

SPANISH COMPETITION *Highlights...*

Weekly follow-up: 4 - 8 Sept.

The ACCO sanctions Elite Taxi in case number 111/2021 "Asociaciones Taxi Barcelona" for carrying out practices against art. 1.1 LDC.

On 26 July 2023, the Catalan Competition Authority ("**ACCO**") sanctioned the Professional Association Elite Taxi ("**Elite Taxi**") for carrying out acts of boycott against the Competition Law.

The sanctioned conduct

The conduct carried out by Elite Taxi consists on a collective recommendation to boycott, to the extent that it was aimed at establishing behavioural guidelines to aligned the Elite Taxi members' behaviour in the market, with regard to not collaborate with UBER and other operators.

Elite Taxi's communications provided to its members some guidelines on how to carry out pressure and coercion actions against other taxi drivers collaborating with UBER and other operators present in the market of private-hire vehicles ("**PHVs**").

The purpose of this conduct was to hinder the contracting of taxi services provided by UBER and other operators in the Metropolitan Area of Barcelona ("**AMB**") via *App* and, consequently, to prevent the entry or consolidation of these companies in the market.

The affected market and the sanctioned period

The conduct in question would have affected the market of the mediation services for hiring taxi services via *Apps* in the AMB.

Such conduct took place from December 2020, when Elite Taxi started its pressure campaign to prevent taxi drivers from joining UBER, until 14 December 2022.

The fine imposed on Elite Taxi amounts to 122,910 euros.

Another collective recommendation to boycott by associations.

The application of competition law to boycott conducts implemented by associations has been confirmed by national courts. In this regard, it is worth highlighting the judgment of 19 October 2018 (appeal number 4389/2017), in which the Supreme Court upheld the Resolution of the Basque Competition Authority in relation to case 2/2014, "Transporte Horizontal" which sanctioned an association (the Association of Autonomous Hauliers of the Port of Bilbao) for making a collective recommendation to boycott.