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Directorate for Financial and Enterprise Affairs  
**COMPETITION COMMITTEE**

## Annual Report on Competition Policy Developments in Greece

-- 2022 --

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

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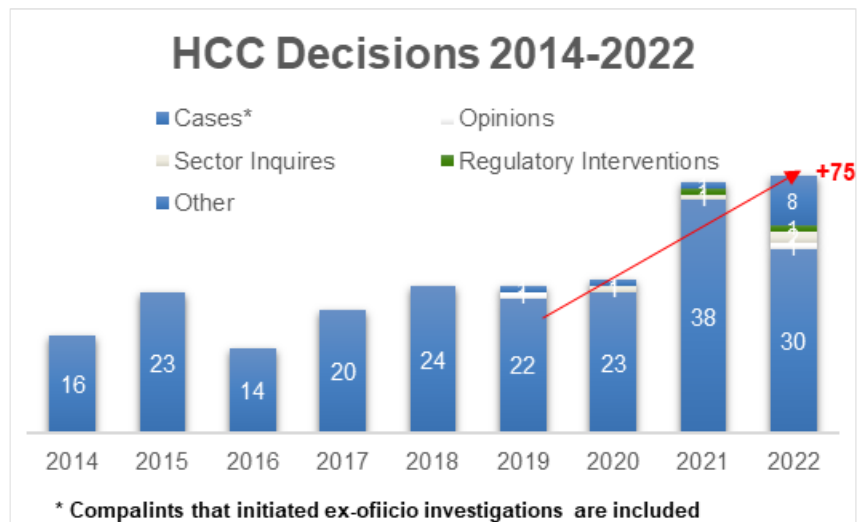
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## Greece

### Executive Summary

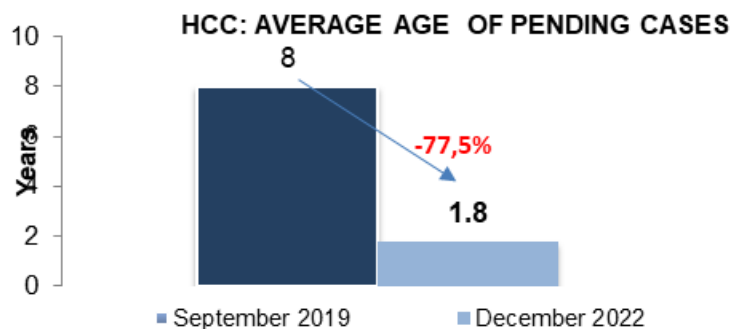
1. The Hellenic Competition Commission (“HCC”) continued its efforts to clear the stockpile of pending cases, with remarkable results, to increase its effectiveness as measured by the number of cases brought before it, which has reached a record number in 2022 and 2021 in comparison to the previous 5 years.
2. In particular, in 2022, the HCC adopted 42 new decisions. It is important to mention that within the last three years, HCC succeeded in increasing the number of decisions taken by 75% in comparison to 2019, when the new leadership of the HCC took over.

**Figure 1. HCC Decisions 2014-2022**



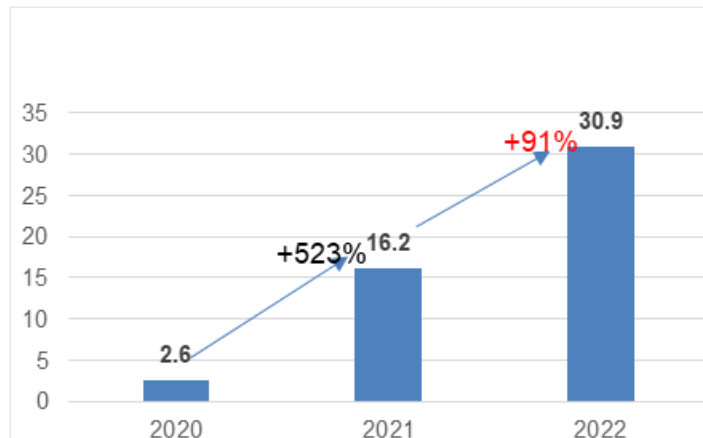
3. Further, the significant efforts of the HCC staff continued and the average age of pending cases before the Commission was reduced from approximately 8 years in September 2019 to 1.8 years in 2022, thus enabling the HCC to reduce the average age of pending cases by almost 80% over this three-year period.

**Figure 2. HCC Average age of pending cases**



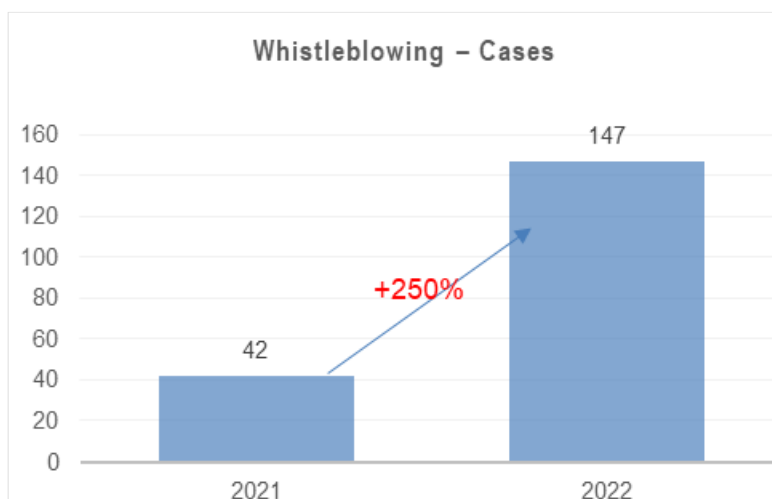
4. In addition, the total amount of fines that were imposed through decisions in 2022, was increased by 100% in comparison to fines imposed during 2021.

