

## PRESS RELEASE

### **The CNMC publishes a guide on compliance programmes in relation to anti-trust laws**

- It contains the criteria that the CNMC would take into consideration when analysing the effectiveness of a compliance programme.
- It includes the consolidated principles used by other competition authorities to evaluate compliance programmes.
- It considers the possibility of obtaining a reduction in the fines imposed by the CNMC, as well as other benefits, in order to encourage Spanish businesses to adopt these compliance programmes.
- This Guide was opened to public consultation in February 2020 and includes the contributions made.

**Madrid, 10 June 2020** - The CNMC has published a [“Guide on Regulatory Compliance Programmes in Relation to Anti-Trust Laws”](#). The publication of this guide is an indication of the CNMC's commitment to promoting compliance programmes as a way to foster a culture of competition in Spain for the public interest.

The document seeks to assist companies in their efforts to implement and develop compliance programmes. To this end, it provides transparency for the basic criteria that the CNMC deems relevant for these programmes to be effective. The Guide also considers a series of incentives to encourage these efforts, as well as to enhance the collaboration between companies and the CNMC, especially within the framework of the leniency programme described in articles 65 and 6 of [Law 15/2007 of July 3, the Anti-Trust Law](#).

In February 2020, a first draft of the guide was submitted to public consultation. This yielded [numerous contributions from companies, associations and law firms](#), both in the fields of compliance and in the specialised field of anti-trust laws, as well as from public entities, all of which resulted in a revision to the initial draft.

Regulatory compliance programmes allow economic operators to prevent, identify and react early to unlawful conduct that may lead to criminal and administrative liability, and that may affect their reputation.

### **Efficiency guarantees**

To be truly effective, a compliance programme must ensure that there is a true

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commitment to compliance. This must be done by establishing clear parameters of behaviour and implementing organisational measures to further its development. It must also be incorporated into the daily decision-making process within the company. The goal is for it to prevent and, where appropriate, identify practices that restrict competition, and, should an undesirable and illegal practice materialise, to identify suitable reactive measures as well.

The guide contains criteria for evaluating the main elements normally included in compliance programmes: the involvement of the key administrative bodies and top executives at the company; the independence and autonomy of the compliance officer; risk identification; the design of oversight protocols and mechanisms; training; the existence of a whistleblower channel; the internal procedure for managing infractions and complaints; and the disciplinary system.

With specific reference to the administrative procedures in place at the CNMC, the Guide specifies the reactive measures that the CNMC recommends including in a compliance programme so as to guarantee its effectiveness.

[“Guide on Regulatory Compliance Programmes in Relation to Anti-Trust Laws”](#)

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