

# Cartels

Enforcement, Appeals & Damages Actions

# 2021

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# Portugal

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## Overview of the law and enforcement regime relating to cartels

The Portuguese competition law, currently adopted by Law no. 19/2012, of 8 May (the “Portuguese Competition Act” or the “Act”), sets forth a general prohibition on cartels and any “*agreements between undertakings, concerted practices and decisions by associations of undertakings which have as their object or effect the prevention, distortion or restriction of competition in the domestic market, in whole or in part*” under its Article 9.

In line with EU rules, specifically Article 101 of the Treaty of the Functioning of the European Union (“TFEU”), Article 9 of the Act comprises a non-exhaustive list of prohibited practices, which includes: (i) direct and indirect fixing of price or other trading conditions; (ii) limitation of production, markets, technological development or investment; (iii) share of markets or sources of supply; (iv) application of distinct conditions to equivalent transactions with trading parties; and (v) the conclusion of contracts conditional upon the acceptance of supplementary obligations unrelated with the subject of such contracts.

The Portuguese Competition Act is further developed by a number of instruments issued by the Portuguese Competition Authority (the “PCA”), on leniency policy, investigation procedures and fining methodology.

The PCA is the national competent authority for the enforcement of EU and national competition law and policy in Portugal, having the nature of an administrative independent body enjoying administrative, financial and management autonomy. It has jurisdiction over any infringement of EU and/or national competition rules having effects in the Portuguese territory, even if conducted outside thereof. Its decisions may, in most circumstances, be appealed to the specialised Competition, Regulation and Supervision Court (the “Competition Court”).

Even though competition law infringements do not constitute criminal offences under Portuguese law, the investigation of anticompetitive wrongdoing follows a procedure inspired by *quasi*-criminal and criminal procedures (as will be further detailed below), both of which are applicable on a supplementary basis. Therefore, competition infringements are punishable with severe penalties, most notably fines of up to 10% of the undertaking’s turnover in the preceding financial year.

## Overview of investigative powers in Portugal

The Portuguese Competition Act, namely its Articles 18 to 20, grants the PCA a wide range of investigative powers, relating to inquiry, search and seizure, which are similar in nature to the powers of the European Commission under Regulation 1/2003.

All undertakings and natural persons are bound to cooperate with the PCA, whether they are being investigated or are third parties. This duty encompasses the obligations to timely reply to requests for information, and to produce relevant documents if required by the authority. Failure to cooperate with the PCA can amount to obstruction of a public authority investigation, a criminal offence under Portuguese law. Furthermore, failure to reply to a PCA's request for information or providing false, inaccurate or incomplete information may also qualify as a minor competition law offence, punishable with a fine of up to 1% of the undertaking's turnover. This was applied by the PCA in three cases regarding CP Carga, Ford Lusitana and Peugeot Portugal (all in 2015), where fines of up to €150,000 were imposed for alleged infringement of these companies' cooperation duty.

The PCA is legally entrusted with the power to conduct unannounced search-and-seizure procedures at the premises of undertakings ("dawn raids"), provided that a judicial warrant to the effect has been issued in advance by the competent court or other competent judicial authority. In some circumstances, the judges must also be present during dawn raids, namely if the inspected undertaking or association of undertakings is likely to hold sensitive personal information (e.g. financial institutions). Should the PCA find it necessary, it may require the police to accompany its officials during dawn raids.

During dawn raids, the PCA may examine, collect and seize copies of all types of information, including accounting data, regardless of the support in which they are stored. If deemed necessary for obtaining evidence, such powers extend not only to the premises of the undertaking concerned, but also to all its property and means of transport. Documents protected by legal (and likewise medical) privilege cannot be analysed nor seized by the PCA, except if they are the object of the infringement.

Within the context of a dawn raid, the PCA may also ask the undertaking's staff or representatives for clarifications and to carry out oral interviews to them, being bound to reply truthfully on the spot.

The PCA also has the power to seal off the premises of undertakings if evidence is (or is likely to be) stored, but only during the period and to the extent strictly necessary.

Likewise, should the PCA have well-substantiated indication that evidence of a serious competition infringement is being held at the homes of partners, directors, workers or collaborators of an undertaking, it may carry out inspections at such locations, which must be previously authorised by a judicial warrant, and a judge responsible for procedural safeguards must be present during the search.

