

Achievements AdC 2018

Competition Enforcement

In 2018, the AdC adopted **two sanctioning decisions**, one for a cartel in **railway maintenance** and another for a cartel in the **insurance sector**, with **finest totalling €12.37 million**. The first cartel decision was issued following a tip received in the scope of the AdC campaign **Fighting Bid-Rigging in Public Procurement**. Both were settlement decisions, under which undertakings admit guilt and forego judicial appeal, with benefits for the efficiency and effectiveness of the AdC's activity. The AdC also accepted **commitments** to mitigate the effects of anticompetitive practices in the **postal sector**. The AdC carried out **dawn raids in 4 investigations** and issued **4 statements of objection**. The AdC also analysed two **in-depth merger reviews** resulting in the withdrawal of a merger and commitments.

Investigation and sanctioning of anti-competitive practices

- **2 sanctioning decisions (cartel in railway maintenance and cartel in insurance) with €12.37 million in fines and 1 commitment decisions in the postal sector**, in a total of 6 decisions for anticompetitive practices
- **More than 500 complaints and 5 cases opened**
- **Dawn raids in 4 cases** (advertising, telecommunications, food retail – in 8 premises of 7 entities) and **4 statements of objection** (electricity, insurance, retail distribution, railway maintenance), including cartels, vertical restraints and abuse of dominance.
- **1 new leniency application**

Merger Control

- **48 merger decisions**
- **2 in-depth merger investigations**
- **5 investigations into potential gun-jumping and mergers which were not notified to the AdC**
- **12 pre-notification procedures**

Highlights

Altice/Media Capital (vertical media merger raising concerns of foreclosure of rival pay tv platforms' access to key media content) – Faced with the imminent adoption of a draft prohibition decision, the parties withdrew the notification

Rubis/Repsol (LPG; analysis of trade-off between increased market power and the efficiency defence) – Divestiture commitments brought by **Rubis II Distribuição Portugal**, led to approval of acquisition of existing LPG business of **Repsol Gás Portugal** in the two Autonomous Regions of Portugal (Madeira and Azores)

Judicial review

Significant increase in litigation following a reinforcement of enforcement activity, with a **success rate of 95%**, primarily regarding issues of a procedural nature with substantive impact, which reflect the consolidation of *checks and balances* for legal robustness from an early stage of the process and throughout the investigation life cycle. The issues which were subject to judicial review included dawn raids, search and seizure of evidence, digital evidence gathering, access to file, confidentiality, withdrawal of documents, effects of an appeal and right of defence.

Competition Advocacy

Studies and Market Monitoring

- Study on **Innovation and Competition in Financial Services (FinTech)**
- Study with recommendations to promote competition in the **ports sector**
- Analysis and recommendations for the **road fuels sector**
- **Nearly 20 opinions** on a wide range of sectors including energy, telecommunications and payments

Competition Impact Assessment of Public Policies

- Nearly a **dozen opinions**
- **Recommendations following a comprehensive, in-depth AdC/OECD project** aiming at identifying barriers to competition in existing legislation in the **transport sector** (maritime and road) and **13 liberal professions**. Potential positive impact of **€380M/year for the Portuguese economy**.
- **Guidelines on Competition Impact Assessment of Public Policies** published to support policy-makers in mitigating negative effects of public policies on competition

Communications & Outreach

- **V Lisbon Conference on Competition Law and Economics** on hot topics of competition policy and practice with 300 participants from competition authorities, international organisations, business and academia
- **8 open seminars** on topics of competition law and economics at the AdC Abel Mateus Competition Library
- **5 seminars on competition policy and practice with sector regulators and other institutions** carried out to reinforce institutional cooperation (incl. ANAC, ANACOM, ERS, Infarmed)

International activity

- **Meeting of the Lusophone Competition Network**, in Lisbon, to exchange experience on competition policy and practice, with representatives from Angola, Brazil, Cape Verde and Portugal, as well as the European Commission, OECD and UNCTAD
- AdC nominated **ICN/OECD Liaison**, joining the **OECD Competition Committee Bureau**

AdC Strategy for Public Procurement

- **Fighting Bid-Rigging Campaign** aims to raise awareness of the signs of collusion in public procurement and promote more competition-friendly tender design with nearly **1800 participants** since 2016
- Significant increase in **quantity and quality of complaints** on public procurement, including one complaint which led to a sanctioning decision
- Development of **statistical and econometric methodologies** to analyse data in public procurement

Cooperation for detection of anticompetitive practices

- **AdC with direct and full access to the national e-procurement database Portal BASE**, as foreseen in the new Public Procurement Code, and implemented through a Protocol for Cooperation with IMPIC, the sector regulator
- **Cooperation** with other regulators and public bodies to encourage access to information and data, e.g. Protocol for Cooperation signed with INFARMED, the medicines regulator

- Podcast series **CompCast – Competition Talks** with competition experts on topics of competition policy
- Launched podcast **CompCast – 2 minutes of competition** on the fundamentals of competition rules
- First edition of the **AdC Competition Policy Award** for academic research in competition law and economics, attributed to a paper on pay-for-delay agreements in the pharmaceutical sector
- Greater transparency in competition advocacy by way of further **publication of AdC opinions**