

The Modernisation of the European Competition Law First Experiences with Regulation 1/2003

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I. Implementation of Regulation and other adaptations of national law

Preliminary remarks by the national “rapporteurs”

The Portuguese Report of the 2004 FIDE Congress (in Dublin) considered in detail the innovations introduced by the new Portuguese Competition Act (Law 18/2003, of June 11) and the new Portuguese Competition Authority *Autoridade da Concorrência* (hereinafter “Authority”) as created by Decree-Law 10/2003, of January 18, both of them landmarks of the recent competition law environment in Portugal. Therefore, the current national “rapporteurs” answers to the questionnaire put forward by FIDE in 2008 refer to the explanations presented in 2004 as concerns the above-referred innovations of the Portuguese Competition Act and features of the Portuguese Competition Authority, mentioning when necessary, the amendments introduced in the meantime.

In this context, it is important to note that there is no detailed public information on this specific subject-matter of Implementation of the Regulation. In reality, unlike what happens with the Authority’s decisional practice on merger control, the Authority’s website does not contain detailed information on restrictive practices but only concise Press Releases on its decisional practice,¹ the latter being summarized in the Authority’s monthly Newsletter.²

Most of the information available is referred to in the Authority’s three Annual Report of Activities published until now (2003 to 2005) – which refers only the most relevant cases according to the Authority – and in the Authority’s annual report on Competition Policy Developments in Portugal presented to the Organization for Economic Co-Operation and Development (“OECD”).³ Also relevant as regards the Authority’s main goals for the future are the Plan of Activities for 2006 and the

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¹ See http://www.autoridadedaconcorrenca.pt/proc_dec/outros.asp

² This monthly newsletter is free of charge and sent via email to anyone that may wish to receive it.

³ For the present purposes, the most relevant are the Authority’s annual reports submitted to the OECD Competition Committee and concerning the periods between 1 July 2004/30 June 2005 and the following one (http://www.oecd.org/infobycountry/0,3380,en_2649_37463_1_70732_119687_1_-37463,-00.html).