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Hellenic Competition Commission imposes fines totalling 453,573 EUR for resale price maintenance on three undertakings active in the import / manufacturing, wholesale and retail sale of school bags following a settlement procedure*

Relevant market

The Hellenic Competition Commission (the Greek Competition Authority, 'HCC') *ex officio* investigation was conducted in the Greek markets of import / manufacturing, wholesale and retail sale of school bags**, school lunch bags, pencil cases, and waist bags (hereinafter together referred to as 'school supplies').

Detected infringements and Settlement Procedure

Following on-site inspections at the premises of undertakings operating at all levels of the supply chain of school supplies, the HCC found that the undertakings concerned engaged in resale price maintenance ('RPM') practices in different time periods between 2016 and 2021, with which the participating retailers largely complied. According to the HCC, said practices constituted prohibited vertical agreements infringing Articles 1(1) of the Greek Competition Act (Greek Law 3959/2011) and Article 101(1) TFEU.

All the undertakings involved in the case participated in settlement discussions with the HCC. On 02 November 2022, the Plenary Session of the HCC unanimously decided to accept the Settlement Proposals submitted by the parties and to impose reduced fines of 36,864 EUR, 254,246 EUR and 162,463 EUR respectively (453,573 EUR in total).

Commentary

It is worth noting that the HCC initiated its *ex officio* investigation after a sampling check on the two biggest price comparison websites in Greece, Skroutz.gr and BestPrice.gr, regarding the prices of the most popular brands of school bags and pencil cases on online shops.

Moreover, starting from the case of prohibited vertical agreements in the import and trading markets of power-driven hand tools and garden tools in July 2022***, this is the second case relating to vertical restraints which has been subject to the HCC Settlement Procedure under the newly enacted regime within less than four months. The new regime, passed by the HCC with Decision 790/2022, allows settlement also for vertical violations. Taking into account that, in the meantime, only two more HCC decisions on vertical infringements were issued, which could not be subject to settlement - as these cases were discussed before the HCC long before the entry into force of the new regime, it remains to be seen whether this possibility will be used by more undertakings under investigation for alleged violations in the context of vertical agreements.

Stay tuned!

*The issuance of the Settlement decision is pending.

**The term 'school bag' may include any product that can be used for the carriage of books and any paper material in general.

*** See our relevant DLC newsletter here.