

Rules on Operational Procedures and Management of the Hellenic Competition Commission¹

PART ONE INTERNAL OPERATION OF THE HELLENIC COMPETITION COMMISSION

CHAPTER A GENERAL PROVISIONS

Article 1

Legal status and responsibilities of the Hellenic Competition Commission

1. The Hellenic Competition Commission (hereinafter referred to as “the Commission”) is an independent administrative authority with administrative and financial autonomy, subject to administrative and financial supervision by the Ministry of Development and Investments as well as to parliamentary control according to the Rules of Procedure of the Hellenic Parliament, has legal personality and appears, in its own right, before any court, in all kinds of judicial proceedings.

2. Its members shall enjoy personal and functional independence, being bound only by law and their conscience in exercising their competences.

3. The Commission is empowered to adopt decisions, issue opinions and act on matters that fall under its competence in accordance with the applicable legislation.

Article 2

Composition and Functioning of the Hellenic Competition Commission in Plenary and Chamber sittings

1. The Commission shall consist of ten regular members, including the President, the Vice-President and six (6) Commissioners-Rapporteurs, who are selected and appointed as provided for in Article 12 (3) of Law 3959/2011. The President designates, on a case-by-case-basis, the Secretary of the Commission and his(her) alternate, pursuant to Article 15(7) of Law 3959/2011.

2. The Commission shall exercise its functions in Plenary and Chamber sittings, according to the provisions of Article 15 (2, 6 and 7) of Law 3959/2011. Each Chamber of the Commission shall be chaired by the President or the Vice-President of the Commission or, upon proposal by the President and a relevant decision by the Plenary, by one of the regular Members selected by lot, other than the case-Rapporteur, according to the provisions of Article 15(2) of Law 3959/2011. The Plenary of the Commission shall meet, at least, once a month.

¹ For information purposes only. In case of differences between the original Greek text and the English translation, the original text prevails.

3. In the event of absence or impediment, the President shall be replaced by the Vice-President, the Vice-President by the Rapporteur, who is the most senior as per his time of appointment.

4. In the event a Commissioner-Rapporteur is absent, indisposed or unable to attend, he is replaced by the immediately senior Commissioner-Rapporteur as per the time of appointment; in the event the latter is also absent, indisposed or unable to attend, he is similarly replaced by the immediately senior Commissioner-Rapporteur and so on.

5. In the event the most senior regular Member of the Commission is absent, indisposed or unable to attend, the most senior alternate member, as per the time of appointment, except for those referred to in paras 3 and 4 above, participates in the meeting, and if he is also absent, indisposed or unable to attend, he is in turn replaced by the other alternate Board member available.

6. If, on any grounds, a chamber before which a case has been brought cannot be lawfully composed, even by alternate members, or if, it is unable to function on serious grounds, the Plenary of the Commission takes over the examination of the case or assigns it to a Chamber with a different composition determined by its decision, in accordance with the provisions of article 15(8) of Law 3959/2011. In this case, except for the cases referred to in para. 6 of article 8 of Law 3959/2011, the time-limits provided for in Law 3959/2011 are re-determined.

7. The functions of the Commission are not interrupted if any of its members is unable to perform his duties for any reason or withdraws from the Board or ceases to be a member thereof, provided that the remaining Members are sufficient in number to ensure that a quorum is present.

8. A staff representative shall be invited to attend Plenary meetings, participating in the adoption of decisions only on matters concerning:

a) the drawing-up of a proposal relating to the adoption of Rules on Operational Procedures and Management of the Hellenic Competition Commission, according to Article 16(1) of Law 3959/2011,

(b) the issuing of an opinion on the drawing up of the Commission's Code of Ethics, as provided for in paragraph 8 of article 12 of Law 3959/2011,

(c) [deleted],

(d) the establishment of committees and working groups for the examination and consideration of operational issues of the Commission and the Directorate-General for Competition and the drafting of a proposal for the remuneration of the persons who participate in such committees, as provided for in Article 16 (2) of Law 3959/2011,

(e) delivering an opinion on the HCC's Organisation, pursuant to Article 21 (3) of Law 3959/2011,

(f) drafting proposals for amending or complementing the provisions of Law 3959/2011, as well as any other law, on organizational and operational matters of the Competition Commission as well as on matters relating to the remuneration of its employees, and

(g) health and safety of the employees.

The representative is elected with his alternate by direct, universal and secret ballot, held on a working day every two years, for a two-year term starting from January 1 of the following year. In respect of the election procedure, the right to vote and to stand as a candidate, the voters'

lists, the submission of candidatures, the nomination of candidates, designation of any representatives and authorised representatives of the Election Committee, the envelopes and ballot sheets, the election process, the invalidity of ballots and any objections, the sorting of the ballot sheets, the selection and nomination of representatives, the notification and delivery of related data and any reopening of the voting process, the provisions set forth in the following documents apply: the Decision of the Minister of the Government's Presidency under ref. no DK.PR/F80/30/8703/I6.09.1988 (B' 684) on the election of representatives to the Service Councils, as amended and in force, and the joint Ministerial Decision under ref. no DIDAD/F.37.2I/1296/3731 (B' 944/2021) of the Ministers of Interior and State on the election of elected representatives to the Service and Disciplinary Councils of public services, legal persons governed by public law and Local Authorities through the electronic voting system.

CHAPTER B

MEETINGS OF THE COMMISSION

Article 3

Convocation of meetings

1. The Commission's Plenary and Chambers convene in a meeting upon invitation by the President of the Commission. The invitation states the time and place of the meeting, as well as the items on the agenda. The invitation shall include the time and place of the meeting, as well as the items on the agenda.

2. The invitation may concern more than one meeting of the Commission's Plenary and Chambers. The Commission's deliberations are also considered as meetings, as well as discussions on administrative and organisational matters or other matters falling within the competence of the Commission. These discussions are also attended by the alternate Members of the Commission where their presence is deemed necessary by the President.

3. A Plenary meeting may also be convened at the request of at least three (3) Members of the Commission, by written request to the President, in which the issues to be discussed are specified.

Article 4

Invitations to the Commission's Members

1. Both regular and alternate Members are invited to the meetings. Unless otherwise specified in the invitation, alternate Members participate in the meetings in the event the respective regular Members are absent or prevented from attending, as provided for in para. 5 of Article 2.

2. The Members must inform the Secretariat of the Commission accordingly, in a timely manner, if they are absent or prevented from attending.

2. The Secretary shall communicate the invitation to the Members by process server or post or fax or e-mail or other appropriate means, at least forty-eight (48) hours before the first meeting concerned .

3. By order of the President, the invitation to the Members may, exceptionally and in extraordinary cases, be communicated without observing the above time-limit and by phone call from the Secretary of the Commission, who shall enter a relevant note, duly signed and dated thereby, in a special book kept for that purpose.

4. Where a Member of the Board has declared in writing that he/she is prevented from attending the meetings that will be held within a specific period of time, it is not necessary to invite him/her to the meetings of that period.

5. If case of irregularities regarding the invitation to a Member, the Commission meets lawfully provided that the specific Member is present and does not object to the holding of the meeting.

Article 5

Other issues related to the Board Meetings

1. During the Plenary meeting, it is exceptionally permissible and by a specially reasoned decision to add items to the agenda, if at least three quarters of the regular Members are present and the Members attending agree.

2. The Commission does not meet during the month of August to examine cases, unless there are reasons of urgency, at the discretion of its President. The meetings of the Commission shall not be public.

CHAPTER C

GROUND FOR EXCLUSION OF COMMISSION BOARD MEMBERS, STATEMENTS OF ABSTENTION AND EXEMPTION REQUESTS

Article 6

Grounds for a Board Member's exclusion

1. A member of the Commission shall be excluded from exercising his/her duties in a case a) the outcome of which is in his/her direct or indirect interests or b) in which he/she has been personally, or through an intercalated person, involved in any way, such as e.g. in his/her capacity as attorney, proxy, representative, consultant, witness, expert or legal counsel or c) in which a relationship of the member with an undertaking that is directly or indirectly involved in the case exists, or has existed in the previous five years, before the start of their term, according to Article 12 (4) of Law 3959/2011.

2. A member shall also be excluded from exercising his/her duties, if one of the parties or another person linked to the case: a) has the status of spouse or relative by blood or by marriage, vertical and/or horizontal relationship, in a direct line to an unlimited degree, or b) is a person with whom they have a special bond or special relationship or enmity.

3. Members of the Commission, who are spouses or are related to each other by up to the fourth degree by blood or by marriage, are not allowed to attend the same meeting.

