

NEWSLETTER HELLENIC COMPETITION COMMISSION

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Ioannis Lianos
President of the HCC

President's Introductory Note

An one-year overview...

As the new "academic" and "judicial" year begins, it seems appropriate to focus on the progress of the HCC's work over the last year and the significant changes brought about in its operation, which have already started to produce the first results in its performance.

The present Issue of the Newsletter focuses on some of the reforms implemented as well as on the investments made aiming at boosting the HCC's efficiency so that it can meet the demands of consumers, sound entrepreneurship and citizens.

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President's Introductory Note

The HCC's work was developed on the basis of the following four pillars:

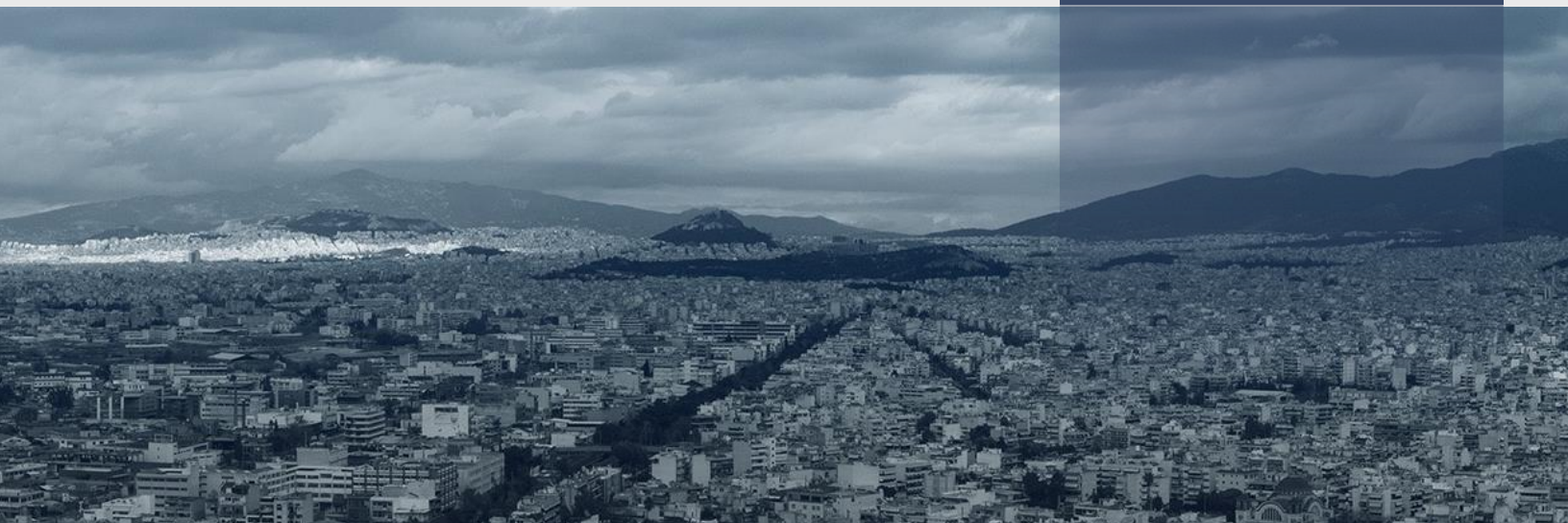
- Re-organisation of the HCC in order to enhance its effectiveness
- Focus on the current, real economy
- Enhanced accountability and transparency
- HCC becoming more extrovert

The previous period was marked by an intensified process of far-reaching changes with the elaboration of a reform plan for the necessary breakthrough in the way in which the HCC works with a view to enhancing its deterrent effect.

This goal cannot be achieved solely by a purely bureaucratic service, dealing only with case handling, no matter how qualified its staff may be and how quickly and effectively the cases are completed which, in any event, has not happened until recently; but by a dynamic technocratic service, based on economic analysis and data science capacities in order to both deter and prevent anti-competitive practices and market structures that involve the highest risk of causing anti-competitive effects.

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We consider that the HCC is a key driver for national economic growth and strengthening competitiveness as well as for a fairer distribution of the developmental added value, which will provide support to growth sustainability and contribute to social cohesion.





President's Introductory Note

In order to enable the Authority to fulfil its mission setting ambitious goals, its institutional role as well as its potential in resources – human, technological and financial – need to be reinforced without delay. This will allow for a multi-annual (for a three-year period) planning of the HCC's overall upgrading, both in terms of efficiency (more output - less input), but also in terms of enhancing the economic and social impact of its work.

Over the last 12-month period, the HCC has made great strides, mainly overcoming the problems that were affecting its operation for more than two decades, in particular the existence of a significant backlog of long-standing cases, stemming from a very slow pace in the administration of justice, its technological lag, the lack of a culture of interdisciplinary cooperation on a basis of clear objectives.

The next 12 months will be crucial for the transformation not only of the HCC, but also of the national competition law into a model, not only for the EU countries but also worldwide. This requires substantial State investment in the HCC's human and material resources, something that has been rather neglected over time.

Despite the prolonged economic crisis and the current health crisis, providing financial support to the HCC will bring leveraged benefits to productive and outreach sectors of the economy and to sectors that are critical to the economy (digital and banking, health, etc.).

We hope that this opportunity will not be missed and that the recent efforts of the HCC and its staff will be supported.





Implementation of the New Structure of the HCC

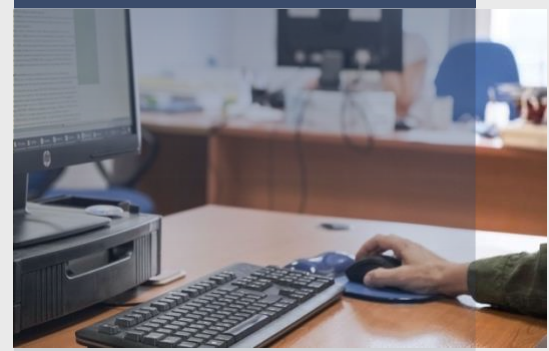
The organisation of such a technocratic national competition authority involves the creation of structures that promote interdisciplinarity, the collection, analysis and optimal use of information (intelligence), the "smart" use of the tools available to the HCC and the development of a culture of compliance with competition rules among citizens and businesses, based not only on a punitive logic, but also on an active promotion of competition among various market players, with the understanding, on the part of the HCC, of the new business models of the digital economy.

The new Organisation of the HCC, unanimously adopted by the Plenary of the Commission and with the assent of the staff representatives, will enter into force upon its publication in the Official Gazette in the coming days. The change in the structure of the HCC has been one of the first objectives of the new leadership, as early as September 2019. The transformation effort was made with the cooperation of all staff members through an unprecedented, for a public service, internal and external consultation process, which was organised over a period of 12 months.

The first stage of this major reform enabled the administration to shape, after in-depth discussions with the different organisational units of the HCC, a clear view of the problems of the existing structure and its organisational difficulties as well as of its poor outcomes. This stage was followed by a first proposal of the administration and consultation with the staff during successive meetings, about the rationale of the reform and the new structure. In the light of these discussions, the administration prepared an outline of the basic principles for the design of the new structure, which was subsequently discussed and adopted by the Plenary of the Commission.

The second stage of the reform started with the appointment, by the President of the HCC, of a working group, also consisting of representatives of the HCC staff members' unions, which prepared a detailed draft for the new Organisation. Following the group's discussions with the HCC administration, a finalised draft was submitted to and adopted unanimously by the Plenary (again with the vote of the staff members' representatives).

The new Organisation of the HCC brings a significant structural change in its operation by creating mixed sectoral directorates. In other words, in contrast to the previous situation and on the basis of international standards, lawyers and economists will work together. These directorates will systematically monitor the various markets and will be able to intervene more effectively (either by conducting ex officio investigations or sector inquiries or by regulatory interventions), enabling the HCC to focus - even proactively in many cases - on competition problems and distortions.





The third stage included the financial control by the State General Accounting Office, the signing of the Organisation by the Deputy Minister of Finance and the adoption of its final draft by the Plenary of the Commission, again unanimously and with the consent of the staff members' representatives.

In addition to the setting up of sectoral directorates and horizontal units for Economic Documentation and Digital Evidence Detection and Forensics, a specific provision of the Organisation provides for further protecting the parties' procedural rights, by the creation of a Chief Legal Directorate. This Directorate's main task will be to carry out a second-level legal review, with a particular emphasis on the proper adherence to the procedures and the respect of the parties' rights, without it being part of the case-handling team. This provision ensures the fairness of the procedure and makes it less likely for the Commission's decisions to be annulled by the courts on procedural grounds.

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

The rationale for the new structure has been thoroughly analysed in the last issue of the HCC Newsletter (Issue 2, April 2020, p.p. 15-17). Figure 1 below shows the new structure of the Authority, according to the adopted version of the Organisation.

Purely technocratic structures are also being set up, such as the Research and Economic Documentation Unit and the Digital Evidence Detection and Forensics Unit, which will "run" the HCC's economic and digital transformation, and the International Relations and Communication Directorate to reinforce the Authority's public image.

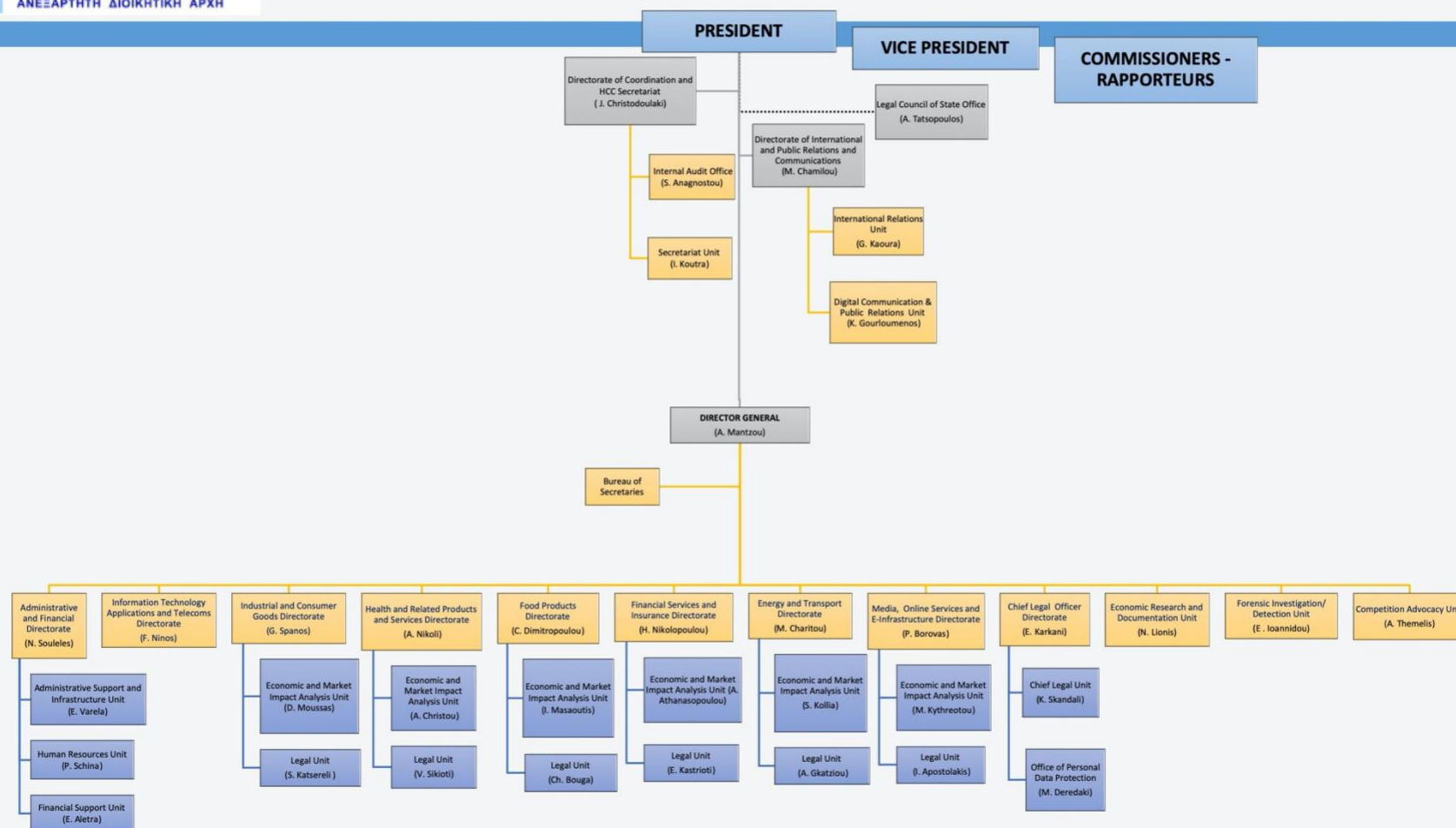


Figure 1 below shows the new structure of the Authority, according to the Organisation adopted.

Figure 1



HCC ORGANISATIONAL CHART



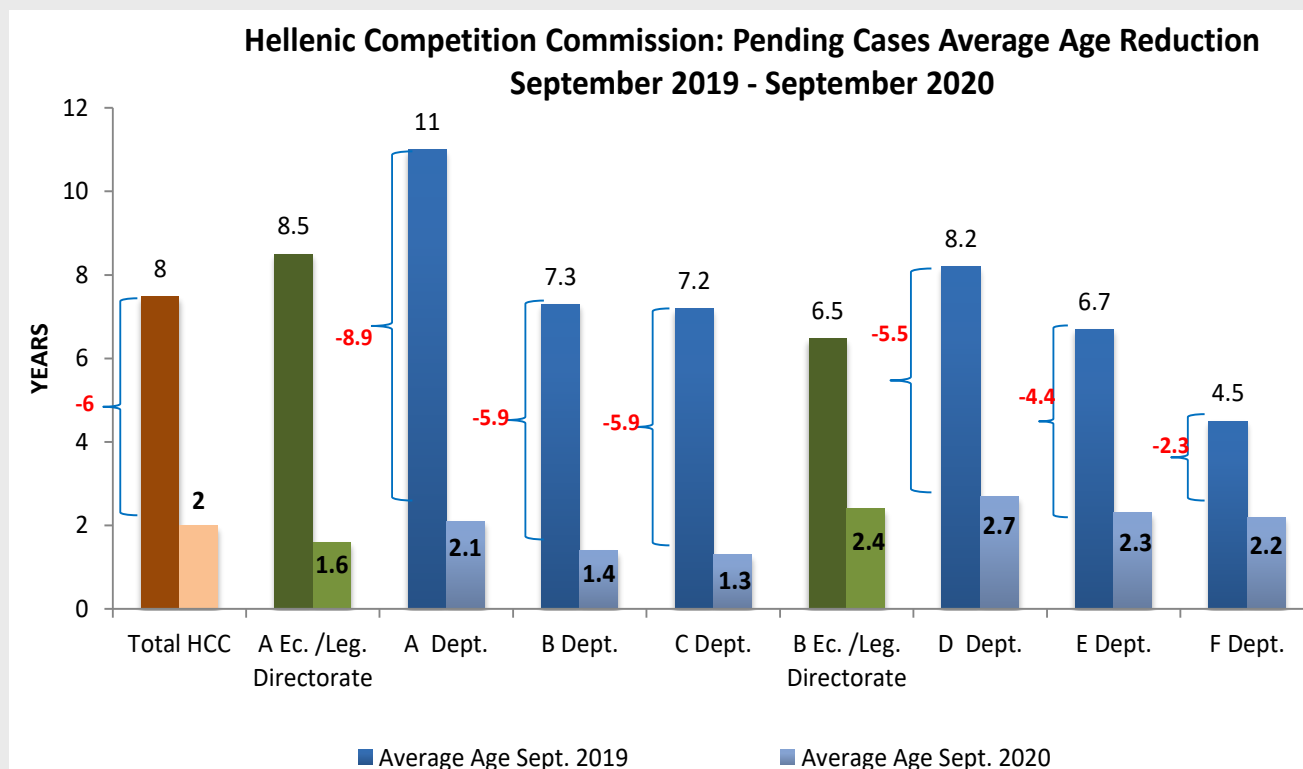


Clearing the HCC's stockpile of cases

A great effort was put forth over the last 12 months to clear up the stockpile of cases pending before the Commission which has been, for many years, a considerable burden and obstacle holding back the Authority's effectiveness. Cases brought before the Commission since the late 1990s and early 2000s had been examined only fragmentarily for many years, without any attempt for carrying out a coordinated case assessment (case management) aimed at their completion.

