

Unclassified

English - Or. English

14 June 2024

Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Greece

-- 2023 --

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

JT03546186

Table of contents

Executive Summary	3
1. Changes to competition laws and policies, proposed or adopted	3
1.1. Summary of new legal provisions of competition law and related legislation	3
1.2. Other relevant measures, including new guidelines	5
2. Enforcement of competition laws and policies	6
2.1. Action against anticompetitive practices, including agreements and abuses of dominant positions	6
3. Mergers and acquisitions	11
3.1. Statistics on number, size and type of mergers notified and/or controlled under competition laws;	11
3.2. Summary of significant cases.	11
4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies	13
5. Resources of competition authorities	14
5.1. Resources overall (current numbers and change over previous year):	14
5.2. Number of employees (person-years).....	15
5.3. Period covered by the above information:.....	15
6. Summaries of or references to new reports and studies on competition policy issues.....	16

TABLES

Table 1.	11
Table 2.	14
Table 3.	15

Greece

Executive Summary

1. 2023 was another year of vigorous action taken by the Hellenic Competition Commission (“HCC”).
2. First of all, HCC marked a significant increase in the number of investigations in various sectors of the economy, with many dawn raids completed, which ranks our authority amongst the most active in this field in 2023. Also, the average age of HCC cases remains low, at less than 2 years at the end of 2023.
3. The HCC has stepped up market monitoring due to the ability it now has to check product and services price fluctuations, by using digital tools, within the HCC’s Data Analytics and Economic Intelligence Platform.
4. The fact that the HCC’s “strengthened actions contributed to increasing competition in the (Greek) market” was also acknowledged in the International Monetary Fund’s (IMF) annual report on Greece.
5. Furthermore, in the international sector, HCC has taken a number of initiatives in the context of its participation in different competition networks and the bilateral relations it has developed with competition authorities in Europe and around the world, including competition authorities in the Arab world and the African continent, where it exports its know-how both in competition law enforcement and economics as well as in the use of advanced technological tools such as artificial intelligence and data analysis platforms. 2023, was also marked by the completion of the first Institutional EU-Morocco Twinning Program for the reinforcement of the institutional capacities of the Competition Council of Morocco in which the HCC, along with other Greek public bodies, participated as Project leader. Finally, during this year, HCC has been selected to co-chair the “Agency Effectiveness” working group within the framework of the International Competition Network (ICN), which represents more than 140 Competition Authorities (NCAs) from all over the world.

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. The new HCC Regulation on the Internal Operation and Management (RIOM)¹

6. The new RIOM entered into force in 21.03.2023 (JMD 24611/17.03.2023, GG 1790/B’/21.3.2023).
7. The new RIOM is based on the HCC Recommendation of the HCC of 6.05.2022, which was drawn, *inter alia*, on the Proposals of a Working Group with the participation of representatives of the judiciary, the academic community, the Greek Legal Council of State and the HCC. The purpose of the amendments to the RIOM is primarily to optimize

¹ The text of the HCC Regulation on the Internal Operation and

Management (RIOM) is available here <https://www.epant.gr/nomothesia/nomoi-diatagmata/kanonismos.html> (in Greek)

the procedures and practices followed with the ultimate goal of further upgrading the effectiveness of the HCC, taking due account of the defence rights of the parties and the need to strengthen the substantial participation of third parties and experts in the process, and, at the same time, the alignment of the RIOM provisions with the amendments introduced by Law 4886/2022 to Law 3959/2011.

8. Below is a summary of the most important changes introduced:

Time limits

- I. The time limit for summoning the parties before the HCC is now sixty (60) days before the date of the hearing. For merger cases, the time limit of fifteen (15) days is maintained (Art. 13 (3)).
- II. The parties must now submit their initial written submissions no later than thirty (30) days, and the Addenda in Rebuttal, no later than twenty (20) days prior to the hearing on the case (Art. 14 (2 and 4)).

9. Parties' written submissions – other requests: Together with their initial submissions, the parties are invited to submit, inter alia, reasoned requests for an oral hearing, their assessment as to the time needed for presenting their oral arguments and requests for the examination of witnesses and/or experts (Art. 14 (2A and 2B)).