Article 7

Common provisions for statements of abstention and exemption requests

1. In order to exclude a Member from the performance of his/her duties according to the above, submission of a statement of abstention by the Member him(her)self or a request for exemption from an interested party is required.

2. The statement of abstention shall be in writing and submitted to the President of the Commission or his delegate or, where the President is thereby concerned, to the Vice-President or, in the event the latter is absent, indisposed or missing, to the Rapporteur who is the most senior as per his time of appointment. During the drawing of lots or the discussion of the case before the Commission, the statement can be made orally and recorded in the minutes.

3. The request for exemption shall be in writing and filed in the Protocol of the Commission's Plenary and Chambers or presented before the Commission at the beginning of the discussion of the case, if the reasons for exclusion or exemption are already known, or by the end of the discussion, if the relevant reasons arise during the course of the procedure.

4. The Plenary or the Chamber may decide on the ex officio exemption of a Board Member, following a relevant proposal by the President or the Chairperson.

5. If a statement of abstention or a request for exemption is submitted for a specific case or an ex officio procedure is initiated, following a proposal by the President or the Chairperson, the case shall not be discussed before a decision is taken on the declaration of abstention or the request for exemption or before it is concluded the above ex officio procedure. The Member concerned by the statement of abstention or the application for exemption or the ex officio initiation of the procedure, must refrain from any procedural act related to the specific case, until a decision is made on the statement of abstention or the request for exemption.

6. If there is a statement of abstention and a request for exemption are both submitted for the same Member, the decision on the statement of abstention shall precede. If the statement of abstention is accepted, the request for exemption shall be filed without further action by act of the President or, if such a statement is from the President himself, it shall be filed by act of the Vice-President or, where the latter is absent or indisposed, the statement shall be filed by the most senior Commissioner-Rapporteur as per the time of his appointment. If the statement of abstention is rejected, the request for exemption is normally examined.

7. Pursuant to para. 4, the ex officio initiation of the procedure by the President or the Chairperson is suspended if a statement of abstention or a request for exemption is submitted, and it is filed by act of the President if a decision is adopted on the statement of abstention or the request for exemption.

8. In the event of failure to set up a Commission's Chamber to decide, as defined in Articles 8 and 9 below, on statements of abstention or requests for exemption, the President or the Chairman refers the case to the Plenary session, which may assign it to a Chamber with a different composition, defined by Plenary decision, in accordance with the provision of Article 15 (8) of Law 3959/2011, as also provided for in paragraph 6 of Article 2 hereof.

9. In case of disqualification of the Commission's President, the Plenary Session or the Chamber shall be chaired by his Alternate and, in the event the latter is absent, indisposed or unable to attend for any reason, it shall be chaired by the most senior Commissioner-Rapporteur

as per the time of appointment provided that he is not the Rapporteur in the case under examination.

Article 8

Special provisions on statements of abstention

1. The statement of abstention shall contain, in a clear and explicit manner, the relative abstention or decency grounds.

2. The Member is required to make a statement of abstention whenever he/she becomes aware of the reasons for exclusion or considers that the grounds of decency according to para. 1 apply. If the statement is submitted during the discussion of the case, the discussion continues with the remaining members, provided that a quorum is present. Failing such quorum, an alternate member is called upon, in accordance with the provisions herein, who shall be fully informed on the main points of the meetings in which he/she did not participate. If the statement is submitted after the discussion of the case, the decision is adopted by the members participating in the last meeting as above. The relevant decision is adopted by an absolute majority of Members present and, in the case of Chambers, the provisions in para. 8 of the previous Article shall apply.

3. The decision on a statement of abstention is adopted, on a case-by-case basis, by the Plenary or the Chamber before which the main proceedings were brought, without the participation of the member submitting the statement in the composition of the Commission's sitting, although he/she has the right to also provide oral explanations to the Commission.

Article 9

Special provisions on exemption requests

1. A request for exemption is submitted by the interested party in person or by a representative with a special power of attorney, and must contain, in a clear and explicit manner, the grounds for exemption or any specific factual grounds that raise concerns as to the impartial exercise of the duties of a Member of the Commission.

2. In the same request, the interested party may also ask the Plenary or the Chamber, respectively, to examine the legality of procedural actions taken by the Member whose exemption is requested or which have been implemented with his engagement prior to the submission of the exemption request.

3. The exemption request is notified to the Member concerned.

4. If the exemption of an entire Chamber of the Commission is requested, the request shall be submitted at least eight (8) days before the discussion.

5. Any request for exemption of all regular and alternate Members of the Commission or of such number of members that the remaining members does not reach a quorum in the Plenary sitting of the Commission shall be inadmissible.

6. The examination of the request for exemption is carried out, on a case-by-case basis, by the Plenary or the Chamber before which the main case is heard, on the date of the discussion and before its start, in the presence of the applicants and without participation of the Member

concerned by the exemption request in the composition of the Commission sitting. However, this Member may provide, orally or in writing, explanations to the Commission. prior gathering of evidence is mandatory for applicants and withdrawal of the request is not allowed.

7. Where one of the grounds for exemption is deemed valid, the Commission, by its decision, which is recorded in the minutes, excludes the Member from exercising his duties in the specific case, otherwise the request shall be rejected. If the grounds for exemption, produced during the discussion of the case, is deemed valid, para. 2 of Article 8 shall apply.

Article 10

Exclusion Grounds, Statements of Abstention and Exemption Requests by Other Parties to the Composition and Secretaries of the Commission

The provisions of Articles 6 to 9 apply accordingly for the participants in the composition of the Plenary or Chamber of the Commission under a special legal provision, as well as for the Secretaries, who participate in the composition of the Plenary or the Chamber sitting before which the case has been brought or in carrying out procedural acts.

Article 11

Notification of impediment, under Article 12 (4) of Law 3959/2011

1. The members of the Commission, upon taking office, notify in writing to the Minister of Development and Investments and the President of the Commission, any provision of service, advice, work or project, which they have undertaken under mandate or in the context of any legal relationship in the last five (5) years before the start of their term of office. The notification shall include the names or business names of the natural or legal persons with which the member maintained one of the above legal relationships, the type of relationship, its duration and the nature of the affairs or services or projects handled or provided.

2. Members of the Commission who are not serving on a full-time and exclusive basis shall notify the President of the Commission in writing by the fifteenth day of the following month of any project, work, service, consulting service or mandate undertook or provided thereby within the previous month. Any such notification shall include the names or business names of the natural or legal persons to which the above services were provided by the member concerned, the type of that relationship, its duration and the nature of the cases or services or projects handled, undertaken or provided thereby.

3. Where the notifications referred to above indicate a previous or existing connection between the member and an undertaking that is directly or indirectly involved in a case under consideration, it is presumed that he/she shall be prevented from attending the meetings of the Commission concerning the discussion and decision-making with regard to that undertaking, and the President of the Commission shall not invite that member to the relevant meetings/deliberations. A regular member who is prevented from attending the meetings as referred to above shall be replaced according to the provisions of para. 3 of Article 2.

CHAPTER D

HEARING OF CASES BEFORE THE HELLENIC COMPETITION COMMISSION

Article 12

Initiation of proceedings before the Commission and assignment of a case to a Commissioner-Rapporteur

1. Upon recommendation by the Directorate-General for Competition, the President shall bring before the Commission, from among the cases referred to in Articles 1, 1A and 2 of Law 3959/2011 that are pending before the Directorate-General, the cases that meet the criteria for priority consideration as well as the cases referred to in Article 11 of Law 3959/2011, as provided for in Article 15(1) of Law 3959/2011.

2. Any case falling under the preceding paragraph, except for those falling under Article 11 of Law 3959/2011, as soon as a decision concerning the priority consideration of the case is adopted, as well as any case concerning:

- a) A concentration between undertakings falling within the scope of Articles 5 to 10 of Law 3959/2011,
- b) interim measures under Article 25 (5) of Law 3959/2011, and
- c) cases referred to in Article 38 (3) and Article 39 (5) of Law 3959/2011, shall be assigned by lot, by the Competition Commission plenum, to one of the Commissioners-Rapporteurs.

If the case is brought before a Chamber, the same Plenary decision designates the regular members of the Commission, by lot-drawing in which the case-Rapporteur of the case shall not participate, who will compose the Chamber assigned with the consideration of the case.

Article 13

Cases brought before the Hellenic Competition Commission – Summons to the parties

1. The President of the Hellenic Competition Commission shall determine the time and place for the hearing of each case. He/She then shall convene a meeting of the Commission, in Plenary or in Chamber sitting, as set out in articles 3 and 4.