The significant efforts of the HCC staff in conjunction with the new organisation, enabled the HCC to proceed with those cases which showed signs of unlawful conduct, the completion of which would produce a significant impact on competition, and to close other cases which did not raise such concerns. As a result, a substantial number of old cases were closed and the average age of pending cases before the Commission was reduced from approximately 8 years in September 2019 to 2 years in September 2020, with the completion of more than 120 cases in the last 12 months (Chart 1).

Chart 1





This important outcome is due not only to the closure of many old HCC cases but also to the initiation of a number of new ones, numbering more than in any other period in the HCC's recent history. The status of pending HCC cases in September 2019 (when the new leadership of the Authority came to office) is presented in Chart 2, while Chart 3 presents the status of pending cases in September 2020.

Chart 2

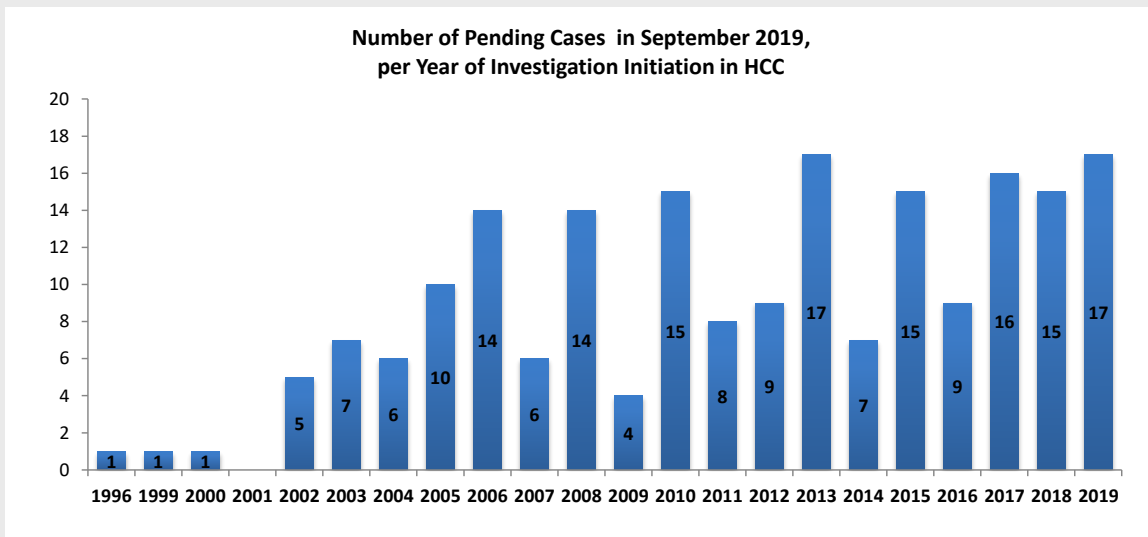
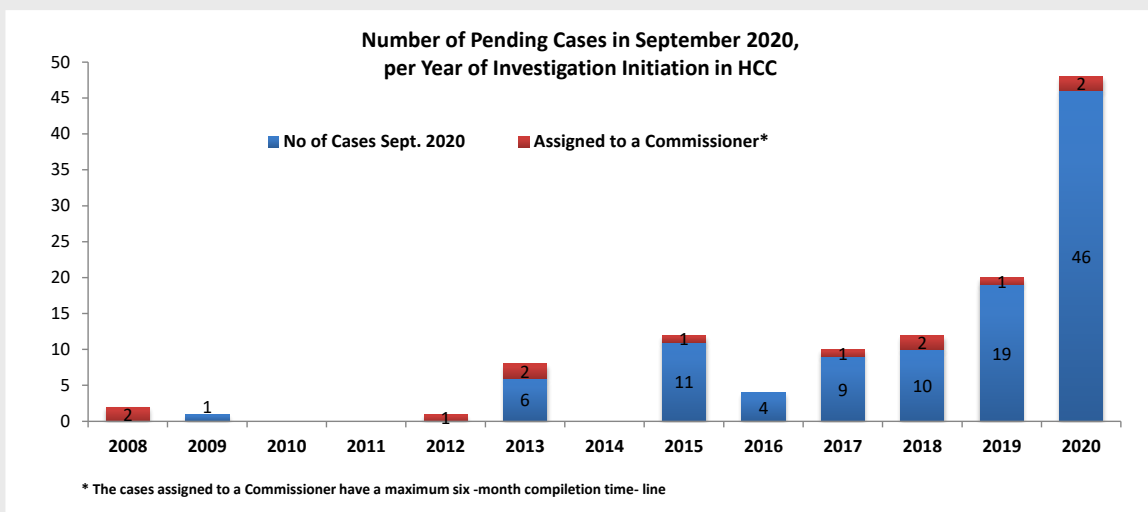


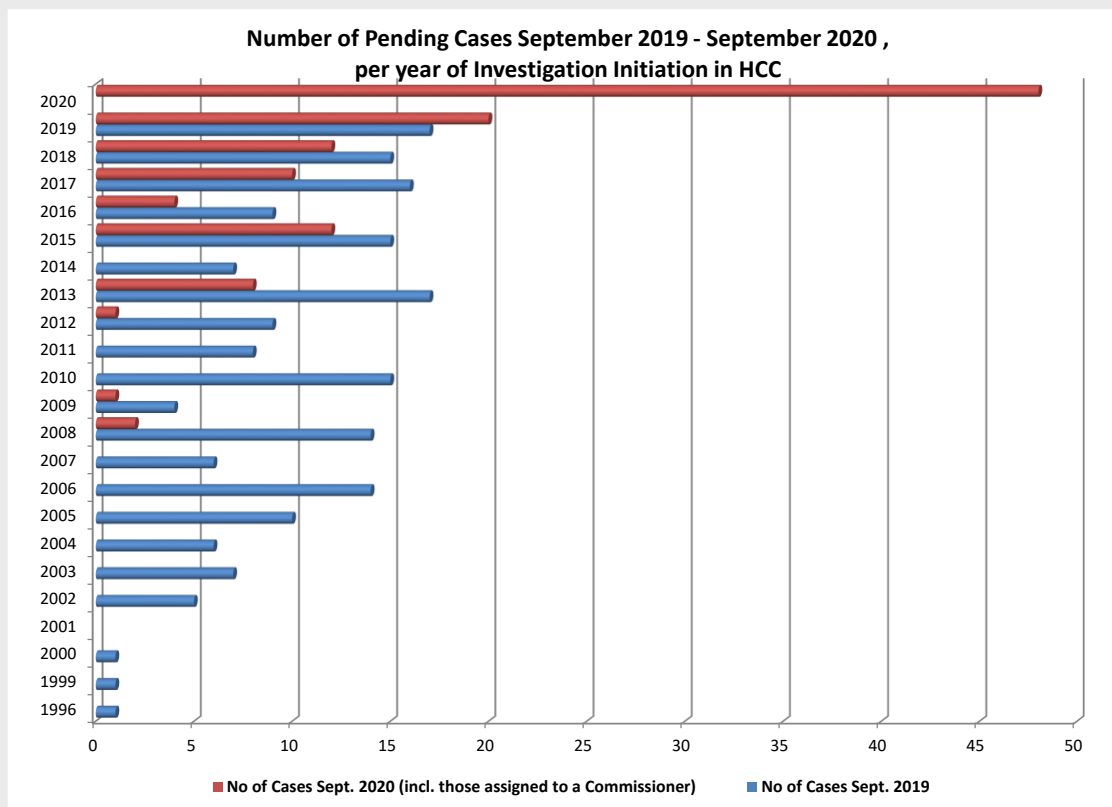
Chart 3





Currently, the highest percentage of the HCC pending cases (approximately 70%) has been opened within the last two years (2019 and 2020), with the majority of these cases being launched under the presidency of Professor Ioannis Lianos (see Chart 4).

Chart 4



With the aid of the new management methods applied and with the significant experience that the staff has now gained with respect to efficiency and case management, the HCC intends to maintain this pace for the coming years and to proceed with the enforcement of a competition law in Greece that is effective and has a deterrent effect.

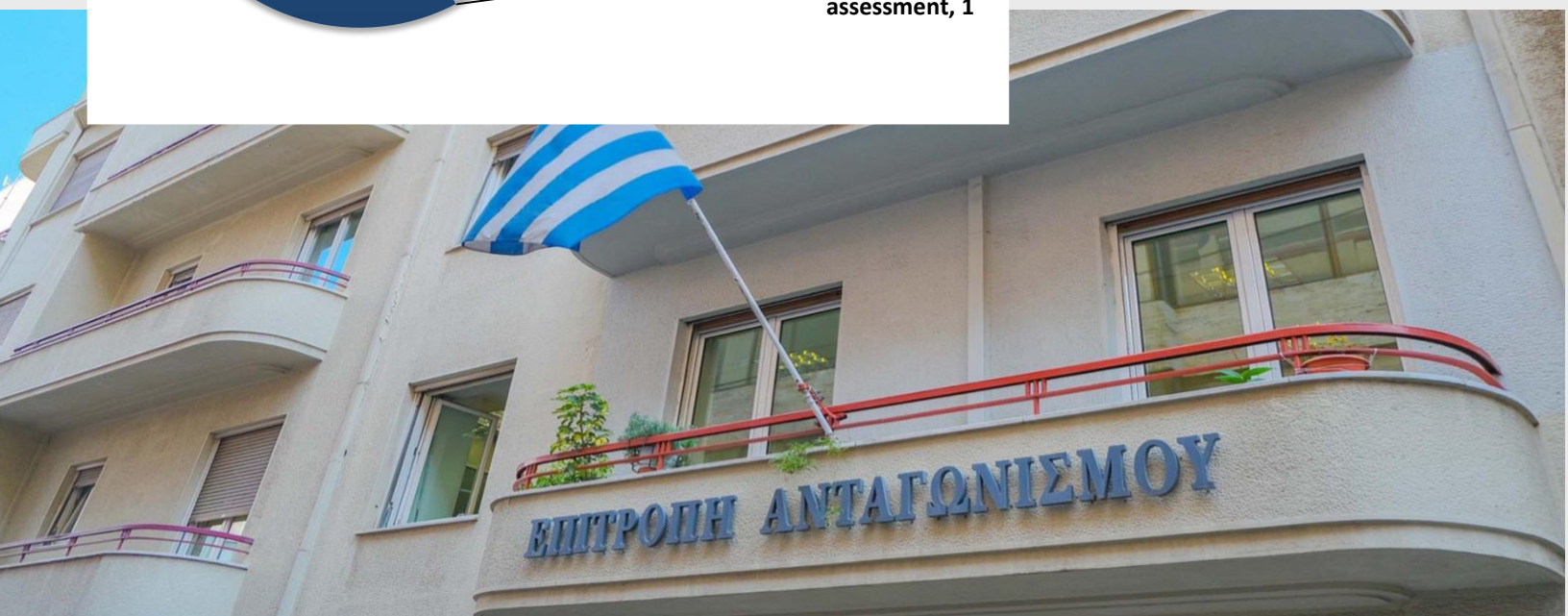
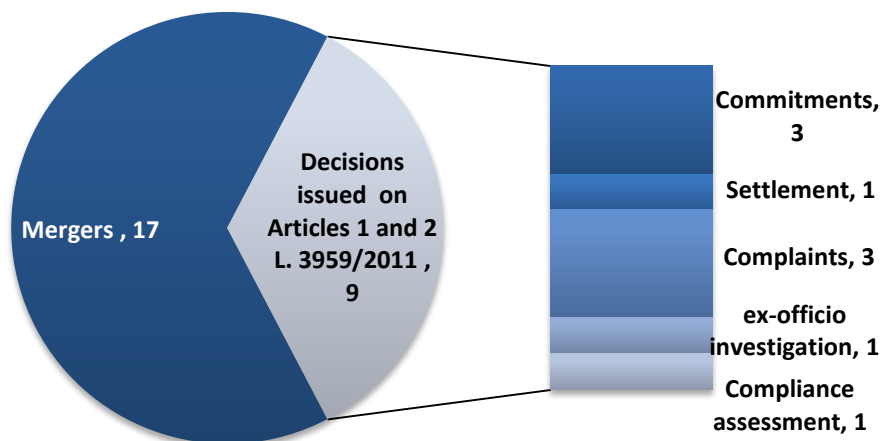


Activities of the HCC (April 2020-September 2020)

During the last 12 months, the Commission has issued 17 merger decisions in various sectors of the economy (2 phase II decisions) and has issued 9 infringement related decisions on Articles 1 and 2 L. 3959/2011 (and/or 101 and 102 TFEU) (including 3 commitment decisions, 1 settlement decision, 3 complaints, 1 ex officio investigation και 1 compliance assessment) (See Chart 5). The list does not include the total number of examined cases.

Chart 5

HCC Decisions Issued
September 2019 - September 2020





HCC Decisions September 2019 – September 2020

Furthermore, 5 cases are nearing completion by end-October-November 2020, currently being at the stage of the hearing process/Commission deliberations, while 14 cases, concerning various sectors of the economy, have been assigned or are expected to be assigned to a Commissioner-Rapporteur within the next 2-3 months.

In addition to the completion of pending cases, the HCC has allocated, in the last 12 months, significant resources and has systematically prioritised, for the first time, key sectors of the economy (banking, supermarkets, agri-food sector, digital economy and data), through various tools: initiation of ex officio investigation cases, examination of complaints, publication and launching of sector inquiries, preparation of studies that shed light on the functioning of the respective markets. The aim is to gradually put also other sectors of the economy under the microscope of the Authority in order to improve the level of competition for the benefit of consumers and to promote sound entrepreneurship.



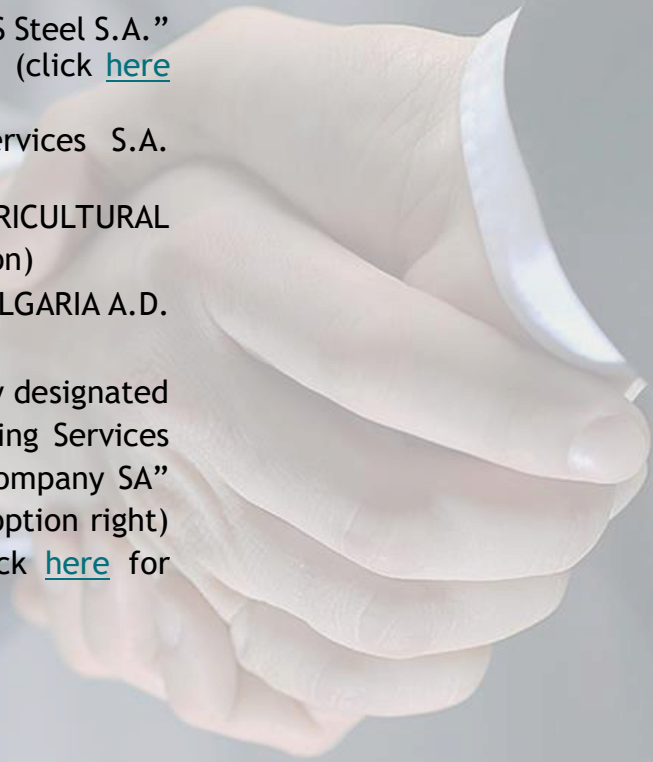


Mergers

April 2020- September 2020

The HCC has approved the following six (6) mergers during the period from April to September, finding that they do not raise any serious doubts as to their compatibility with the competition rules in the relevant markets involved:

- The acquisition of joint control by the companies (a) FARALLON CAPITAL MANAGEMENT LLC, through the company “HEALTHCARE INVESTORS II (GREECE) LLC” and (b) PIRAEUS BANK SA, over parts of the assets and liabilities of the company EUROMEDICA SA. (click [here](#) for more information)
- “SIDMA S.A.” (“SIDMA”) / over part of “BITROS Steel S.A.” (“BITROS”) through the acquisition of assets (click [here](#) for more information)
- “SAIGA S.à.r.l.” / “Skroutz Internet Services S.A. (Skroutz)” (click [here](#) for more information)
- ADAMA AGRICULTURE B.V./ ALFA AGRICULTURAL SUPPLIES S.A. (click [here](#) for more information)
- CRETA FARMS and TETO-FARM SA by BELLA BULGARIA A.D. (click [here](#) for more information)
- “doValue S.p.A.” (either itself or a subsidiary designated by doValue SpA/ “Eurobank Financial Planning Services (FPS) Loan and Credit Claim Management Company SA” and (if do Value SpA exercises the relevant option right) over “REAL ESTATE MANAGEMENT SA” (click [here](#) for more information)





The HCC also published the following decisions with regard to the review of compliance of the company “ATTICA GROUP” with the commitments related to ferry routes following the acquisition by Attica SA of sole control over Hellenic Seaways (Decision no. 658/2018) and the request of the company “DIAMANTIS MASOUTIS SA - SUPER MARKET” for modification of the remedies undertaken in the context of Decision no. 665/2018 on the approval of the acquisition of sole control over the company PROMITHEFTIKI SA.

