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Annual Report on Competition Policy Developments in Spain

-- 2024 --

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Spain

Executive Summary

1. This report covers the competition enforcement and advocacy activities carried out in 2024 by the Spanish National Markets and Competition Commission ("CNMC").

2. On the enforcement side, in 2024, the CNMC adopted 11 fining decisions and 10 non-fining decisions.

3. Two of the fining proceedings related to restrictive agreements which constitute an infringement according to Article 1 of the Spanish Competition Act and 101 of the Treaty on the Functioning of the European Union (TFEU), one of them additionally sanctioned the undertaking for engaging in misleading conduct that distorted competition on the markets, as established in Article 3 of the Spanish Competition Act. The other one was identified as a cartel and involved bid rigging in public tenders, that was unveiled thanks to the screening made by the Economic Intelligence Unit after receiving reports of potential collusive conduct. Two of the fining decisions concerned Article 2 of the Spanish Competition Act and Article 102 of the TFEU which prohibit the abuse of a dominant position. The remaining seven fining decisions dealt with other competition law infringements: four of them sanctioned a gun jumping, two of them sanctioned the non-compliance with a resolution of the Council, namely because of a breach of commitments, and the last one sanctioned the obstruction of the CNMC's work by a company that provided incomplete and misleading information in a merger case, which resulted in an inaccurate assessment by the CNMC of the effects of the operation on the maintenance of effective competition on the relevant markets.

4. The fines imposed by the CNMC amounted to 440.68 million euros (€425.48 million for prohibited conduct and €15.20 million for other practices). A total of 18 companies were fined (10 companies for prohibited conduct, 5[1] for gun jumping, 1 for obstruction to the investigation, and 2 for the breach of commitments). In addition, five individuals were fined in 2024 for engaging in bid rigging in multiple tenders for the supply of food to different public and private institutions, involving three distinct cartels fined in one resolution of the Council.

5. In 2024, the CNMC opened nine formal proceedings. Specifically, two formal investigations were launched into alleged infringements of Article 1 of the Spanish Competition Act and/or Articles 101 of the TFEU, five formal investigations focused on analysing the possible existence of abuse of dominant position under Article 2 of the Spanish Competition Act and/or Article 102 of the TFEU, one formal investigation was initiated on the basis of a possible infringement of Article 1 and 2 of the Spanish Competition Act and 101/102 of the TFUE and finally one investigation has been initiated because of a possible infringement of Article 3 of the Spanish Competition Act which prohibits distortion of free competition by unfair acts, that is, acts of unfair competition which affect the public interest by the distortion of free competition.

[1] In one of the gun-jumping cases, a 40% reduction of the fine was granted to the fined company in accordance with the provisions of the Spanish Competition Act, due to the acknowledgment of its liability and the voluntary payment of the fine before the conclusion of the proceedings.

6. On the merger side, in 2024, a total of 89 deals were notified to the CNMC. It is a slightly higher figure than last year and more in line with the numbers seen in previous years. We observe a persisting trend in the increasing number and proportion of cases that require complex and sophisticated analysis. This year, there has been an unusually high number of merger cases cleared in Phase I but subject to commitments from the parties. Looking at the figures, in 2024 we carried out an in-depth investigation in 2 cases, although one of them was closed following the withdrawal of the parties involved. In particular, 7 transactions were analysed and cleared in Phase I subject to remedies offered by the parties and one transaction was cleared in Phase II after a more thorough analysis of the possible damage to competition arising from the merger and upon the approval of remedies offered by the parties. In two other cases, the CNMC opened Phase II of the merger control procedure, which had not been finalised in 2024. One of them concerns the concentration of BBVA and Sabadell, two of the major banks in Spain.

7. As regards competition advocacy, the CNMC issued 24 reports on legislative drafts in 2024. These reports were addressed to legislative authorities so that they could improve, from the competition perspective, new legislative measures at the drafting stage. A further 10 reports not related to draft regulations were also adopted.

8. Likewise, in 2024 the CNMC has published a sectoral study analysing the packaging waste management sector in Spain and a sectoral study on the driver training services. The CNMC has also published a report on factors linked to the structure and functioning of the banking market that could affect incentives for the remuneration of deposits and the Annual Report on State Aid.

1. Changes to Competition Law and Policies, Proposed or Adopted

1.1. Summary of new legal provisions of competition law and related legislation

1.2. Other relevant measures, including new guidelines

9. On the other hand, the Advocacy Department published three guidelines:

- The "**Guide for quantifying harm from competition law infringements**" (G-2020-03G) is an advisory document (not legally binding) in which the most relevant economic, statistical and econometric concepts for quantifying harm are presented in a simple manner and with practical examples. Its main objective is to help judges and courts determine the harm originating from anti-competitive conduct and to disseminate good practices among all the agents involved in harm quantification procedures. The Guide is the result of more than two years of exhaustive work, during which the CNMC conducted two public consultations and held several working sessions to gather the opinions of the main players in both the public and private sectors. Different stakeholders participated in this consultation, including economists, associations, regional competition authorities, magistrates, scholars and individuals.
- The "**Guide to competition against inflation: How competition and efficient regulation help protect the purchasing power of consumers**" (G-2020-02) shows, based on a review of studies on the subject, how measures to promote competition and efficient regulation can help moderate prices and facilitate the work of economic authorities in their efforts to control inflation. Moreover, such measures have the potential to mitigate the negative effects of inflation on purchasing power by boosting growth and employment to benefit all citizens, particularly including the lowest-income and most vulnerable groups.
- The "**Guide to in-house procurement and horizontal cooperation**" (G-2020-01) focuses on the use of in-house procurement and horizontal cooperation agreements, aimed at public procurers. The guide, which is part of a collection of materials with which the CNMC aims to improve public procurement in Spain, reviews the regulation of agreements and orders made to in-house resources, and offers multiple recommendations and practical examples of numerous aspects of these figures, based around four blocks: creating in-house resources; attributing orders to in-house resources; reviewing the status of in-house resources; and agreements.

