

Press Release

Subject: HCC initiatives during the coronavirus health crisis

Under the present circumstances affecting the country due to the Covid-19 pandemic, the Hellenic Competition Commission (HCC) has set up, already since March, 20th 2020, a [Covid-19 Competition Task Force](#) which has taken a number of actions in order to ensure the enforcement of competition rules in crucial sectors of the economy (such as the healthcare and medical equipment sector and the wider food sector) as well as provide businesses and the general public with relevant information.

The HCC, acting within its powers, monitors the developments during the current crisis and intervenes, where necessary, in order to investigate possible infringements of Articles 1 and 2 of Law 3959/2011 on the "Protection of Free Competition" and Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU), with a view to safeguard competitive market structures and protect consumer interests and economic growth.

[On March, 20th 2020, the HCC sent an online questionnaire to 4056 undertakings active in the production, import and marketing of healthcare materials.](#) After the expiry of the deadline for responses, data were extracted from almost 3000 companies that responded to the questionnaire. A multi-member group of scientific experts, composed of economists and econometricians, has already kick-started their processing and analysis to swiftly detect any anti-competitive practices in the distribution chain for the products at issue. The HCC has also launched an investigation into the companies that did not respond to its questionnaire and may impose sanctions, where appropriate, in accordance with Article 38, paragraph 3 of Law 3959/2011.

In the same context, the HCC initiated ex-officio investigations in sectors raising potential competition concerns and in companies active throughout the product value chain, mainly for food products (for example, animal feed, cereal, milk, eggs, chicken and citrus products). The HCC [has sent questionnaires](#) and carried out [on-site inspections](#), with the assistance of local authorities throughout Greece, at companies and business associations.

Among the tasks of the Covid-19_Competition Task Force is to provide businesses and citizens with information about the application of competition rules in the form of Questions & Answers (Q&As). The issue being addressed in the Q&As concern cases where: a) vertical agreements with regard to maximum prices are allowed for physical outlets or E-shops, b) horizontal agreements between actual and/or potential competitors for the exchange of information, R&D, marketing, distribution and product management, recruitment and exchange of human resources, are allowed, c) temporary legislative arrangements in a crisis period excluding possible specific anti-competitive behaviors on grounds of public interest, as well as with regard to d) what conduct should a dominant

undertaking adopt, e) what is the interaction between legislative intervention measures and competition law, f) what does Decree-Law No 68/2020 provide for with regard to profiteering and g) under what conditions agreements and decisions on the planning of the volume of raw milk to be produced for a six-month period by producers and their associations are allowed.

The webpage of the [Covid-19 Competition Task Force](#) also provides businesses and citizens with information about the actions undertaken by the European Commission, other EU NCAs as well as by other non-EU NCAs (United Kingdom, USA, Australia, Russia, China, Brazil, India etc.). On this webpage, businesses can find information about other initiatives undertaken in various sectors of the economy in other countries to address the problems caused by the ongoing health crisis and these initiatives were allowed by the NCAs. Among the primary objectives of this Task Force is also to create a hub collecting questions raised by different institutions and businesses, concerning the initiatives they intend to take and their compatibility with competition law, as well as to ensure an immediate HCC's response thereto.

Businesses are encouraged to contact the HCC, as the authority responsible for the protection of free competition. The HCC is willing to provide advice and guidance to businesses about the application of competition rules in the current exceptional conditions as well as provide guidance on any initiative that companies wish to take.

We would like to stress that we remain focused on the continuous adaptation of the interpretation and application of competition rules to the new economic environment, both during and after the health crisis due to the pandemic.

Finally, we would like to point out that the HCC, as the authority responsible to safeguard effective competition, will continue to examine, as an immediate priority, any illegal agreements and unilateral abusive practice after the submission of relevant complaints, leniency applications or other sources of information (press reports, internet, public announcements, etc.) and will impose very severe penalties on companies adopting any similar anti-competitive practices.

For any question regarding the Task Force's responsibilities, you may contact the HCC by email to covid19_competition@epant.gr, giving your name, affiliation and contact number or by phone at +30 210 8809241, +30 697 8020662 and +30 210 8809219 from 10:00 am to 12:00 noon.