

PRESS RELEASE

The CNMC imposes a fine of 850,000 euros on Repsol Comercial de Productos Petrolíferos, S.A.

- In 2014, Repsol acquired control of Societat Catalana de Petrolis, S.A. (Petrocat)
- The CNMC authorised the purchase, contingent on the oil company fulfilling a series of voluntary conditions.
- Repsol violated the first condition, to supply a minimum amount of fuel through third-party operators, and failed to send an annual report to the CNMC on its degree of compliance with said condition.

Madrid, 21 April 2021. The CNMC has imposed a fine of 850,000 euros on Repsol Comercial de Productos Petrolifos, S.A. (Repsol) for failing to comply with two of the conditions that the company voluntarily submitted for the Commission to authorise its purchase of Societat Catalana de Petrolis, S.A. (Petrocat) ([C/0550/14](#)) in 2014.

Specifically, Repsol breached Petrocat's obligation in 2015 to source from third-party operators the minimum annual quantity agreed in the condition in order to avoid closing the market to third-party suppliers. Likewise, REPSOL failed to adhere to with its obligation to send the CNMC an annual periodic report on its compliance with the conditions for the year 2015. ([SNC/DC/044/19/REPSOL](#)).

Failure to comply with the conditions to which mergers between companies are subordinate constitutes a very serious infringement of Article 62.4.c) of Law 15/2007 of 3 July, the Anti-Trust Law (LDC).

In April 2014, the CNMC authorised Repsol to gain exclusive control of Petrocat by purchasing Cepsa's 45% stake in the company. Repsol already owned 45% of the company, while the remaining 10% belonged to the Institut Catala d'Energia, a public entity of the Government of Catalonia.

Purchase subordinated to conditions

The Commission approved its takeover, but subject to a series of conditions voluntarily submitted by Repsol to solve the competition problems identified. These included the sale of 23 petrol stations so as not to increase its network in Catalonia, and supplying a certain minimum amount of fuel through third-party operators at the stations managed by Petrocat ([see press release](#)).

The main goal of these conditions was to ensure that operators other than Repsol supplied a minimum amount of petrol annually to Petrocat. This would promote the presence of suppliers in the wholesale market that would exert competitive pressure on the Repsol refinery in Tarragona, and in the direct sales markets in Catalonia as a whole.

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Disciplinary action

While following up on the acquisition, the CNMC identified potential breaches of the conditions of Section C and Section E, and initiated disciplinary proceedings. ([See press release](#)).

After its investigation, the CNMC concluded that, in 2015, the minimum amount of petrol supplied annually to Petrocat Stations by third-party operators was 30 to 40% lower than the minimum volume pledged. However, it noted that in 2016, the amount supplied by Repsol was higher than the minimum required.

Moreover, the annual statement on the volume of product acquired by Petrocat from operators other than Repsol or its group companies was sent in late by Repsol, and only after it was requested by the CNMC.

Very serious offences

These breaches of the conditions of Sections C and E constitute two very serious offences as per Article 62.4.c) of the LDC.

As a result, the CNMC declares Repsol Comercial de Productos Petrolifos S.A. responsible for said infractions and imposes on it:

- a fine in the amount of **650,000 euros** (for breach of the condition specified in Section C)
- and a fine of **200,000 euros** (for breach of the condition specified in Section E).

The two fines yield a total amount of **850,000 euros**.

The CNMC notes that this Decision cannot be appealed through administrative channels, though the company may bring an application before the National Court within two months after the day the Decision is filed, pursuant to Law 29/1998 of 13 July.

([SNC/DC/044/19/REPSOL](#)).