Figure 3. Total amount of fines (2020-2022)



5. It is important to mention that during 2022, the number of new cases initiated was increased significantly, mainly due to the successful operation of the anonymous information for Citizens & Business (whistleblowing) platform (<https://www.epant.gr/digital/anonymi-paroxi-pliroforion/gia-polites-epixeiriseis.html>). This increase mentioned is also due to the fact that HCC run a public awareness campaign “Stop cartels anonymously! - Drop prices!” by broadcasting a TV spot, that was created in house, at the main TV channels of the country. This shows that whistleblowing provides a powerful new tool for the HCC (as it has been more successful than leniency) and can be a key factor in the successful outcome of the Authority’s investigations.

Figure 4. Whistleblowing - Cases



6. In order to further strengthen the competition process in tender procurement procedures, the HCC has also launched a separate whistleblowing platform exclusively for the use of Contracting Authorities ([www.epant.gr/bidrigalert](http://www.epant.gr/bidrigalert)). Due to the internal information they gather in view of their role in the tendering process, Contracting Authorities may contribute to the investigative work of the Competition Commission by

providing information and thus helping in uncovering bid rigging. Through the whistleblowing platform, employees of Contracting Authorities as well as other public agencies involved in the tendering process may share valuable information, while fully ensuring their anonymity. HCC has also run again a public awareness campaign by broadcasting a radio spot in the principal radio stations in the country and sharing a video on its You Tube page and other social media.

7. Following the adoption of Article 37 paragraph 5 of Law 3959/2011, as in force, regarding no-action letters for sustainability and other public interest purposes, the HCC has put in place a digital platform (special supervised space) for the assessment of requests related to sustainable development (the sandbox tool). In accordance with the provisions of the new Article 37A of Law 3959/2011 following evaluation of the business proposal, the President of the HCC may issue a no-action letter stating that no action will be taken against a horizontal or vertical agreement for violation of Article 1 of Law 3959/2011 or Article 101 TFEU or against a practice for violation of Article 2 of Law 3959/2011 and Article 102 TFEU. The HCC launched officially the “HCC Sustainability Sandbox” on October, 3d 2022, and also held a digital event, where well-established Greek companies and environmental start-ups (energy communities) along with representatives from DG COM, the academic community as well as with the Hellenic Federation of Enterprises, the Unions of Hellenic Chambers of Athens and Thessaloniki and the Hellenic Confederation of Professionals Craftsmen and Merchants, among others, participated and welcomed warmly the HCC’s initiative.

8. In the context of stepping up the fight against high prices, the HCC has published on 26 October 2022 draft guidelines on the implementation of the new Article 1A of L. 3959/2011 (regarding invitations to collude and price signalling) and launched a public consultation on these guidelines, which was complemented by meetings with organizations and representatives of associations of undertakings and consumer associations, the organization of an international webinar, as well as a consultation with the European Commission. The final text of the guidelines was published in February 2023 at the HCC’s website (<https://www.epant.gr/en/legislation/1aen.html>).

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

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

#### *1.1.1. Legislation*

9. The Greek Parliament adopted L. 4886/2022 on the modernisation of competition law for the digital age and the harmonization with the provisions of Directive 2019/1, which was enacted in January 2022 (GG Bulletin A 12/24.01.2022). L. 4886/2022 introduced a series of amendments and reforms to L. 3959/2011 on the protection of competition and contains several provisions of both substantive and procedural law aiming at enhancing the HCC’s effectiveness and independence. In 2022, a complete revamp of the Greek competition law system took place. On 24 January 2022, Greek Competition Act (Law 3959/2011 “on the protection of free competition”) was amended by Law 4886/2022<sup>1</sup>, which transposed Directive 2019/1 (the ECN+ Directive) into national legal order, introducing several provisions of both substantive and procedural law aiming at enhancing the HCC’s

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<sup>1</sup> GG A’ 12/24.01.2022.

effectiveness and independence and further introduced certain other provisions in order to strengthen the HCC's toolbox and make the competition law fit for the digital age.

10. The key amendments to the competition legal framework, include, inter alia:

- The introduction of article 1A: “Invitation to collude and announcement relating to communicating future pricing intentions for products and services between competitors”. The new article 1A article aims at the optimal implementation of articles 1 and 2 of the national law (equivalent of Articles 101 and 102 TFEU), regarding two different forms of unilateral practices with significant negative effects on competition. In particular, the provision focuses on practices of an undertaking aiming at: (a) inviting, coercing, motivating in any way another undertaking to participate in or contribute a collusion between competitors with the object of preventing, restricting or distorting competition, and (b) communicating (possibly by means of a public announcement) future pricing intentions (price signaling) for its products if it restricts effective competition in the Greek territory, is not an ordinary business practice and serves no other legitimate purpose.

