

## **The CNMC initiates infringement proceedings against Cemesa Amarres Barcelona S. A. and Mooring & Port Services S. L.**

- In July 2021, the Commission authorised the creation of a *joint venture* between the two companies, but subject to a series of commitments.
- Among others, the companies agreed not to worsen the commercial conditions and not to increase the previous prices for mooring and unmooring services in the Port of Barcelona.
- The companies failed to submit information on prices and contracts within the stipulated deadline, which is essential for the CNMC to verify compliance.

**Madrid, 3 November 2023.-** The National Markets and Competition Commission (CNMC) has initiated infringement proceedings ([SNC/DC/065/23](#)) against Cemesa Amarres Barcelona S. A. and Mooring & Port Services S. L. for a possible breach of the commitments made as part of the merger ([C/1134/20](#)).

On 27 June 2021, the CNMC authorised, subject to a number of commitments, the operation that created Amarres de Barcelona S.L. J.V., a company in which Mooring & Port Services, S. L. and Cemesa Amarres Barcelona, S.A. have a 50/50 shareholding ([Press release](#)).

The Port of Barcelona went from having two companies licensed to provide mooring and unmooring services (Mooring and Cemesa) to just one: Amarres de Barcelona S.L. JV. This service is regulated by the Port Authority of Barcelona and has Universal Public Service (UPS) obligations.

### **Breach of commitments**

The companies undertook to maintain the commercial conditions existing prior to the operation and not to increase the prices of their mooring and unmooring services in the port of Barcelona.

In order to verify compliance with this commitment, Cemesa Amarres Barcelona S. A. and Mooring & Port Services S. L. were required to submit to the CNMC, within the first fifteen days of each calendar year, a report on the prices applied and the contracts renewed in the previous year.

On 4 October 2023, the CNMC declared non-compliance with this reporting commitment by failing to submit the annual report for the year 2022 on time.

The CNMC has initiated infringement proceedings for breach of commitments. The initiation of these proceedings does not prejudice the final outcome of the investigation. The CNMC now has a time limit of three months to investigate and decide on the case.

**Related content:**

- [SNC/DC/065/23](#)
- [C/1134/20](#): Mooring Port Services S.L. / Cemesa Amarres Barcelona S.A.
- [Decision](#) (10/4/2023): VC/1134/20
- [Press release](#) (30/07/2021): The CNMC approves subject to commitments the creation of a 50/50 joint venture between Mooring & Port Services and Cemesa Amarres de Barcelona S.A.