

PRESS RELEASE

The CNMC imposes a fine of 300,000 euros on Albia Gestión de Servicios, S.L.U, a subsidiary of the Santa Lucía group.

- The company failed to comply with its obligation to notify the CNMC of the purchase of the funeral home Tanatorios Móstoles, S.L. prior to the operation in 2019.
- This is a serious violation of Spain's Competition Act.
- The CNMC required Albia to notify it of the purchase so that after due analysis it could approve the first phase of the acquisition.

Madrid, 21 July 2021.- The CNMC has imposed a fine of 300,000 euros on Albia Gestión de Servicios, S.L.U, a subsidiary of the Santa Lucía insurance group, for a serious violation of Article 62.3.d) of the Competition Act 15/2007 of 3 July 2007 ([SNC/DC/045/21](#)).

Last April, the CNMC opened a disciplinary file on the company for failing to notify it of the purchase of the funeral home Tanatorios Móstoles, which took place in October 2019 ([see press release](#)).

This practice, known colloquially as “jumping the gun” is a breach of the Spanish Competition Act (LDC), since companies are required to notify the CNMC of their purchase operations before executing them when they exceed certain thresholds.

Notification thresholds

Companies are obliged to notify the Commission of their operations when the individual or joint market share of the companies involved in the operation is equal to or greater than 50 percent of any of the markets affected by the operation.

In this case, the thresholds were met, at least in the retail market for funeral services in Móstoles, in accordance with the market definitions in force in funeral sector precedents when the operation took place.

Sanction on Albia

The control of acquisitions is carried out before their execution to avoid anti-competitive situations that might affect the general interest and, in this case, to assess the possibility of qualifying the operation according to the prior assumption of commitments by the party or the conditions set by the CNMC.

Consequently, after investigating the file, the CNMC imposed a fine of 300,000 euros on Albia Gestión de Servicios, S.L.U. in accordance with the provisions of Article 63.1 b) of the LDC.

The CNMC noted that while there is no possibility of an administrative appeal against this Ruling, a contentious-administrative appeal may be lodged with the National Court of Spain within two months of the day after the notification.

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First phase approval

On 13 January 2021, the CNMC officially asked Albia to notify the purchase of Tanatorios Móstoles.

After analysing the operation, on 20 April 2021, the CNMC authorized the first phase of the aforementioned purchase without commitments ([C/1167/21 Albia/Tanatorios Móstoles](#)), which is now subject to sanction for the reasons mentioned above.

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