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Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Greece

-- 2021 --

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

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Table of contents

Greece.....	3
1. Executive Summary	3
2. Changes to competition laws and policies, proposed or adopted	4
2.1. Summary of new legal provisions of competition law and related legislation	4
2.2. Other relevant measures, including new guidelines	5
2.3. Government proposals for new legislation	6
3. Enforcement of competition laws and policies	6
3.1. Action against anticompetitive practices, including agreements and abuses of dominant positions	7
3.2. Mergers and acquisitions	14
4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies	17
5. Resources of competition authorities	27
5.1. Resources overall (current numbers and change over previous year):	27
5.2. Human resources (person-years) applied to:	28
5.3. Period covered by the above information	28
6. Summaries of or references to new reports and studies on competition policy issues.....	28

TABLES

Table 1. Annual budget	27
Table 2. HCC staff	28
Table 3. HCC staff	28

Greece

1. Executive Summary

1. 2021 was marked as a period of vigorous action taken by the Hellenic Competition Commission (HCC). The coronavirus pandemic and the phenomenon of soaring prices were certainly the focus of public and the HCC's concern, with the Authority carrying out the most unannounced inspections (in terms of number of inspected undertakings) it has ever organised in a similar period of time in the past and launching a series of inquiries in different markets and sectors of the economy triggered by indications of anti-competitive practices.

2. 2021 was also a milestone year for the HCC, both in terms of its efficiency (albeit with reduced staff, 75% more decisions were issued compared to the average of the previous decade), as well as in terms of "range" of its interventions as, for the first time in its history, the HCC unfolded a broad strategy which included regulatory interventions (in the construction and press distribution sectors), sector inquiries in key sectors of the national economy to enhance the HCC's case generation, (e-commerce, fintech, waste recycling and management, medical services and health insurance), innovative tools to boost the competitiveness of the national economy (the sustainability sandbox), various actions to promote competition (competition advocacy) and cooperation with different bodies (in particular, consumer associations and small and medium-sized businesses), but also an increase in the number of cases initiated following complaints as well as ex officio, also due to the support provided by the new HCC's whistleblowing tool.

3. In particular, a great effort was put forth in 2021 to increase the number of cases brought before the Commission. Especially in 2020 the number of decisions taken was 25 while in 2021 it was 40. Also, the number of dawn raids increased significantly from 7 (68 companies) to 17 (101 companies).

4. The significant efforts of the HCC staff continued and the average age of pending cases before the Commission was reduced from approximately 8 years in September 2019 to 1.4 years in 2020, and to 1.1 in 2021.

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

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

7. In 2021 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. Furthermore, the HCC adopted

29 number of infringement decisions in both Article 101 and 102 TFEU cases, imposing fines totaling approx. € 14.638.623,71 million.

8. In summary, the HCC's work in 2021 was developed on the basis of the following four pillars:

- Adoption and application of a new improved organizational structure of the General Directorate of Competition to enhance its effectiveness.
- Investment on hardware and software to enhance the digital transformation of the authority and the development of sophisticated tools for the mapping of the markets, the assessment of quantitative data and handling of big data.
- Enhancement of the Advocacy role of the Authority through a series of initiatives including public consultations, establishment of the whistleblower tool, compilation of procedures on an all-inclusive manual and digitalization of internal procedures.
- HCC becoming more extrovert with the signing up of Memoranda of Understanding with competition authorities all over the world, the launching of a twinning project with the Competition Council of the Kingdom of Morocco and the active and continuous participation in international fora.
- Investment to the updating of the digital investigative tools for dawn raids. A substantial sum was also invested for the conclusion of 17 dawn raids in nearly 101 undertakings.
- Enforcement of internal auditing and evaluation processes (internal management tool in the form of the "point-system", drawing up of annual operational plan, which inter alia compares results with last year's objectives, analysis of the judgments on appeal against HCC decisions, implementing internal statistics on the timeline of responsiveness to consumers' / companies' questions, implementing internal system of evaluation of the organisation of inspections or "dawn raids").

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

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

9. The Greek Competition Act (law 3959/2011) was amended several times during 2021.

10. By virtue of the amendment passed with art. 71 of law 4795/2021, new article 21B was introduced in law 3959/2011 establishing a new method of selection and recruitment of heads of units, directorates and general directorate from both public and private sector, setting more transparent quantitative criteria as well as a structured interview, to enhance objectivity and meritocracy to the maximum, publicizing all final point system and final results on the website of the HCC. The procedure will be carried out by an independent five-member selection board appointed by the HCC Board chaired by the President of the HCC. The selection board will be comprised of the President, three members of the Board and an independent University Professor selected by the HCC.

11. By virtue of the amendment passed with art. 70 of law 4796/2021, new par. 9a was added in art. 15 of law 3959/2011 providing for the possibility of organising discussions before the HCC remotely by using technical means (teleconferencing) The specifics for the

procedure to be followed shall be defined by the update of the Regulation for Operation and Management of the HCC.

12. By virtue of the amendment passed with art. 180 of l. 4782/2021, par. 5 of art. 17 of law. 3959/2011 was amended providing for the return to the state of up to 80% of the positive net position of the HCC's budget of the previous year, as opposed to a return of up to 80% calculated on the positive net position of the HCC's budget, in case it is larger than that of the previous year.

13. By virtue of the amendment passed with art. 238 of l. 4782/2021, art. 21A was introduced to law. 3959/2011 on the selection and recruitment procedure of technical experts and consultants-scientists, and specifically economists and IT scientists with a term of service of two-years. Following this amendment, a Chief Data Scientist and his team were recruited, while the tender procedure for the Chief Economist and his team is ongoing.

14. Overall, of foremost importance has been throughout 2021 the provision of opinions, views, and consultation on draft legislation for the transposition of Directive 2019/1 into Greek legal order and the revamp of Law 3959/2011 (Greek competition Act), during last year (2021). Law 4886/2022 amending Greek Competition Act was enacted in January 2022 (GG Bulletin A 12/24.01.2022).

15. The HCC has also continued to provide its opinion and views on legislation for the operation of various market segments as well as to cooperate with the Secretary-General for Trade & Consumer Protection to formulate national policy on European legislative initiatives. In addition, it has cooperated with Ministries for the formulation of other laws (e.g., flea markets bill, public procurement bill, media bill).

2.2. Other relevant measures, including new guidelines

16. The HCC's Plenary has unanimously approved (dec. no 749/2021), a change in the structure for the internal organisation of the HCC and the Directorate-General, the main feature of which is to further increase functionality and flexibility.

17. The features of the change in structure were:

- The integration of the Forensics Unit with the IT Directorate to increase internal flexibility
- The enhancement of the Research Unit's scope to include market mapping as well
- The generation of a special unit under the President, in the Directorate of Coordination and Secretariat of the HCC, to develop KPIs

18. Technical Report on Sustainability and Competition: Following the Staff Discussion Paper of the General Directorate of Competition on Competition Law and Sustainability (16/12/2020) and the successful tele-conference (28/09/2020) with Her Excellency the President of the Hellenic Republic, Ms K. Sakellariopoulou giving the welcoming speech, the HCC in collaboration with the Netherland Authority for Consumers and Markets (ACM) jointly commissioned to outstanding experts the drafting of a technical report on sustainability and competition. Among the conclusions of the Staff Discussion Paper was the need for the HCC to facilitate the transition to a green economy and support innovation, taking into account possible externalities from generation to generation through the use of new tools and approaches, in order to understand consumer behavior. The two authorities invited Professors Anastasios Xepapadeas, Eftihios Sartzetakis and Roman Inderst, to compile a technical report drawing on concepts and tools, mainly from environmental economics, to answer the question of what forms of quantitative assessment

could be applied to take account of the broader social benefits in a green circular economy, in competitive assessments. Further information as well as links to the various documents and events can be found in the following link <https://www.epant.gr/en/enimerosi/press-releases/item/1287-press-release-technical-report-on-sustainability-and-competition.html>.

