

Press Release No. 3/2010

### Competition Authority lodges appeal

The Competition Authority (CA) lodged an appeal today against the Lisbon Commercial Court ruling of 2 March 2010, which acquitted PT Comunicações SA of the practice of offences involving the abuse of a dominant position by means of the denial of access to essential telecommunications infrastructure (the PTC conduit network).

The LCC ruling revokes the CA decision imposing a fine of EUR 38 million on PTC.

The CA has decided to appeal against the decision in that, among other important aspects, it disagrees with the fact that the denial of access to PTC conduits was ruled as justified and, hence, as not representing the abuse of a dominant position.

The CA also considers that Lisbon Commercial Court applied the doctrine of essential infrastructure in a way that does not conform to the practice in EU legal decisions or its case law. In the CA's view it is therefore justified that, in accordance with the Treaty on the Functioning of the European Union, the Appeal Court solicit prior judgement by the Court of Justice of the European Union on the issue.

This is the first time since its establishment that the CA has appealed against an acquittal by Lisbon Commercial Court.

The appeal will be heard by the Lisbon Appeals Court.

Lisbon, 12 March

