

**Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE****Annual Report on Competition Policy Developments in Greece****--2018--**

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This report is submitted by Greece to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 3-4 December 2019.

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Executive Summary

Throughout 2018 the Authority maintained a consistent level of enforcement action, while further diversifying its advocacy and market monitoring initiatives. At the same time, the HCC enhanced its practice regarding settlement decisions the outcome of which is expected to shape the years to come and the enforcement record of the Authority.

In particular, the HCC adopted a number of infringement decisions in both Article 101 and 102 TFEU cases and imposed considerable fines totaling approx. € 28,9 million; notwithstanding the ongoing financial crisis.

The HCC's emphasis was placed on cartels as well as in abuse of dominance cases. In merger control, three noteworthy Phase II cases were examined, one in the consumer retail market's further consolidation (MASSOUTIS/PROMITHEFTIKI) and two in the Greek Domestic Ferry sector (ATTIKA GROUP), which led to decisions under notable structural and behavioral remedies. Overall in 2018 the HCC deployed all procedural tools available to it for restoring competition in the market including acceptance of settlement in five horizontal cartel cases and amendment of commitments imposed on the s/m chain SKLAVENITIS. In addition a number of pending investigations were successfully completed. In the area of advocacy, the HCC continued its awareness activities to promote competition law and compliance

Overall, it was a year of new challenges, which attested to the HCC's increased capabilities to conduct complex investigations. The HCC continued to pursue its practices in deterring harmful behavior and taking effective enforcement action and also in terms of applying the strategic objectives laid out since the inception of the ongoing economic crisis. In particular, the HCC has a major role in promoting competition assessment of potentially distortive laws and regulations.

The HCC will insist on the need to take diversified advocacy initiatives to enhance its role and its enforcement record, in order to raise more awareness and promote a genuine competition culture.

Finally, the suggestions of the peer review assessment of competition law and policy in Greece undertaken by OECD will help the Authority promote and protect competition throughout the economy that will essentially increase productivity and overall economic performance.

Box 1. 2018 Key Achievements

Overview

The Hellenic Competition Commission's (HCC) 2018 activity was marked by the adoption of infringement decisions in both Article 101 and 102 TFEU cases and imposed fines totalling approx. € 28,9 million, a significant number for the competition Authority, notwithstanding the ongoing financial crisis.

The HCC's emphasis was placed on cartels as well as in abuse of dominance cases. In merger control, three noteworthy Phase II cases were examined, one in the consumer retail market's further consolidation (MASSOUTIS/PROMITHEFTIKI) and two in the Greek Domestic Ferry sector (ATTIKA GROUP), which led to decisions under notable structural and behavioral remedies. Overall in 2018 the HCC deployed all procedural tools available to it for restoring competition in the market including acceptance settlement of five horizontal cartel cases, amendment of commitments by SKLAVENITIS. In addition a number of pending investigations were successfully completed. In the area of advocacy, the HCC continued its awareness activities to promote competition law and compliance.

Enforcement (antitrust & mergers)

Key decisions and interventions in 2018 included the following:

- Infringement decision with fine on “ELAIS – UNILEVER HELLAS SA DETERGENTS COSMETICS FOOD” for violations of Articles 1 and 2 of Law 703/1977 and 3959/2011 and Articles 101 and 102 TFEU, regarding commercial practices/agreements (on retail and wholesale level) employed to margarine products in Greece. In its decision the HCC qualified that ELAIS-UNILEVER HELLAS SA has adopted and implemented abusive practices aimed at maintaining and/or strengthening its dominant position in the market for margarines, thereby excluding competitors and limiting their growth possibilities. The alleged abusive conduct included, inter alia, targets rebates, as well as the imposition of unfair trading conditions by banning the promotion of competitive brands, in breach of Article 2 of Law 703/1977 (current Article 2 of Law 3959/2011) and Article 102 TFEU for the period from 19.6.2002 to 21.10.2008. Also HCC ascertained that ELAIS-UNILEVER HELLAS SA engaged in anticompetitive vertical practices. In particular, the decision focused on the contract clauses between ELAIS-UNILEVER HELLAS SA and its wholesalers imposing resale price maintenance, restriction of active and passive sales and non compete obligation clause, in breach of Article 1 of Law 703/1977 (current Article 1 of Law 3959/2011) and Article 101 TFEU for the period from 26.9.1996 to 31.12.2017. Therefore, the HCC imposed a fine totaling € 27.561.704,69.
- Settlement decision with an amount of fines totalling €500.000,00, against two press distribution agencies in Greece, ARGOS SA Press Distribution Agency (“ARGOS”) and EUROPI SA Press Distribution Agency (“EUROPI”), for participating in horizontal agreements or/and concerted practices. The Decision was adopted through a simplified procedure, under the terms of the Settlement Procedure (Article 25a of the Competition Act and Decision No. 628/2016), following an expression of interest and subsequent settlement declaration by the implicated parties, without the prior delivery of an SO by the Directorate General of Competition. In particular according to the decision, the two press distribution

