



# INFORMATIVE NOTE

Sharing Expertise.  
Innovating Solutions.



## OUTLOOK 2015

FEBRUARY 2015



## MAIN TRENDS IN COMPETITION LAW ENFORCEMENT

*After a year in which the new Council of the PCA, in office since the late summer of 2013, undertook a thorough internal restructuring of its services, it is expected that the year 2015 will register a significant increase in the PCA's activity regarding the detection and punishment of practices restricting competition.*

On 30 December 2014, the Portuguese Competition Authority («PCA») announced the Competition Policy Priorities for the year 2015. After a year in which the new Council of the Competition Authority, in office since the late summer of 2013, undertook a thorough internal restructuring of its services, it is expected that the year 2015 will register a significant increase in the PCA's activity regarding the detection and punishment of practices restricting competition.

### Enforcement activities

1. In several public statements, the PCA has insisted on its firm intention of investigating possible cases of **unlawful collusion between companies in public procurement procedures**, given the harmful consequences that these may bring for the State and taxpayers. This intention was already clear from the statements and actions of the Competition Authority in 2014. It should be remembered that, in January 2014, searches were conducted in companies which supplied "Parque Escolar". In order to enhance its operations in the field of public procurement, in 2015 the PCA intends to start the operation of databases to identify potential collusion situations, to promote partnerships with the INCI and the Court of Auditors ("Tribunal de Contas") and to cooperate with the contracting authorities.

2. In the context of the detection of the most serious violations of the competition rules - including often secret cartels - the PCA intends to continue to boost the **leniency regime**. According to the PCA, the dynamics of this instrument will be enhanced by imposing deterrent fines in pending cases.

*In several public statements, the PCA has insisted on its firm intention of investigating possible cases of unlawful collusion between companies in public procurement procedures.*

3. A number of **pending cases** should see some **developments in 2015**. After the PCA issued a statement of objections in 2014, addressed to Petrogal, Galp Açores and Galp Madeira, related to the contracts with bottled gas distributors, the final decision is now awaited. Given the press reports, the investigation into the process of the alleged exchange of sensitive information in the banking sector should also be concluded in the first quarter of 2015. Additionally, in December 2014, the commitments filed by two companies targeted in infringement proceedings - Peugeot Portugal and Controlinveste Media - were submitted to public consultation, developments in these cases being expected during the current year.
4. In addition, the PCA intends to **continue monitoring the telecommunications sector and the energy sector**, by means of studies and/or monitoring reports.
5. Finally, following an extensive investigation initiated in the summer of 2014 into the **relationships between suppliers of consumer goods and their distributors**, some developments are expected in the course of this year and possibly the publication of the preliminary findings. It should also be noted that, as announced by the PCA in the press and at public events, the PCA does not exclude the possibility of initiating infringement proceedings if it detects the breach of competition rules when analysing the information received.

*The PCA intends to be more efficient in the assessment of mergers.*

#### Supervision activities

4. With regard to its supervisory powers, the PCA intends to be more efficient in the assessment of **mergers**, reducing the investigation periods in complex cases.

This Informative Note is intended for general distribution to clients and colleagues and the information contained herein is provided as a general and abstract overview. It should not be used as a basis on which to make decisions and professional legal advice should be sought for specific cases. The contents of this Informative Note may not be reproduced, in whole or in part, without the express consent of the author. If you should require further information on this topic, please contact Sara Estima Martins ([sara.estimamartins@plmj.pt](mailto:sara.estimamartins@plmj.pt)) or Miguel Marques de Carvalho ([miguel.marquescarvalho@plmj.pt](mailto:miguel.marquescarvalho@plmj.pt)).

 Portuguese Law Firm of the Year  
*Chambers European Excellence Awards, 2009, 2012, 2014*

 Iberian Law Firm of the Year  
*The Lawyer European Awards, 2012*

 Top 50 - Most Innovative Law Firm in Continental Europe  
*Financial Times - Innovative Lawyers Awards, 2011-2014*