Interventions by third parties

- Thirty (30) days before the oral hearing, any third party may submit a written submission - reasoned request for attending the hearing, with the content specified in Art. 23 (4).
- The HCC may allow third parties, by its decision, to: a) express their views in writing or b) express their views orally during the oral hearing and/or c) ask questions to the parties and other participants in the proceedings and/or d) receive copies of proceedings minutes, for the part of their participation therein, with a view to presenting a written submission thereafter and/or e) to receive copies of the non-confidential versions of the other parties' submissions (Art. 23 (5)).
- The HCC may allow third parties, which are entitled to express their opinions in writing or orally, to receive, by any appropriate means, a summary of the Statement of Objections, in a non- confidential version (Art. 23 (5)).
- The President of the HCC may grant an extension of the time limits upon a third party's reasoned request (Art. 23 (6)).

Experts

10. The new RIOM also provides, in particular, for the participation in the oral hearing of experts, who may submit their comments in writing or orally, be examined as witnesses or attend the hearing, ask questions to other experts and be cross-examined by other experts and/or legal representatives of parties (Art. 20 (3)).

Provisions on the oral hearing

- The parties concerned may submit duly reasoned requests for adjournment only once, at the latest by the day preceding the first scheduled hearing on the case (Art. 18 (1)).

- The HCC may, by way of exception, decide not to conduct an oral hearing where it considers that it has sufficient information from the written submissions and evidence submitted by the parties (Art. 22 (4A)).
- The procedure and guarantees are determined (Art. 22 (9)), on the basis of which the HCC may decide to hold an oral hearing by means of teleconferencing.
- The President of the HCC may, invite the parties and any third parties to a preparatory meeting, in the presence of the case-Rapporteur, to organize the oral procedure seven (7) days prior to the beginning of the first hearing and take, inter alia, the necessary organizational measures to ensure as procedural efficacy as detailed in Article 23A.
- Pursuant to article 83 of Law 5019/2023 (JMD A 27/14.12.2023), a new paragraph was introduced as par. 1A in Article 14 of the Competition Law, according to which the HCC is the competent authority for the implementation of the Digital Market Act (see Regulation 2022/1925, esp. art. 38 para 7).
- The new codified version of the Organisation of the HCC (JMD 4905/B/04.08.2023) including the amendments introduced by HCC Decision No 788/2022 entered into force in August 2023².

1.2. Other relevant measures, including new guidelines

1.2.1. Guidelines on the implementation of Article 1A of Law 3959/2011³

11. In January 2023, the HCC issued guidelines on the implementation of Article 1A of Law 3959/2011, as amended by Law 4886/2022, in the context of its actions to promote and strengthen competition and after taking into account the comments of market participants and undertakings during the public consultation carried out in October and November 2022 and the informal discussions with the European Commission. The said provision is intended to deal with unilateral behavior by an undertaking, consisting of: (a) invitation(s) to collude with the object of preventing, restricting or distorting competition in the Greek territory, or (b) announcement(s) relating to communicating mainly future pricing intentions for products or services between undertakings that are competitors (“price signaling”) if the disclosure restricts competition in the Greek territory and is not an ordinary business practice. In case of an infringement of Article 1A, par. 1 and/or Art 1A, par. 2, the HCC may, inter alia, impose the fines provided for in paragraph 1 of article 25B of Law 3959/2011 to the undertakings or associations of undertakings that, intentionally or negligently, committed the infringement.

12. The above-mentioned guidelines contain the principles according to which the unilateral business practices concerning invitations to collude and announcements as to future pricing intentions are assessed under Article 1A. The purpose of the guidelines is to provide a detailed framework for the most common forms of invitations to collude and announcements as to future pricing intentions and they are primarily based on legal and economic criteria used to analyse the above practices, framework, and market conditions in which such practices take place. Economic criteria, such as the parties’ market power

² The text is available here <https://www.epant.gr/nomothesia/nomoi-diatagmata/organismos-ea.html> (in Greek)

³ The text is available here <https://www.epant.gr/en/legislation/1aen.html> (in English)

and other factors related to market structure, are a key element in assessing these practices under Article 1A.