19. The proposal for the creation and implementation of the Sandbox for Sustainable Development: this is an initiative that follows from the various national, European and global level initiatives on the issue of sustainable development. The HCC has initiated an innovative idea to generate a sandbox for the promotion of business initiatives which promote sustainable business solutions. This will allow the industry to experiment with new business formats that aim to realise more quickly and efficiently sustainability goals, and which involve cooperation between competing undertakings or even more permanent changes in market structure. More information on the Sandbox project can be found in the following link (in English) featuring the public consultation for the creation of the Sandbox <https://www.epant.gr/en/enimerosi/sandbox.html>. The Sustainability Sandbox idea has generated interest from around the world (the Antitrust Section of the American Bar Association also contributed to the public consultation) and has been hailed by other international organisations such as “Business at OECD” (BIAC) (see e.g. comments to the OECD Competition Committee for its Roundtable on Environmental Considerations in Competition Enforcement¹).

2.3. Government proposals for new legislation

1. As mentioned above, Law 3959/2011 has been amended in January 2022, due to the transposition of Directive 2019/1 into Greek legal order and the modernization of competition law for the digital era by Law 4886/2022.

3. Enforcement of competition laws and policies

20. According to the HCC Decision of 2020 and following readjustment of priorities throughout the year, the sectoral priorities during 2021 were as follows:

21. Fintech and banking, digital economy and e-commerce, press distribution, construction industry, fuels and energy, private sector healthcare services and insurance, supermarkets, the food sector and the retail supply chain.

22. Due to the Covid 19 pandemic a number of inquiries were initiated and prioritized

- Food products and food supply chain
- Health (covid detection tests).

23. Sectoral priorities set for year 2022 are in e-commerce and neighboring markets, health services and insurance, fintech, waste management, tourism, supermarkets, the food sector and the retail supply chain, fuels and energy and public tenders.

¹ [https://one.oecd.org/document/DAF/COMP/WD\(2021\)58/en/pdf](https://one.oecd.org/document/DAF/COMP/WD(2021)58/en/pdf)

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

3.1.1. Summary of activities

HCC Activities

24. In the area of antitrust, the HCC dealt with 71 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 several statements of objections, thereby concluding its investigations in several high-profile cases.

25. Of the above cases, 9 decisions were issued finding infringement of Article 1 of Greek Competition Act and/or Article 101 TFEU and 5 decisions were issued by the HCC finding infringement of Article 2 of Greek Competition Act and/or Article 102 TFEU.

26. Furthermore, 29 cases were closed with dismissal decisions i.e. cases where the HCC examined allegedly collusive conduct and/or abuse of dominance, but concluded that no infringement was committed or substantiated (approximately 13 decisions within the meaning of article 101 TFEU and approximately 16 decisions within the meaning of article 102 TFEU).

27. A great effort was put forth in 2021 to increase the number of cases brought before the Commission. Especially in 2020 the number of decisions taken was 25 while in 2021 it was 40. Also, the number of dawn raids increased significantly from 7 (68 companies) to 17 (101 companies)

28. The significant efforts of the HCC staff continued and the average age of pending cases before the Commission was reduced from approximately 8 years in September 2019 to 1.4 years in 2020, and to 1.1 in 2021.

Courts Activities

29. The Athens Administrative Court of Appeals (“AACA”) and the Council of State, which review all HCC’s decisions on the merits, issued and notified to the HCC overall twenty (20) final judgments in 2021 (15 AACA Decisions and % Council of State Decisions).

30. Out of those decisions:

- In thirteen (13) cases (8 AACA and 5 Council of State Decisions) the HCC Decisions were upheld in their totality, that is the relevant appeals against HCC Decisions were rejected
- In three (3) cases (all AACA Decisions), the HCC Decisions were partly upheld, given that the decisions were upheld on their merits but the relevant appeals were accepted with regard to the reduction of the fines imposed on the appellants.
- In two (2) cases of applications for suspension of enforcement of HCC Decision, these were accepted until the discussion of the appeals
- In two (2) cases (both AACA Decisions), the HCC Decisions were rejected.

31. Among these decisions, it is worth mentioning the following three (3):

32. Decisions 2692/2021 and 2694/2021 of the AACA with regard to HCC Decision 421/V/2008 annulled HCC's decision on tacit collusion between BP and SHELL in jointly setting wholesale prices based on the analysis of the proportionality of rebates offered by BP and SHELL in wholesale prices leading to the same level of net wholesale prices, provided that this could not be justified in an objective way. The AACA given that there was no evidence of communication among the parties decided that the outcome of similar net wholesale prices seems to be based on the legal parallel behaviour of the parties within a competitive transparent market of a homogeneous good.

33. Decision 1617/2021 of the AACA regarding HCC Decision 555/VII/2012 refers to the ability of imposing to the same entities based on the same facts two distinct administrative penalties/fines from two authorities with different competences, i.e. the Regulatory Energy Authority (RAE) and the HCC.

34. Decision 738/2021 of the AACA regarding HCC Decision 647/2017 refers to the attribution of responsibility to the parent company for the anti-competitive behaviour of the subsidiary. It is not sufficient to prove that the parent company could affect the conduct of its subsidiary, but it must be proved that the parent company actually exercised its influence on the subsidiary leading it to have an anti-competitive conduct.

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

35. A great effort was put forth in 2021 to increase the number of cases brought before the Commission. Key decisions and interventions in 2021 included the following decisions mentioned below; all other HCC decisions concerned mergers, obstruction of investigation cases, RPM cases, gun-jumping, and settlement cases.

Infringements decisions

36. The HCC adopted Decision No **755/2021**, according to which, the company ATHONIKI TECHNIKI SA ("ATHONIKI") violated Article 1 of Law 3959/2011, as in force, and Article 101 TFEU and was fined €5.828,55. Following an ex officio investigation in tenders for public infrastructure projects, the Directorate General for Competition conducted a dawn raid on 25.01.2017 during which a document was identified. The document evidenced the involvement of the undertaking ATHONIKI in collusion regarding a tender for a public infrastructure project, i.e. the construction of a motorway in Crete (Gournes-Chersonisos motorway). Said tender forms part of a broader cartel of tenders for public works, which has been previously examined by the HCC and for which three decisions have been issued (HCC 642/2017 Settlement Decision, HCC 647/2017 and HCC 748/2021 Settlement Decision). ATHONIKI participated in anti-competitive practices and more specifically a) has entered into an agreement with other members of the cartel, prior to the submission of the financial offer, regarding i) which joint venture would submit the winning bid, ii) which undertakings would submit cover biddings and iii) the monetary compensation for the companies submitting the cover bids and b) exchanged sensitive commercial information with the other cartel members. The HCC found that ATHONIKI has infringed Article 1 of Law 3959/2011, as in force, and Article 101 TFEU and imposed a fine of € 5.828,55.

37. The HCC adopted Decision No **748/2021** subject to the simplified Settlement Procedure (Article 25a of Law 3959/2011 and Decision No 704/2020) following the settlement proposal submission by the undertaking MESOGIOS S.A. Following the settlement procedure, the HCC imposed a reduced fine amounting to € 4,954.

38. Following an ex officio investigation in tenders for public infrastructure projects, the Directorate General for Competition conducted a dawn raid on 25.01.2017 during which a document was identified. The document evidenced the involvement of the undertaking MESOGEIOS S.A. in collusion regarding a tender for a public infrastructure project, i.e. the construction of a motorway in Crete (Gournes-Chersonisos motorway). Said tender forms part of a broader cartel of tenders for public works, which has been previously examined by the HCC and with respect to which two decisions have been issued (HCC 642/2017 Settlement Decision and HCC 647/2017).

39. MESOGEIOS admitted having participated in anti-competitive practices and more specifically a) in an agreement with other members of the cartel, prior to the submission of the financial offer, regarding i) which joint venture would submit the winning bid, ii) which undertakings would submit cover biddings and iii) the financial compensation for the companies submitting the cover bids and b) exchange of sensitive commercial information with the other cartel members.

40. The HCC in its Decision No. **742/2021**, of simplified settlement procedure, according to the provisions of Article 25a of the Greek Competition Act and HCC Decision 704/2020 on the procedure, approved the official settlement proposals submitted by the following companies i) TOI TOI (HELLAS) SA, ii) EUROPRICE ENVIRONMENTAL LTD, iii) A.F. DRAGONAS M. LTD (GLAROS), iv) ALBA TEXTILE AGENCY LTD and v) NEILOS RECYCLING - SOLID WASTE MANAGEMENT - ENVIRONMENTAL PROTECTION SYSTEMS S.A. Therefore HCC imposed reduced fines for infringements of article 1 of l. 3959/2011, amounting to a total amount of €199.491 to the various undertakings involved, that is, the amount of €60.078 to TOI TOI (HELLAS) SA, the amount of €52.942 to EUROPRICE ENVIROMENTAL LTD, the amount of €13.259 to A.F. DRAGONAS M. LTD (GLAROS), the amount of €72.954 to ALBA TEXTILE AGENCY LTD and the amount of €258 to NEILOS RECYCLING - SOLID WASTE MANAGEMENT - ENVIRONMENTAL PROTECTION SYSTEMS S.A.

