

# NEWSLETTER

## HELLENIC COMPETITION COMMISSION

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Ioannis Lianos  
President of the HCC

### President's Introductory Note

The period from December 2019 to March 2020 was very productive for the Hellenic Competition Commission.

In addition to the handling and completion of a significant number of pending cases, due to the intensive work of the task force set up to this end, and the assessment of a number of mergers, the Commission issued the *Opinion on Press Distribution* which was launched in 2017 and progressed at a more intensive pace from September 2019.

Furthermore, following a significant investment in human and economic resources undertaken during the last six months, the HCC has also completed the Market Study into Supermarkets, which will come out in the coming weeks and will be thoroughly analyzed in the next issue of the Newsletter.

In addition, the HCC has completed the first phase of its digital evolution programme with the systematic implementation of the project management tool, the gradual completion of the electronic registry and process organization system, the enrichment of the Commission's website and the completion, by June 2020, of the e-Services Platform for citizens.

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## President's Introductory Note

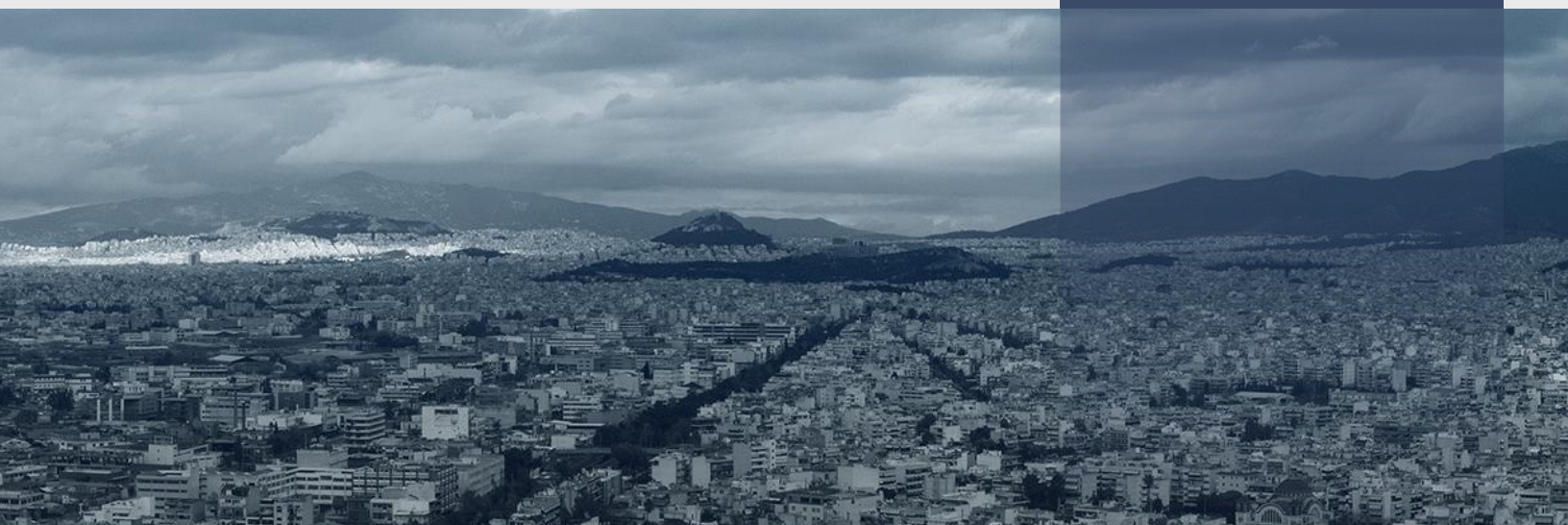
This period was also important for the reorganisation of the HCC, with significant changes in the structure of the Directorate General for Competition adopted by the Plenary of the Commission in December 2019 and the imminent change of its Organisation and its Regulation on the Internal Operation and Management. The new structure allows for a more flexible organisation of the Commission's directorates, a better monitoring of the various economic sectors and the development of synergies and know-how by its staff.

This period of change in the HCC will continue with the completion of the Legislative Committee's work aiming at bringing changes to the legal framework of Law 3959/11 (national competition law), so as to strengthen the powers and independence of the Authority as well as the effectiveness of its work in the digital age.

Part of this effort is to set up a network between the HCC and other regulatory authorities in Greece to promote synergies in their activities, avoid overlapping responsibilities and allow the existence of a general strategy to strengthen competition in the Greek market and reinforce competitiveness and innovation of businesses. On its own initiative, the HCC's leadership held a series of meetings with the leadership of other regulatory authorities and took further steps towards proposing and drafting Memoranda of Cooperation so that there could be an incremental setting up of a cooperation network.

During this period, the HCC had to face significant challenges, especially due to the COVID-19 pandemic and the extraordinary economic and social conditions, which necessitated immediate and novel action to meet the requirements of consumers, businesses and the State.

The HCC was one of the first public services in Greece to develop and fully support, as early as March 7, 2020, a teleworking programme for all its staff and one of the first Authorities in Europe to develop a range of measures and implement a strategic planning to address the unprecedented effects of the pandemic on product, service and labor markets.





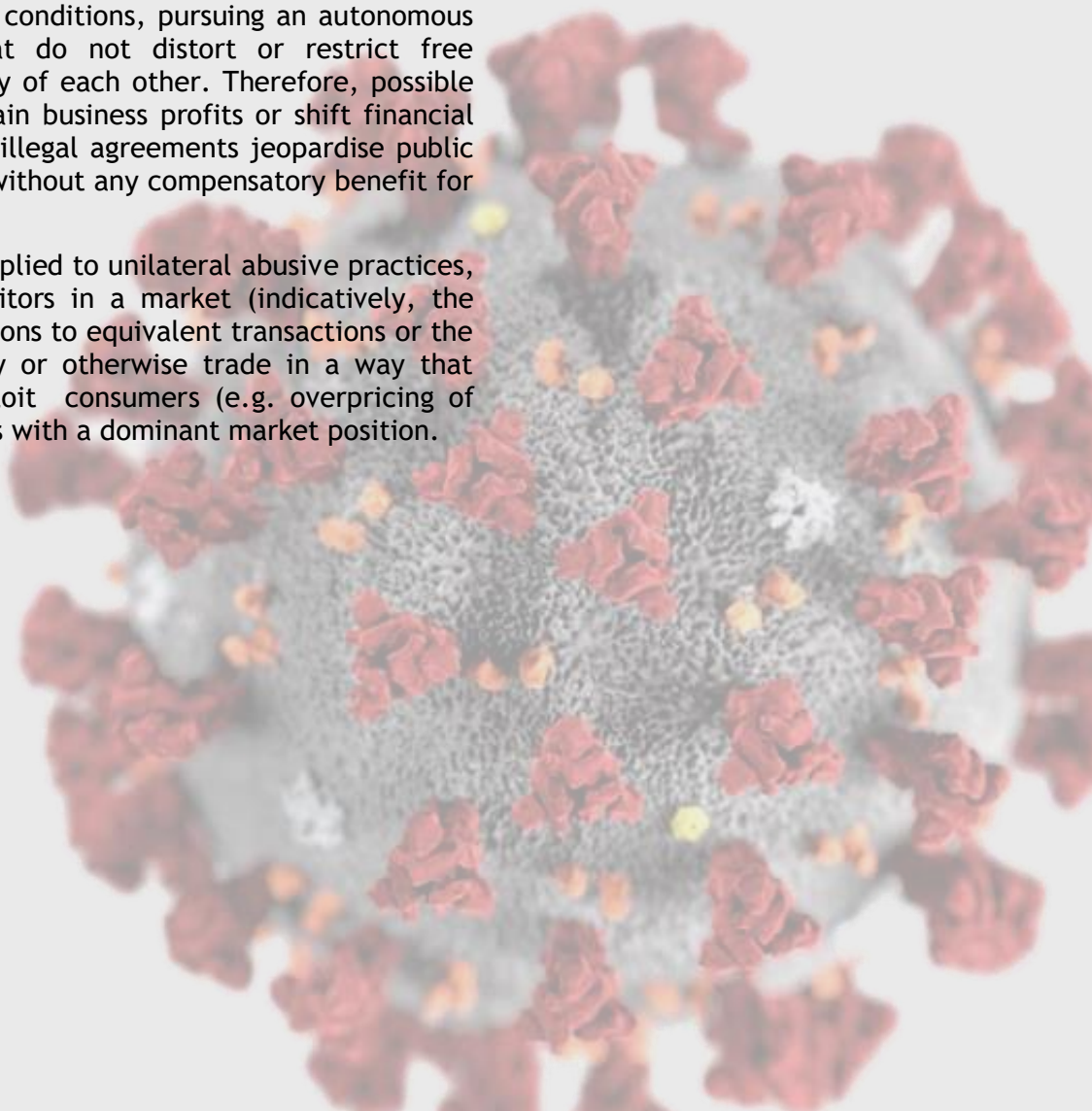


## The HCC and COVID-19

The COVID-19 pandemic brings significant upheavals in the economy and in international markets for goods and services, in which unprecedented simultaneous shocks are observed, both on the demand and the supply side. In this vein, Competition Authorities may be called to pursue an active market intervention policy to fight against profiteering phenomena due to anti-competitive practices and, at the same time, to provide the guarantees needed for a better organisation and resilience of the supply chain in these new conditions for business, especially in international value chains.

The HCC must ensure that the current situation shaped by the outbreak of COVID-19 will not be a reason to distort the conditions of effective competition and lead to exploitation of consumers. Competition rules, at EU and national level, require companies to deal with social and economic conditions, pursuing an autonomous trade policy with means that do not distort or restrict free competition, and independently of each other. Therefore, possible attempts to increase or maintain business profits or shift financial burdens to consumers through illegal agreements jeopardise public interest and harm consumers, without any compensatory benefit for the community.

Competition law can also be applied to unilateral abusive practices, whether they exclude competitors in a market (indicatively, the application of dissimilar conditions to equivalent transactions or the unjustified refusal to sell, buy or otherwise trade in a way that hampers competition), or exploit consumers (e.g. overpricing of goods or services) by companies with a dominant market position.





## The HCC and COVID-19

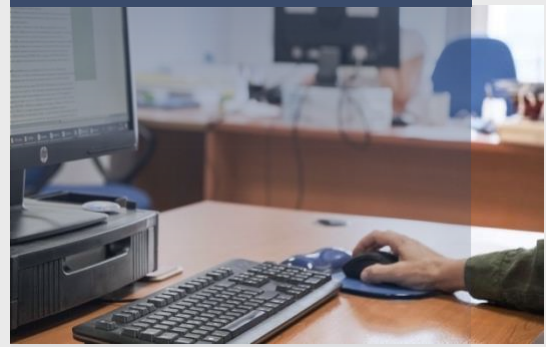
### *Actions taken by the HCC*

The HCC was one of the first competition authorities in Europe to take action, first by informing, through its [Press Release](#) dated 7<sup>th</sup> of March 2020, companies and consumers that it would consider, as an immediate priority, any case that would be brought to its attention following a complaint, a leniency application submitted by a member of a cartel, or by any other source of information (press, internet, public announcements, etc.) taking advantage of this special public health issue and the sensitivities of the general public and will impose very severe penalties on companies that may adopt such anti-competitive practices.

In addition, the HCC issued a special [Guidance](#), on 16<sup>th</sup> March 2020, on the application of competition rules to supply contracts and distribution agreements (vertical agreements), ensuring legal certainty for the development of a range of actions against profiteering, especially if it comes from intermediaries, in conjunction with the possibility of applying maximum resale prices (price caps) or recommended resale prices from producers or online platforms. This innovative initiative of the Hellenic Competition Commission was followed by many authorities and the European Competition Network.

