

AdC Achievements Jan 2020–Jul 2021

Competition Enforcement

A total of €397 million in 9 sanctioning decisions, including disqualification from participation in public tenders.

Investigation and sanctioning of anti-competitive practices

- 9 sanctioning decisions:
 - Cartel in railway maintenance, with a €1.8 million fine imposed and a subsequent disqualification from participating in public tenders in the railway maintenance sector, for a period of two years.
 - Hospital Particular do Algarve fined with €155,000 for acquiring sole control of Hospital de S. Gonçalo de Lagos S.A. without prior notification of the acquisition (gun-jumping).
 - Fine of €3.6 million to APAP (Portuguese Association for Communication and Marketing Agencies) for restraining its associates from freely participating in procurement tenders for advertising services.
 - Fine of €84 million on the telecommunications operator MEO (Altice) for market sharing and price fixing of mobile and fixed telecommunications services with NOWO – Communications.
 - Total fine of €304 million on six large food retail chains, two beverage suppliers, a board member and a director for price fixing of the suppliers' products. The first decision adopted by the AdC concerns hub-and-spoke practice between Modelo Continente, Pingo Doce, Auchan and Intermarché, as well as supplier Sociedade Central de Cervejas (SCC), a SCC board member and a business unit director of Modelo Continente. In a second decision, the AdC fined the same four large food retail chains (Modelo Continente, Pingo Doce, Auchan and Intermarché), as well as Lidl and Cooplecnorte (E. Leclerc), for concerted pricing through spirits supplier Primedrinks.
 - National Association of Land Surveyors (ANT, in Portuguese) sanctioned with €50,000 for restricting competition in the market of land surveying services, by fixing prices for these services.
 - Natus Medical Incorporated fined with €100,000 for restricting competition in the distribution of essential medical devices in the Portuguese market.
 - Blueotter and EGEO sanctioned with a fine of € 2.9 million for implementing a non-compete agreement in the market for the provision of services to waste management systems in Portugal.

- 11 statements of objections:
 - In sports, Portuguese Professional Football League for no-poach
 - In retail distribution, Modelo Continente, Pingo Doce, Auchan and Beiersdorf, for hub-and-spoke
 - In retail distribution, Modelo Continente, Pingo Doce, Auchan and Active Brands, for hub-and-spoke
 - In retail distribution, Modelo Continente, Pingo Doce, Auchan, Intermarché, E. Leclerc, Sumol+Compal and Sogrape, for hub-and-spoke
 - In retail distribution, Modelo Continente, Pingo Doce, Auchan and Bimbo Donuts, for hub-and-spoke
 - In land surveying services, Portuguese Land Surveyors Association, for price fixing
 - In waste management, Blueotter and EGEO, for non-competition agreement
 - In telecommunications, MEO, NOS, NOWO and Vodafone, for cartel
 - In health, five private hospitals and their business association for anticompetitive agreement
 - In security and surveillance services, seven companies for taking part in a cartel in public tenders
 - In real estate fund management, Fidelidade SG0II, for gun-jumping

- 718 complaints received and handled.

Merger Control

- 80 merger decisions, of which one prohibited merger.
- 1 sanctioning decision for gun-jumping.
- 1 statement of objections for gun-jumping.
- 9 investigations for gun-jumping.
- 9 pre-notification procedures.

Competition Advocacy

50 studies and opinions on a wide range of sectors, of which:

- Recommendation on the accreditation procedure of academic programmes in higher education institutions (2020)
- Comments on legislative proposals regarding banking fee limits and on bank fees associated with mortgages and consumption loans (2020)
- Comments to the Portuguese central bank on the National Strategy for Retail Payments (2020)
- Report on loyalty policies in telecommunication services (2020)
- Best practices in awarding public transport service contracts (2021)
- Industry survey of FinTech companies (2021)
- Monitoring of recommendations for the FinTech sector (2021)
- Comments to the Portuguese central bank's draft Banking Code (2021)
- Report on competition on hemodialysis care provision in Portugal (2021)
- Draft Issues Paper and Best Practices Guide on Labour Market Agreements (2021)
- Competition principles for the implementation of the economic recovery strategy (2021)

AdC Strategy for Public Procurement

- Combatting Bid-Rigging outreach initiative aims to raise awareness of the signs of collusion in public procurement and promote more competition-friendly tender design with over 2600 participants since 2016, focusing on sectors with large volumes of public procurement and the main municipalities (Lisbon, Porto, Funchal, Ponta Delgada).
- Direct and full access to the national e-procurement database Portal BASE, implemented through an MoU with IMPIC, the sector regulator.

Communication & outreach

- 26 open seminars/webinars and podcast series *CompCast – Competition Talks* on competition law and economics (Alexandre Barreto de Souza, Philip Marsden, Friso Bostoen, Alexandre de Stree, Ignacio Herrera Anchustegui, Eric Posner, Mike Walker, Colleen Cunningham and Florian Ederer, Pierre Régibeau, Patrick Rey, Christos Genakos, William E. Kovacic, Tommaso Valletti, Oles Andriychuk)
- AdC Competition Policy Award for academic research in competition economics: 2020 edition winner “Killer Acquisitions” (C. Cunningham, F. Ederer and S. Ma); 2021 edition (call for submissions).
- AdC News: monthly newsletter in Portuguese and in English.

Main international activity

- Member of the Steering Committee of the International Competition Network (ICN)
- Member of the OECD Bureau of the Competition Committee
- 2nd bilateral meeting with the French Autorité de la concurrence (Dec. 2020)
- Member of the Portuguese-speaking competition network
- MoU celebrated with the Angolan Competition Authority (ARC) in Dec. 2020
- European Competition Day 2021 in Jun. 2021.
- Portuguese and Spanish Competition Authorities carried out simultaneous unannounced inspections at companies providing commercial and financial information services on businesses for possible anti-competitive behaviour in Portugal and Spain (Jun. 2021)