IX CONSTITUTIONAL GOVERNMENT

Bill Proposal
of of

COMPETITION LAW

Statement of Reasons

The competition law constitutes an important milestone in the legal system of Timor-Leste, with the objective of promoting and protecting free competition in national markets, reflecting the State's commitment to building a competitive, equitable and transparent market, which strengthens the national economy, promotes international cooperation and provides tangible benefits to the whole of society, fostering sustainable economic development, the continuous improvement of the population's living conditions and the well-being of consumers;

The promotion of competition is essential for the development of an efficient, sustainable and innovative market economy, and it is essential to establish clear rules to ensure a fair competitive environment that drives innovation, increases productivity and benefits consumers by offering them access to quality goods and services at fair prices, with a positive impact on their well-being;

This law establishes a legal framework to regulate practices that restrict competition, applicable to all economic activities, whether in the private, public or cooperative sector; and that the structure of the law also covers the control of economic concentrations, the analysis and regulation of anti-competitive practices, as well as the powers of the competent public entity to investigate, sanction and take preventive measures, with the aim of creating a competitive and transparent environment, promoting sustainable economic development, the continuous improvement of the population's living conditions and the well-being of consumers;

This diploma is part of the Government Program, which prioritizes the construction of a modern, competitive and integrated economy, with an emphasis on attracting investments, strengthening institutional infrastructure, developing human capital and creating a dynamic and sustainable economic environment;

This new legal regime applies to all economic activities, whether they are carried out in the private, public or cooperative sector, with the exception of the oil, gas and mineral sectors, ensuring that restrictive competition practices that occur within the national territory or that have or may have effects therein are adequately regulated;

The adoption of this law represents a significant step in Timor-Leste's efforts towards its economic integration, both at the regional level, through the Association of Southeast Asian Nations (ASEAN), and at the multilateral level, with the World Trade Organization (WTO);

It is considered essential to ensure the effective implementation of this law through the creation of an adequate institutional infrastructure, the development of qualified human resources in the public and private sectors, and the strengthening of international partnerships to ensure the efficient application of competition rules, with technical, financial and strategic support;

With the approval of this law, the State reaffirms its commitment to building a competitive, equitable and transparent market that strengthens the national economy, promotes international cooperation and provides tangible benefits to society as a whole, fostering sustainable economic development and the continuous improvement of the population's living conditions, with a constant focus on well-being and the defense of consumer rights.

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COMPETITION LAW

The approval of the Competition Law constitutes an important milestone in the legal system of Timor-Leste, with the aim of promoting and protecting free competition in national markets, reflecting the State's commitment to building a competitive, equitable and transparent market, which strengthens the national economy, promotes international cooperation and provides tangible benefits to the whole of society, fostering sustainable economic development, the continuous improvement of the population's living conditions and the well-being of consumers;

Considering that the promotion of competition is essential for the development of an efficient, sustainable and innovative market economy, it is essential to establish clear rules to ensure a fair competitive environment that drives innovation, increases productivity and benefits consumers, offering them access to quality goods and services at fair prices, with a positive impact on their well-being;

Considering that this law establishes a legal framework to regulate practices that restrict competition, applicable to all economic activities, whether in the private, public or cooperative sector; and that the structure of the law also covers the control of economic concentrations, the analysis and regulation of anti-competitive practices, as well as the powers of the competent public entity to investigate, sanction and take preventive measures, with the aim of creating a competitive and transparent environment, promoting sustainable economic development, the continuous improvement of the population's living conditions and the well-being of consumers;

This diploma is part of the Government Program, which prioritizes the construction of a modern, competitive and integrated economy, with an emphasis on attracting investments, strengthening institutional infrastructure, developing human capital and creating a dynamic and sustainable economic environment;

This new legal regime applies to all economic activities, whether they are carried out in the private, public or cooperative sector, with the exception of the oil, gas and mineral sectors, ensuring that restrictive competition practices that occur within the national territory or that have or may have effects therein are adequately regulated;

