

Competition & Regulation Report

March - April 2015

EDITORIAL:

“The European Commission sent Statement of Objections to Gazprom:
The new decade antitrust battle begins”

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- The EC sent Statement of Objections to Google on comparison shopping service and opened separate formal investigation on Android
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Editorial

The European Commission sent Statement of Objections to Gazprom: The new decade antitrust battle begins

On 22.04.2015 the European Commission sent to Gazprom a [Statement of Objections](#) (IP-15-4828) for presumed breaches of European Antitrust Law in gas supply markets of several member states of Central and Eastern Europe. Now after the establishment of the Statement of Objections there is much more chance that the procedure will be concluded.

The gas sector is in full transformation. The dominance of public incumbents in the member states is challenged. The diversification of supply sources in Europe is intensified (LNG, spot, hubs etc.). The traditional prima facie compatibility of long-term supply contracts with competition constraints is put under question.

The liberalization started with the so-called downstream contracts (between member states incumbents and intermediary or final consumers) and the tendency is confirmed with the so-called upstream contracts (between gas producers and incumbent suppliers). Territory restrictions of any form in reselling the gas outside of the destination territory, pricing formula (oil indexation, take or pay clauses etc.) and control over transmission infrastructures are the main concerns raised in the frame of long-term supply contracts.

In these matters the Gazprom case is expected to contribute benchmark clarifications. All these questions related and examined also under the justification of security of supply, which

had been for long ago the justification for the aforementioned restrictions. The Gazprom case is expected to be not only of paramount diplomatic and commercial importance, but also a leading case in terms of the legal issues which is supposed to clarify.

For further details you can find the fact sheet of the European Commission (MEMO 15-4829) [here](#) and the statement of Commissioner Vestager (Statement 15-4834) [here](#).

Antitrust

The EU Court of Justice upheld European Commission's decision in the bananas cartel case

On 19.03.2015 the EU Court of Justice dismissed the appeal brought by banana importer Dole against a General Court judgment of 2013 (case C-286/13 P). The EUCJ judgment entirely confirmed the Commission's assessment of the bananas cartel case in relation to Dole. The judgment also confirms that communications between competitors leading to horizontal price-fixing through a cartel are anticompetitive by their very object and amount to a violation of EU antitrust rules, without requiring an analysis of their effect on competition in the market. To read the full Memo of the Commission (MEMO/15/4637) click [here](#). To read the judgement of the EUCJ, click [here](#).

The EU Court of Justice ruled on appeals against a General Court judgment regarding fines on several companies participated in a cartel on the markets for chloroprene rubber

On 05.03.2015 the EU Court of Justice ruled on appeals against a General Court judgment of December 2012

regarding a Commission decision of December 2007 fining several companies for their participation in a cartel on the markets for chloroprene rubber. The GC had confirmed the Commission assessment of the cartel but had reduced the fine imposed on ENI from about €132 million to €106 million. The EUCJ substantially confirmed the findings of the Commission's 2007 decision. To read the full judgment of the EUCJ, click [here](#).

The EU Court of Justice confirmed the fine of €210 million imposed on LG Display for its participation in the cartel on the market for LCD panels

In 2010 the Commission imposed fines totaling €648.925 million on six Korean and Taiwanese producers of liquid crystal display panels (LCD panels) because of their participation in a cartel from 2001 until 2006. One of the largest fines, amounting to €215 million, was imposed on LG Display. In 2014 the General Court essentially upheld that decision but reduced by €5 million the fine imposed on LG Display. LG Display then brought an appeal before the Court of Justice seeking a greater reduction in the fine. The EUCJ dismissed LG Display's appeal and confirmed the fine as reduced by the General Court. To read the full press release of the EUCJ (No 41/2015) click [here](#). To read the full judgment of the EUCJ, click [here](#).

Opinions of the Advocate General on appeals against General Court's judgements relating to Total's paraffin wax cartel

On 26 March 2015, the Advocate General issued his opinions on appeals by Total SA and its subsidiary Total

Marketing Services against the General Court's judgments on their challenges to the Commission's decision concerning the paraffin wax cartel (Cases C - 597/13 P, C - 634/13 P). To read the opinion of the Advocate General in case C - 597/13 P, click [here](#) and in case C - 634/13 P, click [here](#) (French versions available).

The European Commission sent Statement of Objections to Google on comparison shopping service and opened separate formal investigation on Android

On 15.04.2015 the European Commission sent a Statement of Objections to Google outlining the Commission's preliminary view that the company is abusing a dominant position, in breach of EU antitrust rules, by systematically favoring its own comparison shopping product in its general search results pages in the European Economic Area. To read the full press release (Memo-15-4781) click [here](#). The Commission has also opened formal proceedings against Google to investigate in-depth if the company's conduct in relation to its Android mobile operating system as well as applications and services for smartphones and tablets has breached EU antitrust rules. This investigation is distinct and separate from the Commission investigation into Google's behavior in internet search. To read the full press release of the Commission (Memo-15-4782) click [here](#). To read the statement of Commissioner Vestager on antitrust decisions concerning Google (Statement/15/4785), click [here](#).

