

Hellenic Competition Commission (HCC) - Code of Ethics and Cybersecurity

Article 1 – Purpose

The purpose of the Code is to regulate the manner of exercising their duties by the HCC Board members and the staff of the HCC organisational units (within the meaning of Article 1 of the Presidential Decree No 76/13.6.2012 – “Organisation of the Hellenic Competition Commission”, as in force). The provisions of the Code provide for basic principles of ethics, in order to ensure, within the current legal framework, the legality and impartiality of HCC and its organisational units’ work, the preservation of stakeholders’ confidence, as well the protection of competition.

Article 2 – Scope

1. This Code applies to the HCC Board members and the staff of the HCC organisational units, irrespective of their employment relationship.
2. Upon taking up their duties, the HCC Board members and the staff of the HCC organisational units shall confirm in writing that they have been informed of the provisions hereof.

PART ONE: GENERAL PROVISIONS

Article 3 – Fundamental principles

1. In carrying out its work, the HCC is governed by the following fundamental principles: independence, impartiality, confidentiality, professionalism and transparency.
2. The HCC Board members and the staff of the HCC organisational units shall refrain from any act or omission that may affect the Authority’s status or undermine the relationship of trust between the HCC and the public.
3. The HCC Board members and the staff of the HCC organisational units shall perform their duties in compliance with the fundamental principles and obligations of paragraph 1 and take the necessary steps to dispel without delay any suspicion of possible infringement thereof, without any prior notice being required.

Article 4 – Obligation of independence

The HCC Board members and the staff of the HCC organisational units enjoy personal and functional independence and perform their duties unaffected by any outside intervention or attempt thereof. It is the responsibility of the HCC Board members and the staff of the HCC organisational units to reject any attempt to restrict their independence and to report it in writing to the persons responsible for supervising compliance with the present Code, as provided in Article 29 herein.

Article 5 – Obligation of impartiality

In the exercise of their duties, the HCC Board members and the staff of the HCC organisational units shall be bound only by law and their conscience. They shall act with

impartiality and transparency, in order to ensure the Authority's stature and strengthen public confidence.

Article 6 – Obligation of confidentiality

The HCC Board members and the staff of the HCC organisational units must preserve confidentiality on matters classified as confidential under current legislation. They are also subject to the obligation of confidentiality in any case whereby it is required by common experience and logic, regarding facts or information which has come to their knowledge during the performance of their duties.

Article 7 – Professional and business secrets

1. The HCC Board members and the staff of the HCC organisational units shall, both during their employment relationship with the Authority and after its termination, not disclose any information that constitutes a professional and business secret by its nature.

2. Professional and business secrets, within the meaning of paragraph 1, cover any information that objectively needs to be protected as confidential and not be disclosed to third parties, classified as such regardless of the subjective assessment of the interested parties. Indicatively, such information include, in particular, technical and/or financial information about a company's know-how, costing methods, production methods, supply sources, quantities produced and sold, market shares, customer and distributor lists, marketing plans, cost and price structures, sales strategies, etc.

Article 8 – Professional secrecy - non-disclosure

The HCC Board members and the staff of the HCC organisational units shall, both during their employment relationship with the Authority and after its termination, be under the obligation not to disclose any of the following to third parties, in breach of their duties:

- a) the content of the hearings before the Commission, including its members' deliberations, as well as any discussions on administrative and organisational matters or any other matter falling within the competence of the HCC and
- b) documents or information entrusted to them in the context of their official capacity,

unless they have already been made public or otherwise made known to the general public.

Article 9 – Inside information

1. The HCC Board members and the staff of the HCC organisational units are prohibited from using inside information they may receive in the performance of their duties for the purpose of acquiring or disposing of financial instruments to which that information relates, on their own behalf or on behalf of a third party, directly or indirectly. They are also prohibited from recommending, encouraging or suggesting to any other person not having access to the said information, to acquire or dispose of financial instruments to which that information relates or to cancel or amend an order in relation to a financial instrument to which that information relates.

2. For the purposes of paragraph 1, “inside information” shall include any information which is of a precise nature, has not been made public and relates, directly or indirectly, to one or more issuers or to one or more financial instruments, which, if it were made public, would be likely to have a significant effect on the prices of those financial instruments or on the price of a related derivative financial instrument.

3. Any violation of the prohibition of paragraph 1 may result in criminal penalties as laid down in Articles 28, 29(1), and 30 of Law 4443/2016.

Article 10 – Gifts or benefits

1. The HCC Board members and the staff of the HCC organisational units are not allowed to accept any gift or benefit connected in any way with the performance of their duties.

