

# Portugal

As a competition culture takes root in Portugal, private practitioners say they are busier than ever

Lawyers say over the last five years, competition enforcement has increased enormously in Portugal. This year, for instance, the country's competition authority slapped a record €53 million fine on Portugal Telecom for abuse of dominance in the broadband internet market. The authority also granted interim relief for the first time this year, barring an anti-competitive marketing offer launched by one cinema company, following complaints from a rival. As such, established practitioners report ever-expanding caseloads and increasing competition from other firms eager to steal a slice of the pie.

## ELITE

**Marques Mendes & Associados** is unique. All of Portugal's major competition practices are part of a larger firm with a corporate practice, except Marques Mendes. Name partner Mario Marques works alongside Pedro Vilarinho Pires, together with one senior associate and three associates. Marques Mendes, who is described by one rival as "one of Portugal's best-known competition lawyers", is a *Who's Who* nominee.

The firm has an impressive client roster, including General Motors, Rádio e Televisão de Portugal (RTP), Siemens, Gaz de France and Google.

This year, the firm advised state-owned broadcaster RTP on state aid issues related to the company's financial restructuring, after a rival broadcaster appealed against a European Commission ruling that approved the aid. It also represented Portuguese group ETE on competition issues in the provision of cargo handling and storage services in the port of Lisbon.

The competition team is also advising car parts manufacturer Grupo Copo on merger control proceedings, as well as representing Austrian motor sports group KTM in its acquisition by Luxembourg's Peguform Group.

At **Morais Leitão Galvão Teles Soares da Silva & Associados**, partner and *Who's Who* nominee Carlos Botelho Moniz heads the team in Lisbon, while partner Joaquim Vieira Peres leads a team in Porto. Rivals say **Morais Leitão's** work for telecoms company Sonaecom helped cement its reputation as "one of Portugal's best firms for competition". It has advised the company on state aid matters this year.

**Morais Leitão** also advised incumbent electricity producer EDP in merger control proceedings, including two acquisitions in the renewable energy sector. It represented Portuguese retailer Sonae Distribuição when it acquired rival Carrefour Portugal and while the company implemented structural and behavioural remedies imposed by the country's competition authority during its review of the merger.

Other clients on the transactional side include BA Glass, Saint-Gobain, Edimpresa, Star Turismo & Geotur and Schweppes.

On the behavioural side, **Morais Leitão** has advised clients in sectors including finance, pharmaceuticals, waste treatment, packaging and flour milling. It is also advising the Portuguese government in several cases brought by the European Commission regarding certain special rights held by the state in some privatised companies.

**Pereira Sáragga Leal Oliveira Martins Júdice e Associados's** competition team is headed by two senior partners – José Luís da Cruz Vilaça and Ricardo Oliveira, both of whom are nominated in *Who's Who*. The team also includes four senior associates, six associates and one counsel.

According to one rival, Vilaça is one of Portuguese competition law's "elder statesmen". Together with Oliveira he launched PLMJ's competition practice in 1996, after spending six years as president of Europe's Court of First Instance.

The team has handled a mixture of behavioural and transactional work this year.

It advised Zon Multimédia during the investigation of its promotional "MyZONcard" campaign. The group is also representing Eures in a cartel investigation pending before Portugal's Competition Authority, as well as advising Galp Energia on competition matters in the liquid fuels market and on the implementation of commitments agreed with the European Commission during the merger with Esso.

On the transactional side, the team has advised Zon Multimédia in its acquisitions of TVTel and Bragatel, winning competition clearance for the tie-up after an in-depth investigation. PLMJ also successfully advised Air Berlin in the merger control aspects of its acquisition of the City Carrier division of TUIFly. Other clients include Banque Cetelem, which acquired sole control of Cofinoga Portugal this year.

## HIGHLY RECOMMENDED

**Garrigues' Lisbon-based** competition group is led by partner João Paulo Teixeira de Matos. Two associates work with him, alongside seven other lawyers. Teixeira de Matos says the department works closely with the Spanish firm's other offices, including Madrid, Barcelona and Brussels, plus firms in the Garrigues alliance's antitrust group, Affinitas.

This year, despite the financial crisis, the competition team advised on a large amount of M&A work. It counselled Magnum on its joint acquisition of Farmas APS Group in the generic medicine sector, as well as acting for Endesa when it formed a joint venture to implement a combined cycle gas turbine power plant in Portugal.

The group also assisted Resiquímica in its assessment of whether the acquisition of some assets from Materis would constitute a transaction of compulsory notification under Portuguese law.

Other clients include Grupo Silva & Silva, Apifarma, Riverside, Volvo and IBM.



In 2000, Portuguese firm **Gonçalves Pereira Castelo Branco & Associados** signed an integration agreement with Spanish firm Cuatrecasas. Although it remains under the Cuatrecasas umbrella, Gonçalves Pereira continues to use its own brand.

The firm's Lisbon-based competition group comprises partners Frederico Pereira Coutinho, António Vitorino and Isabel Gião de Andrade, one senior associate and three associates.

On Spanish and European matters, the group works closely with Cuatrecasas's EU and competition group, handling the €43 billion merger of Enel/Endesa, and in the field of private antitrust enforcement, working on *Conduit v Telefonica*.

