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**COMPETITION COMMITTEE**

## Annual Report on Competition Policy Developments in Greece

-- 2020 --

This report is submitted by Greece to the Competition Committee FOR INFORMATION.

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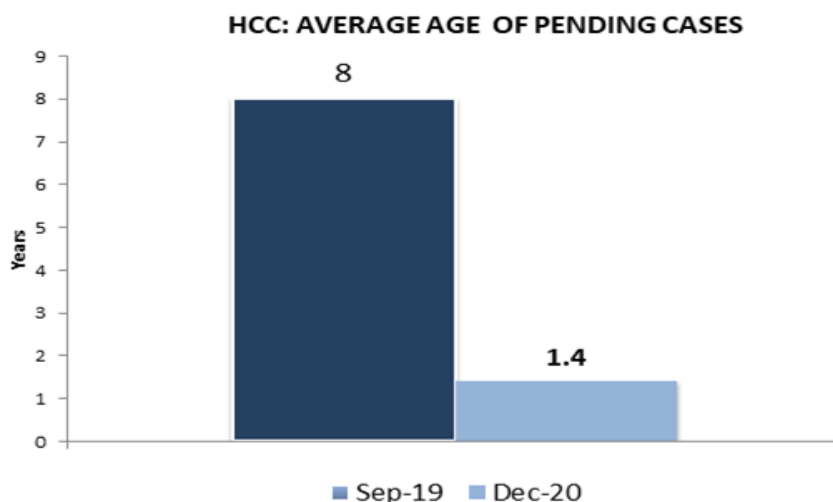
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## *Greece*

### EXECUTIVE SUMMARY

1. Year 2020 has been a challenging period for Greece (as well as the rest of the world) in view of the COVID-19 crisis. The Hellenic Competition Commission attempted to respond to the pandemic crisis both in terms of organisational readjustments and in relation to its priorities regarding its investigations and sector inquiries.
2. With regard to its internal organisation, the HCC has made investments in becoming a fully digital operational authority both for the benefit of its employees and for the public. Digital services have been developed so that all actions and steps necessary could be effectively performed by the public without presence in the premises of the HCC (from submitting complaints to organising virtual meetings), while the necessary technologies (both in terms of hardware and software) were adopted for allowing all the personnel to work effectively from home.
3. An overall organisational readjustment was also adopted in order for the HCC to perform more efficiently its tasks with the establishment of sectoral directorates with a mixed disciplinary background (lawyers, economists, IT).
4. In terms of its enforcement and policy work in 2020, the HCC has made great strides, mainly overcoming the problems that were affecting its operation for more than two decades, in particular the existence of a significant backlog of long-standing cases, stemming from a very slow pace in the administration of justice, its technological lag, the lack of a culture of interdisciplinary cooperation on the basis of clear enforcement objectives. A great effort was put forth over 2020 in order to clear up the stockpile of cases pending before the Commission. The significant efforts of the HCC staff in conjunction with the new more flexible organisation of the authority, in particular with the creation of a special task force to deal with the backlog of cases and a strict adherence to set deadlines, enabled the HCC to proceed with those cases that involved anticompetitive conduct, and to close other cases which did not raise such concerns. As a result, more than 120 cases were completed in 2020, bringing the average age of pending cases before the Commission from approximately 8 years in September 2019 to 2 years in September 2020.



5. This important outcome is due not only to the closure of many old HCC cases but also to the initiation of a number of new ones, numbering more than in any other period in the HCC's recent history. All these were achieved, despite the prolonged economic crisis and the current health crisis of COVID-19.

6. The year 2020 was marked by an intensified process of far-reaching changes with the elaboration of a reform plan for the new organization of the authority and important changes in the way the HCC staff works with a view to enhancing the effectiveness of HCC interventions and magnify their deterrent effect. The new organization chart enables the HCC to focus its enforcement on areas of activity that will provide significant benefits to the economy (digital, banking, health, etc.).

7. In view of the pending legal reform with the amendment of Law 3959/2011, the next 12 months will be crucial for the transformation not only of the HCC, but also of national competition law into a model, not only for EU countries but also worldwide.

8. In 2020 the Authority maintained a consistent level of enforcement action, while further diversifying its advocacy and market monitoring initiatives. At the same time, the HCC enhanced its practice regarding settlement decisions, the outcome of which is expected to shape competition policy in the years to come. Furthermore, the HCC adopted a number of infringement decisions in both Article 101 and 102 TFEU cases and imposed fines totaling approx. € 2.6 million.

9. Also, on April 15, 2020, the HCC announced the actions carried out to date by the Covid-19 Competition Task Force which was set up on 20.3.2020, for the systematic application of competition rules in the specific economic and social conditions resulting from the coronavirus pandemic. In this regard, from the beginning of the COVID-19 pandemic outbreak, the HCC has been systematically monitoring economic data of various sectors, in particular relating to basic consumer goods and foodstuffs, as well as consumer complaints and media reports regarding, on the one hand, price increases on basic consumer goods throughout the food value chain and, on the other hand, medical and personal protection equipment. To that end, it has developed a strategy of targeted intervention wherever and whenever it was deemed necessary, as the authority responsible for finding any violations of the provisions of Law 3959/2011 and Articles 101 and 102 TFEU. Further detailed information on the actions that the COVID-19 Taskforce completed in 2020 (including dawn raids and other investigations) can be found in the following link: (HCC's, [Newsletter 3](#))

