

SPANISH COMPETITION

Highlights ...

Weekly follow-up: 03 – 07 June.

The CNMC initiates disciplinary proceedings against the Lonja Agropecuaria de Extremadura for price recommendations

The National Competition Authority (“**CNMC**”) has initiated disciplinary proceedings against the Lonja Agropecuaria de Extremadura for possible anticompetitive practices consisting of drafting, publishing and disseminating unverified information about average prices of various agricultural products, specifically wool.

If the alleged conduct investigated by the CNMC is confirmed, the practice would consist of a collective price recommendation contrary to Article 1 of the LDC and Article 101 of the TFUE.

Competition authorities supervise price recommendations by entities representing competitors

Entities that gather several competitors, such as associations, guilds and professional bodies are subject to competition rules whose performance is supervised by the authorities.

The CNMC and regional competition authorities have frequently sanctioned entities that gather several competitors for providing price recommendations and others restrictive initiatives to their members. These sanctions are based on the consideration that collective recommendations among competitors limit competition and harm consumers.

Recently, the Basque Competition Authority (“**AVC**”) sanctioned the College of Notaries of the Basque Country (“**CNPV**”) for carrying out a price recommendation to its members of the amount of the fee for the authorisation of notarial deeds of COVID-19 credit moratoriums, as well as the equal allocation of the deeds to be authorised among the notaries who adhered to the established procedure.

The AVC concluded that any other recommendation aimed at suggesting a specific price should be deemed contrary to the LDC.

It is important, for entities that gather competitors, to have specific competition compliance protocols in order to ensure its behaviour is aligned to competition law, seeking expert advice on that subject.