
European and Competition Law

Legal Flash | Portugal

March 6, 2020



Portuguese Competition Authority applies for the first time an accessory sanction that disqualifies companies from participating in public tender procedures



Portuguese Competition Authority applies for the first time an accessory sanction that disqualifies companies from participating in public tender procedures

On March 4, 2020, the Portuguese Competition Authority (the “AdC”) announced that it had adopted the last two infringement decisions in the investigation it started in 2016 against five providers of railway maintenance services. It imposed fines of €3.4 million on the five companies involved, as well as on five of its board members and directors, for allegedly engaging in an anticompetitive practice known as “bid-rigging”.

In this case, there were already three infringement decisions following settlement procedures, where the fines were reduced to €1.6 million. In its new decision, the AdC sanctioned the remaining two companies involved, imposing fines amounting to €1.8 million.

The main innovation of this decision is the AdC’s application of an accessory sanction that disqualifies, for a two-year period, these two companies from participating in public tender procedures relating to the products and services on which the infringement decision was based.

Although this is first time the AdC has used this sanctioning mechanism, it is likely to use it more in the future, just as it has started imposing fines on individuals for infringing competition rules, namely on companies’ board members and directors.



Contacts

Cuatrecasas, Gonçalves Pereira & Associados,
Sociedade de Advogados, SP, RL
Sociedade profissional de responsabilidade limitada

Lisboa

Praça Marquês de Pombal, 2 (e 1-8º) | 1250-160 Lisboa | Portugal
Tel. (351) 21 355 3800 | Fax (351) 21 353 2362
cuatrecasasportugal@cuatrecasas.com | www.cuatrecasas.com

Porto

Avenida da Boavista, 3265 - 5.1 | 4100-137 Porto | Portugal
Tel. (351) 22 616 6920 | Fax (351) 22 616 6949
cuatrecasasporto@cuatrecasas.com | www.cuatrecasas.com

For additional information on the contents of this document, please contact Cuatrecasas.

© Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL 2020.

The total or partial reproduction is forbidden. All rights reserved. This communication is a selection of the news and legislation considered to be relevant on reference topics and it is not intended to be an exhaustive compilation of all the news of the reporting period. The information contained on this page does not constitute legal advice in any field of our professional activity.

Information about the processing of your personal data

Data Controller: Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL (“Cuatrecasas Portugal”).

Purposes: management of the use of the website, of the applications and/or of your relationship with Cuatrecasas Portugal, including the sending of information on legislative news and events promoted by Cuatrecasas Portugal.

Legitimacy: the legitimate interest of Cuatrecasas Portugal and/or, where applicable, the consent of the data subject.

Recipients: third parties to whom Cuatrecasas Portugal is contractually or legally obliged to communicate data, as well as to companies in its group.

Rights: access, rectify, erase, oppose, request the portability of your data and/or restrict its processing, as described in the additional information.

For more detailed information on how we process your data, please go to our [data protection policy](#).

If you have any questions about how we process your data, or if you do not wish to continue receiving communications from Cuatrecasas Portugal, we kindly ask you to inform us by sending a message to the following email address data.protection.officer@cuatrecasas.com.