2. The Secretary of the Competition Commission's Board summons the parties to the hearing of their case and enters the relevant information (subject, place and time of the hearing before the Commission, in Plenary or Chamber sitting) into the electronic meeting schedule, posted on the HCC's website.

3. The summons shall be in writing and served on the parties sixty (60) days before the hearing, or fifteen (15) days before the hearing in cases falling within the scope of Articles 8 and 9 of Law 3959/2011.

4. In case of examination of interim measures under article 25D of Law 3959/2011, the notice time-limit provided for the summons is determined, on a case-by-case basis, by the President of the Commission.

5. The parties summoned, in person or their authorised representatives by special power of attorney may waive the summons time-limit or request its shortening by written request

submitted to the Secretaries of the Commission, even before the summons is served on them. The parties summoned may waive or request a shortening of the time-limits. Where there are several parties to be summoned, a waiver or shortening request of the statutory time-limits shall be required from all parties. The relevant request may be submitted jointly. The President of the Commission decides on the request for time-limit shortening. The new hearing date, in case of a waiver of the summons time-limit or acceptance of a shortening request, shall be notified to the parties by any appropriate means and posted on the website of the Hellenic Competition Commission.

6. In any event, if the parties were lawfully summoned and within the statutory time-limit, the case may be discussed even without the presence of the summoned parties, unless deemed necessary by the Commission.

7. In case of failure, improper or untimely summons, the party that did not appear at the hearing of the case, has the right to submit a request for a new hearing before the Commission. The request shall be submitted by the party concerned within a period of fifteen days from the date following the notification of the decision thereto.

Article 14

Statement of Objections – Time-limit for the parties’ written submissions

1. The Statement of Objections is served on the parties, together with the summons, under the responsibility of the Secretaries of the Commission’s Board. Each party receives a copy of the version of the Statement of Objections it is concerned of, from which any information that has been declared confidential according to Article 15 has been omitted. Each party receives a copy of the version of the Statement of Objections it is concerned of, from which any information considered as confidential vis-à-vis the particular addressee shall be omitted.

2. The parties concerned must submit to the Secretariat of the HCC, on penalty of inadmissibility, their written submissions in both physical and electronic form, no later than thirty (30) days before the hearing of the case, putting forward their arguments.

2A. The parties state whether they wish to exercise their right to an oral hearing and, if so, they lodge a reasoned request, together with their written submissions referred to in para. 2 above, presenting the allegations and arguments that they wish to present orally, as well as a request concerning the duration of their oral pleadings and indicate the names of their attorneys and/or legal representatives.

2B. A reasoned request for the examination of witnesses and/or experts may be submitted with the same written statement by the parties, specifying the number of witnesses and/or experts, the facts which require their examination to be established and any special reasons for it. The number of witnesses must not exceed two (2) per party. The Commission shall decide, at the latest during the first, either initial or adjourned, hearing of the case, after hearing the case-Rapporteur, on the above requests, and shall designate the persons who will speak and specify the maximum length of their speaking time, if the meeting referred to in Article 23A hereof did not take place, and/or, at its discretion, the number of witnesses proposed. If the

Commission decides before the first hearing of the case, the decision is notified to the parties concerned by any appropriate means.

2F. Each written statement and the documents attached thereto shall be submitted in two (2) copies. Separate non-confidential versions thereof shall be submitted in electronic form in as many copies as the parties to the case. Within the same time-limit, the parties must also provide, under penalty of inadmissibility, all the evidence and procedural documents they rely on, including any expert report documents referred to in paragraph 3 of Article 20 herein.

3. At the time of submission of the above documents, the Secretaries of the Commission shall confirm the submission date by a relevant marking thereon. Each party is entitled to receive copies of the other party's submissions and any related documents submitted thereby, without prejudice to Article 15.

4. Rebuttals by the parties are made by supplemental submission and shall be submitted no later than twenty (20) days before the hearing of the case. By their supplemental submission, the parties, if they so wish, express their arguments also on any statements and requests of third parties under para. 3 of Article 23 herein. With the same written statement, the parties submit a request for the examination of experts, specifying the number of experts and the specific allegations of the parties or third parties for the rebuttal of which their examination is necessary. Within the same period, the parties are required to submit, under penalty of inadmissibility, all the evidence cited in the context of the rebuttal documentation.

5. In the case of interim measures under Article 25D of Law 3959/2011, as well as of the cases of waiver or shortening of the summons time-limits at the request of the parties, the deadlines for the submission of written statements by the parties or third parties and for rebuttals by the parties are determined, as appropriate, by the President of the Commission, are notified to the parties by any appropriate means and posted on the website of the Commission.

6. The parties summoned have the possibility to request, in person or through their representatives under a special power of attorney, if there is a serious reason, by a sufficiently justified written request, an extension of the above time-limits for submitting their written statements and arguments in rebuttal. The President of the Commission decides on the request. In case of acceptance of the request, the time-limits set for submitting a written statement and/or arguments in rebuttal are communicated to the parties by any appropriate means.

Article 15

Treatment of confidential information – Access to the case file

1. All case-related information collected by the Directorate-General for Competition in the context of its investigation shall form part of the case file. In the event of a co-examination or a joinder of cases under Article 21, the relevant case files are joined together.

2. In all events of submission or collection of information under the provisions of Law 3959/2011, natural or legal persons which provide information or from which information is collected, identify by a reasoned request (confidentiality request), within the time limit set by the Directorate-General for Competition or the case Rapporteur, as appropriate, those information, documents and parts of documents containing confidential information, and provide a separate, non-confidential version thereof.

3. In the event of disagreement over the confidentiality request, the Directorate-General for Competition or the case Rapporteur, as appropriate, shall inform the requester in writing of the Authority's intention to disclose information, state the reasons therefor and set a time limit within which the requester may submit his arguments in writing. If, following submission of those arguments, a disagreement on the confidentiality request persists, the President of the HCC shall decide on the classification of the document or piece of information.

4. Any information, documents and parts of documents, for which a reasoned confidentiality request has not been submitted or which have not been provided in a separate, non-confidential version, shall be considered non-confidential. The Directorate-General for Competition or the case Rapporteur, as appropriate, may, at their discretion, exceptionally classify information, documents and parts of documents as confidential.

5. In drafting the statement of objections under Article 14 hereof, the number of the versions thereof is determined depending on the number of the parties concerned as well as on the amount of information, documents and parts of documents that are regarded as confidential. The number of versions and the addressees of each version shall be indicated in the statement of objections. Each version of the statement of objections shall be accordingly marked in respect of its addressee. In each version, the information considered as confidential vis-à-vis the specific addressee shall be omitted, without prejudice to paragraph.

6. Where the case Rapporteur, in drafting the statement of objections of Article 14, deems necessary to make use of documents containing business secrets to establish whether an infringement has been committed, such information is included in the statement of objections without it being necessary to follow the procedure laid down in paragraph 3, and it thenceforth loses its confidential nature.

7. Persons against whom the proceedings before the HCC have been initiated, or who have notified a merger, have a right of access to the non-confidential information of the case file following service of the summons. Where access to documents containing business secrets is absolutely necessary for the exercise of the rights of defense of one or more persons referred to in the previous subparagraph, upon their relevant request, the President of the HCC, by a reasoned decision, grants access to such documents, in whole or in part, only to the person for whom such access has been deemed absolutely necessary for the exercise of their rights of defense. Prior to the service of the summons, the persons against whom the complaint is brought may receive, at their written request and provided that necessary authorisations for the legal representatives and/or attorneys submitting the request are provided, a copy of the non-confidential version of the substance of the complaint, provided that it does not impair the investigation carried out by the Directorate-General for Competition.

8. The natural or legal persons who have lodged a complaint shall have the right of access to the non-confidential information of the case file after service of the summons.

9. Third parties have no access to the case files pending before the HCC. In all other respects, the provisions of the Code of Administrative Procedure shall apply.

10. The right of access to the information in the case file is exercised at the written request of the party concerned either by a) examination of the information in the case file carried out at the premises of the Directorate-General for Competition, or b) obtaining copies, in printed or electronic form, at the requesters' expense.

11. Confidential information also includes internal documents of the Directorate-General for Competition, the European Commission and other national competition authorities, as well as correspondence between the Directorate-General for Competition and other public services or competition authorities.

12. Questionnaire responses and statements made in connection with initiated proceedings can be accessed only with regard to their content, in compliance with the confidentiality rules in force. Access to questionnaire responses and depositions referred to in the previous subparagraph may not be granted with regard to the identification details of the respondents to questionnaires or the persons who made a statement, particularly in view of the risk of retaliation.