agencies in Greece engaged in the following anticompetitive practices a) the agreement on the joint establishment of a common commercial policy, price fixing, limitation of supply and exchange of commercial sensitive information towards the newsagents/subagents and endpoints of sale, b) price fixing and market allocation as well as exchange of sensitive commercial information with respect to the customers/suppliers (publishers). The practices of the two press distribution agencies in Greece are anti-competitive since their aim is to directly or indirectly fix purchase or selling prices or any other trading conditions and to limit or control production, in the relevant product market of distribution of Athenian/ Pan-Hellenic press (magazines, newspapers).

- Infringement decision with fine totalling to €384.106,65 against "MINERVA SA EDIBLE OILS ENTERPRISES" (MINERVA), for violations of Articles 1 and 2 of Law 703 / 1977-3959 / 2011 and Articles 101 and 102 TFEU by the company, regarding cooperation agreements of the industry with the retail and wholesale traders of margarine and butter products. In its decision the HCC qualified as anti-competitive, agreements between MINERVA and wholesalers/distributors which aimed at fixing reselling prices.
- Settlement decision with fines amounting to €244.787,38 on construction companies which participated in a bid-rigging agreement in relation to the tender of "5th Lyceum of Lamia (section A1 and B)" in the Prefecture of Fthiotida with a budget of € 8.000.000. The companies coordinated their business conduct on responses to invitations to tender, in particular by agreeing amongst themselves on the company who would submit the winning bid and by engaging in cover bids or bid suppression. The ex-officio investigation by the General Directorate for Competition was initiated in 2011, following an anonymous complaint against certain construction undertakings in relation to an alleged collusion of a tender process. The administrative procedure regarding other, non-settling parties to the investigation will be concluded in 2019.
- Settlement decision with an amount of fines totaling €171.553,38, against two (2) companies active in the market for the production and marketing of dairy products regarding infringements of Articles 1 of the Greek Competition Act and 101 TFEU, for horizontal market segmentation in the market for the production and marketing of dairy products. The companies involved in the infringement, FrieslandCampina Hellas SA and Mandrekas SA, engaged in horizontal market segmentation regarding their participation as competitors in public tenders under the trademark of Friesland, thereby infringing EU and national rules of competition.
- Statement of objections addressed to the companies "Gambro Lundia AB", "Medical Products Ltd." and "BAXTER HELLAS LTD" for violating the provisions of articles 1 and 2 of L. 3959/2011 and 101 and 102 of the TFEU in the purchase of machines, spare parts and maintenance services for artificial kidney (HD) machines, following complaints of the company "SERKO LTD". According to the SO, the companies GAMBRO Lundia AB and MEDICAL PRODUCTS LTD have violated Articles 1 of Law 3959/2011 and 101 TFEU by applying contractual terms aimed at restricting parallel trade in the prevention of competition through the distribution of geographic markets and the segmentation/departmentalization of these, not only directly but also through their various aspects of the infringement: More specifically, the abovementioned companies had agreed a) to refrain from

direct sales to clients in the Territory (Greece) or to customers on a cross border basis, b) to ensure that all of its other distributors actually and consistently abstain from exporting any of the products to the territory or reselling them to any person for import in the territory and c) to communicate to the distributor (MEDICAL PRODUCTS) all information concerning opportunities for the promotion and sale of the products in the territory and to refer to MEDICAL PRODUCTS inquires from all customers in the territory directly contacting GAMBRO or for import in the territory. According to the SO, the above mentioned clauses when examined in combination, led also to the conclusion that the contracting parties agreed to prohibit parallel trade through markets partitioning. On the contrary, according to the same SO (a) there is no evidence of dominance of the companies involved in the relevant market, as the purchase of machinery, spare parts and maintenance / repair of artificial kidney (HD) are not considered separate markets and (b) the rest of the complaints against BAXTER HELLAS LTD were not substantiated.