Within its powers, the HCC sent, in mid-March, [requests for information](#) to 3,800 companies active in the production, import and marketing of healthcare materials, in particular surgical masks and disposable gloves, as well as other products such as antiseptic wipes and antiseptic solutions, so as to proceed with the thorough analysis of the entire value chain and decide on any further inspections at a number of key companies. This action was deemed necessary following complaints from consumers and media reports, on the one hand, regarding significant price increases of such products at various retail outlets and shortages of these products, on the other, which are likely to stem from business practices in the distribution chain that may fall under the provisions of Law 3959/2011.

Acknowledging that due to the pandemic and the exceptional economic and social conditions, more intensive government intervention in the markets may be needed, the HCC has processed the impact on competition, as well as on prices and product availability, of various possible state intervention measures with a view to protecting consumers from overpricing and submitted detailed proposals to the government on March 18, 2020.





## The HCC and COVID-19

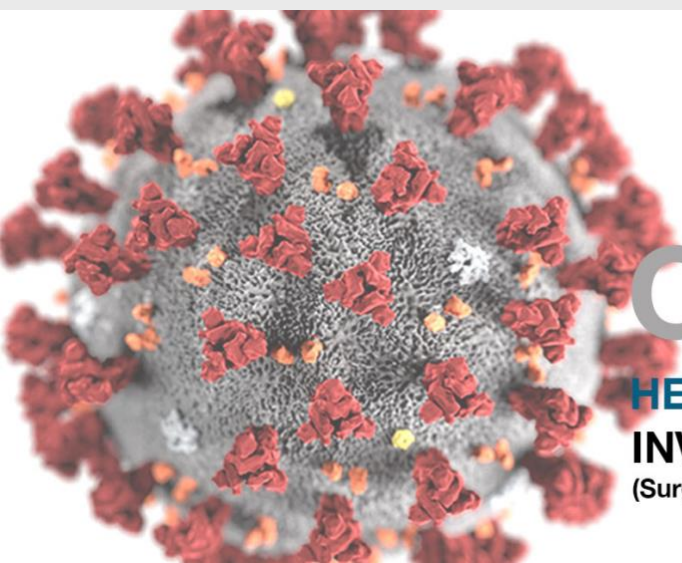
### *Investigation into the market of healthcare materials*

The HCC is also aware of the necessity for data collection and database compilation to better plan the measures that eventually may need to be taken in the future to address the impact of potential anti-competitive practices, should investigations and measures already taken by other public bodies not produce the desired results. In this respect, the Commission has decided to investigate whether the conditions required for launching an ex officio investigation and taking enforcement measures within its powers are in place with respect to increases in the wholesale or retail prices of healthcare materials or whether there are certain conditions that might justify a regulatory intervention in the affected markets, which, in order to be properly planned, first require a detailed assessment of the competitive structure of the entire value chain for these products and compliance with other requirements set out in the specific provisions of Law 3959/11.

This action was deemed necessary following numerous complaints from consumers and media reports regarding significant price increases of such products at various retail outlets, on the one hand, and shortages of these products, on the other, which are likely to stem from business practices in the distribution chain that may fall under the provisions of Law 3959/2011 on the “Protection of free competition”.

By sending thousands of questionnaires via an online tool and then swiftly analysing the data collected through data analytics tools to decide on further action is an innovative way adopted by the HCC for conducting its investigations (and the first time to date) and may also be extended to other sectors and product markets that show signs of unjustified price hikes and anticompetitive output restrictions in the near future.

The HCC has also expanded its investigations to certain sectors of the food supply chain.



# COVID-19

**HELLENIC COMPETITION COMMISSION**  
**INVESTIGATION IN HEALTHCARE MATERIALS**  
(Surgical masks, disposable gloves, antiseptic wipes, antiseptic solutions)

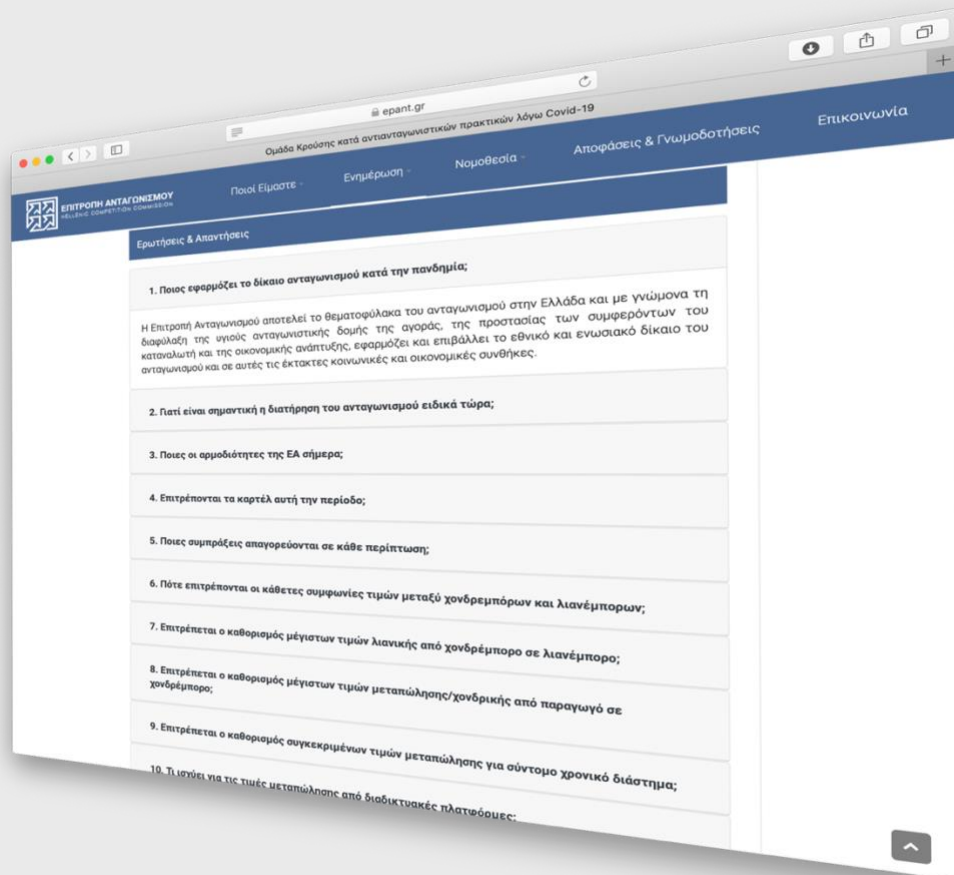


## The HCC and COVID-19

### COVID-19\_Competition Task Force

The HCC, by decision of its President, adopted on 20 March 2020, set up a special [Covid-19\\_Competition Task Force](#) to plan and coordinate its investigations in various sectors of the economy that raise serious concerns about prices and product availability.

Its task is also to provide businesses and citizens with information streams, through the creation of a dedicated [website](#), on the application of competition rules, in the form of press releases and Questions & Answers, inform the public about the investigations carried out by the HCC in currently crucial business sectors, inform the public about the Authority's procedural matters in the present context and post the actions of other national competition authorities and the European Commission on its website.



The next few weeks will be crucial for the seamless monitoring of developments, data collection and their quick analysis using new data visualisation and artificial intelligence technologies, and the targeted intervention of the HCC, following an analysis of inter-market spillover effects for the affected value chains and product markets.





## Clearance of Pending Cases and Increase of the HCC's Effectiveness

In recent years, the HCC has faced a significant stockpile of pending cases, many of which were brought before the Commission prior to 2011 and the investigation in some of them has even exceeded two decades.

Although the list brought to the Commission in March 2019 comprised 85 cases, almost no progress had been made until September 2019.

In September 2019, a task force was set up consisting of a sufficient workforce of HCC officials who were relieved of any other duties and worked at a super-intensive pace under the supervision of the competent heads and directors. It has examined, in record time, a substantial number of pending cases that had been brought before the Commission prior to 2011, thus completing its mission with great success. A second task force was set up in January 2020 to complete the examination of pending cases brought before the Commission prior to 2016.

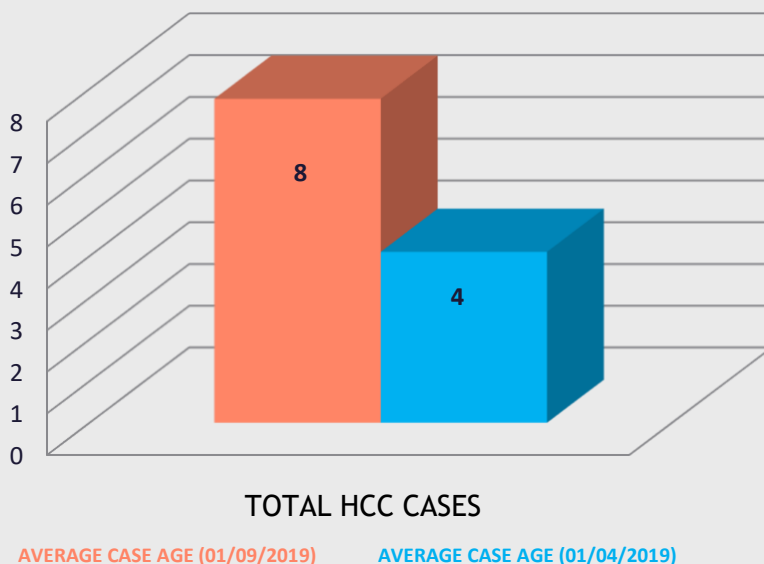
The primary goal in the first 6 months of the new leadership's office was to unburden the HCC's human resources from old cases through a rational and systematic analysis of pending cases so that we can focus on the real economy, on current issues.





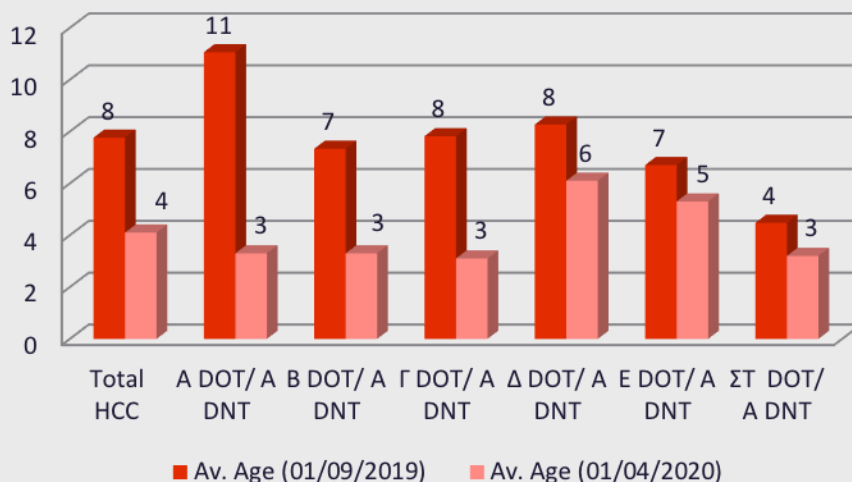
This effort has yielded significant results with a 35% reduction in all cases pending before the Commission and with the average "age" of cases being reduced by half in the last 6 months, i.e. from 8 years in September 2019 to less than 4 years in March 2020 (see Chart 1).

Chart 1: Average Age of HCC cases



The average age of cases reaches 3 years in several HCC units (see Chart 2).

Chart 2: Average age of HCC cases (by Operational Unit)



According to the Authority's planning, the second task force shall complete the investigation of all HCC cases (ex-officio investigations and complaints) prior to 2016 in the next two to three months, and with the prospect for the average "age" of the HCC cases to drop below 30 months in July 2020.

Due to the better organisation of staff through a project management system, this effort had no effect on the dynamic initiation of several ex-officio cases, the completion of sector inquiries and opinion issuing as well as the conduct of new sector inquiries.

Unburdening the HCC's human resources from old cases enables us to launch many new ex-officio cases in various sectors of the economy, improving the deterrent effect of the HCC.





## The “digital evolution” of the HCC

The technological infrastructure of the HCC's work was admittedly neglected when the new administration of the Authority took up its duties in September 2019 with non-existent planning and investments in the last period, despite the Commission's excellent IT human resources which, however, did not dispose of the appropriate infrastructure to maximise their performance.