41. Based on the investigation and on what was accepted by the undertakings involved, during the settlement process, it emerged that the above undertakings, in pairs, entered into horizontal agreements aimed to collude and allocate markets before submitting bids to tenders for installation, removal and cleaning of chemical toilets for public organizations and private bodies. Regarding the duration of the above collusive behavior in pairs, this bores the characteristics of a single and continuous infringement as the individual agreements/concerted practices adopted in years 2011, 2012, 2013, 2014 and 2015, presented time continuity and common features, i.e. characterized by identity of objectives, methods and stakeholders. According to the reasoning of the decision, these practices were identified as agreements between the undertakings involved regarding bid rigging, which seek to restrict competition by object. In the case examined, Article 101 TFEU did not apply as there was no evidence of an impact on intra-EU trade.

42. The HCC examined in its Decision No **731/2021**, a complaint lodged against undertakings operating in the market for the provision of security services followed by an ex-officio investigation of Directorate-General for Competition ("GDC"), for violation of articles 1 L. 703/1977 and 1 L. 3959/2011 and 101 of the Treaty on the Functioning of the European Union ("TFEU"), which did not cooperate under the previous settlement procedures, and in particular against a) MONDIALPOL HELLAS SECURITY SERVICES S.A., b) ESA SECURITY SOLUTIONS S.A.

43. According to the grounds of the HCC's Decision, SEEYA, through the Sectoral Collective Agreements ("SCAs") of 2009 and 2010, aimed at fixing the price of the security services provided, by arranging the profit of the employers-members of the association and causing distortion of price competition in the market for tenders for security services. It

becomes obvious that the said anti-competitive action of SEEYA had as its object the distortion of competition in breach of articles 1 par. 1 L. 3959/2011, 1 par. 1 L. 703/1977 and 101 TFEU. There was also evidence of an exchange of information concerning, in particular, financial bids between settling companies and the sole trader KALOGERAKIS SECURITY, in the context of their participation in tenders launched in the years 2010 and 2011. The above bids, which were also the object of the information exchange under consideration, compared with the figures contained in the statements of award of the respective body, entirely matched the final bids. In particular, the tendering procedures were distorted by the undertakings in question by way of submission of cover bids, through the exchange of information, by the sole trader KALOGERAKIS SECURITY, with the pre-agreed aim to award the project to one of the settling companies. By virtue of article 25 par. 2 of L. 3959/2011 on the maximum level of a fine, as laid down by law, the fine calculated for the participation of the "SECURITY SERVICES TRADE ASSOCIATION" (SEEYA) in the cartel was zero.

44. In the context of the case under consideration, in addition to the bid-rigging practices adopted by the sole trader KALOGERAKIS SECURITY, the HCC also investigated, with regard to their compatibility with the provisions of Article 1 of Law 703/1977 and Law 3959/2011, the practices that were implemented by the settling company, ESA SECURITY SOLUTIONS S.A. and MONDIALPOL HELLAS SECURITY SERVICES S.A., for two (2) tenders concerning an equal number of public procurement contracts within the period 2009 -2010. The HCC ruled that there was insufficient evidence that the above practices conflict with the provisions of article 1 of Law 703/1977 and / or Law 3959/2011. In particular, it was noted that the Authority's investigation did not bring forward any evidence of the alleged unlawful concerted practices aiming at the submission of the matched bids in the tenders referred to in the complaint.

45. The HCC with its Decision No. **741/2021**, imposed upon the company ELTEPE SA (currently ENDIALE SA) a fine totalling EUR 111.600 for infringing Articles 2 of Greek Law 3959/2011 (the Greek Competition Act) and 102 TFEU in the Greek market for waste oils management. The case was initiated following 3 complaints by the companies GREEN OIL A EVE, ESK OIL A EVE, as well as the Association of Collectors of Waste Oils alleging infringements of the Greek Competition Act and the TFEU in the Greek markets for waste oils management (which includes the collection, treatment and remediation/recycling of waste lubricant oils) by the companies ELTEPE SA, CYCLON HELLAS (now LPC SA), ELTEPE Kinopraxia as well as a natural person.

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

47. All the undertakings involved in the present case are active in the Greek markets for waste oils management (which includes different stages/ sub-markets concerning the collection, treatment, and remediation/recycling of waste lubricant oils). More specifically: ESK OIL A EVE and the Association of Collectors of Waste Oils (complainants), as well as ELTEPE Kinopraxia, are active in the collection of waste lubricant oils; ELTEPE SA has operated, since 2004, the only authorized waste oils management system active in Greece (Alternative Administration of Waste Lubricants Oils Collection System). It is noted that other systems have requested to be authorized by the Greek authorities throughout the years, but their requests have been rejected; GREEN OIL A EVE (complainant) as well as CYCLON SA are active in the remediation/ recycling of such oils.

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

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

50. Further with its Decision No. 741/2021, the HCC found that the company ELTEPE SA infringed Articles 2 of the Greek Competition Act and 102 TFEU, given that agreements it concluded during the period from 1.1.2004 up until 15.1.2013 with companies active in the collection as well as the remediation/ recycling of waste lubricant oils, contained exclusivity clauses, resulting to an abuse of ELTEPE SA's dominant position in the relevant market. For the reasons set out above, the HCC imposed a fine of EUR 111.600 upon ELTEPE SA. In addition, the HCC found that, during the period from 2.8.2004 up until 1.8.2008, ELTEPE SA infringed (the now abolished) Article 2a of Law 703/1977, which prohibited the abuse of economic dependence, without imposing a fine for this infringement. The HCC also required that ELTEPE SA omits similar practices in the future and threatened the company with a fine, in case the HCC decides in the future that the above-mentioned infringements continue or are repeated.

51. The HCC dismissed the complaints of GREEN OIL A EVE, ESK OIL A EVE and the Association of Collectors of Waste Oils as to their remainder.

52. Decision No. **730/2021** in relation to infringements of Articles 1 and 2 of Greek Law 3959/2011 and Articles 101 and 102 TFEU in the Greek wholesale market for general purpose gas appliances by "RESOUL S.A.", following a complaint by one of its (former) distributors as well as an ex officio investigation initiated by the Directorate General for Competition ("DGC") of the Hellenic Competition Commission ("HCC"). The case concerns vertical agreements concluded between RESOUL S.A. and its wholesalers/distributors during the period 2008-2012 containing the following anti-competitive restraints: resale price maintenance, restriction of passive (and active, for a certain period) sales, and non-compete obligation clauses, as well as containing terms (exclusivity obligations and target rebates) that comprise an abuse of RESOUL's dominant position in the Greek wholesale market for general purpose gas appliances. In addition,

RESOUL abused its dominant position in the above-mentioned market for the period 2005-2019 by offering to the supermarket chains' distribution channel target rebates.

53. According to the decision, RESOUL has consistently and for a long period – over a decade – held very large market shares, i.e. exceeding 70%, in the Greek wholesale market for general purpose gas appliances, while its products are “must have items” largely preferred by final consumers. RESOUL distributes its products to the final consumers almost exclusively through supermarkets, which buy RESOUL's products either directly from RESOUL or via RESOUL's wholesalers/distributors. RESOUL has annual agreements with a number of wholesalers/distributors, to which specific territories within Greece are allocated (or exclusively allocated particularly for the period 2010 – 2012), while it also has annual agreements with supermarkets covering the entire of the Greek territory.

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

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

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

57. The HCC imposed a fine of EUR 1.100.547,11 upon RESOUL for the infringements of Articles 1 and 2 of Greek Law 3959/2011 and 101 and 102 TFEU described above. The following factors have been taken into account and led to the reduction of the fine that would have otherwise been imposed: (a) the prolonged financial crisis, which has also affected the sector concerned (reduction by 30% of the fine); and (b) RESOUL's cooperation with the HCC beyond its legal obligation to do so during the administrative process (a further reduction by 25% of the fine). The HCC also required that RESOUL omits similar practices in the future. Finally, the HCC threatened a fine against RESOUL, in case the HCC decides in the future that the above-mentioned established infringements continue or are repeated.

