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**Assessing and Communicating the Benefits of Competition Interventions – Note by
Greece**

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More documents related to this discussion can be found at
<https://www.oecd.org/competition/assessing-and-communicating-the-benefits-of-competition-interventions.htm>

Federica MAIORANO
Email : Federica.MAIORANO@oecd.org

JT03520818

Greece

1. Introduction

1. This Note overviews the assessment of the anticipated benefits resulting from the Hellenic Competition Commission (HCC) interventions for consumers. In this context, it primarily describes the methodology for the assessment of the overall impact of HCC decisions on the economy in terms of estimated consumer surplus.

2. It further highlights the new communication strategies that the Hellenic Competition Commission has developed within the set of its targeted advocacy initiatives, to promote a culture of competition in its attempt to raise the public's awareness with regards to the social benefits competition offers to the economy.

2. Evaluation

2.1. Publication of reports

3. As provided in the Greek Competition Act (Law 3959/2011, as amended and in force), the Hellenic Competition Commission shall, by 31 March of each year, submit an annual report to the President of the Hellenic Parliament, containing information on its activity, on the application of the criteria set for priority examination of cases and the pursuit of its strategic objectives, its decisions and its assessments regarding the situation and developments in the field of its competence¹. The HCC's annual report is published in both electronic and printed form and is posted on the HCC website.

2.2. Assessment methodology and framework

4. The Hellenic Competition Commission makes continuous efforts to quantify, in a simple and concise manner, the anticipated benefits resulting from its interventions for consumers. The Directorate-General for Competition of the HCC conducts, to the extent possible, given data availability, assessments of the overall impact of its decisions on the economy in terms of estimated consumer surplus, based on the OECD methodology published in 2014².

5. The concept of "consumer" may include both indirect consumers and final consumers, depending on the market affected by each decision. For the purpose of assessing the impact of the authority's decisions in terms of estimated consumer surplus, all decisions, or a subset thereof, adopted within a period of time, are taken as the basis for the assessment (for example, decisions on cartels). Impact assessment from that perspective can be carried out immediately after the issuance of a decision, as opposed to the overall assessment of the effects of the decision, where sufficient time is needed to fully understand the impact on the economy and, subsequently, assess it.

¹ Article 29 of Law 3959/2011 (GG A' 93) on the "Protection of free competition", as amended and in force.

² See, in this respect, <http://www.oecd.org/daf/competition/guide-impact-assessment-competition-activities.htm>

6. HCC conducts and publishes estimates of the overall impact of its work, in terms of consumer surplus, as a simple measure for assessing such work, to make it widely perceived and understood by the public. In order to calculate the estimated consumer surplus resulting from each decision of the competition authority, an assessment is carried out of the following factors:

- the size of turnover affected by the decision,
- the avoidance of price increases due to the intervention of the authority and
- of expected duration of the price increase, in the absence of the intervention-decision of the competition authority,

while the estimated consumer surplus is obtained as the product of the above three factors.

7. In this context, with regard to cartel cases and cases of abuse of a dominant position, the assessment of the above factors is performed as follows:

- In respect of the turnover affected by the decision, the (ex-ante) turnover of the undertakings under investigation in the affected market(s) is taken into account.
- In respect of the expected impact on prices in the absence of the HCC's intervention-decision, a hypothetical increase rate of 10% in cartel cases and 5% in cases of abuse of a dominant position are taken into account.
- In respect of the expected duration of the price increase in the absence of the HCC's intervention-decision, a three (3)-year period is taken into account as a hypothetical impact period.

8. The above-mentioned factors constitute conservative estimates, related to possible future effects in the markets concerned. These estimates are mainly considered as "static" effects due to lower prices in the affected markets. However, competition produces its main benefits through increased innovation and productivity, factors that are more difficult to quantify or only partially included in the above calculations.

9. These estimates do not take into account the deterrent effect of the competition authority's decisions, as this is not quantifiable. Nevertheless, this effect is highly important, as it incentivises undertakings not to violate competition rules in their future behavior and business activities.

10. It is further noted that, as provided by the Greek Competition Act, the Hellenic Competition Commission is required to initiate, at intervals not exceeding three (3) years, a process of evaluation of its operation, of the effectiveness of enforcement of the provisions of competition law and EU law, as well as the conditions of protection of free competition in general, by auditors of recognised standing and credibility.

