

Unclassified

DAF/COMP/AR(2012)27

Organisation de Coopération et de Développement Économiques  
Organisation for Economic Co-operation and Development

16-Oct-2012

English - Or. English

Directorate for Financial and Enterprise Affairs  
COMPETITION COMMITTEE

DAF/COMP/AR(2012)27  
Unclassified

**ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN SPAIN**

-- 2011 --

*This report is submitted by Spain to the Competition Committee FOR DISCUSSION at its forthcoming meeting to be held on 24-25 October 2012.*

**JT03328884**

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## Executive Summary

1. Despite the budgetary constraints which have followed the economic crisis, the Comisión Nacional de la Competencia (CNC) has managed to hold the pace of its activities throughout 2011. As its key achievements in year 2011, the following may be highlighted:

- The recent amendment of the Competition Act has modified the thresholds of merger analysis to avoid reporting transactions with a turnover lower than € 10 million and a market share below 50%. This amendment has introduced flexibility on the Spanish compulsory notifications system which of course benefits companies.
- In enforcement, fines increased 471.92% over 2011 to 250.609.120, 32€. There have been two big bid rigging cartels: *Asfaltos* (15.792.719, 54€ between 12 firms) and *Licitaciones en carreteras* (43.028.240€ between 46 firms). Also, in *Productores de Jerez* (S/0167/09), the regional government of Andalucía, besides companies, is declared responsible for the cartel. In addition, the CNC has imposed fines totalling more than 51 million euros on eight companies in *the professional hair care products sector* and on the National Perfumery and Cosmetics Association for creating and maintaining a cartel.
- Besides, the monitoring unit has detected violations of commitments decisions (VATC/0020/07 *Trio Plus*, VATC/2458/03 *Asempre/Correos*) and a breach of resolution of the Council (*Telecinco SNC/0012/11*).
- The CNC has enforced, in close cooperation with the ECN members, articles 101 and 102 of the TFEU, and has had a proactive participation in the ECN forums.
- In the advocacy field, a Guide to Public Procurement and Competition was published. In the agrifood sector, a Report on relations between manufacturers and distributors in the Spanish grocery industry; and on olive oil and milk were published. Concerning commercial distribution, the CNC published a report on the Distribution Agreements Bill and about the new Regulation of Motor Vehicle Distribution Contracts. The CNC published the third Annual Report on State Aids awarded in Spain including a sector analysis on airports and airlines. We are satisfied with their impact on media and the fulfilment of their recommendations.
- The CNC has issued several reports to administrative Courts reviewing concessions that had been challenged by private firms in the intercity passenger bus transport, which were followed in 5 cases. Besides, the CNC issued four reports assessing Courts in private cases, two more than last year.
- Before 2011, the CNC intervened several times through amicus curiae briefs before Courts, submitting written observations. This year, the CNC has continued submitting this briefs but also submitted oral observations for the first time (*Ryanair vs. Aena* case).
- The CNC participated in international competition fora -ICN, OECD, and UNCTAD - and provided technical assistance (Latin American countries, Egypt, Singapore, Ukraine, Russia, and China).

## 1. Changes to competition laws and policies, proposed or adopted

2. The current Competition Act was enacted on July 3<sup>rd</sup>, 2007, the Competition Regulation on February 22<sup>nd</sup>, 2008, and the CNC By-laws on February 29<sup>th</sup>, 2008.

3. Regarding legal changes to the Competition Act, the control procedure has been modified by the Sustainable Economy Act and establishes that economic concentrations must be notified to the Spanish Competition Commission when at least one of the two following circumstances occurs:

- That as a consequence of the concentration, a share equal or higher than 30 per cent of the relevant product or service market at a national level or in a geographical market defined within the same, is acquired or increased.

In 2011, an amendment in the Spanish merger review procedure exempted all those mergers in which, although fulfilling the condition set out in letter a), the global turnover in Spain of the acquired company or assets acquired in the last financial year does not exceed the amount of 10 million euros, provided that the participants have individual or joint share less than 50 per cent.

- That the global turnover in Spain for all the participants in the last accounting year exceeds the amount of 240 million euros, providing that at least two of the participants achieve an individual turnover in Spain of more than 60 million euros.

Moreover, an amendment raising fees concentration quotas has been approved in 2010 with effects for 2011.

4. In addition, the CNC has published a new draft guideline on termination by commitments and on the abbreviated procedure for notifying concentrations.

- [Draft guideline on termination by commitments](#): Through this communication, the CNC sets out the basic guidelines for the actions of both the CNC (to accept or refuse the commitments) and the undertakings that are party to formal proceedings in relation to the Termination by Commitments procedure. By doing so the aim is to improve transparency and the prediction of situations that are suitable for this way of bringing the proceedings to an end, and the procedures for doing so.
- [Draft guideline on the abbreviated procedure for notifying concentrations](#): Through this communication, the CNC sets out the basic guidelines to determine whether a concentration is likely to be presented through the abbreviated procedure.

5. Moreover, nowadays, the institutional competition framework is facing a transformation process. The Government has approved a draft proposition Act in order to merge the Competition Authority and all sector regulators in a single Agency.

## 2. Enforcement of competition laws and policies

### 2.1 *Action against anticompetitive practices, including agreements and abuses of dominant positions*

6. The capacity of CNC to prioritize in the area of enforcement is limited by its obligation to investigate all complaints received, which also explains the fact that many proceedings result in dismissal by the CNC on the grounds of no evidence of infringement. Most of these cases are related to manufacturing industry and energy.

7. In 2011, 66 decisions were issued on articles 1 and 2 of the Spanish Competition Act (hereinafter CA) and/or 101 and 102 TFEU, of which 31 declared an infringement and imposed fines of 250.609.120, 32€ (of which 14 were on cartel -strictly speaking- cases), 27 did not declare any infringement, and 8 were Commitments Decisions. During 2011, seven council decisions were based on leniency applications. Besides, 5 abuse cases were sanctioned in 2011.

8. In 2011, 11 cases required down-raids, and CNC inspectors collaborated with the EC DGCOMP in one dawn raid in the framework of EC cases.

### 2.1.1 *Concerted practices - Summary of a selection of cases*

#### 2.1.1.1 *Proposals to close*

- S/0370/11 APPLE 28/11/2012

In 2010, The company "NTEC," received a letter from Apple, claiming a new Android-based tablet that it developed, called the NT-K Pad, and copied the design of its iPad tablet. In the letter, Apple ordered NTEC to destroy its stock. When NTEC refused, it was landed with an injunction.