10. In summary, the HCC's work in 2020 was developed on the basis of the following four pillars:

- • Re-organisation of the HCC in order to enhance its effectiveness
- • Focus on the current, real economy
- • Enhanced accountability and transparency
- • HCC becoming more extrovert

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

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

11. During 2020, the following main changes were made to the legal provisions of Greek competition law.

12. Firstly, Article 17 (“Resources and budget of the Hellenic Competition Commission”) and Article 22 (“Evaluation procedure of the Hellenic Competition Commission”) of Law 3059/2011 (“Greek Competition Act”) were amended by Law 4753/2020. More specifically, by virtue of the recent amendment to Article 17, additional funding of the HCC was introduced by way of supplementing its revenue from the State budget. It is noted that the main income of the HCC derives from a 1% contributory fee in the name and on behalf of the HCC, calculated on the initial share capital of sociétés anonymes or the amount of any share capital increases thereof. By virtue of the amendment, additional funding shall be provided in the event that the HCC's revenue generating from the above fee is less than an amount corresponding to a certain percentage of the Gross Domestic Product (GDP). According to the provisions of Article 17 par. 1, the revenue of the HCC for the years 2021 and 2022 must at least amount to 0.0000368 of the Gross Domestic Product (GDP) of the financial year 2019, as set by the Hellenic Statistical Authority ("*minimum revenue threshold*"). For the years 2023 onwards, the revenue of the HCC must at least amount to 0.00004 (four of a billion) of the Gross Domestic Product (GDP) of the preceding financial year, as defined annually by the Hellenic Statistical Authority. If the HCC's revenue from the fees as set in the previous subsection is lower than the minimum revenue threshold, the relevant amount shall be supplemented by the State budget following a decision of the Minister of Finance, which will be issued following a relevant request by the President of the HCC.

13. Furthermore, by virtue of the recent amendment to Article 22 of Competition Act, a Key Performance Indicators (KPIs) system for the assessment of the work of the HCC was introduced. According to the newly introduced provisions of Article 22 the Plenary of the HCC following a reasoned opinion by the President of HCC, decides on the objectives of the HCC for a period that may not exceed three (3) years. The objective-setting decision defines KPIs, which allow the assessment of the work of the HCC based on objective quantitative and qualitative criteria. A group of experts of recognized standing is set up to evaluate the KPIs<sup>1</sup>. The expert group prepares the Commission's Assessment Study, according to the Key Performance Indicators of the objective-setting target decision at the latest every two (2) years. The expert group delivers the Assessment Study to the President of the HCC and to the President of the Institutions and Transparency Committee of the Parliament, and it is posted on the website of the HCC.

14. Following a relevant amendment to article 20 of Law 3959/2011 on 31.07.2020 (Article 67(1) L. 4714/2020), an HCC Legal Council of State *Office* started to operate from early October, originally staffed by three members who are responsible for monitoring the judicial proceedings in HCC cases, while the possibility of recourse to external lawyers is also maintained in certain cases.

15. Also, by virtue of Law 4714/2020, Article 19 (“Competences of the President and the Vice-President of the Commission”) of the Greek Competition Act was amended, by

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<sup>1</sup>The expert group consists of five (5) members, experts of international standing in matters of competition, who are selected as follows: one (1) by the Directorate-General for Competition of the European Commission, one (1) by the Chief Economist for Competition of the European Commission for a term of six (6) years, one (1) by the Governor of the Bank of Greece for a term of four (4) years, one (1) by the Minister of Development and Investments and one (1) by the Minister responsible for the General Secretariat of Fiscal Policy and its subordinate services for a term of two (2) years. The expert group coordinator is elected by a majority of the group members for each assessment period. The group consists of at least one (1) University Professor specialised in competition law, one (1) University Professor specialised in industrial economics and competition economics and one (1) Professor of Statistics. Academic members must be full professors or the equivalent in foreign universities, in active or non-active employment.

way of introduction of a new competence of the President of the HCC, namely, the competence of the President to undersign the requests to the Legal Council of State for the provision of opinions on matters within the competence of the HCC, to receive the respective opinions and also to approve the minutes of the Legal Council of State for such opinions with respect to judicial and extrajudicial cases of the HCC.

16. The HCC has participated (either through direct participation and involvement in the Law-making Committees established or through proposals to the Government) in a number of legislations that have a specific interest or could be linked to competition law enforcement. In particular:

- Screening and proposal for the specific modification of the new law on Public Procurement, to establish the interface of the HCC's Economic Intelligence Platform with the 2 main procurement databases.
- Screening and proposal for amendments in relation to the Draft law of the General Secretariat for Communication and Information on Audiovisual Media.
- Proposal for the adoption of Regulation 2015/751/EU and various actions in relation to its adoption into the Greek legal order.
- Proposal for the adoption of Regulation 2019/1150/EU and various actions in relation to its adoption into the Greek legal order.
- Proposal for the adoption of Directive 2019/633/EU and various actions in relation to its adoption into the Greek legal order.
- Proposal for the adoption of Directive 2019/1/EU and various actions in relation to its adoption into the Greek legal order.

## 2. Enforcement of competition laws and policies

17. According to the HCC Decision of 2019 and following readjustment of priorities throughout the year, the sectoral priorities during 2020 were as follows: Fintech and banking, digital economy and e-commerce, fuel and energy (including renewable energy), airlines (postponed due to covid pandemic), online advertisement, private sector healthcare services, supermarkets, the food sector and the retail supply chain.

