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The Autorité de la concurrence fines 4 companies of the Eiffage group and the Vilmor company for entering into an anticompetitive agreement within the framework of a public procurement for the reconstruction of watchtowers at the prison of Perpignan

> Version française

Following ex-officio proceedings, the Autorité has today issued a decision whereby it is fining some companies of the Eiffage group and the Vilmor company a total of €965,000 for entering into an anticompetitive agreement within the framework of a public procurement for the reconstruction of watchtowers at the prison of Perpignan.

Practices observed

In 2008, the Toulouse regional office of penitentiary services launched an invitation to tender for the reconstruction of the watchtowers at the prison of Perpignan.

The investigation, led by the services of the Autorité de la concurrence, revealed the existence of a solid and consistent body of evidence pointing to the fact that companies Eiffage Construction Roussillon and Vilmor Construction had exchanged information before submitting their bids in response to the invitation to tender. This took the form of a cover bid by Vilmor Construction that was designed to make Eiffage Construction Roussillon's bid appear more attractive.

For its part, Eiffage Construction Roussillon agreed to pay extra rent for the land that was adjacent to the site of the works and belonged to a property development company, in which the CEO of Vilmor Construction was one of the main partners.

The contracting authority was misled as to the intensity of competition

Vilmor Construction and Eiffage Construction Roussillon misled the contracting authority as to the existence and intensity of competition between these companies. There are case law and judgments that consistently show that such practices, which are considered to be of a very serious nature, are ultimately a drain on public funds.

The Autorité has imposed fines

In view of this evidence, the Autorité de la concurrence has imposed the following fines:

Company	Amount of fine in euros
4 companies in the Eiffage group	€ 960,000
Vilmor Construction	€ 5,000

When imposing these fines, the Autorité took account of the specific gravity of the practices in question, the – moderate – amount of damage to the economy and the individual position of each company, one of which is a member of a nationwide group.
Consequently, in the case of the fine imposed on the Eiffage group, the amount was increased by 30% due to this being a repeated infringement; Eiffage Construction Roussillon's parent company had already been fined in 2005[1] and 2007[2]. Such an additional fine is only payable by the company that is a repeat offender.
On the other hand, the Autorité granted Vilmor Construction a reduction in the fine in order to take account of its having been put into administration, testifying to the financial difficulties that hamper its ability to contribute the amount due.

(1) Decision 05-D-19 of 12th May 2005, relative to practices implemented during the awarding of contracts to construct civil engineering structures on the A84 motorway, known as "Estuaries Road", in the Manche département (see press release)
(2) Decision 07-D-15 of 9 May 2007 relative to practices implemented in public markets relative to Ile-de-France secondary schools (see press release)

> Full text of Decision 13-D-09 of 17 April 2013 relating to practices implemented in a public procurement for the reconstruction of watchtowers at the Pirson of Perpignan (in French)

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