For example, the HCC was not equipped with an operating electronic internal document management system. Similar difficulties also existed with the filing of the HCC's cases before the administrative courts, which was incomplete, and the archive was not fully digitised. The HCC also had no electronic project management system, its website was underperforming and based on a technologically outdated design and operational platform, and there were only a few limited electronic controlling tools, some of which were underperforming due to the lack of strategy.

Finally, there was no on-line communication and social media strategy, which is very important as the HCC must promote a competition culture, in particular for the new generation of entrepreneurs and consumers.

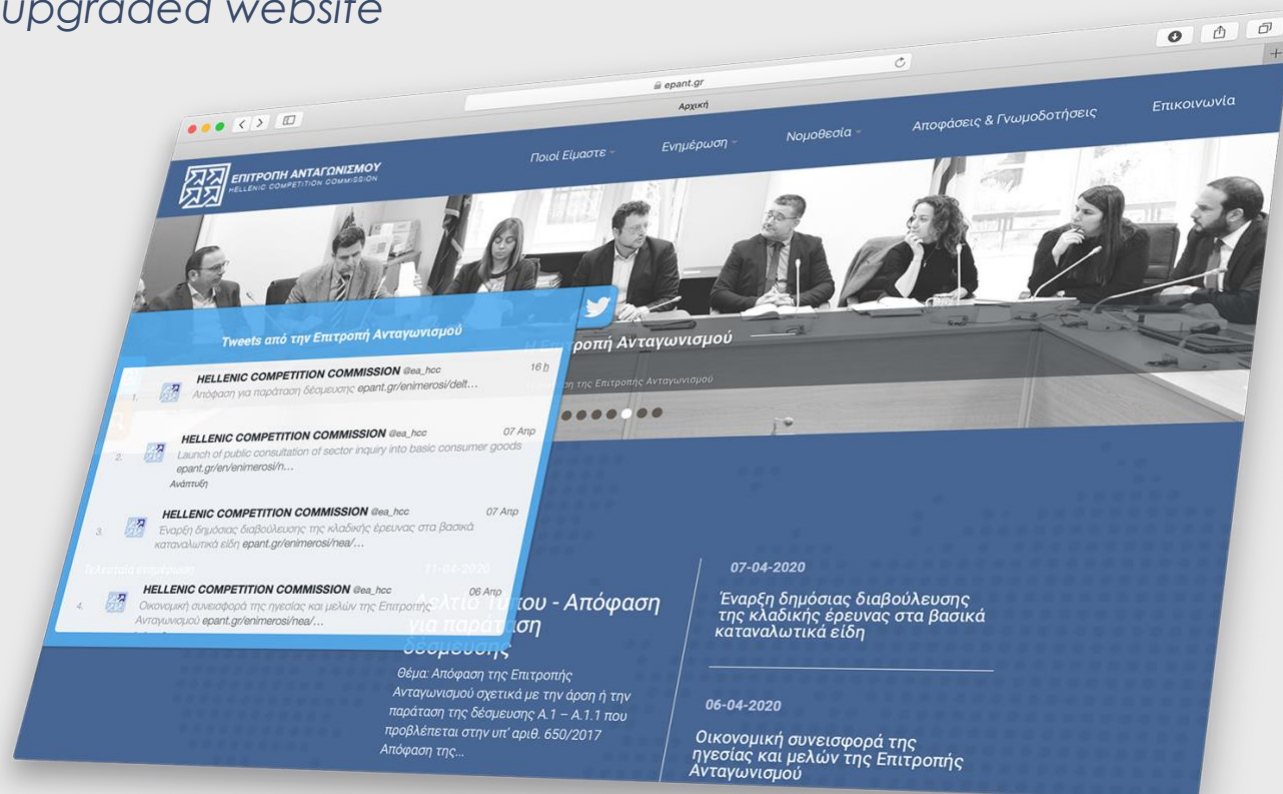
That is why the new leadership of the HCC has carefully planned to proceed with the appropriate planning for the digital evolution of the Authority.

This planning started with the repair and upgrade of the electronic document management system, e-Protocol and e-Services for citizens, which is in the phase of completion and will be delivered in two phases, in May and June 2020.





## New upgraded website



The HCC's website has been redesigned and technologically and aesthetically upgraded, and an HCC's Digital Communications Manager has been appointed for the first time, while an overall HCC digital communication plan was drawn up, with direct on-line communication with the media, the creation of a Twitter account and the planning of a competition for innovation and creativity on competition issues that is particularly focused on young people and will be announced in the coming weeks.





## Advanced investigation tools

At the same time, the HCC has been supplied with new generation software that allows the electronic analysis of large files, significantly improving its efficiency.

The Commission is also investing in the creation of a data analytics platform using various databases to which it has gained access, often at almost real time. The Authority's market monitoring capacity is expected to significantly improve and the HCC is going to build market intelligence, which has been lacking for years.

A significant number of investigations that have been progressing at a slow pace for years, due to evidence volume, are now progressing rapidly and will be completed in the coming months.

## On-line public consultation

The technological evolution of the HCC, taking place in the last 6 months after a period of technological stagnation, has been completed with the possibilities of the HCC to organise public consultations by teleconference by using an advanced system which will be pilot run for the first time during the on-line consultation organized by the HCC in the context of the e-commerce sector inquiry in early May.

The creation of a multi-camera studio in the Plenary Hall at the premises of the HCC for conducting on-line public consultations and allowing live streaming of future events, such as conferences, congresses etc.







## *Teleworking*

Finally, the pandemic outbreak situation and the resulting teleworking needs accelerated the implementation of the HCC's digital evolution programme.

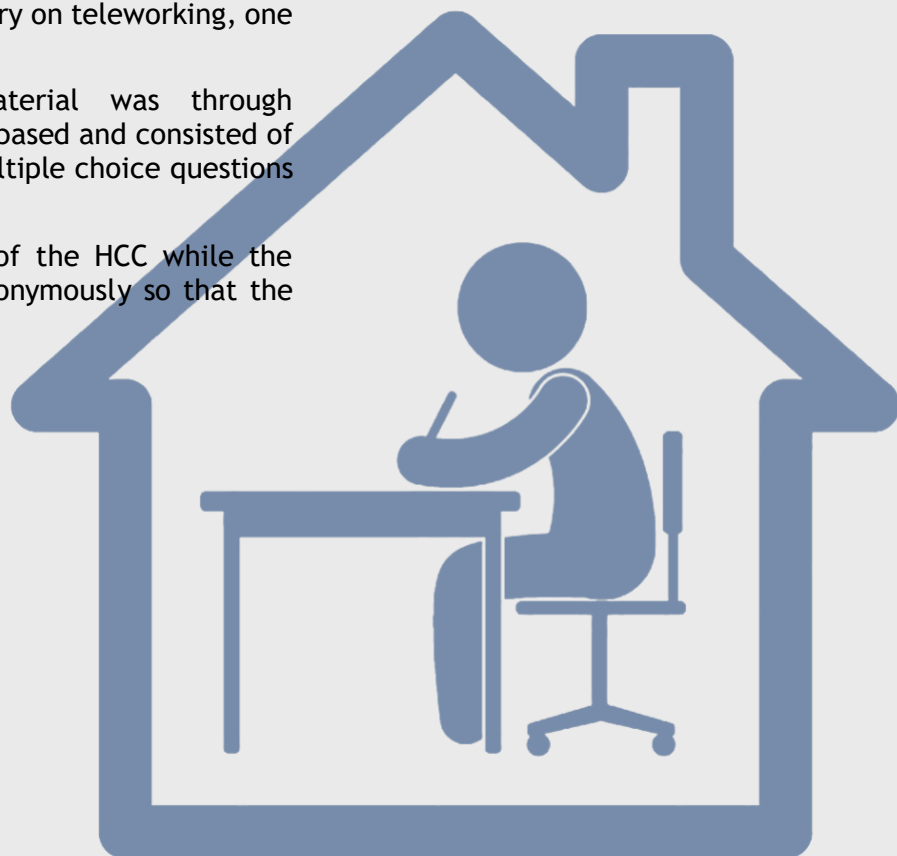
The HCC was one of the first public services in Greece to apply pilot teleworking as early as March 7, 2020, and all the operational directorates' staff members are teleworking, via direct access to a special teleworking software application, also being able to use special digital hubs for team working and advanced teleconferencing systems, acquired by the HCC over the last months.

## *Survey on Teleworking*

In the context of its digital evolution strategy and in order to collect descriptive and explanatory data as well as personal views, attitudes and behaviors, the HCC conducted a staff inquiry on teleworking, one month after its implementation.

The method chosen to collect the material was through questionnaires. The questionnaire was on-line based and consisted of two-part questions, rating-scale questions, multiple choice questions as well as open-ended questions.

The sample of the survey was all the staff of the HCC while the completion of the questionnaire was done anonymously so that the respondents could express themselves freely.

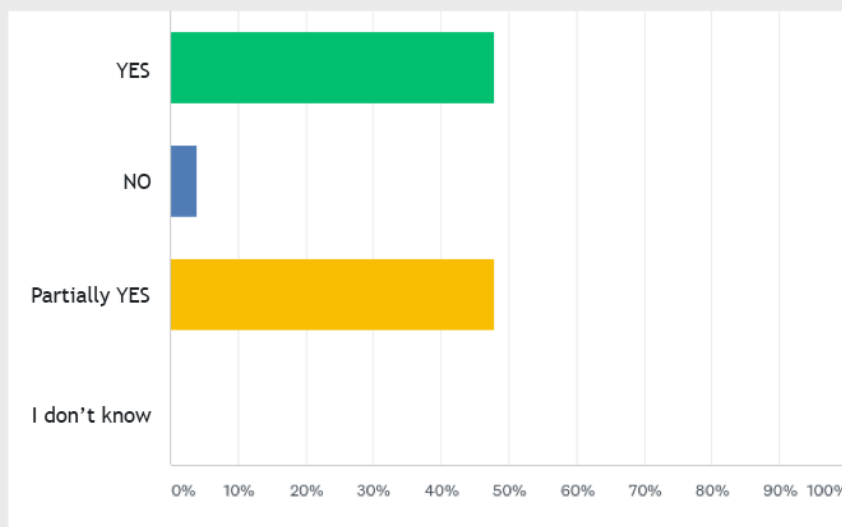




The survey results will be analyzed and assessed by the HCC's leadership with a view to improving, in the future and in the light of the Authority's needs and its staff's suggestions, the possibility of remote working.

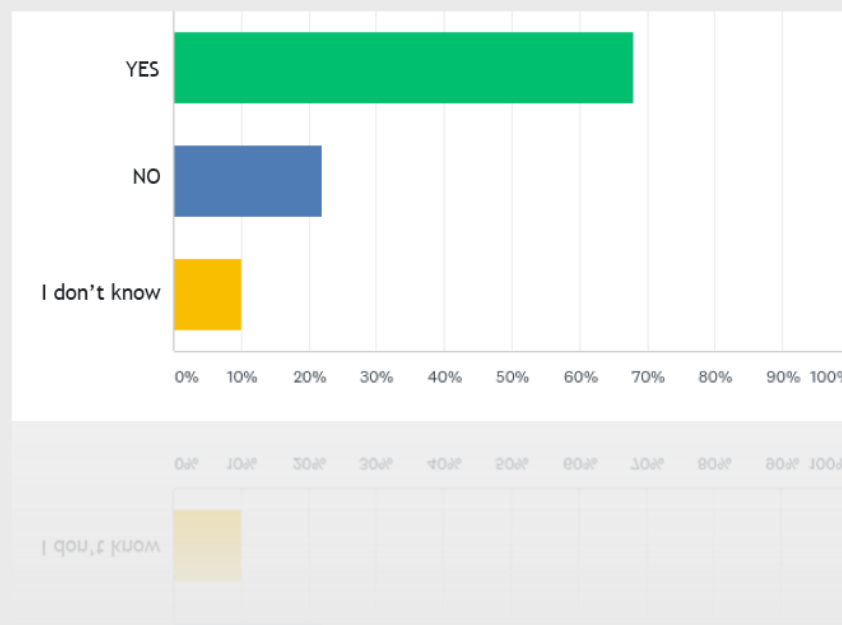
Indicatively, in a relevant question on the degree of satisfaction of staff members with the way teleworking is applied by the HCC, 96% responded positively and, specifically, 48% answered YES to the respective question and 48% answered partially YES. Only 4% of the staff members answered NO. (Chart 1).

