

Kluwer Competition Law Blog

Main developments in Competition Law and Policy 2024 – Argentina

Julián Peña (Allende & Brea) · Saturday, January 18th, 2025

General considerations

Competition law in Argentina started 2024 in full speed with the full replacement of all the authorities after a new government took place in December 2023, and with the bill sent to Congress aiming to make significant changes to the existing legal framework.

In January 2024, the Argentine government appointed the President and three commissioners of the Comisión Nacional de Defensa de la Competencia (“CNDC” or, “Antitrust Authority” when together with the Secretary of Industry and Trade). All of the new CNDC members have previously worked or were currently working at the agency. In April 2024, the **last commissioner** of the CNDC was appointed. For the first time in Argentine antitrust history, all of the selected commissioners have previously worked at the CNDC before their designations.

Also in January 2024, the new Argentine President sent a bill to Congress proposing a wide range of legal changes, including the adoption of a new antitrust law (see p. 233 of [Ley Bases](#)). Among the main modifications, the bill proposed, among others: (i) a significant increase of the notification thresholds of economic concentrations;(see Art 9 of [Ley Bases](#)) (ii) the adoption of an ex-ante or suspensory merger control regime for economic concentrations; (see Art 9 of [Ley Bases](#)) (iii) the creation of a new antitrust authority; (see Chapters III and IV of [Ley Bases](#)) and (iv) the introduction of coordinated boycotts as a form of cartelized conduct (see Art. 2, sub. (2.4) of [Ley Bases](#)). The bill was later withdrawn by the government.

In March 2024, the Antitrust Authority submitted for public consultation a [draft regulation](#) for the implementation of the Leniency Program established in the Antitrust Law and its implementing regulatory Decree No. 480/2018, which was finally approved in May 2024 (see [here](#)).

In December 2024, a new [Secretary of Industry and Trade](#) was appointed.

During 2024, the Antitrust Authority has also participated more actively in the international fora than in recent years, thus enhancing the possibilities of cooperation with other jurisdictions.

Merger control

In March 2024, the Antitrust Authority^[1] imposed an ARS 5.7 million (approximately USD 5 million at the time of the resolution) late filing fine to Ulands S.A., a company indirectly controlled by Unilever PLC, for failing to notify the acquisition of a parcel of land in the province of Santa Fe (see [here](#)). Ulands S.A. notified the transaction before the Antitrust Authority eight days late, arguing that the transaction did not constitute an acquisition of control under the terms of the Argentinean Competition Law No. 27,442 (“Antitrust Law”).^[2] However, the Antitrust Authority interpreted that as Ulands’ corporate purpose is to engage in the real estate business and the exploitation of rural, livestock and agricultural establishments, the purchase of the property constitutes an acquisition of control of an asset pursuant to the terms of the Antitrust Law (see p. 9, para. 15 of [Resolution 99](#)).

In April 2024, the Antitrust Authority approved the acquisition by Roberto Salinas e Hijos S.A., also known as Cascia Gases, of certain assets divested because of the [merger between Linde and Praxair](#), two of the main suppliers of medical and industrial gases at national and global level. The divestment was ordered by the Antitrust Authority in 2023 (see [here](#)).

In September 2024, the Antitrust Authority conditioned the creation of Ingrear, a joint venture between Arcor and Ingredion, to the fulfillment of structural and behavioral remedies, as the transaction was considered to cause harmful and anticompetitive effects in the corn wet milling market and the marketing of the products derived from this industrial process (see [here](#)).

In October 2024, the Antitrust Authority [conditioned the approval of the Avon-Natura transaction](#) to the fulfillment of a commitment offered by the parties, consisting of a series of behavioral measures to mitigate potential competition risks in the color cosmetics and the mass fragrances markets.

In 2024, the Antitrust Authority issued 89 merger control decisions.

Enforcement of anti-competitive conducts

The Competition Authority has been more active in cartel cases than in 2023 and has taken the decision to give impulse to the leniency programme established with the Argentine Antitrust Law approved in 2018.

