

PRESS RELEASE

The CNMC investigates various companies after identifying ongoing potential anti-trust practices in the market for transporting passengers and vehicles by sea between Algeciras and Ceuta

- Several companies engaged in these activities were fined in 2011 for breaching the competition law.
- The CNMC has initiated a new investigation thanks to the information it collected while monitoring said previous proceedings.
- It is the first time that the Commission carries out dawn-raids at companies based on monitoring a previous case.
- The behaviors now investigated could have affected passengers on the above-mentioned route and public procurement to provide the service.

Madrid, 20 December 2019.- The CNMC investigates ongoing potential anti-trust practices, in breach of Article 1 of Spain's Anti-Trust Law (LDC) and Article 101 of the Treaty on the Functioning of the European Union (TFEU), by companies engaged in the maritime transport of passengers and vehicles between Algeciras and Ceuta.

Specifically, the behaviours involve alleged agreements and/or concerted practices to set up prices and other commercial conditions, to share the market and exchange sensitive commercial information in order to coordinate the prices and schedules of the various daily trips and allocate the rights of ships to dock in ports.

In addition, this agreement could have allegedly affected public tenders to provide maritime transport services for passengers and vehicles on the Ceuta - Algeciras line.

In 2011, what was then the National Competition Commission (CNC) fined Balearia Euroline Marítimas S.A., Buquebus España S.A.U. and Euromaroc 2000 S.L. (all companies of the Balearia Group) and Förde Reederei Seetouristik Iberia S.L. for anti-trust practices similar to those being analysed now ([S/0241/10](#)). That Ruling, in terms of the conduct involved, was confirmed by both the National Court and the Supreme Court.

In accordance with Article 41 of the LDC, a monitoring period (monitoring proceedings) was subsequently initiated to ensure that the fined companies ceased their anti-competitive practices and complied with the provisions of the Ruling.

Unofficial document intended for the media. Not binding on the CNMC. Reproduction authorised only if the source is quoted.

New inspections based on the monitoring proceedings

As part of the monitoring associated with the 2011 case, on 17, 18 and 19 December, the CNMC carried out inspections at the headquarters of several companies that operate in the maritime passenger and vehicle transport market between Algeciras and Ceuta. These inspections stem from the findings identified as part of the monitoring proceedings, and entail the initiation of a new investigation by the CNMC.

These are also the first inspections carried out as part of the activities to enforce the rulings of the CNMC Council, and basically serve to strengthen said rulings, as specified in the [2019 CNMC Action Plan](#).

The inspections are 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, as a result of said inspections, reliable evidence of the existence of violations of the [Anti-Trust Law](#) were to be found, disciplinary proceedings would be initiated.

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

To this end, the CNMC offers a [Leniency Programme](#), which 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 9/2017 on Public Sector Contracts](#), could be waived for companies that apply for leniency, pursuant to Article 72.5 of the aforementioned Law, which states that it is not appropriate to prohibit the contracting of companies seeking leniency.

The CNMC also has an [Online Platform for Whistleblowers](#) to report 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.

Likewise, the CNMC has developed a [guide of best practices in public procurement](#).

Unofficial document intended for the media. Not binding on the CNMC. Reproduction authorised only if the source is quoted.