- In-depth investigation (Phase II review) of 6 notified mergers and acquisitions of which three cleared with remedies.
- Review of remedies' decision (divestment of 22 supermarket stores) imposed upon SKLAVENITIS supermarket retail group, made binding with previous HCC's merger decisions issued in 2017. In particular, the HCC decided to abolish the commitment of divestment for SKLAVENITIS's 12 supermarket stores. Also, HCC unanimously obliged SKLAVENITIS supermarket retail group, within a given timeframe to a) cease operation of two (2) supermarket stores, while it forces the group not to re-operate them or to operate new supermarket stores in the same relevant local retail markets for a transitional period of three (3) years, and b) inform HCC about the cessation of the operation of the said supermarket stores, bringing the relevant conclusive evidences. The HCC decided to abolish the commitment regarding the divestment of the above mentioned twelve (12) supermarket stores because as concluded from the re-examination of the competitive conditions in the relevant local retail markets, while SKLAVENITIS supermarket retail group continues to hold important market shares (less than 50%), the conditions for effective competition are now more stable due to increased pressure from competitors, which enhances the level of competition. Besides, HCC believes that the cessation of the operation of the two (2) supermarket stores is suitable, sufficient and proportionate to safeguard conditions of effective competition in relevant local retail markets.

Advocacy

Following a legislative proposal submitted by the Ministry of Development to the HCC in order to provide an opinion (by means of article 23 par. 2 of Law 3359/2011), the HCC has issued opinion n. 38/2018 on the modification of Article 49 of L. 3859/2011 on the collection of fines imposed by virtue of an HCC decision.

In the context of its advocacy initiatives, the HCC co-organized one conference regarding recent developments in law and competition policy, with the participation of distinguished international experts in the subject matter. The conference was co-organized by the HCC and Nomiki Bibliothiki SA and ECONOMIA Group titled "360° Approach- Trends and Developments in Competition Law" and concerned issues regarding cartel enforcement, recent case law in abuse of dominance cases and developments regarding digital platforms and algorithms and their interrelation with competition policy.

The Authority continued its cooperation with the European Public Law Organization (EPLO) and co-organized a training program seminar for National Judges in Greece on Enforcement of EU Competition Law which provided in-depth and practical training to judges and prosecutors on key issues pertaining to the enforcement of EU Competition Law in Greece, mainly regarding issues on the application of economics when enforcing competition law.

The HCC participated in a dedicated to competition law and policy workshop held in June 2018, which was organised by SEV (the Hellenic Federation of Enterprises). HCC officials presented a quick and useful guide regarding the Authority's investigative powers and focused mainly on giving practical examples of the procedure of dawn raids and other measures. The outcome of the workshop was positive, as it was successful in familiarizing undertakings and associations of undertakings, active in multiple sectors, with competition law and promoting compliance with the relevant rules.

The HCC continued to pursue an enhanced cooperation with other competition authorities. To this end, the Authority organized a two day visit on its premises by the President of the French Competition Authority (Autorité de la concurrence) and other officials, in order to foster collaboration between the two authorities and exchange views and practices on procedural and substantial issues in applying competition policy.

The HCC provided assistance to the Portuguese Competition Authority in its project to carry out a thorough and independent policy assessment to identify rules and regulations that may hinder the efficient functioning of markets in two sectors: a) transportation - railways, road, maritime transport and ports and b) self-regulated professions - lawyers, solicitors, bailiffs, notaries, engineers, technical engineers, architects, auditors, certified accountants, customs brokers, economists, pharmacists and nutritionists.

Other Activities – Institutional Issues

- Favorable performance assessments of the HCC undertaken by the OECD and the European Commission (also in the context of reviewing Greece's economic adjustment programme).
- Completion of a Competition law and policy review (Peer Review) of the Greek Competition Authority undertaken by the OECD..

1. Changes to competition laws and policies, proposed or adopted

1.1. Summary of new legal provisions of competition law and related legislation

1. In recent years, the HCC has taken steps to diversify and expand considerably its advocacy efforts and overall outreach activities, both as a result of the ongoing financial crisis and the sustained role of the HCC in promoting structural reforms in the context of Greece's Economic Adjustment Programme. During 2018, no changes were made to the legal provisions of Greek competition law.

