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PRESS RELEASE

Notice on Enforcement Priorities

On 12 January 2010, the Hellenic Competition Commission (HCC) issued a Notice on Enforcement Priorities, with a view to improving the efficiency of its enforcement action while also increasing transparency and accountability.

The prioritization of cases is generally based on the criterion of public interest. In particular, the HCC will be assessing the public interest considerations which arise from a particular case are, in the light of the estimated impact of a practice on the functioning of effective competition, and especially on consumers. In this context, priority will be given to ex officio investigations or complaints pertaining to:

- Hard core restrictions (price-fixing, market sharing and sales or production restrictions) of national scope, especially in cases of horizontal agreements (cartels), taking particularly into account the market position of the undertakings involved, the structure of the relevant market and the estimated number of the affected consumers.
- Products and services of major importance to the Greek consumer, where the anticompetitive practice under examination may have a significant impact on the increase of prices and/or the quality of the products/services supplied (especially as compared to Member States of the European Union).
- Anticompetitive practices with cumulative effect (i.e. practices applied by a large number of companies that are able to pass on the increased prices to intermediate undertakings or final consumers).

The HCC will be also examining whether a particular case falls under the strategic goals of the HCC with respect to enforcement action in certain relevant markets, industries or possible anticompetitive practices (as defined by it in the exercise of its discretionary power). Priority will also be given to compliance with the rulings of the Courts of Appeals and the Council of State concerning prior HCC decisions. Finally, the HCC will be assessing the necessity of adopting exceptional measures of regulatory nature in certain sectors of the economy, according to the strict terms and conditions of article 5 of Law 703/77, provided that such measures are absolutely necessary, suitable and proportionate for the creation of conditions of effective competition.

The prioritization of a particular case will obviously also depend on the available resources of the Authority, the possibility of establishing proof of an infringement, the necessity of providing guidance on novel issues of interest, as well as the assessment

of whether the HCC is the best-placed organ to act (particularly as compared to the jurisdiction of national courts to deal with cases of private interest).