

# NEWSLETTER HELLENIC COMPETITION COMMISSION

Kotsika 1A & Patision, 10434, Athens, Greece  
[www.epant.gr](http://www.epant.gr) [contact@epant.gr](mailto:contact@epant.gr) 2108809101

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Ioannis Lianos,  
President of the HCC

## President's Introductory Note

The second half of 2021 was a period of vigorous action taken by the Hellenic Competition Commission (HCC). The coronavirus pandemic and the phenomenon of soaring prices were certainly the focus of public and the HCC's concern, with the Authority carrying out the most unannounced inspections (in terms of number of inspected undertakings) it has ever organised in a similar period of time in the past and launching a series of inquiries in different markets and sectors of the economy triggered by indications of anti-competitive practices. 2021 was also a milestone year for the HCC, both in terms of its efficiency (albeit with reduced staff, 75% more decisions were issued compared to the average of the previous decade) [see Chart 1], as well as in terms of "range" of its interventions as, for the first time in its history, the HCC unfolded a broad strategy which included regulatory interventions (in the construction and press distribution sectors), sector inquiries in key sectors of the national economy to enhance the HCC's case generation, (e-commerce, fintech, waste recycling and management,

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## President's Introductory Note

medical services and health insurance), innovative tools to boost the competitiveness of the national economy (the sustainability sandbox), various actions to promote competition (competition advocacy) and cooperation with different bodies (in particular, consumer associations and small and medium-sized businesses), but also an increase in the number of cases initiated following complaints as well as ex officio, also due to the support provided by the new HCC's whistleblowing tool [see Chart 2].

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Chart 1

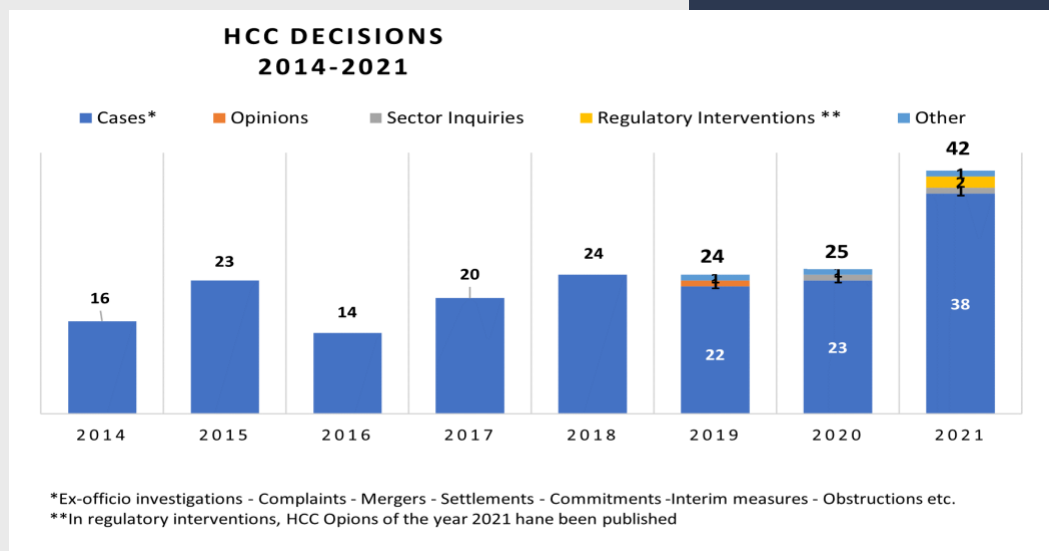


Chart 2





## President's Introductory Note

This considerable activation of the HCC was made possible as a result of the significant investment made since September 2019 in the completion of the significant backlog of cases pending before the HCC which had affected its capacity and the completion of its cases, since they occupied a significant part of the staff for more than a decade. For the first time, modern case management methods were systematically implemented with the aim of reducing the average age of the HCC's cases and boosting the pace of work and the efficiency of the HCC's staff.

Chart 3

The results speak for themselves, with a rapid decline in the average age of the HCC's cases in December 2021 compared to September 2019 [Chart 3].

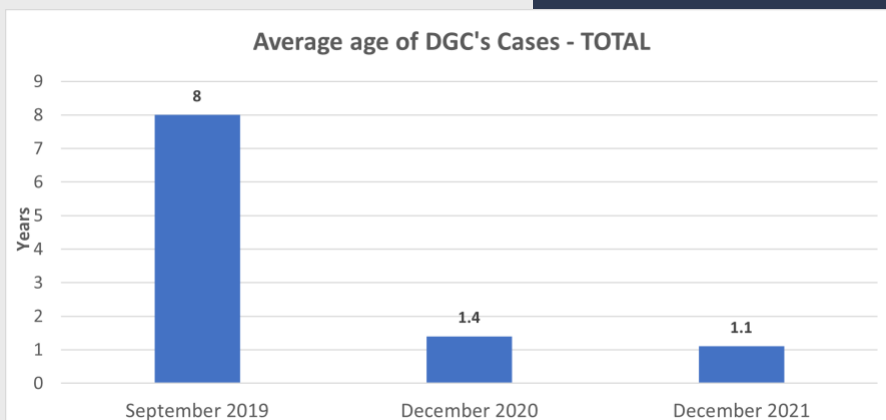
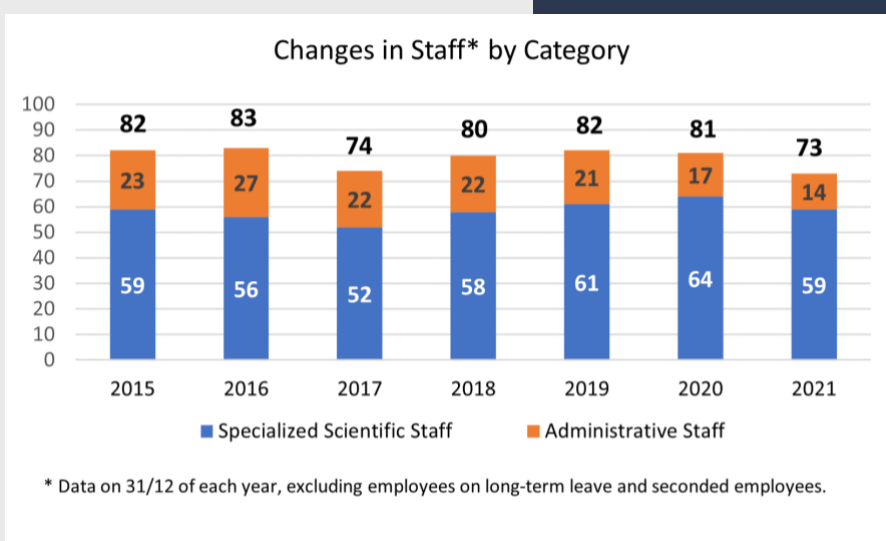


Chart 4

More than 160 cases were completed within 24 months of the beginning of the term of office of the current HCC's administration while, for example, only 4 pending cases were completed in the period January 2019- September 2019, while very few cases were completed each year in the previous 5 years.

This outcome has been achieved despite the reduction in the HCC's staff by 10% in the last two years (Chart 4).



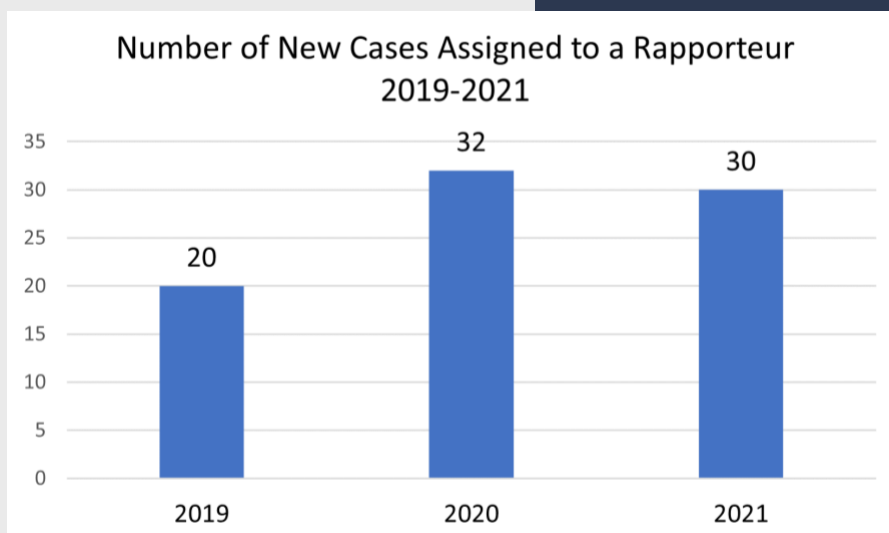
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## President's Introductory Note

It is noteworthy that the completion of the pending cases did not limit the HCC's activity to improve its effectiveness relating to the cases investigated by the Directorate-General for Competition and assigned to a Commissioner-Rapporteur for consideration in plenary. On the contrary, there has been an increase of more than 50% since 2019 in the cases assigned to a rapporteur [see Chart 5].

Chart 5



These substantial results, as well as the investments that have been made over the last two years in staff training and transfer of know-how, in the use of the most advanced logistics infrastructure and software, in attracting experts of international standing to strengthen our work as well as in improving the HCC's efficiency and internal organisation, enable us to step up our efforts in detecting anti-competitive practices and addressing the phenomenon of high prices, as never before. Of course, the strengthening and renewal of the HCC's human resources and the provision of the necessary incentives to reward the significant effort made by our officials, are necessary conditions to achieve our objectives more effectively to the benefit of consumers and the national economy.

We expect the support of the State in the effective exercise of our administrative and financial autonomy, in particular in terms of attracting specialised scientific human resources and removing bureaucratic hurdles and delays that affect our efficiency and the successful bringing of our efforts to fruition over the last two years.



## HCC's actions to address high prices

The Hellenic Competition Commission (HCC), within the framework of its responsibilities, closely monitors the developments regarding price increases recorded worldwide as a consequence of the current pandemic, as these increases may have an impact within the Greek territory. Through the use of new tools, the HCC can systematically monitor (in thousands of products daily) price increases and examine, through thorough investigation, whether these increases are mainly due to international price trends, which limits the HCC's possibility to act on its own, or they are the result of anti-competitive practices, implemented either through horizontal or vertical cartels or through their unilateral imposition by dominant companies in the relevant markets, to enable the Authority to proceed with the adoption of further investigative measures.

**Economic Intelligence Platform** The HCC, through its specialised tool-platform (HCC Economic Intelligence Platform), that was developed by a group of experts in collaboration with the HCC's Information Technology Systems and Forensics Directorate, which draws and processes, inter alia, data collected by the e-katanalotis platform of the General Secretariat for Consumer Affairs, the e-fuels database, and data collected by the Central Market and Fishery Organisation (CMFO), monitors consumer goods and foodstuff prices in supermarkets, fresh products and diesel/petrol, systematically and almost on a daily basis, to detect possible concerted practices.

Through the use of these new technologies, the HCC has at its disposal a wide range of market investigation methods [market statistics and surveys prepared for a number of products every 15 days, sending questionnaires to companies which increased by more than 1980% in 2020 compared to those sent in 2019, interviews and statements by market players and operators, unannounced on-site inspections], while it now has also the possibility of real-time market monitoring through the HCC Data Analytics and Economic Intelligence Platform.

It is worth noting here that the HCC is empowered to intervene only in cases where a price increase results from the existence of a cartel or an abuse of a dominant market position.

Especially with regard to horizontal agreements (cartels) between undertakings and in order for such agreements to be confirmed, it is necessary not only to establish price similarity but also to dispose of evidence of collusion between competitors or, in the case of concerted practices, of the absence of an autonomous determination of business behavior.







It is noted in that regard that, according to settled EU case-law, excessive, otherwise abusive pricing exists when the dominant undertaking charges an excessive price, disproportionate to the economic value of the service provided. In this context, there must be, on the one hand, an excessive disproportion between the cost of production of the product (and / or service) and the final price actually charged (a comparison from which the profit margin is derived) and, on the other hand, the price imposed by the dominant undertaking be unreasonable, either in the absolute sense or in comparison with competing products/services (although the use of other methods, notably comparative testing, is not excluded).

In any event, it is clear from the EU case-law and the HCC's practice that a substantial increase in price alone is not a sufficient ground to establish excessive pricing, but it also necessary to have an excessive disproportion between that price and cost in relation to the expenditure actually incurred by the dominant undertaking. It becomes clear, then, that the concept of "excessive pricing" according to articles 2 of Law 3959/2011 (and 102 TFEU) includes cases of unfair and not just high price. [See [Learn About Us](#)]





## HCC's actions to address high prices

In the second half of 2021, and especially since September 2021, when significant price increases were observed in the market, the HCC has implemented a number of targeted actions to investigate, due to specific indications, but also to prevent any anti-competitive practices on the part of undertakings within the current context. In particular:

- On 09.09.2021 and 27.9.2021, HCC officials carried out unannounced inspections (dawn raids) at the premises of undertakings active in the supply and retail trade of supermarket products, in particular in the markets for cereals, milk, coffee, jam, beverages and cheese, as a part of the preliminary stage of an investigation into anti-competitive practices, regarding potential anti-competitive practices in the context of horizontal and/or vertical agreements. [See [\*relevant Press Release\*](#)]
- On the 28th September 2021, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids), acting ex officio, at the premises of undertakings active in the refining, wholesale and retail trade of petrol (gasoline) and diesel, regarding potential anti-competitive practices in the context of horizontal and/or vertical agreements and/or abuse of collective dominance.. The unannounced inspections, which were carried out at the premises of undertakings in the Prefecture of Attica are part of the preliminary stage of an investigation into anti-competitive practices, pursuant to the provisions of Greek Competition Law 3959/2011. [See [\*relevant Press Release\*](#)]
- In addition, the HCC has set up a working group to conduct an inquiry in this sector, consisting of HCC officials in collaboration with experts from leading foreign and domestic Universities, such as Cambridge University, the University of East Anglia, as well as the Athens University of Economics and Business. At the same time, the HCC, in cooperation with the Regulatory Authority for Energy, monitors price developments in the electricity market at both wholesale and retail levels. It is noted, however, that the relevant procedures are still ongoing and for this reason we are not in a position to provide further information at this stage.



## HCC's actions to address high prices

- On 14.10.2021, the HCC issued a [Press Release](#) , informing citizens that according the relevant legislation (see Ministerial Decision no. 98491/9.9.2021 (GG B' 4181/9.9.2021 on the "Replacement of Decision no. 130022/07-12-2020 of the Minister of Development and Investments (GG B' 5387) on setting maximum sales price for certain goods and services, due to the emergency situation caused by the COVID-19 pandemic".) **price caps are set for SARS-CoV-2 diagnostic tests** carried out in private diagnostic laboratories, private clinics as well as in any other retail outlet, such as pharmacies and recommended to the Panhellenic Pharmaceutical Association (by its letter under ref no. 8009/01.10.2021) the alignment of the Association's announcements to its members with competition law, in order to make clear to all its members that the prices referred to in Ministerial Decision no. 98491/9.9.2021 for SARS-CoV-2 diagnostic tests or antigen detection (RAD) tests shall be understood as maximum and not as fixed prices.

- On **26.10.2021** , the HCC issued a [Press Release](#) informing the public that it had already contacted specific Associations of undertakings active in the markets for **restaurant services and bakery products** in order to draw their attention so that they refrain from any anti-competitive practices. In particular, it stated that any intervention by professional bodies/ associations and/ or concerted practices between professionals, in any way and to any extent and level, as well as in any part of the Greek Territory, which have as their object or effect the prevention, restriction or distortion of competition in the Greek Territory and, in particular, those directly or indirectly fixing purchase or selling prices or other transaction terms, shall be considered as hardcore infringements of national and EU law on free competition and that any violation of these rules shall be subject to both administrative fines and penalties as well as criminal liability for the professionals involved in such practices and for any third legal entities that contributed to the creation of collusion/ price harmonization phenomena in the above sectors. In this context, the aforementioned Business Associations were asked to refrain from any such conduct and to promptly inform their members of their obligations to comply with competition rules.





## HCC's actions to address high prices

- On **14.12.2021**, in the context of an ex officio investigation, officials of the Hellenic Competition Commission (HCC) carried out an unannounced inspection (dawn raid) at the premises of an undertaking active in the markets for **sunflower, cotton and maize seeds and in the markets for plant protection products**. The unannounced inspection was part of the preliminary stage of an investigation into anti-competitive practices, pursuant to the provisions of Greek Competition Law 3959/2011. In the primary sector and regarding price increases in agricultural supplies and especially in animal feed, the HCC EA has launched a relevant ex-officio investigation as early as the outbreak of the pandemic, in order to investigate any anti-competitive practices. However, as the investigation is still ongoing, we are not in a position to provide further information. [See [relevant Press Release](#)]

- On **16.12.2021**, the HCC launched the ex-officio investigation in the **market of retail supply of electricity to low voltage customers**. Following a preliminary investigation and monitoring of the specific market, the HCC proceeded with the adoption of investigative measures for eighteen (18) companies active in this market to identify any anti-competitive practices under Law 3959/2011 and the Treaty on the Functioning of the European Union (TFEU). It is noted that the adoption of investigative measures does not mean that the undertakings or the associations of undertakings concerned have engaged in anti-competitive behavior nor does it prejudice the outcome of the investigation. [See [relevant Press Release](#)]

- At the same time, the HCC, **in cooperation with the Regulatory Authority for Energy**, monitors price developments in the electricity market at both wholesale and retail levels. However, the relevant procedures are still ongoing and, therefore, we are not in a position to provide any further information at this stage. It is pointed out here that RAE has exclusive competence for monitoring ex ante competition while the HCC has exclusive competence for ex post application of competition law where any anti-competitive practices are established. The HCC may intervene where there is evidence of abuse of a dominant position or concerted practices between companies operating in the wholesale / retail electricity markets, which is the subject to investigation by the HCC. We look forward to working closely with RAE to make effective use of the data and tools of the Market Monitoring and Supervision Mechanism overseen by RAE, in accordance with the Memorandum of Cooperation signed by the two Authorities.



## HCC's actions to address high prices

It is noted that the HCC will intervene as an immediate priority where necessary and examine any relevant case that comes to its notice by the submission of a complaint, an application for leniency or anonymous relevant information through the secure digital environment (whistleblowing) and will impose very severe administrative sanctions on companies that apply anti-competitive practices under the provisions of Law 3959/2011 and Articles 101 and 102 TFEU.

**stop them..**

**..anonymously**





## Sustainability and Competition:

### *Proposal for the creation of a Sandbox*

On **12.07.2021**, in the context of its policy framework to promote and enhance competition, the Hellenic Competition Commission (HCC) launched a public consultation on the proposal for the creation of a sandbox for sustainability and competition in the Greek market, which ended on 15.09.2021.

Sustainable development is currently a top public interest objective governing all areas of social and economic life. Competition policy, which defends and promotes competitive conditions in the economy in multifaceted ways, must be adapted towards the creation of solutions that promote sustainable development; it can therefore act in a complementary way to other initiatives; but it can also facilitate business initiatives aimed at the green transformation of the economy, for the benefit of consumers and sustainable development.

The sandbox is a supervised environment where undertakings can undertake initiatives that contribute significantly to the goals of sustainable development while not significantly impeding competition. The following is an indicative example of practices and how these may be evaluated in the sandbox:

**Example:** The 6 largest supermarkets decide to create a “green standard” (standard-setting) for food producers who will take appropriate measures to handle and avoid food waste. According to the standard, 75% of this waste should be returned in the production process in any form.

--> The imposition of such standards can be considered to enhance sustainable development and the circular economy. Hence, the practice may be evaluated positively following some further assessment.

In this context, the effects of business proposals on both competition and sustainable development are assessed by the HCC in order to enhance legal certainty and reduce regulatory risk for investments in line with the broader public interest goals for sustainable development, in particular for small and medium-sized enterprises. would have found it increasingly difficult to attract investment for the green transformation of their activities. Hence, the sustainable development competition law sandbox forms part of the HCC’s efforts to enhance the dynamic efficiency of the economy and innovation. Once the evaluation criteria are met, the HCC will be able to acknowledge that the specific business plans/models do not raise competition concerns through a new and fast process of submitting and evaluating these commercial transactions, and of monitoring their implementation.



Finally, the sandbox will operate as a digital platform connected to the HCC website. The platform will provide a secure messaging space which will be the main means of communication between the parties and the HCC, thus ensuring the transparency of the cooperation.

The next steps in implementing the sandbox creation proposal are:

- ✓ Creating Key Performance Indicators,
- ✓ Creating a framework for evaluating proposals,
- ✓ Staffing of evaluators within the HCC,
- ✓ Liaison with competent bodies / stakeholders,
- ✓ Creating the platform,
- ✓ First cycle of examination of proposals (in the first half of 2022).

For the conclusions of the Public Consultation and more information, please follow the link [here](#).





## Activities of the HCC:

*May 2021 – December 2021*

### *Mergers*

#### **BC Partners - Pet City Group**

On December 17th, 2021, the Chamber of the Hellenic Competition Commission (HCC), by its decision **756/2021** unanimously approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 01/11/2021, concerning the acquisition by BC Partners of indirect sole control over Pet City Group and its subsidiaries.

Pursuant to the above decision, the HCC found that the proposed concentration, which concerns the retail markets for pet food, the supply of pet accessories, the supply of pet health & care products, the supply of veterinary medicines and antibiotics, the provision of veterinary care services, and the sale of pets, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets concerned.

Click [here](#) for more information.