- No-action letter

Article 37A of Law 3959/2011, according to which following evaluation of a petition describing a business proposal, the President of the HCC may issue a no-action letter stating that no action will be taken against a horizontal or vertical agreement for violation of Article 1 of Law 3959/2011 or Article 101 TFEU or against a practice for violation of Article 2 of Law 3959/2011 and Article 102 TFEU.

- Settlement procedure

Adopting the relevant OECD Recommendation and having regard to the widespread use of settlement procedures in Greece, the national legislator introduced new Article 29A, extending the Settlement Procedure to any infringement of articles 1, 1A and 2 of the Greek Law 3959/2011 or articles 101 and 102 TFEU, thus also to abuse of dominance and new invitation to collusion and announcement of future pricing intent provision, as opposed to the establishment of Settlement Procedure only in the event of participation in horizontal restrictive practices provided for under the previous regime.

- Mapping

New Article 14(2)(s) of L. 3959/2011 on market mapping allows the HCC to assess the conditions of competition in any market or sector of the economy whenever required for the effective exercise of its powers. A decision of the Competition Commission determines the markets or sectors of the economy intended for mapping.

- Investigation of algorithmic methods

A new field of investigation is added, pursuant to which, the HCC, when suspicions arise for restriction or distortion of competition, may also investigate methods of shaping commercial behavior, including algorithmic methods.

11. The full text of the competition law as amended and in force (in English) can be found [here](#).

12. It is further noted that the Greek Parliament adopted L. 5019/2023, pursuant to which, the HCC was designated as the national competent authority for the application of the DMA (Regulation 2022/1925).

## 1.2. Other relevant measures, including new guidelines

### 1.2.1. Guidelines – Notices

13. Following the entry into force of L. 4886/2022, the HCC amended all Guidelines and Notices in force accordingly.

- Decision No 779/2022 on the Definition of the content of the commitment proposal form in merger cases
- Decision no. 780/2022 on the content of merger notifications
- Decision No 785/2022 on the definition of the content of complaints
- Decision no. 786/2022 on the terms, conditions and the procedure of the adoption of commitment decisions.
- Decision no. 789/2022, on the criteria and conditions for the issuance of no-action letters under article 37A(1) of Law 3959/2011 and the other relevant matters concerning the application of this provision.
- Decision no. 790/2022 on the terms, conditions and the procedure of the adoption of settlement of cases
- Decision no. 791/2022 on the leniency program (terms and conditions for the grant of full or partial immunity from fines).
- Notice on the handling of complaints (7.7.2022)
- Notice on the treatment of confidential information (7.7.2022)
- Notice on the calculation of fines
- Notice – Guidelines on the implementation of the provisions of Article 1A Law 3959/2011 (01.2023)

### 1.2.2. Guides

14. The HCC has issued guides:

- for associations of undertakings (06.2022)
- for Contracting Authorities (04.2022)

## 1.3. Government proposals for new legislation

15. **Opinion no 40/2022** of the HCC regarding competition protection issues raised by the household basket initiative in the super market sector”.

16. The Hellenic Competition Commission (HCC), within the framework of its advisory powers and, in particular, under article 23 par. 1 of L. 3959/2011, taking into consideration the reply of the Minister of Development and Investments to the HCC’s request for information under ref. no. 9082/12.10.2022 (as well as the draft legal provision forwarded to the HCC by the Minister’s letter under ref. 101024/20.10.2022), the applicable legal framework, namely the provisions of L. 3959/2011, decided by majority to deliver Opinion 40/2022. By its Opinion the HCC finds that in principle, the regulation does not raise concerns from a competition law perspective, as long as the selection of product categories to be included in the household basket does not stem from an agreement between the State and the undertakings active in the market or from any communication or

contact between competing undertakings and the initiative neither allows nor encourages undertakings to exchange information or jointly agree on such products/product categories or other competition parameters. Further, according to the Opinion:

17. It is deemed positive to anticipate that the broader product categories will be determined by the Ministry without any market players being involved, while each undertaking will autonomously select its products and determine prices in this context.

18. In any case, despite the distortions of competition that may be caused by this measure, it is considered proportionate, in view of the current difficult circumstances for consumers and given the temporary nature of the measure, namely its applicability until 31.3.2023.

19. However, due to a number of issues raised the need for further monitoring emerged. The fact that supermarkets will select the products they wish to include in the household basket may offer them a leverage capacity in negotiations with suppliers of such products, especially with those with a weak bargaining power.

20. For instance, supermarkets may demand higher charges-access fees (slotting allowances, upfront access payments, pay to stay fees or other payments/discounts) from suppliers to include their products in the household basket, especially where the latter do not have access to the retail market. Such a situation is likely to create distortions in competition between suppliers: on the one hand, those who are able to "finance" their participation in the initiative will be favored while, on the other hand, forcing small suppliers to make such benefits may negatively affect their viability. The systematic operation of the profit margin monitoring mechanism for these products and, in fact, as a priority, may alleviate that risk.

