

CNMC carries out new inspections in the engineering consultancy and technical assistance services sector

- It is investigating potential anti-competitive agreements between companies to share public contracts.
- Between 25 and 28 November, the CNMC conducted inspections at the premises of several companies.
- This is a second round, following the rounds held between 31 January and 2 February.
- These inspections are a preliminary step to the possible formal initiation of disciplinary proceedings.

Madrid, 29 November 2024 – The CNMC is investigating potential anti-competitive practices consisting of agreements and/or distribution of tenders called for the provision of consultancy and technical engineering assistance services.

Between 25 and 28 November, the CNMC carried out new inspections at the premises of operators in the sector. A first round of inspections was carried out at the beginning of the year, between 31 January and 2 February ([press release](#)).

These inspections constitute 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 will be formally initiated.

Very serious infringements

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 offending 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.

The CNMC has 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 the cartel, or to benefit from a reduction in the amount of the eventual fine if they provide information with significant added value in relation to an investigation already initiated by the CNMC.

Prohibition on entering into contracts

On the other hand, companies applying for leniency are exempted from the prohibition to enter into contracts with public entities laid down in Article 71 of Act 9/2017 of 8 November, on Public Sector Contracts, transposing into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU of 26 February 2014, for undertakings sanctioned for a serious infringement in relation to distortion of competition, pursuant to Article 72.5 of the aforementioned Law, which states that it is not appropriate to prohibit leniency applicants from entering into contracts.

In addition to immunity from the fine or the reduction of its amount, leniency applicants are also exempted from the prohibition on entering into contracts, established in Article 71 of the [Spanish Public Procurement Act](#) for those sanctioned for 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 to help detect cartels: the [Anonymous Competition Whistleblower System \(SICA\)](#). This platform makes it possible to anonymously report 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:

- [Press release](#) (06/02/2024): The CNMC investigates possible anti-competitive practices in the engineering consultancy and technical assistance services market
- [Guide on public procurement](#)
- [Leniency programme](#)
- [Anonymous Competition Whistleblower System \(SICA in Spanish\)](#)
- [Communication 1/2023 of 13 June \(ban on contracting\)](#)