11. At this point, it should be stressed that, by virtue of a recent amendment to the Greek Competition Act³, Key Performance Indicators (KPIs) were introduced for the assessment of the Hellenic Competition Commission's work. The indicators are intended to reflect all possible positive effects of the HCC's work on consumers, undertakings, and the national economy (in terms of economic efficiency and innovation). They will also be a guide for improving internal procedures and the adoption of case management and administration models that maximize the effectiveness of the Authority's operations.

³ By virtue of Law 4753/2020, paragraphs 2 to 4 were included in Article 22 of Competition Act (Law 3959/2011) introducing Key Performance Indicators (KPIs) for the assessment of Hellenic Competition Commission's work.

12. According to the new provisions, a group of experts of recognised standing and credibility is established for the elaboration of the KPIs and for the preparation of an Evaluation Study of the HCC, according to the KPIs, every two (2) years at the latest. The Evaluation Study is submitted to the Chairman of the HCC and to the President of the Institutions and Transparency Committee of the Parliament and is published on the website of the HCC. Following a reasoned proposal of the President of the HCC, which takes into account the Evaluation Study, the HCC Plenary decides on the targeting of the Competition Commission policy and actions for a period that cannot exceed three (3) years⁴.

3. Communication

3.1. Communication strategy across main stakeholders

13. In recent years, the Hellenic Competition Commission has taken steps to diversify and expand considerably its advocacy efforts, as a result of the ongoing financial crisis and the enhanced role entrusted to it in promoting reforms aimed at opening up product and services markets. Moreover, the Hellenic Competition Commission in its attempt to raise the public's awareness with regards to the social benefits competition offers to the economy and to effectively convey, particularly to the young generations, competition issues, it has developed new communication strategies within the set of its targeted advocacy initiatives, to promote a culture of competition.

14. To achieve the goals of its communication strategy, HCC uses a diverse set of tools, such as the organization of digital conferences on various topics, the organization of training seminars for consumer associations and businesses, the publication of six-monthly newsletters, the maintenance of an email distribution list with thousands of contacts for sending direct mail, the daily use of the social networks Facebook, twitter, Instagram and YouTube, Radio and TV spots, the launch of a communication contest among students of marketing departments in higher educational institutions, etc. HCC has also created an infrastructure of a multicam live streaming studio in order to effectively achieve its communication goals.

15. To ensure that its communication and advocacy strategies are effective, it is of utmost importance for the HCC to identify the relevant stakeholders of such initiatives, so that it can properly tailor its advocacy interventions and maximize the impact on stakeholders in the most efficient way.

16. Once the relevant stakeholders in each initiative have been identified, it is essential to determine the best way to engage with them at each stage of the initiative. Additionally, it is necessary to develop a strategy and review and update it as required throughout each advocacy effort.

17. The main stakeholders identified with respect to HCC' advocacy and communication initiatives include:

- Consumers (Citizens, National Consumer Associations)
- Businesses (Individual businesses, National Business Associations)
- Contracting authorities (Public sector)

⁴ See, Article 22 of Law 3959/2011 "Evaluation procedure applied by the Competition Commission" as amended by Article 17 of Law 4753/2020.

- Professionals (economists and lawyers specializing in competition law)
 - Policy makers (government bodies which design and legislate public policies)
18. HCC endeavours to apply the following keywords on a case-by-case basis to stakeholders when formulating its communication strategy:
- KNOW, LEARN, INFORM *for Citizens*
 - INFORM, RAISE AWARENESS, COMPLY WITH *for Businesses*
 - INFORM, RAISE AWARENESS, COMPLY WITH *for Contracting Authorities*
 - INFORM, UP-TO-DATE *for Professionals*
 - UP-TO-DATE, COMPLY WITH *for Policy Makers*
19. More specifically:

3.1.1. Citizens

20. In order to ensure that citizens are well-informed, the HCC employs various strategies. Firstly, it maintains an updated website where all news (press releases, newsletters, etc) and decisions of the Authority are published in two languages (Greek and English). Such publications are further promoted through social media platforms and press channels. To further engage citizens, the HCC offers the option for individuals to register on a subscribers' database, enabling them to receive a biannual newsletter providing information about the HCC's actions and decisions.