**Chart 1: Satisfaction level of staff members with the way Teleworking is applied by the HCC**



In addition, 68% of the HCC staff members believe that Teleworking should be adopted and continue to apply even after the end of the measures adopted to deal with the COVID-19 crisis, while 22% of them expressed a negative view on the permanent adoption of Teleworking. 10% abstained from expressing an opinion. (Chart 2).

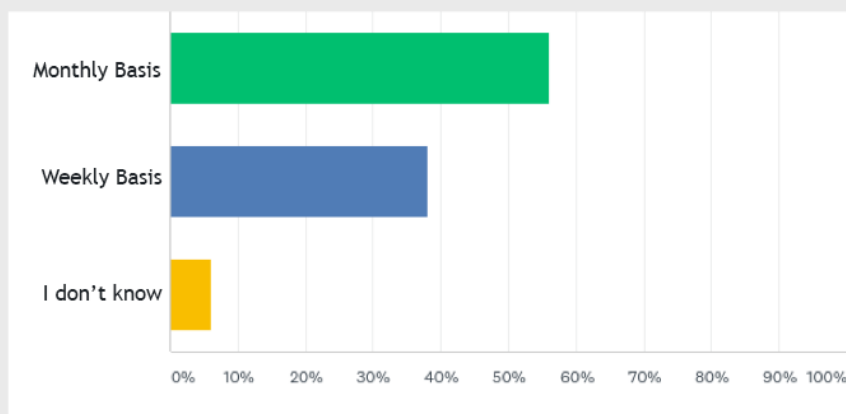
**Chart 2: Permanent adoption and application or non-application of Teleworking by the HCC**





Finally, responding to a relevant question, 56% of the HCC staff members endorsed the application of Teleworking on a monthly basis for a number of days per month, after the end of the measures, while 38% endorsed its application on a weekly basis. (Chart 3).

**Chart 3: Different Teleworking implementation methods after the end of the measures**



## Big Data

The HCC will also participate in Big Data utilisation programmes, in collaboration with the European Bank for Reconstruction and Development and the Hellenic Single Public Procurement Authority (HSPPA) and, also, in collaboration with the Directorate-General for Consumer Protection.

The HCC has formed a group of experts and econometricians from Greece and abroad, supporting the Authority in the implementation of data analytics in various aspects of its work.

In less than 6 months, the HCC has gone through different stages of digital evolution and is now facing the challenges of the digital age setting ambitious goals.

# BIG DATA







## The New Structure of the HCC

### *Building an HCC for the 21st century*

Following a comprehensive dialogue with the HCC staff members and their unions, and consultation with the staff, the HCC's Plenary has unanimously approved, in December 2019, a new structure for the internal organisation of the HCC and the Directorate-General, the main feature of which is to strengthen functionality and flexibility, based on international standards of other competition authorities (see Figure 1).

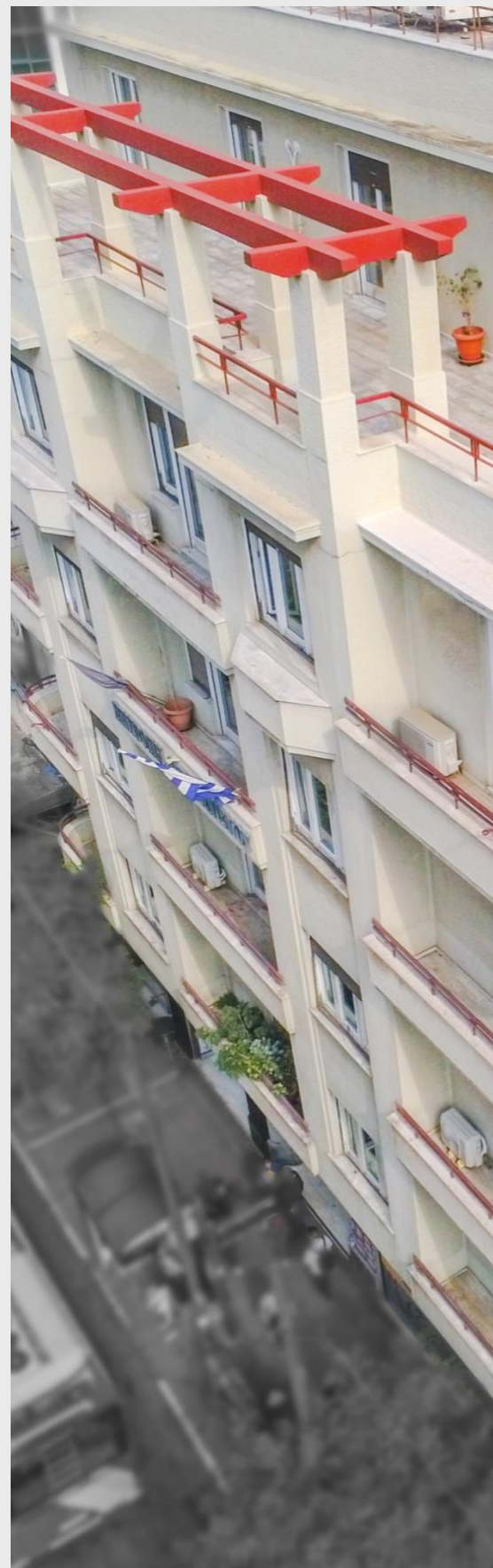
The features of the new structure are the replacement of the current economics and legal services directorates by 'mixed' directorates that will focus on one or more but adjacent economic sectors and will be staffed by officials with economic, legal and technical training.

This arrangement is expected to improve the efficiency and flexibility of our organisation, reduce bureaucracy and allow a more active and autonomous role of the different HCC directorates in systematically monitoring the various markets and applying fair competition through ex officio investigations.

Furthermore, in line with international standards, a post of HCC's Chief Economist as well as a research and economic documentation Unit will be established, which will proceed with the economic mapping of Greek markets and the creation of a database that will also be used for a more objective priority setting, in the context of an evidence-based policy.

Each sectoral directorate will consist of two units, one legal unit and another for economic analysis and impact assessment, while some units can separate the operational units of law 3959/2011 from others that will apply different legal frameworks (such as Regulation 2019/1150 or the Directive 2019/633, for which the HCC is expected to be appointed as the Implementing Authority).

The new Organisation, which is nearing completion in April 2020, will bring these changes to improve the effectiveness of the HCC's work, the quality of our decisions, the avoidance of overlapping responsibilities and excessive bureaucracy, the simplification and standardisation of processes, and the flexibility of our organisation so as to be ready to increase our responsibilities as a result of the changes of the economy in the digital age. It will also contribute to enhanced co-operation with the European Commission and other EU NCAs.





The first steps have already been taken via the new structure of the HCC, which is based on interdisciplinary mixed sectoral directorates, instead of distinct legal service and economics directorates, and the organisation of two independent, purely proactive units (intelligence/detection), such as the research and economic documentation unit and the Evidence Detection and Forensics unit. The posts of the Chief Economist and the Chief Technology Officer will serve as triggers for the diffusion of interdisciplinarity, the data-utilisation culture, and a more systematic and thorough economic analysis in the Authority's work.

The creation of the Chief Legal post (which will be supported by a dedicated unit) also aims at ensuring a better legal coverage of the Commission's work and the promotion of the procedural rights of the parties.

The new Organisation, which is in the process of completion and will be brought for consideration before the Plenary that will process these changes, and in particular certain proposals from a team set up to restructure the internal structure of the Administrative and Financial Directorate, aims at improving the effectiveness of the Authority's work, the quality of our decisions, to avoid overlapping responsibilities and excessive bureaucracy, the simplification and standardisation of processes, and the flexibility of our organisation so as to be ready to increase our responsibilities as a result of the changes of the economy in the digital age. It will also contribute to enhance co-operation with the European Commission and other EU NCAs.

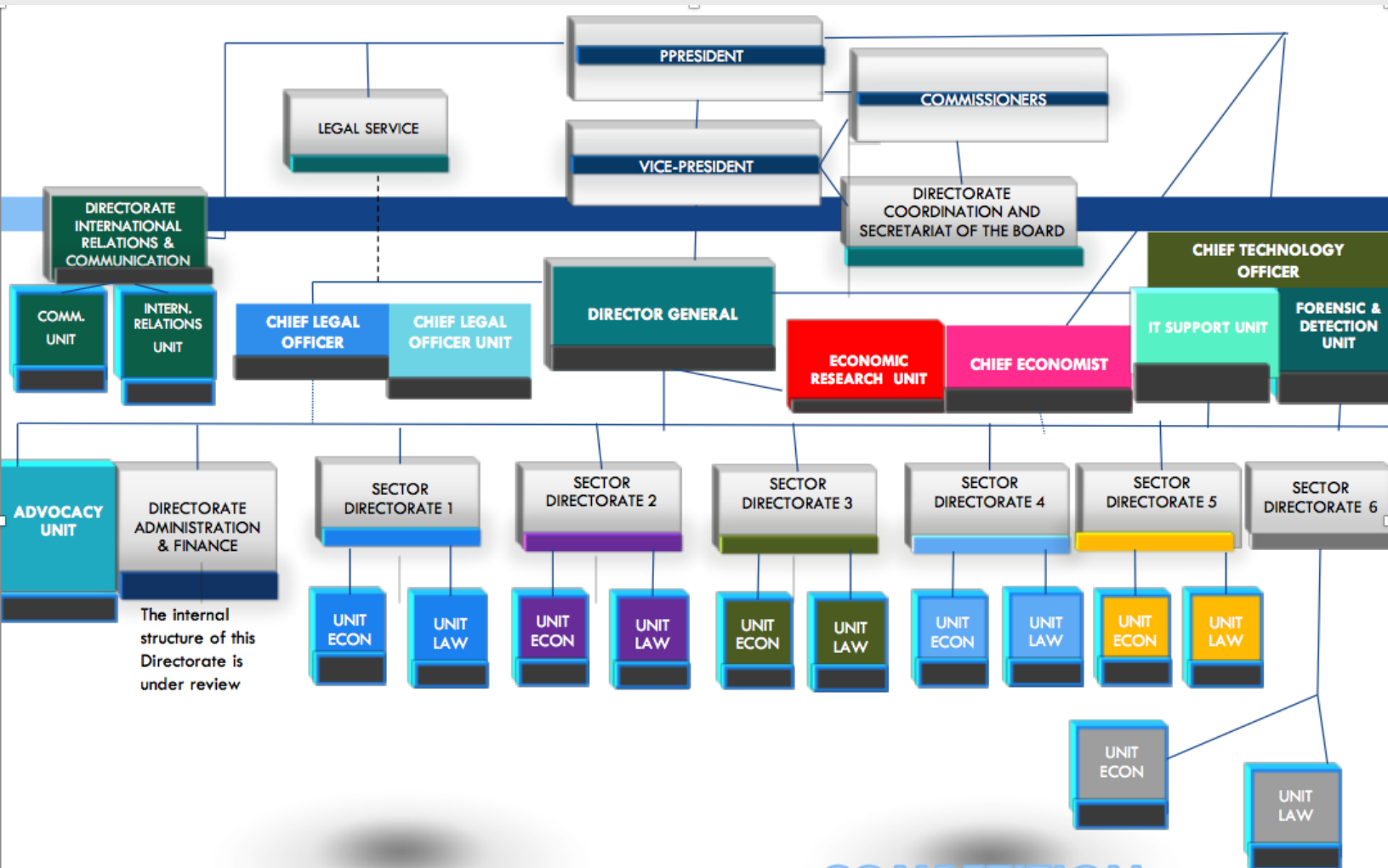
The restructuring of the HCC must be based on enhanced interdisciplinarity, without jeopardising the more traditional enforcement of competition law by means of ex officio investigations and examination of complaints.





