

Law 3959/2011 - “Protection of Free Competition”
(Gov’t Gazette Issue A’ 93/20.04.2011)¹

CHAPTER ONE

OBJECTIVE OF THE PROVISIONS

Article 1

Prohibited collusion

1. Without prejudice to paragraph 3, all agreements and concerted practices between undertakings and all decisions by associations of undertakings which have as their object or effect the prevention, restriction or distortion of competition in the Hellenic Republic shall be prohibited, and in particular those which:

- a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- b) limit or control production, distribution, technical development or investment;
- c) share markets or sources of supply;
- d) apply dissimilar conditions to equivalent trading transactions, especially the unjustified refusal to sell, buy or otherwise trade, thereby hindering the functioning of competition;
- e) make the conclusion of contracts subject to acceptance, by the other parties, of supplementary obligations which, by their nature or according to commercial use, have no connection with the subject of such contracts.

2. Any agreements and decisions by associations of undertakings which come under paragraph 1 and to which paragraph 3 does not apply shall be automatically void.

3. Agreements, decisions and concerted practices which come under paragraph 1 shall not be prohibited, provided that they cumulatively satisfy the following preconditions:

- a) they contribute to improving the production or distribution of goods or to promoting of technical or economic progress;
- b) at the same time, they allow consumers a fair share of the resulting benefit;
- c) they do not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives and
- d) they do not afford the possibility of eliminating competition or eliminating competition in respect of a substantial part of the relevant market.

4. EU Regulations on the application of Article 101(3) of the Treaty on the Functioning of the European Union (TFEU) to categories of vertical agreements and concerted practices (block exemption Regulations) shall apply *mutatis mutandis* to the implementation of paragraph 3, to agreements, decisions by

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associations of undertakings or concerted practices which are not likely to affect trade between Member States within the meaning of Article 101(1) of the TFEU.

Article 2

Abusive exploitation of a dominant position

1. It is prohibited for one or more undertakings to abuse their dominant position within the national market or in a part of it.
2. Such abuse may, in particular, consist in:
 - a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
 - b) limiting production, distribution or technical development to the prejudice of consumers;
 - c) applying dissimilar conditions to equivalent trading transactions with other trading parties, especially the unjustified refusal to sell, buy or otherwise trade, thereby placing certain undertakings at a competitive disadvantage;
 - d) making the conclusion of contracts subject to acceptance, by the other parties, of supplementary obligations which, by their nature or according to commercial practice, have no connection with the subject of such contracts.

Article 3

1. Agreements, decisions and concerted practices which come under Article 1(1) and do not satisfy the conditions of Article 1(3) shall be prohibited, without the need for a prior decision to that effect.
2. Agreements, decisions and concerted practices which come under Article 1(1) and satisfy the conditions of Article 1(3) shall not be prohibited, without the need for a prior decision to that effect.
3. Abuse of a dominant position in accordance with Article 2 shall be prohibited, without the need for a prior decision to that effect.

Article 4

Burden of proof

Each party shall bear the burden of proof of their claims during proceedings before the Competition Commission for the purposes of Articles 1 and 2.

Article 5

Concentrations of undertakings

1. Concentrations of undertakings *per se* shall not be covered by the prohibitions in Articles 1 and 2.
2. A concentration shall be deemed to arise where a change of control on a lasting basis results from:
 - a) the merger by any means of two or more previously independent undertakings or parts of undertakings or

b) the acquisition, by one or more persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contract or by any other means, of direct or indirect control of the whole or parts of one or more other undertakings.

3. For the purposes of the application of the present law, control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

a) ownership or the right to use all or part of the assets of the undertaking;

b) rights or contracts which confer decisive influence on the composition, meetings or decisions of the bodies of an undertaking.

4. Control is acquired by person(s) or undertakings which:

a) are holders of the rights or entitled to rights under the contracts concerned or

b) while not being holders of such rights or entitled to rights under such contracts, have the power to exercise the rights deriving therefrom.

5. The creation of a joint venture performing on a lasting basis all the functions of an autonomous economic entity shall constitute a concentration within the meaning of the present article.

6. A concentration shall not be deemed to arise where:

a) credit institutions or other financial institutions or insurance companies, the normal activities of which include transactions and dealing in securities for their own account or for the account of third parties, temporarily acquire holdings in an undertaking with a view to reselling them, provided that they do not exercise the voting rights conferred by the securities acquired with a view to influencing the competitive conduct of that undertaking or provided that they exercise such voting rights only with the view to preparing the disposal of all or part of that undertaking or of its assets or the disposal of those securities and provided that any such disposal takes place within one year of the date of acquisition. That period may be extended by the Competition Commission on request for a reasonable period of time not exceeding a three-month period, where such institutions or companies can show that the disposal was not reasonably possible within the period set;

b) control is exercised by person appointed pursuant to legislation governing clearance, bankruptcy, suspension of payments, compositions or analogous proceedings;

c) the operations referred to in paragraph 2(b) are carried out by investment portfolio companies, provided that the voting rights conferred by the holdings acquired are exercised primarily in relation to the appointment of members of the management and supervisory bodies of the undertakings in which they have holdings, only to maintain the full value of those investments and not to determine directly or indirectly the competitive conduct of those undertakings.

Article 6

Prior notification of concentrations of undertakings

1. All concentrations of undertakings shall be notified to the Competition Commission within thirty (30) days of the conclusion of the agreement or the announcement of the bid or the acquisition of a controlling interest, where turnover by all undertakings in a concentration within the meaning of Article 10 totals at least EUR one hundred and fifty million (150,000,000) on the global market and each of at least two of the undertakings involved generate turnover totalling over EUR fifteen million (15,000,000) on the Greek market.
2. The period of thirty (30) days shall commence on the date of the first of the acts referred to in the previous paragraph.
3. Subject to the duty of notification are:
 - a) where the concentrations consist in a merger within the meaning of Article 5(2)(a) or in the acquisition of joint control within the meaning of Article 5(2)(b): jointly the parties to these acts;
 - b) in all other cases: the person or undertaking acquiring control of the whole or parts of one or more undertakings.
4. The Competition Commission shall impose on each person who is at fault for failing to notify in accordance with paragraph 3 of the present article, a fine of at least EUR thirty thousand (30,000) capped at ten per cent (10%) of aggregate turnover, as defined in Article 10. In fixing the amount of the fine, the economic power of the undertakings participating to the concentration, the number of the affected markets and the level of competition in those, as well as the estimated impact of the concentration on competition shall be taken into consideration.
5. The precise content of the notification shall be stipulated by means of decision of the Competition Commission, which shall also regulate all other related matters.
6. The persons under a duty of notification must report the notified concentration in a daily financial newspaper of national coverage at their own expense immediately after notification. The text of the report shall be notified immediately to the Competition Commission, which shall post it on its website. Any interested party may submit comments or provide information on the notified concentration. The Competition Commission shall take into account the reasonable legitimate interests with regard to the protection of business secrets of undertakings participating to the concentration. The precise content of the report shall be stipulated by means of decision of the Competition Commission, which shall also regulate all other related matters.
7. The minimum limits and criteria provided for in paragraph 1 may be amended by joint decision of the Minister of Finance and the Minister of Economic Affairs, Competitiveness and Shipping, on recommendation of the Competition Commission in plenum. The recommendation by the Competition Commission shall be based on statistics collected by it every three years on the application of the present article and the state of competition over the previous three years.

Article 7

Control of concentrations of undertakings

1. Any concentration of undertakings subject to prior notification which may significantly impede competition in the national market or in a substantial part of it, in terms of the specific characteristics of goods or services, especially by creating or strengthening a dominant position, shall be prohibited by decision of the Competition Commission.
2. In appraising the potential of a concentration to significantly impede the competition within the meaning of paragraph 1, account shall be taken, in particular, of the structure of all the relevant markets, of the actual or potential competition from undertakings located inside or outside Greece, of any legal or other barriers to market entry, of the market position of the undertakings concerned and their economic and financial power, of the alternatives available to suppliers and users, of their access to sources of supply or markets for the goods, of the supply and demand trends for the relevant goods and services, of the interests of the intermediate and ultimate consumers and of the contribution to technical and economic progress and to improving economic efficiency, provided that it is to consumer's advantage and does not form an obstacle to competition.
3. To the extent that the creation of a joint venture has as its object or effect the coordination of the competitive behaviour of undertakings that remain independent, such coordination shall be appraised in accordance with the criteria of Article 1(1) and (3). In making this appraisal, the Competition Commission shall take account in particular of:
 - a) whether two or more parent companies retain, to a significant extent, activities in the same market as the joint venture or in a market which is downstream or upstream from that of the joint venture or in a similar market closely related to this market and
 - b) whether the coordination, which is the direct consequence of the creation of the joint venture, affords the undertakings concerned the possibility of eliminating competition on a substantial part of their markets.

Article 8

Preventive control of concentrations and Competition Commission decisions²

1. The Competition Commission shall examine notified concentrations as soon as it is received.
2. Where it concludes that the concentration notified does not fall within the scope of Article 6(1), the President of the Competition Commission shall issue a deed within one (1) month from the notification, which shall be notified to the persons or undertakings which filed the notification. This deed shall not restrict the application of the provisions of Articles 1 and 2.
3. Where it finds that the concentration notified, although falling within the scope of Article 6(1), does not raise serious doubts as to its compatibility with the requirements of the functioning of competition in the

² Note: Article is presented as amended by Law 4013/2011.

individual markets it concerns, the Competition Commission shall issue a decision approving the concentration within one (1) month from notification.

4. Where it finds that the notified concentration falls within the scope of the present law and raises serious doubts as to its compatibility with the requirements of the functioning of competition in the individual markets it concerns, the President of the Competition Commission shall issue a decision within one (1) month from notification, initiating the procedure of in depth investigation of the concentration notified and shall immediately advise the undertakings concerned of his decision. Once the undertakings concerned have been advised that the procedure for a full investigation has been initiated, the undertakings concerned may jointly proceed to modifications to the concentration or propose the undertaking of commitments, so that there are no serious doubts as to its compatibility with the requirements of competition in the individual markets it concerns, and notify them to the Competition Commission.

5. Without prejudice to paragraphs 2 and 3, the case shall be introduced before the Competition Commission within forty-five (45) days from the date on which the full investigation procedure was initiated.

6. The concentration shall be prohibited by decision of the Competition Commission, issued within ninety (90) days from the date on which the full investigation procedure was initiated, if the criteria defined in Article 7(1) are fulfilled and, in the case referred to in Article 5(5), if the criteria defined in Article 1(3) are not fulfilled. The Competition Commission shall permit the concentration in all other cases. If the period of ninety (90) days expires and a decision prohibiting the concentration has not been issued, it shall be construed as approval of the concentration by the Competition Commission, which must issue the relevant declaratory act.

7. Decisions issued pursuant to paragraphs 3 and 6 above shall also cover restrictions directly related and necessary to the implementation of the concentration.

8. The Competition Commission may issue a decision approving a concentration under paragraph 6, subject to terms and conditions stipulated by it, in order to ensure that the undertakings concerned abide by the commitments undertaken by them before the Competition Commission in order to make the concentration compatible to Article 7(1) and, in the case of Article 5(5), compatible to Article 1(3). The commitments proposed by the undertakings concerned must be submitted within no more than twenty (20) days of the date on which the case is introduced before the Competition Commission with the submission of the relevant report pursuant to the provisions of paragraph 5 hereof. The Competition Commission may, in exceptional cases, accept commitments once the above deadline for their submission has expired. In that case, the deadline of ninety (90) days referred to in paragraph 6 may be extended to one hundred and five (105) days, by decision of the Commission which is notified to the undertakings concerned. The Competition Commission may, in the same decision, threaten the undertakings concerned with a fine if they fail to comply with the above terms or conditions applicable to commitments. The fine referred to in the previous sentence may be up to ten per cent (10%) of the aggregate turnover of the undertakings concerned, as calculated in Article 10. In fixing the amount of the fine regard shall mainly be had to the impact of the non compliance on competition. The Competition Commission may, by its decision, regard the fine as being

forfeit, if the non compliance of the undertakings in the concentration with the terms or conditions imposed is established. Where the undertakings in the concentration continue not to comply, the provisions of Article 9(4) shall be applied

9. The Commission may take interim measures to restore or maintain effective competition.

10. The above measures shall be taken where a concentration:

- a) has been implemented in contravention of Article 1 and a decision has not yet been taken in accordance with Article 7(1);
- b) has been implemented in contravention of a term or condition imposed on the undertaking concerned in a decision under Article 8;
- c) has been implemented in contravention of provisions prohibiting its implementation.

11. The deadlines provided for in paragraphs 3, 4, 5 and 6 above may be extended where:

- a) the undertakings in the concentration agree;
- b) the notification is incorrect or misleading, such that the Competition Commission is unable to evaluate the notified concentration.

The deadlines provided for in paragraphs 3 and 4 above may also be extended if the notification form has not been fully completed, so that the Competition Commission is unable to evaluate the notified concentration. With the exception of case (a) of the present paragraph, the Commission is bound to ask, within seven (7) working days of the date of notification, the notifying undertakings to correct the original notification, in which case the deadlines shall commence on the date of due notification.

12. The deadlines provided for in paragraphs 3, 4, 5 and 6 of the present article shall, exceptionally, be suspended, in cases where the undertakings in the concentration fail to comply with their obligation to provide information in accordance with Article 38 of the present law, and provided that the undertakings concerned are advised accordingly within no more than a prescription period of two (2) days from the expiry of the deadline set for the submission of the information, in which case the deadlines shall re-commence from the date on which the undertakings concerned provide full and accurate information, as requested in accordance with Article 38 of the present law.

13. Where a court gives a judgment which annuls the whole or part of a decision issued on the basis of the above provisions of the present article, the Competition Commission shall re-examine the concentration in the light of the current market conditions. To that effect, the notifying parties shall submit a new notification or shall supplement the original notification, where the latter becomes incomplete by reason of intervening changes in market conditions or in the the information provided for this purpose. Where there are no such changes, the parties shall certify this fact to the Competition Commission.

14. The decisions issued in accordance with paragraphs 2, 3 and 6 above may be revoked where:

- a) they were issued on the basis of inaccurate and misleading information;
- b) the undertakings concerned commit a breach of any term or obligation attached to the decision.

If a decision is revoked in the above cases, a new decision may be issued without the need to comply with the time limits provided for in the present article.

Article 9

Suspension of implementation of concentration

1. Without prejudice to the provisions of paragraphs 2 and 3, the implementation of a concentration shall be prohibited until a decision has been issued under Article 8(2), (3) or (6). This prohibition shall also apply to concentrations which were not notified in accordance with Article 6(1). In the event of culpable infringement of this prohibition, the Competition Commission shall impose a fine of at least EUR thirty thousand (30,000), capped at ten per cent (10%) of aggregate turnover, as calculated in accordance with Article 10, on persons who fail in their duty of notification in accordance with Article 6(3). In fixing the fine, regard shall be had in particular to the economic power of the undertakings, the number of the relative markets affected by the concentration and the competitive conditions prevailing in these, as well as to the estimated impact of the concentration on competition.

2. The provisions of the previous paragraph shall not prevent the implementation of a public bid, purchase or exchange or the acquisition, via a series of stock exchange transactions in securities, of a holding which provides control of an undertaking, provided that such acts are notified to the Competition Commission by the deadline provided for in Article 6(1) and provided that the acquirer does not exercise the voting rights attached to the securities in question or does so only to maintain the full value of its investments on the basis of a special licence granted by the Competition Commission under paragraph 3 below.

3. The Competition Commission may, on request, grant a derogation from the obligations imposed in paragraphs 1 and 2, in order to prevent serious losses to one or more undertakings affected by the concentration or to a third party. In deciding on the request, the Competition Commission shall take into account, inter alia, the threat to competition posed by the concentration. The decision granting the derogation may set conditions and obligations in order to ensure conditions of effective competition and prevent situations which might hamper the execution of any final decision. A derogation may be applied for and granted at any time, be it before notification or after the transaction. The Competition Commission may revoke the decision granting the derogation if any of the grounds listed in Article 8(14) apply.

4. Where a concentration has already been implemented in contravention of provisions or decisions prohibiting its implementation or has been implemented in contravention of a term or condition attached to a decision taken pursuant to Article 8(8), the Competition Commission may issue a decision under Article 8(6) or a separate decision without time limit:

- a) ordering the dissolution of the concentration, in particular through the dissolution of the merger or the disposal of all the shares or assets acquired, so as to restore the situation prevailing prior to the implementation of the concentration;
- b) ordering any other appropriate measure to ensure that the undertakings concerned dissolve the concentration or take other restorative measures.

