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Editorial: Civil responsibility for excessive length of competition procedures: new enhancements brought by the CJEU

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Editorial:**Civil responsibility for excessive length of competition procedures; new enhancements brought forth by the CJEU**

By its judgment in Case T-577/14 (Gascogne Sack Deutschland and Gascogne v. European Union), the General Court of the European Union (GC) ordered that the EU must pay more than €50.000 in damages to the companies Gascogne Sack Deutschland and Gascogne as a result of the excessive length of proceedings before the GC. More specifically, the companies Gascogne Sack Deutschland and Gascogne brought actions before the GC on 23 February 2006, seeking the annulment of a European Commission decision in a case concerning a cartel in the industrial plastic bags sector. The GC subsequently dismissed those actions. On appeal, the Court of Justice of the European Union (CJEU) upheld the judgments of the GC and, as such, the fines amounting to a total of €13.2 million imposed on the two companies. The CJEU noted, however, that the two companies could bring actions for damages seeking compensation for possible damage which they may have suffered as a result of the excessive length of the proceedings before the GC.

Subsequently, Gascogne Sack Deutschland and Gascogne requested from the GC to order

the EU to pay approximately €4 million in damages for the material and non-material harm suffered as a result of the excessive length of the proceedings before the GC.

In the case at hand, the GC, in a different chamber and with a different composition than the chamber which issued the decision on the substance of the case, noted, first of all, that the EU may incur non-contractual liability when three cumulative conditions are fulfilled, namely (1) the institutions' conduct must be unlawful, (2) actual damage must have been suffered and (3) there must be a causal link between the conduct and the damage pleaded.

After considering the factual, legal and procedural complexity of the proceedings, the GC ruled first of all that the reasonable time for adjudication had been exceeded by 20 months and that this constitutes a sufficiently serious violation of EU law.

The GC then examined whether Gascogne Sack and Gascogne had suffered damage as a result of this violation. Instead of paying the fine immediately, Gascogne had provided a bank guarantee to the Commission. The GC held that Gascogne suffered material damage resulting from having to pay the costs for the bank guarantee during the period in which the reasonable time for adjudication had been exceeded. Furthermore, the GC

held that the companies were placed in a prolonged state of uncertainty because of the excessive length of the procedure.

The GC noted also that the third condition necessary for the EU to incur non-contractual liability was also fulfilled: if the proceedings had not exceeded the reasonable period for adjudication, Gascogne would not have had to pay bank guarantee costs during the period corresponding to that excess.

The GC further recognized that both companies suffered also non-material harm as a result of the excessive length of the proceedings before the GC. More specifically, the Court held that the aforementioned state of prolonged uncertainty necessarily had an influence on the planning of decisions to be taken and on the management of those companies and therefore constituted non-material harm.

Consequently, by its judgment in the case at hand (also, the first case on this issue to be adjudicated), the GC partially upheld the actions of the two companies by awarding damages of €47,064.33 to Gascogne for material harm suffered and damages of €5,000 to each of the two companies for non-material harm.

To read the full press release of the GC (No. 1/2017) click [here](#).

Antitrust

The Court confirmed the fine of nearly €60 million imposed on the Roullier group regarding the phosphates cartel

On 12 January 2017, in Case C-411/15 P (Timab Industries and Cie financière et de participations Roullier (CFPR) v European Commission), the Court of Justice of the European Union (CJEU) dismissed an appeal by Timab Industries and its parent company, Cie financière et de participations Roullier ("CFPR"), (together "Roullier") against the ruling of the General Court (GC) upholding the European Commission's fine of almost EUR 60 million. According to the Commission, Roullier and five other producers participated in a price-fixing and market-sharing cartel on the market for animal feed phosphates for more than 30 years. To read the full press release of the CJEU (No. 2/2017) click [here](#). To read the full press release of the European Commission (MEMO-17-57) click [here](#).

CJEU: Judgment issued in Case C-623/15 P (Toshiba Corp. vs. European Commission)

The CJEU ruled in Case C-623/15 P (Toshiba Corp. vs. European Commission) on Toshiba's appeal against an earlier GC ruling that had mainly upheld a Commission decision of December 2012. The Commission's 2012 decision had fined several companies for their participation in a cartel on the market for TV monitor tubes. The Court dismissed Toshiba's appeal and upheld the Commission's findings concerning Toshiba's liability for the participation of its joint venture MTPD in the cartel. To read the full press release of the CJEU (No. 3/2017) click [here](#).