#### **VIVARTIA S.A. - MICHAEL ARABATZIS (HELLENIC DOUGH) and ALESIS S.A. (MAKEDONIKI SFOLIATA)**

By its Decision No. **754/2021** adopted on 15th of December 2021, the Hellenic Competition Commission (HCC) unanimously approved, under Greek merger control rules (art. 8(3) of Law No. 3959/2011), the proposed acquisition of sole control over HELLENIC DOUGH and MAKEDONIKI SFOLIATA (ALESIS S.A.) by VIVARTIA S.A., as the notified transaction, although falling within the scope of article 6(1) of Law 3959/2011, does not raise serious doubts as to its compatibility with merger control rules in the relevant markets concerned by the concentration.

The above concentration concerns the change of the quality of control over the companies HELLENIC DOUGH and MAKEDONIKI SFOLIATA from joint to sole control by VIVARTIA S.A.

The above-mentioned prior notification refers to the horizontal affected markets of frozen dough and finished frozen products of dough for household use. It also refers to the vertical affected market of airline flights' catering and the market of exploitation of airport cafeterias. Following the substantive assessment of the notified concentration in the horizontal affected markets, the HHC decided that the increase of the market shares in the affected markets is negligible and, in any case, below 1% and, therefore, the proposed transaction is not expected to have a material effect on competition.

In assessing the vertical effects on the downstream markets, the HCC decided that the notified concentration is not expected to generate detrimental effects of non-coordinated or coordinated behavior.

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With regard to the conglomerate effects of the notified concentration (concerning the heterogeneous activities of the merging companies), regarding the ability of the parties to create a stronger pole of competition in the frozen dough industry, with greater bargaining power and strengthening of their position, the HCC decided that the chance of making sales of one product conditional on the sales of others through practices like bundling, tying by the parties to the concentration is negligible because the parties already have joint control over the companies HELLENIC DOUGH and MAKEDONIKI SFOLIATA, there are alternative sources for the supply of the parties' customers and the merging companies do not have a significant power, in particular a dominant position in the markets concerned by the concentration.

Click [here](#) for more information.

#### **TOURISM ENTERPRISES OF MESSINIA S.A. and AUTOHELLAS S.A. - SPORTSLAND**

By its Decision No **753/2021**, adopted on 26.11.2021, the competent Chamber of the HCC unanimously approved the transaction notified pursuant to articles 5-10 of L. 3959/2011, concerning the acquisition of joint control over the company under the name "SPORTSLAND S.A." by the companies "TOURISM ENTERPRISES OF MESSINIA S.A" and "AUTOHELLAS S.A." through the acquisition of 50% of the share capital of the company "SPORTSLAND S.A." by the company TOURISM ENTERPRISES OF MESSINIA S.A".

In particular, the above transaction, notified on 16.09.2021, was approved by the HCC pursuant to article 8 par.3 of law 3959/2011 the notified concentration, given that, although it falls within the scope of article 6 par. 1 of law 3959/2011, it does not raise serious doubts as to its compatibility with competition rules in the relevant markets concerned.

Click [here](#) for more information.





### **GEK TERNA S.A. - HERON I and HERON II**

By its Decision No **747/2021**, adopted in Plenary on 30.09.2021, the HCC unanimously approved, pursuant to article 8 par. 3 of law 3959/2011, the notified concentration notified on 6/08/2021, regarding the acquisition of sole control by the company under the name “GEK TERNA S.A.” over the companies under the name: “HERON ENERGY S.A.” and “HERON THERMOELECTRIC S.A.” (HERON I and HERON II).

According to the above decision, the HCC approved the concentration, concerning the electricity generation and supply market at the wholesale level, including the imports, the market for the construction of electricity generation units, the supply market at the retail level, the wholesale and retail natural gas market, considering that, although it falls within the scope of article 6(1) of L.3959/2011, as in force, it does not raise any serious doubts as to its compatibility with competition rules in the relevant markets concerned.

Click [here](#) for more information.

### **MOTOR OIL RENEWABLE ENERGY / GEK TERNA GROUP OF COMPANIES - THERMOILEKTRIKI KOMOTINIS**

By its unanimous Decision No. **744/2021**, adopted on 23.08.2021, the Chamber of the Hellenic Competition Commission approved, pursuant to Art. 8(3) of Greek Law 3959/2011, approved the proposed transaction notified on 18/06/2021, concerning the acquisition of joint control by MOTOR OIL RENEWABLE ENERGY SM S.A. (MOTOR OIL GROUP) and GEK TERNA GROUP OF COMPANIES over the company under the name THERMOILEKTRIKI KOMOTINIS SM S.A.

According to the Decision, the notified transaction does not raise serious doubts as to its compatibility with competition rules in the relevant markets concerned, primarily the broader market of production and wholesale supply of electricity in the interconnected and in the non-interconnected network in Greece and, secondarily, the relevant submarkets affected by the concentration.

Click [here](#) for more information.



**VENETIKO HOLDINGS - DODONI S.A.**

By its unanimous Decision No. **743/2021**, adopted on 05.08.2021, the Hellenic Competition Commission (HCC) approved, pursuant to Art. 8(3) of Greek Law 3959/2011, as in force, the proposed transaction notified on 19.5.2021 consisting in the change of control over DODONI S.A. Agricultural Dairy Industry of Epirus and its subsidiaries, from sole control by SI FOODS LIMITED to joint control by SI FOODS LIMITED and VENETIKO HOLDINGS.

In particular, unanimously decided, in Plenary, to approve, under art. 8(3) of Law 3959/2011, the transaction notified on 19.5.2021 consisting in the change of control over DODONI S.A. Agricultural Dairy Industry of Epirus and its subsidiaries, from sole control by SI FOODS LIMITED to joint control by SI FOODS LIMITED and VENETIKO HOLDINGS, which is indirectly controlled by CVC Capital Partners SICAV-FIS S.A, through the acquisition by these companies of joint control over SI FOODS HOLDINGS LIMITED to which the latter will bring its total holding in DODONI S.A.

Click [here](#) for more information.

**PUBLIC POWER CORPORATION RENEWABLES S.A. and GEOENERGY AEGEAN SINGLE MEMBER S.A. - GEOTHERMAL TARGET TWO II SINGLE MEMBER S.A.**

On 14.07.2021, by its unanimous Decision No. **740/2021** the Chamber of the Hellenic Competition Commission approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 13/05/2021, concerning the acquisition of joint control by the PUBLIC POWER CORPORATION RENEWABLES S.A. (PPC Group) and GEOENERGY AEGEAN SINGLE MEMBER S.A. (ELLAKTOR Group) over the company GEOTHERMAL TARGET TWO II SINGLE MEMBER S.A.

According to the decision, the notified transaction does not raise serious doubts as to its compatibility with the competition rules in the relevant markets, primarily the broader market of production and wholesale supply of electric energy in the interconnected and in the non-interconnected network in Greece.

Click [here](#) for more information.







### **EFT SERVICES HOLDING B.V. (EURONET WORLDWIDE Inc Group) - PIRAEUS BANK MERCHANT ACQUIRING ACTIVITIES**

On 13/7/2021 the Hellenic Competition Commission (HCC) unanimously approved by its decision No. **739/2021**, pursuant to article 8 par.3 of L. 3949/2011, the notified concentration dated from 15.4.2021, regarding the acquisition of sole control over the merchant acquiring services branch of Piraeus Bank by the company under the name “EFT SERVICES HOLDING B.V” (part of Euronet Worldwide, Inc group).

Pursuant to the above decision, the HCC found that the proposed concentration, which concerns the Merchant Acquiring Services, the POS Provision and Management and the Card Acquiring Processing markets, despite the fact that it falls within the scope of article 6 par. 1 of L. 3959/2011, it does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets concerned.

Click [here](#) for more information.

### **TROPHY - OPEL**

By its unanimous Decision No. **738/2021**, adopted on the 30th of June 2021, the Chamber of the HCC approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 12/3/2021, concerning the acquisition by TROPHY of the entire share capital (100%) of OPEL).

Pursuant to the above decision, the HCC found that the proposed concentration, which concerns the markets for import/distribution of passenger cars and light commercial vehicles and import/distribution of spare parts and accessories, although it falls within the scope of Art. 6(1) of Greek Law 3959/2011, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets concerned.

Click [here](#) for more information.





**TEFORTO HOLDINGS LIMITED (a subsidiary MOTOR OIL GROUP) - (a) AIOLIKO PARKO AETOS ENERGY S.A, (b) AIOLIKI HELLAS INDUSTRIAL & ENERGY S.A, (c) AIOLIKO PARKO KATO LAKOMATA ANONYMI ENERGEIAKI ETAIRIA, (d) VIOTIA AIOLOS PRODUCTION AND EXPLOITATION OF ENERGY S.A, (e) ANEMOS MAKEDONIAS ANONYMI ENERGEIAKI ETAIRIA and (f) AIOLOS ANAPTIKSIKI KAI SIA FTHIOTIDA S.A.**

By its unanimous Decision No. **735/2021**, the Chamber of the Hellenic Competition Commission approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 31/3/2021, concerning the acquisition of sole control by “TEFORTO HOLDINGS LIMITED” (a subsidiary MOTOR OIL GROUP) over the companies a) “AIOLIKO PARKO AETOS ENERGY SA,” b) “AIOLIKI HELLAS INDUSTRIAL & ENERGY SA”, c) “AIOLIKO PARKO KATO LAKOMATA ANONYMI ENERGEIAKI ETAIRIA”, d) “VIOTIA AIOLOS PRODUCTION AND EXPLOITATION OF ENERGY SA”, e) “ANEMOS MAKEDONIAS ANONYMI ENERGEIAKI ETAIRIA” and f) “AIOLOS ANAPTIKSIKI KAI SIA FTHIOTIDA SA”, as the proposed transaction, while falling within the scope of Art. 6(1) of Greek Law 3959/2011, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets involved.

Pursuant to the above decision, the Hellenic Competition Commission found that the proposed concentration, which concerns the markets (a) for the production and wholesale supply of electricity and (b) supply of electricity at a retail level, while falling within the scope of Art. 6(1) of Greek Law 3959/2011, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets involved.

Click [here](#) for more information.

**ALPHA / STAR - GREEN PIXEL: Merger clearance decision [In the context of better public information, enhancing transparency and public dialogue, the HCC will henceforth publish extensive summaries of the published decisions of the HCC’s Plenary, such as in this case Decision 728/2021 (with a view to publishing the full text of that decision on the HCC’s website).]**

On 24 March 2021, by its unanimous Decision No. **728/2021**, the Plenary of the Hellenic Competition Commission approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction concerning the acquisition of joint control by “ALPHA SATELLITE TELEVISION S.A.” (which operates the Greek TV station “ALPHA”) and “NEW TELEVISION S.A.” (which operates the Greek TV station “STAR”) over the company “GREEN PIXEL PRODUCTIONS SA” (a company active mainly in the production of television programs, movies and videos), as the proposed concentration, while falling within the scope of Art. 6(1) of the Greek Competition Act, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets concerned.

In examining the notified concentration, the HCC carried out, for the first time, a thorough analysis and distinction between all the levels of the TV value chain. Considering the views submitted by the notifying parties, by other companies operating TV stations in Greece and by TV production companies, as well as taking into consideration the relevant precedents and case law at EU and national level, the HCC defined the following markets as relevant product markets for the purposes of the concentration: (a) the market for the production, supply and acquisition of TV content (upstream market) - in which the target company operates; and (b) the market for retail provision of TV services to end customers (downstream market) - in which the notifying parties operate.





In both cases, the whole of the Greek territory is considered as relevant geographic market.

The HCC first looked into whether it could be considered that the two notifying parties constitute a single economic entity and, therefore, their control over the target company could be attributed to a single company. In particular, according to settled case law and the European Commission's Guidelines, the full function character of a joint venture is established when such joint venture: (a) operates on a market; (b) performs the functions normally carried out by undertakings operating on the same market; and (c) has access to sufficient resources including finance, staff, and assets (tangible and intangible) in order to conduct on a lasting basis its business activities.

The HCC noted that, in principle, the pre-existing close family ties between the persons exercising control over the aforementioned parties are not in themselves a decisive factor in establishing the existence of a single economic entity in the case at hand, both in view of EU case law as well as precedents at national level. It is therefore necessary to consider whether, in addition to the existence of family ties, there are further economic links on the basis of which significant central management can be established between the notifying parties. For the purposes of this evaluation, an authority can take into account further evidence of financial and administrative dependence of the two companies or of the existence of control rights and decisive influence in the behaviour of each company, and analyse, in a case-by-case basis, the existence of shares, other contractual relationships and sources of funding (ie the existence of structural links). Ultimately, the key question is not whether the undertakings in question have a separate legal personality, but whether or not they act together on the market as a single entity.

Following an analysis of the evidence at hand, the HCC concluded that it cannot be established with certainty that, in the present case, which concerns the acquisition of joint control by "ALPHA SATELLITE TELEVISION SA" and "NEW TELEVISION SA" (STAR) over the company "GREEN PIXEL PRODUCTIONS SA", the existence of close family ties between the shareholders who control the two notifying parties is sufficient in itself to establish the existence of a high degree of consolidation and of significant central management between ALPHA and STAR, so that it could be said that they form a single economic entity (especially in light of the absence of other structural links and evidence leading to such a conclusion).

However, the HCC pointed out that in order to classify a transaction as a concentration and not as an action of a single entity, one must take into consideration the relationships between the companies that pre-dated the specific transaction (in this case the acquisition of joint control over GREEN PIXEL). Therefore, for the purposes of this concentration and in view of the previous HCC Decision no. 679/2019, the HCC finds that the two companies do not have the character of a single economic entity.

With regard to the competitive assessment of the notified transaction, it is noted that the concentration in question results in mainly vertical relationships, as it involves companies operating at different levels of the supply chain.

The HCC examined possible non-coordinated effects of the concentration and concluded that the concentration at hand is not likely to either restrict downstream rivals' access to important input (input foreclosure) or to foreclose upstream rivals by restricting their access to a sufficient customer base (customer foreclosure).



The HCC further examined possible coordinated effects and concluded that the concentration in question is not likely to lead to coordinated effects in any of the affected markets.

Finally, the HCC also considered the possibility of coordination of the behaviour of the parent companies (“spillover effects”) and concluded that the concentration has neither the object of coordinating the competitive behaviour of the parent companies, nor such coordination is likely to occur as a result of this specific transaction.

It is pointed out, however, that any other possible future form of coordination/ cooperation at horizontal or vertical level between the two parent companies, either in itself or in combination with the existence of close family ties between the shareholders controlling the two parent companies, may be subject of review by the HCC under Articles 1 and 2 of the Greek Competition Act, while further consolidation of the sector may be reviewed pursuant to Article 11 of the Greek Competition Act.

Click [here](#) for more information.





## *Other cases*

### **Ferry connection of the port of Igoumenitsa with the island of Corfu**

The Plenary of the Hellenic Competition Commission (HCC), by its unanimous Decision no. **759/2021**, according to the simplified procedure for dispute settlement of article 25a of law 3959/2011, and in accordance with its Decision no. 704/2020, approved the relevant proposals for dispute settlement that were submitted by the companies: i) Joint Venture of Corfu Ferries under the distinctive name “Kerkyra Lines” and ii) Joint Venture Igoumenitsa - Kerkyra - Paxos under the distinctive name “Kerkyra Seaways”.

The Decision was issued according to the simplified procedure, following a relevant expression of interest on behalf of the companies for their inclusion in the dispute settlement procedure and the subsequent final declaration of acceptance of the infringement found.

The HCC imposed reduced fines, due to the dispute settlement procedure for the infringement found, based on the reasoning of the Decision, of article 1 of law 3959/2011, that is it imposed a total of €189.972 to the Joint Venture of Corfu Ferries (Kerkyra Lines) and a total of €134.892 to the Joint Venture of Igoumenitsa - Kerkyra - Paxos (Kerkyra Seaways). The total amount of the fine was €324,864.

Following information received by the Directorate - General for Competition (DG) and the preliminary investigation carried out, it was decided to launch an ex-officio investigation to examine the conditions of competition at the ferry connection services of the port of Igoumenitsa with the island of Corfu. On 09.07.2020, the DG carried out an on-site inspection (dawn raid) at the headquarters of the above companies. Furthermore, in order to evaluate the documents collected during the dawnraid, statements without oath were taken from the legal representatives of the aforementioned joint ventures and questionnaires (Requests for Information) were sent.

Based on the investigation of the DG, there was direct or indirect communication between the two competing companies regarding their future behavior at the ferry connection services of Igoumenitsa - Corfu - Igoumenitsa, concerning ticket prices and the itinerary declarations of the joint ventures.

In this regard, “Kerkyra Lines” and “Kerkyra Seaways” consortia have launched a joint action plan to set minimum ticket prices and to proceed with market sharing (by allocating the number of routes between them) as well as to formulate a commonly accepted itinerary program for the future, in the ferry connection market of Igoumenitsa - Kerkyra - Igoumenitsa. The aim of the cartel was to set prices at different levels from those that would have been set under conditions of free competition and to distribute customers between them.

The infringement started on 24.01.2019, and was concluded on 09.07.2020, the date on which the on-site inspection (dawnraid) of the DG took place at the headquarters of the joint ventures.

The two joint ventures, for which evidence was collected, capable of establishing an infringement of article 1 of law 3959/2011, expressed in written form their interest to be included in the dispute settlement procedure and submitted a relevant request, in accordance with the provisions of par. 30 of the Notice on the dispute settlement procedure.



The relevant product market concerning the present case is the provision of ferry services in straits/channels. The relevant geographic market is the ferry connection at the strait/channel between Igoumenitsa-Corfu.

This is an agreement between the involved joint ventures/consortia, which seeks to restrict competition between them through a horizontal agreement on setting prices and market sharing (itineraries). Horizontal agreements, involving pricing and market sharing, constitute serious restrictions of competition. With regard to the actual (or potential) impact on the market, it is considered that the observed restriction of competition (pricing and market sharing) has an impact on the market by its nature, which, however, concerns a market with limited geographical coverage - the ferry connection at the strait/channel between Igoumenitsa and Corfu.

It is noted that this is the fourth case brought before the HCC where all the companies involved in the infringement enter the settlement procedure before the drafting of the Statement of Objections by the Directorate General of Competition, which increases the procedural efficiency of HCC, while the case was completed in just 1.5 years from the beginning of the investigation (the average time for the completion of cartel cases without a settlement procedure in the European Competition Commission is about 50 months).

Click [here](#) for more information.

#### **Tender for the public infrastructure project “Northern Road of Crete, Gournes - Chersonissos Part” (“Gournes - Chersonissos”)**

By its unanimous Decision No. **755/2021**, the Grand Chamber of the Hellenic Competition Commission finds an infringement of articles 1 par. 1 of L. 3959/2011, as in force, and 101 par. 1 TFEU consisting in bid-rigging in the tender for the public infrastructure project “Northern Road of Crete, Gournes - Chersonissos Part” (“Gournes - Chersonissos”) and imposes on “ATHONIKI TECHNIKI S.A” (“ATHONIKI”), for the above infringement of articles 1 par. 1 of L. 3959/2011, as in force, and 101 par. 1 TFEU, a fine of € 5,828.55.

Following an ex officio investigation in tenders for public infrastructure projects for possible violation of Article 1 Law 3959/2011 and Article 101 of the Treaty on the Functioning of the European Union (TFEU), the Directorate General for Competition conducted a dawn raid on 25.01.2017 at the premises of the companies PYTHAGORAS S.A. and ATHONIKI S.A., during which a document was identified. The document evidenced the involvement of the undertaking ATHONIKI in collusion regarding a tender for a public infrastructure project, i.e. the construction of a motorway in Crete (Gournes-Chersonissos motorway).

The said tender forms part of a broader cartel of tenders for public works, which has been previously examined by the HCC and for which three decisions have been issued (HCC 642/2017 Settlement Decision, HCC 647/2017 and HCC 748/2021 Settlement Decision).

Considering that in bid-rigging cases the point of reference for the purposes of market definition is in fact the project affected by the cartel under investigation, the relevant product market in this case is the project “Gournes - Chersonissos”. The relevant geographical market is defined as the whole of the Greek territory.





ATHONIKI participated, with MESOGEIOS and the other members of the cartel, in a horizontal anti-competitive collusion in the form of an agreement / concerted practice between companies within the meaning of article 1 par. 1 of Law 3959/2011 and 101 par. 1 TFEU. In particular, ATHONIKI participated in a tender allocation scheme, defining the framework of its joint action with the above companies, in the context of which they preventively reduced the uncertainty implied by the autonomous competitive behavior. The aim of the above scheme was the artificial arrangement of the discounts offered on the relevant project at levels different from those which would have been formed under genuinely competitive conditions. In particular, the conduct of ATHONIKI consisted in its engagement in anti-competitive practices; more specifically, it a) has entered into an agreement with other members of the cartel, prior to the submission of the financial offer, i) which joint venture would submit the winning bid, ii) which undertakings would submit cover biddings and iii) the monetary compensation for the companies submitting the cover bids and b) exchanged sensitive commercial information with the other cartel members.

The HCC found that ATHONIKI has infringed Article 1 of Law 3959/2011, as in force, and Article 101 TFEU and imposed a fine of € 5.828,55.

For the calculation of the fine the HCC observes the principle of equal treatment since for other companies implicated in the cartel the HCC has issued decision 642/2017. The fine imposed on these other cartel members has been calculated in decision 642/2017 in a similar manner.

