

SPANISH COMPETITION

Highlights ...

Weekly follow-up: 20 – 24 Nov.

The CNMC opens disciplinary proceedings against the Naturgy Group for a possible abuse of a dominant position

The Comisión Nacional de los Mercados y la Competencia ("**CNMC**") has initiated a disciplinary proceeding for possible practices contrary to art. 2 LDC and 102 TFUE against UFD Distribución Electricidad, S.A., its parent companies Holding Negocios Electricidad, S.A. and Naturgy Energy Group, S.A. ("**Naturgy Group**"), and the subcontracted company Lean Grids Services, S.L. (S/0006/23).

As a result of a complaint containing evidences of the alleged conduct, the CNMC inspected two headquarters of the Naturgy Group.

The practices under investigation consist of (i) market foreclosure, and (ii) the imposition of discriminatory conditions on third party competitors in the market for the installation of equipment and provision of metering services. These practices would reveal a possible exclusionary strategy against Naturgy Group's competitors.

The CNMC recalls that this preliminary investigation does not prejudice the final outcome of the investigation and that it will have a maximum of 24 months to decide what is appropriate.

Other sanctions for abuse of dominant position in the energy sector

On 21 November 2022, the CNMC sanctioned Enel Green Power España, S.L.U, a subsidiary of Endesa Generación, S.A. for two infringements of Article 2 of the LDC consisting of an abuse of a dominant position.

In particular, the conduct consisted of an abuse of its status as the sole Interlocutor of the Node in two access nodes to the electricity transmission network, to the detriment of its competitors.

In a previous case, on 20 September 2011, the CNMC sanctioned Unión Fenosa Distribución, S.A, for an infringement of Article 2 of the LDC.

Concretely, the infringement consisted of abusing of its dominant position on the related market for the installation of non-reserved electricity networks.