Other competition clients of the firm include CSL/Talecris, Bertelsmann Group, Panrico, Texas Pacific Group and 3i.

**Linklaters LLP** claims to be "the first of the top-level international law firms to set up a branch in Portugal", after arriving in 2001. "I'm really surprised how well it has gone," says the firm's head of competition, Carlos Pinto Correia. He was at Morais Leitão until 2002, when he left with four partners and a few associates to launch a new office that eventually became Linklaters. Correia now has two associates working with him on the competition team.

Unsurprisingly, Linklaters' Portuguese office draws on the firm's international network, meaning its client roster includes many non-Portuguese names.

Last year, Linklaters advised a client in the market for payment processing systems, which was subject to a cartel investigation by the Portuguese Competition Authority. It also continued to advise Johnson & Johnson on a series of court proceedings related to public tenders on hospitals in Portugal.

On the merger control front, the competition team worked on the establishment of a joint venture between Mota-Engil and BES in the road concessions sector, and advised Auchan on the acquisition of two shopping centres in Portugal from the Sonae Group. It has

also been active in state aid work, advising Embraer on its investment projects in Portugal for the manufacture of aircraft components.

**Simmons & Simmons** claims to be "the first City law firm to establish a presence in Portugal". It teamed up with local player Rebelo de Sousa & Associados in 1992, and its Portuguese practice has expanded fast. Indeed, the *Who's Who*-nominated head of competition law at the firm, partner Gonçalo Anastácio, says he has "the fastest-growing competition team in the market". And, with seven competition specialists – one partner, five associates and one of counsel – the team is big enough to take on large cases.

This year Anastácio – along with colleagues in Brussels and London – worked on three appeals to the European Court of First Instance against decisions handed down by the European Commission.

Key clients include several energy companies, BASF, Essilor, the Portuguese government, Sony/Columbia, the Port of Setúbal, Warner and the European Commission's legal service.

**Uría Menéndez's** Portuguese competition team is unique: it is the only group in our survey without a full-time competition partner. But practice leader Joaquim Caimoto Duarte was promoted from senior associate to counsel this year. One rival even calls Uría Menéndez "the best-equipped of the three Spanish firms".

The competition team is part of Uría Menéndez's international competition practice group, which has offices in Madrid, Brussels and Barcelona, among others.

Recently it advised Jerónimo Martins Group on the implementation of conditions attached to the merger of Pingo Doce/Plus, and counselled US-based private equity group Francisco Partners on its takeover of Israeli security technology group Dmatek.

Behavioural advice this year included assisting Uniarme in an antitrust investigation in the food industry, as well as providing compliance advice to companies active in telecoms, media, energy and banking, among others.

FIRM	HEAD OF COMPETITION	SIZE	CLIENTS
<b>Elite</b>			
Marques Mendes & Associados	Mario Marques Mendes	2p, 1sa, 3a	ETE, KPM, General Motors, Rádio e Televisão de Portugal (RTP), Siemens, Gaz de France, Google
Morais Leitão Galvão Teles Soares da Silva & Associados	Carlos Botelho Moniz, Joaquim Vieira Peres	2p, 5sa, 5a, 1c	BA Glass, Saint-Gobain, Edimpresa, Star Turismo & Geotur, Schweppes, Sonaecom
Pereira Sáragga Leal Oliveira Martins Júdice e Associados (PLMJ)	José Luís da Cruz Vilaça, Ricardo Oliveira	2p, 4sa, 6a, 1c	Galp Energia, Zon Multimédia, Eurest, Unilever, Nestlé, Bayer, Siemens, Coca-Cola
Vieira de Almeida	Nuno Ruiz	1p, 2sa, 4a	
<b>Highly recommended</b>			
Garrigues	João Paulo Teixeira de Matos	1p, 2a, 7 others	Apifarma, Volvo, Resiquímica, IBM, FIFA, Magnum Industrial Partners, Kraft Foods, Barclays, Endesa, Luigi Lavazza,
Gonçalves Pereira Castelo Branco & Associados	Frederico Pereira Coutinho	3eq p, 1sa, 3a	Enel/Endesa, CSL/Talecris, Bertelsmann Group, Panrico, Texas Pacific Group, 3i
Linklaters	Carlos Pinto Correia	1p, 2a	Secil, Auchan, Ascendi, Embraer, Johnson & Johnson, Galp Energia, Credit Suisse, SIBS, Makro, Pfizer, Espírito Santo Saúde
Simmons & Simmons	Gonçalo Anastácio	1p, 1oc, 5a	BASF, Essilor, the Portuguese government, Sony/Columbia, the Port of Setúbal, Warner
Uría Menéndez's	Joaquim Caimoto Duarte	1p, 1a	APIFARMA, Nissan Group, MultiOpticas, Government of the autonomous region of Azores, Grupo Media Capital, Pfizer, Uniarme, Jéronimo Martins

Key: eq p = equity partner, p = partner, sa = senior associate, oc = of counsel, a = associate, ja = junior associate, c = counsel, ld = legal director, para = paralegal, sa = senior attorney, ja = junior attorney