## The New Structure of the HCC

Figure 1: The New Structure of the HCC



\*According to new competences of the HCC more directorates may be added

COMPETITION  
COMMISSION  
NEW STRUCTURE

The Commission also completed the electronic organisation chart, that was lagging behind until September '19, so that the Service can join the mobility programme and fill the existing vacancies of permanent posts.





## Activities of the HCC

*(from December 2019 to March 2020)*

### Mergers

The HCC has approved the following six (6) mergers during the period from December to March, finding that they do not raise any serious doubts as to their compatibility with the competition rules in the relevant markets involved:

- OCEAN RAIL LOGISTICS S.A. (OCEAN) / PIRAEUS EUROPE ASIA RAIL LOGISTICS LIMITED (PEARL Ltd) (click [here](#) for more information)
- ANDROMEDA SEAFOOD SOCIEDAD LIMITADA / PERSEUS SPECIALTY FOOD PRODUCTS (click [here](#) for more information)
- D MARINAS HELLAS S.A. / VENILIA INVESTMENTS S.A.R.L. (click [here](#) for more information)
- CRETE CONSUMER'S SUPPLY COOPERATIVE LIMITED LIABILITY PARTNERSHIP / "GALAXIA SHOPS DIMITRA MARKETS LIMITED LIABILITY COMPANY and MARKATO SUPER MARKETS SOCIÉTÉ ANONYME (click [here](#) for more information)
- MOTOR OIL (HELLAS), CORINTH REFINERIES S.A. / ALPHA SATELLITE TELEVISION S.A, ALPHA RADIO S.A. and ALPHA RADIO KRONOS S.A. (click [here](#) for more information)
- BLACKSTONE GROUP INC. (THROUGH LEONIDAS HOLDCO S.A.R.L) / FIVE (5) HOTEL ESTABLISHMENTS OF LOUIS HOTELS S.A. (click [here](#) for more information)

In addition, the Commission considered the compliance of Attica Holdings S.A. with the commitments undertaken following the Attica S.A. / Hellenic Seaways concentration (HCC Decision no. 658/2018).





## *Other cases*

### **Acceptance of the commitments proposed in alcoholic beverages market:**

By means of its unanimous Decision no. 698/2019, and pursuant to article 25 par. 6 of the L. 3959/2011 (“Greek Competition Act”), the Hellenic Competition Commission (“HCC”), sitting in plenary session, has accepted and made binding the commitments proposed by DIAGEO to address the preliminary competition concerns (Articles 1 and 2 L. 3959/2011, Articles 1 and 2 L. 703/1977 and Articles 101/102 TFEU) raised regarding certain types of DIAGEO’s practices in the markets of gin, Scotch whisky and Ready To Drink/Premix (RTD’s/Premix) alcoholic beverages in the on premise channel in Greece, where DIAGEO has been assessed, in the HCC’s preliminary view, as holding a dominant position.

In the HCC’s preliminary assessment, the practices under scrutiny, which are based on explicit and/or implicit agreements between DIAGEO and on premise outlets, consist in the provision to DIAGEO by on premise outlets of de jure and/or de facto exclusivity with regard to pouring services and various types of marketing and visibility services. Pouring services are defined as services consisting in the offer by on premise outlets of the product(s) which is/are agreed between the latter and DIAGEO in the event that the customer orders a product of the category, without specifying the brand, or orders a cocktail or mixed drink that includes a product of the category or the outlet offers for free (free drinks) a product of the category (ie. shots etc), and, therefore, the said services concern unbranded demand. Marketing and visibility services mean all marketing and visibility services provided by on premise outlets. Such services are complementary in nature in that, in most cases, pouring services are commonly used in combination with marketing and visibility services so as to cover both branded and unbranded demand, and, as implemented in Greece, they are capable, in the HCC’s preliminary view, of foreclosing potential or existing competitors from access to a significant part of the relevant markets, due to the fact that DIAGEO incentivises exclusivity.





DIAGEO proposed a set of commitments to address the HCC's concerns, despite the fact that it did not admit to infringing competition law provisions. The main goal of the commitments consists in lifting exclusivity with regard to pouring and marketing and visibility services, so that every strategically important outlet, with regard to pouring services, and every on premise outlet, with regard to marketing and visibility services, shall be able to offer such services in parallel, i.e. both to DIAGEO and to competing suppliers, by type of services, by product category (whisky, gin, RTD's/Premix), by brand (e.g. Johnnie Walker, Gordon's, Gordon's Space) or/and brand variant (e.g. Johnnie Walker Red Label, Gordon's London Dry Gin etc).

DIAGEO has committed to adopting the above commitments for a period of five (5) years as from 31-01-2020. The HCC has made the above commitments binding on DIAGEO without concluding whether there has been or still is an infringement. Non-compliance with the commitments may lead to the imposition of a fine, in accordance to the Greek Competition Act.

For more information, click [here](#).

#### **Extension of validity of DELTA-MEVGAL commitments:**

According to commitment A.1.- A.1.1. provided for in 650/2017 Decision of the HCC, the companies DELTA FOODS S.A. and MEVGAL S.A. committed to buy (directly or through third parties) fresh cow's milk from each milk producer - stockbreeder, with whom they cooperated on 21.10.2017 in the Prefectures of Serres, Kilkis, Thessaloniki, Imathia, Kozani, Pella, Florina, Kavala, Xanthi, Grevena, Pieria and Halkidiki with a minimum guaranteed price, based on a specific mathematical formula.

This commitment also covers those dairy producers who cooperated on 21.10.2017 with either of the two companies, but this cooperation was interrupted, without any fault on anyone's part, by the producers, and may have started again.

In any case, each of the companies DELTA FOODS S.A. and MEVGAL S.A. maintains the possibility to offer higher prices.

By its Decision no. 697/2019, issued on December 18, 2019, the Commission, in Plenary Session, unanimously, decided:

(a) the extension of validity of the commitment A.1 - A.1.1 for another year, namely from 21.10.2019 to 20.10.2020, after which, the HCC will assess the effectiveness of the commitment and the competitive conditions in the market, and will rule in favor of lifting it, or extending it for a period not exceeding one year.

(b) the initiation of a compliance assessment on the implementation of the above commitment by the companies DELTA FOODS S.A. and MEVGAL S.A.

For more information, click [here](#)





## Publication of earlier HCC Decisions

### ***Decision imposing a fine on COCA COLA TRIA EPSILON for obstructing an on-site inspection in the context of an investigation by the HCC in the non-alcoholic beverage market***

The HCC has published its Decision on the case of the obstruction, by the company COCA COLA TRIA EPSILON INDUSTRIAL & COMMERCIAL S.A and certain natural persons, of an on-site inspection carried out in the company's premises by the HCC's Directorate-General for Competition in the context of an investigation by the HCC in the non-alcoholic beverage market, pursuant to Article 39 of Law 3959/2011.

According to the Decision No. 688/2019, COCA COLA and certain of its employees (natural persons) actively violated Article 39(5) of Law 3959/2011 by moving and deleting messages from the e-mail accounts of persons who were employees of the company at the time, during the on-site inspection conducted by the Directorate-General's officials at the company's branch in Rhodes. In the light of all the evidence of the case-file, as well as of the proposals for active cooperation put forward both by COCA COLA and by the above individuals, the HCC imposed a fine totaling € 800,000 on COCA COLA, pursuant to Article 39(5) of Law 3959/2011 and did not impose a fine on the aforementioned natural persons.

For more information, [click here](#)

### ***Decision on the ex officio investigation into the market for the production and sale of dairy products and imposition of a fine on the company FRIESLAND CAMPINA HELLAS SA***

By its Decision No. 676/2018, the Plenary of the HCC found that FRIESLAND CAMPINA HELLAS SA, a company active in the dairy sector, breached Article 1 of Greek Law 703/77, as was in force at the time of the infringement (now Article 1 of Greek Law 3959/2011), as well as Article 101 TFEU, through its participation in a prohibited vertical agreement consisting of (a) resale price maintenance and (b) imposing a non-compete clause on its affiliated wholesalers/ distributors.





By the same Decision, the HCC, by majority, imposed a fine on the company FRIESLAND CAMPINA HELLAS SA for committing, in the time period spanning from 1.1.1996 to 31.12.2014, a single and continuous infringement of Article 1 of Greek Law 703/1977 (now Article 1 of Greek Law 3959/2011) and Article 101 TFEU, amounting to three million three hundred four thousand one hundred and ten euros (EUR 3,304,110).

The HCC, by majority, found that FRIESLAND CAMPINA HELLAS SA had not committed an infringement of Article 2 of Greek Law 3959/2011, as explained in the grounds of the Decision, also finding that the conditions for prohibition pursuant to Article 102 TFEU were not met and, therefore, there was no reason for further action by the HCC in this respect.

For more information, [click here](#)

### *HCC Board case discussions in the period from December 2019 to March 2020*

The Commission held a series of meetings to examine:

- a) the complaint of A.K. against "MACEDONIAN ANIMAL FEED INDUSTRY S.A.",
- b) the ex officio investigation regarding a public works tender in the Prefecture of Fthiotida and, in particular, the tender for the construction project of the "5th Lyceum of Lamia (section A1 and B)" for possible infringement of Art. 1 of Law 3959/2011 on the "Protection of Free Competition", as in force, (and/or Art. 1 of former Law 703/1977) and Art. 101 TFEU, and
- c) the complaint of the company "AGNI INDUSTRIAL AND COMMERCIAL COMPANY ACTIVE IN THE PRODUCTION AND TRADING OF CARBONATED SOFT DRINKS" against "COCA-COLA TRIA EPSILON".





## *Sector Inquiries*

### **Completion of the sector inquiry into basic consumer goods (supermarkets)**

Over the past five months, the HCC has completed by its Plenary Decision of March 30, 2020, its sector inquiry into production, distribution and marketing of basic consumer goods, after a significant delay of several years. The completion of this crucial sector inquiry was one of the priorities of the new leadership of the HCC and was successfully completed in record time, considering that up until September 2019 it had, regrettably, not progressed enough. The analysis of the findings and conclusions of the inquiry will be presented in the next newsletter of the HCC.

For more information, [click here](#)



### **New Sector Inquiries**

By two decisions adopted in March 2020, the Plenary of the HCC decided to initiate sector inquiries into E-commerce and Fintech (the latter in collaboration with the Bank of Greece) as well as to initiate a market study regarding the use of algorithms by Greek companies.

The process of public consultation on the e-commerce sector inquiry, which will be carried out by means of the new teleconferencing website developed by the HCC's IT service, has already been launched. Detailed information on these sector inquiries will be provided in the next issue of the HCC's newsletter.

For more information on the e-commerce sector inquiry, [click here](#)





## Opinions

### Opinion of the Hellenic Competition Commission on the functioning of competition in the national market of Press Distribution



#### PURPOSE AND SCOPE

On the 31st of August 2017, the Ministers of Economy and Development and of Digital Policy, Telecommunications and Information submitted to the HCC the request for an opinion under ref. no. 4717, according to Art. 23(1) of Law 3959/2011. According to this Article, the HCC, within the framework of its advisory powers, shall exercise its capacity to issue opinions on matters of its competence. In this context, the main responsibility of the HCC is the protection of free competition, in particular against the different restrictions of competition, as referred to in Chapter 1 (Articles 1 to 11) of Law 3959/2011. Specifically, Article 11 of Law 3959/2011 states that the HCC may take all necessary measures "to create conditions of effective competition in the economic sector in question". The HCC focuses on the negative effects of restrictions of competition, whether resulting by anti-competitive practices or facilitated by market structure and the institutional framework.