The European Commission opened in-depth investigation into public contracts between Brussels authorities and French advertising company JC Decaux

Following a complaint, the European Commission has opened an in-depth investigation to assess whether two measures granted by the Brussels authorities in favour of the French outdoor advertising company JC Decaux were in line with EU state aid rules. The Commission has concerns that certain tax and rent exemptions may have given the company a selective advantage over its competitors. To read the full press release of the Commission (IP-15-4661) click [here](#).

Swedish, French and Italian competition authorities obtain commitments in online hotel booking sector

The competition authorities of Sweden, Italy and France have accepted commitments offered by Booking.com, Europe's largest online hotel booking platform. These commitments address competition concerns that the authorities raised in relation to so-called parity clauses contained in Booking.com's agreements with hotels. To address these concerns, Booking.com offered commitments, regarding upon which the three authorities sought stakeholder views on in December last year (see also C&RR Issue 5/2014). Booking.com amended its draft commitments to take the comments from the market tests into account. The final commitments will be implemented as of 1 July 2015 in Sweden, Italy and France. To read the relevant press release of the Commission click [here](#). To read the full press release of the French Authority click [here](#), of the Italian Authority click

[here](#) and of the Swedish Authority click [here](#).

Speech on the New Agriculture Antitrust Guidelines

A conference on “Co-operating to Compete: The New Agriculture Antitrust Guidelines” took place in Brussels on 04.03.2015 in which the new competition rules in the agricultural sector had been discussed. To read the full speech of Alexander Italianer, the Director - General for Competition click [here](#).

Speech on Competition policy in the EU: Outlook and recent developments in antitrust

On 16.04.2015 the European Commissioner in charge of competition policy Margrethe Vestager gave a speech in Peterson Institute for International Economics, in Washington DC on Competition policy in the EU: Outlook and recent developments in antitrust. To read the full speech click [here](#).

Commissioner in charge of competition policy Margrethe Vestager announced proposal for e-commerce sector inquiry

On 26.03.2015 at a conference in Berlin the European Commissioner in charge of competition policy Margrethe Vestager announced a forthcoming proposal to launch a competition inquiry in the e-commerce sector. To read the full press release of the Commission (IP-15-4701) click [here](#). To read the speech of the Commissioner, click [here](#).

ICC launched Antitrust Compliance Toolkit

The International Chamber of Commerce (ICC) guide on competition law compliance aims to ensure that small and medium-sized enterprises (SMEs) and their employees understand why complying with competition law makes good business sense. This toolkit provides a brief overview of areas smaller businesses should be aware of and practical tips to assist them in building and reinforcing a credible approach to competition law compliance. In a concise and user-friendly format, the SME toolkit aims to ensure that smaller businesses understand the rules and operate both ethically and legally. The ICC SME Toolkit was launched on 27 April 2015 at the 7th ICC Roundtable on Competition Policy in Sydney. To read the full press release of ICC and to download the guide, click [here](#).

France: The Autorité de la concurrence fined €192.7 million an anticompetitive agreement on dairy products sold under retailers' private labels

The Autorité de la concurrence issued on 12.03.2015 a decision in which it found several producers guilty of entering into an anticompetitive agreement. The cartel concerned the fresh dairy products sector (yoghurts, fromages blancs, milk-based desserts, etc.). The penalized practices took place from 2006 to 2012 with a variable duration depending on the companies. The Autorité stressed that many elements of the case indicated that the undertakings which received fines held meetings and had numerous telephone conversations aimed at price-fixing and allocating volumes between themselves in the own-brand dairy products sector.

To read the full press release of the Autorité click [here](#).

France: The Autorité de la concurrence fined 3 millers for anticompetitive agreements on increases in the price of flour sold to craft bakeries

The Autorité de la concurrence issued on 26.03.2015 a decision whereby it fined Axiane meunerie, Minoteries Cantin and Grands Moulins de Strasbourg a total of 1.1 million euros for having reached anti-competitive agreements on the price of flour sold to bakers in 2007. To read the full press release of the Autorité click [here](#).

France: Opinion of the Autorité de la concurrence on joint purchasing agreements in the food retail sector

The Minister for the Economy, Industry and Digital Affairs and the Economic Affairs Committee of the French Senate have referred to the Autorité for an opinion on the impact on competition of centralized purchasing and listing offices in the food retail sector. The Autorité issued an opinion in which it proposed a grid for the general analysis of risks arising from the cooperation agreements recently concluded and provided recommendations. To read the full press release of the Autorité click [here](#).

France: The Autorité de la concurrence has published a new notice concerning its Leniency Program

The Autorité de la concurrence has adopted the revised procedural notice relating to its Leniency Program. This revision of the notice of March 2009 notably makes it possible to take into account the results of the study of 15 April 2014 concerning leniency as well

as amendments to the European Model Program produced by the ECN in November 2012. To read the full press release of the Autorité click [here](#).