After winning the suit originally filed by Apple, on August of 2011, NTEC filed an antitrust complaint against Apple in Spain, accusing the company of anticompetitive behavior, arguing that what Apple did was "grossly unfair" given its market dominance.

However, the Council of the CNC's Resolution of November, 28<sup>th</sup> 2011 has closed the case against the company NTEC because there is no enough evidence of a breach the Spanish Competition Act.

- SA/CAN/0010/10 CANARY ISLAND UNIFORMS 08/09/2011

On September 2011 the Council of the CNC resolved to dismiss the case against the company NUPSOVIA SL for practices alleged to be an abuse of a dominant position, opened as a consequence of the complaint made by the owners of Confecciones ÑITO, because it did not find any *prima facie* evidence of the existence of such practices.

The Council has resolved to dismiss the case on the basis of the following arguments:

- First of all the Council considers that the relevant market could be defined, as suggested by the Canary Islands Competition Service,<sup>1</sup> as the market for the distribution of school uniforms on the island of Gran Canaria, as the use of the uniform with the school's logo is not mandatory. In that market the demand for such clothing can be satisfied by any distributor/manufacturer of textile garments that meets the specific conditions demanded by the school.
- Secondly, in terms of the market conditions for the distribution of textile garments, or even for the distribution of school uniforms, the number of undertakings competing with NUPSOVIA SL is very high, as shown by the evidence on the case file.

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<sup>1</sup> The Autonomous Communities have a Competition Authority; when they do not have Tribunal, the Tribunal of the CNC resolves.

- Thirdly, the fact that the respective logos of the schools have been registered in the Spanish Patents and Trademarks Office is protected in the Spanish Trademarks Act. According to the Act, the rights to use a trademark correspond to the owner of it, who may assign the use to a third party, without that of itself being deemed to be an abuse of a dominant position.
- Finally, and as regards the four-year exclusivity clause in the agreements signed by NUPSOVIA with the schools, this breaches neither the Spanish Competition Act nor the Community Regulation on Vertical Restraints, because the market share of the undertaking that is the subject of the complaint is less than 15%, in addition to the fact that once the four years has expired any other distributor may take up these agreements and become the exclusive distributor if it improves on the terms offered to the schools.

#### 2.1.1.2 Sanctions

- S/0086/08 PROFESSIONAL HAIRCARE PRODUCTS SECTOR 02/03/2011

The CNC has imposed fines totalling more than 51 million euros on eight companies in the professional hair care products sector and on the National Perfumery and Cosmetics Association (Asociación Nacional de Perfumería y Cosmética - STANPA) for creating and maintaining a cartel. These sanctions have been imposed pursuant to the leniency programme.

The cartel was created in 1989 between the main companies in the professional hair care products sector, which represent approximately 70% of this market, along with the National Perfumery and Cosmetics Association (STANPA).

As a result of the introduction of the leniency programme, one of the companies participating in the cartel - Henkel - submitted a leniency application to the CNC in which it acknowledged the existence of the cartel and its participation in it, as well as the participation of the other companies implicated.

Taking into account the seriousness and duration of the conduct sanctioned, the CNC Council has imposed the following fines:

- L’Oreal España a fine of €23,201,000
- Productos Cosméticos (Wella) a fine of €12,032,000
- The Colomer Group Spain a fine of €8,739,000
- Eugene Perma España a fine of €2,288,000
- Cosmética Cosbar (Montibello) a fine of €2,555,000
- Cosmética Técnica (Lendan) a fine of €1,003,000
- Henkel Ibérica a fine of €9,890,000
- DSP Hair care Products a fine of €299,000
- National Perfumery and Cosmetics Association (STANPA) a fine of €900,000

9. Applying the leniency provisions, the CNC Council has granted Henkel Ibérica complete exemption from payment of the fine.

- S/0167/09 Sherry grape and grape 06/10/2011

The CNC Council has resolved to impose fines totalling €544,000 on the Federation of Wineries in the Sherry-Producing District; business organisations, trade unions and the Regulatory Council of the Denominations of Origin for having engaged in a concerted practice to fix the prices of sherry grapes and grape must.

The CNC Council has taken the view that it has been proved that in the period from April 1991 to March 2009 in the sherry-producing area, and in the context of agreements on sector Restructuring Plans or Strategic Plans for the sherry-producing area, the prices of sherry grapes and grape must in each campaign were the subject of negotiation and agreement between the producers' associations (cooperatives and professional farmers' organisations) and the associations of processors or wine producers.

The CNC Council has therefore resolved to impose the following sanctions:

- On the Federation of Wineries in the Sherry-Producing District (FEDEJEREZ), a fine of €300,000.
- On the Association of Sherry and Manzanilla Artisans (ARJEMAN), a fine of €24,000.
- On AECОВI, a fine of €60,000.
- On the Cádiz Association of Viticulture Businesses (ASEVI-ASAJA), a fine of €30,000.
- On the Cádiz Union of Farmers and Livestock Breeders (UAGA-COAG CADIZ), a fine of €22,000.
- On the Regulatory Council of the Denominations of Origin Jerez-Xérès-Sherry, Manzanilla de Sanlúcar de Barrameda and Vinagre de Jerez, a fine of €108,000.

10. In addition, the CNC Council declares in its Resolution that the Department of Agriculture and Fishing of the Government of Andalucía has been responsible, together with the associations involved in these proceedings, for a breach of the competition rules and regulations, due to its participation in agreements to fix the prices of grapes and grape must from September 2002 until, at least, July 2007. Despite the fact that it has not imposed any sanction in this case, the CNC Council takes the view that the active role of the Department of Agriculture and Fishing in the organisation and monitoring of the proper performance of the price fixing agreement has been proved and that it has contributed considerably to keeping the agreement in force and, therefore, to severely restricting competition in that market over a prolonged period. The lack of any prior ruling by the CNC Council in which the responsibility of a public body for a breach of the competition rules and regulations has been recognised represents a change of approach that has been taken into account when determining whether or not to impose a pecuniary sanction on the Department of Agriculture and Fishing of the Government of Andalucía. In relation to this declaration that the Department of Agriculture and Fishing of the Government of Andalucía has committed an offence, one of the CNC's counselors gave a dissenting opinion.

- S/0226/10 Construction sector 19/10/2011

The CNC Council has resolved to levy fines of more than 43 million euros on 46 companies in the construction sector for reaching agreement to allocate and fix prices on government tenders for roadway maintenance works.

The facts on record in the case file show that the companies selected in these procedures were in contact with each other and met to exchange information on the discounts off the base price that

they planned to propose. They would agree the amount of the winning reduction and of the rest of the bids. These discounts (between 1% and 6%) were much smaller than those normally observed in competitive conditions (15% to 30%).