18. Due to the Covid 19 pandemic a number of inquires were initiated and prioritized

- Food (eggs- chicken, citrus-fruits, cereal, milk and animal feed).
- Health (healthcare material and hospital equipment for covid protection, covid detection tests).

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

#### 2.1.1. Summary of HCC's activities

19. In the area of antitrust, the HCC dealt with 74 alleged infringement cases applying Articles 101 TFEU (1 of Greek Competition Act) and 102 TFEU (2 of the Greek Competition Act), i.e. regarding potentially anti-competitive agreements, concerted practices, decisions of associations, as well as abuse of dominance. Moreover, the Authority also issued a number of statements of objections, thereby concluding its investigations in several high-profile cases.

20. Of the above cases, 3 decisions were issued finding infringement of Article 1 of Greek Competition Act and/or Article 101 TFEU and 9 decisions were issued by the HCC finding infringement of Article 2 of Greek Competition Act and/or Article 102 TFEU.

21. Furthermore, 44 cases were closed with dismissal decisions i.e. cases where the HCC examined allegedly collusive conduct, but concluded that no infringement was committed or substantiated (approximately 16 decisions within the meaning of article 101 TFEU and approximately 28 decisions within the meaning of article 102 TFEU).

22. Despite the severe restrictions due to the COVID19 pandemic crisis, the HCC managed to conduct six (6) dawn raids in total for the investigation of equivalent number of pending cases.

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

23. An infringement decision regarding collusive activity with fines totaling € 218.837, finding that 7 contracting companies violated Article 1 of Greek Laws 703/1977 by applying horizontal concerted practice of bid rigging, which, according to the case law, constitutes one of the most egregious violations of Art. 1, para 1 of Law No. 703/1977 [as well as of Law No. 3959/2011 currently in force]. The decision concerns undertakings which have not participated in the settlement procedure adopted for the same case. The total imposed fee in Settlement Decision and Decision No 715/2020, amounts to 461.819€.

24. A settlement decision on the infringement of competition law imposing fines (dependent on the duration of the involvement of each one in the infringements) amounting to €688.107. The HCC by its unanimous Decision No. 721/2020, adopted under the simplified Settlement Procedure, according to article 25a of Law 3959/2011, as amended, and HCC Decision No 704/2020, following the submission of a relevant request by the parties involved, decided that the aforementioned companies infringed Articles 1 of L. 3959/2011, 1 L. 703/1977 and 101 TFEU. The Decision was adopted under the above simplified Settlement Procedure following the expression of interest by the parties concerned to engage in the settlement procedure and their consequent written reply that the Statement of Objections of the Rapporteur reflects the settlement submissions.

25. Decision on the ex-officio investigation in the furniture and professional equipment market where an agreement between the undertakings concerned (distortion of competition), resulted in the restriction of competition by object. The company “K. PAPANASTASIOU OFFICE FURNITURE SA” with registered name “GrammiGoitrou” substantially assisted the HCC in the investigation of the respective violation of Article 1 of the Greek Competition Act 3959/2011 (on the “Protection of Free Competition”) and was granted full immunity from fines under the leniency programme Decision no. 526/2011, par. 47) and the company “MAR OFFICE FURNITURE MICHALIS PICHAS & SONS” was given a fine reduction by 15% for its cooperation under the Settlement Procedure and the unconditional admission of its participation in the infringement, according to the Settlement Procedure for the violation of article 1 of Law 3959/2011. The fine amounted to 29,013.59 euros. In the case, the provision of Article 101 TFEU does not apply as there is no evidence of impact on inter – state EU trade.

26. Examination of the compliance with the commitments imposed by Decision no. 658/2018. The HCC unanimously decided the no compliance of ATTICA GROUP with the operative part of Decision no. 658/2018 with respect to a) condition B6 (a) and b) condition B6 (b). The Competition Commission decided by majority that the total period of non-compliance amounted to 238 days. Having appraised the company’s extent of non-compliance with the imposed commitments as well as the company’s honest desire to

cooperate, the Competition Commission unanimously i) imposed a fine of twenty-nine thousand seven hundred and ninety-two (27,792) Euros for its non-compliance with the aforementioned commitment (B6), ii) ordered the company to cease its non-compliance with commitment B6 and iii) ordered the extension of the period of compliance with commitment B6 in accordance with the company's own proposal to comply with commitment B6 for an extra year following the completion of the three year period since the publication of the operative part of Decision no. 658/, and a) to increase its weekly route frequency to a remote island by one (1), providing there is no other route for that island operating at the moment by another ferry company, for a period of 34 weeks and b) to introduce a new route in Greece, not currently offered, for a period of 20 weeks.

27. Decision on the request put forth by DEPA COMMERCIAL S.A. for review of the third Commitment undertaken by the company, under HCC Decision No 551/VII/2012, as amended and applicable by Decisions No. 589/2014, 596/2014, 618/2015, 631/2016 and 651/2017. In the light of all the case-file evidence and the positive opinion of Regulatory Authority for Energy (RAE), the HCC unanimously decided that there has been a substantial change in the facts on which HCC Decision No. 551/VII/2012, as amended and applicable, was based regarding the third Commitment undertaken by DEPA and accepted the request of DEPA for its exemption from the obligation to implement the program of distribution of natural gas quantities through electronic auctions, as set out in Decision No. 631/2016.