UK: Companies fined over £775,000 in CMA investigation into advertising of agents' fees

An association of estate and lettings agents in Hampshire, three of its members and a newspaper publisher have admitted breaching competition law and have agreed to pay penalties totaling over £775,000. To read the full press release of CMA dated 19.03.2015 click [here](#).

UK: Ofwat has referred an appeal from Bristol Water plc to the CMA

The Water Services Regulation Authority (Ofwat) has referred an appeal from Bristol Water plc to the CMA. This follows the water supply company's decision to reject the regulator's final determination on price limits for the period 2015 to 2020, broadly on the grounds that they were too low. Ofwat is required to refer such appeals to the CMA under the Water Industry Act 1991. The CMA's task is to determine the appeal and, if necessary, set new price limits. Its deadline is 3 September 2015. To read the full press release of the CMA, click [here](#).

Greece: The HCC imposed fines totaling € 5.3 million to Procter & Gamble concerning antitrust violations in the retail market for baby diapers in Greece

Following an ex officio investigation, the HCC concluded that Procter & Gamble has infringed Articles 2 of the Greek Competition Act and 102 TFEU and Articles 1 of the Greek Competition

Act and 101 TFEU (in connection with commercial practices employed by it in the retail market for baby diapers in Greece. To read the full press release of the HCC, click [here](#).

Greece: Statement of Objections by HCC addressed to companies active in the production and trading of steel products regarding alleged infringements of competition rules

Following the issuing of a Statement of Objections, the HCC will convene on 29.05.2015 to hear a case concerning an alleged infringement of articles 1 and 2 of the Greek Competition Act, and articles 101, 102 TFEU, by, inter alia, undertakings and an association of undertakings active in the steel long products sector (manufacture and sales / distribution) in Greece. To read the full press release of the HCC, click [here](#).

Greece: Investigation of complaints filed by tobacco distributors against tobacco manufacturers and review of proposed commitments by tobacco manufacturers

The HCC convened on 29.04.2015, to examine, following the issuance of a preliminary report whether the leading producers of tobacco products in Greece have infringed national and EU competition rules in the context of the recent restructuring of their distribution network and whether the proposed commitments offered by tobacco manufacturers should be accepted, in order to meet the competition concerns expressed by the HCC in its preliminary report regarding potential vertical restraints in the distribution agreements agreed by those tobacco producers and their new distributors. To read the full press release of the HCC, click [here](#).

Greece: HCC's Notice on the treatment of confidential information of cases and on the submission of the non-confidential version of documents

The HCC has issued a Notice on the meaning and treatment of confidential information of cases falling within the ambit of L. 3959/2011, including merger cases, as well as on the way in which a non-confidential version must be submitted. The Notice clarifies the application of L. 3959/2011 and article 15 of the Rules of Internal Procedure of the HCC in this respect, taking into consideration recent national and EU legislation and jurisprudence and codifying for the future the HCC's best practices. To read the full press release of the HCC dated 05.03.2015 click [here](#).

Greece: HCC published a report for its actions in 2013

On 16.03.2015 the HCC published a report for its actions in 2013. To read the full report of the HCC, click [here](#).

Mergers**The General Court confirmed the Commission's decision prohibiting the proposed merger between Deutsche Börse and NYSE Euronext**

By its judgment dated 09.03.2015 in Case T-175/12 the General Court fully upheld the Commission's 2012 decision under the EU Merger Regulation to prohibit the proposed merger between Deutsche Börse and NYSE Euronext. The judgment is important because it confirmed that the merger would have eliminated healthy competition between trading and clearing platforms in Europe and that the Commission acted properly by

prohibiting it. The merger would have caused significant harm to worldwide users of European financial derivatives and to the European economy as a whole. The General Court rejected all the pleas raised by Deutsche Börse. To read the full press release of the Court (No. 32/2015) click [here](#). To read the relevant press release of the Commission (Memo-15-4579) click [here](#).

The European Commission cleared acquisition of automotive components manufacturer TRW by rival ZF, subject to conditions

The European Commission has approved the acquisition of the global automotive component manufacturer TRW of the US by its rival ZF Friedrichshafen of Germany under the EU Merger Regulation. The decision is conditional upon the divestment of TRW's businesses in the design, manufacturing and sale of chassis components. The commitments offered by ZF address Commission's concerns. To read the full press release of the Commission (IP-15-4600) click [here](#).

The European Commission cleared joint venture between ArcelorMittal and CLN for steel service centres in Italy

The European Commission has approved under the EU Merger Regulation the creation of a joint venture between ArcelorMittal's subsidiary AMDS Italia and CLN, both of Italy. ArcelorMittal and CLN plan to combine their steel service centres activities in Italy. The Commission concluded that the proposed transaction would not significantly reduce competition, notably because of the joint venture's limited market share and the already existing supply links

between ArcelorMittal and CLN. To read the relevant press release of the Commission click [here](#).

