THE DOMINANCE AND MONOPOLIES REVIEW

NINTH EDITION

Editors
Maurits Dolmans and Henry Mostyn

THE LAWREVIEWS

© 2021 Law Business Research Ltd

THE DOMINANCE AND MONOPOLIES REVIEW

NINTH EDITION

Reproduced with permission from Law Business Research Ltd
This article was first published in June 2021
For further information please contact Nick.Barette@thelawreviews.co.uk

Editors
Maurits Dolmans and Henry Mostyn

THE LAWREVIEWS

© 2021 Law Business Research Ltd

PUBLISHER
Clare Bolton

HEAD OF BUSINESS DEVELOPMENT
Nick Barette

TEAM LEADERS
Jack Bagnall, Joel Woods

BUSINESS DEVELOPMENT MANAGERS
Katie Hodgetts, Rebecca Mogridge

BUSINESS DEVELOPMENT EXECUTIVE
Olivia Budd

RESEARCH LEAD
Kieran Hansen

EDITORIAL COORDINATOR
Gavin Jordan

PRODUCTION AND OPERATIONS DIRECTOR
Adam Myers

PRODUCTION EDITOR
Katrina McKenzie

SUBEDITOR
Krystal Woods

CHIEF EXECUTIVE OFFICER
Nick Brailey

Published in the United Kingdom
by Law Business Research Ltd, London
Meridian House, 34–35 Farringdon Street, London, EC4A 4HL, UK
© 2021 Law Business Research Ltd
www.TheLawReviews.co.uk

No photocopying: copyright licences do not apply.
The information provided in this publication is general and may not apply in a specific situation, nor does it necessarily represent the views of authors' firms or their clients. Legal advice should always be sought before taking any legal action based on the information provided. The publishers accept no responsibility for any acts or omissions contained herein. Although the information provided was accurate as at June 2021, be advised that this is a developing area.
Enquiries concerning reproduction should be sent to Law Business Research, at the address above.
Enquiries concerning editorial content should be directed
to the Publisher – clare.bolton@lbresearch.com

ISBN 978-1-83862-771-3

Printed in Great Britain by
Encompass Print Solutions, Derbyshire
Tel: 0844 2480 112

© 2021 Law Business Research Ltd

ACKNOWLEDGEMENTS

The publisher acknowledges and thanks the following for their assistance throughout the preparation of this book:

ALLEN & GLEDHILL LLP

ANJIE LAW FIRM

BAKER MCKENZIE LLP

BECCAR VARELA

BERNITSAS LAW

CASTRÉN & SNELLMAN ATTORNEYS LTD

CLEARY GOTTLIEB STEEN & HAMILTON LLP

CMS

ELIG GÜRKAYNAK ATTORNEYS-AT-LAW

JONES DAY

KOIKE & KASHIWAGI LAW OFFICE

LANE NEAVE

LENZ & STAEHELIN

P&A LAW OFFICES

PELS RIJCKEN

SPASOV & BRATANOV LAWYERS' PARTNERSHIP

VINGE

WOLF THEISS

© 2021 Law Business Research Ltd

CONTENTS

© 2021 Law Business Research Ltd

© 2021 Law Business Research Ltd

© 2021 Law Business Research Ltd

PREFACE

Even before covid-19 disrupted the world as we knew it, competition law was at a crossroads, facing far-reaching and sometimes contradictory calls for reform – including with respect to monopolisation and abuse of dominance. This is driven in large part by developments in the digital sector, as well as an increasing awareness of the urgency of the climate crisis, environmental degradation and loss of biodiversity.

Some, such as President Macron and Chancellor Merkel, have argued that there is too much competition from abroad, and advocate for more permissive enforcement to facilitate 'European champions' to emerge: 'We need to adapt the EU competition law: [It is] too focused on consumer rights and not enough on EU champions' rights.'

Others maintain that there is too little competition, enforcement has been too permissive, and the rules should be tightened. Senator Elizabeth Warren, for example, has argued that 'competition is dying. Consolidation and concentration are on the rise in sector after sector. Concentration threatens our markets, threatens our economy, and threatens our democracy. Evidence of the problem is everywhere.' Similarly, Professor Joseph Stiglitz contends that 'current antitrust laws, as they are enforced and have been interpreted, are not up to the task of ensuring a competitive marketplace'.

A third set of commentators believes that competition policy is misdirected, that the historic focus of competition law has been too narrow, and that the consumer welfare standard should be expanded to take account of social, industrial, environmental and other considerations (sometimes referred to as 'hipster antitrust').

And a fourth critique, voiced by Maurice Stucke and Ariel Ezrachi, maintains that many of today's problems result from too much 'toxic' competition overall, driven by ideologues, lobbyists and privatisation, and that we need to promote a kind of 'noble competition', where rivals mutually strive for excellence.

To address these challenges, a dizzying array of reports has emerged, commissioned by governments in the US, EU, UK, Germany, France, Australia and elsewhere. And from those reports, a constellation of ideas has emerged to overhaul competition law, including: reorienting the goals of antitrust policy away from the consumer welfare standard towards a broader societal welfare test; reversing the burden of proof in merger control; per se bans on certain categories of conduct in the digital sector (including prophylactic controls on vertical integration); lowering the standard of judicial review to give competition authorities more leeway; injecting political oversight into competition law enforcement; loosening the standard to impose duties to share data with rivals; introducing market study regimes; allowing authorities to impose remedies without formally establishing an infringement; and establishing mandatory codes of conduct for digital platforms.

© 2021 Law Business Research Ltd

Where does this all leave busy practitioners and businesses that are trying to navigate the complex and constantly evolving rules concerning abuse of dominance? Helpfully, this ninth edition of *The Dominance and Monopolies Review* seeks to provide some respite, providing an accessible and easily understandable summary of global abuse of dominance rules. As with previous years, each chapter – authored by specialist local experts – summarises the abuse of dominance rules in a jurisdiction, provides a review of the regime's enforcement activity in the past year, and sets out a prediction for future developments. From those thoughtful contributions, we identify three main trends to watch out for over the next year.