Failure to cooperate with the PCA during a dawn raid may also amount to a competition offence, punishable with a fine of up to 1% of the undertaking's turnover and may also amount to criminal liability for obstructing a public authority investigation.

The PCA investigative powers are expected to be further reinforced after the implementation of the ECN+ Directive, which is due to take place within the first part of the year 2021 (see below).

### **Overview of recent cartel enforcement activity**

The PCA has been quite active with regard to cartel enforcement in Portugal in the last few years. The last annual activity report published by the PCA refers to the year 2019, in which the authority registered an intense cartel enforcement activity.

In fact, the PCA imposed a record total of fines of €340.2 million in seven proceedings (surpassing the total amount of fines imposed by it since the beginning of its activity in 2003), of which four related to price fixing practices in a variety of sectors (for instance,

insurance and infrastructure), as well as a decision regarding the exchanging of sensitive information of credit products between 14 undertakings in the banking sector, resulting in a fine of €225.2 million. Notably, three out of the four cartel decisions issued were settled. While 2020 was an uncommon year due to the outbreak of the COVID-19 pandemic – which determined generalised lockdown periods involving remote working for public and private entities – the PCA maintained its activities, proceeding with the investigation and prosecution phases in several ongoing cases. The PCA issued Statement of Objections (“SO”) towards undertakings in six different proceedings and reached two final decisions imposing fines, in the telecom and retail sectors, one of which referring to six large retail chains, in the total amount of €304 million, comprising the largest fine ever imposed by it on a single undertaking in a competition case in Portugal of €121.9 million to Modelo Continente (one of the largest food retail chains in Portugal).

In fact, the retail and telecoms sectors seem to be in the PCA’s spotlight, considering that, in addition to the two fines, four of the SOs issued in 2020 relate to alleged price fixing practices between supermarket chains and its suppliers (namely suppliers of pre-packaged bread, cakes, non-alcoholic beverages and juices, wine and alcoholic drinks, cosmetics and other personal care products), and another regarding to telecoms operators.

The food retail cases allegedly have elements of hub-and-spoke practices. According to the PCA, instead of communicating directly with each other, the retailers used contacts with common suppliers to align their retail prices in the market, thus restricting competition. In addition to the referred SOs and sanctioning decision, the PCA conducted a dawn raid in the Autonomous Region of Madeira, during October 2020, following suspicions of concerted behaviour in the food-based retail sector in that region.

With regard to the telecom sector, the PCA issued a SO to the four Portuguese telecom operators, accusing them of limiting competition in advertising on the Google search engine. In addition, the Authority also adopted a final prohibition decision imposing a fine of €84 million on the telecom operator MEO for allegedly fixing prices and sharing markets with competitor NOWO under the mobile virtual network operator (“MVNO”) contract between the two. The later applied for leniency and was exempted from the fine.

Finally, following a complaint made in May 2020, the PCA opened a price fixing investigation on the National Association of Land Surveyors. This entity allegedly published on its website, from November 2003 onwards, detailed prices and fees, to promote standardisation in the activity of land surveying developed by its 729 members, which is essential to civil construction, public works and other sectors. The PCA closed the case in March 2021, sanctioning the association with a reduced fine of €50,000, following a settlement procedure.

### **Key issues in relation to enforcement policy**

In 2020, one of the main priorities of the PCA was to maintain its level of activity in relation to the detection, investigation and sanctioning of cartel practices, either by the authority’s own initiative or through leniency applications.

As the negative effects of the COVID-19 pandemic continue to take its toll in the Portuguese economy, the PCA has set forth, in its 2021 enforcement policy priorities, that it will be focusing on protecting firms and consumers from being exploited in the context of the COVID-19 situation, as well as promoting economic recovery by consolidating its investigation practice. Additionally, the authority seeks to reinforce recommendations aimed at eliminating unnecessary barriers to corporate and professional initiative in order to contribute to the reduction of unemployment.

Considering that eCommerce has been playing a crucial role during these unusual pandemic times as several markets have been obliged to focus on digitalisation, the PCA is intending to be particularly vigilant of price fixing or market-sharing practices in the digital sector, namely through its new interdepartmental digital task force.

Finally, the PCA has set forth its commitment to enhance efficiency and due process, particularly when considering legal and economic robustness of its decisions, as well as improving its internal procedures and conducting swifter investigations, in order to intervene timely and to minimise harm to the economy and consumers, without compromising the legal and economic frameworks.

