

# LEGAL ALERT

## PUBLICATION OF THE NATIONAL FRAMEWORK ON PRIVATE ENFORCEMENT FOR COMPETITION LAW INFRINGEMENTS

Law no. 23/2018 was published today. This statute establishes rules governing compensation for damages deriving from infringements to competition law and transposes into national law Directive 2014/104/EU (the Private Enforcement Directive).

The new framework makes important changes to the procedural rules on actions for damages deriving from infringements to competition law, notably specific rules pertaining to:

- Limitation periods;
- Probative value of competition authorities' final decisions; and
- Access to means of evidence.

The transposition act also introduces:

- Changes to the current Competition Act;
- Clarifications to the framework of this type of actions for damages in the context of collective lawsuits;
- Changes to the Judicial System Organization Act, granting exclusive jurisdiction to the Portuguese Competition Court to judge actions for damages based exclusively on competition law infringements.

This Law comes into force on August 4<sup>th</sup> 2018 and is applicable regardless of whether the competition law infringement on which the claim is based has been previously declared by a competition authority or court (national or from any other Member-State), by the Commission or by the European Court of Justice.

MLGTS remains at your entire disposal for any clarification.

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