The winning bidder thus obtained a higher budget at the expense of the Administration having to pay a higher price and would pay economic compensation to the rest of the competitors in the tender for having modified their offers.

In view of all of the above, the CNC Council regards as demonstrated that 46 companies participated in the collusive arrangements described above to manipulate the reductions offered to the initial base price used in public work tenders and has consequently resolved to levy fines of more than 43 million euros.

- S/0192/09 Asphalt cartels 26/10/2011

The CNC Council has resolved to impose fines totalling 16 million euros on 12 undertakings for having agreed and implemented the sharing out of the market for hot bituminous mixes and related products in the provinces of León and Burgos and in the Autonomous Community of the Basque Country.

The agreements to share out the market for hot bituminous mixes and related products were put into effect in the areas analysed through:

- The establishment of quotas, in tonnes of hot bituminous mixes produced, between the participants in the cartel.
- The exchange of sensitive information on projects and customers, for subsequent sharing.
- The establishment of the basic rates for the products and services needed to carry out the asphaltting.
- The sharing out of the projects to be undertaken by reference to the quotas for each of them.
- The control of the asphalt plants within the area of influence of each undertaking.
- In its Resolution the CNC Council took into consideration as an aggravating factor the repeated commission of offences under the Competition Act in the case of GRUPO CAMPEZO, ORSA and COPRIS, which had previously been sanctioned by the Basque Country Competition Tribunal in its Decision of 30 December 2008 in relation to a price-fixing agreement during 2001 and 2002. It therefore increased the fine imposed on them by 15%.

### 2.1.2 *Abuse of dominance: Summary of a selection of cases*

- 2785/07 Artistas, Intérpretes o Ejecutantes, Sociedad de Gestión de España (AIE) 23/02/2011

The Council of the CNC has imposed a fine of € 532,686 on Artistas Intérpretes o Ejecutantes, Sociedad de Gestión de España (AIE) for abuse of dominant position, consisting of charging Sogecable unfair and discriminatory general tariffs.

There is no management body other than AIE which administers the rights relating to the public broadcasting of audio visual recordings by musical performers in Spain, who constitute for television broadcasters an input indispensable for carrying on their business activity.

The CNC Council finds it to have been proven that AIE, from its monopoly position reinforced by the various forms of privilege granted to it by the intellectual property legislation, has attempted to impose unfair and discriminatory prices on Sogecable in comparison with what AIE has agreed with other telephone television broadcasters.

This infringement of the competition legislation has taken the form of AIE, unilaterally and prior to any negotiation with the television broadcaster, setting general tariffs which included no objective factors on which any negotiation could be based.

By reason of the foregoing, the Council of the CNC has imposed a fine of € 532,686 on Artistas Interpretes o Executants, Sociedad de Gestión de España (AIE).

- S/0153/09 *Mediapro and Gol TV* 17/03/2011

The CNC has levied a sanction on Mediapro for abusing its dominant position to hinder competition in the market for resale of the audio visual rights of the Spanish regular league and King's Cup football competitions and in downstream television markets, particularly pay-TV.

Mediapro holds the audio visual rights for the league and King's Cup matches of all teams in the first and second division league in Spain for 2009/2010 and subsequent seasons, giving it a dominant position in the market for resale of audio visual broadcast rights of the league and King's Cup matches.

Furthermore, Mediapro is present in the free-to-air TV market through La Sexta and in pay-TV with its channel Gol TV.

Mediapro has in this way hindered competition in the market for resale of audio visual broadcast rights of football matches in the Liga and Copa de S.M. el Rey competitions and in the downstream television markets, particularly in pay-TV, by engaging in unjustified discrimination in licensing the use of those rights by operators.

Consequently, the CNC Council has resolved to levy a fine on Mediapro and Gol TV jointly and severally of €500,000 for abuse of their dominant position in those markets.

- 2795/07 *Hidrocantábrico* 20-09-11 and S/0089/08 *Unión Fenosa* 20/09/2011

The CNC Council has fined Hidrocantábrico Distribución and Unión Fenosa Distribución for abusing their dominant position by making use of information available to them as electricity distributors to develop their activities in the electricity installations market and in other related markets.

Both Unión Fenosa and Hidrocantábrico used information on supply applications to which they had privileged access due to their status as distributor (the identity of every customer who needed an installation in order to be supplied with electricity or to extend the existing supply and all the technical details about the point of supply) in order to offer to carry out the works. This information was not accessible to any other installer.

In short, both Hidrocantábrico Distribución and Unión Fenosa Distribución took advantage of their position in the distribution market in order to compete on a privileged basis in the related market of non-reserved installations, placing the other installers at a disadvantage and seriously distorting competition in the non-reserved installations market, which constitutes an abuse of their respective dominant positions according to the Spanish Competition Act.

The CNC Council has therefore resolved to impose the following fines: [Hidrocantábrico Distribución](#): 365,000 euros and [Unión Fenosa Distribución](#): 1,938,000 euros.

- S/0003/07 *E.ON* 08/11/11

The CNC Council imposes a fine of 607,728 euros on E.On Distribución S.L. for abusing its dominant position by making use of information which it holds as an electricity distributor to

carry out its activities in the electrical installations market. To be precise, E.On abused the dominant position that gives it control and a monopoly over its distribution grid in Cantabria, Galicia, Asturias and Castilla-León.

### 2.1.3 *Commitments Decisions: Summary of a selection of cases*

- 2738/06 GALP 06/04/2011

The CNC has agreed to a termination by commitments of the formal proceedings opened against GALP.

The case arose out of a complaint by the Spanish Confederation of Service Stations (Confederación Española de Estaciones de Servicio) about an alleged breach of article 1 of Spanish Competition Act 15/2007 of July the 3<sup>rd</sup>, 2007 and article 101 of the Treaty on the Functioning of the European Union, which would consist of the maintenance by the aforementioned operator of contracts that expressly or impliedly contain long-term exclusive supply arrangements with various service stations in its fuel distribution network.

The aim of the commitments agreed in the process is to facilitate an early termination of the contracts solving vertical restrictions, with the arbitration of the necessary mechanisms for the determination of the economic consideration deriving from such early termination and for the monitoring and overview of the implementation of the process.

These commitments offered by GALP therefore represent, in the opinion of the CNC Council, an effective solution to the conduct complained of, as they reasonably resolve the potentially pernicious effects on competition resulting from it and their execution will re-establish conditions of effective competition on the retail automotive fuel distribution market.