Sustainability and abuse of dominance

The past year has seen sustainability become a new and important focus for competition regulators. The Dutch competition authority started the trend by setting 'sustainability' as a key priority and proposing a more permissible review for certain environmental agreements. The Hellenic Competition Commission followed, advocating for far-reaching policy changes to promote sustainability goals across all areas of competition policy. The European Parliament has called on the European Commission to 'urgently take the concrete action needed in order to fight and contain the threat of climate and environmental catastrophe before it is too late'. As Commissioner Vestager has noted, 'everyone is called upon to make our contribution to the necessary change – including enforcers'. The European Commission initiated a consultation, and the Organisation for Economic Co-operation and Development held several events to discuss the integration of climate and environmental goals in competition policy. Chinese competition law already provides an explicit exemption for 'agreements between undertakings which they can prove to be concluded for . . . serving public interests in energy conservation, environmental protection and disaster relief'.

At core, the cause of the climate crisis is a market failure: the cost of pollution of air, water and land, and the damage wrought by greenhouse gas emissions to the climate today and in the future are generally not included in the price of goods and services. Because the market price of a polluting product excludes the social cost, production is higher than the social optimum, taking into account that consumption of natural resources now exceeds what the regenerative capacity of the Earth can sustain.

To address this market failure, the discussion around including environmental goals in competition law has, so far, mostly focused on state aid, horizontal cooperation and merger control. For example, it has been argued that the consumer welfare analysis in merger control could include whether the merger could be expected to raise or lower the environmental price that consumers pay, which is not reflected in the market price in monetary terms or in quality (which could take account of non-market externalities such as emissions). Likewise, horizontal guidelines could be revised to allow cooperation in pursuit of environmental goals, where individual producers are willing to invest in greening production, but may be held back by the fear that they will be undercut by those who do not invest, or by cheaper imports.

There is no inherent reason, however, why sustainability could not be incorporated into an abuse of dominance assessment, too. This could be done in a number of ways.

First, pricing analysis (for example, for loyalty rebates, predatory pricing, margin squeeze) could take into account the actual costs incurred by the dominant company and by society, including not only the total costs of production, but also the environmental cost. A company may be able to price lower than its rivals because it is employing polluting or greenhouse gas emitting technology, at great societal cost, which is not reflected in its traditional variable and fixed costs.

© 2021 Law Business Research Ltd

Second, a dominant provider with an incumbent polluting technology might commit an abuse by excluding rival, greener technologies by means other than competition on the merits. Such conduct should already violate dominance rules. In this case, however, 'competition on the merits' should be defined so as to exclude competition that relies on avoidable pollution or greenhouse gas emissions. Also, the assessment should take into account that consumer harm would be even higher from the abuse because of the exclusion of a greener technology. The theory would be not dissimilar to that pursued by the European Commission in its *Car Emissions* cartel investigation, albeit that case concerns horizontal collusion to restrict competition on innovation for emission cleaning systems.

Third, there may be *sui generis* abuses that involve unsustainable business practices that also restrict competition. For example, a dominant producer might employ cheap and polluting means of production, and thereby price cheaper than its rivals. A dominant raw materials producer might make misleading representations to an environmental agency to secure a licence to extract minerals. And a dominant chemical producer could illegally dump products in rivers, thereby gaining an advantage over rivals that dispose of waster safely. All these might conceivably be an abuse of dominance because they distort competition, via means other than competition on the merits. The fact that they may also infringe other laws is no bar to bringing an abuse of dominance claim, just as a dominant factory owner burning down a rival's factory can be both arson and an abuse of dominance. Rivals should have a cause of action, especially where environmental rules are inadequate or insufficiently enforced.

Fourth, there may be situations where conduct that might otherwise be abusive could be excused because of sustainability-based objective justification, just as Article 101(3) of the Treaty on the Functioning of the European Union is being considered to exempt otherwise anticompetitive agreements that promote sustainability. For example, a dominant e-commerce platform might prioritise in its ranking green products (including green technologies sold by its downstream subsidiary) over polluting products (sold by its rivals). Provided that greenwashing is avoided, a regulator might consider that even if such conduct has the potential to restrict competition, it should be objectively justified because of the overall benefits it creates for society.

Regulation versus antitrust enforcement

Over the past year, regulators and legislators have moved from consultation to action, as they have set out competing proposals for regulation to address perceived competition problems caused by concentration in digital markets. In broad terms, the concerns with digital markets are that certain market characteristics (such as network effects and tipping, lack of switching, and lock-in effects) lead to high concentration, insurmountable entry barriers and exploitation of market power, especially (but not only) when combined with abusive conduct.

The German 10th Amendment to the Act against Restraints of Competition introduced new rules to tackle companies with 'cross-market significance'. The UK is setting up a digital markets unit to create an enforceable code of conduct for companies with 'strategic market status'. And perhaps most significantly, the EU, with its draft Digital Markets Act (DMA), is formulating *ex ante* dos and don'ts for large 'gatekeeper' platforms.

It is perhaps understandable that regulators and legislators seek to go down the route of regulation, rather than pursuing individual cases. Regulatory rules can potentially reach quicker outcomes than antitrust cases, which can be long and complex. As Commissioner

© 2021 Law Business Research Ltd

Vestager has explained as the motivation of the DMA: 'We need regulation to come in before we have illegal behaviour and to be able to say these are the rules of the game and this is what you must do.'

At the same time, regulation can also come with risks to competition and society. This is because ill-crafted or insufficiently flexible regulation can impede innovation, snuffing out pro-competitive conduct before it takes place or raising barriers to entry. As the UK Competition and Markets Authority (CMA) has explained, 'Greater regulation is – on average – associated with less competition. For instance, countries with lower levels of product market regulation tend to have more competitive markets and enjoy higher rates of productivity and economic growth.'

Accordingly, it is particularly important that new rules of the road allow companies the opportunity to justify their behaviour, on the grounds of consumer benefits or that alternatives would lead to harm. For example, the CMA recognises that 'conduct which may in some circumstances be harmful, in others may be permissible or desirable as it produces sufficient countervailing benefits', and it has advised that conduct should be exempted under its new code of conduct if it 'is necessary, or objectively justified, based on the efficiency, innovation, or other competition benefits it brings'. Likewise, the new German rules allow a company to justify its practices.

It is therefore troubling that the draft DMA does not contain any analogous provision. As currently framed, the prohibited behaviours and obligations are extremely broad. They touch on almost all aspects of competition and have far-reaching consequences for consumers in Europe. But the draft DMA includes no safeguards to protect against unintended adverse consequences, even to protect users from privacy violations or exposure to fraudulent activity, or preventing other harmful behaviour. It is difficult to see the benefit of this approach. It is positively harmful.