13. The President of the Commission shall rule on objections of legal confidentiality regarding documents collected pursuant to Law 3959/2011 and in the event of a disagreement between the objector and the Directorate-General for Competition or the case Rapporteur, as appropriate.

14. All documents to which access is granted under the present article may be used only for the purposes of judicial or administrative proceedings for application of the provisions of Law 3959/2011, and Articles 101 and 102 TFEU.

Article 16

Interim measures - Interlocutory Injunction

In the context of its power to adopt interim measures, the Commission may issue an interlocutory injunction. Such an interlocutory injunction is issued ex officio by decision of the Commission and is valid until the adoption of a decision on the interim measures. The Commission summons to a hearing the natural or legal person against which the temporary injunction is brought, at least twenty-four (24) hours in advance. In all other respects, the provision of Article 6 of Law 2690/1999 on the "Code of Administrative Procedure" (A' 45) shall apply.

Article 17

Cause list

1. The cases brought before the Commission under Article 13 shall be listed in a cause list for each HCC meeting, which shall be prepared by the Secretary and displayed at the entrance of the boardroom on the day of the meeting.

2. Any failure of a cause list display or omission of any mention in it of a particular case or any change brought, at the discretion of the HCC, in the order of case examination shall not entail the nullity of the procedure.

Article 18

Adjournment of case hearing

1. The hearing date laid down in the summons may not be adjourned, unless the HCC decides otherwise on its own initiative or on serious grounds following a duly reasoned request by any party concerned, which can be submitted in writing, only once, by the day before the first scheduled hearing. Adjourned hearings shall be rescheduled within one month from the first hearing date.

2. The hearing must be compulsorily adjourned if any of the parties has not been duly summoned unless he attends the hearing and consents in this respect.

3. In any case of adjournment of a hearing, the HCC shall set a new hearing date, which shall be notified by any appropriate means to the parties that did not attend the hearing.

The parties that were not duly summoned are summoned for the new hearing date, according to the provisions of Article 48 para. 1 of Law 3959/2011, only if they did not attend the hearing adjourned.

Article 19

Ways of representation in the proceedings before the HCC - Authorisation documents and powers of attorney

1. When the case is called for hearing, the parties shall state whether they appear in person, with or through attorneys acting on their behalf.

2. The authorisation of lawyers is orally declared either by the parties or by their legal representative during the first hearing of the case, which is recorded in the minutes, or by virtue of a special notarised power of attorney.

3. If, by the first discussion, the legalisation documents required or the documents submitted are not complete, the Commission proceeds with the oral procedure and grants a reasonable period of time for their submission.

4. The lawyer acting for a party who was legalised as provided for in the previous paragraphs is also a procedural representative if his residence or professional establishment is located in Athens. Any replacement of the procedural representative shall be notified in writing to the Secretaries of the Commission.

5. Regarding any act falling within the context of the preliminary procedure provided for in Article 14, a power of attorney is deemed to exist, as long as the legalisation of the authorised representative follows or the interested party or his legal representative appears in the hearing before the Commission and expresses his approval to their conduct.

6. If, during the Commission's deliberations, the requisite legal documents for the legalisation or authorisation, although submitted, are found to be incomplete, the President or the Chair of the Plenary or of the Chamber, by act, calls on the person appearing as a legal or authorised representative to supplement them, and sets a time-limit for that purpose.

7. If the party's legal representative or attorney ultimately fails to be legalised, the Commission may decide, at its discretion, not to take into account any procedural steps taken thereby and reject on these grounds any argument, objection or remedy put forward thereby.

8. Any change in legalisation and power of attorney, which occurred during the period from the submission of the notification or complaint or request to the Commission until the issuance and notification of the Commission's decision or other act as provided for in Law 3959/2011,

shall forthwith be brought to the notice of the Secretary of the Commission by the interested party. Otherwise, any service of documents from the Commission to the persons and addresses provided is still valid.

Article 20

Witnesses - Experts – Interpreters

1. Witnesses may be heard before the Hellenic Competition Commission. Before his/her examination, the witness shall take the oath, in accordance with the provisions of Article 408 of the Code of Civil Procedure. Each witness shall be heard orally and separately from other witnesses.

Cross-examination of witnesses or parties shall be allowed.

Article 212 of the Code of Criminal Procedure The examination of persons referred to in Article 212 of the Code of Criminal Procedure as witnesses shall be excluded. This exclusion may be lifted if it is allowed both by the person who entrusted the relevant matter to the persons referred to in Article 212 of the Code of Criminal Procedure and the person concerned by the relevant confidential matter. Each party may request the exclusion of a witness on grounds for exclusion according to the provisions of the previous subparagraph. In that case, the party must prove the existence of the grounds relied on.

2. In the event of issues deemed by the HCC as needing close examination in the light of expert knowledge, it may order an expert's report to be drawn up and appoint, at its discretion, one or more experts to examine any such issues. The experts shall undertake under oath, before the Commission, to carry out their duties with conscientiousness, objectivity and diligence. In all other respects, the type of oath taken by witnesses is observed. The applicable grounds for exclusion and exception of Commission Members shall apply *mutatis mutandis* to experts. Experts can: a) take cognisance of the contents of the case-file, including confidential information, and receive copies thereof in written or electronic form and b) request any additional information from the Commission. During the expert's evaluation procedure, the Commission may give instructions related to its conduct.

3. The experts proposed by the parties in their written submissions referred to in para. 2 and/or 4 of Article 14 to be heard before the HCC, may submit in writing or orally provide their comments during the meeting on issues requiring close examination in the light of expert knowledge, as well as on any expert reports submitted by the experts appointed by the HCC and/or the other parties, and may be examined as witnesses. Any written observations of experts shall be submitted with the written statement referred to in the last subparagraph of para. 2 of Article 14, and if any such observations refer to other expert reports, they are submitted with the rebuttal provided for in para. 4 of Article 14. In case they are not examined as witnesses, the Commission may, at its discretion, allow the parties' experts to attend the hearing. During the hearing procedure, the HCC may allow the experts to address, with the President's or the Chairperson's permission, questions to the other experts and cross-examine experts with other experts and/or legal representatives of parties.

4. Parties, witnesses and experts who do not speak or sufficiently understand the Greek language, the President or Chair shall appoint an interpreter who undertakes under oath before

the Commission to perform his duty faithfully and provide an accurate interpretation of what will be said during the hearing. The applicable grounds for exclusion and exception of Commission Members shall apply *mutatis mutandis* to interpreters.

5. If any of the parties or witnesses is deaf, mute or deaf-mute, he/she shall be questioned and provide his/her answers in writing. The text of his/her answers is then signed by the President or the Chair and is included, together with the respective questions, in the minutes of the hearing. If these persons are not capable of providing answers in writing, a qualified interpreter shall be appointed, in accordance with para. 4.

6. Any expenditure in connection with interpreting shall be borne by the party concerned.

Article 21

Joint examination – Joinder of cases – Disjoinder of cases

1. The Commission may, *ex officio* or at the request of the case-Rapporteur or the Directorate-General for Competition or the parties, order the joinder or disjoinder of cases brought before it, if this is deemed appropriate for any procedural or substantive reason.

2. At any stage of the procedure before a case is brought before the Commission, the Directorate-General may decide to join or disjoin cases pending before it, if this is deemed appropriate for any procedural or substantive reason.

Article 22

Oral hearing

1. The conduct of an oral hearing is not mandatory in cases where all the parties declare in their written submissions or by any other document delivered to the Secretaries of the Competition Commission, by the day before the discussion of the case at the latest, that they will not attend the hearing of the case on the date indicated in the summons. In such instance, the hearing procedure is concluded with just the pronouncement of the case, followed by the Commission's deliberation on the case. In any event, the HCC reserves the right to convene an oral hearing.

2. During the oral hearing, the discussion is directed by the President or Chairperson, who gives the floor, addresses questions to the case Rapporteur, the case handlers-officials of the Directorate-General for Competition and the parties, the witnesses, the experts, the legal representatives, the representatives and their lawyers, or cuts off a speaker, asks for clarifications from the aforementioned persons and examines the witnesses and experts.

3. Following the pronouncement of the case, the floor is given to the case Rapporteur to briefly summarise the content of his Statement of Objections (SO).

4. After the presentation of the SO according to para. 3, the parties shall take the floor, in the order specified by the President or Chairperson, to summarise their arguments and respond to the arguments of the other parties. The party against whom the procedure before the HCC was initiated has the right to be the last to take the floor.

4A. The Commission, acting upon a proposal of the case Rapporteur, by its decision, which shall be adopted no later than during the first, initial or adjourned, discussion of the case, may

decide not to hold an oral hearing, based on the written submissions during the written part of the procedure where it deems that it has sufficient information to be able to rule on the case. Where the Commission decides before the first discussion of the case, the decision shall be notified to the parties by any appropriate means.

