



**Ius Omnibus is a non-profit association, created in March 2020, with the purpose of defending European Union consumers. We are based and registered in Portugal and we have members from several EU countries. We intend to progressively extend our range of activities to all Member States of the European Union, benefiting from new EU rules on the cross-border protection of consumer rights.**

**These are the active cases as of December 12th 2021.**

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### **Ius v EDP**

Ius Omnibus submitted on September 6<sup>th</sup> 2021 to the Portuguese Competition, Regulation and Supervision Court, a popular action aimed at defending Portuguese consumers injured by EDP unlawful practices identified in the Competition Authority's Decision (AdC) of 17 September 2019.

Between January 2009 and December 2013, EDP abused its dominant position on the electricity system market for secondary regulation in Continental Portugal. For five years, by restricting its supply on the tele-regulation market, EDP caused a price increase on this market and in the compensation paid to EDP Production under the CMEC regime, unlawfully raising its profits to the detriment of consumers.

As the State has already acted to compensate consumers for a part of the damage caused by this practice, this action asks for consumers to be compensated only for the remaining part, estimated by the Competition Authority as 94.8 million EUR.

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

- The Defendant was notified and the Defense must be filed by January 5, 2022.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-edp/>

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### **Ius v Daimler/Mercedes**

On March 22<sup>nd</sup> 2021, a popular action has been filed at the District Court of Lisbon, by Ius Omnibus against Daimler/Mercedes.

The action is based on the use of cheat devices in the control system in some of the Mercedes-Benz diesel vehicles, which harm population's health and the environment. The prohibition of cheat devices was clarified by the Court of Justice of the European Union, in its judgment delivered on 17 December 2020 in Case C-693/18.

This popular action represents all consumers residing in Portugal who own Mercedes-Benz diesel vehicles, approved in accordance with European emission standards Euro 5 and Euro 6 (up to Euro 6c), which have been placed on the market for the first time between 1 January 2009 and 31 December 2019, and which were registered in Portugal between 1 January 2009 and the date of the final judgment in this case.

Ius Omnibus is represented in this action by Pais de Vasconcelos & Associados Law Firm, under which it is argued that Daimler/Mercedes continuously violated, through the installation of cheat Devices, the protocol concerning the control of emissions of Nitrogen Oxides, since 2009.

In view of the behavior described, it is requested in this action that Daimler/Mercedes be ordered to remove the cheat devices and to compensate affected consumers. Daimler/Mercedes-Benz behavior caused damage per vehicle of at least €4,200.00.

- The action was accepted and procedurally, defendants and consumers are being notified.
- As regards, more specifically, the recent course of the proceedings, Defendant Daimler AG argued that the notification should be repeated. Furthermore, these are very dense and complex technical documents.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-daimler-mercedes-benz/>

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## **IUS V FCA/Stellantis**

On May 10<sup>th</sup> 2021, a popular action has been filed at the District Court of Lisbon, by Ius Omnibus against Fiat Chrysler Automobiles (FCA).

At issue is the use of cheat devices in the control system in some of the Alfa Romeo, Jeep, Fiat and Lancia vehicles. The prohibition of cheat devices was clarified by the Court of Justice of the European Union, in its judgment delivered on 17 December 2020 in Case C-693/18.

This popular action represents all consumers residing in Portugal who own Alfa Romeo, Jeep, Fiat, Lancia vehicles diesel vehicles, approved in accordance with European emission standards Euro 5 and Euro 6 (up to Euro 6c), which have been placed on the market for the first time between 1 January 2009 and 31 December 2019, and which were registered in Portugal between 1 January 2009 and the date of the final judgment in this case.

This popular action alleged that FCA Stellantis/Fiat Chrysler Automobiles has repeatedly violated the Emissions Regulation since 2009, requesting that it be ordered to remove the defeat devices and compensate affected consumers, estimated at a minimum of €2.702 per vehicle.

Ius Omnibus is represented in this action by Pais de Vasconcelos & Associados Law Firm, which was accepted and, procedurally, is in the process of notifying the Defendants and Consumers, and not all Defendants are in National territory.

As regards, more specifically, the course of the proceedings, the most recent act performed attends to the submission of the translations of the documents that accompany the Initial Petition. It is an

extensive range of documents, technically complex and whose originals are written in different languages.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-stellantis-fiat-chrysler-automobiles/>

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## **IUS v Mastercard**

On December 2<sup>nd</sup> 2020, a popular action has been filed at the Portuguese Competition, Regulation and Supervision Court, by Ius Omnibus against Mastercard.

It is a popular action aimed at compensating all Portuguese consumers who were injured by Mastercard's anticompetitive practices between 2000 and 2019, identified by the European Commission. This damage equals the surcharge of the card acquiring services for transactions with Mastercard cards.

Mastercard's anticompetitive practices made it so Portuguese merchants who accepted Mastercard and Maestro cards paid more for the services of accepting payments with these cards than they would have paid in the absence of those unlawful practices.

Ius Omnibus estimates that the behaviours in question caused Portuguese consumers total damages of at least 400 million EUR (four hundred million euros), granting each Portuguese consumer who lived in Portugal for at least part of the aforementioned period (2000 to 2019), the right to an average compensation of 40 EUR.