A proportionality safeguard would be a simple way to improve the draft regulation, without impeding any of its objectives. Including a proportionality safeguard would also be consistent with general principles of EU law. Under Article 16 of the Charter of Fundamental Rights (which is a binding source of EU law under Article 6(1) of the Treaty on European Union), companies (even alleged gatekeeper platforms) have a right to conduct their own business. Interference with that right is only permitted if it is proportionate. By implication, it should therefore be open to companies to justify their practices, on the grounds of proportionality. A blanket refusal to engage with justifications at all is disproportionate to the aims of the DMA, and harmful.

Advocate General Pitruzzella rightly commented in March 2021 on the draft DMA that 'too much rigidity could hinder efficiency and introduce a disproportionate limitation on the freedom to conduct a business'. Rather, rebuttable presumptions together with justification defences strike the balance between 'the need for certainty' and 'the need to avoid false positives in antitrust enforcement and undue limitations of fundamental rights'.

Mandatory arbitration as a mechanism to solve FRAND disputes

A third theme of the past few years' dominance enforcement is the continued global focus on the licensing of standard-essential patents (SEPs) on fair, reasonable and non-discriminatory (FRAND) terms. Refusing a licence or seeking an injunction is considered an abuse of dominance, unless the SEP owner is a 'willing licensor' or the implementer is an 'unwilling licensee'. In August 2020 in the UK, the Supreme Court handed down an important judgment in *Unwired Planet*, finding that an English court can set the royalty rates and

© 2021 Law Business Research Ltd

terms of a FRAND licence on a worldwide basis, to determine whether a licensor or licensee is 'willing'. In Europe, the EU Commission's expert group wrote a 230-page report on the licensing and valuation of SEPs on FRAND terms.

A problem has emerged, however, that the current legal framework does not incentivise parties to reach a negotiated outcome as to the FRAND rate. This is because for both implementers and SEP holders, the best alternative to a negotiated agreement (the BATNA) is to litigate: for SEP holders, the BATNA is usually to seek an injunction and offer a high royalty, thus threatening a high penalty while limiting risk by appearing to follow the sequence requirements of the European Court of Justice's *Huawei/ZTE* judgment. Implementers, on the other hand, may have an incentive to challenge the validity or infringement of the patents at issue. So the BATNA of an implementer may therefore be to seek judgment for invalidity or non-infringement, thus threatening long delays, while limiting risk by also appearing to follow the sequence of the *Huawei/ZTE* case.

As a result, parties are not incentivised to reach settlements as to the FRAND rate. In our view, the best way to address this problem is to ensure that the BATNA is no longer a positive outcome, but a possible negative one for each party. This could be achieved by ensuring that, absent agreement within a reasonable time period, a third party sets the rate for the parties (for example, by standard-setting organisations requiring arbitration or rate setting as a fallback for the FRAND undertaking). Parties tend to be much more willing to negotiate and ready to reach agreement on a balanced solution if the fallback is someone else deciding the rate.

For this reason, a refusal to agree to rate setting should be seen as rebuttable presumption of being an 'unwilling' licensor (and an abuse of dominance) for the purpose of the question of whether an injunction is available on an SEP. Conversely, an offer to have an independent third party set the rate and key terms should be seen as a rebuttable presumption of being a 'willing' licensor or licensee. The advantage of such mandatory arbitration as a fallback is that it encourages a reasonable outcome. Both parties have an incentive to agree on a rate to avoid an arbitrator setting a rate for them. And even if they cannot agree on a rate, the rate will be set. Abuse of dominance can thus be avoided. Arbitration in this respect is better than litigation because it is faster, more flexible, reduces forum shopping and results in awards that are enforceable worldwide. Arbitration also allows the parties to address IP rights implicating multiple national jurisdictions in a single proceeding. We believe that this solution could solve the endless FRAND disputes and end abusive hold-up and hold-out.

As in previous years, we would like to thank the contributors for taking time away from their busy practices to prepare insightful and informative contributions to this ninth edition of *The Dominance and Monopolies Review*. We look forward to seeing what the next year holds.

Maurits Dolmans and Henry Mostyn
Cleary Gottlieb Steen & Hamilton LLP
London
June 2021

© 2021 Law Business Research Ltd

Chapter 13

GREECE

Marina Androulakakis, Tania Patsalia and Vangelis Kalogiannis[1]

I INTRODUCTION

In Greece, Law 3959/2011 on the Protection of Free Competition (the Greek Competition Act) is the main piece of legislation regulating free competition. The prohibition of abuse of dominance is established, in particular, by virtue of Article 2 of the Greek Competition Act, which essentially mirrors Article 102 of the Treaty on the Functioning of the European Union (TFEU).

Hence, the abuse may consist of:

a directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;

b limiting production, distribution or technical development to the prejudice of consumers;

c applying dissimilar conditions to equivalent trading transactions with other trading parties, especially the unjustified refusal to sell, buy or otherwise trade, thereby placing certain undertakings at a competitive disadvantage; or

d making the conclusion of contracts subject to acceptance, by the other parties, of supplementary obligations that, by their nature or according to commercial practice, have no connection with the subject of such contracts.

The Hellenic Competition Commission (HCC) is the national competition authority, which, without prejudice to the responsibilities of other authorities, is competent for the enforcement of the provisions of the Greek Competition Act, as well as of Articles 101 and 102 of the TFEU.[2]

The HCC has issued acts on procedural issues that also apply in investigations for abuse of dominance cases, such as rules on procedure for the acceptance of commitments (HCC Decision 588/2014), the treatment of confidential information (HCC Notice of 13 January 2015) and access to files (HCC Rules of Internal Procedure and Management of 16 January 2013).

In assessing abuse of dominance cases, the HCC follows the relevant guidance of the European Commission and respective EU case law.

Finally, in relation to the telecommunications sector, the Hellenic Telecommunications and Post Commission (EETT) is, pursuant to the provisions of Act 4070/2012 on electronic

1 Marina Androulakakis is a partner, Tania Patsalia is a senior associate and Vangelis Kalogiannis is a junior associate at Bernitsas Law.

2 Articles 101 and 102 of the TFEU are directly applicable in Greece in cases where it is proven that trade between Member States is affected.

© 2021 Law Business Research Ltd

communications and other provisions, responsible for, inter alia, applying the provisions of the Greek Competition Act as well as of Articles 101 and 102 of the TFEU and EU Regulation 1/2003 in relation to the exercise of electronic communications activities.

