Spain: Communication on Leniency Programme published

On 21 June 2013, the Comisión Nacional de la Competencia (CNC) has published a Communication on its Leniency Programme. With this Communication, the CNC seeks to enhance the transparency and predictability of its actions in proceedings where leniency applications are filed. It will serve as practical guidelines for the companies involved in such proceedings.

The Communication takes into account the experience gained in Spain since the entry into force of the Spanish Leniency program in February 2008, as well as the revised 2012 ECN MLP (Model Leniency Program). All concepts and requirements of the Communication should be understood along the lines of the CNC and EU practice as well as case-law.

The Draft Communication has been published for public consultation and the comments from interested parties have been published on the CNC Website.

Articles 65 and 66 of the Competition Act (Ley de Defensa de la Competencia or LDC) —as developed and implemented by articles 46 to 53 of Royal Decree 261/2008 of 22 February 2008— allow the CNC to grant immunity from fine or a reduction of its amount to companies or individuals who inform the CNC of the existence of a cartel and of their involvement or liability in the cartel and provide it with the substantive evidence in their possession or which may be obtained through an internal investigation.

For further information, see the CNC website.