5. The HCC Board Members are entitled, with the permission of the President or the Chairperson, to ask questions to the parties or their legal representatives as well as to the witnesses. The parties, with the permission of the President or the Chairperson, may also ask questions to the legal representatives and witnesses of the other parties. The case handlers-officials of the Directorate-General for Competition assisting the case Rapporteur, the officials of the Chief Legal Directorate as well as the expert scientific consultants selected under Article 21A of L. 3959/2011, with the permission of the President or the Chairperson, may ask questions, provide or request clarifications throughout the above procedure.

6. The Commission may request the parties at any stage, either during or after the oral proceedings, to submit sworn statements or new evidence on a particular matter. It sets a time limit for this purpose, which must be shorter than the time limit for supplementary submissions. The parties have the right, subject to Article 15, upon request, to take cognisance of any document submitted pursuant to this paragraph.

7. Where the case is brought before an HCC Chamber, it can refer the case to the Plenary at any stage of the procedure, if it finds that a key concern is raised.

8. In any case concerning administrative matters or deliberations, the Commission may meet by use of electronic means (teleconferencing), as defined in paragraph 13 of Article 14 of the Code of Administrative Procedure (Law 2690/1999).

9. The hearing of a case may also take place by use of technical means (teleconference). The Commission decides, at its discretion, on the recourse teleconferencing. The Secretary of the Commission shall inform the members of the Plenary or the Chamber sitting and the parties by any appropriate means of the use of such procedure. The place of the hearing shall be deemed to be the meeting room at the premises of the Hellenic Competition Commission. The quorum of the collective body shall be established and recorded by the Chair of the meeting. Teleconferencing allows one or more or all Commission members, as well as any other persons participating in the discussion or summoned by the Commission such as in particular the parties' legal representatives, lawyers, witnesses, experts, interpreters and officials of the Directorate-General for Competition to attend the hearing of the case without being required to be physically present. The attendance of the above persons is allowed following an identification procedure by use of electronic or other means, which ensure the certification of the identity (digital or non-digital) of all participants. The technical means used allow real-time video and audio transmission so that persons who are not physically present in the Commission's meeting room but elsewhere can see, hear and communicate simultaneously with the persons attending the meeting. The Commission takes the appropriate and necessary measures (technical and organisational security measures) for the smooth conduct of the meeting by ensuring secrecy/confidentiality of the meetings, the participants' identification (authentication), the non-alteration of information (integrity of procedure), preventing any access by unauthorised persons (participant authorisation) and clandestine listening of the hearing's content (secrecy/confidentiality). The minutes shall be kept by the Secretary

according to the provisions of Article 29 hereof. Electronic recording is possible for meetings held via teleconferencing, in accordance with the provisions of para. 2 of Article 29 hereof. This possibility is also provided to facilitate the taking and preparation of the minutes of the meetings of the collective bodies. This possibility shall prevent any modification of the content of the hearing and facilitate the preparation of the minutes, without creating ambiguities and disputes. The Information Technology Systems Directorate, in collaboration with the Secretaries of the Plenary Session, shall be responsible for setting up, managing and technically supporting all meetings held via teleconferencing on behalf of the Commission.

Article 23

Hearing of third parties

1. The President, the Chairperson, the Plenary or the competent Chamber of the HCC, before which the case is discussed, may, at any stage of the proceedings, summon any third party to the discussion, including the persons referred to in the following paragraph and any persons being invoked in third party submissions, according to par. 4, as a witness, if it considers that any input thereof may contribute to the examination of the case.

2. Any third party, natural or legal person, may lodge a written submission in the context of a case heard before the Commission, at least thirty (30) days before the hearing.

3. The third party's submission shall be lodged to the Commission's Secretariat form part of the case file and be served on the parties concerned under the responsibility of the person submitting it, at least twenty-eight (28) days before the hearing of the case, under penalty of inadmissibility and at least five (5) days before the hearing of the case in merger cases. The third party is required to present the relevant proof of service to the Secretariat of the Commission at least twenty (20) and two (2) days before the hearing of the case, respectively.

4. The third party presenting a written submission according to para. 3, may request to attend the oral hearing, in case it is held, as stipulated in Article 22. Together with the above submission, the third party shall submit a reasoned request specifying how he can contribute to establishing the truth, the claims and arguments he intends to present orally, the reasons justifying his participation in the hearing, the duration of his attorneys' and/or legal representatives' speech and their names, and he suggests any persons who may contribute to the examination of the case. The Commission shall decide on the above requests at least fifteen (15) days before the first hearing of the case, after hearing the case-Rapporteur. The Commission shall inform the parties concerned of any such decision by any appropriate means.

5. Where the Commission considers, at its discretion, that the participation of the third party contributes to establishing the truth, it may, where appropriate, taking into account the extent of the third party's possible contribution to the clarification of the case facts, as established in the written statement of para. 3, allow the third party, pursuant to the decision of para. 4 of this Article, to: a) express its views in a written submission to be submitted to the Commission's Secretariat and served on the parties concerned no later than ten (10) days before the first hearing on the case or b) express its views orally during the oral hearing indicating the persons who will present oral arguments and the maximum speaking time, unless the meeting of article 23A hereof takes place and/or, c) address questions to the parties and other participants in the

procedure, as provided for in paragraph 5 of Article 22 on the parties in so far as it participates in it, and/or d) receive the minutes of the proceedings, in so far as it participated in it, with a view to submitting a written submission after the end of the procedure, and/or e) receive copies of the non-confidential versions of the parties' submissions. By virtue of the Decision referred to in para. 4 of this Article, the HCC may allow the third parties, for which it is decided that they are entitled to exercise the rights of para. 5(f) a) to c) of this paragraph, to be provided, by any appropriate means, with a summary of the Statement of Objections, as it will be orally delivered by the case Rapporteur during the discussion of the case, in a non-confidential version.

6. Third parties may request, in person or through the attorneys acting on their behalf with a special power of attorney, on serious grounds, by a written, sufficiently reasoned request, for an extension of the above time-limits. The President of the Commission shall decide on the request. Third parties shall ensure that any relevant proof of service of the submissions referred to in subparagraph a' of para. 5 is presented to the Secretariat of the Commission at least three (3) days before the hearing of the case.

Article 23A

Preparatory meeting

Where the President or Chair deems it appropriate to hold a preparatory meeting, he may, on his own initiative and in the presence of the case-Rapporteur, seven (7) days before the hearing and after the Plenary or the Chamber has decided on the attendance of third parties thereto, call a meeting with the attorneys and/or legal representatives of the parties and any third parties, whose request to attend the hearing of the case has been accepted by the Commission, and, after hearing their views and the views of case-Rapporteur, inter alia:

- a) determine the maximum speaking time, per party and any third party,
- b) determine the order in which the parties and any third parties will take the floor,
- c) determine the cases in which one or more parties and any third parties will be asked to temporarily withdraw from the hearing to ensure the confidential treatment of information,
- d) invite the parties and any third parties to bind themselves in terms of limiting the scope of their oral statements/positions /questions they intend to address to the witnesses/experts to what is necessary to establish the truth;
- e) take the necessary organisational steps to ensure the secrecy and efficiency of the proceedings.

Article 24

Adjournment of case hearing

1. The Commission may decide to adjourn the hearing of a case for a maximum period of two (2) months, save in exceptional circumstances, if it deems that, in order to address emerging issues, it is necessary to be provided with additional information or to summon material witnesses or other persons for examination.

2. An adjourned hearing shall continue at the next hearing before the Commission, which shall be composed of the same Members as in the last hearing.

Article 25

Supplementary submissions

1. At the request of the parties, the President or the Chairperson may authorise the filing of additional submissions after the hearing, which shall be submitted in printed and electronic form. The supplementary submission and the documents attached thereto shall be submitted each duplicate, while the separate non-confidential versions of these shall be produced in as many copies as the number of parties to the proceedings, in accordance with the provisions of Article 14.

2. The supplementary submissions shall be submitted to the Secretaries of the HCC no later than three (3) working days from the date following the notification, under the responsibility of the Secretaries of the HCC, of the minutes to the parties, unless otherwise specified by the President or the Chair. The minutes of the oral proceedings shall be communicated to the parties within one month from their conclusion.

