

# AdC Achievements 2022

## Enforcement

In 2022, the AdC imposed fines totaling c. **€490 million** in **12 sanctioning decisions** and imposed **an ancillary sanction of disqualification of participation in public tenders**. The AdC received **eight leniency applications**, an all-time annual high. Three investigations were concluded without the imposition of a sanctioning decision.

### Investigation and sanctioning of anti-competitive behavior

- **6 dawn raids** in the pharmaceutical, nutrition, health, information technology and wood chips sectors.
- **8 leniency applications**, an all-time annual high.
- **12 sanctioning decisions:**
  - Total fine of €191 million to the Portuguese Private Hospitalization Association (APHP), the Hospital Particular do Algarve, the Lusíadas Group, the Luz Saúde Group, the Mello Group and the Trofa Saúde Group, **for coordinating among themselves the strategy and negotiating position in the negotiations with ADSE**.
  - Total fine of €132 million to four food retail chains and a supplier of food, home care and personal care products **for price collusion in a hub-and-spoke practice**. Companies involved: Auchan, E. Leclerc, Modelo Continente (SONAE Group), Pingo Doce (Jerónimo Martins Group), Unilever.
  - Total fine of €79.9 million to four food retail chains, a supplier of soft drinks and two managers **for price collusion in a hub-and-spoke practice**. Companies involved: Auchan, Lidl, Modelo Continente (SONAE Group), Pingo Doce (Jerónimo Martins Group), Sumol+Compal - Marcas, S.A.
  - Total fine of €41.3 million to the 2045 Group, Comansegur, Grupo 8, Prestibel, Prosegur, Securitas and Strong Charon **for involvement in a bid-rigging cartel active in the provision of surveillance and security services in public tenders**. Ancillary sanction of disqualification of participation in public tenders for 6 months.
  - Total fine of €19.5 million to three food retail chains, a supplier of cosmetics and personal care products and one of its managers **for price collusion in a hub-and-spoke practice**. Companies involved: Auchan, Modelo Continente (SONAE Group), Pingo Doce (Jerónimo Martins Group), Beiersdorf.
  - Total fine of €5.6 million to three food retail chains, a supplier of alcoholic beverages and one of its managers **for price collusion in a hub-and-spoke practice**. Companies Involved: Auchan, Modelo Continente (SONAE Group), Pingo Doce (Jerónimo Martins Group), Active Brands.

- Total fine of €11.3 million to the Portuguese Professional Football League and 31 sports companies participating in the 2019/2020 edition of the First and Second Professional Football Leagues **for having entered into a no-poach agreement This was the first sanctioning decision by the AdC for an anticompetitive agreement in the labor market.**
  - Fine of €2.5 million to Santa Casa da Misericórdia de Lisboa (SCML) **for gun-jumping.** Specifically, for implementing the merger before the notification to the AdC, and therefore before a clearance decision.
  - Fine of €0.35 million to Informa D&B **for involvement in a cartel, through a settlement decision.** Companies involved: Bureau van Dijk (Moody's Group), the first leniency applicant, with full immunity) and Informa D&B.
  - Fine of €0,20 million to Instituto de Telemedicina (ITM) **for participating in a cartel established for the supply of teleradiology services to public hospitals and other public health centers in Portugal.**
  - Fine of €5 million to Dr. Campo Costa, an Unilabs affiliate, **for participating in a cartel established for providing teleradiology services to public hospitals and other public health centers in Portugal.**
  - Fine of €1,25 million to Farmodiética – Cosmética, Dietética e Produtos Farmacêuticas, S.A. **for fixing and imposing retail prices to distributors (Retail Price Maintenance).**
- **5 statements of objections:**
    - In **retail distribution**, for hub-and-spoke. Companies involved: Auchan, Modelo Continente (SONAE Group), Pingo Doce (Jerónimo Martins Group), and the common supplier Johnson&Johnson.
    - In the **payments sector**, for abuse of dominant position. Company involved: SIBS Group.
    - In the **health sector**, for participating in a cartel in public tenders for the provision of teleradiology services to hospitals and hospital centers in Portugal. Companies involved: Affidea Group, Lifefocus Groups, Lifeplus Group.
    - In the **energy sector**, for price fixing and market sharing agreements in public procurement procedures launched by REN (the domestic electricity infrastructure manager) for the supply of cables for electricity transmission. Companies involved: Cabelte – Cabos Eléctricos e Telefónicos, S.A., Quintas & Quintas – Condutores Eléctricos, S.A., Solidal – Condutores Eléctricos S.A.
    - In the **health sector**, against a business association and seven major private laboratory groups for their involvement in a cartel in the Portuguese market for the provision of clinical analysis and COVID-19 tests.