It is recalled that in case of damages, the injured parties, if the other conditions are met, may bring claims for damages before the civil courts following the HCC's decisions (follow on). Particularly in the case of cartels, it has been estimated that 93% of them lead to an overcharge, with an average identified overcharge of around 20% [Commission (EU), Practical Guide - Quantifying Harm in Actions for Damages based on Breaches of Article 101 or 102 TFEU (2013), 142-143].

Click [here](#) for more information.

### **Complaints against ELTEPE S.A. (now ENDIALE S.A.) - Market for waste lubricant oil (WLO) management**

By its Decision No. **741/2021**, the Hellenic Competition Commission (HCC) imposed upon the company ELTEPE S.A. (now ENDIALE S.A.) a fine totalling EUR 111.600 for infringing Articles 2 of Greek Law 3959/2011 and 102 TFEU in the Greek market for waste lubricant oil (WLO) management.

The case concerns the joint examination of the complaints submitted by the companies GREEN OIL AEVE, ESK OIL AEVE, as well as the Association of Collectors of Waste Oils alleging infringements of the Greek Competition Act and the TFEU in the Greek markets for waste oils management (which includes the collection, treatment and regeneration/recycling of waste lubricant oils) by the companies ELTEPE S.A, CYCLON HELLAS (now LPC S.A.), ELTEPE Kinopraxia as well as a natural person.





The company GREEN OIL and the Association of Collectors of Waste Oils submitted two complaints to the HCC alleging that the companies ELTEPE S.A, CYCLON HELLAS, ELTEPE Kinopraxia (all companies part of the same Group) as well as a natural person, had infringed articles 1 and 2 of the Greek Competition Act (then Law 703/1977) as well as article 2a of that Act.

An SO was addressed to the companies mentioned above in January 2021. The Board of the HCC convened on 5 May 2021 to hear the case (full hearing before the Grand Chamber.

The structure of the market for waste oils management in Greece has undergone distinct “phases”, depending on the applicable legal framework in any given period. More specifically, prior to 2004, ie before the establishment of a System for Alternative Administration of Waste Lubricant Oils Collection in Greece, the market had two distinct levels of economic activity: a) the collection of waste lubricant oils, and b) the remediation/ recycling of such oils. Subsequently, after 2004, when ELTEPE’s Alternative Administration of Waste Lubricants Oils Collection System started operating, an additional layer of economic activity was introduced, that of the organisation and operation of waste lubricants oils management systems. The third phase starts in 2013, at which point ELTEPE’s Alternative Administration System stopped acting as “intermediary”, which buys and sells waste oils, but only carries out the qualitative and quantitative control of such waste oils in the Greek market, operating like an “ecosystem” as it operates as a platform that connects the economic activities of different companies in order to provide services to different groups of users.

All the undertakings involved in the present case are active in the Greek markets for waste oils management (which includes different stages/ sub-markets concerning the collection, treatment and remediation/recycling of waste lubricant oils). More specifically:

- ESK OIL AEVE and the Association of Collectors of Waste Oils (complainants), as well as ELTEPE Kinopraxia, are active in the collection of waste lubricant oils.
- ELTEPE S.A. has operated, since 2004, the only authorized waste oils management system active in Greece (Alternative Administration of Waste Lubricants Oils Collection System). It is noted that other systems have requested to be authorized by the Greek authorities throughout the years, but their requests have been rejected.
- GREEN OIL AEVE (complainant) as well as CYCLON S.A. are active in the remediation/ recycling of such oils.

The complainants essentially allege that ELTEPE S.A. abused its dominant (de facto monopolistic) position in the market for waste oils management, through several different practices, in order to exclude other market players from that market, as well as from the relevant upstream (remediation/ recycling of such oils) and downstream (collection of such oils) markets. The complainants stress that other companies belonging to the same Group as ELTEPE S.A. were active in the upstream and downstream markets, respectively.

ELTEPE S.A. infringed Article 2 of the Greek Competition Act as well as of Article 102 TFEU as the agreements concluded during the period from 1.1.2004 up until 15.1.2013 between ELTEPE SA and companies active in the collection as well as the remediation/ recycling of waste lubricant oils, contained exclusivity clauses, resulting to an abuse of ELTEPE SA’s dominant position in the relevant market. According to the HCC, ELTEPE’s anti-competitive practices resulted in horizontal foreclosure of its competitors in the market for the organisation and operation of waste lubricants oils management systems, in which the complainant holds a dominant position. In particular, these exclusivity clauses aimed at directing every source of supply to ELTEPE, and as a result foreclosed potential competition from other possible Alternative Administration of Waste Lubricants Oils Collection Systems, which would not have access to sources of supply for their activity.



It is noted that the HCC specifically considered the possibility of justifying, following a proportionality assessment, the company's behavior as not constituting an abuse, the company claiming reasons of environmental protection, also in view of the principles of sustainable development and of the methodology set out in the HCC's recent Technical Report on Sustainability and Competition published in January 2021. However, the HCC concluded that ELTEPE did not provide any evidence of a possible objective justification that could establish that the said exclusivity clauses were necessary in order to increase the effectiveness of the overall management of waste lubricant oils as regards environmental protection and sustainable development.

In addition, the HCC found that, during the period from 2.8.2004 up until 1.8.2008, ELTEPE SA infringed (the now abolished) Article 2a of Law 703/1977, which prohibited the abuse of economic dependence. Finally, the HCC found that other practices alleged by the complainants (such as refusal to supply to GREEN OIL AEVE and imposition of unfair prices to companies active in the collection of waste oils) have not been established and the relevant arguments were therefore rejected as unfounded.

With its Decision No. 741/2021, the Plenary of the HCC unanimously found that the company ELTEPE SA infringed Articles 2 of the Greek Competition Act and 102 TFEU, given that agreements it concluded during the period from 1.1.2004 up until 15.1.2013 with companies active in the collection as well as the remediation/ recycling of waste lubricant oils, contained exclusivity clauses, resulting to an abuse of ELTEPE SA's dominant position in the relevant market. For the reasons set out above, the HCC imposed a fine of EUR 111.600 upon ELTEPE S.A.

In addition, the HCC found that, during the period from 2.8.2004 up until 1.8.2008, ELTEPE SA infringed (the now abolished) Article 2a of Law 703/1977, which prohibited the abuse of economic dependence, without imposing a fine for this infringement. The HCC also required that ELTEPE SA omits similar practices in the future and threatened the company with a fine in case the HCC decides in the future that the above-mentioned infringements continue or are repeated.

In addition, the HCC rejected the complaints of GREEN OIL AEVE, ESK OIL AEVE and the Association of Collectors of Waste Oils as to their remainder.

Click [here](#) for more information.

### **Tender for the public infrastructure project "Northern Road of Crete, Gournes - Chersonissos Part" ("Gournes - Chersonissos") - Settlement Procedure**

The Hellenic Competition Commission (HCC), in plenary, unanimously adopted Decision No **748/2021** according to the simplified Settlement Procedure (Article 25a of Law 3959/2011 and Decision No 704/2020) following the settlement submission by the undertaking MESOGEOS S.A.

The HCC imposed on MESOGEOS S.A. a fine reduced by 15%, under the settlement procedure and in accordance with the grounds of the Decision, for the established infringement of article 1 of Law 3959/2011 and 101 TFEU, amounting to € 4,954.

Following an ex officio investigation in tenders for public infrastructure projects for possible violation of Article 1 Law 3959/2011 and Article 101 of the Treaty on the Functioning of the European Union (TFEU), the Directorate General for Competition conducted a dawn raid on 25.01.2017 at the premises of the companies PYTHAGORAS S.A. and ATHONIKI S.A., during which a document was identified. The document evidenced the involvement of the undertaking MESOGEOS S.A. in a horizontal agreement regarding the tender for the public infrastructure project consisting in the construction of a motorway in Crete (Gournes-Chersonissos motorway).



The above tender forms part of a broader cartel in tenders for public works, between a group of 7th Class contractors and 6th Class companies, aiming at the allocation of public works contracts in the context of bid-rigging arrangements. In this regard, the HCC has issued the earlier Decisions No 642/2017 and 647/2017.

Considering that in bid-rigging cases the point of reference for the purposes of market definition is in fact the project affected by the cartel under investigation, the relevant product market in this case is the project “Gournes - Chersonissos”. The relevant geographical market is defined as the whole of the Greek territory.

The conduct of MESOGEIOS consisted in an agreement / concerted practice concluded / adopted prior to the submission of the financial bids for market allocation in the tender for the Gournes Hersonissos project. Specifically, MESOGEIOS engaged in a) an agreement with other members of the cartel, prior to the submission of the financial offer, i) which joint venture would submit the winning bid, ii) which undertakings would submit cover biddings and iii) the monetary compensation for the companies submitting the cover bids and b) to have exchanged sensitive commercial information with the other cartel members.

The HCC imposed on MESOGEIOS S.A. a fine reduced by 15%, under the settlement procedure and in accordance with the grounds of the Decision, for the established infringement of article 1 of Law 3959/2011 and 101 TFEU, amounting to € 4,954.

Click [here](#) for more information.

### **Ex-officio investigation in the market of supply, and leasing of chemical toilets**

By its Decision No **742/2021**, the Plenary of the Hellenic Competition Commission (HCC) unanimously decided, under the simplified settlement procedure, according to the provisions of Article 25a of the Greek Competition Act and HCC Decision 704/2020 on the procedure, to accept the official settlement proposals submitted by the companies i) TOITOI (HELLAS) SA , ii) EUROPRICE ENVIROMENTAL LTD, iii) A.F. DRAGONAS M. LTD (GLAROS), iv) ALBA TEXTILE AGENCY LTD and v) NEILOS RECYCLING - SOLID WASTE MANAGEMENT - ENVIRONMENTAL PROTECTION SYSTEMS S.A.

Therefore, the HCC imposed reduced fines for infringement of article 1 of l. 3959/2011, totalling €199.491, to the various undertakings involved, namely the amount of €60.078,0 euro to TOITOI (HELLAS) SA, the amount of 52.942,0 ευρώ to EUROPRICE ENVIROMENTAL LTD, in the amount of 13.259,0 euro to A.F. DRAGONAS M. LTD (GLAROS), the amount of €72.954,0 euro to ALBA TEXTILE AGENCY LTD, in the amount of €258,0 to NEILOS RECYCLING - SOLID WASTE MANAGEMENT - ENVIRONMENTAL PROTECTION SYSTEMS S.A.

The decision was issued in the above simplified settlement procedure, following a relevant expression of interest from the parties for their inclusion in the procedure and acknowledgment by the parties of their liability.

Based on the investigation and what was accepted by the undertakings involved, during the settlement process, it emerged that the above undertakings, in pairs, entered into horizontal agreements aimed to collude and allocate markets before submitting bids to tenders for installation, removal and cleaning of chemical toilets for public organizations and private bodies.

Regarding the duration of the above collusive behavior in pairs, this bore the characteristics of a single and continuous infringement as the individual agreements/concerted practices adopted in years 2011, 2012, 2013, 2014 and 2015, presented time continuity and common features, i.e. characterized by identity of objectives, methods and stakeholders (same object - same subjects).



According to the grounds of the decision, these practices were identified as agreements between the undertakings involved regarding bid rigging, which seek to restrict competition by object. In the case examined, Article 101 TFEU did not apply as there was no evidence of an impact on intra-EU trade.

It should be noted that this is the third case where all the companies involved in the infringement came forward for a settlement procedure at a pre-Statement of Objection stage, which increases the procedural efficiency of HCC.

Click [here](#) for more information.

### **Complaint against DIMKA S.A. (currently RESOUL) - wholesale market for general purpose gas appliances**

HCC Decision no. **730/2021** in relation to infringements of Articles 1 and 2 of Law 3959/2011 and Articles 101 and 102 TFEU in the Greek market for general purpose gas appliances by DIMKA S.A. (currently RESOUL), following a complaint by STAMATOULIS SA as well as an ex officio investigation of the HCC's Directorate-General for Competition.

The case concerns vertical agreements concluded between RESOUL S.A. and its wholesalers/distributors during the period 2008-2012 containing the following anti-competitive restraints: resale price maintenance, restriction of passive (and active, for a certain period) sales, and non-compete obligation clauses, as well as containing terms (exclusivity obligations and target rebates) that comprise an abuse of RESOUL's dominant position in the Greek wholesale market for general purpose gas appliances. In addition, RESOUL abused its dominant position in the above-mentioned market for the period 2005-2019 by offering to the supermarket chains' distribution channel target rebates.

On 09 July 2013 a complaint against RESOUL was submitted by one of its former distributors pertaining to the infringement of Articles 1 & 2 of Greek Law 3959/2011, as well as Articles 101 & 102 TFEU, regarding the wholesale distribution by RESOUL of general-purpose gas appliances.

Following the above-mentioned complaint, the DGC initiated an ex officio investigation in the Greek wholesale market for general purpose gas appliances and sent several information requests to RESOUL's major distributors and supermarket chains, as well as to its competitors. An SO was addressed to RESOUL in November 2020. The Board of HCC convened on 22 December 2020 to hear the case (full hearing before the Grand Chamber). RESOUL also offered commitments, which were rejected by the HCC.

RESOUL has consistently and for a long period - over a decade - held very large market shares, i.e. exceeding 70%, in the Greek wholesale market for general purpose gas appliances, while its products are "must have items" largely preferred by final consumers.

RESOUL distributes its products to the final consumers almost exclusively through supermarkets, which buy RESOUL's products either directly from RESOUL or via RESOUL's wholesalers/distributors. RESOUL has annual agreements with a number of wholesalers/distributors, to which specific territories within Greece are allocated (or exclusively allocated particularly for the period 2010 - 2012), while it also has annual agreements with supermarkets covering the entire of the Greek territory.

RESOUL's agreements with its distributors contained, from 2008 to 2012, restraints as regards resale prices, the territories within which the distributors were allowed to resell RESOUL's products and their ability to distribute competing brands, as well as individualized target rebates. The aforementioned terms were all removed from the relevant agreements in 2013. Most of RESOUL's agreements with supermarkets, from 2005 to 2019, contained clauses pertaining to a rebate scheme including individualized and retroactive target rebates based on each supermarket's purchases in RESOUL's products during the previous year.

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According to the HCC decision, RESOUL has infringed Articles 1 of Greek Law 3959/2011 and 101 TFEU during the period 2008-2012, by imposing upon its wholesalers/distributors anticompetitive vertical restraints, namely retail price maintenance, restriction of passive sales (as well as active sales, particularly for the period 2008-2009), and single branding obligations.

In addition, according to the HCC decision, RESOUL holds a dominant position in the Greek wholesale market for general purpose gas appliances and has abused said dominant position during the period 2008-2012, by imposing exclusivity obligations upon its distributors. These contractual terms, in conjunction with the offering of target rebates, aimed at maintaining and/or strengthening its dominant position in the relevant market, thereby excluding competitors and limiting their growth possibilities, in breach of Articles 2 of Greek Law 3959/2011 and 102 TFEU. Finally, according to the HCC decision, RESOUL has abused its dominant position in the Greek wholesale market for general purpose gas appliances during the period 2005-2019, by offering to the supermarkets loyalty inducing rebates based on individualized targets. Said rebates were granted retroactively to all purchases and not only to those purchases in excess of the target and aimed at maintaining and/or strengthening RESOUL's dominant position in the relevant market, thereby excluding competitors and limiting their growth possibilities, in breach of Articles 2 of Greek Law 3959/2011 and 102 TFEU.

The HCC imposed a fine of EUR 1.100.547,11 upon RESOUL for the infringements of Articles 1 and 2 of Greek Law 3959/2011 and 101 and 102 TFEU described above. The following factors have been taken into account and led to the reduction of the fine that would have otherwise been imposed: (a) the prolonged financial crisis, which has also affected the sector concerned (reduction by 30% of the fine); and (b) RESOUL's cooperation with the HCC beyond its legal obligation to do so during the administrative process (a further reduction by 25% of the fine).

The HCC also ordered RESOUL to refrain from similar practices in the future. Finally, the HCC threatened a fine against RESOUL, in case the HCC decides in the future that the above-mentioned established infringements continue or are repeated.

Click [here](#) for more information.

**Decision on the request put forth by DEPA COMMERCIAL S.A. for review of and exemption from the Commitments undertaken by the company under HCC Decision No 551/VII/2012, as amended by Decisions No. 589/2014, 596/2014, 618/2015, 631/2016, 651/2017 and 723/2020**

The Plenary of the Hellenic Competition Commission (HCC) convened on May 10th, 2021, to examine, based on the relevant Statement of Objections (SO) by the Rapporteur, pursuant to Article 25(6) of Law 3959/2011 ["The HCC may, at the request of any interested party or of its own motion, reopen the proceedings where there has been a substantial change in the facts on which the decision was based, or if the undertakings concerned have failed to fulfill their commitments, or the decision was based on incomplete, inaccurate or misleading information from the undertakings concerned". See also in this respect Article 9 par. 2 of Regulation 1/2003], the request of DEPA COMMERCIAL S.A. for review of the Commitments undertaken by the company under HCC Decision No. 551/VII/2012, as amended by Decisions No. 589/2014, 596/2014, 618/2015, 631/2016, 651/2017 and 723/2020.

In the light of all the case-file evidence and the positive opinion of the Regulatory Authority for Energy (RAE), the HCC unanimously decided, under its decision No **737/2021**, the following:





There has been a substantial change in the circumstances on which HCC Decision No. 551/VII/2012, as amended and applicable, was based regarding the Commitments 1, 2, 4, 5 and 6 undertaken by DEPA COMMERCIAL S.A. and

To accept the request of DEPA COMMERCIAL S.A. for its exemption from each of the above Commitments [For Commitment No 3 of Decision No 551/VII/2012 of HCC, see HCC Decision No [723/2020](#)].

Click [here](#) for more information.

**Decision assessing the competitive conditions and the effectiveness of the commitments undertaken by ATTICA GROUP under HCC Decision No 658/2018 in order to withdraw or extend, in whole or in part, the commitments under sections B1-B3**

The HCC (in plenary) assessed on April 19, 2021, following the relevant Rapporteur's Opinion, the conditions of competition and the effectiveness of the commitments undertaken by ATTICA under Decision No. 658/2018 ("Commitment Decision"). In accordance with section B5 of the Commitment Decision, the HCC had to decide upon the removal or extension, in whole or in part, of the relevant commitments under sections B1-B3 for a maximum of three (3) years.

The Commitment Decision approved the merger concerning the acquisition of sole control by ATTICA of Hellenic Seaways, subject to commitments, in accordance with article 8 of Law 3959/2011, as in force (Decision No [658/2018](#)). These commitments under sections B1-B3, which have a three-year duration with the possibility of extension and were examined in the context of the SO and the subsequent procedure, concern:

the non-increase of the frequency of services, per relevant product market (passengers, cars, lorries), in the route from/to Attica and the islands of Paros, Naxos, Ios, Thira, Amorgos, Koufonisia, Syros, Patmos ("Islands of Commitments") compared to the frequency of services prior to the merger. Especially for the route from / to Attica and the island of Patmos, the commitment concerns the maintenance of the frequency of services (i.e. the non-reduction of the itineraries as well);

in the event that a Third Competitor becomes active in specific routes from/to Attica and the Islands of Commitments, ATTICA will cease its activity in these routes.

With its Decision No **734/2021** (published on 26 April 2021) the HCC unanimously decided:

- removing the commitment B2a not to increase the frequency of services in the relevant markets of passengers, cars and lorries from / to Attica and the island of Ios,
- extending in part the commitment B2st for three (3) years (from 27.04.2021 until 26.04.2024), removing the obligation to withdraw from the Greek market the fast ferry HSW Highspeed 4 with effect from 27.04.2021 and extending ATTICA's obligation to cease its activity in the affected route in the event that a Third-Competitor becomes active and ATTICA's obligation to withdraw Highspeed 4 from the affected markets (i.e. where there is a commitment not to increase the frequency of services [Syros, Paros, Naxos, Amorgos, Koufonisia, Thira, Patmos, Chios, Mytilini. The possibility of its use in these markets is excluded in case of a need to replace another vessel of the company, for reasons of damage or force majeure and for the necessary period of time].
- extending the rest of the commitments (B1-B3) provided for in Decision 658/2018 [Namely B1a, B1c, B2a for Paros, Naxos, Πάρος, Νάξος, Koufonisia, Amorgos and Thira, B2c, B2d, B2e, B3a, B3b και B3s], for three (3) more years, namely from 27.04.2021 to 26.04.2024.

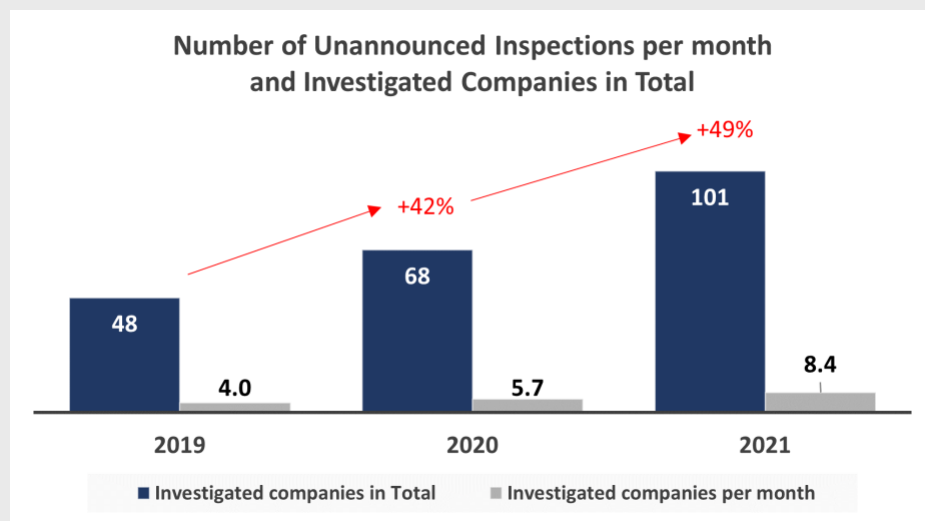
Click [here](#) for more information.



