

PRESS RELEASE

The CNMC imposes million-euro fine on Disa Corporación Petrolífera S.L.

- The company breached several of the commitments that allowed it to buy 50% of Shell Aviation Spain in 2013.
- Specifically, those involving the maritime transport of kerosene for aviation between the Canary Islands, which were extended in 2016.
- These are very serious violations of the Anti-Trust Law.

Madrid, 27 May 2021 - The CNMC has imposed a €1 million fine on Disa Corporación Petrolífera S.L. for breaching several of the conditions that the oil company accepted in order to finalise its purchase of 50% of Shell Aviation Spain S.L. in 2013. ([SNC/DC/011/21, DISA](#))

Failure to comply with the commitments of a [merger operation](#) approved by the CNMC is a very serious administrative offence, pursuant to Article 62.4.c) of Law 15/2007 of 3 July, the Anti-Trust Law.

On 25 March 2013, the former National Competition Commission (CNC) authorised Disa's purchase of 50% of Shell Aviation Spain, but contingent upon satisfying seven conditions intended to prevent competition problems in the affected markets. ([C/0468/12](#)).

In 2016, the CNMC, while following up on the merger, decided that 3 of the commitments imposed should be extended (commitments 4, 5 and 6, involving the maritime transport of kerosene between islands), in order to ensure that access to the aviation fuel maritime transport service between the Canary Islands continued to be provided under objective, transparent and non-discriminatory conditions. ([See resolution of 3 November 2016](#)).

Maintaining the conditions

As a result, Disa had to continue publishing certain information on its website about the rates applied to its clients, the system for third parties to access inter-island transport services, and its investment plan. In addition, it was still required to periodically report to the CNMC information regarding service requests, the routes travelled and any physical or contractual backlogs encountered.

However, in light of indications that the company was in violation of these commitments, on 2 March, the CNMC initiated disciplinary proceedings against the company ([see press release](#)).

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Breaches and sanction

After conducting the relevant investigations, the CNMC confirmed the following breaches of **commitments 4 and 5** by the oil company:

- Disa did not update the information on its website on the services and rates applied pursuant to a contract with an oil operator dated 1 January 2018.
- It also did not update (website) the rates applied for the services rendered to two oil operators (the first from June 2019, and the second from August 2019) involving the cargo ports that these companies used.
- Nor did it post its investment plan for 2018 and 2019.

Disa also breached the **6th commitment** by not informing the CNMC in its monthly reports of three transport requests in 2019. This situation prevented achieving the goals of the condition, accepted by the company in 2013, and which were intended to address the risks to competition for the purchase of 50% of Shell.

As a result, the CNMC has fined Disa Corporación Petrolífera S.L. one million euros for committing several administrative infractions of a very serious nature, pursuant to Article 62.4.c) of Law 15/2007 of 3 July, the Anti-Trust Law.

The CNMC notes that this Resolution cannot be appealed through administrative channels, though the company may bring an application before the National Court within two months after the day the Resolution is filed.

[\(SNC/DC/011/21, DISA\)](#)

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