The adoption of this law represents a significant step in Timor-Leste's efforts towards its economic integration, both at the regional level, through the Association of Southeast Asian Nations (ASEAN), and at the multilateral level, with the World Trade Organization (WTO);

Considering, further, that it is essential to ensure the effective implementation of this law through the creation of an adequate institutional infrastructure, the development of qualified human resources in the public and private sectors, and the strengthening of international partnerships to ensure the efficient application of competition rules, with technical, financial and strategic support;

With the approval of this law, the State reaffirms its commitment to building a competitive, equitable and transparent market that strengthens the national economy, promotes international cooperation and provides tangible benefits to society as a whole, fostering sustainable economic development and the continuous improvement of the population's living conditions, with a constant focus on well-being and the defense of consumer rights.

Therefore, the Government presents to the National Parliament, under paragraph c) of article 97.1 and paragraph a) of article 115.2 of the Constitution of the Republic, the following bill:

Chapter I
General provisions

Article 1
Object

The purpose of this law is to establish the legal regime for competition.

Article 2
Scope

1. This diploma is applicable to all economic activities carried out on a permanent or occasional basis, in the private, public and cooperative sectors.
2. This diploma is applicable to restrictive competition practices that occur in national territory or that have or may have effects therein.
3. The oil, gas and mineral sectors are excluded from the scope of this diploma, except with regard to the wholesale and retail distribution of the respective products.
4. The exclusion of the sectors referred to in the previous paragraph is subject to annual review by the competent public body or entity in competition matters, which will assess whether the conditions and circumstances that justified the exclusion of these sectors persist, proposing to the Government and Parliament the maintenance or revocation of this exclusion.

Article 3
Company definition

1. For the purposes of this law, a company is considered to be any entity that carries out an economic activity consisting of offering goods or services, regardless of its legal status and method of financing.
2. A single company is considered to be a set of entities that, although legally distinct, constitute an economic unit or maintain links between themselves of interdependence or subordination resulting from, namely:
    a) From a majority shareholding;
    b) Holding more than half of the votes attributed to holding equity interests
    c) The possibility of appointing more than half of the members of the management or supervisory body;
    d) The power to manage their respective businesses.

Chapter II
Law Enforcement

Article 4
Competent entity

1. Respect for the legal regime of competition is ensured by the public entity responsible for applying competition law, which, to this end, has supervisory, regulatory and sanctioning powers, established in this law and in its statutes.
2. The law approving the statutes sets the deadline for the installation of the competent public entity and for the appointment of its management body, which may not be more than 90 days after the entry into force of said law.
3. Until the competent public entity is established, the application of the antitrust law will be temporarily assigned to the body responsible for the area of commerce and industry, which will exercise the powers relating to the supervision and application of the provisions of the antitrust law.

4. The competent public entity cooperates with other sectoral regulatory authorities in the application of antitrust legislation, under the terms provided for by law, and may, to this end, enter into bilateral or multilateral cooperation protocols.

5. For the purposes of this diploma, the public entity competent to apply the legal regime provided for in this diploma to the financial sector is the Central Bank of Timor-Leste.

Article 5
Cooperation

All public entities, especially direct, indirect or autonomous State administration services, as well as sectoral regulatory authorities, have the duty to report to the public entity responsible for applying antitrust law any facts that may indicate practices that restrict competition that they become aware of.

Chapter III
Restrictive competition practices

Article 6
Horizontal restrictive practices

1. Agreements between companies, concerted practices between companies and decisions by associations of companies, in a horizontal relationship, which have the purpose or effect of preventing, distorting or significantly restricting competition in all or part of the national market, are prohibited, especially those consisting of:

    a) Directly or indirectly set purchase or sale prices or any other transaction conditions;

    b) Limit or control production, distribution, technical development or investments;

    c) Share markets or sources of supply;

    d) Enter into coalitions or develop other concerted practices in order to obtain advantages, interfere or influence the results of public tenders for the supply of goods or services;

    e) Limit or prevent new companies from entering the market.