The CJEU dismissed the majority of the appeals brought by companies that participated in the cartel on the bathroom fixtures and fittings market

The CJEU ruled on various appeals concerning a cartel in the sector for bathroom fittings and fixtures. Several companies had appealed GC judgments of September 2013 that had mainly upheld the Commission's decision of June 2010 in the case. The Court confirmed in large part the GC's rulings upholding the Commission's decision. The appeals brought by

29 companies were entirely dismissed. The Court referred Keramag's and Laufen Austria's appeals back to the General Court for reassessment in light of the Court's ruling. To read the full press release of the CJEU (No. 8/2017) click [here](#).

The CJEU confirmed that the European Commission was not entitled to demand default interest from parent companies after subsidiary paid full cartel fine

On 19 January 2017, in Case C-351/15 P (European Commission v. Total SA and Elf Aquitaine SA) the CJEU upheld the GC's judgment in a case concerning a request for payment of default interest on imposed cartel fines. In its judgment, the CJEU concluded that the joint and several liability of the respondents with regard to their subsidiary, Arkema SA, was purely derivative. Therefore, the Commission was not entitled to claim payment from the respondents after Arkema fully paid the fine. Accordingly, the Commission could not demand default interest from the respondents. To read the full judgment of the CJEU in Case C-351/15 P click [here](#).

CJEU: Judgments issued in Cases C-90/15 P (Hansen & Rosenthal/H&R Wax v. European Commission), C-94/15 P (Tudapetrol Mineralölerzeugnisse v. European Commission), C-95/15 P (H&R ChemPharm v. European Commission)

By its judgments issued Cases C-90/15 P (Hansen & Rosenthal/H&R Wax v. European Commission), C-94/15 P (Tudapetrol Mineralölerzeugnisse v. European Commission), C-95/15 P (H&R ChemPharm v. European Commission) the CJEU fully confirmed the judgements of the GC, including the GC's exceptional imposition of additional costs on ChemPharm (for prolonging the procedure). The CJEU rejected all arguments put forward by the appellants concerning the notion of undertaking and the attribution of acts of individuals to entities forming part of an undertaking. In its 2009 Decision, the European Commission had fined wax producers ENI, ExxonMobil, Hansen & Rosenthal, Tudapetrol, MOL, Repsol, Sasol, RWE and Total a total of ca. € 676 million for price fixing and market sharing for their participating in a cartel for paraffin wax in the EEA between 1992 and 2005. Shell received immunity from fines for revealing

the existence of the cartel. All participants fixed prices for the products concerned. To read the full judgment of the CJEU in Case C-90/15 click [here](#). To read the full judgment of the CJEU in Case C-94/15 click [here](#). To read the full judgment of the CJEU in Case C-95/15 click [here](#).

GC: Judgment issued in Case T 699/14 (Topps Europe Ltd vs. European Commission)

In Case T 699/14 (Topps Europe Ltd vs. European Commission) the GC ruled on an action for annulment of a Commission decision of July 2014. By its July 2014 decision, the Commission had rejected a complaint lodged by Topp's alleging that Panini, FIFA, UEFA and a number of football governing bodies and players' associations had infringed EU competition rules. The complaint was made in connection with the licensing and acquisition of various intellectual property rights for the purposes of producing stickers and trading cards relating to national and international football tournaments. The GC dismissed the action and upheld the Commission's findings. To read the full judgment of the GC in Case T 699/14 click [here](#).

The European Commission sought feedback on commitments offered by Amazon in e-book investigation

The European Commission invited comments on commitments offered by Amazon to address competition concerns relating to parity clauses in contracts with publishers. The Commission had concerns relating to certain parity clauses contained in contracts between Amazon and publishers. The Commission considered that Amazon's behaviour may violate EU antitrust rules that prohibit abuses of a dominant market position and restrictive business practices. To read the full press release of the European Commission (IP-17-137) click [here](#).