- S/0245/10 ANTENA 3/ VEO TELEVISIÓN 30/06/2011

The CNC has agreed to a termination by commitments of the formal proceedings opened against Antena 3 Televisión S.A., Atres Advertising S.L.U., Veo Televisión S.A. and The Walt Disney Company Iberia, S.L.

The proceedings related to the adoption of agreements between competitors that would affect the marketing of television advertising. They contained, amongst other things, agreements to fix rates and discounts and obligations regarding the joint marketing of products.

The commitments offered by the parties in order to end the proceedings by means of a termination by commitments relate to the rescission of both agreements, thus removing the possibility of ATRES managing the advertising and agreeing the commercial prices of Disney and VEO, and therefore also removing the restrictions on competition deriving from the agreements.

- S/0302/10 OMEGA-ORONA 29/09/11

The CNC has agreed to end the formal proceedings opened against Orona Sociedad Cooperativa and Omega Elevator S.A. by means of a termination by commitments.

On September 2011 the Council of the CNC (CNC) agreed to the termination by commitments of the formal proceedings opened by it of its own motion against ORONA Sociedad Cooperativa (ORONA) and OMEGA ELEVATOR SA (OMEGA) for possible restrictive practices of the kind prohibited by article 1 of Spanish Competition Act 15/2007 of July the 3<sup>rd</sup>, 2007 consisting of the

existence of a non-competition covenant restricting distribution and sales in the market for the manufacture and wholesale distribution of lift equipment.

OMEGA and ORONA jointly submitted a final commitments proposal for the termination of the case by commitments which, in the opinion of the Investigations Division initially and of the Council at a later date, were adequate to remove the possible restrictive effects on competition in the affected market.

- VATC/0020,Trío Plus 15/09/2011

The Investigations Division of CNC has opened formal proceedings against DTS DISTRIBUIDORA DE TELEVISIÓN DIGITAL, S.A. (DTS), PRISA TELEVISIÓN, S.A.U. (PRISA TV), TELEFÓNICA DE ESPAÑA, S.A.U. and TELEFÓNICA CABLE, S.A.U (jointly referred to as "TELEFÓNICA") under article 62.4.c) of the Spanish Competition Act 15/2007 of July the 3<sup>rd</sup>, 2007.

On January 28<sup>th</sup>, 2010, the CNC Council resolved by means of a termination by commitments the formal proceedings in case S/0020/07, TRIO PLUS, opened against Telefónica Cable, S.A.U. (Telefónica) and Sogecable, S.A. (Sogecable). In that case, the CNC analyzed, among other matters, several joint marketing agreements for pay-TV services and certain electronic communication services (telephone and internet) entered into by SOGECABLE, S.A. (now PRISA TV), DTS and various telecommunications operators, including TELEFÓNICA.

The commitments submitted by the parties, included the obligation to ensure that the products jointly marketed by DTS and TELEFÓNICA could be acquired separately for the same price.

As a consequence of the work undertaken to monitor fulfillment of these commitments, the CNC's Council Resolution of September 15<sup>th</sup>, 2011 has asked for open a new infringement proceeding on the ground that the sale of the "DIGITAL+ mini" package to new DTS clients exclusively through the TRÍO+ channel, which sells DTS and TELEFÓNICA products together, constitutes an infringement of the CNC Council's Resolution of January 28<sup>th</sup>, 2010, referred to above.

11. Finally, the decision comes after the Spanish National Court's rejection, on July 6<sup>th</sup>, 2012, of an application by DTS to provisionally stay the CNC Council's Resolution of September 15<sup>th</sup>, 2011.

## 2.2 *Merger control*

### 2.2.1 *Mergers and acquisitions*

12. In 2011, the number of merger operations continues to be high with 108 merger filings submitted.

13. In addition, all have been resolved in first phase without remedies, except 4 merger Decisions which have been resolved with remedies, three of them on first phase (SER/Radio Lleida, EBRO/ SOS ACTIVOS, Verifone/Hypercom) and one on second phase (REDSYS/REDY).

- C/0353/11 Ebro foods/Deoleo 02/09/11

The Council of the CNC has approved the concentration operation consisting of the acquisition by EBRO FOODS, S.A. of certain assets of the rice business of DEOLEO, S.A. (formerly SOS CORPORACIÓN ALIMENTARIA, S.A.) because it has taken the view that the commitments presented by them resolve the competition problems detected.

The main risks for competition arising out of this operation are as follows:

- In horizontal terms, the key point is the disappearance of EBRO's main competitor, without there being any real alternative when it comes to the provision of manufacturer's brand rice products, which are considered by the major distributors to be "must stock" products. This would in all probability lead to an increase in the prices of manufacturer's brand rice and a reduction in expenditure on research and development.
- It also increases the risk of coordinated effects, due to the probable alignment of the interests of the large distributors with those of the supplier of manufacturer's brand rice products (the entity resulting from the operation): if the price of manufacturer's brand rice has until now been capable of representing a ceiling on the price of rice marketed with the distributor's own brand, the elimination of competition between the two main suppliers of manufacturer's brand rice could lead not only to an increase in the price of the manufacturer's brand product but also to an increase in the distributor's own brand product. Furthermore, it is necessary to take account of the possible reduction in intra-brand competition, given that it would be easier to coordinate the competitive behaviour of all the distributors in the rice market, as they would henceforth have a single significant manufacturer's brand rice supplier, common to them all.
- Finally, in vertical terms, the operation could help to strengthen EBRO's ability to fix prices in the national market for the supply of unhulled rice, which could enable it to impose unfair conditions on its suppliers (basically farmers' cooperatives), as well as restricting access by its competitors to the raw materials or making access more expensive for them.

14. The final commitments proposal approved by the CNC Council involves the sale of four of its brands (La Parrilla, La Cazuela, Nobleza and Pavo Real) together with the grant of an exclusive licence of the Nomen brand for 10 years, with an option to purchase it in favor of the licensee.

- C/0271/10 REDSYS/REDY 14/03/2011

The Council of the CNC has approved the concentration operation consisting of the merger of the companies REDSYS SERVICIOS DE PROCESAMIENTO, S.L.U. and REDES Y PROCESOS, S.A. - REDY because it takes the view that the commitments submitted by them resolve the competition problems detected.

The CNC took the view that on the market for card payment processing services, the operation represented a reduction in the number of operators from three to two, which, when coupled with the major entry barriers that existed, gave rise to a serious risk of excessive or discriminatory rates for non-shareholder customers or shareholders not sponsoring the operation, a risk increased by the lack of knowledge of the entity's fee structure.

