

# SPANISH COMPETITION *Highlights ...*

***Weekly follow-up: 25 - 29 Sept.***

## **The ACCO sanctions the Association of Independent Private Schools of Catalonia for anti-competitive conduct in the labour market.**

On 27 September 2023, the Catalan Competition Authority ("ACCO") sanctioned the Association of Independent Private Schools of Catalonia ("EPIC") in case number 109/21 for carrying out practices against article 1.1 LDC.

### **The sanctioned conduct**

Following the investigation carried out, the ACCO resolution concludes that EPIC adopted, through its Code of Ethics, a no-poach agreement, in force at least between 2009 and 2022, to align the strategies of its members in the labour market. Under the terms of that document, companies that were part of the Association could not recruit and/or contact employees of other member companies without prior consent.

The fine imposed on EPIC amounts to 75.000 euros.

### **Anti-competitive behaviour in the labour market**

No-poach agreement can take various forms, one of them being a commitment to not request, hire or contact on employees from other companies that are part of the agreement. These agreements are detrimental to workers as they can reduce their negotiating power and mobility in the labour market, preventing them from obtaining higher salaries or better conditions.

Although this is the first ACCO decision related to anti-competitive practices in the labour market, competition authorities, both at european and international level, have ruled extensively on these practices.

For instance, the Portuguese Competition Authority sanctioned 31 sports companies involved in the First and Second League and the Portuguese Professional Football League by a decision of 28 April 2022, in case PCR/2020/1, for having signed an agreement preventing First and Second League clubs from hiring players who unilaterally terminate their employment contract.