28. Decision concerning the compliance of ARGOS S.A. with the operative part of the HCC Decision no. 687/2019, pursuant to Article 25(5) of Law 3959/2011. After having reviewed the compliance with the operative part of the HCC Decision no. 687/2019, according to Article 25(5) of Law 3959/2011, the HCC decided, by majority, the no compliance with the HCC Decision no. 687/2019, as defined in points II.1.3, II.2 and II.3 of the operative part of that Decision and imposed, by majority, a total fine of €6.071,19 for the aforementioned infringements. The HCC did not impose a fine for failing to initiate negotiations with one (1) publishing firm, according to point II.2 of the operative part of the Decision no. 687/2019.

29. Following a request from the company "DIAMANTIS MASOUTIS SOCIETE ANONYME - SUPERMARKET", the HCC decided, taking into account the exceptional circumstances in the market, to proceed with the amendment of the commitments undertaken in Decision 665/2018 which concerned the clearance of the acquisition of sole control over the company "FOOD SUPPLY S.A.", pursuant to the clause concerning the revision of commitments. Specifically, the commitment undertaken by MASOUTIS S.A. to sell the store in the area of "Agios Spyridon" in the capital of Andros is replaced with the commitment to sell the company's store in the area of "Anemomili" in the capital of Andros.

30. Two (2) complaints were rejected by HCC decisions. The first one as there is no evidence of violation of article 2 of Law 3959/2011, as in force, by MAVIZ and therefore there is no need for further action by the Hellenic Competition Commission with respect to the aforementioned company under Article 102 TFEU. According to the decision, MAVIZ holds a dominant position in the upstream market for the supply of fur animal feed and also operates through its subsidiary in the downstream market (market for breeding and selling of fur animals). However, the cumulative condition of abuse of such position within the meaning of article 2 of Law 3959/2011 is not met because the conditions to characterize the refusal to supply as abusive are not met since such refusal does not lead to the elimination of effective competition in the downstream market. In addition, it is considered that MAVIZ conduct was objectively justified, as the company was not obliged to continue



delivering feed to a customer with large debt and providing no sufficient guarantees for the repayment of such debt.

31. The second Decision concerns a complaint by «B. Zisimatou – Th. Marinis O.E.» rejected as there is no evidence of violation of article 1 of Law 3959/2011. Following the HCC decision the company's request for interim measures on the market of distribution of smoke products was unreasonably submitted and the allegations on infringement of art.1 of Law 3959/2011 were assessed as unfounded and rejected.

32. Also, on April 15, 2020, the HCC announced the actions carried out to date by the Covid-19 Competition Task Force which was set up on 20.3.2020, for the systematic application of competition rules in the specific economic and social conditions resulting from the coronavirus pandemic.

## 2.2. Mergers and acquisitions

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

33. In 2020 the HCC reviewed ten (10) merger filings pursuant to the Greek Competition Act, of which one (1) led to an in-depth review (phase II merger investigations).

### *2.2.2. Summary of significant cases*

34. In-depth investigation (Phase II review) of 1 notified merger and acquisition. The approval of the merger concerned was granted on the basis of art.8 par. 6 of the Greek Competition Act. The notified merger was cleared since it did not raise serious concerns on the significant impediment of competition in the concerned markets.

## 2.3. Judicial Review

35. The Athens Administrative Court of Appeals (AACA), which reviews all HCC's decisions on the merits, issued and notified to the HCC nine (9) final judgments in 2020. Out of those decisions:

- (5) uphold decisions of the HCC and (1) accepts an application for suspension of enforcement
- (3) uphold decisions of the HCC on their merits and reduce the fine imposed on the appellant.

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

36. In the context of its advocacy initiatives, the President of the HCC and the officials of the Directorate-General, participated in the teleconference organized by the Association of Sociétés Anonymes on June 15, 2020. In particular the competition law provides a clear framework which grants the HCC the necessary flexibility in taking into account the difficult financial situation of companies, an aspect which the President of the HCC and the officials of the Directorate-General had the opportunity to discuss at the abovementioned teleconference.

37. The HCC co-organized in October 8-9, 2020 a conference regarding recent developments in law and competition policy, with the participation of distinguished European experts in the subject matter. The conference was co-organized by the HCC and Nomiki Bibliothiki SA and ECONOMIA Group titled “Competition Law in 2020: A world of evolving and thorny challenges” and concerned issues regarding antitrust law-key developments, enforcement, judicial review, competition law issues in mergers and trends and aspects in state aid law. In particular, the President of the HCC had an Opening Speech and the Members of the HCC, that participated in the conference presented the following topics: “New technologies (AI) and competition law – from the HCC/Regulators’ point of view” and “Antitrust Fines & commitments offered: how far can we go”.

38. The HCC focused to develop the cooperation with consumer associations. Following the efforts of the HCC to improve cooperation with consumer associations<sup>2</sup> seminars were organized for that period to enhance the involvement of consumer associations in the enforcement of competition law, aiming at strengthening their role and respective education on competition law matters, however, the seminars were postponed due to COVID-19 crisis, and took place in March 2021. Further seminars in cooperation with the European Consumer Organisation (BEUC) had been also planned for Summer 2021.