1.3. Government proposals for new legislation

10. It is worth mentioning Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act or DSA), which aims to ensure a safer, more transparent, and fairer digital environment across the European Union. It is expected that future legislative reforms will grant the CNMC powers to enforce this regulatory instrument, as the CNMC has already been designated as the DSA coordinator.

2. Enforcement of Competition Laws and Policies

2.1. Action against anti-competitive practices, including agreements and abuses of dominant positions

2.1.1. Summary of activities of: competition authorities, courts.

11. In 2024, the CNMC opened nine formal proceedings. Specifically, two formal investigations were launched into alleged infringements of Article 1 of the Spanish Competition Act and/or Articles 101 of the TFEU that prohibits agreements between undertakings that restrict competition, five formal investigations focused on analysing the possible existence of abuse of dominant position under Article 2 of the Spanish Competition Act and/or Article 102 of the TFEU, one formal investigation was initiated on the basis of a possible infringement of Article 1, 2 of the Spanish Competition Act and 101/102 of the TFUE and finally one investigation that has been initiated because of a possible infringement of Article 3 of the Spanish Competition Act which prohibits distortion of free competition by unfair acts, that is acts of unfair competition which affect the public interest by the distortion of free competition.

12. Likewise, in 2024, the CNMC carried out five dawn raids in four cases (3 cases concerned alleged infringement of Article 1 of the Spanish Competition Act and/or Article 101 of the TFEU and 1 case concerned alleged infringements of Article 2 of the Spanish Competition Act and/or Article 102 of the TFEU). In total, fourteen premises were inspected. In 2024, the CNMC carried out inspections to investigate alleged anticompetitive practices, such as collusive tendering, market sharing, and price fixing, particularly in sectors like aviation services, agricultural machinery or road engineering services. Furthermore, the inspections also targeted a potential abuse of a dominant position in the pharmaceutical distribution consisting of potential exclusionary practices by a major operator through the alleged tying of services, whereby access to the cooperative's distribution network may have been made conditional on contracting additional services and committing to exclusivity periods, thus potentially limiting competition from other distributors.

13. The Spanish competition authority adopted the following final decisions in 2024:

- A total of four fining decisions regarding prohibited conducts (anti-competitive agreements, two abuses of a dominant position and unfair practices that distort competition).
- 10 non-fining decisions were adopted by the CNMC.

14. Two of the sanctioning proceedings related to Article 1 of the Spanish Competition Act and Article 101 of the TFEU, apart from one practice falling under the scope of Article 3 of the Spanish Competition Act that was additionally included in one of those two resolutions. One of them was also identified as cartel and involved bid rigging in public tenders. The remaining two resolutions concerned Article 2 of the Spanish Competition Act and Article 102 of the TFEU.

15. In addition, the CNMC also adopted 7 other fining decisions related to other practices (breach of commitments, gun-jumping and obstruction to the investigation conducted by the authority).

16. Further information about these cases is available at the following links:

- SNC/DC/083/23: NAVIERA ARMAS/ TRASMEDITERRANEA
- SNC/DC/077/23: KKR/ GENERALIFE

- SNC/DC/081/23: RHEINMETALL
- SNC/DC/082/23: GENERALIFE/ GINEMED
- SNC/DC/057/24: MARCIAL CHACÓN E HIJOS
- SNC/DC/100/24: ICAB
- SNC/DC/045/24: CAPSA – FLOR BURGOS

17. The fines imposed by the CNMC amounted to 440.68 million euros (€425.48 million for prohibited conduct and €15.20 million for other practices); 18 companies were fined in total (10 companies for prohibited conduct; 5[2] for gun jumping, 1 for obstruction to the investigation, and 2 for the breach of commitments). Likewise, five individuals were fined[3] in 2024 for engaging in bid rigging in multiple tenders for the supply of food to different public and private institutions, involving three distinct cartels fined in one resolution of the Council.

18. On the other hand, the Competition Directorate launched 6 new investigations and 36 preliminary inquiries. In addition, there was a notable increase in the number of complaints dismissed on prioritisation grounds under Article 49.4 of the Spanish Competition Act, rising from just 2 cases in 2022 to 14 in 2024.

2.1.2. Description of significant cases, including those with international implications

19. In the **Booking.com case (S/0005/21),** the CNMC imposed a fine of **413.24 million EUR** on Booking for abusing its dominant position in the market for online hotel booking intermediation in Spain. This fine surpasses the previous record set just a year ago in another digital case involving Amazon and Apple's brandgating practices. The investigation revealed that Booking.com engaged in both exploitative and exclusionary abuses: on the one hand, Booking.com imposed unfair commercial conditions on hotels in Spain, including price parity clauses preventing hotels from offering lower prices on their own websites than those listed on Booking.com. Simultaneously, Booking.com reserved the right to unilaterally reduce the prices offered by hotels through its platform. Additionally, the company included contractual terms stipulating that only the English version of the General Terms and Conditions was legally binding, that Dutch law governed the contracts, and that disputes were to be resolved in Amsterdam courts, thus imposing a huge burden on hotels should they intend to challenge any decision of Booking. On the other hand, Booking.com restricted competition from other online travel agencies (OTAs) by using the total number of reservations a hotel received through Booking.com as a criterion for positioning in search results and maintaining a lack of transparency regarding the actual advantages in terms of advertising and visibility of the rooms of subscribing preferential programs to affiliated hotels. These practices incentivized hotels to channel more bookings through Booking.com, hindering the entry or expansion of competing OTAs in the market.

