Portugal: New Competition Act published


Three main goals have been pursued with the legislative reform:

(a) To increase legal certainty and predictability of competition enforcement;
(b) To harmonise Portuguese competition law with EU law and international best practices; and
(c) To increase the effectiveness of the Portuguese Competition Authority (PCA)’s competition enforcement and advocacy actions.

The Competition Act also establishes greater autonomy from the Portuguese Administrative and the Penal Procedural Laws, by way of specific procedural rules, namely regarding powers of inspection in antitrust enforcement.

Seeking to converge further with EU law, the Competition Act provides for the possibility of priority setting, new procedural tools in antitrust enforcement, such as commitments and settlements, reinforced investigative powers, including the possibility of inspections in private homes, as well as a new merger control test and a more harmonised leniency regime, among others.

The legislative review was carried out within the framework of the implementation of the measures foreseen in the Memorandum of Understanding signed between the Portuguese Government and the IMF/ECB/EC (measure 7.19 ii).

The approval of the new Competition Act is also part of a broader reform of the Portuguese competition legal framework, which has led to the creation of the new specialized Court on Competition, Regulation and Supervision.

The new Law will enter into force on 7 July 2012, 60 days after publication.

See Law No. 19/2012, of 8 May (in Portuguese)