In particular:

Review of compliance of the company “ATTICA GROUP” with the commitments imposed by Decision no. 658/2018

The HCC Decision no. 702/2020, as part of an ex officio investigation into ATTICA GROUP’s compliance with the commitments imposed by Decision no. 658/2018, unanimously decided that the company ATTICA GROUP did not comply with the operative part of Decision no. 658/2018 with respect to:

- a) condition B6 (a), concerning the fulfillment of the Kavala - Limnos route from October 2018 (specifically 8th October 2018) until the 9th June 2019, and
- b) condition B6 (b), concerning the fulfillment of the Santorini - Symi route from November 2019 (specifically 29th October 2018) until the week ending on Sunday the 17th March 2019.

By the same Decision, the HCC found, by majority vote, that the total period of non-compliance amounted to 238 days regarding the non-fulfillment of the Kavala - Limnos route and 140 days regarding the non-fulfillment of the Santorini - Symi route.

Having appraised ATTICA GROUP’s extent of non-compliance with the imposed commitments as well as the company’s honest desire to cooperate, the Competition Commission unanimously i) imposed a fine of twenty-nine thousand seven hundred and ninety-two (27,792) Euros for its non-compliance with the aforementioned commitment (B6), ii) ordered the company to cease its non-compliance with commitment B6 and iii) ordered ATTICA GROUP to extend the period of compliance with commitment B6 in accordance with the company’s proposal.

“The Company (ATTICA GROUP) agreed to comply with commitment B6 for an extra year following the completion of the three year period since the publication of the operative part of Decision no. 658/, and a) to increase its weekly route frequency to a remote island by one (1), providing there is no other route for that island operating at the moment by another ferry company, for a period of 34 weeks and b) to introduce a new route in Greece which is not currently offered by the ATTICA GROUP, HSW, or any other ferry company, for a period of 20 weeks.”

[Click here](#) for more information.



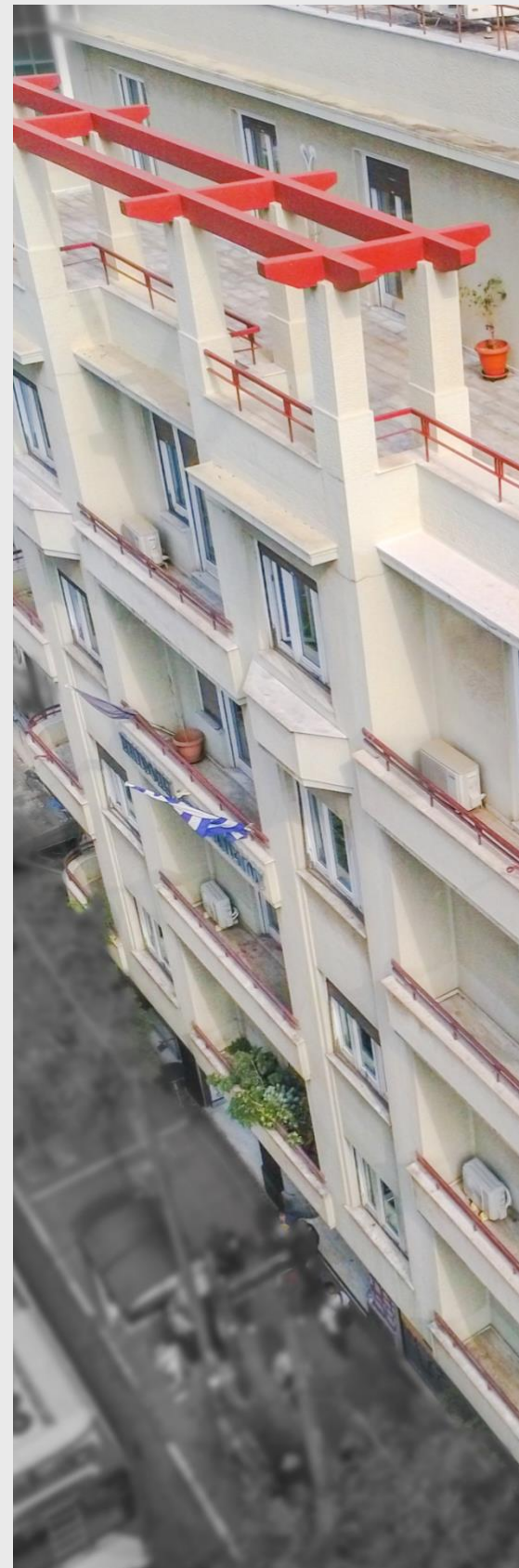
Decision of the Hellenic Competition Commission on the request of the company "DIAMANTIS MASOUTIS SA - SUPER MARKET" for modification of the remedies undertaken in the context of Decision no. 665/2018 on the approval of the acquisition of sole control over the company PROMITHEFTIKI SA.

By its unanimous Decision No. 713/2020, the HCC decided to modify the commitments adopted in the context of Decision no. 665/2018 on the approval of the acquisition of sole control over the company PROMITHEFTIKI SA, following a request submitted by the company "DIAMANTIS MASOUTIS SA - SUPER MARKET" ("MASOUTIS"), and taking into account the exceptional circumstances of the present case.

With the above Decision, the HCC decided to substitute the commitment regarding the divestiture by MASOUTIS of a super market store located in the area of "Ag. Spyridon" in the main town of the island of Andros, with a commitment to divest a company store located in the nearby "Anemomyloi" area, also in the main town of Andros. MASOUTIS is required to implement the new divestiture commitment within six months from the appointment of a Divestiture Trustee, who will be responsible for the successful implementation of the new commitment.

In reaching the above Decision, the HCC took into account the exceptional circumstances of the case, and in particular the fact that MASOUTIS was unable to implement the initially undertaken divestiture commitment due to lack of interest from potential purchasers, as well as the current unfavorable economic situation facing the country. Upon this basis, and following reasoned requests from MASOUTIS, the HCC considered that the above modification of the initial commitment can be viewed as an appropriate and suitable solution for maintaining conditions of effective competition in the local market of the main town of the island Andros. The Decision no. 665/2018 of the HCC shall continue to apply as to the remainder.

Click [here](#) for more information.





Other cases

Rejection of the complaint against the company MAVIZ SA

By its Decision 711/2020 the HCC unanimously decided to reject the complaint as there was no evidence of violation of article 2 of Law 3959/2011, as in force, by MAVIZ and therefore there was no need for further action by the HCC in the present case with respect to the aforementioned company under Article 102 TFEU.

According to the decision, MAVIZ holds a dominant position in the upstream market for the supply of fur animal feed and also operates through its subsidiary (BOSMAN MINK FARM SA) in the downstream market (market for breeding and selling of fur animals). The high market shares in the upstream market for the supply of fur animal feed even render MAVIZ super-dominant. However, the cumulative condition of abuse of such position within the meaning of article 2 of Law 3959/2011 is not met.

This is because the conditions to characterize the refusal to supply as abusive are not met since such refusal does not lead to the elimination of effective competition in the downstream market.

In addition, it is considered that MAVIZ conduct was objectively justified, as the company was not obliged to continue delivering feed to a customer with large debt and providing no sufficient guarantees for the repayment of such debt.

For the Press Release, click [here](#)

Settlement Procedure - Leniency Program: Decision on the ex-officio investigation in the furniture and professional equipment market (703/2020)

The HCC adopted a unanimous decision following the simplified Settlement Procedure according to article 25a of Law 3959/2011 and Decision no. 628/2016. According to the decision, the company "K. PAPANASTASIOU OFFICE FURNITURE SA" with registered name "Grammi Goitrou" obtained immunity from fines under the Greek leniency programme (Decision no. 526/2011, par. 47) and the company «MAR OFFICE FURNITURE MICHALIS PICHAS & SONS» was given a fine reduction according to the Settlement Procedure for the violation of article 1 of Law 3959/2011. The fine amounted to 29,013.59 euros.





The relevant HCC decision was issued according to the simplified Settlement Procedure, following the expression of interest by the parties involved and their consequent acceptance of the infringement found.

Based on the investigation and the acceptance of the infringement by the companies involved during the settlement procedure, it emerged that the companies PICHAS and PAPANASTASIOU agreed to cooperate in a public tender (announcement no. 06/2015) for the supply of equipment for the five-storey building of the University General Hospital in Ioannina, with a deadline for submission of tenders on 02.09.2015.

According to the reasoning of the decision, this agreement restricts competition between the companies involved. In this case, the provision of Article 101 TFEU does not apply as there is no evidence of impact on inter - state EU trade.

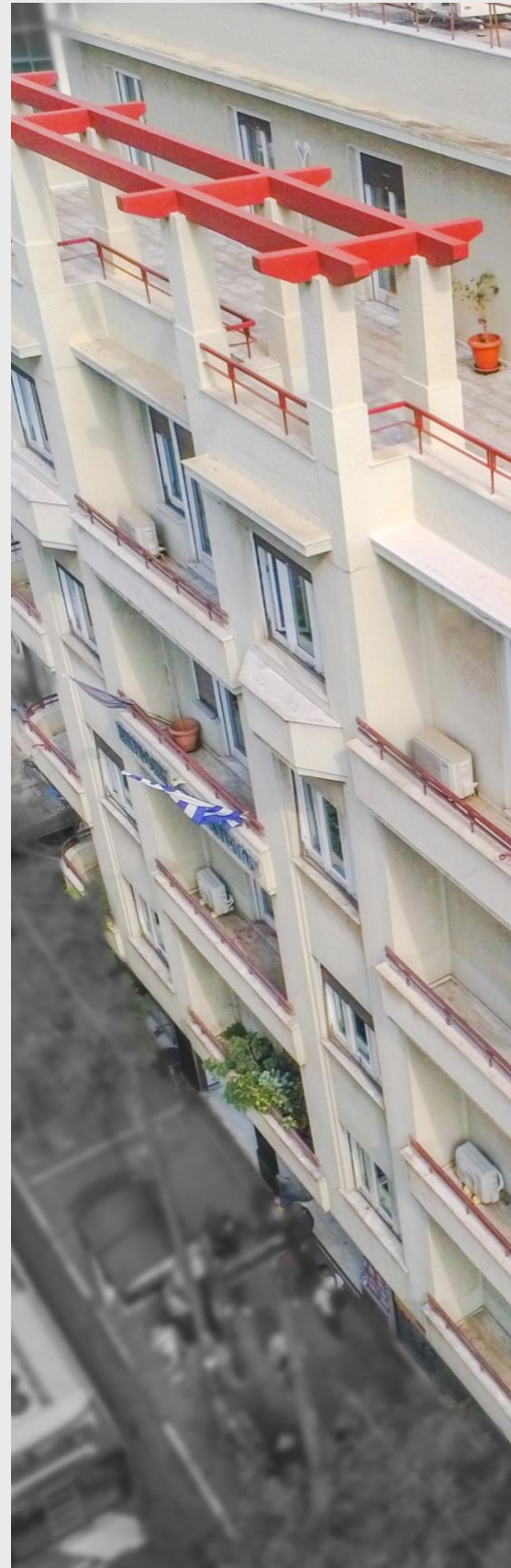
PAPANASTASIOU substantially assisted the HCC in the investigation of the respective violation and was granted full immunity from fines under the leniency programme. By the same decision, the HCC reduced by 15% the amount of the fine imposed on PICHAS for its cooperation under the Settlement Procedure and the unconditional admission of its participation in the infringement.

It is noted that this is the second case in which all the companies involved applied for settlement at an early stage without having previously been served with a relevant Statement of Objections. Such early application of the settlement procedure increases procedural efficiency.

For the Press Release, click [here](#)

Preliminary ruling on the complaint no. 5540/17.9.2015 of the company "PURE INDUSTRIAL AND COMMERCIAL COMPANY FOR PRODUCTION AND TRADE OF GASY BEVERAGES" against the company "COCA-COLA 3E GREECE SA".

By its Decision no. 708/2020, the HCC abstains from the issuing of a final Decision and delivers a preliminary ruling, which calls on the Directorate-General for Competition to conduct, as a matter of priority, further investigation as set out in the reasoning of the Decision.

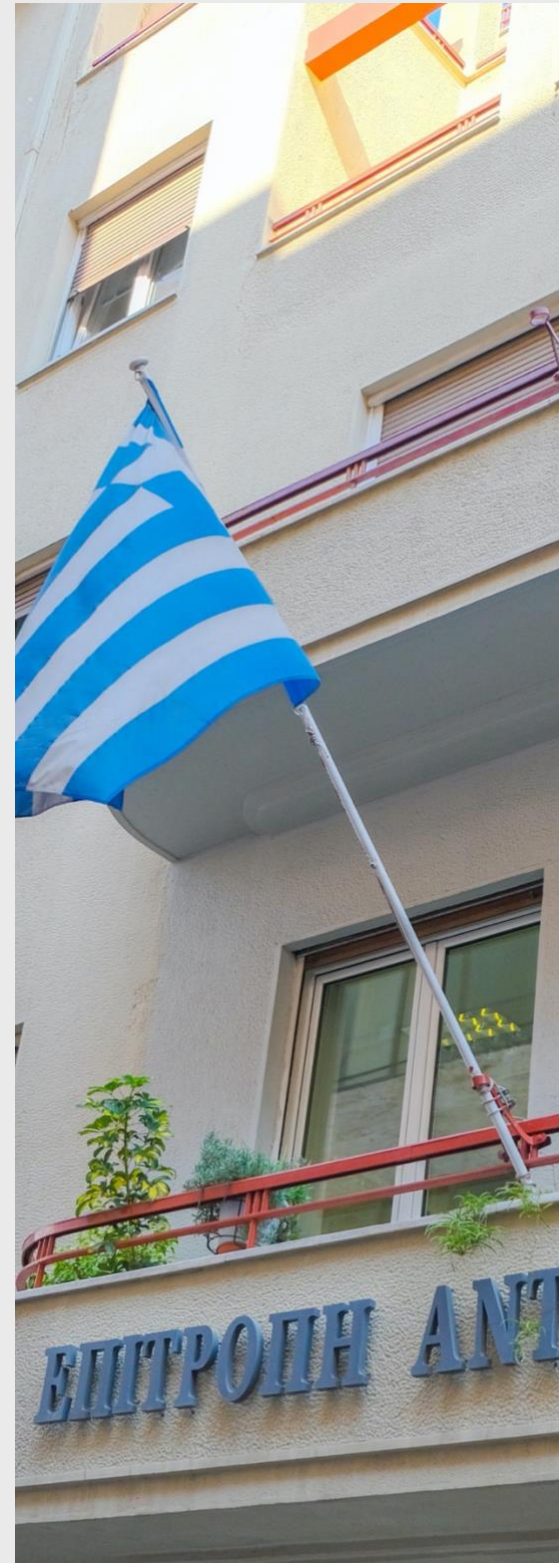




Publication of earlier HCC Decisions

Decision regarding the complaints of the company "SERKO LTD SCIENTIFIC - ELECTRONIC MACHINERY (Imports - Representations - Service)" concerning alleged infringements of articles 1 and 2 of Greek Laws 703/1977 and 3959/2011, as well as articles 101 and 102 TFEU by the companies "Gambro Lundia AB", "Medical Products Ltd." and "BAXTER HELLAS LTD" in the market of artificial kidney machines, and in particular in the primary market of machines for artificial kidneys (HD), together with the associated secondary market of related repair and maintenance of such machines (including spare parts).