21. In 2022 the Authority conducted a large-scale nationwide online survey focused on assessing the general public's knowledge of competition law and the HCC's role as an enforcer. Furthermore, the HCC has organized a series of digital training seminars specifically designed for national consumer associations, providing them with valuable insights and knowledge about competition law and related issues.

22. Throughout the past three years, the HCC has made a series of targeted moves to raise awareness of competition issues but also to strengthen the culture of competition to both businesses and consumers, while in the context of a systematic policy to prevent and combat anti-competitive practices HCC has intensified its actions, compared to previous years, by directly intervening in a multitude of key markets and against practices aimed at:

- the manipulation of tenders and bids,
- the setting of resale prices of products / services,
- the market sharing/ customer allocation,
- the restriction or control of production, markets, and/or technical development,
- the exclusion of competitors and products from the market, etc.,
- anti-competitive behaviors by dominant companies that impose unfair prices or unfair trading conditions, etc.

23. The HCC has established a dedicated whistleblowing tool⁵, with the aim to raise public awareness. The tool has been extensively promoted nationwide through television and radio advertisements.

⁵<https://www.epant.gr/en/enimerosi/publications/media/item/2174-stop-the-cartels-anonymously-drop-the-prices.html>

24. The HCC's anonymous information system is a technologically advanced and completely secure method for every citizen (businessman, employee, consumer) to contribute to the detection of anti-competitive practices. This initiative is part of a new strategy, initiated in 2020, to detect anti-competitive practices using innovative technological methods, but also, in general, to systematically inform the public about competition issues.

25. Following these initiatives and with the aim to further enhance healthy competition and prevent phenomena that negatively affect the well-being of consumers, the HCC proceeds to further intensify its activities with the aim to inform the public and to provide tangible and immediate opportunities to citizens, to effectively contribute to the protection of public interest, through the mechanism of anonymous provision of competition related information.

3.1.2. Businesses

26. All aforementioned practices and tools are also addressed to businesses, providing more detailed information pertaining to markets. To this purpose, the HCC has launched several sector inquiries and market-specific initiatives. The Authority regularly organises digital conferences within the framework of its sector inquiries such as e-commerce, fintech, health, and other initiatives, e.g. on sustainable development, which have attracted significant participation from entrepreneurs, business representatives representatives of various business associations. Furthermore, the HCC has launched specialized surveys tailored for e-commerce⁶ and health supplies⁷.

3.1.3. Contracting Authorities

27. To enhance its advocacy role and to assist public contracting authorities to detect illegal behaviors in tender procedures the HCC published in 2014 a Guide for Public Contracting Authorities which was significantly updated in 2022⁸ with the aim:

1. to provide useful tools to the contracting authorities to detect illegal collusion in tendering procedures,
2. to help public sector officials to understand the anticompetitive behavior of a cartel, as well as the techniques used when targeting competitive bidding processes,
3. to help them understand the responsibilities of the HCC to deal with cartels and the responsibilities of the contracting authorities in dealing with cartels so as to avoid potential liability in the event of facilitation even unintentionally or failure to inform the HCC timely,
4. to inform the officials of the framework of sanctions that may be imposed for participation in a cartel,
5. to highlight the specific procedures and technological tools that may be used for better detection of cartels.

<https://www.epant.gr/en/enimerosi/press-releases/item/2092-press-release-hcc-s-campaign-to-promote-the-whistleblowing-platform.html>

⁶ <https://www.epant.gr/en/enimerosi/sector-inquiry-into-e-commerce.html>

⁷ <https://www.epant.gr/en/enimerosi/health.html>

⁸ See, <https://www.epant.gr/enimerosi/dimosieyseis/odigoi/item/570-odigos-gia-anathetouses-arxes.html>

28. Additionally, in its attempt to raise the public's awareness with regard to the social benefits competition offers to the economy and to effectively convey, competition issues, the HCC has developed new communication strategies within the set of its targeted advocacy initiatives. Under this scope, the HCC has launched a dedicated Anonymous Information Platform (*Whistleblowing system*) specifically designed for use by contracting authorities⁹.

