



EU AND COMPETITION LAW

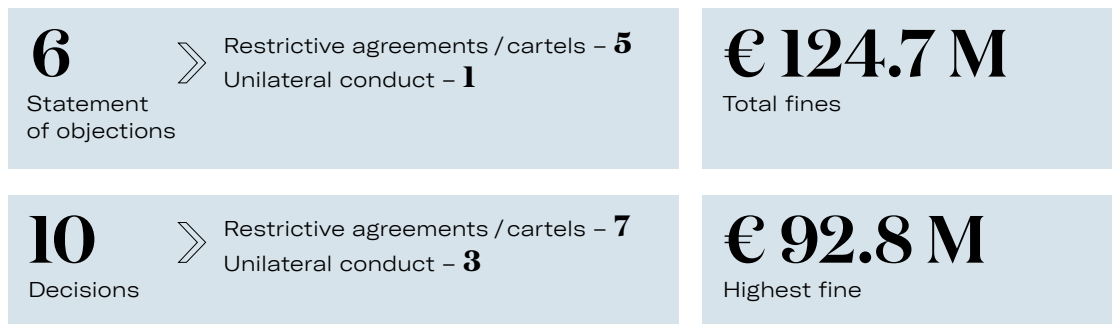
# Key Developments in Portuguese competition law – 2021

Some facts and figures that set out the landscape of merger control, antitrust enforcement and competition litigation in Portugal in 2021.

## Merger control



## Antitrust enforcement



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### Hub-and-spoke

In 2021, the PCA's enforcement activity continued to focus on its expansive investigation into alleged hub and spoke infringements. In 2021, the Authority issued two such infringement decisions and closed proceedings in respect of a third hub and spoke investigation.

### Competition Court judgments

In 2021, the Competition Court,

- Upheld in its entirety the PCA's decision to fine national brewer **Super Bock €24 million** for re-sale price maintenance; and
- Upheld the PCA's decision to sanction the **Portuguese Association of Driving Schools** for price fixing but **reduced the respective fine from €413,776.71 to €200,000**. Upon appeal, the Lisbon Court of Appeal, increased the reduction of the fine by the Competition Court to **€320,000**. This is the first time the Court of Appeal has increased a fine reduction subsequent to a judgment by the Competition Court.

### Private enforcement of competition law

#### Class Actions

Following last year's trend, in 2021 Ius Omnibus continued to file several class actions that seek very large damages awards:

- **Ius Omnibus v. Daimler/Mercedes-Benz and Ius Omnibus vs. Stellantis/Fiat Chrysler**: This class action seeks damages for owners of Mercedes Benz's light vehicles of **at least €4200 per vehicle**, and of **at least €7702 per vehicle** for owners of Fiat Chrysler light vehicles as a result of the alleged use of devices that manipulated emissions.
- **Ius Omnibus v. Apple**: This class action **seeks damages of €137 million** for consumers allegedly harmed by false or misleading advertising regarding the iPhone's resistance to liquids.
- **Ius Omnibus v. EDP**: This class action **seeks damages of €94.8 million** for consumers allegedly harmed by EDP's abuse of dominant position in the market for the secondary regulation of electricity in Portugal.

Ius Omnibus also filed class actions **seeking access to documents** in order to determine whether further class actions can be brought on behalf of consumers in Portugal.

Lastly, Ius Omnibus and the National Association of Topographers (“NAT”) have reached a settlement in a class action that compensates consumers harmed by the conduct identified in a PCA price-fixing settlement decision with the NAT.

### Litigation

Follow-on litigation relating to the Commission’s decision in the Trucks case continued at a pace before the Competition Court. ■

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