[2] In one of the gun-jumping cases, a 40% reduction of the fine was granted to the fined company in accordance with the provisions of the Spanish Competition Act, due to the acknowledgment of its liability and the voluntary payment of the fine before the conclusion of the proceedings.

[3] Supply of food case.

20. In **the SGAE case (S/0641/18)**, the CNMC imposed a fine of **€6.4 million** to the SGAE (Sociedad General de Autores y Editores), which is the main Spanish collective management organization responsible for protecting and managing the intellectual property rights of authors, composers, and publishers. It was fined for abusing its dominant position in the design of the list of prices it applied to users of its musical and audiovisual repertoire; SGAE deprived operators of a genuine choice, imposing a flat-rate system that did not reflect their actual use of SGAE´s repertoire—an exploitative effect. In addition, the abuse also had an exclusionary dimension, as it reduced incentives to contract with SGAE's competitors. In the case of musical rights, this effect was further exacerbated through contractual clauses entered into with users in which SGAE claimed that its repertoire was universal (in spite of the fact that there were alternative repertoires managed by different agents) and offered indemnity guarantees against potential claims from third-party right holders.

21. In the **Supply of food case (S/0016/21)**, seven companies were fined **€3.13 million** by the Council of the CNMC for engaging in three different cartels aimed at sharing the market for supply of food to public institutions such as hospitals, retirement homes, prisons or premises of the Army in various areas within Spain. This amounted to bid rigging in public tenders. Additionally, the Council fined five directives of these companies for their participation in the cartels a total amount of €176,100. Two out of the three cartels operated on the basis of market-sharing agreements including the submission of cover bids, whilst the third one had the support of a consulting firm for public tenders that acted as facilitator.

22. Finally, in the **Electronic Auction Platform case (S/0001/21)**, the CNMC Council imposed a fine of **€2.46 million** on the General Council of legal representatives before the courts (CGPE) for two infringements: a collective price recommendation, in breach of Article 1 of the Spanish Competition Act (LDC) and Article 101 TFEU; and a serious distortion of competition under Article 3 of the LDC through unfair competition practices. Specifically, the CGPE disseminated misleading information about the nature of its platform for conducting auctions of movable and immovable goods. The conduct affected the electronic auction intermediation sector in Spain, where specialized entities manage extrajudicial auctions. It was proven that the CGPE set the commissions to be charged by local associations using its platform, thereby restricting free competition among professionals. Moreover, the CGPE promoted its own platform as the only viable alternative to judicial auctions, falsely presenting it as a safer and more reliable option due to its link to a public law entity.

2.2. Mergers and acquisitions

2.2.1. Statistics on the number, size and type of mergers notified and/or controlled under competition laws

23. In 2024, the CNMC was notified of 89 merger transactions, and 87 decisions were adopted in merger cases. Seven transactions were analysed and cleared in Phase I, subject to remedies offered by the parties. One additional transaction was cleared in Phase II after a more thorough analysis of the possible damage to competition arising from the merger and upon the approval of remedies offered by the parties. Moreover, following the withdrawal of the parties involved, one merger case in Phase II was closed. In four additional cases, the CNMC opened Phase II of the merger control procedure.

2.2.2. *Summary of significant cases*

24. In 2024, eight transactions were cleared with remedies offered by the notifying parties, with a view to preventing a significant impediment to effective competition.

25. Commitments may be submitted in Phase I, as long as the alleged competition restrictions are clearly identified and can be easily resolved. This was the case for seven transactions that were cleared in 2024 subject to the commitments offered by the parties: **BSC/ ACTIVOS BRAUN; QSI/ WPT; HOSPITALES COSAGA – CENTRO MÉDICO EL CARMEN; INDIGO/ PARKIA; CEPSA/ BALLENOIL; CASP – MCH/ DRUNI/ ARENAL; DAMM – IDILIA/ CACAOLAT**.

26. The acquisition of **ACTIVOS B. BRAUN** by **BSC** concerned the medical device manufacturing sector, specifically vacuum-assisted endoscopic and endoluminal therapy devices (EVT) used in the treatment of anastomotic leaks. The main issue with the operation was that the acquired company had, until very recently, been the sole supplier in the market and still held a significant market share. There were concerns about portfolio effects, as BSC has been acquiring businesses that produce highly demanded products by hospitals, potentially limiting competitors' ability to compete in the segment of endoscopic device manufacturers, due to the bundling practices often applied by hospitals when purchasing endoscopy devices. The commitments offered to address this risk are set for a duration of five years and are aimed at ensuring that the purchase of EVT products will not be tied to the purchase of other endoscopic devices in BSC’s portfolio. In addition, BSC committed to informing its customers of the content and scope of these commitments and to regularly reporting to the CNMC for monitoring purposes.