The European Commission opened three investigations into suspected anticompetitive practices in e-commerce

The European Commission launched three separate investigations to assess whether certain online sales practices prevent, in breach of EU antitrust rules, consumers from enjoying cross-border choice and being able to buy consumer electronics, video games and hotel accommodation at competitive prices. To read the full press

release of the European Commission (IP-17-201) click [here](#).

The European Commission fined three companies €68 million for car battery recycling cartel

The European Commission fined Campine, Eco-Bat Technologies and Recylex a total of €68 million for fixing prices for purchasing scrap automotive batteries, in breach of EU antitrust rules. A fourth company, Johnson Controls, was not fined because it revealed the existence of the cartel to the Commission. To read the full press release of the European Commission (IP-17-245) click [here](#). To read the full statement of Commissioner Vestager (STATEMENT-17-247) click [here](#).

Settlement of price-fixing case involving HONDOS in the beauty and broader cosmetics sector

By its unanimous Decision No. 636/2017, the Grand Chamber of the Hellenic Competition Commission (HCC) decided to settle a case against eight (8) companies controlled by HONDOS family members in the beauty and broader cosmetics sector regarding infringements of Articles 1 of the Greek Competition Act and 101 TFEU. In

particular, according to the Decision, said companies engaged in horizontal price-fixing regarding the retail prices of their products, thereby infringing EU and national rules. For this violation, the HCC imposed penalties in each of the 8 companies involved, amounting to € 1.053.595 in total. To read the full press release of the HCC please visit the website of the [HCC](#).

Greece: the HCC issued its decision regarding the franchising system of the NEOSET KOYZINA shop network, in relation to an infringement of article 1 of Law 3959/2011

The HCC, by means of a decision issued following a complaint of the company (former franchisee) "EPIPLA KOYZINAS TO DIAMESO EPE", ascertained that the company "NEOSET S.A." violated article 1 of Law 3959/2011, as regards the terms of operation of the franchise network thereof and the relevant contracts with the franchisees for the shops with the trademark "NEOSET KOYZINA". For said infringements, the HCC decided to impose on NEOSET a fine of 88.814,62 Euros. To read the full press release of the HCC please visit the website of the [HCC](#).

UK: Two firms that make furniture parts agreed to pay fines totaling £2.8 million for illegal cartel activity, after a CMA investigation

The companies, which supply drawer parts to well-known furniture manufacturers such as Silentnight, admitted that they broke competition law by agreeing not to compete on price and sharing out which customers they would supply – reducing customer choice and giving the appearance of competition where there was none. Thomas Armstrong (Timber) Ltd and Hoffman Thornwood Ltd agreed to pay the fines after admitting market sharing, coordinating prices, bid-rigging and exchanging commercially sensitive information. Another manufacturer, BHK (UK) Ltd confessed its involvement in cartel activity shortly after the start of the investigation and will not be fined, provided it continues to co-operate with the Competition and Markets Authority (CMA), and complies with the other conditions of the CMA's leniency policy. To read the full press release of the CMA click [here](#).

UK: Amazon, Apple and Microsoft committed to providing cloud storage users with fairer contracts, following action by the CMA

The 3 companies are the latest cloud storage providers to improve their terms and conditions following the CMA's review of compliance with consumer law in the sector. Last year, the CMA secured separate commitments from JustCloud, Livedrive and Dixons Carphone, and BT, Dropbox, Google and Mozy to make changes to their contract terms. To read the full press release of the CMA click [here](#).

France: the Autorité de la concurrence conducted an initial intermediary assessment of the commitments made by Booking.com

On 09.02.2017, the Autorité de la concurrence published the results of its intermediary assessment of the commitments made by Booking.com, the first such assessment of changes on the market, less than two years after the relevant decision was published. Despite the occurrence of events unrelated to the commitments and which radically disrupted the performance of this assessment, it proved to be a useful exercise from which many

lessons were learnt. More specifically, the information disclosed to the Autorité in the course of this assessment would suggest that some hoteliers today varied their prices according to the online hotel booking platforms used, practices formerly prohibited by the price parity clauses. To read the full press release of the Autorité de la concurrence click [here](#).