2. Agreements between companies and decisions by associations of companies prohibited by the previous number are null and void, except in cases where they are considered justified, in accordance with Article 8.

3. The restrictive practice is considered to be horizontal in nature when the agreement, concerted practice or decision by associations of companies occurs between competing or potentially competing companies, which belong to the same production, distribution or retail sector, in the reference market.

Article 7
Vertical restrictive practices

1. An agreement between undertakings in a vertical relationship is prohibited if it has the effect of substantially preventing or reducing competition in a market, in particular those consisting of:

    a) Apply, systematically or occasionally, discriminatory price conditions or other conditions relating to equivalent situations;

    b) Refuse, directly or indirectly, to purchase goods and provide services;

    c) Subordinate the conclusion of contracts to the acceptance of additional obligations that, due to their nature or commercial uses, are not linked to the subject matter of these contracts;

    d) Subordinating commercial relations to the acceptance of unjustifiable or anti-competitive commercial clauses and conditions;

    e) Impose on distributors minimum resale prices, discounts and payment conditions, minimum or maximum quantities, profit margin or any other marketing conditions with third parties;

f) Discriminate against suppliers or consumers of goods, through different pricing, operating sales conditions or service provision;

g) Condition the sale of goods or services on the acquisition of other goods or services;

h) To impose excessive prices or to increase without just cause the price of a good or service.

2. A "vertical relationship" is considered to be the relationship between a company and its suppliers, its customers or both.

Article 8
Justification of agreements, concerted practices and decisions by associations of undertakings

1. Agreements between companies, concerted practices between companies and decisions by associations of companies referred to in the previous articles that contribute to improving the production or distribution of goods or services or to promoting technical or economic development may be considered justified provided that, cumulatively:

   a) Reserve for users of these goods or services an equitable share of the resulting benefit;

   b) Do not impose on the companies in question any restrictions that are not indispensable to achieve these objectives;

   c) Do not give these companies the possibility of eliminating competition in a substantial part of the market for the goods or services in question.

2. It is up to companies or associations of companies that invoke the benefit of justification to prove that they have met the conditions set out in the previous paragraph.

3. The practices provided for in articles 6 and 7 may be subject to prior assessment by the public entity responsible for applying the Competition Law, according to a procedure to be established by regulation to be approved by that authority under the terms of the respective statutes.

Article 9
Dominant position

1. A company is considered to have market dominance when it has the power to control prices, exclude competition or behave, to a significant extent, independently of its competitors, customers or suppliers.

2. A firm is dominant in a market when:

   a) Holds at least 45% of this market;

   b) Holds at least 35% but less than 45% of that market, unless it can demonstrate that it does not have market power; or

   c) Have less than 35% of that market, but have market power.

Article 10
Abuse of dominant position

1. The abusive exploitation, by one or more companies, of a dominant position in the national market or in a substantial part thereof is prohibited.

2. The following may be considered abusive, in particular:

   a) Impose, directly or indirectly, unfair purchase or sale prices or other unfair transaction conditions;

   b) Limit production, distribution or technical development to the detriment of consumers;

   c) Applying unequal conditions to business partners in equivalent services, placing them at a disadvantage in the competition;

d) Subordinate the conclusion of contracts to the acceptance, by the other contracting parties, of supplementary services that, due to their nature or commercial practices, are not related to the subject matter of these contracts;

e) Refuse access to a network or other essential infrastructure controlled by the undertaking, against adequate remuneration, to any other undertaking, provided that, without such access, the other undertaking would not be able, for factual or legal reasons, to operate as a competitor of the undertaking in a dominant position in the market, upstream or downstream, unless the dominant undertaking demonstrates that, for operational or other reasons, such access is reasonably impossible.