Article 26

Withdrawal of complaint

1. A withdrawal of a complaint before the Commission is allowed at any stage of the proceedings and until the end of the case examination. The withdrawal procedure requires a written declaration, which is submitted to the General Protocol of the HCC's Directorate-General for Competition. The withdrawal declaration may also be submitted orally or in writing to the HCC, after the commencement of the case examination. The declaration is submitted by the complainant in person or through his attorney, who has been appointed by a special power of attorney. If the withdrawal declaration is submitted after the notification of the summons to the hearing, the consent of the person against whom the complaint is directed is required.

2. The withdrawal declaration submitted shall not automatically terminate the investigation of the case or the initiation of proceedings before the HCC.

3. If the withdrawal declaration is submitted following the assignment of a case to the Rapporteur, the HCC shall decide whether to proceed with the proceedings. If the withdrawal declaration is submitted before the assignment of a case to the Rapporteur, the President of the HCC may, by issuing a relevant act, file the case without further action.

4. Revocation of the withdrawal is not allowed. Any conditional or provisional withdrawal shall be void.

5. The provisions of this Article shall not prevent the President of the HCC or the HCC from reopening a case which has been closed.

CHAPTER E

DELIBERATION AND DECISION MAKING

Article 27

Deliberation and Decision Making

1. The first deliberation of the HCC in the context of decision making takes place in a meeting, within a reasonable period and, in any case, not later than thirty (30) days from the submission of the supplementary submissions of the parties or, in any other event, from the date of the hearing at which the examination of the case was completed. The decision shall be reached within a time limit of 30 days from the last deliberation.

2. At the first deliberation, the President or the President shall designate the author of the decision

3. The Board Members, who participated in the case examination, take cognisance of the content of the case file.

4. If during the voting, more than two opinions are formed and a majority fails to be reached, the voting is repeated with the mandatory accession, each time, of the one or those who express the weaker opinion, to one of the prevailing opinions. Where votes are tied, the President or Chair shall have the casting vote.

5. If, during the deliberation, certain issues arise the resolution of which requires more evidence to be provided by the parties or further investigation by the Directorate-General, the Commission shall adopt a decision to that effect. If such evidence is necessary only for the calculation of the fine, they may be sought, through the Secretaries of the Commission, by the parties, without the issuance of a preliminary ruling.

5A. Where the Hellenic Competition Commission considers on a preliminary basis that it may deviate from the legal assessment, expressed in the [Rapporteur's] Opinion, against a party to the proceedings or where new evidence or issues occur which may lead to new objections, the Commission shall issue a preliminary ruling, containing such objections, and it shall set the date for a new oral hearing. The preliminary ruling shall be notified to the parties at least forty-five (45) days prior to the new hearing instead of a summons. Article 13 herein shall apply by way of analogy. Following the notification of the ruling, and without prejudice to Article 15 herein, the parties shall, upon request, be granted access to any new evidence. The parties may make submissions on the preliminary objections. Article 14 paras 2 - 4 and 6 herein shall apply by way of analogy. The Commission may shorten deadlines by means of the preliminary ruling. It may also allow any third parties who took part in the initial hearing to make oral submissions during the new hearing or/and to receive the minutes of the proceedings to the extent that they took part therein so that they make written submissions following the new hearing or/and to receive copies of the non-confidential version of the parties' submissions.

6. The Commission may also invite, to provide information or clarifications on the elements of the relevant file, the case handlers of the Directorate-General who assist the case-Rapporteur, the officials of the Chief Legal Unit, as well as the experts-scientific consultants selected pursuant to Article 21 A of Law. 3959/2011.

7. The deliberation on the decision shall be secret and its outcome shall remain confidential until the operative part of the decision is recorded in the Register of Decisions and Opinions of the Commission kept by the Commission's Secretary.

Article 28

Drafting, notification and publication of decisions

1. The drafting of the decision is assigned by the President or Chair to the Vice-President and/or to the Rapporteur and/or to another or other Board Members. In exceptional cases, this task can be undertaken by the President or the Chairperson himself.
2. The name of the author of the draft decision shall not be disclosed before its issuance.
3. The decision of the Commission must be specifically reasoned.
4. Minority opinions shall be mentioned in the decision, as well as in the minutes of the deliberations, together with the names of the minority members.
5. Following the adoption of the decision, the Secretary shall enter the details of the case and the operative part of the decision in the Commission's Register of Decisions and Opinions by serial number. The above serial number is also the number of the Commission's decision.
6. After transcription, the text of the Decision is signed by the President or the Chairperson, the Author(s) of the decision and the Secretary, and the number of its versions is determined, depending on the number of parties to the proceedings and the information qualified as confidential as against the other parties and any third parties. The Draft decision shall state the number of its versions and the recipients of each individual version.
7. Each version omits those pieces of information which are confidential as against the specific recipient, insofar as they are not considered necessary for the grounds of the decision.
8. The Secretary shall forward the appropriate version of the decision for publication in the Government Gazette, and post it on the Internet, as provided for in Article 47 of Law 3959/2011. In addition, the decision shall be forwarded to the competent authorities for further action. This version does not contain any business secrets.
9. The Secretary shall communicate a certified copy of the appropriate version of the decision to each party concerned. Any correction of inadvertent errors in the text of the decision posted on the Internet and published in the Government Gazette lies with the responsibility of the Secretary. The relevant correction shall be published in the Government Gazette and posted on the internet.

CHAPTER F

KEEPING OF MINUTES, RECORDS AND ARCHIVES

Article 29

Minutes

1. The minutes of the Commission's meetings shall be kept by the Secretary.
2. For the sole purpose of assisting the work of the Secretaries of the Commission, electronic means may be used to record all or part of the oral proceedings and, in particular, witness statements. After the drawing up and signing of the minutes, all electronic aids shall be destroyed.
3. The minutes of the Commission's deliberations shall be concisely kept and contain the general content of each meeting, the specific issues discussed and the outcome of the deliberations.
4. The minutes are signed by the President or the Chair and the Secretary.

Article 30

Register of the Commission's Decisions and Opinions

1. The Register of the Commission's Decisions and Opinions shall contain the following entries: a) The number of the decision or opinion, b) the date of issuance of the decision, c) the number of the Issue of the Government Gazette in which the decision was published, as well as the numbers of the Issues of the Government Gazette in which any corrections thereof were published, d) the names of the parties and, in the case of legal persons, their brand names, e) the type of case, f) the operative part of the Commission's decision, g) the judgments of the Athens Administrative Court of Appeal on appeals against HCC decisions and h) Council of State decisions on appeals against the relevant judgments of the Administrative Court of Appeal of Athens.

2. By decision of the Commission Plenary, the Register of Decisions and Opinions may also be kept electronically.

Article 31

Archive

1. After the publication of the Commission's final decision, the case file shall be filed in the archive of the Directorate-General for Competition.

2. The content of each case file shall be destroyed after a period of five years, after the relevant decision of the Commission has become final. A three-member committee is set up to that end by decision of the President, which shall draw up a relevant destruction protocol.

3. Draft decisions and minutes, which bear the original signatures provided for by these Rules, shall be kept by the Secretaries of the Commission in separate files and electronic records.

4. Copies of the Commission's decisions and of the relevant minutes are issued by the Secretaries of the Commission upon request of the parties.

5. Third parties may receive copies of the Commission's decisions, as they have been forwarded to the Government Gazette for publication, at their own expense.

Article 32

Other records and files

In addition to the Register of Decisions and Opinions and the records referred to above, the Secretaries of the Commission also keep the special book of article 4 (3), where the phone invitations to the Members to the Commission's meetings are registered, the electronic meeting record of Article 13 (2), as well as any other book or record deemed necessary by decision of the President.

PART TWO

FINANCIAL MANAGEMENT

CHAPTER G

CONSTITUENT BODIES AND RESOURCE MANAGEMENT PROCEDURE OF THE HCC

Article 33

Administrative and resource management body

1. The administration and resource management of the HCC is exercised by its Plenary.
2. By its decision, the Plenary of the Commission may delegate its resource management powers to the President, to another Member or to a body of the Directorate-General for Competition, in accordance with these Rules.
3. The President of the Competition Commission is designated as the Principal Authorising Officer and enters into financial commitments against appropriations that are made available directly from the Authority's budget.

Article 34

Revenue

1. The HCC's financial resources are as follows:
 - a) A contributory duty of one-thousandth (0.001) in favor of the Hellenic Competition Commission, calculated on the capital stock or on the amount of capital increase of public limited companies (societes anonymes), as also provided for in Article 17 (1) of Law 3959/2011. This revenue shall be collected through bank deposit to an account held by the HCC. Instructions on the payment of the contributory duty are available on the HCC's website.
 - b) Interest and other revenue from its fund management.
 - c) Donations, inheritance, legacies or third party contributions.
 - d) Subsidies, grants, funding of research programmes or any other revenue from the EU and non-profit institutions, such as international organisations, scientific and research organisations.
 - e) Subsidies from the national Public Investment Budget.
 - ee) A fee for notifications under Article 6 and for requests under para. 3 of Article 9, amounting to one thousand hundred (1,100) euros for notifications under Article 6 and for requests under paras 9 and 3 of Articles 8 and 9, respectively. In the case of para. 4 of Article 8, the above fee amounts to three thousand (3,000) euros.

