

Regulatory remedies imposed by a Competition authority

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Pseudo-dilemma

- **Competition or regulation ?**
- **Do they operate as alternates or concurrently ?**

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The Greek example

The Hellenic Competition Committee (HCC) is entitled to impose Regulatory remedies, under specific conditions, after proceeding with the examination of a specific sector of the market.

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Conditions

1. The HCC ascertains that conditions of effective competition do not prevail in said sector and
2. The HCC deems that the application of articles 1, 2, 2a and 4 of the antitrust law 703/77 do not suffice for the creation of conditions of effective competition.

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Public consultation

- Announcement of the commencement of the procedure.
- Within sixty (60) days the HCC publishes its views and submits them for public consultation, for at least thirty (30) days.
- Within 15 days the HCC publishes summary of the expressed views.
- Notification of the proposed regulatory remedies and public consultation within 30 days.
- The HCC imposes the specific behavioral or structural remedies.

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Regulatory remedies

compliance :

- with the principle of transparency,
- the non-discrimination principle,
- the principle of accounting separation and the obligation of cost orientation for prices.

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Public consultation

- Right of the Minister of Development to abate the implementation or amend the remedies.
- Within 1 year review of the market and the remedies by the HCC.

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Implementation

- **Oil Market**
- **Car market**

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**Hellenic Competition Committee
measures imposed in Greek oil
market (the measures are now under
the yearly review process)**

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Hellenic Competition Committee measures	Amendment by Minister of Development	Period measures are to be implemented for under Ministerial Decision
Refineries should invoice petroleum products intended for the domestic market (petrol, diesel and heating oil) at the price known on the order date.	Refineries should notify trading companies in writing or by email of the sale price of petroleum products intended for the domestic market (petrol, diesel and heating oil) no later than 10:00 hours on the delivery day.	1.7.2007
Notification of measure 1 to trading companies with which each refinery does business on the Greek petroleum products market.	Unchanged	30 days from 18.4.2007

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Petroleum product trading companies which give discounts (on the invoice, retrospective, for support purposes, etc.) are obliged to adopt nationwide-applicable objective criteria for how they grant them (observing the principles of proportionality and transparency).	Unchanged	30 days from 18.4.2007
Notification of measure 3 to the Hellenic Competition Commission (criteria, terms and other conditions under which various discounts are given to petrol station owners).	Unchanged	30 days from 18.4.2007
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Petroleum product trading companies are obliged to state the discount amount (€/l) on sales invoices they issue.	Unchanged	60 days from 18.4.2007
Notification of the invoicing method to the Hellenic Competition Commission and any change to it which applied by trading companies to retail trade businesses and other purchasers.	Unchanged	60 days from 18.4.2007
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Hellenic Competition Committee Proposals

- **Removal of restrictions on the issuing of new liquid fuel transportation licenses using private trucks.**
- **Deregulation of the opening hours for petrol stations.**
- **Review of the relevant legislation on licensing and operating terms of petrol stations to permit entry by possible competitors.**

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Hellenic Competition Committee Proposals

- **Revision of petrol station contracts on 'closed' motorways to remove constraints on competition.**
- **Installation of special electronic signboards on 'closed' motorways to inform drivers about the price of fuel at the next two petrol stations.**
- **Installation of cash registers at petrol stations.**

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Judicial Control

- The decisions may be contested in the Council of the State (by filing a petition for cancellation)

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Enforcement

- Fine from 15.000€ up to 15% of the company's annual turnover in case of non implementation.
- **Application of art. 81 and 82 of European Community Convention**

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