The Competition Commission shall impose a fine of up to ten per cent (10%) of the aggregate turnover of the concentration, as stipulated in Article 10, on undertakings that fail to comply with the above decision, plus a fine of EUR 10,000 for every day on which they fail to comply with the decision.

5. The validity of transactions carried out in contravention of paragraph 1 shall be dependent on the decision issued in application of article 8(2), (3) and (6) or in application of paragraph 4 of the present article. However, the provisions of the present article shall have no effect on the validity of transactions in securities in general, including those convertible into other securities, unless the buyer or seller knew or ought to know that the transaction in question was carried out in contravention of paragraph 1.

Article 10

Calculation of turnover

1. Aggregate turnover referred to in Article 6(1) and (4), Article 8(8) and Article 9(1) and (4) shall comprise the amounts derived by the undertakings concerned in the preceding financial year from the sale of products and the provision of services falling within the undertakings' ordinary activities after deduction of legal discounts on sales and of value added tax and other taxes directly related to turnover. The aggregate turnover of an undertaking concerned shall not include transactions between any of the undertakings referred to in paragraph 5.

2. By way of derogation from the provisions of paragraph 1, where the concentration consists of the acquisition of parts, whether or not constituted as legal entities, of one or more undertakings, only the turnover relating to the part transferred shall be taken into account with regard to the seller. However, two or more transactions within the meaning of the previous sentence which take place within a period of two (2) years between the same persons or undertakings shall be treated as one and the same concentration arising on the date of the last transaction.

3. In place of turnover the following shall be used:

a) for credit institutions and other financial institutions, the sum of the following income items, as defined under the provisions of Presidential Decree 367/1994 (Government Gazette 200A), after deduction of value added tax and other taxes directly related to the goods and services supplied, where appropriate:

aa) interest income and similar income;

bb) income from securities:

- income from shares and other variable yield securities,

- income from holdings,

- income from shares in affiliated undertakings;

cc) commissions;

dd) net profit on financial operations;

ee) other operating income.

The turnover of a credit or financial institution in Greece shall comprise the income items, as defined above, which are received by the branch or division of that institution established in Greece;

b) for insurance undertakings, the value of gross premiums, which shall comprise all amounts received and receivable in respect of insurance contracts issued by them or on their behalf, including also outgoing reinsurance premiums, after deduction of taxes and levies charged by reference to the amounts of individual

premiums or the total volume of premiums. As regards the calculation of turnover within Greece in accordance with Article 6, gross premiums received from persons resident or established in Greece shall be taken into account.

4. Without prejudice to the provisions paragraph 2, the turnover of an undertaking concerned within the meaning of Article 6(1) and (4), Article 8(8) and Article 9(1), third sentence, and (4), last sentence, shall be calculated by adding together the respective turnovers of the following undertakings:

- a) the undertaking concerned;
- b) the undertakings in which the undertaking concerned, directly or indirectly:
 - aa) owns more than 50% of the share capital or company assets or
 - bb) has the majority of voting rights or
 - cc) has the power to appoint or dismiss the majority of the members of the administrative board of the undertakings or
 - dd) has the right to manage the undertakings' affairs;
- c) those undertakings which have in an undertaking concerned the rights or powers listed in (b);
- d) those undertakings in which an undertaking as referred to in (c) has the rights or powers listed in (b);
- e) those undertakings in which two or more undertakings as referred to in (a) to (d) jointly have the rights or powers listed in (b).

5. Where undertakings concerned by the concentration jointly have the rights or powers listed in paragraph 4(b), in calculating the turnover of the undertakings concerned in accordance with Article 6(1) and (4), Article 8(8) and Article 9(1), third sentence, and (4), last sentence:

- a) no account shall be taken of the turnover resulting from the sale of products or the provision of services between the joint undertaking and each of the undertakings concerned or any other undertaking connected with any one of them, as set out in paragraph 4(b) to (e);
- b) account shall be taken of the turnover resulting from the sale of products and the provision of services between the joint undertaking and any third undertakings. This turnover shall be apportioned equally amongst the undertakings concerned.

Article 11

Regulation of sectors of the economy

1. The Competition Commission shall examine specific sectors of the Greek economy pertaining to its responsibility, at the request of the Minister of Economic Affairs, Competitiveness and Shipping or *ex officio*, and, if it finds that conditions of effective competition do not exist in that sector and that the application of Articles 1, 2 and 5 to 10 alone cannot create conditions of effective competition, it may issue a reasoned decision requiring any necessary measures to be taken to create conditions of effective competition in the sector of the economy in question.

The Competition Commission must notify within ninety (90) days from the date on which the procedure referred to in the previous paragraph commenced, according to the procedure of paragraph 2, its reasoned opinion as to whether or not conditions of effective competition exist in the sector of the national economy under review, identifying the individual markets in that sector.

2. The Competition Commission shall publish its opinion in an adequate and appropriate manner and open it to public consultation. Adequate publication of its opinion shall be achieved in the form of a summary announcement in at least two financial newspapers of national coverage and a full announcement on the Competition Commission's website. Public consultation shall last a minimum of thirty (30) days.

3. Once public consultation has been completed and if the Competition Commission again finds that, even after public consultation, conditions of effective competition do not exist in the sector of the economy in question, it shall announce the specific measures which it deems to be strictly necessary, suitable and proportionate for the purpose of creating conditions of effective competition.

4. The Competition Commission shall publish its opinion on the measures announced in accordance with the previous paragraph in an adequate and appropriate manner in accordance with the procedure described in paragraph 2 herein and open it to public consultation. Public consultation shall last a minimum of thirty (30) days.

5. Once the public consultation referred to in the previous paragraph has been completed, the Competition Commission, taking due account of the results of the public consultation, shall issue a decision which shall be the only enforceable decision, imposing the specific measures which it deems strictly necessary, suitable and proportionate for creating conditions of effective competition.

If the Competition Commission finds that conditions of effective competition do not exist, due, *inter alia*, to legislative acts, it shall issue an opinion, in accordance with the provisions of Article 23, recommending that they be repealed or amended. The Commission's opinion shall be submitted to the minister with jurisdiction and copied to the Minister of Economic Affairs, Competitiveness and Shipping.

6. The Competition Commission shall initiate the procedure for examining the economic sector in question and shall assess whether or not conditions of effective competition have been restored or whether the measures taken need to be amended and less or more severe measures need to be imposed, as appropriate, within no more than two (2) years of the date of the decision referred to in paragraph 5, using the procedure described in paragraphs 1 to 5. The Minister of Economic Affairs, Competitiveness and Shipping may, in all cases, submit a request within two (2) years and at least one (1) year after the date of the decision referred to in paragraph 5, if he considers that conditions of effective competition have been restored or that the measures taken need to be amended and less or more severe measures need to be imposed, as appropriate.

7. The decisions issued in accordance with paragraphs 5, first sentence, and 6 may be challenged by any party with a legitimate interest in an application for annulment before the Council of State.

8. For the purposes of the present article the Competition Commission shall rule *in plenum*. The information required shall be collated in accordance with the provisions of Articles 38, 39, 40 and 41 of the present law.

9. The Competition Commission may issue a decision in accordance with Article 25 imposing a fine of at least EUR fifteen thousand (15,000), capped at ten per cent (10%) of the company's total turnover in the financial year preceding the decision in question, on any company which fails to apply decision issued pursuant to paragraphs 5 and 6.

10. Specific matters pertaining to the public consultation, its contents and procedure, and any other related subject may be regulated by decision of the Minister of Economic Affairs, Competitiveness and Shipping, issued with the assent of the Competition Commission.

CHAPTER TWO

COMPETITION COMMISSION AND ITS OPERATING BODIES

Article 12

Competition Commission³

1. Competition Commission is established and shall operate as an independent authority. Its members shall enjoy personal and functional independence, they shall be bound only by law and their conscience in exercising their competences and they are required to observe the principles of objectivity and impartiality. Its members shall neither receive nor request directions regarding the exercise of their duties from the Government or other public or private parties. The Competition Commission has legal personality, administrative and financial autonomy and appears in its own right before any court, in all kinds of legal proceedings. It shall be supervised by the Minister of Economy, Competitiveness and Shipping under the provisions of the present law. The last subparagraph of Article 2(1) of Law 3051/2002 (A' 220) shall apply by analogy to the Competition Commission.

2. The Competition Commission shall consist of eight (8) regular members, including a President, a Vice-President and four Rapporteurs, and shall comprise persons of recognised standing, distinguished by their scientific training and professional abilities in the legal and economic fields, notably in relation to matters of free competition. Article 3(1) of Law 3051/2002 (A' 220) shall apply by analogy to the Competition Commission. The President, Vice-President and Rapporteurs shall be senior State officials employed on a full-time and exclusive basis and shall suspend their professional activity for as long as they are in post. The appointing decision shall define whether the remaining two (2) regular members are either employed on a fulltime and exclusive or a part-time basis. If the members employed on a full-time and exclusive basis are academic staff of Higher Education Institutions (HEIs), Article 5(1), (2), (3) and (4) of Law 2530/1997 (GG/I/218) shall apply as regards suspension of performance of their duties as academic staff of HEIs. In addition to the regular members, two corresponding alternate members shall also be appointed, who must have the same qualifications as the regular members and shall deputise for the regular member concerned,

³ Note: This Article is presented as amended by Laws 4013/2011, 4364/2016, 4623/2019.

other than the President, Vice-President and Rapporteurs, if he or she is absent, prevented from attending or missing. If the President is prevented from attending, absent or missing, the Vice-President shall deputise for the President and the Rapporteur with seniority of appointment shall deputise for the Vice-President. If a Rapporteur is prevented from attending or absent or missing, another Rapporteur shall deputise, based on seniority of appointment as above.

3. The President and the Vice President of the Competition Commission shall be selected by the Hellenic Parliament, according to Article 101 A par. 2 of the Constitution and they shall be appointed by the Minister of Economy, Competitiveness and Shipping, within a period of fifteen (15) days from notification to the latter of the decision of the Conference of Presidents. The other members of the Competition Commission, both regular and alternate, and the Rapporteurs shall be selected and appointed by the Minister of Economy, Competitiveness and Shipping, following an opinion from the Committee on Institutions and Transparency of the Hellenic Parliament. Pending the necessary amendment of the Parliament's Rules of Procedure, the President and the Vice President of the Competition Commission shall be selected by decision of the Council of Ministers, after an opinion of the Committee on Institutions and Transparency of the Parliament. The term of office of the President, Vice-President and members of the Competition Commission, both regular and alternate, including the Rapporteurs, shall be five years, and may be renewed for a further five year consecutive period. The procedure of the appointing of the Commission's members shall be initiated two (2) months before the expiry of the former members' term of office.

In the event of death, resignation or removal from post of the President, the Vice-President or a member of the Competition Commission, a new President, Vice-President or member shall be appointed for the remainder of the term of office. Without prejudice to paragraph 7 of Article 15, until appointment of a new President, Vice President or member or members, the operation of the Commission shall not be suspended. Persons may not be appointed as members of the Competition Commission if they have been deprived of their status as member thereof for the reasons prescribed in this Law. The term of office of Competition Commission members shall be extended automatically until new members are appointed.

The President and the Vice-President of the Competition Commission shall automatically cease their functions from the age of seventy-three (73) years and the members of the Competition Commission by the age of seventy (70) years. Members of the Competition Commission who are already serving on the date of entry into force of the preceding paragraph shall not be subject to the provisions of the preceding paragraph until expiry of their term of office.

4. Competition Commission members, both regular and alternate, shall, on taking up their duties, notify the Minister of Economy, Competitiveness and Shipping and the President of the Competition Commission, of any service, consultancy, work or project they have carried out, under instruction or any form of legal relationship whatsoever, in the last five (5) years prior to the start of their term of office. Those Commission members not employed on a full-time and exclusive basis during their term of office shall also have a corresponding obligation to inform the President of the Competition Commission in writing of any project, work, service, consultancy or instruction carried out. Where the above notifications show members to have a

previous or existing relationship with an undertaking directly or indirectly involved in a case under consideration, it is construed that they are disqualified from participating in the Competition Commission hearings to discuss and deliberations to take decisions regarding that undertaking.

5. During their term of office, regular members of the Competition Commission who are not employed on a fulltime and exclusive basis, as well as alternate members, shall not be permitted to hold any salaried or unsalaried public office or carry out any other professional activity, commercial or other, that is not compatible with the status and duties of a Competition Commission member. It shall not be incompatible for Competition Commission members, both regular and alternate, to perform duties as HEI academic staff, on a full-time or part-time basis.

6. Where an incompatibility issue as per the previous paragraph arises with regard to members or their alternates, the relevant decision shall be issued by the Disciplinary Council provided for in Article 13. The body competent for the member's appointment shall issue an act for the execution of said decision.

7. The status of President, the Vice-President and the member (regular or alternate) of the Competition Commission is incompatible with the occupation of any kind of position or entrustment of duties or secondment or other employment at the office of the Prime Minister or the General Secretariat of the Prime Minister or member of the Government or political office of a member of the Government or the General Secretariat of the Government or the office of a General or Special Secretary of a Ministry, for a period of five years after being in this position or the act of entrustment or assignment or secondment or employment respectively, including the secondment of an employee or the occupation of a position of a non permanent employee, advisor, associate or paid / unpaid supervisor to one of the abovementioned offices or the General Secretariat of the Government. The status of the President, the Vice-President and the member (regular or alternate) of the Competition Commission is incompatible with any relationship by consanguinity or affinity up to the second degree or marital relationship with a person who is a member of the Government. The abovementioned grounds of incompatibility are valid at the appointment and throughout the mandate. The finding of the above grounds of incompatibility shall entail an automatic disqualification from holding the office of President, Vice-President or Board Member, respectively, for which a declaratory act is issued by the appointing body. This paragraph shall enter into force after the date of publication of this law in the Government Gazette and shall cover the persons already in service. As long as in the event of the occurrence of the first verse of this paragraph five years have not elapsed since the expiry of such occupation or assignment or secondment or employment, or, in the event of occurrence of the second verse of this paragraph, the ground of incompatibility is existing at its entry of force. The grounds of incompatibility of the present paragraph do not apply in the event that they concern a serving member who was appointed following a positive opinion expressed by the Committee on Institutions and Transparency by a 4/5 majority.

8. The President, the Vice-President and the members of the Competition Commission are prohibited from directly or indirectly obtaining any benefit from companies or third parties directly affected by their activity.

9. Competition Commission members and their alternates shall be required to observe confidentiality and

secrecy. The President, the Vice-President and the members of the Competition Commission are bound by the obligation of confidentiality in respect of information relating to business activities which have come to their knowledge during the performance of their duties for a period of four (4) years after the end of their term of office or their leaving.

10. By decision of the Minister for Economy, Competitiveness and Shipping, following Competition Commission's opinion, a Code of Conduct shall be drawn up, regulating the way in which Competition Commission members and staff of the Directorate-General for Competition shall perform their duties.

11. The President, Vice-President and members of the Competition Commission, both regular and alternate, shall not be permitted, after their term of office expires, in whatever way, to provide a service, under salary or any form of legal relationship whatsoever, to a company or undertaking regarding those cases that they handled themselves or that they decided on during their mandate. The President, Vice-President and members of the Competition Commission, both regular and alternate, shall not be permitted, for three (3) years after their term of office expires, to support in general cases before the Competition Commission or in appeals before the courts against Competition Commission decisions. A fine shall be imposed on persons infringing the provisions of the preceding subparagraph, by decision of the Minister for Economy, Competitiveness and Shipping, equal to ten times the total salary and remunerations received by the Competition Commission member during his or her term of office.

12. Competition Commission members shall automatically be forfeit from their post: (a) if an irrevocable judgment is issued against them for an offence that entails impediment for appointment as a public employee or removal of a public employee from post, in accordance with Civil Servants Code [law n. 3528/2007, A' 26(b)], (b) if they do not undertake the notifications under paragraph 4 of this Article.

13. A member's status shall be suspended if an irrevocable indictment order is issued for an offence that entails impediment for appointment as a civil servant or forfeit of a civil servant from post, in accordance with law n. 3528/2007, A' 26, until an irrevocable acquittal judgment has been issued. If a member's status is suspended, an alternate shall be appointed, whose term of office shall last for the period of the suspension.