Other decisions

58. The HCC's Decision No. **737/2021**, following the request put forth by DEPA COMMERCIAL S.A. for review of the Commitments undertaken by the company, under HCC Decision No 551/VII/2012, as amended by Decisions No. 589/2014, 596/2014, 618/2015, 631/2016, 651/2017 and 723/2020.

59. The HCC examined, based on the relevant Statement of Objections (SO) by the Rapporteur, pursuant to Article 25(6) of Law 3959/2011, the request of DEPA COMMERCIAL S.A. for review of the Commitments undertaken by the company under HCC Decision No. 551/VII/2012, as amended by Decisions No. 589/2014, 596/2014, 618/2015, 631/2016, 651/2017 and 723/2020.

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

- There has been a substantial change in the circumstances on which HCC Decision No. 551/VII/2012, as amended and applicable, was based regarding the Commitments undertaken by DEPA COMMERCIAL S.A. and
- The acceptance of the request of DEPA COMMERCIAL S.A. for its exemption from each one of the Commitments No 1, 2, 4, 5, 6 and 7 adopted by HCC Decision No. 551/VII/2012.

61. The HCC, assessed the competition conditions and the effectiveness of the commitments undertaken by ATTICA GROUP under Decision No. 658/2018 ("Commitment Decision"), in order to decide, under provision B5 of the Decision, the removal or extension, in whole or in part, of the commitments under provisions B1-B5 for a maximum of (3) three years.

62. The HCC decided (decision no. **734/2021**):

- removing obligation B2a for the non-increase of itineraries at the relevant markets of passengers, private cars and trucks from / to Attica and the island of Ios with effect from 27.04.2021,
- partially extending B2st commitment for three (3) more years, namely from 27.04.2021 to 26.04.2024,
- removing the part of the commitment concerning the obligation of the company not to exploit, on its own or through an affiliated undertaking, or through another dependent third party, the fast ferry HSW High-speed 4, within the Greek territory, with effect from 27.04.2024,
- extending the part of the commitment that concerns the activation of a Third-Competitor and the obligation of decommissioning the company's ship from the relevant markets for which there is a commitment for not increasing the itineraries,
- extending the rest of the commitments (B1-B3) provided for in Decision 658/2018, for three (3) more years, namely from 27.04.2021 to 26.04.2024.

63. By means of its decision No. **726/2021**, and pursuant to commitment term A.1.2 due to decision no. 650/2017, the HCC, sitting in plenary session, decided the extension of commitment terms A.1 – A.1.1 due to its decision no. 650/2017 for one more year. In particular, according to the HCC's decision, given the assessment of the effectiveness of the above-mentioned commitment terms and the competitive conditions of fresh cow milk market in Greece, the HCC decided the extension of commitment terms A.1 – A.1.1 due to

its decision no. 650/2017 for one more year, that is, from 21.10.2020 up to 20.10.2021. In addition, the HCC decided to exclude the organic milk from the calculation of minimum guaranteed price. The HCC considers that the validity of the Commitment in relation to the market for the supply of raw cow's milk should be extended for one more (last) year, on the one hand, in order to further strengthen the bargaining position of dairy producers vis-à-vis the companies DELTA – MEVGAL and, on the other hand, on the grounds, without prejudice to the implementation of the Commitment to date with a time delay by MEVGAL and, in part, also by DELTA, that the Commitment, as far as it was implemented, was effective, taking into account in particular that, for the coming year, any constraints of any kind that existed in its timely, and therefore effective, implementation have been eliminated. In this regard, the HCC considers that the quantities of organic milk purchased by the parties should be excluded from the calculation of the minimum guaranteed price of fresh cow's milk per prefecture, from 01.01.2021 and for as long as the commitment A.1 - A.1.1 provided for in HCC Decision no. 650/2017 remains valid, so that during this period the undertaken commitment is consistent with the meaning and purpose of HCC Decision no. 650/2017.

3.2. Mergers and acquisitions

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

64. In 2021 the HCC reviewed twenty (20) merger filings pursuant to the Greek Competition Act. The most significant HCC decisions upon notified mergers are summarized below.

3.2.2. Summary of significant cases

65. By its decision No. **728/2021**, the HCC approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 8/1/2021, concerning the acquisition of joint control by “ALPHA SATELLITE TELEVISION SA” (which operates the Greek TV station “ALPHA”) and “NEW TELEVISION SA” (which operates the Greek TV station “STAR”) over the company “GREEN PIXEL PRODUCTIONS SA” (a company active mainly in the production of television programs, movies and videos).

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

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

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

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

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

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

72. The HCC examined possible non-coordinated effects of the concentration and concluded that the concentration at hand is not likely to either restrict downstream rivals’ access to important input (input foreclosure) or to foreclose upstream rivals by restricting their access to a sufficient customer base (customer foreclosure). The HCC further examined possible coordinated effects and concluded that the concentration in question is not likely to lead to coordinated effects in any of the affected markets. Finally, the HCC also considered the possibility of coordination of the behaviour of the parent companies (“spillover effects”), and concluded that the concentration has neither the object of coordinating the competitive behaviour of the parent companies, nor such coordination is likely to occur as a result of this specific transaction. It is pointed out, however, that any other possible future form of coordination/ cooperation at horizontal or vertical level between the two parent companies, either in itself or in combination with the existence of close family ties between the shareholders controlling the two parent companies, may be subject of review by the HCC under Articles 1 and 2 of the Greek Competition Act, while further consolidation of the sector may be reviewed pursuant to Article 11 of the Greek Competition Act.

73. In its decision No. **728/2021**, the HCC found that the proposed concentration, while falling within the scope of Art. 6(1) of the Greek Competition Act, does not raise any

serious doubts as to its compatibility with the competition rules in the relevant markets involved.

74. By its unanimous Decision No. **743/2021**, the Hellenic Competition Commission (HCC) approved, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 19.5.2021 consisting in the change of control, directly, over SI FOODS LIMITED and, indirectly, over DODONI S.A, from sole control by SI FOODS LIMITED to sole control by VENETIKO HOLDINGS (CVC CAPITAL PARTNERS), as the proposed transaction, although it falls within the scope of Art. 6(1) of Greek Law 3959/2011, does not raise any serious doubts as to its compatibility with competition rules in the relevant markets concerned.

75. The acquisition of control over DODONI by the company VENETIKO actually leads to a reduction in the number of companies due to the exit of a significant competitor from certain markets, increasing the possibility of coordination between the remaining undertakings in the market. However, a number of conditions are required to establish a risk of creation or strengthening of a single or collective dominant position as a result of the proposed concentration. The assessment of the content of the case file did not indicate any existence of conditions for creating horizontal non-coordinated effects, while in relation to the effects of coordinated behavior, there is no evidence of collective dominance as a result of the notified transaction in the markets concerned. Regarding the possibility of the transaction leading, on the one hand, to an input foreclosure of the new entity's competitors in the vertically affected downstream markets and, on the other hand, to customer foreclosure of the new entity's competitors in the upstream markets, it is clear that the conditions for any input or customer foreclosure of competitors are not met. Also, the transaction does not increase the degree of symmetry between firms active in the upstream markets, there are no significant structural links between the new entity and the undertakings operating in these markets and there is a significant number of smaller competitors in the upstream markets that could put at risk any coordination between companies operating in them.

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

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

78. By its unanimous decision No **733/2021**, the competent Chamber of the Hellenic Competition Commission approved, pursuant to Article 8 of L. 3950/2011, as in force, the transaction notified on 01.03.2021 consisting in the acquisition by "DEPA COMMERCIAL S.A." of joint control, together with the company's sellers, through the purchase of 49% of the shares of "NORTH SOLAR S.A." (which before the transaction was under the control of the sellers), as the proposed transaction, although falling within the scope of Art. 6(1) of Greek Law 3959/2011, does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets involved.

79. The HCC considers that NORTHSOLAR will be active in the electricity generation market, a market in which DEPA COMMERCIAL S.A. is not active and therefore no horizontal relationship exists and, in this respect, nor any horizontally affected market.

