

# *SPANISH COMPETITION*

# *Highlights ...*

*Weekly follow-up: 08 - 12 Apr.*

## **ACREA initiates a disciplinary proceeding against 30 companies in the road construction sector**

The Andalusian Competition Authority ("**ACREA**") has opened the file ES-02/2023 MANTENIMIENTO FIRMES to thirty companies for alleged restrictive practices related to Article 1 LDC and 101 of the TFUE.

The proceeding was initiated following a communication from the Consejería de Fomento, Articulación del Territorio y Vivienda from the Andalusian Regional Government.

ACREA has informed that the practices affect the road pavement maintenance and rehabilitation market in the Autonomous Community of Andalusia.

### **Other ACREA files related to road maintenance**

This is not the first time ACREA has investigated the market for road maintenance and conservation services.

In this regard, ACREA issued two decisions in 2023 sanctioning several companies for an infringement constituting a cartel consisting of the distortion of the tenders issued by the Consejería de Fomento, Infraestructura y Ordenación del Territorio from the Andalusian Regional Government ("**Consejería**") regard to road maintenance and operation services.

These are the Decision S/08/2023, CONSERVACIÓN CARRETERAS 1, on 4 May 2023 and the Decision S/07/2023, CONSERVACIÓN CARRETERAS 2, on 21 April 2023.

The ACREA ruled in the two decisions, in addition to the imposition of a fine, the prohibition of contracting with the Public Administrations to the sanctioned companies. The prohibition to contract is a faculty available to both the CNMC and the Autonomous Competition Authorities to impose on companies that have committed a serious or very serious infringement of the competition law, a prohibition to contract for up to three years.

In these cases, this prohibition was imposed to sanctioned companies regarding the Consejería tenders for a time ranged from 3 months to 2 years.