



**COMPETITION
POLICY PRIORITIES
FOR 2024**

COMPETITION POLICY PRIORITIES FOR 2024

In 2023, the AdC celebrated 20 years of activity reinforcing its commitment to ensure the efficient functioning of markets and consumers' welfare.

In 2024, the AdC will continue pursuing its mission of promoting and defending competition, supporting economic growth and the well-being of families. The AdC will increase its focus on fighting business practices which are most harmful to competition, on strengthening competition advocacy across all sectors of the Portuguese economy and on keeping up to date with competition policy developments.

Therefore, in brief, the Competition Policy Priorities for 2024 are the following:

Strengthening the **capacity to detect and investigate cartels**, promoting competition law enforcement across all economic sectors

Increasing **scrutiny of potential practices of abuse of dominant position**, thus protecting competition and consumer welfare

Fighting gun jumping practices, not only by raising awareness among undertakings, but also through enforcement, in close dialogue with the European Union

Following developments related to the **digital transition**, increasing international cooperation on the latest legislative and regulatory measures implemented in this field

Focusing on **innovative and advanced forensic IT tools**, as they play an essential role in the investigation of anticompetitive practices

Optimising internal resources, harmonising procedures, and strengthening internal checks and balances, in order to address current challenges more efficiently

In 2024, the AdC will focus on tackling the most harmful anticompetitive practices for the economy and consumers. In line with the AdC's mission of public interest, one of the main goals in 2024 will be the **fight against cartels**.

Promoting competitive markets, with better prices and enhanced economic efficiency, involves not only investigating and sanctioning collusion, but also initiatives for promoting and disseminating good practices, as well as contributing to the improvement of the legal and regulatory framework. Such was the case with the AdC's recommendations to companies on the value chain of consumer goods in times of inflation, published in April 2023¹.

In 2024, the AdC will continue and amplify outreach and advocacy initiatives. In this context, the AdC will organize new sessions with local business communities and citizens within the "20 Years, 20 Cities" initiative, but also strengthen the

¹https://extranet.concorrenca.pt/PesquisAdC/EPR.aspx?IsEnglish=True&Ref=EPR_2023_2

campaign aimed at fighting bid rigging in public procurement. Moreover, the AdC will seek to launch new outreach initiatives focusing in particular on labour markets.

The enforcement activity also takes into account the need to ensure a more robust and coherent defence and promotion of competition in the internal market, one of the goals set out in the ECN+ Directive, transposed by Law No. 17/2022, of 17 of August, which empowers national competition authorities from Member States to be more effective enforcers.

In 2024, the AdC will also have as a priority the **detection, investigation and sanctioning of abuse of dominant position practices**, given its harmful effects on the competition and consumers.

Likewise, merger control is one of the main priorities for 2024. In 2023, there was a significant increase in merger notifications. In this context, there will be a focus on investigating failures to comply with the duty of prior notification, as well as cases of implementation of a merger before the adoption of a non-opposition decision (**gun jumping**), given that these types of behaviours prevent the AdC from assessing the impact of mergers on the functioning of markets.

Also in the area of merger control, and considering the fundamental role of international cooperation and dialogue, in 2024 the AdC will monitor the application of Article 22 of the European Merger Regulation², taking into account the latest developments in the case law and decision-making practice.

In addition, the **development of Artificial Intelligence** in recent years is indisputable. The AdC has been assessing the impact of this new digital environment on the economy and, particularly, on competition policy. In 2023, the AdC published an issues paper on “Competition and generative Artificial Intelligence”, stressing the risks and challenges posed to competition in this sector³.

One of the main priorities of the AdC in 2024 will be the monitoring of trends and developments in the digital sector in order to identify appropriate solutions for the challenges that the digital transition poses to the economy. Furthermore, the AdC also aims to **strengthen international cooperation in this domain**, namely

² Council Regulation (EC) No 139/2004, of 20 January 2004, on the control of concentrations between undertakings (“The EC Merger Regulation”), JO L 24 of 29.1.2003, p.1-22.

³ https://extranet.concorrenca.pt/pesquisAdC/EPR.aspx?IsEnglish=True&Ref=EPR_2023_19

regarding the implementation of European legislation, such as the **Digital Markets Act (DMA)**⁴.

The impact of digitalisation on competition policy is not limited to the functioning of markets and the applicable regulatory framework, but also impacts the functioning of competition authorities. The analysis of digital evidence, alongside an in-depth knowledge concerning algorithms, among other Artificial Intelligence mechanisms, are increasingly important when it comes to competition enforcement.

Therefore, in 2024, one of the AdC's priorities will be to **maximize the use of forensic IT tools** in an integrated and transversal manner, taking into account the various tasks of the agency, by equipping itself with the necessary mechanisms and knowledge to implement new methods of investigation of anti-competitive practices and of detection of non-notified mergers. Such methods, e.g. web scrapping and screening procedures, should be more effective and adequate for gathering relevant data.

The investment in an internal structure characterized by its rigour and excellence also applies to the **internal mechanisms of checks and balances**. This will involve the strengthening of inter-department cooperation and of synergies. In 2024, the robustness of legal and economic procedures will also be combined with the clarity and predictability of such procedures for the public.

In short, in 2024 the AdC will guide its activity by the values of rigour and impartiality, already embedded in the institution, committed to continue promoting competitive markets for the common good.

19 December 2023.

⁴ Regulation (EU) 2022/1925 of the European Parliament and of the Council, of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), JOUE L 265, 12.10.2022, p. 1-66.