The European Commission cleared joint venture between Riverstone and Barclays in energy sector

The European Commission has approved under the EU Merger Regulation the creation of a joint venture by Riverstone Holdings LLC of the US and Barclays Bank plc of the UK. Riverstone is a private equity firm focused on investments in the energy and power sectors. Barclays is a global financial services provider engaged in personal banking, credit cards, corporate and investment banking and wealth and investment management services. Riverstone and Barclays would acquire joint control over Origo, a newly-established joint venture company based in Norway, which will be engaged in oil and gas exploration and production activities on the Norwegian and UK continental shelves. To read the relevant press release of the Commission click [here](#).

The European Commission approved acquisition of certain Lafarge and Holcim assets by CRH

The European Commission has cleared under the EU Merger Regulation the proposed acquisition of several assets of Holcim of Switzerland and of Lafarge of France by Irish building materials manufacturer CRH. The proposed transaction concerned assets worth several billion euros which Holcim and Lafarge committed to divest to gain the Commission clearance of their merger in December 2014 (see also C&RR, Issue 2014/5). To read the full press release of the Commission (IP-15-4854) click [here](#).

The European Commission cleared acquisition of six hotels by Starwood Capital Group and Melia Hotels International

The European Commission has approved under the EU Merger Regulation the acquisition of joint control over six hotels located in Spain by Starwood Capital Group (SCG) of the United States and Melia Hotels International (Melia) of Spain. The Commission concluded that the proposed acquisition would raise no competition concerns, because of its limited impact on the market structure. To read the relevant press release of the Commission click [here](#).

Contributions to the public consultation on the White Paper "Towards more effective EU merger control"

The European Commission published the summary of replies to the public consultation on the White Paper "Towards more effective EU merger control". To read the summary of replies click [here](#). To read more information about the public consultation click [here](#).

Speech on merger reform and market definition

On 12.03.2015 at Studienvereinigung Kartellrecht, Brussels the European Commissioner in charge of competition policy Margrethe Vestager gave a speech on "Thoughts on merger reform and market definition". To read the full speech click [here](#).

Competition Policy Brief on Market definition in a globalized world

The European Commission published Issue 12 (March 2015) of the

Competition Policy Brief on “Market definition in a globalized world”. The brief regards to the question “how do globalization and EU integration affect the Commission's geographic market definitions?”. By looking at statistical evidence and cases in the EU and US, the brief analyses the evolution of market definition in the Commission's case practice over the last decade. To read the full brief click [here](#).

UK: CMA provisionally decided to proceed with Ryanair/Aer Lingus remedies

The CMA has provisionally decided that there is no material change in circumstances or special reason for it not to implement the remedies in the Ryanair/Aer Lingus inquiry (See also C&RR Issue 2015-1). To read the full press release of CMA, click [here](#).

Greece: The HCC cleared the proposed acquisition by MARINOPOULOS S.A. of sole control over KRONOS B. KARAKITSOS S.A.

By its unanimous Decision No. 605/2015, the HCC in plenum approved, under Greek merger control rules, the proposed acquisition of sole control over the company KRONOS N. KARAKITSOS S.A. (super-market chain active in Achaia, Greece), by the retail chain MARINOPOULOS S.A. To read the full press release of the HCC dated 06.03.2015 click [here](#).

Greece: The HCC cleared the notified merger between Mythos Brewery and Olympic Brewery following an additional economic analysis

By its unanimous Decision 606/2015, the HCC approved the notified

concentration regarding the merger between Mythos Brewery S.A. (a subsidiary of Carlsberg Breweries A/S) and Olympic Brewery S.A. Both companies are active in the market for the production and distribution of beer in Greece. Aside from the standard competitive analysis by affected market, the HCC conducted additional economic analysis in order to examine whether competition may be hindered by (a) the fact that the merging entities are close competitors and/or (b) the fact that the new entity may have increased possibilities and incentives to coordinate its market behavior with the leading supplier (Athens Brewery S.A.). To read the full press release of the HCC dated 11.03.2015 click [here](#).

Greece: Public announcement for the concentration of the companies Optima S.A. and Quality Brands International S.A. in dairy and milk industry

To read the full press release of the HCC dated 17.04.2015 click [here](#).

State Aid

The EU Court of Justice ruled on preliminary questions referred by a Portuguese Court regarding Banco Privado Portugues

The EU Court of Justice ruled on preliminary questions referred by a Portuguese Court regarding a Commission decision of 2010 ordering Portugal to recover incompatible state aid from Banco Privado Portugues. The EUCJ entirely confirmed the Commission's findings. To read the full judgment of the EUCJ, click [here](#).

The EU Court of Justice ruled on questions referred by a Hungarian court on whether a Hungarian measure allowing granting state guarantees on certain loans involved state aid in the meaning of the EU rules

The EU Court of Justice ruled on questions referred by a Hungarian court on whether a Hungarian measure allowing granting state guarantees on certain loans involved state aid in the meaning of the EU rules. The EUCJ held that the guarantees in question, granted exclusively to credit institutions, constituted *prima facie* state aid. However, it is for the referring court to examine whether a 2008 amendment resulted in opening up the measure to other economic operators and whether that had an influence on the selective nature of the guarantee. To read the full judgment of the EUCJ click [here](#).

