

# **SPANISH COMPETITION** *Highlights...*

***Weekly follow-up: 8 – 12 Jan.***

## **The ACCO publishes a guide to detecting collusion in public procurement**

Public procurement should not only promote efficiency in the use of public resources but also promote the competitiveness of companies and the country's economy.

Collusion in public procurement occurs when bidders agree on prices, commercial conditions, market sharing or bid rigging. As a result, competition is removed, and the offenders obtain more beneficial conditions than those obtained under effective competition. As a consequence, negative effects that are detrimental to the administration, public budgets and citizens are generated.

The ACCO is pro-active in the fight against collusive practices in the public sector. In this sense, it has already published, in April 2023, a Notice on Indications of Collusion in Public Procurement.

### **The aim of the guide**

The guide aims to improve the detection of anti-competitive behaviour in public procurement and tendering. It focuses on providing contracting authorities with tools to recognise and prevent anti-competitive behaviour.

The guide is addressed not only to public sector entities, bodies, offices and agencies, but may also be useful to market operators who could be affected by such conduct.

### **The content of the guide**

The guide identifies, through the analysis of precedent, the different forms that collusion in public procurement can take. It also sets out the economic and reputational consequences of collusion for infringers.

Next, different guidelines for the detection of collusive behaviour related to bids, prices, documents or declarations are developed, as well as guidelines to be followed in cases of evidence of collusion such as reporting the facts to the competition authority or verifying the existing links between the companies.

### **The CNMC Action Plan 2023**

The CNMC's 2023 action plan envisages, in addition to updating its Guide to Public Procurement and Competition, the creation of the Economic Intelligence Unit. Among its objectives, the development of data science processes to improve the detection of anti-competitive behavior in the field of public procurement stands out.