2. Following a legislative proposal submitted by the Ministry of Development to the HCC in order to provide an opinion (by means of article 23 par. 2 of Law 3359/2011), the HCC has issued opinion n. 38/2018 on the modification of Article 49 of L. 3959/2011 on the collection of fines imposed by virtue of an HCC decision. However, the HCC's proposal hasn't been adopted and enacted into law by the Greek government in the course of 2018.

2. Enforcement of competition laws and policies

3. The HCC adopted infringement decisions in both Article 101 and 102 TFEU cases and imposed considerable fines, notwithstanding the ongoing financial crisis. Moreover, several pending investigations were successfully completed and brought before the HCC Board for a decision, which are likely to shape the year to come. The Authority pursued cases and interventions in the area of energy, retail supply chain, food & beverage markets, pharmaceuticals, healthcare, distribution of Greek press and public tenders of infrastructure projects. For an overview of the HCC's enforcement record in the course of 2018, see executive summary above. A summary of the key decisions and investigations is provided below.

2.1. Action against anticompetitive practices, including agreements and abuses of dominant positions

2.1.1. Summary of HCC's activities

4. In the area of antitrust, the HCC dealt with fifteen (15) alleged infringement cases applying Articles 101 TFEU (1 of Greek Competition Act) and 102 TFEU (2 of the Greek Competition Act), i.e. regarding potentially anti-competitive agreements, concerted practices, decisions of associations, as well as abuse of dominance. Moreover, the Authority also issued a number of statements of objections, thereby concluding its investigations in several high-profile cases.

5. The HCC further issued two rejection decisions on priority grounds concerning alleged infringements of Articles 101 TFEU (1 of Greek Competition Act) and 102 TFEU (2 of the Greek Competition Act).

6. The Authority conducted five dawn raids in total for the investigation of equivalent number of pending cases.

2.1.2. Description of significant cases, including those with international implications

Infringement decision in the margarine products

7. Infringement decision with fines of the Hellenic Competition Commission on ex officio investigation of the Directorate General for Competition for violations of Articles 1 and 2 of Law 703/1977 and 3959/2011 and Articles 101 and 102 TFEU by "ELAIS – UNILEVER HELLAS SA DETERGENTS COSMETICS FOOD".

8. By its decision 663/2018 on 23rd July 2018 the chamber of Hellenic Competition Commission ("HCC"), following an ex officio investigation of the Directorate General for Competition ("DGC") for violations of Articles 1 and 2 of Law 703/77 (current Articles 1 and 2 of Law 3959/2011) and of Articles 101 and 102 TFEU by "ELAIS – UNILEVER HELLAS SA DETERGENTS COSMETICS FOOD" ("ELAIS-UNILEVER HELLAS SA") regarding commercial practices/agreements (on retail and wholesale level) employed to margarine products in Greece, ascertains the following:

1. ELAIS-UNILEVER HELLAS SA, according to the decision, has adopted and implemented abusive practices aimed at maintaining and/or strengthening its dominant position in the market for margarines, thereby excluding competitors and limiting their growth possibilities. The alleged abusive conduct included, inter alia,

target rebates, as well as the imposition of unfair trading conditions by banning the promotion of competitive brands, in breach of Article 2 of Law 703/1977 (current Article 2 of Law 3959/2011) and Article 102 TFEU for the period from 19.6.2002 to 21.10.2008 and

2. ELAIS-UNILEVER HELLAS SA, according to the decision, engaged in anticompetitive vertical practices. In particular, the decision focused on the contract clauses between ELAIS-UNILEVER HELLAS SA and its wholesalers imposing resale price maintenance, restriction of active and passive sales and non compete obligation clause, in breach of Article 1 of Law 703/1977 (current Article 1 of Law 3959/2011) and Article 101 TFEU for the period from 26.9.1996 to 31.12.2017. The HCC decided and imposed on ELAIS-UNILEVER HELLAS SA the following fines:
 - eight million six hundred and sixty nine thousand three hundred and seventy euro & eleven eurocents (€8.669.370,11), based on the above reasoning for violation of Article 2 of Law 703/1977 (current Article 2 of Law 3959/2011) and Article 102 TFEU (unanimously) and
 - eighteen million eight hundred and ninety two thousand three hundred and thirty four euro & fifty eight eurocents (€18.892.334,58), based on the above reasoning for violation of Article 1 of Law 703/1977 (current Article 1 of Law 3959/2011) and Article 101 TFEU (by majority vote).
9. HCC obliged ELAIS-UNILEVER HELLAS SA to omit in future the breach of Articles Article 1 of Law 703/1977 (current Article 1 of Law 3959/2011), 2 of Law 703/1977 (current Article 2 of Law 3959/2011) and Articles 101 and 102 TFEU and threatened ELAISUNILEVER HELLAS SA with a fine of ten thousand (10,000) euro for each day of delay in complying with the aforementioned Decision from the day of its publication.