14. The salary of the members of the Competition Commission who are employed on a full-time and exclusive basis, as well as the level of remuneration per meeting granted to Competition Commission members, shall be determined, without prejudice to the provisions of the law n. 3833/2010 (A'40), by joint decision of the Ministers of Economy, Competitiveness and Shipping and of Finance. A similar decision shall determine the remuneration of employees of the Directorate-General for Competition, attending the meetings of the Commission on matters pertaining to their competence and of the secretary appointed on each case. The employees that receive an extra compensation for attending the meetings of the Commission on each case shall not be more than five (5).

15. A joint decision of the Ministers of Economy, Competitiveness and Shipping and of Finance, following a proposal by the Competition Commission, shall determine the daily remuneration, costs relating to travel and any overnight allowance of the President, Vice-President, Rapporteurs and other members of the Competition Commission, as well as that of staff of the Directorate-General for Competition for execution of

service. The application of this paragraph is without prejudice to the provisions of the law n. 3833/2010 (A' 40).

16. Public officers, civil servants, employees of legal entities governed by public law or private law supervised by the State or lawyers under salaried instruction, where they are appointed as Competition Commission members, may be exempted, by joint decision of the Minister of Economy, Competitiveness and Shipping and the competent Minister, as appropriate, from their other service duties for the duration of their participation in the Commission, receiving the full salary and allowances from their regular post against the Competition Commission budget. The provisions of the previous subparagraph shall not apply to the members of the Commission who are employed on a full-time and exclusive basis. The period in question, for all the above members, shall be considered as period of actual service for all purposes, and their participation may in no case have a detrimental effect on their administrative status or post.

17. The President and all members of the Competition Commission, as well as alternate members, shall, on an annual basis, submit the declaration of assets provided for by law n. 3213/2003 (A' 309) to the Public Prosecutor's Office to the Supreme Court.

Article 13

Disciplinary control⁴

1. Competition Commission members shall be liable to disciplinary action, for any breach of their obligations deriving from this Law and delegated regulatory acts. Disciplinary proceedings before the Disciplinary Council provided for in paragraph 2 shall be initiated by the Council of Ministers, following a proposal of the Minister of Economy, Competitiveness and Shipping, with regard to the President and its members. The Disciplinary Council shall decide in first and last instance on the imposition of sanctions following the procedure provided for in article 13A.

2. The Disciplinary Council shall consist of a State councilor, a Supreme Court judge and a university lecturer of competition law or economics, and their term of office shall be three years. The most senior judge shall act as chair. The role of secretary to the Council shall be undertaken by an employee of the Ministry of Economy, Competitiveness and Shipping. The chair, members and secretary of the Council shall be appointed with an equal number of alternates.

3. The Council shall be established upon decision of the Minister of Economy, Competitiveness and Shipping, issued within sixty (60) days from entry into force of this Law. Remuneration of the chair, members and secretary shall be determined by joint decision of the Ministers of Finance and of Economy, Competitiveness and Shipping without prejudice to the provisions of L. 3833/2010 (A' 40). In the case of Council members who are judicial officers, a decision of the Supreme Judicial Council shall be required.

⁴ Note: This Article is presented as amended by Law 4364/2016.

4. The Minister of Economy, Competitiveness and Shipping shall issue a relevant act for the execution of the disciplinary decision.

Article 13A

Disciplinary proceedings⁵

1. The President and the members of the Disciplinary Board shall enjoy full independence in the exercise of their duties, they shall neither seek nor receive instructions, and shall be subject to the obligation of confidentiality and secrecy. The Disciplinary Council shall meet lawfully in the presence of all its members and shall take its decision by an absolute majority of those present.

2. The following are considered as disciplinary offenses: (a) the material breach of the provisions of this law and generally of the legislation in force during the exercise of the duties and responsibilities of the member, (b) the acquisition or the pursuit of an unfair financial advantage or consideration by the member himself or a third party during the exercise of his duties or in connection with them; and (c) where there is liability for loss incurred by the Greek State or the Competition Commission. The above offenses are disciplined if they have been committed with intent or negligence, whereby very slight negligence does not suffice.

3. Penalties imposed by the Disciplinary Board are: (a) a fine of up to twelve (12) months' earnings and (b) definitive cessation.

4. If two disciplinary fines are imposed within a two-year period on a member of the Competition Commission for the same or different disciplinary offense, that member shall be automatically removed from his post.

5. The penalty of final cessation may be imposed only in the following cases:

(a) if the disciplinary offense also constitutes a criminal offense,

(b) where a member has acquired or has sought to obtain an unfair financial advantage or consideration for the benefit of the same or a third party during the exercise of his duties or in connection with them,

(c) deliberate infringement of the obligation of confidentiality and secrecy,

(d) the infringement of paragraph 5 of Article 12

(e) the loss suffered by the Greek State or the Competition Commission with intent or gross negligence.

6. Following the initiation of disciplinary proceedings under Article 13 paragraph 1, the President of the Disciplinary Board is required to summon with a bailiff or other public body the member to a prior hearing and to provide written explanations stating precisely the attributed misconduct and the factual circumstances that constitute said misconduct. The summons includes the date of the hearing of the member before the Disciplinary Board, which may not be less than ten (10) working days from the date of its delivery. Prior to the hearing and the provision of written explanations, the member has access to the case file and is entitled to receive a copy thereof. The member who is prosecuted for disciplinary offences is entitled to attend with a lawyer of his choice.

⁵ Note: This Article is presented as amended by Law 4364/2016 and 4389/2016.

7. During the hearing, the member submits to the Disciplinary Board his written explanations, provides the necessary clarifications, answers questions and generally facilitates the work of the Disciplinary Board to verify the facts of the case. Upon completion of the above procedure, the Disciplinary Board shall hold a hearing on the same day and issue a decision which either:

(a) considers the explanations of the member satisfactory and sufficient and terminates the disciplinary procedure;

(b) instructs the President of the Council to draw up a report on a disciplinary offense which describes the facts, the disciplinary misconduct referred to in paragraph 2, and the date and time of the Disciplinary Board meeting for the discussion of the case, to which the prosecuted member is invited to attend, with an attorney if he so wishes. This decision shall be served on the member in either case by a bailiff or other public body.

8. In case of disciplinary action by a decision of case b of sub-paragraph b of the preceding paragraph, the Disciplinary Council may, at its discretion, examine witnesses and following the oral hearing of the prosecuted member or, in the event of his non-appearance, upon verification that he has been lawfully summoned, shall immediately issue its decision. The Disciplinary Board may, if it deems necessary, order that the disciplinary misconduct report be supplemented and resume the hearing. In this case, the Member shall be called by a new summons, stating a new day and time of the hearing, which shall be served in accordance with the preceding paragraph. This service may be omitted if the member was present at the first discussion and was informed of the new date of discussion. The Disciplinary Board may also once postpone the decision to examine or review witnesses, thus defining a new date for the case to be discussed. In this case, summons of the prosecuted member is required only if he was absent. Interested parties are responsible for the attendance of witnesses. Non appearance of witnesses does not prevent decision-making.

8a. The Disciplinary Board shall inform the Competition Commission in writing of the progress of the case, whenever requested by the Competition Commission, whilst preserving in any case the confidentiality of the procedure. The Competition Commission shall provide its views in writing to the Disciplinary Board, accompanied by any documents relating to the case.

9. The Disciplinary Board's decision shall be specifically substantiated, drafted in writing and summary minutes of the meetings are kept.

10. Disciplinary proceedings are distinct and independent of any pending criminal prosecution. Criminal proceedings do not automatically suspend disciplinary proceedings, but the Disciplinary Board may order its suspension until the criminal proceedings have been completed. Facts found by an irrevocable criminal court decision are taken into account in the disciplinary proceedings, but the Disciplinary Board is not prevented from adopting a decision other than that of the criminal court. In case of an irrevocable decision of a criminal court for an offense related to breaches of the provisions herein or for an offense that results in an incompatibility for the appointment or removal of a civil servant, in accordance with the provisions of law 3528/2007, a decision of the Disciplinary Board is issued which establishes the final cessation of the duties of the member.

11. Disciplinary offenses referred to in paragraph 2 are subject to a limitation period of five years after their commencement. The limitation period for a disciplinary offence which is also a criminal offense is not completed before the limitation period for the criminal offense is completed. The summons for a hearing and for written explanations under paragraph 6 interrupts the above limitation. In this case, the total limitation period may not exceed seven (7) years, subject to subparagraph (b) and in the case of suspension of the disciplinary proceedings under paragraph 10, in which case the limitation period of the disciplinary offense shall not be completed for one year following the date of publication of the irrevocable criminal court decision.

12. The provisions of Part E ("Disciplinary Law") of the Code of State for Public Civil Servants and Employees of Legal Entities governed by Public Law, ratified by the first article of law 3528/2007, as these provisions are in force, shall apply mutatis mutandis insofar as they do not conflict with the provisions of this Law.

13. The decisions of the Disciplinary Board, as well as the acts of the Minister of Economy, Development and Tourism, issued in pursuance of these judgments under Article 13 (4), are subject to an application for annulment before the Council of State. If the Disciplinary Board's decision imposes a final cessation order, or if this decision results in the automatic removal of the member under paragraph 4, the decision of the Disciplinary Board is subject to appeal to the Council of State under Articles 41 to 44 the p. 18/1989 (A 8). From the notification of the disciplinary decision imposing the sentence of final cessation or resulting in the automatic withdrawal and until the expiration of the time limit for appeal before the Council of State or, in the case of a timely appeal, until the termination of judicial proceedings in any way, the member of the Competition Commission shall be automatically placed on leave. Paragraph (3) of Article 103 and paragraphs 1 to 3 of Article 105 of the Code of State for Public Civil Administrative Servants and Employees of Legal Entities governed by Public Law also apply in this case. During the leave, members shall continue to be subject to the restrictions, obligations and incompatibilities referred to in Article 12. In case a member is put on leave, an alternate member shall be appointed for a term lasting as long as the leave.

Article 14

Competences of the Competition Commission⁶

1. Without prejudice to the competences of other authorities designated by legislation, the Competition Commission is competent for the enforcement of the provision of this Law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union.

2. In particular, the Competition Commission shall:

(a) Establish whether Articles 1 and 2 of this Law and Articles 101 and 102 of the Treaty on the Functioning of the European Union have been infringed and take the decisions referred to in Article 25;

⁶ Note: This Article is presented as amended by Law 4389/2016.

- (b) As specifically laid down in Articles 7 and 8, authorise or prohibit the implementation of a concentration between undertakings, notified to it under Article 6. If the concentration has been implemented in breach of the provisions of this Law or relevant decisions of the Competition Commission pursuant to Articles 7 and 8 hereof, it may take measures according to Article 9(4). It may allow a derogation from the obligation to suspend the implementation of the concentration between undertakings pursuant to Article 9(2) and (3);
- (c) Take any strictly necessary regulatory measure aimed at creating conditions of effective competition according to the procedure of Article 11;
- (d) Threaten with and/or impose fines and other sanctions as laid down in the specific provisions;
- (e) Take interim measures pursuant to Article 8(9) and (10) and precautionary measures pursuant to Article 25(5);
- (f) Allow, by decision of the Competition Commission in plenum, the block exemption of collusive practices pursuant to Article 1(3).
- (g) By decision of the plenum, withdraw the benefit of exemption:
- i. in accordance with Article 29(2) of Council Regulation 1/2003 of 16 December 2002;
 - ii. when, in a specific instance, agreements, concerted practices or decisions by associations of undertakings, falling into a block exemption decision that has been issued by the Competition Commission under point (f) above, have certain effects that are incompatible with Article 1(3).
- (h) Gather, process and evaluate the data and information necessary for it to fulfil its mission, pursuant to Articles 38 and 39, observing the duty of secrecy.
- (i) Except in proceedings before the Athens Administrative Court of Appeal under Article 30 and proceedings before the Council of State under Articles 11(7) and 32, it may submit written observations to courts, on its own initiative, or oral observations, with permission of the court in question, on matters concerning the implementation of Articles 1 and 2 of this Law and Articles 101 and 102 of the Treaty on the Functioning of the European Union. When submitting an oral observation, the Competition Commission shall be represented by its President or Vice-President or, following authorisation from the President, by a Commission member or by the Director-General or a member of staff of the Directorate-General for Competition. The Competition Commission may request from the competent court, any document it considers necessary for it to express its opinion pursuant to the preceding subparagraphs.
- (j) Issue an opinion on competition matters and on proposals to amend this Law, pursuant to Article 23.
- (k) Issue notices and guidelines regarding the implementation of the provisions of this Law.
- (l) Issue a recommendation, by decision of the plenum, for the adoption of the Rules of Procedure and Management of the Competition Commission.
- (m) Appoint, by decision taken of the plenum, the Director General of the Directorate-General of Competition.
- (n) Issue by decision of the plenum:
- i. The criteria for priority consideration of cases and strategic objectives, following a public consultation. The relevant decision shall, in particular, take account of the public interest, likely

impact on competition, consumer protection, the limitation periods under Article 42 of this Law, as well as the anticipated outcome of its intervention in a specific case. The application of the criteria for priority consideration of cases and strategic objectives shall form part of the Report submitted to the Hellenic Parliament every year pursuant to article 29.

- ii. The terms, conditions and procedures for the submission of an undertaking or a natural person to the Competition Commission's Leniency Programme pursuant to Article 25(8).
- iii. The method of calculating fines imposed under Articles 25, 38(3) and 39(5), and
- iv. The procedure for accepting commitments under Article 25(6).
- v. The procedure, terms and conditions for the settlement procedure according to article 25a.

(o) By decision of the plenary, posted on its website, the criteria for priority consideration of cases and strategic objectives shall be quantified according to a points-based system, and the details of its application shall be determined. The above-mentioned decision may provide that complaints whose ranking order is low, pursuant to the foresaid point system, are not examined. The decisions rejecting complaints on account of their low ranking order shall be issued by the President, upon recommendation of the Directorate-General, and shall be motivated and notified to the plaintiff within 30 days following its adoption. The prioritization of the cases may, when this is justified, be revised by decision of the Director General which is submitted for approval to the first Plenary session of the Competition Commission to be convened after the said decision. The plenum may reject the Director General's decision. The points-based system shall constitute an internal management tool of the Competition Commission and the prioritization results shall not be made public nor notified to the complainant or other parties.

(p) Without prejudice to point (k) of Article 19(1), decide on the conduct of ex-officio investigations by the Directorate-General for Competition.

(q) Cooperate with the European Commission and the Competition Authorities of the other Member States of the European Union for the application of the European competition law, pursuant to the relevant provisions of this Law and of Regulation (EC) 1/2003.

(r) Provide the Minister of Economy, Competitiveness and Shipping, upon written request, with any information of a general nature in its possession, without prejudice to business secrets and provided that the information requested does not include information on ongoing investigations or leniency programme applications pursuant to Article 25(8).

3. All public services and authorities, local authorities and legal entities governed by public law, as well as bodies of the wider public sector, under the provisions of L. 1892/1990 (A' 101), shall be required to support the work of the Competition Commission, following a relevant written request by its President, in particular assisting in investigations conducted under Article 39 by collecting and providing information and data regarding:

- (a) the development, structure and trends of domestic consumption, the organisation and structure of market sectors, as well as the conditions of competition in each sector,
- (b) the drafting of charts of inter-sectoral cost correlation and indices,

(c) the monitoring of the degree of concentration by sector of economic activity or the existence of concerted practices and the investigation of abuse of dominant position by undertakings,

(d) the monitoring of the execution of Competition Commission decisions issued on the basis of this Law as well as of court judgments issued where the earlier decisions have been contested.

Article 15

Examination of cases by the Competition Commission

1. The President shall, upon recommendation by the Directorate-General for Competition, bring before the Competition Commission, from among the cases pending before the Directorate-General under Articles 1, 2 and 11, those cases that meet the criteria for priority consideration, set pursuant to Article 14(2)(n)(i), taking into account the available human resources and the number and progress of cases pending from earlier case-allocation pursuant to the next paragraph. From the implementation of the points-based system, the Directorate-General shall investigate the cases according to their ranking order pursuant to Article 14(2)(o).