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:

HCC Activities

- In the area of antitrust, the HCC dealt with 8 alleged infringement cases applying Articles 101 TFEU (article 1 of Greek Competition Act) and 102 TFEU (article 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.
- Of the above cases, 7 decisions were issued finding infringement of Article 1 of Greek Competition Act and/or Article 101 TFEU and 1 decision was issued by the HCC finding infringement of Article 2 of Greek Competition Act and/or Article 102 TFEU.
- Furthermore, 5 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 (5 decisions within the meaning of Article 101 TFEU out of which 1 within the meaning of of Article 101 and Article 102 of TFEU).

Dawn raids

- On 31.01.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections in the beer and alcoholic beverages sector. The dawn raid was carried out in the context of the HCC's investigation on its own initiative and following a complaint over alleged infringement of Article 2 of Law no. 3959/2011 and/or Article 102 of the Treaty for the Functioning of the European Union.
- On 15.02.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of a company active in the pharmaceuticals sector. The dawn raid was carried out in the context of the HCC's investigation following a complaint over an alleged infringement of Article 2 of Law no. 3959/2011 and/or Article 102 of the Treaty for the Functioning of the European Union.
- On 05.04.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of a company active in the collection, processing, and sale of currant. The dawn raid was carried out in the context of the HCC's ex officio investigation and following a complaint for possible violations of Articles 1, 1A and 2 of Law 3959/2011 and/or 101/102 of the Treaty for the Functioning of the European Union.

- On 11.05.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of undertakings active in the poultry sector, including the market for slaughtering, processing and sale of fresh and/or frozen poultry. The dawn raid was carried out in the context of the HCC's ex officio investigation into possible violations of Articles 1 and 2 of Law 3959/2011 and/or 101/102 of the Treaty for the Functioning of the European Union.
- On 26.05.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of undertakings active in the printers' market sector. The dawn raid was carried out in the context of the HCC's ex officio investigation into possible violations of Articles 1 and 2 of Law 3959/2011 and/or 101/102 of the Treaty for the Functioning of the European Union.
- On 21.06.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of undertakings active in the supply of equipment used in electricity distribution networks. The dawn raid was carried out in the context of the HCC's ex officio investigation into possible violations of Article 1 of Law 3959/2011 and/or 101 of the Treaty for the Functioning of the European Union.
- On 07.09.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of undertakings active in markets for products for babies and toddlers (baby Botles) . The dawn raids were carried out in the context of the HCC's ex officio investigation into possible violations of Article 1 of Law 3959/2011 and/or 101 of the Treaty for the Functioning of the European Union.
- On 07.09.2023, officials of the Hellenic Competition Commission (HCC) carried out unannounced inspections at the premises of undertakings active in markets for products for babies and toddlers (baby strollers). The dawn raids were carried out in the context of the HCC's ex officio investigation into possible violations of Article 1 of Law 3959/2011 and/or 101 of the Treaty for the Functioning of the European Union.
- On 12.12.2023, officials of the Hellenic Competition Commission ("HCC") carried out unannounced inspections at the premises of suppliers of medical equipment. The dawn raids were carried out in the context of the HCC's ex officio investigation into possible violations of Articles 1 and 1A of Law 3959/2011 and/or 101 of the Treaty for the Functioning of the European Union.
- On 19.12.2023, officials of the Hellenic Competition Commission ("HCC") carried out unannounced inspections at the premises of rail freight services. The dawn raids were carried out in the context of the HCC's ex officio investigation into possible violations of Articles 1 and 1A of Law 3959/2011 and/or 101 of the Treaty for the Functioning of the European Union.

2.1.2. Courts Activities

13. 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 eleven (11) final judgments in 2023 (9 AACA Decisions and 3 Council of State Decisions).

14. Out of those decisions:

- In six (6) cases (4 AACA and 2 Council of State Decisions) the HCC Decisions were upheld in their totality, that is the relevant appeals against HCC Decisions were rejected.
- In one (1) case of application for suspension of enforcement of HCC Decision, was accepted until the discussion of the appeals
- In two (2) cases of applications for suspension of enforcement of HCC Decision, these were rejected until the discussion of the appeals
- In two (2) cases (1 AACA and 1 Council of State Decision), under which in one (1) (AACA) the appeal was partially accepted and the case was referred to the HCC for a new judgment and the other one (1) (Council of State) was rejected.