Germany: Fines proceedings concluded upon withdrawal of appeals by two companies from the Nestlé group

On 19.01.2017 the Bundeskartellamt announced that in the cartel proceedings against manufacturers of consumer goods, Nestlé Deutschland AG withdrew its appeal against the Bundeskartellamt's fining decision. All fines imposed by the Bundeskartellamt in the case are now final and the proceedings are concluded. Between 2011 and 2013, the Bundeskartellamt had imposed fines totaling approximately EUR 57 million against four companies on account of their participation in an illegal exchange of information. In the cartel proceedings against manufacturers of confectionery products, the fining decisions

against the "four party" discussion group are now final as well. Nestlé Kaffee und Schokoladen GmbH also withdrew its appeal in December 2016. In 2012 and 2013, the Bundeskartellamt had imposed fines amounting to approximately EUR 22 million against three companies from the discussion group for having engaged in price agreements and illegal exchange of information. To read the full press release of the Bundeskartellamt click [here](#).

Germany: the Bundeskartellamt closed proceedings against Audible/Amazon and Apple

The Bundeskartellamt closed its administrative proceedings against Audible.com – a subsidiary of Amazon – and Apple Computer Inc. Following a complaint by the German Publishers and Booksellers Association, the Bundeskartellamt and the European Commission had examined a long term agreement between the two companies in the area of audiobooks. The investigations focused on the exclusive purchase of digital audiobooks by Apple from Audible for sale in Apple's iTunes Store as well as on the obligation of Audible not to supply digital music platforms other than iTunes. Thereupon the

parties abandoned the clauses with effect from January 2017. To read the full press release of the Bundeskartellamt click [here](#).

Germany: Düsseldorf Higher Regional Court confirmed fines against confectionery manufacturers for exchanging information

The Düsseldorf Higher Regional Court confirmed and in some cases even increased the Bundeskartellamt's fines against four confectionery manufacturers and an industrial association. The Bundeskartellamt had imposed the fines in early 2013 and mid 2014 because the companies involved had over several years exchanged information on the state of negotiations with major food retail chains and to some extent on envisaged list price increases. To read the full press release of the Bundeskartellamt click [here](#).

Mergers

The European Commission cleared acquisition of Morpho Detection by Smiths, subject to conditions

The European Commission cleared under the EU Merger Regulation the proposed acquisition of Morpho Detection,

the threat detection equipment business of Safran of France, by Smiths of the UK. The clearance is conditional on the divestiture of Morpho Detection's explosive trace detection business. To read the full press release of the European Commission (IP-17-103) click [here](#).

Greece: Clearance by HCC of proposed acquisition by SKLAVENITIS supermarket retail group of sole control over entities within (or parts of) MARINOPOULOS supermarket retail group, subject to conditions

The Hellenic Competition Commission (HCC) cleared on 26 January 2017, the proposed acquisition by the SKLAVENITIS supermarket retail group of sole control over entities within (or parts of) the MARINOPOULOS supermarket retail group, subject to structural and behavioral commitments offered by the notifying party to remedy the HCC's concerns as to the compatibility of the transaction with Greek merger control rules. To read the full press release of the HCC please visit the website of the [HCC](#).

Greece: Clearance by HCC of the proposed acquisition by CHIPITA of NIKAS

By its unanimous Decision No. 638/2017, the HCC approved, under Greek merger control rules, the proposed acquisition of sole control over NIKAS A.V.E.E, a producer of cured meat, cheese and frozen pizza products, by CHIPITA S.A., a producer and distributor of croissants and similar dough products, savoury snacks, cakes and confectionery. To read the full press release of the HCC please visit the website of the [HCC](#).

Greece: Public announcement of HCC concerning the acquisition of MEVGAL by the Chatzakos family and Delta Trofima

On 15.2.2017, it was announced to the HCC that the shareholders of the Chatzakos family and the company "Delta Trofima", subsidiary of "Vivartia Holdings S.A." shall acquire the mutual control over the company under the name "MEVGAL". To read the full press release of the HCC please visit the website of the [HCC](#).

Greece: Public announcement of HCC concerning the acquisition of QUALITY BRANDS INTERNATIONAL SA by "EPIROS UK LIMITED", "OPTIMA S.A" and "Granarolo International S.r.l."

On 15.2.2017 it was announced to the HCC that the companies "EPIROS UK LIMITED", "OPTIMA S.A" and "Granarolo International S.r.l." shall acquire the mutual control over the company under the name "QUALITY BRANDS INTERNATIONAL SA". To read the full press release of the HCC please visit the website of the [HCC](#).