The EU Court of Justice ruled on a request for a preliminary ruling concerning the interpretation of Article 87(1) EC and the last sentence of Article 88(3) EC

The request has been made by the First Instance Court of Thraki in proceedings between Trapeza Eurobank Ergasias AE ('Eurobank'), on the one hand, and Agrotiki Trapeza tis Ellados AE (ATE) ('ATE') and a Greek individual, on the other hand, concerning the validity of the registration of a mortgage by ATE on immovable property belonging to the Greek individual. The case relates to privileges granted to a bank. To read the decision of the EUCJ, click [here](#).

The General Court ruled on an appeal by the German company Pollmeier Massivholz against a Commission decision

The General Court ruled on an appeal by the German company Pollmeier Massivholz against a Commission decision of 2008 finding state aid granted by Germany in favor of Abalon Hardwood Hessen to be in line with EU state aid rules. The GC held that the Commission had not correctly assessed whether the rate used by Germany to establish the aid element in the guarantee was in line with the state aid rules and partly annulled the decision. To read the full judgment of the GC (French version available) click [here](#).

Opinion of Advocate General M. Wathelet in Case C-63/14 "Commission v France"

On 26.03.2015 the Advocate General opinioned that France has failed to fulfil its obligations resulting from Art. 288 TFEU and Art. 3, 4 and 5 of the EC Decision of 02.05.2013 on State aid SA.22843 (2012/C) (ex 2012/NN). This case is recorded in the long list of cases concerning state aid granted by France to the Société nationale maritime Corse-Méditerranée. To read the opinion of the Advocate General click [here](#) (French and Greek version available).

The European Commission ordered the Greek state to recover incompatible aid from Piraeus Container Terminal

The European Commission has concluded that certain fiscal benefits granted by the Greek state in favour of port operator Piraeus Container Terminal S.A. (PCT) and its parent

company Cosco Pacific Limited (Cosco) provided the beneficiaries with an undue advantage over their competitors in breach of EU state aid rules. These benefits include tax exemptions and preferential accounting treatment. The companies now need to pay back the advantage received to the Greek state. To avoid further distortions of competition, the Greek authorities are also expected to cease granting these advantages to PCT from now on. To read the full press release of the Commission click [here](#).

The European Commission ordered Romania to recover incompatible state aid granted in compensation for abolished investment aid scheme (Micula Case)

Following an in-depth investigation, the European Commission has concluded that compensation paid by Romania to two Swedish investors for an abolished investment aid scheme breaches EU state aid rules. An arbitral award of December 2013 found that by revoking an investment incentive scheme in 2005, four years prior to its scheduled expiry in 2009, Romania had infringed a bilateral investment treaty between Romania and Sweden. The arbitral tribunal ordered Romania to compensate the claimants, two investors with Swedish citizenship, for not having benefitted in full from the scheme. The revoked investment incentive scheme selectively favored certain investors and was therefore deemed to be incompatible with EU state aid rules. By paying the compensation awarded to the claimants, Romania actually grants them advantages equivalent to those provided for by the abolished aid scheme. The Commission has therefore concluded that this compensation amounts to incompatible

state aid and has to be paid back by the beneficiaries. To read the full press release of the Commission (IP-15-4725) click [here](#).

The European Commission opened in-depth investigation into Hungarian advertisement tax

The European Commission has opened an in-depth investigation into whether Hungary's advertisement tax introduced in June 2014 complies with EU state aid rules. In particular, the Commission has concerns that the progressive tax rates, ranging from 0 to 50%, could selectively favour certain companies and give them an unfair competitive advantage. The Commission has therefore also taken a separate decision prohibiting Hungary from applying progressive rates until the Commission has finished its assessment (a so-called "suspension injunction"). To read the full press release of the Commission (IP-15-4598) click [here](#).

The European Commission endorsed £640 million compensation for UK postal network from 2015 to 2018

The European Commission has approved UK plans to grant £640 million to the UK Post Office Ltd for delivering a whole range of the public services in its entire network. The Commission found the measure to be in line with EU state aid rules in particular because the compensation paid to Post Office Ltd is limited to the additional costs it faces to fulfil its public service mission. To read the full press release of the Commission (IP-15-4635) click [here](#).

The European Commission concluded that majority of derogations from British Aggregates Levy are free of aid

The European Commission has concluded that all but one of the exemptions, exclusions and tax reliefs from the aggregates levy introduced in the United Kingdom in 2002 are free of state aid. To read the full press release of the Commission (IP-15-4713) click [here](#).

The European Commission approved three aid schemes for the French aviation sector

On 07.04.2015 the Commission approved, for the first time, three state aid schemes for airports and airlines on the basis of the new Guidelines on State aid to airports and airlines adopted in February 2014. The Commission considered, in particular, that these schemes for the French aviation sector promote regional connectivity without causing undue distortion of competition in the Single Market. The schemes will enable France to grant individual aid that complies with the criteria laid down in the Guidelines without further intervention by the Commission. To read the full press release of the Commission (IP-15-4741) click [here](#).

