

ANTI-COMPETITIVE PRACTICES

Infringement decision—market for land surveying services—price fixing—decision by association of undertakings—settlement procedure—fine

☞ Competition procedure; Portugal; Price fixing; Professional bodies; Settlement; Surveying; Trade associations

Why not settle? A swift closure for the National Association of Land Surveyors' case

On 11 March 2021, the Portuguese Competition Authority ("PCA") adopted a settlement decision with regard to the National Association of Land Surveyors ("NALS"), under which it imposed a reduced fine of €50,000 for price fixing practices in the national market for land surveying services. NALS settled to obtain a fine reduction, having admitted the infringement, collaborated with the PCA and waived its right to judicial litigation. The case was thereby closed less than one year after the opening of the investigation, following a complaint in May 2020.

In line with the Statement of Objections of 11 November 2020, the Portuguese watchdog found that from November 2003 NALS approved and published, on its website, a detailed fee schedule establishing the value of

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remuneration according to a scale used in topographic work and the area associated with the surveyors' activities, as well as other fees to be charged by land surveyors for providing their services.

The PCA considered that such practices constituted price fixing by NALS, given that it had been designed to standardise the prices of services provided by its members (comprising 729 associates who provide, inter alia, surveying services to civil construction and public works in Portugal), thus preventing them from independently setting their fees.

The case is viewed as a success for the PCA, not only for the use of the settlement procedure by NALS—which the PCA has promoted as a way of fast tracking proceedings—but also considering that promotion of competition compliance by business associations was set out as one of the PCA's priorities for 2020. In regard to the latter, in October 2020 the PCA had already closed another case involving infringements by associations of undertakings, having fined advertising services association APAP (*Associação Portuguesa de Agências de Publicidade, Comunicação e Marketing*) €3.6 million for restricting competition in the market.

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