

## ***SPANISH COMPETITION***

# ***Highlights...***

***Weekly follow-up: 04 - 08 Dic***

### **The CNMC carries out inspections of several undertakings in the pharmaceuticals sector.**

The Spanish Competition Authority (“**CNMC**”) is carrying out an investigation into possible anti-competitive practices in the Spanish market of the distribution of medicines to pharmacies. These practices consist of exchanges of commercial sensitive information between different entities in the pharmaceutical sector.

In this regard, from 27 to 30 November 2023, the CNMC carried out inspections at the headquarters of various entities in the aforementioned sector.

In case the practices are confirmed, they could constitute an infringement of art. 1 LDC and art. 101 TFUE.

### **The market of the distribution of medicines previously analyzed**

In addition to the classic "dual pricing" disputes, which resulted in the closure of the proceedings, the CNMC has analysed pharmaceutical companies for other conducts in the distribution market. For example, in case S/0049/19 ISDIN, the CNMC analysed the setting of resale prices through the company's online channel for certain skin care products. The case ended in a conventional termination as ISDIN submitted a series of commitments aimed at avoiding possible resale price fixing.

The wholesale distribution of pharmaceutical specialities and other products in Spain has faced a concentration process during last years. In this respect, the CNMC authorised several mergers including Decision C-0867-17 BIDADARMA/COFABU; C/0959/18 BIDADARMA/SOCOFASA and C/1054/19 COFARES/COFARTA. All three operations were authorised in first phase and only the last one with commitments. These commitments are aimed at amending the bylaws in order to modify certain commercial aspects of the resulting internal structure and to maintain the independence of the entity.