Following complaints by the company "SERKO LTD SCIENTIFIC - ELECTRONIC MACHINERY (Imports - Representations - Service)", in the market of artificial kidney machines, ie the primary market of HD and the secondary market of the related repair and maintenance of these machines (including spare parts), the Plenary Session of the HCC, with its Decision no. 689/2019, decided unanimously that two of the defendants, namely the companies "Gambro Lundia AB" and "Medical Products Ltd." violated article 1 of Greek law 3959/2011, as well as article 101 TFEU through their participation in a prohibited vertical anti-competitive agreement, which mainly consisted in prohibiting parallel imports. In the context of the infringements of articles 1 of law 703/77, as in force, now 1 of law 3959/2011, and 101 TFEU, the Commission considered that the agreement in question between the above-mentioned companies constituted a strategy of anti-competitive behavior in level of repair and maintenance of Gambro brand artificial kidney machines with the aim of excluding independent machine repairers of this brand from tenders in public hospitals, which is located throughout the years from October 2003 to December 2015. At the same time, It turned out that the parallel trade ban has been part of the GAMBRO network for a significant period of time, inevitably affecting the national market as well.





By the same decision, the HCC unanimously

a) obliged the companies "Gambro Lundia AB" and "Medical Products Ltd." to put an end to the above-mentioned violation, as long as it continues and to omit it in the future;

b) rejected as unfounded the complaint of SERKO against the company "BAXTER HELLAS LTD", for violation of article 1 of law 3959/2011 for the reasons extensively referred to in the reasoning of the decision. At the same time, the HCC ruled that the prohibition requirements for the application of Article 101 TFEU are not met for BAXTER and therefore there is no reason for the HCC to take further action in this case against the specific company;

c) rejected as unfounded the complaints of SERKO against the companies "Gambro Lundia AB", "Medical Products Ltd." and "BAXTER HELLAS LTD" for violation of article 2 of law 3959/2011 for the reasons extensively referred to in the reasoning of the decision. At the same time, the HCC ruled that the prohibition requirements for the application of Article 102 TFEU are not met and therefore there is no reason for the HCC to take further action in this case against the specific companies;

d) imposed a fine on the company "Gambro Lundia AB" for the above mentioned prohibition for the period from October 2003 to December 2015, based on the reasoning of the decision, for violation of article 1 of law 703/77, as in force (now article 1 of Law 3959/2011), as well as Article 101 TFEU, amounting to one million one hundred three thousand four hundred seventy-nine euro and ninety cents (1,103,479.90);

e) imposed a fine on the company "Medical Products Ltd" for the above mentioned prohibition for the same period, based on the reasoning of the decision, for violation of article 1 of law 703/77, as in force (now article 1 of Law 3959/2011), as well as Article 101 TFEU, amounting to one hundred sixty five thousand eight hundred ten (165,810.00) euro; and

f) threatened each of the aforementioned companies ("Gambro Lundia AB" and Medical Products Ltd") with a fine in the amount of ten thousand (10,000) euro for each day of delay in compliance with the above decision, from the day of its publication, ie for each day of repetition of the above violation, if found such with a new HCC's decision.

In addition, the HCC has published the Decisions no. 659/2018 (Decision on notification of a concentration, concerning the acquisition of sole control over the assets of "LAMBRAKIS PRESS S.A. (DOL)" by the company "ALTER EGO media S.A.", 651/2017 (Acceptance by the HCC of the request by DEPA to revise the commitments, which had been adopted through HCC Decision 551/2012, as amended by the HCC Decisions no. 589/2014, 596/2014, 618/2015 and 631/2016, regarding the supply of natural gas through electronic auctions) and 603/2015 (Decision on the complaints against the Private Transport Company "KASSANDRA I.M.E. - Ltd. " evacuation and transport tank-vehicles for sewage and wastewater of the Kassandra peninsula of the prefecture of Halkidiki, concerning the infringement of Articles 1 and 2 of (former) L. 703/1977, thus completing the publication of the cases pending for several years.



HCC Board case discussions / deliberations (from April 2020 to September 2020)

The COVID-19 pandemic has been a major challenge for the HCC. By making use of its appropriate organisation and updating its logistical infrastructure, the Authority was one of the first public services in Greece to gradually apply teleworking for all staff members which continued their work seamlessly, both in providing the Authority's services to the public and enabling the examination of cases by the Plenary of the Commission. The Commission had invested in time in material and technical infrastructure for the organisation of teleconferences, and following an amendment, on 14.09.2020 (GG B' /3917/14.09.22020), of the HCC Regulation for the Internal Operation and Management, it is now possible to carry out, after the consent of the parties, hearing proceedings through videoconference.

For more information click [here](#)

During this period, the Commission held a series of deliberations to examine:

- Bilateral meetings in the context of the Settlement Procedure in the case concerning the provision of security services
- Examination of the complaint no. 8266/23.10.2013 by the company "V. ZISIMATOU - TH. MARINIS SNC" against thirteen (13) companies, namely: 1) "CHRISTOS P. KARIDIS S.A.", 2) "SIAFAKAS S.A. WHOLESALE DISTRIBUTOR OF TOBACCO AND CONFECTIONERY PRODUCTS", 3) «S. LEVENTOPOULOS WHOLESALE OF TOBACCO AND OTHER PRODUCTS», 4) "S.D. STAVROPOULOS S.A. DISTRIBUTIONS", 5) "CHATZIVASILOGLOU S.A. AGENTS - DISTRIBUTORS OF TPBACCO PRODUCTS", 6) "KAPNOPOLIS S.A.- TOBACCO AND KIOSK GOODS TRADING COMPANY", 7) "KAPNOS S.A. - TOBACCO AND CONSUMER GOODS TRADING COMPANY S.A.", 8) «DIMITRIOS ALEXIOU S.A. - WHOLESALE DISTRIBUTION OF TOBACCO AND ITS PRODUCTS», 9) "M. LEFKADITIS S.A. -TOBACCO PRODUCTS AND SMALL RETAIL GOODS TRADING COMPANY", 10) "PAPADIMITRIOU RIGA ΓΕΩΡΓ. AND ASSOCIATES", 11) "AFES PAPOULI & ASSOCIATES", 12) "H. & A. TH. SAMARIS AND ASSOCIATES" and 13) "PAPACHRISTOU CONSTANTINOS & ASSOCIATES", accompanied by a request for interim measures, for alleged infringement of Art. 1 of L. 3959/2011 on the "Protection of free competition", as in force, and Art. 101 TFEU.





HCC Board case discussions (from April 2020 to September 2020)

- Examination of the complaint no. 1508/14.02.2013 by Konstantia Kefala as legal representative of "PHARMACY KONSTANTIA KEFALA & CO OE" against (a) the Pharmaceutical Association of Karditsa (FSK), for violation of article 1 of law 3959/2011, as in force, and/or article 101 TFEU and (b) of the Supply Cooperative of Pharmacists of Karditsa Prefecture P.E. (SYFAK), for violation of articles 1 and 2 of the above law and /or articles 101 and 102 TFEU, in the market of medicines and other pharmaceutical and parapharmaceutical products.
- Review of compliance of the company ARGOS SA Press Distribution Agency with the operative part of the HCC Decision no. 687/2019, pursuant to Article 25(5) of Law 3959/2011





Sector Inquiries

Sector inquiry into basic consumer goods

Following the publication of the [Interim Report on Basic Consumer Goods \(Supermarkets\)](#), the HCC has successfully completed its [teleconference/public consultation](#) with various stakeholders on Friday, 3 July 2020. The teleconference followed the written submissions by the companies and institutions concerned, and served as an interactive forum for exchanging views on the competitive conditions prevailing in the specific sector. The teleconference, held via a private live streaming studio in FULLHD, is part of the broader reform of the HCC's digital communication. In enhancing HCC's digital communication, the Authority hopes to ensure a more direct contact with businesses as well as consumers and citizens for the benefit of Greece's economic growth.

The teleconference was attended, through the HCC's platform, by many stakeholders including undertakings, associations of undertakings and traders, lawyers and economists, as well as academics, social partners and consumer organisations.

During the event, a representative of the Government, prominent academics and market representatives presented on a wide range of current legal and economic competition issues.

Participants had the opportunity to communicate in real time with the representatives of the HCC and the speakers, to raise questions and express their views on issues of their interest.

You can watch the teleconference video at the [HCC's YouTube channel](#).

The HCC is in the process of completing the update of the information requested last spring and summer from suppliers and other businesses active in the retail value chain on 11 product categories which are the focus of its sector inquiry. Because of the problems faced by companies due to the COVID-19 pandemic, the submission deadlines for businesses were extended, which entailed some delays as compared to the original planning for the preparation and publication of the final sectoral report on supermarkets. The HCC intends to complete and publish the final report by November-December 2020, after having also taken into account the latest market developments with the entry of new market players, various issues raised during the public consultation and changes in consumer habits driven by the increased use of the Internet during and after the lockdown period.



Sector inquiry into e-commerce

By its decision of March 2020, the HCC has initiated a [sector inquiry into e-commerce](#). The first phase of this sector inquiry has started with the launch of the [public consultation/teleconference on e-commerce](#), held via a private live streaming studio in FULLHD on Wednesday, 3 June 2020, covering 4 key topics. The teleconference on e-commerce (as was the case for the teleconference on basic consumer goods) followed the written submissions by the companies and institutions concerned, and served as an interactive forum for exchanging views on the competitive conditions prevailing in the e-commerce sector.

The teleconference was similarly attended, through the HCC's platform, by many stakeholders including undertakings, associations of undertakings and traders, lawyers and economists, as well as academics, social partners and consumer organisations.

In particular, the teleconference covered four key topics, namely: a) e-commerce vertical restraints, b) limitations resulting from digital platform activities, c) theories of harm related to the use of algorithms and big data, as well as d) state anti-competitive measures in the digital environment, through over-regulation of specific sectors.

The findings of the teleconference together with the participants' comments will be assessed by the HCC Research Team and will be used to draft and send questionnaires to sector representatives. Phase A' of the sector inquiry will be completed with the issuing of the first draft Report by the end of the year.





Sector Inquiry into Fintech

By its decision of March 2020, the HCC has initiated a [sector inquiry into financial technology services \(Fintech\)](#), with the collaboration of the Bank of Greece. Due to the COVID-19 pandemic, Phase A' of the public consultation in the context of this sector inquiry has been postponed until the end of October 2020.





FOCUS

Interim Report of the sector inquiry into Supermarkets

The HCC has completed the Interim Report of its sector inquiry into basic consumer goods (supermarkets), which was published on April 13, 2020.

The Interim Report aims to outline the operation of the markets/sectors for basic consumer goods sold in supermarkets. It focuses on the structure of the super market sector (Chapter 2) and on the analysis of the selected eleven markets for specific products (Chapter 3) and the bargaining power of buyers/suppliers by using dedicated economic quantitative and econometric analysis (Chapter 4) on the one hand and on specific discount practices (Chapter 5), category management (Chapter 6), private labels (Chapter 7) and buying alliances for specific basic consumer products and in particular food items along the supply chain (suppliers/ supermarkets) (Chapter 8).

In addition, the sector inquiry identifies and discusses possible competition law problems along every stage of the supply chain. Finally, it proposes actions and suggests measures that will improve its effectiveness for the benefit of the final consumer. It examines the entire supermarket supply chain for the supply of daily consumer goods sold in supermarkets.

In assessing the overall economic impact of the retail sector, the value of the network and its links to other economic activities are taken into account. The retail value chain includes the sectors that supply products and services, but also distribution sectors of products for final consumption.





FOCUS

Interim Report of the sector inquiry into Supermarkets

The following table provides a summary of the possible problems and the possible solutions/ reaction by the HCC and market players.

Non-concentrated market (at the moment) but existence of possible entry barriers	<ul style="list-style-type: none"> • Encourage entry to boost innovation • Vigilance regarding possible strategies to eliminate new players by players with significant bargaining power through vertical integration and other practices that may impede the competitive potential of e-commerce
Assymetry in the bargaining power of market players	<ul style="list-style-type: none"> • Monitoring the development of retailers' and suppliers' bargaining power, through detailed examination of vertical competition and quantitative data, especially for undertakings with a central role in the value chain
Entry barriers in supermarkets' shelf space/ "must" have products	<ul style="list-style-type: none"> • Monitoring the development of retailers' and suppliers' bargaining power
Penetration of private labels and increase in retailers' bargaining power	<ul style="list-style-type: none"> • Monitoring the development of retailers' and suppliers' bargaining power (with respect to the impact on private labels) • HCC vigilance regarding potential competition law problems, (with respect to payments and credit, especially if the retailer also has PL, e.g. delaying payments to certain suppliers)
Delaying pass on to suppliers	<ul style="list-style-type: none"> • Proposals on certain credit days– homogeneity • Proposal on a hybrid market regulation
Higher than the EU average prices	<ul style="list-style-type: none"> • Prices observatory for individual consumers (website, app) • Implementation of 'e-consumer' (already available)
Overdue credit payment	<ul style="list-style-type: none"> • Proposal on hybrid market regulation
Development of buying alliances	<ul style="list-style-type: none"> • Monitoring of the bargaining power of buying alliances • Ex ante control of the creation and modification of existing buying alliances • Implementation of Directive 2019/633



FOCUS

Interim Report of the sector inquiry into Supermarkets

The proposed solutions, which will be reconsidered following the public consultation and updating of the inquiry data, are:

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

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





HCC's Initiative “Competition law & Sustainability”

At a time climate change becomes all the more acute, the need to accelerate the transformation of the Greek economy becomes urgent, through the adoption of environmentally friendly actions for the benefit of consumers and citizens, but also as a means for enhancing the competitive advantage of businesses.

The EU has become a world leader in promoting sustainable development, applying the highest social and environmental standards, promoting the Paris Agreement on Climate Change as well as innovative concepts such as the circular economy.

In this context, the EU and its Member States are actively promoting the achievement of the Sustainable Development Goals (SDGs) through various regulatory instruments, but also by promoting self-regulation by businesses, in cooperation with all stakeholders. The overall achievement of SDGs by 2020 is a major challenge for public authorities worldwide.

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In this context, the Hellenic Competition Commission has taken the initiative to launch a dialogue in order to find and integrate methods and tools of valuation, analysis and assessment of business practices in the field of economics and competition law, taking into account the extent to which they favor or suspend specific sustainable solutions, always committed to ensuring legal certainty for all parties involved. The aim is to adapt the Greek business environment to the context of a prosperous green economy, without restrictions, by adopting green and technologically advanced solutions. After all, environmental protection in Greece is a constitutional obligation of the State as defined in Article 24 of the Greek Constitution. The HCC has published a [Staff Discussion Paper on Sustainability Issues and Competition Law](#), prepared by staff members of the Directorate General for Competition, where it analyses convergence areas and conflicts between sustainable development and competition law in all its aspects. This paper received positive feedback from the Commissioner and Executive Vice-President of the European Commission, Ms M. Vestager, in a recent speech also announcing [European Commission's policy initiatives](#) in this respect. This HCC's initiative has also been welcomed by [international media](#).

According to the Staff Discussion Paper, competition law can undoubtedly address sustainability issues. Key issues to consider include:

- i. the extent to which agreements between competitors or companies throughout the value chain could be approved to enhance environmental sustainability and sustainable development objectives, either as not falling under the Article 101 (1) or exempted under Article 101 (3) TFEU;
- ii. whether the abusive practices of a dominant company under Article 102 TFEU may also include anti-competitive practices which also constitute breaches of environmental law or which restrict sustainable development or, in exceptional cases, the need to defend sustainability in relation to conduct that could otherwise be described as an abuse of dominant position, provided that the structure of competition in the market is not affected and
- iii. the extent to which sustainability issues could be taken into account when assessing mergers and acquisitions.

