

The CNMC investigates possible anti-competitive practices in the engineering consultancy and technical assistance services market

- The alleged practices concern the allocation of tenders for the provision of engineering consultancy and technical assistance services; specifically, for road planning, construction and operation.
- From 30 January to 2 February, the CNMC carried out dawn raids at the premises of several companies operating in this market.
- These dawn raids or inspections are a preliminary step leading to the possible formal initiation of infringement proceedings.

Madrid, 6 February 2024.- The National Markets and Competition Commission (CNMC) is investigating possible anti-competitive practices in the engineering consultancy and technical assistance services market. Specifically, the alleged practices consist of agreements or concerted practices in the allocation of tenders for the provision of engineering consultancy and technical assistance services; in particular, for road planning, construction and operation. The dawn raids were carried out between 30 January and 2 February 2024.

These inspections are a preliminary step in the investigation process of alleged anti-competitive practices and **do not prejudice the outcome of the investigation** or the culpability of the concerned companies. If, as a result of the inspection, evidence of prohibited practices is found, infringement proceedings shall be formally initiated.

The CNMC points out that agreements between competitors **constitute a very serious infringement** of competition law, which can lead to fines of up to 10% of the total turnover of the infringing companies. As a matter of fact, the investigation of cartels is one of the CNMC's priorities, given the particularly serious consequences for consumers and the proper functioning of the markets.

To this end, the CNMC has, among other mechanisms, a [leniency programme](#), which allows companies that are part of a cartel to be granted **immunity from fines**, as long as they provide evidence that enables the CNMC to detect such a cartel, or to benefit from a reduction in the amount of the possible fine if they provide information with significant added value in relation to an investigation already initiated by the CNMC.

In addition to being granted immunity from fines or a reduction of fines, companies applying for leniency are also **released from the ban on contracting** established in Article 71 of the [Spanish Public Procurement Act](#) for those fined due to a serious infringement in terms of distortion of competition. This is pursuant

to Article 72.5 of the aforementioned law and Articles 65.4 and 66.5 of the [Spanish Competition Act](#), which regulate the leniency programme.

The CNMC also has an **online *citizen collaboration* platform** for cartel detection. This platform, called [Sistema de Informantes de Competencia Anónimos \(SICA or Anonymous Competition Whistleblower System\)](#), allows anonymous reporting of anti-competitive practices, such as agreements between competing companies to fix prices or other commercial conditions, market or customer allocation, or fraudulent allocations of public or private tenders.

Related content:

- [Guide on public procurement](#)
- [Leniency programme](#)
- [Anonymous Competition Whistleblower System \(SICA in Spanish\)](#)
- [Communication 1/2023, of 13 June 2023 \(ban on contracting\)](#)