2. Each case under the preceding paragraph shall be assigned by lot, by the Competition Commission plenum, to one of the Commissioner-Rapporteurs,, as soon as a decision concerning the priority consideration of the case is issued, as shall any case of concentration under Articles 5 to 10. Ifor cases brought before a chamber, pursuant to the present Law, the regular members of the Commission who will form the composition of the chamber dealing with the case shall be determined by virtue of the same decision taken in Plenary session, by lot in which the Commissioner - Rapporteur to whom the case has been assigned shall not participate. The President or the Vice-President shall normally preside. By virtue of a decision taken by the Commission in Plenary session, upon recommendation of the President, the presidency of a chamber may be assigned to one of the regular members selected by lot, other than the Commissioner - Rapporteur designated for the case.

3. The Commissioner - Rapporteur to whom the case is assigned shall be assisted by case handlers of the Directorate-General for Competition, appointed by the Director General upon proposal of the competent Director of the Directorate-General for Competition pursuant to Article 21. The number of employees of the Directorate-General for Competition appointed in the particular instance shall depend on the gravity of the case.

4. The Report shall be submitted to the Plenary or the corresponding chamber, as appropriate, within one hundred and twenty (120) days from the assignment of the case, without prejudice to the time-limits prescribed in Articles 5 to 10. This time-limit may be extended by the President of the Competition Commission, on request of the Commissioner - Rapporteur, for a period not exceeding sixty (60) days.

5. All decisions of the Competition Commission shall be taken within twelve (12) months of the relevant case being assigned to the Commissioner - Rapporteur, except in the instances provided for in Articles 5 to 10. In exceptional circumstances, or when the case requires further investigation, the Competition Commission may extend this time-limit by a maximum of two (2) months.

6. Cases concerning the implementation of Articles 1, 2 and 5 to 10, unless otherwise stated in this Law, are brought before a chamber consisting of four members, including the Commissioner - Rapporteur, except for cases of major significance which are brought before the Plenary by decision of the Competition Commission. In the other instances, cases shall be brought directly before the Competition Commission in Plenary. The Plenary session of the Competition Commission shall meet at least once a month.

7. The Competition Commission duly holds Plenary sessions provided that the President, Vice-President, the Commissioner - Rapporteur designated for the case concerned and at least two members, regular or alternate, participate in the session and it shall take decisions by a majority of the members present. The Commissioner - Rapporteur designated for the case concerned shall participate in the meetings and deliberations of the Competition Commission in Plenary and of its chambers, as set out below, without voting rights. In the event of a tie, the President-in-Office shall have the casting vote. The chambers of the Competition Commission shall duly convene provided that the President or Vice-President or another presiding regular member, the Commissioner - Rapporteur designated for the case and two additional regular members take part. Employees of the Directorate-General for Competition assisting the Commissioner - Rapporteur and the secretary to the Plenary or to the chamber, appointed, together with an alternate, for each case by the President of the Competition Commission, from among the employees of the President's Office of the Directorate-General for Competition shall participate in the Plenary and each chamber without voting rights.

8. If, for whatever reason, a chamber before which a case has been brought cannot be lawfully constituted, even by alternates, or is unable to function due to serious cause, the Plenary session of the Competition Commission shall undertake the case or it shall assign the case to another chamber designated by its decision in accordance with the provisions of this Law. In such circumstances, and save for the circumstances provided for in Article 8(6), the time-limits provided for by law shall be calculated again. Competition Commission members who are absent without serious cause for three consecutive meetings, whether these are meetings of a chamber in which they participate or of the Plenary, shall automatically be removed from their position. Removal shall be established by relevant decision of the President of the Commission.

9. In the discussions before the Competition Commission regarding applications and complaints submitted under this Law, the persons who submitted the application or the complaint may appear in person or together with or represented by an attorney-at-law and they shall be summoned to attend forty-five days before the discussion, as will the undertakings and associations of undertakings against which the proceedings before the Competition Commission were initiated, and those provided for in the Rules of Procedure and Management of the Competition Commission. The time-limit for summons in the circumstances under Articles 8 and 9 may be no less than fifteen (15) days. The parties summoned may waive or request to reduce the time-limits. Where there are several summoned parties, a waiver or a request to reduce the legal time-limit shall be required from all parties.

10. Minutes shall be kept throughout the proceedings before the Plenary sessions or the chambers of the Competition Commission, in particular regarding the examination of witnesses. The time-limit for the submission of a supplementary memorandum shall begin on the day following the notification of the minutes

to the parties, under the responsibility of the Secretaries to the Competition Commission. In any case, the transcripts shall be conveyed to the parties within a time-limit of one (1) month after the final discussion of the case.

11. Decisions of the Competition Commission shall be notified to all parties concerned, under the responsibility of the Secretaries of the Commission in accordance with the provisions of this Law.

Article 16

Rules of Procedure and Management

1. By joint decision of the Ministers of Interior, Decentralisation and E-governance, of Finance and of Economy, Competitiveness and Shipping, issued upon recommendation by the Competition Commission and published in the Government Gazette, the Rules of Procedure and Management of the Competition Commission shall be enacted. The Rules shall regulate the internal procedure, the participation of the staff members in decisions regarding the organisation and functioning of the Commission, and also health and safety matters concerning the staff, the managing of the Commission's resources, the procedure for awarding works and supply contracts, issues related to the purchase or lease of immovable property to meet its needs, disqualification and exemption of its President, Vice-President, members and Secretary, the procedure for alternate members to deputise for regular members other than Rapporteurs, preparatory proceedings and proceedings before the Commission, the drawing-up, publication and notification of its decisions, the supply of copies of or extracts from its decisions or opinions and all other relevant details.

2. The Competition Commission may by virtue of a decision, where there are particular reasons, set up committees and working groups to examine and investigate matters concerning competition and the functioning of the Commission and the Directorate-General for Competition. Persons who are not members of the Competition Commission or staff of the Directorate-General for Competition may also participate in the committees and working groups. The above decision shall be taken on the initiative of the Competition Commission or at the request of the Minister for Economy, Competitiveness and Shipping. A joint decision of the Ministers of Finance and of Economy, Competitiveness and Shipping, following a recommendation by the Competition Commission, shall determine the remuneration of persons participating in the above committees and working groups under the provisions of L. 3833 (A' 40).

3. Decisions issued pursuant to articles 1 and 2 of the present law shall be notified both to the undertakings having infringed the law and the complainant, if the Commission initiated the investigation procedure following a complaint.

Article 17

Competition Commission Revenue and Budget⁷

1. A contributory duty of one-thousandth (0.001) in favour of the Competition Commission shall be imposed on public limited companies (societes anonymes) that are set up or that increase their capital, calculated on the initial capital or on the amount of the increase of the share capital, respectively. This revenue shall be collected in the name of and on behalf of the Competition Commission and shall be deposited to a special bank account, managed by the Competition Commission, in accordance with its Rules of Procedure and Management. A joint decision of the Ministers of Economy, Competitiveness and Shipping and of Finance, following a recommendation by the Competition Commission, shall specify the bodies, method and procedure for collecting the above sums.
2. The Competition Commission shall be required to keep accounts and records, including operating results and balance sheet, in accordance with public sector accounting provisions and as specifically laid down in the Rules of Procedure and Management. The financial data and the annual accounts and financial statements shall be audited by two (2) chartered accountants. These data and the financial statements shall be published on the Commission's website and in the Government Gazette and shall be submitted to the President of the Hellenic Parliament, together with the annual report under Article 29 and the budget for the following year.
3. The Competition Commission is subject to ex ante and ex post audit by the Court of Auditors.
4. The Competition Commission's budget shall be approved by joint decision of the Ministers of Finance and Economy, Competitiveness and Shipping and appended to the budget of the Ministry of Economy, Competitiveness and Shipping. The budget shall be put before the Minister of Economy, Competitiveness and Shipping by the President of the Competition Commission, who shall also be responsible for authorising its expenditures.
5. If an operating result (revenues/expenditure) that exceeds the costs of the preceding financial year arises from the financial management of the Competition Commission at the end of each two-year period, up to 80% of this operating profit shall, by joint decision of the Ministers for Finance and for Economy, Competitiveness and Shipping, be made available as State budget revenue.
6. The Competition Commission may, of its own accord, award works and supplies and also purchase or lease immovable property to meet its needs, in accordance with its Rules of Procedure and Management. The cost of any purchase or lease of immovable property shall be paid from Competition Commission resources.
7. The Competition Commission renders to the persons entitled amounts that have been unduly paid in its favour. These amounts especially include the duty of paragraph 1, which corresponds to the initial capital that was not paid or the amount of increase of the share capital that was not raised or the excessive amount of duty paid following an erroneous calculation.

⁷ Note: This Article is presented as amended by Laws 4079/2012 and 4497/2017.

Article 18

Legal support for members and staff of the Competition Commission

1. Article 18 of Law 3728/2008 (A' 258) shall apply by analogy to Competition Commission members, both regular and alternate, and to staff of the Directorate-General for Competition, when they are acting within the framework of their responsibilities and duties in accordance with this Law.
2. Judicial defence and legal support of Competition Commission members and staff serving and employed in the Directorate-General for Competition under any form of legal relationship whatsoever, when they are sued or accused for acts or omissions resulting solely from the execution of their duties, shall be assigned, if they so wish, to an external lawyer appointed by the Competition Commission in Plenary, except in the case of acts directed against the Commission itself. The Competition Commission shall cover the relevant expenditure, the level of which shall be determined in the specific decision. The Competition Commission member concerned and the members of staff of the Directorate-General for Competition may alternatively use the services of another lawyer of their choice. By decision taken by the Competition Commission in Plenary the maximum relevant expenditure to be covered by the Competition Commission shall be set. Members or employees who are irrevocably convicted shall be required to repay to the Competition Commission the entire expenditure paid by the Commission for their judicial defence. The same shall also apply to Competition Commission members whose term of office has expired, and to staff of the Directorate-General for Competition who have left the Competition Commission.

Article 19

Competences of the President and the Vice-President of the Commission

1. The President of the Competition Commission represents the Commission before any third party and has, in accordance with the law, regulatory acts and decisions of the Plenary, the responsibility for its operation, and exercises his duties for this purpose and in particular:
 - (a) informs the Minister of Economy, Competitiveness and Shipping of the enforcement of the decisions of the Competition Commission and the confirmation and collection of the confirmed fines;
 - (b) coordinates and guides the operation of the Competition Commission and its units;
 - (c) represents the Competition Commission in committees and groups, at meetings and congresses within the framework of the European Union, the Organisation for Economic Cooperation and Development (OECD) and other international organisations, being empowered to authorize, for this purpose, the Vice-President or a member of the Competition Commission or the Director-General or Directors or employees of the Directorate-General for Competition;
 - (d) acts as senior administrative officer of staff of the units of the Competition Commission;
 - (e) sets up Service and Disciplinary Councils for the Commission's staff, in accordance with the provisions in force;
 - (f) ensures the drawing-up of the Commission's budget, statement of account and balance sheet;

- (g) supervises the management of the Commission's finances and allocation of funds, in accordance with the Commission's decisions taken in Plenary, the Rules on Procedure and Management and applicable legislation;
- (h) exercises the powers provided for in Article 8;
- (i) takes decisions, without prejudice to Article 14(2)(p), regarding the conduct of ex-officio investigations by the Directorate-General for Competition;
- (j) issues announcements in order to inform the public.
2. The President may authorize the Vice-President, the Commissioners-Rapporteurs or the Director-General or Directors of the units of the Competition Commission to exercise part of his or her duties and to sign documents or acts 'by order of the President'.
3. The President appoints, by his own decision, the administrative staff members of the Competition Commission which staffs the President's Office, Vice-President's Office, Commissioners-Rapporteurs' Office and Legal Support Office and appoints the Heads of these Offices.
4. The Vice-President of the Competition Commission has the following competences:
- a) deputises for the President of the Competition Commission when the President is absent, unable to attend or missing;
- b) monitors the execution of the Competition Commission's decisions and the confirmation and collection of the confirmed fines and informs the Plenary accordingly;
- c) coordinates and supervises the preparation of operational and training programmes;
- d) being empowered by the President, he exercises part of his or her duties and signs documents or acts 'by order of the President'.

Article 20

Legal Support Office⁸

1. An autonomous Legal Support Office shall be established at the Competition Commission, reporting directly to the President of the Competition Commission and staffed by lawyers. This Office shall be headed by a Lawyer who is entitled to stand before the Supreme Court of Greece, with experience in matters of competition law, who shall coordinate the work of the Legal Support Office, allocate cases and monitor their progress.
2. The Lawyer heading the Legal Support Office and the lawyers staffing it shall not be allowed, during their term of office, to undertake cases that come within the scope of the present Law. The Lawyer heading the Legal Support Office and the lawyers staffing it shall not be allowed, after their term of office expires, in whatever way, to provide service under remunerated mandate or any form of legal relationship whatsoever, to a company or undertaking regarding cases handled by them. The Lawyer heading the Legal Support Office and the lawyers staffing it shall not be allowed, for two (2) years after their term of office expires, to

⁸ Note: This Article is presented as amended by Laws 4364/2016 and 4389/2016.

generally defend cases before the Competition Commission or appeals before the courts against decisions of the Competition Commission. A fine, which amounts to ten times the last annual fee received by the Lawyer heading the Legal Support Office during his or her term of office, shall be imposed to whoever who infringes the provisions of the previous subparagraph by joint decision of the Ministers of Economy, Competitiveness and Shipping and of Justice, Transparency and Human Rights.

3. The head Lawyer and the lawyers of the Legal Support Office of the Competition Commission shall have the following particular responsibilities:

- (a) judicial and extrajudicial representation and defence of the interests of the Competition Commission;
- (b) provision of legal advice and opinion.

4. By joint decision of the Ministers of Interior, Decentralisation and E-governance, of Finance and of Economy, Competitiveness and Shipping, issued following a proposal by the Competition Commission, the number of regular lawyer posts in the autonomous Legal Support Office is determined, as well as the required general and specific qualifications of the Lawyer and the lawyers, the criteria and procedure for their selection, and also the remuneration of all such persons.

5. The head Lawyer and the lawyers of the Legal Support Office shall be selected by the Competition Commission, following a relevant vacancy notice, on the basis of the above joint Ministerial decision, in accordance with the principles of publicity, transparency, objectivity and meritocracy. The head Lawyer and the lawyers of the Office shall be recruited on the basis of a relationship of remunerated mandate. By joint decision of the Ministers of Economy, Competitiveness and Shipping and the competent Minister, as appropriate, the lawyers recruited on the basis of a relationship of remunerated mandate may be transferred or seconded from Public Sector, legal persons governed by public law or broader public sector as laid out in L. 1892/1990 (A' 101), following an application on their part and by way of derogation from the applicable provisions.

6. The Competition Commission, by decision of the President, following a proposal by the head of the Legal Support Office, shall be entitled, by way of exception, to engage the services of an external lawyer should this be deemed necessary due to the particular importance of a case. The remuneration to be paid in the event of recourse to services of an external lawyer shall be prescribed by a decision of the Commission taken in Plenary, approved by a joint decision of the Ministers of Finance and of Economy, Development and Tourism.

The total annual remuneration of each external lawyer (natural or legal person) may not exceed twenty thousand (20.000) euros. The amount of the previous verse may be adjusted by a joint decision of the Minister of Finance and of Economy, Development and Tourism effective from the fiscal year following the year of its publication. A case may not be delegated to an external lawyer (natural or legal person) who: a) represents another party in the same case or a similar case, within the meaning of verse a of para 2 of article 122 of the Code of Administrative Procedure (Law 2717/1999, A' 97), which is still pending before the Competition Commission or before the Courts following an appeal against a Competition Commission Decision, b) is a member of a law firm that represents a party in such a s case, c) has a member that

represents a party in such a case, d) employs or is employed by a lawyer (natural or legal person) who represents a party in such a case, e) is member of the Board of Directors of a société anonyme that is a party in such a case. If the cases mentioned in the above verse are not similar, then the external lawyer taking over the representation of the Competition Commission undertakes in writing the obligation to take all necessary measures and precautions in order to safeguard the confidentiality of the issues that come to his knowledge while handling the case and in particular not to disclose or permit access to any information or material related to the case, not to exchange in writing or orally information related to the case with the lawyers mentioned in the previous verse or the personnel that they employ, with the members of the law firms of the previous verse or the shareholders, the members of the administrative bodies or the personnel of the sociétés anonymes of the previous verse and take all necessary precautions in order to separate and supervise the information and the material of the case in a restricted area that he absolutely and exclusively controls. Should an external lawyer undertake such a case and breach any of the obligations mentioned in the previous verse, the Competition shall report him to the Bar Association for disciplinary action and the lawyer shall not be delegated another case of the Competition Commission.