II YEAR IN REVIEW

i HCC

In 2020, the HCC issued two decisions on abuse of dominance cases, of which one concerned a preliminary ruling calling on further investigation by the Directorate-General for Competition[3] (DGC) and the other concerned the rejection of a complaint and, therefore, a non-finding of an abuse of dominance.[4]

Between 2012 and 2017, the HCC issued 11 decisions on abuse of dominance.[5] In 2018 the authority rendered a notable decision against Elais-Unilever Hellas for alleged implementation of abusive practices at retail and wholesale level in the margarine market resulting in the imposition of a fine of approximately €8.7million.[6] In 2019, the HCC issued three decisions on abuse of dominance cases, of which two related to the adoption of interim measures, whereas the third decision was an acceptance of a commitments decision.

Maviz SA

By virtue of Decision 711/2020, issued on 28 April 2020, the HCC ruled in favour of Maviz SA, a company active in the market for the supply of fur animal feed (upstream) and, through its subsidiary Bosman Mink Farm SA, in the market for the breeding and selling of fur animals (downstream), following a complaint filed against it by one of its downstream market customers (AK). The complainant alleged that Maviz SA had abused its dominant position by refusing to supply it with fur animal feed, which allegedly resulted, in turn, in the death of AK's fur animals and, consequently, in the complainant's exclusion from the market.

The HCC decided to unanimously reject the complaint for lack of evidence of a violation of Article 2 of the Greek Competition Act by Maviz SA and to abstain from any further action under Article 102 of the TFEU.

In particular, the HCC found that although Maviz SA held a dominant position (and even a super dominant position) in the upstream market for the supply of fur animal feed, the cumulative conditions for the finding of an abusive conduct within the meaning of Article 2 of the Greek Competition Act were not met. In this regard, the HCC concluded that the conditions for qualification of refusal to supply as abusive were not met as it found that the refusal did not lead to the elimination of effective competition in the downstream market. It also considered that the conduct of Maviz SA was objectively justified, as the company was not obliged to continue delivering feed to a customer with large debt and lack of sufficient guarantees for the repayment of such debt.

3 HCC Decision 708/2020.

4 HCC Decision 711/2020.

5 OECD Peer Reviews of Competition Law and Policy, Greece, 2018, p. 40.

6 HCC Decision 663/2018.

© 2021 Law Business Research Ltd

Coca-Cola 3E

By means of Decision 708/2020,[7] the HCC decided to abstain from issuing a final decision and delivered a preliminary ruling on the basis of which the DGC was called upon to conduct, as a matter of priority, an investigation aimed at collecting further data on the net prices of Coca-Cola 3E's products that are in competition with the complainant's products, to assess whether Coca-Cola 3E had engaged in abusive practices, namely predatory pricing.

The case was brought before the HCC following a complaint filed by Agni Industrial & Commercial SA, a competitor of Coca-Cola 3E, for abuse of its dominant position.

In particular, the complainant alleged that Coca-Cola 3E, which held a dominant position in the market of cola-type beverages, abused its dominant position by applying, since 2013, predatory conduct and methods of price undercutting (i.e., by applying prices below cost in competing products or, if not below cost, by selectively applying reduced prices in competing products with the aim of excluding the complainant from the market).

The HCC found it necessary for the statement of objections to be supplemented by additional information that will allow it to better assess the relationship between the average variable cost and net price for the products and called on the DGC to conduct further investigation as a matter of priority.

A new hearing for the assessment of the complaint is expected in the near future.

DEPA Commercial SA

In addition to the two cases discussed above, the HCC issued a decision accepting DEPA Commercial SA's request to revise the commitments that had been adopted through HCC Decision 551/VII/2012, as amended by various HCC decisions,[8] regarding the supply of natural gas through electronic auctions (Commitment No. 3).[9] In particular, the HCC unanimously (1) decided that there had been a substantial change in the facts on which HCC Decision 551/VII/2012, as amended and applicable, was based (in relation to the third commitment undertaken by DEPA); and (2) accepted DEPA's request for its exemption from the obligation to implement the programme of distribution of natural gas quantities through electronic auctions, as set out in HCC Decision 631/2016.[10]

7 HCC Decision 708/2020.

8 HCC Decisions Nos. 589/2014, 596/2014, 618/2015 and 631/2016.

9 HCC Decision 723/2020.

10 An HCC plenary hearing for the HCC to review DEPA's request to be exempted from all commitments undertaken by the company under HCC Decision 551/VII/2012 is pending. Pursuant to the HCC rapporteur's statement of objections, which is not binding on the authority, the acceptance of DEPA's request is recommended, as it may be established that there has been a substantial change in the facts on which HCC Decision 551/VII/2012 was based in terms of commitments undertaken by DEPA.

© 2021 Law Business Research Ltd

Summary

Summarised information about HCC investigations and decisions issued during 2020 is provided below.

HCC investigations of abuse of dominance in 2020

Sector	Investigating authority	Conduct	Case opened
Market of production and marketing of cosmetic products, personal and baby care products, parapharmaceuticals and other related products (following complaint) (*Intermed v. Frezyderm*)	HCC	Violating Articles 1 and 2 of Law 3959/2011 and Articles 101 and 102 of the TFEU For abuse of dominance: under statement of objections, no dominant position found	December 2020
General purpose gas appliances (following complaint) (*Stamatoulis v. Dimka SA (Resoul SA)*)	HCC	Violating Articles 1 and 2 of Law 3959/2011 and Articles 101 and 102 of the TFEU For abuse of dominance: target rebates	November 2020
Press distribution	HCC	Violating Articles 1 and 2 of Law 3959/2011 and Articles 101 and 102 of the TFEU, pursuant to HCC Decision 659/2018 For abuse of dominance (among others): exclusivity, excessive pricing, discriminatory treatment and refusal to sell	November 2020
Covid-19 tests (amid covid-19)	HCC	Violating Articles 1 and 2 of Law 3959/2011 and Articles 101 and 102 of the TFEU	August 2020
Citrus fruit sector (amid covid-19)	HCC	Abuse of dominance, unspecified	April 2020
Medical supplies (amid covid-19)	HCC	Abuse of dominance, unspecified	March 2020
Banking	HCC	Exclusionary practices in the context of provision of banking and payment services	November 2019

HCC decisions for abuse of dominance in 2020

Sector	Investigating authority	Conduct	Fine imposed
Supply of fur animal feed	HCC	Refusal to supply	Decision issued and published
Cola-type beverages	HCC	Predatory pricing and pricing below cost	Preliminary decision issued and published (hearing in substance pending)
Natural gas	HCC	De facto exclusivity, bundling of services and denial of access to essential facilities	Acceptance by the HCC of the request by DEPA SA to revise the commitments that had been adopted through HCC Decision 551/2012, as amended by HCC Decisions Nos. 589/2014, 596/2014, 618/2015 and 631/2016, regarding the supply of natural gas through electronic auctions (Commitment No. 3) (a new hearing to review DEPA's request to be exempted from all commitments is pending)

© 2021 Law Business Research Ltd

ii Other administrative authorities (EETT)

By means of Decision 903/15,[11] the EETT rejected the complaint of telecoms operator Vodafone-Panafon SA (Vodafone) against its competitor and holder of dominant position Cosmote Mobile Telecommunications SA (Cosmote) in an abuse of dominance case.