29. The internal information available to contracting authorities in their role as contract-awarding / tender-launching bodies enables them to receive information and complaints about the participation of companies in such procedures. Contracting authorities can assist the HCC's work in uncovering cartel practices and / or behaviors, so that investigations can proceed swiftly and effectively, thus directly benefiting the Greek economy, consumers, and taxpayers. Through the dedicated anonymous information platform, employees of contracting authorities and other entities may share valuable information regarding tender and bid rigging practices, while ensuring their anonymity. The establishment of a whistleblowing system has been considered as a key step to counterbalance the fear factor and strengthen competition policy and implementation thereof has been re-enforced by a media campaign¹⁰. Further, the HCC has devised a plan to host a series of webinars with the aim of educating and increasing awareness of contracting authorities, including those at the local government level.

3.1.4. Professionals

30. The HCC maintains a mailing distribution list of professionals specializing in competition law, of course with their consent. Through this mailing list, professionals are regularly informed via newsletters about HCC decisions and are invited to participate to digital conferences, organized by the HCC. To support their work, professionals have access to a comprehensive database comprising HCC decisions and corresponding decisions from courts spanning nearly three decades. This user-friendly database allows professionals to easily search and download decisions in PDF format, either by using keywords or by specifying the year of issue.

31. Further, the HCC regularly organizes international digital conferences and webinars addressing crucial issues and areas of interest to competition law professionals. HCC's digital conferences cover a wide range of topics, including but not limited to: *Article 102 TFEU and national equivalents, Expanding the boundaries of Competition Law – Article 1A of Greek Competition Act, Sustainability Sandbox, Ecosystems & Competition Law, The Promise of Computational Competition Law & Economics, The intersection between Competition and Regulation: Prospects for Reform, Common ownership, Competition Law, and Sustainability*¹¹. These conferences serve as platforms for professionals to exchange views and be updated on the latest developments in the field of competition law.

3.1.5. Policy Makers

32. The HCC publishes annual comprehensive reports, which are then distributed to all members of the Greek Parliament. In addition, the HCC has launched a guide entitled

⁹ See, <https://www.epant.gr/en/bidrigalert.html>

¹⁰ See, <https://www.epant.gr/en/enimerosi/publications/media/item/2216-whistleblowing-system-for-contracting-authorities.html>

¹¹ See, <https://www.epant.gr/en/enimerosi/publications/media.html>

"*Promoting and Strengthening Competition in the Formulation of Public Policies*"¹² 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.

33. 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.

34. In particular, the guide:

1. 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.
2. provides concrete examples of state measures that either comply with or infringe competition legislation.
3. outlines the repercussions of such infringements for both the state and individuals affected.
4. highlights the potential legal and economic consequences that may arise from infringing competition laws.

35. 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.

3.2. Communication strategy and tools in recent years

36. In recent years, the HCC has undergone a significant transformation in its communication strategy. Recognizing the crucial role of effective communication in promoting and implementing competition law, the HCC's new leadership, which assumed

¹² See, <https://www.epant.gr/enimerosi/dimosieyseis/odigoi/item/2528-odigos-gia-dimosies-politikes.html>

office in late 2019, established a dedicated Directorate for International Relations & Communication¹³. This directorate comprises two key units: the Digital Communication & Public Relations Unit and the International Relations Unit. To strengthen its communication efforts, the HCC carefully selected a team of skilled professionals, consisting of both existing staff members and newly recruited individuals. These team members possess extensive training, innovative thinking, and a strong work ethic, allowing them to approach communication challenges with fresh perspectives and enthusiasm.

37. By integrating digital communication, public and international relations, the HCC aims to streamline its communication processes, foster stronger relationships with domestic and international partners, and effectively convey its policies to a broader audience.

38. The HCC employs various communication tools and infrastructure to effectively pursue its objectives:

- Creation of multiple videos for social media platforms, as well as television and radio spots.
- Use of electronic survey tools like SurveyMonkey to conduct surveys enabling HCC to collect data and feedback from various stakeholders, contributing to evidence-based decision-making.
- Use of electronic and printed press monitoring services to promptly identify and address any instances of misinformation or inaccuracies in published content.
- Memorandums of cooperation with University institutions (media and communication departments) to foster collaboration and knowledge-sharing in order to raise awareness and promote understanding of competition law.
- Launch of a creativity contest entitled "Competition and Art."¹⁴ The aim of the contest is to create the best Symbolic Figure and Video/Message, capable of promoting the principles of healthy free competition through the use of modern digital means. The Figure, will be used to create comics, infographics and promotional advertisements to convey the authority's work on safeguarding competition, while the Video/Message, informing the public about competition issues, will be uploaded on the HCCs social network accounts as well as on the main TV channels in Greece.