The Autorité de la concurrence cleared Metro's acquisition of Colruyt France (Pro-à-Pro)

On 28 November 2016, the European Commission referred the review of the acquisition of Colruyt France SAS ("Colruyt France") by Metro AG ("Metro") back to the Autorité de la concurrence. The parties, which operate in France mainly in the food wholesale sector, submitted their proposal to the Autorité on 7 December 2016. On 02.02.2017 the Autorité de la concurrence cleared Metro's acquisition of Colruyt France. To read the full press release of the Autorité de la concurrence click [here](#).

The European Commission referred the review of the acquisition of Médipôle-Partenaires by Elsan back to the Autorité de la concurrence

On 31 January 2017, the European Commission referred the review of the acquisition of sole control of Médipôle-Partenaires by Elsan, two private hospital groups mainly present in France back to the Autorité de la concurrence. The Autorité will be scrutinizing this proposed transaction to ensure that it does not affect competition in France, to the expense of patients, regarding quality of healthcare and the prices of hospital services in regions where the activities of the parties overlap, in particular in Nouvelle-Aquitaine and Languedoc-Roussillon-Midi-Pyrénées regions. To read the full press release of the Autorité de la concurrence click [here](#).

State Aid

CJEU: Judgment issued in Case C 606/14 P (Portovesme Srl vs. European Commission)

By its judgment in Case C 606/14 P (Portovesme Srl vs. European Commission), the Court of Justice of the European Union (CJEU) brought to an end the appeal

against the General Court of the European Union (GC) ruling on the Commission's preferential electricity tariffs decision of 23 February 2011. As such, the European Commission decision was thus entirely upheld. To read the full judgment of the CJEU in Case C 606/14 P click [here](#).

Advocate General of the CJEU: tax exemptions for Church-run schools do not, as a rule, breach the prohibition on State aid

In in Case C-74/16 (*Congregación de Escuelas Pías Provincia Betania v Ayuntamiento de Getafe*), the Advocate General issued his opinion that a tax exemption for the Catholic Church in Spain in respect of building work on a school building does not breach that prohibition where the Church uses the building for compulsory education and is thus using it in pursuance of its social, cultural and educational mission, but does breach it where it uses the building for providing education on a commercial basis. To read the full press release of the CJEU (No. 15/2017) click [here](#).

The European Commission cleared prolongation of Romanian export-credit insurance scheme

The European Commission found that the prolongation of the Romanian short-term export-credit scheme was in line with EU state aid rules, and in particular with the 2012 Short-term export-credit Communication. The Commission concluded in particular that the kind of insurance cover provided by the scheme to exporters established in Romania is still unavailable in the private market. The scheme is authorized until 31 December 2020. The Commission first approved the scheme in August 2014. To read the relevant press release of the European Commission click [here](#).

The European Commission approved prolongation of Portuguese guarantee scheme

The European Commission authorized, under EU state aid rules, the prolongation of a guarantee scheme for credit institutions in Portugal until 30 June 2017. To read the relevant press release of the European Commission click [here](#).

The European Commission approved prolongation of Portuguese Guarantee Scheme on European Investment Bank lending

The European Commission approved, under EU State aid rules, a prolongation of a Portuguese guarantee scheme on European Investment Bank (EIB) lending until 30 June 2017. To read the relevant press release of the European Commission click [here](#).

Energy**The European Commission approved restructuring plan of French Areva group**

The European Commission concluded that French plans to grant a capital injection of €4.5 billion to Areva are in line with EU state aid rules. Areva's restructuring plan will allow the company to become viable without unduly distorting competition in the Single Market. To read the full press release of the European Commission (IP-17-36) click [here](#).

The European Commission published the non-confidential version of the decision to open an in-depth investigation into Luxembourg's tax treatment of GDF Suez (now Engie)

The Commission published the non-confidential version of the decision adopted on 19 September 2016 to open an in-depth investigation into Luxembourg's tax treatment of the GDF Suez group (now Engie). The Commission had concerns that several tax rulings issued by Luxembourg may have given GDF Suez an unfair advantage, which are not available to other companies subject to the same national taxation rules in Luxembourg, in breach of EU state aid rules. To read the relevant press release of the European Commission click [here](#). To read the full text of the decision of the European Commission click [here](#).

