

SPANISH COMPETITION *Highlights...*

Weekly follow-up: 17 Apr – 21 Apr.

The CNMC examines the participation of ENAIRE's subsidiary in tenders called by AENA

Background. The liberalization of the air traffic sector in Spain

Since 2010, Spain has been liberalizing certain air traffic services.

In tandem, the public company in charge of the management of Spanish airports (**AENA**) underwent a process of restructuring. Since 2014, AENA has been responsible for the management and operation of airport services, while **ENAIRE**, which is a 100% public entity, 51% owned by AENA and 49% privately controlled, has been responsible for air navigation and airspace.

ENAIRE has recently created **EGS**, a subsidiary to compete nationally and internationally in the provision of services.

On EGS's participation in tenders called by AENA and their consequences...

The CNMC has [considered](#) that there is no legal obstacle preventing EGS from bidding for tenders issued by AENA or other airport managers.

On the possible conflict of interest arising from the control relations of AENA and ENAIRE over EGS. The CNMC considers that it is up to AENA as the contracting body to effectively resolve any possible conflicts of interest that may arise. In the event that these conflicts cannot be resolved, the CNMC considers that the exclusion of ENAIRE and EGS from the tenders may be a necessary solution.

Doing away with the vertical integration of AENA and ENAIRE: an option for avoiding conflicts of interest?

During the last decade, the CNMC has produced several reports on the airport sector. In [2018](#), it released a report encouraging the elimination of vertical integration between AENA and ENAIRE for deterring the liberalization of the sector. So, **could this be a feasible approach to the potential conflicts of interest?**