

The CNMC investigates possible anti-competitive practices in the market for the distribution of agricultural machinery

- The alleged practices consist of market sharing through the restriction of passive sales to customers located outside the area specified in the distribution contracts.
- From 26 to 29 September, the CNMC carried out dawn raids at the premises of a number of companies operating in this market.
- These dawn raids or inspections are a preliminary step leading to the possible formal initiation of infringement proceedings.

Madrid, 4 October 2023.- The National Markets and Competition Commission (CNMC) is investigating possible anti-competitive practices consisting of market-sharing agreements in the distribution of agricultural machinery in Spain, through the restriction of passive sales to customers located outside the area specified in distribution contracts.

From 26 to 29 September 2023, **dawn raids were carried out on the premises of companies that could be engaging in such practices.** The national competition authority was assisted in this process by the regional competition authority of one of the territories where one of the companies under investigation is located.

These inspections are a preliminary step in the investigation process of alleged anti-competitive practices and do not prejudice the outcome of the investigation or the culpability of the concerned companies. If the CNMC finds any evidence of practices prohibited by the [Spanish Competition Act](#) or the [Treaty on the Functioning of the European Union](#) as a result of the inspections, it will formally initiate infringement proceedings.

Agreements that infringe Article 1 of the [Spanish Competition Act](#) and Article 101 of the [Treaty on the Functioning of the European Union](#) **constitute a very serious infringement** of competition law, which can lead to fines of up to 10% of the total turnover of the concerned undertakings.

In the case of cartels, the CNMC relies, among other things, on a [leniency programme](#). This allows companies that provide evidence to the CNMC that leads to the detection of the cartel in which they participate, or have participated, to be granted **immunity from fines**. This programme also allows leniency applicants who, once the CNMC investigation has been initiated, provide information with significant added value to benefit from a reduced fine.

In addition to being granted immunity from fines or a reduction of fines, companies applying for leniency are also **released from the ban on contracting** established in Article 71 of the [Spanish Public Procurement Act](#) for those fined

due to a serious infringement in terms of distortion of competition. This is pursuant to Article 72.5 of the aforementioned law and Articles 65.4 and 66.5 of the [Spanish Competition Act](#), which regulate the leniency programme.

The CNMC also has an **online *citizen collaboration* platform** for cartel detection. This platform, called [Sistema de Informantes de Competencia Anónimos \(SICA or Anonymous Competition Whistleblower System\)](#), allows anonymous reporting of anti-competitive practices, such as agreements between competing companies to fix prices or other commercial conditions, market or customer allocation, or fraudulent allocations of public or private tenders.

Related content:

- [Guide on public procurement](#)
- [Leniency programme](#)
- [Anonymous Competition Whistleblower System \(SICA in Spanish\)](#)
- [Communication 1/2023, 13 June \(ban on contracting\)](#)