

The CNMC fines Albia Gestión de Servicios S.L.U. and Funespaña S.A. for failing to notify three mergers prior to their execution

- Albia (a subsidiary of the Santa Lucía Group) acquired exclusive control of the funeral homes Funeraria Tanatorio La Paz S.L. and Tanatorio de Marín S.L. in 2019. Funespaña (a subsidiary of the Mapfre Group) acquired joint control of Funeraria San Vicente S.L. in 2018.
- Both Albia and Funespaña failed to comply with their duty to notify said mergers to the CNMC prior to their execution.
- This constitutes a serious infringement of the Spanish Competition Act.

Madrid, 22 July 2022.- The CNMC has imposed two fines (250,000 euros and 25,000 euros) on Albia, a subsidiary of the Santa Lucía Group, for failing to notify the operations to acquire exclusive control of the funeral homes Funeraria Tanatorio La Paz S.L. and Tanatorio de Marín S.L., respectively.

In addition, the CNMC fined Funespaña, a subsidiary of the Mapfre Group, 110,000 euros for failing to notify the joint control acquisition of Funeraria San Vicente S.L.

Failure to comply with the duty of prior notification in this type of acquisition, known in the competition jargon as “gun jumping”, constitutes a serious infringement under Article 62.3.b) of the Spanish Competition Act.

The CNMC ex officio required Albia to notify the acquisition of exclusive control of Funeraria Tanatorio La Paz and Tanatorio de Marín on 10 and 13 December 2021, respectively. It also required Funespaña to notify the acquisition of joint control of Funeraria San Vicente on 10 December 2021. At the time of their execution, these operations exceeded the market share threshold set by law for companies to notify such operations, in accordance with the market definitions in force in the precedents of the funeral industry at the time these operations were executed.

The CNMC considers that Albia and Funespaña acted negligently by not taking into account the existing precedents on the definition of the geographic market for funeral services, especially funeral homes, and by omitting in their analysis such an unavoidable possibility as the consideration of the municipality as the relevant market, where the mergers analysed exceeded the market share threshold.

Furthermore, the CNMC pointed out that these companies could have used the voluntary pre-notification mechanisms in cases where there are serious doubts as to whether or not the merger exceeds the notification thresholds set out by law.

In view of the above, the CNMC considered that Albia's failure to notify the acquisitions of exclusive control of Funeraria Tanatorio La Paz S.L. and Tanatorio de Marín S.L. prior to their execution had been proven, and imposed fines of 250,000 euros and of 25,000 euros, respectively. It also considered that Funespaña failed to comply with the duty to notify the acquisition of joint control of Funeraria San Vicente S.L. prior to its execution, and imposed a fine of 110,000 euros.

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