39. The HCC developed an enhanced cooperation with other independent regulatory authorities. Following the efforts of the HCC to enhance cooperation with the regulatory authorities, and especially in the context of the efforts initiated by its President in the context of his chairmanship to the legislative drafting committee with a view to creating a competition network and a regulatory policy, the HCC has proposed to all regulatory authorities as early as March 2020 the conclusion of Memoranda of Cooperation, on the model of the Memorandum of Cooperation with the Hellenic Single Public Procurement Authority (HSPPA) in October 2019. In this broader context for strengthening cooperation, a Memorandum of Understanding was signed between the Hellenic Competition Commission (HCC) and the Hellenic Regulatory Authority for Energy (RAE) at the offices of the HCC on 25 September 2020, with the aim to consolidate and enhance the cooperation between the two Authorities by combining their common experiences, and strengthen their relationship. Particular emphasis was placed on the establishment of joint working groups for the development of guidelines, studies and research papers on issues of common interest, within the competences of the two Authorities. The two Authorities agreed, inter alia, to carry out actions to promote policies and strategies to inform economic operators/participants in the energy market on matters relating to the responsibilities of the two Authorities, for the benefit of society, the economy and the general public.

40. Publication of Interim Report concerning sector inquiry into basic consumer goods (supermarkets) - Launch of public consultation. The HCC has completed the Interim Report of its sector inquiry into basic consumer goods (supermarkets), which was published on April 13, 2020.

41. The Interim Report aims to outline the operation of the markets/sectors for basic consumer goods sold in supermarkets. It focuses on the structure of the super market sector (Chapter 2) and on the analysis of the selected eleven markets for specific products (Chapter 3) and the bargaining power of buyers/suppliers by using dedicated economic quantitative and econometric analysis (Chapter 4) on the one hand and on specific discount practices (Chapter 5), category management (Chapter 6), private labels (Chapter 7) and buying alliances for specific basic consumer products and in particular food items along

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<sup>2</sup> As a first step three (3) Memoranda of Understandings with Consumer Associations were signed in 2019.

the supply chain (suppliers/ supermarkets) (Chapter 8). In addition, the sector inquiry identifies and discusses possible competition law problems along every stage of the supply chain. Finally, it proposes actions and suggests measures that will improve its effectiveness for the benefit of the final consumer. It examines the entire supermarket supply chain for the supply of daily consumer goods sold in supermarkets. The proposed solutions, which will be reconsidered following the public consultation and updating of the inquiry data, are: a) Adoption of soft law instruments through a hybrid approach to cases of significant bargaining power. Such non-binding legislation can be enacted, for example, through a Code of Conduct or a Good Practice Guide between the parties involved, with respect to the identified problematic practices, which may affect end consumers and/or suppliers. The development and adoption of such best practices can address more effectively and in accordance with the rules of fair competition external costs and supply side problems, especially under the current market conditions created by COVID-19; b) Possible legislative changes, e.g. amendment to the Rules for the Distribution of Products and the Provision of Services and; c) Possible introduction of new institutions, such as that of an Ombudsman, appointed by the HCC, which will systematically monitor those markets where significant power of suppliers or buyers is observed. Such new institutions can act as a hub for communication and information on relevant issues affecting the industry and will contribute in general to the audit work of the HCC. In particular with regard to the proposal to appoint an Ombudsman or Representative, in the difficult and extraordinary conditions that the country is facing (Covid-19), the Ombudsman, with the responsibilities for continuous supervision of the market, could provide information to the HCC for the market situation and for the objective needs of companies in these special economic and social conditions, so that the HCC can provide guidance for practices that, despite the potential for restricting competition, may be necessary for the security of procurement and distribution networks and general reasons of public interest, thus having a positive effect on economic efficiency and the resilience of the supply chain, and which may possibly outweigh potential anti-competitive effects.

42. Following the Interim Report, the HCC asked participants in the relevant markets to update their annual data and following the evaluation of these the Final Report was published in March 2021, albeit with some variations on the relevant proposals as set above.

43. Teleconference/Public consultation in the context of the HCC sector inquiry into basic consumer goods (supermarkets). Following the publication of the Interim report on basic consumer goods (supermarkets), the HCC has successfully completed its teleconference/public consultation with various stakeholders on Friday, 3 July 2020. The teleconference followed the written submissions by the companies and institutions concerned, and served as an interactive forum for exchanging views on the competitive conditions prevailing in the specific sector. The teleconference was attended, through the HCC's platform, by many stakeholders including undertakings, associations of undertakings and traders, lawyers and economists, as well as academics, social partners and consumer organisations. During the event, a representative of the Government, prominent academics and market representatives presented on a wide range of current legal and economic competition issues. Participants had the opportunity to communicate in real time with the representatives of the HCC and the speakers, to raise questions and express their views on issues of their interest. The findings of the teleconference together with the participants' comments have been assessed by the HCC Research Team, which has sent questionnaires to sector representatives, in order to issue the the Final report in 2021. Most interestingly, the HCC proposed the adoption of a whistleblowing system (which was also implemented in early 2021) that would also be implemented in relation to unfair trading practices employed by companies with significant market power.

44. Sector inquiry by the Hellenic Competition Commission into e-commerce - Launching of public consultation/teleconference. By its Decision of March (11.03.2020), the HCC, has initiated a sector inquiry into e-commerce, taking into account the increasing important role of e-commerce in Greek consumers' habits, as a reliable channel for the distribution of goods and services, as well as the ability of modern technology tools to facilitate restrictions of competition in the digital environment. The HCC has taken the initiative to investigate in depth the competitive conditions prevailing in the digital environment, in order to enhance consumer welfare, but also to actively contribute to the country's digital transformation and the promotion of innovation. The launch of this sector inquiry took place at a time when the Covid-19 pandemic has significantly increased the reliance of Greek consumers on online retailers' commercial activities. In that regard, it is part of the wider set of actions undertaken by the HCC to protect consumers at this difficult situation. The leadership and staff of the HCC, being fully aware of the adverse and unforeseen circumstances, we are experiencing as a country, remain committed to the Authority's mission to identify and fight any practices that harm consumers, especially at the current situation.