Article 11
Abuse of economic dependence

1. The abusive exploitation of the state of economic dependence in which a supplier or client company finds itself due to not having an equivalent alternative in relation to one or more companies is prohibited, to the extent that such exploitation is capable of affecting the functioning of the market or the structure of competition.

2. The following cases, among others, are considered abuse:

   a) The adoption of any behavior provided for in items a) to d) of § 2 of the previous article;

   b) The unjustified rupture, total or partial, of an established commercial relationship, taking into account previous commercial relationships, recognized uses in the economic activity sector and the agreed contractual conditions.

3. For the purposes of paragraph 1, it is understood that a company has no equivalent alternative when:

   a) The supply of the good or service in question, in particular the distribution service, is provided by a limited number of companies;

   b) The company cannot obtain identical conditions from other business partners within a reasonable period of time.

Article 12
Abuse of purchasing power

1. Abuse of purchasing power in the market or a substantial part of it is prohibited.

2. "Abuse of purchasing power" is considered to be the influence exercised by a company or group of companies in the position of buyer of a product or service to:

   a) Obtain more favorable terms from a supplier;

   b) Imposing a long-term opportunity cost, including losses or foregone benefits, that is disproportionate to any long-term cost to the enterprise or group of enterprises.

3. Whenever the public entity responsible for applying the Competition Law determines that a sector or company is suffering or is likely to suffer abuse of purchasing power, it may control the activities of the sector or company, imposing prudential and information requirements.

4. The public entity responsible for applying the Competition Law may require sectors or industries likely to abuse purchasing power to draw up a binding code of conduct.

5. When analyzing any complaint regarding abuse of purchasing power, the public entity responsible for applying the Competition Law will take into account:

   a) The nature and determination of the contractual conditions between the companies involved;

   b) The costs required to guarantee access to infrastructures essential to the conclusion or execution of the contract;

   c) The price paid to suppliers.

6. Behaviors that constitute abuse of purchasing power include:

a) Delays in payment to suppliers without justification, in violation of the agreed payment conditions;

b) Unilateral termination or threats of termination of a business relationship without prior notice or with an excessively short notice period, without objective justification;

c) Refusal to receive or return goods or parts thereof, without justified reason, in violation of the agreed contractual conditions;

d) Transfer of costs to suppliers of goods or services, requiring them to finance promotions;

e) Transfer of commercial risks that should be borne by the buyer to the suppliers;

f) Demanding unfavorable preferential conditions from suppliers or imposing limitations on supplies to other buyers;

g) Significant reduction in purchase prices when there are difficulties in substitution by alternative buyers or reduction below competitive levels;

h) Increase in the prices of production factors with the aim of excluding competitors from the market.

7. When investigating allegations of abuse of purchasing power, the public entity responsible for applying the Competition Law must consider any existing agreement, written or otherwise, between the buyer and the supplier.

8. The public entity responsible for applying the Competition Law will publish the code of conduct, drawn up in consultation with interested parties and relevant government bodies.

Article 13
Coordination with sectoral regulatory authorities

1. Whenever the public entity responsible for applying competition law becomes aware of facts that may constitute practices that restrict competition in a regulated sector, it shall immediately inform the competent sectoral regulatory authority so that it may rule on the possible violation of the Competition Law.

2. When restrictive competition practices are at stake in regulated markets, the decision of the public entity responsible for applying competition law will be preceded by a non-binding prior opinion from the sectoral regulatory authority, issued on the draft decision.

3. Decisions relating to practices in the postal and telecommunications services markets are subject to a mandatory and binding opinion from the corresponding sectoral regulatory authority.

4. The absence of an opinion in the cases referred to in the previous number does not prevent the entity responsible for applying the Competition Law from taking its decision .

5. The sectoral regulatory authority, when identifying issues that may constitute a violation of this law, must immediately inform the public entity responsible for applying the Competition Law, providing the essential elements for analyzing the possible restrictive competition practice .

