

PRESS RELEASE

The CNMC initiates infringement proceedings against Acciona Construcción, Corsán-Corviam, Dragados, FCC Construcción, Ferrovial Agromán, OHL and Sacyr Construcción

- For possible anticompetitive practices in public sector procurement processes for the construction and renovation of infrastructure and buildings.

Madrid, 11 October 2018. - The CNMC (Spain's national authority for markets and competition) has ordered the commencement of infringement proceedings for practices restricting competition prohibited under Article 1 of Law 15/2007, of 3 July, on the protection of competition (Ley de Defensa de la Competencia: LDC), and under Article 101 of the Treaty on the Functioning of the European Union (TFEU), against Acciona Construcción, S.A., Corsán-Corviam Construcción, S.A., Dragados, S.A., FCC Construcción, S.A., Ferrovial Agromán, S.A., Obrascón Huarte Lain, S.A. and Sacyr Construcción, S.A..

The anticompetitive practices in question would have involved agreements and exchanges of information between those companies for the purpose and/or with the effect of restricting competition, in relation to procurement processes organised by different public sector bodies in Spain, for the construction and renovation of infrastructure and buildings.

Those agreements and exchanges would have had a particular impact on the preparation of their technical proposals for the relevant procurement processes and would have been implemented, among other means, by the formation of a stable and formal group made up of those companies. In that way, they decided on a weekly basis whether to contract jointly for the different aspects included in the technical proposals for procurement processes that were being announced.

These proceedings originate from certain documents found during the investigation stage of another set of proceedings and which were unrelated to the case which was being investigated. Consequently, the competition directorate of the CNMC included that information in a different case (S/DC/0611/17). In the context of this new case, the CNMC carried out inspections of the premises of four of the companies in question ([see press release](#)).

In the light of the available information and the documents gathered during those inspections, the competition directorate of the CNMC believes that there are reasonable indications that Acciona Construcción, S.A., Corsán-Corviam Construcción, S.A., Dragados, S.A., FCC Construcción, S.A., Ferrovial Agromán, S.A., Obrascón Huarte Lain, S.A. and Sacyr Construcción, S.A. have committed possible infringements of Article 1 of the LDC and Article 101 of the TFEU.

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The commencement of these proceedings does not prejudice the final conclusion of the investigation. The case must now be investigated and decided by the CNMC within a maximum of 18 months.

The investigation of cartels is a priority for the CNMC, given the particular seriousness of their consequences for consumers and the proper functioning of markets. To that end, its tools include the [Leniency Programme](#), which exempts the companies in a cartel from paying fines if they provide evidence enabling the CNMC to detect that cartel.

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