27. Another transaction approved with commitments involved the **acquisition of World Padel Tour (WPT) by Qatar Sports Investments (QSI)**. The deal affected the market for the commercialization rights of professional padel tournaments. The parties involved were behind two of the most prominent padel competitions at both the national and international levels, and the goal of the merger was to create a single unified tour. In its assessment, which included feedback from a market test involving stakeholders in the sector, the CNMC found that the strengthened position of QSI could enable it to impose exclusivity clauses or other restrictions that might directly or indirectly limit players' participation in rival tournaments. To mitigate this risk, the CNMC accepted a set of commitments from QSI, including a pledge not to enforce exclusivity clauses for tournaments held in Spain and to allow players to compete in their events without being required to sign an agreement or belong to a specific association.

28. The CNMC approved the acquisition of **Centro Médico El Carmen** by **Hospitales Cosaga**, the only provider of in-patient private healthcare in Orense after the transaction, subject to commitments to mitigate competition risks. The CNMC identified potential threats including reduced quality of services, price increases, and restricted access to hospital facilities for competing providers. To address these concerns, Cosaga committed to maintain service quality and staffing levels, preserving collaboration with the public healthcare system, and investing in infrastructure over the next three years. It will also avoid exclusivity in facility use, ensure access for third-party professionals, and report annually on prices and service provision. These commitments will be monitored for five years.

29. Other transaction approved with commitments involved the acquisition of **Parkia Spanish Holding by Indigo Infra S.A.S.** The operation concerned the local market for the management of short-stay public car parks in various municipalities in Spain. Through this deal, Indigo—already a major operator—would significantly reinforce its position in a key area where competitive pressure was limited, thereby raising concerns about potential price increases in rotation parking services. The CNMC identified a specific risk stemming from

the concentration of market power in the vicinity of the Parkia Marbella Center car park. Without remedies, the operation would have led to a substantial reduction in competition in that area, increasing the likelihood of higher consumer prices due to the diminished market rivalry. To address these concerns, Indigo offered a set of structural and behavioural commitments. Most importantly, it committed to divesting the Parkia Marbella Center car park. It also pledged not to acquire or manage any other parking facilities in the affected area surrounding the divested asset, and to reinforce the effectiveness of the divestiture process through additional safeguards.

30. The transaction **CEPSA/ BALLENOIL** was also cleared subject to commitments offered by the parties. The transaction affected the retail distribution of motor fuels through service stations. Although no major issues were found in most areas, the CNMC identified serious risks to competition in three local markets—Barbate, Chipiona, and Nerja—due to high overlaps and the elimination of low-cost pressure from Ballenoil, the cheapest operator in those areas. To address these risks, Cepsa committed to divesting four Ballenoil stations to a buyer approved by the CNMC, ensuring continuity of the competitive pricing model. Additional safeguards were included to prevent resale or exclusive agreements with major suppliers, and Cepsa is prevented from reacquiring the divested assets for 10 years.

31. The CNMC cleared the creation of a joint venture between **Arenal and Druni**, active in the retail distribution of beauty and cosmetic products in Spain. While overlaps were found in several municipalities, serious concerns arose only in Ponferrada, where the merger would have led to a monopoly in the distribution of luxury beauty products. To eliminate this risk, the parties committed to divesting Druni’s store in Ponferrada. A potential buyer has already been proposed and will be required to operate the store for at least three years.

32. The **DAMM - IDILIA / CACAOLAT case** concerned the dairy beverages and cocoa powder sector. The CNMC assessed the joint acquisition of Cacaolat by Damm and Idilia Foods. The operation raised concerns about potential portfolio effects, as the new structure could allow bundling of other products of the parent company with sales of Cacaolat such as Cola-Cao and Cacaolat milkshakes across both retail and HORECA channels. To address this, the notifying parties committed not to tie the sale or commercial conditions of Cacaolat products to those of Damm or Idilia for a period of five years.

33. One additional transaction was cleared after a more thorough analysis in Phase II, since the CNMC detected serious risks to competition that were not effectively addressed by the commitments offered by the parties and therefore needed more time to be analysed.

34. The **SMURFIT BULGARIA / ARTEMIS BiB** merger involved the acquisition of Artemis's bag-in-box unit, which manufactures flexible plastic bags for food use. The transaction raised competition concerns in the market for non-aseptic bag-in-box packaging of up to 25 litres for food, particularly in Spain, where Artemis supplied one single distributor. Due to the high horizontal overlaps and the removal of one of the four main competitors of Smurfit Kappa in Spain, the CNMC launched a Phase II investigation. The analysis showed that the deal would significantly reinforce Smurfit’s already strong position in this market. Additional concerns stemmed from the company’s unique position as the only supplier currently capable of offering compliant caps for smaller bags under new single-use plastics regulation. To address these concerns, Smurfit Bulgaria offered commitments to maintain supply to Artemis’s sole Spanish client, Cartobol, under the same commercial conditions as before the transaction. This commitment applies through the end of 2026 and includes a pricing adjustment mechanism linked to material and labour costs. Smurfit also undertook to provide regular reporting to ensure effective monitoring of the remedies.

3. The Role of Competition Authorities in Formulating and Implementing other Policies, E.G. Regulatory Reform, Trade and Industrial Policies

35. The Advocacy Department plays a fundamental role in promoting competition culture. The department uses several tools for that purpose: (i) market studies, guides, and *ex officio* reports; (ii) reports on draft regulation; (iii) reports on non-legislative activities; (iv) active legal capacity to challenge regulations and administrative acts before Spanish Courts; (v) and economic impact reports for Court challenges.

3.1. Market studies and other reports

36. The CNMC's studies and reports seek to identify the operating problems of a given sector and propose regulation changes. Occasionally, the studies take the form of guides with an educational function. In 2024, the CNMC issued three market studies and reports[4] and the Annual Report on State Aid.

