



HELLENIC REPUBLIC
HELLENIC COMPETITION COMMISSION

Athens, 5 July 2021

PRESS RELEASE

Subject: Statement of Objections in relation to alleged infringement of Article 2 of Law 3959/2011 and Article 102 TFEU by COCA COLA HELLENIC BOTTLING COMPANY SA, following a complaint by the company VAP P. KOUGIOS SA as well as an *ex officio* investigation of the HCC's General Directorate for Competition

The Plenary Session of the Hellenic Competition Commission (HCC) will convene on 15 September 2021 to examine, upon the relevant Statement of Objections, alleged infringements of Article 2 of Law 3959/2011 ("Greek Competition Act") and 102 TFEU by COCA COLA HELLENIC BOTTLING COMPANY SA (hereinafter "CC 3E") in the Greek markets for sale of cola and non-cola beverages for on-premise consumption, following a complaint by the company "VAP P. KOUGIOS SA" and *ex officio* investigation by the HCC's General Directorate for Competition in the abovementioned markets.

According to the Statement of Objections, the HCC is advised to find an infringement of Article 2 of the Greek Competition Act and Article 102 TFEU by CC 3E, for the reasons set out in detail therein.

In particular, according to the SO, during the period 2015-2020 CC 3E undertook a series of practices by providing, *inter alia*, various benefits to retail outlets selling carbonated soft drinks in exchange of exclusivity and/ or exclusion of specific competitors (in particular, products, refrigerators and/ or logos of its competitors); by concluding verbal (*de facto*) exclusivity agreements with such outlets; by issuing threats or engaging in punitive behavior in case such outlets decided to cooperate with competing suppliers; as well as other practices of equivalent effect contrary to Article 2 of the Greek Competition Act and Article 102 TFEU. Exclusivity arrangements pose a significant barrier to competitors' access to the market and deprive consumers of the ability to meet part of their needs by competitors of the dominant undertaking (in the present case, CC 3E), in breach of the above Articles. As a result of these anti-competitive practices, CC 3E maintained and strengthened its dominant position in the relevant markets, thereby excluding competitors and limiting their growth possibilities.

According to the SO, CC 3E's conduct formed part of an overall strategy intended to exclude its competitors from the relevant markets, by securing exclusivity in as many retail outlets as possible.

In light of the above, it is suggested that the HCC shall impose a fine upon CC 3E, and that the latter is required to omit similar practices in the future. Finally, it is suggested that CC 3E is threatened with a fine in case the HCC decides in the future that the above-mentioned infringements continue or are repeated.

It is noted that the Statement of Objections is not binding on the HCC, which will decide on the case after it has taken into consideration all evidence, as well as the arguments put forward by all implicated parties.