

• Spain: The Comisión Nacional de la Competencia fines Companies in Tangerines Sector

By decision of 4 July 2013, the Comisión Nacional de la Competencia (CNC) Council fined Nadorcott Protection S.À.R.L (Nadorcott), Carpa Dorada, S.L. and Club de Variedades Vegetales Protegidas (CVVP) for having agreed a traceability system with a view to restricting the freedom to sell tangerines of the Nadorcott protected plant variety.

Carpa Dorada, S.L. holds an exclusive license to exploit Nadorcott tangerines in Spain and Portugal. The CVVP is a not-for-profit association of farmers and sellers dedicated to the development and promotion of the Nadorcott plant variety as well as other protected plant varieties. Together with NadorCott, they implemented a system consisting in the organisation and implementation of a traceability system through the signing of exploitation licences and adhesion agreements with sellers and, at a later stage, the creation of a cross-sector association.

The CNC Council considered that, as a consequence of the implementation of the identification system in 2004 and of the additional and supplementary controls associated with that system (which were carried out by CVVP), producers and sellers of Nadorcott tangerines were forced to accept specific restrictions on their distribution channels and assume obligations to supply information related hereto, to submit to inspections and to make investments which were not necessary in order to secure the rights protected by plant variety legislation, as they affected the production and sale of the harvested fruit.

Accordingly, the CNC Council imposed the following fines: € 83 147 on Nadorcott; € 5 426 on Carpa Dorada, S.L.; and € 4 974 027 on Club de Variedades Vegetales Protegidas. In its decision, the Council also called on those three entities to cease engaging in the unlawful conduct which it has detected, to eliminate the identified restrictions on the sale of the fruit, and to refrain from introducing comparable restrictions in the future.

Proceedings were initiated on 21 September 2011. The investigation into the conduct arose from a complaint filed by the Valencian Farmers' Association (Asociación Valenciana de Agricultores (AVA-ASAJA)).

See further information (in Spanish)