According to the EETT decision, no adequate proof was produced before the authority as evidence that the accused entity, Cosmote, was engaged in abusive practices in the market of prepaid mobile telephony, namely by means of allegedly applying margin squeeze practices in violation of Article 2 of the Greek Competition Act and Article 102 of the TFEU.

In particular, under this decision, the EETT found that it was not proven that Cosmote had commercially retailed the 'What's Up' product at a loss from 2007 to 2012. It was therefore concluded that it was not engaged in an abusive exploitation of its dominant position in the relevant market by either margin squeeze practices or creation of barriers over end customers' movement and confinement pursuant to Article 2 of the Greek Competition Act. Furthermore, the EETT found that there was no reason to take action in terms of application of Article 102 of the TFEU.

In view of the above, the EETT rejected Vodafone's complaint as unfounded. However, the authority expressed its reservations regarding the assessment of different pricing of call termination by network providers or holders of significant market positions pursuant to their regulatory obligations (as a separate *ex officio* procedure before the EETT).

III MARKET DEFINITION AND MARKET POWER

The Greek Competition Act does not provide a definition of dominance. The HCC follows the notion of dominance, as this has been formulated by relevant European and Greek case law. Hence, high market shares (greater than 40 per cent or 50 per cent) and an undertaking's ability to act independently of its competitors' customers and ultimately consumers are factors that are taken into account. This is also evident in the HCC's case law,[12] in which the authority found that a market share of between 70 per cent and 80 per cent in the relevant market is, in itself, a clear indication of the existence of a dominant position. The structure of the market (such as competitors' market position, existence of barriers to entry and countervailing buyer power) is also decisive.

In addition, Article 2 of the Greek Competition Act, has been found by the HCC to apply in situations of collective dominance, whose existence presupposes, in accordance with the EU approach, the concurrence of the following two conditions: lack of competition between the dominant parties and absence of (substantial) outside competition.

Special rules apply in the mass media sector. In particular, pursuant to Article 3 of Law 3592/2007 on the Concentration and Licensing of Mass Media Enterprises and Other Provisions, as in force, a concentration that leads to the creation of a dominant position in the media sector is prohibited. The relevant market share criteria applicable for determining dominance are as follows:

a market share exceeding 35 per cent, where the company is active in only one media sector (television, radio, press and magazines);

11 EETT Decision 903/15 (Official Gazette B' 353, 7 February 2020).

12 HCC Decision 711/2020.

© 2021 Law Business Research Ltd

b market share exceeding 35 per cent in each market and with respect to the specific geographical market covered in each sector, where the company is active in more than two media sectors;

c total market share exceeding 32 per cent in two sectors with the same geographical coverage;

d total market share exceeding 28 per cent in three sectors with the same geographical coverage; and

e total market share exceeding 25 per cent in four sectors with the same geographical coverage.

IV ABUSE

i Overview

Article 2 of Greek Competition Act, which essentially mirrors Article 102 TFEU, does not contain an exhaustive list of types of abuses. According to the HCC, the purpose behind the prohibition of abusive exploitation of a dominant position is the protection of the free market system and of the economic freedom of third parties.[13] In addition, while the finding of dominance is not per se unlawful, a dominant undertaking has a special responsibility to refrain from impairing, through its conduct, genuine undistorted competition on the market.[14]

It is settled in HCC case law (following the footsteps of EU case law)[15] that the concept of abuse is objective relating to the behaviour of an undertaking in a dominant position that is such as to influence the structure of a market, where as a result of the very presence of the undertaking in question, the degree of competition is weakened and through recourse to methods that, unlike normal competition, has the effect of hindering the maintenance of the degree of competition still existing in the market or the growth of that competition.[16] Hence, it is sufficient to show that the abusive conduct of the undertaking in a dominant position tends to restrict competition or, in other words, that the conduct is capable of having that effect.[17]

However, information witnessing intent of the dominant undertaking to exclude its competitors, especially when such evidence consists of internal documents, may be taken into account as direct evidence in assessing a dominant undertaking's commercial practices, to conclude whether these are geared towards the protection of its reasonable commercial interests or whether these were designed and implemented for the purpose of excluding competitors.[18]

ii Exclusionary abuses

Article 2 of Greek Competition Act does not distinguish between exclusionary and exploitative practices, hence both practices are deemed to be caught by the prohibition. To date, the HCC has dealt with a number of abusive practices; however, its most important cases involve rebates and exclusivity terms.

13 HCC Decision 590/2014, *Athenian Brewery*, Paragraph 239.

14 HCC Decision 581/VII/2013, *Procter & Gamble Hellas*, Paragraph 262.

15 CJEU Decisions C-85/76 *Hoffmann-La Roche v. Commission*, Paragraph 91, C-322/81, *Michelin v. Commission*, Paragraph 70 and C-62/86, *Akzo v. Commission*, Paragraph 69.

16 Decision 869/2013 of the Athens Administrative Court of Appeals, Paragraph 35.

17 Decision 2458/2017 of the Athens Administrative Court of Appeals, Paragraph 8.

18 HCC Decision 520/VI/2011, *Tasty Foods*, Paragraph 174.

© 2021 Law Business Research Ltd

In the *Athenian Brewery* case,[19] dating back to 2014, the HCC imposed a record fine of approximately €31 million against Athenian Brewery, the Greek subsidiary of Heineken NV, for abuse of its dominant position in the Greek beer production and distribution market, in breach of Article 2 of the Greek Competition Act and Article 102 of the TFEU. In particular, the HCC found that Athenian Brewery applied an exclusionary strategy to exclude its competitors from the on-trade consumption market (such as HORECA (hotel, restaurant and café) chains and other retail outlets) and to limit their growth possibilities for a period of 15 years. According to the authority, the company employed various commercial practices aimed at exclusivity, including significant payments conditional upon exclusivity or the foreclosure of competitive brands, loyalty and target rebates.

