



**HELLENIC REPUBLIC
HELLENIC COMPETITION COMMISSION**

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PRESS RELEASE

Decision no.647/4.7.2017 of the Competition Commission on ex officio investigation into tenders concerning large projects of infrastructure for violation of Articles 1 of Law 703/77, 1 Law 3959/2011 and 101 TFEU, regarding the undertakings that have not been placed under the Settlement Procedure

By the above Decision, the Competition Commission found that seventeen (17) contractors and two (2) contractor associations (SATE and STAAT, as successor to STATE) violated Article 1 of Law 3959/2011, 703/1977 and 101 TFEU/81/85 EC Treaty, by participating in collusive schemes for market-allocation arrangements and bid-rigging. The undertakings concerned have not been placed under the Settlement Procedure, initiated by the Commission within the context of the same ex officio investigation with respect to the same tenders, on which the HCC Decision no. 642/10.3.2017 has already been delivered and published.

In particular, according to the grounds of the Decision, the companies ALPINE Bau GmbH, FCC CONSTRUCCION SA, ARCHIRODON GROUP N.V. and IACOVOU BROTHERS (CONSTRUCTIONS) LIMITED, participated, with varying starting points and with regard to a different number of projects for each, in a single and continuous infringement that spanned from 2005 to 2012, which consisted in jointly developing an allocation and bid-rigging scheme in public tenders for public works of infrastructure, notably Metro rail projects for the period 2005-2006 and infrastructure projects for the period 2011-2012.

Consequently, the Competition Commission imposed the following fines on the

undertakings involved, depending on their individual participation in the above single and continuous infringement of the period 2005-2012:

- ALPINE Bau GmbH, a fine of € 7.200.438,68, €3.491.121,79 of which, jointly and severally with its parent company FCC CONSTRUCCION SA,
- FCC CONSTRUCCIÓN SA, a fine of €18.657.488,10, €3.491.121,79 of which, jointly and severally with ALPINE Bau GmbH, as parent company of the latter,
- ARCHIRODON GROUP N.V, a fine of €1.265.349, and
- IACOVOU BROTHERS (CONSTRUCTIONS) LIMITED, a fine of €108.679.

By the same decision, the Commission found by majority that no participation in the above infringement is established for the companies VINCI CONSTRUCTION GRANDS PROJETS SAS, SALINI IMPREGILO S.p.A, SELI S.p.A, THEMELIODOMI SA and ALSTOM TRANSPORT SAS concerning the period 2005- 2012.

Moreover, in the same decision the Commission unanimously ruled that the companies ELTER, ERGAS, EVROPAIKI TECHNIKI, PARNON, BIOTER, N. KAMATAKIS, MICHANIKI, MICH. TRAVLOU BROTHERS, TECHNODOMI, GENER, ATTI-KAT, PROODEFTIKI, THEMELIODOMI, ALTE, KASTOR, ELTEK, EMPEDOS (former GNOMON) and THESSALIKI as well as SATE and STEAT associations of undertakings (as successor to STATE), participated, from 1989 to 2000, with varying starting points and with regard to a different number of projects for each, in a single and continuous infringement consisting in jointly developing an allocation and bid-rigging scheme for public tenders for public works of infrastructure, although the Commission's power to impose a fine for the single and continuous infringement of that period had become time-barred, subject to the 5-year limitation period for the imposition of penalties by the HCC, under Article 42 of Law 3959/2011.

Furthermore, by the same Decision, the HCC ascertained the participation of the companies ATTI-KAT, ELTER, EMPEDOS, (former GNOMON), THESSALIKI, KASTOR, PROODEFTIKI, ALSTOM TRANSPORT, THEMELIODOMI and GENER, with varying starting points and with regard to a different number of projects for each, in a number of separate infringements consisting in the allocation of tenders for public works of infrastructure for the periods 1981-1988 and 2001-2002, although the Commission's power to impose a fine for the single and continuous infringement of that period had become time-barred, subject to the 5-year limitation period for the imposition of penalties by the HCC, under Article 42 of Law 3959/2011.

By the same unanimous Decision, the HCC concluded that no participation is established (a) for the companies NEMESIS CONTRACTING PLC, ALEXANDROS TECHCNKI SA, IMPRESA S.p.A, TECHNIMONT CIVIL CONSTRUCTION S.p.A, RIZZANI de ECCHER S.p.A, TADDEI SpA, BIOTER, AGRICULTURAL BANK OF GREECE, HOCHTIEF PPP SOLUTIONS GmbH, in the infringement concerning the period 2005-2012, (b) for THEMELIODOMI, as successor to NESTOS, in the infringement concerning the period 1989-2000, (c) for VAN OORD DREDGING AND MARINE CONTRACTORS BV, regarding the tender concerning Expansion Works on Platform 26 of container terminal 6 of Thessaloniki Port Authority SA, with project identification code 259 (2011) and (d) for the companies FCC CONSTRUCCION SA, SOMAGUE ENGENHARIA SA, VINCI CONSTRUCTION GRANDS PROJETS SAS, HOCHTIEF PROJEKTENTWICKLUNG GmbH, HOCHTIEF CONSTRUCTION AG (now HOCHTIEF SOLUTIONS AG), ATTI-KAT and PROODEFTIKI with regard to tenders concerning, in particular, concession projects for road construction.