### *Investigative measures – On-site inspections*

In order to inform the public, it is reported that the Hellenic Competition Commission (HCC), in 2021, has carried out a series of targeted on-site inspections (dawn-raids) in key sectors of the economy, and has intensified its actions, compared to previous years, in order to investigate any anti-competitive practices by companies in different sectors of the economy.

In particular, as it is shown in the graph below, during the period January - November 2021, the HCC carried out 14 on-site inspections in 98 companies, compared to 7 on-site inspections in 2020 in 68 companies, showing an increase of 44%. In addition, in 2021, the HCC increased the number of inspected companies per month to 8.9, compared to 5.7 in 2020 and 4 in 2019, showing an increase of 57% in 2021, from 42% in 2020 compared to 2019.



The activity of the HCC has been recognized internationally as particularly intense, and the Authority has been cited as the National Competition Authority which has held the highest number of dawn-raids among all the European countries in 2021 (see [here](#) and [here](#)). The fact that the HCC carries out inspections does not mean that the inspected undertakings have engaged in anti-competitive behavior, nor does it prejudice the outcome of the investigation itself.

The HCC, the guardian of the proper functioning of free market, points out that within the framework of its responsibilities, it will intervene as an immediate priority where necessary and will examine any relevant case that comes to its notice, by the submission of a complaint, application for leniency or anonymous relevant information through the secure digital environment (whistleblowing) and will impose very severe administrative sanctions on companies that apply anti-competitive practices under the provisions of Law 3959/2011 and Articles 101 and 102 TFEU.



### *Investigative measures – On-site inspections*

In particular, during the period from May to December, the following on-site inspections were carried out in undertakings/associations of undertakings active in the following markets/sectors:

16.12.2021

Sector of import, wholesale and retail of mechanical hand tools and garden tools, regarding potential anti-competitive practices in the context of vertical and/or horizontal agreements and/or concerted practices.

14.12.2021

Banking sector

14.12.2021

Markets for sunflower, cotton and maize seeds and in the markets for plant protection products.

11.11.2021

Market for the provision of cadastral survey services and support services for the creation of a national cadastre, regarding potential anti-competitive practices in the context of a bid-rigging investigation.

03.11.2021

Market for children's toys, with the exception of those relating to the use of computers and computer systems, in relation to any anti-competitive practices in the context of horizontal and / or vertical agreements.

07.10.2021

Markets for production and supply of pharmaceutical products, in relation to any anti-competitive practices in the context of abuse of a dominant position.



28.09.2021

Markets for refining, wholesale and retail trade of petrol (gasoline) and diesel regarding potential anti-competitive practices in the context of horizontal and/or vertical agreements and/or abuse of collective dominance.

27.09.2021

Sectors of supply and retail trade of supermarket products, in particular in the markets for cereals, milk, coffee, jam, beverages and cheese, regarding potential anti-competitive practices in the context of horizontal and/or vertical agreements following the dawn raids carried out on the 9th of September 2021.

16.09.2021

Sectors of import/manufacturing, wholesale and retail trade of school bags, kids' lunch bags and pencil cases, regarding potential anti-competitive practices in the context of vertical agreements.

09.09.2021

Sectors of supply and retail trade of supermarket products, in particular in the markets for cereals, milk, coffee, jam, beverages and cheese, regarding potential anti-competitive practices in the context of horizontal and/or vertical agreements.

07.09.2021

Public tenders for the provision of IT systems.

28.07.2021

Market for standard format printers (A3, A4) of all types (e.g., single-function SFPs and multi-function MFPs) and their consumables (e.g., toners), regarding any anti-competitive practices.



16.07.2021

Market for the provision of catering services.

14.07.2021

Tenders for public works for the construction of natural gas infrastructure networks (e.g. medium and low pressure networks, service lines, risers etc.) and relevant materials and tenders for the supply and equipment of natural gas networks regarding potential anti-competitive practices in the context of a bid-rigging investigation.

24.06.2021

Sector of import, wholesale and retail of mechanical hand tools and garden tools regarding potential anti-competitive practices in the context of vertical and/or horizontal agreements and/or concerted practices.

11.06.2021

Wholesale and retail markets of telecommunications and teleconferencing equipment and related equipment, spare parts and software, regarding potential anti-competitive practices in the context of vertical agreements.

08.06.2021

Public tenders related to energy saving and upgrades of lighting systems, as well as the supply of relevant equipment.





### *Other investigations announced:*

#### *Ex officio investigation in the market for the retail supply of electricity to low voltage customers*

The HCC, in follow-up to its actions in key sectors of the economy, and in the context of the effective ex post application of competition rules in the electricity sector, launched on **16.12.2021** an ex-officio investigation in the market for the retail supply of electricity to low voltage customers. Following a preliminary investigation and monitoring of the specific market, the HCC proceeded with investigative measures in eighteen (18) undertakings active in this market to identify any anti-competitive practices under Law 3959/2011 and the Treaty on the Functioning of the European Union (TFEU).

It is noted that the conduct of investigative measures does not mean that the investigated undertakings or associations of undertakings have engaged in anti-competitive behavior, nor does it prejudice the outcome of the investigation itself.

The HCC, as the guardian of the proper functioning of free market, is responsible for the ex-post application of competition rules pursuant to law 3959/2011 and the articles 101/102 TFEU.

Articles 1 of Law 3959/2011 and 101 TFEU prohibit cartels between undertakings (agreements, decisions of associations of undertakings or concerted practices) that have as object or effect the restriction of competition.

Articles 2 of Law 3959/2011 and 102 TFEU prohibit undertakings from abusing their dominant position in the market.

The HCC, acting within its remit, will intervene as an immediate priority where necessary and will examine any relevant case that comes to its notice, by the submission of a complaint, application for leniency or anonymous relevant information through the secure digital environment (whistleblowing) and will impose very severe administrative sanctions on companies that apply anti-competitive practices under the provisions of Law 3959/2011 and Articles 101 and 102 TFEU.

Finally, the HCC, in cooperation with the Regulatory Authority for Energy (RAE), which is in charge of the ex-ante control of competition in the energy sector, is closely monitoring the price increases occurring worldwide partly because of the current pandemic, as these increases may have an impact within the Greek territory. It has also set up a working group consisting of HCC's officials, in collaboration with experts from foreign and domestic universities, such as the University of Cambridge, the University of East Anglia and the Athens University of Economics and Business to closely monitor the market.

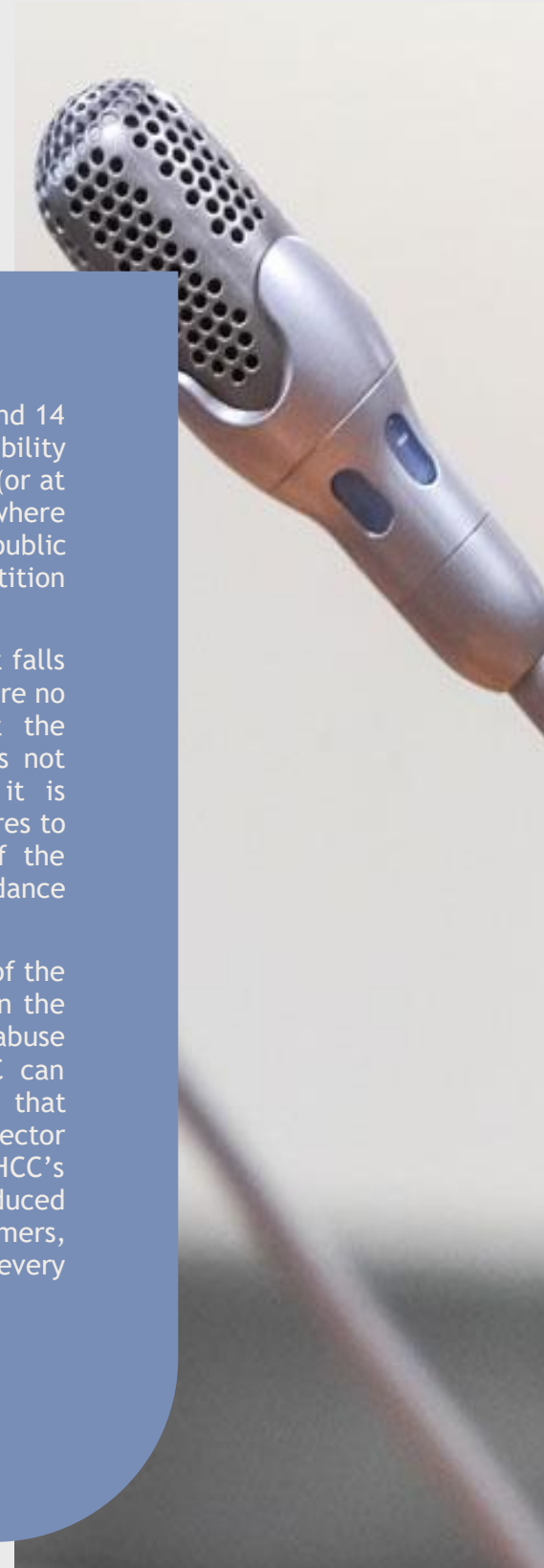


## Regulatory Interventions

According to the existing legislative framework of articles 11 and 14 par. 2 (c) of law 3959/2011, as in force, the HCC is given the possibility of ex-officio regulatory intervention in sectors of the economy (or at the request of the Minister of Development and Investments), where it is established, following relevant investigation and public consultation, that there are no conditions of effective competition under the conditions and procedure laid down in the provision.

The HCC examines a specific sector of the Greek economy that falls under its competence and if it a) finds that in this sector there are no conditions of effective competition and b) considers that the application of articles 1, 2 and 5 to 10 of Law 3959/2011 is not sufficient to create conditions for effective competition, it is empowered, by reasoned decision, to take all necessary measures to create conditions for effective competition in this sector of the economy. These conditions must be met cumulatively in accordance with the wording and interpretation of the law.

The purpose of this regulation is to enhance the effectiveness of the HCC's intervention in cases where distortions of competition in the market cannot be addressed through the provisions on cartels, abuse of a dominant position or mergers. In such cases, the HCC can intervene and take the absolutely necessary measures, so that conditions of effective competition be restored in the specific sector of the economy. Due to the particular importance of HCC's intervention, according to the legislator, a procedure is introduced that includes extensive consultation with the market and consumers, in order to formulate, record and study opposing views before every decision making.





## Market and Regulatory investigation in the Press Distribution sector: *Second Opinion of the HCC*

Following the first Opinion of the Hellenic Competition Commission (HCC) (see [here](#)) and the views submitted to the public consultation (see [here](#)) EA, based on article 11 (3) Law 3959/2011, publishes its second Opinions in which it reiterates that, even after the consultation, there are no conditions for effective competition in this sector and announces concrete measures to create conditions for effective competition. For the text of the second Opinions see [here](#) (*in Greek*).

The measures examined in the Report include:

- Changes in the corporate governance of the sole press distribution agency
- Chinese Walls
- Policy to avoid conflicts of interests
- Setting up an advisory committee
- Prior notification of changes in the shareholding of the sole press distribution agency
- Code of Conduct
- Appointment of a Trustee
- Collective Bargaining between publishers and the press distribution agency and / or between end points of sale (kiosks) and the press distribution agency
- Creating a Joint Venture
- Natural Monopoly Regulation

The Report assesses the above remedies and proposes the remedies that (according to article 11 (3) Law 3959/2011) are absolutely necessary, appropriate and in accordance with the principle of proportionality to create conditions of effective competition in the press distribution sector.

The second public consultation closed on 8.11.2021. The summary of the views submitted in the context of the public consultation is available [here](#) (*in Greek*).



HELLENIC COMPETITION COMMISSION

# market investigation in the Press Distribution sector



## Market and Regulatory investigation in the Construction Sector: *Conclusion of the first public consultation*

Following the first Opinion of the Hellenic Competition Commission (HCC) (see [here](#)), the HCC, based on article 11 of Law 3959/2011, published the views submitted during the public consultation (see [here](#)) (in Greek) and the publication of the second is expected.

In short, the HCC's views focused on the lack of conditions of effective competition in the construction industry, with an emphasis on the largest 6th and 7th class construction companies, taking into account the structure of this industry. The text first presents the legal framework of public procurement, with emphasis on recent changes, the framework of PPP contracts and concessions, as well as the competitive conditions in the construction sector, both in terms of demand and supply, in order to highlight those characteristics that exacerbate the lack of competition in some of the sub-markets of the industry. These may apply to all construction companies in the industry regardless of their size. The issue of common ownership by competing companies in the sector is also analyzed, given the oligopolistic structure of the high-value public works sub-sector.

In particular, it was found that there has been a significant concentration in the construction industry in the last decade with increasing barriers to entry in some of its sub-markets. In addition, it has been identified that the joint horizontal participation of a specific fund in the two largest construction undertakings in Greece may lead to the following theories of harm:

- Uncoordinated unilateral effects of reducing or mitigating competition incentives
- Unilateral effects of concerted behaviour

Also, other issues that were identified in the legal framework, taking into account the concerns expressed by companies in the industry about their impact on competitive conditions and the preliminary investigation of carried out by the Authority, are:

- The issue of regulating unusually low bids,
- The issue of reintroduction of the construction joint venture after the selection of the bidder,
- The changes in contract award criteria,
- The way of organization, in particular the classification criteria of the Register of Contractors of Public Works (MH.EE.Δ.E),
- The more intensive and wider use of Public Private Partnerships (PPPs) and concessions without prior thorough analysis of the competitive conditions and impacts.



HELLENIC COMPETITION COMMISSION

**market investigation  
in Construction Sector**





## Sector Inquiries

### Sector inquiry by the Hellenic Competition Commission into Fintech: *Publication of Interim report and launch of public consultation*

The Hellenic Competition Commission (HCC) published on **22.12.2021** the [Interim Report \(in Greek\)](#) for its Sector Inquiry into Financial Technologies (Fintech), as well as the accompanying executive summary of the Interim Report, available [here \(in English\)](#) and launched a public consultation, inviting all interested parties/ stakeholders to share their views and comments on the Interim Report by participating in the relevant teleconference which will be held by the HCC in the first quarter of 2022, and/ or by submitting their views in writing, in the form of a memo, to the email address: [fintech@epant.gr](mailto:fintech@epant.gr) by **01.03.2022**. The HCC expresses its sincerest thanks to the Bank of Greece for its collaboration and assistance in the completion of the Interim Report on this sector inquiry.

"FinTech" is used to describe the implementation of technological innovation in financial services from which new business models, applications, processes, or products may emerge and which could have a substantial effect on the way in which financial services are provided. The sector of these financial technologies, i.e. provision of financial services through innovative information technologies (artificial intelligence) and communication technologies, is a new and constantly growing market, which in our country is at an early stage of development which offers significant benefits to consumers and businesses, as it contributes to the development of innovative products, which present significant advantages over traditional financial services such as speed, convenience, transparency, lower price and wide availability. In this way, the provision of integrated and more tailor-made services is favored, while the involvement of start-ups in the financial market without any exclusions, is enhanced.

The inquiry was designed with the aim of maximising the participation of all stakeholders (consumers and businesses). In this context, the HCC used a variety of methods to collect the necessary data, mainly by organising a public consultation, sending a number of questionnaires and conducting a consumer survey.







In May 2020, the HCC launched a call to any interested party to submit written observations and comments on the prevailing competitive conditions and the existing issues in financial technologies, as well as to express interest in participating in the teleconference with the officials of the HCC. The public consultation was designed to serve as an interactive forum for exchanging views and took place on 30 October 2020 following written submissions by the companies and institutions concerned. Subsequently, during the period of March - May 2021, the HCC addressed an online questionnaire, via its relevant web-based platform, to 153 companies active in the Fintech sector in Greece. The questionnaire was addressed to all traditional providers of Fintech services (e.g. banks), and a significant number of startups and tech-companies active in the provision of banking services, payment services, lending, microlending, Insurtech etc.

According to the Authority's Inquiry, the specific market's special characteristics and its inherent weaknesses as well as to the analysis that has preceded, it is concluded that the current situation of the markets is still volatile and taking shape. For this reason, it may be premature to draw definitive conclusions about the existence of restrictions or distortions of competition, in addition to the issues listed above, at this stage of the sector inquiry. In this respect, despite the extensive regulation of the relevant markets, which may occasionally create barriers to entry, any proposals for its modification or restriction are made without prejudice to the special role that regulation plays in these markets, in view of their particular characteristics and of the paramount importance of legal certainty. In any case, the experience and know-how of the sectoral regulator and the competent supranational organisations should be also taken into account.

A broader issue related to all the markets under examination, which is at the crossroads of the application of free competition law and sectoral regulatory policy, is related to the possibility of extending the market power of incumbent providers in both the banking and insurance sectors and BigTechs through the use of the voluminous and multi-level database they have from one market to another, possibly through self-preference or enveloping practices. In addition, this phenomenon may even create, against those who have not such a capability- at least at the same cost - to collect and/or process valuable information of the same level, possible exclusionary conditions.





The possibility of excluding small businesses and/or start-ups (e.g. through denial of data access) or even exploiting them (e.g. practices of excessive data access charges) to access user data, is imminent. Such phenomena may be partially covered on a case-by-case basis by sectoral legislation (see e.g. the access arrangements adopted under PSD2), however, the HCC must be vigilant to act against behaviors which are not addressed to their full extent, especially if they take place at the level of an ecosystem and not just of a relevant market. In this regard, the absence of similar regulations in other markets (e.g. Insurtech), as well as the phenomenon of "platformation" and ecosystem development, which is referred to in the answers of the participants in the survey of the Authority, raises once again the question of competition law enforcement to address the issues that arise in their entirety. The need to set up an open banking body, in cooperation with the BoG, may need to be further explored in the event of distortions of competition despite the existing regulatory framework.

With regard to payment services, it should be stressed that national legislation has not fully exploited the discretionary power provided by the PSD2 Directive to adopt measures in line with the principle of proportionality in a way to allow a more case-by-case approach to licensing requirements. This may result in increased barriers to entry for FinTech startups, the licensing of which would result in increased costs, as there is not the necessary flexibility to exempt them from horizontal obligations, which could lead to situations of inequality of opportunities between incumbent payment service providers and those based on new technologies. The same applies for national e-money legislation. There is no breeding ground for a case-by-case approach (possibly through the Sandbox tool), which would facilitate the entry of new players into the market, through reduced obligations, in the light of the principle of proportionality. These deficiencies could be remedied by amending the legal framework so that the restrictions imposed become necessary and directly related to the operational and financial risks faced by Fintechs.





It is also advisable to support, strengthen and accelerate the initiatives announced by the European Commission on a retail payment strategy for the EU. In the event of negligence being identified at European level, it would be appropriate to seek the possibility of adapting national legislation.

In particular, it is recommended to support the adoption of initiatives and possible legislation in the direction of:

- addressing issues raised by the existence of various different application programming interface (API) standards and different levels of API functionality that may interfere with the initiation of provision of payment and account information services, in order to ensure an adequate, efficient, secure and access on equal terms to payment account data. The HCC can contribute within the framework of its responsibilities in competition law enforcement to the efforts of the sectoral regulator, BoG, to remove the relevant obstacles in this regard. In this context, the swift and appropriate adoption and monitoring of the implementation of the relevant EBA Guidelines on technical standards and the formulation of pricing policies by the Account Service Payment Providers based on reasonable, transparent and uniform criteria in order to avoid cases of discriminatory and exploitative pricing practices;
- extending the scope of the irrevocability of the Settlement Finality (SFD) Directive to include electronic money institutions and payment institutions, subject to appropriate supervision and mitigation of risks;
- standardisation for QR codes presented by both traders and consumers;
- ensuring the right of access, under fair, reasonable, and non-discriminatory conditions, to the technical infrastructure deemed necessary to support the provision of payment services.

In addition, it is important to encourage consumers to use technological means to make their payments. This can be enhanced both through the adoption of a clear and less fragmented consumer protection legislation and effective institutional consumer protection.

A general overview of the regulatory framework for trust services, the fight against money laundering, terrorism financing and the Know Your Customer shows that compliance with the law is still a costly and demanding task which causes regulatory and compliance costs for providers, especially in relation to incumbent banking providers through traditional channels. In view of that, it would be appropriate, in drafting any future legislation, to explore the possibility of introducing more specific settings adapted to the new digital environment that could proportionally reduce FinTech compliance costs and yet provide greater clarity and legal certainty with clearer, customer-risk-based requirements.

In this respect, in cases where the current legal framework leaves a margin for partially adapted addressing in line with the principle of proportionality, this should be opted for by the supervisory authorities.

It goes without saying that the experience of the BoG's Regulatory Sandbox will be valuable in this regard.



## Sector inquiry into E-commerce: *Publication of Interim Report and Launch of public consultation*

The Hellenic Competition Commission (HCC) published today, **Monday 2 August 2021**, the Interim Report for its sector inquiry into e-commerce, which is available [here](#) (in Greek). The executive summary of the Interim Report is also available [in English](#). In this context, the HCC announced the launch of a public consultation and invited all interested parties/ stakeholders to share their views and comments on the Interim Report by participating in the relevant teleconference held by the HCC on 09.02.2022, and/ or by submitting their views in writing, in the form of a memo.

