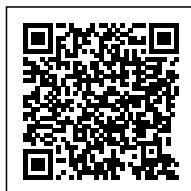


COMPETITION COMMISSION CONTINUING CARTEL FOCUS

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Continuing numbers of dawn raids and high levels of fines demonstrate that the Spanish competition regulator is taking the fight against cartels seriously

La entrada de la regulación anti-cárteles y la denuncia de irregularidades y de la indulgencia empresarial ha tenido un impacto enorme en el mercado doméstico y está claramente entre las prioridades de las autoridades en competencia, comenta Pedro Callol, Responsable del área de Competencia en la oficina

de Roca Junyent en Madrid.

The introduction of anti-cartel, and last year of whistle-blowing and leniency rules, in Spain has had a huge impact on the domestic market and are clearly now among the major priorities of the Spanish Competition Commission – Comisión Nacional de Competencia (CNC), says Pedro Callol, Head of Competition and EU at Roca Junyent in Madrid.

'There has been a lot of activity over the past year and much of the most high profile investigative emphasis to date has been focused on the consumer goods sectors, in part reflecting wider concerns over the impact of cartel activity on the real economy at a moment of economic recession,' he explains.

The CNC has reportedly increased its staff by 50% to cope with its workload and this year already imposed fines totalling over €70m – with notable results in sectors as diverse (and as relevant) as the telecommunications, media, petrol, packaging, wine and foods sectors.

'But besides individual cartel investigations, the CNC has also raised serious questions over the role, remit and membership rules of trade associations. There have been many and prominent dawn raids in the last 18 months, says Callol.

Companies are though appealing fines, as a matter of course, while there are also test cases aimed at ascertaining the limits of the CNC's jurisdiction in dawn raids.

'The outcome of a number of cases regarding inspected companies may depend on the outcome of court litigation regarding dawn raids' he says. We are now starting to see some outcomes but for the most part, Spain has yet to see the results of many of the leniency investigations launched since new whistle-blowing rules came into

force in February 2008, but the queues outside the doors of the CNC the day it come into force have raised expectations, says Callol.

'Except for the statistics that the CNC may publish, it is impossible to know exactly how much activity there is but many cases are in the process of being decided, the first outcomes of which we will see in the coming months.'