

PRESS RELEASE

The CNMC imposes fines on several file and document management service companies for bid rigging

- These practices were conducted via several cartels between 2016 and 2019.
- Spain's Ministry of Defence, Ministry of Development and the Reina Sofia National Art Centre were among the public administrations affected.
- Since 2015, Spanish law requires the government to have electronic files and sets a "paperless" target for the government.

Madrid, 22 September 2021.- The CNMC has imposed fines totalling €161,855 on four library and file and document management services providers for infringement of article 1 of Spain's competition law (*Ley de Defensa de la Competencia*) for collusion as a cartel. ([S/0025/19/ Gestión de archivos](#))

In October 2019, the CNMC opened formal proceedings ([press release](#)) against Bibliodoc Servicios Documentales, S.L., Pandora Gestión Documental, S.L., Libnova, S.L. and Salomé Lendínez Ramírez for alleged antitrust practices in public bids for file and document management services for several public administrations.

The Commission has evidence that the *modus operandi* used by the companies in submitting bids for the award of smaller contracts (and, to a lesser extent, negotiated and open processes) amounted to bid rigging.

For instance, the companies shared sensitive information and decided in advance what prices to include in their bids, which were a determining factor in the award of the contracts. There was also proof of the application for, and acceptance of, fictitious offers between the companies.

Harmful practices for society

This type of [practices](#) is especially harmful for society as it prevents fair competition with other companies in public procurement and raises the prices of services outsourced by the government, thus affecting public finances and the general public as taxpayers.

Departments affected included Spain's Ministry of Defence, Ministry of Development, the Reina Sofia National Art Centre, the Balearic Islands Centre of History and Culture, the Madrid Regional Library and the Spanish National Institute for Agricultural and Food Research and Technology (INIA).

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Duration of the cartels and sanctions

After investigating the case, the CNMC found Bibliodoc and Libnova both to have infringed on article 1 of Spain's competition law (*Ley de Defensa de la Competencia* or *LDC*) by operating as a cartel from 2016 to 2019.

Bibliodoc and Pandora infringed article 1 of the LDS in 2018 and 2019, while Alacaja and Pandora entered into a bilateral agreement constituting a cartel in 2018.

The infringements in all three cases were considered extremely serious under article 62.4 of the LDC.

As a result, the CNMC has imposed the following fines:

- Bibliodoc Servicios Documentales, S.L.: 65,254 euros
- Libnova, s.l.: 75,250 euros
- Pandora Gestión Documental, S.L.: 20,351 euros
- Salomé Lendínez Ramírez (Alacaja): 1,000 euros

The CNMC has resolved to refer the resolution to the Spanish Public Procurement Consultative Board for the purposes of the prohibition on bidding set out in article 71 of Law 9/2007, on Public Sector Contracts.

The CNMC has engaged the Competition Department to ensure that the resolution is enforced in its entirety.

It acknowledges that the parties have two months as of the day after the date of notification of the resolution to file an administrative appeal with the National High Court (Audiencia Nacional).