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

15. A great effort was put forth in 2023 to increase the number of cases brought before the HCC. Key decisions and interventions in 2023 included the following decisions mentioned below; all other HCC decisions concerned mergers, obstruction of investigation cases, RPM cases, gun-jumping, and settlement cases.

Decision 807/2023:

16. a) The complaint under ref. no. 6633/23.09.2016 lodged by ALUMINIUM OF GREECE S.A., which was merged through acquisition by MYTILINEOS S.A. - GROUP OF COMPANIES against the companies IMERYYS BAUXITE GREECE SINGLE MEMBER S.A. and IMERYYS INDUSTRIAL MINERALS GREECE SINGLE MEMBER S.A., (now operating as “MYTILINEOS S.A.”) against the companies a) EUROPEAN BAUXITES SA (now operating under the name “IMERYYS BAUXITE GREECE SINGLE MEMBER S.A.” and the distinctive title “IMERYYS BAUXITE S.A.”) and b) KERNEOS S.A. (now operating under the name IMERYYS INDUSTRIAL MINERALS GREECE SINGLE MEMBER S.A.” and the distinctive title “IMERYYS GREECE S.A.”), active in the bauxite production and supply market, concerning alleged infringements of Articles 2 of L. 3959/2011 and/or and 102 of the Treaty on the Functioning of the European Union (TFEU) and b) on the ex officio review of compliance of the company “IMERYYS BAUXITE GREECE SINGLE MEMBER S.A.” with HCC Decision No. 690/2019 on the Adoption of Interim Measures, according to Article 25(5) of L. 3959/2011.

17. In the light of the evidence in the case file and the hearing of the case, as well as Decision no. 690/2019, the HCC establishes, by majority, the existence of disruptions in bauxite supply over specific time periods within the 3-year period from 2017 to 2019, by "IMERYYS BAUXITE GREECE SINGLE MEMBER S.A." vis-à-vis “MYTILINEOS S.A. - GROUP OF COMPANIES”, which is IMERYYS’s most important customer in the context of a long-standing and stable trading relationship, and these disruptions constitute an abuse of a dominant position according to Article 2 of L. 3959/2011 without any justification on objective grounds.

18. In the light of the evidence in the case file and the parties’ submissions, the HCC also finds, by majority, that “IMERYYS BAUXITE GREECE SINGLE MEMBER S.A.” partially refused to supply “MYTILINEOS S.A. - GROUP OF COMPANIES” with bauxite, as required under the conditions II.a and II.b of the grounds of the Interim Measures Decision no. 690/2019 and, therefore, did not fully comply with that Decision.

19. In this regard, the Hellenic Competition Commission held, by majority, that "IMERYYS BAUXITE GREECE SOLE HOLDING COMPANY" did not fully comply with

the second part of the operative part of the Interim Measures Decision on of the Competition Commission as no agreement was concluded between the parties concerning bauxite supply, able to ensure the smooth operation of “MYTILINEOS S.A. - GROUP OF COMPANIES” and the downstream market.

20. Click [here](#) for more information.

Decision 838/2023

21. (a) Adopted on the joined cases concerning the ex officio investigation conducted by the Directorate General for Competition (hereinafter “DGC”) into the market for the provision of banking services and, in particular, in the sub-markets for retail and corporate banking, card issuing and acquiring, as well as into the markets for interbanking systems, payment services and electronic transactions and (b) the ex officio investigation conducted by the DGC, following a complaint, into the markets for payment services, card issuing and merchant acquiring activities, provision of trading network services by use of electronic payment terminals and other devices, provision of acquiring processing services and interbanking systems, in order to determine whether there is an infringement of Articles 1 and 2 of Law 3959/2011 (Greek Competition Act), as in force, and 101 and 102 of the Treaty on the Functioning of the European Union (hereinafter “TFEU”).

22. By its unanimous Decision no. 838/2023, adopted in plenary, in the context of the Settlement Procedure laid down in Article 29A of Law 3959/2011 and according to its Decision no 790/2022, the Hellenic Competition Commission (HCC) accepted the settlement proposals submitted by the undertakings “PIRAEUS BANK S.A.” (Piraeus Bank), “NATIONAL BANK OF GREECE S.A.” (NBG), “ALPHA BANK S.A.” (Alpha Bank), “EUROBANK S.A.” (Eurobank), “ATTICA BANK S.A.” (Attica Bank), as well as by the HELLENIC BANKING ASSOCIATION (HBA), following a Statement of Objections by the Commissioner-Rapporteur, Mr. Fotis, and imposed reduced fines totaling 41.756.180,10 Euro for the infringements of Article 1 of Greek Law 3959/2011 and Article 101 TFEU, as established according to the reasoning of the Decision.

