

SPANISH COMPETITION *Highlights...*

Weekly follow-up: 10 Apr – 14 Apr.

Unannounced inspections conducted in certain travel agencies premises...

From 28 to 31 March 2023, dawn raids were carried out at the premises of certain travel agencies (according to several press reports, Viajes El Corte Inglés, Ávoris and Nautalia).

The CNMC is concerned about the existence of bid-rigging practices in the tenders issued by the Public Administration for the provision of travel agency services in Spain and abroad.

The travel sector in the CNMC

Back in 2000, the former Spanish Competition Authority issued a decision in Case 476/99, TRAVEL AGENCIES, and fined several travel agencies for taking part on bid-rigging practices related to public tender bids. The decision was upheld by both, the Spanish High Court and the Supreme Court.

However, the CNMC is also investigating possible anti-competitive behaviors affecting the travel agencies sector. In Case S/0005/21, BOOKING, the CNMC currently investigates an alleged abuse of Booking's dominant position with respect to intermediation services offered by various online travel agencies to hotels.

Recently, the CNMC has had the opportunity to analyse the travel agency market in the following transactions: C/1183/21 LEVANTUR / APERTURE TRAVEL, C/1240/21 VECI/LOGITRAVEL or C/0951/18: BARCELÓ / GRUPO SERHS -ACTIVOS-.

Spanish Supreme Court position on invalid dawn raids...

Previously, the Spanish courts have declared the nullity of dawn raids carried out by the CNMC. In Case S/0474/13 PRECIOS COMBUSTIBLES AUTOMOCIÓN, the CNMC did not have court authorisation to enter the premises and did not inform the company. Likewise, in S/DC/0607/17, TABACOS, the consent was not valid (more information on this subject in [SCH 13 Mar-17Mar](#)). As a result, evidences obtained in the inspections cannot be used in the sanctioning proceeding.