



**HELLENIC REPUBLIC
HELLENIC COMPETITION COMMISSION**

Athens, 30 December 2019

PRESS RELEASE

Decision of the Hellenic Competition Commission (hereinafter, “HCC”) on the *ex officio* investigation of the Directorate-General for Competition on suspected infringements of Articles 1 and 2 of Greek Laws 703/1977 and 3959/2011 respectively, as well as Articles 101 and 102 TFEU, by the company “FRIESLAND CAMPINA HELLAS SA” in the context of industry cooperation agreements with wholesalers in the market for the production and sale of dairy products.

Following an *ex officio* investigation by the Directorate-General for Competition into “FRIESLANDCAMPINA HELLAS SA”, a company active in the dairy sector, the HCC in its Plenary Session reached a unanimous decision (Decision No. 676/2018 of 21.12.2018) finding that the above company breached Article 1 of Greek Law 703/77, as was in force at the time of the infringement (now Article 1 of Greek Law 3959/2011), as well as Article 101 TFEU, through its participation in a prohibited vertical agreement consisting of (a) resale price maintenance; and (b) imposing a non-compete clause on its affiliated wholesalers/ distributors. Although each of the aforementioned practices appear to have taken place at different times and had (at least on the basis of the data available to the HCC) different scope, the HCC considered that they constitute one single and unified deterrent strategy, which was observed throughout the years in a time period spanning from 1996 up until at least 2014. As regards the first type of violation (resale price maintenance), its duration was from 1996 to at least 2014. As regards the second type of violation (non-compete clause), its duration was from 1996 to April 2009.

By its same Decision, the HCC (a) unanimously imposed upon the aforementioned company the obligation to refrain in future from the respective infringement of Article 1 of Greek Law 703/1977 (now Article 1 of Greek Law 3959/2011) and Article 101 TFEU; (b) by majority, imposed a fine on the company for committing a single and continuous infringement of Article 1 of Greek Law 703/1977 (now Article 1 of Greek Law 3959/2011) and Article 101 TFEU, amounting to three million three hundred four thousand one hundred and ten euros (EUR 3,304,110); (c) unanimously threatened the aforementioned company with a penalty of ten thousand euros (EUR 10,000) for each day of delay in complying with the Decision, from the day of its

publication, i.e. for each day of repeating the infringement, if such infringement is established by a new HCC decision.

The HCC, by majority, found that company had not committed an infringement of Article 2 of Greek Law 3959/2011, as elaborated in the grounds of the Decision, also finding that the conditions for prohibition pursuant to Article 102 TFEU were not met and, therefore, there was no reason for further action by the HCC in this respect.