23. The parties involved in the procedure which, according to the available evidence, engaged in horizontal collusion in breach of Article 1 of Greek Law 3959/2011 and Article 101 TFEU, expressed in writing their interest to their interest to engage in settlement discussions and submitted a relevant request, in accordance with para. 16 of the HCC’s Settlement Procedure Notice.

24. As a behavioural remedy under Article 25(1)(c) of Law 3959/2011, the HCC Plenary imposed upon the banks concerned the obligation to reduce the fee applied to off-us ATM cash withdrawal transaction, taking into consideration relevant cost studies drafted by independent experts.

25. Furthermore, the HCC Plenary accepted the HCC’s proposal concerning the implementation, within six months from the publication of the Settlement Decision, of an antitrust compliance programme, which includes an update of the existing Competition Policy, the HBA and HBA Committee members’ continuous training and education on antitrust issues, the assessment of their actions every semester through the lens of competition law, the timely request for expert opinion by antitrust specialists, the exchange of views with foreign associations, and the inclusion of a special section in the annual review, which will be made available to the HCC.

26. Click [here](#) for more information.

Decision 816/2023

27. The ex officio investigation into the market for children's toys, excluding those related to the use of computers and computer systems, regarding possible anti-competitive practices in the context of vertical agreements, pursuant to Article 1 of L. 3959/2011 and 101 TFEU, following the Settlement Proposal submitted by the company under the name GIOCHI PREZIOSI HELLAS S.A.

28. According to the grounds of the Decision, the evidence available shows that GIOCHI PREZIOSI HELLAS S.A. adopted a single and continuous, in terms of scope, targeting and temporal sequence (and due to the seasonal nature of the product) practice of resale price maintenance (RPM), in the context of a vertical agreement, in breach of Articles 1 (1) of Law 3959/2011 and 101 (1) TFEU, which lasted from 28.12.2017 to 8.10.2021. Resale price maintenance is, by its very nature, a restriction of competition and is considered by its nature to be capable of having an impact on the relevant market, as it softens competition between resellers by eliminating intra-brand price competition, while acting as a disincentive to reduce selling prices for the specific product. Based on the nature and content of the evidence in the case, it can be concluded that resale price maintenance was implemented in practice.

29. Click [here](#) for more information.

Decision 824/2023

30. The ex officio investigation conducted by the Directorate-General for Competition into the cosmetics and personal care product market, in order to determine whether the conditions for the application of the provisions of Article 1 of L. 3959/2011 (Greek Competition Act) and/or Article 101 TFEU are met regarding possible anti-competitive practices in the context of a vertical agreement, following the Settlement Submissions by the companies under the names “CAUDALIE SAS” and “CAUDALIE HELLAS”

31. By its Decision no. 824/2023, adopted in plenary, following the relevant Statement of Objections on the infringement of Article 29A of Law 3959/2011, found, in the light of the evidence available in the case file, that the undertakings concerned engaged in a practice of prohibiting the use of online advertising platforms, in the context of a vertical agreement, in breach of Articles 1 (1) of Law 3959/2011 (Greek Competition Act) and 101 (1) TFEU, which lasted from 29.3.2021 to 31.3.2023. In particular, the undertakings concerned prohibited outright the promotion of its products via online price comparison platforms, including a prohibition of the promotion of its products on both exclusively price comparison platforms and online platforms price comparison tools of dual function,

32. The above behavior entirely prevents the use of online advertising channels, in particular, the use of price comparison services and tools and, therefore, constitutes a restriction on the effective use of the internet. This is a hardcore restriction within the meaning of Article 4 point (c) of Regulation 330/2010, now Article 4 point (e) of Regulation 720/2022 and, therefore, shall not be exempted under the above block exemption Regulations nor under the individual exemption provided for in Article 1 (3) of Law 3959/2011 and 101 (3) TFEU, as the relevant conditions are not met. On the same grounds, no individual exemption shall be understood on the basis of the "safe harbour" applicable to de minimis agreements, which do not significantly restrict competition in accordance with Article 101(1) TFEU.

