET) procedures.

On 6 and 7 November, the CNMC carried out inspections at the headquarters of several companies operating in this market. The reason is that we suspect possible anti-competitive practices, prohibited by the Defence of Competition Act, consisting in possible market share, price-fixing and information exchange agreements implemented by manipulating tenders issued, among others, by the Health Services and hospitals of different Autonomous Regions.

Inspections are a preliminary step in the process of investigating alleged anti-competitive behaviour and do not affect the outcome of the investigation or the liability of the entities.

Where evidence of anti-competitive practices prohibited by the Defence of Competition Act is found as a result of the inspection, disciplinary proceedings will formally commence.

Agreements between competitors are considered to be a very serious infringement of competition law, and may result in fines of up to 10% of a company's total turnover in the year immediately preceding the fine's imposition.

The investigation of cartels is one of the priorities for action of the CNMC, given the particular severity of their impact on consumers and the proper functioning of markets. For this purpose, it has in place, among others, the "[Leniency Programme](#)", which allows cartel-member companies to benefit from an exemption from penalty payment if they provide evidence enabling the CNMC to detect these cartels, or a reduction in any penalty imposed if they provide information with significant added value on an existing CNMC investigation.

The CNMC also has an [online public collaboration platform](#) to detect cartels by providing anonymous information on any secret agreements between competitor

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companies to fix prices or other commercial conditions, distribute the market or clients, or fraudulently distribute public or private tenders.

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