3.1.1. Market Studies and Reports

37. In 2024, the CNMC issued three Market Studies:

- INF/CNMC/149/24: Report on factors linked to the structure and functioning of the banking market that could affect incentives for the remuneration of deposits. The CNMC analysed which factors could have affected the low remuneration observed in Spanish deposits since the increase in the European Central Bank's interest rates, initiated in 2022. It showed that bank concentration can negatively affect the remuneration of deposits, but it has a low explanatory power in determining interest rates. The report highlighted the role that other factors play in this process, such as the switching costs, the comparability of information provided to customers, the scarcity of alternative saving products, and the low level of financial education.
- E/CNMC/004/21: **Study on packaging waste management[5]**. The study analysed, from a competition perspective, the management of packaging waste, which in Spain has operated traditionally as a monopoly. In 2024 a new company is expected to enter the market, but it is still necessary for authorities to actively promote competition. To achieve this, the CNMC proposes several measures aimed at reducing barriers to entry, improving the coordination framework between private and public agents, promoting transparency, managing potential conflicts of interest and promote competition in waste allocation to recyclers.
- E/CNMC/001/22: **Study on driver training services[6]**. This study includes an analysis of driver training services in Spain and proposes measures to make the sector more accessible, efficient and flexible. In particular, the CNMC recommends regulatory changes to make learning to drive more flexible, reduce barriers to the activity of driver training centres, facilitate access to the professions related to driver training, improve the examination capacity management, and ensure competitive fairness and transparency.

[4] Already described in section 1.

[5] Approved in July 2024.

[6] Approved in December 2024.

38. Likewise, in 2024, the CNMC initiated a study on railway public services obligations. Some of these projects not completed in 2024 have registered public progress, highlighting the following:

- Public consultation for the study on **cloud services**, which had 36 responses.
- Public consultation for the study on **railway public services obligations**, with 32 responses.
- Public consultation for the study on the **effects of public aid on photovoltaic self-consumption**, which received 105 contributions.

3.1.2. Report on State Aid

39. In 2024, the CNMC approved the Annual Report on State Aid in Spain (IAP/CNMC/001/24). The report analyses state aid granted in Spain and in the rest of the EU Member States in 2022, and includes the main regulatory, administrative, and judicial developments in state aid in 2023.

3.2. Reports on draft regulations

40. In 2024, the CNMC issued 24 **reports**[7] on regulatory rules in progress. The number of reports in this category is slightly higher than in 2023.

41. The sectors analysed are varied, such as the Industry and Strategic Autonomy Act, the area of Corporate Sustainability Reporting, the prevention of underage drinking and the regulation of Credit Administrators and Purchasers.

3.3. Reports on non-legislative activities

42. The CNMC acts as an advisory body for competition and efficient economic regulation, advising public administrations on actions that are not linked to regulatory projects.

43. Within the framework of this function, the CNMC has issued 10 reports on a wide range of issues such as competition between banks in rural areas, the contracting of telecommunications services of the General State Administration, three public contracts promoted by the Army related to works, restoration and clothing, and several intra-group contracts of public companies[8].

3.4. Judicial appeals against administrative acts and regulatory provisions

44. The Law of Creation of the CNMC entitles it to challenge in court administrative acts and regulatory provisions below the rank of law when they introduce obstacles to the maintenance of effective competition in the markets. In 2024, the CNMC filed **two appeals** based on the aforementioned legal basis:

- An appeal against the Royal Decree 1010/2023, which amends the regulations for private driving schools, Royal Decree 1295/2003, and the General Driver Regulations, Royal Decree 818/2009 (LA/01/2024).

[7] Please, find further information about the reports in Section 5 or on the CNMC's website.

[8] Please, find further information about the reports in Section 6 or on the CNMC's website.

- A second appeal was filed against the Agreement on the vehicle ceiling and the period of application of the limitation of entry, circulation and parking on the public roads of the island of Formentera for the year 2024 (LA/05/2024). This appeal was consolidated with a previous appeal filed by the CNMC against a similar Agreement adopted by the island of Formentera for the year 2023 (LA/01/2023).

45. Regarding appeals filed in previous years under the aforementioned legal basis, in 2024, the Supreme Court partially upheld an appeal against a regional regulation on ride-hailing services in the Basque Country (LA/01/2020) and fully upheld an appeal against local regulation on the same activity in Valencia (LA/01/2022). Likewise, the Court of Justice of Valencia partially upheld an appeal against a Decree establishing registration requirements for real estate brokerage agents in the Autonomous Community of Valencia (LA/03/2022).

46. In addition, under the Law of Market Unity, the CNMC is also entitled to file appeals against public restrictions to the freedom of establishment or movement, at the request of economic operators or ex officio. In 2024, it filed **four appeals based on the Law of Market Unity**[9].

3.5. Economic reports to support court challenges

47. The aim of these reports is to economically and quantitatively analyse competition restrictions in regulations that have been appealed by the CNMC before the courts[10]. They sometimes quantify the costs that such restrictions entail for consumers and social welfare.

48. In 2024, the CNMC drafted **one economic report** to accompany an appeal initiated in 2023 against a public procurement process for postal services of Madrid city council (LA/04/2023).

3.6. Public consultations and advocacy events

3.6.1. Public consultations

49. As mentioned before, in 2024, the CNMC opened four public consultations on the effects of public aid on photovoltaic self-consumption, cloud services, railway public service obligations and difficulties in the deployment of electronic telecommunications networks at the municipal level. The number of contributions received were 105, 36,32 and 6, respectively.

