

## **The CNMC investigates possible anti-competitive practices in the allocation of travel agency tenders**

- These practices consist of agreements for the manipulation and allocation of tenders called by the General State Administration.
- On 28, 29, 30 and 31 March, the CNMC carried out dawn raids at the premises of a number of companies operating in this market.
- These inspections are a preliminary step leading to the possible formal initiation of disciplinary proceedings.

**Madrid, 12 April 2023.**- The Spanish National Markets and Competition Commission (CNMC) is investigating possible anti-competitive practices consisting of agreements for the manipulation and allocation of tenders called by the General State Administration for the provision of travel agency services in Spain and abroad.

**The CNMC conducted dawn raids at the premises of the concerned companies** from 28 to 31 March 2023. The national competition authority was assisted in this process by the regional competition authority of one of the territories where the companies under investigation are located.

These inspections are a preliminary step in the investigation process of alleged anti-competitive practices and **do not prejudice the outcome of the investigation** or the culpability of the concerned companies. If the CNMC finds any evidence of practices prohibited by the [Spanish Competition Act](#) or the [Treaty on the Functioning of the European Union](#) as a result of the inspections, it will formally initiate disciplinary proceedings.

The CNMC points out that **agreements between competitors constitute a very serious infringement** of competition law, which can lead to fines of up to 10% of the total turnover of the infringing companies. As a matter of fact, the investigation of cartels is one of the CNMC's priorities, given the particularly serious consequences for consumers and the proper functioning of the markets.

To this end, the CNMC relies, among other things, on a [leniency programme](#). This allows companies that provide evidence to the CNMC that leads to the detection of the cartel in which they participate, or have participated, to be granted **immunity from fines**. This programme also allows leniency applicants who, once the CNMC investigation has been initiated, provide information with significant added value to benefit from a reduced fine.

In addition to being granted immunity from fines or a reduction of fines, companies applying for leniency are also **released from the ban on contracting** established in Article 71 of the [Spanish Public Procurement Act](#) for those fined due to a serious infringement in terms of distortion of competition. This is pursuant to Article 72.5 of the aforementioned law and Articles 65.4 and 66.5 of the [Spanish Competition Act](#), which regulate the leniency programme.

The CNMC also has an **online citizen collaboration platform** for cartel detection. This platform, called [Sistema de Informantes de Competencia Anónimos \(SICA or Anonymous Competition Whistleblower System\)](#), allows anonymous reporting of anti-competitive practices, such as agreements between competing companies to fix prices or other commercial conditions, market or customer allocation, or fraudulent allocations of public or private tenders.

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