

PRESS RELEASE

The CNMC initiates disciplinary proceedings against 13 companies that provide maintenance and operation services for the State Highway Network.

- Ha detectado prácticas restrictivas de la competencia consistentes en el reparto de las licitaciones realizadas por el Ministerio de Fomento.
- Las empresas que se acogen al Programa de Clemencia no se ven afectadas por la prohibición de contratar con la Administración.

Madrid, 26 July 2019 - The CNMC has initiated disciplinary proceedings against 13 companies for potential practices to restrict competition in the provision of maintenance and operation services for the State Highway Network. These practices involve the allocation of tenders offered by the Ministry of Development for contracting said services (Case [S/0013/19](#) Road maintenance).

In view of certain information related to possible anti-competitive practices involving the provision of road maintenance and operation services, the CNMC inspected the headquarters of Elsamex, Ferrovial Servicios and its subsidiary Ferroser Infraestructuras, Aceinsa Mobility and Audeca, from 17 to 20 December 2018.

On the basis of the information collected, the CNMC has initiated disciplinary proceedings against the following companies: Acciona Mantenimiento de Infraestructuras and its parent company Acciona; Aceinsa Movilidad; Alvac; Api Movilidad and its parent company, Actividades de Construcción y Servicios (ACS); Asfaltos y Construcciones Elsan and its parent company, Obrascón Huarte Laín (OHL); Audeca and its parent company Elecnor; Elsamex; Ferroser Infraestructuras and its parent company Ferrovial; Innovia Coptalia and its parent company Copcisa Corp; Mantenimiento de Infraestructuras and its parent company Fomento de Construcciones y Contratas (FCC); SA de Obras y Servicios Copasa; Señalizaciones Villar; Sacyr Conservación and its parent company Sacyr.

A maximum period of 18 months is now open for the CNMC to investigate and resolve the case. The initiation of this file does not presume the final result of the investigation.

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

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markets.

To this end, the CNMC has, among other instruments, 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 prove the existence of the cartel. In addition, the prohibition of contracting with government agencies, as set out in Article 72.5 of Law 9/2017 on Public Sector Contracts, would not be applicable to companies that qualify for this programme, if they were to be sanctioned eventually.

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