

SPANISH COMPETITION *Highlights ...*

Weekly follow-up: 18 - 22 Sept.

The CNMC presents at its premises the Guide on the quantification of damages for infringements of competition law.

On 11 July 2023 the CNMC published the Guide on the quantification of damages for competition law infringements ("**Damages Guide**") with the aim of providing guidance to both judges and parties involved in the quantification of damages in private competition law enforcement proceedings.

On Friday 29 September, a presentation of the Damages Guide will be held at the CNMC offices. In addition, difficulties in the quantification of damage and the contribution of the Damages Guide to it will be discussed.

The process

Prior to the publication of the Damage Guide, the CNMC carried out two public consultations (in July 2021 and September 2023) with the participation of different stakeholders (economists, regional authorities, etc.). Numerous meetings and working sessions were also held to prepare the final document.

The Damages Guide has been developed in the framework of the "Action Plan 2023", aimed at strengthening the competition culture and the good regulatory practices.

The Damages Guide focus on:

- (i) access to data, with reference to the asymmetric information between the parties.
- (ii) passing on defence.
- (iii) the expert's report as one of the most important elements in the damages claim.
- (iv) damage quantification methods and capitalisation. Reference is also made to differences in the quantification of damages caused by price increases and exclusionary practices.
- (v) Finally, a series of checklists are provided to test the reliability of the quantification.