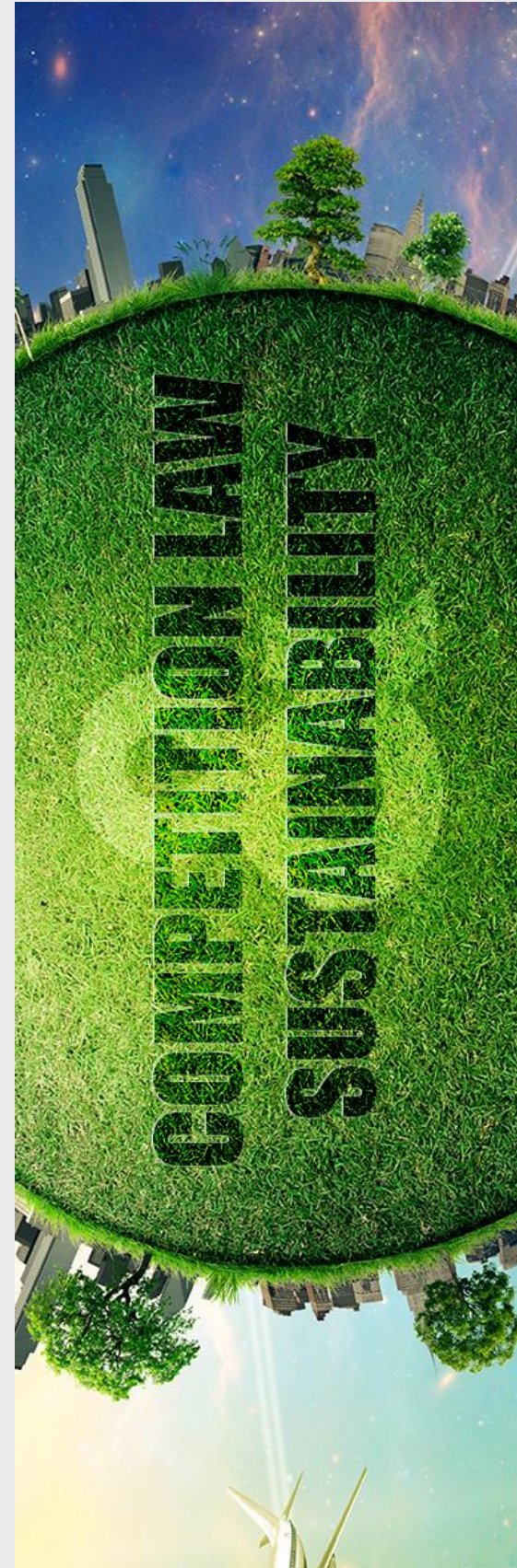
The paper highlights the parameters of sustainable development that can be promoted either without proceeding in any changes with regard to competition law enforcement, or by following a smooth adaptation of the notion of sustainable development followed by specific suggestions, or perhaps by adopting an innovative approach or even an adjustment of the established theories of harm.

For this purpose, it explores recent literature and relevant cases at the national and the European level and offers recommendations for public discussion.



The main suggestions of the paper are as follows:

- The Hellenic Competition Commission (HCC) should facilitate the transition to a Green economy and support innovation within the Green economy taking into account possible externalities from generation to generation, through the use of new tools and approaches in order to understand consumer behavior.
- Competition law should become more synchronised with the broader constitutional values and programmatic aims regarding sustainability, at the international, EU and national levels.
- It is deemed necessary to provide undertakings with the legal certainty they need in order to make the necessary investments. This requires more targeted competition law interventions that provide a clear set of rules to follow. Collecting information on the various business strategies and the issues they face in proceeding to this Green economy transition are also crucial, so as to adapt competition law enforcement to the specific circumstances.
- This may require close collaboration with other regulatory authorities and eventually a common 'Advice Unit' may be formed by experts from a variety of regulatory authorities, in order to provide informal consultation on proposed sustainability-related innovations.
- This process may be facilitated with the development of a competition law sustainability 'sandbox' in order, for the industry to experiment with new business formats that aim to realise more quickly and efficiently sustainability goals, and which involve cooperation between competing undertakings or even more permanent changes in market structure in order to be accomplished.
- Another suggestion would be to issue general guidelines to clarify under which conditions the private sector may take cooperative action to promote the attainment of sustainability objectives, as already realised in certain countries. The HCC is currently envisaging the adoption of sustainability guidelines, following a process of public consultation with the industry and other stakeholders.





Some NCAs have already taken initiatives in this direction. For example, the Dutch Authority (Netherlands Authority for Consumers and Markets, ACM) recently announced proposals for sustainability and [competition guidelines](#), thus providing guidance on the business-to-business application of competition law to sustainability agreements under Article 101 (1) and (3) TFEU. Other National Competition Authorities have added the promotion of green growth to their targets for the year 2020.

The German Competition Authority also presented in October 2020 an extensive analysis of sustainable development issues from the perspective of competition law.

The HCC's initiative to launch a public consultation on how competition law and competition will contribute to sustainable development is therefore a focus shared with other EU Competition Authorities.

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"Competition Law & Sustainability" Teleconference

The public consultation was launched on 28.9.2020, with the teleconference organised by the HCC on ["Sustainable development and competition law - Towards a Green Growth regulatory osmosis"](#)



The teleconference, held via an in-house live streaming studio in FULLHD, was addressed by Her Excellency the President of the Republic, Ms. K. Sakellariopoulou, the Minister of Development and Investment, Mr. A. Georgiadis, the Director General of the Directorate-General for Competition of the European Commission, Mr. Olivier Guersent, as well as the member of the Board and head of the SEV competition working group, Mr. A. Panteliades.

High-ranking officials of the European Commission contributed to the event, as well as the OECD and other international organisations, several heads of National Competition Authorities, judges, academics, companies, and representatives of economic and social organizations. The teleconference was attended through HCC's platform of by more than 1,500 stakeholders, from all over Europe, professionally active in issues of sustainable development and protection of free competition.

The HCC has set as its next goals the adoption of further sustainability guidance in competition law enforcement and the establishment of a competition sustainability sandbox, following a process of public consultation with the industry and other stakeholders, in order to integrate sustainability objectives in competition law, also in consultation with the European Commission and the European Competition Network.



The Digital Revolution of the HCC

(Part B)

In September 2019, the HCC showed significant gaps in digital infrastructure. The Authority did not dispose of the necessary software to allow swifter and more efficient data analysis, except for a few limited technical means mainly used for the purposes of its on-site inspections, as there had been no concrete planning in recent years (especially in view of the Authority's limited resources) for the acquisition of the necessary hardware and software for inspections and staff training in new technologies, while no digital services were provided to citizens.

As explained in the previous Newsletter Issue (Issue 2, April 2020, pp. 9-14), the HCC proceeded to a major upgrading of its investigation tools through the acquisition of new generation software that allows the electronic analysis of large files, significantly improving its efficiency. Furthermore, the HCC digital services portal for citizens, consumers and businesses was completed in September as well as the first phase of the HCC's Economic Intelligence platform, a pioneering project, not only in Europe but also worldwide.





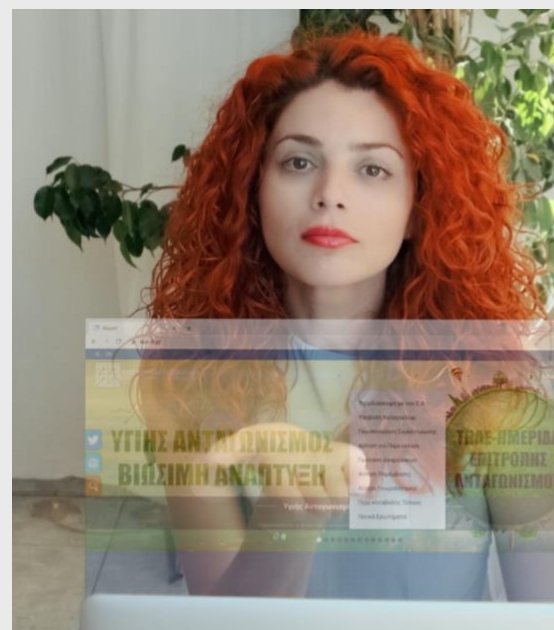
Digital Services for citizens



The HCC has invested significantly in innovation as well as in its digital upgrading, especially over the past year. In this context, and in view of the need for a digital transformation of the services provided to the public, especially in light of the restrictions posed by the Covid-19 crisis, the HCC website provides, since 12.10.2020, modernised digital services to businesses, public bodies and citizens.

The HCC expects that its Digital Services platform will contribute, *inter alia*, to the provision of integrated Electronic Transaction Services vis-a-vis the relevant stakeholders that use its services (which include businesses, citizens and professionals) but also vis-à-vis the public bodies with which the HCC deals or cooperates within the scope of its competences. The platform will also help to increase transparency, improve the efficiency and effectiveness of the HCC's work, and improve the speed and quality of its activities and services.

The new HCC Digital Services platform aims at ensuring that, especially during the challenging period of the Covid-19 crisis, all relevant procedural actions can be carried out by citizens, businesses and other public authorities, without the need for their physical presence and/or telephone communications. Furthermore, through the platform the above stakeholders may request telemeetings with the HCC staff to discuss matters concerning their cases.





Digital Services for citizens

In particular, the HCC Digital services include:

- Online submission of request for a telemeeting / teleconference with HCC officials
- Online submission of a complaint using the special complaint form.
- Online notification of a concentration using the special notification form.
- Online request for derogation from the obligation of undertakings to suspend a concentration.
- Online submission of a commitments proposal.
- Online application for leave to intervene as a third party on a case pending before the HCC.
- Online submission (from public bodies) of a request/question for an opinion on matters relating to free competition.
- Possibility to request online information on the payment of the contributory duty of one-thousandth (0.001) provided for in Article 17 of Law 3959/2011 and submission of a reimbursement request.

For further details, please refer to the brief User Guide of the [HCC Digital Services platform](#) or [watch the short video](#) prepared by the HCC team.



ΤΗΛΕΔΙΑΣΚΕΨΗ
ΜΕ ΣΤΕΛΕΧΗ ΤΗΣ Ε.Α.
Άμεση και υπεύθυνη
ενημέρωση για τις
υποθέσεις σας



The HCC Economic Intelligence Platform

In the context of its digital evolution and, specifically, for the purpose of addressing the challenges faced which relate to the Authority's market monitoring capacity in the present circumstances of the Covid-19 pandemic, the HCC has implemented and developed the HCC Data Analytics and Economic Intelligence Platform, an innovative tool for collecting and processing economic data (e.g. prices) of thousands of products in various markets in Greece, in real time. The new project will be an essential intermediary step in the HCC's digital transformation process. The new HCC Data Analytics and Economic Intelligence Platform will have as its main functions the collection and analysis of real-time market data, optimised market monitoring dashboards for direct analysis and reporting, while the machine learning algorithms will ensure the optimal use of experience and knowledge - and of the indicators to date - of the HCC, as well as the integration of a screening mechanism to allow for a fast-track and based on the actual effects prioritisation of the Commission's cases.

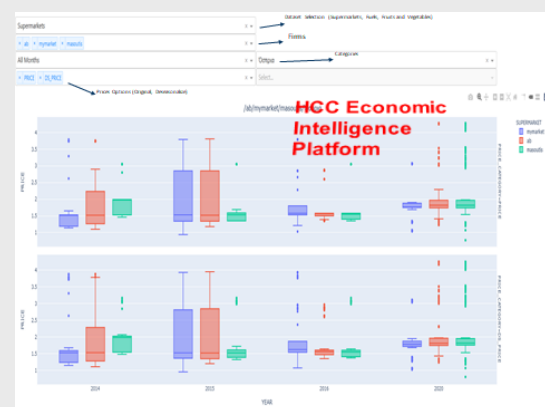
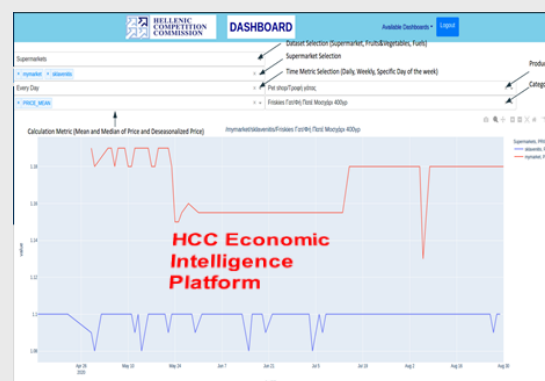
Data to serve as the platform's input will mainly be drawn from the e-consumer price observatory and wholesale data from the Central Markets and Fisheries Organisation (CMFO), the online platforms DIAVGIA and TAXIS, Eurostat, the Hellenic Statistical Authority (ELSTAT), the Athens Stock Exchange, the General Commercial Registry (GEMI). In a subsequent phase, other data sources will also be added, namely the National Electronic Public Procurement System (NEPPS) and the Central Electronic Public Procurement Registry (KIMDIS).

A data pipeline process has already been completed, which supports the real time processing of high data capacity for future scaling through the Jupiter Infrastructure (Data Engineering). This infrastructure integrates various data sources (such as e-katanalotis, the Price Observatory of the Ministry of Development, the Ministry of Health - stock database, the CMFO database, fuelprices.gr, GEMI) in a single database (integrated data template) and various data analysis capacities. The HCC Economic Intelligence Platform takes into account the input and management of data from existing APIs, data files (CSV, Excel, etc.), interoperability with other databases, connection to electronic data sources and other sources, such as data drawn from replies to questionnaires in the context of HCC' market investigation initiatives.

Displaying data on specially adapted dashboards is vital for decision-making and exploring data through data modeling, while the system also shows flexibility in changing parameters and includes a plan for automated reports and alerts.

The Platform also incorporates machine learning and deep learning techniques while it is possible for packages from Python, R and other statistics suites to be configured so that data can be automatically categorized in real time.

The HCC Economic Intelligence Platform was developed following close cooperation between the staff of the HCC and a group of internationally renowned experts coordinated by Mr. Vassilios Vassalos, Professor at the Department of Informatics of the Athens University of Economics and Business, in collaboration with Warply, an Information Technology & Services company.