That fee shall be collected through bank deposit to an account held by the HCC and the concentration concerned shall not be implemented until payment thereof.

Any such amounts collected shall be entered as revenue in the HCC's relevant accounts, based on the relevant written bank account statements.
 - f) Any other legitimate financial resource.
2. Revenue collections shall be deposited to a special bank account in the name of and on behalf of the Competition Commission. Any such collections shall be recorded as revenue of the Commission in the relevant accounts, based on the relevant written bank account statements.

Article 35

Expenditure

The HCC's expenditure mainly relates to:

- a) Payment of salaries, bonuses, social security contributions, travel allowances and other allowances to the HCC's staff serving under any employment relationship, as well as to the President, the Vice-President, the Commissioners-Rapporteurs, the other Board Members and the Commission's bodies.
- b) Payment of rents and communal charges for movable or immovable property leased by the HCC under rental or leasing, as well as insurance for buildings, furniture, etc.
- c) Coverage of all kinds of operating expenses (procurement of stationery and office supplies, lighting, heating, telephone, postal and telegraphic expenses, maintenance, repair, fuel and parking of the Service car, consumables, etc.).
- d) Acquisition of buildings or land for the construction of buildings or the expansion of existing facilities and related loan servicing.
- e) Staff education and training.
- f) Repair and maintenance of buildings, facilities, furniture, machinery, instruments and appliances.
- g) Costs for studies, research and receipt (provision) of any kind of services from third parties.
- h) Procurement of electronic equipment and software, as well as the adaptation, repair, maintenance, upgrading, improvement and extension thereof.
- i) Purchase of furniture, appliances and other types of equipment.
- j) Purchase and publication of printed matter (books, magazines, bulletins, etc.).
- k) Publication of announcements in printed and online press.
- l) Organisation of conferences, seminars and expenses for promotion and public relations of the HCC (receptions, hosting costs, etc.).
- m) Liaising with and subscriptions to market monitoring bodies and databases, as well as membership contributions to international organisations, and
- n) Any other expenditure provided for by law or serving and promoting its objectives.

Article 36

Expenditure approval procedure

1. A prior approval by the Commission's Plenary or by the authorised bodies is required for any expenditure implementation step, in accordance with the provisions of these Rules.
2. By its decision, the Commission may delegate the power to authorise expenditure to the President, the Vice-President, a Commissioner-Rapporteur or another Member of the Board or to a body of the Directorate-General for Competition.
3. The request for expenditure approval shall be drawn up by the competent Department of the General Directorate and signed by the competent body.
4. A document authorising an expenditure shall state:
 - a) The type and purpose of the expenditure;
 - b) The respective financial year;

- c) The code number attributed to the expenditure in the HCC's budget;
5. The approval of the expenditure is followed by the issuance of the decision to assume an obligation is carried out in accordance with the provisions of the p.d. no. 80/2016. Expenditure approvals, which are recognised, in whole or in part, as chargeable to the following financial years, shall be kept by the competent Department in a special file until their payment in full and entered in the relevant books, at the beginning of each financial year, as per the amount which corresponds to the new financial year, as an absolute priority.
6. The contracts concluded on behalf of the HCC shall necessarily include the number and date of the decision of the competent body approving the expenditure.
7. The contracts concluded on behalf of the Commission necessarily include the number and date of the decision of the competent body approving the expenditure.
8. In the case of personnel appointments, integrations, transfers and secondments, the head of the competent Department shall confirm the availability of the appropriations necessary to cover the relevant expenditure, more specifically, for appointments, in the relevant vacancy notice or in the instrument of appointment, where the appointment is effected without a recruitment competition, and for integrations, transfers and secondments, on the relevant acts.
9. Regarding commitments of expenditure, the procedure laid down in Articles 66 and 67 of Law 4270/2014 and Articles 2 to 10 of p.d. 80/2016 shall apply.

Article 37

Procedure for review of legality, regularity and clearance of expenditure

1. The clearance of expenditure and, in particular, the determination of the rights of the HCC's creditors, shall be carried out by the competent Department by an act bearing, in both words and figures, the amount of payment cleared.
2. The act referred to in the previous paragraph shall be initialed by the bodies of the Authority that are involved in the control of supporting documents and signed by the head of the service clearing the expense.
3. In the event of a single clearance procedure for several claims by one or more beneficiaries, a consolidated statement of the individual amounts shall be attached to the supporting documents. In this situation, the envisaged clearance act shall be drawn up on above consolidated statement.
4. Any erasures or overwriting on the supporting documents of expenses are not allowed. In the event of any correction on the expenditure clearing act, a red line shall be drawn across the correctable numbers or correctable words with inclusion of a corresponding reference to the number of the words and/or numbers deleted, and the correct entry shall be made by footnote or sidenote. Such corrections shall be initialed by the official clearing the expense.
5. [Deleted].
6. Expenditure shall be checked for legality and regularity and shall be cleared.

Article 38

Payment orders

1. The expenses cleared by the competent service department are paid, based on payment orders (POs) against the relevant budget appropriation and always within budget projections and the balances of the HCC's cash management account.
2. The above POs shall indicate:
 - a) the HCC's name,
 - b) the respective financial year,
 - c) the related expenditure code,
 - d) the serial number of the payment order and the relevant protocol number of the document accompanying supporting documentation,
 - e) the number and date of the decision approving the implementation of the expenditure,
 - f) the amount payable, both in words and figures,
 - g) the full name, the tax identification number and any other identification detail of the beneficiary and, in case of a legal entity, its exact name, registered office and tax identification number,
 - h) the place and time of issue, and
 - i) the signatures of the competent officials as defined in the joint decision no. 2/16570/0026/13.05.2016 of the Minister and the Deputy Minister of Finance (B' 1381).
3. The above POs shall include an analysis indicting the amount payable to the beneficiary and any deductions in favor of the State and third parties.
4. In advance payment orders (APOs), in addition to the above information, the deadline for presenting the account shall be indicated, as well as the name of the accounting officer.
5. POs are drawn up in two copies, one of which shall be marked as "ORIGINAL" and the other as "COUNTERFOIL". Copies shall include mentions of the following elements, each marked as "attachment" : a) invoice number, b) statement of deductions and c) tax certificate.
6. POs must not contain erasures, additions, alterations, deletions and overwritings.
7. In case of common and similar claims by several beneficiaries, the issuance of only one PO is permitted. In that case, the original of the payment order and its copy shall be accompanied by a name list of beneficiaries, including, in separate columns, all the identification details for each beneficiary, the purpose of the payment, the amount of each claim, any deductions attributable to the State and third parties, the sum remaining after deductions and the sums of the amounts of each column. The clearing act is drawn up thereon.
8. The issuing of a PO based on supporting documentation attached to another PO is permissible. In this case, a note is made on the copy and the reference note in the PO to which the supporting documents have been attached.

Article 39

Expenditure payment methods

1. The HCC's expenses are paid either by online money transfer from the HCC's bank account to the beneficiaries' accounts held at a credit institution or bank, or by check issuance.
2. Payments of staff remuneration are effected through the Single Payment Authority and the special bank account kept for this purpose.

3. Checks and transfer orders are signed by the President and the Director General or their legal deputies, who are designated by decision of the Commission's Plenary and are certified by the banking institution as bank account managers.

Article 40

Prepayments

1. It is permitted to issue prepayment orders (PPOs) against expenses for which a budget allocation has been entered, in the name of permanent officials of the HCC or permanent officials of the State by reasoned decision of the body which, according to these Rules, has the power to approve expenditure.

2. The approval provided for in the previous paragraph shall indicate the amount of the PPO and the deadline for presenting the account. In all other respects, the relevant provisions on the accounting of legal persons governed by public law shall apply, namely Articles 100-103 of Law 4270/2014, p.d. 136/1998 and 97/2011.

Article 41

Payment of Money Orders

1. Where a payment by the HCC is effected by money transfer over the Internet, the bank transfer note shall, in this case, be the relevant proof of payment. In case of payment by check, the relevant proof of payment shall be the beneficiary's payment receipt.

2. Payments to beneficiaries shall be effected based on original POs, with the responsibility of their authenticity verification lying with the official authorised by the HCC to this end.