Ius Omnibus is represented in this case by the law firms Sousa Ferro & Associados and Pais de Vasconcelos & Associados.

- Defendants and Consumers have been served.
- Until the end of the year, the Defendant should submit its Defence.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-mastercard/>

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## **IUS v Super Bock**

On December 14<sup>th</sup> 2020, a popular action has been filed at the Portuguese Competition, Regulation and Supervision Court, by Ius Omnibus against Super Bock.

It is a popular action aimed at compensating all Portuguese consumers who were injured by Super Bock's anticompetitive practices of determining resale prices in the HORECA sector, identified by the Portuguese Competition Authority. This behaviour caused an increase in the prices paid by consumers for Super Bock beverages in the HORECA sector (in restaurants, cafés, bares, hotels...), for 11 years.

All consumers residing in Portugal, specifically, all-natural persons who lived in Portugal for at least part of the period during which the anticompetitive practices occurred (2000 to 2020) and bought

a Super Bock beer, a Somersby cider, an Água das Pedras, etc., during this period in a bar, restaurant, café or hotel, are represented in this action.

Ius Omnibus asks that the Court declare that Super Bock infringed, continuously, between the aforementioned period, and is still infringing European and Portuguese Competition Law.

This action will force Super Bock to pay damages in an estimated total of about 400 million EUR, granting each Portuguese consumer the right to an average compensation of 40 EUR, corresponding to the amount of the surcharge caused by the products they acquired which was caused by Super Bock's anticompetitive behaviour.

Ius Omnibus is represented by Sousa Ferro & Associados and by Cardigos & Associados.

- The Defense and the Reply were submitted;
- The preliminary hearing has been scheduled for mid-January;

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-super-bock/>

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## **Ius v Apple**

On July 19<sup>th</sup> 2021, a popular action has been filed in the Lisbon District Court, by Ius Omnibus against Apple.

It is a popular action aimed to restore the legality and defend Portuguese consumers who were harmed by Apple's illicit practices regarding the transmission of information and misleading advertising about the resistance to liquids of iPhones.

Apple's behavior harmed all Portuguese consumers who purchased an iPhone between September 2016 and the present (from iPhone 7 to iPhone 12), causing an artificial increase in the price of iPhones (surcharge).

In case of success, the action will lead to Apple being ordered, inter alia, to refrain from misleading advertising in this regard in the future and to pay compensation to all owners of iPhones 7 to 12. It is estimated that each represented consumer will have the right to an average compensation of 101 EUR, with a global compensation of 137 million EUR.

In this action Ius Omnibus is represented by law firm Sousa Ferro & Associados.

- The Defendant has not been served yet.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-apple/>

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## **Ius v Comcast/Universal Studios**

Ius Omnibus submitted on 9<sup>th</sup> July 2021, before the Competition, Regulation and Supervision Court, a popular action against Comcast/Universal group.

It is a popular action aimed at forcing the Comcast / Universal group to disclose documents needed to assess and prove the existence of a right to damages of Portuguese consumers. Once such documents have been obtained, Ius will be in a position to file a new popular action, to require Comcast / Universal to compensate Portuguese consumers for the damages caused by the anticompetitive practices relating to movie and TV merchandising, identified in the European Commission's decision of 30 January 2020.

- The Court has already notified consumers;
- Some defendants, in certain actions, have not yet been served.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-comcast-universal-studios/>

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## **Ius v Meliá**

Ius Omnibus submitted on 6<sup>th</sup> July 2021, before the Competition, Regulation and Supervision Court, a popular action against Meliá. This is the first time this type of action is used in competition law in Portugal.

It is a popular action aimed at forcing hotel chain Meliá to provide the documents needed to confirm that consumers were injured by Meliá's anticompetitive practices. It 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

Once such documents have been obtained, 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 is represented in this case by Sousa Ferro & Associados law firm.

- Defendants and Consumers have been notified.
- The defense will be submitted within approximately 1 month.

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-melia/>

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## **Ius v ANT**

The Competition, Regulation and Supervision Court approved the settlement reached in the popular action by Ius Omnibus against the Portuguese Land Surveyors Association. This is a historic moment in Portugal, since it is the first antitrust popular action filed in the country that results in compensation for injured consumers.

ANT's popular action is based on the Decision of the Portuguese Competition Authority of 17 February 2021 and was submitted by Ius Omnibus on 12 July 2021 to the Competition, Regulation and Supervision Court.

For more than 16 years (between 29 November 2003 and 18 July 2020) ANT restricted competition in the land surveying services market by fixing the prices of these services. ANT acknowledged that it violated the law and agreed to compensate the consumers who were injured and provide a surcharge of 5% caused by the anticompetitive practice.

ANT's attitude in this procedure is an example of the assumption of responsibility and good faith in the reestablishment of legality and compensation to consumers.

Anyone who is resident in Portugal and has contracted, in their own name, land surveying services in the national territory, during November 2003 and July 2020, will be entitled to compensation. In addition, consumers have three months to ask for their compensation. To do this, consumers just need to contact Ius Omnibus, using this form (<https://iusomnibus.eu/ius-omnibus-v-ant/>) or Ius' email address ([associacao.ius.omnibus@gmail.com](mailto:associacao.ius.omnibus@gmail.com)).

**For more information:** <https://iusomnibus.eu/ius-omnibus-v-ant/>