45. The first phase (Phase A') of its sector inquiry into e-commerce has started with the launch of the public consultation/ teleconference on e-commerce that was held via a private live streaming studio in FULL HD, covering four topics. The teleconference was successfully completed on Wednesday, 3 June 2020, and followed the written submissions by the companies and institutions concerned, and served as an interactive forum for exchanging views on the competitive conditions prevailing in the e-commerce sector. The teleconference was attended, through the HCC's platform, by many stakeholders including undertakings, associations of undertakings and traders, lawyers and economists, as well as academics, social partners and consumer organisations. During the event, prominent academics and market representatives presented on a wide range of current legal and economic competition issues. In particular, the teleconference covered four key topics, namely: a) e-commerce vertical restraints, b) limitations resulting from digital platform activities, c) theories of harm related to the use of algorithms and big data, as well as d) state anti-competitive measures in the digital environment, through over-regulation of specific sectors. The findings of the teleconference together with the participants' comments have been assessed by the HCC Research Team, which has drafted and sent questionnaires to sector representatives, in order to issue the first draft Report in 2021.

46. In view of the forthcoming legislative developments, both at national and EU level, aimed at radically reviewing the application of competition rules in the digital environment - including the promoted amendment of Law 3959/2011 and the European initiatives for the adoption of the regulatory framework Digital Services Act and Digital Markets Act - The HCC appointed Professor Michael Jacobides (London Business School) as Head of Digital Economy, as well as an advisory body Committee of Scientists from Leading International Universities, chaired by Professor Frédéric Jenny, Chairman of the OECD Competition Commission. The HCC seeks to take an active part in the relevant consultations held within the European Competition Network, and to this end, to be in open communication with representatives of Greek companies in order to understand the challenges they face, as well as their perception of the competitive process in the digital environment, in the light of the specific characteristics of the Greek economy and its broader goal. digital mutation of it.

47. In this context, the HCC organized on Friday, November 6, 2020 the first informal teleconference on digital economy issues. It was attended by representatives of successful digital companies and growing startups, who had the opportunity to share their concerns about the conditions of competition in the digital environment and proposed solutions to strengthen the position of Greek companies in international competition.

48. Sector inquiry by the Hellenic Competition Commission into Fintech – Launching of public consultation/teleconference. By its Decision of March 2020 (11.03.2020), the HCC has initiated a sector inquiry into financial technology services (Fintech), with the collaboration of the Bank of Greece, taking into account the increasing use of financial technology in the provision of financial services, as well as the ability of modern technology tools to facilitate restrictions of competition. The HCC Board also appointed professor Markos Zachariades as a chief advisor of the HCC for Fintech issues.

49. The first phase (Phase A') of its sector inquiry into Fintech has started with the launch of the public consultation/teleconference and was held via a private live streaming studio in FULLHD covering four key topics. The teleconference was successfully completed on Friday, 30 October 2020, and followed the written submissions by the companies and institutions concerned, and served as an interactive forum for exchanging views on the competitive conditions prevailing in the Fintech sector. The teleconference was attended, through the HCC's platform, by many stakeholders including undertakings, associations of undertakings and traders, lawyers and economists, as well as academics, social partners and consumer organisations. During the event, Head of Competition Authority, representatives of the Bank of Greece, prominent academics and market representatives presented on a wide range of current competition issues as well as the ability of modern technology tools to facilitate restrictions of competition in the digital environment. In particular, the teleconference covered four key topics, namely: a) Fintech in Greece – state of play, b) Payments Systems, c) From Open Payments to PSD2 and Open Finance, as well as d) The Central Bank as a facilitator of innovation. Participants had the opportunity to communicate in real time with the representatives of the HCC and the speakers, to raise questions and express their views on issues of their interest. The findings of the teleconference together with the participants' comments will be assessed by the HCC Research Team and will be used to draft and send questionnaires to sector representatives. Phase A' of the sector inquiry will be completed with the issuing of the first draft Report by the end of the year. Finally, an internal training programme has been designed and put in place in 2019, in order to ensure an enhanced staff training, in particular on new technologies supporting competition law enforcement. The findings of the teleconference together with the participants' comments have been assessed by the HCC Research Team, which has drafted and sent questionnaires to sector representatives, in order to issue the first draft Report in 2021.

50. Development of the HCC's newsletter(s) published in both Greek and English at the website of the authority every 3 months.

51. A revamp of the HCC's website with more detailed information on HCC's activities.

52. Development of the social media strategy with the use of a twitter and Facebook accounts.

53. Development of a special webpage titled "Learn About Us" on the HCC's website aiming at informing/educating consumers and businesses about the HCC's work, its responsibilities, examples of anti-competitive conduct, guidance on how to file a complaint and other information. The website's page is available at <https://www.epant.gr/enimerosi/who-what-how-why.html> (in Greek).

54. Publication of the Annual Report, setting clear priorities. The 2019 Report is available at <https://www.epant.gr/enimerosi/dimosieyseis/ektheseis-pepragmenon/item/1278-ekthesi-pepragmenon-tou-2019.html> (in Greek).

