

EXTENDED INFORMATION THAT SUPPORTS THE RELEVANT FACT

Through Resolution No. 33224 of 2025, the Superintendence of Industry and Commerce – Delegation for the Protection of Competition – ordered the opening of an administrative investigation and formulated a statement of charges against Empresas Públicas de Medellín E.S.P. (EPM), for the alleged execution of practices restricting free economic competition.

EPM, through its attorney-in-fact, within the term set by Article 52 of Decree 2153 of 19922, presented defenses, requested evidence, and offered guarantees for the early termination of the administrative investigation.

Considering the above, we proceed to summarize the legal situation of the procedure in question:

- ✓ **Type of procedure:** Administrative investigation.
- ✓ **Subject on whom the research falls:** Empresas Públicas de Medellín E.S.P.
- ✓ **Identification of the authority carrying out the procedure:** Superintendence of Industry and Commerce – Delegation for the Protection of Competition.
- ✓ **Summary of the facts that gave rise to the investigation:** According to the aforementioned administrative act, the conduct subject to reproach is based on the allegedly unjustified and disproportionate inclusion of artificial barriers to entry in the terms of reference of different contracting processes carried out by EPM between 2019 and 2023. The specific conditions identified by the Delegation as possible restrictions on free competition are:
 - The charge for the right to participate in the contracting processes.
 - Restriction on the participation of plural structures (consortia or temporary unions).
 - The imposition of conditions relating to the number of members, participation and joint and several liability regimes in such structures.

1. **Presentation of defenses, request for evidence and offer of guarantees:** Within the established period, EPM presented its defenses setting out the arguments that support, in the contractual and legal sphere, the actions of the entity in the face of the SIC's allegations. It also requested the taking of documentary and testimonial evidence, and offered guarantees aimed at seeking the early termination of the investigation, without this implying a substantive pronouncement on the conduct of the investigated. In the latter case, it was expressly specified that the offer of guarantees does not constitute an acknowledgement of liability on the part of EPM.