The European Commission gave its green-light to German green cars infrastructure

The European Commission decided that Germany's scheme to roll out a network of user-friendly infrastructure for charging electric vehicles across the country is in line with EU state aid rules. At a cost of in total €300

million over four years, this measure promotes the installation of new standard and high-speed charging stations for electric vehicles, as well as the extension of the existing infrastructure. To read the full press release of the European Commission (IP-17-266) click [here](#).

The European Commission confirmed unannounced inspections in the electricity sector in Greece

The European Commission confirmed that on 14 February 2017 its officials carried out unannounced inspections at the premises of companies active in the generation, transmission and supply of electricity in Greece. The Commission had concerns that the relevant companies may have engaged in anti-competitive practices in breach of EU antitrust rules that prohibit the abuse of a dominant position (Article 102 of the Treaty on the Functioning of the European Union) or that they are in possession of information relating to such practices. The Commission officials were accompanied by their counterparts from the Hellenic Competition Commission. To read the full press release of the European Commission (STATEMENT-17-285) click [here](#).

The European Commission endorsed three French initiatives to produce more than 2600 megawatts in renewable energy

The European Commission endorsed three French schemes to support solar and hydropower energy generators in France under EU state aid rules. The schemes will allow France to develop around 2600 megawatts of additional solar capacity and 60 megawatts of additional hydropower capacity. To read the full press release of the European Commission (IP-17-260) click [here](#).

Greece: The Regulatory Authority for Energy (RAE) announced the completion of the basic secondary regulatory framework governing the main activity of electricity transmission in Greece, via the enactment of the Management Code for the Hellenic Electricity Transmission Network (EDDIE Code or Network Code, Decision No. 395/2016 of RAE), pursuant to the provisions of article 128 of Law 4001/2011

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

Greece: RAE, within the context of its competence for the enactment of rules for the unbundling and configuration of conditions of

competition in the market of natural gas, proceeded with the approval of the regulated supply invoices to non-selected Clients in the areas of Attica, Thessaloniki and Thessaly, pursuant to the provisions of paras. 1 to 3 of article 87 of Law 4001/2011

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

Greece: RAE published the results of its brief supplementary public consultation on the amendment to the provisions of the Management Code of the National Natural Gas System (ESFA)

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

Greece: RAE published the results of its public consultation on the amendment of the Management Code of the Hellenic Electricity Transmission Network and of the Market Clearance Manual in relation to the Transitional Flexibility Remuneration Mechanism and the application of the methodology for the calculation of penalties

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

Germany: Proceedings against district heating suppliers concluded

The Bundeskartellamt concluded its proceedings on abusive pricing against district heating suppliers. In a number of supply areas the suppliers offered commitments in response to the authority's concerns about abusively excessive price increases between 2010 and 2012. The customers affected will benefit from reimbursements or future price reductions amounting to approx. 55 million euros in total. To read the full press release of the Bundeskartellamt click [here](#).

Electronic Communications

The European Commission referred Spain to CJEU for failure to recover incompatible aid from digital terrestrial television operators and suspend payments

The European Commission referred Spain to the Court of Justice of the European Union (CJEU) for failing to recover incompatible state aid paid towards the digitization of its television network and to suspend all ongoing payments for its operation and maintenance. In October 2014 and June 2013, the Commission adopted two

decisions finding that State aid granted by Spain to finance the transition from analogue to digital terrestrial television (DTT) in remote areas of, respectively, Castilla-la-Mancha and the rest of Spain was incompatible with EU State aid rules. More than three and a half years after the first decision and more than two years after the second one, the Spanish authorities have only recovered a small fraction of the aid (approximately 2% of the estimated amount under the first decision and nothing under the second one). Spain also continues to pay for the operation and maintenance of parts of the DTT network, in breach of the decisions. To read the full press release of the European Commission (IP-17-37) click [here](#).

Greece: HTPC announced the Preselected of the Participants in Auction for granting rights of Use of Radio Frequencies at the Frequency band 24.5-26.5 GHz

To read the full press release of the Hellenic Telecommunications and Post Commission (HTPC) click [here](#).