The sector inquiry was designed with the aim of maximising the participation of all stakeholders (consumers, businesses of all levels of the product value chain, sectoral and other institutions). In this context, the HCC used a variety of methods to collect the necessary data, in particular by organising an open consultation, sending out a series of questionnaires and conducting a consumer survey.

According to the findings of the Interim Report it is undoubtedly clear that, in recent years, there is a rapid growth of e-commerce and progress in the digital transformation of businesses, with its prospects remaining positive despite the gradual lifting of restrictive measures, as the health crisis has become a springboard for permanent switch of consumer behavior to online markets. In addition to a detailed capturing of consumer behavior, the Interim Report provides a thorough overview of competitive conditions at all levels of the product value chain.

The Interim Report has demonstrated, inter alia, that:

- The price of the products is the most important parameter of intra-brand competition, with 71% of retailers stating that they systematically monitor competition in prices, aided by the price transparency provided, in particular, through online platforms.
- The relationship between online and physical stores is directly competitive and the intensity of competition varies per product category. Consumer behaviors, showrooming on the one hand and free-riding to the detriment of the online store on the other, are opposing trends and opinions differ as to which one is stronger a view that varies per product category but they are undoubtedly stronger than ever.
- The penetration of foreign companies in the Greek market is undoubtedly important, as it seems that the constraint of proximity to the physical store for consumer retail markets has now been overcome. On the contrary, the penetration of domestic online retailers and their participation in international online platforms seems to be somewhat in a rather embryonic stage, mainly influenced, according to the responding stakeholders, by various factors such as the lack of critical infrastructure related to the transport of goods and the competitiveness of foreign companies, due to the geographical location of Greece, mainly due to their size and the heterogeneity of tax rates.
- Online platforms (in particular, search engines and price comparison platforms) have become a quasi-unavoidable trading partner, especially for small and medium-sized undertakings, due to the direct and indirect network effects, i.e. on the one hand, the ability to promote products directly to a wider public.





However, the Interim Report also identifies certain distortions in the functioning of electronic markets. Firstly, and regarding the relationship between suppliers and e-retailers, many of them state that the pricing practice of suppliers consists in the resale price maintenance, particularly by use of the methods described in the table below:

Restrictions imposed by suppliers	% of retailers reporting restrictions out of the total
Minimum retail price	10%
Retail price imposed (regardless of whether it is recommended / indicative), without possibility for derogation	9%
Fixed and non-negotiable discount scale for retail prices	7%
Minimum advertised retail price or range of advertised retail prices	5%
Fixed profit margin leading to a specific retail price from which no divergence is allowed	5%
Different retail price depending on whether the product is intended for online sale	4%
Requirement to set the same retail price for online and offline sales	4%
Retail price ceiling	3%

Increased price transparency through online platforms is a useful tool for monitoring compliance, and the platforms themselves have been harassed by vendors requesting the removal of specific retailers from the platforms' website due to non-compliance. However, it should be noted that the finding of practices relating to (indirect or direct) resale price maintenance is not easily identified from monitoring retailers' behavior alone, as the latter have stated that they adhere to the recommended / indicative prices on products traded, even if they are not imposed by the contracting suppliers. Other commercial policy restrictions stated by retailers with regard to their relationship with suppliers include:

- Restrictions on cooperation with price comparison platforms / marketplaces
- Restrictions on sales through the privately owned online store
- Restrictions on cross-border sales
- Exclusivity (requirement for no cooperation with another supplier in the same product category) and
- Restrictions on online advertising







With regard to their relationship with online platforms, retailers are greatly concerned by the increases in the charges imposed by platforms, in particular the cost per click or per purchase on search engines and marketplaces. Indeed, the survey shows a rapid increase in online platform charges to business users, especially in the last two years, a period during which online platforms have grown significantly. Some retailers point out that unilateral increases threaten their viability or deprive them of the necessary funds for their development or even lead them to pass on these additional costs to the final consumer. Other concerns include, inter alia, the following:

- the concern about the validity and reliability of the consumer ratings projected by the platforms on products and stores; and
- the fact that the criteria of predetermined / initial ranking of products and stores are not communicated by the largest online platforms to business users.

These concerns become even more relevant in view of the importance of ratings and the initial ranking in the operation of intra-brand and inter-brand competition, since, as demonstrated in the Interim Report, both affect the choice of consumers to use online platforms to assist their online purchases.





Finally, regarding the other significant distortions presented in the Interim Report, which are related to business behaviors or the regulatory framework and do not allow e-commerce in Greece to fully develop its dynamics, the following solutions are proposed by the respondents:

- Regarding the commonly acknowledged **high costs** relating to the setting up, operation and promotion of an online store, combined with the **difficulties in funding**, it is first proposed to simplify the relevant procedures for participation in the co-funded programmes and to clarify the criteria required for approval of relevant applications. Furthermore, it is proposed to develop funding programmes aimed at the activity of companies in e-commerce. The targeting of the above programmes should not be limited only to the coverage of technical costs but also to the acquisition of appropriate entrepreneurial know-how, as the **lack of necessary specialized knowledge and know-how** was identified among the major impediments to business activity in e-commerce.
- In the context of **streamlining the procedures** and in order to reduce the high administrative costs, which mainly companies with a multi-channel operation are required to manage, by implementing a combination of different business models, thus lead to acquire individual authorisations depending on the services integrated in them, it is proposed to modernise the legislative framework on the basis of providing: a) the abolition of obsolete provisions and / or provisions establishing irrelevant obligations for business licensing, b) the exercise of control and the shortening of the timescale for issuance of the relevant decisions and c) flexibility, within the regulatory framework, so that the adjustment of business models does not create additional costs.
- Regarding the operation of the **payment services market**, it is proposed to reduce the time-period for the commitment of the amounts paid in the event of canceled and / or ultimately unsuccessful transactions could be adopted, as well as the modification of the arrangements concerning the possibility offered to consumers to challenge a transaction when the payment has taken place by bank deposit.
- With regard to barriers in cross-border business activity and, in particular, in the context of **strengthening competition for parcel services**, it is proposed to introduce provisions of national law to establish the civil and criminal liability of those making deliveries without legal documents, in accordance with the relevant provisions of the tax law. As far as the related problem of **high transport / delivery costs** of products is concerned, it is proposed to create a flexible legal framework that would be subject to regular review.
- With regard to the need for addressing **cases of fraud** against consumers or the State, which takes various forms such as the operation of virtual stores, tax evasion and consumer fraud by creating loopholes for unfair competition, a solution could be the certification of companies operating in e-commerce. The certification process receives a positive evaluation by all "groups" of respondents in general, especially if it is optional, provided by different bodies (public or independent) offering the relevant guarantees and does not cause additional administrative and financial burden on companies.



Finally, a common problem raised by a large majority of the respondents is the poor operation of the competent monitoring and enforcement mechanisms, due, among other things, to the insufficient number of staff, a problem that involved in some of the aforementioned distortions. In this regard, based on the positions of the respondents, it is proposed to strengthen and boost the operation of the monitoring and enforcement mechanisms, particularly in the following contexts:

- ensuring the compliance of online service providers with Directive 2002/58 / EC and the Regulations (2016/679 and 2019/1150) of the European Union,
- observance and compliance of companies with Law 4537/2018 and in particular with the provisions on strong customer identification, so that payment service providers, supervised by the Bank of Greece, do not allow companies that have not completed the procedures for "strong customer identification" to conduct electronic transactions,
- lawful operation of retailers, in the sense of their compliance with provisions relating to tax legislation (e.g. on VAT reimbursement), as well as fighting against parallel imports and fraud against consumers,
- elimination of cases of reactivation of companies, the operation of which was interrupted due to non-compliance with the legal / regulatory framework but resume their operation under a different name.

Following the completion and processing of the data that will become available from the public consultation and any new investigative measures, the publication of the Final Report is expected in the first nine months of 2022.







## Sector inquiry in the provision of private Health Services and related Insurance Services: *Launch of public consultation*

The Hellenic Competition Commission (“HCC”), taking into account the rearrangements taking place in the private health services sector in the last five years as well as the restructuring of the regulatory framework for the provision of related insurance services, has initiated, by decision of 5.7.2021, a sector inquiry into the provision of private health services and related insurance services, exercising the respective powers conferred on it pursuant to Article 40 of Law 3959/2011 (see also [here](#)).

In the context of Phase A’ of the sector inquiry, the HCC launched a public consultation, inviting all interested parties to express their views and comments on the competitive conditions in the broader sector. In particular, in this context, the relevant teleconference was successfully held on **26.10.2021**. The tele-consultation, which took place through a privately owned livestreaming studio in FULL HD quality, forms part of the overall framework of the Competition Commission’s digital communication reform, based on which the Commission aspires to develop more direct contact with both businesses, consumers and citizens for the benefit of the Greek’s Economy development.

The teleconference was watched on live stream through the Competition Commission’s platform by many stakeholders, including companies, associations of enterprises, lawyers and economists working in the field of competition, as well as academics, social stakeholders and consumers associations.

During the event, which was opened by the President of the Competition Commission, prominent academics and representatives of the market made presentations on a wide range of current issues of competition law and economics. In particular, the tele-consultation was structured in four thematic sessions, a) HEALTH SECTOR AND COMPETITION LAW, b) HEALTH INSURANCE AND COMPETITION LAW, c) CONVERGENCE BETWEEN HEALTH AND INSURANCE SECTORS AND NEW TECHNOLOGIES: CHALLENGES TO COMPETITION LAW and d) REGULATORY BARRIERS AND THE ROLE OF THE STATE IN THE PROMOTION OF COMPETITION AND INNOVATION WITHIN THE SECTOR OF PRIVATE HEALTH AND INSURANCE.

HELLENIC COMPETITION COMMISSION

**Sector inquiry into Health Services**





In particular, in the context of the first session, the current market and competition conditions in the health services sector were analyzed. It was noted that Greece has witnessed twelve consecutive years of crisis; as the ten years of economic crisis were followed by the two years of the pandemic crisis. However, it was argued that the Greek economy now seems to be recovering and consists a pole of attraction for interested investors, while, at the same time, it appears that necessary conditions for further mergers and acquisitions are being created. According to the views expressed, the public and private health sectors do not constitute direct competitors in terms of the offered health services. It was also noted that transactions on share capital of health providers are taking place, especially in the region of Attica, with high horizontal (and not only) concentration levels.

The crucial importance of prudential control by the competition authorities is therefore confirmed, while the dynamics of the sector should be taken into account (in order to successfully address issues such as asymmetric information, barriers to entry, etc.), with the ultimate goal of achieving competitive prices, quality of services and a sufficient number of alternative providers, i.e. social welfare. Also, the transparency of procedures and good practices was addressed, with emphasis on the issue of doctors' civil liability and the duration of their insurance coverages well as the need to differentiate insurance coverage limits in relation with the specialization of the doctor. The issue of access to health data and the possibility that such access may lead to discrimination against citizens / patients, resulting in limited access to health services for them and, at the same time, to a reduction of competition and an increase in the market powers of those companies that gain access to this data were analyzed with relevant examples (e.g., mergers of insurance companies with pharmacy chains). Among other things, it has been expressed the position that the sector inquiry should also extend to public health services.

At the same time, reference was made to costs as the main barrier to entry into private care and the role that competition law could play, inter alia, in the allocation of health resources. In the same context, it was proposed that the subject of the sector inquiry should cover the possibility of altering the regulatory framework concerning private clinics, as well as the issue of rebate & clawback.







The second session discussed the topic "Private Health Insurance: products, competition and relationships with private health care providers" and highlighted, among other things, the strict regulatory framework that governs the insurance market in general, while it was mentioned that the main reason behind the mergers in this market is the need for companies to become stronger in terms of capital and more competitive. The topic "The implementation of competition rules in health insurance" was also presented. In this context, among other things, the special importance of the exchange of information for the proper assessment of the risks inherent in insurance as well as the balancing role of insurance companies for the relationship between patient / insured and health care provider was highlighted. In addition, during the presentation of the topic "Health insurance in 2021: Challenges & Developments" was pointed out the fact that diseases change and so does the evolution of medical science (at medical and technological level) and that the way the insurance coverage is affected due to the aging population. In Greece, the insurance coverage is characterized by overlap and double payment and, for this reason, it was proposed that the health system should be made complementary (instead of optional as it is today). The specific panel closed with the presentation of "Private Health Insurance: The competitiveness of the industry and its relations with health suppliers", which highlighted, among other things, the significant number of players in the relevant market, while emphasizing the specificity of configuration of the insurance costs of health products, as long as, the importance of DRGs.

The topic of the third panel was "Digitization in the Health & Life Sciences and the Transformation of Value Chains: Legal and regulatory perspectives" and linked the ambitions and opportunities in the fields of health and life sciences, created by new technologies, with the field of law and, in particular, with competition law (either through the facilitation of collaborations or through interventions in cases of collusion, wherever this is required). The topic "AI-driven decision system for de-risking drug development and enabling external innovation. Health data and insurance" was also presented from the perspective of an innovative company that has the mission, by assessing the relevant risk, to help patients receive a new treatment faster and more effectively through the application of scientific data in the development of drugs. Finally, on the same panel the topic "Data pooling, data ownership, health, human medicine and Competition Law" was presented, with emphasis given mainly on the possibility in both theory and practice to turn all internet-related activities into data that can be collected, as the new data can now be considered as new "fuels". The expressed idea was, among other things, that the so-called data pools could constitute the means for small companies to offset their disadvantage in terms of data accessibility (consumer, technological, clinical, etc.)

In the fourth and final panel, the topic "Health services, insurance and competition law: the English experience" was presented, with an emphasis on how health care providers in the UK are organized and how they are interconnected (the state plays a central role, while at the same time there are non-profit providers and vice versa), where state aid is a key issue. On the same panel the special topic "Organization and Operation of Health Units", was elaborated having as a main pillar the establishment of the National Health System and the operation of hospitals, given their internal Organization. Finally, the topic "Innovation and competition in healthcare; three NL examples" discussed the Dutch health system, which is mainly private, and analyzed three collaboration case studies related to a) the treatment of various types of cancer, b) seeking a combination of a step-by-step approach and c) the necessary legal certainty (as a condition for investments).

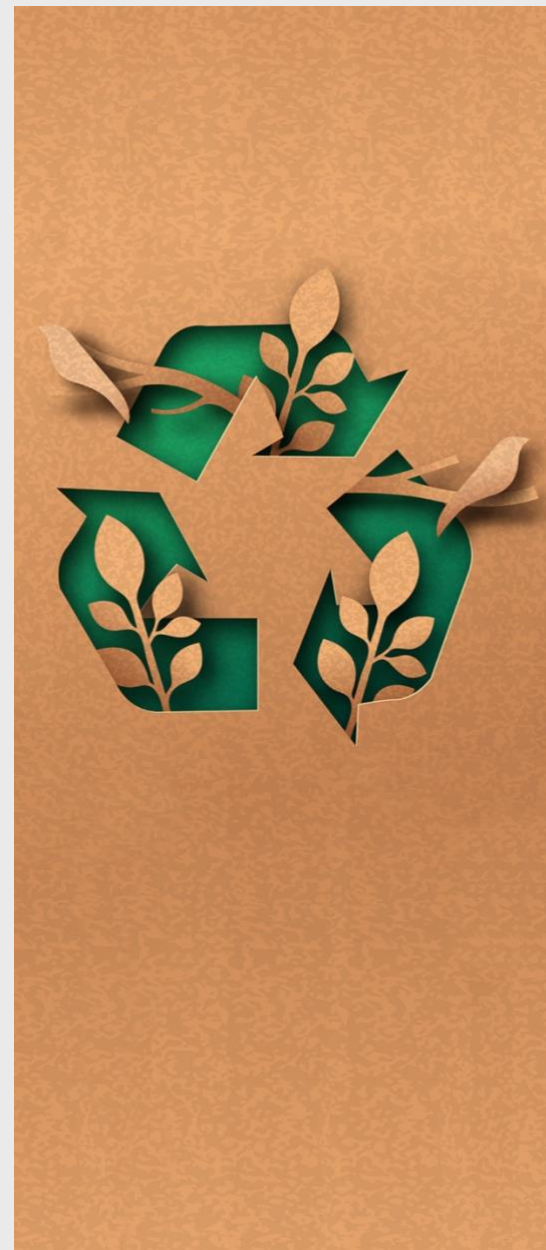


## Sector Inquiry into the Waste Management and Recycling Sectors in specific categories of waste:

### *Launch of public consultation*

The Hellenic Competition Commission (“HCC”), taking into account the economic importance of the waste management and recycling sectors in Greece and their contribution to sustainable development objectives, as well as the need to ensure their proper functioning and efficient operation, has launched on 16.7.2021 a Sector Inquiry in the Waste Management and Recycling Sectors in specific categories of waste pursuant to Article 40 of Law 3959/2011 (see also [here](#)).

This sector inquiry first focuses on the in-depth examination of the alternative management of seven categories of waste, which are often referred to as waste “streams”, which are supervised in terms of their organization and operation by the Hellenic Recycling Agency (HRA/EOAN). In particular, these waste categories include packaging materials and packaging waste, waste lubricating oils, used motor vehicle tyres, waste batteries and accumulators, end-of-life vehicles (ELVs), waste electrical and electronic equipment (WEEE) and excavation, construction and demolition waste. As the alternative management consists of the collection work together with guarantee, as well as the transport, transshipment and storage operations, preparation for reuse, recycling and any other type of waste recovery of used reusable packaging or waste of other specific products, the interest of this sector inquiry focuses on the study and recording of the interaction components of the above works, which are at the same time different arcs of the circularity that characterizes the alternative waste management systems. In this context, the terms of the contracts concluded between companies that operate in different arcs of the value cycle and are evaluated in relation to any existing barriers to entry faced by new start-ups in order to determine the degree of competition in the markets under investigation.





Furthermore, the other focus of this sector inquiry is the investigation and systematic approach of the market for the provision of facilities (for delivery, receipt) and management of waste to port users. Collection of ship-generated waste and cargo residues means the collection of ship-generated waste and cargo residues fixed, floating or mobile installation capable of receiving waste or cargo residues, while ship-generated waste shall mean all waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, II, IV and V to the International Convention for the Prevention of Pollution from Ships (MARPOL Convention). Given that in Greece there is a specific way for project awarding and port facilities contracting, i.e. through licensing tenders and even for an exclusive service provider, the present inquiry studies the structure of this market, the current legal framework and the way of its implementation, in order to identify any entry barriers and any questions of fact or law, which may be competitive constraint and hinder the smooth operation of the market and, finally, after identifying the possible problems, to propose solutions.

As part of the first phase of this sector inquiry, the HCC launched a public consultation, inviting any interested party to submit their comments and views regarding the competitive conditions in the wider industry. In particular, a relevant tele-consultation was successfully held by the HCC on 18.11.2021. The tele-consultation, which took place through the privately owned live-streaming studio in FULL HD quality, is part of the general framework of the Hellenic Competition Commission's digital campaign reform, based on which the Commission hopes to have more direct contact with both businesses, consumers, and citizens to the benefit of the development of the Greek Economy.

The teleconference was broadcasted live via the Hellenic Competition Commission platform and was attended by many stakeholders, including public bodies, business associations, lawyers and economists, that deal with competition issues.

During the event, which was opened by the President of the Hellenic Competition Commission, representatives of the wider sector and relevant supervisory bodies made presentations on a wide range of current issues in the markets of recycling and waste management. In particular, the tele-consultation was structured in two thematic categories and further in four sections, a) WASTE MANAGEMENT OF PORTS- PART A, b) WASTE MANAGEMENT OF PORTS- PART B, c) WASTE STREAMS SUPERVISED by EOAN- PART 1, d) WASTE STREAMS SUPERVISED by EOAN- PART 2.

In particular, in the context of the first two thematic areas, i) the institutional framework for the collection of ship-generated waste according to Greek and European legislation, ii) issues related to the responsibilities of the Ministry of Maritime Affairs and Island Policy, iii) the competition conditions in the relevant markets, and iv) the legal framework for waste management and cargo residues in Greek ports, were discussed and analysed. Representatives of the Ministry of Maritime Affairs and Island Policy, a port management body, the port association, companies on waste collection service and cargo residues, as well as associations of undertakings active in the passenger shipping and shipbuilding industry, presented their views. Data was also presented on the pricing of specific categories of waste and the number of contractors active in the collection and management of ship waste in Greek and European ports.



In the context of the following two thematic units of the second thematic category, representatives of the public supervisory body (EOAN), the recycling association, as well as collective alternative management systems of all streams supervised by EOAN, analyzed the evolution of the legal framework governing the recycling industry and the subsectors of EOAN's alternative management programmes, as well as the competition conditions and problems prevailing in these markets. These alternative management programmes are: (a) Packaging Waste (PW), (b) Waste Lubricating Oil (WLO), (c) Waste Tyres (WT), (d) Waste Electrical Columns (portable, batteries) & Industrial Vehicle Accumulators, e) End-of-Life Vehicles (ELV), (f) Waste Electrical and Electronic Equipment (WEEE) and (g) Excavation, Construction and Demolition Waste (ECDW). Detailed information was also provided on the conditions under which the alternative management streams operate, and the structure of the individual markets.







## Competition Guide for Small and Medium Enterprises (SMEs)

In order to empower the Small and Medium Enterprises (SMEs) in the Greek market that comprise the vast majority of companies and a significant part of the added value in the Greek economy, the Hellenic Competition Commission (HCC) presented on 23.04.2021 a *Guide for competition issues that affect SMEs* (see also [here](#))

The Guide contains the critical information that every SME needs to know both about the practices that it should avoid applying in the market, but also the information that it needs to know for its protection from anti-competitive practices that it may experience from larger companies that negatively affect it. The purpose of the Guide is to empower SMEs within the digital economy by providing examples of anti-competitive practices they may face in the market and which they should disclose to the HCC which should take action for the enhancement of competition.

