

PRESS RELEASE

The CNMC sanctions two cartels formed by passenger transport companies in Cantabria.

- They affected passenger transport services by road in this autonomous community, both regular and discretionary, and especially school transport.
- The investigation of the cartels constitutes one of the CNMC's action priorities.

Madrid, June 22, 2021.- The CNMC has sanctioned two cartels formed by passenger transport companies in the autonomous community of Cantabria, through which the participating companies adopted market sharing and non-competition agreements. In the same resolution, an association is also sanctioned for having made a collective price recommendation prohibited by antitrust regulations. ([S / 0011/19](#)).

The file began after the complaint of the Cantabrian Taxi Federation and the information collected during the [inspections carried out](#) in February 2019 at the headquarters of several transport companies.

Although the proceedings were initiated initially with respect to 25 companies and 2 associations ([see press release](#)), finally the CNMC has considered as accredited only the breaches for 5 of the companies and one of the associations.

1) Cartel in the passenger school transport market

School transport is a public service provided to educational centres to guarantee compulsory education student transport. School transport services for students of public educational centres **are subject to public bidding**.

The CNMC notes that several companies that provide passenger school transport services in this community have adopted agreements to share out many school transport routes **between the school years 2011/2012 and 2018/2019**.

The sanctioned companies adopted various strategies with the sole aim of eliminating competition in the tenders of many school transport routes.

The CNMC has accredited non-competition agreements between companies to avoid participating in the same tenders and preserve the routes in favour of the

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companies that had been providing them.

These same companies also came to agreements to offer coverage offers in negotiated procedures without advertising to ensure the award of the tender to the company requesting the coverage.

In addition, it has been accredited that several companies have made an illicit use of the Joint Venture corporate vehicle to jointly attend many tenders, thus avoiding having to compete with each other.

The CNMC considers that these conducts constitute a single and continuous infringement of article 1 of the Antitrust Law (LDC), constituting a cartel, committed by the following companies on which the following sanctions are imposed:

- Anfersa Adaptado, SL.: **25,913 euros**
- Buses Benito, SL.: **36,296 euros**
- Autocares Mariano, SL.: **20,000 euros**
- Transportes Terrestres Cantabros, S.A. and jointly with its parent company General Técnica Industrial, SL.: **615,391 euros**
- Zorrilla e Hijo, S.L.: **10,465 euros**

2) **Cartel in the market for discretionary passenger transport**

Unlike school transport, which is a regular service, discretionary public transport is carried out without being subject to an itinerary, calendar, or pre-established timetable, covering specific journeys of different types such as tourist routes or excursions, travel to sports or cultural events, etc.

In these cases, given the amount of the services, most contracts are usually processed under the category of negotiated procedures without advertising or minor contracts.

The CNMC has proven that, in this market, the companies Benito and Turytrans established anti-competitive agreements in order to distribute discretionary transport services for travellers originating in the Autonomous Community of Cantabria.

These agreements distorted a large number of bidding procedures affecting at least 15 contracts between the years 2013 and 2019. The CNMC has decided to impose the following sanctions for this second offense:

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- Transportes Terrestres Cantabros, SA and jointly with its parent company General Técnica Industrial, SL.: **263,739 euros**
- Autobuses Benito, SL.: **13,960 euros**

In addition to the two cartels, the CNMC has accredited that, in 2018, the **Unión Patronal de Autotransporte de Viajeros de la Provincia de Cantabria (UPAVISAN)** made a collective price recommendation. This conduct is contrary to article 1 of the LDC and the CNMC imposes a fine for the amount of **5,000 euros**.

These CNMC sanctions are associated with the prohibition to contract for sanctioned companies, the scope and duration of which must be imposed through a procedure processed by the Ministry of Finance in accordance with article 72.2 of the LCSP.

The investigation of the cartels constitutes one of the action priorities of the CNMC, given the serious nature of its consequences on consumers and on the correct operation of the markets.

To this extent, among other instruments, the [Clemency Program](#) that allows companies that are part of a cartel to benefit from exemption from paying the fine, as long as they provide evidence that enables the CNMC to detect it.

In addition, the CNMC has an [online platform for citizen collaboration](#) for the detection of cartels by providing anonymous information on possible secret agreements between competing companies for the fixing of prices or other commercial conditions, the distribution of markets or customers, or the fraudulent distribution of public or private tenders.

The CNMC underlines that there is no administrative appeal against this Resolution, however a contentious-administrative appeal at the National High Court can be filed within two months from the day following its notification.

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