3.6.2. Advocacy events

50. 2024 was particularly intense in this regard, with important actions to be noted:

- CNMC created the structure, boards and webpage of the first number of the Competition and Markets Yearbook, related with a previous agreement ICO Foundation to transfer the Competition Yearbook to the CNMC. Therefore, in 2025 we will publish the first number of this yearbook under CNMC’s management.

[9] The appeals under the Law of Market Unity are directly handled by the legal department (in consultation with the Advocacy Department), while the appeals based on the Law of Creation of the CNMC are directly handled by the Advocacy Department.

[10] The economic reports will be published on the CNMC's website once a ruling has been issued.

- Eight articles and interviews were published in magazines and media, one entry in blogs, and seven more entries in the CNMC blog.
- Four public events were organized, and nineteen presentations were given at national and international public events, on a variety of subjects including food prices, cloud services, behavioural economics, intercity bus services, industrial policy and inflation.
- We have launched a new series of conferences in collaboration with Funcas, an economics think tank, featuring nationally and internationally renowned academics who will address current issues related to competition and efficient regulation. The inauguration took place at CNMC with a public event on the value of competition for citizens.
- The training program for public employees on competition in public procurement continued to be implemented, which in 2024 was extended to more than 800 public employees.
- The CNMC and the Bank of Spain have created a joint Forum on Business Competition. The staff of both institutions are collaborating through expert groups on various research topics of common interest, including the measurement of market power, the relation between competition and inflation, electric charging stations, and the impact of bid-rigging. In addition to the above actions, reference should be made to the "Municipalities and Competition" project. This initiative was launched in 2021 and consists of recommendations, public consultations and discussion days on the most common barriers to free competition in the performance of municipalities. In 2024, this initiative was awarded by the World Bank and the International Competition Network for promoting a greater understanding of competition principles across the country.

51. The project is carried out in collaboration with the regional competition authorities and is developed through "stories", which focus the analysis on the most problematic sectors of activity or areas of municipal public intervention from the point of view of barriers to competition. For each story, a discussion document is prepared for public consultation, and a day of debate is organised with representatives of municipalities, companies, consumers and academics to gather a wide variety of opinions on the phenomenon, and recommendations are drawn up.

52. In 2024, two new topics were developed:

- - *Deployment of electronic communications networks*, led by the CNMC, with a discussion day in Barcelona on 30 January.
- - *Occupation of public space*, in collaboration with the Catalan Authority of Competence (ACCO), with a discussion day on 19 September, also in Barcelona.

4. Resources of the Spanish Competition Authority

4.1. Resources overall (current numbers and change over previous year)

53. It is important to highlight some specific features of the CNMC before looking at its resources. The CNMC is an integrated authority covering competition law enforcement and competition advocacy functions, together with the supervision of regulated sectors. Its overall personnel and budget data therefore cannot be compared to those of other European competition authorities. Likewise, some adjustments must be made to include within the competition policy figures the allotted part of the overall budget and personnel in cross-cutting services such as legal services, economic analysis, IT services, cabinet, media services, human resources, and so on, that are shared by all the divisions (both competition and regulatory divisions).

54. As established for the 2022 Annual Report, the method followed includes people directly engaged in competition, regardless of the unit or directorate to which they belong in order to provide more accurate information and clearly differentiate between administrative and non-administrative staff members, economic or legal background, gender, and so forth.

55. According to this, a total of 114 non-administrative staff members works directly on competition enforcement: 71 in the Competition Directorate and 29 in the Advocacy Department, six in the Legal Unit, two in the IT Unit (IT experts for inspections), and six in the Economic Unit. In addition, 20 administrative staff members work on competition enforcement.

56. To these 134 workers should be added a proportional share of the staff working in the cross-cutting units (cabinet, legal service, general secretariat, etc.) that are not exclusively devoted to competition issues. This means an additional 43 people, who cannot be further differentiated according to gender, professional or academic qualification, or such like, as they represent an estimate.

57. Overall, in 2024, the total number of people working at the CNMC was 560, not including the Council of the CNMC.

4.1.1. Annual budget (in euros and USD)

58. The total annual budget available to the CNMC for the year 2024 in terms of competition policy was 17.25 million euros (in 2023, the budget dedicated to competition policy was 16.48 million euros).

59. The CNMC's total budget for 2024 (65.87 million euros) also increased compared to 2023 (63.13 million euros).

4.1.2. Number of employees (persons-years): economists, lawyers, other professionals, support staff, all staff combined.

60. As described above, a total of 114 non-administrative staff members work directly on competition activities: 71 in the Competition Directorate, 29 in the Advocacy Department, six in the Legal Unit, two in the IT Unit (IT experts for inspections), and six in the Economic Unit. Of those 114 non-administrative staff, 43 are lawyers; 50 are economists; and 8 are data scientists.

61. In addition, as mentioned, to these 114 non-administrative staff should be added the proportional share of the staff working in the cross-cutting units (cabinet, legal service, general secretariat, etc.) that are not exclusively devoted to competition issues. As already pointed out, this means an additional 43 people, who cannot be further differentiated according to gender, professional or academic qualification, or such like, as they represent an estimate.

62. In addition, there are 20 administrative staff members.

Combining all staff, in 2024, 177 people were working on competition policy at the CNMC.

4.2. Human resources (persons-years) applied to: enforcement against competitive practices, mergers review and enforcement and advocacy efforts

63. It should be noted that the Competition Directorate has a sectoral organisation (energy and industry, information society and services), so all units work both in anti-competitive practices and merger control enforcement, except for the Cartels and Leniency Unit (10 people, including administrative staff). This Unit carries out only enforcement work and not merger analysis.

