Competition Policy Priorities for 2019

The activity of the Autoridade da Concorrência (AdC) – Portuguese Competition Authority spans the entire Portuguese economy, without exception to any sector. Setting priorities taking into consideration the institution's necessarily scarce resources allows the AdC to focus on sectors and cases with greater impact on society.

In 2019, the AdC will have as its main priority the reinforcement of its activity in the **detection and investigation of anti-competitive practices**, namely **cartels[1]**. Cartels are the most harmful anti-competitive practice, with significant impact on consumers. The focus on collusive behaviour will incentivise compliance with Competition Law and, simultaneously, the **Leniency Programme**, given the greater risk of detection by the AdC. While seeking to increase the number of cases detected and investigated, the AdC will maintain its strong guarantees of rights of defence and due process, as well as rigour and impartiality in its analyses. As such, the AdC will consolidate its internal procedures of **checks and balances**, in particular in complex cases, in order to ensure the legal and economic soundness of its decisions. A reduction in the duration of investigations will be an important means to deter behaviour which does great harm to consumers and to promote a well-functioning economy.

New methods of coordination between competitors and abuse of dominance will also be a focus of the AdC, in particular by deepening the AdC's understanding of the use, by undertakings, of **algorithms** or **artificial intelligence** which may facilitate anti-competitive practices.

Regarding merger control, the AdC will seek to be faster and more effective in fulfilling its mission, without overburdening companies and, simultaneously, without jeopardising the efficient functioning of markets.

By way of analyses targeted at sectors which present greater vulnerabilities in terms of competition issues, and, at the same time, which are central for a well-functioning economy, the AdC will contribute to reinforced competitiveness and productivity in Portugal and Europe. As such, the AdC will prioritise the implementation of the recommendations issued in 2018 regarding the **liberal professions** and the **transportation sector**.

As **innovation** is often disruptive, but generates important benefits for markets, consumers and economic growth, the AdC will pay particularly close attention to

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[1] According to the strategic and operational objectives set out in the Activities Plan for 2019, and in compliance with the provisions of article 7(3) of the Portuguese Competition Act (Law 9/2012 of 8 May), as well of article 22(1)(a) and article 46(1)(c) of the Statutes of the AdC (approved by Decree-Law 125/2014 of 18 August), the AdC establishes and publishes its competition policy priorities for 2019 without any sectoral reference regarding the exercise of its sanctioning powers.

barriers created by **legislation** or by anti-competitive behaviour on the part of **incumbents** in sectors where innovation brings most benefit to consumers. This priority is in line with the work carried out in 2018 on innovation in the financial sector.

Supporting the main priority of reinforcing investigative capacity, the AdC will boost its capacity to detect anti-competitive practices, in particular taking into account the cooperation agreements signed with several institutions. Access to data in these fields will facilitate the *ex officio* detection of anti-competitive behaviour, even in the absence of a complaint or a leniency application, and can contribute to a speedier investigation.

Finally, in 2019, the AdC will continue to prioritise greater **communication and transparency** with society at large, so that the benefits of its mission and activity are well understood. The AdC will, in particular, reinforce the publication and searchability of its decisions and subsequent judicial decisions, studies, opinions and recommendations. The campaigns on **Fighting Bid-Rigging in Public Procurement** and raising awareness of the **Guide for Business Associations** will also be maintained. These initiatives have a positive effect in terms of a greater use and improvement in the design of competitive tenders and of complaints of potential collusive behaviour among firms, as well as an increase in the understanding of behaviours to be avoided by associations and their members, as regards compliance with Competition Law.

Lisbon, 21 December 2018

Competition Policy Priorities (2019)

Detect and investigate anti-competitive practices, namely cartels.

Increase *ex officio* detection of anti-competitive practices by way of, namely, cooperation agreements.

Deepen understanding of the use, by companies, of algorithms or artificial intelligence in facilitating anti-competitive behaviour.

Promote innovation by removing barriers created either by legislation or by anti-competitive behaviour on the part of incumbents.

Raise awareness of the Fighting Bid-Rigging in Public Procurement campaign as well as the Guide for Business Associations.

Promote the implementation of the recommendations issued in 2018 on liberal professions and the transport sector.

Achieve speedier merger control.

Consolidate internal checks and balances.

Reinforce the publication and searchability of AdC decisions and subsequent judicial decisions, studies, opinions and recommendations.