2. Only gifts of symbolic value may be exceptionally accepted. Determining whether a gift or benefit is of symbolic value, on the grounds of logic and common experience, lies at the discretion of the person concerned. In case of doubt, the offer must be rejected.

Article 11 – Personal data protection

1. The HCC Board members and the staff of the HCC organisational units may process personal data within the framework set out in Regulation (EU) 2016/679 of the European Parliament and Law 4624/2019 (Government Gazette A' 137/29.08.2019), only where necessary for the performance of their duties carried out in the public interest or in the exercise of official authority.

2. The HCC designates a Data Protection Officer, who shall duly and in a timely manner participate in all matters relating to the protection of personal data by exercising the duties described in Article 39 of Regulation (EU) 2016/679 of the European Parliament and Article 8 of Law 4624/2019. The post of Data Protection Officer may be filled by a staff member of the HCC's organisational units under any employment relationship or by a third person who shall perform his or her duties under a service contract. The Data Protection Officer enjoys full independence in the performance of his or her duties and reports directly to the President of the HCC.

Article 12 – Exercise of related scientific activities

1. The HCC Board members and the staff of the HCC organisational units may publish articles and scientific studies as well as deliver speeches at educational institutions, conferences, seminars or scientific events. Articles, studies and presentations with references to the HCC's work are submitted to the Administrative Unit of the Directorate-General for Competition for the purpose of their inclusion in the HCC Library.

2. Any articles, comments, case studies, presentations or statements on cases pending before the HCC are prohibited.

3. When publishing articles or studies as well as when making presentations, the author or speaker shall mention his/her capacity, stating that he/she expresses his/her personal views and does not represent the HCC.

Article 13 – Media relations – Use of Social Media

1. The responsibility for informing media about the activities of the HCC rests with the President and the President's Secretariat, Vice-President and Commissioners-Rapporteurs, under the President's supervision. Any communication of the other HCC Board members or staff of the HCC organisational units with media representatives on matters relating to the functioning of the HCC is prohibited, unless they have been generally or specifically instructed by the President to do so.
2. It is strictly forbidden, in all circumstances, to provide the press with information on the content of any complaint lodged to the HCC, as well as to pre-announce any upcoming investigation to be conducted either ex officio or following a complaint or to disclose the findings of an investigation until the issuance of the relevant decision under Article 25(1) of Law 3959/2011.
3. With a view to effectively inform the public, the HCC may maintain its own social media accounts. The content of these accounts is managed by the President or persons designated by him/her to do so.
4. The HCC Board members and the staff of the HCC's organisational units must manage any personal accounts on social media with prudence and decency, complying with the obligation of confidentiality. They shall not express or endorse, directly or indirectly, comments that could jeopardise the Authority's prestige or impartiality as well as comments that may be offensive to a particular audience.

Article 14 – Environmental protection – Environmental awareness

1. The HCC Board members and the staff of the HCC's organisational units are committed to protecting the environment as well as the health and safety of the staff members and those dealing with the Authority. They must perform their official duties in such a way as to protect the environment and optimally utilise the HCC's resources.
2. The HCC Board members and the staff of the HCC's organisational units must follow environmentally-friendly practices with regard to the supply, maintenance, reuse/recycling and disposal of its materials and equipment, with a view to optimally utilising its resources and minimising the ensuing impact on the environment.

PART TWO: OBLIGATIONS OF THE HCC BOARD MEMBERS

Article 15 – Conflicts of interest

1. The HCC Board members are required to immediately declare any financial or other interests that could cause conflicts of interest in performing their duties in the context of a pending case. With regard to the notification of their previous relevant professional activity, the obligation of Article 12(4) of Law 3959/2011 shall apply.
2. Conflict of interest shall be interpreted as any situation in which a member of the HCC has, directly or indirectly, a personal interest of financial or non-financial nature, which may reasonably call into question his/her ability to act with impartiality and independence in performing his/her duties.

3. Indicatively, the HCC Board members may be subject to a conflict of interest in the following cases:

a) whereby a party or another person related to the case is a spouse or relative by consanguinity or affinity, in a direct line to an unlimited degree and collaterally up to and including the fourth degree, or is a person with whom they have a particular relation or link or enmity; or

b) in view of their previous professional activity; or

c) as a result of their financial interests, as they become evident, in particular, through the possession of different types of financial instruments in companies directly or indirectly involved in a case pending before the HCC.

