

**MEMORANDUM OF UNDERSTANDING BETWEEN THE ITALIAN AUTORITÀ GARANTE DELLA CONCORRENZA E DEL MERCATO OF THE REPUBLIC OF ITALY AND THE COMISIÓN NACIONAL DE LOS MERCADOS Y LA COMPETENCIA DEL REINO DE ESPAÑA (NATIONAL AUTHORITY FOR MARKETS AND COMPETITION OF THE KINGDOM OF SPAIN)**

This Memorandum of Understanding (“Memorandum”) is intended to set forth a voluntary framework for cooperation between the Autorità Garante della Concorrenza e del Mercato (“AGCM”) and the Comisión Nacional de los Mercados y la Competencia (“CNMC”).

The AGCM and the CNMC (“Parties”), here represented by their respective Presidents, that have full legal capacity to exercise their functions,

Desiring to promote and strengthen a framework of voluntary cooperation, based on the principles of equality and mutual benefit, in the field of competition law enforcement and competition policy, including advocacy and proposed legislative changes,

Recognizing the benefit of technical cooperation in order to enhance an environment in which the sound and effective enforcement of competition policy and law supports the efficient operation of markets,

Have agreed to cooperate as follows:

**Article I**

The Parties shall promote and strengthen cooperation in the field of competition law enforcement and competition policy in line with this Memorandum.

**Article II**

Subject to reasonably available resources, the Parties may:

- 1) exchange experiences and best practices concerning the prioritization of antitrust investigations, cartel detection and advocacy interventions;
- 2) discuss and - where possible - coordinate their positions concerning proposed legislative and regulatory reforms at the EU level;
- 3) explore the viability of joint competition awareness campaigns;

4) pursue bilateral cooperation in the context of technical assistance programmes.

### **Article III**

The activities indicated in article II can be carried out among others:

- (a) exchanging information and point of views concerning cases and policy developments;
- (b) organizing regularly study visits and experts training;
- (c) organizing common events;
- (d) meeting in the context of international events;
- (e) organizing high level meetings for discussing strategic policy issues of common interest as well as directions in which the bilateral cooperation shall continue.

### **Article IV**

The AGCM and the CNMC each plan to appoint a liaison for the purpose of facilitating contact in furtherance of the Memorandum.

Communications shall be carried out in English and may be carried out by telephone, electronic mail, videoconference, or in person meetings, as appropriate.

### **Article V**

The specific characteristics of the bilateral activities to be considered - such as their agenda or place - shall be established by the Parties by mutual agreement.

All the expenses related to travel, meals, accommodation of the Party's representatives in the territory of the receiving Party shall be covered by the sending Party.

### **Article VI**

This Memorandum is concluded with a view to enhancing and developing cooperation between the Parties and does not constitute an agreement binding upon the States of the Parties under international law. No provision of this Memorandum shall be interpreted and implemented as creating legal rights or commitments for the States of the Parties.

Disputes regarding the interpretation and implementation of the present Memorandum, if any, shall be settled by the means of consultations and negotiations.

### **Article VII**

The present Memorandum is concluded for an unlimited period of time and enters into force on the date of its signing.

The present Memorandum shall be jointly revised by the Parties following prior consultations.

This Memorandum can be terminated by either Party by submitting a written notification to the other Party.

This Memorandum will expire after three months from the date of receipt of the written notification.

Signed in Madrid, in six (6) copies of equal content and value, two (2) in English, two (2) in Italian and two (2) in Spanish, on October 27<sup>th</sup> 2021.

For the *Autorità Garante della  
Concorrenza e del Mercato  
of the Republic of Italy*

President

Roberto Rustichelli

For the *Comisión Nacional de los  
Mercados y la Competencia del  
Reino de España*

President

Cani Fernández Vicién