

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

Weekly follow-up: 29 May – 2 June

The CNMC investigates possible anti-competitive practices in the sector of professional hairdressing products.

Following a complaint, on 23, 24 and 25 May, the CNMC carried out dawn raids at the premises of a company operating in the professional hairdressing products sector.

The conducts investigated and their consequences

The alleged anti-competitive practices under investigation consist on fixing resale prices and other commercial conditions for distributors on the market, which would constitute an infringement of Art. 1 LDC and Art. 101 TFEU.

In case it is finally confirmed that the conduct under investigation is anti-competitive, the infringing companies will be sanctioned. This could result in fines for the companies involved of up to 10% of their turnover in the previous year.

Other cases in this sector: S/0086/08: *PELUQUERIA PROFESIONAL*

The former CNC concluded in 2011, in relation to the National Association of Perfumery and Cosmetics (STANPA), that certain companies in the sector had exchanged information on products and their sales (recent price increases and forecasts of price increases in the future and at what date) between 1989 and 2008, which constituted a cartel. This conduct constituted an infringement of art. 1 LDC.

The fines for the 7 sanctioned companies and STANPA amounted to more than 51 million euros.

Both the National High Court and the Supreme Court upheld the conduct sanctioned by the CNC.

The relevance of this case lies not only in the leniency application submitted by Henkel and the resulting exemption, but also in the application for a reduction of the fine submitted by Wella which was not granted because it was submitted at a very late stage in the proceedings.