Article 21

Organisation and staff of the Competition Commission⁹

1. A Directorate-General for Competition shall operate at the Competition Commission, headed by a Director-General. The Directorate-General for Competition shall consist of four (4) Directorates, namely one (1) Legal Services Directorate, two (2) Operational Directorates A' and B', one (1) Administrative and Financial Support Directorate as well as an autonomous Media Unit, as the latter is defined by the provisions of the article 18 of the Law 3592/2007. The above Directorates and Unit may be modified by the Organisation Act of the Directorate-General for Competition.

2. The Director-General shall coordinate the operation of the Directorates and the other units falling under his responsibility. The Director-General shall be selected following a public notice concerning the post, specifying the required qualifications and merits. The successful candidate shall be appointed by decision of the Competition Commission taken in Plenary, for a four-year term of office, which may be renewed only once. The post of Director-General may also be filled by secondment of staff members or lawyers under remunerated mandate, with the procedure of the second verse of this paragraph by way of derogation from the relevant provisions of the applicable legislation, by joint decision of the Minister of Economy, Competitiveness and Shipping and the competent Minister, as appropriate. The secondment period shall be equal to the Director-General's term of office, without the need of a relevant opinion of the Service Council of the institution the seconded person comes from. Recruitment of a lawyer to the post of Director-General shall entail suspension of his or her activity as a lawyer. The Director-General shall receive all types of

⁹ Note: This Article is presented as amended by Laws 4364/2016, 4389/2016 and 4623/2019.

earnings, allowances, increments and other benefits provided for Directors-General of the Central Services of Ministries.

3. The organisation and structure of the Directorate-General for Competition consisting of directorates, units and offices, their responsibilities and the method for recruiting or selecting the Director-General, the Directors and Heads of the units and offices, the qualifications of staff members, the number of staff posts, their allocation to sectors and specialist areas and all other necessary details shall be determined by Presidential decree, issued on a proposal by the Ministers of Interior, Decentralisation and E-governance, of Finance and of Economy, Competitiveness and Shipping, following an opinion of the Competition Commission. The total number of staff posts is set at two hundred (200), with the posts of the lawyers staffing the Legal Support Office not being included. Any increase in the number of posts shall take place by means of a Presidential decree, as laid down in the first subparagraph, and it may in no case exceed two hundred and fifty (250).

4. Recruitment of a lawyer to the post of Head of Directorate shall entail suspension of his or her activity as a lawyer. Directors who do not belong to the staff of the Competition Commission or have not been seconded or transferred to it to fill a Director post shall receive all types of earnings, allowances, increments and other benefits received by members of specialized scientific staff when selected as Heads of Directorate. The period of any prior service in each previous relevant employment shall be taken into account in determining the salary scale.

5. It shall be allowed to fill posts by (a) appointment in accordance with the provisions of Law 2190/1994, (b) transfer of permanent employees or employees under a private law employment contract of indefinite duration or a legal person governed by public law or the broader public sector as provided for by article 51 of L. 1892/1990 (A' 101), and (c) secondment of permanent employees or employees under a private law employment contract of indefinite duration, a legal person governed by public law or other bodies in the broader public sector, as this is defined by L. 1892/1990 (A' 101). Transfers and secondments shall take place by joint decision of the Minister of Economy, Competitiveness and Shipping and the competent Minister, as appropriate, according to Article 15(2) of L. 3335/2005 (A' 95), and those being transferred or seconded shall be required to fulfill the qualifications required for a respective post by appointment/recruitment. Transferees shall be integrated, under the same decision, at the grade of the post to which they are being transferred and, where that post belongs to the unified grading laid down by L. 3528/2007 (A' 26), they shall be classified on the basis of the grade they hold, or otherwise on the basis of their total period of service up to the last unified grade of the post. Withdrawal of the secondment shall require the opinion of the President of the Competition Commission. An employee's secondment may be interrupted, following a proposal by the Competition Commission, where the needs of the Directorate-General for Competition that led to secondment of the employee concerned can be met by its staff.

6. Specialized scientific staff shall be recruited under an employment contract of indefinite duration under private law, in accordance with the provisions of L. 2190/1994 (A' 28), as in force. Such posts may also be filled by transfer or secondment, in accordance with the present Article. A decision of the Minister for

Economy, Competitiveness and Shipping shall determine the method, procedure and all other details regarding public announcement and submission of applications.

7. The Competition Commission may consult specialists and experts on particular matters and issues, where it considers it necessary and appropriate. A decision of the Competition Commission taken in Plenary, approved by a joint decision of the Ministers of Finance and of Economy, Competitiveness and Shipping, shall determine the amount of remuneration of specialists and experts.

8. Young scientists, no more than ten (10) in number, may be employed at the Competition Commission for a period not exceeding six (6) months in order to gain practical experience in the legal or economic fields of free competition, without the Competition Commission bearing any financial cost. Such persons shall be selected by decision of the Competition Commission taken in Plenary and bound by the confidentiality requirements that bind all other staff members of the Competition Commission, in accordance with Article 41(6).

9. (a) The Service Council for staff of the units of the Directorate-General for Competition shall, by decision of the President of the Commission, consist of one (1) member of the Commission, elected by its Plenary and appointed to chair the Council, the Director-General, the senior Director of the Directorates of the Directorate-General for Competition and two (2) elected employee representatives of at least grade B. The above persons shall be appointed together with their alternates. A decision of the Competition Commission shall appoint the Head of one of the Directorates of the Directorate-General for Competition as alternate member for the Director-General. The Service Council plays also the role of First-level Disciplinary Council for the staff of the Directorate-General.

(b) The Second-level Disciplinary Council for the staff of the units of the Competition Commission shall consist of the President of the Competition Commission acting as the Council's chair, two (2) members of the Competition Commission, elected by its Plenary, and two (2) elected employee representatives of at least grade B. The above persons shall be appointed together with their alternates. For the rest, the provisions of the applicable Law 3528/2007 (A' 26) on Service Councils and the Second-level Disciplinary Council shall apply by analogy.

10. The posts of Heads of Directorates, Units and Offices of the Directorate-General for Competition of the Competition Commission may be held by staff members of the Competition Commission, or by employees being seconded or transferred to it or serving on term, under paragraph 4.

11. The grounds of incompatibility provided for in the first and second verses of para 7 of article 12 are in force and apply to the status of Director General or Head of Directorate of the Directorate-General. Such grounds of incompatibility are valid at the time of appointment and during the entirety of the mandate. The Director General or the Head of Directorate are relieved of their duties when the grounds of incompatibility are detected by a relevant Decision of the Competition Commission. The present paragraph enters into force upon publication of the present law in the Official Gazette and applies to serving employees of the Directorate-General, provided that, in the case of the first verse of para 7 of article 12 of the present law, when they assume their duties in the Directorate-General, five years have not lapsed since they had a

position, undertook duties, were seconded or were employed at an office of the same verse, or provide that, in the case of the first verse of para 7 of article 12 of the present law, the ground of incompatibility is existing at the time of its entry into force.

12. Employees of the Directorate-General for Competition, together with employees seconded to it, shall receive special additional remuneration, determined by category by joint decision of the Ministers of Finance and of Economy, Competitiveness and Shipping and covered by the budget of the Competition Commission. Where seconded employees receive special additional remuneration from their Service, they shall be required to choose, by means of a declaration to the Directorate-General for Competition of the Competition Commission, also notified to the Service from which they are seconded, the special additional remuneration under the present paragraph or the special additional emoluments provided for in their regular post. The salaries of specialist scientific staff recruited under paragraph 6 of this Article shall be determined by joint decision of the Ministers of Finance and of Economy, Competitiveness and Shipping. Recruitment of a lawyer to a specialized scientific adviser's post shall entail suspension of his or her activity as a lawyer. In the case of lawyers serving at the Competition Commission and required to suspend exercise of their activity, Article 24(2) of Law 1868/1989 (A' 230), as amended by Article 37(1) of Law 2145/1993 (A' 88), shall apply by analogy, with the exception of the second sentence of the first subparagraph of Article 24(2) of Law 1868/1989, from the day on which they take up duty. The preceding subparagraph shall apply to the members of the Competition Commission employed on a full-time and exclusive basis, where they are lawyers.

Article 22

Evaluation Procedure of the Competition Commission

The Competition Commission shall be required, at regular intervals, not exceeding four (4) years, to initiate a procedure for reliable auditors of recognised standing to evaluate its functioning, the effectiveness of the implementation of the provisions of Greek and European law, and also the conditions of protection of free competition in general. The results of the evaluation shall be sent without culpable delay to the Special Permanent Committee on Institutions and Transparency of the Hellenic Parliament and to the Minister of Economy, Competitiveness and Shipping and shall be published on the website of the Competition Commission.

Article 23

Competence of the Competition Commission to issue Opinions

1. The Competition Commission shall issue an opinion on matters within its competence either on its own initiative or upon request by the Minister of Economy, Competitiveness and Shipping or another competent Minister.
2. The Competition Commission shall issue an opinion on proposals to amend this Law or shall recommend amendments, as appropriate.

3. The Competition Commission shall express an opinion on draft laws and other regulations that may create barriers to the functioning of free competition. The Competition Commission's opinion may be requested by the competent Government body to which it shall be transmitted. The Competition Commission shall express its opinion within forty-five (45) days of the notification of the draft law or regulation. When the time-limit of forty-five (45) days expires, the lack of a relevant opinion shall not prevent the continuation of the procedure. Article 38 shall apply accordingly

4. If the Competition Commission, pursuant to Article 11 of this Law, finds that conditions of effective competition do not exist, due, inter alia, to legislative acts, it shall issue an opinion recommending that they be repealed or amended. The Commission's opinion shall be submitted to the Minister with jurisdiction and copied to the Minister of Economy, Competitiveness and Shipping.

Article 24

Relations with regulatory authorities

1. The Competition Commission shall cooperate with regulatory or other authorities which monitor particular sectors of the national economy, and shall assist such authorities, upon request, on matters of application of Articles 1 and 2 of this Law and Articles 101 and 102 of the Treaty on the Functioning of the European Union in the relevant sectors. The Competition Commission may also request the assistance of the above authorities in cases where the responsibility of implementing the above articles in those specific sectors lies with it.

2. The provisions of the previous paragraph shall be also valid accordingly for Articles 5 to 10 in relation to concentrations between undertakings that involve the participation of undertakings active in the above specific sectors of the national economy.

Article 25

Powers of the Commission concerning infringements

1. If the Competition Commission, following a relevant investigation carried out either ex officio or following a complaint or a request by the Minister of Economy, Competitiveness and Shipping, finds that Articles 1, 2 and 11 of this Law or Articles 101 and 102 of the Treaty on the Functioning of the European Union have been infringed, it may decide, either alternatively or cumulatively, to:

(a) address recommendations in the event of infringement of Articles 1 and 2 of this Law or Articles 101 and 102 of the Treaty on the Functioning of the European Union;

(b) require the undertakings or associations of undertakings concerned to bring the infringement to an end and refrain from it in the future,

(c) impose behavioural or structural remedies, which must be necessary and appropriate for cessation of the infringement and proportionate to its nature and gravity. Structural remedies shall be allowed only where no equally effective behavioural remedies exist or where any equally effective behavioural remedies are liable to be more burdensome than structural remedies,

(d) impose a fine, pursuant to paragraph 2(a), to undertakings or associations of undertakings that commit an infringement or fail to fulfil a commitment made by them and that has been made binding by a decision of the Competition Commission, pursuant to paragraph 6.

(e) threaten a fine, pursuant to paragraph 2(a) or 2(b) or both, where the infringement is continued or repeated;

(f) impose the threatened fine pursuant to paragraph 2(a) or 2(b) or both where, it is confirmed, by its decision, that the infringement is continued or repeated or that the concerned undertakings or associations of undertakings fail to fulfil a commitment made by them and has been made binding by a decision pursuant to paragraph 6.

2. (a) The fine threatened or imposed under paragraph 1(d), (e) and (f) may be up to ten percent (10%) of the total turnover of the undertaking for the financial year in which the infringement ceased or, if it continues until issuing of the decision, the year preceding the issuing of the decision. In the case of a group of companies, calculation of the fine shall take account of the total turnover of the group. In determining the level of the fine, account must be taken of the gravity, duration and geographical scope of the infringement, the duration and nature of participation in the infringement by the undertaking concerned, and also its economic benefit derived therefrom. Where it is possible to calculate the level of economic benefit to the undertaking from the infringement, the fine shall be no less than that, even if it exceeds the percentage stated in the first subparagraph hereof.

(b) The fine provided for in paragraph 1(e) and (f) shall be capped at ten thousand (10,000) Euros for each day of delay in complying with the decision and from the date determined by the decision.

(c) Liable for compliance with Articles 1, 2, 5 to 10 and 11(5) and (6) of this Law and also Articles 101 and 102 of the Treaty on the Functioning of the European Union shall, in the case of individual undertakings, be the owners, in the case of civil and commercial companies and joint ventures, their managers and all the general partners, and in the specific case of public limited companies, the members of the board of directors and those persons responsible for implementing the relevant decisions. Designating another person as liable for the infringement of competition rules is prohibited and invalid. Regarding decisions of collective bodies of the undertaking taken by majority, only those voting in favour shall be liable. The above natural persons shall be liable, by means of their personal assets, jointly and severally with the relevant legal staff, for payment of the sum. The Competition Commission may also impose on the above natural persons, following their hearing, a separate fine from two hundred thousand (200,000) Euros to two million (2,000,000) Euros where they demonstrably participated in preparatory acts, the organisation or commission of the unlawful behaviour of the undertaking. In determining the fine, particular account shall be taken of their position in the undertaking and the extent of their participation in the unlawful conduct.

3. When the infringement committed by an association of undertakings is linked to the activities of its members, the fine imposed or threatened may be up to ten percent (10%) of the total turnover of its members in the financial year in which the infringement ceased or, if it continues until the issuing of the decision, the year preceding the issuing of the decision. Where a fine is imposed on an association of undertakings, taking

account of the total turnover of its members, and the association is not solvent, the association shall be required to call for contributions from its members to cover the amount of the fine. Where such contributions have not been made within the time-limit set by the Competition Commission, the Competition Commission may require payment of the fine directly from each of the undertakings whose representatives were members of the decision-making bodies concerned of the association. After the Competition Commission has required payment in accordance with the preceding subparagraph, it may, where necessary to ensure full payment of the fine, require payment of the balance by any of the members of the association that were active in the market in which the infringement occurred. However, the Competition Commission shall not require payment based on the preceding subparagraphs from undertakings that show that they have not been aware of the existence of the infringing decision of the association or either they have not implemented it or have actively distanced themselves from it before the Competition Commission started investigating the case. The financial liability of each undertaking in respect of payment of the fine shall not exceed 10% of total turnover in the current financial year or the financial year preceding the infringement.

4. The Competition Commission may, by its decision, impose a fine on undertakings or associations of undertakings if they fail to comply with its earlier decision. The fine imposed under the preceding subparagraph may be up to ten percent (10%) of the total turnover of the undertaking in the current financial year or the financial year preceding the infringement.

5. The Competition Commission shall be exclusively competent for taking precautionary measures, on its own initiative or following a request by the Minister of Economy, Competitiveness and Shipping, where an infringement of Articles 1, 2 and 11 of this Law or Articles 101 and 102 of the Treaty on the Functioning of the European Union is suspected and there is an urgent need to prevent an imminent risk of irreparable harm to the public interest.

The Competition Commission may threaten a fine of up to EUR ten thousand (10,000) for each day of failure to comply with its decision and may impose this fine by means of its decision confirming the failure to comply. In determining the level of the fine, account must be taken of the economic benefit to the undertaking from the infringement, and also of the effect of the failure to comply with the decision on the relevant market.

The Competition Commission shall be required to take a decision no later than fifteen (15) days from the date of submission of the request by the Minister of Economy, Competitiveness and Shipping, after first hearing the parties concerned.

This decision shall be subject to appeal before the Athens Administrative Court of Appeal. The provisions of Article 30(2), (3) and (4) shall apply by analogy. The provisions of this paragraph shall not affect the jurisdiction of the civil courts with regard to the adoption of interim measures to safeguard individual interests.