3.3. Publication of HCC's decisions and related court proceedings

39. The HCC ensures transparency and accessibility to the public by publishing its decisions on its website. All HCC decisions are published in the Government Gazette and uploaded on the HCC website, with a view to ensuring the protection of personal data and professional secrecy of the parties, pursuant to the provisions of Articles 27 and 47 of the Greek Competition Act¹⁵. The HCC website contains the complete up-to-date set of HCC decisions, in both Greek and English versions.

¹³ <https://www.epant.gr/en/international.html>

¹⁴ <https://www.epant.gr/enimerosi/deltia-typou/item/978-deltio-typou-diagonismos-dimiourgikotitas-antagonismos-kai-texni.html>

¹⁵ According to Article 27 ("*Publication of decisions of the Competition Commission*") para. 1 of Law 3959/2011: "*The decisions of the Competition Commission, being of individual nature and provided for under this Law, must be specifically reasoned, published in the Government Gazette and posted on the Internet pursuant to the provisions of L. 3861/2010 (A' 112)*". According to Article

40. The HCC also uploads the decisions of the Athens Administrative Court of Appeal (AACA) which is competent for the judicial review of appeals against HCC's decisions (judicial review at the first instance) as well as the decisions of the Council of State which is competent for the judicial review of appeals against AACA decisions (judicial review at the second instance) in a dedicated section of the metadata for each HCC decision.

41. By making these decisions accessible to the public while respecting confidentiality and professional secrecy requirements, the HCC aims to enhance transparency, facilitate understanding, and contribute to the dissemination of legal knowledge in the field of competition law.

3.4. Assessing awareness of competition law

42. The HCC emphasizes on the importance of having a mechanism in place to regularly evaluate the effects of the above. In order to assess awareness of competition law, and to reach out to a wide audience HCC uses electronic surveys which it creates through an online survey service and promotes with paid targeted advertising via social networks. This approach ensures that the survey reaches certain categories of individuals and encourages their participation.

43. In a recent collaboration with the Athens University of Economics and Business, the HCC conducted a large-scale nationwide online consumer survey focused on assessing the public's knowledge of competition law and the HCC's role as an enforcer.

44. Building on the success of this initiative, the HCC plans to conduct similar surveys on a semi-annual basis. By regularly assessing public the HCC can identify areas for improvement in its communication strategy to effectively enhance public understanding and engagement with the authority's role and activity.

3.5. Information about the launch of specific interventions- press releases

45. The dissemination of press releases plays a crucial role in informing the public about significant developments and outcomes related to competition law enforcement. The HCC issues press releases on its enforcement activity, its decisions, and on the sanctions it imposes and it assesses the feedback received through its Press Monitoring services.

46. Through the creation of informative webpages, publication of reports, press releases, HCC decisions, sanctions, Court decisions, the HCC enhances transparency and provides accessible information to the public regarding its activity and outcome of its enforcement efforts.

4. Conclusions

47. The Hellenic Competition Commission has embraced in recent years the trend of assessing the impact of its interventions and effectively communicating the benefits of competition.

48. The HCC provides in-depth information on its activities that go beyond mere statistics to the public, outlining not only the number of interventions or fines imposed by

47 (“Publication of decisions”) “*Joint decisions by the competent ministers, regulatory decisions by the Minister of Development Investments and decisions and expert opinions by the Hellenic Competition Commission provided for under the present Law shall be published in the Government Gazette and posted on the Internet according to L. 3861/2010 (A' 112)*”.

the Authority, but also highlighting the outcome and benefits resulting from such competition interventions. The Authority employs various methodologies to assess market outcomes, consumer welfare, changes in market behaviour, and competitive dynamics. This comprehensive evaluation enables the HCC to assess the effectiveness and success of its actions in promoting fair competition and protecting consumer interests.

49. Effective communication has become a priority for the HCC over the recent years. The Authority recognizes the importance of communicating the positive outcomes of its interventions and conveying to the public the benefits of fair competition in the market. Through its efforts and commitment to effectively assess impact and communicate the benefits of competition interventions, the HCC contributes to the broader goal of promoting a culture of competition in Greece and to foster a competitive environment that benefits consumers, businesses, and the economy overall.