



ECA Targets Bid-Rigging & RFI Failures In Enforcement Push

The Egyptian Competition Authority (ECA) has taken a more assertive enforcement approach in its recent decisions. First, the ECA's Board of Directors rejected a settlement application from a food-sector company that had been criminally convicted for failing to respond to the ECA's requests for information (RFIs) within the deadlines set. Second, the ECA initiated criminal proceedings against two contracting companies for collusion in procurement processes launched by the National Media Authority. Finally, the ECA referred five companies to the Public Prosecution for bid-rigging in connection with a university procurement tender. Together, these decisions confirm that the ECA has intensified its enforcement efforts, treating both procedural non-cooperation and substantive cartel conduct as enforcement priorities, resolving neither leniently.

ECA rejects settlement over RFI non-response

Food commodities sit among the sectors the ECA has flagged for closer scrutiny, given their reach across a broad segment of the population. That priority shaped the outcome on 26 September, when the ECA's Board of Directors rejected a settlement request from a food commodities company convicted and fined by the Egyptian Economic Court for failing to respond to the ECA's RFIs during an ongoing examination.

The ECA issued RFAs to the company on several occasions, but it did not respond within the set deadlines. This breached the Protection of Competition and the Prohibition of Monopolistic Practices (the Competition Law), which obliges any person to provide the ECA with the data, papers, or documents it requests to exercise its functions, within the timeframe set by the ECA. The ECA accordingly referred the matter for criminal proceedings. The Economic Affairs and Anti-Money Laundering Prosecution

Office at the Public Prosecutor's Office investigated and referred the case to the Economic Court, which convicted and fined the company. Following the judgment, the company applied to settle. Still, the ECA's Board of Directors declined the settlement because the company had been repeatedly asked for the outstanding data and continued to withhold it.

The ECA treated failure to respond to an RFI within the set deadline as a criminal offense in itself, regardless of whether it ultimately established any anticompetitive conduct. It can also cost a company the chance to settle. Settlement of Competition Law violations is discretionary, not a right of the company, and requires the ECA Board's approval. The payable amount depends on timing:

- If settlement is reached before a criminal lawsuit is filed, the minimum stipulated fine for the violation operates as the maximum settlement amount;
- If settlement is reached after the lawsuit is filed but before a final judgment, the amount rises to no less than three times the minimum stipulated fine and no more than half of its maximum.

A criminal case cannot be initiated without a written request from the ECA Chairperson, approved by a majority of the Board and submitted to the Public Prosecutor. Settling before criminal proceedings begin is therefore materially less costly.

The practical significance of this decision is that ECA treated continued non-cooperation as a standalone bar to settlement. On the ECA's own account, the company had not cooperated with the ECA's RFI requests when it sought to settle. The Board relied on that ongoing non-cooperation, and the timing of the settlement application, to reject it. An RFI response failure is not merely a procedural lapse that can later be cured through a settlement request. On this decision, it appears capable of foreclosing the settlement route entirely if left unresolved.

ECA pursues two contractors for tender collusion

The ECA had initiated criminal proceedings against two contracting companies on 22 September 2026, and referred them to the Public Prosecutor for collusion in procurement processes launched by the National Media Authority. According to the ECA, the two companies coordinated on several procurement processes for structural reinforcement work on television transmission mast bases in the Red Sea Governorate. This violated the Competition Law, which prohibits competitors from coordinating on submitting bids - or deciding to refrain from bidding - in tenders, auctions, and other supply offers.

The ECA stated that it had received a report from the National Media Authority indicating a suspected agreement to allocate the contract in violation of the Competition Law. A subsequent examination, investigation, and evidence-gathering confirmed that the two companies had coordinated to divide the geographical areas covered by the procurement processes. The ECA notified the companies to immediately and completely cease any agreement, understanding, or coordination, whether express or implied, regarding bid submissions or decisions to refrain from bidding in tenders, auctions, procurement processes, and other supply offers.

The correspondence between the National Media Authority and the ECA goes beyond this case. The ECA is actively sharing information with other Egyptian regulatory and public bodies, rather than relying solely on its own market monitoring to identify potential violations. For businesses operating in regulated or public-sector-adjacent markets, this is worth watching. Exposure to ECA scrutiny is not confined to sectors the ECA itself monitors directly. It can also arise through referrals from sector regulators, state authorities, and other public

bodies with which the ECA coordinates. In other words, risk can materialize even if the ECA has not flagged the relevant sector or procurement exercise in advance.

Five companies referred over tender collusion

Separately, on 29 September 2026, the ECA announced that it had initiated criminal proceedings against five companies for collusion on tenders for the supply of electronic grading equipment and paper to Alexandria University, referring the matter to the Public Prosecution.

The ECA's review of the university's tendered contracts revealed a prior agreement among the bidding companies as to which firm would be awarded the contract. The ECA found this conduct in violation of the Competition Law. The companies were ordered to cease immediately and completely any explicit or implicit agreement, understanding, or coordination with competitors. They were also ordered to cease all direct or indirect exchange of commercially sensitive information with competitors.

Bid-rigging of this kind is a horizontal restriction per se under the Competition Law. The ECA is not required to demonstrate actual competitive harm to establish the infringement, as the coordination alone is sufficient. As with other violations of this type, the Competition Law does not provide for administrative fines for this conduct. Enforcement proceeds through referral to the criminal courts.

Taken with the National Media Authority matter above, this decision points to a pattern. The ECA pursued materially identical conduct — geographic or contract allocation between competing bidders — in two unrelated public tenders within the same week. For businesses bidding into Egypt's public and institutional procurement markets, this is a point to watch. Collusive bidding carries direct criminal exposure regardless of the sector, value, or profile of the underlying contract. Companies should take three steps:

1. Ensure that bid preparation, pricing, and submission decisions are made independently of competitors.
2. Make sure no commercially sensitive information is exchanged with competing bidders at any stage of a tender.
3. Provide internal teams involved in public tenders with specific training on competition law risks.

Where a company becomes aware that a competitor has proposed or suggested coordination on a tender, it should consider documenting the approach and promptly seeking advice on the leniency mechanism — available to the first party to inform the ECA of a violation.

Key takeaway

The ECA is enforcing both the procedural and substantive sides of the Competition Law with equal rigor. Criminal sanctions, not administrative ones, remain the default consequence for both bid-rigging and RFI non-compliance alike. The ECA is also no longer the sole gatekeeper of its own caseload. It coordinates with, and receives referrals from, other Egyptian public authorities. This inter-agency dynamic widens the range of circumstances: a bidder can come under examination through a sector regulator or state body, since risk exposure is no longer a function of the ECA's own monitoring.

That said, in each case the published record is the ECA's own account. The evidence behind it, and whether the companies concerned had a chance to respond before referral, are not disclosed. Companies facing similar scrutiny should not assume the full picture is as straightforward as the announcement suggests. For international businesses operating in, or bidding into, Egypt, the practical message is simple: treat ECA engagement, from the first RFI onward, as a matter requiring immediate and sustained legal attention.



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