

2017 ICN Cartel Workshop

Combating Cartels in public procurement

Mini-Plenary # 4

Cooperation with other domestic law enforcement agencies:
Practical Experience & Best Practices on the example of bid rigging
cases

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Experience and best practices in co-operation with other enforcement agencies

German bid rigging cases over the last 9 years

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Case / Sector	Fines imposed (Mio. €)	Conclusion of the case
Road salt	15.6	November 2008
Fire engines	50.5	Feb 2011 / March 2012
Turntable ladders for fire engines	17.5	July 2011
Large steam generator vessels	42	October 2011
Rail suppliers I	232.1	July 2012 / July 2013
Rail suppliers II	101.14	July 2013 / March 2016
Power transformers	24.3	September 2012
Services provided for heat exchangers used in power plants	1.89	July 2014
Specialist mining services	17.4	August 2014
Rubber track pads and vibration dampers for military vehicles	1.3	July 2015
Railway sleepers	Not disclosed	February 2016

Experiences

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Some things went wrong

- carrying out investigatory measures without involving the other agency/ies
- providing access to file (prematurely)
- prosecution and sanction of an immunity applicant

Network of Competition Authorities and Public Prosecutors
founded in 2012

Checklist-project

Best practices – Communication and co-operation

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- Initial suspicion of bid-rigging
 - get in touch with other agencies that are possibly competent to deal with the case in parallel (as early as possible)
 - establish a continuous flow of information
 - identify the relevant agencies/investigators
 - exchange on which agencies plan to pursue the case
 - regular meetings or phone calls
- Handling of leniency applications
 - Exchange on how co-operation under a leniency program can be taken into account in criminal proceeding against individuals (early stage of the investigation)

Best practices – Communication and co-operation

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- Investigatory measures with external impact
 - (Common) inspections and seizure of evidence
 - co-ordinate participation, timing, targets, application for search warrants, seizure and exchange of evidence
 - (Common) Hearing of witnesses
 - co-ordinate participation, timing, questions/topics to be covered, exchange of protocols
 - Interviews of potentially harmed customers
 - Arrests
 - co-ordinate timing

Best practices – Communication and co-operation

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- Access to file
 - Defense counsel → co-ordinate timing
 - Third parties → co-ordinate extent and timing
- Termination of the proceedings
 - Timing
 - press releases

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Thank you for your attention



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