33. The Plenary of the HCC unanimously imposed jointly and severally on “CAUDALIE SAS” and “CAUDALIE HELLAS” a fine totalling €111,521.13.

34. Click [here](#) for more information.

3. Mergers and acquisitions

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

35. In 2023 the HCC reviewed twenty -two (22) merger filings pursuant to the Greek Competition Act. The most significant HCC decisions upon notified mergers are summarized below:

Table 1.

Overall number of merger notifications	25
Overall number of merger decisions	24
Decisions adopted under simplified procedure	0
Overall number of conditional clearances, i.e. clearances with remedies	0
Overall number of prohibitions	0
Overall number of withdrawn notifications/ abandoned transactions	0
Number of unconditional phase 1 clearances (if applicable)	19
Number of conditional phase 1 clearances (if applicable)	0
Number of unconditional phase 2 clearances (if applicable)	2
Number of conditional phase 2 clearances (if applicable)	0

36. In addition, 3 cases which the HCC examined and decided that they did not fall within the conditions for notification to the HCC were closed.

3.2. Summary of significant cases.

3.2.1. Decision no 837/2023

37. By its **Decision no 837/2023**, adopted on the 19th of December 2023, the Hellenic Competition Commission (HCC), in Plenary, unanimously approved, pursuant to Article 8 (3) of Greek Law 3959/2011, the notified concentration concerning the acquisition by MYTILINEOS SA of sole control over IMERYS BAUXITES SA, within the meaning of Article 5 (2b) of Greek Law 3959/2011.

38. Listed on the Athens Stock Exchange, MYTILINEOS SA is MYTILINEOS Group's parent company. The Group is primarily active in the construction, energy and metallurgy sectors, while IMERYS BAUXITES excavates and sells bauxite.

39. The HCC, by its decision, concluded that the concentration, vertical in nature, is not expected to affect the competitive conditions in any of the relevant markets concerned. Therefore, whereas the concentration falls within the scope of article 6(1) of Greek Law 3959/2011, the HCC, by its decision, concluded that it does not raise serious concerns as to its compatibility with competition rules in the relevant markets it concerns.

40. Click [here](#) for more information.

3.2.2. Decision no 830/2023

41. By its **Decision no 830/2023**, adopted on the 7th of November 2023, the Hellenic Competition Commission (HCC), in Plenary, unanimously approved, pursuant to Article 8 (6) of Greek Law 3959/2011, the notified concentration which concerns the acquisition of exclusive control over " AKTOR SA" from "INTRAKAT SA".

42. Listed on the Athens Stock Exchange, INTRAKAT SA is INTRAKAT Group's parent company. The Group is active in the construction, IT, waste management, real estate development and renewable energy sectors.

43. AKTOR is a member of the ELLAKTOR Group of companies. AKTOR and its subsidiaries' main activities include infrastructure, building and industrial construction, aggregates production and facility management services.

44. The HCC, considering the Rapporteur's Proposal, the case file as well as the information presented and opinions expressed in the oral hearing of the case, concluded that the concentration, which is primarily horizontal in nature, is not expected to affect the competitive conditions in any of the relevant markets that pertain to the construction sector. In particular, the HCC took into consideration, among others, the parties' and their competitors' market shares, the concentration levels, the number and frequency of tenders, the closeness of competition between the parties, the analysis of all tenders between 2018 and 2022 as well as the parties and their competitors' profiles and outlook. Moreover, the HCC concluded that the vertical and conglomerate effects of the concentration do not significantly impede effective competition in the other relevant markets that the parties operate in.

45. With its above decision, and following a full investigation of the concentration pursuant to article 8, paragraph 6 of Law 3959/2011, the HCC concluded that, although the concentration falls within the scope of application of no. 1 of article 6 of Law 3959/2011, it does not raise serious concerns as to its compatibility with competition rules.

46. Click [here](#) for more information.

3.2.3. Decision 827/2023

47. The Plenary Session of Hellenic Competition Commission (HCC), on 3 August 2023 with its **decision 827/2023**, unanimously approved the notified concentration, pursuant to Article 8 par. 6 of Law 3959/2011, which concerns the merger by absorption of the company "ANEK LINES S.A." with the distinctive title "ANEK", by the company "ATTICA HOLDINGS S.A." with the distinctive title "ATTICA GROUP".

