

contracts, as required by the Significant Market Power Act. The Office found that these practices constituted abuses of MAKRO's significant market power on the Czech market.

In light of these facts the Office concluded that MAKRO infringed the Significant Market Power Act and required the said company to pay a fine of approximately CZK 47 million for abuse of its buyer power. In addition, the Office imposed on MAKRO also an obligation to cease the illegal practices and to amend the contracts with the food suppliers within nine months after the decision becomes final and enforceable.

Further, it is noteworthy that the Office has used in this proceedings a settlement procedure that led to a 20% reduction of the fine that would have been imposed upon MAKRO without acknowledgement of its participation to an infringement and co-operation with the Office.

The decision in the MAKRO case is noteworthy as it clearly indicates that the Office is ready to impose deterrent sanctions in case of unfair practices of retailers on the Czech market.

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ANTI-COMPETITIVE AGREEMENTS

Private surveillance sector—unannounced inspections—public procurement—possible bid-rigging

Collusive tendering; Dawn raids; National competition authorities; Portugal; Public procurement; Surveillance

On 18 November 2019, the Portuguese Competition Authority (“PCA”) announced that it had conducted unannounced inspections in the premises of five companies active in the private surveillance sector in the district of Lisbon for suspicions of anti-competitive practices.

Although this investigation is currently under judicial secrecy (which explains why the identity of the companies under investigation was not disclosed), the fact that, according to the PCA'S press release, the case was opened in the context of the campaign “Fighting Bid Rigging in Public Procurement”, suggests that the suspicions might be related with collusion in public procurement.

In the context of this campaign, the PCA has, in November 2017, signed an agreement with the Institute for Public Procurement, Real Estate and Construction, granting the former permanent access to national public procurement databases as of the beginning of 2018. Since public tender procedures are fully processed online, direct access to these databases facilitates detection and presumably makes investigations faster.

Since the beginning of 2017, the PCA has carried out dawn raids in 56 facilities in the context of 22 investigations into a number of economic sectors, namely: tourist river transportation, driving education, distribution and retail, insurance, food industry and advertising associations, telecommunications, and healthcare.

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