

## PRESS RELEASE

### **The CNMC fines 26 school transport companies and 2 associations for creating a school transport cartel in Murcia**

- The companies created a scheme to deceive the Ministry of Education and raise the price of public contracts from 2009 to the present.
- The companies are fined a total 1.88 million euros, and they are banned from bidding on public contracts
- The associations FENEBUS-Murcia and FROET are fined 75,000 euros for their work to coordinate the scheme.

**Madrid, 10 July 2019** - The CNMC has fined 26 school transport companies and two of the sector's leading associations for creating a school transport cartel in the Region of Murcia. The companies devised a scheme to distribute amongst themselves the tenders of the Ministry of Education for at least ten years, making them more expensive. The fines total 1.88 million euros, on top of the 75,000 euros in fines for the associations that crafted the agreement. Likewise, the CNMC is reactivating the procedure to prevent the fined companies from applying for public contracts, sending the sanctioning resolution to the Public Procurement Advisory Board of the State. ([SAMUR/02/18](#)).

The companies had created a cartel to rig the public tenders held by the Ministry of Education to provide free school bus service to primary and secondary education students. In 2017, a total of 18,500 students rode school buses in the Region of Murcia, in a total of 402 routes. For ten years, the companies in the school transport cartel divided up the routes based on their preferences, setting up shifts and compensations to ensure workload and prices. To organise the scheme, they signed a "regulatory agreement" in 2009, which two business associations were tasked with implementing and enforcing. This behaviour started with the preliminary meetings for signing the 2009 Agreement and lasted until June 2018, when the contract for the 2016-2018 school years ended.

The investigation has revealed coordinated behaviour based on a system of mixed, double and triple withdrawals in the same lot, bids that were withdrawn on the same day they were filed and even withdrawals contingent upon maintaining another bidder's withdrawal.

The investigation was initiated following a complaint from the Ministry of Education of the Region of Murcia. During the investigation, immunity was given to Transportes

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Periféricos Murcianos, S.A. (TRAPEMUSA) in exchange for providing evidence of the scheme dating back to 2009. Subsequently, two other companies (Autocares López Fernández, S.L. and Autocares Paterna, S.L.) requested leniency and provided new evidence, as a result of which their fines were reduced by 40 and 30% respectively.

The CNMC finds evidence of a very serious violation of Article 1 of the Antitrust Law 15/2007, for which the following companies are responsible, considering the duration of their participation:

Offending entities	Length of violation (months)	Fine (€)
ALFONSO SÁEZ LÓPEZ	23	6,000
ANTONIO MUÑOZ BAENAS, S.L.	23	159,605
ANTONIO NOVA ORZAEZ	23	16,544
AUTOBUSES FRANCISCO SÁNCHEZ GIL, S.L.	107	10,247
AUTOBUSES VIDAL-CARTAGENA, S.A.	107	15,496
AUTOBUSES Y TAXIS PITOÑO, S.L.	23	4,000
AUTOCARES ÁGUILAS, S.L.	107	129,000
AUTOCARES BELMONTE HERMANOS, S.L.	107	58,775
AUTOCARES GÓMEZ, S.A.	107	1,471
AUTOCARES IBEROCAR, S.A.	107	70,614
AUTOCARES JUAN GÓMEZ SÁNCHEZ, S.L.	23	25,259
AUTOCARES KLEIN, S.L.	23	115,431
AUTOCARES LÓPEZ FERNÁNDEZ, S.L.	107	27,952
AUTOCARES MARTÍNEZ SANTAOLALLA	23	6,018
AUTOCARES MEROÑO, S.A.	107	282,074
AUTOCARES PATERNA, S.L.	107	4,200
AUTOCARES PELOTÓN, S.L.	23	66,000

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AUTOCARES RÍOS, S.A.	107	18,857
AUTOCARES RÍOS ALICANTE, S.L.	23	275,000
AUTOCARES SÁNCHEZ ORTUÑO, S.L.	107	176,863
EUROPA BUS TURISMOS Y TRANSPORTE, S.L.	23	5,000
FIRST CLASS BUS, S.L.	23	9,000
MARCOS HIDALGO CANO, S.L.	107	3,356
PREMIER BUS, S.L.	23	63,000
TRANSPORTE DE VIAJEROS DE MURCIA, S.L.	107	336,000
TRANSPORTES PERIFÉRICOS MURCIANOS, S.A.	107	0
<b>TOTAL</b>		<b>1,885,762</b>

The business associations fined are the Regional Association of Passenger Transport Providers of Murcia (FENEBUS-Murcia), fined 60,000 euros, and the Regional Federation of Transport Company Organisations of Murcia (FROET), fined 15,000 euros.

The CNMC notes that any antitrust violation results in the prohibition of contracting with the Administration, pursuant to the law on public contracts. However, the duration and scope of said prohibition shall be determined by the Public Procurement Advisory Board of the State.

The fight against cartels is a priority for the CNMC, which notes that it offers a [Clemency Program](#), through which companies and/or managers that have taken part in a cartel can provide information, in writing or orally at CNMC offices, in exchange for complete immunity or a reduction in the associated fine.

Likewise, the CNMC has a [Whistleblowing Mailbox](#) where operators or individuals can provide information to the competition authority on this type of very serious infraction.

The CNMC notes that this Resolution cannot be appealed through administrative channels, though the companies may bring an application before the National Court within two months after the day the Resolution is filed.

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