Furthermore, with regard to the market for the construction of power stations, a company belonging to the Sellers operates with a negligible market share (well below 25%). In relation to the retail electricity supply market, even if the existence of a vertical relationship between that market and the electricity generation /supply market was accepted, the market share of NATURAL GAS HELLENIC ENERGY COMPANY in the retail electricity supply, it is similarly considerably lower than 25%. In light of the above, it is assessed that the transaction under consideration, will not bring about changes in the structure of the aforementioned relevant markets, as it will not eliminate any substantial and active competitive pressure. Therefore, it does not raise serious doubts as to its compatibility with merger control rules in the relevant markets concerned by the concentration.

80. The competent Chamber of the Hellenic Competition Commission approved with its decision **732/2021**, pursuant to article 8 par.3 of Greek Law 3959/2011, the transaction notified on 29.11.2021 consisting in the acquisition of sole control, within the meaning of article 5 par. 2(b) of L. 3959/2011, by “Assicurazioni Generali - Societa per Azioni” over “Axa Insurance S.A”, considering that the above concentration does not raise any serious doubts as to its compatibility with the competition rules in the relevant markets concerned.

81. The Hellenic Competition Commission unanimously approved with its decision 725/2021, pursuant to Art. 8(3) of Greek Law 3959/2011, the proposed transaction notified on 18.12.2020 (under ref. no. 10862) concerning the acquisition by OPAP SA, through its wholly-owned subsidiary under the name OPAP Investment Limited, of sole control over the online betting and other online gaming activities of KAIZEN GAMING INTERNATIONAL LTD in Greece and Cyprus under the trade name «Stoiximan». The notified transaction, although falling within the scope of Art. 6(1) of L. 3959/2011, does not raise serious doubts as to its compatibility with merger control rules in the relevant markets concerned by the concentration”. The concentration under examination consists in the change of the quality of control over the target company from joint to sole control. The companies concerned are actual competitors, as they operate in the same relevant market, namely the online sports betting market, and therefore the transaction in question is a horizontal concentration. OPAP and STOIXIMAN BUSINESS effectively operate in the market as two separate entities. According to the common practice in cases where a concentration consisting of the acquisition of joint control has already been thoroughly assessed for its effects on competition, it is considered that a possible subsequent change from joint to sole control is not likely to raise novel issues requiring further analysis. In this regard, the effects of the acquisition of joint control by the undertakings concerned have already been assessed in the context of HCC Decision no. 693/2019. Moreover, the evidence of the case file shows that OPAP will pursue distinct business strategies for the two online platforms with different management teams, which of course leads to the conclusion that the new entity that will emerge from the current merger does not seek the bundling of all or most of its online games on a single platform.

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

82. The HCC has been particularly active during the last year (2021) in relation to its **advocacy efforts**. In particular, it has launched a number of innovative initiatives in relation to the education of businesses and consumers (both in Greece and in the EU), the promotion of sustainable development and also the development of tools to assist in the detection and prevention of anti-competitive actions. Several of these initiatives are worth noting:

- Development of an Information Guide for Small and Medium Businesses (SMEs), which provides SMEs with information in relation to their rights and obligations under competition law. The Guide contains the critical information that every SME needs to know both about the practices that it should avoid applying in the market, but also the information that it needs to know for its protection from anti-competitive practices that it may experience from larger companies that negatively affect it. The purpose of the Guide is to empower SMEs within the digital economy by providing examples of anti-competitive practices they may face in the market and which they should disclose to the HCC which should take action for the enhancement of competition. It is worth noting that this sector of the economy is of particular importance to the Greek economy since SMEs create more than half of the added value in the Greek economy and account for 99,9% of businesses in Greece. The HCC has developed this Guide so as to enhance knowledge in relation to competition law to the thousands of SMEs in the country. More information about the Guide is available here². It is also worth noting that this initiative follows the development of the “Learn About Us” Guide for the general public in late 2020
- In parallel to the above initiative, the HCC took the initiative to also develop its relations with commercial chambers and other related organisations (e.g. Athens Chamber of Commerce; Thessaloniki Chamber of Commerce; Hellenic Confederation of Commerce and Entrepreneurship (ESEE); Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE) etc.) for the promotion of the Guides it has created and for enhancing its advocacy efforts.
- The creation of an anonymous information system (whistleblowing platform) and the various efforts for its promotion, including the presentations in the mass media (tv/radio stations such as ERT1, SKAI), as well as social media. In incorporating the most innovative solutions and tools to address anti-competitive practices that harm the Greek economy and consumers, the HCC proceeded in creating a secure digital environment for the reporting/submission of anonymous information, following the standards of the respective digital tools (whistleblowing) used by the European Competition Commission, as well as other Competition Authorities in the EU (e.g., Germany, Sweden, Denmark). The whistleblowing platform was put to operation on March 2021 and has developed to become an extremely successful tool for the HCC – various investigations and interventions have already been initiated from information received over the platform. The whistleblowing platform is also a tool to reach businesses and consumers residing in rural areas and in islands where the economies of these areas are considered as “closed economies”. More information can be found here³. On the last day of 2021, the HCC initiated a nationwide communication campaign to promote the whistleblowing system, see further here⁴.
- Technical Report on Sustainability and Competition: Following the Staff Discussion Paper of the General Directorate of Competition on Competition Law and Sustainability (16/12/2020) and the successful tele-conference (28/09/2020)

² <https://www.epant.gr/en/enimerosi/press-releases/item/2074-press-release-competition-guide-for-small-and-medium-enterprises-smes.html> and (in Greek) <https://www.epant.gr/enimerosi/sme.html>.

³ <https://www.epant.gr/en/enimerosi/press-releases/item/1344-press-release-anonymous-reporting-of-information-whistleblowing.html>

⁴ <https://www.epant.gr/en/enimerosi/press-releases/item/2067-press-release-return-of-dividend-to-the-state-budget-for-the-fiscal-years-2020-and-2021.html>

with Her Excellency the President of the Hellenic Republic, Ms K. Sakellaropoulou giving the welcoming speech, the HCC in collaboration with the Netherland Authority for Consumers and Markets (ACM) jointly commissioned to outstanding experts the drafting of a technical report on sustainability and competition. Among the conclusions of the Staff Discussion Paper was the need for the HCC to facilitate the transition to a green economy and support innovation, taking into account possible externalities from generation to generation through the use of new tools and approaches, in order to understand consumer behavior. The two authorities invited Professors Anastasios Xepapadeas, Eftihios Sartzetakis and Roman Inderst, to compile a technical report drawing on concepts and tools, mainly from environmental economics, to answer the question of what forms of quantitative assessment could be applied to take account of the broader social benefits in a green circular economy, in competitive assessments. It should be noted that HCC with ACM are currently co-leaders to the initiative undertaken by the Horizontals and Abuse Working Group of the European Competition Network for the coordination of a group of EC member-countries, including France, Germany, Finland, Hungary, Luxembourg and Ireland in order to draft a document with the views of all participants on a series of issues for the integration of the notion of sustainability in competition law and economics. Further information as well as links to the various documents and events can be found here⁵.

- The proposal for the creation and implementation of the Sandbox for Sustainable Development: this is an initiative that follows from the various national, European and global level initiatives on the issue of sustainable development. The HCC has been one of the few authorities active in the promotion of sustainability. The HCC has initiated an innovative idea to generate a sandbox for the promotion of business initiatives which promote sustainable business solutions. This will allow the industry to experiment with new business formats that aim to realise more quickly and efficiently sustainability goals, and which involve cooperation between competing undertakings or even more permanent changes in market structure. More information on the Sandbox project can be found in the following link (in English) featuring the public consultation for the creation of the Sandbox⁶. The Sustainability Sandbox idea has generated interest from around the world (the Antitrust Section of the American Bar Association also contributed to the public consultation) and has been hailed by other international organisations such as “*Business at OECD*” (BIAC) (see e.g. comments to the OECD Competition Committee for its Roundtable on Environmental Considerations in Competition Enforcement⁷).
- Diversification of advocacy initiatives in promoting competition policy: During 2021, the HCC has “targeted” various market audiences and participants that were never previously engaged with competition policy, although they are actively participating in the economic life of the country. Most notably, apart from reaching out to commercial chambers and other related commercial organisations (see above), it has developed further its advocacy efforts with consumer organisations in Greece (INKA, KEPKA, EKPOIZO) and in the EU (BEUC):

⁵ <https://www.epant.gr/en/enimerosi/press-releases/item/1287-press-release-technical-report-on-sustainability-and-competition.html>

