

The CNMC submits to a public hearing the criteria that shall govern the prohibition for companies that distort competition to enter into contracts with the public administration.

- Since 2015, companies sanctioned for serious competition infringements have been banned from contracting with the public sector.
- Public procurement plays an essential role in the current economic context as well as in the functions of the CNMC.

Madrid, 24 November 2022.-The CNMC has agreed to submit for public hearing and information the [Draft Communication AJ/02/22](#) on the criteria it will use when imposing the prohibition to enter into contracts with the public administration on companies that have been sanctioned for infringing antitrust regulations.

With this consultation, the CNMC aims to gather as much input as possible from individuals, companies, associations, public bodies and other interested parties in order to establish general criteria and determine the duration and scope of this type of prohibition in its sanctioning decisions.

The public consultation on [Draft Communication AJ/02/22](#) will be available until **23 December** on the CNMC's website.

Ban on contracting

In 2015, Spanish public procurement legislation introduced a ban on public sector contracts for companies and individuals sanctioned for having committed serious infringements that distort competition.

[The Public Procurement Act](#) provides that the duration and scope of the ban on contracting may be determined in the CNMC's sanctioning decision or by the head of the Ministry of Finance, following a proposal by the State Public Procurement Advisory Board.

The CNMC has declared the existence of this legal prohibition in the disciplinary proceedings concerning practices carried out after the entry into force of the prohibition. The decisions have been referred to the State Public Procurement Advisory Board so that it can determine the duration and scope of the prohibition.

Court rulings

Several recent court rulings have confirmed that the competition authority is best placed to make an overall assessment of the fines and penalties that may be imposed in the light of the findings in its decisions and to weigh up the consequences of the infringing conduct on the market.

In the current context, public procurement is of great importance for society and for the CNMC's functions, as stated in its 2021-2022 Action Plan.

[Access to Draft Communication AJ/02/22 \(available until 23 December\)](#)