

PLMJ REPRESENTS PHARMACY ASSOCIATION IN PORTUGUESE COMPETITION AUTHORITY DISPUTE

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PLMJ advised the National Association of Pharmacies (NAP) in a case brought by the Portuguese Competition Authority (PCA) in relation to the association's alleged abuse of its dominant market position.

The case – which began in 2009 – alleged that the NAP abused its position by squeezing margins in the market for research into the sale of medicines.

The Lisbon Court of Appeal reduced the fines originally imposed by the PCA on the NAP and its holdings – Farminveste IPG, Farminveste SGPS and HMR – by 90 per cent. The PCA had originally imposed fines exceeding €10 million. These fines were reduced to €7 million at first instance and the Court of Appeal has now reduced them to around €800,000.

The Court of Appeal held that one of the companies, Farminveste SGPS, could not be held responsible for abuse of dominant

position. The court dismissed the proceedings against the company and this significantly reduced the fines applied.

The PLMJ team advising NAP included partners Ricardo Oliveira, João Medeiros and Tiago Duarte, and senior associates Luís Pinto Monteiro and Dirce Rente.