

PRESS RELEASE

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Ius goes to the Portuguese Competition Court to defend consumers injured by Meliá's anticompetitive practices

Consumer protection association Ius Omnibus submitted this week, before the Competition, Regulation and Supervision Court, a popular action to force hotel chain Meliá to disclose documents needed to confirm that consumers were injured by Meliá's anticompetitive practices identified in the European Commission's Decision of 21 February 2020. This is the first time this type of action is used in competition law in Portugal. In case of success, Ius will be in the position to file a popular action to compensate all injured Portuguese consumers.

On 21 February 2020, Meliá Hotels International, S.A. ("Meliá"), a multinational chain of hotels headquartered in Spain was ordered by the European Commission to pay a fine of 6,7 million euros for an infringement of Article 101 of the Treaty on the Functioning of the European Union (case AT.40528). The aforementioned case relates to the implemented vertical practices differentiating between consumers on the basis of their nationality or place of residence, restricting active and passive cross-border sales, thus preventing competition within the European Union and inflating prices, between January 2014 and December 2015. Meliá cooperated with the European Commission and did not appeal this decision.

In April 2021, Ius wrote to Meliá requesting that it comply with its obligation to disclose documents needed to assess the existence of a right of Portuguese consumers to be compensated for damages arising from those practices. Meliá replied refusing to provide any document or information.

Ius is now resorting to the Competition, Regulation and Supervision Court, using, for the first time, the mechanism foreseen in article 13 of the Antitrust Private Enforcement Act (Law no. 23/2018, of 5 June), as well as articles 1045 to 1047 of the Code of Civil Procedure, in order to make Meliá to provide the documents necessary to assess and prove the existence of the Portuguese consumer's right to damages.

If the action is successful, the Court will order Meliá to provide the aforementioned documents. In this case, and if Meliá refuses to comply with its legal obligations, Ius will be in a position to file a new popular action, to require Meliá to compensate Portuguese consumers for the damages caused by the anticompetitive practices which Meliá has already admitted before the European Commission.

Ius Omnibus is a non-profit association, created in March 2020 and headquartered in Portugal, with the objective of defending consumers in the European Union. Ius Omnibus has members from several countries. The Ius Omnibus board is composed by the President, Sandra Passinhas (Professor at the University of Coimbra), and the vice-presidents Maria José Azar-Baud (Professor at the University of Paris-Sarclay) and Julia Suderow (Professor at the University of Deusto).

Ius is represented in this case by Sousa Ferro & Associados law firm.

For more information, please go to: <https://iusomnibus.eu/>

