

SPANISH COMPETITION

Highlights...

Weekly follow-up: 11 - 15 Dec

The Government of the Generalitat of Catalonia promotes claims for damages arising from infringements of competition caused to the public sector.

The Government of the Generalitat of Catalonia approved Agreement GOV/261/2023, which aims to promote claims for damages arising from infringements of competition law caused to the Administration of the Government of Catalonia and its public institutional sector.

This agreement reflects one of the recommendations made by the Catalan Competition Authority ("**ACCO**") in its report, published in February 2023, regarding claims for damages caused to public administrations by anti-competitive practices.

The Government also agrees to set up a working group for the coordination and monitoring of claims for damages. In this regard, the tasks that will correspond to the ACCO are as follows:

- a) The fostering of the damage claims mechanism.
- b) The coordination and monitoring of claims for damages within the scope of the Administration of the Generalitat and its public institutional sector.
- c) The drafting of a preliminary report including a description of the case and those affected, as well as an estimate of the scope of the infringement and, if appropriate, of the damage caused to the Generalitat de Catalunya and its public institutional sector.

In this regard, it should be noted that of the 16 cases sanctioned by the CNMC since 2021, in 8 of them the public administration has been affected. This reflects the need for measures such as the one pursued by the Government of Catalonia to ensure that public administrations can be compensated for damages suffered as a result of anti-competitive practices.

Despite not being a public administration, ADIF is the first public entity to seek redress for an anti-competitive practice, in particular for the practices sanctioned in case S/DC/0519/14: INFRAESTRUCTURAS FERROVIARIAS. However, in June of this year, the procurement process to hire a specialised competition law firm to provide legal assistance in the preparation of the claims was suspended.