21. Initiative should not lead to systematic self-preferencing practices by supermarkets for their own private label products, against branded products, which may be offered at lower prices for consumers, but the respective profit margin of supermarkets is possibly higher.

22. In view of the measure's implementation and actual effects on the market, it is likely, after a period of one month, to consider the possibility to assess any self-preferencing practices as well as to evaluate the need to take measures. Possible price increases on products or product categories (from the same or different suppliers) off-basket to compensate for any losses from making the in-basket products available at affordable (or possibly reduced) prices. In this regard, special emphasis should be placed on to the way and the selection criteria of the product categories to be included in the household basket in order to avoid situations where the inclusion of a category increases the price of other categories targeted to the same consumer categories (vulnerable consumers). To implement this option, it is advisable to use data from an independent service (e.g. Hellenic Statistical Authority).

23. The 7-day or 15-day renewal of the household basket is also considered as a positive arrangement, as it would significantly and permanently reduce the likelihood of price increases of off-basket products.

24. Regarding the household basket, every business active in the retail market should be given the possibility to participate, at both national and local levels, and/or in any manner (e.g., e-shops), even if it is not active in the trading of all the product categories listed (e.g. butcher shops, fish shops, bakeries, etc.). These businesses should be able, if they so wish, to include in the household basket the product categories of their retail activity. Relevant information should be published on the e-katanalotis app and on the website of



the Ministry or other authorized bodies, and that its type and degree of detail is specified in advance.

25. Further, the HCC Opinion stresses that the initiative of the household basket should in no way constitute a tool facilitating concertation between undertakings on their products and prices offered in the basket. Finally, it is noted that the HCC will systematically monitor the behavior of businesses in implementing the household basket measure and will intervene immediately in case of any anti-competitive practices are detected, such as agreements between competitors or vertical agreements between suppliers and retailers for resale price maintenance.

## 2. Enforcement of competition laws and policies

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

#### 2.1.1. Summary of activities of:

##### *Competition authorities*

26. In the area of antitrust, the HCC dealt with 11 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.

27. Of the above cases, 5 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.

28. Furthermore, 6 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).

##### *Dawn raids*

- On 16/2/2022 officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of nine (9) undertakings active in the supply and retail sale of pasta products. The unannounced inspections are part of the HCC's investigation into suspected anti-competitive practices under Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.
- On 18/2/2022 officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of an undertaking active in the cosmetics and personal care sector. The unannounced inspections are part of the HCC's investigation into suspected anti-competitive practices under Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union. The HCC is concerned that the undertaking might engage in practices that affect retail prices and prevent members of its selective distribution network from selling its products through online platforms.

- On 22/2/2022 officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of an undertaking active in the eyewear sector. The unannounced inspections are part of the HCC's investigation into suspected anti-competitive practices under Articles 1 and 2 of Law no. 3959/2011 and/or Articles 101/102 of the Treaty for the Functioning of the European Union (TFEU). The HCC has received a complaint that the undertaking might engage in practices that affect retail prices and prevent members of its distribution network from selling its products through online platforms.
- On 09/3/2022 officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of undertakings active in the construction sector and established in the Attica region. The inspections were carried out in the context of the HCC's ex officio investigation under Article 11 of Law 3959/2011 "Regulatory intervention in sectors of the economy". The HCC is examining the effects which common ownership/common shareholding in companies active in the construction sector might have on the conditions of effective competition in the market.
- On 22/3/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids), acting ex officio, at the premises of 15 undertakings offering various types of catering services. The HCC suspects that the inspected companies may have engaged in anti-competitive practices in violation of Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.
- On 05/5/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids), at the premises of undertakings active in the wholesale supply of electricity, as well as in the retail supply of electricity to low voltage customers (households and SMEs). The HCC suspects that the inspected companies may have engaged in anti-competitive practices in violation of Articles 1 and 2 of Law no. 3959/2011 and/or Articles 101 and 102 of the Treaty for the Functioning of the European Union.
- On 09/6/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of an undertaking active in the transport sector, in the context of investigating a possible abuse of dominant position under articles 2 of L. 3959/2011 and 102 of the Treaty for the Functioning of the European Union (TFEU). Unannounced inspections are a preliminary step in an investigation into suspected anticompetitive practices according to the provisions of L. 3959/2011.
- On 26/7/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of undertakings active in the import and (wholesale and retail) distribution of breast pumps and accessories. The HCC suspects that the inspected companies may have engaged in anti-competitive practices in violation of Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.
- On 07/9/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of undertakings active in the import and (wholesale and retail) of white goods such as refrigerators, washing machines, cooking stoves and cooker hoods. The HCC suspects that the inspected companies may have engaged in anti-competitive practices in the form of vertical restraints in violation of Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.

- On 02/11/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of undertakings active in the manufacturing, import and distribution of aluminium, PVC and iron processing machines. The HCC suspects that the inspected companies may have engaged in horizontal agreements or concerted practices in violation of Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.
- On 13/12/2022, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections (dawn raids) at the premises of an undertaking active in the children's toys sector (excluding digital games). The dawn raid was carried out in the context of the HCC's ex officio investigation in this market, which was launched in November 2021. The HCC suspects that the inspected company may have engaged in horizontal or vertical agreements or concerted practices in violation of Article 1 of Law no. 3959/2011 and/or Article 101 of the Treaty for the Functioning of the European Union.