The European Commission approved resolution aid for the resolution of Greek Panellinia Bank

The European Commission has found that resolution aid granted for the resolution of a small retail bank Panellinia Bank is in line with EU State aid rules. Under the resolution plan selected activities of Panellinia Bank will be transferred and integrated into Piraeus Bank, which follows an open and non-discriminatory sales process.

Finally, the European Commission has found the transfer of the selected activities in line with the restructuring plan of Piraeus Bank approved on 23 July 2014. To read the full press release of the Commission (IP-15-4799) click [here](#).

The European Commission gives guidance on local public support measures that can be granted without prior Commission approval

The European Commission has concluded in relation to seven measures granting public support to purely local operations that they do not involve state aid within the meaning of EU rules, because they are unlikely to have a significant effect on trade between Member States. The decisions concern the Czech Republic, Germany, the Netherlands and the UK. Commission's decisions provide Member States and stakeholders with additional guidance to determine which cases do not need to be cleared by the Commission under EU state aid rules. To read the full press release of the Commission (IP-15-4889) click [here](#).

Energy**The European Commission sent Statement of Objections to Bulgarian Energy Holding and subsidiaries for suspected abuse of dominance on Bulgarian natural gas markets**

The European Commission has sent a statement of objections to Bulgarian Energy Holding (BEH), informing it of the Commission's preliminary view that BEH may have breached EU antitrust rules by hindering competitors access to key gas infrastructures in Bulgaria. The statement of objections is also addressed to BEH's gas supply

subsidiary Bulgargaz and its gas infrastructure subsidiary Bulgartransgaz. BEH is the incumbent state-owned energy company in Bulgaria. To read the full press release of the Commission (IP-15-4651) click [here](#).

European Commission's decision on alleged state aid to Aluminium S.A. in the form of electricity tariffs below cost following Arbitration Decision

On 25.03.2015 the European Commission rejected a complaint concerning an alleged illegal State aid granted to Aluminium S.A. on the basis of a decision of an Arbitral Tribunal appointed by the complainant and Aluminium. The Arbitration Decision sets the tariff to be applied by the complainant to Aluminium for a specific period. To read the relevant decision of the Commission available in the State Aid Register on the DG Competition website click [here](#).

The European Commission launches sector inquiry into mechanisms to ensure electricity supplies

The European Commission has launched a state aid sector inquiry into national measures to ensure that adequate capacity to produce electricity is available at all times to avoid black-outs (so-called "capacity mechanisms"). The inquiry will gather information on capacity mechanisms to examine, in particular, whether they ensure sufficient electricity supply without distorting competition or trade in the EU Single Market. It complements the Commission's Energy Union Strategy to create a connected, integrated and secure energy market in Europe. To read the full press release of the Commission (IP-15-4891) click [here](#).

To read the relevant factsheet (MEMO-15-4892) of the Commission click [here](#).

The European Commission cleared acquisition of German fuel wholesaler by Varo Energy Germany

The European Commission has approved under the EU Merger Regulation the acquisition of sole control over GEKOL Mineralölhandel of Germany by Varo Energy of the Netherlands. The Commission concluded that the proposed transaction would raise no competition concerns, as the parties' individual and combined positions on the relevant markets are very small and subject to strong competition. To read the relevant press release click [here](#).

The European Commission approved Dutch support for renewable energy

The Commission has found modifications to an existing Dutch scheme for supporting the production of electricity, gas and heat from renewable sources to be in line with EU state aid rules. The Commission assessed the measure under its Guidelines for Environmental and Energy aid adopted in April 2014 and found that the measure supports renewable energy in a market based way, as required by the Guidelines. To read the relevant press release of the Commission click [here](#).

The European Commission approved support to 20 offshore wind farms in Germany

The European Commission has found that German plans to support the building of 20 offshore wind farms are in line with EU state aid rules. Seventeen wind farms will be located in

the North Sea and three in the Baltic Sea. The Commission concluded that the project would further EU energy and environmental objectives without unduly distorting competition in the Single Market. To read the full press release of the Commission (IP-15-4788) click [here](#).

ACER published an Opinion on ENTSO-E draft ten-year network development plan 2014

ACER recently issued its Opinion on the ENTSO-E draft ten-year network development plan (TYNDP) 2014. It noted that TYNDPs are deemed to play a central role in the development of electricity transmission infrastructure in Europe. The Agency recognized significant progresses in the draft TYNDP 2014. To read the full press release of the ACER, click [here](#).

Greece: Results of the public consultation of RAE on the amendment of the provisions of the Management Code of the National Natural Gas System

On 20.03.2015 RAE published the list of participants in the consultation on the amendment of the provisions of the Management Code of the National Natural Gas System, and the content of the letters submitted by the participants. To read the full press release of RAE and the letters of the participants click [here](#).