Settlement decision in the distribution of Greek press

10. Settlement decision with an amount of fines totaling €500.000,00, against two press distribution agencies in Greece, ARGOS SA Press Distribution Agency (“ARGOS”) and EUROPI SA Press Distribution Agency (“EUROPI”), for participating in horizontal agreements or/and concerted practices. The Decision was adopted through a simplified procedure, under the terms of the Settlement Procedure (Article 25a of the Competition Act and Decision No. 628/2016), following an expression of interest and subsequent settlement declaration by the implicated parties, without the prior delivery of an SO by the Directorate General of Competition. In particular according to the decision, the two press distribution agencies in Greece engaged in the following anticompetitive practices a) the agreement on the joint establishment of a common commercial policy, price fixing, limitation of supply and exchange of commercial sensitive information towards the newsagents/subagents and endpoints of sale, b) price fixing and market allocation as well as exchange of sensitive commercial information with respect to the customers/suppliers (publishers). The practices of the two press distribution agencies in Greece are anti-competitive since their aim is to directly or indirectly fix purchase or selling prices or any other trading conditions and to limit or control production, in the relevant product market of distribution of Athenian/ Pan-Hellenic press (magazines, newspapers).

Infringement decision in margarine and butter products

11. Infringement decision with fine totalling to €384.106,65 against "MINERVA SA EDIBLE OILS ENTERPRISES" (MINERVA), for violations of Articles 1 and 2 of Law 703 / 1977-3959 / 2011 and Articles 101 and 102 TFEU by the company, regarding cooperation agreements of the industry with the retail and wholesale traders of margarine and butter products. In its decision the HCC qualified as anti-competitive, agreements between MINERVA and wholesalers/distributors which aimed at fixing reselling prices.

Settlement decision in the construction of the "5th Lyceum of Lamia"

12. Settlement decision with fines amounting to €244.787,38 on construction companies which participated in a bid-rigging agreement in relation to the tender of "5th Lyceum of Lamia (section A1 and B)" in the Prefecture of Fthiotida with a budget of € 8.000.000. The companies coordinated their business conduct on responses to invitations to tender, in particular by agreeing amongst themselves on the company who would submit the winning bid and by engaging in cover bids or bid suppression. The ex-officio investigation by the General Directorate for Competition was initiated in 2011, following an anonymous complaint against certain construction undertakings in relation to an alleged collusion of a tender process. The administrative procedure regarding other, non-settling parties to the investigation will be concluded in 2019.

Settlement decision in dairy products

13. Settlement of market segmentation case in the market for the production and marketing of dairy products. By its unanimous Decision No. 668/2018, the Grand Chamber of the Hellenic Competition Commission (HCC) decided to settle a case against two (2) companies in the market for the production and marketing of dairy products regarding infringements of Article 1 of the Greek Competition Act and 101 TFEU. The companies involved are: a) FrieslandCampina Hellas SA and b) Mandrekas SA. In particular, according to the Decision, the above-mentioned companies engaged in horizontal market segmentation regarding their participation as competitors in public tenders under the trademark of Friesland, thereby infringing EU and national rules of competition. For the said violation, the HCC imposed penalties in each of the 2 companies involved, amounting to €171.553,38 in total. The Decision was adopted through a simplified procedure, under the terms of the Settlement Procedure (Article 25a of the Competition Act and Decision No. 628/2016), following an expression of interest and subsequent settlement declaration by the implicated parties, without the prior delivery of an SO by the Directorate General of Competition. In this context, the 2 companies involved acknowledged their participation and liability as competitors. In particular, according to the characteristics of the specific case, it was considered that it was about an agreement between a dairy producer and a wholesaler, at least as regards the products on the relevant market of the infringement, which, however, by way of exception to the basic rule, was not vertical; since the context of the agreement concerned specifically the non simultaneous participation of both parties in public tenders, in which case both undertakings involved functioned as competitors who would had to decide autonomously in which public tenders they would participate, even under the same trademark, it was considered exceptionally that it was about a horizontal agreement. In return, the HCC reduced the fines imposed in each of the implicated parties by 15%, in accordance with the settlement rules.

