

PRESS RELEASE

The CNMC investigates possible anti-trust practices involving the production, marketing and distribution of chemical products.

Madrid, 23 September 2019 - The CNMC is investigating possible anti-trust practices consisting of agreements and/or arranged practices involving the production, marketing and distribution of chemical products in Spain.

From 17 to 19 September, inspections were carried out at the headquarters of several manufacturing and marketing companies that operate in this market. Collaborating with the CNMC were inspectors from local competition authorities in the regions where some of the inspected companies are located.

These inspections are part of the investigation opened by the CNMC after having learned of the possible existence of potential anti-trust practices consisting of agreements and/or arranged practices involving the production, marketing and distribution of chemical products, including the allocation of quotas to distributors as well as the assignment of geographical areas to distributors in Spain.

The inspections represent a preliminary step in the process of investigating the alleged anti-trust behaviours and do not presume the outcome of the investigation or the guilt of the companies inspected. If the inspection finds indications of practices prohibited by the Anti-Trust Law, then disciplinary proceedings will be formally initiated.

The CNMC has an [online platform for public whistleblowers](#) to help it identify cartels. Individuals can use it to provide information anonymously about possible confidential agreements between competing companies involving pricing or other commercial conditions, the distribution of markets or customers, or the fraudulent distribution of public or private tenders.

Agreements between competitors constitute a very serious violation of anti-trust law and can lead to fines of up to 10% of the total turnover of the infringing companies. In fact, the investigation of cartels is one of the CNMC's top priorities, given the particular seriousness of their consequences on consumers and on the proper operation of markets.

To this end, the CNMC offers a [clemency programme](#) that allows companies that are part of a cartel to avoid having to pay a fine as long as they provide evidence that allows the CNMC to identify a cartel, or to have the amount of the potential fine reduced if they provide information that is of significant value to an ongoing CNMC investigation.

The prohibition to contract companies sanctioned for serious infractions of anti-trust laws, laid out in Article 71 of Law 9/2007 on Public Sector Contracts, could be

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waived for companies that apply for clemency, pursuant to Article 72.5 of the aforementioned Law, which states that it is inappropriate to prohibit the contracting of companies seeking clemency.

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