

PRESS RELEASE

The CNMC expands the disciplinary proceedings for the manipulation and distribution of tenders in the consulting services market

Madrid, 10 March, 2020 - The CNMC expanded the disciplinary proceedings for the manipulation and distribution of tenders in the consulting services market to one freelance worker and four executives. ([S/0627/18](#)).

This case was initiated on 6 February, 2019 in the wake of the inspections carried out by the Basque Competition Authority in January 2017 and by the CNMC in October 2018 at several companies in the sector ([press release](#)).

The case was opened against 25 companies and 8 of their executives for their possible involvement in practices that could be in violation of Article 1 of the Anti-Trust Law (LDC) and Article 101 of the Treaty on the Functioning of the European Union (TFEU). These practices involve the potential allocation of various consulting services tenders, most of them public, throughout much of Spain ([press release](#)).

After the new inspections conducted by the CNMC on 16 and 17 July, 2019 at two companies' headquarters in the sector, the first expansion of the aforementioned case was agreed on 30 July, 2019, to include [eight more companies and two executives](#), for the same reasons that led to opening the initial case ([press release](#)).

In view of the documentation obtained during the investigation into the case, it has now been decided to expand the proceedings to include one freelance worker, pursuant to Article 29 of the Anti-Trust Regulation, as well as four executives of the previously investigated companies - Idom Consulting; Engineering, Architecture, SAU; 97S & F, SL; Consultores de Políticas Comunitarias, SL; and Abay Analistas Económicos, SL. - for a possible violation of Article 1 of Law 15/2007 (LDC) and Article 101 of the TFEU.

Duty of confidentiality

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

The expanded timeline for the case does not prejudice the final result of the investigation, and the maximum period of 18 months from the initial start date of the case for the CNMC to investigate and resolve these proceedings remains in effect. Agreements between competitors constitute a very serious breach of the anti-trust law, which can lead to fines of up to 10% of the total turnover of the infringing 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.

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To this end, the CNMC has a [Leniency 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 leniency are exempt from the contracting prohibition contained 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 leniency cannot be prohibited from contracting.

[\(S/0627/18\)](#)

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