More recently,[20] the HCC imposed a fine of approximately €8.7 million against the company Elais-Unilever Hellas for abuse of dominance. The case involved, inter alia, the offering of target rebates to various supermarkets in the margarine market. The HCC stipulated that the rebate schemes that were offered in exchange for the client's undertaking to increase its purchases from Elais-Unilever, or to achieve a specific sales target, constituted abuse of dominance. The HCC based its findings on the following: (1) the rebates being conditional upon the achievement by the client of a quantitative target regarding products purchased by Elais-Unilever; (2) the target was determined at the beginning of each fiscal year, whereas rebates were paid at the end of this period (i.e., an excessive rebates period was applied); (3) the amount of the rebates depended on the purchased quantities during the above excessive period of reference compared to realised purchases during the previous reference period by same buyer (individual character of rebates scheme); and (4) the rebate was applied retroactively.

Finally, another notable HCC decision involving a bundling practice includes that of *Nestle*,[21] in which the HCC found that Nestle unlawfully imposed bundling arrangements on its clients in the instant coffee retail market. Nestle was also held liable for the enforcement of exclusive supply clauses in its agreements with its clients, as well as for offering loyalty rebates to the latter in the same market.

iii Discrimination

The HCC has also dealt with a few discriminatory treatment cases in the energy sector. In its *Gas Distribution Companies* case,[22] the HCC found that the non-acceptance of the gas tube of the complaining company and the refusal to grant a licence for use in gas facilities, where the complaining company's steel tubes were used, constituted an unjustified discriminatory treatment by the gas distribution companies of Thessaloniki and Thessaly and imposed against them a fine of approximately €620,000.

In addition, in 2015, the HCC rendered its decision[23] in the case of *Public Power Corporation (PPC) v. Aluminium SA*, accepting commitments offered by PPC. According to the HCC investigation, PPC, the incumbent producer and supplier of electricity in Greece, had allegedly abused its dominant position by refusing to supply Aluminium SA and by imposing on it unfair and discriminatory trading conditions.

19 HCC Decision 590/2014, *Athenian Brewery*.

20 HCC Decision 663/2018.

21 HCC Decision 434/V/2009.

22 HCC Decision 516/VI/2011.

23 HCC Decision 621/2015.

© 2021 Law Business Research Ltd

iv Exploitative abuses

Recently, the Athens Administrative Court of Appeals issued its decision in the *AEPI* (the Hellenic Society for the Protection of Intellectual Property) case.[24] The case was originally brought before the HCC, following a complaint by various music creators for AEPI's alleged abuse of dominance in the market for the management of copyright of Greek and foreign composers of musical works, by setting unreasonable fees for said management.[25] The HCC compared fees charged by AEPI against fees charged by foreign collective management organisations (CMOs) (in particular by a Swiss CMO), concluding that the amount charged by AEPI, in relation to phonogram rights, was abusive.

The HCC decision was challenged by AEPI. Following a lengthy process before Greek courts, the Athens Administrative Court of Appeals issued its decision on the case, ruling essentially that the comparison method employed by the HCC was the most appropriate due to the same object pursued by AEPI and CMOs, and the specific characteristics of the market.

V REMEDIES AND SANCTIONS

The Greek Competition Act authorises the HCC to impose a series of sanctions, as well as behavioural or structural remedies, upon finding an infringement of Article 2 thereof or Article 102 of the TFEU, or both.

i Sanctions

The Greek Competition Act provides that a fine will be imposed on undertakings or associations of undertakings for abuse of dominance or failure to fulfil commitments made by them and that are made binding by the HCC decision. The amount of the fine must not exceed 10 per cent of the aggregate turnover of the undertaking for the year in which the infringement ceased or, if it persists, the year preceding issuance of the HCC decision. In the case of groups of companies, the group's aggregate turnover is taken into account for calculating the fine. The calculation of the fine is also subject to factors such as the gravity, duration and geographic scope of the infringement, as well as the duration and nature of participation in the infringement by the undertaking and the economic benefit derived therefrom. If the economic benefit can be measured, the amount of the fine cannot be less than that (even if it exceeds the 10 per cent upper limit).

The HCC may impose on the infringing undertaking a fine of up to €10,000 per day of failure to comply with its decision.

Individuals who, due to their position in the company, are involved in the infringement are jointly liable with the company for payment of the HCC fine and may also be separately fined by an amount ranging from €200,000 to €2 million, as long as they participated in the organisation or commitment of the infringement. Their position in the company and the degree of their participation in the infringement shall be taken into account.

According to HCC Guidelines on the calculation of fines of 12 May 2006, as supplemented in 2009, the HCC determines the basic amount of the fine, depending on the gravity and duration of the infringement; the fine shall not exceed 30 per cent of the undertaking's total gross revenues for each year of the infringement. This amount is then

24 Decisions 1102/2017 and 1103/2017 of the Athens Administrative Court of Appeals.

25 HCC Decision 245/III/2003.

© 2021 Law Business Research Ltd

adjusted – upwards or downwards – depending on aggravating or mitigating factors that may exist. The overall amount of the fine, for all years of the infringement, should not, as a rule, exceed the 10 per cent cap set by the law.

Although it did not impose any fines for abuse of dominance in 2020, the HCC has dealt with relevant cases on several occasions over recent years and has imposed high fines. In its *Athenian Brewery*[26] case involving the implementation of anticompetitive practices aiming to exclusivity, including significant payments conditional upon exclusivity or the foreclosure of competitive brands, loyalty and target rebates, in the beer market for a period of over 15 years, the HCC imposed a record-setting fine of approximately €31 million.

Penal sanctions, in the form of a monetary penalty ranging from €30,000 to €300,000, may also be imposed in abuse of dominance cases. Penal sanctions are imposed by the competent criminal authority against an undertaking's legal representatives.

ii Behavioural remedies

The Greek Competition Act also provides for the imposition by the HCC of behavioural remedies, to the extent these are necessary and appropriate for the termination of the infringement, depending on its nature and gravity.