There was also a risk that the merged entity would not adequately define or update the technical standards and procedures relating to the interoperability of the payment transactions, which could result in the exclusion or hindering of the activity of rival processors or payment systems to which the merged entity would provide its services.

In terms of the market for card payment services, the fact that the main shareholders of the merged entity are in turn the main Spanish banking institutions, linked to two (SERVIREDA and 4B) of the three country-wide payment systems, gave rise to a risk of coordination on that market which could prejudice the financial institutions or payment systems outside the operation, as well as the end users.

In addition, the method of operation of the new entity could encourage exchanges of information between SERVIREDA and 4B which would enable them to coordinate their strategies on the market for card payment systems.

It is worth mentioning in this context some of the commitments:

- The merged entity commits to be an open provider of processing services to any operator requesting these services without exclusion or discrimination. The resulting entity will have a single fee structure that will be applied without discrimination to all of the entity's customers.
- In addition, the parties undertook not to unilaterally intervene in processes to define, update or modify the standards and technical procedures that are permitting interoperability in electronic payments.
- To deactivate the coordination risks, Redsys and Redy have committed that no members of the governing bodies of these payment systems or of any other international payment system would be present on the governing bodies of the resulting entity.
- The Chairman of the Board of Directors of the resulting entity must be an independent professional who is not employed by, or in any other way directly or indirectly connected with, the payment system structures or their shareholders.
- Moreover, neither the members of the Board of Directors nor the shareholders and/or customers may have access to information (commercial and process-related) on individual customers.
- An external auditor will verify the implementation of these commitments.

15. On 2012, the CNC has opened a formal proceeding against REDSYS/REDY due to a breach of commitments.

- C/0230/10 TELECINCO/CUATRO 29/07/2011

The CNC Council has fined Telecinco 3.600.000 euros for failing to comply with the obligation to present an action plan to put into effect the commitments approved in the resolution authorising the Telecinco/Cuatro concentration operation within the allotted one-month period.

In the course of the Telecinco/Cuatro concentration operation, the CNC found that the merger in question would give rise to a reduction in effective competition in various of the markets affected by the operation, with the result that the operation could not be authorised without the commitment of Telecinco to take the necessary steps to re-establish the conditions of competition that the operation altered. The company GestevisiónTelecinco, S.A. (Telecinco) therefore presented certain voluntary commitments which were declared binding by the CNC Council in its Resolution dated 28 October 2010 with a view to the authorisation of the operation.

In order to enable the effective performance and the monitoring of these commitments, in its Resolution the CNC Council imposed an obligation on Telecinco to present an action plan within one month of the date on which the Resolution became binding, detailing, amongst other matters, the measures to be adopted by Telecinco in order to introduce the commitments assumed and the timetable for so doing. This deadline was not met.

As a result, at the request of the CNC Council, the Investigations Division agreed on 27 April 2011 to open the corresponding formal proceedings against Telecinco and resolved to impose a fine on Telecinco.

**3. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies**

16. Competition Act 15/2007 has assigned new and more powerful functions to CNC in the area of advocacy, to be carried out through its Advocacy Division. The advocacy instruments of CNC include its assessment of draft legislation affecting competition, as well as reports on state aid and market studies.

17. The advocacy role complements the work of CNC on instruction and resolution of disciplinary proceedings. Its main purpose is to favour the existence of a competitive environment in the economy through various non-coercive activities, in particular recommendations to Public Administrations and market operators issued in the context of reports and studies on how to improve competition in specific markets. The creation of the Advocacy Division has substantially strengthened the public impact of the work carried out by CNC.

18. In 2011 the CNC has issued 22 reports on draft legislation, including the following:

**3.1 [Report on the Draft Law on Distribution Agreements](#)**

19. The Draft Bill seeks to improve the sector's competitiveness, focusing on transparency between contractors and eradicate certain unfair behaviours common in practice, and create a culture of collaboration, dialogue and conflict mediation to decrease the high level of conflict prevailing in the sector.

20. The purpose of the Draft Bill, as mentioned, is to promote a good business relationship between supplier and distributor, provide legal security, and establish certain safeguards for the weakest part of the relationship, regulating certain aspects of the different stages of the legal relationship contract formation, content of the contract, duration and extinction.

21. From a competition viewpoint, major implications deal with the following two aspects:

22. Firstly, a possible inconsistency between the wording of some precepts and competition law, in particular European law on vertical restraints.

23. The CNC urges the introduction of a general clause to respect competition law by operators.

24. Secondly, this vocation to balance the position of the signatories of distribution contracts may unduly limit the freedom of enterprise, in a sense that unreasonably restrict competition and reduce potential efficiency improvements.

25. As a result, the Bill was never approved.

**3.2 [Report on the Draft Royal Decree regulating the recognition of producers' organisations and interprofessional organisations in the milk sector and establishing conditions for contracts in the milk sector](#)**

26. The purpose of the Draft Royal Decree is to make progress with some of the recommendations put forward by the High Level Group of Milk Sector Experts, also set out in the proposal of the European Commission to amend EC Regulation 1234/2007, which, in the event that it is approved in its current terms, could give rise to an amendment of the Community rules and regulations relating to contractual relationships in the milk and milk products sector.

27. The Draft Royal Decree basically does the following:

- Regulates the position of the producers' organizations in the sector, listing their functions, along with the minimum requirements that they must satisfy and the rules for their recognition, and authorizing them to be able to negotiate the terms of contracts with buyers on behalf of their members.
- Makes it mandatory to enter into written contracts, as well as the minimum requirements that such contracts must satisfy.
- Determines the purpose of the interprofessional organizations in the sector, developing some of the activities for which they are responsible and the systems for authorizing their agreements.

28. The CNC's main considerations in this report are the following:

- The Draft Royal Decree regulates aspects that are also contemplated in the proposed reform of the aforementioned Community Regulation. The domestic regulation of these provisions and their entry into force before such a reform is approved at European level, may cause legal uncertainty.
- In this sense, at the present moment, the domestic and Community competition rules and regulations would be fully applicable to such practices. Therefore, the CNC takes the view that the regulation of such aspects ought to be removed from the Draft Royal Decree, or its entry into force ought to be deferred until the Community reform is fully effective.
- The regulation of the obligation to formalize contracts in writing that is contained in the Draft Royal Decree does not raise competition problems. In a sector such as the milk sector, the obligation to formalize contracts in writing may help to eliminate possible asymmetries in terms of information, oblige the buyer to reach agreement with the seller on a price and quantity prior to the delivery date, balance the inequality of bargaining power and contribute towards respect for and control of the conditions agreed between producers and buyers.