⁶ <https://www.epant.gr/en/enimerosi/sandbox.html>

⁷ [https://one.oecd.org/document/DAF/COMP/WD\(2021\)58/en/pdf](https://one.oecd.org/document/DAF/COMP/WD(2021)58/en/pdf)

- In March 2021 it conducted a competition training event together with the Commission for the Protection of Competition of Cyprus for Greek and Cypriot consumer organisations, see further ⁸ and
- In June 2021 it co-hosted with BEUC a 2-day International Consumer Associations Training Day event with the participation of various NCAs and EU consumer organisations, see further information here⁹.
- An additional noteworthy initiative has been the training of personnel from the Economic Corps of the Greek Army. The Greek Army is involved as a contracting authority in various procurement projects, and the HCC has provided training in relation to competition law and, in particular, on issues of bid rigging prevention and drafting of bids.
- In promoting further competition advocacy to geographic areas and sectors of the economic life that face significant problems and bottlenecks, the HCC has also developed partnerships with organisations that have a key role in the social/economic life of rural regions. In particular the HCC has signed an MOU with the University of the Aegean. Priority was given to the creation of a joint working group for maritime cabotage in order to create a digital space and an application to facilitate the participation of citizens (citizens science) in monitoring the operation of the relevant markets. Actions will include educating and raising public awareness, especially of students and researchers on competition issues. The team will work, among other things, to expand the HCC Economic Intelligence platform of the Hellenic Competition Commission and to process data from the prices applied to coastal and ferry connections in Greece, creating a database and special data processing algorithms (data analytics) in real time, which will be based on an application (app) that will be developed by the University of the Aegean and where citizens and consumers may enter price information with the aim to raise the awareness of the citizens against anticompetitive practices (competition advocacy), see further¹⁰.
- Following from the above, the HCC has signed a Memorandum of Understanding with the Athens University of Economics and Business (AUEB), with the aim to consolidate and strengthen cooperation between the Parties. In pursuance of their objectives, the parties agreed, in particular, on a joint action plan including, inter alia: Cooperation between HCC's officials and AUEB's research teams, aimed at the development of joint research activities and know-how exchange; Upskilling, training, accreditation of knowledge, skills and professional qualifications of the HCC's officials, on the basis of recognised standards; Development of special "internship programmes" for AUEB's students (undergraduate, postgraduate, doctoral or postdoctoral) at the HCC; Collaboration on existing or new academic programmes and design or creation of co-financed joint Programmes; Providing support to research activities in connection with the preparation of Diploma and Doctoral Theses, the topics of which fall within the thematic area of Competition law and economics, as well as of the applied data science; Development of a

⁸ <https://www.epant.gr/en/enimerosi/press-releases/item/1424-press-release-training-of-consumer-associations.html>

⁹ <https://www.epant.gr/en/enimerosi/press-releases/item/1434-press-release-competition-law-and-policy-training-consumer-associations.html>

¹⁰ <https://www.epant.gr/en/enimerosi/press-releases/item/1422-press-release-memorandum-of-cooperation-between-the-hellenic-competition-commission-and-the-university-of-the-aegean.html>

programme of targeted initiatives to create a climate of understanding and cooperation between the Parties (thematic meetings, conferences, lectures, workshops); Co-organisation of scientific or research activities (e.g. conferences, workshops, events); Submission of proposals to co-financed national, European or international projects; Optimal utilisation of new financing/support instruments, see further (in English)¹¹.

- The HCC has also signed an MOU with the MSc in Energy: Strategy, Law & Economics, of the Department of International & European Studies of the University of Piraeus. The joint action plan including, inter alia: Cooperation between HCC's officials and MSc's research teams, aimed at the development of joint research activities and know-how exchange; Development of special "internship programmes" for MSc's students (postgraduate, doctoral or postdoctoral) at the HCC; Collaboration on existing or new academic programmes and design or creation of co-financed joint Programmes; Providing support to research activities in connection with the preparation of Diploma and Doctoral Theses, the topics of which fall within the thematic area of Competition law and economics, as well as of the applied data science; Development of a programme of targeted initiatives to create a climate of understanding and cooperation between the Parties (thematic meetings, conferences, lectures, workshops); Co-organisation of scientific or research activities (e.g. conferences, workshops, events); Submission of proposals to co-financed national, European or international projects; Optimal utilisation of new financing/support instruments, see further¹².
- In attempting to address in an immediate manner certain implications resulting from State measures (price caps) in relation to tests used for the detection of Covid-19 (PCR and Rapid tests) the HCC issued Press Releases informing businesses and the general public on the operation of the price cap measure imposed by the Government, see further¹³.
- On the same note, the HCC issued a Press Release in relation to public announcements relating to future price increases from associations of undertakings and other professional bodies, following press reports on price increases in the markets for the supply of traditional meals in the Athens region, restaurant services in the Larissa region and bakery products in the Patras region, see further¹⁴.
- Cooperation with other Authorities: The HCC developed an enhanced cooperation with other independent regulatory Authorities over the last couple of years. In 2021,

¹¹ <https://www.epant.gr/en/enimerosi/press-releases/item/1325-press-release-memorandum-of-understanding-between-the-hcc-and-the-athens-university-of-economics-and-business-aueb.html>

¹² <https://www.epant.gr/en/enimerosi/press-releases/item/1464-press-release-mou-between-hcc-and-msc-in-energy-of-university-of-piraeus.html>

¹³ <https://www.epant.gr/en/enimerosi/press-releases/item/1604-press-release-pricing-of-pcr-and-rapid-tests-in-the-greek-market.html>

¹⁴ <https://www.epant.gr/en/enimerosi/press-releases/item/1603-press-release-public-announcements-relating-to-future-price-increases-from-associations-of-undertakings-and-other-professional-bodies.html>

it signed a Memorandum of Cooperation with the Regulatory Authority of Ports, see here¹⁵.

83. In addition the HCC has put a great emphasis during 2021 in the initiation and continuation of a number of **Sector Inquiries**:

- Sector inquiry on **Basic Consumer Goods / Super-Markets**: Following the publication of the Interim Report, the public consultation, as well as the analysis of the updated data collected during 2020, the Hellenic Competition Commission (HCC), published its Final (market study) Report in the field of production, distribution and marketing of basic consumer goods and in particular food products, as well as cleaning and personal hygiene products (05.03.2021). An executive summary (in English) of the findings is available in the link below¹⁶. Further information on the scope and purpose of the sector inquiry is available in the dedicated webpage (in English)¹⁷.
- Sector inquiry into **Fintech**: sending Questionnaires to businesses (March 2021) and publication of the interim report (22.12.2021). An executive summary (in English) of the findings is available in the link below¹⁸. Further information on the scope and purpose of the sector inquiry is available in the dedicated webpage (in English)¹⁹.
- Sector inquiry into **E-commerce**: sending Questionnaires to businesses (March 2021) and publication of the interim report (02.08.2021). An executive summary (in English) of the findings is available in the following link below²⁰. Further information on the scope and purpose of the sector inquiry is available in the dedicated webpage (in English)²¹.
- Sector inquiry into **Provision of Private Health Services and related Insurance Services**: initiation of the inquiry (5.7.2021) and conducting of the first tele-conference (26.10.2021). Further information on the scope and purpose of the sector inquiry is available in the dedicated webpage (in English)²².
- Sector inquiry into **Waste Management and Recycling Sectors in specific waste categories**: initiation of the inquiry (16.07.2021) and conducting of the first tele-conference (18.11.2021). Further information on the scope and purpose of the sector inquiry is available in the dedicated webpage (in English)²³.

84. Furthermore 2021 has been marked by the emphasis place on two substantial **regulatory initiatives**, which were the following:

¹⁵ <https://www.epant.gr/en/enimerosi/press-releases/item/2081-press-release-memorandum-of-cooperation-between-the-competition-commission-and-the-regulatory-authority-of-ports.html>

¹⁶ https://www.epant.gr/files/2021/supermarkets/exec_sum_supermarkets_final_en.pdf

¹⁷ <https://www.epant.gr/en/enimerosi/sector-inquiry-into-basic-consumer-goods.html>

¹⁸ https://www.epant.gr/files/2021/fintech/executive_summary_Interim_report_Fintech.pdf

¹⁹ <https://www.epant.gr/en/enimerosi/sector-inquiry-into-fintech.html>

²⁰ https://www.epant.gr/files/2021/Ecommerce_Executive_Summary_en.pdf

²¹ <https://www.epant.gr/en/enimerosi/sector-inquiry-into-e-commerce.html>

²² <https://www.epant.gr/en/enimerosi/health.html>

²³ <https://www.epant.gr/en/enimerosi/wastemanagement.html>

- HCC is continuing its regulatory intervention in the **Press Distribution Sector**. The ex officio procedure was initiated in January 2021 and its purpose is to examine the conditions of competition in the above sector of the economy. During March and April 2021, the HCC issued its first interim report and launched a public consultation. Subsequently, it issued its second interim report (07.10.2021). More information can be found in the links (in English) below²⁴.
- A regulatory intervention has also been initiated in the construction sector. For further information see below²⁵.