Statement of objection in the purchase of machines, spare parts and maintenance services for artificial kidney (HD) machines

14. Statement of objections addressed to the companies "Gambro Lundia AB", "Medical Products Ltd." and "BAXTER HELLAS LTD" for violating the provisions of articles 1 and 2 of L. 3959/2011 and 101 and 102 of the TFEU in the purchase of machines, spare parts and maintenance services for artificial kidney (HD) machines, following complaints of the company "SERKO LTD". According to the SO, the companies GAMBRO Lundia AB and MEDICAL PRODUCTS LTD have violated Articles 1 of Law 3959/2011 and 101 TFEU by applying contractual terms aimed at restricting parallel trade in the prevention of competition through the distribution of geographic markets and the segmentation/departmentalization of these, not only directly but also through their various aspects of the infringement: More specifically, the abovementioned companies had agreed a) to refrain from direct sales to clients in the Territory (Greece) or to customers on a cross border basis, b) to ensure that all of its other distributors actually and consistently abstain from exporting any of the products to the territory or reselling them to any person for import in the territory and c) to communicate to the distributor (MEDICAL PRODUCTS) all information concerning opportunities for the promotion and sale of the products in the territory and to refer to MEDICAL PRODUCTS inquires from all customers in the territory directly contacting GAMBRO or for import in the territory. According to the SO, the above mentioned clauses when examined in combination, led also to the conclusion that the contracting parties agreed to prohibit parallel trade through markets partitioning. On the contrary, according to the same SO (a) there is no evidence of dominance of the companies involved in the relevant market, as the purchase of machinery, spare parts and maintenance / repair of artificial kidney (HD) are not considered separate markets and (b) the rest of the complaints against BAXTER HELLAS LTD were not substantiated.

2.2. Mergers and acquisitions

2.2.1. Statistics on number, size and type of mergers notified and/or controlled under competition laws

15. In 2018 the HCC reviewed eighteen (18) merger filings pursuant to the Greek Competition Act, of which six (6) led to an in-depth review (phase II merger investigations).

2.2.2. Summary of significant cases

Acquisition in the super markets sector

16. Clearance of the acquisition by DIAMANTIS MASOUTIS S.A. - SUPERMARKETS, of sole control over «PROMITHEFTIKI TROFIMON S.A.», subject to conditions and obligations. By its Decision No. 665/2018, the Hellenic Competition Commission (HCC) unanimously cleared, under Greek merger control rules, the notified concentration regarding the acquisition by DIAMANTIS MASOUTIS S.A. super market chain, of sole control of PROMITHEFTIKI TROFIMON S.A. super market chain, subject to structural commitments offered by the notifying party to remedy the HCC's concerns as to the compatibility of the transaction with Greek merger control rules.

17. In particular, the transaction involves the acquisition by DIAMANTIS MASOUTIS S.A. of 54 supermarket retail stores in the Prefecture of Attica and 3 in the island of Andros. In order to evaluate the effective competitive pressure exercised on each target-store with

regard to alternative sources of supply for the consumer, the HCC analyzed local geographic markets on the basis of a radius of about 10' by car in urban (or 30' in suburban or rural) areas around each individual target-store. The HCC's in-depth investigation has indicated that the proposed transaction, as originally notified, raised competition concerns notably in a local retail market of Andros island. The notifying party offered commitments in order to address these concerns, namely DIAMANTIS MASOUTIS S.A. undertook to divest a supermarket store in the relevant local retail market, where there is a horizontal overlap and a very high market share of the combined entity.

18. According to the HCC, the above commitment is suitable, sufficient and proportionate to safeguard conditions of effective competition in the relevant market.

19. The Commission decision stipulates that, in the event of non-compliance with its terms and conditions, a fine of up to 10% of the turnover for the last financial year may be imposed on the parties.

20. A Monitoring Trustee will be appointed to ensure compliance with the commitment.

Merger in the maritime transport services

21. Approval of the acquisition of sole control by the company ATTIKA S.A. (ATTIKA GROUP) over the company HELLENIC SEAWAYS S.A. (HELLENIC SEAWAYS) subject to terms and conditions (remedies).