### 3.3 [Report on new Regulation of Motor Vehicle Distribution](#)

29. Since the Sustainable Economy Act introduced significant modifications to the Agency Contract Act in terms of the regulations applicable to contracts for the distribution of motor cars and industrial vehicles, the CNC considered appropriate to express its position regarding the legislative changes in this sector.

30. The CNC considers that the new provision restricts the self-organizing capacity of the parties and the competition between manufacturers and distributors in the same or different network. Besides, the changes do not necessarily guarantee better prices for consumer, and do not seem adequate to address the potential problems of a contractual nature between distributors and manufacturers.

31. Finally, the amendment is contrary to the spirit of the recent EC's vertical agreements reform in the automotive sector, which gives manufacturers greater freedom to organize their networks distribution, facilitating the achievement of greater efficiencies transferable to final consumer.

32. The CNC reminds the agents affected by this legal change that they still must comply with current competition rules, since the relationships between manufacturers and distributors:

- Are not genuine agency because the new provision expressly mentions that the distributor acts as an independent merchant and assumes the risk and responsibility of the operations

- Do not qualify for exemption under the Block Exemption Regulation applicable to vertical agreements, and
- May not benefit from the Competition Act's legal exemption clauses since the parties are able to establish conditions contracts compatible with competition rules.

33. The CNC urges the agents involved to take these recommendations under consideration and offers its collaboration in the drafting of the new Act on Distribution Contracts. It also advises of the possibility of contacting the EC regarding this issue.

34. As a result, the regulation is suspended.

#### **3.4 Report on the General Telecommunications Bill**

35. The Bill aims to transpose into Spanish legislation the new European regulatory framework for electronic communications, which will affect different articles of the Spanish Telecommunication Law. For example, modifications are made concerning the operation of networks and provision of electronic communications services within the free competition regime, also, regarding the regulation of public service obligations arising from the provision of universal service, the management of radio electric public domain, in consumers' telecommunications rights, and in the system of violations and penalties.

36. Even though CNC has an overall positive view of this Blueprint, it has made some specific considerations in order to foster effective competition in the affected markets:

- In relation to the obligation impose by CE's rules on the Spanish telecoms regulator (CMT) to define the relevant markets referred to networks and electronic communications services, CNC proposes to specify the terms and nature of these obligations.
- Regarding CNC's participation in the future regulation of the operator's access conditions, it recommends that the Bill expressly states this requirement.
- With regard to the functions assigns to CMT, the CNC recommends to modify clearly delimit CMT's competences in the regulated markets and in doing so; avoid potential contradictions between the General Telecommunications Law and the Competition Act.
- Finally, the CNC would like to eliminate the possibility of the CMT being able to impose symmetrical access obligations on all operators regarding the shared used of access networks' final sections, as well as, restricting CMT's scope for imposing the financing of universal service to those operators who exceed a certain market share.

#### **4. Summaries of, or references to, new reports and studies on competition policy issues**

37. The CNC has published several in depth studies throughout 2011, all of which have generated a significant response from the affected sectors and the media.

##### **4.1 Guide on government procurement and competition**

38. In Spain, as in neighbouring countries, government procurement is of considerable importance: according to data from the European Union, government procurement accounted for 14.9% of Spain's GDP in 2008.

39. Competition between bidders is the way to ensure that public sector entities, and ultimately society as a whole, obtain the benefit of the best offers in terms of the price, quality and innovation of the

goods and services eventually purchased. Inadequate competition increases the economic burden on government agencies acquiring goods and services and, therefore, on citizens.

40. Through the recommendations included in this *Guide on government procurement and competition*, the CNC wishes to contribute to the fostering and promotion of effective competition in public procurement procedures for the benefit of the procuring authorities and citizens.

41. The Guide is addressed to entities in the public sector that participate in the market as buyers of goods and services through government procurement procedures. Public sector entities can basically help to foster competition in government procurement procedures in two ways:

- By developing procurement procedures that do not introduce any unjustified restrictions on competition in their design or their execution or in the subsequent performance of the contract.
- By helping to prevent and combat potential agreements between bidders in the procurement process in order to alter the commercial terms or to divide the contract between them, known internationally as bid rigging.

#### **4.2 Report on the lift maintenance and repair market**

42. The CNC has published a report in which it analyses the structure and competitive dynamic of the lift maintenance and repair market. The report records the fact that the lift maintenance business in Spain is characterized by a high degree of concentration of the supply, an exceptionally limited movement of customers between maintenance companies and a high level of specialisation of the principal operators in the maintenance of lifts that they themselves have installed, so that, very often, the company that installs a lift is the same company that continues to maintain it indefinitely. This characteristic constitutes the main obstacle to the development of effective competition in this market.

43. In order to overcome the strong asymmetry in bargaining power of the users of the maintenance services in the contractual relations in this sector it is proposed to introduce specific legislative measures on an exceptional basis that permit users to exercise their decision-making capacity effectively and knowledgeably and to contribute as a result to overcoming the inadequate level of effective competition that the lift maintenance sector currently shows.

44. The CNC's recommendations are directed to the operators in the sector, in particular to those operators that are active in the wholesale supply of spare parts, in order to clarify the practices that are prohibited by the Spanish Competition Act and the good practices that may improve the competitive functioning of this activity.

45. Particular emphasis is placed on those recommendations aimed at preventing owners of new-build properties from becoming parties, to the initial lift maintenance contract signed by the developer, and at ensuring that maintenance companies which compete with manufacturers and installation companies that also carry out maintenance activities are given access by such companies to supplies of the tools and spare parts that are necessary to carry out their business on conditions that permit effective competition by these third-party maintenance companies.

46. In addition, it is recommended that the owners of the lifts have simple guidelines which contain basic indications of the possibilities for contracting the maintenance service with operators other than the maintenance company that is connected with the company which installed the lift, which may improve competition.

#### 4.3 *Report on the relations between manufacturers and distributors of food products*

47. The CNC has published a report in which it analyses relations between manufacturers and distributors of food products in terms of their relative bargaining power and the effects which that has on the functioning of the food sector.

48. In recent years, there has been an increase in the bargaining power of distributors in their dealings with their suppliers as a result of various factors, amongst which the increase in distributors' concentration and the strong development of distributors' own brands are of particular note. The Spanish model is also characterised by the growing role of medium and large-sized supermarkets compared with other commercial formats.

49. In light of the analysis carried out in this report, the CNC considers it appropriate to make certain recommendations for an adequate functioning of the food distribution sector.