Greece: HTPC announced extension of the period for submitting comments on the public consultation on the amendment of the HTPC Decision "Regulation on General Authorization"

According to the relevant press release of the HTPC, the responses should be submitted no later than March 13, 2017 at 13:00 Greek time. To read the full press release of the HTPC click [here](#).

Greece: the HTPC announced the publication of the results and of the conclusions of the HTPC, as they derive from the non-confidential responses of the parties involved, in relation to the configuration of the regulatory framework for the use of the zone 1980 – 2010 MHz / 2170 – 2200 MHz by the selected bodies, pursuant to the Decision of the Commission of (449/2009/EC) of 13 May 2009

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

Greece: HTPC announced Successful Tenderers for the rights of Use of Radio Frequencies in the frequency band 24.5-26.5 GHz and the signing of relevant concession agreements

To read the full press releases of the HTPC click [here](#) and [here](#).

Greece: HTPC announced the results of Public Consultation regarding the Decision concerning the Access Network Frequency Plan

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

Greece: HTPC announced the results of Public Consultation regarding the OTE's Reference Unbundling Offer regarding Sub-loop Unbundling services

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

Greece: HTPC announced the conclusion of its public consultation regarding the granting of use rights of radio frequencies in the zone 410-430 MHz

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

Greece: the Plenary of the HTPC, during its meeting of 16/02/2017, announced the immediate invitation to a hearing of the companies "TILETYPOS S.A." and "DIGEA S.A." in order to examine matters put forth by "TILETYPOS S.A." concerning the threatened downgrading of the digital signal transmission services provided to it by "DIGEA S.A."

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

Greece: HTPC announced the commencement of the process for the introduction of the VDSL vectoring technology to the access network

Within the context of introducing the VDSL vectoring technology to the access network, pursuant to the Annex 3 of the decision of the HTPC No. 792/07/22.12.16, the HTPC, starting from 6 February 2017, shall provide to the interested providers the information of the access network of OTE, in accordance with Annex 2 A of the aforementioned decision. To read the relevant press release of the HTPC click [here](#).

Pharmaceuticals**The European Commission approved acquisition of Alere by Abbott Laboratories, subject to conditions**

The European Commission approved under the EU Merger Regulation the acquisition of Alere by Abbott, both suppliers of clinical test systems. The companies' activities are largely complementary. However, overlaps exist in particular for point of care analyzers used in the testing of blood gases and cardiac markers. Moreover, the Commission found that the proposed merger would risk affecting the ability of Danaher, another supplier of IVD systems, to compete for laboratory systems running B-type natriuretic peptide (BNP) tests. The Commission's decision is conditional on the divestment of Alere's Epoc and Triage tests, as well as Alere's BNP reagents business. The Commission concluded that the proposed merger, as modified by the commitments, would no longer raise competition concerns. To read the full press release of the European Commission (IP-17-147) click [here](#).

Transport**GC: Judgment issued in Case T-92/11 (RENV, Jørgen Andersen vs. European Commission)**

The General Court of the European Union (GC) ruled in Case T-92/11 (RENV, Jørgen Andersen vs. European Commission) on an action for annulment of a Commission decision of February 2010 regarding public services contract for 2004-2015 between the Danish State and the Danish railway incumbent, Danske Statsbaner. The GC mainly upheld the Commission's findings that public service compensations paid to Danske Statsbaner after 3 December 2009 was in line with EU state aid rules. The Court annulled the Commission's decision with regard to one payment of 21 December 2009. Compensation paid before 3 December 2009 was the object of a CJEU ruling of October 2015 (case C-303/13 P). To read the full judgment of the GC in Case T-92/11 click [here](#).

The European Commission cleared several public measures in favour of Lübeck airport and airlines

The European Commission found a number of different measures

concerning the financing and privatisation of Lübeck airport to be in line with EU state aid rules, in particular its 2014 Aviation Guidelines. To read the relevant press release of the European Commission click [here](#).

The European Commission approved aid to Saarbrücken Airport in Germany to boost regional mobility

The European Commission approved over €35 million investment aid for the modernisation of the airport infrastructure as well as operating aid to Saarbrücken Airport. Saarbrücken Airport is a regional airport in Saarland, Germany. To read the relevant press release of the European Commission click [here](#).