6. If the Competition Commission considers, during relevant investigation carried out either on its own initiative or following a request by the Minister of Economy, Competitiveness and Shipping or a complaint, that there is a likelihood of infringement of Articles 1 and 2 of this Law or Articles 101 and 102 of the Treaty

on the Functioning of the European Union, it may, by its decision, accept commitments on the part of the undertakings or associations of undertakings concerned to cease the infringement considered likely and may make such commitments binding for the undertakings or associations of undertakings. The Commission's decision may be issued for a specified period, where it is considered likely that there are no grounds for its further action. The Commission may, following a request submitted by any party concerned or on its own initiative, reopen the proceedings when there has been a material change in any of the facts on which the decision was based or the undertakings concerned act contrary to their commitments or the decision was based on incomplete, incorrect or misleading information provided by the undertakings concerned.

The terms, conditions and procedure for acceptance of commitments on the part of the undertakings or associations of undertakings concerned and matters relating to suspension of the time-limits under Article 15(4) and (5) shall be determined by decision of the Competition Commission, taken in Plenary.

7. The undertakings or associations of undertakings concerned shall be required, within fifteen (15) days from notification of the decision finding the infringement or considering that there is a likelihood of infringement and ordering its ceasing, to inform the President of the Competition Commission regarding the actions they have taken or intend to take to cease the infringement. The same requirement shall apply to undertakings or associations of undertakings as regards compliance with a judgment issued on appeal against a decision of the Competition Commission.

8. A decision of the Competition Commission taken in Plenary shall determine the terms and conditions for exemption from or reduction of fines imposed on undertakings and natural persons who assist the investigation of horizontal restrictive practices under Article 1 or under Article 101 of the Treaty on the Functioning of the European Union (leniency programme). In the event of an undertaking being included in the leniency programme, Article 44(3) and (4) shall apply respectively.

Article 25a

Settlement procedure¹⁰

By a decision of the plenary of the Competition Commission a procedure for settlement may be established for undertakings which admit their participation in the imputed horizontal restrictive practices in violation of article 1 of this law or/and article 101 of the Treaty for the Functioning of the European Union. With this decision the following issues are especially governed:

- a) The terms and conditions for submission to the settlement procedure
- b) The stage of control, during which the party under investigation may submit an application for submission to the settlement procedure, at the latest until the submission by said party of the first pleading after notification of the statement of objections.
- c) The procedure to be followed, in order to achieve a settlement of the dispute. This procedure will mandatorily include the admission by the investigated party of the attributed violation as a condition for

¹⁰ Note: This Article is presented as added by Law 4389/2016.

settlement of the dispute. In case settlement is not eventually achieved, the statement of the party under investigation concerning admission of the violation, as included in the observations submitted, is considered revoked and cannot be taken into consideration by the Commission or the courts.

- d) Access to the case file by participants in the settlement procedure during the settlement procedure and the possibility or none thereof of using statements and evidence submitted by the parties during this procedure, without prejudice to relevant EU provisions
- e) The possibility or none thereof of a separate settlement in case of multiple parties under investigation, of which only some consent to the settlement.
- f) The possibility that the Commission, in case the dispute is settled, may reduce the fines imposed. This reduction may not exceed 15% of the fine that would be imposed in case the dispute would not be settled, as this fine would be imposed following a possible reduction according to paragraph 8 of article 25.
- g) Issues of temporal law.
- h) Any other necessary detail.

In case the dispute is settled, the Commission issues a decision with the simplified procedure, which, amongst others, certifies that the violation under investigation has been committed, as well as the fact that the dispute has been settled and the corresponding sanctions are imposed.

Article 26

Relieving of competence, suspension or closure of proceedings

1. The initiation of proceedings by the European Commission with a view to issuing a decision pursuant to Chapter III of Regulation 1/2003 relieves the Competition Commission of its competence to apply Articles 101 and 102 of the Treaty on the Functioning of the European Union.
2. The Competition Commission, in circumstances where it, together with the competition authority of another Member State of the European Union, within the framework of application of Articles 101 or 102 of the Treaty on the Functioning of the European Union, has, following a complaint or on its own initiative, been seized of a case concerning an agreement between undertakings, a decision by an association of undertakings or a practice of an undertaking or undertakings, may either reject the complaint or, on those grounds, close the proceedings initiated on its own initiative or suspend the proceedings or discuss the case in the normal way, issuing a decision on the substance.

Article 27

Publication of decisions of the Competition Commission

1. The decisions of the Competition Commission, being of individual nature and provided for under the present Law, must be specifically reasoned, published in the Government Gazette and posted on the Internet pursuant to the provisions of L. 3861/2010 (A' 112).
2. The Competition Commission may order an undertaking or association of undertakings that infringed this Law to publish the decision issued under Article 25 in a newspaper with a national or local circulation, depending on the scope of the market, stating the infringement, its gravity and its effects. If the decision of the Competition Commission is cancelled by an irrevocable judgment, the Commission shall be required to publish the decision of the court in the same newspaper at its own cost.

Article 28

National Competition Authority

1. The Competition Commission, as the National Competition Authority, is responsible for cooperation:
 - (a) with the competition authorities of the Commission of the European Union and for providing its designated bodies with the necessary assistance to undertake the controls provided for under European law, and
 - (b) with the competition authorities of other countries.
2. If an undertaking that has its seat or exercises its activity in Greece refuses to allow the inspection provided for under European law, the Competition Commission and its empowered body, acting ex officio or following a relevant request from the bodies designated by the Commission of the European Union with regard to control, shall ensure overall proper conduct of the control, in particular by providing necessary assistance, implementing in this instance the provisions of Article 38.
3. The Competition Authorities of the Commission of the European Union and the Commission of the European Union shall mean, for the purposes of the present Law, the European Commission.

Article 29

Annual report of the Competition Commission

The Competition Commission shall, by 31 March of each year, submit an annual report to the President of the Hellenic Parliament, containing information on its activity, on the application of the criteria set for priority examination of cases and the pursuit of strategic objectives, its decisions and its assessments regarding the situation and developments in the area of its competence.

CHAPTER THREE

LEGAL REDRESS

Article 30

Appeals before the Administrative Court of Appeal of Athens

1. Decisions by the Competition Commission are subject to appeal before the Administrative Court of Appeal of Athens within a period of sixty (60) days from notification.
2. The deadline for filing appeals and the filing of appeals shall not suspend execution of the Competition Commission's decision. However, the Athens Administrative Court of Appeal (in Council) may, if there is sufficient cause, may suspend the decision at appeal in whole or in part or conditionally following a petition by the interested party, in application *mutatis mutandis* of the provisions of Article 200 et seq. of the Code of Administrative Procedure (Law 2717/1999, A' 97).

In particular, where an appeal is filed against a decision by the Competition Commission imposing a fine, the Administrative Court of Appeal of Athens (in Council) may, by a reasoned judgment, following an appellant's petition, order the suspension of a part of the fine, which cannot exceed 80% . The petition for suspension shall be acceptable up to the above percentage of the fine, subject to the requirements of the principle of proportionality in the case at issue, where it is found that immediate execution of the contested action would cause the applicant irreparable damage or a damage which would be difficult to repair if the appeal is successful. If the court finds that the appeal is manifestly well-founded, it may issue a specially reasoned decision accepting the petition for suspension, even for the whole amount of the fine and even if the damage to the applicant from immediate execution of the contested action is not deemed to be irreparable or difficult to repair. By the decision ordering the suspension of execution or any other appropriate measure, the court may, even in the absence of a relevant request, order any measure needed to safeguard public interest, such as a) submission to the Competition Commission by a specified deadline of a letter of guarantee payable on first demand from a solvent credit institution for an amount stipulated in the decision; b) registration by the Competition Commission of a notice of mortgage on an applicant's immovable property for an amount specified in the decision, c) deposit of a specific amount in the Consignment and Loans Fund for the benefit of the Competition Commission. The court may order that any other appropriate condition deemed necessary to protect the public interest from the suspension be imposed in lieu of and/or in addition to the above. The granting of stay of enforcement is excluded for the part where the notice at appeal has already been implemented.

The petition for suspension may be rejected, even in the event that the applicant will sustain an irreparable damage or a damage which would be difficult to repair, if the court considers that the appeal is manifestly unacceptable or manifestly without merit. The application may be rejected if, when weighing the damages to the applicant, third parties' interests and the public interest, the court finds that the adverse impact of acceptance it would be more serious than the benefit to the applicant.

3. The following shall have a right of appeal:

- a) undertakings or associations of undertakings against which the decision was issued;
- b) the person who filed the complaint of infringement of provisions of the present law;
- c) the Government, through the Minister of Economic Affairs, Competitiveness and Shipping;
- d) any third party with a legitimate interest.

4. Appeals shall be heard on a priority basis following a summons to the Competition Commission. Hearings may only be adjourned once, with sufficient cause, for the nearest possible date to the original hearing, unless there is cause to join several appeals.

5. For the rest, the provisions of the Code of Administrative Procedure in force at the time shall apply.

6. Undertakings or associations of undertakings which engaged in restrictive practices, within the meaning of Articles 1 and 2, with the litigant undertaking or association of undertakings and any third party with a legitimate interest may file a third party intervention in trials governed by the present article.

7. The Competition Commission shall post on its website the decisions issued under this article, with a view to ensuring the protection of personal data and professional secrecy of the litigants.

Article 31

Provisional orders

1. If the court deems possible the acceptance of a request for a provisional order suspending the execution of a decision by the Commission, it must invite the Commission, in the most appropriate manner, at least twenty-four hours before the hearing of the application, to express its opinion on the request in question.

2. If the request in question is accepted, the application for a stay of enforcement shall be listed for hearing at the earliest possible date. The hearing may not be adjourned; if it is, the provisional order shall automatically cease to apply, unless it is extended by the court hearing the application.

Article 32

Legal remedies

1. An application for annulment of rulings handed down by the Athens Administrative Court of Appeal in accordance with the present law may be filed with the Council of State by the parties to the trial before the Administrative Court of Appeal of Athens.

2. The General Prosecutor of the State for the ordinary administrative courts shall be entitled to apply for annulment, even if he was not party to the trial at which the contested ruling was handed down, in which case the deadline for exercising the legal remedy shall be three months from publication of the ruling.

3. Applications for annulment must be heard on a priority basis. Hearings may only be adjourned once, with good cause, for the earliest possible date, unless there is cause to join several applications for annulment.

4. The provisions of Article 52 of Presidential Decree No 18/1989 (A' 8) on suspension of execution of administrative notices contested in an application for annulment shall apply, *mutatis mutandis*, to suspension

of execution of rulings handed down by the Athens Administrative Court of Appeal against which an application for annulment is filed in accordance with the present law.

5. For the rest, the provisions governing applications for annulment before the Council of State in force at the time shall apply.

6. Undertakings or associations of undertakings which engaged in restrictive practices, within the meaning of Articles 1 and 2, with the litigant undertaking or association of undertakings and any third party with a legitimate interest may file a third party intervention in trials governed by the present article.

7. The Competition Commission posts on its website any ruling handed down by courts under this article, with a view to ensuring the protection of personal data and professional secrecy of the litigants.

Article 33

Special Division of the Administrative Court of Appeal of Athens

A special division shall be established at the Athens Administrative Court of Appeal to hear appeals, third party interventions, motions for continuance, appeals at second instance and applications for retrial filed in accordance with the present law and any other matters pertaining to proceedings before it shall be regulated by presidential decree issued at the proposal of the Minister of Justice, Transparency and Human Rights and the Minister of Economy, Competitiveness and Shipping.

Article 34

General Prosecutor of the State

1. The provision of Article 29(h) of the Courts Code (Law 1756/1988, A' 35) shall also apply during hearings of legal remedies exercised in accordance with the present law by the General Prosecutor of State.

2. The General Prosecutor of State shall not be obliged to appear before the Athens Administrative Court of Appeal or the Council of State during the hearing of legal remedies exercised by him in accordance with the provisions of the present law. These legal remedies shall be tried as if the General Prosecutor of State were present, even in his absence.

3. The General Prosecutor of State may delegate the exercise of his powers under the present law to the Deputy Prosecutor or any legal deputy.

4. The right of the General Prosecutor of State to apply for annulment of any ruling handed down by an administrative court for the benefit of the law, in accordance with Article 29(h) of the Courts Code (Law 1756/1988) shall be independent of his right to apply for annulment under Article 32(2).

Article 35

Jurisdiction of other courts

1. Rulings handed down by the Administrative Court of Appeal of Athens and the Council of State further to an appeal in accordance with the present law shall have the force of *res judicata*.

2. Without prejudice to the provisions of the previous paragraph, the civil and criminal courts shall apply Articles 1 and 2 of the present law and Articles 101 and 102 of the Treaty on the Functioning of the European Union. Any such ruling shall not be binding on the Competition Commission, the Administrative Court of Appeal of Athens or the Council of State ruling on the basis of the provisions of the present law.

3. Courts of all jurisdictions which apply Articles 101 and 102 of the Treaty on the Functioning of the European Union in accordance with the previous paragraph may ask the European Commission to send them information in its possession or to formulate an opinion on matters pertaining to the application of EU competition law. They may also ask the Competition Commission to formulate an opinion on the above matters and on matters pertaining to the application of Articles 1 and 2 of the present law.

4. The court registrars must send the Directorate-General of Competition of the Competition Commission free copies of rulings in which the provisions of the present law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union are applied and shall bear disciplinary liability in the event of failure to do so. The Competition Commission shall ensure immediate communication of the above rulings to the European Commission.

CHAPTER FOUR

COMPLAINTS

Article 36

Complaints

1. Every natural or legal person shall be entitled to file a complaint of infringement of Articles 1 and 2 of the present law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union with the Competition Commission, which shall act as the public authority for the enforcement of the present law.

2. The form, content, procedural results and method of submission and registration of the complaints referred to in the previous paragraph shall be stipulated by decision of the Competition Commission.

3. The Competition Commission may give differing degrees of priority to complaints received in accordance with the provisions of Article 14(2)(o).

4. The Competition Commission shall assess the information and allegations brought to its attention by the complainant and decide if they constitute evidence of infringement of Articles 1 and 2 of the present law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union. If no evidence of infringement of the aforementioned articles is established from the evaluation, the complaint shall be deemed to be manifestly without merit in accordance with the procedure described in Article 37.

5. The Competition Commission shall evaluate and rank the complaints the soonest possible in accordance with the provisions of Article 14(2), subindent (i) of indent (n) and indent (o), in compliance with the procedure of examining cases described in Article 15 or Article 37.

6. Civil servants, employees of public-law legal entities, employees of public corporations or public utilities and persons authorised to exercise public service must report facts that come to their attention in connection with infringements of Articles 1 and 2 and of Articles 101 and 102 of the Treaty on the Functioning of the European Union to the Competition Commission, without undue delay. Anyone who fails in their duty under the previous sentence shall be punished by a term of imprisonment of up to six (6) months or a fine of between EUR three hundred (300) and one thousand five hundred (1,500).

Article 37

Summary procedure for complaints

1. Complaints relating to matters which do not fall within the remit of the Competition Commission based on the provisions of the present law shall be placed on file at the Directorate-General of Competition by act of the President of the Competition Commission, on the recommendation of the Directorate-General, within five (5) months of submission thereof. If the complaint falls within the remit of another independent or administrative or judicial authority, the Competition Commission must duly forward it by the above deadline.
2. Complaints of infringements of Articles 1 and 2 of the present law and of Articles 101 and 102 of the Treaty on the Functioning of the European Union which are manifestly without merit and which are filed solely with the Competition Commission and not with a competition authority in another Member State of the European Union shall be placed on file at the Directorate-General of Competition by act of the President of the Competition Commission, on the recommendation of the Directorate-General of Competition within nine (9) months of submission thereof.
3. The competent department of the Directorate-General of Competition shall notify the complainant of the above acts, against which he shall have a right of appeal in accordance with current provisions. At the end of the year, the President shall advise the Competition Commission Plenary of the number and nature of the cases placed on file during the year.

CHAPTER FIVE

OBLIGATIONS OF UNDERTAKINGS AND INVESTIGATIVE POWERS

Article 38

Request for information

1. When necessary for the exercise of the powers of the Competition Commission stipulated in the present law, the President of the Commission or the Vice-President, Director-General, Director or other servant of the Directorate-General for Competition authorised by him may request in writing information from undertakings, associations of undertakings or other natural or legal persons or public or other authorities. The letter must quote the provisions of the law on which the request is based, the purpose of the request, the time

limit by which information must be provided, which shall be no less than five (5) days for information relating to injunctions or decisions based on Article 9(3) or cases of concentrations and ten (10) days in other cases, and the penalties provided for in the event of failure to comply with the duty of information. The persons to whom the letter is addressed must provide the information requested, accurately, fully and immediately. When the information is requested from undertakings or associations of undertakings, the responsible persons referred to in Article 25(2) and the competent employees of the undertakings or associations of undertakings must provide the information. Persons who are not examined in trials in criminal cases shall not have a duty of information, provided that they comply with the obligation described in paragraph 3 of the same article. The present paragraph shall be without prejudice to provisions governing banking confidentiality.

