

EDP ENERGIAS DE PORTUGAL SA

Form 6-K

September 29, 2005

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**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

**Form 6-K**

**REPORT OF FOREIGN PRIVATE ISSUER PURSUANT TO**  
**RULE 13a-16 OR 15d-16 UNDER THE SECURITIES**  
**EXCHANGE ACT OF 1934**

For the Month of September 2005

**EDP- Energias de Portugal, S.A.**

**Praça Marquês de Pombal, 12**

**1250-162 Lisbon, Portugal**

**(Address of principal executive offices)**

(Indicate by check mark whether the registrant files or will file annual reports under cover of

Form 20-F or Form 40-F.)

Form 20-F  Form 40-F

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(Indicate by check mark whether the registrant by  
furnishing the information contained in this form  
is also thereby furnishing the information to the  
Commission pursuant to Rule 12g3-2(b) under the  
Securities Exchange Act of 1934.)

Yes  No

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Lisbon, September 27<sup>th</sup> 2005

Reuters: EDPP.IN / EDP.N

Bloomberg: EDP PL / EDP US

**EDP DECIDES NOT TO APPEAL AGAINST THE JUDGEMENT OF THE COURT OF  
FIRST INSTANCE OF THE EUROPEAN COMMUNITIES REGARDING THE  
ACQUISITION OF GDP**

As announced on September 21, EDP Energias de Portugal, S.A. ( EDP ) has analysed in detail the judgement of the Court of First Instance of the European Communities ( Court ) regarding the joint acquisition of GDP Gás de Portugal, SGPS, S.A. ( GDP ) by EDP and ENI.

**INVESTOR RELATIONS DEPARTMENT**

Pedro Pires, Head of IR  
Gonçalo Santos  
Elisabete Ferreira  
Cristina Requiça  
Rui Antunes  
Catarina Mello

In accordance with the above mentioned judgement, the Court recognized that the analysis of the Portuguese gas market performed by the European Commission contained some legal errors, namely, by disregarding the derogation granted to Portugal by the Second Gas Directive in respect of the gas market liberalization.

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Nevertheless, the application presented by EDP regarding the decision of the European Commission was dismissed by the Court, as a result of which a judicial precedent has been defined opposing to the project presented by EDP.

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The judgement, as intended and with the required celerity, has established guidance that will certainly support the analysis of future operations with similar characteristics.

As such, and in order to avoid the uncertainty that would result from continuing, during an uncertain period of time, a legal process that has started in April 2004, EDP has decided not to appeal to the Court of Justice of the European Communities, thus considering this process closed.

*EDP Energias de Portugal, S.A. Listed Company Head Office: Praça Marquês de Pombal, 12 1250-162 Lisboa Portugal Share Capital 3 656 537 715 Registered with the Commercial Registry Office of Lisbon under no. 1805 Company Tax Number 500 697 256*

EDP continues to understand that, in the current national and international energy sector environment, the strategic rationale for the integration of gas and electricity activities is adequate.

Therefore, EDP will proceed with the implementation of the necessary measures for an organic growth and for profiting from opportunities that arise from market consolidation movements, aiming at strengthening its electricity and gas business portfolio at an Iberian level, in accordance with the legal and regulatory frameworks.

**EDP Energias de Portugal, S.A.**

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

Dated September 29, 2005

EDP- Energias de Portugal, S.A.

By: /s/ JOÃO RAMALHO TALONE  
Name: **João Ramalho Talone**  
Title: **Chief Executive Officer**