

PRESS RELEASE

The CNMC expands the disciplinary proceedings for manipulating and allocating tenders in the consulting services market

Madrid, 16 August 2019 - The CNMC has expanded the disciplinary proceedings for manipulating and allocating tenders in the consulting services market to eleven companies and two executives.

On 16 and 17 July 2019, new inspections were conducted at the headquarters of several consulting services companies. These inspections are part of the investigation opened by the CNMC, which is currently being processed under case number S/0627/18.

This case was initiated on 6 February in the wake of the inspections carried out by the Basque Competition Authority in January 2017 and by the CNMC in October 2018 of several companies in the sector. The case involved 25 companies and 8 of their executives. The reason is their possible participation in practices that could be contrary to Article 1 of the Antitrust Law (LDC) and Article 101 of the Treaty on the Functioning of the European Union (TFEU), by distributing the consulting services market through various, mainly public, tenders over much of Spain.

In light of the documentation obtained during the investigation, and of the information obtained in the most recent inspections, the CNMC has decided to expand said disciplinary proceedings to include the following companies: Everis Spain, Factor Ideas Integral Services, Gaps Política i Societat, The City Transformation Agency, S.L., Hidria, Ciencia, Ambiente y Desarrollo, S.L., Indra Business Consulting, KPMG Asesores and Uliker, in accordance with Article 29 of the Antitrust Decree.

Consequently, from now on the proceedings will also be directed at Everis Spain and its parent company, Everis Participaciones; Factor Ideas Integral Services; Gaps Política and Societat; The City Transformation Agency; Hidria, Ciencia, Ambiente y Desarrollo; Indra Business Consulting; KPMG Asesores and its parent company, KPMG; and Uliker and its parent company, PKF Attest Itc. The proceedings will also be directed against two executives of Pa Consulting Sucursal España, named in the original case, for a possible violation of Article 1 of the Antitrust Law 15/2007 (LDC) and Article 101 of the TFEU.

The CNMC reminds the parties of the "duty to discretion and confidentiality" to which they are bound in accordance with Article 43 of Antitrust Law 15/2007. This duty to discretion is intended to protect the process of investigating and resolving the disciplinary proceedings.

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The extension of the case does not prejudice the outcome of the investigation. The maximum 18-month period from the initial filing date for the CNMC to investigate and resolve this case remains in effect.

Agreements between competitors constitute a very serious violation of the antitrust law, and can result in fines of up to 10% of the total turnover of the offending companies.

The investigation of cartels is one of the CNMC's top priorities, given the particular seriousness of their consequences on consumers and on the proper operation of the markets.

To this end, the CNMC has a [“Clemency Programme”](#), through which companies that are part of a cartel can receive immunity from fines in exchange for providing information to the CNMC that allows it to identify the cartel. It can also entail a reduction in the amount of the fine that could be imposed if the company provides information of significant value related to an investigation already initiated by the CNMC.

We also note that companies that request clemency are exempt from the contracting prohibition specified in Article 71 of Law 9/2007 on Public Sector Contracts, which is applicable to companies that are sanctioned for serious infringements involving the distortion of competition. Article 72.5 of the aforementioned Law states that companies that request clemency cannot be prohibited from contracting.

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