Article 42

Payment of levies in favour of the State or third parties

1. The deductions appearing on the POs are paid by checks or transfer orders.

2. By the end of the following month, unless specified otherwise in this respect by the provisions in force, the HCC is required to proceed with the payment of the levies in favour of the State or third parties calculated against the POs paid or issued during the preceding month, either by check issued by order of the competent Tax Office, bank or other credit institution, or by transfer order.

3. Checks issued by order of a Tax Office shall be accepted, regardless of the amount, against the issuance of a payment receipt, which is sent by the Tax Office to the HCC.

Article 43

Accounting plan

For the purpose of monitoring economic activity and determining the annual financial results, the provisions of: a) Law 4270/2014 (A' I43), b) Legislative Decree 496/1974 (A' 204), c) Presidential Decree 205/1998 (A' I63) and d) Presidential Decree 54/2018 (A' 103) shall apply.

Article 44

Accounting books

1. The Directorate-General is required to keep the following books/records:

- a) Journal.
- b) General Ledger.
- c) Inventory and balance sheets.
- d) Book of entries and balance sheet.
- e) Fixed assets register.
- f) Book of check and transfer order issuance,
- g) Staff records containing, in numbers as per each category and position of personnel, kept by the Human Resources Department.
- h) Any other book kept as provided for by a general or specific provision or may be deemed necessary by the Plenary.

Furthermore, for administrative reasons, the HCC shall keep detailed ledgers of all accounts, as well as general ledger and detailed ledger balances.

2. The use of computerised means and information technology systems based on special software, as appropriate, for keeping the HCC's accounting books, records and statements and the preparation and implementation of its Balance Sheet and Budget.

3. The endorsement of the books, records and statements of paragraph 1 above is carried out by the competent Tax Office or by the President of the Commission or his authorised deputy.

Article 45

Budget – Financial Report - Balance Sheet

1. a) In the context of the budget, the HCC's revenue and expenditure ceilings for each financial year shall be determined. b) The revenue and expenditure shown in the budget are classified by type, groups and categories. For classification of revenue and expenditure, the classification code for legal persons governed by public law shall apply. c) The HCC's budget shall be drawn up by the competent Department, accompanied by the relevant Introductory report and submitted to the Plenary of the Commission which decides on the types of expenses and the size of each allocation. d) The HCC's budget shall be agreed and adopted by the Authority's competent administrative body by December 31 of the year preceding that of implementation of the budget, on recommendation of the head of the financial services concerned and shall be consistent with the budget outline, as it was established according to the procedures provided for in Article 54 of Law 4270/2014, as in force. e) By reasoned decisions of the Commission's Plenary or of the bodies authorised thereby, it is possible to enter or increase appropriations in the HCC's budget during the budget implementation year with an equivalent decrease of other budgetary appropriations.

2. The annual report shall show the following items, in columns:

- a) The initially budgeted revenue and expenses,
- b) any subsequent additions and modifications thereto,
- c) any revenue and expense effected,
- d) any upwards or downwards differences in revenues – expenses, and
- e) the surplus or deficit.

The financial management balance appears at the end of the report, showing, in the debit column, the monetary balance on December 31 of the preceding year and the recoveries effected

during that year and, in the credit column, the payments made during the same year as well as the cash balance on December 31 of the same year.

3. The year-end balance sheet shall be prepared at the close of each financial year, in accordance with the provisions of p.d. 205/1998 (A' 163).

4. The annual management report and the annual balance sheet for each financial year shall be drawn up by the competent Service and be hierarchically signed and approved by the Plenary of the Commission. The annual report and the annual balance sheet shall be accompanied by a detailed explanatory statement by the Commission on the management and results of its activities over the accounting year.

5. Following their approval, the report and the balance sheet together with the relevant supporting documents relating to revenue and expenditure and the auditors' report provided for in Article 48 shall be submitted to the Court of Auditors, within the deadlines provided for by the provisions on the accounting of legal persons governed by public law.

6. An inventory of assets and liabilities shall be compiled prior to the drawing up of the balance sheet.

Article 46

Annual financial statements

1. The Commission shall also prepare the following annual financial statements which are submitted to the supervising Minister of Development and Investments and the Minister of Finance:

- a) A year-end balance sheet.
- b) A profit and loss account.
- c) Notes to the balance sheet and profit and loss account.
- d) An annual income-expenditure report based on Public Accounting.

2. These statements shall be drawn up no later than four (4) months after the end of the financial year, dated December 31 of each year and submitted to the competent auditing bodies.

3. If the HCC's financial management at the end of each financial year results in a positive annual economic outturn (income-expenses), up to eighty percent (80%) of this positive financial result is made available by joint decision of the Ministers of Finance and of Development and Investments, as State budget revenue. The draft joint decision is drawn up and submitted to the competent ministers by the President of the Commission. After the signing of the relevant joint ministerial decision, an appropriation account is drawn up in accordance with p.d. 205/1998. After the signing of the relevant joint ministerial decision, a distribution table of results is drawn up in accordance with the p.d. 205/1998.

4. The elements of the HCC's financial statements shall be published on its website and in the Government Gazette. They shall also be submitted to the President of the Hellenic Parliament, together with the annual report provided for in Article 29 of Law 3959/2011 and the budget for the following year, as provided for in subparagraph c of paragraph 2 of Article 17 of the above law.

Article 47

Audit of financial management

1. Regular audits of the financial management of the HCC's resources and audits of the annual financial statements shall be carried out by two (2) certified public auditors-accountants, who are appointed by decision of the Plenary. Auditing costs shall be borne by the HCC.

2. Each accounting year shall be the same as the corresponding financial year.

3. The certified public auditors-accountants carrying out regular audits shall submit, by April 30 of each year, a report on the management and accounting for the closing financial year. These reports shall be submitted together with the financial statements for each year and the annual report provided for in Article 29 of Law 3959/2011, to the President of the Hellenic Parliament as well as to the Court of Auditors.

Article 48

Treasury management

By decision of the Commission's Plenary, the financial resources available of the special account may be placed on a fixed-term deposit or invested in public securities to increase the related management efficiency.

Article 49

Procurement

1. The HCC itself shall make the necessary arrangements to cover its operational needs in terms of procurement. The expenditure required in this regard shall be covered by the HCC's resources.

2. All types of procurement of goods, awards for project implementation and provision of services to the HCC are carried out in accordance with Law 4412/2016 (A' 147).

3. Any procurement shall be carried out by decision of the Commission's Plenary or of the body authorised thereby, following a reasoned proposal by the competent service departments.

Article 51

Leasing - Rental - Acquisition – Sales of immovable property

1. The Hellenic Competition Commission can itself purchase or lease real estate for its needs, after conducting a public tender. The purchase or lease price for a property shall be covered by the HCC's resources.

2. The Commission's Plenary shall decide on the purchase, leasing-rental of a property pursuant to the more specific provisions of para. 6 of Article 17 of Law 3959/2011, which are applied as complementary to the provisions of p.d. 715/1979 (A' 212).

3. By reasoned decision of the Commission's Plenary, the rental of premises adjacent to the HCC's main premises by direct agreement, without any tendering procedure, for a period of more than three years and for as long as is deemed strictly necessary to meet the HCC's housing needs may be allowed, in compliance with the other provisions of Article 27 of the p.d. 715/1979.

4. Articles 50 to 64 of the p.d. 715/1979 concerning the purchase, sale, consideration and exchange of real estate properties by the HCC shall also apply.

CHAPTER H

FINAL PROVISIONS

Article 52

Explanations of terms - Provisions invoked

1. With the exception of Articles 7, 19, 20, 22, 23, 23A, 25, 27, 28 and 29, which also concern, as appropriate, the President (Chair) of a Commission's Chamber, "President" in these Rules shall mean the President of the Hellenic Competition Commission.
2. Any reference, in these Rules, to the "Members" of the Hellenic Competition Commission shall be understood as including the President, the Vice-President and the Commissioners-Rapporteurs.
3. Any reference, in these Rules, to the "Commission" and the "Directorate-General" shall mean the "Hellenic Competition Commission" and the "Directorate-General for Competition", respectively.
4. For all matters concerning administration and management of resources and not falling within the scope of these Rules, the provisions on the accounting of legal persons governed by public law shall apply. Any reference, in the Accounting Code for legal persons governed by public law, to "Board of Directors", "Chairperson of the Board of Directors" and "Bodies" shall mean the Commission's Plenary, the HCC's President and its service units, respectively.

Article 53

Entry into force

This decision shall enter into force on the date of its publication in the Government Gazette. This decision shall be published in the Government Gazette.

Athens, 12 September 2024