

**Working Group on Cross-Border Cartels
UN Trade and Development**

Bid-rigging Case in the Construction Industry

Presented by:

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Vienna, 29.02.2024

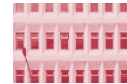
I. Background

- Investigations into the Austrian construction sector

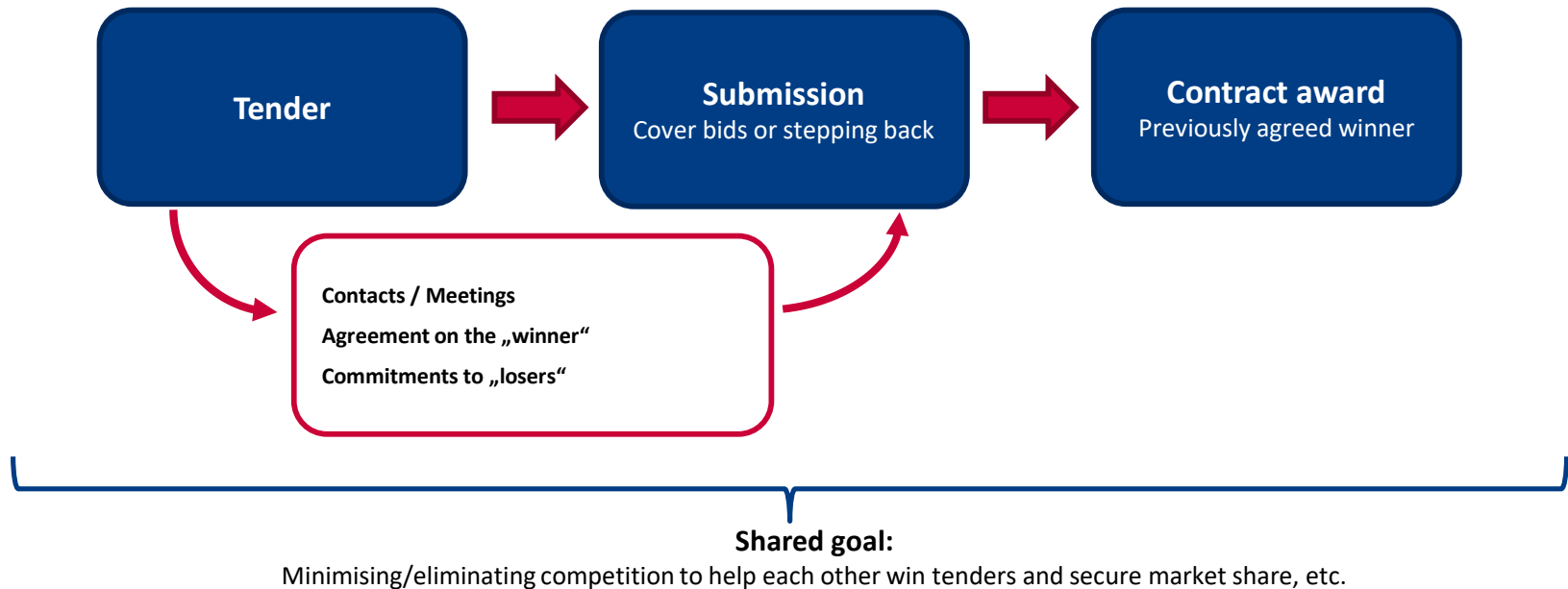
*“Infringement of Section 1 (1) of the Austrian Cartel Act and Article 101 (1) TFEU in form of **single and continuous price fixing, market sharing and exchange of information** with competitors in connection with public and private construction tenders in the field of building construction and civil engineering in Austria in the period from **July 2002 to October 2017**”*

II. Facts and figures

- Dawn Raids in **2017**
 - Together with the Public Prosecutor's Office for Economic Affairs and Corruption (continued cooperation)
 - 57 terabytes of data
 - Roughly 70.000 pages of hardcopy documents
 - More than 30 undertakings investigated
- Infringements across **Austria**
- In total more than **EUR 180 million** fines imposed



III. Infringements



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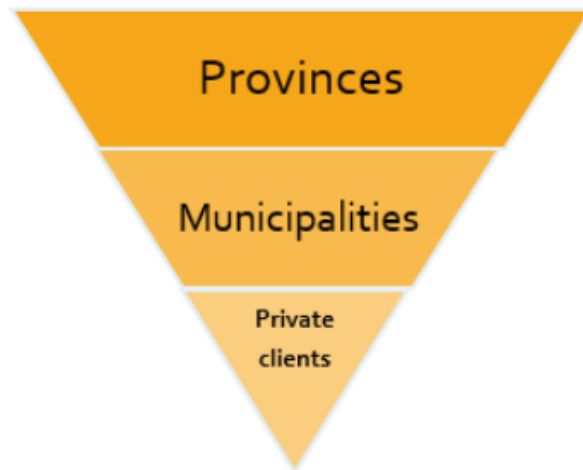
- **Price fixing**
- **Market and customer allocation**
- **Exchange of competition sensitive information**
- Bid rotation
- Internal tender opening
- Compensation

III. Infringements

Structural engineering	Civil engineering
<ul style="list-style-type: none">• office and residential buildings• cemeteries• barracks• power stations• prison buildings• car parks• parks• schools• etc.	<ul style="list-style-type: none">• road building• bridge building• earthworks• railway track construction and station installations• sewer construction• power line/pipeline construction• etc.

Contracts for these construction projects were worth up to €61bn

III. Infringements



IV. Conclusions

- Further cases to come in the foreseeable future
- Also under investigation by Public Prosecutor's Office for Economic Affairs and Corruption
- Two other important procedures
 - Protection of leniency documents (reference for a preliminary ruling to the ECJ)
 - Judicial review of a leniency applicant's full compliance with its obligations (pending before the Austrian Cartel Court)

Thank you for your attention!

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