



EU AND COMPETITION LAW

PRIORITIES OF THE PORTUGUESE COMPETITION AUTHORITY IN 2013

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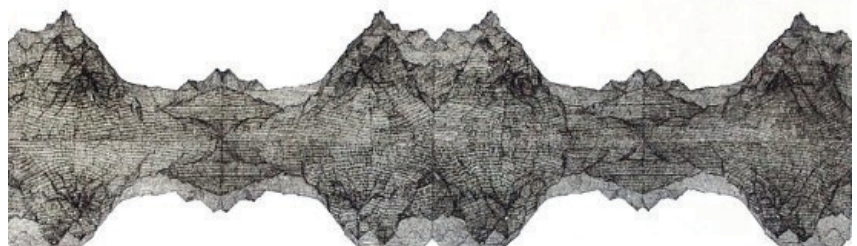
The work of the PCA in 2013 will take place in the context of the creation of the Court of Competition, Regulation and Supervision (“CCRS”), in operation since April 2012, and the adoption of the new Competition Act (“CA”)¹. Three important legislative changes are expected to be made in this area in the near future: (i) the framework law for regulators, which should be approved during the first quarter; (ii) the new internal regulations of the PCA; and (iii) the new legal framework for individual restrictive trade practices, which will transfer the PCA’s existing powers in this area to the Authority for Economic and Food Safety.

Firstly, **the PCA aims to optimise its action on competition promotion and protection.**

It will do it, on the one hand, in relation to regulated sectors or markets, through more intense cooperation with the regulators of those sectors and markets and through the identification of public policies or state aid with negative effects on competition.

On the other hand, as part of its sanctioning powers, the PCA will state as priorities the fight against: (i) cartels, particularly through ex officio initiatives and a greater awareness and use of the new regime of exemption or reduction of the fine (leniency regime); and (ii) abuses of dominant positions.

As part of its supervisory powers, the PCA – in seeking to ensure efficient control of concentration operations and a better understanding of the functioning of the relevant sectors of the economy – will state as priorities: (i) the control of concentrations, especially in cases likely to create significant barriers to effective



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¹ Law no. 19/2012 of 8 May, which came into force on 7 July 2012.

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competition; (ii) acting, together with Portuguese Central Bank, to ensure that the European Commission regulations on transnational operations, regarding payment cards, are adopted in Portugal; and (iii) the analysis and monitoring of the competitive landscape in the energy, telecommunications and ports sectors.

Secondly, **the PCA also aims to make a real contribution to the effective implementation of the new CA.** It will do it particularly through close collaboration with Public Prosecutor and the new CCRS. Also in this area, and given the high rate of judgments against the PCA's decisions in cases relating to

abuse of dominant position, the PCA will undertake a reorientation in its approach to these cases, both in terms of obtaining expert evidence, and in terms of requesting cooperation from the European Commission.

Finally, **the PCA intends to strengthen its capacity to act,** and this goal will be pursued by improving the quality of its human resources.

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