

The CNMC adopts interim measures to ensure publicity and transparency for the upcoming auctions of PET and HDPE plastic waste organised by Ecoembes

- In October, the Commission opened an infringement proceeding against Ecoembes for possible abuse of a dominant position.
- Ecoembes is the sole manager of the Integrated Plastic Packaging Waste Management System in Spain.
- The investigation concerns the auctioning procedure used since at least 2004, which lacks transparency guarantees and makes it difficult for other recyclers to access the auctions.
- Ecoembes has voluntarily adopted the measures proposed by the Competition Directorate.

Madrid, December 29, 2022.- The Spanish National Markets and Competition Commission (CNMC) has adopted precautionary measures (**MC/01/2022**) aimed at guaranteeing publicity and transparency in the processing of auctions for light packaging and Solid Urban Waste made of PET and HDPE, in order to avoid manipulation.

Article 54 of the [Law on the Defence of Competition \(LDC\)](#) establishes that the CNMC Council may adopt, ex officio or at the request of any party, at the proposal of or following a report by the Competition Directorate, the necessary precautionary measures to ensure the effectiveness of the decision that may be issued in the sanctioning proceedings already initiated.

Opening of disciplinary proceedings

In October 2022, the CNMC initiated a [sanctioning proceeding against Ecoembes](#) for a possible abuse of its dominant market position as the sole manager of the Integrated Management System for plastic packaging waste in Spain. ([S/0021/21: Ecoembes auctions](#))

The CNMC's investigation is focused on the auction procedure used by the company, since at least 2004, in its capacity as manager of the only Integrated Management System (IMS) for plastic packaging waste (PET and HDPE) carried out without guarantees of transparency and publicity, making it difficult for

recyclers to enter the market for the collection, sorting and treatment of this waste.

Precautionary measures

As part of the investigation into the above-mentioned infringement proceedings, the Competition Directorate recently submitted to the Council a proposal for precautionary measures to ensure the transparency and publicity of Ecoembes' waste auctions.

The Council, after consulting the interested parties, adopted the proposed measures, which provide for the participation of a notary public during the auction procedure; the publication on Ecoembes's website, in a publicly accessible format, of both the terms of the invitation to tender and the notarial act containing all the offers submitted and the result of the award; and a limit on the quantity that can be awarded to a single recycler in auctions for light packaging and PET solid urban waste.

In its observations on the proposed interim measures, Ecoembes stated that it would voluntarily adopt the measures proposed by the Competition Directorate.

The interim measures adopted will remain in force until the end of the infringement proceedings in question or, if earlier, until Ecoembes adopts an electronic auction system as provided for in Article 22(1)(d) of [Royal Decree 1055/2022 of 27 December on Packaging and Packaging Waste](#).

Related content:

- Press release (5/10/2022): [The CNMC initiates disciplinary proceedings against Ecoembes for a possible abuse of its dominant position in the market](#)
- Press release (21/12/2021): [The CNMC investigates possible anti-competitive practices in the market for waste treatment and recycling in Spain](#)
- Proceedings: [\(S/0021/21: Ecoembes auctions \)](#)