



# Detecting Collusive Tendering in Poland

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# Introduction - basic facts

The value of Poland's public procurement market is about 36 billion euros or 9 percent of GDP

Pursuing bid rigging cases has been UOKiK's priority since 2011:

Infringements mainly found on local markets

2007	1 case
2008	1 case
2009	1 case
2010	2 cases
2011	3 cases
2012	3 cases
2013	12 cases
2014	12 cases

## Decision

RKT 46/2013

sale of chemicals used in coal mining

Market value approx. 7.5 -12.5 mln EUR  
Total fines: approx. 4 mln EUR

DOK 10/2014

design and construction of an integrated  
rail traffic automation system

Market value approx. 90.5 -113 mln EUR  
Total fines: approx. 1.6 mln EUR

RWR 31/2013

wholesale supply of computer hardware and software  
for educational institutions

Contract value: 2.5 mln EUR  
Total fines: approx. 500,000 EUR

DOK 11/2014

design and construction of an integrated  
rail traffic automation system

Market value approx. 90.5 -113 mln EUR  
Total fines: approx. 400,000 EUR

RKT 22/2007

delivery and assembly of border crossing infrastructure

Contract value: approx. 750,000 EUR  
Total fine: approx. 235,000 EUR

# Biggest cases

# Polish Legal Framework

## Prosecuting bid rigging

### NATURAL PERSONS

- public prosecutors/criminal courts
- max. sanction: 3 years imprisonment

### COMPANIES

- competition authority
- max. sanction: 10% of undertaking's annual turnover

## Identifying suspected collusion

Sources of information:

- law enforcement agencies
- notifications from competitors
- whistleblowers
- press
- proactive methods:
  - open-source intelligence/market screening
- leniency applications

## Competition Network



# Main obstacles and challenges

- Decentralised system of tackling bid rigging (dispersed competences and procedures due to criminalisation)
- Limited usefulness of leniency programme
- Not all evidence from criminal procedures available for UOKiK proceedings (e.g. wire-taps)
- Low awareness of the antitrust aspects of bid rigging offences on the part of tender organisers, public procurement officials, other law enforcement agencies
- Lack of clear legal framework for joint investigations

# Overcoming obstacles

- Amendments to competition law:
  - Former statutory limitation period of one year often too short to initiate bid rigging investigations → *2013 collusion in tenders for EU-funded infrastructure projects*
  - From January, limitation period extended to five years
- Advocacy and enhanced cooperation:
  - Training sessions for contracting parties, law enforcement agencies
  - Guidelines and liaison officers at key law enforcement bodies
  - Cooperation agreements signed with the Chief Prosecutor's Office and the Internal Security Agency





Office of Competition and Consumer Protection

Thank you  
for your attention

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