

SPANISH COMPETITION

Highlights...

Weekly follow-up: 01 - 05 Abr.

The CGC initiates disciplinary proceedings for a breach of a commitment contained in a conventional termination

The Galician Competition Authority ("**CGC**") initiates a sanctioning proceeding in the file S/15/2016 *Transporte viajeros a las Islas Cíes* against several companies for a practice consisting of fixing the prices of the adult ticket in high season from the port of Vigo to the Cíes Islands, carried out during the years 2013 to 2019.

The CGC ruled on 11 July 2022 the Decision 2/2022 according the Conventional Termination of the file. Such Conventional Termination was subordinated to the fulfillment of a series of commitments agreed with the companies.

In accordance with Resolution 2/2022, the Investigation Subdirectorato opened the surveillance file VR 9/2022 of the conventional termination procedure. On 23 November 2023, the Subdirectorato issued a surveillance report considering a possible breach of a commitment. In particular, the third commitment that foresaw the individual commitment of each company to improve its services and customer service, especially with respect to people with some type of disability. This commitment included, in essence, a specific discount policy for people with disabilities.

On 8 February 2024, the CGC issued a Surveillance Resolution 1/2024 declaring the non-compliance by two companies with the third commitment and urging the Subdirectorato to initiate the opening of a sanctioning procedure.

In this regard, the CGC considers that the companies have failed to comply with it by not adopting a discount policy for disabled and accompanying persons.

The conventional termination

The conventional termination is an atypical way of closing the sanctioning case, in the sense that commitments voluntarily offered by the alleged infringers are made binding, without the need for an infringement declaration and, consequently, the imposition of a sanction.

Consequences of failure to comply with commitments adopted

As stated in article 62.4 of the LDC, failure to comply with the commitments adopted in the area of merger control constitutes a very serious infringement. In this regard, fines could amount to up to 10% of the total worldwide turnover of the infringing company.