News of the Markets

Taxibeat sold to Daimler app MyTaxi

According to press information, MyTaxi, the taxi-booking application of Germany's Daimler-Benz group, officially announced the acquisition of Greece's Taxibeat, whose customers will soon be served by MyTaxi instead. Daimler proceeded with the acquisition of Taxibeat after

offering a particularly high price, even for a company that enjoys an annual growth rate of 180 percent. Although the agreement announcement did not contain any details regarding the transaction, sources say that the price came to 43 million euros.

Athens airport stake sale shelved

According to press information, the sell-off of a 30 percent stake in Athens International Airport (AIA) was put on ice for the time being, as authorities do not want to see the sale coincide with the extension of AIA's concession contract. The process, which state sell-off fund, the Hellenic Republic Asset Development Fund (HRADF) had been planning to launch, has been put off until after the completion of the 20-year extension of AIA's concession contract with the airport's Canadian shareholder PSP Investments, which has dug deep to secure that deal.

Power auctions rejected by all players

According to press information, two out of the country's three biggest alternative providers of electricity, Protergia, which belongs to the Mytilineos Group, and Elpedison, jointly controlled

by Edison and Hellenic Petroleum, openly disputed the model for power auctions aimed at reducing Public Power Corporation's market share. The first auction carried out in accordance with the model was deemed unsatisfactory by all market players. Protergia went a step further, recommending more drastic measures for the opening up of the electricity market – which is among the country's bailout obligations – such as the sale of PPC power plants.

Greece wrapped up talks with Total-led venture for offshore gas drilling

According to press information, the Greek government concluded talks with a consortium led by France's Total for deep sea gas exploration in one block in western Greece. In October 2016, Greece selected a consortium of France's Total, Hellenic Petroleum, and Edison as the preferred bidder for the offshore gas drilling block in the Ionian Sea. The Total-led consortium has bid for one block in the Ionian. Hellenic Petroleum has bid independently for two other blocks in the same region.

Trainose sale formally signed

The sale of 100 percent of railway services operator Trainose to Ferrovie dello Stato Italiane (FSI) was formally signed, completing a crucial privatization project. To read the full press release of the HRADF click [here](#).

Thessaloniki Port sell-off in the final stretch

According to press information, the Thessaloniki Port Authority (OLTH) privatization project is now in the home stretch. According to press information, 9 investors have expressed interest for the acquisition of a 67% stake in OLTH. Moreover, according to the same information, no extension shall be granted to the tender process and bids must be submitted finally on 24 March 2017.

Marina of Pylos: New Tender Timetable set by HRADF

Pursuant to Paragraph 6 of the Request for Proposal for the concession of the right to use, operate, manage and exploit the marina of Pylos and part of port of Pylos dated 24.12.2013, HRADF notified the Eligible Investors that the indicative timetable of Phase B was amended. More specifically, the date for the

closing of the VDR was set for 10.03.2017 and the Submission Date was set for 13.03.2017. To read the full press release of the HRADF click [here](#).

PPC approved ADMIE spin-off

According to press information, shareholders of Greece's electricity utility PPC approved the transfer of a 51 percent stake in the power grid operator ADMIE, part of a spin-off scheme, which is a major term in Greece's bailout program. Under a legislated scheme aiming at keeping ADMIE under state control, PPC will sell a 24 percent stake to China's State Grid for 320 million euros and set up a special vehicle to transfer a cost-free 51 percent stake to the state and existing private shareholders.

Greek government eyes creation and sale of small power firms from PPC

According to press information, the scenario of privatized spin-offs of PPC, which have been dubbed "Small PPCs," is back on the table as the first power auctions for the reduction of the PPC market share proved ineffective, while Brussels is asking Greece to comply with the decision of the CJEU for breaking PPC's monopoly in lignite use for

power production. The government is against selling off a "Small PPC" to the private sector that would rival PPC, but it is willing to discuss splitting a number of small companies from PPC that would be privatized so as to prevent the possible bankruptcy of the entire power market.

Rosco bid deadline put off till June

State sell-off fund HRADF the deadline for the submission of binding bids for carriage maintenance company Rosco until the end of June 2017. Submission was supposed to have been completed by January 31, but the delay in the privatization of the main railway service company, Trainose, forced the extension of the deadline to June 30, 2017. To read the full press release of the HRADF click [here](#).

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