

SPANISH COMPETITION

Highlights...

Weekly follow-up: 25 Dec - 05 Jan.

The CNMC investigates Repsol for abuse of its dominant position in the market

The National Competition Authority ("**CNMC**") has initiate sanctioning proceedings against Repsol Comercial de Productos Petrolíferos, S. A., Repsol Directo, S. A., Repsol Customer Centric, S. L., Solred, S. A., Campsa Estaciones de Servicio, S. A. and Repsol, S. A. (together as "**Repsol**"), for possible anti-competitive practices that constitute an abuse of a dominant position in the market of the wholesale distribution of motor fuel in Spain.

In essence, Repsol, taking advantage of its dominant position in the market, carried out the following conduct from March until December 2022:

- On the one hand, by providing additional fuel discounts to users of its petrol stations through applications or loyalty and payment cards;
- And, on the other hand, by increasing the price that independent petrol stations pay to purchase the fuel on the wholesale market.

In accordance to this, Repsol, by those exclusionary strategies, would have increased its share of the retail market to the detriment of independent petrol stations.

The aforementioned conduct could constitute a possible infringement of Article 2 of the LDC and Article 102 of the TFEU.

A previous CNMC file sanctioning Repsol

On 30 July 2009, the CNMC sanctioned Repsol, CEPSA and BP (S/0652/07: REPSOL/CEPSA/BP) for carrying out price fixing conducts to independent petrol stations. These conducts infringed Articles 1 LDC and 101 TFEU and where uphold by the National Hight Court and the Supreme Court.