4. HCC Board members who are subject to a conflict of interest, are excluded from the exercise of their duties in the case concerned, as provided for in Article 6 of the Regulation for the Internal Operation and Management of the HCC (GG B' 54/16.01.2013). The criterion for deciding a positive finding of a conflict of interest is the extent to which the aforementioned factors may affect the impartiality of the HCC member concerned.

5. During their term of office, the HCC Board members shall refrain from any direct or indirect provision of services to companies involved in cases falling within the competence of the HCC, the European Commission or national competition authorities of other countries.

6. During their term of office, the HCC Board members shall refrain from any activity which is incompatible with their capacity, as provided for in Article 12(5) of Law 3959/2011.

Article 16 – HCC Board members' activities following the expiry of their appointment

After their term of office or after leaving the service for any reason, the HCC Board members shall not provide any services to any company related to the cases which they have handled themselves or in which they have participated in the decision-making process during their term of office. In addition, for a period of three (3) years from the end of their term of office or the date of leaving the service for any reason, they shall not be allowed to be involved in the litigation process before the HCC or to bring actions before the competent courts against HCC decisions or to represent the parties in actions for damages claims for losses suffered as a result of infringements of competition law, following the issuing of an infringement decision by the HCC.

PART THREE: OBLIGATIONS OF THE STAFF OF THE HCC ORGANISATIONAL UNITS

Article 17 – General principles of conduct

1. In the performance of their duties, staff members of the HCC organisational units are often in direct contact with representatives of undertakings, lawyers and other interested parties in general. Therefore, in the context of such contacts, they must behave in such a way that does not offend the Authority's standing, while maintaining public confidence.
2. Staff members of the HCC organisational units are not allowed to undertake commitments or give promises to third parties in the exercise of their official duties.
3. In the course of their communications with undertakings, staff members of the HCC organisational units must not express opinions or judgments on matters dealt with by the HCC and are not allowed to provide them with any information that is not related to their case. They shall also strictly observe the obligation of professional secrecy, complying with the classification of documents or information as confidential.
4. Staff members of the HCC organisational units shall behave with decency to those dealing with the Authority, while demonstrating willingness to be helpful at all stages of their cases' handling.
5. Staff members of the HCC organisational units must behave in a trustworthy manner even when they are off-duty. They are therefore required to behave with decency and professionalism even when undertaking any private project or working under remuneration to third parties, following prior authorisation from the HCC, in accordance with the law.

Article 18 – Performance of official duties

1. Each member of the staff of the HCC organisational units shall be responsible for the performance of his/ her duties and the legality of his/her official actions.
2. The staff of the HCC organisational units must comply with the orders of his/her hierarchical superiors. If a staff member has any reservations as to the compatibility of an order with the fundamental principles set out in Article 3(1) hereof, he/she shall, prior to its execution, express his/her reservations in writing to the persons responsible for supervising compliance with this Code, as provided for in Article 29 hereof.

Article 19 – Conflicts of interest

1. The staff of the HCC organisational units is subject to the obligation of taking all the necessary measures to prevent and avoid conflicts of interest, as laid down in Article 15(2) hereof.
2. The staff of the HCC organisational units shall not be engaged in any activity outside the exercise of the official duties and, generally, in any occupational activity, in addition to the main occupation, which could offend the status of the functions assigned to them and shall not act in any way likely to compromise the HCC's status, thereby casting doubt on its independence, impartiality and objectivity or is contrary to the HCC's interests and incompatible with its mission.
3. Conflicts of interest for staff members of the HCC organisational units may arise at various stages of their duties, such as, for example, during on-site inspections, direct

contact with undertakings and other stakeholders as well as in the course of the handling and substantive assessment of a case.

4. In any event where a staff member of the HCC organisational units considers that it is likely to find him/herself in a conflict-of-interest situation, he/she must report it in writing to his/her superior, stating the respective reasons. The hierarchically superior official shall assess the facts and decide whether or not the staff member concerned should be removed from the specific case.

Article 20 – Staff members’ activities after leaving the HCC

After leaving the service for any reason, staff members of the HCC organisational units are not allowed, for a period of six (6) months and in the context of their new occupation, to deal with cases that are subject to the application of Articles 1 or 2 of Law 3959/2011 and 101 or 102 TFEU and were handled by themselves during their service or term of office at the HCC. The prohibition of the first subparagraph shall be valid for one (1) year from the leaving-date of the staff members concerned if, at the time they were handling the case, they served in positions of responsibility.

PART FOUR: CYBERSECURITY

Article 21 – Information Technology (IT) Systems

1. The IT systems provided to the HCC members and the staff of the HCC organisational units include devices, hardware, software, media and networks used to produce, store, process, display, print, or transmit information in electronic form.

