

PORTUGAL'S COMPETITION AUTHORITY INCREASING ENFORCEMENT EFFORTS

Posted on 18/10/2018



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AdC has been 'extremely aggressive' with regard to anti-trust enforcement in recent years due, in part, to a determined board that is targeting small businesses as well as large companies

The Portuguese Competition Authority (AdC) has stepped up its enforcement efforts since the appointment of Margarida Matos Rosa as president two years ago, says Ricardo Oliveira, partner at PLMJ.

According to Oliveira, the AdC is more focused than ever on anti-trust enforcement, and has been "extremely aggressive in this arena over the last couple of years." He adds: "This has generated plenty of opportunities for law firms." Oliveira believes that more effective staffing and increased resources have contributed, in part, to this change in approach, but he says it is mainly due to the determination of the people in charge.

Oliveira says that the current board has a "lot of drive". He adds that the AdC is not solely focused on large companies, and that it extends its reach to smaller operations. "We've had cases of companies of relatively small dimension getting caught infringing competition law," he says. In this environment, a significant concern for clients is ensuring they have the ability to predict when they might be at risk of non-compliance. Oliveira believes that, although this is still a challenge, there is a greater degree of certainty in the market. "Both at EU, and more broadly, at an international level there has been, for some time, a drive aimed at ensuring the harmonisation of ways of proceeding in certain situations," he says. "It's increasingly more consistent across countries and this provides greater predictability for clients."

Clients are responding by updating their compliance programmes, which had become less of a priority during the recession. "Compliance programmes got shelved at one point due to the recession and the euro crisis, when resources got redirected to issues that were more immediately pressing," Oliveira says. "The situation has significantly changed and competition compliance is now at the top of the agenda."