

GREECE

(1997)

I. Summary

1. This Annual Report summarises the enforcement of the Greek Competition Law for the year 1997. During the period under review there have been no legislative changes made, with respect to the Greek Competition Act 703/77 on the Control of Monopolies and Oligopolies and on the Protection of Free Competition. Its last amendments were enacted in 1995.

2. During the period under review i.e. from January 1st, 1997 to December 1997, 69 decisions were issued by the Competition Committee while 184 cases were notified to its Secretariat.

II. Enforcement**a. Statistics**

3. The 184 notified cases as well as the 69 issued decisions, are classified in the following two tables :

1. Agreements	31
2. Complaints	34
3. Mergers	105
4. Provisional Measures- Fines - Opinions	14
Total	184

		Cases Handled	Decisions
Agreements	31	6	1
Complaints	34	12	1
Mergers (pre – notification)	44	44	44
Mergers (post – notification)	52	52	
Requests for derogation	9	9	9
Provisional Measures	4	4	4
Opinions requested	1	1	1
Fines	9	9	9
<i>Total</i>	184	137	

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b. Summary of cases

b.1 Agreements

4. A notified franchise agreement in the cosmetic sector was granted an individual exemption on the grounds that the provisions of par. 3 of article 1 were satisfied. According to the assessment of the Competition Committee the three necessary for such an exemption conditions - as stated below- were cumulatively fulfilled since the agreement :

1. contributed to the improvement of the production or distribution of goods, while allowed consumers a fair share of the resulting benefit;
2. did not impose on the undertakings concerned, restrictions which were not indispensable to the attainment of the aforementioned objective;
3. did not afford to the undertakings the possibility of eliminating competition in respect of a substantial part of the relevant market in question.

b.2 Fines

5. Fines were imposed in two of the cases handled . The first case refers to a fine imposed on the undertakings concerned in a post-merger control case as it was not notified within the time limit provided by the relevant provisions of the Greek Act. (article 4a.1).The second case refers to a fine imposed on two undertakings for not providing the requested information during the process of a premerger control notification (article 25) The fines amounted to 4 million and 2 to million GRD respectively.

b.3 Opinion delivered

6. Upon request of the Minister of Development (*ex* Commerce) the Competition Committee delivered an opinion on whether a Ministerial decision allowing the introduction of suggested prices by producers of bottled water and refreshments in general, would be permissible and compatible to the general provisions of competition law. The underlying reasons for such a question are to be found in the numerous complaints made by consumers for the extremely high prices charged during the summer season especially in islands, stadiums, airport bars and generally at points of sales near places of tourist interest. These suggested prices would actually act as maximum prices for the products under question and should be printed on the relevant containers i.e. plastic bottles, carton boxes, etc. According to the opinion of the Competition Committee the introduction of suggested / maximum prices for these products when they are offered for sale during the summer period, in the above mentioned places and geographical regions , can be permitted on the grounds of public interest and the need for the consumer's protection.

b.4 Mergers

7. As it was stated in the beginning of the report 44 cases were handled under the premerger control regime. According to the provisions regulating the relevant procedure , as a total of 16 cases was

found not to fall within the scope of the relevant article (4b.1) this was recorded by equal in number administrative Presidential decisions.

III. Resources of competition authorities

- a) Annual Budget , year 1997: 114 million GRD
- b) Number of employees , year 1997: 22