The Guide covers three (3) key sections related to the operation of the legal framework for free competition which concern:

- ✓ collusion (anti-competitive agreements) between competitors,
- ✓ the participation of a SME in a distribution network,
- ✓ the relationship between SME and larger companies in the market and issues of abuse of a dominant position

Furthermore, the Guide covers two (2) sections, which concern the “market renewal” issues, i.e. the various procedures that the HCC can initiate (or already has) for the enhancement of competition conditions within the Greek economy and presents the ways in which each SME can contribute to this effort.

Finally, the Guide presents the penalties and fines that may be imposed in case of violation of competition rules, and which must be taken into account by SMEs.







## Covid-19\_Competition Task Force

### Latest news

On 15 April 2020, the Directorate-General for Competition (DGC) of the HCC announced the actions taken by the Covid-19\_Competition Task Force, which was set up on 20.3.2020 to ensure the enforcement of competition rules and ensure the systematic application of competition rules in the specific economic and social conditions shaped by the coronavirus pandemic.

In particular, the DGC, as early as the outbreak of the pandemic, systematically monitors the economic data in various sectors, with emphasis on healthcare products and services, consumer commodities and foodstuffs regarding, on the one hand, possible price increases in basic consumer goods (such as, indicatively, sanitary, agricultural and food products), as well as SARS-CoV-2 diagnostic tests, throughout the value chain and, on the other hand, regarding any shortages of these products.

The HCC, as the authority responsible for establishing any violations of the provisions of Law 3959/2011 and Articles 101 and 102 TFEU, has also developed a strategy of targeted intervention wherever necessary or through regulatory interventions.

In this context, it has started updating its ex-officio investigation in the markets for the supply of coronavirus detection tests and antibody tests. In addition, a number of initiatives have been taken:

### *Public announcements relating to future price increases from associations of undertakings and other professional bodies*

In **October 2021**, following press reports on price increases in the markets for the supply of traditional meals in the Athens region, restaurant services in the Larissa region and bakery products in the Patras region, the HCC had already contacted specific Business Associations in order to draw their attention so that they refrain from any anti-competitive practices.

Any intervention by professional bodies/ associations and/ or concerted practices between professionals, in any way and to any extent and level, as well as in any part of the Greek Territory, which have as their object or effect the prevention, restriction or distortion of competition in the Greek Territory and, in particular, those directly or indirectly fixing purchase or selling prices or other transaction terms, shall be considered as hardcore infringements of national and EU law on free competition pursuant to Article 1 of Law 3959/2011 and Article 101 of the Treaty on the Functioning of the European Union (TFEU).

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Any violation of these rules shall be subject to both administrative fines and penalties as well as criminal liability for the professionals involved in such practices and for any third legal entities that contributed to the creation of collusion/ price harmonization phenomena in the above sectors.

In this context, the aforementioned Business Associations were asked to refrain from any such conduct and to promptly inform their members of their obligations to comply with competition rules, as set out above.

Furthermore, the HCC informed all undertakings as well as associations of undertakings operating in the Greek market, at either local or national level, about potential cartels and concerted practices, in breach of competition law, between competing companies aiming at establishing, recommending and imposing an intended future price or discount for products or services that a company supplies or may supply or that a company purchases or may purchase.

Effective competition and consumer protection are among the HCC's primary goals and objectives. Within its remit, the HCC will take immediate action against anyone responsible, without exception, in any case where there may be serious indications of competition restrictions.

In this context, it should be recalled that public announcements, by whatever way or means, (e.g. through official communications, communications to the mass media or on the internet), concerning envisaged specific price increases of products or a limitation of production or even customer allocation and markets sharing, especially when they come from business federations/ associations and other professional bodies operating in the market or through public statements of their representatives or third parties, may be a means to, and/ or facilitate the operation of cartels between competitors or be a way of reaching price harmonisation agreements between competitors. Such practices aim at the direct exploitation of consumers, risk social and economic cohesion and, as they represent a serious risk to the public interest, they are subject to the intervention of the Hellenic Competition Commission by the imposition of fines, according to the provisions of the Greek Competition Act.

Of particular note is the HCC's willingness to intervene, if and when needed, in any sector as well as in any geographical area to address such phenomena.



## *Pricing of PCR and Rapid Tests in the Greek market*

On 14.10.2021, the Hellenic Competition Commission (HCC) informed citizens by a press release that, under the relevant legislation [see Ministerial Decision no. 98491/9.9.2021 (GG B' 4181/9.9.2021)], price caps were set for SARS-CoV-2 diagnostic tests carried out in private diagnostic laboratories, private clinics as well as in any other retail outlet, such as pharmacies. In particular:

“1. For the diagnostic test for SARS-CoV-2 based on the molecular Real Time - PCR method:

- a) a maximum price for service providing (analysis of sample etc.) is set at forty euros (40 €), including charges for the required reagents and consumables καί
- b) a maximum price for sampling in private diagnostic laboratories and private clinics is set at twenty euros (20 €).

2. For the rapid antigen detection (RAD) test for the detection of SARS-CoV-2, a maximum price, charged for service providing (analysis etc.), including charges for the required reagents and consumables, and sampling in private diagnostic laboratories, private clinics as well as in any other retail outlet, is set at ten euros (10 €).”

These tests, carried out in private diagnostic laboratories, private clinics, pharmacies and any other handling points available for that purpose, can be charged at lower prices and up to the price-caps referred to above. Therefore, professionals who have the possibility to carry out SARS-CoV-2 diagnostic tests or antigen detection tests are entirely free to offer the price of their own choice, capped at the amounts specified for each testing type in the Ministerial Decision.

Any intervention by professional bodies/ associations and/ or arrangements between professionals, in any way, by any means and to any extent, as well as in any part of the Greek Territory, which aims at adopting common pricing and / or imposing prices fixed at the above price-caps (or beyond) are considered as hardcore infringements of national and EU competition rules according to Article 1 of Law 3959/2011 and Article 101 of the Treaty on the Functioning of the European Union (TFEU).

Any breach of these rules is subject both to administrative fines and penalties as well as criminal liability for the professionals participating in the infringement and for third legal entities which may have contributed to the creation of a cartel/ price harmonisation for the above detection tests.

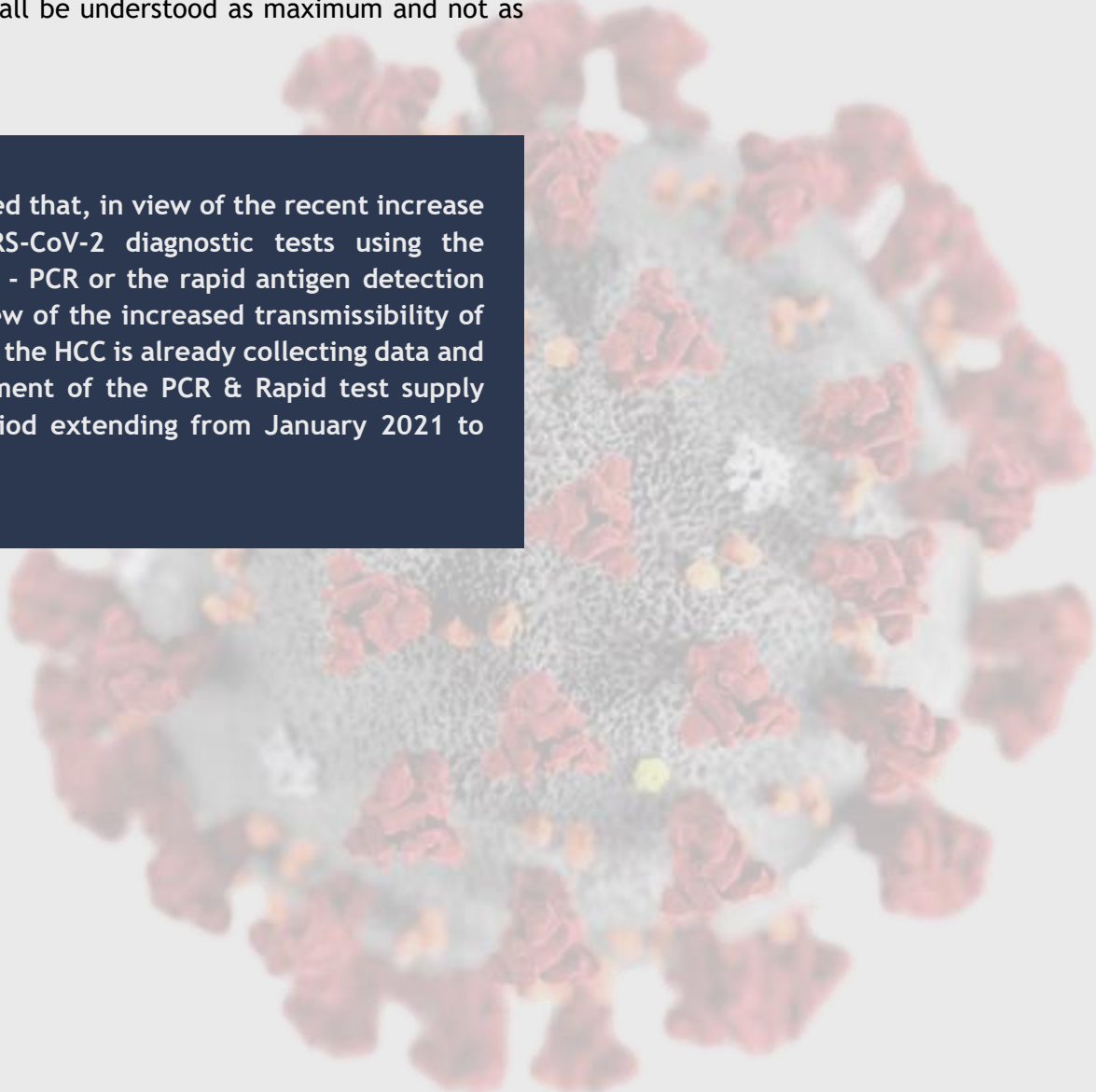
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In the above context, the Panhellenic Pharmaceutical Association, in compliance with the HCC's recommendation (letter under ref no. 8009/01.10.2021) calling for the alignment of the Association's announcements to its members with competition law, a) posted on its website the revocation of its letter number 3364 / 26.7.2021 [Panhellenic Pharmaceutical Association | Possibility of pharmacists to perform rapid tests with a fee of 20 euros plus VAT - Document revocation (pfs.gr)] and b) posted on its website, and notified to all the national pharmaceutical associations the letter under ref. no. 8009/01.10.2021 of the HCC as well as the Association's reply letter under ref. No 4493/11.10.2021, in order to make clear to all its members that the prices referred to in Ministerial Decision no. 98491/9.9.2021 for SARS-CoV-2 diagnostic tests or antigen detection (RAD) tests shall be understood as maximum and not as fixed prices.

It should also be noted that, in view of the recent increase in demand for SARS-CoV-2 diagnostic tests using the molecular Real Time - PCR or the rapid antigen detection (RAD) method, in view of the increased transmissibility of the Omicron variant, the HCC is already collecting data and updating the assessment of the PCR & Rapid test supply markets for the period extending from January 2021 to January 2022.







## Cooperation with Regulatory Authorities

In the context of HCC's cooperation with the Regulatory Authority for Energy (RAE), with which the Memorandum of Cooperation of 25.9.2020 has been signed, and following previous meetings, a meeting was held in November 2021 (on 17.11.2021) between the Presidents of the two Authorities and respective officials, at the premises of RAE, where a constructive dialogue and exchange of views took place on the critical issues that have arisen in the national electricity sector, at both wholesale and retail levels, especially in the recent period, and discussed ways of taking joint and cooperative action by both Authorities to address and resolve them for the benefit of consumers.

On September 25, 2020, a Memorandum of Understanding was signed between the Hellenic Competition Commission (HCC) and the Hellenic Regulatory Authority for Energy (RAE) at the offices of the HCC, with the aim to enhance the cooperation between the two Authorities by combining their common experiences, and in order to strengthen their relationship.

Particular emphasis was placed on the establishment of joint working groups for the development of guidelines, studies and research papers on issues of common interest, within the competences of the two Authorities. The two Authorities agreed, inter alia, to carry out actions to promote policies and strategies to inform economic operators / participants in the energy market on matters relating to the responsibilities of the two Authorities, for the benefit of society, the economy and the general public.





## Congresses-Conferences

### International Competition Law and Policy Training - Consumer Associations

The Hellenic Competition Commission (“HCC”) together with BEUC, the European Consumer Organisation, held a competition law and policy training on Monday, 28 June (3.30 - 5.30 pm local time) and Tuesday, 29 June 2021 (3.30 - 6.30 pm local time) ([agenda of the training event](#)).

The training was part of a series of actions of the HCC in order to strengthen the participation of consumer associations in the implementation of competition law. It was the second training event organised by the HCC following the one on March 16, 2021, in collaboration with the Cypriot Commission for the Protection of Competition. For more information on the first training event, see [here](#).

### International Digital Conference "The Promise of Computational Competition Law and Economics: issues, perspectives"

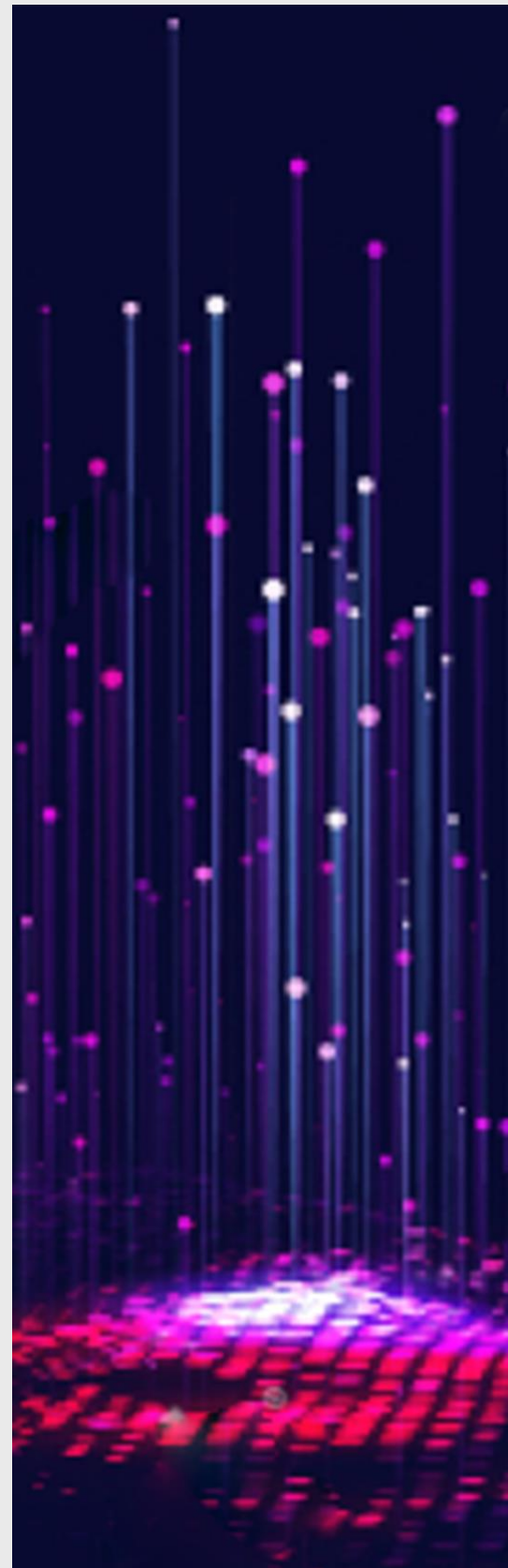
The Hellenic Competition Commission (HCC) has successfully held, on 24.05.2021, the well-attended International Digital Conference "The Promise of Computational Competition Law and Economics: Issues, Prospects", co-organised by the HCC and the BRICS Competition Law and Policy Center and supported by the Journal of Competition Law and Economics; a milestone event for the international competition community as it was attended by key experts in Competition Law and in Computational - Artificial Intelligence from around the world.





The introductory remarks were addressed by the President of the HCC, Ioannis Lianos, and the Director of the BRICS Competition Law and Policy Centre, Alexey Ivanov. Ioannis Lianos noted that, in the last 20 months, the HCC has made a leap forward regarding its technological-digital structure while it is becoming a leader, among the EU Competition Authorities, in the use of computational means in its investigations, already designing and implementing its own data collection platform. He spoke about the strategic transformation of the HCC so that it can adequately meet the new circumstances, increasing its effectiveness through the use of new techniques stemming from computational means. In addition, he presented an "inception" report entitled "Computational Competition Law and Economics - An Inception Report".

The Report, directed by the President of the HCC, Ioannis Lianos, is the result of the cooperation of HCC's staff with a team of scientists acting as external experts for the HCC and a team of the Brics Competition Law and Policy Centre. It examines the impact of the use of Big Data, AI, machine learning, deep learning in competition law enforcement and is the first detailed report published by the HCC on this topic, which was welcomed by all the conference attendees. It is noted that the preparation of this research, as part of a research programme of the Hellenic Competition Commission and the BRICS Competition Law and Policy Center, generated considerable revenue to the Hellenic Competition Commission which covered the cost of creating the HCC Data Analytics & Economic Intelligence platform, since the Commission seized for the first time the possibility offered by the recent change in legislation (article 17, par. 1a L. 3959/11). In addition, the HCC, as part of a selected group of antitrust and competition agencies, participates in the international network for Computational Competition Law, hosted by the US Stanford University Codex Center.

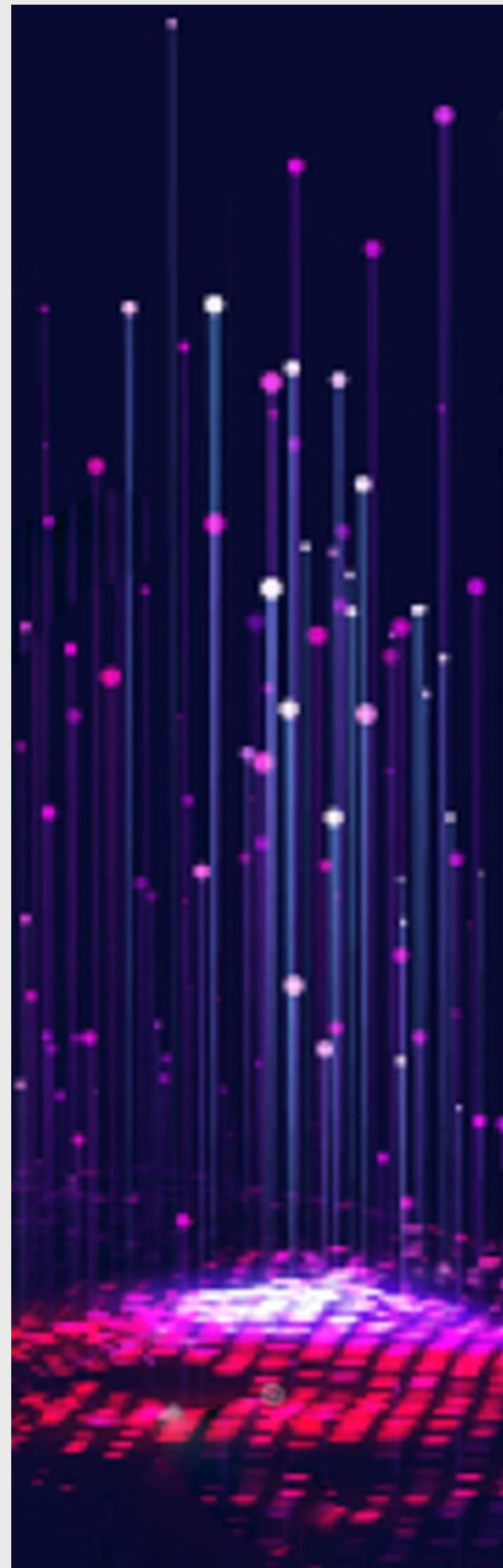




For his part, Alexey Ivanov, underlined the importance of the conference as a hub for exchanging views between representatives from different competition authorities around the world and the academic community on such crucial issues as those concerning the digital transformation of NCAs with the aim of speeding up investigations to allow a more effective functioning of markets. "There already exist national authorities using advanced technological methods in investigations and competition law enforcement".

The first panel on the topic of the "Policy and legal issues arising from the use of computational tools in competition law enforcement" was chaired by Professor Michal Gal, Haifa University, with the participation of Giuseppe Colangelo (Jean Monnet Chair, University of Basilicata; Fellow at the Transatlantic), Yann Guthmann (Head of the Digital Economy Unit, French Competition Authority), Elena Rovenskaya (Program Director, Advancing Systems Analysis Program, International Institute for Applied Systems Analysis IIASA), Pierre Régibeau, (Chief Economist, DG Competition, European Commission) and Thibault Schrepel (Assistant Professor, Utrecht University School of Law, Faculty Affiliate at Stanford University's CodeX Center), while the issues raised were commented by the President of the HCC, Ioannis Lianos, and Sebastian Poledna (Acting Research Group Leader, Exploratory Modeling of Human-natural Systems, Advancing Systems Analysis Program , IIASA).

During this panel, a particular emphasis was placed on the linkage of computational tools with the investigative actions of the respective competition authorities while stressing their use in competition law enforcement as being imperative.