Covid-19 Task Force

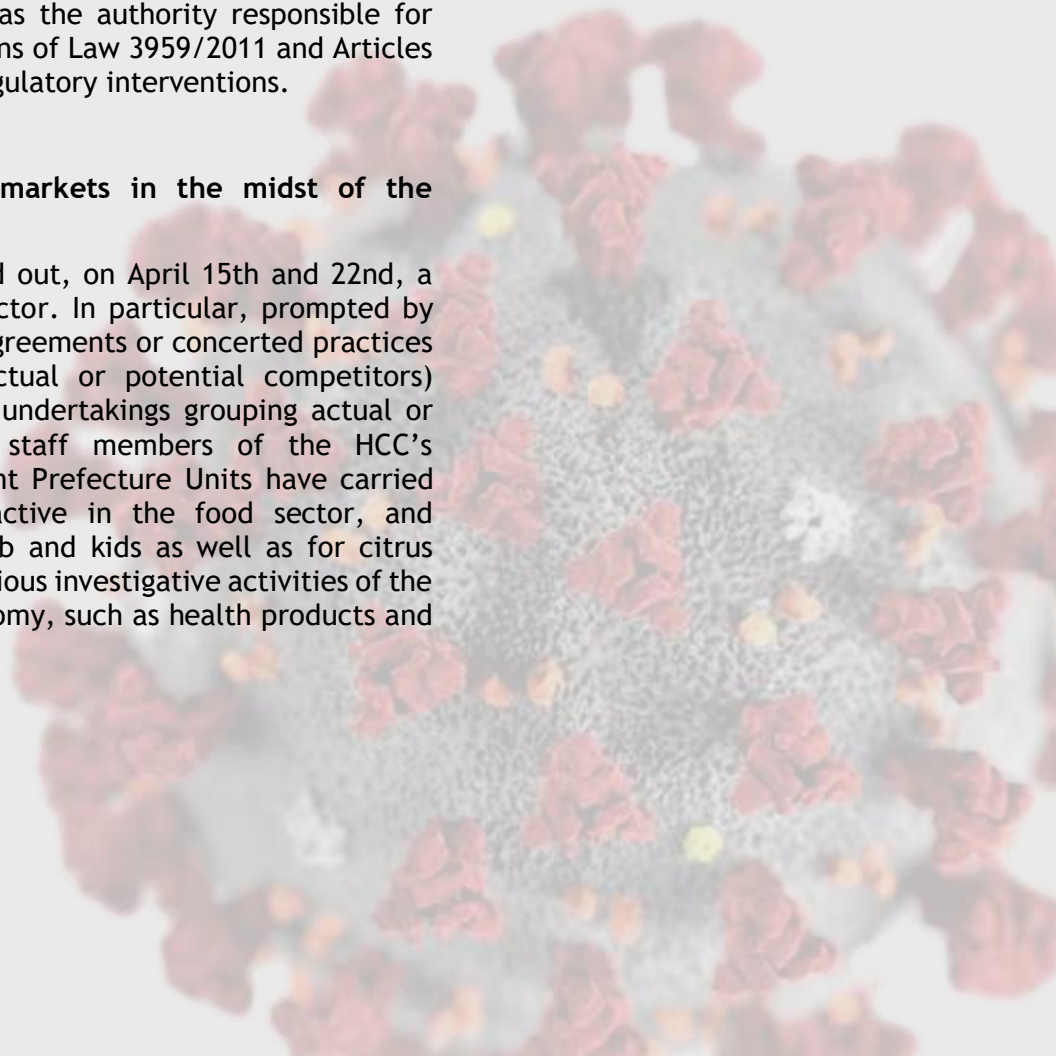
Latest news

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

In this regard, from the beginning of the COVID-19 pandemic outbreak, the HCC has been systematically monitoring economic data of various sectors, in particular relating to basic consumer goods and foodstuffs, as well as consumer complaints and media reports regarding, on the one hand, price increases on basic consumer goods throughout the value chain (such as, indicatively, agricultural and food products) and, on the other hand, any shortages of these products. To that end, it has developed a strategy of targeted intervention wherever and whenever it is deemed necessary, as the authority responsible for finding any violations of the provisions of Law 3959/2011 and Articles 101 and 102 TFEU or by means of regulatory interventions.

On-site inspections in foodstuff markets in the midst of the pandemic

In this context, the HCC has carried out, on April 15th and 22nd, a series of dawn raids in the food sector. In particular, prompted by information on possible horizontal agreements or concerted practices (cartels) between undertakings (actual or potential competitors) and/or decisions of associations of undertakings grouping actual or potential competitors, mandated staff members of the HCC's Directorate-General and the relevant Prefecture Units have carried out dawn raids at undertakings active in the food sector, and particularly in the markets for lamb and kids as well as for citrus products. This action follows up previous investigative activities of the HCC in sensitive sectors of the economy, such as health products and food commodities.





Massive online investigation in companies marketing healthcare materials and interim results

In April 2020, the HCC completed the collection of the questionnaires sent in mid-March as well as the submission of invoices and other material through a special electronic form, in the context of its preliminary investigation following media reports regarding price increases and shortages of healthcare material, in order to investigate whether the conditions for initiating an ex-officio investigation for suspected violations of the provisions of Articles 1 and 2 of Law 3959/2011 (the Greek Competition Act) and Articles 101 and 102 TFEU are met. In particular, the HCC has sent questionnaires, requesting purchase and sales data for the period from November 2019 to March 2020 to 4056 undertakings active in the production, import and marketing of healthcare products, specifically surgical masks and disposable gloves, as well as other products such as antiseptic wipes and antiseptic solutions.

Doing this by sending thousands of questionnaires via an online programme and swiftly performing categorization and statistical and econometric analysis of the data collected to decide further action is an innovative way adopted by the HCC for conducting its investigations (and the first time to date).

After the expiry of the deadline for responses, data were extracted from almost 3000 companies that responded to the questionnaire and a multi-member group of scientific experts, composed of economists and econometricians, has carried out their processing and analysis.

Among the respondents to the questionnaire, were many pharmacies because of the existence of a significant number of this category of businesses in Greece (about 10,000 in total) as well as undertakings from all the levels of the distribution chain for the products concerned, namely import, production and wholesale levels, while most of the companies that responded to the investigation are based in the prefectures of Attica and Thessaloniki. The investigation revealed that, during the period considered, there seems to be an increase in companies that are active in the retail market for all the healthcare materials and products at issue. The investigation has further revealed that in the median sale price a sharp increase was observed especially in the disposable surgical masks from February 2020 onwards. The median price of antiseptic gels and disposable gloves has slightly increased, while a marginal drop in the price of antiseptic wipes was observed.



The sale of these products by more companies seems to have curbed the rise in prices, while the increase in the price of masks is likely to have resulted from stock shortages during the period considered. However, no systematic increase in the average and/or median gross profit margin from the sale of the healthcare product concerned during the investigation period has been confirmed.

In particular, it was found that no substantial fluctuation has occurred in the median gross profit margin during that period, which was at a similar level for different products. Furthermore, a similar behavior was observed for the median purchase and sale price of the products under consideration between mainland and island Greece, as well as between urban and non-urban centers.

Investigation in public procurement tenders for healthcare materials and hospital equipment for public hospitals and other health units

In the same period, the HCC, in order to investigate whether the conditions for initiating an ex-officio investigation for suspected violations of the provisions of Law 3959/2011 and/or of Articles 101 and 102 TFEU in public procurement tenders are met, launched an investigation in the markets of a) necessary healthcare materials, b) other appropriate means of individual or collective protection against the spread of coronavirus and c) special hospital equipment for the treatment of coronavirus cases, evaluating supply data before and after the application of the legislative act A' 42/25.2.2020, Art. 19 of Law 4675/2020 and interpretative circular no. 19012/17.3.2020. The purpose of this preliminary investigation is to identify those companies which, during the health crisis of COVID-19 in Greece, proceeded in excessive pricing. This action was deemed necessary following the sudden increase of demand for specific healthcare and medical equipment and the need for immediate supply of certain products departing from the standard public tender processes, which may have led to increased prices.

The research was based on two data sources: data collected by the HCC from the seven (7) Health Regional Units of the country and data from the open public procurement platform "Diavgeia.gov.gr".

According to the statistical and econometric processing of the available data, the increase in the retail sale price of the healthcare materials considered comes mainly from the pass-through of the increase in the wholesale price. In addition, the study found that the pass-through of the wholesale price increase to antiseptic wipes and disposable gloves was higher in pharmacies than in supermarkets.



In particular, on 16.4.2020 and subsequently on 23.4.2020, the HCC sent questionnaires to the Health Regional Units of Greece, requesting information on the supply of healthcare materials (surgical masks, masks FFP2/FFP3, antiseptics, disposable gloves, Tyvec uniforms, eyes protection, protective glasses, protective shields, disinfectant tablets, thermometers, flow meters, etc.) for the period from November 2019 to March 2020, as well as during the months from November 2019 until the emergency response measures to COVID-19. The data contains information for each public tender with regard to the contracting authority, the product purchased, all the suppliers who submitted bids as well as the winning bidder, the price per unit of product, the type of procurement process, the selection and award criterion and the signature date of the contract. From this data, 12 products were selected, for which there were many observations.

Data from DIAVGEIA was collected through the development of algorithms (using Application Programming Interface - API), in three basic steps, as the speed, volume and variety of structure and nature of the information exchanged requires special technology and analytical methods for its conversion into exploitable data for the detection of anti-competitive practices. At the first stage of the processing of the data, potentially relevant contracts were searched through the Diavgeia API using products' keywords. Next, the metadata of these contracts and the corresponding files were downloaded at a local database in order to be further processed. It should be noted that during this first stage of analysis, the aim was to export big data on which to test the application and adjustment of tailor made algorithms, in order to render it exploitable for the extraction of relevant data. At a second stage, that of data pre-processing, the collected results were reviewed and filtered. This stage, which is what we call feature engineering, aims at the dimensional normalization of the results and also at the gradual improvement and update of the API queries' parameters. Through the subsequent several rounds of data cleansing, re-sampling and review, aiming at cross-linking/matching the results, the sample of contracts and other administrative data files decreased to 2.584 contracts. Finally, at the third stage of the analysis, the algorithm was further elaborated in order to export unit prices from the semi-structured exported big data. More specifically, automatic data extraction methods were applied using Camelot and Tabula software Python packages, in order to identify prices for the relevant products from PDF-files for the sample of 2.584 contracts. Data extraction was successful for 692 contracts (27% of the sample).



The final set of data analyzed includes 917 observations: 808 from the data collected from the Health Regions and 109 from DIAVGEIA platform. The purpose of the analysis is to identify unusually high prices for the products under investigation. The assumption is that within these product groups, there is relatively unobserved variability in product quality hence the analysis can concentrate on prices only. The analysis first proceeds in a simple bivariate set-up looking at unit price in the pre/post crisis periods.

Second, the prices are examined in a multivariate set-up also controlling for district, buyer fixed effects, procedure type and purchased quantity. Unsurprisingly, for virtually all product categories with sufficient number of observations, the median unit price increased while unit price variances also skyrocketed.

In addition, the records with unit prices higher than +2 standard deviations from the average price¹, identified as outliers, were analysed.

For 17 suppliers, out of a total of 120 unique suppliers represented in the data, the price overturned the mean values by 2 standard deviations. While this is potentially indicative of some sort of unusual behavior, a range of alternative explanations may account for outliers. Hence, we look at potential outliers in a multivariate setting. The multivariate outlier identification relied on linear regression analysis with the log unit price as the dependent variable, using as independent variables pre/post crisis dummy, product class fixed effects, log quantity purchased, district of the procuring entity, procuring entity fixed effects and procedure type as well as interacted effects between these variables. The observations were considered as highly probable outliers if their residuals were larger compared to other observations.

In order to identify the outliers, the average residuals for the crisis period per supplier were calculated and their distribution was reflected. Choosing, after various calculations, as a cut-off point/threshold the value $x=0,8$, the observations located to the right from the cut-off point were considered to be potential outliers. According to the results of multivariate modelling, unit prices offered by five (5) suppliers in the post crisis period can be considered as potential outliers. Two (2) of these suppliers were identified as outliers in the simple bivariate set-up.

¹ In a normal distribution, about 68% of the observations are within a standard deviation from the mean and about 95% of the observations are within two standard deviations from the mean.



Ex officio investigations in the markets for basic food commodities and interim results

Furthermore, the HCC initiated on **15.4.2020 ex officio investigations** in sectors raising potential competition concerns (either to establish anti-competitive practices or to determine a possible absence of effective competition in the sectors concerned) at companies active throughout the product value chain, mainly for food products (for example, animal feed, cereal, milk, eggs and chicken).

On 11 July 2020, the HCC issued a press release on **the effects of COVID-19 pandemic on consumer prices in the markets for basic food commodities - Milk & Flour/ Cereals**.

In particular, the HCC sent questionnaires, requesting purchase and sales data for the period from February 2020 to April 2020, to undertakings active in the production and marketing of the above products. In addition, the HCC, in order to investigate the entire value chain of the products, with a particular focus on possible effects of the COVID-19 pandemic on consumer prices, carried out, in collaboration with Experts –Professors of Computer Science and Economics– a consumer prices analysis regarding certain basic food commodities of the above categories.

The HCC has now at its disposal the appropriate tools enabling it to monitor price development in the sub-categories of its interest, even more systematically. Statistical analyses are now being carried out on multiple categories of basic consumer products, including those mentioned above.

Based on the above tools, and in particular for the **white milk** category, it is observed that the median price for all supermarket companies was relatively stable during the Covid-19 pandemic outbreak period in our country until 26.4.2020 (end week), when a decrease thereof is reflected. Furthermore, there is a greater dispersion of white milk prices in relation to their lower levels (i.e. lower than the median price)².

Regarding the flour-meal category, over time as well as during the whole period of the Covid-19 pandemic outbreak in our country, until 03.05.2020 (end week), stability in the median price of flour-meal is observed, despite the increased demand recorded in the same period. Similarly, both price dispersion and the maximum and minimum prices do not show significant changes during the period under consideration. On the contrary, after the suspension of the restrictions imposed due to the pandemic, there is a decrease in the maximum prices of flours and a slight decrease in their median price.

The review of the above data shows that there is no significant increase in the median prices of white milk and flour-meal in supermarket chains during the outbreak of the Covid-2019 pandemic (Jan-May 2020) in our country.

²With the exception of the period around 15.3.2020 (end week) at the beginning of the movement restriction period.



Next steps

- In light of the analysis of the data collected from the responses to the online questionnaire, those companies, mainly pharmacies which show significant price increases in specific healthcare products, have been isolated. Although pharmacies are, usually, small businesses which, under normal market conditions, do not have the possibility to set prices unilaterally on the market, in the first months of the COVID - 19 pandemic, exceptional conditions prevailed, which necessitated a reassessment of their market power. In this context, the indications of overpricing drawn from EA's investigation should be assessed in the light of: (i) the narrow definition of markets which in times of crisis is based on the "breaking" of the chain of substitution of product and/or the geographic market due to the exceptional conditions prevailing and/or (ii) the transitory market power of companies which does not result from the change in the definition of the relevant markets but from the change in the conditions prevailing in them.
- The analysis of the same data showed that some companies that are mainly active in the production, import and wholesale of healthcare materials did not respond to this e-questionnaire. In July, a questionnaire was sent as part of an ex-officio investigation to about 50 companies that had not responded to the collection of data on purchase and sale prices in various categories of healthcare products. The collection of data from the companies that responded has been completed and the processing of the data has progressed, which will be completed in the next two months, while reminder letters will be sent to those companies that did not respond, without excluding the imposition of fines for non-provision of data Article 38 of Law 3959/2011.
- The analysis of the data collected by the Health Regional Units as well as by DIAVGEIA has proceeded in order to determine whether there are indications for market sharing in the midst of the health crisis in violation of article 1 of law 3959/2011 or to identify any cases of abusive pricing by companies that have a long-term nationwide and/or temporary local dominant position in these markets in violation of article 2 of law 3959/2011.



Next steps

- In addition, the HCC, within the framework of its powers, has initiated in August an investigation into the specific market and, in particular, with regard to the supply prices of the COVID-19 tests as well as to the market (focusing, in particular, on prices) for the coronavirus diagnostic and antibody tests carried out by private hospitals/clinics and diagnostic centers, in order to examine whether the conditions for initiating an ex-officio investigation are met in order to establish any violations of the provisions of Law 3959/2011. Data collection has advanced and the Authority is now at the stage of data processing in order to draft the conclusions to allow a rapid systematic intervention with a maximum deterrent effect in case of anti-competitive practices or in case an absence of effective competition conditions in the distribution and service-providing chain is found.
- With regard to the ex-officio investigations in the food sub-markets, the HCC will deal, in the next stage of its investigation, with the reasons for the respective changes, as well as any price increases in other levels of the supply chain. The HCC will also periodically update the investigation results with new data.

Other updates in the context of the HCC COVID-19 Task Force

Relevant Commission Implementing Regulations

On 22 May 2020, the HCC issued a press release on Commission Implementing Regulations authorising agreements and decisions on market stabilisation measures in the potatoes sector, in the live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage sector and on the planning of production in the milk and milk products sector and, on 17 July 2020, a second press release on EC Implementing Regulation in the wine sector.

These Regulations provide for a temporary derogation from the EU competition rules with regard to agreements and decisions of recognised producers, producers' associations, associations of such associations etc. in the potatoes sector, in the live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage sector and on the planning of production in the milk and milk products sector as well as in the wine sector strictly aiming at stabilising the sectors concerned for a maximum period of 6 months, provided that such agreements and decisions do not undermine the proper functioning of the internal market.



