

AdC Achievements 2019

Competition Enforcement

In 2019, the AdC applied fines totalling **€340.2 million** in **seven sanctioning decisions**, concerning a concerted practice of exchanging sensitive commercial data between banks, a cartel in railway maintenance, a cartel in the insurance sector, an abuse of dominant position in the energy sector and retail price maintenance in food retail distribution. The AdC also accepted **commitments** to mitigate competition concerns in the bakery sector. The AdC carried out **dawn raids in 3 investigations** and issued **5 statements of objections**.

The AdC carried out **2 in-depth merger investigations**, opened 6 investigations into potential gun-jumping and mergers which were not notified to the AdC, issuing **1 statement of objections**.

Investigation and sanctioning of anti-competitive practices

- **7 sanctioning decisions** (concerted practice of exchanging sensitive commercial data between banks, cartel in railway maintenance, cartel in insurance, abuse of dominant position in the energy sector and retail price maintenance in the food retail sector) with **€340.2 million in fines**, and **1 commitment decision** (bakery sector), in a total of 8 decisions for anticompetitive practices.
- Three out of the four cartel decisions in the railway maintenance cartel and in the insurance cartel were issued under the settlement procedure whereby the firms confessed their participation in the cartel and abstained from litigating, increasing the efficiency and effectiveness of the AdC.
- **300 complaints, 3 leniency requests** and **4 cases opened**.
- **Unannounced inspections in 3 cases** (health, waste management and private surveillance sectors – in a total of 15 premises of 19 entities) and **5 statements of objections** (3 in the food retail sector, 1 in the advertising sector and 1 in the telecommunications sector).

Merger Control

- **59 merger decisions** (57 final decisions in phase I and 2 final decisions in phase II).
- **2 in-depth merger investigations**.
- **6 investigations** into potential gun-jumping and failure to notify a merger to the AdC.
- **1 statement of objections**.
- **24 pre-notification procedures**.

Judicial review

- Increase in litigation regarding procedural decisions: in 2019 only, 49 new interlocutory appeals were filed.
- Appeals mostly related to unannounced inspections, search and seizure of evidence, access to file, requests for information and rights of defence.
- On the second semester, there were 16 court appeals regarding 4 sanctioning decisions.
- Settlement procedures in some of the cases allowed to reduce potential litigation.

Competition Advocacy

Studies and Market Monitoring

- Issues paper on digital ecosystems, big data and algorithms.

25 opinions on a wide range of sectors including energy, such as:

- Recommendation on marketing of television rights to football matches;
- Recommendation to Government on liberalization of rail passenger services;
- Opinion to Parliament on the reform of financial supervision.

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 around **2300 participants** since 2016, focusing on sectors with large volumes of public procurement and municipalities (Lisbon and Oporto).
- 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

Communications & Outreach

- **10 open seminars** on topics of competition law and economics at the AdC Abel Mateus Competition Library
- **2 seminars on competition policy and practice with sector regulators and other institutions** carried out to reinforce institutional cooperation
- **6 podcasts CompCast – Competition Talks** with competition experts on topics of competition policy
- Promotion of the podcast series **CompCast – 2 minutes of competition** on the fundamentals of competition rules
- 2nd edition of the **AdC Competition Policy Award** for academic research in competition law and economics
- Greater transparency in competition advocacy by way of further **publication of AdC opinion**

International activity

- The President of the AdC, Margarida Matos Rosa, was appointed a permanent member of the Steering Group of the International Competition Network – ICN, for 2019-2021.
- The AdC and the Comisión Nacional de los Mercados y la Competencia (CNMC) meet in Madrid for the 8th Bilateral Meeting between Competition Authorities of Portugal and Spain to coordinated their investigation and sanctioning activity in the Iberian Peninsula.
- 2 Lusophone Competition Network meetings.
- Memorandum of Understanding between the AdC and the Moroccan Competition Council, promoting the bilateral cooperation and the exchange of good practice regarding competition policy and enforcement.