Press Release

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Competition Court orders Valve to preserve evidence in the Ius Omnibus consumer representative action

Lisbon, 6th November 2026

The Competition Court finds the geo-blocking infringement established and recognizes serious indications of the stand-alone allegations of restriction of competition through Steam's parity clauses.

The Competition, Regulation and Supervision Court (TCRS) has ordered Valve Corporation to preserve the documents and data relevant to the popular action (ação popular) brought by Ius Omnibus on behalf of Portuguese consumers who purchased games and content on the Steam platform. In its decision of 27 October 2026 (case no. 1/26.9YQSTR), the court granted, in whole or in part, 13 of the 19 requests made by Ius Omnibus. These include data that will allow consumers to be identified to facilitate distribution of damages, Valve's contracts with game publishers, and communications concerning the so-called parity clauses.

According to the court's provisional assessment, these clauses oblige publishers to ensure terms on Steam that are at least as favorable as those offered through other distribution channels, thereby limiting the possibility of selling games and additional content more cheaply or on more advantageous terms outside the platform.

Valve argued that the rules imposed on publishers were limited to updates, additional content and activation keys, and that publishers retained freedom over their prices. The court analyzed the clauses of the distribution agreement (the Steam Distribution Agreement) and the rules governing Steam Keys and rejected that reading. The freedom invoked by Valve is, in the court's words, *'merely apparent or practically nil'*.

The court concluded that *'there is a strong likelihood that, by means of these, the Defendant required publishers to practice, on its platform, at least the same conditions as those offered through other distribution channels'.*

It also characterized the agreements as a probable restriction of competition by object: *'There are strong indications that the agreements contained clauses with an anti-competitive object, as they conditioned the prices applied by the Defendant's partners/publishers to users in other distribution channels and the content of the offer itself, thereby limiting the possibility of running promotions.'* It further noted that *'price and promotions are competitive factors, which guarantee competing offers on the market and better satisfaction of consumers' interests.'*

As for Valve's justifications, namely protecting the user experience and preventing users from being in a worse position than customers of other stores, the court was direct: *'It is quite difficult to understand how the Defendant fails to appreciate that the reasons it invokes are not pro-competitive.'* According to the decision, the argument is *'wholly incapable of dispelling the anti-competitive nature of the conduct'.*

As regards to the part of the action based on the European Commission's 2021 decision, which found that Valve geo-blocked games in the European Economic Area, and which was upheld by the General Court of the European Union in 2023, the court left no room for debate: *'In this case, we have no doubts as to the content of the Commission's decision that would require us to make a request for a preliminary ruling, and we therefore consider that, in this context, we cannot depart from that decision as regards the existence of the infringement, which is deemed established.'*

The court held that a breach of the competition rules gives rise to a presumption of fault, in line with the case law of the Supreme Court of Justice and concluded that *'there is no doubt whatsoever as to the satisfaction of this requirement'.*

To order the preservation of evidence, the TCRS considered sufficient that the infringements at issue be capable of causing harm. The court went further, however, and found that in this case *'it is unequivocal that the infringement attributed to the Defendant*

is capable of producing harm, and not only is it capable of doing so, it is reasonable that it has done so.'

Finally, the court rejected all of Valve's general objections, namely: lack of urgency, since proof of the destruction of documents within the company need not be shown and the mere passage of time is sufficient to justify the fear of loss; confidentiality, since the order discloses nothing and only prevents documents from being lost; excessive cost, which Valve did not quantify and which is hardly likely to arise with information that is predominantly digital; non-existence of the documents, since the need to aggregate data does not prevent its preservation; and lack of knowledge of its own market share, since it is not credible that a company of Valve's size does not monitor its position and that of its competitors.

For Ius Omnibus, this decision (which may still be appealed, without suspensive effect) is an important step towards redress for the harm suffered by Portuguese consumers, as it orders the preservation of elements relevant to proving the anti-competitive practices carried out by Valve, the quantification of the losses and the identification of those harmed.

About Ius Omnibus

Ius Omnibus is a European consumer protection association based in Portugal, dedicated to defending and promoting the collective interests of consumers in Portugal and across the European Union. Recognised as a qualified entity under EU law, Ius Omnibus engages in litigation, advocacy, and public consultations to promote fairness, legal certainty, and effective access to justice — particularly in the digital and cross-border economy.