## Merger Control

- **62 cleared mergers.**
- **1 phase II investigation started.**
- **5 new gun-jumping investigations.**
- **30 days: overall average time for analysis of non-complex mergers.**
- **18 pre-notification procedures.**

## Advocacy

**21 opinions and recommendations** on different sectors, including:

- Issues Paper about Competition and Purchasing power in times of inflation.
- Policy Brief on the Defense of Competition in the Digital Sector in Portugal.
- AdC's Recommendation for the elimination of the quota regime in the Legal Framework for ride-sharing transportation (TVDE) in the Autonomous Region of Madeira (Madeira).
- Comments on the Draft Laws that establish the subsidy regime applicable to maritime cabotage between the islands of Azores and Madeira and between these and the mainland.
- Recommendation to the Regional Government of the Azores regarding support in agricultural sector.
- Comments and recommendations to the national legislator on the European Code of Electronic Communications.
- AdC's comments to ERSE (the energy regulator) on extraordinary measures regarding price margins in fuels.
- AdC's comments to ERSE (the energy regulator) on extraordinary measures in the context of the National Gas System.
- Comments on the draft bill transposing the ECN+ Directive.
- Comments and recommendation regarding a draft amendment to the Statute of the Portuguese Bar Association (academic requirements).
- Comments on the Draft Laws regarding public professional associations.

## Communication & outreach

- **Outreach sessions on the Guide for Business Associations.**
- **Outreach session on the Guide of Best Practices in Preventing Anticompetitive Practices in Labor Markets (No-poach).**
- **Presentations of the AdC's strategy for combatting bid-rigging in public procurement.**
- **Presentations in schools on the benefits of competition.**
- Meeting of the **Informal Group on Innovation and Efficiency in Public Procurement**, which includes the AdC.

- **6 webinars and podcasts** on competition law and economics (Chiara Fumagalli, Martin Peitz, Hans Zenger, Pablo Ibáñez Colomo, Iacumba Ali Aiuba, Oles Andriychuk).
- **AdC News:** monthly newsletter in Portuguese and in English.
- **AdC Competition Policy Award 2022:** The selection committee has awarded the AdC Competition Policy Award to Bruno Pellegrino, Assistant Professor of Finance at the University of Maryland's Smith School of Business, for the paper entitled "Product Differentiation and Oligopoly: a Network Approach".

### Main international activity

- Margarida Matos Rosa, President of the AdC, was appointed **Vice Chair of the International Competition Network (ICN)**. In this context, the **ICN Steering Group Statement: "The Role of Competition & Competition Policy in Times of Economic Crisis"** was published and the **ICN's "Competition, Growth and Recovery" workshop** was held.
- Member of the **Steering Group** of the **International Competition Network (ICN)**.
- Member of the **OECD Bureau** of the **Competition Committee**.
- **Bilateral meetings** with the Konkurransetsynet (Norway), the CNMC (Spain) and the ARC Mozambique.
- **Signature of a Cooperation Agreement between the AdC and the ARC Mozambique**.
- Participation in the annual meeting of the **Portuguese-speaking competition network**, hosted by the ARC Angola.
- **Joint statement by the European Competition Network (ECN)** on the application of competition law in the context of the war in Ukraine.

### Recognition

- Winner of the 2022 Antitrust Writing Awards, in the Soft Law category: **Best Practices Guide in Preventing Anticompetitive Agreements in Labor Markets**.
- Nominated for the Global Competition Review Awards 2022 in the category **"Government Agency of the Year"**.
- Rated by GCR in the **Top 20** antitrust agencies for the fifth consecutive year.