50. First of all, the CNC urges all public authorities with powers in relation to the regulation of retail distribution to eliminate the restrictions on the establishment and undertaking of commercial activity that still persist within the regulatory framework and to transpose the Services Directive correctly. In particular, it recommends:

- Removing the power of Autonomous Communities to make the opening of commercial establishments conditional upon any form of prior authorisation or permit.
- Removing the elements of the regulatory framework that restrict the freedom to set opening hours, opening on public holidays and sales periods (advice followed in 2012), along with the prohibition of sales at a loss generally.

51. Secondly, the CNC considers it necessary to establish adequate mechanisms to facilitate the precise knowledge of the characteristics and level of incidence of commercial practices in distribution that may negatively affect competition and the efficient functioning of the market, and to advocate certain measures aimed at limiting the harmful effects of specific commercial practices. These measures include the following in particular:

- The formalisation of commercial relations in writing and the setting of limits on retroactive changes to contractual terms and conditions.
- The foreseeability, transparency and proportionality of commercial payments from manufacturers to distributors.
- The linking of requests for sensitive commercial information on products from distributors to their suppliers to the needs and times that are appropriate to the commercial relationship.
- The express warning to large distributors about the dangers that preferred client clauses and exchanges of information between suppliers and distributors on their commercial relations with third parties may have in terms of competition.

52. Finally, the report warns of the risk of a breakdown of the internal market as a result of the proliferation of different regulations and codes of practice between the Autonomous Communities when it comes to the treatment of certain commercial practices. This may reduce the intensity of competition and remove efficiency and competitiveness from the Spanish food sector and public authorities are urged to take competition criteria into account in these actions.

#### 4.4 *Report on Competition within the Automotive Fuel Sector*

53. The CNC has published in 2011 a follow-up Report on its Report on Competition within the Automotive Fuel Sector published in 2009. The CNC considers that there is an urgent need to apply the recommendations contained in that Report.

54. The main conclusion of the first Report was that there were numerous barriers to the entry and expansion of new operators in the retail and wholesale segments of the fuel market, which gave rise to a reduction in the level of competition within the sector. The specific proposals to reduce the effect of such barriers and facilitate a more efficient competitive dynamic in the sector were reflected in the following recommendations, aimed principally at Public Administrations and the legislative body, in relation to both the wholesale and retail segments of the market:

- One: Fixing of the access price to the hydrocarbons pipeline transport network by the Ministry of Industry.
- Two: Exit of the wholesale operators from ownership and management of CLH (The CLH Group is the leading company on the Spanish market for the transportation and storage of oil products and the distribution and service into plane of aviation fuels and lubricants), as with other network monopolies.
- Three: Simplification of the process for dealing with applications to open new service stations and reduction of the requirements for which they were granted.
- Four: Increase in the weighting of competition criteria in the processes for granting or authorising service stations on major highways.
- Five: Facilitating the opening of service stations in large commercial complexes through the correct application of the administrative advantages contemplated in these cases in Royal Decree-Law 6/2000.

55. Nevertheless, almost two years after the publication of this Report and the parliamentary initiatives aimed at its implementation, there are still no effective measures in place to comply with the recommendations of the Report. The CNC in its 2011 Report concludes the urgency of the implementation of the recommendations made in its 2009 Report.

56. Pursuant to its competition advocacy function, Spain's antitrust authority in 2012, has released a new report on the automotive fuel distribution market in Spain that vigorously reinforces the conclusions of previous reports on the low level of effective competition and urges that the recommendations made by the CNC in 2009 be implemented.

#### 4.5 *Report on the new regulatory framework of the postal sector*

57. The CNC proposes that Public Administrations should put the following recommendations into practice so that the sector can develop in a context of greater levels of competition:

- Periodically to review, at reasonable intervals (5 years), the procedure for selecting the operator designated to provide the universal postal service in order to maintain the possibility of private operators being able to participate in this service.
- Promoting the adaptation of the universal postal service to the new technological environment and the new needs of citizens in order to guarantee its survival and to prevent distortions in competition, as well as increasing the level of transparency of the public service obligations assumed by Correos.

- Preparing in a transparent way the methodology for calculating the compensation for the provider of the universal postal service.
- Eliminating the privileges in favour of the incumbent, both in relation to tax matters and in relation to its commercial activity within the sphere of Public Administrations.
- Modifying the system for access to the public postal network, adopting a system of fixing prices for access that encourages competition.
- Increasing the level of independence of the National Postal Sector Commission from the regulating Ministry.
- Adopting measures to limit the negative impact of the new Postal Act on small postal operators.

#### **4.6 [Report on 2010 State aid](#)**

58. The CNC has published its third Annual Report on State Aid in Spain. The CNC has an obligation to prepare an annual public report on state aid in Spain (article 11.2 of Spanish Competition Act 15/2007 of July the 3<sup>rd</sup>, 2007).

59. The report offers a general overview of the statistical context of state aid in Spain by reference to the most recent available data, along with the main new developments in the rules and regulations or case law emanating from the Community authorities, mentioning the main actions undertaken by the CNC in relation to state aid in 2010.

60. Besides, this third report also contains a descriptive and critical analysis of various measures, instrumented by means of collaboration agreements or arrangements between different entities connected with the public authorities and airline companies, whose aim is to promote particular tourist destinations. These actions have been becoming more frequent in recent years. The results of the analysis reflect the impact of these actions both on the infrastructure and on the operators in the air transport sector and show the existence of various actions by public bodies that are liable to give rise to distortions in competition whose scope may be significant. At the end of the report various recommendations are put forward to reduce such risks.

### **5. Relations with Courts**

61. Regarding technical collaboration with the Courts, the CNC issued four reports advising Courts in private cases. Although as a general rule the CNC provides written comments, it must be highlighted that for the first time oral observations have been submitted in one private case (Ryanair vs. Aena case). In addition, information and data have been sent to civil courts in three additional cases. Cases in which close cooperation between the CNC and civil courts has taken place belong to different economic areas, such as vehicle fuel distribution, air transport, franchising agreements, and collective management of intellectual property rights. Furthermore, the CNC responded to a request of information from a Labour Court.

62. The CNC's decisions can be appealed before the Audiencia Nacional, and the Judgments of the Audiencia Nacional may be reviewed in cassation by the Tribunal Supremo. In 2011, the Audiencia Nacional decided on 36 appeals, of which 29 (80.56%) were rejected and 7 (19.45%) partially accepted. The TS upheld the CNC Decisions in 5 out of 7 cases (71.43%). To sum up, of a total of 43 appeals submitted to the AN and the TS, the Courts ratified CNC Decisions in 79.07% of the cases, which represents a satisfactory increase, 15 points more than in 2010.