The HCC's Opinion was completed on December 23, 2019 and was submitted to the competent ministers for further action.

The Opinion undertakes for the first time a detailed analysis of the competition issues raised in the existing structure of the printed-press distribution market and, in particular, how this market is affected by the closure of one of the two existing printed-press distribution undertakings (agencies), which changed the structure of the market from a duopoly (which also operated for a period as a cartel, identified and fined by the HCC in the past) to a de facto monopoly, with a single active printed-press distribution agency, ARGOS, in which publishers holding a significant stake in the printed-press/newspaper market act as its shareholders.




The HCC analysed the effects of this structure on effective competition and many factors that may affect the interpretation and application of competition law to press distribution or the press in general, in particular constitutionally protected rights or rights protected by the Charter of Fundamental Rights of the European Union.

The Hellenic Constitution guarantees pluralism in public discourse as a precondition for the free expression of opinion and freedom of information as a constituent element of the functioning of democracy. In particular, Article 14(9) of the Constitution provides for safeguarding pluralism and prohibits the concentration of control over more than one media outlets of this or any other kind. Concerning the press, the Constitution empowers the State to take measures to ensure a minimum level of pluralism. The key role of media in shaping public opinion serves as a basis for specific arrangements aimed at ensuring media pluralism (the presence of a sufficient number of media representing different and independent voices) and diversity of similar media (the presence of different political and cultural views). Media pluralism and freedom of expression are supported by EU law.

The HCC has therefore interpreted competition legislation in light of the principles ensuring media pluralism through the improvement of the conditions of economic competition in the market. Specifically, there are various methodologies for incorporating these more general constitutional and other interpretative requirements, for example by analysing them as an element of product quality at an empirical level or, possibly, by using a more deontological approach in the interpretation of the specific provisions and rules of competition law.

The HCC also sought to reflect the real conditions in the market and the structure of media. The market is characterised by significant downturns due to a variety of causes, such as the economic crisis and the digital transformation of the press.

The Opinion was based on a thorough economic analysis of market conditions, business models of the undertakings active in it and the national legal framework for press distribution or the press in general.



In recent years, the media industry has undergone radical changes and restructuring as a result of the adoption of new technologies, which offer new opportunities for all market players and consumers. In this context, the rules of pluralism should not seek to preserve the old media structure, but rather favour the emergence of new structures and allow new technological means to coexist with traditional ones.

The institutional framework and economic conditions of the press distribution market in other EU countries were also studied in detail.



### MAIN FINDINGS - SUMMARY OF CONCLUSIONS

According to the Opinion, the Printed-press distribution market is characterised by a number of structural weaknesses, such as:

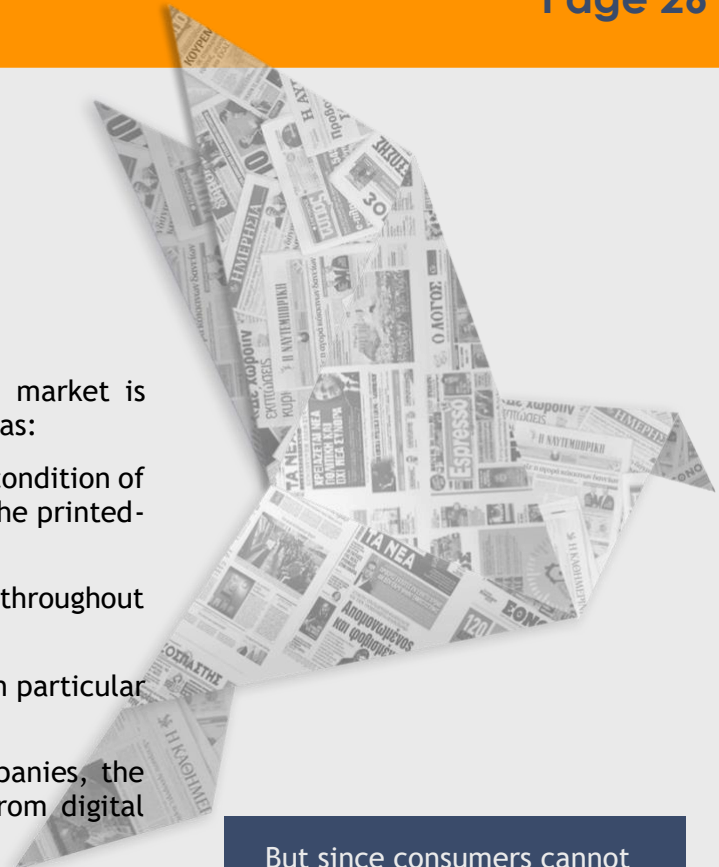
- (a) the evolution of different conditions, in particular the condition of demand, which has been steadily declining over time for the printed-press products;
- (b) the legislative obligation to distribute press products throughout the Greek territory;
- (c) the particular importance of the sale of publications, in particular with regard to the overall cost of ARGOS, and
- (d) the revenue and business methods of publishing companies, the sale of publications (compared to the revenue coming from digital advertising).

The above characteristics/weaknesses result in a de facto “natural monopoly” or “essential facility”, at least in the medium term. It is noted that, in theory, where markets present characteristics of a natural monopoly, the activity of only one company is considered to be more cost-effective, in terms of the cost of providing that service, than the operation of several companies.

In addition, the participation of only certain publishing companies in the share capital and thus in the governance of the sole press distribution agency, weakens, by definition, the competitive neutrality between the publishing companies.

In particular, the direct or indirect activity of companies in more than one level of the vertical chain (in this case, publishing companies at the level of publishing press products and distribution agencies) creates the risk that the latter companies adopt foreclosure practices against their competitors, which can also have a negative impact on citizens who, in this case, are also the end consumers in the information-products output and distribution chain.

As described above, the HCC took into account not only quantitative but also qualitative parameters of the competitive process, and in particular the quality of products and services, based on consumer preferences.



But since consumers cannot express their preferences in a monopoly market (i.e. as the press distribution market), as by definition they have no alternative, and given that the Constitution and the relevant legislative framework emphasise the protection of pluralism, it could be said that any negative effects affecting media pluralism may constitute an element of social cost which should be taken into account, together with other parameters, by the HCC when considering whether there is a negative impact on effective competition.





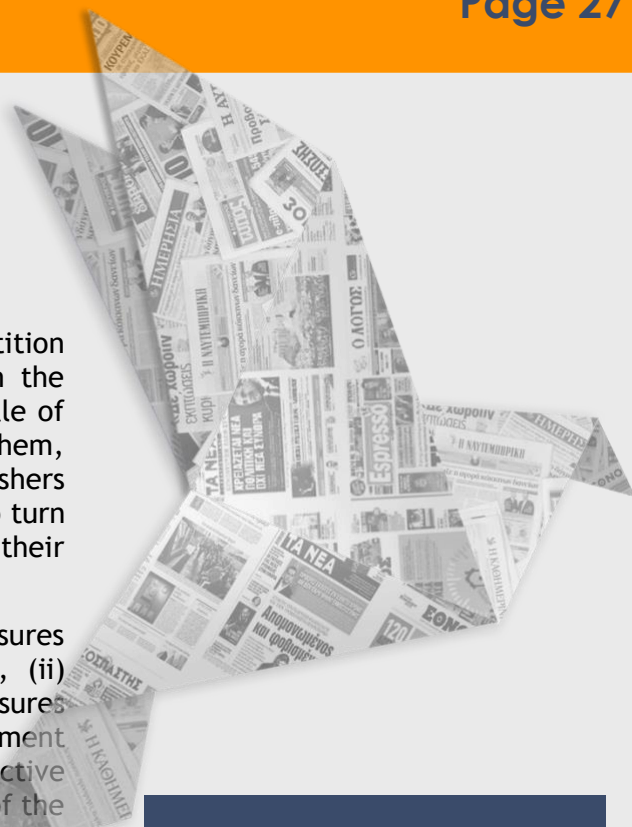
Also, the market is characterised by a lack of potential competition due to the high switching cost of publishing companies from the distribution agency, as ARGOS is responsible for clearing the sale of publishers' titles and reimbursing the related commissions to them, which has created a relationship of dependency of the publishers towards ARGOS. This makes it particularly hard for publishers to turn to other potential means and channels for the distribution of their titles.

In conclusion, when investigating the possibility of taking measures concerning (i) the legal form of the printed-press agencies, (ii) changes to the existing institutional framework and/or (iii) measures concerning intervention in the press market itself, the Government should aim at ensuring both the benefits brought by effective competition to consumers and society, as well as the pluralism of the press, in the sense of ensuring pluralism of media and the proper functioning of the market, not only in the present but also in the future.

It is further deemed necessary that this balancing exercise of the various parameters at play, that go beyond even the relatively broad framework of the concept of effective competition developed by the HCC, should be carried out by State institutions, such as the legislature, which enjoy broader legitimacy in weighing the general interest, even where this does not coincide with the protection of "effective competition".

In that context, the Opinion analyses the pros and cons of various measures, which may bring about solutions to some of the problems identified above, some of which arise from the nature and characteristics of the market (i.e. from the fact that it bears the characteristics of a natural monopoly or an essential facility), and some others are associated with the risk of adoption of anti-competitive practices by the participants (i.e. issues related to the shareholding structure of the distribution agency and the activity of some publishing companies also at the level of printed-press distribution).

In the context of this analysis, it has been found that the systematic application of competition law against behaviors that lead to the exclusion of certain publishing companies may partially address some of the problems but, as mentioned above, is not a solution to the structural problems existing in the press distribution market, because of its specific characteristics.



In these cases, the ad hoc application of competition law cannot eliminate the source of anti-competitive effects and in any case the implementation cost (in human and material resources) is high and is borne by all capital companies and ultimately by the final consumer.

Therefore, the State must turn to other, more effective tools both in terms of cost effectiveness and in terms of overall economic efficiency in dealing with anti-competitive effects on the printed-press distribution market, some of which involve greater degree of state intervention than others.



The Opinion first considers the possibility of adopting measures pertaining to the legal form of the distribution agency. In this context, it examines the solution of a possible nationalisation of the press distribution company or of the creation of a public-private partnership (PPP), for reasons relating to the fiscal costs of these options and to certain competition concerns they may give rise to. However, the analysis shows that these options cannot be considered as appropriate. In this regard, it is proposed to investigate the functioning of distribution agencies in the legal form of a cooperative, which would potentially guarantee competitive neutrality between publishers at the distribution stage.

This solution appears to be the most appropriate to ensure equal treatment for all publishing companies involved in the distribution of titles, thereby safeguarding the pluralism of the press. However, it must be taken into account that the creation of a cooperative also entails certain drawbacks, primarily related to the difficulty of making business decisions, as such an arrangement might not be flexible enough.

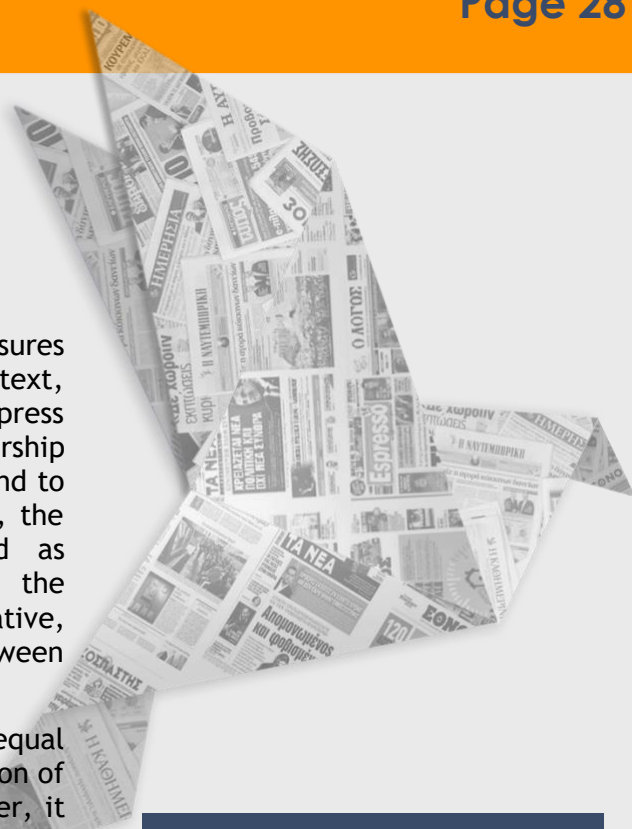
The legislator may also create a new special legal form of a hybrid non-profit (although capital-based) press distribution organisation (which could also be a form adopted by publishing companies), starting from the premise that information is a public good and that both its production and distribution require considerable investments.