6. Before adopting a final decision, the sectoral regulatory authority will inform the public entity responsible for applying competition law about its analysis, allowing it to comment before the final decision is made.

7. In the above cases, the public entity responsible for applying competition law may suspend its decision, upon duly substantiated justification .

8. The deadlines provided for in the previous paragraphs will be set by the public entity responsible for applying competition law, as provided for in its statute.

Chapter IV
Control of business concentrations

Article 14
Concentration of companies

1. A business concentration is considered to be a lasting change of control over all or part of one or more companies, resulting from:
    a) From the merger of independent companies;
    b) The acquisition, direct or indirect, of total or partial control of the share capital or assets of other companies by one or more companies.
2. The creation of a joint venture constitutes a concentration of undertakings, provided that the joint venture acts on a lasting basis as an autonomous economic entity.
3. Control is considered to be the ability to exercise, on a lasting basis, a decisive influence over the activity of a company, through:
    a) Acquisition of share capital;
    b) Acquisition of rights over assets;
    c) Acquisition of rights that confer influence over the management of a company.
4. The following is not considered concentration:
    a) The acquisition of shares or assets by an insolvency administrator, within the scope of an insolvency process;
    b) The acquisition of shares with merely guarantee functions.

Article 15
Prior notification

1. Concentration operations are subject to prior notification when carried out in the energy, transport, telecommunications and financial services sectors and result in the acquisition of control, direct or indirect, of one or more companies with:
    a) More than 25% national market share;
    b) Combined annual revenues exceeding USD 10 million.
2. Concentration operations must be notified to the public entity responsible for applying competition law and to the regulatory authorities of the sectors referred to in the previous paragraph after the conclusion of the agreement and before they are carried out.
3. It is prohibited to carry out a concentration operation subject to prior notification without notification having been made to the public entity competent for the application of competition law and the respective non-opposition decision having been obtained.
4. In the sectors referred to in number 1, the decision not to oppose is dependent on a mandatory and binding opinion from the corresponding sectoral regulatory authorities.
5. The opinion provided for in the previous paragraph must be communicated to the public authority competent for the application of competition law within 15 days of its request, and any opinion not communicated within that period shall be considered to be favourable.

Article 16
Assessment of concentration operations

1. Concentration operations, notified under the terms of the previous article, will be assessed with the aim of evaluating their effects on the structure of competition, with a view to preserving and developing effective competition in the national market or in a substantial part thereof.
2. In the assessment referred to in the previous number, the following factors, among others, should be considered:

a) The structure of the relevant markets and the presence of competition, whether from companies established in those markets or in different markets;

b) The position of companies in relevant markets, comparing their economic and financial power with that of their main competitors;

c) The buyer's market power, in order to avoid reinforcing situations of economic dependence, under the terms of article 11 of this law, in relation to the company resulting from the concentration;

d) Potential competition and barriers, de jure or de facto, to market entry;

e) The available supplier, customer and user selection options;

f) Companies' access to supply sources and outlet markets;

g) The structure of existing distribution networks;

h) The evolution of supply and demand for the products and services in question;

i) The existence of special or exclusive rights conferred by law or by the nature of the products or services;

j) The control of essential infrastructures by the companies involved and the possibility of access to these infrastructures for competing companies;

k) Technical and economic progress, provided that it does not constitute an obstacle to competition, when the concentration operation results in efficiency gains that benefit consumers.

3. The notifying company may, at any time, propose commitments to ensure the maintenance of effective competition.

4. The public authority responsible for applying competition law will refuse commitments if it considers that the conditions or obligations to be assumed are insufficient or inadequate to avoid obstacles to competition that may result from the concentration, or if they are enforceable in an uncertain manner.