### *Courts*

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 ten (10) final judgments in 2022 (8 AACA Decisions and 2 Council of State Decisions).

30. Out of those decisions:

- In six (6) cases (5 AACA and 1 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 of applications for suspension of enforcement of HCC Decision, these were accepted until the discussion of the appeals
- In one (1) case of Council of State Decision, the HCC Decision was rejected

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

- The HCC adopted Decision No 796/2022. In this case, as regards the port of Thessaloniki, the agreements between the investigated undertakings had as their object the restriction of competition, in particular market allocation and price fixing (discounts) in the provision of towing services for commercial vessels (both cargo ships and oil tankers). The evidence in the case file indicates that the above restrictions were implemented and resulted in market foreclosure. With respect to the ports of Attica, the agreements in which the parties involved were engaged had as their object the restriction of competition, in particular market/ customer allocation and price fixing (discounts) in the provision of tug services for oil tankers and, therefore, constitute restrictions of competition that may potentially result in the foreclosure of the relevant market. With respect to the ports of Kavala, the agreements in which the parties involved were engaged had as their object the restriction of competition, in particular market/ customer allocation and price fixing (discounts) in the provision of tug services for commercial vessels (both cargo ships and oil tankers), and, therefore, constitute restrictions of competition that may potentially result in the foreclosure of the relevant market. The HCC imposed reduced fines (a reduction of 15%) under the Settlement Procedure for the established infringement of Article 1 of Law 3959/2011 and 101 TFEU, in accordance with the grounds of the Decision. In consideration of the principles of

economic unity and economic succession, the HCC imposed fines totalling EUR 4,360,818.28.

- The HCC adopted Decision No 792/2022. According to the grounds of the HCC Decision, all the undertakings engaged in resale price maintenance practices, in the context of a vertical agreement with the relevant distribution network in the market for power-driven hand tools and garden tools, in breach of articles 1 of Law 3959/2011 and 101 of the TFEU. Resale price maintenance as a hardcore restriction of competition by object is regarded, by its very nature, as capable of having an impact on the relevant market, as it reduces competition between resellers by eliminating intra-brand price competition, while acting as a disincentive to lower selling prices for the specific product. In view of the nature and content of the evidence in the case file, it can be concluded that the resale price maintenance for the products was implemented. According to settled Union and national case-law, agreements which have as their object the restriction of competition (restriction by object) clearly also include those related to the control, prevention and/or restriction of parallel trade, as they are by their very nature capable of leading to the partitioning of national markets, the obstruction of the economic interpenetration within the EU and, ultimately, to the fragmentation of the single internal market. Accordingly, it has been held that any measure aimed at partitioning national markets, by hindering parallel imports, infringes article 1 par. 1 of Law 3959/2011 and 101 TFEU, as the infringement of these provisions does not depend on the success of any attempt to partition national markets. Moreover, where an agreement restricting competition by object falls within the prohibitions of par. 1 of articles 1 of Law 3959/2011 and 101 of the TFEU, its non-implementation in practice (in whole or in part) as well as non-compliance (in whole or in part) with what was agreed have no legal effect on finding the infringement nor do they constitute a ground for exemption. The above agreements can neither benefit from a block exemption under Article 2 of Regulation (EU) 2022/720, as they constitute a hardcore restriction according to Article 4 of the Regulation, nor from an individual exemption according to the provisions of Articles 1 paragraph 3 of Law 3959/ 2011 and 101 par. 3 TFEU as the relevant conditions are not met. The anti-competitive practices described above constitute a single and continuous infringement.
- The HCC, adopted Decision No 767/2022 according to the simplified Settlement Procedure (Article 25a of Law 3959/2011 and Decision No 704/2020) following the settlement submissions by the companies and the consequent clear and unequivocal acknowledgement of their participation in the infringements found.

## 2.2. Mergers and acquisitions

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

31. In 2022 the HCC reviewed nineteen (19) merger filings pursuant to the Greek Competition Act as follows:

**Table 1. HCC - Merger filings pursuant to the Greek Competition Act**

Overall number of merger notifications	19
Overall number of merger decisions	19
Decisions adopted under simplified procedure	0
Overall number of conditional clearances, i.e. clearances with remedies	2
Overall number of prohibitions	0
Overall number of withdrawn notifications/ abandoned transactions	0
Number of unconditional phase 1 clearances (if applicable)	17
Number of conditional phase 1 clearances (if applicable)	1
Number of unconditional phase 2 clearances (if applicable)	0
Number of conditional phase 2 clearances (if applicable)	1

### 2.2.2. Summary of significant cases.

32. The most significant HCC decisions upon notified mergers are summarized below:

- By its **decision no. 775/2022**, the HCC unanimously approved Delivery Hero’s acquisition of sole control over companies (a) Alfa Distributions SA, (b) Inkat SA, (c) Delivery.gr Single Member P.C. and (d) E-table Online Restaurant Reservations Single Member P.C. (“E-table Single Member P.C.”) subject to commitments offered by Delivery Hero.