In April 2024, in the framework of an investigation for a potential cartelization in the health insurance market due to a coordinated increase in the prices of health insurance plans, the Antitrust Authority issued an injunction against some health insurances companies which represented 75% of the market (see [here](#)). The injunction establishes a limit to the fees charged for the health care plans and orders the health insurance companies to cease any exchange of information and to submit information to the Antitrust Authority regarding prices, revenues and number of members in each health plan (see [here](#)). In December 2024, the Antitrust Authority formally charged the health insurance companies and its confederation of the alleged [collusion](#).

In May 2024, the Antitrust Authority conducted a [market investigation in the disposable diapers and tissue paper markets](#) due to potential competition concerns. The Antitrust Authority concluded that the tissue paper market is moderately concentrated, while the disposable diapers market is highly concentrated, but both levels of concentration decreased towards the end of the period under

investigation.

Also in May 2024, The Secretary of Industry and Trade approved by means of Resolution No. 98/2024, the regulations and procedure for the implementation of the leniency program established by the Antitrust Law and its implementing regulatory Decree No. 480/2018 (“[Leniency Program Regulations](#)”). The main items introduced by the Leniency Program Regulations include the steps, procedure and requirements to apply for leniency, which provides the exemption or reduction of fines and penalties for those who recognize and collaborate in the investigation of practices categorized as “absolutely restrictive of competition” under Section 2 of the Antitrust Law.^[3]

Regarding unilateral cases, in May 2024, the Antitrust Authority imposed an injunction against TyC Sports’ controlling company, Tele Red Imagen S.A., in the framework of a complaint from the Argentine Chamber of Internet for an alleged refusal to deal conduct, regarding the sports signal TyC Sports and the sports events it exclusively broadcasts (see [here](#)). The measure ordered Tele Red Imagen S.A. to cease this conduct and to offer the signal under fair commercial, economic and content market conditions (see p. 3 of [Resolution 89](#)).

In September 2024, [Federal Civil and Commercial Court](#) dismissed an appeal filed by Visa against an injunction issued by the Antitrust Authority in November 2023, in an alleged dominant position case regarding payment facilitators’ involvement in cross-border transactions.

In November 2024, the Antitrust Authority sanctioned the *Asociación Austral de Anestesia, Analgesia y Reanimación* (the Austral Association of Anaesthesia, Analgesia and Reanimation, i.e., “Association”) for exclusionary abuse of dominant position in the anaesthesia, analgesia and reanimation services market in the province of Chubut. The Association imposed an exclusionary clause in its bylaws, which prevented health fund administrators from contracting independently with the anaesthesia professionals who are members of the Association. The sanction imposed by the Antitrust Authority consists of ARS 73 million fine and an order for the Association to remove the exclusionary clause from its bylaws and to refrain from requiring its professionals to inform any independent agreements they may enter with health fund administrators (see pp 6-7 of [Resolution 407](#)).

There were no known resale price maintenance cases finished by the Antitrust Authority in 2024.

Outlook for 2025

After a first year of transition, the CNDC is expected to reach full gear in 2025. The President of the CNDC announced different goals, which include the decision to move ahead with the establishment of the independent authority created with the 2018 reform but never was constituted, as well as the issuing of guidelines on for leniency applicants and to promote competition in the public procurement sector.

[1] The Antitrust Authority has not been constituted yet. Therefore, pursuant to the Antitrust Law No. 27,442, the transitory application authority is the Secretariat of Trade, which decides based on the non-binding opinions from the National Commission for the Defense of

Competition (CNDC). Accordingly, any reference to the Antitrust Authority is referring to the Secretariat of Trade and the National Commission for the Defense of Competition.

[2] Law No. 27,442, May 15, 2018, B.O. 33870 (Arg.) (*Ley de Defensa de la Competencia*).

[3] Art. 2, Law No. 27,442, B.O. 33870 (May 15, 2018).

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This entry was posted on Saturday, January 18th, 2025 at 10:00 am and is filed under [Argentina](#), [Competition Law 2024](#)

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