Article 17
Coordination with sectoral regulatory authorities in the context of concentration control

1. Whenever a concentration has an impact on a regulated market, the public authority responsible for applying competition law, before taking a final decision, shall request the competent sectoral regulatory authority to issue a non-binding opinion on the notified operation, setting a reasonable period for this purpose, of no less than 15 days.

2. The authorisation of concentration operations in the postal services and telecommunications markets is subject to a mandatory and binding opinion from the corresponding sectoral regulatory authority.

3. The provisions of paragraph 1 shall not prejudice the powers that sectoral regulatory authorities, within the scope of their specific powers, have by law to pronounce themselves on the concentration in question.

4. Without prejudice to the provisions of paragraph 1, failure to issue an opinion within the established period does not prevent the public entity responsible for applying competition law from taking a final decision on the procedure.

Article 18
Decision

1. Concentrations of companies that do not create significant obstacles to effective competition in the national market or in a substantial part of it are authorized.

2. In the event that a concentration creates significant obstacles to effective competition, the public authority responsible for enforcing competition law may:

a) Refuse approval;

b) Approve the transaction, if the commitments undertaken by the notifying company are adequate to resolve the competition concerns raised by the concentration transaction;

c) Approve the transaction if it significantly strengthens the international competitiveness of the companies involved;

d) Approve the transaction, if the requirements of Article 8 are met.

3. The public authority responsible for applying competition law may order the withdrawal or reversal of a concentration operation that, although subject to approval under Article 15, has not been notified, if this results in significant impediments to effective competition in the national market or in a substantial part thereof.

4. The public authority responsible for applying competition law shall notify companies before adopting a decision on the concentration operation, and shall:

a) State the facts and grounds for the proposed decision;

b) Grant a reasonable period, which, except in exceptional and duly justified cases, must not be less than thirty days, for the company to submit observations to the public entity responsible for applying the antitrust law;

c) Appreciate the comments received.

5. Without prejudice to the provisions of the previous paragraph, a decision on approval with commitments, as per paragraph 2(b), shall be preceded by a public consultation, allowing any person to participate.

6. The public entity responsible for applying the antitrust law may establish procedures, rules and guidelines specifying the content of the notification of the concentration operation and the procedures related to its approval, in accordance with article 15.

Chapter V
Supervision and monitoring of markets

Article 19
Market studies and research by economic sectors and types of agreements

1. The public entity responsible for applying competition law may carry out market studies and research by economic sectors and by types of agreements that prove necessary to:

a) Supervision and monitoring of markets;

b) Verification of circumstances that indicate distortions or restrictions of competition.

2. The conclusion of the studies will be published on the website of the public body responsible for applying the antitrust law, and may be preceded by a public consultation to be promoted by this entity.

3. In cases where the market studies and research referred to in § 1 relate to economic sectors regulated by sectoral regulatory authorities, their conclusion must be preceded by a request for a binding opinion from the respective sectoral regulatory authority, with the public entity responsible for applying the antitrust law setting a reasonable deadline for this purpose.

4. Failure to issue a non-binding opinion within the period established in the previous paragraph does not prevent the public entity responsible for applying antitrust law from completing the market study and inquiry to which the request for an opinion relates.

5. The public entity responsible for applying competition law may request from companies or associations of companies or any other persons or entities any information it considers relevant.

Article 20
Recommendations

1. When the public entity responsible for applying antitrust law concludes that there are circumstances or conduct that affect competition in the markets or economic sectors analyzed, it must, in the report concluding the market research, sectoral research or research by type of agreement, or in the inspection and audit report:

    a) Identify which market circumstances or conduct of companies or associations of companies affect competition, and to what extent;

    b) Indicate which behavioral or structural measures you deem appropriate for its prevention, removal or compensation.

2. Whenever the study and the respective report deal with a market subject to sectoral regulation, the public entity responsible for applying the antitrust law must inform the sectoral regulatory authorities of the circumstances or conduct that affect competition and of the possible measures to correct the situation.

