

## Competition Policy Priorities for 2020

The Autoridade da Concorrência (AdC) – Portuguese Competition Authority defends competition to the benefit of citizens.

This activity is constant. We investigate more, better and faster in order to be the reference as a public service provider in quality, agility and ability to deliver value to society.

The AdC carries out its mission based on the following values: dedication, excellence, collaboration, responsibility and impartiality.

The AdC acts horizontally across the Portuguese economy, without exception of sectors, in the enforcement and advocacy of competition. By defining priorities<sup>1</sup>, the AdC seeks to target its activity to sectors and cases with the largest impact on society, taking into consideration available resources.

In 2020, the AdC maintains as its priority the detection, investigation and sanctioning of practices which distort the functioning of markets, with a particular focus on cartels. This practice is the most harmful to competition, with pernicious effects on consumers. It is therefore a priority to reinforce the capacity to detect anti-competitive practices, whether it be by the initiative of the AdC, namely making recourse to market information, based on complaints of companies, consumers or other market players or by applications for leniency. The Leniency Program, which provides immunity or reduction from a fine to a company that reports a cartel in which it participates, is a crucial mechanism in the detection of cartels, which are largely secret.

Following the work carried out in 2019 on the impact of digital ecosystems, algorithms and big data on competition, and in particular in the facilitation of anti-competitive practices, in 2020, the AdC will prioritise internal capacity-building in this field, by way of a creation of a dedicated task force. This capacity-building will allow the AdC to more effectively tackle the challenges the digital economy poses to competition policy.

In the scope of its commitment to efficiency and due process, in particular to the legal and economic robustness of decisions, the AdC will maintain its respect for rights of defence, as well as the continuous improvement of its internal procedures of checks and balances. It will also hold as a priority an ever speedier investigatory procedure, so as to

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<sup>1</sup> According to the strategic and operational objectives set out in the Activities Plan for 2020, 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 2020 without any sectoral reference regarding the exercise of its sanctioning powers.

intervene in an ever more timely way to avoid harm to the functioning of the economy and consumers, without compromising legal and economic robustness.

Regarding merger control, the AdC maintains as its priority to be efficient, rigorous and effective in its analysis, contributing to the efficiency of market dynamics.

In 2020, the AdC will continue its intense advocacy activity in the wide range of sectors of the Portuguese economy, in particular those which are structural and those which present greater vulnerability in terms of competition, contributing to the reinforcement of competitiveness and productivity in Portugal.

As such, the AdC will prioritize the dissemination of its recommendations with a view to effective implementation. These recommendations cover diverse economic sectors, including telecommunications, energy, health, infrastructure, transports, liberal professions, environment, among others.

In order to stimulate the benefits of innovation for consumers, the AdC will prioritize the recommendation of measures which eliminate barriers to entry to markets and speedy action against anti-competitive strategies by incumbents.

Also in 2020, the AdC will maintain its priority to engage and explain the benefits of competition by way of communication and transparency with society. The AdC will continue its communications campaigns, targeted to audiences which may be more vulnerable in terms of competition, whether it be in the fight against bid-rigging in public procurement, or in the promotion of competition in the context of business associations. The AdC will also reinforce its activity in consolidating a competition culture in Portugal by way of its open seminars and interaction with the specialized community and society at large through its podcast series and other communications materials.

In terms of transparency and accountability, the AdC will develop its website to include an intuitive and structured access to its enforcement and advocacy activity in anti-competitive practices, merger control, as well as studies, opinions and recommendations.

Lisbon, 23 December 2019

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Reinforce the capacity to investigate and detect *ex officio* anti-competitive practices, namely cartels and other illegal practices among competitors.
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Build capacity within the AdC to tackle new challenges brought by the digital economy to the enforcement of competition law, namely regarding cartels and collusive practices.
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Stimulate innovation through the recommendation of measures that eliminate barriers to and speedy enforcement action against anti-competitive strategies by incumbents.
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Intensify the AdC strategy for public procurement through its advocacy campaigns.
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Strengthen competition conditions in the Portuguese economy by raising awareness of the recommendations of the AdC, promoting their implementation.
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Be speedy, rigorous and effective in merger control, contributing to the efficiency of market dynamics.
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Seek continuous improvement in internal procedures of checks and balances, with respect for due process.
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Reinforce transparency of the AdC's activity by way of improved access to AdC decisions and their respective judicial decisions, and studies, opinions and recommendations.