

Opinion of the Advisory Committee on restrictive agreements and dominant positions at its meeting on 21 January 2022 concerning a draft decision in case AT.39839 – Telefónica and Portugal Telecom

Rapporteur: Belgium

(2022/C 286/08)

1. The Advisory Committee (14 Member States) agrees with the Commission to re-impose fines on Telefónica, S.A. and Pharol, SGPS, S.A. by means of a decision pursuant to Article 7(1) of Regulation (EC) No 1/2003.
 2. The Advisory Committee (14 Member States) agrees with the Commission on the identity of the services excluded from the value of sales on the basis that insurmountable barriers to entry existed and the parties were thus not in potential competition with each other during the period of application of the non-compete clause.
 3. The Advisory Committee (14 Member States) agrees with the Commission's use of the revised corrected figures for Telefonica for the purposes of identifying the value of sales.
 4. The Advisory Committee (14 Member States) agrees with the Commission on the final amounts of the fines imposed on Telefónica, S.A. and Pharol, SGPS, S.A., including the reduction based on paragraph 37 of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003.
 5. The Advisory Committee (14 Member States) recommends the publication of its Opinion in the *Official Journal of the European Union*.
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