33. In Greece, Delivery Hero operates the online delivery platform e-food, through which consumers connect with restaurants, supermarkets, convenience stores and other local stores as well as the online convenience store e-food market.

34. Alfa Distributions SA is active in the wholesale supply of consumer goods to supermarkets. Inkat SA is active in the wholesale supply of groceries and operates the retail grocery store chain Kiosky's. Delivery.gr Single Member P.C. operates the online platform delivery.gr, which provides online intermediation services (ordering) for restaurants, supermarkets, convenience stores and other local stores. E-table Single Member P.C. provides online intermediation services for reservations in restaurants, through the e-table platform.

35. The HCC’s decision follows an in-depth investigation of the proposed merger between Delivery Hero and the target companies.

36. The HCC’s investigation revealed that the combination of the parties’ activities in the market for online intermediation for restaurant reservations through the target’s e-table platform and in the online intermediation market for food ordering, through Delivery Hero’s online platform e-food, would give rise to conglomerate effects. Both platforms have significant market power in the respective markets in Greece. As a result of the transaction, the merged entity would have both the ability and the incentive to bundle the two services vis-à-vis their business users, thereby reducing the ability or incentive of e-table’s competitors to compete effectively on the market for online restaurant reservation services.

37. The HCC was also concerned that the combination of end-user data collected from e-food and e-table would allow the merged entity to implement personalized promotion strategies, thereby giving it a competitive advantage to such a degree that the combined entity’s competitors would no longer be able to compete effectively. To address the HCC’s concerns, Delivery Hero has offered the following commitments:

- Delivery Hero (especially through e-food) unreservedly undertakes, in the Greek territory, the obligation not to tie the online intermediation services for food ordering with the online reservation services in restaurants (through e-table) when offered to business users (i.e., restaurants). The latter will be free to purchase each of the services separately. The company also unreservedly undertakes, in the Greek territory, the obligation not to provide special discounts to business users and/or not to charge reduced commissions/fees when these business users buy online intermediation services for food ordering (especially from e-food) as well as online restaurant reservation services (either through the e-food platform, in case the e-table service is integrated appears on it, or directly from the e-table).
- In addition, Delivery Hero will not use end-user data collected from the e-food platform to implement personalized promotion strategies for the e-table services and vice versa, unless end users have previously provided consent to receive personalized advertising and marketing communications, in accordance with existing data protection rules. The implementation of the commitments will be monitored by a specially appointed Trustee. The duration of the commitments is two (2) years from the date of the acquisition of control over E-TableSingle Member P.C. The HCC may decide to extend the duration of the commitments by one year depending on the evolution of the market dynamics. Finally, following the transaction, the combined entity's e-food and delivery.gr platforms will have a high combined market share on the market for online intermediation for the sale of groceries. However, given the bargaining power of other supermarkets, it is estimated that the merged entity will not be able to substantially restrict competition on the market, compared with the pre-merger situation.
- **By its decision no. 770/2022**, although the gas transmission market is theoretically an upstream market to the gas distribution market in the sense that natural gas is transported through the National Natural Gas System (ESFA) and is channeled (through the ESFA Exit Points) to the final distribution networks, the Hellenic Gas Transmission System Operator (DESFA), the system operator of ESFA which is controlled by the CDP Group of companies (and can be described as a passive investor in the acquiring company ITALGAS) is not contracted directly with the Gas Distribution Network Operators for the purposes of the transmission and distribution of gas (which is performed by third-party companies-ESFAusers) and therefore, the usual vertical supplier-customer relationship between DESFA and the subsidiaries EDAA, EDA THESS and DEDA does not exist. Therefore, the merger is not likely to lead competitors of EDAA, EDA THESS and DEDA to input foreclosure, while conversely there is no issue of customer foreclosure regarding the access of DESFA competitors to customers, which in any event do not exist due ESFA's natural monopoly in our country. The companies EDAA, EDA THESS and DEDA, as operators of natural gas distribution networks in Greece, must ensure non-discrimination as between network users or classes of network users, equal access of natural gas Suppliers and Customers to the network and/or connection to the network to those who request it, in accordance with the terms and conditions laid down by law and supervised by the Regulatory Authority for Energy (RAE). The merger does not provide to DESFA the capacity and incentive to limit the development of ESFA in such a way as to adversely affect the development and ultimately the interconnection of other distribution networks managed by competitors of EDAA, EDA THESS and DEDA. In addition, the merger does not bring about any change either in the structure of the wholesale gas supply market or in the structure of the retail gas supply market as none of the parties is active in

these markets, whereas CDP group’s participation in ENI group, which controls the ZENITH, a natural gas retailer, is of a passive investor nature. Finally, for the sake of completeness, it is noted that the access to the ESFA network as well as to the gas distribution networks and the pricing of such access are regulated by Law 4001/2011 as well as by the regulatory decisions issued by the Regulatory Authority for Energy (RAE the sector-specific regulator).

