

Press Release

Subject: Actions taken by the HCC in the context of the enforcement of competition rules in special economic and social conditions

The Hellenic Competition Commission (HCC), acting within its powers, systematically investigates and monitors the economic data of various sectors, in particular concerning health products and services, basic consumer goods and food products, consumer complaints and press reports, on the one hand, as well as price increases of key consumer products (for example, agricultural products) throughout the value chain and, on the other hand, regarding any shortages of these products and has developed a targeted intervention strategy, to be applied wherever and whenever deemed necessary, in its capacity as the authority responsible for finding any infringements of the provisions of Law 3959/2011 and Articles 101 and 102 TFEU or through regulatory interventions. In the context of these interventions, it will severely punish any such infringements.

In addition, the HCC notes the following:

A) In the light of information on possible horizontal agreements or concerted practices (cartels) between companies (actual or potential competitors in relevant markets [1]) and / or decisions of business associations in which actual or potential competitors participate, the HCC instructed the staff of the Directorate-General for Competition and the Prefecture concerned to carry out an immediate unannounced on-site inspection at the premises of undertakings active in the food industry and issued a relevant Announcement (*for its contents, click [here](#)*).

It is noted that on-site inspections are a preliminary action in case there are signs of anti-competitive practices. Conducting such inspections does not prejudice that the undertakings are engaged in an anti-competitive behavior, nor does it prejudice the outcome of the investigation.

B) The HCC continues to intervene, under the present circumstances in which the country is being afflicted by the Covid-19 pandemic, where it is deemed necessary in its capacity as the authority responsible for finding any infringements of the provisions of Law 3959/2011 and Articles 101 and 102 TFEU. In this context, the HCC decided to initiate *ex officio* investigations in sectors where there were signs raising competition concerns (either to find anti-competitive practices or to determine whether conditions of effective competition in the sector investigated are not in place) in companies active throughout the product value chain, mainly for food products (for example, animal feed, cereals, milk, eggs and chicken) and may extend its investigations also to other sectors.

C) The filling in of questionnaires and the submission of invoices and other material through a special online form, the preliminary investigation initiated by the HCC, following complaints from consumers and media reports on price increases and shortages in healthcare materials, have been completed. The Commission has investigated more than 3,500 companies active in the production, import and marketing of healthcare materials in order to decide whether the conditions required for launching an *ex officio* investigation to find any violations of Articles 1 and 2 of Law 3959/2011 and Articles 101 and 101 or for a regulatory intervention pursuant to Article 11 of Law 3959/2011 are in place. The information collected by the HCC, due to the large number of investigated companies, allows an

overall addressing of any problems by opting for the use of the most appropriate tool. It is noted that, for those companies that did not respond, the HCC, acting in its competence, will continue its investigation by exercising its investigative powers autonomously or in cooperation with other public authorities (on-site inspections, questionnaires aiming at the collection of information, statements).

It is noted that the competent body for the investigation of any cases of excessive pricing for the above healthcare materials that do not fall under the responsibilities provided for by Law 3959/2011 (e.g. unilateral - individual decisions on price increases by "small" businesses) and the imposition of related sanctions, according to the Legislative Act of 20.03.2020 (GG A' 68 / 20-03-2020), is the General Secretariat for Commerce and Consumer Protection of the Ministry of Development and Investments.

[1] Indicatively, unlawful conduct may refer to the coordination of pricing policy or production between companies that are actual or potential competitors, following one meeting between them at least, even if such coordination has not been implemented or has not had any anti-competitive effects.