63. Moreover, the CNC has issued several reports to the administrative Courts reviewing concessions that had been challenged by private firms in the intercity passenger bus transport, which were followed in 5 cases.

## **6. Institutional activity**

64. During 2011, CNC's President has been replaced as the mandate of the previous one, Luis Berenguer, has expired. The new head of the authority, Joaquín García Bernaldo de Quirós, is judge and he was the President of the Administrative / Public law Chamber of the Andalusia Court of Justice. Moreover, two new counsellors have joined the Council, Luis Diez and Paloma Avila.

65. A collaboration agreement was signed between the CNC and the Autonomous Community of the Balearic Islands. The aim of the agreement is to establish a framework of collaboration for the enforcement of competition law and to improve support in the area of competition advocacy.

66. Also, during 2011, the fourth annual Legal Services Days were held. They bring together representatives from the Spanish Public Prosecutor's Office and the legal services and other representatives of supervisory and regulatory bodies, specifically the CNC, the securities regulator CNMV, the National Energy Commission, the National Telecommunications Commission and the Council for Nuclear Safety. The sessions included discussion of various legal questions common to case management by these bodies and their review by the courts, which is entrusted to the Public Prosecutor's Office.

67. Moreover, the CNC held the Annual Competition Day on June 2011.

### **6.1 International cooperation**

68. International cooperation on articles 101 and 102 of the TFEU enforcement with ECN members, under EU Regulation 1/2003 and -in Mergers control- under EU Regulation 139/2004, was part of the daily CNC' work.

69. Besides an special collaboration with European and Latin American competition authorities, the CNC has continued to participate actively in many international competition fora, including ICN, OECD Competition Committee (- as well as the Global Forum on Competition and the Latin American Forum on Competition), ECA, ECN and UNCTAD Intergovernmental Group of Experts on Competition Law and Policy.

70. Technical assistance/training programs with other Competition Authorities have continued, mainly with Latin America (Ibero-American Competition School, on-line training programs, bilateral collaboration agreements...), but also through bilateral cooperation meetings with Competition Authorities from Egypt, Singapore, Ukraine, Russia and China. The full cooperation program is shown in the table below.

## **7. Resources of competition authorities<sup>2</sup>**

- Total staff: 191
- Non-administrative staff: 125
- Percentage of lawyers: 29.6%
- Percentage of economists: 35.2%
- Percentage of other degrees: 35.2%

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<sup>2</sup> As for December 31<sup>st</sup>, 2011.

- No. of PhDs in economics: 1 (25 people are State Economists, the highest economy specialized body of Spain's Public Administration)
- Average age of staff: 41.7 years
- Average tenure: 3.5 years
- Budget: €12,647,850 million
- Amount spent on salary: € 8,633,603.03 million
- No. of staff who left: 15
- No. of staff who retired: 0
- No. of staff who joined in 2011: 15
- No. who have spent at least 5 years in private practice: 6 (This information is only available for the directors)

71. The CNC's staff working at the Investigations Division is organized by industry/sector, rather than by enforcement area.

72. Specific training of staff has been a major characteristic of CNC policy since the beginning. The training is focused primarily on three areas:

1. Competition law and policy.
2. Specialized information technologies, as required in particular for inspections.
3. Languages.

73. Also, in compliance with *Law 11/2007 on Electronic Access of Citizens to Public Services*, the CNC has made available to the public the use of CNC electronic filing and electronic ID.

## SPAIN IN 2011

Date	Event	Participating Countries	Organizing country/ Organisation	Location	Additional information
January 20 <sup>th</sup>	One day visit to the CNC by delegates from Ministries of Economy of LDC countries	Spain and LDC countries	Spain/AECID (Agencia Española de Cooperación Internacional para el Desarrollo)	Madrid, Spain	
February 21 <sup>st</sup>	One day visit to the CNC by a Delegation from the Competition Commission of Singapore	Spain, Singapore	Singapore/CCS, Spain/CNC	Madrid, Spain	
February 23 <sup>rd</sup>	One day visit to the CNC by a Delegation from the Egyptian Ministry of Economy	Spain, Egypt	Spain/AECID (Agencia Española de Cooperación Internacional para el Desarrollo)	Madrid, Spain	
April 4 <sup>th</sup> -8 <sup>th</sup>	Ibero-American Competition School, IX Edition	Spain and Ibero-American countries	Spain/CNC	Madrid, Spain	Update on developments regarding competition policy and practice. Case studies and experiences on competition. <a href="http://cursos-online.ceddet.org">http://cursos-online.ceddet.org</a>
May 16 <sup>th</sup> – July 3 <sup>rd</sup>	7-weeks training programme on Introduction to Competition Defence	Spain (CNC employees are the professors) and Ibero-American countries (30 students)	Spain/CEDDET Foundation (Fundación Centro de Educación a Distancia para el Desarrollo Económico y Tecnológico), ICEX (Instituto de Comercio Exterior) and CNC	Distance-learning course	
May 17 <sup>th</sup>	One day visit to the CNC by a Delegation from of the Chinese Competition Authority	China, Spain	China/SAIC, Spain/CNC	Madrid, Spain	
May 24 <sup>th</sup>	One day visit to the CNC by a Delegation from the Central Party School of the Popular Republic of China	Spain and China	Spain/ICEX (Spanish Institute of Foreign Trade) and the Central Party School of the Popular Republic of China	Madrid, Spain	
July 4 <sup>th</sup> -8 <sup>th</sup>	Course: Evaluation of prohibited conducts. Comparative experiences and international best practices	Spain and Ibero-American countries	Spain/AECID (Agencia Española de Cooperación Internacional para el Desarrollo) and CNC	Cartagena de Indias, Colombia	
July 18 <sup>th</sup> -19 <sup>th</sup>	Two-days visit to the CNC by a Delegation from the Antimonopoly Committee of Ukraine	Ukraine, Spain	Ukraine/ACU, Spain/CNC	Madrid, Spain	
September 8 <sup>th</sup>	One day visit to the CNC by a Delegation from the Egyptian Ministry of Economy	Spain, Egypt	Spain/AECID (Agencia Española de Cooperación Internacional para el Desarrollo)	Madrid, Spain	
December 12 <sup>th</sup> -14 <sup>th</sup>	Visit to the CNC by a Delegation from the Russian Competition Authority	Russia, Spain	Russia/FAS, Spain/CNC	Madrid, Spain	