The second panel, chaired by the President of the HCC, was dedicated to the topic of "The use of data science tools in competition law enforcement- the prospects of Artificial Intelligence in the future", was composed by Susana Campuzano (Head of Economic Intelligence Unit, Comisión Nacional de los Mercados y la Competencia, Spain), David Dorrell (Director of Data Science, Competition and Markets Authority - UK), Bence Toth (PhD candidate, University College London, Senior Analyst, Government Transparency), Tatiana Lima (Analyst at the Coordination of Anticompetitive Conduct Studies, Department of Economic Studies, Competition Authority of Brazil), Evgeny Litovchenko (Deputy Director, the Information Technology Center of the Federal Antimonopoly Service Russia) and Vassilis Vassalos (Data Science Expert, Hellenic Competition Commission), while comments were made by Alexey Ivanov (Director, BRICS Competition Law and Policy Centre). In the context of this panel, examples were presented of the application of computational tools in competition investigations, while emphasising the importance of the human factor and its training, as well as institutional changes, by linking Competition Authorities on a more systematic basis with groups of experts in artificial intelligence and data science, in order to achieve the optimal performance from the application of artificial intelligence and these new investigative technologies in the field of competition.

The introduction to the Conference was made by Evgenia Ioannidou, Head of the new Forensic Investigation/Detection Unit, created a few months ago. Video, graphics, directing and Live Streaming were an in-house production by the Head of the Digital Communication & Public Relations Unit, Kostas Gourloumenos. You can watch the video of the International Conference, with the respective time code for each speaker, [here](#).

Co-organizers



International Digital Conference

# The Promise of Computational Competition Law and Economics: Issues, Prospects

Live streaming on May 24th, 15:00 CET  
at [www.epant.gr/en/computational](http://www.epant.gr/en/computational)

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## The Whistleblowing Tool

Anonymous provision of information:  
*Communication campaign to promote the mechanism of anonymous information provision for competition issues*

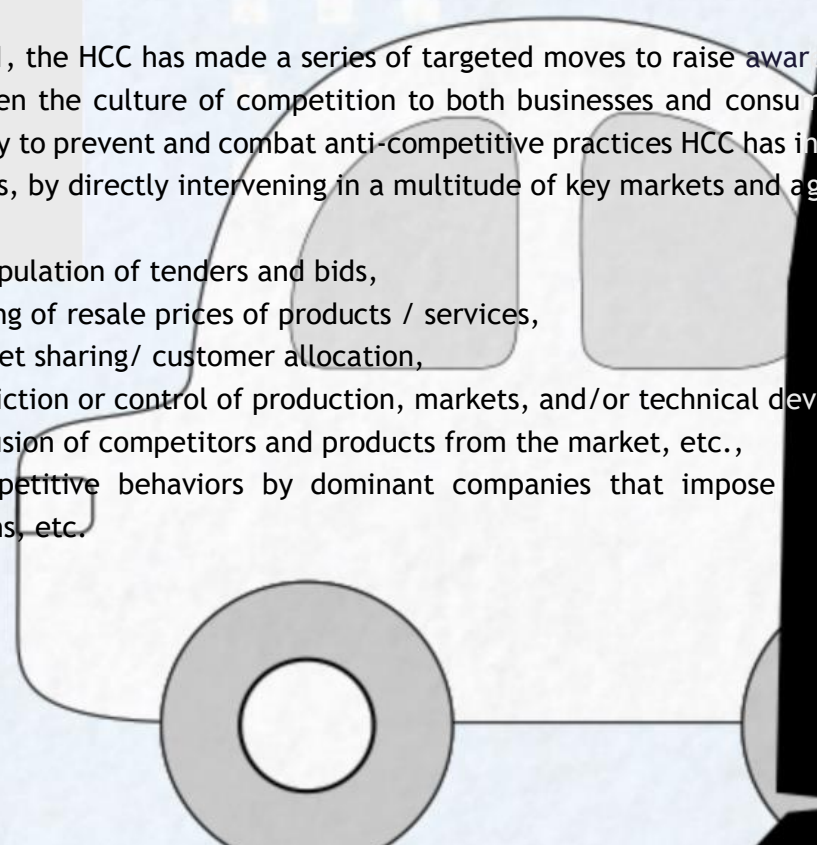
On 31.12.2021, the HCC announced the launch, for the first time, of a nationwide communication campaign promoting the mechanism of whistleblowing (anonymous provision of information of public interest on competition issues) in Mass Media, inspired by relevant European directives.

The HCC's anonymous information system is the most technologically advanced and completely secure method for every citizen (businessman, employee, consumer) to contribute to the detection of anti-competitive practices, while similar anonymous information systems are used by other Competition Authorities worldwide, such as the European Competition Commission, the Competition Commission of Germany, Great Britain, Denmark, South Korea, etc

This initiative is part of a new strategy, put into force since 2020, to detect anti-competitive practices using innovative technological and other methods, but also, in general, to inform the public about competition issues.

Throughout 2021, the HCC has made a series of targeted moves to raise awareness of competition issues but also to strengthen the culture of competition to both businesses and consumers, while in the context of a systematic policy to prevent and combat anti-competitive practices HCC has intensified its actions, compared to previous years, by directly intervening in a multitude of key markets and against practices aimed at:

- the manipulation of tenders and bids,
- the setting of resale prices of products / services,
- the market sharing/ customer allocation,
- the restriction or control of production, markets, and/or technical development,
- the exclusion of competitors and products from the market, etc.,
- anti-competitive behaviors by dominant companies that impose unfair prices or unfair trading conditions, etc.





Following these initiatives and with the aim to further enhance healthy competition and prevent phenomena that negatively affect the well-being of consumers, the HCC proceeds to further intensify its activities during year 2022 with the aim to inform the public and to provide tangible and immediate opportunities to citizens, to effectively contribute to the protection of public interest, through the mechanism of anonymous provision of competition related information.

Watch the video [here](#) or on the HCC's [Youtube channel here](#).

Blow the whistle to the HCC! Anonymously and confidentially.



Πες τα στην  
Επιτροπή Ανταγωνισμού.  
Ανώνυμα και εμπιστευτικά



In this context, the HCC urges citizens and professionals to report any information that has come to their notice about interventions and concertations that have as their object or result the restriction of competition in the Greek Territory. The HCC, as guardian of the proper functioning of the free market, points out that within its remit, it will intervene as an immediate priority wherever necessary and will examine any relevant case that comes to its notice through the submission a complaint, request for leniency or anonymous information through the secure digital environment (see Anonymous Information Available [HERE](#)) and it will impose severe administrative sanctions, pursuant to the provisions of L. 3959/2011 and articles 101 and 102 TFEU, on undertakings which have adopted anti-competitive practices.





## Enhancing Transparency and Sound Management

### Return of dividend to the State budget for the fiscal years 2020 and 2021

The Hellenic Competition Commission (HCC), in the context of the sound management of its finances and in accordance with the provisions of par. 5 of article 17 of law 3959/2011 (Government Gazette Issue: A' 93) returned, for the first time after 2016, a dividend in the state budget of a total amount of €1,860,603.02, resulting from the surplus (income-expenses) of the fiscal year 2020.

In addition, from the analysis of financial data and based on forecasts, the fiscal year 2021 is expected to close with a significant surplus (income-expenses), which will allow the return of a dividend to the state budget of an amount that will reach €2,456,000.00.

This amount has been registered in the budget of the Hellenic Competition Commission, which is approved by the General Accounting Office for the fiscal year 2022, when it will be returned.

Return of dividend amounting to

**4.316.603,02€**

to the State budget!







Expertise, Action, Innovation.

*Video: "The HCC through the eyes of our people"*

At the initiative of the HCC's Department for Digital Communication and Public Relations, officials and trainees created a video to share their experiences and thoughts about life at the HCC and its working environment.

The aim of the initiative is to acquaint the public with the people behind the operation of the Independent Authority, as well as an open invitation to all those who would like to make a career in the HCC, staffing its organic units through the various notices of recruitment issued by the Supreme Council for Civil Personnel Selection (ASEP), Mobility, selection procedures for Heads of Units (now also open to non-civil servants), but also to young scientists who would like to do their internship in a dynamic and innovative working environment.

The video was directed by the head of the HCC's Digital Communication & Public Relations Department, Mr. Costas Gourloumenos, and is an in-house production of the HCC. You can watch the video [here](#) as well as on the Competition Commission's YouTube channel [here](#).



ΕΠΙΤΡΟΠΗ ΑΝΤΑΓΩΝΙΣΜΟΥ  
ΤΕΧΝΟΓΝΩΣΙΑ - ΔΡΑΣΗ - ΚΑΙΝΟΤΟΜΙΑ





## Video “panorama” of the main activities of the HCC during the last two years

The Hellenic Competition Commission (HCC) posted on its website a “panorama” video of its main activities over the past two years (see [here](#)).

We invite you to watch the video to better understand the issues of competition and to explore diagrammatically the activity of the Hellenic Competition Commission regarding its decisions, processes, its new structure, recently implemented international innovative initiatives (sustainability sandbox, HCC Intelligence Economic Platform) and its interventions in sectors of the economy through the issue of opinions, industry inquiries and regulatory initiatives. In addition, the video exhibits HCC’s extrovert orientation through its international activities (active participation and initiatives at European and international competition fora, development of strategic planning to strengthen its international presence, organization of conferences and seminars, signing of memoranda of cooperation) and the continuous training of its staff in all the modern competition tools.

In the context of an overall outreach endeavor through information campaigns and greater transparency, the [Department of Digital Communication & Public Relations](#), will regularly produce infographics and audiovisual content in order to inform the public about the most important actions of the Hellenic Competition Commission and competition issues in general





## Spotlight: Advocacy & Forensics Departments

This section of the newsletter presents the various Directorates and other Organizational Units of the Hellenic Competition Commission, with an emphasis on their activities and staff which contributes to the work of the HCC.

### DEPARTMENT FOR THE PROMOTION OF COMPETITION POLICIES / ADVOCACY

The Department for the Promotion of Competition Policies / Advocacy is an independent Department under the direct supervision of the Director-General. Its mission is to raise awareness on matters relating to the functioning of free competition and the promotion of competition policies in general (click [here](#) for more information).

The Advocacy Department has now completed more than 10 years of operation, having highly contributed to the HCC's work, but also to the Greek economy as a whole. It is recalled that it was the Department that worked with the OECD to achieve the implementation cycles of the OECD toolkit (assessment of the HCC's operation, national legislation and the effective implementation of competition policy) (Peer Review of Greece's competition law and policy).

**Andreas Themelis**  
Head of the Advocacy Department



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Since 2021, the Department has developed for the first time a long-term strategy, which aims to inform and highlight the role of consumers and small and medium-sized enterprises in the implementation of competition law, as well as to promote new innovative initiatives, such as the anonymous information platform or the Sustainability Sandbox Initiative.

Recent actions, such as:

- the provision of views on legislation for the operation of various market sectors as well as the cooperation with the Secretary-General for Trade & Consumer Protection in national policy-making on European legislative initiatives,
- the publication of the "Learn About Us": A Citizens' Guide,
- the publication of the Guide for Small and Medium-Sized enterprises "Competition and Small and Medium-Sized Enterprises",
- the creation of the anonymous information system (whistleblowing) and the actions taken for its promotion and information campaign, including TV and radio spots (ERT1, SKAI),
- the proposal for the creation and implementation of the Sandbox for Sustainable Development as well as the relevant interventions at national, European and global level on sustainability issues,
- the participation and presentations at seminars and conferences around the world (OECD, ICN, Brussels School of Governance),
- the participation in teleconferences with foreign Competition Authorities both inside and outside Europe for the exchange of views and know-how on research and other competition policy issues,
- the development of the HCC's relations with consumer organisations in Greece and abroad (BEUC, INKA, KEPKA and EKPOIZO),
- the development of relations with bodies and organisations (GSEVEE, EEA, ESEE, ACFE) through teleconferences, meetings and interventions in seminars and conferences,
- the launch of joint actions with educational institutions (University of the Aegean),
- the expansion of training programmes in new sectors of the economy and institutions (for the first time, cooperation of the HCC with the Finance Directorate of the Army General Staff for the training of Greek Army personnel in matters of public procurement) as well as at European level (co-organisation with BEUC of a training seminar for European consumers),
- the participation and contribution to the conduct of HCC's conferences and workshops,
- as well as the contribution to the annual strategy, planning and implementation of HCC's studies, research and market monitoring,

have highlighted the **multidimensional and central role of the Advocacy Department in the operation and mission of the Hellenic Competition Commission.**







## FORENSICS INVESTIGATION / DETECTION DEPARTMENT

The Forensics Investigation/Detection Department is one of the newest Departments of the Directorate-General for Competition. In the context of the digital transformation of the HCC and in order to address the growing importance of Big Data and the use of Artificial Intelligence algorithms, this interdisciplinary Department was established in October 2020, consisting of economists and computer scientists. Respective Departments have been established in the last decade in a number of Competition Authorities around the world (see [here](#) for a detailed description of its responsibilities).

One of the main activities of the Forensics Investigation/Detection Department is the organisation of the digital evidence collected by the sectoral units of the HCC during the conduct of their investigations. Managing the excessive amounts of data (electronic and printed) collected either following on-site inspections or following relevant requests for information is a major issue for the Directorate-General for Competition. The main task of the Department is the development and management of information systems that allow the combined digital reading and evaluation of relevant files, thus contributing to their faster and better utilisation.

The Forensics Investigation/Detection Department is also responsible for the development and operation of the HCC Data Analytics and Economic Intelligence Platform, the HCC's digital infrastructure and databases. In performing of this difficult task, the Department collaborates with expert consultants - scientists in technology and data science matters.

The HCC's Data Analytics and Economic Intelligence Platform is a leading real-time data collection tool at pan-European level for a number of sectors of the Greek economy while, at the same time, it provides the possibility for processing, displaying and analysing this data. The Platform also has a built-in tool for detecting possible suspicious price discrepancies. The integration of data in the Platform started with the price data for basic consumer goods from e-katanalotis. Subsequently, it became possible to gradually integrate price data for vegetables, fruits and meat from 2017 (OKKA.gr) and fuel from 2015 (fuelprices.gr).

**Evgenia Ioannidou**  
Head of the Forensic Investigation/Detection Unit



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Since the beginning of 2021, catch data has been also integrated into the platform. The ambition of the Department is the integration in the Platform of additional publicly-available databases as well as quantitative data, which will significantly expand the possibilities of the Platform.

The Forensics Investigation/Detection Department now aspires to develop its own databases. By using a special electronic programme, it is possible to send questionnaires with requests for information to thousands of companies simultaneously. Encoded information is then collected so that it can be easily further analysed. The database input is entered into the HCC's digital infrastructure and, from there, it is accessible by the competent Sectoral Directorate.

The ultimate goal of the Forensics Investigation/Detection Department is the systematic monitoring of an increasing part of the Greek market, aiming at a more effective and targeted identification of the markets to be investigated by the Directorate-General for Competition. The Department seeks to act in a flexible and proactive manner, in identifying markets in which anti-competitive practices are observed. In collaboration with the Department of Market Mapping and Research, the mapping of the Greek market is launched for the first time. At the same time, the collection of basic financial data and their appropriate statistical processing and visualisation, as well as the use of screening tools, will enable a preliminary assessment of the behavior of major companies in each market. The purpose of this procedure is not to gather evidence which in itself will be able to prove a breach of competition rules, but to make it possible to identify those markets in which anti-competitive conduct is suspected.

**In conclusion, the Forensics Investigation/Detection Department expects to take advantage of the latest digital technologies available to expand the possibilities and increase the effectiveness of the HCC in its efforts to identify and address anti-competitive practices.**

*Evidence evaluation room*





## The new Director-General of the HCC

### ATHANASIA GAVALA

Following the relevant call for applications for the post of Head of the Directorate-General for Competition of the Hellenic Competition Commission, for a four-year term of office, Ms. Athanasia Gavala was selected by the Selection Board Meeting of 23.08.2021 as the preferred candidate and took office on 15.11.2021.

Ms. Athanasia Gavala has long expertise in free competition law. Prior to her appointment as Director-General of the Hellenic Competition Commission, she has worked in Greece and in multinational law firms in Brussels, where she was promoted to Counsel in 2021. During her ten-year service in Brussels, she has led working groups that have handled significant mergers and acquisitions under Articles 101/102 TFEU before the European Commission and other competition authorities. He has also provided advice on a variety of EU competition law issues, including horizontal cooperation agreements, consortia, abuse of a dominant position, vertical distribution agreements, exchange of information between competitors, legal assessment and documentation of concentrations, planning and implementation of remedies).

Her professional experience covers a wide range of economic sectors, including pharmaceuticals, telecommunications, radio and television, agrochemicals, power generation, fast-moving consumer goods and commodities.

Ms. Gavala graduated from the Law School of the Ethnikon kai Kapodistriakon Panepistimion Athinon, from which she obtained a master's degree in Commercial Law. Her Master's thesis in Free Competition Law on "Economic Efficiency in EU Merger Control, A Comparative Overview of US and Canadian Law" was published by Nomiki Vivliothiki in 2010. She has also received a second master's degree (LL.M. ) in Corporation Law from New York University Law School, where she was admitted on scholarship. During her master's studies, she worked as legal trainee at the Attorney General's Office in New York.

**Athanasia Gavala**  
Director-General of the HCC





## HCC and Media

In the context of fostering and spreading the culture of Competition in our country, the strategic planning and the actions of the HCC so far regarding businesses and consumers and its digital transformation, as well as the interventions that have been planned in various sectors of the Economy, a number of the HCC's President's interviews were hosted by media, as well as many of his scientific articles in various publications. In particular, the main topics that were hosted were the following:

31.12.2021  
ATHENS VOICE

### High Prices and Competition Law

In view of the adoption of the amendment of Law 3959/2011 on the modernisation of competition law in the digital age, as well as the transposition of Directive (EU) 2019/1, the President, I. Lianos, presented, during an interview for Athens Voice, the provision of the new Article 1A put to vote concerning the violation of the invitation to collude and public announcements for future price increases between competitors.

With this provision, the HCC aims to extend the scope of competition law to unilateral or one-way public announcements or disclosures of information on future prices or other sensitive aspects of competition, practices which intensify the price increases we have been witnessing recently, especially those not due to rising costs resulting from the international situation but result from tacit collusion between undertakings in oligopolistic markets.

In the next newsletter of the HCC will feature a relevant section on this, now adopted, provision for thorough and complete information of consumers and businesses.

[THE INTERVIEW IS AVAILABLE HERE](#)

23.11.2021  
BUSINESS DAILY

### The HCC's major investigations enhance competition

The President of the HCC, I. Lianos, during an interview for Business Daily, presented all the important issues of the HCC's concern: competition, the closed structures of the Greek economy and the innovation deficit, the specific culture of cooperation between companies that creates ground for the creation of cartels, the drastic speeding-up of investigations by the HCC following its significant restructuring, and the ongoing large-scale investigations.

Regarding the issue of high prices on the market, he stressed that the HCC has launched a series of inquiries in various sectors of the economy, applies new data collection methods to direct investigations and, especially for supermarkets, has set up a task force for price monitoring on a regular basis, in order to intervene where signs of anti-competitive practices exist.

He also referred to the closed structures of the domestic economy, high prices, the supervision of telecommunications, the need for a special regulation for ecosystems and the acquisitions of companies by foreign funds.

[THE INTERVIEW IS AVAILABLE HERE](#)





30.10.2021  
KATHIMERINI

### The investigative powers of the competition authorities

**KATHIMERINI-Sunday Edition**, “hosted” an interview of the HCC’s President and Vice-President, on the need to equip competition authorities with broad investigative powers to detect anti-competitive practices (often in secrecy, see cartels), like those investigated by the Hellenic Competition Commission (HCC)).

As they stated in their interview, the HCC conducts investigations, respecting the principles of legality and proportionality, applying its relevant, long practice and tradition, which over time, and especially in recent years, has evolved and been improved, after strenuous and thorough preparation, to investigate misconducts, which often have a major negative economic impact on society as a whole, based on data from reliable sources (e.g. complaints or other reliable information), which now often include thorough economic analysis through the HCC’s market monitoring and mapping mechanism and the use of Big Data.

According to empirical studies, only 10% -20% of cartels are usually discovered by competition authorities. The draft law amending Law 3959/2011 incorporates the need to further strengthen the investigative powers and, consequently, their effectiveness, which is shared by the EU legislator.

In any case, the exercise of the investigative powers of the HCC, as the guardian of the proper functioning of the markets, becomes a valuable and necessary tool to serve the purposes relating to the general interest, but also to the protection of both procedural and substantive fundamental rights of businesses and consumers/citizens in general.

[THE INTERVIEW IS AVAILABLE HERE](#)

01.08.2021  
AMNA

### Immediate initiation of a systematic mapping of Greek markets

The President of the HCC, I. Lianos, during an interview for the Athens-Macedonian News Agency (AMNA) spoke about all the target actions of the HCC, noted that studies, which are for the first time carried out in Greece, are underway as well as market-wide research, and stressed that, although most of the organisational changes have been completed in the last 18 months, “it will take time for market habits to change and for a culture of co-operation to develop between the HCC and the various market players”.

He also reiterated the HCC’s focus on the digital economy, which will be strengthened with new cases under investigation that will come to light in the near future, as well as the sector inquiry launched in private health and insurance services, due to the use of personal data and the development of new business practices based on such data. He also referred to the ongoing cooperation with RAE, which concerns possible unfair commercial practices in the energy retail markets.

Finally, he noted that the HCC has also initiated many cases in sectors of the traditional economy, especially due to the general changes brought by the pandemic in international supply chains, while it has proposed action also at European level.

