

PRESS RELEASE

The CNMC fines Repsol €5 million for failing to comply with the conditions imposed in two previous resolutions

- In 2009 and 2013, Repsol, Cepsa and BP were sanctioned for failing to comply with competition regulations in their contracts with independent service station owners.
- The Commission also imposed certain conditions on them to correct this situation.
- The CNMC verified that, in 2019, Repsol still had not complied with these obligations involving certain petrol station owners.

Madrid, 18 December 2020 - The CNMC has imposed a fine of €5 million on Repsol Comercial de Productos Petroliferos, S.A. (Repsol) ([SNC/DC/054/20](#)) for failing to comply with the remedies that the Commission imposed on it in two previous disciplinary proceedings from 30 July 2009 and 20 December 2013. ([VS/0652/07](#)).

In them, the oil company was sanctioned, along with Cepsa and BP, for violating Spanish and European competition rules, since they indirectly set the retail price of their fuels for independent owners who operated under their brands. Through this practice, they restricted competition between the service stations in their network and between all other service stations.

In addition to the sanctions imposed, the CNMC required the oil companies, among other measures, to take steps to ensure that the transfer price of fuel was set using objective criteria, so as not to discourage service stations from providing discounts to their customers

As a result, that resolution is now part of the monitoring activity carried out by the CNMC to verify the degree of compliance with the obligations it imposed on the oil companies in the aforementioned resolutions: specifically, regarding the way the transfer price of fuel is determined in commission contracts and in resale contracts indexed to a benchmark price in which the distributors are independent owners.

Conditions adopted by Repsol

In this regard, the only compliance solution that Repsol has adopted since 2016 was to implement a new contracting model, known as the “consignment model”, which is based on setting prices for the affected service stations directly, under the

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presumption that they are acting purely as agents or brokers.

The deadline for completing the process of converting all its contracts to the aforementioned model was 31 December 2018. However, as of 1 January 2019, a large number of contracts remained in the Repsol network that did not comply with the resolutions from 2009 and 2013.

As a result, the CNMC finds evidence that, between 1 January 2019 and 22 October 2019, Repsol failed to comply with the aforementioned resolutions involving the remaining contracts subject to enforcement. On this latter date, the oil company unilaterally decided to migrate all the remaining contracts to an alternative model called “variable price of the third provincial quartile”.

Consequently, the CNMC has imposed a fine of €5 million on Repsol Comercial de Productos Petrolifos, S.A., pursuant to the provisions of section 1.c) of Article 63 of the Antitrust Law (LDC).

This is the second sanction imposed on the oil company for failing to comply with the 2009 resolution. The first was approved in 2015, when the CNMC fined the company €8.75 million ([SNC/0032/13 REPSOL](#))

The CNMC urges the Competition Directorate to monitor compliance with the recently approved resolution and to continue monitoring this case.

This resolution cannot be appealed through administrative channels, though the company may bring an application before the National Court within two months after the day the Resolution is filed.

[\(SNC/DC/054/20\)](#)

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