The HCC has accepted commitments of a behavioural nature by infringing undertakings in its past case law.[27]

However, as would derive from the HCC's past practice, the authority usually proceeds to the imposition of a fine, together with an order to cease and desist.

iii Structural remedies

According to the Greek Commission Act, the HCC may impose structural measures only in cases where there are no equally effective behavioural measures, or the existing equally effective behavioural measures are more burdensome compared to the structural ones.

Contrary to its practice in merger control cases, the HCC does not seem to favour the imposition of structural measures in the context of abuse of dominance cases.

VI PROCEDURE

The HCC may initiate an investigation either acting *ex officio* or following receipt of a complaint or upon request of the Minister for Development and Investments. Investigations are most commonly triggered by complaints submitted to the HCC.

The case is assigned to the competent economic and legal services directorates of the DGC, which proceed to a preliminary assessment of the case based on information requests to interested parties, as well as on-site investigations (dawn raids). The DGC has recently conducted dawn raids in the banking sector (November 2019) and, more recently, in the print press distribution market (May 2020). Failure to provide information requested by the HCC, as well as obstruction of the DGC's dawn raid, entail the imposition of a fine of €15,000 up to a maximum of 1 per cent of the turnover of the undertaking concerned (meaning group turnover, if applicable). Criminal penalties of at least six months' imprisonment may also be imposed in this case.

26 HCC Decision 590/2014.

27 See, indicatively, HCC Decision 698/2019 (*Diageo*).

© 2021 Law Business Research Ltd

Upon completion of the DGC investigation, the case is assigned to a rapporteur (who is an HCC member). The rapporteur must submit his or her statement of objections to the HCC within 120 days of assignment of the case. This deadline may be extended by 60 days maximum. The only exception is if, based on HCC Decision 696/2019 on the prioritisation of cases, the case does not match the prioritisation criteria and is filed away.

Following submission of the rapporteur's statement of objections, the case is heard by the HCC. The HCC is not bound by the statement of objections.

Interested parties are summoned to appear before the HCC at least 45 days before the hearing and are served with the rapporteur's statement of objections at the same time. Parties must submit their statements of objection 20 days prior to the hearing. In addition, they may submit their addenda-rebuttal 10 days before the hearing. After completion of the hearing and after notification to them of the minutes of the hearing, parties have a short deadline to submit their final pleadings, before the HCC issues its ruling. According to the law, the HCC's decision must be taken within 12 months of assignment of the case to the rapporteur. This deadline may be extended for a maximum of two months.

The Greek Competition Act also provides for an interim measures procedure, where there is an emergency to prevent an imminent danger of irreparable damage to the public interest. Interim measures may be taken by the HCC either on its own initiative or following a request of the Minister for Development and Investments. In this case, the HCC must reach a decision within 15 days of the submission of the request. In the context of these proceedings, the deadlines for the submission of statements of objections or addenda-rebuttal by the parties are determined by the HCC chair.

Also, undertakings under investigation may offer commitments at any stage of the investigation and at the latest 20 days prior to the hearing (if they have been served with the rapporteur's statement of objections). The procedure for the acceptance of commitments by the HCC is summarised as follows (HCC Decision 588/2014): (1) preparatory meetings with the DGC or the rapporteur handling the case, or both; (2) prioritisation and assignment of the case to a rapporteur, if not already done; (3) assessment of the intent of the offering undertaking, suitability of the case for the acceptance of commitments and adequacy of the commitments; (4) submission of commitments offer by the undertaking within 30 days of being invited to do so by the rapporteur; (5) market testing (if considered appropriate); (6) drafting by the rapporteur of the statement of objections for the acceptance of the commitments offer; (7) service of the statement of objections to the interested parties (i.e., the undertakings under investigation and complainants) within three months of the submission of the commitments offer; (8) summoning of parties to the hearing, at least 45 days in advance; and (9) issuance of the HCC decision, by virtue of which the commitments are made binding.

HCC decisions may be challenged before the Athens Administrative Court of Appeals within 60 days of their notification to the parties. The above deadline, as well as the filing of the appeal, do not have a suspensory effect; suspension of enforcement may, however, be granted by the Court upon request of the interested party. Decisions of the Athens Administrative Court of Appeals may be challenged by an application for cassation before the Council of State. As regards interim measures decisions in particular, these are only subject to appeal before the Athens Administrative Court of Appeals.

© 2021 Law Business Research Ltd

VII PRIVATE ENFORCEMENT

Law 4529/2018 on transposing into Greek law Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union and other provisions (Law 4529/2018) governs private enforcement of competition law in Greece.

Like Directive 2014/104/EU, Law 4529/2018 introduces the right to full compensation of every natural or legal person that has suffered harm by an infringement of competition law. Compensation includes both actual loss and loss of profit, plus payment of interest (Article 3).

Law 4529/2018 does not, however, include a collective redress mechanism, despite the European Commission's relevant horizontal recommendation.[28] Thus, it may be expected that the general Greek legislation on the matter would apply (Article 74 of the Greek Code of Civil Procedure). In addition, the possibility to bring a collective action for damages is provided for by Law 2251/1994 on consumer protection. However, in the absence of relevant case law, it is not absolutely clear whether these provisions would apply to private antitrust enforcement cases or whether these are limited to matters solely arising under the consumer protection legislation.

For the calculation of the damages, Law 4529/2018 stipulates that the court may estimate the amount of the damage inflicted to the claimant based on a probability standard, in cases where it is practically impossible or excessively difficult for the claimant to determine the precise amount of the harm suffered on the basis of the available evidence. To this end, the court should consider the nature and scope of the infringement, as well as the diligence that the claimant showed in collecting and using the relevant evidence. In this respect, we would expect the court to rely on relevant soft-law provisions of the European Commission.[29]

As regards the evidence that may be used in the context of private competition litigation, Law 4529/2018 specifically mentions that the court is authorised to order the disclosure of evidence contained in the HCC/EETT's case file. This possibility is, however, subject to certain restrictions. In particular, the court may not order the disclosure of the following evidence until the HCC/EETT has terminated its proceedings: (1) documents and information drawn up by natural or legal persons specifically in the context of the proceedings before the HCC/EETT; (2) documents and information drawn up by the HCC/EETT and sent to the parties during their proceedings; and (3) withdrawn settlement submissions. Also, under no circumstance may the court order the disclosure of (1) leniency statements; (2) settlement submissions; and (3) documents that quote, to an extent, parts of the documents under (1) and (2).