48. By the above-mentioned decision, the HCC decided that the concentration in question, which concerns the markets for the provision of maritime transport services for passengers, cars and trucks in the Greek territory and in port pairs (Origin-Destination) in Crete and the Adriatic as well as the market for the provision of maritime transport services through public service contracts, although falling within the scope of Article 6 par. 1 of Law 3959/2011, as in force, and following a full investigation pursuant to Article 8 par. 6 of Law 3959/2011, does not raise serious doubts as to its compatibility with the requirements for the functioning of competition in the above-mentioned relevant markets.

49. In particular, the Plenary Session of the HCC concluded that, although the merger may significantly restrict the operation of competition, in particular by creating or strengthening a dominant position, in the relevant markets for the provision of maritime transport services for passengers, cars and trucks in certain pairs of ports (Origin-Destination) in Crete and the Adriatic, the three conditions of the failing firm defense are fulfilled.

50. More specifically, the Competition Commission concluded that a) ANEK would be forced to exit the market in the near future due to its financial difficulties, b) that there was no other alternative acquisition option, less harmful to competition, other than the notified concentration, and c) that there was no credible interest in acquiring the assets of ANEK and therefore the company's assets would exit the market. In any event, on the balance and

the overall of the affected markets, the competitive structure will not be worse as a result of the merger than it would be in case of a non liquidation of the company's assets, and is therefore not causally related to it.

51. Click [here](#) for more information.

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

52. 2023 was another year of vigorous action taken by the Hellenic Competition Commission (HCC). The HCC has stepped up market monitoring due to the ability it now has to check product and services price fluctuations, by using digital tools, within the HCC's Data Analytics and Economic Intelligence Platform. The fact that the HCC's "strengthened actions contributed to increasing competition in the (Greek) market" was also acknowledged in the International Monetary Fund's (IMF) annual report on Greece⁴.

53. Furthermore, in the international sector, HCC has taken a number of initiatives in the context of its participation in different competition networks and the bilateral relations it has developed with competition authorities in Europe and around the world, including competition authorities in the Arab world and the African continent, where it exports its know-how both in competition law enforcement and economics as well as in the use of advanced technological tools such as artificial intelligence and data analysis platforms. 2023, was also marked by the completion of the first Institutional EU-Morocco Twinning Program for the reinforcement of the institutional capacities of the Competition Council of Morocco in which the HCC, along with other Greek public bodies, participated as project leader. Finally, during this year, HCC has been selected to co-chair the "Agency Effectiveness" working group within the framework of the International Competition Network (ICN), which represents more than 140 Competition Authorities (NCAs) from all over the world.

54. The Hellenic Competition Commission participates for the first time, with its own stand, in the Thessaloniki International Fair. This initiative is aimed at:

- Providing responsible information to visitors, consumers & entrepreneurs on Competition Law as well as on the Authority's competences and actions in the context of the current inflationary period.
- Bringing business representatives and interested stakeholders together with the Heads of the Sectoral Directorates of the Directorate General for Competition for their information on matters of their interest or concern and related to Competition Law (grievances, complaints, advice, etc.), through the organisation of thematic days.
- Promoting the Sustainability Sandbox⁵, the pioneering tool developed by the Hellenic Competition Commission with the aim of strengthening innovation and making a positive contribution to sustainable development and the green transition of the Greek economy. The Sustainability Sandbox is a protected environment

⁴ <https://www.imf.org/en/Publications/CR/Issues/2024/01/23/Greece-2023-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-544031>

⁵ <https://www.epant.gr/en/enimerosi/sandbox.html>

created by the HCC that encourages businesses to adopt innovative entrepreneurial ideas in favour of sustainable development.

- Promoting the whistleblowing⁶ - anonymous reporting tools for businesses and contracting authorities.
- Allowing the direct contact with the country's Academic community, in particular from Northern Greece, providing the opportunity for students and young scientists to get to know and gain an insight into the work of the Hellenic Competition Commission with the aim of attracting specialised human capital and renewing the HCC's staff.
- Promoting the Authority's work to the general public by distributing QR codes for the HCC's official forms and publications (Guides, Sector Inquiries, Studies, etc.)