2. Without prejudice to any *lex specialis* establishing the duty of confidentiality, all public authorities and legal persons governed by public law shall have a duty of information and shall assist the Competition Commission and the employees acting under its authorisation, in the performance of their duties.

3. In the event of refusal, obstruction or delay in providing the information requested in accordance with the previous paragraph or in the event that inaccurate or incomplete information is provided, the Competition Commission shall, without prejudice to criminal sanctions in accordance with Article 44:

a) in the case of undertakings or associations of undertakings and their directors and employees or private individuals or private-law legal entities: impose a fine of EUR fifteen thousand (15,000), capped at 1% of turnover calculated in accordance with Article 10, on each person, for each infringement;

b) in the case of civil servants or employees of public-law legal entities: file an official report, so that disciplinary action can be taken for the above infringements, which are a disciplinary offence.

Article 39

Conduct of investigations¹¹

1. In order to establish infringement of Articles 1, 2 and 5 to 10 and apply Article 11 herein and in order to establish infringement of Articles 101 and 102 of the Treaty on the Functioning of the European Union, the authorised servants of the Directorate-General of Competition shall exercise the powers of tax auditor and shall be authorised in particular:

a) to inspect all manner and categories of books, records and other documents of the undertaking or association of undertakings, including the business e-mails of the undertaking, the directors, the chief executive officers, the managers and the persons entrusted with the administration or management in general and of the staff of the undertaking or association of undertakings, regardless of how and where they are stored, and to take copies or extracts of them;

b) to seize books, documents and other records, including electronic means of storage and data transfer containing professional information;

¹¹ Note: This Article is presented as amended by Law 4072/2012.

- c) to inspect and collect information and data from mobile terminals and portable devices and their servers, either on or off the premises of the undertaking or association of undertakings being inspected, in collaboration with the competent authorities;
- d) to carry out inspections in the offices and other premises and means of transport of the undertaking or association of undertakings;
- e) to seal any professional premises, books or documents for the period of and to the extent necessary for the inspection;
- f) to carry out inspections in the residencies of the businessmen, directors, chief executive officers and persons entrusted with the management or administration in general and of the staff of the undertaking or association of undertakings, where there is reasonable cause to suspect that they are keeping books or other documents pertaining to the undertaking and the purpose of the inspection;
- g) to take, at their discretion, sworn or unsworn witness statements, subject to the provisions of Article 212 of the Code of Criminal Procedure, and to ask any representative or member of staff of the undertaking or association of undertakings for explanations of facts or documents relating to the subject matter and purpose of the inspection and to record their answers.

The procedure for collecting, storing and processing electronic files and correspondence collected for the purpose of the present law shall be stipulated by decision of the Competition Commission.

The employees of the Directorate-General of Competition shall comply with the provisions of Article 9 of the Constitution on the asylum of residence during the exercise of their powers in accordance with subparagraphs (a) to (g) above.

2. The order in question shall be issued in writing by the President of the Competition Commission or the Vice-President, Director-General or Director of the Directorate-General of Competition of the Competition Commission authorised for the purpose and shall state the purpose of the inspection and the consequences of obstructing or hampering it or refusing to produce the books, records and other documents requested or to provide copies or extracts of them.

3. The President of the Commission or the Vice-President, Director-General or Director of the Directorate-General of Competition of the Competition Commission authorised by him may write to public authorities or departments, level-1 or level-2 local authorities and public-law legal entities, in order to request their assistance with the investigations referred to in paragraph 2(a) to (g).

4. A report shall be drafted on every inspection and search carried out by the person who conducted it, a copy of which shall be sent to the undertaking or association of undertakings in question.

5. Without prejudice to criminal sanctions provided for in Article 44, a fine of at least EUR fifteen thousand (15,000) capped at 1% of their previous year's turnover, calculated under Article 10 for each of the persons involved and for each infringement, shall be imposed by decision of the Competition Commission on undertakings, associations of undertakings or persons who obstruct or hamper, in any manner, investigations carried out under the provisions of paragraphs 1, 2 and 3 as well as on undertakings, associations of

undertakings or persons who refuse to submit to relevant inspections, produce books, records and other documents requested and provide copies or extracts of them.

In fixing the amount of the fine, regard shall be had, in particular, to the gravity of the case under investigation, the demerit of the acts and their effect on the outcome of the case.

6. If the authorised employees of the Directorate-General of Competition or the authorised officers of the European Commission are denied or somehow obstructed in the performance of their duties, they may request assistance from the prosecution authorities and any other competent authority. Such assistance may also be requested preventively.

Article 40

Investigations into sectors of the economy or types of agreements

1. Where prices or other circumstances give cause to suspect that competition is being restricted or distorted, the Competition Commission may investigate a particular sector of the economy or certain types of agreements in various sectors, provided that they fall within its responsibility.

2. During the course of its investigation, the Competition Commission may ask undertakings or associations of undertakings for the information necessary for the application of Articles 1 and 2 and may carry out any inspection needed for the purpose. The Competition Commission may, in particular, ask the above undertakings or associations of undertakings to advise it of any agreement, decision or concerted practice.

3. The Competition Commission may publish a report on the results of its investigation of particular sectors of the economy or certain types of agreements in various sectors and ask the interested parties for their comments.

4. For the purposes of the present article the Competition Commission shall rule in Plenary session. The provisions of articles 38, 39 and 41 shall apply for the purpose of collating the necessary information.

Article 41

Confidentiality

1. The information collected pursuant to the provisions of the present law may only be used for the purpose of the request for information, the inspection or the hearing.

2. Without prejudice to the provisions of Article 37(2) of the Code of Criminal Procedure, employees of the Directorate-General of Competition of the Competition Commission and employees of the competent departments of the local authorities and services, level-1 and level-2 local authorities and public-law entities instructed in accordance with Article 39(2) to (4) who, during the performance of their duties, obtain knowledge of confidential information on undertakings, associations of undertakings or other natural or legal persons which has no bearing on the application of the present law shall keep such information in confidence.

3. Confidential information bearing on the application of the present law shall form part of the administrative file. The employees referred to in the paragraph 2 hereinabove must keep the information referred to in the

previous subparagraph in confidence, subject to the provision of Article 37(2) of the Code of Criminal Procedure. The preconditions to, the extent of, the exemptions from and the time and procedure for access to the administrative file by undertakings and associations of undertakings against which proceedings before the Competition Commission have been instituted and by the natural persons or legal entities who filed a complaint, the procedure for the Directorate-General of Competition to use and publish the aforementioned confidential data and any other necessary details shall be stipulated, in derogation from general provisions governing the right of access to documents, in the Competition Commission's Rules of Procedure and Management. The confidential information referred to in the present paragraph shall form part of the file submitted to the Athens Administrative Court of Appeal and the Council of State and shall remain confidential. The above information shall therefore be forwarded in a separate section of the administrative file marked 'confidential information'. The court registrar shall ensure that the parties cannot access the parts of the file that are confidential for them, unless access is deemed necessary in order to defend their overriding interest and the adjudicating court grants them respective permission, to the necessary extent, at their request.

4. Anyone who fails to honour their obligations in accordance with the above paragraphs shall:

- a) be punished in accordance with Article 252 of the Penal Code and with a fine of between EUR one thousand (1,000) and ten thousand (10,000);
- b) be subject to disciplinary proceedings for infringement of duty of confidentiality, which is a disciplinary offence.

5. If the President, Vice-President or members of the Competition Commission infringe their duties stipulated in the preceding paragraphs, they shall be punished in accordance with Section 252 of the Penal Code and with a fine of between EUR one thousand five hundred (1,500) and a maximum of EUR fifteen thousand (15,000) and shall be dismissed, in the same ruling, from the Competition Commission.

6. Persons instructed by the Competition Commission to draft a study on its behalf or involved in a working party set up by the Competition Commission and lawyers working in the Legal Office of the Competition Commission, whose contract contains a confidentiality clause in accordance with paragraphs 2 and 3, shall also be subject to the penalties described in paragraph 5. The previous sentence shall also apply to the employees of the person to whom the study has been assigned who have been notified of the confidentiality clause.

CHAPTER SIX

LIMITATION PERIODS

Article 42

Limitation periods for the imposition of penalties

1. The powers conferred on the Competition Commission for the imposition of penalties pursuant to the present law shall be subject to a five-year period of limitation.
2. The period of limitation shall commence on the date on which the infringement was committed. However, in the case of continuing or repeated infringements, the period of limitation shall commence on the date on which the infringement ceased.
3. The period of limitation applicable to fines shall be interrupted by any act by the Competition Commission, the European Commission or the competition authority of a Member State of the European Union carried out for the purpose of investigations or proceedings in connection with the specific infringement. The limitation period shall be interrupted with effect from the date on which the action is notified to at least one undertaking or association of undertakings involved in the infringement. Actions which interrupt the running of the period of limitation shall include, in particular, the following:
 - a) written requests for information from the Competition Commission or some other aforementioned competition authority;
 - b) written orders to conduct an inspection issued to its servants by the Competition Commission or some other aforementioned competition authority;
 - c) the institution of proceedings by some other aforementioned competition authority;
 - d) a lot to award the case to a rapporteur;
 - e) notification of a claims report or recommendation from the Competition Commission or some other aforementioned competition authority.
4. The interruption to the period of limitation shall apply to all undertakings and associations of undertakings involved in the infringement.
5. The period of limitation shall recommence following each interruption. However, the period of limitation shall finish on the date on which a time limit equal to twice the period of limitation expires, provided that the Competition Commission has not imposed a fine. This time limit shall be extended by a period of time equal to the suspension of the period of limitation in accordance with paragraph 6 of the present article.
6. The period of limitation applicable to fines shall be suspended for as long as the Competition Commission decision on the case is the subject of proceedings pending before the courts.
7. The suspension referred to in the previous paragraph shall apply to all undertakings and associations of undertakings involved in the infringement.

CHAPTER SEVEN

CRIMINAL SANCTIONS

Article 43

Obligation to report infringements

When the Competition Commission finds that the provisions of Articles 1, 2 and 5 to 10 or obligations imposed on undertakings in accordance with Article 11 have been infringed, it shall report the infringement to the competent prosecution authority within no more than ten (10) days of issuing its decision.

Article 44

Criminal sanctions and other administrative consequences¹²

1. Any person who executes an agreement, takes a decision or applies a concerted practice in breach of Article 1 or Article 101 of the Treaty on the Functioning of the European Union shall be punished by a fine between EUR fifteen thousand (15,000) and one hundred and fifty thousand (150,000). Any person who, in the capacity of Article 25(2)(c), acts in breach of Articles 5 to 10 or fails to apply decisions issued in accordance with Article 11(5) and (6) shall be subject to the same punishment. If the act referred to in the first sentence pertains to undertakings which are in actual or potential competition with each other, a term of imprisonment of at least two (2) years and a fine of between EUR one hundred thousand (100,000) and one million (1,000,000) shall be handed down.

2. Any person who abuses a dominant market position in breach of Article 2 of the present law or Article 102 of the Treaty on the Functioning of the European Union shall be punished by a fine of between EUR thirty thousand (30,000) and three hundred thousand (300,000).

3a. Where:

a) an application for leniency is approved, pursuant to article 25(8) providing for total immunity from fine or reduction of fine and full payment thereof, or

b) an application for settlement is approved, pursuant to article 25a providing for full payment of the fine, a waiver from any criminal liability of the first and third subparagraph of paragraph 1 shall be granted as well as from any offences by constructive concurrence. The provision of facilitatory partial payment of the fine facilitates criminal prosecution for as long as the arrangement is in force and the debtor is consistent with its terms. During the period of suspension, the limitation of the offenses shall be suspended without applying the time limitations referred to in Article 113(2) (a) of the Penal Code. Following the admission to the programme of article 25(8), which gave effect to the imposition of a reduced fine, where the fine is not paid in full, it shall constitute a mitigating circumstance in itself for the offences of paragraphs 1 and 2 and a reduced sanction shall be imposed pursuant to article 83 of the Penal Code.

3b. Where:

¹² Note: This Article is presented as amended by Law s 4389/2016 and 4635/2019.

a) an application for leniency is approved, pursuant to article 25(8) providing for total immunity from fine or reduction of fine and full payment thereof, or

b) an application for settlement is approved, pursuant to article 25a providing for full payment of the fine, the undertaking concerned and any other person pursuant article 25(2)(c) shall be relieved from any administrative penalty. In the above cases, the finding of the relevant infringement shall not establish grounds for exclusion of the undertaking from public procurement procedures or concessions, except the repetitive breach provided for in article 1 or article 101 TFEU. A repetitive breach shall mean the issuing of a relevant declaratory decision within six (6) years from the earlier issuing of another declaratory decision. The present provision shall apply to the event of facilitated partial fine payment and for as long the arrangement is in force and the debtor is consistent with its terms. The present provision shall also apply where there is a declaratory decision on the infringement of article 1 or article 101 TFEU and a three-year period from its issuing has not yet elapsed¹³.

4. Persons who commit or are involved in an act in accordance with paragraphs 1 and 2 shall go unpunished if they report it of their own volition along with evidence, prior of being examined in connection with their act, to the Public Prosecutor, the Competition Commission or any other competent authority. In any event, the material contribution of the above persons to the discovery of involvement in such practices, by adducing evidence to the authorities, is deemed to be a mitigating circumstance in accordance with Article 84 of the Penal Code and a reduced fine is imposed in accordance with Article 83 of the Penal Code.

5. If the act referred to in paragraphs 1 and 2 is being investigated in any manner by the Competition Commission or any other competent authority, the Public Prosecutor shall stay any further action following the preliminary investigation, pending a decision by the Competition Commission, with the assent of the prosecutor to the Courts of Appeal, in which case the time limit in Article 113(3)(a) of the Penal Code shall not apply.

6. Any person affected by infringements of paragraphs 1 and 2 may appear as civil plaintiff at trials of such acts.

7. A punishment of at least six (6) months' imprisonment is imposed on:

a) Whoever obstructs or hampers, in any manner, investigations carried out under the provisions of the present Law by the competent bodies under Article 39, in particular by posing impediments or concealing evidence.

b) Whoever refuses or prevents provision of information under Article 38.

c) Anyone who knowingly provides with false information or conceals evidence, in breach of Articles 38 and 39.

d) Whoever refuses, after having been duly summoned by an HCC's official designated under par. 1, 2 & 3 of Article 39, or other body competent for the investigation, to make a sworn or unsworn statement before it,

¹³ Note: This Article is presented as amended by Laws N.4389/2016 and 4635/2019.

according to the provisions of subparagraph (c) of par. 1 of Article 39, as well as anyone who, during his statement, knowingly provides false information or denies or conceals any facts.

CHAPTER EIGHT

FEES

Article 45

Fees¹⁴

1. The notifications referred to in Article 6 and the requests referred to in Article 9(3) must be accompanied, under penalty of inadmissibility, by a fiscal stamp. Fees are hereby set at the sum of EUR one thousand one hundred (1,100) for the notification referred to in Article 6 and the requests referred to in Article 8(9) and 9(3).
2. Appeals, applications for annulment, motions for continuance, applications for retrial and third party interventions exercised before the administrative courts in accordance with the provisions of the present law and applications for review before the Competition Commission must be accompanied, under penalty of inadmissibility, by a fiscal stamp of EUR seven hundred and fifty (750). Fees shall be paid to the State in accordance with the provisions of Article 277(9), (10) and (11) of the Code of Administrative Procedure and Article 36(4) of Presidential Decree 18/1989. The State shall be exempt from this obligation.
3. Stamp duties payable to the State on documents of the case filed and documents adduced and fees payable to the Lawyers' Pension Fund, the Court Buildings Fund and the Athens Lawyers' Provident Fund for registration on the docket, appearance by counsel, submission of case documents or pleadings and the hearing of cases in general shall be the same for proceedings before the Competition Commission as for proceedings before the Administrative Court of First Instance.
4. The General Prosecutor of State before the ordinary administrative courts shall be exempt from stamp duty, as if he were the State, for each legal remedy exercised by him in accordance with the present law and the subsequent proceedings in general.
5. Details pertaining to the application of the provisions of the present article shall be regulated by presidential decree issued at the proposal of the Minister of Finance and the Minister of Economy Affairs, Competitiveness and Shipping.