85. During 2021 a re-orientation and re-shuffling of the **priorities** was also reflected on the **allocation of the budget** of the HCC which has increased despite the economic crisis and the pandemic due to the increase by law of the income of the HCC. Consequently, with regard to procedural issues and priorities, the following initiatives were taken:

- Human resources were best allocated according to the prioritization of the cases.
- Our most recent record (2012 - 2021) indicates a relative increase in merger cases (due to the restructuring in different sectors of the economy), bid rigging and in abuse of dominance investigations.
- In addition, the advocacy role of the Authority has further expanded due to the long-standing economic crisis in Greece as well as due to the pandemic. A series of teleconferences and virtual public consultations were organised. Total advocacy work output was still maintained at record levels compared with OECD average (notwithstanding the relative reduction from last year's peak).
- During 2021 further emphasis was given to investment on hardware and software to enhance the digital transformation of the authority and the development of sophisticated tools for the mapping of the markets, the assessment of quantitative data and handling of big data.
- Financial resources were also allocated to the updating of the digital investigative tools for dawnraids. A substantial sum was also invested for the conclusion of 17 dawnraids in nearly 101 undertakings.
- Launching of the whistleblowing platform to attract anonymous informers to provide indications for anti-competitive practices.
- Funds were also allocated for the engagement of experts in various areas, including environmentalists (for the promotion of sustainability objectives), econometricians, lawyers specialising in specific mainstream competition issues and other academics

²⁴ <https://www.epant.gr/en/enimerosi/press-releases/item/1273-press-release-decision-for-the-initiation-of-a-regulatory-intervention-procedure-market-investigation-in-the-press-distribution-sector-in-accordance-with-article-11-of-law-3959-2011.html>

and <https://www.epant.gr/en/enimerosi/press-releases/item/1371-press-release-market-investigation-in-the-press-distribution-sector.html>,

and <https://www.epant.gr/en/enimerosi/press-releases/item/1576-press-release-market-investigation-in-the-press-distribution-sector-hcc-second-interim-report.html>

and also <https://www.epant.gr/en/enimerosi/press-releases/item/2100-press-release-extension-of-the-deadline-of-the-public-consultation-for-regulatory-intervention-in-the-press-distribution-sector.html>

²⁵ <https://www.epant.gr/en/enimerosi/investigation-construction.html>

for the enhancement of competition enforcement, sector inquiries, opinion polling companies, regulatory initiatives etc).

- Implementing the internal management tool in the form of the “point-system”.
- Drawing up of annual activity report, which provides an account of last year’s achievements. This report is also presented at Parliament (annual hearing of the Parliamentary Committee on Institutions & Transparency);
- Drawing up of annual operational plan, which inter alia compares results with last year’s objectives;
- Analysis of the judgments on appeal against HCC decisions, conclusions drawn on best practices and necessary amendments.
- Implementing internal statistics on the timeline of responsiveness to consumers’ / companies’ questions, number of inspections and new cases.
- Implementing internal system of evaluation of the organisation of inspections or "dawn raids" on the premises of companies suspected of being in breach of competition rules. This report helped HCC to improve its procedures.
- During the implementation of the compilation of Code of Procedures, 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 considered regarding the practices applied to date in terms of improving these practices, increasing transparency and reducing bureaucracy.
- In-house training and monthly presentations of staff members to their colleagues;
- Adoption of “project-based” approach and diversification of cases dealt with by case handlers within operational and legal units.
- Compilation of an extensive Internal Code of Procedures which, concretises and standardises the procedures of the HCC as they have been defined and substantially reformed to increase its operational efficiency.
- Designing, managing and updating HCC’s Intranet for sharing information, easier communication and collaboration between HCC's operational units.

International cooperation and presence

International cooperation with Competition Authorities

86. Over the last year for the first time, the HCC’s administration proceeded with a strategic plan to strengthen its international presence and influence in shaping competition policies, both in the Eastern Mediterranean and the Balkans as well as at European level and internationally, thus reinforcing the role of Greece in these fora. In this regard, the HCC has recently taken initiatives to strengthen and extend cooperation at a bilateral level not only with the competition authorities with which it maintains traditional relations such as with the authorities of the EU countries (especially Cyprus, with which it has already signed a Memorandum of Cooperation), but also with the competition authorities of Albania, Armenia, North Macedonia, while the signing of a Memorandum of Cooperation with the Competition Authority of Egypt –with which a broader cooperation at regional level will also be encouraged– as well as with the Competition Authority of Bosnia and Herzegovina. Furthermore, initiatives concerning cooperation with other competition authorities in the

near future are already under way (for example, with the Competition Authorities of Serbia, Morocco, Israel, the US Federal Trade Commission, among other countries) mainly aiming at providing mutual update on legislative developments, decisions and competition enforcement procedures, information exchange, cooperation in the transfer of know-how and implementation of joint projects.. Further, acknowledging the importance of the HCC's international presence and the need to enhance its role in the wider geographic area, a special Directorate of International Relations and Communications was set up within the HCC, and a dedicated webpage was developed, allowing the public to follow up on the various HCC's initiatives.

Twinning Programme in Morocco.

87. The awarding of the Morocco Twinning Programme "Renforcement des capacités institutionnelles du Conseil de la Concurrence", aiming at strengthening the institutional capacity and operation of the Competition Council of the Kingdom of Morocco (CdC), was announced following a competitive selection process. The implementation of the programme is awarded to a consortium led by the Hellenic Competition Commission (HCC), in cooperation with the National Competition Authorities of Poland and Italy. The Project Leader of twinning programme is the President of the HCC, Mr. Ioannis Lianos. It is pointed out that this awarding is of major importance for our country, taking into consideration that it is the first time that the Hellenic Competition Commission participates in a Twinning Programme taking a leading role as it represents Greece as the Member State Project Leader. The HCC's international cooperation is thus recognised and its role over the last two years is enhanced, a period during which the Commission's administration has proceeded with a strategic plan to strengthen its presence and influence in shaping competition policy at a European and international level. The programme also strengthens the relations of Greece and the European Union with Morocco and in general with the North Africa region. At the same time, close cooperation with other National Competition Authorities within and beyond Europe contributes to improving the effectiveness of the HCC by transfer of know-how between the HCC and the other authorities in the context of their cooperation.

88. The main objective of twinning programme is to contribute to the sharpening of competition in Morocco, the strengthening of economic competitiveness and the development of the private sector in the country, while supporting the process of regulatory convergence towards the requirements of the EU's *acquis* and implementation of international best practices. In particular, the project aims at: (i) strengthening the professional capacity of the Moroccan Competition Council's members with a view to effectively carrying out its new activities, in accordance with the requirements of the European good practices; and (ii) strengthening the promotion of a competition law culture in the country.

