

Non compliance of Coca Cola HBC SA with the past Decision of the Hellenic Competition Commission 207/III/2002

Athens, 14 June 2006

The Hellenic Competition Commission (HCC) has found with its Decision 309/V/2006 that Coca-Cola HBC SA has not complied with the previous Decision of HCC 207/III/2002. The latter Decision was upheld on appeal by the Athens Administrative Court of Appeal with its judgment 2116/2004.

The Hellenic Competition Commission ruled with its Decision 309/V/2006 that Coca-Cola HBC SA did not terminate the abuse of its dominant position, as it should have done according to the Decision 207/III/2002, which was issued on 1.2.2002. On the contrary Coca-Cola HBC SA continued to infringe article 2 of Law 703/1977 till 16.2.2006, when the case was examined by the HCC.

In particular, the Hellenic Competition Commission with its Decision 309/V/2006 ruled that Coca-Cola HBC SA did not comply (according to the Decision 207/III/2002) with its obligations to: a) withdraw the exclusivity clauses concerning the use of the freezer cabinets from its free-on-loan contracts in particular as regards final retail outlets which do not have capacity for their installation of an additional competitive soft-drinks' freezer, b) end any discrimination in favor of exclusive wholesale dealers and c) end to any discrimination in favor of retail outlets except for the non-exclusive ones.

Finally, the Hellenic Competition Commission ruled that the periodic penalty payment of 5.869 euros threatened for each day of delay in case of non compliance with Decision 207/III/2002 should be payable by Coca-Cola HBC SA. The HCC imposed on Coca-Cola HBC SA the amount of 8.662.644 euros for 1476 days (1.2.2002 till 16.2.2006).