• Portugal: The Competition Court upholds Competition Authority Decision fining Sport TV for Abuse of Dominant Position

On 4 June 2014, the Competition, Regulation and Supervision Court (the Court) upheld a decision of the Portuguese Competition Authority (PCA) finding that Sport TV had abused its dominant position for a period of more than six years on the domestic market of premium sports pay-tv.

On 20 June 2013, the PCA imposed a fine of € 3 700 000 on Sport TV, for applying discriminatory conditions for equivalent services in contracts concluded with undertakings operating in the pay-tv sector for the distribution of Sport TV television channels. Sport TV imposed unfair conditions and limited production, distribution, technical development and investment related to services, thus harming competition and consumers. The pricing policy of Sport TV favoured one of the undertakings on the pay-tv retail market to the detriment of its competitors (see ECN Brief 4/2013).

In its judgment, the Court confirmed that Sport TV had abused its dominant position in the premium sports pay-tv market to the detriment of competition and of consumers. The Court reduced the fine to € 2 700 000, however, as it considered that the infringement did not affect trade between Member States. Moreover, it found that there was not enough evidence that the discriminatory conditions had limited production, distribution and technical development.

The Court’s judgment can be appealed to the Lisbon Appeal Court.