[THE INTERVIEW IS AVAILABLE HERE](#)



12.04.2021  
PROMARKET

## Rethinking Competition: From Market Failures to Ecosystem Failures

MICHAEL G JACOBIDES, IOANNIS LIANOS

this article presents the issue concerning the fact that, despite the overwhelming importance of digital platforms, and the chatter around their recent rise, our understanding of digital ecosystems is still limited.

As such, we risk plunging into a regulatory debate without having first properly analysed the nature of the problem. We need more grounded empirical work on digital competition and power. The question to be asked in the regulatory discussions on both sides of the Atlantic is not whether digital platform-based ecosystems will be regulated, but how. While markets, digital platforms, and network effects have been thoroughly studied, ecosystems have been relatively “neglected”.

Though ecosystems are referred to as a single concept, two distinct types are used by Big Tech and others:

- 1) multi-product ecosystems, which combine a number of different products and services to offer a (novel) package or “solution,” and
- 2) multi-actor ecosystems, a novel way to organize where a powerful orchestrator sets the stage for a series of partners and complementors to produce something of value-add to final customers.

[THE BLOG IS AVAILABLE HERE](#)





## International and Building a Public Ecosystem for Competition

### THE HCC'S WEBSITE FOR INTERNATIONAL COOPERATION

The challenges of the modern globalised economy necessitate cooperation and the exchange of information between competition authorities to ensure that competition law is fully effective and maintains a level playing field.

Acknowledging the importance of the HCC's international presence and upgrading of its role in the wider geographical area, a special Directorate of International Relations and Communications was set up within the HCC, which aims at strengthening the Authority's outreach and successfully developing a strategic cooperation with the European Commission, the National Competition Authorities as well as with the international organisations and institutions of other states.

It is worth noting that, over the last two years, the HCC actively participates, by taking initiatives, in both major international competition fora, including the International Competition Network (ICN) and the OECD Competition Division (the President of the HCC was elected as a regular member to the 2021 Bureau of the OECD Competition Committee; it is the first time that a Greek official is elected to this office) as well as in major European competition fora, such as the European Competition Network (ECN), while it has recently launched a strategic plan to strengthen its international presence and influence in competition policy, both in the Eastern Mediterranean region and the Balkans, as well as at European and international level.

In order to allow the public (citizens and undertakings) to follow up the various developments and HCC's initiatives, a new dedicated [webpage](#) was developed, providing detailed information regarding the initiatives and actions of the HCC, the legislative developments and the shaping of competition policies, at European and international level.





## AWARDING OF A TWINNING PROGRAMME IN MOROCCO

On **1.12.2021** the HCC announced the awarding, following a competitive selection process, of the Morocco Twinning Programme "Renforcement des capacités institutionnelles du Conseil de la Concurrence", aiming at strengthening the institutional capacity and operation of the Competition Council of the Kingdom of Morocco (CdC), was announced following a competitive selection process. The implementation of the programme is awarded to a consortium led by the Hellenic Competition Commission (HCC), in cooperation with the National Competition Authorities of Poland and Italy. The Project Leader of twinning programme is the President of the HCC, Mr. Ioannis Lianos and Mr Piotr Adamczewski (UOKiK) and Mr Gianluca Sepe (Italian Competition Authority) are the Junior Partners of the project. The persons responsible for the components and stages of the project are Ms. Anna Nakou, HCC, Ms. Agnieszka Ciucias, Polish Competition Authority (UOKiK), Mr. Gianluca Sepe, Italian Competition Authority (AGCM), Ms. Martyna Derszniak-Noirjean, UOKiK. In addition, Ms. Sylvia Kampalouri, HCC official, has been selected as the Resident Twinning Adviser (RTA) for the Twinning Project.

It is pointed out that this awarding is of major importance for our country, taking into consideration that it is the first time that the Hellenic Competition Commission participates in a Twinning Programme, even taking a leading role as it represents Greece as the Member State Project Leader. The HCC's international cooperation is thus recognised and its role over the last two years is enhanced, a period during which the Commission's administration has proceeded with a strategic plan to strengthen its presence and influence in shaping competition policy at a European and international level.

The programme also strengthens the relations of Greece and the European Union with Morocco and in general with the North Africa region.

At the same time, close cooperation with other National Competition Authorities within and beyond Europe contributes to improving the effectiveness of the HCC by transfer of know-how between the HCC and the other authorities in the context of their cooperation.

The main objective of twinning programme is to contribute to the sharpening of competition in Morocco, the strengthening of economic competitiveness and the development of the private sector in the country, while supporting the process of regulatory convergence towards the requirements of the EU's acquis and implementation of international best practices.

In particular, the project aims at: (i) strengthening the professional capacity of the Moroccan Competition Council's members with a view to effectively carrying out its new activities, in accordance with the requirements of the European good practices; and (ii) strengthening the promotion of a competition law culture in the country.

This strengthening implies the review of methodological tools (such as manuals, procedural guides) of the Competition Council in line with the EU acquis and best practices, specific training sessions, study visits, and the establishment of a permanent legal monitoring system within the Moroccan Competition Council, which will serve as an essential tool for the development of the Council's activities in the context of a similar effort that has been launched in Greece, thereby creating important synergies within the HCC.

The HCC would like to thank the competent Directorate for EU External Relations of the Ministry of Foreign Affairs for its cooperation during the preparation and submission of the proposal in the context of the twinning programme.

The total budget of the project is capped at 900,000 EUROS and its duration is 24 months, with expected starting date of implementation on February 1, 2022.





## Re-election of the President of the Hellenic Competition Commission, Mr Ioannis Lianos, to the 2022 Competition Committee Bureau of the Organisation for Economic Co-operation and Development (OECD)

The President of the Hellenic Competition Commission (HCC), Mr Ioannis Lianos, was re-elected as a regular member to the Bureau of the OECD Competition Committee for the year 2022. The President of the HCC will serve this office for a second consecutive term having successfully fulfilled his term for the year 2021. It should be noted that the election of Mr Lianos as a regular member to the 2021 Bureau of the OECD Competition Committee was the first time that a Greek official was elected to this office, representing the Hellenic Competition Commission.

Following his re-election, Mr Lianos stated: “The OECD Bureau plays an important coordinating role within the framework of OECD Competition Committee, setting the agenda for the discussions of the most prominent international competition organisation. It is a great honor for me to be re-elected to this office by the OECD Bureau members and to work with outstanding colleagues from other OECD Member States. I envisage this role as involving not only my task to represent the Hellenic Competition Commission, but also to continue my efforts to promote a progressive agenda on competition law at a time of drastic changes, both socio-economic and technological, as well as environmental”.

The OECD Competition Committee Bureau 2022 is composed of the following members:

- Mr JENNY, Chairman (France)
- Mrs AOKI (Japan)
- Mr BOSWELL (Canada)
- Mr BARRETO (Colombia)
- Mr COSCELLI (United Kingdom)
- Mr GUERSENT (European Union)
- Mrs FERNÁNDEZ (Spain)
- Mr HEINEMANN (Switzerland)
- Mr JERMSTEN (Sweden)
- Mr LIANOS (Greece)
- Mrs MATOS ROSA (Portugal)
- Mr MUNDT (Germany)
- Mr SHIN (Korea)
- Mr SIMS (Australia))





## SIGNING OF MEMORANDA OF COOPERATION WITH OTHER COMPETITION AUTHORITIES

Economic globalisation and the development of economic relations between Greece and other countries beyond the European Union make cooperation of the Hellenic Competition Commission (HCC) with competition authorities of third countries particularly important. This cooperation is not only necessary for preventing and detecting anti-competitive practices, but also, especially, for improving coordination and ensuring a coherent analysis of merger cases which are subject to approval by several competition authorities.

Over the last two years, the HCC actively participates, by taking initiatives, in both major international competition fora, including the International Competition Network (ICN) and the OECD Competition Division as well as in major European competition fora, such as the European Competition Network (ECN), composed of the European Commission and the competition authorities of the EU Member States.

In fact, for the first time, the HCC's administration proceeded with a strategic plan to strengthen its international presence and influence in shaping competition policies, both in the Eastern Mediterranean and the Balkans as well as at European level and internationally, thus reinforcing the role of Greece in these fora.

In this regard, the HCC has recently taken initiatives to strengthen and extend cooperation at a bilateral level not only with the competition authorities with which it maintains traditional relations such as with the authorities of the EU countries (especially Cyprus, with which it has already signed a Memorandum of Cooperation, see [here](#)), but also with the competition authorities of Albania, Armenia, North Macedonia, while the signing of a Memorandum of Cooperation with the Competition Authority of Egypt –with which a broader cooperation at regional level will also be encouraged– as well as with the Competition Authority of Israel and the Competition Authority of Bosnia and Herzegovina.

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Furthermore, initiatives concerning cooperation with other competition authorities in the near future are already under way (for example, with the US Federal Trade Commission, the Russian FAS, Ukraine, the Competition Authorities of Ukraine, Morocco and South Africa, among other countries) mainly aiming at providing mutual update on legislative developments, decisions and competition enforcement procedures, information exchange, cooperation in the transfer of know-how and implementation of joint projects.

In this context, the signing of memoranda of cooperation between the HCC and the competition authorities of Albania, on 7.09.2021 and of North Macedonia, on 29.09.2021 (see [here](#)) and of Armenia on 7.10.2021 (see [here](#)), is another step forward in enhancing international cooperation.

Finally, acknowledging the importance of the HCC's international presence and the need to enhance its role in the wider geographic area, a special Directorate of International Relations and Communications was set up within the HCC, and a [dedicated webpage](#) was developed, allowing the public to follow up on the various HCC's initiatives.

From left: Prof. Vladimir Naumovski PhD, President of the Commission for the Protection of Competition of the Republic of North Macedonia, Prof. Ioannis Lianos, President of the Hellenic Competition Commission



From left: Prof. Ioannis Lianos, President of the Hellenic Competition Commission, Gegham Gevorgyan, Chair of the State Commission for the Protection of Economic Competition of the Republic of Armenia



## Cooperation Between the HCC and the OECD

In the context of the long-standing co-operation between the Hellenic Competition Commission (HCC) and the OECD, information exchange meetings took place in March and April between the HCC leadership team and OECD Regulatory Policy Division officials. During these meetings, the HCC presented to the OECD colleagues its ongoing work on the digital transformation of the authority, the simplification of its procedures, including the preparation and publication of a Manual of Procedures, the reform of its organizational structure so as to enhance inter-disciplinary collaboration, as well as its efforts to adopt best practices for HR management, and in particular the systems put in place in order to identify priorities and to manage tasks and collective projects.

At the end of the meetings, and following a stimulating discussion, the HCC and the OECD's Regulatory Policy Division officials noted that the reforms adopted by the HCC implement innovative good practices and may provide insights for public authorities in Greece as well as in other countries, order to improve public governance.

The parties agreed (in May 2021) to continue discussions and enhance their co-operation in the following fields of activity:

- promoting modernisation of public administration and the reform of public services and in particular enabling HCC to present its work and projects to other Greek Governmental services, and public administration services in other countries, as an example of simplification and modernisation work,
- promoting digital governance and greater transparency/simplification by enabling the development of user-oriented public services, in particular digital services for the public,
- supporting the HCC's effort to design Key Performance Indicators (KPIs) that are fit for its mission and to elaborate a new system of evaluation for its staff/different governance units.

The President of the HCC, Ioannis Lianos, welcomed the opportunity to collaborate with the OECD Regulatory Policy Division in this important endeavor, emphasizing the aim of the HCC to improve its effectiveness and impact, and to use new digital technologies in all aspects of its work, for the benefit of consumers, businesses and the economy overall.





## MEMORANDA OF COOPERATION WITH ACADEMIC INSTITUTIONS

Competition Authorities are increasingly facing considerable challenges in an ever-changing economy, both due to technological and climate change, as well as the reshaping of market structures and the way businesses compete with each other.

The traditional toolkit and methodology available to Competition Authorities may not suffice to address new phenomena, such as the use of algorithms in the competition between undertakings or the impact on massive collection and use of consumer data privacy. Therefore, close cooperation is needed between the Competition Commission and the academic community in order to develop the necessary methodologies and to create the appropriate tools to enable Competition Authorities to carry out their work effectively.

In this context, the HCC invests in its relations with the Academic Community. It has already signed memoranda of co-operation with the Athens University of Economics and Business (AUEB) and the University of the Aegean, which contribute to the more effective application of competition law, while creating a research ecosystem that enriches both the HCC's action and the educational process in the Universities, for the benefit of society and the economy.

## MEMORANDUM OF UNDERSTANDING BETWEEN THE HELLENIC COMPETITION COMMISSION AND MSc IN ENERGY: STRATEGY, LAW & ECONOMICS, OF THE DEPARTMENT OF INTERNATIONAL AND EUROPEAN STUDIES OF THE UNIVERSITY OF PIRAEUS

In the context of strengthening the HCC's relations with the academic community, a Memorandum of Understanding was signed, on 9.7.2021, between the Hellenic Competition Commission (HCC) and the MSc in Energy: Strategy, Law & Economics, of the Department of International & European Studies of the University of Piraeus, by the President of the HCC, Professor Ioannis Lianos and the Director of Master in Energy, Professor Nikolaos Farantouris, with the aim to consolidate and strengthen cooperation between the Parties.

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In pursuance of their objectives, the parties agreed, in particular, on a joint action plan including, inter alia:

- Cooperation between HCC's officials and MSc's research teams, aimed at the development of joint research activities and know-how exchange
- Development of special "internship programmes" for MSc's students (postgraduate, doctoral or postdoctoral) at the HCC
- Collaboration on existing or new academic programmes and design or creation of co-financed joint Programmes
- Providing support to research activities in connection with the preparation of Diploma and Doctoral Theses, the topics of which fall within the thematic area of Competition law and economics, as well as of the applied data science
- Development of a programme of targeted initiatives to create a climate of understanding and cooperation between the Parties (thematic meetings, conferences, lectures, workshops)
- Co-organisation of scientific or research activities (e.g. conferences, workshops, events)
- Submission of proposals to co-financed national, European or international projects
- Optimal utilisation of new financing/support instruments.

The meeting was held at the offices of the HCC, where the main aspects of the cooperation and joint actions for 2021 were presented, while the signed MoU was exchanged.



From left: Prof. Nikolaos Farantouris, Director of the MSc in Energy Strategy, Law & Economics of the Department of International & European Studies of the University of Piraeus, Prof. Ioannis Lianos, President of the HCC.



## Participation in Conferences

Participation of the President of the HCC, Mr. I. Lianos as a keynote speaker in the following conferences / workshops / webinars, held during the period 1/6/2021-31/12/2021

- 10/6/2021 Lear Competition Festival "virtual edition"
- 16/6/2021 The Consumer Marketplace of the Future, OECD International Consumer Conference
- 17/6/2021 TSE Exed, University of Toulouse: 'Algorithms and Competition'
- 18/6/2021 Two-day conference "Building Bridges in Private Law"- Next Step 'Implementing Competition Law in Digital Ecosystems'
- 25/6/2021 University of Oxford and the Centre of Competition Law and Policy JAE Conference The Antitrust Enforcement Symposium 2021: 'Challenging Antitrust'
- 30/6/2021 CLES UCL Workshop in Athens: Regulating Competition in the Digital Economy - presentation of a study on the issue of interoperability in competition law in the digital age.
- 01/7/2021 "Competition Law Reform": Event held by the Association of Sociétés Anonymes and Ltds
- 11/7/2021 OECD CC - Hearing on Methodologies to Measure Market Competition
- 14/9/2021 OXERA Implementing effective and compliant net zero strategies Sustainability strategies and competition policy
- 17/9/2021 Event for the 20th Anniversary of the Armenian Competition Protection Commission
- 23-25/9/2021 Italian Competition and Commerce Protection Authority ECA meeting in Rome -Meeting of the European Competition Authorities (ECA), the informal network of European Competition Authorities, attended by the heads of the 25 Authorities to discuss competition issues, in particular the Digital Markets Act, the legislative proposal for the regulation of the digital economy (currently being discussed by EU legislators) and the relationship between competition policy and sustainability objectives.
- 06 & 07/10/2021 5th International Conference on Competition Law & Policy entitled "With Challenge comes Change" (organized by Nomiki Vivliothiki VIVLIOTHIKH and ECONOMIA group) through the online platform of Nomiki Vivliothiki, under the Auspices of the Hellenic Competition Commission. Welcome note and analysis of the HCC's priorities for the amendments planned in the national competition law
- 29/10/2021 University of Pennsylvania Law School - Antitrust Association Online Annual Seminar Competition around the globe and beyond
- 04/11/2021 11th Seoul International Competition Forum, South Korea
- 09/10/2021 The Balkan Initiative by the Turkish Competition Authority "Webinar on the Recent Trends in Competition Law Enforcement in the Balkans"
- 17/11/2021 7th CUTS & CUTS Institute for Regulation & Competition - Biennial Zoom Conference on Competition, Regulation and Development
- 01/12/2021 OECD International Conference on ENVIRONMENTAL CONSIDERATIONS IN COMPETITION ENFORCEMENT "Challenges in analysing environmental considerations in the competitive assessment and what applicable tools and methodologies can overcome them".
- 02/12/2021 OECD Competition Committee: Ex ante regulation of Digital Markets
- 07/12/2021 ELIAMEP Online discussion on: Transatlantic Cooperation in Trade and Technology
- 09/12/2021 Digital ecosystems and competition law", Global competition practice of Linklaters
- 13/12/2021 'The reform of Greek Competition Law'. SLOVENIAN COMPETITION DAY
- 14/12/2021 'Computational antitrust', HSE, BRICS Competition Law & Policy, Centre



HCC members participated in the following conferences / workshops / webinars:

*Participation of the Vice President, Kalliopi Benetatou:*

- **06 & 07 Οκτωβρίου 2021**, Virtual, 5th International Conference on Competition Law & Policy entitled “With Challenge comes Change” (organized by Nomiki Vivliothiki VIVLIOTHIKH and ECONOMIA group) through the online platform of Nomiki Vivliothiki, under the Auspices of the Hellenic Competition Commission. The Vice President Ms. Kalliopi Benetatou, presented the application of competition law in various specific sectors and issues in 2020 and 2021.

*Participation of Rapporteur Maria Ioannidou:*

- **30 June 2021**, CLES UCL Workshop, held in Sounion: Regulating Competition in the Digital Economy - Ms. Maria Ioannidou made a presentation entitled “Unpacking multi-level elements in digital markets: Informing remedial design” (live streaming)
- **19 June 2021**, the first conference, entitled “Building Bridges in Private Law” held in Athens, with live streaming. Ms. Maria Ioannidou (HCC’s Commissioner-Rapporteur) made a presentation entitled “Competition law and the “multi-level” system in digital markets: “formulating appropriate remedies”.
- **04 June 2021**, in the context of a series of seminars on competition law and economics by the Center for Competition Policy of the University of East Anglia (live streaming), Ms. Maria Ioannidou (HCC’s Commissioner-Rapporteur) made a presentation on “‘Responsive’ Remodeling of Competition Law Enforcement”.
- **01 June 2021**, at the live streamed ECN Plenary Meeting (54th edition), made a made a presentation entitled “Cooperation with Consumer Organisations: the HCC experience”).







*HCC officials participated in the following conferences / workshops / webinars:*

- **On December 6-8, 2021**, the virtual 20th OECD Conference "The 20th meeting of the OECD Global Forum on Competition" on "Measuring Vertical Market Power" was held. The conference session in which Mr. Nikolaos Lionis, Head of the Market Mapping and Research Unit of the HCC, participated as a speaker, concerned the topic "Economic analysis and evidence in abuse cases - Techniques and evidence for assessing market power".
- **On December 2**, the virtual conference organised by the Croatian Competition Authority on "Settlements in Competition Law" was held. Dr. Nikolaos Zevgolis, Head of the Market Mapping and Research Unit of the HCC, participated in the conference as a speaker, presenting settlement cases as well as the relevant regulatory framework.
- **On November 30, 2021**, at the OECD International Conference on "Draft Revised Recommendation of the Council on Combating Bid Rigging in Public Procurement", the Head of the Advocacy Unit, Mr. Andreas Themelis, spoke about the provision of anonymous information.
- **On November 16, 2021** at the live streamed 14th ICAP Conference held in Athens, on credit risk management / credit risk in the age of disruption and evolution, Ms. Hara Nikolopoulou, Head of the Directorate of Financial Services and Insurance, presented the HCC's sector inquiry into Fintech.
- **On November 10, 2021**, at the 3E (Environment, Economy & Energy) Research Center of the Brussels School of Governance BSoG, the Head of the Advocacy Unit, Mr. Andreas Themelis, participated as a speaker in the thematic session entitled "Competition law turns green".
- **On October 06 & 07, 2021**, the 5th International Conference on Competition Law & Policy entitled "With Challenge comes Change" (organised by Nomiki Vivliothiki VIVLIOTHIKH and ECONOMIA group), was held in Athens, through the online platform of Nomiki Vivliothiki, under the Auspices of the Hellenic Competition Commission. Ms. Hara Nikolopoulou, Head of the Directorate of Financial Services and Insurance, and Ms. Eftychia Karkani, Head of the HCC's Directorate of Chief Legal Officer, made a presentation on the application of competition law in various specific areas and issues in 2020 and 2021.
- **On June 10, 2021**, Mr. Andreas Themelis, Head of the Advocacy Unit, participated as a speaker at the conference of the Association of Certified Fraud Examiners (ACFE) on "How to Procurement Fraud", making a presentation entitled "Computing Competition and Public Procurement".





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