### **Key issues in relation to investigation and decision-making procedures**

The PCA may learn of a potential competition law infringement by its own motion (*ex officio*), through third-party complaints or through leniency applications.

In any of these cases, the Portuguese competition procedure is divided in two stages: i) investigation; and ii) prosecution.

During the investigation stage, the PCA is due to investigate the existence of an infringement and collect the necessary evidence, namely through dawn raids and information requests to the investigated undertakings. This stage has an 18-month provisional duration, since the Authority is free to extend this deadline, subject to informing the investigated undertakings in advance. Undertakings are not granted access to file during this stage every time it is protected by investigation secrecy. However, the PCA generally submits the documentation seized during the investigation stage to the proprietary undertakings for the purposes of identification and treatment of confidential information. Issues relating to confidentiality have led a considerable amount of litigation over the years.

At the end of the investigation stage the PCA is due to either: i) issue a SO; ii) close the case; iii) close the case through a settlement decision; or iv) close the case through a commitments' decision.

The prosecution stage starts at the moment the PCA issues a SO, in which it gives defendants a certain deadline to reply.

The PCA is due to close the prosecution stage within 12 months but it is free to extend this time limit, provided that the investigated undertakings are informed of the extension. Additional evidence gathering measures may be promoted at the Authority's initiative at this stage, which may lead to the issuing of a new SO, in cases where such measures determine a material change to the initial charges.

By the end of this stage, the PCA is bound to either: i) issue a final decision declaring the existence of an infringement; ii) impose a sanction under the settlement procedure; iii) issue a commitments decision, closing the case pursuant to conditions imposed; or iv) close the case without the imposition of any conditions. Undertakings can appeal the decision of the PCA to the Competition Court within 30 working days.

### **Leniency/amnesty regime**

The Portuguese Competition Act provides for a leniency programme, which has been implemented in similar terms to that of the European Commission. While leniency is substantially governed by the Act, at a procedural level, a significant part of the rules is set forth in PCA's Regulation 1/2013, and further explained in its Leniency Guidelines.

It is well-acknowledged that the leniency programme has constituted a very relevant tool

for cartel detection since its creation, as many of the ongoing and recent cartel cases have reportedly started with a leniency application. Therefore, the PCA wishes to further develop the use of its programme and has actively engaged in its promotion to stakeholders in the few last years.

Under the Portuguese leniency programme, both undertakings and individuals (i.e. directors, managers and persons holding equivalent positions in the business units involved in the cartel) can be granted immunity from fines as long as they are the first to provide the PCA with information allowing it either to conduct a dawn raid or to find the existence of a competition law infringement, as long as, at that moment in time, the PCA did not already hold enough information to carry it out or to find such anticompetitive practices without it.

Leniency applicants are further required: i) to fully and continuously cooperate with the PCA, most notably by supplying it with all the information in their possession and promptly replying to all its information requests, and by refraining from destroying evidence and from revealing the existence of the leniency claim; ii) to put an end to its participation in the cartel – unless otherwise required by the authority; and iii) not to have coerced other undertakings to participate in the cartel.

Undertakings failing to qualify for immunity from fines can still be granted a fine reduction under the leniency programme, provided that they: i) convey to the PCA information and evidence with significant added value for the investigation; and ii) cooperate with the PCA's investigation and terminate its participation in the cartel – unless otherwise required by the PCA. Not all undertakings providing information and evidence with significant added value for the investigation will be rewarded equally. The first undertaking submitting information of such kind will be eligible for a reduction of the amount of its fine between 30% and 50%, the second between 20% and 30% and the subsequent undertakings of up to 20%. In the case of leniency applications submitted after the issuing of a SO, the aforementioned ranges for fine reduction are reduced by half.

### **Administrative settlement of cases**

Similarly to EU Competition Law, the Portuguese Competition Act sets forth a settlement procedure where the investigated undertakings may acknowledge responsibility for an infringement and renounce their right to judicial review in exchange of a fine reduction.

The procedure is initiated by settlement discussions between the PCA and the investigated undertaking, which may be triggered by either party in both the investigation and prosecutions stages of the proceedings (i.e. before or after a SO has been issued). During settlement discussions, the investigated undertaking is granted early access to the information at the PCA's disposal in order to prepare a written settlement submission which must mirror the settlement discussions held. It is worth noting that the Portuguese Competition Act expressly precludes third-party access to settlement submissions, unless express consent is given by the undertaking submitting them.

