

PRESS RELEASE

The CNMC fines 33 school transport companies and one association for creating a school transport cartel in Navarre

- The companies conspired to share the school transport by zones and deceive the School Board of the Government of Navarre, driving up the prices of the service for 8 years.
- The fines to the companies total 3.29 million euros, and the process for banning these companies from entering into government contracts is in effect.
- The ANET association has been fined 15,000 euros for holding meetings at its headquarters in which the companies coordinated their actions.

Madrid, 16 September 2020.- The CNMC has fined 33 school transport companies and one association in the sector for creating a school transport cartel in the region of Navarre.

The companies conspired to share and raise the cost of the regional School Board's tenders between 1 December 2013 and 1 December 2018. The fines total 3.29 million euros, which is in addition to the 15,000-euro fine for the association that arranged the agreement. The CNMC is also reactivating the process to prevent the fined companies from applying for public contracts, having forwarded the sanctioning resolution to the Public Procurement Advisory Board of the State.

The companies had conspired to rig the public tenders offered by the School Board to transport primary and secondary education students to school, thereby ensuring their right to education, as provided for in Article 27 of the Constitution. Regarding the demand for transport in public schools in the region of Navarre, in the 2019-2020 academic year, this service was provided to a total of 115 schools and 14,498 students. For eight years, the companies in the cartel allocated the routes based on their preferences, setting up shifts and compensations to ensure workloads and prices.

The existence of the conspiracy was reflected in at least the tender for the 2013-2014 school year and its extensions, and in the tender for the 2017-2018 school year. The investigation has revealed coordinated behaviour, such that when one company submitted an offer, no other party to the agreement did so, despite having the technical means to do so. Had there not been an agreement between the companies and the temporary joint ventures, the companies would have submitted offers for these tenders in order to have a better chance of obtaining a contract, and

Unofficial document intended for the media. Not binding on the CNMC. The resolution is published on the CNMC website once any confidential elements are redacted, and is available at the link in the press release. Reproduction authorised only if the source is cited.

would have offered competitive prices and terms, which would have ultimately been beneficial for the end consumer.

The case was initiated after the Public Accounts Department of the Government of Navarre informed the Consumer, Arbitration and Antitrust Service of the possible existence of practices prohibited by Law 15/2007 (the Antitrust Law). The CNMC, while determining which agency had jurisdiction, decided that the regional agency was empowered to lead the investigation due to the location where the conduct occurred. Subsequently, three inspections were carried out at the headquarters of ANET, as well as at the headquarters of the companies Compañía Navarra de Autobuses, S.A. and Eugenio Díez, S.A., which made it possible to gather evidence proving the existence of the cartel.

The CNMC finds evidence of a very serious violation of Article 1 of the Antitrust Law 15/2007, for which the following companies are responsible, in view of the duration of their involvement:

	Entidades infractoras	Duración de la infracción (meses)	Sanción (euros)
1	ALBERTO ELCARTE, S.L.	60	34.119 €
2	ATIVAR, S.L.	60	151.772 €
3	AUTOBUSES GURBINDO, S.L.	60	34.024 €
4	AUTOBUSES GURREA HERMANOS, S.L.	60	35.601 €
5	AUTOBUSES JIMÉNEZ, S.L.	60	223.266 €
6	AUTOBUSES LA ESTELLESA, S.L.	60	158.959 €
7	AUTOBUSES LA PAMPLONESA, S.A.	60	109.042 €
8	AUTOBUSES LATASA, S.L.	60	43.189 €
9	AUTOBUSES M. LITAGO, S.L.	60	19.856 €
10	AUTOBUSES OLLOQUI, S.L.	60	39.215 €
11	AUTOBUSES PARRA, S.L.	60	91.081 €
12	AUTOBUSES RÍO IRATI, S.A.	60	75.832 €
13	AUTOBUSES Y GARAJE BARIAIN, S.L.	60	17.472 €
14	AUTOCARES ALBIZUA, S.L.	60	54.526 €
15	AUTOCARES FÉLIX GASTÓN, S.L.	60	54.336 €
16	AUTOCARES IBARGOITI, S.L.	60	0 €
17	AUTOCARES MARÍA JOSÉ, S.L.	60	55.978 €
18	AUTOCARES OROZ, S.L.	60	23.557 €
19	AUTOCARES OYARZUN OROZ, S.L.	24	0 €
20	AUTOCARES PECHE, S.L.	60	34.971 €
21	AUTOMÓVILES UREDERRA, S.L.	60	31.887 €
22	BAZTANESA, S.A.	60	49.333 €
23	BURUNDESA, S.A.U.	60	419.411 €

Unofficial document intended for the media. Not binding on the CNMC. The resolution is published on the CNMC website once any confidential elements are redacted, and is available at the link in the press release. Reproduction authorised only if the source is cited.

24	COMPAÑÍA NAVARRA DE AUTOBUSES, S.A.	60	647.076 €
25	EUGENIO DÍEZ, S.A.	10	170.734 €
26	FALCES AUTOBUSES SÁNCHEZ, S.L.	60	39.977 €
27	FONSECA BUS, S.L.	60	172.114 €
28	LA MUGIROARRA, S.L.	60	19.275 €
29	LA TAFALLESA, S.A.	60	114.095 €
30	LA VELOZ SANGÜESINA, S.L.	60	32.918 €
31	LEIZARÁN MARIEZCURRENA HERMANOS, S.L.	60	85.272 €
32	RIOJANA DE AUTOCARES, S.L.	60	96.000 €
33	SOCIEDAD DE AUTOMÓVILES RÍO ALHAMA, S.A.	60	154.782 €
		Total	3.289.670 €

The association of companies Asociación Navarra de Empresarios del Transporte por Carretera y Logística (Navarre Association of Road Transport and Logistics Operators) (ANET) is fined 15,000 euros.

The CNMC notes that any antitrust violation results in the prohibition of contracting with the Government, pursuant to the law on public contracts. However, the duration and scope of said prohibition shall be determined by the Public Procurement Advisory Board of the State.

The fight against cartels is a priority for the CNMC, which notes that it offers a [Leniency Programme](#), through which companies and/or managers that have taken part in a cartel can provide information, in writing or orally at CNMC offices, in exchange for complete immunity or a reduction in the associated fine.

The CNMC also offers a **Whistleblowing Mailbox** where operators or individuals can provide information to the competition authority on this type of very serious infraction.

The CNMC notes that this Resolution cannot be appealed through administrative channels, though the companies may bring an application before the National Court within two months after the day the Resolution is filed.

Unofficial document intended for the media. Not binding on the CNMC. The resolution is published on the CNMC website once any confidential elements are redacted, and is available at the link in the press release. Reproduction authorised only if the source is cited.