Cooperation between the HCC and the OECD:

89. In the context of the long-standing co-operation between the Hellenic Competition Commission (HCC) and the OECD, information exchange meetings took place in March and April 2021 between the HCC leadership team and OECD Regulatory Policy Division officials. During these meetings, the HCC presented to the OECD colleagues its ongoing work on the digital transformation of the authority, the simplification of its procedures, including the preparation and publication of a Manual of Procedures, the reform of its organizational structure so as to enhance inter-disciplinary collaboration, as well as its efforts to adopt best practices for HR management, and in particular the systems put in place in order to identify priorities and to manage tasks and collective projects. At the end of the meetings, and following a stimulating discussion, the HCC and the OECD's

Regulatory Policy Division officials noted that the reforms adopted by the HCC implement innovative good practices and may provide insights for public authorities in Greece as well as in other countries, in order to improve public governance. The parties agreed to continue discussions and enhance their co-operation in the following fields of activity: promoting modernization of public administration and the reform of public services and in particular enabling HCC to present its work and projects to other Greek Governmental services, and public administration services in other countries, as an example of simplification and modernization work; promoting digital governance and greater transparency/simplification by enabling the development of user-oriented public services, in particular digital services for the public; supporting the HCC's effort to design Key Performance Indicators (KPIs) that are fit for its mission and to elaborate a new system of evaluation for its staff/different governance units. The President of the HCC, Ioannis Lianos, welcomed the opportunity to collaborate with the OECD Regulatory Policy Division in this important endeavor, emphasizing the aim of the HCC to improve its effectiveness and impact, and to use new digital technologies in all aspects of its work, for the benefit of consumers, businesses and the economy overall. For further information see [here](#)

90. It is also worth mentioning that the President of the HCC has been re-elected as a regular member to the Competition Committee Bureau of the Organisation for Economic Co-operation and Development (OECD) for the year 2022. The President of the HCC will serve this office for a second consecutive term having successfully fulfilled his term for the year 2021. For further information see [here](#)

91. Other advocacy and educational activities include:

- Presentation of the platform “HCC Data Analytics and Economic Intelligence” see further <https://www.epant.gr/en/enimerosi/press-releases/item/2086-press-release-presentation-of-the-platform-hcc-data-analytics-and-economic-intelligence.html> and <https://www.epant.gr/en/enimerosi/press-releases/item/1373-press-release-presentation-of-the-hcc-data-analytics-and-economic-intelligence-platform.html>

92. Apart from the tele-conferences that took place in relation to the sectoral inquiries, other conferences and webinars took place during 2021 on various topics, including:

- Digital International Conference (04.02.2021) by the HCC and the Economics and Policy Academy on: «The intersection between Competition and Regulation: Prospects for Reform». Invited speakers were high officials from Greece and abroad, including the Deputy Prime Minister Panagiotis Pikrammenos, the Minister of Development and Investment, Adonis Georgiadis, the former Deputy Prime Minister Evangelos Venizelos, the former Minister Stefanos Manos, the former Italian Prime Minister and former European Commissioner for Competition Mario Monti, Presidents of the Greek, Belgium, Israeli and Lithuanian Competition Commissions, and the OECD, Presidents of Greek Regulatory Authorities, as well as academics (see further <https://www.epant.gr/en/enimerosi/press-releases/item/1301-press-release-digital-international-conference-the-intersection-between-competition-and-regulation-prospects-for-reform.html>).
- Digital conference “The Promise of Computational Competition Law and Economics”: The HCC and the BRICS Competition Law and Policy Centre co-organised in May 2021 an international online Conference on “The Promise of Computational Competition Law and Economics”, supported by the Journal of Competition Law and Economics (see further <https://www.epant.gr/en/enimerosi/press-releases/item/1399-press-release-digital-conference-the-promise-of-computational-competition-law-and-economics.html> and <https://www.epant.gr/en/enimerosi/press-releases/item/1411-press-release->

[international-digital-conference-the-promise-of-computational-competition-law-and-economics.html](#)).

- In addition the HCC also participated in the annual conference (October 2021) 5th International Competition Law Conference on Competition Law & Policy, entitled “With Challenge comes Change”, organised by Nomiki Bibliothiki SA, which is a usual forum on competition law and policy issues in Greece, see further <https://www.epant.gr/en/enimerosi/press-releases/item/2090-press-release-5th-international-conference-on-competition-law-policy.html>.

93. The HCC has published two (2) newsletters throughout the year. In addition, it published a video “panorama” of the main activities of the HCC during the last two years, see below.²⁶

5. Resources of competition authorities

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

5.1.1. Annual budget (in your currency and USD):

94. The HCC’s budget in 2021 was 6,520,000 €.

Table 1. Annual budget

2018	2019	2020	2021
5,475,000	5,310,000	4,910,000	6,520,000
Exchange Rate – Official Journal of the EU – end of December			
1.1377	1.1234	1.2271	1.1303
ANNUAL BUDGET (\$)			
6,228,908	5,965,254	6,025,061	7,369,556

5.1.2. Number of employees (person-years):

²⁶ <https://www.epant.gr/en/enimerosi/press-releases/item/2104-press-release-video-panorama-of-the-main-activities-of-the-hcc-during-the-last-two-years.html>. <https://www.epant.gr/enimerosi/dimosieyseis/ektheseis-pepragmenon/item/1885-ekthesi-pepragmenon-tou-2020.html>

Table 2. HCC staff

HCC staff (year end 2021)	
Staff Category	Number of staff
Economists	31
Lawyers	23
Other professionals (IT and translator)	4
Support staff	24
All staff combined	
Total	82

5.2. Human resources (person-years) applied to:**Table 3. HCC staff**

HCC staff (year end 2021)	
Staff Category	Number of staff
Enforcement against anticompetitive practices	58 (competition staff)
Merger review and enforcement	
Advocacy efforts	
Total	

95. 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 organizational structure was slightly modified in 2021 with the Decision 749/2021. With the new Decision the Information Technology Directorate is strengthened with the transfer of the Forensic Investigation/Detection Unit under its auspices. In addition, the Economic Research and Documentation Unit is renamed to the Mapping of the Markets and Research Unit. Furthermore, the Directorate of Coordination and Secretariat of the HCC has two new distinct units, namely the Secretariat of the President, Vice-President, Rapporteurs and HCC and the Unit of Coordination and Supervision of the Activities of the HCC, while the Internal Audit Office is rendered independent.

96. In 2021, the total number of staff is 82²⁷, out of which 58 is non-administrative staff working on competition enforcement.

5.3. Period covered by the above information

97. The information provided above covers the entire year 2021, i.e. from January 1st to December 31st 2021.

6. Summaries of or references to new reports and studies on competition policy issues

98. The following studies have been published on the site of the Authority:

²⁷This figure excludes the Members of the HCC Board (the decision-making arm of the authority).

- Computational Competition Law and Economics: Issues and Concepts, An Inception Report.²⁸
 - Technical Report on Sustainability and Competition jointly commissioned by the Netherlands Authority for Consumers and Markets (ACM) and the Hellenic Competition Commission (HCC), the competition authorities of the Netherlands and Greece, respectively.²⁹
99. In addition, the following sector inquiries reports in English have been upload on the site of HCC:
- Executive Summary of the Final Report: Sector inquiry in the field of production, distribution and marketing of basic consumer goods and in particular poof products as well as cleaning and personal hygiene products³⁰.
 - Executive Summary of the Interim Report into FINTECH.³¹
 - Executive Summary of the Interim Report into FINTECH.³²
100. Two Newsletters with detailed reporting on the activities of the HCC, including key decisions, advocacy initiatives, etc.³³
101. Finally, all tele-conferences organized by the Authority with participants from all over the world, which have been produced internally, are uploaded on the site of the Authority.³⁴
- Ecosystems Competition Law.³⁵
 - The Promise of Computational Competition Law and Economics: Issues and Prospects.³⁶
 - The Intersection Between Competition and Regulation: Prospects for Reform [see here].³⁷

²⁸ <https://www.epant.gr/en/enimerosi/publications/research-publications/item/1414-computational-competition-law-and-economics-inception-report.html>

²⁹ <https://www.epant.gr/en/enimerosi/publications/research-publications/item/1284-technical-report-on-sustainability-and-competition.html>

³⁰ https://www.epant.gr/files/2021/supermarkets/exec_sum_supermarkets_final_en.pdf

³¹ https://www.epant.gr/files/2021/fintech/executive_summary_Interim_report_Fintech.pdf

³² https://www.epant.gr/files/2021/Ecommerce_Executive_Summary_en.pdf

³³ <https://www.epant.gr/en/enimerosi/publications/newsletters/item/1412-issue-4.html> and <https://www.epant.gr/en/enimerosi/publications/newsletters/item/2147-issue-5.html>

³⁴ <https://www.epant.gr/en/enimerosi/publications/media.html>

³⁵ <https://www.epant.gr/en/enimerosi/publications/media/item/1596-ecosystems-competition-law.html>

³⁶ <https://www.epant.gr/en/enimerosi/publications/media/item/1401-the-promise-of-computational-competition-law-and-economics-issues-prospects.html>

³⁷ <https://www.epant.gr/en/enimerosi/publications/media/item/1294-the-intersection-between-competition-and-regulation-prospects-for-reform.html>