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

38. The year 2022 marked a turning point for national competition law. First, it is the year in which the Greek Parliament adopted L. 4886/2022 “on the Modernisation of competition law for the digital age” which received cross-party support and took effect on 24.1.2022. This law contains several provisions of both substantive and procedural law aiming at enhancing the effectiveness and independence of the Hellenic Competition Commission in line with the rules of the European Union and especially Directive 2019/1.

39. Further, the HCC’s toolbox was strengthened, and innovative initiatives were developed.

40. In particular, a new provision on **market mapping**, which is now provided for by art. 14(2)(s) of L. 3959/2011 (Greek Competition Act) allows HCC to assess the conditions of competition in any market or sector of the economy where required for the effective exercise of its powers. The HCC immediately proceeded to use the specific tool by launching the mapping of the Petroleum Industry, following the HCC Plenary Decision of 22.03.2022.

41. The creation of the Sandbox tool, which was introduced in October 2022, following a public consultation in the summer of 2022, signifies HCC's effort to promote the green transition of the Greek economy within the framework of competition rules. The purpose of the tool is to increase legal certainty, in terms of application of competition law, for companies that wish to set green standards to produce and provide products, services, energy or to proceed with joint investments in the green transition, etc., thus enhancing their development and facilitating capital raising from financial markets. This tool is now expressly provided for in legislation, as, in accordance with the provisions of the new Article 37A of Law 3959, following evaluation of a proposal by an undertaking, the President of the HCC may issue a no-action letter stating that no action shall be taken against a horizontal or vertical agreement for infringement of Article 1 of Law 3959/2011 or Article 101 TFEU or infringement of Article 2 of Law 3959/2011 and Article 102 TFEU.

42. The **Sandbox** tool introduces an innovative form of HCC’s actions. With the operation of the Sandbox tool, the HCC launches a new era in its operation as the custodian of free competition in the Greek market, not only through the repressive application of the law on competition, but also through a consultative route for the proactive promotion of competition at the inception of business projects. The adoption of the Sandbox follows the various initiatives at national and European level as early as 2020 in relation to the integration into competition law of the goal of sustainable development (see [Competition Law & Sustainability](#), as well as the public consultation regarding the “[sandbox for sustainability and competition](#)” launched in 2021).

43. The sandbox creates a supervised space for experimentation to promote innovative business initiatives. Through the sandbox it is possible to fully and ex ante evaluate commercial practices by the HCC (even before the implementation of the project) in order to enhance legal certainty for companies, thus reducing the regulatory risk for "green" investments according to wider public interest objective for sustainable development and in conformity with competition law principles. At the same time, the operation of the *sandbox* enhances competition compliance with and acts as a deterrent to "green-washing" phenomena in the Greek economy.

44. The purpose of the operation of the sandbox is for the industry and especially the small and medium enterprises (SMEs) to experiment with new business forms that aim at the faster and more efficient realization of the goals of sustainable development, always in compatibility with competition law. The importance of sustainability goals is now recognized by Article 37A of Law 3959/2011 on Free Competition, as amended in January 2022, which provides the possibility of adopting a no-action enforcement letter by the President of the HCC following a Report by the Directorate-General for Competition, in case a coordinated conduct or practice, after analyzing its effects on competition, contributes significantly to sustainable development and the public interest.

45. Through this initiative, the HCC contributes in practice and substantially to the national and European strategy for the Green economy transition.

46. The HCC has launched a guide entitled "**Promoting and Strengthening Competition in the Formulation of Public Policies**"<sup>2</sup> aimed at informing central government bodies and other public entities about the importance of safeguarding competition during the formulation of public policies. The guide serves as a valuable resource for policymakers as it outlines the fundamental legislative framework that governs business practices prohibited by competition law. It provides insights into key principles and regulations which promote fair competition and offers guidance on how to ensure that public policies are designed in a manner that supports and strengthens competition.

47. Through this guide, the HCC aims to raise awareness among policymakers regarding the significance of competition in achieving favourable economic outcomes and fostering innovation. By incorporating competition considerations into the policymaking process, it is possible to create an environment that encourages market competition, efficiency, and consumer welfare.

48. In particular, the guide:

- addresses the obligations of the state in terms of adhering to the principles of free competition, drawing upon various sources such as:
  - the constitutional guarantee of free competition,
  - the requirement of cooperation in good faith between the EU and member states, and
  - broader EU law and jurisprudence.
- provides concrete examples of state measures that either comply with or infringe competition legislation.

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<sup>2</sup> See, <https://www.epant.gr/enimerosi/dimosieyseis/odigoj/item/2528-odigos-gia-dimosies-politikes.html>



- outlines the repercussions of such infringements for both the state and individuals affected.
49. Highlights the potential legal and economic consequences that may arise from infringing competition laws.
50. The guide further has the objective of:
- Presenting the tools developed by the OECD and the EU for analysing the impact of state measures on competition. These tools provide a structured approach to assess the effects of government actions on competition and help policymakers make informed decisions.
  - Introducing best practices for the preparation and adoption of government measures, and guidelines on how to ensure that policies and regulations are designed in a manner that promotes competition and avoids anti-competitive outcomes. emphasizing on the importance of conducting consultations with market players, seeking their input and feedback to ensure that policies are well-shaped and taking into account the perspective of stakeholders.