22. By its unanimous decision No. 658/2018, the HCC decided to approve the notified acquisition by ATTIKA GROUP (ATTIKA) over HELLENIC SEAWAYS (HSW), on the basis of the commitments undertaken by ATTIKA before the HCC, according to the detailed terms and conditions (remedies), according to article 8 par. 6 and 8 of Law 3959/2011, as in force.

23. The clearance of the Hellenic Competition Commission (HCC) was granted following certain commitments made by the Company, which according to the HCC's assessment are adequate, sufficient and appropriate to ensure effective competition in the Greek Domestic Ferry sector. As per the commitments undertaken, the Company will not increase ticket fares in certain routes and will facilitate the entry of competitors onto relevant markets.

24. Specifically, for certain island destinations of the Cyclades and the North Aegean the Company undertook to limit the frequency of its approaches, provided that competitors will cover these destinations with suitable vessels offering adequate service. At the same time, Attika Group undertakes to add itineraries connecting islands in Greece which are either not serviced today or are serviced sporadically.

25. The above commitments will apply for a period of three (3) years for the Cyclades and Patmos and five (5) years for the North Aegean starting from the notification of the HCC decision to ATTIKA. An authorized representative appointed by the HCC will foresee the proper fulfillment of the above terms and commitments.

26. In the Commission's view, the abovementioned corrective measures in conjunction with the proposed sale of SUPERFAST XII and HIGHSPEED 7 are sufficient, appropriate and proportionate to ensure effective competition on the relevant markets.

27. The HCC Decision provides that in the event of non-compliance with these terms and conditions, ATTIKA GROUP may be fined ten thousand (10.000) euros for each day of non-compliance.

Remedies' review in the super market sector

28. A review of remedies' decision (divestment of 22 supermarket stores) imposed upon SKLAVENITIS supermarket retail group was undertaken in compliance with previous HCC merger decisions issued in 2017. In particular, the HCC decided to abolish the commitment of divestment for SKLAVENITIS's 12 supermarket stores. Also, the HCC unanimously obliged SKLAVENITIS supermarket retail group, within a given timeframe a) to cease operation of two (2) supermarket stores, while it forces the group not to re-operate them or to operate new supermarket stores in the same relevant local retail markets for a transitional period of three (3) years, and b) to inform the HCC about the cessation of the operation of the said supermarket stores, bringing forward the relevant conclusive evidence. The HCC decided to abolish the commitment regarding the divestment of the above mentioned twelve (12) supermarket stores, because as concluded from the re-examination of the competitive conditions in the relevant local retail markets, while SKLAVENITIS supermarket retail group continues to hold important market shares (less than 50%), the conditions for effective competition are now more stable due to increased pressure from competitors, which enhances the level of competition. Besides, the HHC believes that the cessation of the operation of the two (2) supermarket stores is suitable, sufficient and proportionate to safeguard conditions of effective competition in relevant local retail markets.

2.3. Judicial Review

29. The Athens Administrative Court of Appeals (AACA), which reviews all HCC's decisions on the merits, issued and notified to the HCC fourteen (14) final judgments in 2018. Out of those decisions:

- Thirteen (13) decisions were issued following appeals by the interested parties against HCC's decisions, while one (1) decision was issued following an appeal to challenge an administrative act issued by the President of the HCC, which rejected a complaint on a dual basis, as profoundly unsubstantiated and due to lack of priority. Out of the (13) decisions five (5) were upheld on appeal, while the rest were annulled [please note that out of the remaining (8) annulment decisions five (5) of them concerned a single case, which the Court annulled on the ground of a limitation period to impose sanctions].
- In one (1) decision against the President's act to reject a complaint, the Court partially upheld the President's administrative act, on the basis of the profoundly unfounded complaint, while the lack of priority grounds shall be examined by the Council of State, as part of a referral decision issued by the Administrative Court of Appeal.

30. In addition, the Council of the State (Supreme Administrative Court) which reviews AACA decisions on legal grounds only, issued and notified to the Authority eighteen (18) judgments in the course of 2018, regarding infringement decisions. Out of eighteen (18) judgments, eleven (11) referred to a single decision issued by the HCC back in 2013 on the poultry cartel, against which the Administrative Court of Appeal issued a number of decisions upholding the case on its merits but significantly reduced the amount of fines

imposed on the grounds of the severe economic crisis that affected the sector. The HCC appealed these decisions before the Council of State, but the outcome was not amended. In one case, the Supreme Court referred the case back to the Administrative Court of Appeals for re examination.

3. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies

31. In the context of its advocacy initiatives, the HCC co-organized one conference regarding recent developments in law and competition policy, with the participation of distinguished international experts in the subject matter. The conference was co-organized by the HCC and Nomiki Bibliothiki SA and ECONOMIA Group titled “360° Approach-Trends and Developments in Competition Law” and concerned issues regarding cartel enforcement, recent case law in abuse of dominance cases and developments regarding digital platforms and algorithms and their interrelation with competition policy.

32. The Authority continued its cooperation with the European Public Law Organization (EPLO) and co-organized a training program seminar for National Judges in Greece on Enforcement of EU Competition Law which provided in-depth and practical training to judges and prosecutors on key issues pertaining to the enforcement of EU Competition Law in Greece, mainly regarding issues on the application of economics when enforcing competition law.

33. In June 2018 the HCC participated in a workshop dedicated to competition law and policy , which was organised by SEV (the Hellenic Federation of Enterprises). HCC officials presented a quick and useful guide regarding the Authority’s investigative powers and focused mainly on giving practical examples of the procedure of dawn raids and other measures. The outcome of the workshop was positive, as it was successful in familiarizing undertakings and associations of undertakings, active in multiple sectors, with competition law and promoting compliance with the relevant rules.

34. The HCC continued to pursue an enhanced cooperation with other competition authorities. To this end, the Authority organized a two day visit on its premises by the President of the French Competition Authority (Autorité de la concurrence) and other officials, in order to foster collaboration between the two authorities and exchange views and practices on procedural and substantial issues in applying competition policy.

35. The HCC provided assistance to the Portuguese Competition Authority in its project to carry out a thorough and independent policy assessment to identify rules and regulations that may hinder the efficient functioning of markets in two sectors: a) transportation - railways, road, maritime transport and ports and b) self-regulated professions - lawyers, solicitors, bailiffs, notaries, engineers, technical engineers, architects, auditors, certified accountants, customs brokers, economists, pharmacists and nutritionists.

Other Activities – Institutional Issues

- Favorable performance assessments of the HCC undertaken by the OECD and the European Commission (also in the context of reviewing Greece’s economic adjustment programme).

- Completion of a Competition law and policy review (Peer Review) of the Greek Competition Authority undertaken by the OECD.

4. Resources of competition authorities

4.1. Resources overall (current numbers and change over previous year):

4.1.1. Annual budget (in euros):

36. The HCC's competition-related budget in 2018 was 5,475,000 €.

Table 1.

COMPETITION-RELATED BUDGET (€) *		
2017	2018	2019
5,477,000	5,475,000	5,310,000

Note: *Excluding sums earmarked for the purchase of a new building and sums remitted to the state budget (from HCC's surplus each year).

Table 2.

BUDGET ALLOTTED TO SALARY (€)		
2017 (actually spent)*	2018	2019
3,682,865	3,704,658	4,142,000

4.1.2. Number of employees

Table 3.

HCC staff (year end 2018)	
Staff Category	Number of staff
Competition experts (lawyers)	26
Competition experts (economists)	35
Competition experts (other)	5
	(2 statisticians and 3 experts on cost analysis)
Total (competition enforcement)	66

Administrative support staff (excluding employees on secondment to other public sector entities or on unpaid leave)	24
Total	90

4.1.3. Human resources (person-years) applied to:

37. The Directorate-General of the HCC is organized in Units by reference to sectors of the economy (as this is considered to be optimal in the circumstances of the Authority). Within those Units, all non-administrative staff contributes to all areas of competition enforcement (mergers, anti-cartel, anti-competitive agreements, dominance-related issues, advocacy etc), according to their individual field of sectoral expertise and depending on the actual needs of the Authority and overall resources available (on a case-by-case basis). In 2018, the total number of staff is 90¹, out of which 66 is non-administrative staff working on competition enforcement².

4.1.4. Period covered by the above information

38. The information provided above covers the entire year 2018, i.e. from January 1st to December 31st 2018.

¹ This figure excludes the Members of the HCC Board (the decision-making arm of the authority).

² Two (2) senior IT experts qualify as “administrative” staff, although they have a central role in conducting dawn raids and handling the electronic data of the investigations.