

# **SPANISH COMPETITION** *Highlights ...*

***Weekly follow-up: 22 May – 26 May***

## **The Basque Competition Authority (AVC) presents the “Practical Guide on the Impact of Competition on the Labour Market”.**

During the conference on “Competition law and collective bargaining”, organized by The Bizkaia Business Confederation (CEBEK), the AVC has presented its new "Practical guide on the impact of competition on the labour market".

### **Objectives of the guide**

The guide seeks to identify conducts that may hinder the maintenance of effective competition in the labour market and to offer recommendations to economic operators so that they can avoid or, if necessary, rectify them.

### **Conducts in the labor market**

The conducts to which the competition authority refers usually consist on those that are developed within the framework of the regulation of the working conditions of employees, through sectoral collective agreements. These conducts may include price fixing in collective agreements, working time arrangements or no-poach agreements, among others.

### **The courts' decisions on labour law and competition**

The CJEU of 21 September 1999, in case C-67/96 - Albany International BV v. Stichting Bedrijfspensionenfonds Textielindustrie, stated that agreements between social partners constitute a subject matter of collective bargaining falling within the scope of the LDC in the event that they go beyond the constitutional right to collective bargaining.

Said previous ruling was followed by the Spanish Supreme Court in its ruling of 19 July 2012 when it upheld the CNC's decision of 24 September 2009 and determined that the parties of the agreement had gone beyond collective bargaining by addressing issues outside its scope, that is, by extending its application to third party undertakings, preventing or hindering their access to the market for additional services in ports.