

INFORMATIVE NOTE



EU AND COMPETITION LAW

NEW TRIBUNAL FOR COMPETITION, REGULATION AND SUPERVISION

“Portuguese Law Firm of the Year”
Chambers European Excellence Awards, 2009; Shortlisted 2010, 2011/ Who’s Who Legal Awards, 2006, 2008, 2009, 2010, 2011/The Lawyer European Awards- Shortlisted, 2010, 2011

“Best Portuguese Law Firm for Client Service”
Clients Choice Award - International Law Office, 2008, 2010

“5^a Most Innovative Law Firm in Continental Europe”
Financial Times – Innovative Lawyers Awards, 2011

“Corporate Law Firm of the Year - Southern Europe”
ACQ Finance Magazine, 2009

“Best Portuguese Tax Firm of the Year”
International Tax Review - Tax Awards 2006, 2008

Mind Leaders Awards™
Human Resources Suppliers 2007

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On 29 March, the Ministerial Order No. 84/2012 that declared the Tribunal for Competition, Regulation and Supervision (“TCRS” or “Tribunal”) operational was published in the Official Journal. Said Ministerial Order constitutes the final phase of the legislative procedure initiated with Law No. 46/2011, of 24.6.2011, and further developed by Decree-Law No. 67/2012, of 20.3.2012. On the one hand, the aforesaid Law formally created the Tribunal and made several amendments to the relevant legislation, e.g., to the Law of Organisation of the Judicial Courts (Law No. 3/99, of 13.1.1999) and to the Competition Act itself (Law No. 18/2003, of 11.6.2003). On the other hand, Decree-Law No. 67/2012 instituted the Tribunal, determined that it would become operational upon subsequent Ministerial Order and set the Tribunal’s location in Santarém (a city 50 miles northeast of Lisbon) and its composition - 2 sections, with 1 judge per section.

The TCRS was declared operational as of 30 March 2012. However, of the 2 abovementioned sections, only the 1st Section shall be fully functional, given that the Tribunal will only judge cases that will be filed after said date. Hence, all cases still pending in other courts will not be handed over to the TCRS and the Government thus considered unnecessary to have both Sections operational at this time.

The TCRS is a court of specialised jurisdiction that will judge all issues regarding appeals, revision and execution of decisions, orders and other

measures adopted in administrative offence procedures (including incidents and attachments) by the following entities: (i) Competition Authority (*Autoridade da Concorrência*), (ii) Telecom’s Regulator (*ICP-Anacom*), (iii) Portuguese Central Bank (*Banco de Portugal*), (iv) Security and Exchanges Commission (*Comissão do Mercado de Valores Mobiliários*), (v) Media Regulator (*Entidade Reguladora para a Comunicação Social*), (vi) Insurance Regulator (*Instituto de Seguros de Portugal*) and (vii) all other independent administrative entities holding regulatory and supervision powers.

Together with the TCRS, the 1st Section of the new Intellectual Property Tribunal, located in Lisbon and with jurisdiction over such matters as copyright and related rights, industrial property rights, Internet domain names, companies’ names and designations, etc was also declared operational.

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