The capital of this organisation should be open not only to all publishers, but also to the employees (journalists), the readers and the general public through the possibility of crowdfunding. It would also be based on specific governance rules that will enhance the participation of stakeholders, limiting voting rights for capital contributions beyond a specific capital shares' threshold.

The Opinion then explores the possibility of enhancing the negotiating position of publishing companies, which have to deal with the press agency's strong bargaining power because of its control over an essential facility in the press distribution value chain.

This could be achieved through the emergence of a countervailing bargaining power and, in particular, the ability of publishers to collectively, rather than individually, negotiate with the distribution agency, the terms of their cooperation. This could limit the anti-competitive effects arising out of the monopolistic structure of the printed-press distribution market.

However, it is noted that the implementation of this solution may not be compatible with other aspects of EU law.





Some of the aforementioned problems could possibly be resolved through the enactment of a Code of Conduct, which could be imposed by the HCC as a remedy and implemented by the Press Distribution Agency. Such Code of Conduct would include rules prohibiting practices that may be contrary to the principle of competitive neutrality. The Code of Conduct can provide a solution to any conflict of interest between the various stages of a (even partially) vertically integrated business, mainly because publishing companies have a decisive influence (due to the shareholding arrangement and voting rights) in shaping the printed-press distribution agency's policy.

Should this be considered necessary, given the importance of the printed press, as explained above, more State intervention measures may be adequate in order to enhance the competitive process, insofar as the specific conditions in the industry allow it. In this context, the (conditional) granting of a state aid/subsidy for the distribution of publications (for instance, to remote or outermost areas in order to cover increased transport costs) could play a key role in the proper and efficient functioning of the press distribution market. This might also allow some competitors to enter the press distribution market and to -at least artificially- maintain more than one competitor, even under conditions that are similar to those of a natural monopoly.

Furthermore, the competent Ministry (i.e. the Ministry of Finance) might explore the possibility of establishing an appropriate legal framework regarding the classification of press distribution services as Services of General Economic Interest (SGEIs), which allow State aid being granted to the Press Distribution Agency in return for a limited pricing policy in order to reduce as far as possible the impact on the financial situation of publishing companies. However, it cannot be overlooked that the disadvantages of this option package are similar to those of nationalisation - the use of scarce public resources to strengthen press distribution, a sector characterised by a predictable decline and is currently in a phase of technological transformation.

In addition, given that the market is characterised by quasi-natural monopoly elements, another option might be to promote competition for the market.

The possibility of providing a Printed-press distribution service to companies through auction processes could thus be considered.







This may also take the form of exclusive rights acquired by the company, which will be bound at the lowest possible tariff to provide the service to the parties (thus ensuring, for instance, the viability of the publishing companies while protecting pluralism). In any case, adopting this approach requires from the outset a careful planning of the auction mechanism. These auctions, which could be conducted by the subsequently proposed Supervisory and Regulatory Authority for Press Distribution, could also allow the participation of companies that have been active in similar markets to date.

To that end, a Supervisory and Regulatory Authority for Press Distribution could be established by law, the responsibilities of which would include the control, supervision and regulation of the market concerned as well as ensuring transparency in press distribution, while publishing companies could have recourse to it in case they consider that press distribution is not properly functioning and/or it is likely to harm their interests. Alternatively, the above powers could be included in the competences of the Hellenic Telecommunications and Post Commission (EETT), following the example of other Member States, such as France, on the basis of a recent legislative amendment to this effect.

Having made these proposals to the State regarding a regulatory/legislative intervention in the sector in question, which is the only way to find a definitive solution to the problems faced by it, the HCC will soon come back to the analysis of the issues raised in this sector, through examining ARGOS' compliance with the interim measures adopted by the HCC Decision No 687/4-6-2019 (with the relevant report soon to be submitted to the Plenary of the Commission), and the Commission's main ex-officio investigation, the completion of which is amongst the Commission's immediate priorities in the coming months.



*For more  
information, click  
[here](#)*

## Internal Developments in the HCC

*Decision of the Hellenic Competition Commission (HCC) on the determination and quantification of the criteria for priority setting upon the basis of a point system, replacing the previous relevant decisions of the HCC on this matter.*

The HCC in its Plenary Session (extended composition) decided (by its Decision No. 696/2019 of 21.11.2019) pursuant to Article 14(2)(xiv)(aa) and 14(2)(xv) of Greek Law 3959/2011, (as in force), the determination and quantification of the criteria for case prioritisation and the setting of its strategic priorities upon the basis of a point system, following a public consultation, replacing the previous relevant decisions of the HCC on this matter (Decisions No. 525/VI/2011 and 616/2015 respectively).

The main objective of the updated point system is to enhance the efficiency and effectiveness of the HCC's operation in light of the protection of the public interest.

Upon this basis, the HCC puts forward a new methodology for measuring efficiency (based on a cost-benefit analysis) as a basis for shaping its case prioritisation system. With the new point system, high-efficiency cases are prioritised and investigated, i.e. cases that maximise the possible benefits and minimise at the same time the costs for such action.





The fundamental change between the previous and the current point system is the methodology for case prioritisation. Under the previous system, the final score for each case was established on the basis of a sum of points gathered based on a set of criteria, while under the updated system, the score results from measuring the impact of an alleged anti-competitive practice while taking into account the efficiency in terms of time, cost and human resources. In addition, a key change under the new system is the consideration of an additional factor (the so-called "prospective expiration of the limitation period factor") in order to promote cases where the alleged infringement is close to being time-barred.

It is noted that this decision was adopted after the HCC's evaluation of the proposals submitted during the period of the public consultation (from 25.10.2019 to 11.11.2019) by various bodies, which applauded the updating of the criteria for prioritisation of the cases by the HCC and submitted observations in order to provide clarification and / or improve some of the proposed scoring criteria. The HCC took into account those that contributed, in its judgment, to the optimisation of the updated scoring system.

*For more  
information, click  
[here](#)*







## *The Code of Ethics and Cybersecurity of the HCC*

On February 25, 2020, the HCC Code of Ethics and Cybersecurity was published in the Official Gazette, which regulates the manner of exercising the duties of the HCC members and staff of the HCC, and in so doing contributes to the better institutional organisation of the HCC.

The purpose of the Code is to regulate the manner of exercising the duties of the members of the HCC and the staff of the organisational units of the HCC.

The provisions of the Code provide for basic principles of ethics, in order to ensure, within the framework of current legislation and regulations, the maintenance of the legitimacy and impartiality of the work of the HCC and its organisational units and businesses' confidence as well as to protect free market competition.

In carrying out its work, the HCC is governed by the following fundamental principles: independence, impartiality, confidentiality, professionalism and transparency.

The members and staff of the organisational units of the HCC enjoy personal and functional independence and perform their work unaffected by any outside intervention.

They act with impartiality and transparency, in order to ensure the Authority's standing and to strengthen the confidence of those in charge of it, and they must preserve confidentiality on matters classified as confidential by current legislation. They are also subject to the obligation of confidentiality and, in any case, where this is required by common experience and logic regarding facts or information which come to their knowledge during the performance of their duties. The Code also requires members of the HCC to immediately declare any financial or other interests that could cause conflicts of interest in the performance of their duties in the context of the consideration of a pending case.

The Code also contains provisions on conflict of interest for members of the Directorate-General and other organisational units of the HCC. The fourth chapter of the code includes regulations on cybersecurity, the HCC being one of the first public services to provide detailed information on the use and security of information systems.

*For more information, click [here](#)*



## External Developments

### *Legislative Committee for the amendment of Law 3959/11*

By decision of the Minister of Development, a Legislative Committee was set up on January 15, 2020, entrusted with the following tasks:

(1) The review and proposal of the necessary legislative amendments to Law 3959/2011 for the transposition of Directive (EU) 2019/1 of the European Parliament and of the Council of the 11th December 2018 (ECN+ Directive),

(2) The transposition of Directive (EU) 2019/633 of the European Parliament and of the Council on unfair trade practices in the relations between undertakings,

(3) The submission of proposals on the modernisation of competition rules in accordance with the developments of the digital age and, in particular, for the inclusion of provisions aiming at protecting competition in product and service markets in the sectors of Telecommunications and Courier Services.

The setting-up of a Legislative Committee was deemed necessary, on a proposal from the President of the HCC, to cover the need for more structural changes in Greek competition legislation and in the powers of the HCC, especially in the digital age, which could not be achieved solely through the transposition of Directive 2019/1. It is noted that Directive 2019/1 complements Regulation 1/2003 of the Council and does not bring significant substantial changes to the national legal order, and could thus have been transposed without the procedure of the legislative committee, i.e. by means of a simple draft law that the government could bring to Parliament. The Ministry of Development had in fact sent to the HCC a draft law for informal analysis and comments in November 2019, before the submission of the final draft for an official opinion by the HCC in accordance with Article 23(1) of Law 3959/11. The draft law was discussed by the Commission's Plenary in two sessions, which unanimously agreed to send comments and made remarks, although it had some reservations about procedural issues and stressed that the HCC's input through these informal comments did not in any way affect the possibility of the Plenary, and also of its members individually, to subsequently express themselves on the final draft law in accordance with the procedures provided for in Article 23 (1) of Law 3959/11. These clarifications are deemed necessary in order to avoid creating false impressions due to misinformation on this specific issue by certain media outlets.







The Legislative Committee is chaired by Ioannis Lianos, Chairman of the HCC and Professor of Competition Law (on unpaid leave), with the participation of prominent experts, lawyers and economists from Greece and abroad as regular and alternate members, namely:

- Kalliopi Benetatou, Vice-President of the HCC, Doctor of Economics,
- Garyfallia Athanassiou, Professor at the Faculty of Law, National and Kapodistrian University of Athens,
- Efthymia Kinini, Assistant Professor at the Faculty of Law, National and Kapodistrian University of Athens,
- George Dellis, Professor at the Faculty of Law, National and Kapodistrian University of Athens,
- Panagiotis Tridimas, Professor at the Law School of King's College, London
- Alexandra Mikroulea, Professor at the Faculty of Law, National and Kapodistrian University of Athens,
- Michael-Theodore Marinos, Professor at the Faculty of Law, Democritous University of Thrace
- Ioannis Kokkoris, Professor of Competition Law and Economics at the Centre for Commercial Law Studies, Queen Mary University of London,
- Nikolaos Economidis, Professor of Economics and Executive Director of Net Institute at New York University, Stern Business School,
- Vassilios Hatzopoulos Professor of EU Law and Policies at the Panteion University of Social and Political Sciences and Visiting Professor at the College of Europe, in Bruges, Belgium,
- Michael Jacobides, Professor of Entrepreneurship and Innovation, London Business School, Sir Donald Gordon Chair of Entrepreneurship & Innovation,
- Lefkothea Nteka, Attorney-at-law, former HCC Commissioner,
- Konstantinos Stylianou, Associate Professor of Competition Law and Regulatory Law and Deputy Director at the Center for Business Law and Practice at the University of Leeds, United Kingdom,
- Christos Genakos, Associate Professor at the Athens University of Economics and Business and University Senior Lecturer in Economics, Cambridge Judge Business School,
- Andriani Kalintiri, Lecturer in Competition Law at the Law School of King's College London, United Kingdom,
- George Lioris, Head of the Legislative Coordination and Supervision Department of Legal Entities of the Ministry of Development and Investment,
- Evangelia Karahaliou, Head of the Department of Entrepreneurship and Chambers of the Directorate-General of Marketing of the Ministry of Development and Investments,
- Anastasia Petroulia, Attorney-at-law, Athens,
- Aggeliki Antonopoulou, Attorney-at-law, Athens.