At the same time, the finding of a competition law infringement by virtue of a decision of the HCC, the EETT or the European Commission, that is not subject to appeal, as well as a final decision of the Greek and EU courts, following appeal, is binding for the Civil Court

28 Commission Recommendation of 11 June 2013 'on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law'.

29 Communication from the Commission 'on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union' and the accompanying Practical Guide of 11 June 2013.

© 2021 Law Business Research Ltd

ruling on a damages action. On the contrary, a final decision finding an infringement, which has been issued in another EU Member State and produced before the Greek Civil Court, constitutes conclusive proof of the infringement but is subject to rebuttal.

Third-party litigation funding is not specifically regulated by Greek law and it is not standard practice.

Law 4529/2018 provides for the formation of a special chamber within the Athens Courts of First Instance and Appeals (which are competent by law to hear damages actions) consisting of judges specialised in competition law; however, these are yet to be formed.

Finally, following enactment of Law 4529/2018, no relevant court decision has yet been publicised. The greatest difficulty that the Greek courts are expected to face in awarding damages under Law 4529/2018 is how to quantify harm.

VIII FUTURE DEVELOPMENTS

The covid-19 crisis has not left competition law enforcement unaffected. The HCC has shown its vigilance in monitoring the functioning of competition in the context of the current situation. In particular, the HCC has formed a special task force that is competent to issue guidelines addressed to undertakings and consumers on the application of competition law amid the crisis, collect information on initiatives to be implemented by undertakings and their compatibility to competition law and to conduct investigations into potential breaches of competition rules, including abuse of dominance. Meanwhile, following numerous consumer complaints throughout 2020, the HCC sent information requests to many undertakings active in the medical supplies market, as well as to hospitals and diagnostic centres (for covid-19 tests) and also conducted dawn raids in the food sector.

From a legislative point of view, one of the key issues to be highlighted in terms of regulation of competition, focusing on dominance, in Greece would be the envisaged amendments to the Greek Competition Act. In particular, the legislative committee, which was set up on 15 January 2020 with the mandate to review and propose legislative amendments to the Greek Competition Act in an effort to modernise competition rules in the digital age and protect competition in the product and service markets in the telecommunications and post services sector by introducing structural changes in Greek competition legislation, has submitted a draft bill to the competent Greek ministries. This is still under review and its content has not yet gone public.[30] Based on publicly available information, the new draft bill includes an innovative provision concerning the abuse of a dominant position in an ecosystem of structural importance for competition in Greece. This provision is only applicable where the aggregate worldwide turnover of the company in a dominant position amounts to at least €300 million.

30 See HCC Newsletter No. 3, October 2020, p.49.

© 2021 Law Business Research Ltd

Appendix 1

ABOUT THE AUTHORS

MARINA ANDROULAKAKIS

Bernitsas Law

Marina Androulakakis joined the firm in 1997 and is head of the EU, competition & antitrust department. Her practice is focused on EU, competition and antitrust law, advising national and international clients on antitrust, merger control and state aid issues, with considerable experience in cross-border and cross-section transactions, assisting clients on risk and strategy assessment and regulatory compliance.

Marina also has extensive experience in successfully representing clients across various industries in alleged cartel cases before the Hellenic Competition Commission as well as in merger cases, and has effectively coordinated multi-jurisdictional filings and obtained clearance for high-profile M&A transactions.

She has an expertise in assessing commercial agreements and policies for their compliance with competition law and also provides on-site assistance and practical guidance in dealing with dawn raids. Marina advises on the national and EU legislation governing public procurement and has undertaken complaints to the European Commission concerning alleged violations of EU rules. She has extensive experience in advising clients on emerging and existing data protection requirements (such as the EU General Data Protection Regulation (GDPR)), including identifying gaps and areas of potential infringement of data protection laws, designing, drafting, reviewing and updating data protection policies and privacy statements for online activities and advising on internal investigation procedures.

Marina represents clients in procedures before the Hellenic Data Protection Authority and actively advises on GDPR compliance. She is also experienced in advising on employment-related privacy issues as well as on the application of data privacy rules in the context of electronic communications and the operation of CCTV networks. Prior to joining the firm, Marina worked as a trainee at the Commission of the European Communities Directorate-General IA-External Relations in Brussels.

© 2021 Law Business Research Ltd

TANIA PATSALIA

Bernitsas Law

Tania Patsalia is a senior associate at the firm, which she joined in 2010. Her practice is focused on EU, competition and antitrust law, advising on all aspects of antitrust, merger control and state aid rules.

Tania regularly assists clients with antitrust and competition law issues arising from their commercial arrangements and has been involved in high-profile cartel and merger control cases before the Hellenic Competition Commission. She provides clients with on-site assistance in dealing with dawn raids, including running workshops and mock exercises. Tania also advises on the application of EU law in Greece and the regulatory requirements applicable to the telecoms, media and technology sectors, regularly liaising with regulators such as the National Telecommunications and Post Commission, the National Council for Radio and Television and the Hellenic Data Protection Authority. She provides guidance to telecoms operators on licensing requirements, compliance with their annual reporting obligations and telecoms issues relating to the use of new technologies and the launch of new products and services. Tania has broad experience in all aspects of EU and Greek data privacy rules and she routinely advises clients on the proactive identification, assessment and management of risks associated with their privacy practices. Tania assists clients in General Data Protection Regulation compliance steps, and advises extensively on how to identify compliance gaps and draft privacy policies, consent forms and data processing agreements. Prior to joining the firm, Tania worked as a lawyer with Ashurst LLP in Brussels as a member of the EU and competition law team and as a trainee at the European Commission, Directorate-General for Competition, Cartels Unit.

VANGELIS KALOGIANNIS

Bernitsas Law

Vangelis Kalogiannis is a junior associate with the firm, which he joined as a trainee in 2017.

Vangelis advises on EU and competition law matters, including cartels, merger control and damages actions. He also acts in data protection projects, such as reviewing and drafting data processing agreements. Vangelis advises on the regulatory requirements under EU and Greek telecommunications rules and liaises with the National Regulatory Authority.

BERNITSAS LAW

5 Lykavittou Street
GR-106 72
Athens
Greece
Tel: +30 210 339 2950
Fax: +30 210 364 0805
mandroulakakis@bernitsaslaw.com
tpatsalia@bernitsaslaw.com
vkalogiannis@bernitsaslaw.com
www.bernitsaslaw.com

© 2021 Law Business Research Ltd

an LBR business

ISBN 978-1-83862-771-3

© 2021 Law Business Research Ltd