

The current competition law landscape in Portugal

January 2026



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Merger control

PCA to continue to apply jurisdictional thresholds broadly

The PCA continues to assert its jurisdiction broadly, in particular via its 50% market share threshold (which, for jurisdictional purposes, applies to national market shares only).

Acquihires

We are not aware of acquihires being notified – however, there have been several investigations.

Gun-jumping AI detection tool

The PCA has developed an AI tool to detect potential gun-jumping infringements. To date, two gun jumping investigations have been opened via the use of this technology.

No issue cases reviewed (very) quickly

The PCA continues to review short form, no issue cases quickly, often in as little as three weeks. Cases requiring some investigation typically take the entire 30-working day Phase 1 period (with stop the clock RFIs common to mitigate the fact that nearly all cases are notified without pre-notification).

Public enforcement

More ex officio public enforcement – AI tools developed by the PCA

The PCA has developed two AI tools to detect potential antitrust infringements. The first analyses data from the government's public procurement database to detect collusion. The other seeks to identify pricing collusion.

AI tools have been used to open cases

The public procurement tool has led to the opening of cases and the adoption of Statements of Objections – more cases of this type are in the pipeline. The pricing tool has yet to result in cases being brought – this could change in 2026.

Abuse of dominance

We expect some activity in respect of abuse of dominance enforcement: 2025 ended with the adoption of an SO and there are several additional cases in the PCA's pipeline.

Market intelligence fact gathering

Growing use of market intelligence exercises (some via formal requests for information); potential use of this tool to open investigations.

Private enforcement

No cases have yet reached first instance judgment

Despite the steady stream of class actions since 2020, no cases have yet reached first instance judgement.

2026 could see first class action judgments

We expect this to change in 2026, with at least some of the earlier class actions likely to have first instance hearings held during year, in addition to a potential Competition Court judgment.

Certain threshold issues remain outstanding

Certain threshold issues remain outstanding, such as the legality of litigation funding, the scope of disclosure obligations, obligations regarding the creation of ex novo documents, and the use of documents from public enforcement proceedings resulting from potentially unlawful PCA inspections.

Future prospects for private litigation in Portugal

Portugal will continue to be an attractive jurisdiction for claimants and funders given the very low costs to bring a case and potential high returns from a regime that is still in its infancy.

About PLMJ

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“PLMJ is the most organised firm and the most committed at doing things on schedule and to the time that is asked. They are the most up to date and one of most professional law offices that work with us.”

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About the EU and Competition Law team

→ What we do

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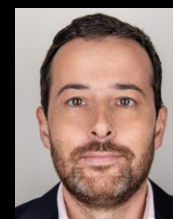
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