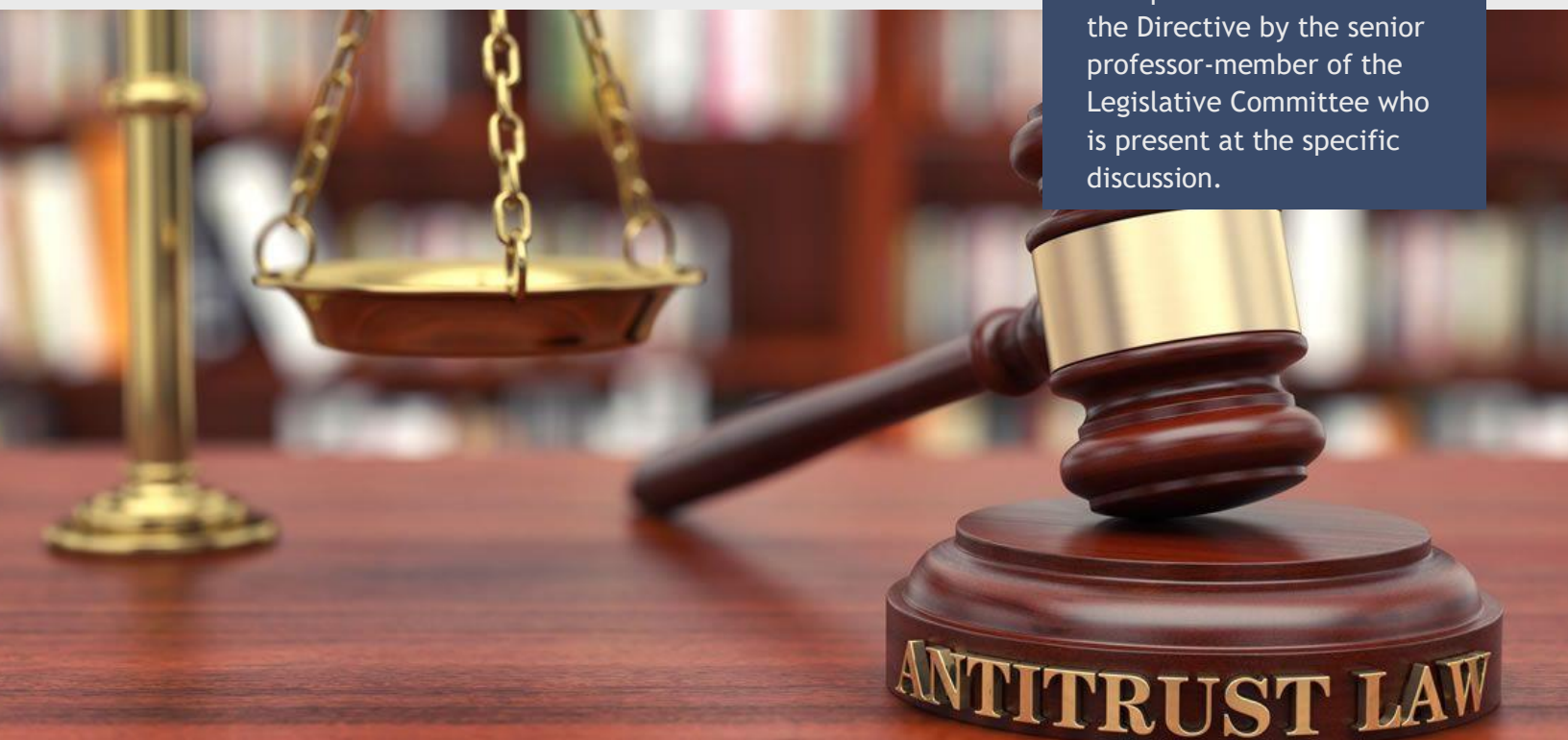
In accordance with the provisions of Law 4622/2019 on “Executive state” and the provisions of the Ministerial Decision regulating the work of the legislative committee, the Committee may, upon proposal of its President and where deemed necessary, call in qualified experts on the issues under consideration to support its work, as well as invite public bodies to oral hearings.

So far, the Committee has invited certain of its members to oral hearing in the context of drafting the new Development Plan of the Greek Economy (Pissaridis Committee) in their personal capacity, representatives of the Ministry of Rural Development, other independent regulators (such as EETT, RAE, RAL, RAS) and will soon also invite representatives of the European Commission.

The work of the Legislative Committee is expected to be completed in May-June 2020, after the launching of a public consultation on the proposed draft laws.

Also, in order to avoid misinformation and the spreading of “fake news”, it is noted that the chairman of the Legislative Committee and Ms. Benetatou abstain from the works of the Legislative Committee regarding the transposition of Article 4 of Directive 2019/1, due to the pending legal proceedings on this matter before the Council of State brought by the former President and Vice-President of the HCC and two former rapporteurs.

The chairman of the Legislative Committee is replaced during the discussions concerning the transposition of Article 4 of the Directive by the senior professor-member of the Legislative Committee who is present at the specific discussion.



## Cooperation of the HCC with other authorities/bodies

### *Cooperation with Regulatory Authorities – towards the creation of a Greek network of Competition and Regulatory Authorities*

One of the HCC's strategic objectives is to create an ecosystem of cooperation with other independent authorities, especially regulatory authorities, so that we can promote competition culture more effectively and prevent anti-competitive practices. The provisions on the application of competition rules, mainly national, and also of the principles of free competition in general, are spread across many legislative instruments, without any effort so far to establish a network that would provide the possibility of systematic exchange of information and views on competition issues arising in various regulated markets and coordination between *ex post* application of competition law and *ex ante* market regulation.

From right to left: Constantinos Masselos (President of EETT), Ioannis Lianos (President of the HCC.), Kalliopi Benetatoou (Vice-President of the HCC), Dimitris Varoutas (Vice-President of EETT)





This is a gap in the legislation on competition and regulatory authorities in Greece and it constitutes the subject of discussion of the Legislative Committee.

From right to left: Ioannis Lianos (President of the HCC), Nikolaos Boulaxis (President of RAE)



In any case, and whilst legislative changes are still pending, the leadership of the HCC, from the beginning of its term of office, has held meetings with the leadership of other independent authorities, in order to set the conditions for better coordination of their work.

The HCC also proposed to other independent authorities the signing of cooperation memoranda and the creation of common databases aiming at a better market monitoring.

From left to right: Ioannis Lianos (President of the HCC), Iasson Aggelopoulos (President of RAL)







We have also cooperated, specifically on Fintech issues, with the Bank of Greece, with which we will also cooperate in the context of a market study as well as with ELSTAT for the exchange of information, while meetings have been held with the Ministry of Digital Policy and the Ministry of Rural Development and Food, on issues of our responsibilities.

From left to right: Ioannis Lianos (President of the HCC), Vassiliki Lazarakou (President of the Hellenic Capital Market Commission)



## *Cooperation with other institutions*

Over the last six months, the HCC has initiated cooperation with different civil society organisations. We have developed institutional cooperation with the European Consumer Organisation (BEUC) and the principal consumer associations in Greece, since such cooperation can be beneficial for consumers. It is reminded that the HCC and the consumer organisations, EKPOIZO, INKA and KEPKA, signed on October 25, 2019 three (3) bilateral Memoranda of Cooperation, intended to set a framework for communication and enhance cooperation between the parties for the optimisation of consumer information. These Memoranda cover, inter alia, the exchange of information and the implementation of actions in areas of common interest.



The HCC has organised a training seminar on competition issues for consumer organisations, originally scheduled for March 9, 2020, and postponed due to the Covid-19 crisis, and an international training seminar in collaboration with the European Consumer Organisation (BEUC) in 2020, in order to strengthen the participation of consumer organisations in the implementation of the law protecting free competition.

In addition, based on the updated HCC's prioritisation system, adopted by the Commission in December 2019, emphasis will be placed on the investigation of cases brought to the attention of the Commission by consumer organisations with which the HCC maintains institutional cooperation. In addition, we met with representatives of the Hellenic Federation of Enterprises (SEV), and with the Chamber of Commerce and Industry of Thessaloniki (TCCI), with our participation in various events organised by them to promote competition culture.

The HCC's objective is also to work with labour and professional organisations, especially because of its interest in protecting competition in labour markets.

We hope they will respond to our proposals soon.





## International initiatives

### *Bilateral cooperations*

In addition to the participation of the HCC's Commissioners and staff in the activities of the European Competition Network, the OECD and the bilateral ongoing cooperations with various competition authorities of third countries, the HCC's Commissioners and staff are particularly active in the international environment of competition law, where the presence of the HCC in the previous period was very limited.

### *Competition & COVID-19 pandemic*

The Hellenic Competition Commission has played a particularly important role in the EU's response to competition issues raised by the COVID-19 pandemic.

We have been one of the first competition authorities to take action both by providing businesses and the public with guidance and by initiating investigation measures to detect violations of competition law. The President of the HCC also played a key role in the European Competition Network's (ECN) initiative to address a joint message to businesses on the COVID-19 pandemic and, in particular, to emphasize the importance of cooperation in the area of competition law enforcement policies at a European level.

Among the ECN's proposals was for the Competition Authorities not to take action against practices consisting in the imposition of maximum resale prices on products or recommended prices in supply contracts and distribution agreements, a measure that was proposed and applied first by the Hellenic Competition Commission.





## *Participation in conferences*

HCC Members have participated in international conferences and meetings, where issues concerning competition protection at a global level are discussed and where the positions and interests of the Greek economy and Greek consumers must be represented.

Our aim is to strengthen the role and prestige of the HCC internationally, which can be achieved through the recognition of both its work and the international prestige of its members, who have a significant presence in international conferences as keynote speakers, presenting a dynamic and extroverted image of the HCC.

- Participation of the President of the HCC, Ioannis Lianos, as speaker in the following events (first time that a President of the Hellenic Competition Commission has participated in several of the following events)
  - a) semi-annual DG Meeting of the Heads of the European Competition Network (ECN) on 26 & 27 November 2019 at the European Commission,
  - b) World Bank's conference in Toulouse on "Infrastructure in the Digital Era - How Should Regulation Adapt?" on December 11, 2019 (with the participation of the Nobel Laureate Jean Tirole),
  - c) Global Competition Law Center College of Europe annual Conference in Brussels on January 30, 2020, on "Vertical restraints in the Digital Economy: VBER reform and the future of distribution", in the panel of Competition Authorities' Heads with the participation of the Presidents of Belgium, and the Netherlands, the Vice-President of the French Competition Authority and representatives of the European Commission and the OECD,
  - d) European Centre of Expertise (ECE) Internal workshop on 'competition law and collective bargaining' at the European Commission, on February 6, 2020, and
  - e) European Competition Day 2020 to present on Competition Law and the Digital Economy, which would be held in Zagreb, Croatia, on April 8, 2020 (postponed due to the COVID-19 pandemic).





- Professor Sotirios Karkalakos, HCC Commissioner, has been appointed as National Representative at the European Innovation Council and European Innovation Ecosystems, which forms part of the European Commission, Directorate-General for Research & Innovation.
- Participation of Dr Maria Ioannidou, HCC Commissioner-Rapporteur, in:
  - a) FEDMA Privacy Event 2019 'Discussing the design of sustainable digital policies for the future', November 18, 2019, European Parliament, Brussels
  - b) 41st International Conference on Data Protection and Privacy Commissioners, October 23, 2019, Tirana, Albania

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