2. The IT systems shall be used solely for reasons intended to promote the objectives and purposes of the HCC, in an efficient and effective manner (legitimate use).

Article 22 – Non-legitimate use of IT systems

Non-legitimate use of IT systems shall include, in particular:

- a) transmission to unauthorised persons or to unsafe locations of confidential and sensitive internal files and information of the HCC;
- b) communication in a biased, insulting, offensive, defamatory or harassing manner;
- c) infringements of intellectual property rights,
- d) creation or transmission of chain messages and videotaped/audio material that does not serve official purposes, as well as any information that contributes to the creation of a hostile or inefficient working environment;
- e) exposure of IT systems to a risk of partial or total destruction as well as loss or theft, and
- f) their use for any illegal purpose.

Article 23 – Legitimate Use of the Internet

1. The HCC Board members and the staff of the HCC's organisational units should avoid using the Internet for personal reasons via the HCC's IT systems.
2. The HCC Board members and the staff of the HCC's organisational units are not allowed to use online electronic mails and chat rooms (web mails, messengers, chat rooms, etc.) via the HCC's IT systems, unless there is a relevant operational need.

Article 24 – Acceptable Use of the E-mail System

1. The HCC Board members and the staff of the HCC's organisational units should avoid using the HCC's e-mail system for personal reasons.
2. The HCC Board members and the staff of the HCC's organisational units should ensure that the reception, installation or mailing of any files that are considered suspicious or are likely to entail the transmission of viruses and other malicious software (such as exe, mpeg, avi, rm , qtm, wav, mp3, midi, aif, voc, au, dll, reg) is precluded. In case of receiving a suspicious e-mail containing such a file, they must inform, in a timely and duly manner, those responsible for the IT systems' security and quality.
3. Sending E-mails that are not accompanied by the special disclaimer is prohibited.

Article 25 – Use of Facsimile, Photocopy and Document-Shredding Equipment

1. Facsimile, photocopy and document-shredding equipment shall be solely used for official needs.
2. The HCC Board members and the staff of the HCC's organisational units must pay special attention when sending, copying and shredding documents, ensuring that they do not fail to:
 - a) check the equipment each time after the end of their use, so that no documents and information remain exposed and available;
 - b) keep proof of receipt of any facsimile transmission and
 - c) use the HCC's document shredders to destroy all documents that should be discarded.

Article 26 – Software Licenses and Use of Unlicensed Software

1. The HCC Board members and the staff of the HCC's organisational units must use all kinds of computer software in accordance with the terms of their respective License. Any use, installation or copying of software that does not comply with the User's License is prohibited.
2. Any installation or use of unlicensed software or devices in the technological environment of the HCC is expressly prohibited. Unlicensed software or devices includes any software or device that does not belong to the HCC and has not been installed by the competent staff of the Information Technology, Technological Applications and Telecommunications Unit.

Article 27 – Personal Computer Security Rules

The HCC Board members and the staff of the HCC's organisational units are required to comply with the following rules when using their personal computers:

- a) It is forbidden to copy files to storage media (USB, CD, DVD, etc.), unless it is so required by the respective HCC needs.
- b) The use of a modem or any other form of telecommunications connection with the Internet or any other external network is prohibited, unless it has been duly approved.
- c) The screen saver configuration shall be turned on after 5 minutes of inactivity of the computer and passwords shall be required to restore computer operation.
- d) Laptops must be stored in a safe location.
- e) Disabling the antivirus protection software on personal computers is not allowed.

Article 28 – Information Systems Security Policy

1. The HCC Board members and the staff of the HCC's organisational units must comply with the HCC's Security Policy, a document stating the security rules on the use of Information Systems and the obligations resulting therefrom.
2. In the event of any security breach, the HCC Board members and the staff of the HCC's organisational units are subject to the duty to inform, in a timely and duly manner, those responsible for the security and quality of the information systems.

PART FIVE: FINAL PROVISIONS

Article 29 – Supervision of compliance with the Code

By decision of the HCC Plenary, one of its regular members is appointed to supervise compliance with the provisions of this Code, in cooperation with the HCC President and the Head of the Directorate-General. Any issues that are considered by the above persons as being of a particular importance may be brought before the HCC Plenary. The supervision of matters relating to the protection of personal data is solely the responsibility of the Data Protection Officer.

Article 30 – Entry into Force of the Code of Ethics and Cybersecurity

This Code shall be without prejudice to the applicable legislative provisions and regulations binding the addressees of the present Code, which in all cases shall prevail.

This decision shall be published in the Government Gazette.