Should the settlement conversations succeed, and the case proceed to a settlement decision, the investigated undertaking will be given a reduction on the amount of the fine. Unlike EU Competition Law, there is not an amount of fine reduction set forth in the Portuguese Competition Act.

A further tool to fast-track cases at the PCA's disposal is the possibility to close cases subject to the presentation of commitments by the investigated undertakings, but not state the existence of a competition law infringement. In order to ensure transparency of the decision-making procedure, commitments decisions must be notified to both the complainant



and the competent sectorial regulator as well as be subject to a public consultation, the latter consisting in a period of at least 20 working days during which third parties may submit observations.

It is up to the PCA to monitor undertaking's compliance with the commitments. Failure to comply with the commitments constitutes an offence punishable with a fine of up to 10% of the undertaking's annual turnover. Likewise, in the two years following the adoption of a commitments decision, the PCA may reopen the case should: i) a substantial change in the facts that led to the decision occur; ii) the commitments not be complied with; or iii) the decision prove to be based on false, inaccurate or incomplete information.

The PCA seems more willing than ever before to make use of the administrative tools to fast-stream cases, especially settlements. An interesting trend to point out is some hybrid settlement cases that are now pending in the Competition Court.

Both settlements and commitments decisions can be adopted either in the investigation or prosecution stages of the proceedings (i.e. before or after an SO is issued).

### **Third-party complaints**

Complaints are an important tool for the PCA to become aware of the occurrence of anti-competitive practices. Indeed, and by way of an example, during 2019 the Authority received a total of 300 complaints. The PCA created an online complaints portal in 2017, and has encouraged its use specifically in the context of COVID-19, when most of public and private entities are working remotely.

Under the Portuguese Competition Act, the PCA is not obliged to open an investigation for every complaint received, rather being solely obliged to keep a complete record of all of them. Complaints may, and often do, lead to formal investigations, provided that the PCA considers there are sufficient indications of the existence of an infringement and the case fits its enforcement priorities.

In fact, the PCA is oriented by an opportunity principle (Article 7 of the Act), which determines its capacity to choose whether or not to pursue a case (namely a complaint) on the basis of the public interest pursued and, specifically, considering its competition policy priorities, the seriousness of the alleged infringement, the likelihood of proof and the extent of the investigative measures required to obtain it.

Should the PCA decide not to open a formal investigation, the complainant is granted no less than 10 working days to submit its observations on the PCA's draft decision. In case the complainant has submitted observations but the PCA decides not to open an investigation, the former is entitled to appeal the PCA's decision to the Competition Court.

In case the PCA decides to go for a formal investigation, complainants are granted limited procedural rights in the procedure; notably they are given the chance to submit observations to the PCA's intention to close the case during the investigation stage. If they do submit observations and the PCA nonetheless decides to close the case, complainants may appeal the PCA's decision to the Competition Court.

### **Civil penalties and sanctions**

Undertakings found to have participated in a cartel are subject to severe penalties under the Portuguese Competition Act. Indeed, each undertaking found to be part of the cartel faces a fine of up to 10% of its turnover in the financial year preceding the imposition of the fine. It is worth noting that the Portuguese Competition Act explicitly establishes the single economic



doctrine, determining that parent companies may find themselves liable for an infringement committed by one of their subsidiaries. It must be noted that directors, managers and persons holding equivalent positions in the business units involved in the cartel may also be subject to a fine of up to 10% of their annual income in the undertaking concerned in the last full year. The exact amount of a given fine is dependent on several factors, notably the seriousness and the duration of the infringement, and is to be calculated in accordance with the PCA's Guidelines on fining methodology of 2012. The PCA's Guidelines establish that the calculation of the amount of a given fine shall take into account the turnover of the undertaking in the market(s) affected by the infringement during its duration. Experience shows that as a result of the application of the said methodology, fines imposed on different undertakings part to one same cartel often vary significantly.

In the case of associations of undertakings, it is worth noting that fines can be imposed: i) exclusively on the association; ii) on both the association and its members; or iii) exclusively on its members. Should penalties be imposed on an association of undertakings, the amount shall not exceed 10% of the joint turnover of all the associated undertakings. The undertakings who were members of the associations' corporate bodies at the time of the infringement are jointly responsible for the fine imposed on the association, except if they have declared in writing their opposition to the conduct that constitutes the infringement. Should fines be imposed on the members of the associations the above mentioned 10% cap of each undertaking's turnover applies. Finally, it bears emphasis that, should fines be imposed on both the associations and their associates, the *non bis in idem* principle must be complied with.