Questionnaires - Answers

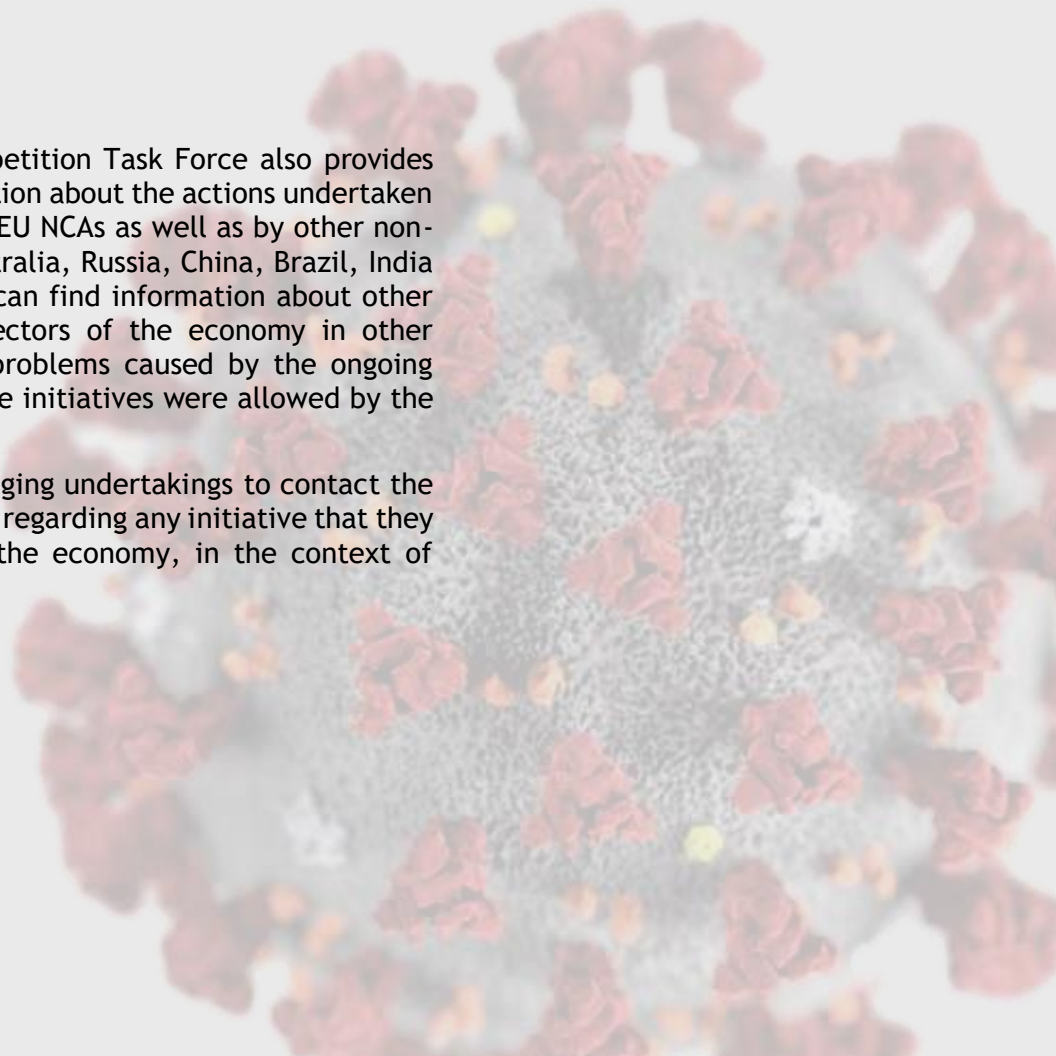
Among the tasks of the Covid-19_Competition Task Force is to provide businesses and citizens with information about the application of competition rules in the form of Questions & Answers (Q&As). The issues addressed in the Q&As concern cases where: a) vertical agreements with regard to maximum prices are allowed for physical outlets or E-shops, b) horizontal agreements between actual and/or potential competitors for the exchange of information, R&D, marketing, distribution and product management, recruitment and exchange of human resources, are allowed, c) temporary legislative arrangements in a crisis period excluding possible specific anti-competitive behaviors on grounds of public interest, as well as with regard to d) what conduct should a dominant undertaking adopt, e) what is the interaction between legislative intervention measures and competition law, f) what does Decree-Law No 68/2020 provide for with regard to profiteering and g) under what conditions agreements and decisions on the planning of the volume of raw milk to be produced for a six-month period by producers and their associations are allowed.

Actions undertaken by other NCAs

The webpage of the Covid-19_Competition Task Force also provides businesses and citizens with information about the actions undertaken by the European Commission, other EU NCAs as well as by other non-EU NCAs (United Kingdom, USA, Australia, Russia, China, Brazil, India etc.). On this webpage, businesses can find information about other initiatives undertaken in various sectors of the economy in other countries in order to address the problems caused by the ongoing health crisis and in which cases these initiatives were allowed by the NCAs.

The HCC's initiatives aim at encouraging undertakings to contact the Authority for any doubts or questions regarding any initiative that they wish to take in various sectors of the economy, in the context of application of competition rules.

(For more information, click [here](#))





Competition and the digital economy

Mobile Data in Greece: Rewheel research study

The HCC, under its current research & development program activities, has initiated a broad review of the structure and state of the Greek digital economy in the context of its two recent Sector Inquiries into E-commerce and Fintech, respectively. Internet connectivity and in particular mobile data (smartphone and mobile broadband) connectivity is a key enabler of the digital economy. In this context, the HCC has approached Rewheel, an independent Finnish research and consulting firm specializing in international communications, competitiveness and economic analysis of the mobile network, with a request for an independent study on the competitiveness of the latest (March 2020) Greek mobile data connectivity prices, using various international benchmark techniques and weighing a number of factors (e.g. market structure, number and types of operators present).

It is worth mentioning that Rewheel's studies on competition in mobile telecoms markets have been used and/or have been cited by various competition authorities, regulatory bodies and ministries, such as, for example: the former Commissioner responsible for Competition Joaquín Almunia, the United States Department of Justice, the New York, California and many other US State Attorney General Offices, the National Competition Authorities of Canada, Australia, Germany, Austria and the Netherlands, the Monopoly Commission of Germany, the Ministry of Economic Affairs of the Netherlands, the Ministry of Industry and Trade of the Czech Republic, the Korean Electronics and Telecommunication Research Institute, the National Regulatory Authorities of the United Kingdom, Germany, the Netherlands, Finland, Belgium and Ireland.

The purpose of the study on the competitiveness of the Greek mobile data connectivity market is to analyse, inter alia, the situation regarding the prices and quality of the services offered to consumers in Greece, in terms of data connectivity, regarding data as the fuel of the digital economy, in particular for contract plans for data volumes exceeding 1-2 GB. This volume is considered to be the minimum in order to focus on the impact of mobile data prices on service demand in digital economy markets, which was also the focus of the research study requested by the HCC.





Competition and the digital economy

Mobile Data in Greece: Rewheel research study

Rewheel's study reached concrete conclusions. Without necessarily expressing the HCC's views, the study led to an unprecedented public exchange of views in Greece, as input was provided from different sides, and answers from Rewheel, which promotes transparency and an in-depth public debate through the analysis of data.

Relevant reviews have been also carried out by third parties, e.g. the [European Commission](#), specialised consulting firms, information journals (such as [The Economist](#)), websites (for example, click [here](#)) and the most recent [Pissarides Committee Interim Report](#) (p. 62, chart 4.9.), which reach basically the same conclusions as the Rewheel study.

Also, a forthcoming relevant [study has been announced by EETT](#) on mobile data prices, which will certainly contribute to the discussion. In the context of its engagement with the issue of the digital economy, the HCC has set up a task force composed of internationally renowned experts.

This task force will be activated in the near future to contribute to the effort to develop objective indicators for monitoring the digital economy, possibly including mobile data prices, and for monitoring by the Authority via the HCC Economic Intelligence Platform, the access to which will also be provided for other public authorities, in the context of the regulatory cooperation envisaged by the HCC.

In any case, it is worth noting that following the investigation of HCC and the public debate that followed, important business initiatives to strengthen competition have been carried out such as, in particular, the provision of mobile data plans that promote the widespread use of digital services, which are in line with the HCC's general objectives.

You can [download the Rewheel's study here](#).





Competition and the digital economy

Digital platforms, ecosystems and competition law: towards new rules

The digital age has brought into focus internet intermediaries and digital platforms that can control and organise high value ecosystems, which provide not only products and services, but also the technical infrastructure and tools through which new products can be created as well as new platforms. In this context, new competition issues have arisen, as undertakings are gaining dominance due to the control that they exercise over that ecosystem in their capacity as gatekeepers. This means that they can impose abusive practices on other companies that form part of the ecosystem, thus reducing their incentives to increase productivity.

The undertakings concerned, due to the technological and economic dependencies to which they are subjected and the structure of the ecosystem, are "locked in" it and cannot counteract or limit the anti-competitive effects of the abusive practices of the dominant undertaking.

The power of businesses that dominate the ecosystem is enhanced by their ability, *inter alia*, to utilise big data and often, using artificial intelligence, to take better advantage of customers who purchase from such ecosystems, and to use their central position on multi-sided platforms by setting restrictive and potentially anti-competitive terms. Therefore, the traditional focus of competition law solely on defining the relevant market becomes problematic, as competition often takes the form of ecosystem orchestration, and the potential problem lies in the orchestrator's terms on both digital and non-digital or hybrid platforms.





Competition and the digital economy

Digital platforms, ecosystems and competition law: towards new rules

Under these circumstances, competition law must be able to take into account, when assessing competitive pressures, the scope of competition.

As noted by the European Commission in its proposals for the enactment of an [ex ante regulation of digital platforms](#) and a [new competition tool intended for ex post application](#), the provisions of the TFEU (Treaty on the Functioning of the European Union) and, in particular, Article 102 TFEU may apply only to undertakings that abuse a dominant market position, while not taking fully into account competition issues in multi-sided markets, or the impact of networking and learning, and the phenomenon of market structure tipping through trading practices applied at the ecosystem level. Consequently, the concept of "relevant market" in Article 2 of Law 3959/11 and Article 102 TFEU is very limited to properly assess economic power in the analysis of competition issues generated by platforms, digital or not, and the scope of competition law must be therefore extended. That is why the European Commission proposes the introduction of various regulatory frameworks that are complementary to competition law.

It thus becomes increasingly clear from the academic debate in Europe, but also elsewhere, that the concept of the relevant market is no longer sufficient as the only field taken into account by competition law. This is because the definition of the relevant market alone is not sufficient to take into account the specificity/ complexity of multi-sided markets, the existence of significant spectrum economies, the fact that if the traditional definition approach is adopted, which may be problematic, or finally the presence of different companies in various vertical and diagonal markets involving third parties linked by a common input, i.e. data, and which without having a dominant position in any of these markets, because of their key position in this third-party ecosystem, they can act without taking any account of their competitors or suppliers.





Competition and the digital economy

Digital platforms, ecosystems and competition law: towards new rules

The draft bill amending Law 3959/11, recently proposed by the legislative committee set up by the Ministry of Development and Investments, also addresses the issues raised in the context of digital economy and includes, *inter alia*, an innovative provision concerning the abuse of a dominant position in an ecosystem of structural importance for competition in the Greek Territory. This provision is only applicable where the aggregate worldwide turnover of the company in a dominant position amounts to at least 300 million Euros. This provision, which has been discussed with the European Commission, is cited by the European Commission Expert as a possible development at European level as well.

The essence of these new theories on ecosystems is that competition law must take into account the business practices of value creation and absorption by economic players which are competing for a strategic or managerial advantage, when these strategies can have significant anti-competitive effects. In such conditions of organisation of economic activity, the starting point for the analysis of competition law must be the ecosystem and not the relevant market. Businesses compete with each other for the purpose of (a) expanding their customer base, and/or (b) exploiting network effects and placing them in bottlenecks even if this placement is not profitable according to conventional revenue-cost rules. This insistence on expanding the customer base partly explains why companies continue to offer "free" goods/services, even if the benefits they gain in terms of market share or user data acquisition (data possibly being considered as the "price" paid by users for "free" goods/services) are not immediately realisable. However, gaining a large customer base with reduced profitability is not the ultimate goal of these strategies. Instead, they pay off when, by gaining a large customer base, companies are able to develop dynamic forecasting potential (e.g. a company can improve its algorithms through user-derived data). These benefits not only pay off in the long run but also improve the company's market capitalisation in the immediate future.





Competition and the digital economy

Digital platforms, ecosystems and competition law: towards new rules

The HCC intends, in cooperation with other EU NCAs and public bodies in Greece, to investigate the possible effects of this new competitive process on the digital economy, which may be intensified in the context of the Internet of Things, both in the Greek economy and markets, in general, as well as on the application of competition law, in particular. The aim of the HCC is to investigate these effects by organising a consultation with digital economy firms set up in Greece in recent years, and with the help of a group of internationally renowned experts, in order to make proposals, both at national and European level, on the application of competition law and competition policy in the digital economy.

In this context, the HCC has appointed [Michael Jacobides](#), Professor at the London Business School, to the (unremunerated) post of Digital Economy Expert and has also set up an expert advisory group consisted of internationally renowned experts in the field of the digital economy, who will henceforth provide advice to the HCC President and Plenary.





Competition and the digital economy

Digital platforms, ecosystems and competition law: towards new rules

The international HCC expert advisory group on digital economy (which will provide advice without remuneration)

Group Coordinator:

[Frederic Jenny](#), President of the Competition Committee, OECD & emeritus professor of economics at ESSEC

Members:

[Diane Coyle](#), Professor & Director of the Bennet Institute of Public Policy, University of Cambridge,

[Nick Economides](#), Professor of Economics at the NYU Stern Business School,

[Marco Iansiti](#), David Sarnoff Professor of Business Administration & codirector of the Laboratory for Information Science at Harvard and of the Digital Initiative at Harvard Business School

[Damien Neven](#), Professor of Economics and Head of the Economics Department, Graduate Institute of Geneva; Former chief economist of the European Commission

[George Petropoulos](#), Marie Curie Skłodowska Research Fellow at MIT and Bruegel and post-doctoral fellow at the MIT Initiative on the Digital Economy,

[Martin Peitz](#), Professor of Economics at the University of Mannheim & Director of the Mannheim Centre for Competition and Innovation,

[Geoffrey G. Parker](#), Professor of Engineering at the Thayer School of Engineering at Dartmouth,

[Patrick Rey](#), Professor of Economics at the University of Toulouse

[Katja Seim](#), Professor of Economics at Yale University with joint appointments in the School of Management and in the Department of Economics,

[Konstantinos Stylianou](#), Associate professor, Faculty of Law, University of Leeds,

[Marshall Van Alstyne](#), professor of Information Systems at Questrom School of Business at Boston University

[Nikos Vettas](#), Professor of Economics, Department of Economics, Athens University of Economics and Business

The HCC is awaiting the submission of the draft bill and the subsequent public consultation on this issue of major significance for the future of competition law and policy in the digital age.



Mapping Greece's economic sectors and markets

An important aspect of the HCC's technocratic transformation strategy is the acknowledgement that the implementation of competition law and a broader competition policy are essential to increase competitiveness and, therefore, Greece's positioning in the international division of labor, improve economic efficiency and the social and environmental sustainability of economic development, as well as to promote the innovation economy.

As academic literature has shown, including [recently published IMF studies](#), an enhanced competition policy in national markets is necessary and has a complementary role by also involving broader industrial policy strategies.

Many countries, such as [the UK](#), have recently introduced the preparation of an annual study by their national competition authority on the state of competition (e.g. the UK Competition and Markets Authority), carrying out a thorough mapping of markets and various value chains, and assessing, on a regular basis, the progress made.

The purpose of these studies is to provide supporting information for an economically well-documented competition policy, not only in terms of implementation of competition law, for which the competition authority is responsible, but also for all public policies.

Such "best practices" are necessary in a small economy like the Greek economy, with limited possibilities, due to the economic crisis, for new market entrants, limited foreign direct investment and possibly excessive integration of certain business interests through various intervention mechanisms, which may be used to protect these financial interests from external competitors, rather than to promote the purely public interest.





Mapping Greece's economic sectors and markets

This effort will be carried out through the preparation of an annual report on the State of Competition of the Greek Economy, in collaboration with research teams from Greece and abroad.

This effort was announced by the President of the HCC at the [4th Scientific Conference on Competition Law](#) organised under the auspices of the HCC on October 8, 2020. The relevant group of experts has already been set up to lead this effort and there have already been discussions on collaborations with research centers in Greece and abroad for the preparation of the methodology to be followed.

