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Hellenic Competition Commission carries out unannounced inspections in the cosmetics and personal care sector and in the eyewear sector

Relevant market

On 18 February 2022, the Hellenic Competition Commission (the Greek Competition Authority, 'HCC') officials carried out a dawn raid at the premises of an undertaking active in the cosmetics and personal care sector, pursuant to Article 39 of the Greek Competition Act (Law 3959/2011, as amended by Law 4886/2022 'on the Modernisation of Competition Law for the Digital Era', and currently in force). Few days later, on 22 February 2022, the HCC conducted another dawn raid, this time at the premises of an undertaking active in the eyewear sector.

Suspected violations

The dawn raids were conducted in the context of HCC's investigation into suspected anti-competitive practices under Article 1 of Law 3959/2011 and/or Article 101 TFEU. In particular, in the cosmetics case, the HCC suspected that the undertaking might have engaged in practices that affect resale prices and prevent members of its selective distribution network from selling its products through online platforms. Similarly, in the eyewear investigation for suspected anti-competitive practices under Articles 1 and 2 of Law no. 3959/2011 and/or Articles 101 and 102 TFEU, the HCC has received a complaint that the undertaking might be engaging in practices that affect resale prices and prevent member of the distribution network from selling its products through online platforms.

As a standard practice, the HCC notes that the carrying out of such inspections does not mean that the undertaking under investigation has engaged in anti-competitive behaviour, nor does it prejudge the outcome of the investigation itself.

Commentary

Following the lifting of most of the restrictions due to COVID-19, national competition authorities are getting back to normal on-site inspections activity. The HCC has been one of the most active authorities in 2021 in terms of

dawn raids, having carried out investigations in markets covering a wide range of products and services such as refining, wholesale and retail trade of petrol and gas, wholesale and retail trade of supermarket products, public tenders for the provision of IT systems, cadastral survey services, as well as the markets for sunflower, cotton and maize seeds and the markets for plant protection products, etc.

Nevertheless, so far the HCC has been moderately active with respect to restrictions on online sales via online platforms, which is the reason why these cases attracts practitioners' attention, especially in view of the upcoming amendment of the VBER.

Therefore, we are keeping abreast of developments of these interesting cases, eager to see which particular restrictions are involved and how they may be assessed by the Authority. In view of the above, even though the specifics of the investigated restrictions are not known, we would be very interested to see in the near future, how the HCC assesses access to online platforms, dual pricing or RPM, either in its traditional form or in the form of minimum advertised price policies ('MAPs'), as well as price monitoring considerations – if of relevance to these investigations.

Stay tuned!