Greece: RAE published its report for the Guaranteed Services of the Hellenic Electricity Distribution Network Operator S.A (DEDDIE)

To read the full press release of RAE dated 03.04.2015 and the relevant report click [here](#).

Greece: RAE on weighted average import price (WAIP) of natural gas in Greece

RAE, within the framework of its competence regarding monitoring of the energy market, following the provisions of par. 1 of article 5 in Law 2773/1999, publicized for the first time on 3.8.2011 the data on the calculated weighted average import price (WAIP) of Natural Gas in the NNGS of Greece, on a monthly basis. RAE now has updated the chart with the monthly data on WAIP for the period of January 2012-December 2014 and presents the trend of the monthly data on WAIP against the trend of the monthly data on daily price of balancing gas (HTAE), as announced on the internet site of the Transmission System Operator (DESFA). To read the full press release of RAE, click [here](#).

Greece: DESFA's public consultation on the draft Program for the development of ESFA 2015 - 2024

The National Natural Gas System Operator (DESFA) S.A. announced a public consultation until 05.05.2015 on the draft Program for the development of the national gas transmission system (ESFA) 2015 - 2024, according to Article 92 of the Management Code of ESFA. To read the full press release of DESFA, click [here](#).

Electronic Communications

The European Commission opened in-depth investigation into the proposed merger of TeliaSonera and Telenor's Danish telecommunications activities

The European Commission has opened an in-depth investigation to assess whether the proposed joint

venture between the Danish operators TeliaSonera AB and Telenor ASA is in line with the EU Merger Regulation. The Commission has concerns that on the Danish mobile telecommunications markets, the merged entity would face insufficient competitive constraint from the only two remaining players. This could lead to higher prices and less innovation. To read the full press release of the Commission (IP-15-4749) click [here](#).

The European Commission cleared Altice's acquisition of PT Portugal, subject to conditions and rejected referral request by Portugal's competition authority

The European Commission has authorized under the EU Merger Regulation the proposed acquisition of the Portuguese telecommunications operator PT Portugal by the multinational cable and telecommunications company Altice. The decision is conditional upon the divestment of Altice's current Portuguese businesses ONI and Cabovisão. The Commission has also rejected a request to refer the examination of the transaction to the Portuguese competition authority. To read the full press release of the Commission click [here](#).

Greece: HTPC's new Regulation on collocation and facility sharing

The HTPC (EETT) published a new Regulation on collocation and facility sharing in fixed networks in order to develop new generation infrastructure (NGN, NGA), and also in wireless networks. The HTPC aims at promoting investment in high speed internet and simultaneously safeguarding competition to the benefit

of the market and consumers. To read the full press release of the HTPC and the said regulation click [here](#).

Greece: HTPC's decision for the Amendment of the Unbundling Reference Offer

To read the decision of the HTPC (Hel. Gaz. No 317 B'/09.03.2015) regarding the amendment of the decision "AP EETT 675/09/11-12-2012" click [here](#).

Greece: New Regulation of HTPC on Management and Assignment of .gr Domain Names

The HTPC published a new Regulation on Management and Assignment of .gr Domain Names. The main changes are: 1) Implementation of IDNA 2008 Protocol having as a result the differentiation between the alphanumeric Greek character [ς] and the alphanumeric Greek character [σ], 2) Assignment of domain names whose Variable Field includes two (2) characters and 3) Service provision of increased security for domain names ending in .gr. To read the full press release of the HTPC and the regulation click [here](#).

Greece: HTPC fined mobile operators for arbitrary rejections of requests for portability

Following an investigation of complaints and *ex officio* inspections for the period 2011 - 2013, the HTPC unanimously imposed fines totaling 5.486 million euros to three mobile operators (COSMOTE, VODAFONE, WIND). To read the full press release of the HTPC, click [here](#).

Greece: Rejection of applications by Central Macedonia channels for interim measures

The First Instance Court of Thessaloniki rejected the applications for interim measures submitted by TV stations in Central Macedonia; TV stations requested their program not to be transferred from the licensed provider of the terrestrial digital broadcasting network. The HTPC has intervened in these court proceedings in order to support the rejection of the applications of the TV stations for the purpose of compliance of the legal framework and the timetable for the digital switchover. To read the full press release of HTPC, click [here](#).

Greece: HTPC's Public Consultation regarding OTE's proposal about the detailed procedures of the wholesale product VPU light

The public consultation by the HTPC started on 06.04.2015 and expires on 18.05.2015. To read the text of the public consultation click [here](#).

Greece: Amendment of the HTPC's Decision on the management and allocation of numbering resources of the National Numbering Plan

To read the relevant decision of HTPC (Hel. Gaz. No 496B'/01.04.2015), click [here](#).

Greece: HTPC's invitation for the statement of the antenna systems of radio stations

The HTPC invited radio stations across the country to proceed until June 17, 2015 to an online registration and declaration of their antenna systems to the specific web application of the

SILYA system, developed by the Authority. To read the full press release of the HTPC, click [here](#).

Greece: Amendment by HTPC of the timetable of the Tender Document for the Auction for the selection of the universal service provider/ providers

To read the full press release of the HTPC, click [here](#).