CHAPTER NINE

FINAL PROVISIONS

¹⁴ Note: Article presented as amended by Law 4446/2016.

Article 46

Scope of application of the law

The present law shall apply to all restrictions of competition which affect or might affect Greece, even if these are due to agreements between undertakings, decisions by associations of undertakings, concerted practices between undertakings or associations of undertakings or concentrations of undertakings implemented or taken outside Greece or to undertakings or associations of undertakings which have no establishment in Greece. The same shall apply with regard to abuse of a dominant position manifesting in Greece.

Article 47

Publication of decisions

Joint decisions by the competent ministers, regulatory decisions by the Minister of Economy, Competitiveness and Shipping and decisions and expert opinions by the Competition Commission provided for under the present law shall be published in the Government Gazette and posted on the Internet according to L. 3861/2010 (A' 112).

Article 48

Application of provisions governing summons and service

1. Without prejudice to paragraphs 2 and 3, the provisions governing service in Articles 47 to 57 of the Code of Administrative Procedure shall apply to all summons before the Competition Commission provided for under the present law and to the service of all decisions and recommendations.
2. If a hearing is adjourned or continued to another day and time, notification to litigants who fail to appear on the date of the adjourned or continued hearing may be made by any appropriate means.
3. Other documents, including letters requesting information in accordance with Article 38, may be served by registered post.

Article 49

Payment of fines

The fines provided for under the present law shall be assessed as public revenue and collected in accordance with the Public Revenue Collection Code by the competent Public Finance Office, which must advise the Competition Commission without delay as to whether or not each fine has been paid.

CHAPTER TEN

TRANSITIONAL, ABOLISHED AND OTHER PROVISIONS

Article 50

Transitional Provisions¹⁵

1. The Commission shall list cases pending before it within nine (9) months of the date on which the points-based system provided for in Article 14(2)(o) enters into force.
2. The Commission shall wind up cases pending before it which come under the procedure described in Article 37(1) and (2) within twelve (12) months of the date on which the present law enters into force.
3. The members of the HCC Board employed on a full-time and exclusive basis remain in their position until the end of their mandate. The rest of the members remain in their position until appointment of Vice-President and new members according to the provisions of the present law, where their mandate is automatically terminated. The above members may be re-appointed, without their current mandate being taken into account for the application of the third subparagraph of article 12(3). The Commission, retaining its composition, continues to carry out its duties until the appointment of the Vice-President and the new members according to the provisions of the present law, while the Rapporteurs retain their voting right.
4. By decision of the Ministers of Finance and of Development, Competitiveness and Shipping, to be issued not later than July 1st, 2012, a percentage capped at 80% of the accrued surplus of the Competition Commission, calculated on a cash flow basis as of 31st December 2011, shall be made available as State budget revenue. In calculating the above surplus, the amount intended to cover expenditure on the purchase of new premises for the competition authority, as appearing in HCC's general budget, shall not be taken into account.
5. Upon entry of the present law into force:
 - a) the pending cases before the Competition Commission are introduced for discussion without the redaction of a new Report being necessary, provided that the trial date has been set and the Report has been notified to the parties.
 - b) the procedural deadlines provided for in article 8 of the present law do not apply to projected concentrations already notified to the Competition Commission.
6. The limitation provided for in article 42 applies also to infringements committed prior to the day on which the present law enters into force and are not the subject of any complaint or ex-officio investigation or request for investigation by the Minister of Economy, Competitiveness and Shipping,
7. Servants seconded to the Directorate-General of Competition when the present law enters into force shall remain in their positions until the end of their secondment, unless the persons satisfy, according to the judgment of the Plenary, the grounds for reversal of the secondment. The concerned servants, following their relevant request and the opinion of the Service Council, may be transferred, by joint decision of the Minister

¹⁵ Note: Article presented as amended by Law 4072/2012.

of Economy, Competitiveness and Shipping and of any other competent Minister, as appropriate, to vacant regular posts of the Competition Commission.

The above provision has no effect on the outcome of any pending proceedings pertaining to requests for transfer submitted under Article 38(5) of L. 3784/2009, which have not been concluded until the entry of the present law into force.

8. Until appointment of the Head of the Legal Support Office in accordance with the provisions of Article 20 of the present law, the Assistant Legal Adviser of the State Legal Council continues to serve as head of this Office.

Article 51

Abolished provisions

Law 703/1977 and any other contrary legal provision shall be repealed upon entry of the present law into force.

Article 52^[16]

Regulation of Issues of the Service of Market Surveillance

1. Article 2 of law 3728/2008 (A' 258) is replaced by the following:

“Article 2
Mission

“ The Market Surveillance Service has for mission to guarantee the proper functioning of the market for the benefit of undertakings and consumers and especially to study the price level and price formation of goods and services, to conduct all kind of controls, studies and price collection in all stages of production and commercialization of goods and services, to develop the trade, to eliminate the regulatory obstacles and abusive practices in all stages of production, traffic and commercialization of goods and services as well as to monitor the competition conditions of the market. In order to fulfill its mission, the Service of Market Surveillance may co-operate with the Competition Commission and other public services and authorities”.

2. Article 7 of law 3728/2008 is replaced by the following:

“Article 7
Structure

1. The Market Surveillance Service is structured as follows:

a) Office of the Secretary Special, b) Directorate of Market Conditions Analysis and Competitiveness c) Directorate of Controls, d) Directorate of Price and Cost study, e) Directorate of Price Observatory and Price collection, f) Autonomous Office of Legal Support. The beginning of functioning of the Autonomous Office of Legal Support shall be confirmed by decision of the Minister of Economy, Competitiveness and Shipping.

¹⁶ Note: Articles 52 to 54 hereof are not related to the Hellenic Competition Commission.

2. A Presidential Decree, issued upon joint proposal of the Ministers of Internal Affairs, Decentralisation and e-Governance, of Finance and of Economy, Competitiveness and Shipping defines the structure of the Directorate in Departments as well as their respective competences. The aforementioned Presidential Decree may modify the said Directorates, Departments and competences according to the provisions of Article 20 of Law 2503/1997 (A' 107) and create new decentralized offices, at the level of Directorate or Department, that will exercise the Market Surveillance Service's competences and will be attached, from an administrative point of view, to the General Secretary of Commerce. A joint decision of the Ministers of Internal Affairs, Decentralisation and e-Governance and of Economy, Competitiveness and Shipping may re-define the local and material jurisdiction of the above-mentioned decentralized offices.

3. The staffing of the foresaid decentralized offices is carried out under article 14 of the present law. Any transfer, movement, secondment or reassignment of the servants of the Central Service of the Ministry of Economy, Competitiveness and Shipping to the decentralized offices and vice versa is carried out only at their request".

3. The following subparagraph is added to paragraph 1 of article 14 of law 3728/2008 (A' 258):

"d) The Autonomous Office of Legal Support of the Service of Market Surveillance is staffed by lawyers under salaried instruction. By joint decision of the Minister of Economy, Competitiveness and Shipping and of the competent Minister, as appropriate, lawyers may be transferred or reassigned as lawyers under salaried instruction from the Public Sector, public law legal entities, level-1 and level-2 local authorities, as well as from the broader public sector, as defined by L. 1892/1990, at the request of the persons concerned and in derogation of the applicable provisions."

4. The first subparagraph of Article 14(2) of the aforementioned law is replaced by the following:

"The secondment provided for in subparagraphs (a), (b) and (d) is not for of a three years period".

5. The quasi-judicial appeal provided for in Article 8(1) of L. 3668/2008 (A' 115) against the ruling imposing an administrative fine under Articles 1 and 2 of the aforementioned law, for infringements found within the Region of Prefectural Administration of Attica (former Region of Athens-Piraeus Prefecture), is brought before the competent Secretary General of Prefecture.

Paragraphs 2 and 3 of Article 8 of L. 3668/2008 are replaced as follows:

"2. The Secretary General of the Prefecture decides on the appeal by a written act, issued within twenty (20) working days of the lodging of the appeal.

3. The above act of Secretary General of the Prefecture is subject to an appeal before the competent Administrative Court of First Instance within sixty (60) days of its notification."

7. The objection provided for in the last subparagraph of Article 7(9) of L. 2323/1995 (A' 145) against the decisions imposing administrative sanctions according to the same paragraph, for infringements committed within the Region of Prefectural Administration of Attica (former Region of Athens-Piraeus Prefecture), shall be lodged with the competent Secretary General of Prefecture.

8. The keeping and monitoring of the Register of Penalties imposed according to the Market Regulations Code, provided for in Article 13 of L. 3668/2008 (A' 115), and the monitoring of fines imposed by the

competent authorities provided for in Article 9 of the same law are shifted to the Autonomous Office of Legal Support of the Market Surveillance Service.

9. The monitoring of compliance with the provisions of Article 24 of L. 2941/2001 (A' 201) on "Sales below cost" is assigned to the Directorate for Inspections of the Market Surveillance Service. From the beginning of the functioning of the Autonomous Office of Legal Support of the Market Surveillance Service, the Competition Commission loses its competence to issue the Report provided for in paragraph 4 of the above article, and this particular competence is assigned to the aforementioned Autonomous Office. The Registry Department provided for in the provisions of the same article is abolished.

10. Upon entry of the present law into force, Article 3(3) and (4) of, Article 12(1) and Article 20 of L. 3728/2008 are abolished. Upon issuance of the presidential decree provided for in the first subparagraph of article 2(2) of the present law, Articles 9, 10 and 11 of L. 3728/2008 are abolished.

Article 53

Amendment of provisions of L. 3059/2002 on the "Formation of a Legal Entity under the name 'Observatory for Information Society' (A' 24)"

1. The legal entity governed by private law under the name "Observatory for Digital Greece", established by L. 3059 (A' 241), is renamed as "Observatory for Digital Greece". Where the name "Observatory for Information Society" is referred to in the provisions of L. 3059/2002 or other legislation, it means "Observatory for Digital Greece".

2. Article 1(2) of L. 3059/2002 is replaced as follows:

"2. The purpose of the Observatory is the collection and processing of qualitative and quantitative information on the progress of Greece on issues of information society and digital convergence in the information technology and electronic communications sectors, as well as in other sectors, the progress in which is governed by information and electronic communications technologies, the dissemination of best practices and the participation in international organizations and projects pertaining to the above sectors, as well as the preparation of relevant studies and proposals to the state and those concerned. Within this framework, the Observatory cooperates with bodies entrusted with the management, monitoring and implementation of the operational programmes "Information Society" and "Digital Convergence", and operational programmes of the National Strategic Framework of Reference (NSFR), provided for in L. 3614/2007 (A' 267), as well as with other bodies with relative focus, and also participates in international networks for sharing know-how and experience".

3. Article 1(3) of L. 3059/2002 is replaced as follows:

"3. In order to reach the aforementioned goal, the Hellenic Observatory for Digital Greece carries out:

a. Systematic research focused on the developments and perspectives of information society, digital convergence and other major national strategies, the implementation of which is based on information and electronic communications technologies, and on the penetration of novel information and communication

technologies into all the sectors in Greece, as well as regular inventories, comparative analysis, studies and disclosure of the relative statistics, trends and rates.

b. Provision of scientific and advisory support to ministries, authorities, organizations, legal persons governed by public law and legal persons of the broader public sector, as defined in Article 1(6) of L. 1256/1982 on “Multiple office- and job-holding and definition of a maximum salary in the public sector, as well as on the Court of Audit and other provisions” (A’ 65), as well as to other bodies in issues pertaining to developments in information society, digital convergence and other major national strategies, the implementation of which is based on information and electronic communications technologies.

c. The creation of a library, in printed and electronic form, and designing and development of a bank of information with data bases on actions and projects, especially those co-financed both by national and European programmes, on statistics and rates, developments in the institutional and regulatory framework, relevant jurisprudence and literature, bodies, institutions, organizations and actors related to information society digital convergence in Greece, as well as other major national strategies, the implementation of which is based on information and electronic communications technologies.

d. The transfer of global advanced know-how, the dissemination of best methods and practices, the fostering of sharing experiences, know-how and exchange of information between different bodies from Greece and abroad concerning information society, digital convergence and other major national strategies, the implementation of which is based on information and electronic communications technologies.

e. The listing and periodic review of the results of actions and raising of awareness of issues pertaining to the progress towards information society, digital convergence and other major national strategies, the implementation of which is based on information and electronic communications technologies, as well as on the issuance of publications and other relevant means for enhancing visibility and information to the public within the framework of its objectives.

f. The organization of and participation in seminars, workshops and other briefings, national and international fora on issues related to its objectives. Furthermore, it may entrust different bodies of the private sector with the carrying out of periodic research and studies, the implementation of programmes aiming at the dissemination of actions and information on issues related to information society, digital convergence and other major national strategies, the implementation of which is based on information technologies an electronic communications, as well as the publication of annual and periodical guides.

g. The drawing up of studies and the performing of research related to the actual digital strategy and other major national strategies, the implementation of which is based on information and electronic communications technologies, aiming at the collection of information, the evaluation of the results and the submission of proposals on further improvements.

h. The monitoring of studies and research implementation or, also, the monitoring of management of actions and projects of the operational programme “Digital Convergence” and other operational programmes of the National Strategic Framework of Reference (NSFR), the Public Sector or broader Public Sector, as defined in Article 1(6) of L. 1256/1982, which are financed or co-financed by the European Union or, also,

by national resources, and international programmes, or, also, projects implemented by self-financing, or other European and international programmes, where these projects and programmes concern issues related to information society, digital convergence in the sectors of information and electronic communications technologies, the implementation of which is based on information and electronic communications technologies”.

4. The fourth subparagraph of Article 2(1) of L. 3059/2002 is replaced as follows:

“The secretary of the Board of Directors is appointed by decision of this body. The appointed secretary may be a servant of the Observatory or of the Public Sector or of the broader Public Sector, as defined in Article 1(6) of L. 1256/1982.”

5. The first subparagraph of Article 2(4) of L. 3059/2002 is replaced as follows:

“The Board of Directors, following a call for expressions of interest, recruits a Director-General under a fixed-term, four-year contract, which may be renewed only after objective evaluation of his efficiency”.

6. Paragraph 8 of Article 2 of L. 3059/2002 is replaced as follows:

“8. Staff-members are recruited under fixed-term contracts, according to the provisions of L. 2190/1994 (A’ 28), which may be renewed, following an evaluation of their efficiency and only for special staff categories, as to the nature and type of their duties, provided for in Article 4 of the Rules of Procedure of the Legal Entity known as “Observatory for Information Society” ratified by joint decision of the Minister of Finance and Economy and the Minister of Interior, Public Administration and Decentralisation (B’ 169), such as directors, staff-members recruited for the purposed of a specific research or any other subsidised or financed programme, staff-members recruited for the implementation of a project related to the fulfillment of obligations arising from contracting with international organizations”.

7. Article 2 of L. 3059/2002 is supplemented with paragraph 11, as follows:

“11. The duration of staff employment contracts concluded under article 2(8) of the present law and articles 4 and 5 of the Rules of Procedure of the Legal Entity known as “Observatory for Information Society”, ratified by joint decision of the Minister of Finance and Economy and the Minister of Interior, Public Administration and Decentralisation (B’ 169), which expire on 30.04.2011, is extended for a four-month period”.

8. Paragraph 1 of Article 3 of L/ 3059/2002 is replaced as follows:

“1. The resources of the Observatory for Digital Greece are subsidies deriving from the “Information Society” Operational Programme of the Community Support Framework III (CSF), the “Digital Convergence” Operational Programme of the National Strategic Reference Framework (NSRF), the Sectoral, Regional Operational Programmes and the Programmes for European Territorial Cooperation of NSRF, from programmes co-financed or financed by The European Union, other international programmes, annual subsidy deriving from the Public Investment Programme, as well as from other origins such as subsidies, donations, inheritances, legacies, grants, from exploitation of its assets and any other legitimate origin”.

Article 54

Extension of the time-limit for the submission of investment projects

Applications for submission to L. 3908/2011 regarding the investment projects of Article 6 of L. 3908/2011 may be filed, especially for the first semester of the year 2011, not only in the month of April, as defined in Article 8(1) of the same law, but also in the month of May.

Article 55

Entry into force

The provisions of this law shall enter into force upon publication thereof in the Government Gazette.

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