64. In addition, within the Competition Directorate, there is a Monitoring Unit. This Unit is devoted to monitoring the final execution of CNMC decisions (judicial challenges, effective payment of fines, fulfilment of commitments and conditions, etc.).

65. The Advocacy Department does not carry out either enforcement or merger analysis activities (32 people).

66. Therefore[11]:

- Enforcement against anti-competitive practices: 88 people.
- Merger control: 78 people (the previous 88 minus the people working at the Cartels and Leniency Unit).
- Advocacy efforts: 32 people.

[11] All this data refers to non-administrative staff.

5. Summaries of or References to New Reports and Studies on Competition Policy Issues

5.1. Market Studies, guides, and other reports

5.2. Market Studies and Guides

REFERENCE	DESCRIPTION	DATE OF APPROVAL
INF/CNMC/149/24	Report on factors linked to the structure and functioning of the banking market that could affect incentives for the remuneration of deposits.	17/12/2024
E/CNMC/001/22	STUDY ON DRIVER TRAINING SERVICES	10/12/2024
E/CNMC/004/21	STUDY ON PACKAGE WASTE MANAGEMENT	09/07/2024

5.2.1. Report on State Aid

IAP/CNMC/001/24	CNMC REPORT ON STATE AID IN SPAIN - 2024	10/12/2023

5.3. Reports on draft regulations

REFERENCE	DESCRIPTION
IPN/CNMC//037/23	DRAFT ROYAL DECREE TRANSPOSING INTO SPANISH LAW THE EU DIRECTIVE ON THE PROPORTIONALITY TEST BEFORE ADOPTING NEW REGULATIONS ON PROFESSIONS
IPN/CNMC/002/24	DRAFT ROYAL DECREE IMPLEMENTING LAW 18/2022 OF 28 SEPTEMBER ON THE CREATION AND GROWTH OF COMPANIES WITH REGARD TO ELECTRONIC INVOICING BETWEEN COMPANIES AND PROFESSIONALS AND ITS REGULATORY IMPACT ASSESSMENT REPORT
IPN/CNMC/003/24	DRAFT ROYAL DECREE REGULATING THE ADVERTISING OF MEDICAL DEVICES
IPN/CNMC/005/24	DRAFT ORDER REGULATING ROAD SAFETY AWARENESS AND RE-EDUCATION COURSES FOR HOLDERS OF A DRIVING LICENCE OR DRIVING LICENCE
IPN/CNMC/10/24	PRELIMINARY DRAFT LAW REGULATING THE CORPORATE REPORTING FRAMEWORK ON ENVIRONMENTAL, SOCIAL AND GOVERNANCE ISSUES
IPN/CNMC/011/24	DRAFT ROYAL DECREE CREATING THE PRODUCTIVITY COUNCIL OF SPAIN
IPN/CNMC/012/24	DRAFT ROYAL DECREE AMENDING ROYAL DECREE 962/2013 OF 5 DECEMBER 2013 CREATING AND REGULATING THE STATE COUNCIL FOR SMALL AND MEDIUM-SIZED ENTERPRISES AND THE STATE OBSERVATORY ON PRIVATE LATE PAYMENT
IPN/CNMC/06/24	DRAFT ROYAL DECREE AMENDING THE ROYAL DECREE ON THE REGULATION OF GAMBLING WITH REGARD TO LICENCES, AUTHORISATIONS AND GAMBLING REGISTERS FOR THE INTRODUCTION OF A SYSTEM OF JOINT DEPOSIT LIMITS PER PLAYER
IPN/CNMC/08/24	DRAFT MINISTERIAL ORDER ON THE PROCEDURE FOR THE ACCEPTANCE AND VALIDATION OF THE REDUCTION OF EMISSIONS AT SOURCE FOR THE PURPOSE OF CALCULATING THE REDUCTION OF GREENHOUSE GAS EMISSIONS FROM FUELS AND ENERGY SUPPLIED IN TRANSPORT
IPN/CNMC/013/24	DRAFT ORDER APPROVING THE REGULATORY BASES FOR THE GRANTING OF AID FOR EXTRAORDINARY TRAFFIC DISTURBANCES IN RAIL FREIGHT TRANSPORT
IPN/CNMC/16/24	DRAFT ORDER AMENDING ORDER ICT/155/2020 OF 7 FEBRUARY REGULATING THE METROLOGICAL CONTROL OF THE STATUS OF CERTAIN MEASURING INSTRUMENTS
IPN/CNMC/017/24	DRAFT ROYAL DECREE APPROVING THE STATUTES OF THE GENERAL COUNCIL OF OFFICIAL COLLEGES OF PHARMACISTS IN SPAIN
IPN/CNMC/19/24	DRAFT BILL ON INDUSTRY AND STRATEGIC AUTONOMY