## 4. Resources of competition authorities

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

#### 4.1.1. Annual budget (in your currency and USD):

**Table 2. Annual budget (in your currency and USD)**

2018	2019	2020	2021	2022
5.475.000€	5.310.000€	4.910.000€	6.520.000 €	10.366.000€
<b>Exchange Rate - Official Journal of the EU - end of December</b>				
1,1377	1,1234	1,2271	1,1303	1,0649
<b>ANNUAL BUDGET (USD)</b>				
6.228.908	5.965.254	6.025.061	7.369.556	11.038.753,40

#### 4.1.2. Number of employees (person-years):

**Table 3. HCC staff – Year of 2022**

Staff Category	Number of staff
Economists	35
Lawyers	28
Other professionals (IT and translator)	8
Support staff	18
All staff combined	
Total	89

#### 4.2. Human resources (person-years) applied to:

- Enforcement against anticompetitive practices;
- Merger review and enforcement;
- Advocacy efforts.

51. There is no separation of personnel based on types of cases (i.e. there is no cartel or merger-specific Unit or Directorate). The HCC's Directorate-General is organized in Directorates/Units by reference to sectors of the economy (as we consider this to be the most optimal organization with regard to the circumstances of the Authority). Within these Directorates/Units, all NAC staff contribute to all areas of competition enforcement (mergers, anti-cartel, anti-competitive agreements, dominance-related issues) as well as on sector enquiries, sector regulatory interventions, according to their individual field of expertise. There are also independent units focusing on advocacy, legal support and economic research. The Directorate of International Relations and Communications which reports directly to the President of the HCC, is primarily responsible for monitoring, participating in and communicating the issues relating to the functioning of free competition at national, European, and international level. The staff of the Directorate of International Relations and Communications mainly focuses on the participation and representation of the HCC in EU/international fora on competition related matters (ECN, ICN, OECD, UNCTAD), as well as on the development of cooperation with non-EU countries, and the organization of the HCC's communications' strategy. You may find detailed information regarding the HCC's initiatives and actions, legislative developments as well as the shaping of competition policies at European and international level on its [dedicated webpage](#).

#### 4.3. Period covered by the above information: 01/01/2022 – 31/12/2022

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

52. The following sector inquiries reports have been uploaded on HCC site:

- Executive Summary of the Final Report: Sector inquiry in the field of e-commerce [see here: <https://www.epant.gr/enimerosi/dimosieyseis/kladikes/item/2472-teliki-ekthesi-kladikis-erevna-sto-ilektroniko-emporio.html>].
- Executive Summary of the Final Report: FINTECH [see here: <https://www.epant.gr/enimerosi/dimosieyseis/kladikes/item/2473-teliki-ekthesi-kladikis-erevna-stis-xrimatooikonomikes-texnologies-fintech.html>]
- Executive Summary of the Interim Report into FINTECH [see here: [https://www.epant.gr/files/2021/Ecommerce\\_Executive\\_Summary\\_en.pdf](https://www.epant.gr/files/2021/Ecommerce_Executive_Summary_en.pdf)].

53. A newsletter with detailed reporting on the activities of the HCC, including key decisions, advocacy initiatives, etc. [see here: <https://www.epant.gr/enimerosi/dimosieyseis/enimerotika-deltia/item/2135-teyxos-5.html>] has been issued and uploaded on HCC website.

54. Finally, all 4 digital conferences organized by the HCC in 2022 with participants from all over the world, which have been produced internally, are uploaded on the site of the Authority [see here: <https://www.epant.gr/en/enimerosi/publications/media.html>].

- e-commerce (*organized by the HCC*) [see here: <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2112-deyteri-dimosia-tile-diavoylefsi-sto-ilektroniko-emporio.html>].
- Sustainability Sandbox (*organized by the HCC*) [see here: <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2380-tile-imerida-gia-tile-episimi-enarksi-leitourgias-tou-sandbox-viosimis-anaptyksis.html>].
- Expanding the boundaries of Competition Law (*organized by the HCC*) [see here: <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2440-expanding-the-boundaries-of-competition-law.html>].
- Article 102 TFEU and national equivalents: in search of a theory? (*organized by the HCC*) [see here: <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2455-article-102-tfeu-and-national-equivalents-in-search-of-a-theory.html>].

### 5.1. Nationwide Competition Campaigns

- The HCC created and promoted three nationwide advertising campaigns within 2022 on all radio and television media in the country as well as on social networks,
- a nationwide radio and television campaign in January 2022 “Stop the cartels anonymously - Drop the prices!” for the whistleblowing tool for business [see here: <https://www.epant.gr/en/enimerosi/publications/media/item/2174-stop-the-cartels-anonymously-drop-the-prices.html> ]
- a Social Networks campaign in June 2022 “..See it ..Say it” for the whistleblowing tool for Contracting Authorities, [see here: <https://www.epant.gr/en/enimerosi/publications/media/item/2216-whistleblowing-system-for-contracting-authorities.html> ] and
- a nationwide radio campaign in December 2022 for Contracting Authorities, a radio version of “*..See it ..Say it*”.