Pharmaceuticals

The European Commission approved German exemptions from mandatory rebates for pharmaceutical companies

Following an in-depth investigation, the European Commission has concluded that a German scheme exempting pharmaceutical companies from mandatory rebates was in line with EU State aid rules. In particular, the Commission found that the scheme allows the costs of the public health system to be kept under control through price freezes on certain medicines, without going beyond what is strictly necessary for this purpose. To read the full press release of the Commission (IP-15-4714) click [here](#).

The European Commission cleared acquisition of healthcare company Allergan by Actavis

The European Commission has approved under the EU Merger Regulation the acquisition of Allergan of the US by Actavis of Ireland. The companies' activities overlap in particular in two areas of ophthalmology: anti-glaucoma treatments and artificial tears and ocular lubricants for the treatment of dry eyes. The Commission concluded that the proposed acquisition would not raise

competition concerns. To read the relevant press release of the Commission click [here](#).

The European Commission approved the acquisition of orthopaedic implants producer Biomet by Zimmer, subject to conditions

The European Commission has approved under the EU Merger Regulation the proposed acquisition of Biomet Inc. by Zimmer Holdings Inc., both of the United States. Both companies produce orthopaedic implants and related surgical products. The approval is conditional upon a commitments package submitted by Zimmer. The Commission had concerns that the merger, as initially notified, could have resulted in price increases for a number of orthopaedic implants in the European Economic Area. To read the full press release of the Commission (IP-15-4727) click [here](#).

Transport

The European Commission opened an in-depth investigation into Spanish high-speed railway test centre (CEATF)

The European Commission has opened an in-depth investigation to examine whether the public financing of a test center for high-speed trains and related equipment (the Centro de Ensayos de Alta Tecnología Ferroviaria, CEATF) near Malaga in Spain is compatible with EU state aid rules. Under Spain's current plans, the project costs of €358.6 million would be fully financed by the EU Regional Development Fund (ERDF) and Spain. At this stage, the Commission has doubts that the project pursues a genuine objective of common interest.

To read the full press release of the Commission (IP-15-4652) click [here](#).

News of the Markets

Greece: HCC on article of Sunday newspaper for construction cartels

HCC issued a press release regarding an article of a Sunday newspaper related to the investigation on construction cartels. To read the full press release of the HCC dated 02.03.2015 click [here](#).

Greece: DEPA announced decrease of gas prices to all customers

DEPA announced on 14.04.2015 that all of its customers (households, industry, power generation) will enjoy significantly lower gas prices for the quantities consumed by April 1, 2015 onwards. To read the press release of DEPA, click [here](#).

Russian side is expected to accept DEPA's request to waive from the amount of 100 million euros related to take or pay clause

According to press information the Russian side is expected to accept DEPA's request to waive from the amount of 100 million which DEPA was called to pay to GAZPROM for contracted quantities of natural gas that were not received within 2014 (take or pay clause). Sources stated that DEPA and Gazprom reached an agreement which will be officially announced within the next few days.

Open letter from ECTA CEOs to the College of Commissioners

The CEOs of European Competitive Telecommunications Association sent

on 24.03.2015 a letter to the to the College of Commissioners on “What contribution from the Digital Single Market to Europe’s global competitiveness? How well we nurture local competition will decide. Global competitiveness springs from local competition.”. To read the full letter of ECTA, click [here](#).

Merger of Kraft and Heinz

According to press information two of the biggest names in packaged foods - Kraft and Heinz - are merging in a deal orchestrated by Warren Buffett and Brazilian private-equity firm 3G Capital Partners L.P., creating one of the world’s largest food and beverage companies.

Merger of Moda Lift and Kleemann

On 24.03.2015 KLEEMANN HELLAS S.A announced its decision to proceed to a merger with its subsidiary company in Greece MODA LIFT SA, by absorbing it in accordance with the provisions of the law 2190/1920. To read the full press release of KLEEMAN click [here](#).

AB VASSILOPOULOS expands its activities to Chios

According to press information AB VASSILOPOULOS is expanding its network of branches in the North Aegean by the signing of an agreement with the company Key Food for the acquisition of four branches and one logistics center in Chios.

Loulis Mills S.A. announced the establishment of a subsidiary company

Loulis Mills S.A. announced the establishment of a 100% subsidiary

company under the name NutriBakeS S.A. in order to enter the market of mixtures and raw materials for bakery and confectionery. To read the full press release of Loulis Mills S.A. click [here](#).

MARINOPOULOS S.A. announced nine new franchise stores of in the Periphery in the 1st quarter of 2015

MARINOPOULOS S.A. announced that nine new franchise stores under the name Carrefour Marinopoulos and Carrefour Express will be added to Marinopoulos network in Greek mainland and islands. To read the full press release of MARINOPOULOS S.A. click [here](#).

KLC
law firm

Athens, Ypsilantou Str., 2
106 75
Tel. +30210 7264500
Fax. +30210 7264510
www.klclawfirm.com