55. Competition law & Sustainability project: At a time climate change becomes all the more acute, the need to accelerate the transformation of the Greek economy becomes

urgent, through the adoption of environmentally friendly actions for the benefit of consumers and citizens, but also as a means for enhancing the competitive advantage of businesses. The EU has become a world leader in promoting sustainable development, applying the highest social and environmental standards, promoting the Paris Agreement on Climate Change as well as innovative concepts such as the circular economy. In this context, the EU and its Member States are actively promoting the achievement of the Sustainable Development Goals (SDGs) through various regulatory instruments, but also by promoting self-regulation by businesses, in cooperation with all stakeholders. The overall achievement of SDGs by 2020 is a major challenge for public authorities worldwide. In this context, HCC took the initiative to launch a dialogue to find and integrate methods and tools of valuation, analysis and assessment of business practices in the field of economics and competition law, taking into account the extent to which they favor or suspend specific sustainable solutions. Following the Authority's initiative to publish a Staff Discussion Paper on Sustainability Issues and Competition Law in the summer 2020 and in order to launch a public consultation on the above issues, HCC organized on September 28, 2020 a digital conference on "Sustainable development and competition law - Towards a Green Growth regulatory osmosis" attended by high officials Representatives of the European Commission, the OECD and other international organizations, several heads of National Competition Authorities, judges, academics, companies, and representatives of economic and social organizations. The HCC further moved forward in setting up a sandbox, i.e. a safe space where firms can experiment with innovative products, services, business models and delivery mechanisms without immediately incurring all the normal regulatory consequences of engaging in such activity. The purpose of this initiative is to promote business initiatives that promote Green Growth.

56. The overall achievement of SDGs is an ongoing process which will be further developed with the initiation of the abovementioned sandbox mechanism in this area /platform in 2021.

57. Further information available at <https://www.epant.gr/en/enimerosi/competition-law-sustainability.html>

### 3.1. Sector Inquiries

#### *3.1.1. Sector inquiry into production, distribution and marketing of basic consumer goods and in particular food products as well as cleaning and personal hygiene products.*

58. The Hellenic Competition Commission (HCC) within its relevant competences and aiming to thoroughly analyse and investigate the conditions of competition prevailing in critical sectors of the economy, conducted a sector inquiry into production, distribution and marketing of basic consumer goods and in particular food products, as well as cleaning and personal hygiene products. The sector inquiry focused on eleven (11) product categories, namely: (1) cured meat products, (2) soft drinks - ready-made tea - energy drinks - sodas, (3) powdered laundry detergents, (4) yogurt and yogurt desserts, (5) cereals for breakfast, (6) pasta, (7) coffee, (8) legumes, (9) feta cheese, (10) toilet paper and (11) sliced bread. In particular, the following were examined:

- the structure of the supermarket supply chain for specific product categories and the regulatory framework governing its operation;
- the emerging changes with the development of e-commerce and the advent of new technologies;
- specific discount practices;

- category management;
- private labels;
- buying alliances for specific basic consumer products and in particular food products;
- as well as the bargaining power of suppliers and supermarkets.

59. Following the key findings and considerations regarding competition at various levels of the value chain, solutions are proposed, in the interim report. These solutions aim not only to protect consumer surplus in the short term by boosting horizontal competition, but also indirectly increase consumer surplus and economic efficiency in the medium term through the development of innovation, competitiveness and resilience of the supply chain. In the long run, the suggested solutions also aim at strengthening vertical competition in the affected value chains. The suggested solutions are:

1. Adoption of soft law instruments through a hybrid approach to cases of significant bargaining power. Such non-binding legislation can be enacted, for example, through a Code of Conduct or a Good Practice Guide between the parties involved, with respect to the identified problematic practices, which may affect end consumers and/or suppliers. The development and adoption of such best practices can address more effectively and in accordance with the rules of fair competition external costs and supply side problems, especially under the current market conditions created by COVID-19;
2. Possible legislative changes, e.g. amendment to the Rules for the Distribution of Products and the Provision of Services and;
3. Possible introduction of new institutions, such as that of an Ombudsman, appointed by the HCC, which will systematically monitor those markets where significant power of suppliers or buyers is observed. Such new institutions can act as a hub for communication and information on relevant issues affecting the industry and will contribute in general to the audit work of the HCC.

60. Also, in the difficult and extraordinary conditions that the country is facing (Covid-19), the Ombudsman, with the responsibilities for continuous supervision of the market, could provide information to the HCC for the market situation and for the objective needs of companies in these special economic and social conditions, so that the HCC can provide guidance for practices that, despite the potential for restricting competition, may be necessary for the security of procurement and distribution networks and general reasons of public interest, thus having a positive effect on economic efficiency and the resilience of the supply chain, and which may possibly outweigh potential anti-competitive effects.

61. The HCC may intervene by applying Articles 1, 2 and 5 to 10 of Law 3959/2011, in order to address problems that harm the effective functioning of competition. In addition, when these tools are not adequate, it may, with a reasoned opinion, take all necessary measures to create conditions for effective competition in this sector of the economy (Article 11 of Law 3959/2011).

62. Interested parties were invited either to take part at the teleconference organized for this purpose by the HCC in May 2020 and/or to submit written comments in the form of a Memorandum via HCC website.

### 3.2. Procedural issues – Priority system

63. The HCC issued on 2020 a decision (i.e. decision HHC no 704/2020) for the amendment and codifying of its previous Decision 628/2016 on «Terms, conditions for the Settlement procedure in horizontal agreements in violation of article 1 of the Greek Competition Act 3959/2011 and / or article 101 of the TFEU».

