

The CNMC initiates disciplinary proceedings against Xfera Móviles, a subsidiary of Masmovil

- The company failed to notify the CNMC of the acquisition of Grupo Ahí+.
- The Spanish Competition Act provides that companies must notify mergers to the CNMC prior to their implementation if certain thresholds are met.
- The CNMC required Masmovil to notify the merger and, after examination, approved it in the first phase.

Madrid, 6 October 2022.- The CNMC initiated (on 29 September 2022) disciplinary proceedings against Xfera Móviles S.A.U. S.A., a subsidiary of Masmovil Ibercom S.A.U., for failure to notify the acquisition of Grupo Ahí+ (Inversiones Locua S.L.).

This practice, known in competition jargon as “gun jumping”, constitutes a breach of the Spanish Competition Act (Article 9.1), which establishes the obligation for undertakings to notify a concentration to the CNMC before its implementation.

On 29 March 2022, the CNMC required ex officio the notification of the acquisition of Grupo Ahí+ by Masmovil, given that it exceeded the market share threshold set out in Article 8.1.a) of the Spanish Competition Act for undertakings to notify a transaction of this type.

Specifically, the thresholds were met in the Spanish wholesale market for call termination on the fixed network of Alma Telecom S.L. (a company that was part of Grupo Ahí+).

On 18 May 2022, after analysing the transaction, the CNMC authorised, in the first phase and without commitments, the acquisition by Masmovil ([C/1292/22](#)), which is now the subject of the initiation of disciplinary proceedings for breach of the duty to notify.

The initiation of these proceedings does not prejudice the final outcome of the investigation. The CNMC will now have a time limit of 3 months to investigate and adopt a decision on the case.

[SNC/DC/144/22](#)