IPN/CNMC/18/24	DRAFT ROYAL DECREE ON THE SELECTIVE FINANCING OF MEDICAL DEVICES FOR OUT-PATIENTS
IPN/CNMC/025/24	PRELIMINARY DRAFT LAW ON THE PREVENTION OF ALCOHOL CONSUMPTION AND ITS EFFECTS ON MINORS
IPN/CNMC/024/24	DRAFT ROYAL DECREE ESTABLISHING RULES FOR THE DEVELOPMENT OF ARTICLES 40 AND 41 OF LAW 17/2011 ON FOOD SAFETY AND NUTRITION FOR THE PROMOTION OF HEALTHY AND SUSTAINABLE FOOD IN SCHOOLS. 40 AND 41 OF THE LAW 17/2011 ON FOOD SAFETY AND NUTRITION FOR THE PROMOTION OF HEALTHY AND SUSTAINABLE FOOD IN EDUCATIONAL CENTRES
IPN/CNMC/027/24	PRELIMINARY DRAFT LAW ON ADMINISTRATORS AND CREDIT PURCHASERS
IPN/CNMC/026/24	DRAFT ROYAL DECREE REGULATING THE ASSESSMENT OF HEALTH TECHNOLOGIES
IPN/CNMC/028/24	PROPOSAL FOR THE GENERAL STATUTES OF THE PROFESSIONAL ASSOCIATIONS OF PROPERTY ADMINISTRATORS AND THEIR GENERAL COUNCIL
IPN/CNMC/029/24	DRAFT ORDER REGULATING TRAINING FOR PROGRESSIVE ACCESS TO A CLASS A DRIVING LICENCE
IPN/CNMC/034/24	DRAFT MINISTERIAL ORDER TO DETERMINE FOR 2023 THE STANDARD COSTS APPLICABLE TO ELIGIBLE COSTS, COMPENSATION FOR MARITIME AND AIR TRANSPORT OF GOODS INCLUDED IN ANNEX I TFUE TO AND FROM THE CANARY ISLANDS
IPN/CNMC/035/24	DRAFT MINISTERIAL ORDER TO DETERMINE FOR 2023 THE STANDARD COSTS APPLICABLE TO ELIGIBLE COSTS, COMPENSATION FOR MARITIME AND AIR TRANSPORT OF GOODS **NOT** INCLUDED IN ANNEX I TFUE TO AND FROM THE CANARY ISLANDS
IPN/CNMC/031/24	DRAFT ROYAL DECREE DEVELOPING THE LEGAL REGIME OF THE “EMPRESA DE TRANSFORMACIÓN AGRARIA” (TRAGSA) AND ITS SUBSIDIARY “TECNOLOGÍAS Y SERVICIOS AGRARIOS” (TRAGSATEC)
IPN/CNMC/039/24	REPORT ON THE DRAFT ROYAL APPROVING THE REGULATION OF THE BASIC CONDITIONS OF COGNITIVE ACCESSIBILITY

5.4. Reports on non-legislative activities

REFERENCE	DESCRIPTION	DATE OF APPROVAL
INF/CNMC/457/23	REPORT ON THE SPECIFIC ADMINISTRATIVE SPECIFICATIONS TO BE USED IN THE FRAMEWORK AGREEMENT FOR THE COLLECTIVE CATERING SERVICE AT VARIOUS ARMY BASES TO BE AWARDED BY OPEN PROCEDURE	31/01/2024
INF/CNMC/484/24	REPORT ON THE CONTRACT FOR THE MANUFACTURE AND DISTRIBUTION OF ITEMS OF BASIC EQUIPMENT, COMBAT EQUIPMENT AND WORKING UNIFORMS WITHIN THE SCOPE OF THE MINISTRY OF DEFENCE BY MEANS OF THE CUSTOMISED SYSTEM VIA THE INTERNET, SPECIAL ORDERS OR TRADITIONAL SYSTEM	04/03/2024
INF/CNMC/551/23	REPORT ON THE CONTRACTING CARRIED OUT BY THE COMPANY ENUSA WITH ITS SUBSIDIARY ETSA IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 321.6 OF LAW 9/2017 OF 8 NOVEMBER ON PUBLIC SECTOR CONTRACTS	19/06/2024
INF/CNMC/026/24	CONTRACTING CARRIED OUT BY CERTAIN COMPANIES OF THE POSTAL GROUP IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 321.6 OF LAW 9/2017 OF 8 NOVEMBER ON PUBLIC SECTOR CONTRACTS IX	19/06/2024
INF/CNMC/124/24	PROCUREMENT DOCUMENTS FOR TELECOMMUNICATION SERVICES AGE AND OTHER PUBLIC ENTITIES PHASE III	24/09/2024
INF/CNMC/123/24	CONSULTATION OF THE CAM ON THE APPLICATION OF THE STATE AID RULES WHEN THE BENEFICIARIES ARE COMMUNITIES OF OWNERS OF RESIDENTIAL BUILDINGS	30/09/2024
INF/CMC/028/24	CNMC RECOMMENDATIONS TO FACILITATE COMPETITION BETWEEN INSTITUTIONS IN ENVIRONMENTS WHERE THE PRESENCE OF SEVERAL BANKS IN THE TERRITORY IS NOT ASSURED	29/10/2024
INF/CNMC/125/24	PRELIMINARY DRAFT OF THE CODE OF ETHICS GENERAL COUNCIL OF DENTAL TECHNICIANS	21/11/2024

INF/CNMC/183/24	DRAFT AGREEMENT BETWEEN THE CENTRAL TRAFFIC HEADQUARTERS AND THE SPANISH ASSOCIATION OF CAR DISMANTLING AND RECYCLING -AEDRA- FOR THE DIGITALISATION OF THE TELEMATIC DEREGISTRATION FILE OF THE AUTHORISED VEHICLE TREATMENT CENTRES	29/11/2024
INF/CNMC/149/24	REPORT ON FACTORS LINKED TO THE STRUCTURE AND FUNCTIONING OF THE BANKING MARKET THAT COULD AFFECT INCENTIVES FOR DEPOSIT REMUNERATION	17/11/2024