Chapter VI
Violations and sanctions

Article 21
Qualification

Without prejudice to criminal liability and administrative measures where applicable, violations of the rules provided for in this law that determine the application of fines or other sanctions constitute a punishable offense under the terms of the provisions of this chapter.

Article 22
Applicable standards

The procedure for violation of the provisions of articles 6, 7, 9 to 12 and 15.3 is governed by this law and, subsidiarily, by the legal regime of administrative violations.

Article 23
Administrative procedures and sanctions

1. The public entity responsible for applying the antitrust law may apply administrative sanctions to legal entities that violate the provisions of this law.
2. Administrative sanctions include fines and other administrative measures such as warnings or written orders.
3. Fines are applied by the public entity responsible for applying competition law.
4. It constitutes an infraction punishable by a fine that cannot be less than 1% nor exceed 5% of the previous year's revenue, for each of the companies involved:

    a) Failure to provide information or providing false, inaccurate or incomplete information in response to requests from the public entity responsible for applying competition law in the exercise of its supervisory or sanctioning powers;

    b) Failure to cooperate with the public entity responsible for applying antitrust law, or obstructing the exercise by the latter of its powers of inquiry and inspection;

    c) The unjustified absence of someone who was regularly summoned to participate in a procedural diligence.

5. It constitutes an infraction punishable by a fine that may not be less than 1% nor more than 10% of the revenue of the previous fiscal year, applicable to each company that has participated in the prohibited conduct described in articles 6, 7 and 9 to 12 or violated the provisions of article 15.3 of this law.
6. The public entity responsible for applying the antitrust law, prior to imposing any sanctions, always respects the adversarial principle, ensuring that during the administrative process the offender is

always guaranteed the presentation of arguments that, from the offender's point of view, support his/her defense.

7. For the purposes set forth in the caput, the public entity competent for the application of the antitrust law notifies the offender prior to the adoption of the decision to apply an administrative penalty, and must:
   a) State the facts and grounds for the administrative sanction;
   b) Grant a reasonable period of time, which, except in exceptional and duly justified circumstances, should not be less than thirty days, to present, in person or in writing, observations to the public authority competent for the application of antitrust law;
   c) Appreciate the observations presented to you.
8. Negligence is punishable.

Article 24
Determination of the extent of sanctions

When determining sanctions, the following criteria must be observed:

b) The severity and duration of the infraction;
c) repeated recurrence of restrictive practices;
d) Damage caused to competitors or consumers;
e) The economic benefit obtained from the commission of the offense;
f) Mitigating circumstances;
g) Other factors that the public entity responsible for applying antitrust law considers to be acceptable.

Article 25
Prescription

1. The procedure for violation of articles 6, 7, 9 to 12 and 15.3 shall be extinguished by prescription within the period of:
   a) Three years, in the cases provided for in article 23.5;
   b) Five years, in other cases.
2. The statute of limitations for sanctions is five years from the day on which the decision determining their application becomes final or final.

Article 26
Resource

The decisions of the public entity responsible for applying the competition law provided for in this law may be appealed to the administrative, tax and audit courts, under the terms of Law No.

Chapter VI
Final Provisions

Article 27
Revocation Standard

Articles 34 and 35 of Decree-Law No. 15/2012 of 28 March are hereby revoked.

Article 28
Remission to revoked precepts

Whenever, in contractual provisions or clauses, reference is made to legal precepts revoked by this diploma, it is understood that the reference is valid for the corresponding provisions of this law.

Article 29
Entry into force

This diploma comes into force 180 days after the date of its publication.

Approved by the Council of Ministers on February 26, 2025.

The Prime Minister,
/s/
Kay Rala Xanana Gusmao

The Deputy Prime Minister and Coordinating Minister for Economic Activity,
/s/
Francisco Kalbuadi Lay

The Minister of Trade and Industry,
/s/
Philippus Nino Pereira