The Mapping of sectors and markets, which will result in the publication of a periodic (every 12-18 months) study by the group, addressed to the Parliamentary Special Permanent Committee on Institutions and Transparency, the Ministry of Development and Investments and the Ministry of Finance, will focus on the analysis of the level of sector and market concentration (where available), on the analysis of any regulatory and other entry and exit barriers, on the analysis of import penetration and, generally, on how open these markets are to global competition, innovation indicator and investment in R&D in the particular sector/market in relation to the international experience in the sectors/markets concerned, the exercise of control but also of significant economic influence by specific business interests in various sectors of the national economy, which can facilitate collusion and more generally the generation of anticompetitive effects, a coordinated or non-coordinated behavior.





Mapping Greece's economic sectors and markets

The purpose of the systematic mapping effort is to:

- promote competition and provide up to date and objective information to citizens and consumers;
- collect data on the level of competition in various sectors of the national economy and markets, which can assist in the prioritization of the HCC's actions;
- provide the government with information on the functioning of competition, and of any regulatory barriers, in order to facilitate the State's contribution to designing an effective and targeted economic policy;
- allow the development of business strategies and enhance possibilities for new players to enter the market.

The working group will start its planning in November 2020 with a view to completing the methodology and initial report by December 2021.

The initial report shall include an extensive investigation into the effects of unfair trading practices and the gray economy on competition in cooperation with the General Secretariat for Trade and Consumer Protection.





Outreach

The course of the HCC's activities over the last year proves that outreach was and is an important goal of its new leadership. The HCC signed [memoranda of cooperation](#) with the most important consumer organisations in Greece while it is in regular contact with the European Consumer Organisation - BEUC). Recognising the mutual interest of the parties in ensuring effective competition and considering that the cooperation between them will be for the benefit of consumers, the HCC and the consumer associations, EKPOIZO, INKA and KEPKA, signed on October 25, 2019 three (3) bilateral Memoranda of Cooperation.

In the context of this cooperation, the HCC organised a [training day](#) on 9 March 2020 with the aim of strengthening their role and training in competition issues, as it acknowledges the important role of consumer associations in a healthy competitive market.

This meeting was postponed due to the Covid-19 outbreak and is scheduled to take place in the near future.

In the context of communication with The European Consumer Organisation (BEUC), the HCC organised an international day on 2 and 3 June 2020 with the participation of national consumer associations and representatives of consumer associations and competition authorities from other Member States, which was also postponed due to the Covid-19 outbreak and is scheduled to take place in the near future.

The aim of the HCC is to provide effective training for consumer associations to assist it in its work and to make the Commission an actor that promotes dialogue between competition authorities and consumer associations at European level.





Outreach

Competition Law and Consumers

The HCC cooperated with the [think tank Inclusive Competition Forum](#) in organising a conference on sustainable development and competition, and also took the initiative, together with the Dutch Competition Authority, to promote the integration of sustainable development objectives in competition law.

This fruitful cooperation will be further enhanced by an institutional and technical cooperation with the Dutch Competition Authority, with a view to coming forward with proposals at a European level.

The HCC has set up expert committees of internationally renowned researchers from Greece and abroad to support the Authority's work with know-how, both in market mapping and digital economy.

The HCC is in constant communication with undertakings, consumers and other bodies while, through public interventions, it tries to convey the Authority's policy on important issues such as the application of competition law in a time of economic crisis, as the economic crisis should not be used as an excuse for anti-competitive practices that affect consumers, especially those in an economically weak situation.

Competition law provides a clear framework which grants the HCC the necessary flexibility in taking into account the difficult financial situation of companies, an aspect which the President of the HCC and the officials of the Directorate-General had the opportunity to discuss at a teleconference organised by the Association of Sociétés Anonymes on June 15, 2020. (For more information, click [here](#))

It is also necessary to combine competition enforcement with a more active and engaged competition advocacy policy.

This includes the efforts to change the "image" of the Authority through the HCC's original initiative of the Creativity Contest "Competition and Art"





Outreach

Creativity Contest “Competition and Art”

The Hellenic Competition Commission, in its attempt to raise the public's awareness with regards to the social benefits competition offers to the Greek economy and to effectively convey, particularly to the young generations, competition issues, has developed a new communication strategy to promote a culture of competition in Greece. To this end, the Competition Commission announces a creativity contest.

The aim of the contest is to choose 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, which will symbolise, incarnate and promote the Competition Commission's fight against anti-competitive practices (especially cartels), to the benefit of companies and consumers, will be used to create comics, infographics and promotional advertisements which will convey the Commission's work on safeguarding competition.

The Video/Message, which will inform the public about competition issues and the significance of healthy free competition, with regards to entrepreneurship/innovation and development, as well as the society overall, will be uploaded on the Commission's social network accounts as well as on television channels.

The best entrance in each category will receive electronic devices of significant value.

It is our desire to support young creators and artists, particularly in these challenging times, through this opportunity which will allow them to develop their imagination and creativity as well as to leave their mark on the Competition Commission's new communication strategy, therefore helping to establish the foundations for a holistic promotion of a culture of competition in Greece.

Upon the conclusion of the contest and the announcement of the winners, an award ceremony will be held, during which the best creations in each category will be displayed.

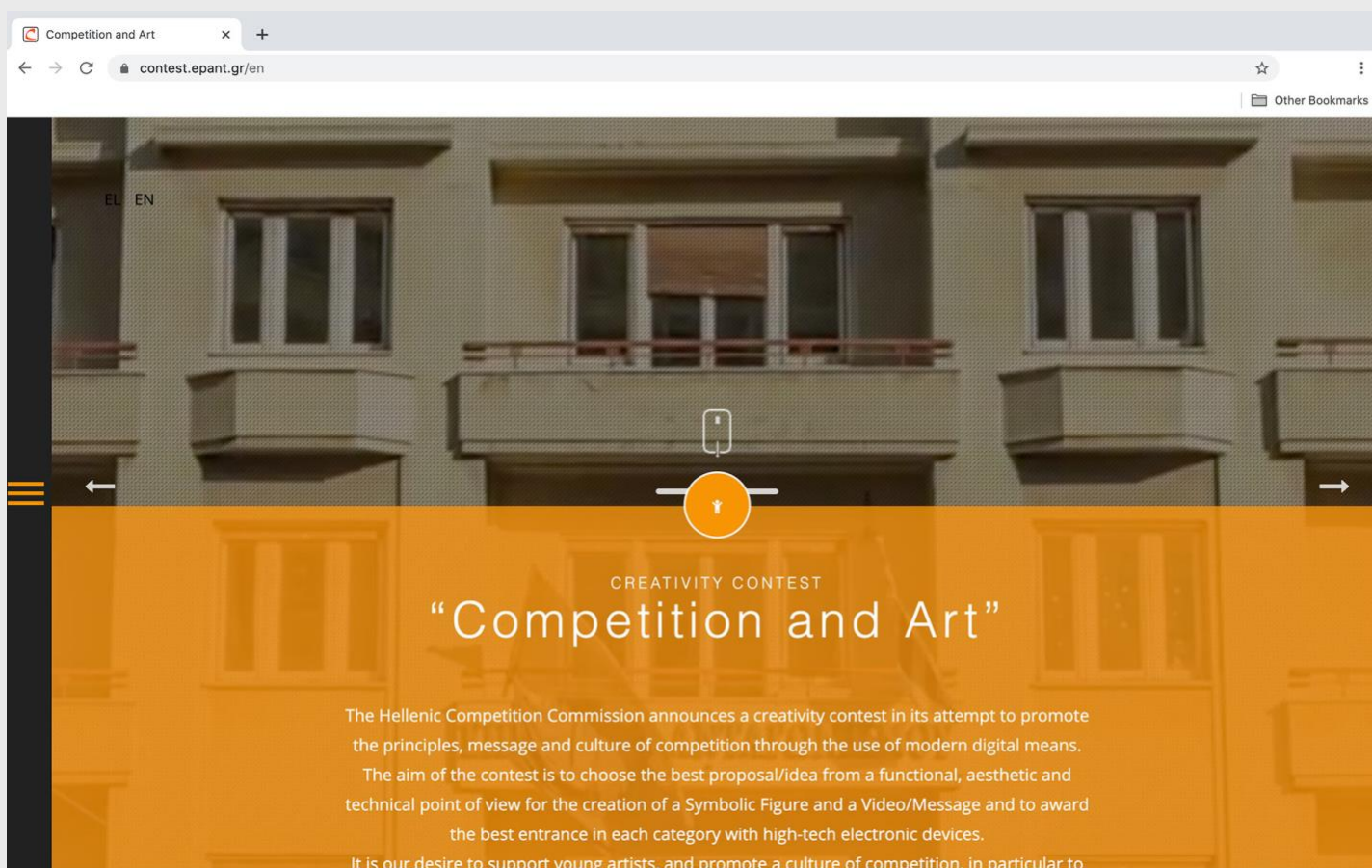




Outreach

Creativity Contest “Competition and Art”

To this end and in order for the new generation to be better informed about the goals and aspirations of the Competition Commission but also about the importance of Healthy Competition for the society as a whole and for the undertakings and the economic development of the country, the HCC created (in-house) a dedicated website with a fresh, modern design, accessible via <https://contest.epant.gr/en>



The contest will run online and can be accessed via this website, which will provide all relevant information, conditions and technical requirements.

The contest is open to all (individuals as well as legal entities) and will run from Monday 20th July to Monday 15th March 2021.

Entry is open to both individuals and groups.



Enhancing the transparency of the HCC

The procedural transparency of the HCC was enhanced during the recent period. In February 2020, the Authority published its updated [Code of Ethics and Cybersecurity](#) regulating the manner of exercising the duties of the Commission's members and the staff of the organisational units of the HCC. The provisions of the Code provide for basic principles of ethics, in order to ensure, within the framework of the current legislation and relevant regulations, the maintenance of the legitimacy and impartiality of the work of the HCC and its organisational units as well as businesses' confidence and the protection of free market competition. The Code offers important guarantees especially for issues concerning conflict of interest, both for the staff of the Authority and for the Members of the HCC Board of the Authority. The Code provides significant safeguards concerning, in particular, issues of conflict of interest, both for the Authority's staff and for the members of the HCC Board.

The HCC has also announced the drafting of a [Code of Procedures](#), both for internal use as well as for providing more information to interested stakeholders and citizens in general. The Code of Procedures is in the course of completion and will be published in the coming period. In this context, as well as in the context of enhancing competition advocacy, the HCC sent online questionnaires to hundreds of interested stakeholders ("users of its services") in order to gather information based on their experience and views regarding the procedures before the HCC, aiming at receiving constructive comments on their part in order to improve these procedures in terms of reducing bureaucracy and increasing efficiency and transparency [of both the Directorate-General for Competition and the HCC].

In particular, the aforementioned online questionnaire covered the following areas:

- α) transparency and procedural effectiveness and
- β) communication and competition advocacy policy.

The processing of the responses to the questionnaires was also taken into account in amending the Organisation of the HCC, while changes in the Regulation on the Internal Operation and Management Rules of Procedure of the HCC are imminent, in order to modernise the legal framework of the Authority's operation.





International Media Mentions

The activity of the HCC has received positive feedback from international media:

- Politico Magazine ('Fair Play' column) published praising comments in its article entitled [The Hellenic Competition Commission is rising from the ashes with its new head, Ioannis Lianos](#) focusing on the efforts of the HCC President, and the activities of the HCC during the COVID-19 pandemic.
- The same magazine hosted a positive reaction to the initiative of the HCC on [sustainable development and competition](#).
- In addition, the popular legal website Law Spot hosted an [interview with the President of the HCC](#) on issues related to the digital economy.





Cooperations

Cooperation with RAE in the Energy sector

Following the efforts of the HCC to enhance cooperation with the regulatory authorities, and especially in the context of the efforts initiated by its President in the context of his chairmanship to the legislative drafting committee with a view to creating a competition network and a regulatory policy, the HCC has proposed to all regulatory authorities as early as March 2020 the conclusion of Memoranda of Cooperation, on the model of the [Memorandum of Cooperation with the Hellenic Single Public Procurement Authority \(HSPPA\)](#) in October 2019. In this broader context for strengthening cooperation, a [Memorandum of Understanding was signed between the Hellenic Competition Commission \(HCC\) and the Hellenic Regulatory Authority for Energy \(RAE\)](#) at the offices of the HCC on 25 September 2020, with the aim to consolidate and enhance the cooperation between the two Authorities by combining their common experiences, and strengthen their relationship.

Particular emphasis was placed on the establishment of joint working groups for the development of guidelines, studies and research papers on issues of common interest, within the competences of the two Authorities. The two Authorities agreed, inter alia, to carry out actions to promote policies and strategies to inform economic operators/participants in the energy market on matters relating to the responsibilities of the two Authorities, for the benefit of society, the economy and the general public.

From right to left: Athanasios Dagoumas (President of RAE), Ioannis Lianos (President of the HCC)





Participation in conferences

Participation of the President of the HCC, Ioannis Lianos, as a keynote speaker in the following conferences/workshops:

- 28/5/2020 OECD Webinar on Antitrust in Times of Crisis
- 8/6/2020 OECD - June Competition Week session on line of business restrictions
- 25/6/2020 ASCOLA - Academic Society for Competition Law Annual Conference 2020 - 25-27.6.2020 Annex Session 1 (COVID-19 SUB-PANEL) COMPETITION LAW IN TIMES OF PANDEMIC
- 26/6/2020 Chaired sessions in ASCOLA Main event Panel III Data Markets, Data Protection and Competition, Session Chair: Ioannis Lianos,
- 4/7/2020 Ioannis Lianos, "Restrictions on Privacy and Exploitation in the Digital Economy: A Competition Law Perspective"
- 16/7/2020 WEBINAR CONCERNING COMPETITION LAW_NOMIKI BIBLIOTHIKI, "Sectoral researches by the Hellenic Competition Commission - the European Commission's proposal for a new "tool" in competition policy - the relationship with ex ante regulation - the national authority's ability to control anti-competitive government intervention"
- 20/8/2020 Webinar being hosted by CUTS International on the theme, "Competition Enforcement for Business Collaborations during COVID-19"
- 14-17/9/2020 2020 virtual ICN Annual Conference Cartel Working Group Plenary - "Big Data and Cartelization"
- 30/9/2020 The Konrad-Adenauer-Foundation is hosting the European Data Summit in Berlin to debate the European competition policy
- 8-9/10/2020, 4th Conference on Competition Law - Nomiki Bibliothiki - "Opening speech"



HCC officials / Board Members participated in the following conferences/ workshops/webinars:

Participation of the Vice-President of the HCC, Kalliopi Benetatou:

- 16/09/2020 10th self service Conference - Food Retail CEO Forum, Towards a Sustainable (post-Covid-19) Future - “Live interview on the interim report of the HCC on supermarkets and next steps”

Participation of Commissioners-Rapporteurs of the HCC, Maria Ioannidou and Maria Ioanna Rantou:

- 8-9/10/2020, 4th Conference on Competition Law - Nomiki Bibliothiki - “New technologies (AI) and competition law - from the HCC/Regulators’ point of view”

Participation of Commissioners-Rapporteurs of the HCC, Pamagiotis Fotis and Ioannis Stefatos:

- 8-9/10/2020, 4th Conference on Competition Law - Nomiki Bibliothiki - “Antitrust Fines & commitments offered: how far can we go”

In addition, members of the HCC’s Directorate General for Competition participated in the following conferences/ workshops/webinars:

Participation of Aik. Mantzou, Head of Unit, Economist:

- 02/06/2020: ISTANBUL COMPETITION FORUM WEBINAR, with the participation of UNCTAD, on Competition Law and Policy During and in the Aftermath of COVID-19 - “Should competition authorities consider wider public interest rather than focusing on economic efficiency in competition law enforcement? What would be the implications of this approach in the long-term?”

Participation of Th. Antoniadou, Case Handler - Statistician:

- 9-10/3/2020, Istanbul, 1st Workshop of the Istanbul Competition Forum on Competition in Digital Platforms - Her contribution concerned the definition of the relevant market in the case of online platforms, focusing on the Greek platform for comparison of prices and online shopping SKROUTZ, following the relevant acquisition.



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