The Portuguese Competition Act provides for the following ancillary penalties for undertakings found to have infringed competition rules: i) the publication of an extract of the decision imposing a sanction stating the applied penalty in the official gazette and in one if the newspapers with the highest circulation in the relevant geographic area (national, regional, or local); and ii) should, the infringement be connected with public procurement, restricting the undertaking's participation in public tenders for up to two years. This last sanction was applied for the first time in 2019 in a case regarding anticompetitive practices relating to railroad maintenance public tenders.

The Authority may also impose behavioural or structural remedies in its infringement decisions.

Experience demonstrates that in most cases the PCA will issue a decision imposing a fine on the undertakings investigated, either in a final infringement decision or via settlement procedure.

Considering the PCA's track record regarding 2019 and 2020, the total amount of fines imposed on undertakings, specifically in cartel cases, has experienced an exponential increase in the last few years. Indeed, in these last years, the PCA has consistently been setting new records regarding the biggest individual fines imposed, to date, on a single undertaking, the last time being in the Food Retail Cartel, in 2020.

### **Right of appeal against civil liability and penalties**

In the context of competition investigations, undertakings may appeal both interlocutory decisions of the PCA as well as the final decision imposing fines and/or remedies.

Appeals of interlocutory decisions are common in cartel investigations and often regard subjects such as access to file and identification of confidentialities. Despite not being

expressly provided for by the Portuguese Competition Act, the application of subsidiary rules determines that undertakings have 10 days counting from the date they are notified of the PCA decision to submit their appeal to the Competition Court. The ruling of the Court can further be appealed to the Lisbon Court of Appeals, but only with regard to law issues.

Undertakings may also appeal to the Competition Court of the decisions of the PCA imposing fines (i.e. final decisions), within 30 working days from the date they were notified of the decision. In appeal, the Competition Court has full jurisdiction over the PCA's decisions. The Competition Court may also annul the decision, as well as reduce or increase the amount of a fine. Its rulings can be appealed to the Lisbon Court of Appeals, acting as a court of last instance, which is limited to law issues.

While the Portuguese Competition Act currently establishes, as a rule, that appeals do not suspend the implementation of fines and other sanctions, it also allows some exceptions to that rule. The first refers to PCA's decisions imposing structural remedies, which have suspensory effect. The second consists in situations where suspensory effect is required by the undertaking, who must prove that the execution of the decision would cause serious harm and simultaneously provide a guarantee.

The constitutionality of the provision regarding non-suspensive effect of appeals has been brought up to the Portuguese Constitutional Court on a few occasions, leading to some conflicting rulings on the matter. The dispute was settled in a 2019 ruling where the plenary section of the Court finally concluded that such provision does not breach Portuguese constitutional law.

### **Criminal sanctions**

Under Portuguese Law, cartels and other prohibited anticompetitive practices are considered administrative offences and are not criminal offences. As previously noted, these infringements are sanctioned by fines up to 10% of the turnover of each undertaking involved in the infringement as well as other ancillary sanctions.

### **Cooperation with other antitrust agencies**

The PCA cooperates at EU and international level with several other competition law enforcers either under cooperation organisms or bilateral agreements.

The PCA is a member of the European Competition Network ("ECN"), which integrates national competition authorities in the EU as well as the European Commission. Cooperation within the ECN is intended to be facilitated and increased following the implementation of the of the Directive 2019/1/EU (the "ECN+ Directive"), which introduced a mutual assistance mechanism, standardising the cooperation procedure with regard to investigation and sanctioning of anticompetitive practices.

The PCA is also part of the International Competition Network, integrating competition authorities from around the world, as well as the Lusophony Competition Network, a cooperation network between the competition enforcers of a number of Portuguese-speaking countries including Angola, Brazil, Cape Verde, East Timor, Guinea-Bissau, Mozambique, Portugal, and São Tomé and Príncipe.

On a bilateral basis, it is worth noting the cooperation with its Spanish counterpart, the *Comisión Nacional de los Mercados y la Competencia*, namely through the Iberian Competition Forum, which meets on a regular basis.