55. Furthermore, during the 87th Thessaloniki International Fair, HCC organised an online event on "Inflation, Greedflation and Competition Law". The aim of the webinar was to bring together Competition Authorities, Academics from the European Union, Consumer Representatives, and Businesses, to analyze the issue of inflation, greedflation and competition law, and what competition authorities can do with regard to this phenomenon, since competition law must ultimately serve consumers' interests.

56. In the context of its outreach and awareness-rising activities, more targeted initiatives aimed at informing businesses and the public/consumers on competition issues were implemented including the publication, in 2023, of a Competition Guide for the Agricultural Sector and, over the previous 3 years, the Guide for Associations of Undertakings, the Guide for Contracting Authorities, the Guide for SMEs, the Guide on public policies and competition. In addition, the public information campaign "Stop the cartels anonymously - Drop the prices!" was also carried out as well as another campaign launched in collaboration with the Consumer Association EKPOIZO on the topic "What is a vertical agreement and what can you do about it?". Also, research publications/staff working documents/newsletters have also been drafted and published, in collaboration with research centers and independent researchers, on issues such as Sustainability and Competition Law and Economics, Computational Economics and Competition Law, Pros and Cons of Competition Policy Standards, Competition Law and Economic Regulation.

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)

Table 2.

2019	2020	2021	2022	2023
5.310.000	4.910.000	6.520.000	10.366.000	11.278.000
Exchange Rate - Official Journal of the EU - end of December				
1,1234	1,2271	1,1303	1,1273	1,1050
ANNUAL BUDGET (\$)				
5.965.254	6.025.061	7.369.556	11.685.592	12.462.190

⁶ <https://www.epant.gr/en/enimerosi/whistleblowing-system-for-citizens-business.html>

5.2. Number of employees (person-years)

Table 3.

HCC staff (Year end 2023)	
Staff Category	Number of staff
Economists	38
Lawyers	29
Other professionals (IT and translator)	11
Support staff	23
All staff combined	
Total	101 Note: This figure excludes 9 members of the HCC Board (the decision-making arm of the authority).

5.2.1. Human resources (person-years) applied to:

- Enforcement against anticompetitive practices⁷;
- Merger review and enforcement;
- Advocacy efforts.

57. 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 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.

5.3. Period covered by the above information:

- 01/01/2023 – 31/12/2023

⁷ Excluding unfair or misleading practices which fall under consumer protection provisions of the law, where these exist.

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

58. The following sector inquiry report has been uploaded on the site of HCC:
- Executive Summary of the Interim Report into Private Health Services and related Insurance Services [see here: <https://www.epant.gr/enimerosi/dimosieyseis/kladikes/item/2618-endiamesi-ekthesi-kladikis-erevnas-stin-paroxi-idiotikon-ypiresion-ygeias-kai-synafon-ypiresion-asfalisis.html>]
 - Two newsletters with detailed reporting on the activities of the HCC, including key decisions, advocacy initiatives, etc. [see here: <https://www.epant.gr/enimerosi/publications/newsletters/item/2689-issue-7.html> and <https://www.epant.gr/enimerosi/dimosieyseis/enimerotika-deltia/item/2784-teyxos-8.html>]
59. 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 [see here: <https://www.epant.gr/en/enimerosi/publications/media.html>].
- Overlapping Ownership & Competition [see here: <https://www.epant.gr/en/enimerosi/publications/media/item/2627-overlapping-ownership-competition.html>]
 - Second Public Consultation of the Sectoral Research in Health [see here: <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2745-deyteri-dimosia-diavoylefsi-tis-kladikis-erevnas-stin-ygeia.html>]
 - Inflation, Greedflation and Competition Law [see here : <https://vimeo.com/859361944>]
 - Social message from the Competition Commission and the Consumers Association "The Quality of Life" - E.K.POI.ZO to inform consumers about Vertical Partnerships. With this message, the Competition Commission and E.K.POI.ZO. call on consumers to report illegal vertical collusion. [see here : <https://www.epant.gr/enimerosi/dimosieyseis/media/item/2762-ti-einai-oi-kathetes-symprakseis-kai-ti-boreite-na-kanete-gia-afto.html>]