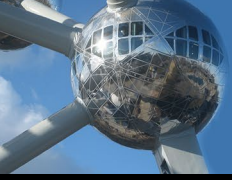


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News

Antitrust

The Spanish Competition authority investigates a possible infringement in the market for organization of bullfighting shows

The Spanish *Comisión Nacional de los Mercados y la Competencia* (CNMC) has initiated an investigation against the bullfighters association (*Unión de Toreros*) for possible restrictive practices against Article 101 TFEU and Article 1 of the Spanish Competition Act. The infringement could have consisted in issuing collective recommendations with the aim of boycotting certain bullfighting shows as an element of pressure against certain companies organising this type of events. The reason would be that the latter has outstanding payments in favour of the association.

The decision to open a formal investigation would have followed a claim submitted by a law firm.

European Commission fines producers of car parts more than € 137 million in cartel settlement

The three Japanese manufacturers of car parts Melco (Mitsubishi Electric), Hitachi and Denso have been sanctioned for participating in a cartel in the market for alternators and starters. All companies acknowledged their involvement and agreed to settle the case. By its part, Denso benefitted from full immunity and escaped the fine for revealing the existence of the cartel.

The companies coordinated prices and allocated customers or projects from 2004 to 2010. Although the contacts took place outside Europe, the infringement affected European customers as the two parts are sold to car manufacturers in the European Economic Area.

The fact that both Hitachi and Melco had already infringed EU Competition rules was taken into account as an aggravating circumstance to set the fine by the Commission. Hitachi has received a total fine of € 26.86 million and Melco has received € 110.92 million.

Case-Law & Analysis

The Spanish Ministry of Justice publishes a first draft of the law transposing the Damages Directive

Directive 2014/104/EU governing actions for damages under national law for infringements of the Competition Law was adopted in November 2014 and Member States had two years from its entry into force to implement it into their internal law.

The Spanish Ministry of Justice has recently published a first draft of the law transposing this Directive. The document has been drafted by the General Codification Commission and will be subject to a public consultation. It amends both the Competition Act and the Law on the Civil Procedure.

Among the novelties that this law is expected to bring the following are to be highlighted:

- Access to the file: the victims of a Competition infringement will be granted access to the documentation necessary to make their claim by means of a motivated application to the court. If justified, the infringing companies will be obliged to grant that access.
- Statute of limitations: the time limit to file an action for damages will be increased from one to five years since the victim is aware of the infringement, the damage and the infringing party.
- Companies infringing Competition Law through a joint behaviour will be jointly and severally liable for the harm caused.
- The commitment to indemnify the victims may reduce the fine imposed by the Competition authority.



Currently at GA&P Brussels

Competition Law seminar in GA&P Barcelona

Last February 10th a seminar on “Spanish Competition Law 2015: fines, inspections, compliance and some surprises for 2016” was held

at our Barcelona office. The partner and Head of the Competition Department, Iñigo Igartua and the lawyer Andrea Díez de Uré explained the most important novelties of 2015 through practical cases.

For further information please visit our website at www.gomezacebo-pombo.com or send us an e-mail to: info@gomezacebo-pombo.com.

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