## Cross-border issues

Under EU Competition Law as well as the Portuguese Competition Act, the PCA may jointly apply national and EU rules, namely by finding that certain anticompetitive practices also constitute an infringement of Article 101 TFUE.

Furthermore, the Portuguese Competition Act applies to anticompetitive practices either taking place in the Portuguese territory or that may have effects in a part thereof, which determines that it may investigate practices originated in other Member States. However, the PCA's decisional practice on cartels seems to suggest that the PCA restricts its investigations to conducts occurring in Portugal.

## Developments in private enforcement of antitrust laws

Private enforcement actions in Portugal are expected to largely increase following the implementation of Directive 2014/104/EU ("Private Enforcement Directive"), by Law no. 23/2018, of 5 June ("Private Enforcement Act").

While damage actions follow the general terms of the Portuguese Civil law, thus being already admissible prior to the implementation of the Private Enforcement Directive, private competition litigation was reportedly very limited, being typically used as a defence in cases pertaining to the validity of agreements containing anticompetitive practices. The highest profile case prior to the Private Enforcement Act is the (then unprecedented) class action brought by the Portuguese Observatory for Competition against SPORT TV, a Portuguese premium sports TV channel. While the class action was brought on after SPORT TV had been sanctioned by the PCA for abusing its dominant position by applying discriminatory conditions to pay-TV operators, it refers to a wider range of anticompetitive practices, allegedly leading to an artificial increase in prices and exclusion of consumers, and a longer period of time. The class action has been admitted by the Lisbon Court of Appeal in December of 2018 and is still pending judgment.

The Private Enforcement Act, in line with the directive, confers the value of non-rebuttable presumption to the final decisions of the PCA finding an infringement of competition, with regard to the existence, nature, duration and scope of the anticompetitive practices concerned. In view of this presumption, and solely with regard to follow-on cases, damages applicants are only required to prove the existence of damages and the causal link between such damages and the restrictive conduct. Nonetheless, the Private Enforcement Act further establishes a rebuttable presumption of harm with regard to cartels.

In addition to follow-on damage claims, the Private Enforcement Act also allows standalone actions, initiated independently of or prior to a final decision of the PCA (or any other competition authority) finding a competition infringement. However, in such cases, the claimant must demonstrate all requirements regarding civil liability, namely in what regards the existence of an illicit conduct under the Portuguese Competition Act, the imputation of said conduct to the undertakings concerned, the existence of damages and the causal link between the damages and the illicit conduct.

The Private Enforcement Act also expressly sets forth the possibility of damage claimants bringing on class actions ("*ações populares*"), allowing a wider legal standing for the representation of such damage actions by any associations or foundations defending consumer's rights, as well as associations of undertaking whose associates were affected by the anticompetitive practices, which must follow an opt-out model.

Finally, the Competition Court was conferred competence to rule on any damage actions regarding competition infringements.

Since the adoption of the Private Enforcement Act, there have been at least two damages class actions brought on before the Competition Court. The first, *Ius Omnibus v. Mastercard*, refers to total damages calculated at €400 million which have been allegedly incurred by Mastercard users in Portugal as a result of anticompetitive practices for limiting merchants' access to cross-border card payment services, which were sanctioned by the European Commission in 2019. The second case, *Ius Omnibus v. Superbock*, which also regards total damages around €400 million, is related to minimum retail price fixing practices by Superbock, as sanctioned by the PCA in its decision of 2019. Both cases are still pending.

### **Reform proposals**

The Portuguese Competition Act is expected to be shortly revised in the context of the implementation of the ECN+ Directive.

The PCA produced a first draft of the implementing measures, including a revision of the Portuguese Competition Act as well as other legislation, which was submitted to a public consultation at the end of 2019. The result of the participation in the public consultation was published in a report available on the PCA's website and ultimately lead to the submission of a proposal for the implementation of the ECN+ Directive to the Portuguese Government, in March 2020.

The proposal generally reinforces the investigative powers of the PCA and clarifies and amends certain procedural rules, namely those regarding access to file, limitation period and appeals, and introduces a mutual assistance mechanism between the national competition authorities integration the ECN, as provided for by the ECN+ Directive. However, this proposal is currently under review by the Portuguese Government and may still be subject to several changes during the legislative process.



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**Fintech**

**Fund Finance**

**Initial Public Offerings**

**International Arbitration**

**Litigation & Dispute Resolution**

**Merger Control**

**Mergers & Acquisitions**

**Pricing & Reimbursement**