



## New online system to report anti-competitive practices before the CNMC and the European Commission

### *Mailboxes for cooperation with the Competition authorities*

In March, both the European Commission (16 March) and the Spanish Markets and Competition Commission (31 March) have published on their websites details on the implementation of new tools to detect collusive agreements and other anti-competitive practices. Using these systems, any citizen or company can provide information anonymously in order to help detect anti-competitive practices.

These measures facilitate the public's involvement in the fight against cartels and other anti-competitive practices that are difficult for the authorities to detect. Their objective is to make faster and more effective contributions for the benefit of the economic interest of the market, as this type of collaboration does not entail a complaint or a leniency application being filed. Formal complaints require the identification of complainants and the leniency application is filed by the companies involved in cartels in exchange for immunity or a reduction of the fine.

### How do they work?

In the case of the CNMC, an online form must be filled in by stating the alleged anti-competitive practices, the companies involved, the market affected and the known facts, attaching the supporting documents.

This system keeps anonymous the unilateral communications of the interested party with the CNMC. In the event that a response is required from the CNMC or communications are needed with said party, a telephone number or email address can be provided on a voluntary basis; however, by doing so, the interested party loses his/her anonymity.

On the other hand, the mechanism implemented by the European Commission operates by means of an encrypted messaging system that allows two-way communications between the citizen and the Commission. This service is provided by an external agent, acting as an intermediary, merely forwarding the content of messages received; thus, no information that could serve to identify the person sending the information is revealed.

It has been said that these new measures encourage employees and former employees of infringing companies to report anti-competitive practices by providing sensitive information that they may have obtained as part of their close relationship with the companies. In this regard, the European Commissioner for Competition, Margrethe Vestager, has stated that employees have access to confidential information that will make it possible to punish practices that restrict competition more quickly and efficiently.