First of all, I want to thank the organizers for inviting me to open this international Congress on a topic of such an importance for a Competition Authority as CARTELS.

Thanks to the Competition Policy Centre of San Pablo-CEU University, for working from an academic point of view to enlarge and deepen the knowledge on the prosecution, tools, effects, or effectiveness of the fight against cartels, which is the number 1 priority of the Spanish National Authority for Competition and Markets-

It is a great pleasure for us CNMC to collaborate on the celebration of the Congress as it gives us the opportunity to gather during two days to discuss among enforcers, academics, practitioners, judges etc. on the matters that affect on our daily work and that allow us to change impressions and information for a better and more efficient enforcement of our laws.

As you know, last year has been a very busy one, with the entry into force of the CNMC, a completely new institution that merged the Competition authority with regulatory bodies in the field so energy, telecommunications, postal, transport, etc.

The new regulator has two very defined objectives: first of all, to provide greater legal certainty for businesses and secondly to facilitate business activity, lowering costs and eliminating duplication and unnecessary red tape

From the Competition Directorate perspective; the fight against cartels continues to be the top priority, using all the available tools at our disposal for that purpose; the leniency programme, dawn raids, complaints, information requests, ex officio cases and so on.
We are quite new in cartel prosecution and effective detention and punishment. Between 1989 and 2009 only 10 cartels were detected, prosecuted and sanctioned. Between Jan. 2010 and Oc. 2014 29 cartels where sanctioned with fines above 450 M €. Of these 29, 21 were detected thanks to a leniency application.

I want to remind you that despite the difficulties we have faced this year arising from the merger with other commissions comprising around 600 people with different cultures, background etc., despite all of this problems, we have manage to continue our daily work and we have dawn raid more than 50 companies in a total of 10 inspections. Moreover, 8 cartel cases are pending our Council final resolution and in other 9 cartel investigations will be completed in the next 6 months.

With this a want to convey the message that despite the institutional change we continue to do everything possible to deter companies in engaging in restrictive agreements by sending a clear signal of the lack of profitability of this kind of behaviour.

In this respect we have created a mail box for reporting on possible prohibited agreements, engaging citizens on cartel struggle. In the first month we received around 100 emails of which 4 can lead us to positive results.

We continue our ex officio work with an average of half of the cases stemming from ex officio sources (like other cases, industry monitoring, other agencies information, or data analysis) and the rest coming from complains.

As for other important tools to deterrence we cannot ignore the importance of fines. In this respect since March 2013 our Court of appeals (AN) has issued some rulings reducing the amount of fines which were imposed in recent cases by the Competition Commission following a model which is quite similar to the one of the EU. These adverse rulings, although not unanimous, pose a big threat to the effective enforcement of cartel prosecution in our country. That is the reason why the CNMC has asked the EU Commission to support our views at the Supreme Court as amicus curiae in order to
reinforce the arguments in favour of a deterrence fine system. We are confident that our views will prevail.

Following with the topics for discussion at today’s conference I will refer to the settlements by just saying that this a tool not available at our jurisdiction that has proved to be very effective in curving cartels, sanctioning them and at the same time saving scarce public resources. This is the reason why we want to explore the possibility of introducing settlements in our legislation in the near future.

The new directive on damages will hopefully boost the effectiveness of damage actions and therefore a new source of worry for companies engaging in illegal practices. From this point of view public trustbusters can only hope the better for this new form for cartel dissuasion.

The globalisation of business means cartel activity is increasingly international in scope. Investigating international cartels poses many challenges to Competition Authorities, highlighting the importance of increased cooperation on both procedural and substantive issues. That is why it is so important that Competition Authorities increase their coordination.

In practice, continuous and close cooperation between the CNMC and the European Community and with other National Competition Authorities, particularly within the European Union, is highly necessary in tackling cross-border cartels, and it is particularly important to insist on the maximum coordination and collaboration among enforcers at international forums. It is perhaps on this specific matter where we will be willing to go further. I’m sure that cooperation will be one of the topics that may arise during this Conference, and that the improvement in cooperation will yield high results in terms of cartel fighting.

Multilateral fora, such as this Congress, provide valuable platforms for discussions on all these issues of common interest for all of all us, so let’s use it, enjoy it and learn.

Thanks.