64. Following a comprehensive consultation with the staff of the Hellenic Competition Commission (HCC) and their unions, the new Organisation of the HCC has been adopted and entered into force. The new Organisation introduces a new structure for the internal organisation of the HCC and the Directorate-General for Competition (DG). The aim of this new structure is to strengthen the functionality and flexibility of the HCC, based on international standards of other Competition Authorities. The main features of the new structure are the replacement of the current Economics and Legal Services Directorates by 'mixed' sectoral Directorates, which focus on one or more, but adjacent economic sectors, and are staffed by officials with economic, legal and technical training. In addition, the new Organisation of the HCC foresees the setting up of 'horizontal' Units dedicated to Economic Research & Documentation and Forensic Detection, as well as a Chief Legal Officer Directorate. Furthermore, new Directorates that report directly to the President of HCC are created (Directorate of Coordination and Secretariat of the HCC; and Directorate of International Relations and Communications), as well as an Office of the Legal Council of the State at the HCC.

65. On the grounds of enhancing its procedural transparency, the HCC published the Manual of Operational Procedures of the Hellenic Competition (HCC), part of an extensive internal Code of Procedures which, for the first time, concretises and standardises the procedures of the HCC as they have been defined and substantially reformed in order to increase its operational efficiency. During the implementation of the above project, proposals and opinions put forward by various interested stakeholders-users of the HCC's services (scientists and bodies engaged in and/or practicing the law on free competition) were collected and taken into account regarding the practices applied to date in terms of improving these practices and reducing bureaucracy.

## 4. Resources of competition authorities

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

#### 4.1.1. Annual budget (in euros):

66. The HCC's competition-related budget in 2020 was 4,910,000 €.

COMPETITION-RELATED BUDGET (€) *			
2017	2018	2019	2020
5,477,000	5,475,000	5,310,000	4,910,000

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



BUDGET ALLOCATED TO SALARY (€)			
2017 (actually spent)*	2018	2019	2020
3,682,865	3,704,658	3.601.508	3.890.000

#### 4.1.2. Number of employees

Staff Category	HCC staff (year end 2020)	
	Number of staff	
Competition experts (lawyers)	24	
Competition experts (economists)	33	
Competition experts (other)	2 Data Scientists	
Non-administrative competition staff having other roles	3 (1 translator, 1 lawyer) in the Directorate of International Relations and Communications) and 1 economist in the Directorate of Coordination and Secretariat.	
<b>Total (competition staff)</b>	<b>62</b>	
Administrative support staff (excluding employees on secondment to other public sector entities or on unpaid leave)	16	
<b>Total</b>	<b>78</b>	

67. The authority changed its internal structure in 2020, with the adoption of HCC Decision 719/2020, following a new organisational plan put forward by the HCC's leadership in 2019. The new organization is setting up six sectoral Directorates and several "horizontal" Units, reflecting the interest of the HCC in acquiring a functional, flexible and agile structure, based on the best international standards and taking into account the pending recruitment of at least 14 additional case handlers.

68. More specifically, the organisation chart now comprises a Directorate of Coordination and Secretariat of the HCC (consisting of the Internal Audit Office and the Secretariat & Coordination Unit) and a Directorate of International Relations and Communications (consisting of the International Relations Unit and the Digital Communication and Public Relations Unit), both directorates supervised directly by the President of the HCC. A new Legal Council of State Office is also assisting the HCC's work ensuring now the in-house legal representation of the HCC in court proceedings. At the General Directorate level, the changes concern the creation of six (6) sectoral Directorates (i.e. directorates with mixed staff – lawyers, economists and data scientists, that focus on one or more adjacent economic sectors), each of them including two units, a legal unit and economic and market impact analysis unit. These 6 separate Directorates are respectively,

- Directorate A for Industrial and Consumer Goods,
- Directorate B Health and Related Products and Services,
- Directorate C for Food Products,
- Directorate D for Financial Services and Insurance,
- Directorate E for Energy and Transport,
- Directorate F for Media, Online Services and E-Infrastructure/Digital Platforms.

69. A chief Legal Officer (supervising the Chief Legal Unit and the Office of Personal Data Protection) providing additional legal support of the Directorates, protecting the procedural rights of the parties and ensuring a systematic devil advocate's role was also established in the new Organization Chart of the Authority.

70. The new Organization chart also includes the following horizontal units which report to the General Director of the HCC:

- Economic Research and Documentation Unit,
- Forensic Investigation/Detection Unit,
- Advocacy unit.

71. The Information Technology Applications and Telecoms Directorate manages the technological infrastructure of the HCC, and the Directorate for Administration and Economic Support ensures the day-to-day administrative support. These are also supervised by the General Director of the HCC.

72. The new Organisation entered into force on 27/10/2020 and the staffing of the new Directorates and Units proceeded without delay.

73. Within those Directorates and Units, all non-administrative staff contributes to all areas of competition enforcement (mergers, anti-cartel, anti-competitive agreements, dominance-related issues, advocacy etc), according to their individual field of sectoral expertise and depending on the actual needs of the Authority and overall resources available (on a case-by-case basis).

74. In 2020, the total number of staff is 81<sup>3</sup>, out of which 62 is non-administrative staff working on competition enforcement.

#### ***4.1.3. Period covered by the above information***

75. The information provided above covers the entire year 2020, i.e. from January 1st to December 31st 2020.

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<sup>3</sup>This figure excludes the Members of the HCC Board (the decision-making arm of the authority).