

PRESS RELEASE

CNMC initiates sanction proceedings against Adidas España for possible anticompetitive activity

Madrid, 22 November 2018. - The CNMC (Spain's National Authority for Markets and Competition) has agreed to open sanction proceedings against Adidas España, for anticompetitive activity (S/DC/0631/18).

The anticompetitive activity is reported to consist of contractual clauses applied to some of its franchises, which could restrict competition by prohibiting certain types of sales, such as online sales or cross-sales, and impose anti-competition requirements that could be considered disproportionate. Likewise, Adidas may have indirectly fixed resale prices at its franchises.

The activity being investigated comes as the result of a complaint. From this, the CNMC started a confidential information-gathering process, followed by a preliminary investigation, S/DC/0631/18, to determine whether the circumstances justified the initiation of sanction proceedings.

From the appearance of the available information and the documentation summarised in the outline of activities undertaken, the CNMC believes there are reasonable indications of the existence of conduct prohibited by Article 1 of Law 15/2007 of 3 July on Defence of Competition (LDC) and Article 101 of the Treaty on the Functioning of the European Union (TFEU).

CNMC reminds the parties of their obligatory “duty of reserve and confidentiality”, in accordance with article 43 of the 15/2007 on Defence of Competition. This requirement for discretion is designed to protect the investigation and decision processes of the sanction proceedings.

The commencement of these proceedings does not prejudice the final conclusion of the investigation. The case now has a maximum period of 18 months in which to be investigated and resolved by the CNMC.

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