

Portugal

LEGISLATION

Unfair Trade Practices regime—brought into alignment with competition law—January 2020 implementation

& Competition law; Portugal;
Price discrimination; Refusal to supply; Regulatory bodies; Small and medium-sized enterprises; Unfair commercial practices

The Portuguese Government has recently approved changes to the legal regime of Unfair Trade Practices. This update will enter into force on 1 January 2020 and will markedly change the rules currently in force.

This reform will bring regulation on unfair trade practices more in line with competition law and aims to render the system more efficient and more coherent. In that sense, practices of discriminatory pricing and the refusal to sell goods and services will now be exclusively regulated by competition law and the PCA will be responsible for enforcing them.

Moreover, keeping with trends at EU level, new rules to protect small and medium-sized suppliers have been created with the aim of promoting a more balanced rapport between parties (on pricing matters, on sales conditions, etc.). Finally, ASAE, the public entity responsible for the enforcement of rules against unfair trade practices, will soon be able to order interim measures and periodic penalty payments against prima facie evidence of infringement of unfair trade practices rules.

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